

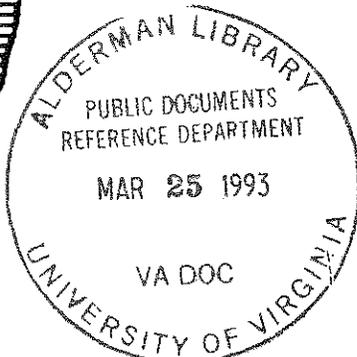
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# THE VIRGINIA REGISTER

OF REGULATIONS

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VOLUME NINE • ISSUE TWELVE

March 8, 1993

# 1993

Pages 1821 Through 1962

## 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 Register* 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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# NOTICES OF INTENDED REGULATORY ACTION

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<b>Symbol Key †</b>
† Indicates entries since last publication of the Virginia Register



## DEPARTMENT FOR THE AGING

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department for the Aging intends to consider amending regulations entitled: **VR 110-01-02. Grants to Area Agencies on Aging.** The purpose of the proposed action is to review the regulation to determine whether new regulations should be adopted, the current regulation should be amended, and sections of the current regulation should be repealed. In particular, the department is soliciting comments on its intent to (i) include services standards in regulation and (ii) clarify the circumstances under which approved Area Plans for Aging Services must be amended.

Statutory Authority: § 2.1-373(a)(7) of the Code of Virginia.

Written comments may be submitted until March 22, 1993.

**Contact:** J. James Cotter, Director, Division of Program Development and Management, Virginia Department for the Aging, 700 E. Franklin St., 10th Floor, Richmond, VA 23219-2327, telephone (804) 225-2271 or toll-free 1-800-552-4464.

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

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects intends to consider amending regulations entitled: **VR 130-01-2. Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects Rules and Regulations.** The purpose of the proposed action is to change the content of regulations to accommodate reporting requirements and other changes as needed.

Statutory Authority: § 54.1-404 of the Code of Virginia.

Written comments may be submitted until March 8, 1993.

**Contact:** Willie Fobbs, III, Assistant Director, Department of Commerce, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-8514.

## BOARD FOR BRANCH PILOTS

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board for Branch Pilots intends to consider amending regulations entitled: **VR 535-01-01. Branch Pilot Regulations.** The purpose of the proposed action is to (i) change the requirements for license renewal; (ii) require ARPA radar training; and (iii) make other changes as needed.

Statutory Authority: § 54.1-902 of the Code of Virginia.

Written comments may be submitted until March 22, 1993.

**Contact:** Willie Fobbs, III, Assistant Director, Department of Commerce, 3600 W. Broad Street, 5th Floor, Richmond, VA 23230, telephone (804) 367-8514.

## STATE EDUCATION ASSISTANCE AUTHORITY

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Education Assistance Authority intends to consider amending regulations entitled: **VR 275-01-1. Regulations Governing Virginia Administration of the Federally Guaranteed Student Loan Programs.** The purpose of the proposed action is to reflect recent changes in federal laws and regulations governing the student loan programs.

Statutory Authority: § 23-38.33:1 C of the Code of Virginia.

Written comments may be submitted until April 9, 1993, to Marvin Ragland, Virginia Student Assistance Authorities, 411 East Franklin Street, Richmond, Virginia 23219.

**Contact:** Lyn Hammond or Sherry Scott, Policy Analysts, Virginia Student Assistance Authorities, 411 E. Franklin St., Richmond, VA 23219, telephone (804) 775-4000 or toll-free 1-800-792-5626.

# Notices of Intended Regulatory Action

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

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Housing and Community Development intends to consider amending regulations entitled: **VR 394-01-2. Certification Standards for Building Inspection Personnel, Amusement Device Inspectors, Blasters, Plumbers, Electricians, and Building Related Mechanical Workers/1990.** The purpose of the proposed action is to amend current regulations to comply with other revised regulations and standards.

Statutory Authority: §§ 15.1-11.4, 36-98.3, 36-137, and 27-97 of the Code of Virginia.

Written comments may be submitted until April 22, 1993, to the Department of Housing and Community Development, Code Development Office, 501 N. 2nd St., Richmond, VA 23219-1321.

**Contact:** Norman R. Crumpton, Program Manager, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7170.

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Housing and Community Development intends to consider amending regulations entitled: **VR 394-01-4. Virginia Amusement Device Regulations/1990.** The purpose of the proposed action is to amend current regulations to comply with other revised regulations and standards.

Statutory Authority: §§ 36-98 and 36-98.3 of the Code of Virginia.

Written comments may be submitted until April 22, 1993, to the Department of Housing and Community Development, Code Development Office, 501 N. 2nd St., Richmond, VA 23219-1321.

**Contact:** Norman R. Crumpton, Program Manager, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7170.

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Housing and Community Development intends to consider amending regulations entitled: **VR 394-01-6. Virginia Statewide Fire Prevention Code/1990.** The purpose of the proposed action is to amend current regulations to comply with other revised regulations and standards.

Statutory Authority: § 27-97 of the Code of Virginia.

Written comments may be submitted until April 22, 1993, to the Department of Housing and Community Development, Code Development Office, 501 N. 2nd St., Richmond, VA 23219-1321.

**Contact:** Norman R. Crumpton, Program Manager, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7170.

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Housing and Community Development intends to consider amending regulations entitled: **VR 394-01-21. Virginia Uniform Statewide Building Code - Vol. I - New Construction Code/1990.** The purpose of the proposed action is to amend current regulations to comply with other revised regulations and standards.

Statutory Authority: § 36-98 of the Code of Virginia.

Written comments may be submitted until April 22, 1993, to the Department of Housing and Community Development, Code Development Office, 501 N. 2nd St., Richmond, VA 23219-1321.

**Contact:** Norman R. Crumpton, Program Manager, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7170.

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Housing and Community Development intends to consider amending regulations entitled: **VR 394-01-22. Virginia Uniform Statewide Building Code - Vol. II - Building Maintenance Code/1990.** The purpose of the proposed action is to amend current regulations to comply with other revised regulations and standards.

Statutory Authority: §§ 36-98 and 36-103 of the Code of Virginia.

Written comments may be submitted until April 22, 1993, to the Department of Housing and Community Development, Code Development Office, 501 N. 2nd St., Richmond, VA 23219-1321.

**Contact:** Norman R. Crumpton, Program Manager, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7170.

### † Notice of Intended Regulatory Action

# Notices of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Housing and Community Development intends to consider amending regulations entitled: **VR 394-01-31. Virginia Industrialized Building and Manufactured Home Safety Regulations/1990.** The purpose of the proposed action is to amend current regulations to comply with other revised regulations and standards.

Statutory Authority: §§ 36-73 and 36-85.7 of the Code of Virginia.

Written comments may be submitted until April 22, 1993, to the Department of Housing and Community Development, Code Development Office, 501 N. 2nd St., Richmond, VA 23219-1321.

**Contact:** Norman R. Crumpton, Program Manager, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7170.

## † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Housing and Community Development intends to consider amending regulations entitled: **VR 394-01-200. Virginia Private Activity Bond Regulations.** The purpose of the proposed action is to change allocation priorities and make minor administrative changes.

Statutory Authority: § 15.1-1399.15 of the Code of Virginia.

Written comments may be submitted until April 8, 1993.

**Contact:** Charles Gravatt, Financial Assistance Coordinator, Department of Housing and Community Development, Division of Community Development, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7025.

## 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 repealing regulations entitled: **VR 425-01-81. Regulations Governing the Employment of Minors on Farms, in Gardens and in Orchards.** The purpose of the proposed action is to repeal this regulation which was replaced by an emergency regulation. The emergency regulation was effective January 15, 1993. The emergency regulation which has replaced this regulation is effective for one year until January 15, 1994. Copies of the emergency regulation are available from the agency.

Statutory Authority: §§ 40.1-6(3), 40.1-100(A)(9) and 40.1-114 of the Code of Virginia.

Written comments may be submitted until March 26, 1993, to John J. Crisanti, Director, Office of Enforcement Policy, 13 South 13th Street, Richmond, Virginia 23219.

**Contact:** Dennis Merrill, Labor Law Director, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St., 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 promulgating regulations entitled: **VR 425-01-81:1. Regulation Governing the Employment of Minors on Farms, in Gardens and in Orchards.** The purpose of the proposed action is to promulgate a new permanent regulation governing the employment of minors on farms, in gardens and in orchards to replace the emergency regulation (VR 425-01-81) which became effective January 15, 1993. The emergency regulation is effective for one year until January 15, 1994.

Statutory Authority: §§ 40.1-6(3), 40.1-100(A)(9) and 40.1-114 of the Code of Virginia.

Written comments may be submitted until March 29, 1993, to John J. Crisanti, Director, Office of Enforcement Policy, 13 South 13th Street, Richmond, Virginia 23219.

**Contact:** Dennis Merrill, Labor Law Director, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-3224.

## VIRGINIA MANUFACTURED HOUSING BOARD

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Manufactured Housing Board intends to consider promulgating regulations entitled: **VR 449-01-01. Public Participation Guidelines for Formation, Promulgation and Adoption of Regulations.** The purpose of the proposed action is to develop permanent public participation guidelines to replace the public participation guidelines adopted as emergency regulations.

Statutory Authority: §§ 9-6.14:7.1 and 36-85.18 of the Code of Virginia.

Written comments may be submitted until April 22, 1993.

**Contact:** Curtis L. McIver, Associate Director, Department of Housing and Community Development, Code Enforcement Office, The Jackson Center, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7160.

### † Notice of Intended Regulatory Action

# Notices of Intended Regulatory Action

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Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Manufactured Housing Board intends to consider promulgating regulations entitled: **VR 449-01-02. Manufactured Housing Licensing and Transaction Recovery Fund Regulations.** The purpose of the proposed action is to develop regulations to be used in the administration and enforcement of the Manufactured Housing Licensing Law and Recovery Fund.

Statutory Authority: § 36-85.18 of the Code of Virginia.

Written comments may be submitted until April 22, 1993.

**Contact:** Curtis L. McIver, Associate Director, Department of Housing and Community Development, Code Enforcement Office, The Jackson Center, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7160.

## DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Medical Assistance Services intends to consider amending regulations entitled: **Preadmission Screening and Annual Resident Review.** The purpose of the proposed action is to comply with HCFA's recently published final regulations for preadmission screening and annual resident review of applicants to and residents of nursing facilities.

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

Written comments may be submitted until March 16, 1993, to Mary Chiles, Manager, Long Term Care Section, Division of Quality Care Assurance, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia 23219, telephone (804) 371-8850.

**Contact:** Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia 23219, telephone (804) 371-8850.

## BOARD OF MEDICINE

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines and § 54.1-2957.2 of the Code of Virginia that the Board of Medicine intends to consider amending regulations entitled: **VR 465-09-01. Certification of Optometrists to Prescribe for and Treat Certain Diseases, Including Abnormal Conditions, of the Human Eye and Its Adnexa with Certain Therapeutic Pharmaceutical Agents.** The purpose of the proposed action is to review § 4.3 of the regulations to determine

whether new regulations should be adopted, the current regulations be amended and/or specific regulations be repealed in regards to certain therapeutic, pharmaceutical agents administered or prescribed by Doctors of Optometry.

A public hearing is being held, pursuant to § 54.1-2957.2 of the Code of Virginia, on March 19, 1993, at 9 a.m., at the Department of Health Professions, 6606 W. Broad St., 5th Fl., Board Room 2, Richmond, VA 23230.

Statutory Authority: §§ 54.1-2400 and 54.1-2957.2 of the Code of Virginia.

**Contact:** Eugenia K. Dorson, Deputy Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9923.

## DEPARTMENT OF SOCIAL SERVICES (STATE BOARD OF)

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Board of Social Services intends to consider amending regulations entitled: **VR 615-08-1. Virginia Energy Assistance Program.** The purpose of the proposed action is to solicit input into the development of the regulations to govern the 1993-94 Energy Assistance Program. Interested parties may view the regulations governing the program at the Virginia Department of Social Services, Division of Benefit Programs, Tyler Building, 1603 Santa Rosa Road, Suite 214, Richmond, Virginia 23229-8699.

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

Written comments may be submitted until March 23, 1993, to Charlene H. Chapman, Program Manager, Division of Benefit Programs, 8007 Discovery Drive, Richmond, Virginia 23229-8699.

**Contact:** Peggy Friedenber, Legislative Analyst, Department of Social Services, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-9217.

## DEPARTMENT OF TAXATION

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Taxation intends to consider amending regulations entitled: **VR 630-3-301 through 630-3-504. Virginia Corporate Income Tax Regulations.** The purpose of the proposed action is to update all of the corporate tax regulations by amending or repealing existing regulations and adding new regulations to clarify current departmental policy.

## Notices of Intended Regulatory Action

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Statutory Authority: § 58.1-203 of the Code of Virginia.

Written comments may be submitted until March 15, 1993.

**Contact:** John Josephs, Senior Tax Policy Analyst, Department of Taxation, P.O. Box 1880, Richmond, VA 23282-1880, telephone (804) 367-8186.

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Taxation intends to consider promulgating, amending, or repealing regulations entitled: **VR 630-10-1 through 630-10-113. Virginia Retail Sales and Use Tax Regulations.** The purpose of the proposed action is to update all of the retail sales and use tax regulations by amending or repealing existing regulations and adding new regulations to clarify current departmental policy.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Written comments may be submitted until March 15, 1993.

**Contact:** Terry M. Barrett, Tax Policy Analyst, Department of Taxation, P.O. Box 1880, Richmond, VA 23282-1880, telephone (804) 367-0010.

# PROPOSED REGULATIONS

For information concerning Proposed Regulations, see information page.

## Symbol Key

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

## BOARD OF COMMERCE

**Title of Regulation:** VR 190-02-1. Agency Rules of Practice for Hearing Officers (REPEALING).

**Statutory Authority:** § 54.1-310 of the Code of Virginia.

**Public Hearing Date:** N/A – Written comments may be submitted through May 7, 1993.

(See Calendar of Events section for additional information)

### Summary:

*The Board of Commerce is proposing to repeal its current rules of practice for hearing officers used for governing all formal proceedings involved in enforcing the regulation of professions and occupations listed under § 54.1-300 of the Code of Virginia to eliminate any confusion, duplication or inconsistency with the statutes incorporated in the Administrative Process Act.*

## BOARD OF DENTISTRY

**Title of Regulation:** VR 255-01-1. Virginia Board of Dentistry Regulations.

**Statutory Authority:** §§ 54.1-2400, 54.1-2700 et seq., 54.1-3303, and 54.1-3408 of the Code of Virginia.

**Public Hearing Date:** April 15, 1993 - 7 p.m.

Written comments may be submitted through May 10, 1993.

(See Calendar of Events section for additional information)

### Summary:

*The proposed regulations replace emergency provisions now in effect which implement the authority of the Board of Dentistry to approve training and certify authorized agents to administer Schedule VI topical medicinal agents to dental patients under the direction and supervision of licensed dentists. These emergency provisions expire on July 20, 1993, or upon final promulgation of these proposed regulations, whichever is sooner.*

*The proposed regulations are identical to emergency provisions now in effect except that the proposed regulations also specify who may provide training to prepare applicants for certification.*

VR 255-01-1. Virginia Board of Dentistry Regulations.

## PART I. GENERAL PROVISIONS.

### § 1.1. Definitions.

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

*“Advertising”* means a representation or other notice given to the public or members thereof, directly or indirectly, by a dentist on behalf of himself, his facility, his partner or associate, or any dentist affiliated with the dentist or his facility by any means or method for the purpose of inducing purchase, sale or use of dental methods, services, treatments, operations, procedures or products or to promote continued or increased use of such dental methods, treatments, operations, procedures or products.

*“Analgesia”* means the diminution or elimination of pain in the conscious patient.

*“Approved schools”* means those dental schools, colleges, departments of universities or colleges or schools of dental hygiene currently accredited by the Commission on Dental Accreditation of the American Dental Association, which is hereby incorporated by reference.

*“Competent instructor”* means any person appointed to the faculty of a dental school, college or department or a university or a college who holds a license or teacher's license to practice dentistry or dental hygiene in the Commonwealth.

*“Conscious sedation”* means a minimally depressed level of consciousness that retains the patient's ability to independently and continuously maintain an airway and respond appropriately to physical stimulation and verbal commands, produced by a pharmacologic or nonpharmacologic method, or a combination thereof.

*“Dental assistant”* means any unlicensed person under the supervision of a dentist who renders assistance for services provided to the patient as authorized under these regulations but shall not include an individual serving in purely a secretarial or clerical capacity.

*“Dental hygiene student”* means any person currently enrolled and attending an approved school/program of dental hygiene. No person shall be deemed to be a dental

hygiene student who has not begun the first year of enrollment in the school; nor a person who is not attending the regularly scheduled sessions of the school in which he is enrolled.

*"Dental student"* means any person currently enrolled and attending an approved school of dentistry but shall not include persons enrolled in schools/programs of dental hygiene. No person shall be deemed to be a dental student who has not begun the first year of enrollment in school; nor a person who is not attending the regularly scheduled sessions of the school in which he is enrolled.

*"Diagnosis"* means an opinion of findings in an examination.

*"Direction"* means the presence of the dentist for the evaluation, observation, advice, and control over the performance of dental services.

*"Examination of patient"* means a study of all the structures of the oral cavity, including the recording of the conditions of all such structures and an appropriate history thereof. As a minimum, such study shall include charting of caries, identification of periodontal disease, occlusal discrepancies, and the detection of oral lesions.

*"General anesthesia"* means a controlled state of unconsciousness accompanied by partial or complete loss of protective reflexes, including inability to independently maintain an airway and respond purposefully to physical stimulation or verbal command, produced by a pharmacologic or nonpharmacologic method, or combination thereof.

*"Local anesthesia"* means the loss of sensation or pain in the oral cavity or its contiguous structures generally produced by a topically applied agent or injected agent without causing the loss of consciousness.

*"Monitoring general anesthesia and conscious sedation"* includes the following: recording and reporting of blood pressure, pulse, respiration and other vital signs to the attending dentist during the conduct of these procedures and after the dentist has induced a patient and established a maintenance level.

*"Monitoring nitrous oxide oxygen inhalation analgesia"* means making the proper adjustments of nitrous oxide machines at the request of the dentist during the administration of the sedation and observing the patient's vital signs.

*"Nitrous oxide oxygen inhalation analgesia"* means the utilization of nitrous oxide and oxygen to produce a state of reduced sensibility to pain designating particularly the relief of pain without the loss of consciousness.

*"Radiographs"* means intraoral and extraoral x-rays of the hard and soft oral structures to be used for purposes of diagnosis.

*"Recognized governmental clinic"* means any clinic operated or funded by any agency of state or local government which provides dental services to the public, the dental services of which shall be provided by a licensed dentist or by persons who may be authorized herein to provide dental services under the direction of a dentist.

## § 1.2. Public participation guidelines.

### A. Mailing list.

The Virginia State Board of Dentistry will maintain a list of persons and organizations who will be mailed the following documents as they become available:

1. "Notice of intent" to promulgate regulations.
2. "Notice of public hearing" or "informational proceeding," the subject of which is a proposed or existing regulation.
3. Final regulation adopted.

### B. Being placed on list and deletion.

Any person wishing to be placed on the mailing list may have his or her name added by writing the board. In addition, the agency or board may, in its discretion, add to the list any person, organization, or publication whose inclusion it believes will further the purpose of responsible participation in the formation or promulgation of regulations. Persons on the list will be provided all information stated in subsection A of this section. Individuals and organizations will be periodically requested to indicate their desire to continue to receive documents or be deleted from the list. Where mail is returned as undeliverable, individuals and organizations will be deleted from the list.

### C. Notice of intent.

At least 30 days prior to publication of the notice to conduct an informational proceeding as required by § 9-6.14:1 of the Administrative Process Act, the board will publish a "notice of intent." This notice will contain a brief and concise statement of the possible regulation or the problem the regulation would address and invite any person to provide written comment on the subject matter. Such notice shall be transmitted to the Registrar of Regulations for inclusion in The Virginia Register of Regulations.

### D. Informational proceedings or public hearings for existing rules.

At least once each biennium, the board will conduct an informational proceeding, which may take the form of a public hearing, to receive public comment on existing regulations. The purpose of the proceeding will be to solicit public comment on all existing regulations as to

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their effectiveness, efficiency, necessity, clarity, and the cost of compliance. Notice of such proceeding will be transmitted to the Registrar of Regulations for inclusion in The Virginia Register of Regulations. Such proceeding may be held separately from or in conjunction with other informational proceedings.

## E. Petition of rulemaking.

Any person may petition the board to adopt, amend, or delete any regulation. Any petition received shall appear on the next agenda of the board. The board shall have sole authority to dispose of the petition.

## F. Notice of formulation and adoption.

When a proposed regulation is formulated at any meeting of the board or of a board subcommittee, or when any regulation is adopted by the board, the subject matter shall be transmitted to The Registrar of Regulations for inclusion in The Virginia Register of Regulations.

## G. Advisory committees.

The board may appoint advisory committees as it deems necessary to provide for adequate citizen participation in the formation, promulgation, adoption and review of regulations.

## § 1.3. License renewal and reinstatement.

The board shall forward a renewal notice to each licensee at the address of record (§ 4.2 B) prior to the expiration of the license. Failure to receive such notice shall not relieve the licensee of the responsibility to renew the license.

### A. Dental renewal fees.

Every person licensed to practice dentistry shall, on or before March 31, renew their license to practice dentistry and pay an annual renewal fee of \$65 except as otherwise provided in § 1.4 of these regulations.

### B. Dental hygiene renewal fees.

Every person licensed to practice dental hygiene by this board shall, on or before March 31, renew their license to practice dental hygiene and pay an annual renewal fee of \$25 except as otherwise provided in § 1.4 of these regulations.

### C. Penalty fees.

Any person who does not return the completed form and fee by March 31 shall be required to pay an additional \$35 penalty fee. The board shall renew a license when the renewal form is received by the following April 30, along with the completed form, the annual registration fee, and the penalty fee.

## D. Reinstatement fees and procedures.

The license of any person who does not return the completed renewal form and fees by April 30 shall automatically expire and become invalid and their practice of dentistry/dental hygiene shall be illegal. Upon such expiration, the board shall immediately notify the affected person of the expiration and the reinstatement procedures. Any person whose license has expired who wishes to reinstate such license shall submit to the board a reinstatement form, the application fee, the penalty fee, renewal fee and an assessment of \$50 per month for each month or part of a month the individual has practiced in Virginia without a valid license. The board may reinstate the license of an applicant who satisfactorily completes the board-approved examinations unless the applicant demonstrates that he has maintained continuous ethical, legal and clinical practice during the period of licensure expiration or demonstrates that the lapse was due to factors beyond the applicant's control or was other than voluntary.

## § 1.4. Other fees.

### A. Dental licensure application fees.

The application for a dental license shall be accompanied by a check or money order for \$220, which includes a \$155 application fee and a \$65 initial licensure fee.

### B. Dental hygiene licensure application fees.

The application for a dental hygiene license shall be accompanied by a check or money order for \$155, which includes a \$130 application fee and a \$25 initial licensure fee.

### C. Duplicate wall certificate.

Licensees desiring a duplicate wall certificate shall submit a request in writing stating the necessity for such duplicate wall certificate, accompanied by a fee of \$15. A duplicate certificate may be issued for any of the following reasons: replacing certificate that has been lost, stolen, misplaced, destroyed or is otherwise irretrievable; recording the new name of a registrant whose name has been changed by court order or by marriage; or for multiple offices.

### D. Duplicate license.

Licensees desiring duplicate license shall submit a request in writing stating the necessity for such duplicate license, accompanied by a fee of \$10. A duplicate license may be issued for any of the following reasons: maintaining more than one office (notarized photocopy may be used); replacing license that has been lost, stolen, misplaced, destroyed or is otherwise irretrievable; and recording the new name of a licensee whose name has been changed by court order or by marriage.

## E. Licensure certification.

Licenses requesting endorsement or certification by this board shall pay a fee of \$25 for each endorsement or certification.

## F. Restricted license.

Restricted license issued in accordance with § 54.1-2714 of the Code of Virginia shall be at a fee of \$100.

## G. Teacher's license.

License to teach dentistry and dental hygiene issued in accordance with §§ 54.1-2713 and 54.1-2725 of the Code of Virginia shall be at a fee of \$220 and \$155, respectively. The renewal fee shall be \$65 and \$25, respectively.

## H. Temporary permit.

Temporary permit for dentists and dental hygienists issued in accordance with §§ 54.1-2715 and 54.1-2726 of the Code of Virginia shall be at a fee of \$220 and \$155, respectively. The renewal fee shall be \$65 and \$25, respectively.

## I. Radiology safety examination.

Each examination administered in accordance with § 4.5(A)(11) of these regulations shall be at a fee of \$25.

## J. Jurisprudence examination.

Each examination administered by the board outside the scheduled clinical examination site in accordance with §§ 2.2 A 3 and 2.2 B 3 shall be at a fee of \$25.

## K. Full-time faculty license.

Full-time faculty license for dentists issued in accordance with § 54.1-2714.1 of the Code of Virginia, shall be at a fee of \$220. The renewal fee shall be \$65.

## L. Endorsement license.

License by endorsement issued in accordance with § 2.3 for dental hygienists shall be at a fee of \$200 (\$175 application and \$25 initial licensure fee). The renewal fee shall be \$25.

## M. Schedule VI topical medicinal agents certification.

Certifications issued in accordance with § 5.4 A 1 shall be at a fee of \$15.

## § 1.5. Refunds.

No fee will be refunded or applied for any purpose other than the purpose for which the fee is submitted.

## PART II. ENTRY AND LICENSURE REQUIREMENTS.

### § 2.1. Education.

#### A. Dental licensure.

An applicant for dental licensure shall be a graduate and a holder of a diploma from an accredited or approved dental school recognized by the Commission on Dental Accreditation of the American Dental Association, be of good moral character, and provide proof that the individual has not committed any act which would constitute a violation of § 54.1-2706 of the Code of Virginia.

#### B. Dental hygiene licensure.

An applicant for dental hygiene licensure shall have graduated from or be issued a certificate by an accredited school/program of dental hygiene recognized by the Commission on Dental Accreditation of the American Dental Association, be of good moral character, and provide proof that the individual has not committed any act which would constitute a violation of § 54.1-2728 of the Code of Virginia.

### § 2.2. Licensure examinations.

#### A. Dental examinations.

1. All applicants shall have successfully completed Part I and Part II of the examinations of the Joint Commission on National Dental Examinations prior to making application to this board.

2. For the purpose of § 54.1-2713 § 54.1-2709 of the Code of Virginia, all persons desiring to practice dentistry in the Commonwealth of Virginia will be required to satisfactorily pass the complete board-approved examinations in dentistry as a precondition for licensure, except those persons eligible for licensure pursuant to § 54.1-103 of the Code of Virginia and subsection A of § 2.3 of these regulations. Applicants who successfully completed the board-approved examinations five or more years prior to the date of receipt of their applications for licensure by this board will be required to retake the examinations unless they demonstrate that they have maintained continuous clinical, ethical and legal practice since passing the board-approved examinations.

#### B. Dental hygiene examinations.

1. All applicants are required to successfully complete the dental hygiene examination of the Joint Commission on National Dental Examinations prior to making application to this board for licensure.

2. For the purpose of § 54.1-2722 of the Code of

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Virginia, all persons desiring to practice dental hygiene in the Commonwealth of Virginia shall be required to successfully complete the board-approved examinations in dental hygiene as a precondition for licensure, except those persons eligible for licensure pursuant to § 54.1-103 of the Code of Virginia and subsection B of § 2.3 of these regulations. Applicants who successfully complete the board-approved examinations five or more years prior to the date of receipt of their applications for licensure by this board will be required to retake the board-approved examinations unless they demonstrate that they have maintained continuous clinical, ethical and legal practice since passing the board-approved examinations.

C. All applicants for dental/dental hygiene licensure by examination shall be required to pass an examination on the Virginia dental hygiene laws and the regulations of this board.

§ 2.3. Reciprocal licensure for dentists and licensure by endorsement for dental hygienists.

A. Dental reciprocal licensure.

An applicant for dental reciprocal licensure must:

1. Be a graduate of an accredited dental school recognized by the Commission on Dental Accreditation of the American Dental Association, and
2. Be currently licensed and engaged in the active, legal and ethical practice of dentistry in a state having licensure requirements comparable to those established by the Code of Virginia with which the Virginia Board of Dentistry has established reciprocity.

B. Dental hygiene.

An applicant for dental hygiene endorsement licensure shall:

1. Be a graduate or be issued a certificate from an accredited dental hygiene school/program of dental hygiene recognized by the Commission on Dental Accreditation of the American Dental Association;
2. Be currently licensed to practice dental hygiene in another state, territory, District of Columbia or possession of the U.S., and have continuous clinical, ethical and legal practice for two out of the past four years immediately preceding application for licensure. Active patient care in armed forces dental corps, state and federal, and intern and residency programs, may substitute for required clinical practice;
3. Be certified to be in good standing from each state in which he is currently licensed or has ever held a license;

4. Have successfully completed a clinical licensing examination substantially equivalent to that required by Virginia;

5. Not have failed the clinical examination accepted by the board, pursuant to § 54.1-2722 of the Code of Virginia, within the last five years;

6. Be of good moral character;

7. Provide proof of not having committed any act which would constitute a violation of § 54.1-2706 of the Code of Virginia;

8. Successfully complete the dental hygiene examination of the Joint Commission on National Dental Examinations prior to making application to this board; and

9. Pass an examination on the laws and the regulations governing the practice of dentistry in Virginia.

§ 2.4. Temporary permit, teacher's license and full-time faculty license.

A. A temporary permit shall be issued only for the purpose of allowing dental and dental hygiene practice as limited by §§ 54.1-2715 and 54.1-2726 of the Code of Virginia until the release of grades of the next licensure examination given in this Commonwealth, after the issuance of the temporary permit.

B. A temporary permit will not be renewed unless the permittee shows that extraordinary circumstances prevented the permittee from taking the first examination given immediately after the issuance of the permit. Such permit reissuance shall expire seven days after the release of grades of the next examination given.

C. A full-time faculty license shall be issued to any dentist who meets the entry requirements of § 54.1-2713 of the Code of Virginia, who is certified by the Dean of a dental school in the Commonwealth and who is serving full time on the faculty of a dental school or its affiliated clinics intramurally in the Commonwealth. A full-time faculty license shall remain valid only while the license holder is serving full time on the faculty of a dental school in the Commonwealth. When any such license holder ceases to continue serving full time on the faculty of the dental school for which the license was issued, the licensee shall surrender the license, which shall be null and void upon termination of full-time employment. The Dean of the dental school shall notify the board within five working days of such termination of full-time employment.

D. A temporary permit issued pursuant to § 54.1-2715, a teacher's license issued pursuant to §§ 54.1-2713, 54.1-2714 and 54.1-2725 and full-time faculty license issued pursuant to § 54.1-2714.1 of the Code of Virginia may be revoked

for any grounds for which the license of a regularly licensed dentist or dental hygienist may be revoked and for any act, acts or actions indicating the inability of the permittee or licensee to practice dentistry that is consistent with the protection of the public health and safety as determined by the generally accepted standards of dental practice in Virginia.

E. Applicants for a full-time faculty license or temporary permit shall be required to pass an examination on the laws and the regulations governing the practice of dentistry in Virginia.

§ 2.5. All applications for any license or permit issued by the board shall include:

1. A final certified transcript of the grades from the college from which the applicant received the dental degree, dental hygiene degree or certificate, or post-doctoral degree or certificate; and
2. An original grade card issued by the Joint Commission on National Dental Examinations.

### PART III. GENERAL ANESTHESIA AND CONSCIOUS SEDATION.

§ 3.1. Requirements to administer general anesthesia.

#### A. Educational requirements.

A dentist may employ or use general anesthesia on an outpatient basis by meeting one of the following educational criteria and by posting the educational certificate, in plain view of the patient, which verifies completion of the advanced training as required in § 3.1 A 1 or 2. The foregoing shall not apply nor interfere with requirements for obtaining hospital staff privileges.

1. Has completed a minimum of one calendar year of advanced training in anesthesiology and related academic subjects beyond the undergraduate dental school level in a training program in conformity with Part II of the "Guidelines for Teaching the Comprehensive Control of Pain and Anxiety in Dentistry" as currently published by the American Dental Association; or
2. Is board certified or board eligible in any dental specialty which incorporates into its curriculum the standards of teaching comparable to those set forth in Part II of the "Guidelines for Teaching the Comprehensive Control of Pain and Anxiety in Dentistry."

#### B. Exemptions.

A dentist who has not meet the requirements specified in ~~subsections A or B subsection A~~ of this section may treat patients under general anesthesia in his practice if a

qualified anesthesiologist, or a dentist who fulfills the requirements specified in ~~subsections A or B subsection A~~ of this section is present and is responsible for the administration of the anesthetic. If a dentist fulfills requirements himself to use general anesthesia and conscious sedation, he may employ the services of a certified nurse anesthetist.

§ 3.2. Conscious sedation; intravenous and intramuscular.

#### A. Automatic qualification.

Dentists qualified to administer general anesthesia may administer conscious sedation.

#### B. Educational requirements.

A dentist may administer conscious sedation upon completion of training in conformity with requirements for this treatment modality as published by the American Dental Association in the "Guidelines for Teaching the Comprehensive Control of Pain and Anxiety in Dentistry," while enrolled at an approved dental school or while enrolled in a post-doctoral university or teaching hospital program.

§ 3.3. General information.

#### A. Emergency equipment and techniques.

A dentist who administers general anesthesia and conscious sedation shall be proficient in handling emergencies and complications related to pain control procedures, including the maintenance of respiration and circulation, immediate establishment of an airway and cardiopulmonary resuscitation, and shall maintain the following emergency airway equipment in the dental facility:

1. Full face mask for children or adults, or both;
2. Oral and nasopharyngeal airways;
3. Endotracheal tubes for children or adults, or both, with appropriate connectors;
4. A laryngoscope with reserve batteries and bulbs and appropriately sized laryngoscope blades for children or adults, or both;
5. Source of delivery of oxygen under controlled pressure; and
6. Mechanical (hand) respiratory bag.

#### B. Posting requirements.

Any dentist who utilizes general anesthesia or conscious sedation shall post in each facility the certificate of education required under §§ 3.1 A and 3.2 B or the self-certification certificate issued by the board.

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## C. Other.

1. The team for general anesthesia shall consist of the operating dentist, a second person to monitor and observe the patient, and a third person to assist the operating dentist.

2. Person in charge of the anesthesia must remain on the premises of the dental facility until the patient has regained consciousness and is discharged.

## D. Scope of regulation.

Part III shall not apply to administration of General Anesthesia and Conscious Sedation in hospitals and surgi-centers.

### § 3.4. Report of adverse reactions.

A written report shall be submitted to the board by the treating dentist within 30 days following any mortality or morbidity that occurs in the facility or during the first 24 hours immediately following the patient's departure from the facility following and directly resulting from the administration of general anesthesia, conscious sedation, or nitrous oxide oxygen inhalation analgesia.

## PART IV. RECORD KEEPING AND REPORTING.

### § 4.1. Records.

#### A. Laboratory work orders.

Written work order forms and subwork order forms to employ or engage the services of any person, firm or corporation to construct or reproduce or repair, extraorally, prosthetic dentures, bridges or other replacements for a part of a tooth or teeth as required by § 54.1-2719 of the Code of Virginia shall include as a minimum the following information:

1. Patient name or case number, and date.
2. The signature, license number and address of the dentist.

#### B. Patient records.

A dentist shall maintain patient records for not less than five years from the most recent date of service for purposes or review by the board to include the following:

1. Patient's name and date of treatment;
2. Updated health history;
3. Diagnosis and treatment rendered;
4. List of drugs prescribed, administered, dispensed and the quantity;

## 5. Radiographs;

6. Patient financial records and all insurance claim forms; and

7. Name of dentist and dental hygienist providing service.

### § 4.2. Reporting.

#### A. Dental students as hygienists.

Prior to utilizing the services of a senior dental student as a dental hygienist as provided in § 54.1-2712 of the Code of Virginia a dentist shall supply the board with the name and address of the student, the school in which the senior student is enrolled, the hours during which the student is expected to be employed as a hygienist, the expected period of employment (June and July, only) and verification that the employing dentist holds faculty appointment.

#### B. Current business addresses.

Each licensee shall furnish the board at all times with his current primary Virginia business address (no P.O. Box accepted). If not practicing in Virginia, the primary out-of-state business address must be furnished (no P.O. Box accepted). Each dental hygienist shall furnish current resident address (no P.O. Box accepted). All notices required by law or by these regulations to be mailed by the board to any such licensee shall be validly given when mailed to the latest address given by the licensee. All changes of address shall be furnished to the board in writing within 30 days of such changes.

### § 4.3. Unprofessional conduct.

The following practices shall constitute unprofessional conduct within the meaning of § 54.1-2706 of the Code of Virginia:

1. Fraudulently obtaining, attempting to obtain or cooperating with others in obtaining payment for services.
2. Performing services for a patient under terms or conditions which are unconscionable. The board shall not consider terms unconscionable where there has been a full and fair disclosure of all terms and where the patient entered the agreement without fraud or duress.
3. Misrepresenting to a patient and the public the materials or methods and techniques the licensee uses or intends to use.
4. Committing any act in violation of the Code of Virginia reasonably related to the practice of dentistry and dental hygiene.

5. Delegating any service or operation which requires the professional competence of a dentist or dental hygienist to any person who is not a dentist or dental hygienist except as otherwise authorized by these regulations.

6. Certifying completion of a dental procedure that has not actually been completed.

7. Knowingly or negligently violating any applicable statute or regulation governing ionizing radiation in the Commonwealth of Virginia, including, but not limited to, current regulations promulgated by the Virginia Department of Health.

8. Permitting or condoning the placement or exposure of dental x-ray film by an unlicensed person, except where the unlicensed person has complied with § 4.5 A 11 of these regulations.

## § 4.4. Advertising.

### A. Practice limitation.

A general dentist who limits his practice shall state in conjunction with his name that he is a general dentist providing only certain services, i.e., orthodontic services.

### B. Fee disclosures.

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

### C. Discounts.

Discount offers for a dental service are permissible for advertising only when the nondiscounted or full fee and the final discounted fee are also disclosed in the advertisement. The dentist shall maintain documented evidence to substantiate the discounted fee.

### D. Retention of broadcast advertising.

A prerecorded copy of all advertisements on radio or television shall be retained for a six-month period following the final appearance of the advertisement. The advertising dentist is responsible for making prerecorded copies of the advertisement available to the board within five days following a request by the board.

### E. Routine dental services.

The purpose of this subsection is to delineate those

routine dental services which may be advertised pursuant to § 54.1-2706(7) of the Code of Virginia and subsection F of § 4.4 of these regulations. The definitions as set out in Regulation I are intended to set forth a minimum standard as to what constitutes such services for advertising purposes in order to allow the public to accurately compare the fees charged for a given service and to preclude potentially misleading advertisement of fees for a given service which may be delivered on a superficial or minimum basis. Advertising of fees pursuant to of § 4.4 F 3 of these regulations is limited to the following routine dental services:

1. "Examination." A study of all the structures of the oral cavity, including the recording of the conditions of all such structures and an appropriate history thereof. As a minimum, such study shall include charting of caries, identification of periodontal disease, occlusal discrepancies, and the detection of oral lesions.

2. "Diagnosis." An opinion of findings in an examination.

3. "Treatment planning." A written statement of treatment recommendations following an examination and diagnosis. This statement shall include a written itemized treatment recommendation and written itemized fee statement.

4. "Radiographs." Shall document type and quantity. (See definitions).

5. "Complete or partial dentures and crowns." Any advertisement shall include full disclosure of all related fees and procedures.

6. "Prophylaxis." The removal of calculus, accretions and stains from exposed surfaces of the teeth and from the gingival sulcus.

7. "Simple extractions." A service for the removal of nonimpacted teeth, including a full disclosure of all related fees and procedures.

8. Other procedures which are determined by the board to be routine dental services are those services set forth in the American Dental Association's "Code on Dental Procedures and Nomenclature," as published in the Journal of the American Dental Association (JADA), as amended, which is hereby adopted and incorporated by reference.

F. The following practices shall constitute false, deceptive or misleading advertising within the meaning of § 54.1-2706(7) of the Code of Virginia.

1. Publishing an advertisement which contains a material misrepresentation or omission of facts.

2. Publishing an advertisement which contains a

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representation or implication that is likely to cause an ordinarily prudent person to misunderstand or be deceived, or that fails to contain reasonable warnings or disclaimers necessary to make a representation or implication not deceptive.

3. Publishing an advertisement which fails to include the information and disclaimers required by § 4.4 of these regulations.

## G. Signage.

Advertisements, including but not limited to signage, containing descriptions of the type of dentistry practiced or a specific geographic locator are permissible so long as the requirements of §§ 54.1-2718 and 54.1-2720 of the Code of Virginia are complied with.

## § 4.5. Nondelegable duties.

### A. Nondentists.

The following duties shall not be delegated to a nondentist:

1. Final diagnosis and treatment planning.
2. Performing surgical or cutting procedures on hard or soft tissue.
3. Prescribing drugs, medicaments and work authorizations.
4. Adjusting fixed or removable appliances or restorations in the oral cavity.
5. Making occlusal adjustments in the oral cavity.
6. Performing pulp capping and pulpotomy procedures.
7. Administering and monitoring local or general anesthetics, conscious sedation and administering nitrous oxide oxygen inhalation analgesia, except as provided for in § 54.1-2701 of the Code of Virginia and § 5.4 A 17 of these regulations.
8. Condensing and carving amalgam restorations.
9. Placing and contouring silicate cement and composite resin restorations.
10. Placement and fitting of orthodontic arch wire and making ligature adjustments creating active pressure on the teeth.
11. No person, not otherwise licensed by the board, shall place or expose dental x-ray film unless he has (i) satisfactorily completed a course or examination recognized by the Commission on Dental Accreditation of the American Dental Association, or (ii) been certified by the American Society of Radiological

Technicians, (iii) satisfactorily completed a course and passed an examination in compliance with guidelines provided by the board, or (iv) passed the board's examination in radiation safety and hygiene followed by on-the-job training. Any individual not able to successfully complete the board's examination after two attempts may be certified only by completing clause (i), (ii) or (iii) of this provision. Any certificate issued pursuant to satisfying the requirements of this section shall be posted in plain view of the patient.

12. Taking impressions for any working model except as provided in § 5.3 A 2 of these regulations.

## PART V. DIRECTION AND UTILIZATION OF DENTAL HYGIENISTS AND DENTAL ASSISTANTS.

### § 5.1. Employment of dental hygienists.

No dentist shall direct more than two dental hygienists at one and the same time.

### § 5.2. Required direction.

In all instances, a licensed dentist assumes ultimate responsibility for determining, on the basis of his diagnosis, the specific treatment the patient will receive and which aspects of treatment will be delegated to qualified personnel in accordance with these regulations and the Code of Virginia.

Dental hygienists and assistants shall engage in their respective duties only while in the employment of a licensed dentist or governmental agency and under the direction and control of the employing dentist or the dentist in charge, or the dentist in charge or control of the governmental agency. The dentist shall be present and evaluate the patient during the time the patient is in the facility. Persons acting within the scope of a license issued to them by the board under § 54.1-2725 of the Code of Virginia to teach dental hygiene and those persons licensed pursuant to § 54.1-2722 of the Code of Virginia providing oral health education and preliminary dental screenings in any setting are exempt from this section.

### § 5.3. Dental hygienists.

A. The following duties may be delegated to dental hygienists under direction:

1. Scaling, root planing and polishing natural and restored teeth using hand instruments, rotary instruments, prophy-jets and ultrasonic devices.
2. Taking of working impressions for construction of athletic and fluoride guards.
3. Performing an original or clinical examination of teeth and surrounding tissues including the charting of carious lesions, periodontal pockets or other abnormal

conditions for assisting the dentist in the diagnosis.

## § 5.4. Dental hygienists and dental assistants.

A. Only the following duties may be delegated to dental hygienists and dental assistants under direction:

1. ~~Application of topical medicinal agents~~ *No person not otherwise licensed by the board shall apply Schedule VI topical medicinal agents , including topical fluoride or desensitizing agents (aerosol topical anesthesia excluded) , unless the individual has (i) satisfactorily completed a course or examination recognized by the Commission on Dental Accreditation of the American Dental Association and been certified by the board, or (ii) satisfactorily completed a training program approved by the board and been certified by the board. This training program may be implemented by dentists and dental hygienists who are currently licensed to practice dentistry and dental hygiene in Virginia, and by certified dental assistants who are currently certified by the Dental Assisting National Board. Any certificate issued pursuant to satisfying the requirements of this section shall be posted in plain view of the patient .*

2. Acid etching in those instances where the procedure is reversible.

3. Application of sealants.

4. Serving as a chairside assistant aiding the dentist's treatment by concurrently performing supportive procedures for the dentist, including drawing up and compounding medications for administration by the dentist. The foregoing shall not prohibit the dentist from delegating to another licensed health care professional duties within the scope of their respective practice.

5. Placing and removing matrixes for restorations.

6. Placing and removing rubber dam.

7. Placing and removing periodontal packs.

8. Polishing natural and restored teeth by means of a rotary rubber cup or brush and appropriate polishing agent.

9. Holding and removing impression material for working models after placement in the patient's mouth by the dentist.

10. Taking nonworking impressions for diagnostic study models.

11. Placing of amalgam in prepared cavities with the carrier to be condensed and carved by the dentist.

12. Placing and removing elastic orthodontic

separators.

13. Checking for loose orthodontic bands.

14. Removing arch wires and ligature ties.

15. Placing ligatures to tie in orthodontic arch wire that has been fitted and placed by the dentist.

16. Selecting and prefitting of orthodontic bands for cementation by the dentist.

17. Monitoring of nitrous oxide oxygen inhalation analgesia.

18. Placing and exposing dental x-ray film. (No person who is not otherwise licensed by the board shall place or expose dental x-ray film unless the requirements of subsection A, paragraph 11, of § 4.5 of these regulations have been fulfilled.)

19. Removing socket dressings.

20. Instructing patients in placement and removal of retainers and appliances after they have been completely fitted and adjusted in the patient's mouth by the dentist.

21. Removing sutures.

22. Removing supragingival cement on crowns, bands, and restorations.

Any procedure not listed above is prohibited.

## § 5.5. What does not constitute practice.

A. Oral health education and preliminary dental screenings in any setting are not considered the practice of dental hygiene and dentistry.

B. Recording a patient's pulse, blood pressure, temperature, and medical history.

# Proposed Regulations

APPLICATION FOR A LICENSE TO PRACTICE DENTISTRY / DENTAL HYGIENE IN VIRGINIA  
 Return to: Virginia Board of Dentistry, 1401 Rolling Hills Drive, Suite 200, Richmond, Virginia 23294-5005  
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ALL EXAMINATIONS SUCCESSFULLY COMPLETED FOR FAILED

- A. Virginia's Regional Dental / Dental Hygiene Examination:
  - ( ) Passed ( ) Failed ( ) Never Taken ( ) Taken More Than Once (attach explanation) Month/Date/Year
- B. Virginia Jurisprudence Examination (Required of every applicant)
  - ( ) Passed ( ) Failed ( ) Never Taken ( ) Taken More Than Once (attach explanation) Month/Date/Year
- C. National Board Examination: (Attach original National Board Score Card)
  - ( ) Passed ( ) Failed ( ) Never Taken ( ) Taken More Than Once (attach explanation) Month/Date/Year
- D. Other Jurisdictional/Regional Licensing Exam: Name of Examination: \_\_\_\_\_  
 ( ) Passed ( ) Failed ( ) Never Taken ( ) Taken More Than Once (attach explanation) Month/Date/Year  
 (Provide original scorecard, or letter, from testing agency reflecting successful completion of the clinical and didactic portions of this examination.)

### III. APPLICANT HISTORY

ALL QUESTIONS MUST BE ANSWERED. IF ANY OF THE FOLLOWING QUESTIONS ARE ANSWERED "YES," EXPLAIN AND SUBSTANTIATE WITH DOCUMENTATION. LETTERS MUST BE SUBMITTED BY YOUR ATTORNEY REGARDING MALPRACTICE SUITS. LETTERS MUST BE SUBMITTED BY ANY TREATING PROFESSIONALS REGARDING HEALTH TREATMENT, AND SHALL INCLUDE DIAGNOSIS, TREATMENT AND PROGNOSIS.

A. I hereby certify that I studied dentistry/dental hygiene and received the degree or certificate of \_\_\_\_\_ on \_\_\_\_\_, 19\_\_\_\_ from \_\_\_\_\_ (School/Program)

LIST, IN CHRONOLOGICAL ORDER & INCLUDING MONTHS AND YEARS, THE DENTAL/DENTAL HYGIENE SCHOOLS I ATTENDED.

Months and Years	Name of Dental/Dental Hygiene School	Passed or Failed
_____ to _____	_____	_____
_____ to _____	_____	_____
_____ to _____	_____	_____
_____ to _____	_____	_____
_____ to _____	_____	_____

IN ADDITION, INCLUDE IN ORIGINAL, FINAL TRANSCRIPT OF YOUR RECORD FROM THE SCHOOL CONFERRING YOUR DEGREE OR CERTIFICATE, TO INCLUDE COURSES, GRADES, DEGREE OR CERTIFICATE RECEIVED, AND DATE DEGREE OR CERTIFICATE WAS CONFERRED, AND BEARING THE CERTIFYING SIGNATURE OF THE REGISTRAR AND BE AFFIXED WITH THE COLLEGE SEAL & FORM A.

- B. Have you ever been dropped, suspended, expelled, or disciplined by any school or college for any cause whatever?  
 ( ) No ( ) Yes IF "YES," give details, school(s), address(es) and date(s) on a separate page.
- C. Do you intend to engage in the active practice of dentistry/dental hygiene in the Commonwealth of Virginia?  
 ( ) No ( ) Yes IF "YES," give location \_\_\_\_\_



## COMMONWEALTH OF VIRGINIA

Department of Health Professions  
 Board of Dentistry

- ( ) DENTAL HYGIENE BY EXAMINATION
- ( ) DENTAL HYGIENE BY ENDORSEMENT
- ( ) FULL-TIME FACULTY
- ( ) DENTISTRY BY EXAMINATION
- ( ) TEMPORARY PERMIT
- ( ) TEACHER'S LICENSE

### APPLICATION FOR A LICENSE TO PRACTICE DENTISTRY/DENTAL HYGIENE

INSTRUCTIONS: Use typewriter or print clearly. If the space provided for any answer is insufficient, the applicant must complete his/her answer on a separate page, signed by his/her, specifying the number of the question to which it relates, and enclose this page with this application. OMISSIONS OR INACCURACIES ARE GROUNDS FOR REJECTION.

#### APPLICANT PROFILE DATA

Legal Last Name \_\_\_\_\_ First Name \_\_\_\_\_ Middle/Initial \_\_\_\_\_ Generation \_\_\_\_\_  
 Street \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
 Date of Birth (Month/Date/Year) \_\_\_\_\_ Place of Birth \_\_\_\_\_ Social Security Number \_\_\_\_\_

Graduation Date (Month/Date/Year) \_\_\_\_\_ Degree \_\_\_\_\_ Professional School \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_  
 Other Names: Have you ever changed your name through marriage or through action of the courts, or have you ever been known by any other name or alias? ( ) No ( ) Yes If "Yes," attach a list of names(s) and jurisdictional and date(s) of use, and provide certified copies of all applicable court documents.

NOTE: BOARD REGULATIONS REQUIRE THAT, UPON ESTABLISHING YOUR PLACE OF BUSINESS, YOU NOTIFY THE BOARD IN WRITING OF THAT ADDRESS, AND OF ANY SUBSEQUENT CHANGES OF ADDRESS, WITHIN THIRTY (30) DAYS. DENTAL HYGIENISTS MAY REPORT THE ADDRESS OF THEIR CURRENT RESIDENCE.  
 \*\*\*\*\*  
 APPLICANTS: DO NOT USE THESE SPACES. FOR OFFICE USE ONLY. (Rev. 11/87)

License Number \_\_\_\_\_ Pending Number \_\_\_\_\_ School Code \_\_\_\_\_ Fee \_\_\_\_\_ Date Issued \_\_\_\_\_  
 Exam Scores: CDDP \_\_\_\_\_ PATH \_\_\_\_\_ REST \_\_\_\_\_ PROS \_\_\_\_\_ LJM \_\_\_\_\_  
 ORT \_\_\_\_\_ CLIN \_\_\_\_\_ LHM \_\_\_\_\_

Returned for Completion: National Board: \_\_\_\_\_  
 SRTA \_\_\_\_\_ Clinical \_\_\_\_\_ SRTA \_\_\_\_\_ Written \_\_\_\_\_ LJM Exam: \_\_\_\_\_ Transcript: \_\_\_\_\_  
 End Letters: \_\_\_\_\_ End Exam: \_\_\_\_\_ Chronology: \_\_\_\_\_  
 Certifications: Edu: \_\_\_\_\_ Lic: \_\_\_\_\_  
 Clinical Practice Dates: Initial NY: \_\_\_\_\_ Application NY: \_\_\_\_\_ Total # Months in a Year: \_\_\_\_\_

APPLICATION FOR A LICENSE TO PRACTICE DENTISTRY / DENTAL HYGIENE IN VIRGINIA
Return to: Virginia Board of Dentistry, 1601 Rolling Hills Drive, Suite 200, Richmond, Virginia 23229-5005
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K. Have you ever had any of the following disciplinary actions taken against your license to practice dentistry / dental hygiene, your DEA permit, state controlled substances registration, medicine, Medicaid, or any other such actions pending: suspension/revocation, or probation, or reprimand/case 4 cessat, or monitoring of practice, or limitation placed on scheduled drugs?

[ ] No [ ] Yes IF "YES," give details, jurisdiction(s) and details on a separate page.

L. Have you ever had any membership in a professional society revoked, suspended or sanctioned in any manner?

[ ] No [ ] Yes IF "YES," give details, jurisdiction(s) and details on a separate page.

M. Have you ever been a defendant in a military court martial or received medical or other than honorable discharge?

[ ] No [ ] Yes IF "YES," give details, jurisdiction(s) and details on a separate page.

N. Have you had any malpractice suits brought against you in the last ten (10) years?

[ ] No [ ] Yes IF "YES," give details, jurisdiction(s) and details for each suit on a separate page and provide a letter from your attorney explaining each case.

O. 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 any substance abuse?

[ ] No [ ] Yes IF "YES," give details, jurisdiction(s) and details on a separate page and provide a letter of explanation from the treating professional(s), including summary of diagnosis, treatment, and prognosis.

P. Have you ever received treatment for, or been hospitalized for, a nervous, emotional or mental disorder?

[ ] No [ ] Yes IF "YES," give details, jurisdiction(s) and details on a separate page and provide a letter of explanation from the treating professional(s), including summary of diagnosis, treatment, and prognosis.

Q. Do you have a physical disability, disease, or diagnosis which could affect your performance of professional duties?

[ ] No [ ] Yes IF "YES," give details, jurisdiction(s) and details on a separate page and provide a letter of explanation from the treating professional(s), including summary of diagnosis, treatment, and prognosis.

R. Have you ever been adjudged mentally incompetent, or been voluntarily committed to a mental institution?

[ ] No [ ] Yes IF "YES," give details, jurisdiction(s) and details on a separate page, and provide certified copies of all applicable court documents.

APPLICATION FOR A LICENSE TO PRACTICE DENTISTRY / DENTAL HYGIENE IN VIRGINIA
Return to: Virginia Board of Dentistry, 1601 Rolling Hills Drive, Suite 200, Richmond, Virginia 23229-5005
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D. List all jurisdictions in which you have been issued a license to practice dentistry/dental hygiene, active or inactive. Indicate license number and date issued.

Table with 3 columns: Jurisdiction, License Number, Date Issued

E. Have you ever announced yourself, or held yourself out, as being a specialist in any branch of dentistry?

[ ] No [ ] Yes IF "YES," give specialty(s) and jurisdiction(s):

F. Have you ever been denied a license, or the privilege of taking a dental/dental hygiene licensure/ competency examination by any licensing authority?

[ ] No [ ] Yes IF "YES," give details, jurisdiction(s) and details:

G. Have you ever failed the dental/dental hygiene licensing examinations given for another jurisdiction?

[ ] No [ ] Yes IF "YES," give details, jurisdiction(s) and details:

H. Have you ever been convicted of a violation of, or pled Nolo Contendere, to any Federal, State or local statute, regulation or ordinance, or entered into any plea bargaining relating to a felony or misdemeanor? (Exclude traffic violations, except convictions for driving under the influence.)

[ ] No [ ] Yes IF "YES," give details, jurisdiction(s) and details on a separate page, and include a copy of the deposition record certified by the Clerk of the Court.

I. Have you ever voluntarily surrendered your clinical privileges while under investigation, been censured or warned or been requested to withdraw from the staff of any hospital, nursing home, other health care facility, or any health care provider?

[ ] No [ ] Yes IF "YES," give details, jurisdiction(s) and details on a separate page.

J. Have you ever voluntarily withdrawn from any professional society while under investigation?

[ ] No [ ] Yes IF "YES," give details, jurisdiction(s) and details on a separate page.



- II. APPLICANT HISTORY**  
**ALL QUESTIONS MUST BE ANSWERED. IF ANY OF THE FOLLOWING QUESTIONS ARE ANSWERED "YES," EXPLAIN AND SUBSTANTIATE WITH AVAILABLE DOCUMENTATION. LETTERS MUST BE SUBMITTED BY YOUR ATTORNEY REGARDING MALPRACTICE SUITS. LETTERS MUST BE SUBMITTED BY ANY TREATING PROFESSIONALS REGARDING TREATMENT, AND SHALL INCLUDE DIAGNOSIS, TREATMENT AND PROGNOSIS.**
- A. Have you ever been dropped, suspended, expelled, or disciplined by any school or college for any cause whatever?**  
 No       Yes      IF "YES," give details, school(s), address(es), and date(s) on a separate page.
- B. Has your practice of dentistry/dental hygiene since expiration of your license been in the Commonwealth of Virginia?**  
 No       Yes      IF "YES," give location: \_\_\_\_\_
- C. Has any of your work since the expiration of your dental/dental hygiene license been in any field other than the practice of dentistry?**  
 No       Yes      IF "YES," give details, jurisdiction(s) and date(s): \_\_\_\_\_
- D. List all jurisdictions in which you have been issued a license to practice dentistry/dental hygiene, active or inactive. Indicate license number and date issued.**
- | Jurisdiction | License Number | Date Issued |
|--------------|----------------|-------------|
| _____        | _____          | _____       |
| _____        | _____          | _____       |
| _____        | _____          | _____       |
| _____        | _____          | _____       |
- E. Have you ever announced yourself, or held yourself out, as being a specialist in any branch of dentistry?**  
 No       Yes      IF "YES," give specialist(s) and jurisdiction(s): \_\_\_\_\_
- F. Have you ever been denied a license, or the privilege of taking a dental/dental hygiene licensure/competency examination by any licensing authority?**  
 No       Yes      IF "YES," give details, jurisdiction(s) and date(s): \_\_\_\_\_
- G. Have you ever failed the dental/dental hygiene licensure examinations given for another jurisdiction?**  
 No       Yes      IF "YES," give details, jurisdiction(s) and date(s): \_\_\_\_\_
- H. Have you ever been convicted of a violation of, or pled *nolo contendere*, to any Federal, State or local statute, regulation or ordinance, or entered into any plea bargaining relating to a felony or misdemeanor? (Excluding traffic violations, except convictions for driving under the influence.)**  
 No       Yes      IF "YES," give details, jurisdiction(s) and date(s) on a separate page, and include a copy of the deposition record certified by the Clerk of the Court.
- I. Have you ever voluntarily surrendered your clinical privileges while under investigation, been censured or warned, or been requested to withdraw from the staff of any hospital, nursing home, other health care facility, or any health care provider?**  
 No       Yes      IF "YES," give details, jurisdiction(s) and date(s) on a separate page.
- J. Have you ever voluntarily withdrawn from any professional society while under investigation?**  
 No       Yes      IF "YES," give details, jurisdiction(s) and date(s) on a separate page.
- K. Have you ever had any of the following disciplinary actions taken against your license to practice dentistry / dental hygiene, your DEA permit, state controlled substances registration, Medicare, Medicaid, or are any such actions pending: suspension/revocation or probation, or reprimand/case I denial, or monitoring of practice, or limitation placed on scheduled drugs?**  
 No       Yes      IF "YES," give details, jurisdiction(s) and date(s) on a separate page.
- L. Have you ever had any membership in a professional society revoked, suspended or sanctioned in any manner?**  
 No       Yes      IF "YES," give details, jurisdiction(s) and date(s) on a separate page.
- M. Have you ever been a defendant in a military court martial or received medical or other (non honorable discharge)?**  
 No       Yes      IF "YES," give details, jurisdiction(s) and date(s) on a separate page.
- N. Is there now, or has there ever been, in any jurisdiction, a complaint pending against your professional conduct or competence as a dentist?**  
 No       Yes      IF "YES," give details, jurisdiction(s) and date(s) on a separate page.
- O. Have you ever been a defendant in a civil litigation in which the basis of the complaint against you was an alleged negligence, malpractice, or lack of professional competence, or had any malpractice suit brought against you in the last ten (10) years?**  
 No       Yes      IF "YES," give details, jurisdiction(s) and date(s) for each suit on a

# Proposed Regulations

IV. A.F.F.I.D.A.V.I.T. - MUST BE NOTARIALIZED

I, \_\_\_\_\_, being first duly sworn, depose and say that I am the person referred to in the foregoing application and supporting documents.

I have read the Virginia Dental Practice Act (Chapter 27 of 85A.1 of the Code of Virginia (1951), as amended), and the Regulations of the Virginia Board of Dentistry. I am aware that if I am granted a license to practice dentistry/dental hygiene in Virginia, I am required to comply with any law governing the practice of dentistry/dental hygiene in the Commonwealth.

I have attached a certified check, cashier's check or money order in the amount of \$ \_\_\_\_\_, made payable to the Treasurer of Virginia.

I hereby authorize all hospitals, institutions or organizations, my references, personal physicians, employers (past and present), business and professional associates (past and present) and all governmental agencies and instrumentalities (local, state, federal, or foreign) to release to the Virginia Board of Dentistry any information, files or records requested by the Board in connection with the processing of individuals and groups listed above, any information which is material to me and my application.

I have carefully read the questions in the foregoing application and have answered them completely, without reservations of any kind, and I declare under penalty of perjury that my answers and all statements made by me herein are true and correct. Should I furnish any false information in this application, I hereby agree that such act shall constitute cause for the denial, suspension or revocation of my license to practice dentistry/dental hygiene in the Commonwealth of Virginia.

\_\_\_\_\_  
Applicant's signature

NOTARY:

THE STATE OF \_\_\_\_\_  
County/City of \_\_\_\_\_

Sworn and subscribed to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, to certify which witness my hand and official seal of office.

SECURELY PASTE A PASSPORT-TYPE PHOTOGRAPH IN THIS SPACE.

Notary Public's Signature \_\_\_\_\_

My Commission Expires \_\_\_\_\_, 19\_\_\_\_.

NOTARY SEAL

MUST OVERLAY PHOTOGRAPH

separate page, and provide a letter from your attorney explaining each case.

P. 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 any substance abuse?

No  Yes  
IF "YES," give details, jurisdiction(s) and date(s) on a separate page, and provide a letter of explanation from the treating professional(s), including summary of diagnosis, treatment, and prognosis.

Q. Have you ever received treatment for, or been hospitalized for, a nervous, emotional or mental disorder?

No  Yes  
IF "YES," give details, jurisdiction(s) and date(s) on a separate page, and provide a letter of explanation from the treating professional(s), including summary of diagnosis, treatment, and prognosis.

R. Do you have a physical disability, disease, or diagnosis which could affect your performance of professional duties?

No  Yes  
IF "YES," give details, jurisdiction(s) and date(s) on a separate page, and provide a letter of explanation from the treating professional(s), including summary of diagnosis, treatment, and prognosis.

S. Have you ever been adjudged mentally incompetent, or been voluntarily committed to a mental institution?

No  Yes  
IF "YES," give details, jurisdiction(s) and date(s) on a separate page, and provide certified copies of all applicable court documents.

### III. DOCUMENTATION REQUIRED

- Form B: Chronology, and
- Form C: Certification, Other Boards
- Form B: Chronology. The complete, chronological history of your employment, to be detailed on "Form B: Chronology." All time must be accounted for, whether applicant was employed or not. Include temporary or part-time employment, and resident addresses during periods of unemployment. You must especially account for all time after which your license expired, whether employment in the field of dentistry or not.
- Form C: Certification. Other Boards & completed "Form C: Certification, Other Boards", bearing certification of good standing from each state in which you currently, or have ever held, a license to practice dentistry or dental hygiene.

All documentation is to be sent to the Board in a single packet with the application for reinstatement of license. Do not submit an incomplete application, or any single part of an application or documentation to the Board; these will be returned to you immediately, and without review.





FORM C - CERTIFICATION OF DENTAL / DENTAL HYGIENE BOARDS

PLEASE FORWARD ONE FORM TO EACH STATE DENTAL/DENTAL HYGIENE BOARD WHERE YOU HOLD OR HAVE EVER HELD A DENTAL/DENTAL HYGIENE LICENSE. SOME STATES REQUIRE A FEE, PAID IN ADVANCE, FOR PROVIDING CLEARANCE INFORMATION. TO EXPEDITE, YOU MAY WISH TO CALL THE APPLICABLE STATE BOARD(S) BEFORE SENDING THIS FORM. FORM MAY BE PHOTOCOPIED IF COPIES ARE NEEDED.

I am making application for licensure in Virginia by: (Check one)  
 examination for dental license.  
 reciprocity for dental license.  
 endorsement for dental hygiene license.  
 endorsement for dental hygiene license.  
 I, \_\_\_\_\_, was granted dental/dental hygiene License Number \_\_\_\_\_ on \_\_\_\_\_, 19\_\_\_\_, by the State of \_\_\_\_\_.  
 The Virginia Board of Dentistry/Dental Hygiene requests that I submit evidence that my licensure in the State of \_\_\_\_\_ is in good standing. You are hereby authorized to release any information in your files, favorable or otherwise, directly to the Virginia Board of Dentistry, 1601 Rolling Hills Drive, Richmond, Virginia, 23229-5005. Your early attention is appreciated.

Applicant's Address: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Applicant's Signature \_\_\_\_\_  
 Applicant's Typed/Printed Name \_\_\_\_\_  
 EXECUTIVE OFFICER OF STATE BOARD

PLEASE COMPLETE AND RETURN THIS FORM TO THE APPLICANT.  
 State of \_\_\_\_\_ Name of Licensee \_\_\_\_\_  
 Graduate of \_\_\_\_\_ License # \_\_\_\_\_ Issued: \_\_\_\_\_  
 By:  Reciprocity  Endorsement ...with the State of \_\_\_\_\_  
 Examination  
 License is:  Current  Lapsed  Active  Inactive  
 Has applicant's license ever been disciplined, suspended or revoked:  No  Yes IF YES, give details on separate page and attach supporting documentation (findings of fact, Conclusions of Law, Orders).  
 Comments/Reciprocity information, if any: \_\_\_\_\_

Signature \_\_\_\_\_ (SEAL)  
 Title \_\_\_\_\_  
 Date \_\_\_\_\_

APPLICATION FOR RADIOLOGY EXAMINATION FOR DENTAL ASSISTANTS

THIS COMPLETED FORM MUST ACCOMPANY YOUR \$25.00 EXAM FEE.

FULL NAME (LAST) \_\_\_\_\_ (FIRST) \_\_\_\_\_ (MIDDLE) \_\_\_\_\_  
 ADDRESS (STREET) \_\_\_\_\_ (CITY) \_\_\_\_\_ (STATE) \_\_\_\_\_ (ZIP) \_\_\_\_\_  
 TELEPHONE (HOME) \_\_\_\_\_ (OFFICE) \_\_\_\_\_ SOCIAL SECURITY # \_\_\_\_\_

CHECK ONE, FILL IN DATES:

TEST WILL BE TAKEN AT THE BOARD OFFICE IN RICHMOND AT 11:00 A.M. ON \_\_\_\_\_ 2nd Wednesday OR \_\_\_\_\_ 4th Wednesday of the month of \_\_\_\_\_ (BRING THIS COMPLETED FORM AND A CHECK FOR \$25.00 WITH YOU)

TEST WILL BE TAKEN AT THIS BOARD MEMBER'S OFFICE: \_\_\_\_\_ (THIS COMPLETED FORM AND A CHECK FOR \$25.00 MUST BE RECEIVED IN THE BOARD OFFICE BEFORE THE TEST WILL BE MAILED TO THE BOARD MEMBER ABOVE.)

HAVE YOU TAKEN THIS EXAM PREVIOUSLY?  NO  YES IF YES, WHEN? \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ AND, UNDER WHAT NAME? \_\_\_\_\_

WILL YOU STUDY: \_\_\_\_\_ THE MATERIALS SENT YOU  
 \_\_\_\_\_ THE TEXT: RADIOLOGY FOR DENTAL ASSISTANTS by Herbert Frommer  
 \_\_\_\_\_ BOTH THESE SOURCES  
 \_\_\_\_\_ OTHER SOURCES  
 \_\_\_\_\_ NONE OF THE ABOVE

APPLICANT'S SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_  
 THIS COMPLETED FORM MUST ACCOMPANY YOUR \$25.00 EXAM FEE. MAKE CHECKS PAYABLE TO THE "TREASURER OF VIRGINIA."

FOR OFFICE USE: DATE EXAM TAKEN: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ EXAM # \_\_\_\_\_ GRADE: \_\_\_\_\_ (SPELL APPROPRIATE)

VIRGINIA BOARD OF DENTISTRY  
TRAINING FORM  
FOR  
ADMINISTRATION OF SCHEDULE VI TOPICAL MEDICINAL AGENTS  
AS PERMITTED UNDER REGULATION 5.4.A.1

APPLICATION FOR CERTIFICATION  
TO ADMINISTER SCHEDULE VI TOPICAL MEDICINAL AGENTS  
FOR DENTAL ASSISTANTS

THIS COMPLETED COPY MUST ACCOMPANY YOUR \$15.00 CERTIFICATION FEE

FULL NAME \_\_\_\_\_  
(LAST) (FIRST) (MIDDLE)  
ADDRESS \_\_\_\_\_  
(STREET) (CITY) (ST) (ZIP)  
TELEPHONE \_\_\_\_\_  
(HOME) (OFFICE) (SOCIAL SECURITY NUMBER)

CHECK ONE:

- \_\_\_\_\_ I am applying for certification in accordance with Regulation 5.4.1.a which requires satisfactory completion of a course or examination recognized by the Commission on Dental Accreditation of the American Dental Association and I am enclosing a notarized copy of the original certificate issued by the recognized certifying entity.
- \_\_\_\_\_ I am applying for certification in accordance with Regulation 5.4.1.b which requires satisfactory completion of training approved by the Board of Dentistry and I am enclosing the properly executed Board certification form for Administration of Schedule VI Topical Medicinal Agents.

APPLICANT'S SIGNATURE: \_\_\_\_\_ DATE \_\_\_\_\_

THIS COMPLETED FORM MUST ACCOMPANY YOUR \$15.00 CERTIFICATION FEE  
MAKE CHECKS PAYABLE TO "TREASURER OF VIRGINIA"  
AND MAIL TO: VIRGINIA BOARD OF DENTISTRY  
1601 ROLLING HILLS DRIVE  
RICHMOND, VA 23229-5005

FOR OFFICE USE: DATE APPLICATION RECEIVED: \_\_\_\_/\_\_\_\_/\_\_\_\_  
DATE CERTIFICATION ISSUED: \_\_\_\_/\_\_\_\_/\_\_\_\_

I, \_\_\_\_\_ do certify that I have received  
(dental assistant)  
training in accordance with Board of Dentistry guidelines,  
provided by a licensed dentist, licensed dental hygienist or  
certified dental assistant in the topical administration of  
Schedule VI medicinal agents including topical fluoride and  
desensitizing agents (aerosol topical anesthesia excluded).

I, \_\_\_\_\_ do certify that I have trained  
(instructor)  
the above named dental assistant in accordance with Board of  
Dentistry guidelines, provided by a licensed dentist, licensed  
dental hygienist or certified dental assistant in the topical  
administration of Schedule VI medicinal agents including topical  
fluoride and desensitizing agents (aerosol topical anesthesia  
excluded).

SIGNATURE OF DENTAL ASSISTANT  
TO BE CERTIFIED

SIGNATURE OF LICENSED DENTIST

LICENSE #: \_\_\_\_\_

EXPIRATION DATE: \_\_\_\_\_

DATE \_\_\_\_\_

DATE \_\_\_\_\_

The dental assistant may not administer Schedule VI topical medicinal agents until the Board has issued the required certification. This certification form must be accompanied by the application form and required fee.

## STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA AND STATE BOARD OF EDUCATION

**REGISTRAR'S NOTICE:** This regulation is exempted from the provisions of the Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia) in accordance with § 9-6.14:4.1 B 4 of the Code of Virginia, which exempts from this Act agency actions relating to grants of state or federal funds or property. The regulation is being published for informational purposes only.

**Title of Regulation:** VR 380-03-07. Virginia Guaranteed Assistance Program.

**Statutory Authority:** §§ 22.1-212.3, 22.1-212.4, and 23-38.53:4 of the Code of Virginia.

**Public Hearing Date:** N/A – Written comments may be submitted through March 26, 1993.

(See Calendar of Events section for additional information)

### Summary:

Sections 22.1-212.3, 22.1-212.4, and 23-38.53:4 through 23-38.53:7 of the Code of Virginia authorize the State Council of Higher Education for Virginia and the State Board of Education to jointly develop and promulgate regulations for operation of the Virginia Guaranteed Assistance Program (VGAP). The major provisions of the VGAP regulations are: authority of the administering agencies, establishment of the Virginia Guaranteed Assistance Fund, school division selection and responsibilities, student eligibility, application process, individual grants, and institutional participation.

VR 380-03-07. Virginia Guaranteed Assistance Program Regulations.

### PART I DEFINITIONS.

#### § 1.1. Definitions.

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

“Academic year” means the enrollment period which normally extends from late August to May or June.

“Applicant” means any student who has completed the public school portion of the program and has filed an application for need-based financial aid by the closing date established by the college or university that the student plans to attend or the State Council of Higher Education for Virginia.

“Biennium” means the period from the first day of July on an even-numbered year through the 30th day of June

of the next even-numbered year, inclusive.

“Board” means the State Board of Education for Virginia.

“Census date” means the time during an academic year when a count of enrolled students is made for reporting purposes. For semester terms, the census date shall be no sooner than the end of the 14th calendar day from the beginning of the term and no later than the established reporting date. For quarter terms, the census date shall be no sooner than the end of the 10th calendar day from the beginning of the term and no later than the established reporting date. For nonstandard terms, the census date shall be no sooner than the end of the class session that represents the completion of 15% of the class days and no later than the established reporting date.

“Continuous enrollment” means the student is enrolled for not less than two semesters in each successive academic year in a public institution of higher education in Virginia.

“Cost of attendance” means the sum of tuition, fees, room, board, books and supplies, and other education related expenses, as determined by an institution or the council for purposes of calculating a student's financial need using federal needs analysis methodology and awarding student aid.

“Council” means the State Council of Higher Education for Virginia.

“Domiciliary resident” means a student who is determined by the council or by a participating institution to meet the definition of a domiciliary resident of Virginia eligible for in-state tuition rates, as specified under § 23-7.4 of the Code of Virginia.

“Expected family contribution” or “EFC” means the amount the student and the student's family is expected to contribute toward the cost of college attendance, based upon federal needs analysis methodology. The institution may exercise professional judgment to adjust the student's EFC, as permitted under federal law, based on factors which affect the family's ability to pay.

“Financial need” means any positive difference between a student's cost of attendance and the student's Expected Family Contribution (EFC), as determined by the financial aid officer at the participating institution or the council using the federal needs analysis methodology, and other financial aid that the institution includes in the student's total financial aid package.

“Full-time enrollment” means enrollment for at least 12 semester hours of course work or its equivalent in any term in which Virginia Guaranteed Assistance Program grants are to be received, as determined by the participating institution at the time of disbursement in each term of the academic year. The total hours counted

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will not include courses taken for audit.

"Fund" means the Virginia Guaranteed Assistance Fund.

"Gift aid" means financial assistance in the form of grants, scholarships, and other sources that do not require repayment.

"Grant" means an award disbursed from the Virginia Guaranteed Assistance Fund as part of the Virginia Guaranteed Assistance Program.

"Participating institution" means a public institution of higher education in Virginia (community college, two- or four-year college, or university) which has entered into the agreement with the council specified in § 9.1 of these regulations.

"Pilot projects" means board-approved educational support projects which demonstrate successful practices that can be replicated in other public schools and which will enable student participants to complete their high school education and enroll in a participating institution of higher education.

"Program" means the Virginia Guaranteed Assistance Program (VGAP) which is comprised of two parts: the board-approved public school portion and the council-operated grant portion.

"Public school portion of the program" means any board-approved educational support program conducted in a public school designed to:

1. Decrease the dropout rate of students in grades six through 12;
2. Increase the high school graduation rate of students who have a high potential for dropping out as well as those who are financially needy students; and
3. Increase the number of such students able to participate in postsecondary education.

"Satisfactory progress" means academic progress toward the earning of a degree by meeting or exceeding the minimal number of credit hours required for full-time standing in each enrollment period.

"Time of disbursement" means the date established by the institution for distributing funds in each term, but not earlier than the first day the student incurs a tuition obligation that cannot be canceled in full should the student withdraw from the institution. An institution which credits student accounts may make a bookkeeping transaction to credit program payments to the student's account for billing purposes upon initial registration. However, it cannot deposit a grant to a student's account until the tuition obligation has been incurred.

## PART II.

## PURPOSE.

§ 2.1. Purpose of the Virginia Guaranteed Assistance Program.

The program was created for the purposes of:

1. Decreasing the dropout rate of students in grades six through 12;
2. Increasing the graduation rates of financially needy students; and
3. Providing financial assistance to such students for the costs of attending a public institution of higher education in Virginia.

## PART III. ADMINISTERING AGENCIES.

§ 3.1. Authority.

Section 22.1-212.3 of the Code of Virginia names the State Board of Education and the State Council of Higher Education as the administering agencies and directs the board and council to cooperatively develop regulations necessary to implement and administer the program. The board has primary responsibility for the development of the public school portion of the program, and the council is responsible for the allocation of funds and the administration of the grant portion of the program.

The board and the council shall cooperatively monitor and evaluate the program's effectiveness using information provided by participating institutions about students' collegiate progress.

## PART IV. VIRGINIA GUARANTEED ASSISTANCE FUND.

§ 4.1. Establishment.

A special nonreverting fund, known as the Virginia Guaranteed Assistance Fund, shall be established on the books of the Comptroller in the Department of the Treasury. Any money remaining in such fund at the end of the biennium, including interest, shall not revert to the general fund but shall remain in the fund.

The Department of the Treasury shall administer and manage the fund, subject to the authority of the council to provide for the fund's disbursement. Private contributions from businesses, foundations, and individuals may supplement state appropriations to the fund.

## PART V. SCHOOL DIVISION SELECTION AND RESPONSIBILITIES.

§ 5.1. Selection of school divisions for participation in the program.

To participate in the program, local school divisions will submit to the Department of Education proposals which may include other sources of funding. The proposals, subject to board approval, will offer educational, pupil personnel, and instructional support for students eligible for the program. The Department of Education shall select sites from eligible proposals.

## § 5.2. Criteria for proposals.

A school division's proposal or documentation must demonstrate how it plans to achieve the purposes of the public school portion of the program as defined in § 1.1. The proposal or documentation must also address the following:

1. A focus on early intervention, dropout prevention, and college preparation as recommended in the reports on Workforce 2000 and the Guaranteed Assistance Program;
2. Evidence of cooperation among local schools, colleges, universities, and community groups;
3. Evidence of coordination of funding and programs such as Project Discovery, Dropout Prevention, and Project Yes; and
4. Evidence of private sector cooperation and support.

## § 5.3. Pilot projects.

Before the establishment of the program in all school divisions, the board may elect to support three or more pilot projects in the public schools. The projects will be selected using criteria listed in § 5.2.

## § 5.4. Existing programs.

Before the establishment of the program in all school divisions, the board may approve existing programs in the public schools. School divisions will be required to submit documentation that the existing programs meet the criteria of the Virginia Guaranteed Assistance Program. The existing programs will be selected using the criteria listed in § 5.2.

## § 5.5. Establishment of the program in all school divisions.

The board will review and assess information from the pilot projects and other board-approved existing programs in order to develop criteria for the establishment of the program in all school divisions. After the criteria are developed, they will be incorporated into future regulations.

## § 5.6. School responsibilities.

The board shall require all public school divisions participating in the program to provide annual counseling to parents and students. Counseling must include

information regarding the benefits of the successful completion of high school, the potential availability of college tuition assistance (including the Virginia Guaranteed Assistance Program), and factors which relate to the successful completion of college. In addition, parents and students must be provided with current information about the grant portion of the program from materials jointly developed by the council and the board.

The board shall require public school divisions to maintain records of participation in the program necessary to certify the student applicant's eligibility for a grant from the fund. Upon request by the student, schools must provide certification of participation to participating institutions or the council. Annually, public school divisions may be required to provide records of participation in the program to the board.

## PART VI. STUDENT ELIGIBILITY.

### § 6.1. Student eligibility for the public school portion of the program.

Any full-time public school student enrolled in grades six through 12 in Virginia (i) whose academic performance would indicate a high potential for dropping out or (ii) whose economic circumstances impose a barrier to the pursuit of postsecondary education or training is eligible for the program.

### § 6.2. Requirements of participation in the grant portion of the program.

A student must achieve certain goals, while in the public school portion of the program, to be considered for the program's financial assistance to attend a participating institution. A student must:

1. Have a cumulative secondary school grade point average of at least 2.5 on a scale of 4.0 or its equivalent;
2. Successfully complete and graduate from high school;\* and
3. Enroll in or plan to enroll in a participating institution.

\* Math, science, and foreign language course requirements vary at participating institutions. Students should be encouraged to complete additional math, science, and foreign language courses to enhance the likelihood of admission to college.

## PART VII. APPLICATION PROCESS.

### § 7.1. Application procedures for grants.

A student who has participated in the public school

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portion of the program may complete and mail an application for need-based financial aid to the participating institution's or council's application processing organization on or before the established application deadline.

## § 7.2. Grant criteria.

Once a completed application for need-based financial aid has been filed with a participating institution, a student applicant, to be considered for a grant from the fund, must:

1. Have fulfilled all requirements of participation in the program stated in Part VI;
2. Be a domiciliary resident of Virginia as determined by the council in accordance with the provisions of § 23-7.4 of the Code of Virginia; and
3. Demonstrate financial need as determined by the use of a needs analysis methodology approved by the council.

## PART VIII. INDIVIDUAL GRANTS.

### § 8.1. Amount.

The amount of the individual grant will depend on the number of program participants who qualify for the grant and the availability of funding. The council shall issue instructions to the institutions each year about calculating the grant amount. The instructions shall: prohibit supplanting discretionary aid grants with grants from the fund, specify that only gift aid is used to calculate grant amount, and give priority to students with the greatest financial need.

### § 8.2. Use of funds.

After the census date in each term of the academic year, the participating institution will verify which recipients are enrolled as full-time undergraduate students. Grants for any term in which recipients do not enroll for full-time study shall not be disbursed. Grants for these students, if already received by the institution in its capacity as the student's fiscal agent, shall be reported to the council as unused funds. Unused funds shall be refunded at the close of the academic year or at the request of the council, whichever occurs earlier.

Grants shall be used only for payment for the costs of attendance for the academic year for which the award is made. Grants are transferable among participating public institutions. Recipients who attend classes full time at another institution as part of an exchange plan with a participating institution may receive grants if all the credits earned at the other institution are credited towards the baccalaureate degree at the participating institution.

### § 8.3. Preventing overawards.

Should additional aid or reports of income changes be received after the initial grant has been included in a student's aid package, the student's package shall be reviewed by the institution to ensure that total aid does not exceed cost of attendance.

Procedures followed will be identical to those required for adjusting federal campus-based financial aid. The institution shall be responsible for the recovery of any amount overawarded.

### § 8.4. Terms and conditions.

In order to receive grants, recipients must maintain full-time enrollment on a continuous basis. Normally, students who fail to do so will forfeit their eligibility to be considered for grant renewal at the close of the academic year. Exceptions will be made by the institution in consultation with the council for students who demonstrate that a hardship condition existed which required a temporary reduction in their course load and that the condition will not exist by the opening of the next academic year. Such hardships include conditions attributable to death of a member of the student's immediate family, a disabling injury or illness of the student, or other special circumstances deemed acceptable by the institution and the council.

Discontinuing full-time enrollment during the year (e.g., dropping to part-time enrollment or leaving other than by approved exception) may also result in a full or partial cancellation of the grant for the current year, in accordance with the refund policy of the institution. The amount of the canceled grant shall be returned to the council.

### § 8.5. Duration and renewability.

All grants shall be awarded for one year and may be renewed annually for no more than three subsequent years of full-time study. Renewal decisions shall be made by the participating institution following council regulations and guidelines, subject to available funding. In order for the grant to be renewed, the student must:

1. Maintain at least a 2.5 cumulative grade point average on a scale of 4.0 or its equivalent;
2. Make satisfactory progress;
3. Maintain continuous enrollment for not less than two semesters in each successive academic year, unless granted an exception for cause by the institution as prescribed in § 8.4;
4. Demonstrate continued financial need; and
5. Certify the lack of a conviction for any criminal offense, except a misdemeanor, during each academic year in which the student is enrolled at an eligible public institution of higher education.

## PART IX. INSTITUTIONAL PARTICIPATION.

### § 9.1. Eligibility requirement.

To be eligible to accept funds on behalf of students assisted under the program, the institution's chief executive officer must enter into an agreement with the council. The agreement shall remain in effect until such time as the institution or council elects to terminate it.

### § 9.2. Conditions of participation.

The agreement, without limitation, shall provide that the institution will:

1. Assist the council in the evaluation of student eligibility and the determination of individual grant amounts, in accordance with the criteria set forth in these regulations;
2. Certify that the recipients are enrolled for full-time study prior to each disbursement of grants;
3. Act, with the student's authorization, as an agent to receive and hold funds for use under the program; and
4. Secure certifications to determine eligibility for grant renewals.

## BOARD OF PROFESSIONAL COUNSELORS

**Title of Regulation:** VR 560-01-02. Regulations Governing the Practice of Professional Counseling.

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

**Public Hearing Date:** March 26, 1993 - 10 a.m.

Written comments may be submitted through May 7, 1993.

(See Calendar of Events section for additional information)

### Summary:

The regulations establish requirements governing the practice of professional counseling in the Commonwealth. They include requirements necessary for licensure, criteria for the examinations, standards of practice, and procedures for the disciplining of licensed professional counselors.

The proposed amendments (i) adjust fees as required by Virginia statute; (ii) eliminate oral examinations as required by legislation enacted by the 1992 Session of the General Assembly; (iii) require supervisors of prospective licensees to be trained in supervision; and (iv) require that treatment records be maintained for five years beyond the termination of treatment. The

proposals result from statutory mandates and from a biennial review of existing regulations conducted by the board.

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

## PART I. GENERAL PROVISIONS.

### § 1.1. Definitions.

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

"Applicant" means any individual who has submitted an official application and paid the application fee for licensure as a professional counselor.

"Appraisal activities" has the same meaning as defined in § 54.1-3500 of the Code of Virginia, "selecting, administering, scoring and interpreting instruments designed to assess an individual's aptitudes, attitudes, abilities, achievements and interests, and shall not include the use of projective techniques in the assessment of personality."

"Board" means the Virginia Board of Professional Counselors.

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

"Competency area" means an area in which a person possesses knowledge and skill and the ability to apply them in the clinical setting.

"Counseling" means assisting an individual, through the counseling relationship, to develop an understanding of personal problems, to define goals, and to plan action reflecting his interests, abilities, aptitudes and needs as they relate to educational progress, occupations and careers, and personal or social concerns.

"Group supervision" means the process of clinical supervision of no more than six persons in a group setting provided by a qualified supervisor.

"Internship" means supervised, planned, practical, advanced experience obtained in the clinical setting, observing and applying the principles, methods and techniques learned in training or educational settings. The internship involves a longer period of time than the practicum.

"Practicum" means supervised, planned, practical experience occurring in a clinical setting, for an early introduction to subject matter. It is generally time-bound

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and for a shorter period of time than an internship, but it allows for demonstration and testing of information, knowledge, and skills acquired.

“Professional counselor” means a person trained in counseling and guidance services with an emphasis on individual and group guidance and counseling designed to assist individuals in achieving more effective personal, social, educational and career development and adjustment.

“Regional accrediting agency” means one of the regional accreditation agencies recognized by the United States Secretary of Education responsible for accrediting senior postsecondary institutions.

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

## § 1.2. Fees required by the board.

A. The board has established the following fees applicable to licensure as a professional counselor:

Registration of supervision .....	\$ 75.
Change of supervisor .....	20.
Application processing .....	100.
Examination .....	<del>150.</del> 120.
<b>Reexamination</b>	
Written .....	<del>75.</del>
Oral .....	<del>75.</del>
License renewal .....	<del>100.</del> 85.
Duplicate license .....	15.
Endorsement to another jurisdiction .....	10.
Late renewal .....	10.
Replacement of or additional wall certificate .....	15.
Name change .....	<del>10.</del>
Returned check .....	15.

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

C. All fees are nonrefundable.

## § 1.3. Substance abuse counseling.

VR 560-01-03, Regulations Governing the Certification of Substance Abuse Counselors are incorporated by reference in these regulations.

## PART II. REQUIREMENTS FOR LICENSURE.

### § 2.1. Requirements, general.

No person shall practice as a professional counselor in the Commonwealth of Virginia except as provided in these regulations and when licensed by this board.

A. Licensure by the board shall be by written examination.

B. Every applicant for licensure examination by the board shall:

1. Meet the education and experience requirements prescribed in § 2.2 of these regulations;
2. Have the institution(s) where the applicant completed the required graduate work send directly to the executive director of the board, at least ~~60~~ 90 days prior to the date of the written examination, official transcripts documenting the applicant's completion of the education requirements prescribed in § 2.2 A; and
3. Submit to the executive director of the board, not less than ~~60~~ 90 days prior to the date of the written examination:
  - a. A completed application, on forms provided by the board;
  - b. Documented evidence of having fulfilled the experience requirements of § 2.2 B on forms provided by the board ;
  - c. Reference letters from three health or mental health care practitioners attesting to the applicant's character and professional integrity; and
  - d. The licensure application fee prescribed in § 1.2 of these regulations.

C. The board may license by endorsement an individual who is currently licensed in another state as a professional counselor and who has been licensed in another state through a similar process with equivalent requirements as described in ~~subsection~~ subsections A and B of this section

### § 2.2. Education and experience requirements for licensure examinations.

Every applicant for examination for licensure shall meet

the requirements of subsections A and B of this section.

## A. Education.

The applicant shall have completed 60 semester hours or 90 quarter hours of graduate study ~~that are primarily in counseling in nature, including~~, to include a graduate degree in counseling or a related discipline, from a college or university accredited by a regional accrediting agency.

1. The graduate course work shall have included study in the nine core areas of:

- a. Professional identity, function and ethics;
- b. Theories of counseling and psychotherapy;
- c. Counseling and psychotherapy techniques;
- d. Group dynamics, theories, and techniques;
- e. Theories of human behavior, learning, and personality;
- f. Career development;
- g. Appraisal, evaluation and diagnostic procedures;
- h. Abnormal behavior; and
- i. Supervised practicum or internship.

2. One course may satisfy study in more than one of the nine study areas required in subdivision 1 of this subsection.

## B. Supervised experience.

1. The applicant. The applicant for licensure shall have completed 4,000 hours of post-graduate degree experience in counseling practice under supervision satisfactory to the board. The post-graduate experience shall consist of supervised practice in the following areas:

- 1- (1) Counseling and psychotherapy techniques.
- 2- (2) Appraisal, evaluation and diagnostic procedures.
3. ~~Professional identity, function, and ethics.~~  
(3) *Treatment planning and implementation.*
- 4- (4) Case management and record keeping.
- (5) *Professional identity and function.*
- (6) *Professional ethics and standards of practice.*

a. The experience shall include 200 hours of individual supervision during the 4,000 hours, with a minimum of one hour per week of face-to-face supervision between supervisor and applicant. The experience shall be continuous and integrated, that is, no credit will be given for satisfying the 4,000 hours of required experience in the absence of approved individual face-to-face supervision and conversely, no credit will be given for individual face-to-face supervision that does not occur as a part of the 4,000 hours of post-graduate experience. The experience shall include supervised practice with various populations, clinical problems and theoretical approaches.

b. Group supervision will be acceptable for not more than 100 hours of the required 200 hours of individual supervision on the basis of two hours of group supervision being equivalent to one hour of individual supervision, but in no instance shall group supervision substitute for the required on site individual face-to-face supervision.

c. *The board may consider special requests in the event that the regulations create an undue burden in regard to geography or disability which limits the supervisee's access to qualified supervision.*

e. d. A post-graduate degree practicum or internship may count for up to ~~2,000~~ hours of the required 4,000 hours of experience and shall meet the requirements of § 2.2 .

d. e. For applicants enrolled in an integrated course of study in an accredited institution leading to a graduate degree beyond the Master's level, supervised experience may begin after the completion of 30 graduate semester hours or 45 graduate quarter hours, ~~including a practicum and shall include graduate course work in the nine core areas as prescribed in § 2.2 A 1 .~~

e. f. Applicants may not call themselves professional counselors, solicit clients, bill for services rendered, or in any way represent themselves as professional counselors. During the post-graduate supervisory experience, applicants shall use their names, and the initials of their degree. Clients shall be informed of the applicant's supervisee status, the supervisor's name, professional address, and phone number.

f. g. Applicants shall not engage in practice under supervision in any areas for which they have not had appropriate education.

2. The supervisor. A person who provides supervision for a prospective applicant for licensure as a professional counselor shall have received professional training in supervision and shall be licensed as a professional counselor, psychologist, school psychologist, clinical psychologist, clinical social

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worker, or psychiatrist with at . At least one-half of the individual face-to-face supervision shall be rendered by a licensed professional counselor.

a. Supervision by any individual whose relationship to the supervisee compromises the objectivity of the supervisor is prohibited.

b. The supervisor of a prospective applicant shall assume full responsibility for the clinical activities of that prospective applicant specified within the supervisory contract for the duration of the supervised experience. In every instance there shall be an identifiable individual who is appropriately credentialed to provide supervision in the jurisdiction where the applicant provides counseling services.

c. Supervisors shall only be approved to provide supervision in areas for which they possess documented skills, training, and experience.

d. Supervisors shall provide the board with documentation regarding their areas of expertise on a form specified by the board.

e. At least one-half of the required individual face-to-face supervision shall occur on site where the counseling services are provided and be provided by the board-approved supervisor of record.

### 3. Registration of supervision.

a. Applicants who render counseling services in a nonexempt agency shall:

(1) With their supervisor, register with the board their supervisory contract on the appropriate forms for board approval before starting to practice under supervision;

(2) Have submitted directly to the board an official transcript of their relevant coursework in counseling *documenting a graduate degree in counseling or a counseling related area and as specified in § 2.2 A*; and

(3) Pay the registration fee prescribed by the board in § 1.2 of these regulations.

b. Applicants who render counseling services in an exempt agency, as defined in § 54.1-3500 of the Code of Virginia, may register their supervision with the board, as outlined above. Board approval and successful completion of a planned supervision arrangement in an exempt setting will assure its acceptability at the time of application.

c. The board may accept as equivalent post-graduate supervised experience that occurs in another

jurisdiction provided that the board's requirements are met.

### 4. Documentation of supervision.

a. Applicants shall document successful completion of their supervised experience on appropriate forms at the time of application. Supervised experience obtained prior to May 8, 1991, may be accepted towards licensure if this supervised experience met the board's requirements which were in effect at the time the supervision was rendered.

The supervisor shall conduct an annual evaluation of the applicant and report to the board the total number of hours of the experience and the number of hours of individual face-to-face on site hours of supervision.

b. The supervisor shall conduct an annual evaluation of the applicant and report to the board the number of hours of individual face-to-face hours of supervision and an evaluation of the supervisee's progress on appropriate forms provided by the board.

At the completion of required supervision hours, applicants shall document completion of their supervised experience on appropriate forms at the time of application. In addition, the supervisor will report the total hours of experience and supervision and will evaluate the applicant's competency in the six areas stated in § 2.2 B 1 using the form provided by the board. Applicants must receive a competency evaluation on each item on the evaluation sheet by at least one of their supervisors to meet requirements for satisfactory completion of their supervised experience.

### § 2.3. Character and professional integrity.

If the applicant has been under treatment for substance abuse within the last four years, the applicant shall provide a written statement from the certified or licensed individual responsible for the treatment. The written statement shall address the capability of the applicant to assume the responsibility of a licensed professional counselor.

## PART III. EXAMINATIONS.

### § 3.1. General examination requirements.

A. Every applicant for initial licensure by the board as a professional counselor shall take pass a written examination ~~and an oral examination~~ as prescribed by the board.

B. The board may waive examination requirements if the applicant for licensure has been certified or licensed in another jurisdiction by standards and procedures

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equivalent to the board's.

## C. Examination schedules.

A written and an oral examination will be given at least twice each year. The board may schedule such additional examinations as it deems necessary.

1. The executive director of the board shall notify all approved candidates in writing of the time and place of the examinations for which they have been approved to sit examination .

2. The candidate shall submit the applicable fees and a case study examination fee as prescribed in § 3.3 C § 1.2 A .

3. If the candidate fails to appear for the examination without providing written notice at least one week before the examinations, the examination fee shall be forfeited.

4. The executive director will notify all candidates in writing of their success or failure on any examinations the examination .

## D. Deferrals by candidate; time limit.

A candidate approved by the board to sit for an the examination shall take that the examination within two years from the date of such initial board approval. If the candidate has not taken the examination by the end of the two-year period here prescribed:

1. The initial board approval to sit for such the examination shall then become invalid; and

2. In order to be considered for such the examination later, the applicant shall file a complete new application with the board.

## § 3.2. Written examination.

A. The written examination will be a competency-based validated examination and will ever shall include, but not be limited to, the core areas of counseling. The written examination shall assess the minimal knowledge, skills and abilities necessary for the practice of professional counseling.

B. The board will establish a passing scores score on the written examination.

## § 3.3. Oral examination.

A. Successful completion of the written examination requirement shall be a prerequisite to taking the oral examination.

B. A candidate who passes the written examination will be notified by the board of the time and place of the oral

examination and will be instructed to submit a case study.

C. The case study shall be a report of a case performed by the candidate as the primary provider of counseling services in the candidate's counseling practice during the last six months and shall be prepared as follows:

1. The case study shall be not less than six nor more than eight double-spaced typewritten pages in length. The names of persons in the study shall be disguised to protect clients' identities. The name and address of the candidate shall appear on a cover page.

2. The case study shall be a summary of the presenting problem; diagnosis; formulation and implementation of the treatment plan. This should include supporting biographical data, personal and social history and relevant medical history of the client. The case study should clearly state candidate's theoretical position. It should delineate tools and techniques used and the counselor's role in facilitating the change process consistent with the theoretical orientation.

D. The oral examination shall consist of an interview between the board and its designees who are selected, approved and trained by the board as oral examiners, and the candidate for the purpose of:

1. Evaluating the candidate's professional, emotional, and social maturity; the extent and nature of professional identity; and application of Standards of Practice as defined in § 6.1 of these regulations; and

2. Assessing the candidate's case study as described in § 3.3 C 2 and evaluating the candidate's knowledge and competency to engage in the independent practice of counseling.

E. Following the oral examination, the examination committee will make a recommendation to the board. A majority decision of the board will determine whether the candidate has passed the oral examination.

## § 3.4. § 3.3. Reexamination.

A. Reexamination will be required only on the examination failed.

B. A. After paying the written reexamination fee, a candidate may be reexamined for the written exam within an 18-month period without filing a new application. In the case of a reexamination for the oral examination, a new case study must be provided.

C. B. A candidate who fails any the examination two times shall reapply and submit documentation of additional education and experience as required by the board pay the required application fee as prescribed in § 1.2 A .

## PART IV.

# Proposed Regulations

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## LICENSURE RENEWAL; REINSTATEMENT ; ~~NAME CHANGE~~ .

### § 4.1. Annual renewal of licensure.

All licensees shall renew licenses on or before June 30 of each year.

A. Every license holder who intends to continue to practice shall submit to the executive director on or before June 30 of each year:

1. A completed application for renewal of the license; and
2. The renewal fee prescribed in § 1.2.

B. Failure to receive a renewal notice from the board shall not relieve the license holder from the renewal requirement.

### § 4.2. Late renewal; reinstatement.

A. A person whose license has expired may renew it within four years after its expiration date by paying the penalty fee prescribed in § 1.2 as well as the license fee prescribed for each year the license was not renewed.

B. A person who fails to renew a license for four years or more and wishes to resume practice shall *reapply and pay the application fee prescribed in § 1.2 and take the written examination* :

- ~~1. Pay the oral examination fee prescribed in § 1.2;~~
- ~~2. Take an oral examination; and~~

~~3. C. Upon approval for reinstatement, the applicant shall pay the penalty fee prescribed in § 1.2 and the license fee prescribed for each year the license was not renewed.~~

### § 4.3. Legal name change.

~~A licensee whose name is changed by marriage or court order may:~~

- ~~1. Notify the board of such change and provide a copy of the legal paper documenting the change.~~
- ~~2. Pay the "name change" fee prescribed in § 1.2.~~
- ~~3. Request and obtain from the board a new license bearing the individual's new legal name.~~

## PART V. ADVISORY COMMITTEES.

### § 5.1. Advisory committees.

A. The board may establish examining and advisory

committees to assist it in evaluating candidates for licensure.

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

## PART VI. STANDARDS OF PRACTICE ; ; UNPROFESSIONAL CONDUCT; DISCIPLINARY ACTIONS; REINSTATEMENT.

### § 6.1. Standards of practice.

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

B. Persons licensed by the board shall:

1. Practice in a manner that is in the best interest of the public and does not endanger the public health, safety, or welfare.
2. Practice only within the competency areas for which they are qualified by training or experience.
3. Be aware of the areas of competence of related professions and make full use of other professional, technical and administrative resources to secure for clients the most appropriate services.
4. Strive to stay abreast of new developments, concepts and practices which are important to providing appropriate professional services.
5. Be able to justify all services rendered to clients as necessary for diagnostic or therapeutic purposes and attempt to terminate a private service or consulting relationship when it becomes clear that the consumer is not benefiting from the relationship.
6. Not engage in offering services to a client who is receiving services from another mental health professional without attempting to inform such other professionals in order to avoid confusion and conflict for the consumer.
7. Provide counseling services for the purpose of diagnosis, treatment or personalized advice only in the context of a professional relationship, not by means of public lectures or demonstrations, newspapers or magazine articles, radio or television programs, mail or similar media.
8. Ensure that the welfare of the clients is in no way compromised in any experimentation or research involving those clients.

9. Disclose to clients all experimental methods of treatment and inform clients of the risks and benefits of any such treatment.

10. Neither accept nor give commissions, rebates, or other forms of remuneration for referral of clients for professional services.

11. Inform clients of (i) the purposes of an interview, testing or evaluation session and (ii) the ways in which information obtained in such sessions will be used before asking the client to reveal personal information or allowing such information to be divulged.

12. Consider the validity, reliability and appropriateness of tests selected for use with clients and carefully interpret the performance of individuals from groups not represented in standardized norms.

13. Represent accurately their competence, education, training and experience.

14. Use only those educational and professional credentials that have been earned at a college or university accredited by a regional accrediting agency, or by a national certifying agency, and that are counseling in nature. Those credentials include the title "Doctor" as well as academic and professional certification designations following one's name, such as M.Ed., Ph.D., N.B.C.C.

15. Not engage in improper direct solicitation of clients and announce professional services fairly and accurately in a manner which will aid the public in forming their own informed judgments, opinions and choices and which avoids fraud and misrepresentation through sensationalism, exaggeration or superficiality.

16. Provide clients with accurate information of what to expect in the way of tests, reports, billing, therapeutic regime and schedules before rendering services.

17. Maintain client records securely, inform all employees of the requirements of confidentiality and provide for the destructions of records which are no longer useful. *Client records shall be kept for a minimum of five years from the date of termination of the counseling relationship.*

18. Obtain expressed client permission before taping or otherwise recording sessions with clients.

19. Disclose counseling records to others only with the expressed written consent of the client and ensure the accuracy and indicate the validity of any client information which is disclosed.

20. Keep confidential their counseling relationships with clients, with the following exceptions: (i) when

the client is in danger to self or others; and (ii) when the professional counselor is under court order to disclose information ; (iii) in cases of suspected child abuse; or (iv) as otherwise required by law .

21. ~~Not~~ Never engage in public behavior which is in violation of accepted professional, moral and legal standards.

22. ~~Not~~ Never engage in dual relationships with clients, former clients, supervisees, and supervisors that ~~might~~ compromise the client's or supervisee's well being, impair the counselor's or supervisor's objectivity and professional judgment or increase the risk of client or supervisee exploitation. This prohibition includes, but is not limited to, such activities as counseling close friends, *former sexual partners*, employees or relatives, *and engaging in business relationships with clients*. Engaging in sexual intimacies with clients ; or former clients ; *is strictly prohibited. In the case of supervisees or supervisors , this includes, but is not limited to, supervising relatives and engaging in sexual intimacies with current supervisees .*

23. Recognize conflicts of interest and inform all parties of the nature and directions of loyalties and responsibilities involved.

24. Report to the board known or suspected violations of the laws and regulations governing the practice of professional counselors.

§ 6.2. Grounds for revocation, suspension, probation, reprimand, censure, or denial of renewal of license.

A. In accordance with § § 54.1-2400 and 54.1-2401 of the Code of Virginia, the board may, after a hearing, revoke, suspend or decline to renew a board license or impose a fine for just cause.

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

1. Conviction of a felony or misdemeanor involving moral turpitude.

2. Procuring of license by fraud or misrepresentation.

3. Conducting one's practice in such a manner as to make it a danger to the health and welfare of one's clients or to the public, or if one is unable to practice counseling with reasonable skill and safety to clients by reason of illness, abusive use of alcohol, drugs, narcotics, chemicals, or other type of material or result of any mental or physical condition.

4. Negligence in professional conduct or nonconformance with the Standards of Practice (§ 6.1 B of these regulations).

# Proposed Regulations

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5. Performance of functions outside the demonstrable areas of competency.

6. Violation of or aid to another in violating any provision of Chapter 35 of Title 54.1 of the Code of Virginia, any other statute applicable to the practice of professional counseling, or any provision of these regulations.

C. Petition for rehearing.

Following the revocation or suspension of a license the licensee may petition the board for reinstatement upon good cause shown or as a result of substantial new evidence having been obtained that would alter the determination reached in subsection B of this section.

D. Reinstatement procedure.

Reference powers of board to provide monetary penalties § 54.1-2401 of the Code of Virginia.

§ 6.3. Reinstatement following disciplinary action.

A. Any person whose license has been revoked or denied renewal by the board under the provisions of § 6.2 may, two years subsequent to such board action, submit a new application to the board for licensure.

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

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

DEPARTMENT OF HEALTH PROFESSIONS  
 BOARD OF PROFESSIONAL COUNSELORS  
 1601 Rolling Hills Drive, Suite 200  
 Richmond, Virginia 23229-5005  
 (804) 662-9912

Professional Counselor  
 Licensure Application

INSTRUCTIONS PLEASE TYPE OR PRINT USE BLACK INK

1. Applicants must complete all sections.
2. Completed applications should be mailed to the above address.
3. Applications must be received NOT LESS THAN 60 DAYS PRIOR TO THE DATE OF THE WRITTEN EXAMINATION.
4. Fees: An application fee of \$100 must be submitted with the application. APPLICATIONS WILL NOT BE PROCESSED WITHOUT THE APPROPRIATE FEE. THE APPLICATION FEE IS NOT REFUNDABLE. (Make check or money order payable to the Treasurer of Virginia.)

I. GENERAL INFORMATION

NAME (LAST, FIRST, MIDDLE INITIAL, SUFFIX, MAIDEN NAME)	SOCIAL SECURITY NUMBER	DATE OF BIRTH
MAILING ADDRESS (STREET AND OR BOX NO., CITY, STATE, ZIP)	HOME PHONE NUMBER	FACE OF BIRTH
BUSINESS ADDRESS (IF DIFFERENT THAN ABOVE)	BUSINESS PHONE NUMBER	

LIST ALL OF THE STATES IN WHICH YOU NOW HOLD OR HAVE EVER HELD AN OCCUPATIONAL LICENSE OR CERTIFICATE TO PRACTICE IN ORDER OF ATTAINMENT

STATE	LICENSE/CERTIFICATE NUMBER	ISSUE DATE	TYPE OF LICENSE/CERTIFICATE

ANSWER THE FOLLOWING QUESTIONS:

- |   |        |
|---|--------|
|   | YES NO |
| A. Have you ever been denied the privilege of taking an occupational licensure or certification examination? If yes, state what type of examination and where.  |        |
| B. Have you ever had any disciplinary action taken against an occupational license to practice or are any such actions pending? If yes, explain in detail.  |        |
| C. Have you ever failed an examination for occupational licensure or certification? If so, how many times? Where?   |        |
| D. Have you ever been convicted or pled nolo contendere to a violation of any federal, state statute or local ordinance or entered into any plea bargain not related to a felony or misdemeanor (excluding traffic violations, except for driving under the influence)? If yes, explain in detail.  |        |
| E. Have you ever been physically or emotionally dependent upon the use of alcohol or drugs or even treated by a physician, or under the care of a professional for substance abuse? If yes, please provide a letter from the treating professional stating the diagnosis, treatment, and prognosis. |        |
| F. Have you ever received treatment or been hospitalized for a nervous, emotional, or mental disorder? If yes, please provide a letter from your treating professional summarizing diagnosis, treatment, and prognosis.   |        |

- |  |        |
|--|--------|
| G. Have you ever been censured, warned, requested to withdraw, or your employment terminated from any health care facility, agency, or practice? | YES NO |
| H. List all of the jurisdictions in which you now hold, or have ever held, an occupational license or certificate to practice                    |        |

II. SUPERVISED COUNSELING EXPERIENCE

Applicants must have completed 4,000 hours of post-graduate degree training, with a total of 200 hours of face-to-face supervision provided by their supervisor(s).

SUPERVISOR'S NAME	
INSTITUTION OR BUSINESS NAME & ADDRESS	
CURRENT ADDRESS (IF DIFFERENT FROM ABOVE)	
DATES APPLICANT EMPLOYED	TOTAL HOURS OF FACE-TO-FACE SUPERVISION
FROM TO	
DESCRIPTION OF SUPERVISION	TOTAL HOURS OF GROUP SUPERVISION
DESCRIPTION OF APPLICANT'S PROFESSIONAL WORK DURING THE SUPERVISED COUNSELING EXPERIENCE	
SUPERVISOR'S NAME	
INSTITUTION OR BUSINESS NAME & ADDRESS	
CURRENT ADDRESS (IF DIFFERENT FROM ABOVE)	
DATES APPLICANT EMPLOYED	TOTAL HOURS OF FACE-TO-FACE SUPERVISION
FROM TO	
DESCRIPTION OF SUPERVISION	TOTAL HOURS OF GROUP SUPERVISION
DESCRIPTION OF APPLICANT'S PROFESSIONAL WORK DURING THE SUPERVISED COUNSELING EXPERIENCE	
SUPERVISOR'S NAME	
INSTITUTION OR BUSINESS NAME & ADDRESS	
CURRENT ADDRESS (IF DIFFERENT FROM ABOVE)	
DATES APPLICANT EMPLOYED	TOTAL HOURS OF FACE-TO-FACE SUPERVISION
FROM TO	
DESCRIPTION OF SUPERVISION	TOTAL HOURS OF GROUP SUPERVISION
DESCRIPTION OF APPLICANT'S PROFESSIONAL WORK DURING THE SUPERVISED COUNSELING EXPERIENCE	

**III. POST-GRADUATE DEGREE INTERNSHIP**

Have you had a post-graduate degree internship or practicum? YES NO

Location: \_\_\_\_\_

Hours per week: \_\_\_\_\_ Dates: \_\_\_\_\_ to \_\_\_\_\_

(Submit Verification of Supervision Form)

**IV. PROFESSIONAL EXPERIENCE**

List in chronological order your entire post-graduate degree professional experience. (Attach additional sheets if needed.)

DATE Month and Year		INSTITUTION (Name and Address)	DUTIES	SUPERVISOR OR DEPARTMENT HEAD
From	To			

**V. STANDARDS OF PRACTICE**

The Standards of Practice limit your practice to your demonstrated areas of competence. Please list below your specialized areas of practice that can be supported by documentation of training or education.

CLIENT POPULATION(S)	COUNSELING TECHNIQUES USED	ASSESSMENT INSTRUMENTS USED

**VI. EDUCATION**

State in chronological order the name and location of each undergraduate and graduate institution you attended.

NAME OF INSTITUTION	YEARS ATTENDED	DEGREE RECEIVED	MAJOR

**VII. REFERENCES**

Please submit references from three individuals other than your supervisors who are acquainted with your professional work.

NAME AND ADDRESS	TITLE	YEARS KNOWN APPLICANT

**THE FOLLOWING STATEMENT MUST BE EXECUTED BY A NOTARY PUBLIC. THIS FORM IS NOT VALID UNLESS PROPERLY NOTARIZED.**

The individual whose name is signed to this statement appeared before me, acknowledged the below-signed signature to be his or hers, and having been duly sworn by me, made oath that the statements in this document are true.

\_\_\_\_\_  
Applicant's Signature

State of \_\_\_\_\_ City/County of \_\_\_\_\_ on this, the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_ My Commission expires \_\_\_\_\_

\_\_\_\_\_  
Notary Public

(Seal)

DEPARTMENT OF HEALTH PROFESSIONS  
BOARD OF PROFESSIONAL COUNSELORS  
6606 WEST BROAD STREET  
4TH FLOOR  
RICHMOND VA 23230-1717

REGISTRATION OF COUNSELORS  
SCFED 17 PM12:08

FEES:  
\$75.00 Initial  
Registration  
\$20.00 Each Additional  
Registration

Registration of Counselor  
Post-Graduate Degree  
Supervised Experience

(Make all checks payable to the  
TREASURER OF VIRGINIA - Registration  
Fees are NOT Refundable)

THIS FORM IS TO BE COMPLETED BY THE TRAINEE AND THE SUPERVISOR  
(Please Type or Print in Black Ink)

If this is you first registration request Please check here [ ]

**TRAINEE INFORMATION**

Name: \_\_\_\_\_

Home Address: \_\_\_\_\_

Business Address: \_\_\_\_\_

Phone Number: Home ( ) \_\_\_\_\_; Work ( ) \_\_\_\_\_

Social Security Number: \_\_\_\_\_ Birth Date: \_\_\_\_\_

EDUCATION: State in chronological order the name and location of each graduate school where graduate course work has been completed. GRADUATE TRANSCRIPTS MUST BE SUBMITTED DIRECTLY TO THE BOARD OFFICE FROM THE GRADUATE INSTITUTION(S) PRIOR TO APPROVAL OF SUPERVISION.

NAME OF INSTITUTION	YEARS ATTENDED	DEGREE RECEIVED	MAJOR

**SUPERVISOR INFORMATION**

Name: \_\_\_\_\_

Business Address: \_\_\_\_\_

Phone Number: ( ) \_\_\_\_\_ SS#: \_\_\_\_\_ Birth Date: \_\_\_\_\_

Licensure: \_\_\_\_\_ License No.: \_\_\_\_\_

State: \_\_\_\_\_ (If supervisor is not licensed in Virginia, a Verification of Licensure Form must be completed by the state where the supervisor is licensed and submitted to the Board.)

SUPERVISION CONTRACT

**SUPERVISION TO BE PROVIDED TRAINEE** - Supervision agreement should include 1 hour per week of face to face supervision. Two hours of group supervision may be substituted for 1 hour of individual face to face supervision for one half of the required 200 hours of supervision. Indicate whether supervision is on-site or off-site. Provide detail information of supervision to be given.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**SERVICES TO BE RENDERED BY THE TRAINEE WHILE IN SUPERVISION** - Include population of clients to receive service, assessments to be used, and counseling techniques to be used:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I, \_\_\_\_\_, SUPERVISOR, DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE COMMONWEALTH OF VIRGINIA THAT I WILL NOT PROVIDE SUPERVISION TO \_\_\_\_\_ TRAINEE IN AREAS OUTSIDE OF THE COMPETENCIES IN MY LICENSE TO PRACTICE AS A \_\_\_\_\_ LICENSE OF SUPERVISOR.

As supervisor, I assume responsibility for the clinical activities of the individual registered under my supervision.

We hereby agree to this supervision contract which has been registered with the Board of Professional Counselors.

Signature of Supervisor: \_\_\_\_\_

Date: \_\_\_\_\_

Signature of Trainee: \_\_\_\_\_

Date: \_\_\_\_\_

The following requests your evaluation of supervisee competencies and the areas covered in supervision. These areas are outlined in § 2.2.B.

To complete supervision requirements, the supervisee must have satisfied all items listed below in one or more supervisory experiences during 4,000 hours of counseling. Please circle your evaluation of the supervisee's competencies for each item:

YES means the supervisee has satisfactorily demonstrated competence in that area.

NO means additional work is required to achieve competency.

DNI means your supervision did not include this area.

PR means supervision in this area is in progress.

The supervisee, \_\_\_\_\_, has demonstrated the following competencies during supervision with me:

**A. Counseling and Psychotherapy Theory and Techniques**

1. Conceptualizes and implements counseling practice from a working theoretical base and can articulate that theoretical foundation.....YES NO DNI PR
2. Demonstrates how techniques used in counseling practice relate to the counselor's theoretical base.....YES NO DNI PR
3. Demonstrates a working knowledge and flexibility with different theories and techniques in working with a variety of:
  - a. Clinical problems.....YES NO DNI PR
  - b. Populations.....YES NO DNI PR
  - c. Unique aspects of clients (including culture, gender, sexual orientation, disability, and developmental concerns).....YES NO DNI PR

**B. Appraisal, Evaluation, and Diagnostic Procedures**

1. Demonstrates an ability to diagnose clients problems using appropriate methods (DSM-III-R and other methods) and can justify the diagnosis based on case information.....YES NO DNI PR
2. Uses appropriate instruments and clinical data to appraise client behavior.....YES NO DNI PR

**C. Treatment Planning and Implementation**

1. Demonstrates ability to develop and implement an appropriate treatment plan consistent with the diagnosis.....YES NO DNI PR

**D. Case Management and Record Keeping**

1. Maintains appropriate clinical records and client data.....YES NO DNI PR
2. Understands circumstances under which various records can be released.....YES NO DNI PR

PLEASE CHECK
ANNUAL EVALUATION
FACE EVALUATION

**VERIFICATION OF SUPERVISION FORM**

This form is to be filled out by the supervisor on an annual basis and when supervision is completed.

(Please Type or Print in Black Ink)

1. Supervisee's Name: \_\_\_\_\_
2. Supervisor's Name: \_\_\_\_\_
3. Supervisor's Business Address: \_\_\_\_\_
4. If supervision has not been previously registered, please fill out the following section.

Licensure: \_\_\_\_\_ Licensure Number: \_\_\_\_\_  
 (If supervisor is not licensed in Virginia, a verification of licensure form must be completed by the state where the supervisor is licensed and submitted to the Board.)

I, \_\_\_\_\_ declare that I have received professional training as a supervisor and that I have not provided supervision to \_\_\_\_\_ outside my professional competencies in my license to practice as a \_\_\_\_\_.  
 Signature: \_\_\_\_\_

-----  
**TO BE COMPLETED BY SUPERVISOR:**

5. Dates of Supervised Counseling Services Provided by Supervisee \_\_\_\_\_ to \_\_\_\_\_  
 (MM/YY) (MM/YY)  
 Setting Where Supervised Counseling Services were Provided by Supervisee: \_\_\_\_\_  
 Description of the Counseling Services Rendered by Supervisee: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
6. Description of Supervision Given: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
7.
  - a. Hours of Supervisee's Counseling Experience Per Week: \_\_\_\_\_
  - b. Total Hours of Supervised Counseling Experience: \_\_\_\_\_
  - c. Number of Hours Per Week of Face-to-Face Supervision: \_\_\_\_\_
  - d. Overall Total Number of Hours of Face-to-Face Supervision to date: \_\_\_\_\_
  - e. Number of Hours Per Week of Group Supervision to Date: \_\_\_\_\_
  - f. Total Overall Number of Hours of Group Supervision: \_\_\_\_\_

E. Professional Identity and Ethics

- 1. Uses supervision and shows continuing development of counseling skills.  
.....YES NO DNI PR
- 2. Demonstrates knowledge of strengths and limitations of an LPC and the distinctive contributions of other mental health and health professionals.  
.....YES NO DNI PR
- 3. Makes appropriate referrals to other health providers and resources in the community.  
.....YES NO DNI PR
- 4. Handles appropriately, or knows how to handle, psychiatric emergencies.  
.....YES NO DNI PR
- 5. Understands and has discussed ethical issues concerning dual relationships.  
.....YES NO DNI PR
- 6. Knows the laws related to a counselor's duty in life-threatening situations, child abuse, physical abuse, etc.  
.....YES NO DNI PR
- 7. Understands and has discussed the ethics of confidentiality and other legal and ethical issues.  
.....YES NO DNI PR

This evaluation has been discussed with the supervisee and a copy has been provided to the supervisee.

Comments by Supervisee: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature of Supervisor: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Supervisee: \_\_\_\_\_ Date: \_\_\_\_\_

-----  
COMPLETE ONLY FOR FINAL EVALUATION:

In your opinion, has the supervisee demonstrated competency in counseling practice sufficient for licensing and the independent practice of counseling? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Comments by Supervisee: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This evaluation has been discussed with the supervisee and a copy has been provided to the supervisee.

Signature of Supervisor: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Supervisee: \_\_\_\_\_ Date: \_\_\_\_\_

# Proposed Regulations

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## BOARD OF PSYCHOLOGY

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

Statutory Authority: §§ 54.1-113 and 54.1-2400 of the Code of Virginia.

Public Hearing Date: July 20, 1993 - 9 a.m.

Written comments may be submitted through August 7, 1993.

(See Calendar of Events section for additional information)

### Summary:

*The proposed amendments increase renewal fees for psychologists and school psychologists and increase the application fee for clinical psychologists. These increases are necessary for the board to comply with § 54.1-113 of the Code of Virginia requiring that revenues be aligned with expenses.*

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.

*"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 a supervised and planned practical experience obtained in an integrated training program in a 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 for 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 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 skills and competencies of the person supervised.

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

§ 1.2. Classification of licensees.

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

A. Psychologist.

This license covers the practice of psychology, as defined in 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 by the designation of the license and further by licensee's demonstrable areas of competence.

B. Clinical psychologist.

This license pertains only to the practice of clinical psychology as defined in 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 Board of Medicine for licensure and subsequent regulation.

C. School psychologist.

This license pertains only to the practice of school psychology as defined in 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 ..... ~~\$250~~ \$450
  - (b) Graduates of foreign institutions (in addition to application processing fee) ..... \$150
- 3. Examinations:
  - (a) Nationally normed standardized examination ..... \$160
  - Effective July 1, 1993 ..... \$275

# Proposed Regulations

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- (b) State written examination ..... \$150
- 4. Initial license ..... pro-rated portion of  
..... ~~\$150~~ *biennial \$90 annual*  
..... renewal fee
- 5. ~~Biennial~~ *Annual* renewal of license ..... ~~\$150~~ *\$95*
- 6. Late renewal ..... \$10
- 7. Endorsement to another jurisdiction ..... \$10
- 8. Additional or replacement wall certificate ..... \$15
- 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 90 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. The application processing fee prescribed by the board; and
3. Have the institution that awarded the graduate degree(s) submit directly to the executive director of

the board, at least 90 days prior to the date of the written examination, official transcripts documenting:

- a. The graduate work completed; and
- b. 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 shall meet the requirements of subsection A, B, or C of this section, whichever is applicable:

#### A. Psychologists.

##### 1. Psychologist (nonclinical).

a. Program of study. The applicant shall hold a doctorate in psychology from an institution accredited by a regional accrediting agency. Further, the applicant's program must conform to the following criteria for doctoral programs in psychology.

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

(2) The psychology program must stand as a recognizable, coherent organizational entity within the institution.

(3) There shall be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines.

(4) The program must be an integrated, organized sequence of study.

(5) There shall be an identifiable psychology faculty and a psychologist responsible for the program.

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

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.
- c. Experience. No supervised experience is required for licensure as a psychologist (nonclinical).

## 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 which met the criteria outlined in § 2.2 A 1 a. Further, the program must have required successful completion by the applicant of all the following:

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

(b) At least 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 and 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 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 post-doctoral experience in another jurisdiction 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 subdivision A 2 b (2) described below; or

(2) 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. (a) Applicants shall apply for licensure and residency concurrently.

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

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

~~(2)~~ (ii) Pay the registration fee;

~~(3)~~ (iii) 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)~~ (iv) 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

# Proposed Regulations

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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.

## 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 subdivisions A 2 a and A 2 b respectively of this section.

## C. School psychologist.

1. Education. The applicant shall hold at least a master's degree in school psychology, with a minimum of at least 60 semester credit hours, from a college or university accredited by a regional accrediting agency. The program requirements shall:

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.

2. 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:

a. By waiver based on lengthy experience. Applicants possessing many years of relevant post-master's degree experience in another jurisdiction 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 subdivision C 2 b described below:

b. By residency. The applicant shall show documentation of a previous full-time residency of at least one school year, or the equivalent in part-time experience or request approval to begin a current residency with the following conditions:

(1) Applicants shall apply for licensure and residency concurrently.

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

(a) Register with the board;

(b) Pay the registration fee;

(c) 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

(d) 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 school psychologist, licensed psychologist, or 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 School 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.

## 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 equivalent with the requirements for approval by the American Psychological Association (APA) or equivalent with those requirements prescribed by the board and met by approved domestic institutions;
3. Meet the course and practicum requirements outlined in § 2.2; and
4. 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 two components.

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

B. An applicant enrolled in an approved residency training program required in § 2.2 who has met all requirements for licensure except completion of that program 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.

2. Endorsement. The board may waive only the national written 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. 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 weeks before the examination, the examination fee shall be forfeited.

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

# Proposed Regulations

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questions that sample a broad range of psychology content areas.

2. A passing grade shall be a score that is determined by the board for all doctoral-level examinees.

B. The Board of Psychology written examination.

1. These examination(s) may consist of essay or multiple choice questions or both related to:

- a. The practice of psychology; and
- b. Virginia laws and board regulations governing the practice of psychology.

2. A passing score shall be determined by the board.

~~§ 3.4.~~ § 3.3. 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 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 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 a 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.

§ 5.1. ~~Biennial~~ Annual 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.

## 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 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 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.

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

A. In accordance with § 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.
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 36 of Title 54.1 of the Code of Virginia; any other statute applicable to the practice of the profession regulated; or any provision of these regulations.

C. Appeal of decision.

An appeal may be made to the board for reinstatement

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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.

COMMONWEALTH OF VIRGINIA  
 DEPARTMENT OF HEALTH PROFESSIONS  
 BOARD OF PSYCHOLOGY  
 505 West Broad Street, 10th Floor  
 Richmond, Virginia 23260-1100  
 (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 \_\_\_\_\_

3. Business name and address \_\_\_\_\_

SECTION B -- GENERAL INFORMATION

4. Birth date \_\_\_\_\_ Birth place \_\_\_\_\_

5. Do you hold a diploma from the American Board of Professional Psychology?  
 YES  NO   
 TYPE:  Clinical  Counseling  School

6. Are you licensed or certified in any state as a Psychologist?  
 Name of State \_\_\_\_\_ Date \_\_\_\_\_ License or Certificate No. \_\_\_\_\_

7. What do you consider your specialty in psychology?  
 \_\_\_\_\_

8. Have you ever been denied the privilege of taking an occupational licensure or certification examination?  
 YES  NO   
 If yes, state what type of occupational examination and where: \_\_\_\_\_

9. Have you ever failed an examination for occupational licensure or certification? If so, how many times?  
 \_\_\_\_\_

10. Have you ever had any disciplinary action taken against you in occupational licensure or certification or are any such actions pending? If yes, state an examination in which such action was taken: \_\_\_\_\_

11. Have you ever been convicted of, pled guilty to or pled not guilty to the violation of any federal or state statute or other regulation or ordinance or entered into any plea bargain related to a felony or misdemeanor including traffic violations, except for driving under the influence?  
 YES  NO   
 If yes, attach an explanation in detail: \_\_\_\_\_

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

2. 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: \_\_\_\_\_

3. 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 D — EDUCATION

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

STATION	DATE OF ATTENDANCE	MAJOR OR CONCENTRATION	DEGREE RECEIVED	DATE DEGREE WAS AWARDED

## 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

## SECTION F — OTHER PROFESSIONAL EXPERIENCE (PRACTICUM, EXTERNSHIP)

DATES OF EMPLOYMENT	EMPLOYER	ADDRESS	HOURS PER WEEK	SUPERVISOR	DUTIES

## SECTION G — ADDITIONAL INFORMATION

State any additional information about your education and experience which you feel would be useful to the Board in determining your qualifications for licensure.

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## SECTION H — AFFIDAVIT

I give this AFFIDAVIT completed by a Notary Public.

State of \_\_\_\_\_  
 County or City of \_\_\_\_\_

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

Signature of applicant \_\_\_\_\_ Signature of Notary Public \_\_\_\_\_  
 Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_  
 My commission expires \_\_\_\_\_

COMMONWEALTH OF VIRGINIA  
 DEPARTMENT OF HEALTH PROFESSIONS  
 BOARD OF PSYCHOLOGY  
 1000 West Broad Street, 10th Floor  
 Richmond, Virginia 23218-1000  
 (804) 662-2500

## INTERNSHIP VERIFICATION

The following information is required in order to determine the eligibility of the above-named applicant for licensure as a Psychologist, Clinical Psychologist, or Licensed Psychologist.

1. Internship Supervisor's Name \_\_\_\_\_

2. Profession \_\_\_\_\_

3. Is the supervisor licensed as a mental health professional?  Yes  No  
 If yes, when did the supervisor graduate? \_\_\_\_\_  
 License Number \_\_\_\_\_

4. Clinical Experience?  Yes  No. Number of years \_\_\_\_\_

5. State of Employment \_\_\_\_\_

6. Address \_\_\_\_\_

Employment Position \_\_\_\_\_

7. Location of the site you have known the applicant \_\_\_\_\_

8. Applicant's Internship Position \_\_\_\_\_

9. Number of hours per week of clinical supervision that this applicant received in clinical practice \_\_\_\_\_

10. Total number of hours of clinical supervision received by the applicant \_\_\_\_\_

11. DESCRIBE THE NATURE OF THE INTERNSHIP PROGRAM \_\_\_\_\_

12. Dates permitted by applicant under your supervision \_\_\_\_\_

13. Is your opinion of the applicant competent to practice under the license for which the applicant was received? \_\_\_\_\_

14. Additional comments \_\_\_\_\_

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90. \_\_\_\_\_

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96. \_\_\_\_\_

97. \_\_\_\_\_

98. \_\_\_\_\_

99. \_\_\_\_\_

100. \_\_\_\_\_

DATE \_\_\_\_\_

INTERNSHIP SUPERVISORS ARE TO SEND THIS FORM DIRECTLY TO THE:  
 Board of Psychology  
 Department of Health Professions

# Proposed Regulations

COMMONWEALTH OF VIRGINIA  
 DEPARTMENT OF HEALTH PROFESSIONS  
 BOARD OF PSYCHOLOGY  
 808 West Broad Street, 10th Floor  
 Richmond, Virginia 23260-4000  
 (804) 656-3313

This is completed by applicants of Non-Clinical Programs approved by the Board of Psychology of the Commonwealth of Virginia, as a psychologist, clinical psychologist, non-clinical psychologist, and school psychologist.

Applicant's Name \_\_\_\_\_ Social Security Number \_\_\_\_\_

Check below (1-7) the areas of graduate study that applicants must complete to be considered academically eligible for licensure as a clinical psychologist and school psychologist. 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 check additional sheets.

For each area of 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. Psychological Psychology of Sensation and Perception: \_\_\_\_\_

3. Learning/Condition: \_\_\_\_\_

4. Social Psychology: \_\_\_\_\_

5. Study of the Individual: \_\_\_\_\_

6. Theory and Systems: \_\_\_\_\_

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

7. Culture and Professional Ethics and Standards: \_\_\_\_\_

8. Research Theory: \_\_\_\_\_

9. Interviewing and Behavioral Assessment: \_\_\_\_\_

10. Psychological, Psychological, and Protective Testing: \_\_\_\_\_

11. Psychobiology: \_\_\_\_\_

12. Personality, Self-Individual and Group: \_\_\_\_\_

13. Psychology: Supervision in Assessment/Diagnosis and Psychotherapy: \_\_\_\_\_

SCHOOL PSYCHOLOGIST APPLICANTS ONLY:

1. Psychological Foundations: \_\_\_\_\_

2. Educational Foundations: \_\_\_\_\_

3. Assessment and Intervention: \_\_\_\_\_

4. Statistics and Research Design: \_\_\_\_\_

5. Professional School Psychology: \_\_\_\_\_

Please return this form with your application to: Board of Psychology  
 Department of Health Professions

COMMONWEALTH OF VIRGINIA  
 DEPARTMENT OF HEALTH PROFESSIONS  
 BOARD OF PSYCHOLOGY  
 5500 West Broad Street, 14th floor  
 Richmond, Virginia 23298-1172  
 (804) 656-5913

LICENSE VERIFICATION

APPLICANTS FOR PSYCHOLOGIST LICENSES IN THE COMMONWEALTH OF VIRGINIA ARE REQUIRED TO SEND LICENSE 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 LICENSE VERIFICATION.

TO: \_\_\_\_\_ Board of Psychology

FROM: \_\_\_\_\_

RE: Verification of License in Another Jurisdiction

I, the applicant for license 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  
 5501 Rolling Hills Drive, Suite 400  
 Richmond, VA 23229-5005

License Number Held \_\_\_\_\_

Date of Initial License \_\_\_\_\_

is the applicant currently licensed and in good standing? \_\_\_\_\_

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

no, please explain. \_\_\_\_\_

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

if yes, please explain. \_\_\_\_\_

certify that the information given is correct.

SEAL

COMMONWEALTH OF VIRGINIA  
 DEPARTMENT OF HEALTH PROFESSIONS  
 BOARD OF PSYCHOLOGY  
 5500 West Broad Street, 14th floor  
 Richmond, Virginia 23298-1172  
 (804) 656-5913

EMPLOYEE VERIFICATION

The following information is required in order to determine the eligibility of the above-named applicant for licensure as a Supervisor (Clinical, Behavioral, Psychological, or Health Psychologist).

Supervisor's Name \_\_\_\_\_

Profession \_\_\_\_\_

is the supervisor licensed as a general health professional?  Yes  No.  
 license number is the supervisor licensed? \_\_\_\_\_ license number \_\_\_\_\_

clinical experience?  Yes  No. number of years \_\_\_\_\_

Place of Employment \_\_\_\_\_

Address \_\_\_\_\_

Period of time you have known the applicant \_\_\_\_\_

Applicant's position \_\_\_\_\_

Number of hours per week of clinical supervision that this applicant received in clinical practice \_\_\_\_\_

Total number of hours of clinical supervision received by the applicant \_\_\_\_\_

Duties performed by applicant under your supervision \_\_\_\_\_

# Proposed Regulations

FILE ONLY IF YOU HAVE COMPLETED THE REQUIREMENTS FOR RESIDENCY

COMMONWEALTH OF VIRGINIA  
 DEPARTMENT OF HEALTH PROFESSIONS  
 BOARD OF PSYCHOLOGY  
 1806 West Broad Street, 4th floor  
 Richmond, Virginia 23290-4000  
 (804) 656-2273

## POST-DOCTORATE DEGREE OR POST-MASTER'S DEGREE VERIFICATION OF SUPERVISION

APPLICANT'S NAME \_\_\_\_\_

THE FOLLOWING INFORMATION IS REQUIRED IN ORDER TO ESTABLISH THE AUTHORITY OF THE ACCREDITED APPLICANT TO SIGNATURE AS A PSYCHOLOGIST, CLINICAL PSYCHOLOGIST, OR SCHOOL PSYCHOLOGIST.

SUPERVISOR'S NAME \_\_\_\_\_

PROFESSION \_\_\_\_\_

IS SUPERVISOR LICENSED AS A MENTAL HEALTH PROFESSIONAL?  Yes  No

IN WHICH STATE IS THE SUPERVISOR LICENSED? \_\_\_\_\_

LICENSE NUMBER \_\_\_\_\_

1. CLINICAL EXPERIENCE?  Yes  No. Number of Years \_\_\_\_\_

2. PLACE OF EMPLOYMENT \_\_\_\_\_

3. ADDRESS \_\_\_\_\_

EMPLOYMENT POSITION \_\_\_\_\_

DATE WHEN YOU HAVE KNOWN THE APPLICANT \_\_\_\_\_

FROM \_\_\_\_\_

APPLICANT'S CLASSIFICATION \_\_\_\_\_

NUMBER OF HOURS PER WEEK OF CLINICAL SUPERVISION THAT THIS APPLICANT RECEIVED IN CLINICAL PRACTICE \_\_\_\_\_

TOTAL NUMBER OF HOURS OF CLINICAL SUPERVISION RECEIVED BY THE APPLICANT \_\_\_\_\_

DATES COVERED BY APPLICANT UNDER YOUR SUPERVISION \_\_\_\_\_

Has your common law spouse been licensed under the license law which the applicant has applied for?

ADDITIONAL COMMENTS \_\_\_\_\_

SUPERVISOR

This completed form must be mailed directly to:

Department of Health Professions  
 Board of Psychology



# Proposed Regulations

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## DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

**Title of Regulation:** VR 615-01-47. Disability Advocacy Project.

**Statutory Authority:** §§ 63.1-25 and 63.1-89.1 of the Code of Virginia.

**Public Hearing Date:** N/A – Written comments may be submitted through May 7, 1993.

(See Calendar of Events section for additional information)

### Summary:

This regulation establishes the Disability Advocacy Project in which local departments of social services may refer recipients of the interim assistance component of general relief or state and local foster care children for legal representation during the federal disability benefit appeal process. When this representation results in approved disability claims, the local agency receives the recipients' initial checks for retroactive Supplemental Security Income benefits. The agency may recoup the amount of state and local financial assistance given the individuals while the Supplemental Security Income claims were pending approval. From this recoupment, the agency pays a fixed amount for the legal services provided.

VR 615-01-47. Disability Advocacy Project.

### § 1. Definitions.

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

“Advocacy services” means legal services to help establish eligibility for federal disability benefits.

“Agency” means the local department of social services.

“Appeal process” means a review of the decision on the disability claim which can involve four steps—reconsideration, hearing before an administrative law judge, review by the Appeals Council, hearing in a federal court.

“Bar association” means a professional association for attorneys.

“Disability” means a physical or mental condition rendering a person unable to perform any meaningful work and this condition is expected to last at least 12 months or result in death.

“Disability Determination Services” means a program administered by the Virginia Department of Rehabilitative Services which makes decisions on disability claims for the Social Security Administration.

“Disability insurance benefits” means Title II of the Social Security Act which provides benefits to disabled persons who have worked for a substantial period in employment covered by Social Security.

“Equal Access to Justice Act” means an act which allows a federal court to grant an attorney a fee for proceedings before an administrative agency.

“Federal disability benefits” means disability insurance benefits or Supplemental Security Income or both.

“Foster child” means a child entrusted or committed to foster care for whom the cost of maintenance is funded by state and local foster care funds.

“General Relief Program” means an optional program financed by state and local funds to provide maintenance or emergency assistance to individuals who do not qualify for aid in a federal category. The program is supervised by the state Department of Social Services and administered by local agencies.

“Hearing before an administrative law judge” means the first level formal fair hearing of decisions of the Social Security Administration to deny federal disability benefits. The hearing is conducted by an attorney who is an official of the Social Security Administration.

“Interim assistance” means a component of the General Relief Program that can provide assistance to individuals who have applied for Supplemental Security Income (SSI), who must apply for SSI, or are appealing an SSI decision. Individuals receiving interim assistance must sign an authorization allowing the Social Security Administration to send their initial back-due Supplemental Security Income benefits to the local agency which then reimburses its general relief budget for the amount of financial assistance given the individuals while their Supplemental Security Income benefits were pending approval.

“Legal aid attorney” means an attorney who provides legal services at no cost to people within certain income guidelines.

“Private attorney” means an attorney engaged in the private practice of law for which a fee is charged.

“Provider” means an attorney, or an individual working under the supervision of an attorney legally allowed to do so, who provides assistance in establishing an individual's eligibility for federal disability benefits.

“Recipient” means an individual who is receiving interim assistance.

“Reconsideration” means a review of the disability claim by the Disability Determination Services.

“Recoupment” means the amount reimbursed to the general relief or state and local foster care funds from an

individual's back-due Supplemental Security Income benefits for assistance to that individual while approval for federal disability benefits was pending approval.

"Representative" means a person acting on behalf of a foster child.

"Review by the Appeals Council" means a review of the decisions of the administrative law judge by a review unit of the Social Security Administration. The Appeals Council either decides the case or issues an order returning it to an administrative law judge for further review.

"State and local foster care" means a method of funding the costs of maintenance for foster children not eligible for federal (Title IV-E) payments.

"Supplemental Security Income" means Title XVI of the Social Security Act which provides benefits to a disabled person based on financial need.

## § 2. Referral.

The agency electing to provide disability advocacy services will identify recipients of the interim assistance component of general relief or children receiving state and local foster care who have received written notification from the Social Security Administration that their disability claims at the application or reconsideration level have been denied. Within five working days after the identification, the agency will send letters to the interim assistance recipients explaining advocacy services, offering to refer them to advocacy providers for legal representation during the appeal process, providing information on how the appeal would affect their general relief benefits, and advising them that they have five days from the receipt of this letter to contact the agency requesting advocacy services.

If the interim assistance recipient or the foster child's representative chooses to participate in the Disability Advocacy Project, he will be allowed to select a provider from a list of qualified advocacy providers with whom the agency has contracts or be allowed to select another provider if that provider meets the qualifications and agrees to enter into a contract with the agency.

The agency will have the interim assistance recipient sign a Confidentiality Form (VDSS Form 032-01-040/2) giving the agency permission to refer the recipient to the selected provider.

Within five working days after the selection, a referral letter will be sent by the agency to the selected advocacy provider.

## § 3. Duties of advocacy provider.

Advocacy providers will perform the following services:

1. Within five working days of receipt of a referral

letter from the agency, send a letter to the interim assistance recipient or the child's representative, acknowledging the referral and instructing the recipient or child's representative to protect the filing date by filing a Request for Reconsideration or Request for a Hearing with the Social Security Administration within 60 days of the date of his denial notice,

2. Contact the interim assistance recipient or child's representative by mail and telephone, if necessary, to schedule an appointment for an interview. If the provider cannot contact the recipient or the recipient does not keep the appointment, the provider will promptly notify the agency.

3. During the interview with the interim assistance recipient or child's representative, provide legal advice and counsel regarding federal disability benefits and the appeal process. The provider will assess the potential eligibility of the recipient or child for federal disability benefits. The decision whether to proceed or not proceed in the appeal process must be made by the recipient or the child's representative after receiving legal advice from the provider. The recipient or the child's representative must request the services of the advocacy provider by signing the Social Security Form SSA-1696-U4 under the Appointment of Representative section.

4. Within 15 working days of the initial interview with the recipient or child's representative, send a notification letter to the recipient or child's representative with a copy to the agency stating whether or not the provider will accept this case for legal representation.

5. If the provider agrees to provide advocacy services, sign Social Security Form SSA-1696-U4 under the Acceptance of Appointment and Waiver of Fee sections. Copies of the form will be sent within five working days to the Social Security Administration and to the agency.

6. Assist in the completion and timely filing of any necessary Social Security forms requesting a reconsideration, hearing, or review of the hearing decision.

7. Assist in obtaining and using medical, social, vocational evidence, or expert testimony which may substantiate the presence and severity of the disability.

8. Assist the recipient in making and keeping appointments for examinations.

9. Prepare for and adequately represent the recipient or child at interviews, hearings, or appeals related to application for Supplemental Security Income.

10. Notify the recipient or the child's representative of

# Proposed Regulations

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any denial and the right to appeal to the next level in the appeal process.

11. Notify the agency of any denial and the recipient's or child's representative's decision to proceed or not proceed to the next level in the appeal process.

12. Notify the recipient, the child's representative, and the agency when advocacy services have ended.

## § 4. Contracts.

Agencies shall contract with licensed legal aid or private attorneys, or advocates working under the supervision of an attorney who may lawfully do so to provide legal representation in the appeal process. The providers must have previously provided successful representation to disability claimants during the reconsideration, administrative law judge hearing, Appeals Council, or federal district court levels of the federal disability adjudication process.

Qualified attorneys will be recruited by agencies giving written notice to their local legal aid and bar associations that contracts for legal representation of interim assistance recipients and foster children in the federal disability benefits appeal process will be available.

## § 5. Disbursement.

To receive payment, the advocacy provider must submit a petition and copy of the favorable Social Security Administration decision to the agency within 60 days of such a decision. Disbursement for legal representation will be made by the agency within 20 working days after the agency receives the initial Supplemental Security Income payment due the recipient or child.

No disbursement will be made unless the following have occurred:

1. The agency referred the recipient or child's representative for legal representation;
2. The recipient or child's representative requested the legal representation by signing the Appointment of Representative section of Social Security Form SSA-1696-U4;
3. The advocacy provider signed the Acceptance of Appointment and Waiver of Fee sections of Social Security Form SSA-1696-U4; and
4. The agency received the initial Supplemental Security Income payment for the recipient or child.

No disbursement will be made for legal services given before the date of the agency's referral letter. Providers shall not require from the recipient or child's representative prepayment of any fees, costs, or disbursement.

The disbursement made by the agency will represent payment in full for all legal services to the recipient or child in this process with no further obligation on the part of the state or local Department of Social Services, the recipient, nor the child's representative.

Neither the recipient, the child's representative, the state Department of Social Services, nor local agency shall be obligated to pay any additional fees, costs, or disbursement related to the provision of legal services in the appeal process including, but not limited to, payment for medical, psychological, or vocational consultations obtained to substantiate the disability claim. Under most circumstances, if pre-approved by Disability Determination Services, the Social Security Administration will cover the cost of these consultations.

Contracting attorneys will agree to waive their right to legal fees paid by the Social Security Administration from the initial check for retroactive disability insurance benefits due the recipient or child should he be found eligible for both disability insurance benefits and Supplemental Security Income. An award for attorney's fees under the Equal Access to Justice Act will not be required to be waived.

The provider's fee will be paid entirely from the recoupment from the initial Supplemental Security Income payment for state and local financial assistance given the recipient or child while the Supplemental Security Income application was pending approval. The fee per favorable decision at the reconsideration level will be \$300; at the hearing before an administrative law judge, \$600; and at the Appeals Council or federal district court, \$750. The fee may in no event exceed the recoupment for the state and local assistance paid.

DISABILITY ADVOCACY PROJECT  
REPORTING FORM

DATE: \_\_\_/\_\_\_/\_\_\_

TO:

FROM:

WORKER	WORKER ID#	ADVOCACY PROVIDER
AGENCY	FIPS	ADDRESS
ADDRESS		TELEPHONE

PROVIDER TYPE:  LEGAL AID  PRIVATE ATTY.  OTHER(SPECIFY)

CUSTOMER'S NAME	CASE #	CLIENT ID# (FC)
ADDRESS	SOCIAL SECURITY #	
	PROGRAM CAT/CODE	

INITIAL APPOINTMENT DATE: \_\_\_/\_\_\_/\_\_\_ APPOINTMENT KEPT?  YES  NO

WILL APPEAL SSI DENIAL:  YES  NO IF YES, COPY OF SSA FORM 1696-U4 ATTACHED

IF NO, EXPLAIN WHY NOT APPEALING:

SSA DECISION AT RECONSIDERATION:  APPROVED  DENIED DATE \_\_\_/\_\_\_/\_\_\_

PROCEEDING TO NEXT STAGE OF APPEAL PROCESS:  YES  NO

ALJ DECISION:  APPROVED  DENIED DATE \_\_\_/\_\_\_/\_\_\_

PROCEEDING TO NEXT STAGE OF APPEAL PROCESS:  YES  NO

APPEALS COUNCIL DECISION:  APPROVED  DENIED DATE \_\_\_/\_\_\_/\_\_\_

PROCEEDING TO NEXT STAGE OF APPEAL PROCESS:  YES  NO

DATE ADVOCACY SERVICES TERMINATED \_\_\_/\_\_\_/\_\_\_ REASON:

DSS USE ONLY AMOUNT OF RECOUPMENT FROM INITIAL SSI CHECK: \$ \_\_\_\_\_ DATE \_\_\_/\_\_\_/\_\_\_

AMOUNT OF RECOUPMENT USED TO PAY ADVOCATE: \$ \_\_\_\_\_ DATE \_\_\_/\_\_\_/\_\_\_

Attachment C

DISABILITY ADVOCACY PROJECT  
REFERRAL FORM

DATE OF REFERRAL \_\_\_/\_\_\_/\_\_\_

TO:

FROM:

ADVOCACY PROVIDER
ADDRESS

WORKER	WORKER ID#
AGENCY	FIPS
ADDRESS	
TELEPHONE	

THE PERSON NAMED BELOW OR HIS/HER FOSTER CARE WORKER HAS SELECTED YOU TO PROVIDE ADVOCACY SERVICES FOR HIM/HER IN APPEALING SOCIAL SECURITY'S DENIAL OF SSI DISABILITY BENEFITS. PLEASE CONTACT THE INTERIM ASSISTANCE RECIPIENT OR THE CHILD'S FOSTER CARE WORKER TO SCHEDULE AN APPOINTMENT TO DISCUSS THE APPEAL.

CUSTOMER'S NAME	DSS CASE#	CLIENT ID#(FC)
ADDRESS	SOCIAL SECURITY #	
	PROGRAM CATEGORY	
TELEPHONE	DATE OF INITIAL SSI APPLICATION ___/___/___	

DISABILITY CLAIM DENIED BY SOCIAL SECURITY ADMINISTRATION:

LEVEL	DATE OF DENIAL	DENIAL CODE
INITIAL APPLICATION	___/___/___	_____
RECONSIDERATION	___/___/___	_____
ALJ	___/___/___	_____

PROBABLE BASIS FOR SSI DISABILITY ELIGIBILITY:  PHYSICAL  PSYCHOLOGICAL  BEHAVIORAL  OTHER

EXPLAIN:

COPIES OF DOCUMENTS RELATING TO THE FOLLOWING ARE ATTACHED:

SOCIAL HISTORY \_\_\_\_\_

EMPLOYMENT HISTORY \_\_\_\_\_

MEDICAL RECORDS \_\_\_\_\_

NO SUPPORTING DOCUMENTATION AVAILABLE \_\_\_\_\_

Attachment B

DISABILITY ADVOCACY PROJECT

RECEIVED  
FEB 2 1984

Date: \_\_\_/\_\_\_/\_\_\_

Customer Name \_\_\_\_\_

Street and Apartment Number \_\_\_\_\_

City, State, and Zip \_\_\_\_\_

Dear \_\_\_\_\_:

Your Supplemental Security Income (SSI) disability claim has been "Denied" by the Social Security Administration. You have the right to appeal this decision and we can help you with your appeal.

It is important that you call me within five (5) days at (\_\_\_\_\_) to make an appointment to talk about appealing the denial of your claim.

If you do not appeal the decision on your Supplemental Security Income disability claim, your General Relief benefits will \_\_\_\_\_

I look forward to hearing from you.

Sincerely,

Name of Worker \_\_\_\_\_ / Worker# \_\_\_\_\_

Title \_\_\_\_\_

Department of Social Services

Address \_\_\_\_\_

CASE #
SS#
FIPS CODE
DENIED AT: _____ INIT. _____ RECOM. _____ ALJ

Attachment A

# 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 CORRECTIONS (BOARD OF)

### Title of Regulation: VR 230-30-001. Minimum Standards for Jails and Lockups.

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

Effective Date: May 1, 1993.

### Summary:

*The Minimum Standards for Jails and Lockups establish the evaluation criteria for the operation of local correctional facilities statewide as required by the Code of Virginia.*

*This amendment to the Minimum Standards for Jails and Lockups incorporates the requirements for operating a work release, educational or other rehabilitative program in the jails into a single document. This revision updates the standards with current program practices and eliminates one more document to maintain.*

*This amendment also adds several definitions and the authority for the work release, educational or other rehabilitative program and makes provisions for state inmates housed in local jails to participate in the program if otherwise eligible.*

VR 230-30-001. Minimum Standards for Jails and Lockups.

## PART I. INTRODUCTION.

### Article 1. Definitions.

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

*"Administrative segregation"* means a form of segregation from the general population when the continued presence of the inmate in the general population would pose a serious threat to life, property, self, staff or other inmates, or to the security or orderly running of the institution. Inmates pending investigation for trial on a criminal act or pending transfer can also be included.

*"Annually"* means an action performed each calendar year.

*"Appeal"* means the procedure for review of an action by a higher authority.

*"Appropriate heating"* means temperatures appropriate to the summer and winter comfort zones. Heat shall be evenly distributed in all rooms so that a temperature no less than 65°F is maintained. Air conditioning or mechanical ventilating systems, such as electric fans, shall be provided when the temperature exceeds 85°F.

*"Appropriate lighting"* means at least 20 footcandles at desk level and in personal grooming area.

*"Audit"* means the determination of facility compliance with standards through an examination of records and operations by a team of qualified professionals.

*"Certification"* means an official approval by the Board of Corrections which allows a facility to operate.

*"Chief executive"* means the elected or appointed individual who by law or position has the overall responsibility for the facility's administration and operation.

*"Classification"* means the process for determining inmate housing, custody and program assignments.

*"Communication system"* means a mechanical audio transmission such as telephone, intercom, walkie talkie or T.V. monitor.

*"Contraband"* means any item possessed by inmates or found within the jail or lockup which is illegal by law or not specifically approved for inmate possession by the administrator of the facility.

*"Daily log"* means a written record for the recording of daily activities or unusual incidents.

*"Department"* means the Department of Corrections.

*"Detainee"* means any person confined but not serving a sentence.

*"Director"* means the Director of the Department of Corrections.

*"Disciplinary detention"* means the separation of an inmate from the general population for major violations of conduct or regulations.

[ *"Educational release"* means a custody status under which inmates leave a facility to attend school or

# Final Regulations

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educational programs in the community. ]

*"Facility"* means the actual physical setting in which a program or agency functions.

*"Fire prevention practices"* means the activities and written procedures utilized and rehearsed to ensure the safety of staff, inmates and public.

*"Fire safety inspection"* means an inspection conducted by the Office of State Fire Marshal or local fire department.

*"Grievance procedure"* means the method by which inmates may formally address complaints to the facility administration.

*"Health care personnel"* means individuals whose primary duties are to provide health services to inmates.

*"Health inspection"* means an inspection conducted by the local or state Department of Health.

*"Indigent inmate"* means an inmate who has no financial means to purchase personal hygiene items or postage for mailing letters.

*"Inmate handbook"* means a manual, pamphlet or handout which contains information describing inmate activities and conduct.

*"Inmate records"* means written information concerning the individual's personal, criminal and medical history, behavior and activities while in custody.

*"Impartial officer or committee"* means individual(s) who are unbiased and are not directly involved in the particular incident or situation being reviewed.

*"Juvenile"* means a person less than 18 years of age.

*"Legal mail"* means mail addressed to or received from an attorney or court.

*"Local offender"* means an individual [ sentenced to a term of incarceration in a local correctional facility who has a conviction but who is not a state offender in accordance with § 53.1-20 of the Code of Virginia ] .

*"Lockup"* means a temporary detention facility where detainees are held for not more than 12 hours.

*"Medical screening"* means an observation and interview process within the booking procedure designed to obtain pertinent information regarding an individual's medical or mental health condition.

*"Major violations"* means those institutional violations for which an inmate may be punished either by being placed in disciplinary detention or by losing statutory good time.

*"Minor violations"* means those institutional violations punishable by less severe sanctions such as reprimand or loss of privileges.

*"Permanent log"* means a written record of a facilities' activities which cannot be altered or destroyed subject to state law.

*"Pharmaceuticals"* means prescription and nonprescription drugs.

*"Policy and procedures manual"* means a written record containing all policies and procedures needed for the operation of the facility in accordance with the law and the minimum standards for local jails and lockups.

*"Post order"* means a list of specific job functions and responsibilities required of each duty position.

*"Program"* means the plan or system through which a correctional agency works to meet its goals; often the program requires a distinct physical setting.

*"Protective custody"* means a form of separation from the general population for inmates requesting or requiring protection from other inmates.

*"Quarterly"* means an action which occurs once every three months within a calendar year.

*"Recreational activities"* means any out-of-cell activity ranging from scheduled outside or inside recreation to informal table top games.

*"Semi-annual"* means an action occurring once every six months within a calendar year.

*"State offender"* means an individual sentenced to a term of incarceration in a state correctional facility [ in accordance with § 53.1-20 of the Code of Virginia ] .

*"Volunteer"* means [ individuals an individual ] who [ provide provides ] services to the detention facility without compensation.

[ *"Work release"* means a formal program whereby an inmate is permitted to leave confinement to maintain regular employment in the community and returns to custody during nonworking hours. ]

## Article 2. Legal Base.

§ 1.2. The Code of Virginia is the foundation for the development of Minimum Standards for Local Jails and Lockups. Section 53.1-68 of the Code of Virginia directs the State Board of Corrections to establish minimum standards for the construction, equipment, administration and operation of local correctional facilities. This Code section also authorizes the Board of Corrections to establish minimum standards for the construction, equipment and

operation of lockups.

§ 1.3. Section 53.1-131 of the Code of Virginia directs the State Board of Corrections to prescribe regulations governing work release, educational and other rehabilitative programs.

§ 1.4. The State Board of Corrections is authorized to monitor the activities of the department and its effectiveness in implementing the standards and goals of the board as specified by § 53.1-5 of the Code of Virginia.

## Article 3. Administration.

§ 1.4. [ § 1.5. The Minimum Standards for Local Jails and Lockups, adopted by the Board of Corrections on ] March 24, 1980, amended on May 13, 1980, and revised on April 1, 1987 [ February 13, 1991 ; are superseded on the effective date of these standards. ]

§ 1.5. [ § 1.6. § 1.5. ] The primary responsibility for application of these standards shall be with the sheriff or chief executive officer of the jail or lockup.

[ § 1.7. The court, sheriff, or administrator of a local or regional jail has the responsibility for authorizing local and state offenders confined in jail under the provisions of § 53.1-20 of the Code of Virginia to participate in a work release program or other educational or rehabilitative programs authorized under § 53.1-131 of the Code.

[ § 1.6. 1.8. These standards shall become effective on May 1, 1991 January 1, 1993. ]

## PART II. JAIL ADMINISTRATION.

### Article 1. Philosophy, Goals and Objectives.

§ 2.1. The facility shall have a written statement discussing its philosophy, goals and objectives.

### Article 2. Policies and Procedures.

§ 2.2. Written policy and procedures shall be maintained in a manual and shall be available 24 hours a day to all staff.

§ 2.3. Written policy shall provide that each facility shall be headed by a single chief executive officer to whom all employees and functional units are responsible.

§ 2.4. A written annual report of the availability of services and programs to inmates in a facility shall be reviewed and provided to the sentencing courts and may be provided to relevant community agencies.

## PART III.

## MANAGEMENT INFORMATION.

### Article 1. Release of Information.

§ 3.1. Written policies and procedures covering the release of information shall be developed in accordance with the rules and regulations promulgated by the Criminal Justice Services Board and the Virginia Plan for the Privacy & Security of Criminal History Record Identification.

### Article 2. Inmate Records.

§ 3.2. Written policy and procedures shall ensure that inmate records are current and accurate.

§ 3.3. Personal records shall be maintained on all inmates committed or assigned to the facility. These records shall contain, but not be limited to, the:

1. Inmates data form;
2. Commitment form and court order;
3. Records developed as a result of classification;
4. All medical orders issued by the facilities physician;
5. All disciplinary actions, or unusual incidents;
6. Work record and program involvement; and
7. Copies of inmates' property expenditure records and receipts.

### Article 3. Facility Logs and Reports.

§ 3.4. The facility shall maintain a daily log(s) which records the following information:

1. Inmate count and location;
2. Intake and release of inmates;
3. Entries and exits of physicians, attorneys, ministers, and other nonfacility personnel; and
4. Any unusual incidents such as those that result in physical harm to or threaten the safety of any person, or the security of the facility.

### Article 4. Classification.

§ 3.5. Written policy and procedures shall ensure the following:

1. Classification of inmates as to level of housing assignment and participation in correctional programs;

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2. Separate living quarters for males, females, and juveniles;
3. Prohibition of segregation of inmates by race, color, creed or national origin;
4. Security permitting, equal access to all programs and activities, through separate scheduling, or other utilization of combined programs under supervision;
5. The proper release of inmates; and

Any exception to the above to be documented in writing.

## Article 5. Grievance Procedure.

§ 3.6. A written grievance procedure shall be developed and made available to all inmates with the following elements:

1. Grievance shall be responded to within a prescribed reasonable time limit;
2. Written responses including the reason for the decision shall be made to all grievances;
3. A review shall be made by someone not directly involved in the grievance; and
4. All inmates shall have access to the procedures with guaranty against reprisal.
5. All inmates must be afforded the opportunity to appeal the decision.

## PART IV. JAIL PROGRAMS AND SERVICES.

### Article 1. Inmate Participation.

§ 4.1. The facility administrator shall make each inmate aware of available programs.

§ 4.2. Written policy and procedures shall:

1. Provide inmates access to recreational activities consistent with health and security regulations;
2. Provide all inmates access to regular physical exercise;
3. Specify eligibility for work assignments;
4. Govern the administration of local work programs;
5. Govern the administration of local work or education release programs if applicable [ ; and . ]

Any exception to the above shall be documented in

writing.

### Article 2. Religious, Social and Volunteer Services.

§ 4.3. Written policy and procedures shall allow inmates to participate voluntarily in available religious services or counseling of their choice during scheduled hours within the facility.

§ 4.4. The facility shall secure and support social services and volunteer programs from the community. Where volunteers provide direct services to inmates in the facility there shall be written policies and procedures.

§ 4.5. The volunteer program shall be coordinated and administered in accordance with written policies and procedures. Each volunteer shall sign a statement agreeing to abide by facility rules and regulations.

### Article 3. Education and Library Services.

§ 4.6. Written policy and procedures shall govern the availability and administration of educational services for inmates. The facility administrator shall coordinate and cooperate with local authorities for the provision of local community services and resources utilized for this purpose where they are available.

§ 4.7. The facility shall provide reading materials which include current periodicals (not more than one year old).

§ 4.8. Reading materials, including newspapers, magazines and books, shall be permitted in the jail unless the material poses a threat to security.

### Article 4. Commissary.

§ 4.9. The facility shall make available to inmates commissary services where they may purchase from an approved list of items.

### Article 5. Medical Services.

§ 4.10. A licensed physician shall supervise the facility's medical and health care services.

§ 4.11. No restrictions shall be imposed on the physician by the facility in the practice of medicine; however, administrative and security regulations applicable to facility personnel shall apply to medical personnel as well.

§ 4.12. Health care personnel shall meet appropriate and current licensing or certification requirements.

§ 4.13. Where in-house medical and health care services are provided there shall be space for the private examination and treatment of inmates.

§ 4.14. Written policy shall provide 24-hour emergency medical care availability.

§ 4.15. Written policy and procedure shall provide that receiving and medical screening be performed on all inmates upon admission to the facility.

§ 4.16. Written procedures shall be developed whereby inmates can be informed, at the time of admission to the facility, of the procedures for gaining access to medical services.

§ 4.17. All staff involved in security shall be trained and competent in rendering basic first aid equivalent to that defined by the American Red Cross in its use in emergency care procedures. Further, there shall be at least one person per shift who is competent in administering basic life support cardiopulmonary resuscitation (CPR).

§ 4.18. Written standard operating procedures for the management of pharmaceuticals shall be established and approved by the facility's physician or pharmacist.

§ 4.19. The medical record for each inmate shall include:

1. The completed receiving screening form; and
2. All findings, diagnoses, treatment, dispositions, prescriptions, and administration of medication.

§ 4.20. Summaries of the medical record file shall be forwarded to the facility to which the inmate is transferred.

§ 4.21. Written policy shall prohibit medical or pharmaceutical testing for experimental or research purposes.

§ 4.22. Medical care performed by personnel other than a physician shall be pursuant to a written protocol or order.

## Article 6. Food Services.

§ 4.23. Written policy and procedures shall ensure that the facility's food service equipment and personnel meet the established safety and protection standards and requirements as set forth by the State Board of Health's rules and regulations governing restaurants and the requirements by the Virginia Department of Corrections.

§ 4.24. Written policy and procedures shall ensure a food service program that meets the requirements as set forth by the Virginia Department of Corrections which shall ensure that:

1. The menu meets the dietary allowances as stated in the Recommended Dietary Allowances, National Academy of Sciences;

2. There is at least a one-week advance menu preparation; and

3. Modifications in menus are based on inmates' medical or reasonable religious requirements.

§ 4.25. Written policy and procedures shall ensure a food service program that meets the requirements as set forth by the Virginia Department of Corrections which shall ensure meals are served under the direct supervision of staff.

§ 4.26. Written policy and procedures shall ensure a food service program that meets the requirements as set forth by the Virginia Department of Corrections which shall ensure that records of meals served are kept for a minimum of three years.

§ 4.27. Written policy and procedures shall ensure a food service program that is not used as a disciplinary measure and meets the requirements as set forth by the Virginia Department of Corrections.

§ 4.28. Written policy and procedures shall provide for at least three meals daily with no more than 14 hours between evening meal and breakfast, and a minimum of two hot meals within every 24 hours.

## Article 7. Mail.

§ 4.29. Written policy and procedures governing inmate correspondence shall ensure that all inmates, regardless of their jail status, shall be afforded the same correspondence privileges; correspondence privileges shall not be withdrawn as punishment.

§ 4.30. Written policy and procedures shall ensure that there is no limit on the volume of letter mail an inmate may send or receive, or on the length, language, content or source of such letter mail, except where there is clear and convincing evidence to justify such limitations.

§ 4.31. Written policy and procedures shall make available, when requested by an indigent inmate, a postage allowance of not more than five first-class rate (one ounce) letters per week, not counting legal mail.

§ 4.32. Written policy and procedures shall ensure that outgoing letters shall be collected and sent daily except Saturdays, Sundays, and holidays. Incoming letters to inmates shall be delivered no later than 24 hours after arrival at the facility or shall be promptly forwarded or returned to sender.

§ 4.33. Inmate mail shall not be read except where there is reasonable suspicion that a particular item of correspondence threatens the safety or security of the institution, or the safety of any person, or is being used for furtherance of illegal activities.

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§ 4.34. Written policy and procedures shall assure that notice of the seizures of mailed contraband be given to the inmate and the sender together with the written reason for the seizure. The sender shall be allowed the opportunity to appeal and challenge the seizure before the facility administrator or a designee empowered to reverse seizure. Unless it is needed for a criminal investigation or prosecution, property which can legally be possessed outside the facility shall be stored, returned to sender or destroyed, as the inmate desires.

## Article 8. Telephone.

§ 4.35. Written policy and procedures shall ensure inmates reasonable access to telephone facilities.

§ 4.36. Written policy and procedures shall ensure that emergency messages to inmates are delivered promptly and recorded. When possible, the jail chaplain shall be notified of an immediate family member's death or serious illness.

## Article 9. Visiting.

§ 4.37. Written policy and procedures shall ensure maximum visiting opportunities limited only by facility schedules, space and personnel constraints.

§ 4.38. The facility shall have a list of approved items which visitors may bring into the facility. Items brought into the facility by visitors for inmates shall be subject to inspections and approval.

§ 4.39. Written policy and procedures shall specify requirements for visitor registration and the circumstances and methods under which visitors may be searched.

## PART V. JAIL OPERATIONS.

### Article 1. Reception and Orientation.

§ 5.1. Written policy and procedures for admitting individuals into the jail shall address the following:

1. Verification of commitment;
2. Complete search of the individual and his possessions;
3. Disposition of clothing and personal possessions;
4. Interview for obtaining identifying data;
5. Photograph; and
6. Telephone calls.

§ 5.2. Written policy and procedures for those inmates to be confined in the jail shall address the following:

1. Shower/search;
2. Issue of clean clothing/hygiene items/linen;
3. Classification and housing assignment; and
4. Orientation.

§ 5.3. Written policy and procedures shall specify that newly admitted inmates who are physically capable are permitted to complete at least two local or collect long-distance telephone calls during the admissions process.

### Article 2. Linen and Clothing.

§ 5.4. Written policy and procedure shall provide that a record be kept to show that clean linen and towels be supplied once a week, a clean change of clothing be provided twice a week and inmates shall be held accountable for their use.

§ 5.5. The facility shall provide for the issuance of special and protective clothing to inmates assigned to food services, farm, sanitation, mechanical services, and other special work functions.

### Article 3. Bathing and Hygiene.

§ 5.6. There shall be sufficient hot and cold water for bathing. Each inmate shall be required to bathe twice a week.

§ 5.7. The facility shall provide soap, a toothbrush, and toothpaste or toothpowder to each inmate upon admission to the general population. Notwithstanding security considerations, shaving equipment, including a mirror, and haircuts shall be made available, and hygiene needs of all inmates shall be met.

### Article 4. Inmate Money and Property Control.

§ 5.8. Written policy and procedures shall state what items the inmate may retain in his possession.

§ 5.9. A written itemized inventory of cash and personal property of each inmate shall be made at the time of initial booking. A signed copy shall be furnished the inmate.

§ 5.10. An itemized account shall be maintained of each inmate's expenditures and receipts of money while in the facility and acknowledged by the inmate in writing.

§ 5.11. Inmate's property and funds shall be returned to him upon his release or transfer and acknowledged by the

inmate in writing.

## Article 5. Inmate Conduct and Discipline.

§ 5.12. Written policy and procedures shall govern inmate conduct and shall include:

1. Rules of conduct;
2. Definition of major and minor violations; and
3. Prohibition of the use of food as a disciplinary measure.
4. Upon assignment to general inmate housing, inmates shall receive a copy of inmate conduct rules and policy and procedures governing inmate conduct.

§ 5.13. Written policy and procedures shall govern the reporting and disposition of disciplinary infractions by inmates and shall include:

1. Procedures and provisions for pre- and post-disciplinary detention of inmates; and
2. Procedures for handling minor violations:
  - a. The accused inmate is given written notice of the charge and the factual basis for it;
  - b. The accused inmate shall have an opportunity to explain or deny the charge;
  - c. The accused inmate shall be given a written statement by the fact finders as to the evidence relied upon and the reasons for the disciplinary action;
  - d. The accused inmate shall have an opportunity to appeal any finding of guilt to the facility administrator; and
3. Procedures for handling major violations:
  - a. The accused inmate is given written notice of the charge and the factual basis for it at least 24 hours prior to the hearing of the charge;
  - b. The charge is heard in the inmate's presence by an impartial officer or committee;
  - c. The accused inmate is given an opportunity to have the assistance of a staff member or fellow inmate in defending the charge;
  - d. Witness statements and documentary evidence will be permitted in his defense; [ and ]
  - e. The accused inmate shall be given a written statement by the fact finders as to the evidence

relied upon and the reasons for the disciplinary action[ ; and ]

f. The accused inmate is permitted to appeal any finding of guilt to the facility administrator.

## Article 6. Security.

§ 5.14. The facility shall maintain a designated post, manned 24 hours a day, that controls activities and flow of people in and out of the secure area of the jail.

§ 5.15. The facility's outside recreation area shall be secure so that inmates shall not have physical access to the general public without authorization.

§ 5.16. Written policy and procedures shall require that all security perimeter entrances, control center doors, cell block doors and all doors opening into a corridor are kept locked except when used for admission or exit of employees, inmates or visitors, or in emergencies.

§ 5.17. Written policy and procedures shall govern the security, storage and use of firearms, ammunition, chemical agents, and related security devices to ensure that:

1. Personnel who carry firearms are assigned positions that are inaccessible to inmates (with the exception of emergencies);
2. Personnel who discharge firearms or use chemical agents submit written reports to the administrator or designated subordinate no later than the conclusion of the shift during which same are discharged or used.

§ 5.18. Written policy and procedures shall specify the conditions under which an officer can enter a security cell or cell block.

§ 5.19. The facility shall provide a communications system allowing staff to communicate with each other to facilitate staff supervision.

§ 5.20. Written policy and procedures shall specify that, at least once daily, a careful examination be made of all security devices and that maintenance be routinely performed to ensure their proper operation.

§ 5.21. Written policy and procedures shall specify the process for conducting and documenting searches of the facility and inmates.

§ 5.22. The facility shall post the policy regarding searches for the control of contraband or otherwise make it available to staff and inmates. Further, the policy shall be reviewed at least annually and updated as needed.

§ 5.23. Written policy and procedures shall govern key and door control.

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§ 5.24. Written policy and procedures shall govern the control and use of tools, culinary items and cleaning equipment.

§ 5.25. Written policy and procedures shall specify the control, storage and use of all flammables, toxic and caustic materials.

§ 5.26. Written post orders shall clearly describe the functions of each duty post in the facility and include copies in the policy and procedures manual.

§ 5.27. Written policy and procedures shall specify and restrict the use of physical force which is necessary for instances of self-protection, protection of others, protection of property and prevention of escapes. Such physical force shall be restricted to that necessary only to overcome such force as is being exerted. A written report shall be prepared following all such incidents described above and shall be submitted to the administrator for review and justification.

§ 5.28. Written policy and procedures shall govern the use of restraint equipment.

§ 5.29. Written policy and procedures shall provide for administrative segregation of inmates who pose a security threat to the facility or other inmates and for inmates requiring protective custody.

§ 5.30. Written policies and procedures shall ensure that, inmate behavior permitting, the disciplinary detention and administrative segregation units provide physical living conditions that approximate those offered the general inmate population.

§ 5.31. Written policy and procedure shall specify the handling of mental health inmates to include an agreement to utilize mental health services from either a private contractor or the community services board.

§ 5.32. Written policy and procedures shall ensure that a log be kept to record all activities in disciplinary detention and administrative segregation units.

§ 5.33. Written policy and procedures shall require that an assessment, including a personal interview and medical evaluation, is conducted when an inmate remains in administrative segregation or disciplinary detention beyond 15 days and every 15 days thereafter.

§ 5.34. The facility shall provide for around-the-clock supervision of all inmates by trained personnel. All inmate housing areas shall be inspected a minimum twice per hour. All inspections and unusual incidents shall be documented.

§ 5.35. Supervisory staff shall inspect the institution daily. Unusual findings shall be indicated in writing and submitted to an administrative official for review.

§ 5.36. Written policies and procedures shall regulate the movement of inmates within the facility.

§ 5.37. Written policy shall prohibit inmates from supervising, controlling or exerting any authority over other inmates.

§ 5.38. Written policy and procedures shall specify the process to be followed in emergency situations, mass arrest, fire, disturbance, taking of hostages, escapes, attempted suicides, loss of utilities and natural disasters. All personnel shall be trained in the implementation of emergency plans. Plans shall be reviewed annually.

## Article 7. Release.

§ 5.39. Written policy and procedures shall require that, prior to an inmate's release, positive identification is made of the releasee, authority for release is verified and a check for holds in other jurisdictions is completed.

## PART VI. JAIL PHYSICAL PLANT.

### Article 1. Fire and Health Inspection.

§ 6.1. The facility shall have an annual state or local health food service and fire safety inspection. Localities that do not enforce the Virginia Statewide Fire Prevention Code (VSFPC) shall have the inspections performed by the Office of the State Fire Marshal. Written reports of the fire safety and health food service inspection shall be on file with the facility administrator.

### Article 2. Fire Prevention and Safety.

§ 6.2. Written policy and procedures shall specify the facility's fire prevention practices to ensure the safety of staff, inmates, and the public. They shall be reviewed annually.

§ 6.3. Mattresses, pillows and trash receptacles present in the secured housing shall be of nontoxic and fire retardant materials.

§ 6.4. The facility shall have a written master plan for the safe and orderly evacuation of all persons in the event of a fire or an emergency. Such a plan shall be reviewed by all staff quarterly. The quarterly review shall be documented.

### Article 3. Facility Cleanliness.

§ 6.5. Facility floors, halls, corridors, and other walkway areas shall be maintained in a clean, dry, hazard-free manner.

§ 6.6. The facility shall control vermin and pests and shall be serviced at least quarterly by professional pest control personnel.

#### Article 4. Housing Areas.

§ 6.7. All housing and activity areas shall provide for appropriate lighting and heating.

§ 6.8. All housing areas shall have toilets, showers, drinking water and washbasins with hot and cold running water accessible to inmates.

#### Article 5. Special Purpose Area.

§ 6.9. The facility shall have a special purpose area to provide for the temporary detention and care of persons under the influence of alcohol or narcotics or for persons who are uncontrollably violent or self-destructive and those requiring medical supervision.

#### Article 6. Security Equipment Storage.

§ 6.10. The facility shall provide secure storage for firearms, chemical agents, and related security equipment accessible to authorized personnel only and located outside the security perimeter or the inmate housing and activity areas.

### PART VII. JUVENILES.

#### Article 1. Housing.

§ 7.1. Those facilities which, on occasion, house juveniles shall be certified by the Board of Corrections for the express purpose of holding juveniles.

§ 7.2. Juveniles shall be so housed as to be separated by a wall or other barrier which would result in preventing visual contact and normal verbal communication with adult prisoners except in instances of casual contact under supervision.

§ 7.3. The facility shall have one or more persons on duty at all times responsible for auditory and visual contact with each juvenile at least every 30 minutes. Contact shall be at least every 15 minutes when juveniles exhibit self-destructive or violent behavior.

#### Article 2. Isolation or Segregation.

§ 7.4. Isolation cells or segregation within a cellblock shall be utilized only as a protective or disciplinary measure.

### PART VIII.

### LOCKUPS.

#### Article 1. Responsibility.

§ 8.1. The chief of police, town sergeant, or, in case of a county's operating a lockup, the sheriff shall be responsible for seeing that the lockup is operated in full conformity with these regulations.

#### Article 2. Coverage.

§ 8.2. When the lockup is occupied at least one employee shall be on duty at the lockup at all times.

#### Article 3. Search and Inspection.

§ 8.3. The facility shall comply with the search requirements included in § 19.2-59.1 of the Code of Virginia.

§ 8.4. Quarterly inspections shall be made and recorded of bars, locks and all security devices.

#### Article 4. Commitment and Release.

§ 8.5. A written record shall be maintained to include name, date, and time of commitment and release of all detainees confined in the lockup.

#### Article 5. Property.

§ 8.6. Written policy and procedures shall govern the inventory and control of detainee property. The detainee shall sign for all property taken upon admission and returned to him upon release. If the detainee refuses to sign this shall be witnessed and documented.

#### Article 6. Telephone.

§ 8.7. Written policy and procedures shall specify that newly admitted inmates who are physically capable are permitted the opportunity to complete at least two local or collect long distance telephone calls during the admissions process.

#### Article 7. Separation of Inmates.

§ 8.8. A lockup shall detain juveniles in strict compliance with § 16.1-249 of the Code of Virginia.

§ 8.9. Males shall be housed separately from females.

§ 8.10. There shall be written policy for the protection of inmates appearing to be vulnerable to physical or sexual

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attack.

## Article 8. Medical.

§ 8.11. Written policy and procedures shall provide for 24-hour emergency medical and mental health care availability.

§ 8.12. A permanent log shall be maintained on all medical findings, diagnoses, treatment, dispositions, prescriptions and administration of medications.

## Article 9. Visiting.

§ 8.13. Written policy and procedures shall ensure that:

1. There be visiting opportunities limited only by facility schedules, security, space and personnel constraints;
2. Visitors register upon entry into the facility;
3. Circumstances and methods under which visitors may be searched are delineated;
4. Attorneys be permitted to have confidential visits with their clients; and

Any exception to the above shall be documented in writing.

## Article 10. Inmate Control.

§ 8.14. Written policies and procedures shall ensure that punishment shall not be utilized as a means of control or discipline in lockups. Tear gas, chemical mace, or similar devices shall not be used as punishment and may only be used to control detainees where there is an imminent threat of physical injury.

## Article 11. Incident Report.

§ 8.15. A report setting forth in detail the pertinent facts of deaths, escapes, discharging firearms, using chemical agents, or any other serious occurrences shall be reported to the Regional Manager, Department of Corrections, or his designee.

## Article 12. Facility and Inmate Cleanliness.

§ 8.16. A detainee shall have access to a wash basin and toilet facility.

§ 8.17. The detention area shall be maintained in a clean, dry, hazard-free manner.

## PART IX. WORK RELEASE, EDUCATIONAL AND OTHER REHABILITATIVE PROGRAMS.

§ 9.1. Written procedures outlining the eligibility criteria for participation in a work [ release ], educational or rehabilitation [ release ] program [ ~~for both state and local offenders~~ ] shall be developed by each facility with a work [ release ], educational or rehabilitation [ ~~release~~ ] program. Offenders shall meet the established eligibility requirements prior to being released.

§ 9.2. Written procedures shall ensure the accountability of participants at all times and provide for supervision in the community. Such procedures shall include at a minimum:

1. Provisions for a periodic inmate count;
2. Methods for determining and identifying inmates who are authorized to leave the facility;
3. Provisions for a controlled sign-out and sign-in process; and
4. Methods of verifying the inmate's location within the community, both by telephone and random field visits.

§ 9.3. Offender participation in a work release program shall conform to the following specific conditions unless ordered otherwise by an appropriate court:

1. Participation by the inmate shall be on a voluntary basis;

[ 2. The following conditions must be met where the employer has a federal contract: ]

[ ~~2. a.~~ ] Representatives of local union central bodies or similar labor union organizations shall have been consulted;

[ ~~3. b.~~ ] Employment will not result in the displacement of employed workers, or be applied in skills, crafts or trades in which there is a surplus of available gainful labor in the locality, or impair existing contracts for services; and

[ ~~4. c.~~ ] Rates of pay and other conditions of employment will not be less than those paid or provided for work of a similar nature in the locality in which the work is being performed.

§ 9.4. Offender participation in an educational or rehabilitative program shall conform to the following specific conditions unless ordered otherwise by an appropriate court:

1. Participation by the inmate may be voluntary or court ordered;

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2. The program must be approved or accepted in the community;

3. Meetings or classes must be on a regularly scheduled basis; and

4. Other conditions will not be more restrictive on the offender than those required by other participants.

§ 9.5. Written procedures governing the granting of furloughs shall include at a minimum [ : provisions that a participant in the work release, educational or rehabilitative program may be considered for one furlough per month. A furlough shall not exceed three days ] .

[ 1. A participant in the work, educational or rehabilitative release program may be considered for one furlough per month. A furlough shall not exceed three days.

2. Special furloughs may be authorized for specific purposes provided the need for a special furlough can be verified. ]

§ 9.6. Written procedures shall be developed to ensure the accountability of all [ funds earnings ] received, disbursed, to whom and reason on behalf of the participant. Procedures shall be in accordance with § 53.1-131 of the Code of Virginia.

§ 9.7. Written procedures shall establish the criteria and process for removing a participant from the program as follows:

1. Procedures shall include provisions for an impartial hearing for the participant.

2. Procedures shall include provisions for the appeal of the removal.

3. Documentation shall reflect that this information was explained to all participants when they were assigned to the program.

§ 9.8. Each facility having a work [ release ] , educational or rehabilitation [ release ] program that includes state offenders shall have a written agreement with the director.

§ 9.9. State offenders assigned to a work [ release ] , educational or rehabilitation [ release ] program shall meet the Department of Corrections' work release criteria and be approved by the department's Central Classification Board and the department's management review process pursuant to a written agreement as provided for in accordance with § 53.1-131 of the Code of Virginia.

\* \* \* \* \*

**Title of Regulation:** VR 230-01-003:1. Rules and Regulations Governing the Certification Process.

**Statutory Authority:** §§ 53.1-5, 53.1-68, 53.1-141, 53.1-178 and 53.1-182 of the Code of Virginia.

**Effective Date:** May 1, 1993.

## Summary:

The Rules and Regulations Governing the Certification Process are designed to establish a uniform process to be followed in the (i) evaluation of a program or facility being considered for certification to operate by the Board of Corrections; (ii) evaluation of a request for an appeal from a certification decision of the board; and (iii) evaluation of a request for a waiver of a standard established by the board.

A program or facility must be certified by the Board of Corrections to prevent the risk of loss of state funding or possible closure. These regulations are to guide the administrative process.

Included, among others are regulations addressing the audit process and procedures, variance requests, appeals process and schedule, notification requirements, and options available in the event of decertification.

VR 230-01-003:1. Rules and Regulations Governing the Certification Process.

## PART I. INTRODUCTION.

### § 1.1. Definitions.

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

"Affiliated agencies" means agencies not under the administrative control of the board or department but subject to board standards.

"Appeal" means the action taken by a facility or program [ after an audit administrator ] when there is disagreement with a [ compliance audit ] finding [ of noncompliance ] .

[ "Audit report" means the official report of compliance audit findings prepared by the Certification Unit manager for the department and submitted to the board. ]

"Board" means the State Board of Corrections.

"Certification inspector" means a person assigned to the Certification Unit who serves as chairperson or team leader of the certification team.

"Certification team" means those persons [ designated appointed ] by the [ department deputy director ] to conduct compliance audits.

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"Certification Unit" means the organizational unit of the department responsible for scheduling and conducting compliance audits to board standards.

"Compliance" means that no deficiency was cited by the certification team or that cited deficiencies have been corrected through completion of the tasks identified in the plan of action.

"Compliance audit" or "audit" means an on-site official review of a facility or program by the certification team to evaluate compliance with standards promulgated by the board.

"Compliance documentation" means specific documents or information including records, reports, observations and verbal responses required to verify compliance with standards by a facility or program.

"Conditional certification" means a [ ~~temporary certification~~ ] status granted by the board for a specific period of time to correct deficiencies beyond the control of the facility or program.

"Decertified" means the board has determined that a facility or program has not met a minimum acceptable level of compliance with standards [ ~~to be granted a certification~~ ] .

"Deficiency" means [ ~~that the supporting evidence of performance is insufficient for the a~~ ] facility or program [ ~~to does not~~ ] meet [ ~~the requirements of a~~ ] specific board [ ~~standards standard~~ ] .

"Department" means the Department of Corrections.

"Deputy director" means the administrative head of [ a specific division within the department the Division of Community Corrections or the Division of Institutions ] or [ ~~his~~ ] designee.

"Director" means the Director of the Department of Corrections.

"Facility" means the physical plant of a state or local correctional [ facility ] or [ ~~residential program community correctional facility~~ ] .

"Facility or program administrator" means the individual responsible for the operation of a facility or program subject to standards, rules or regulations of the board.

"Life, health, safety standards" or "LHS standards" means those standards directly related to life, health or safety issues as identified by the board.

"Plan of action" means a document stating what has been or will be done to bring all deficiencies into compliance with standards, including a description of the activities undertaken, staff responsibilities, and a time table for completion.

[ "Preparatory audit" means an unofficial review of the operation of a facility or program against appropriate standards. ]

"Probationary certification" means a [ ~~temporary certification~~ ] status granted by the board for a specific period of time to correct deficiencies within the control of the facility or program.

"Program" means [ ~~the plan of a~~ ] system of services provided [ ~~by a public or private correctional facility to clients by CDI and probation and parole officers~~ ] .

[ "Region" means the geographic area in which a facility or program is located as established by the department. ]

"Regional administrator" means the administrative head of a specific region within [ the Division of Community Corrections or the Division of Institutions in ] the department.

"Regional office" means the administrative offices of a specific region within the department.

"Unconditional certification" means that a facility or program is in 100% compliance with life, health, safety, or supervision standards, [ ~~as appropriate, and has complied and is in compliance~~ ] with a minimum of 90% of the remaining standards.

"Variance" means a decision by the board to temporarily suspend the requirements of a specific standard for a specific period of time.

## § 1.2. Legal basis.

[ ~~Sections Section~~ ] 53.1-5 [ ; ~~53.1-68, 53.1-141, 53.1-178, and 53.1-182~~ ] of the Code of Virginia [ ~~require authorizes~~ ] the board to develop and establish program and fiscal standards for state, local and community correctional facilities, lockups and community correctional services [ and , ] to monitor the activities of the department in implementing the standards [ and to adopt such rules and regulations required to carry out the provisions of the Code of Virginia ] .

## [ § 1.3. Supersession:

VR 230-01-003, Rules and Regulations Governing the Certification Process adopted by the board on December 13, 1989, are rescinded on the effective date of these standards. ]

## [ § 1.4. Effective date:

These regulations shall become effective on February 1, 1993. ]

## PART II. GENERAL PROVISIONS.

## § 2.1. Frequency of audits.

A. All state, local and community correctional facilities and programs operated by or affiliated with the department shall be audited every three years.

1. A new facility or program shall undergo a compliance audit within 12 months of opening.

a. The regional office shall notify the Certification Unit in writing within 30 days after a new facility or program [ ~~begins operation. Operation shall begin upon acceptance of accepts~~ ] the first client.

b. The regional office shall conduct a preparatory audit of a new facility or program during the first six months of operation. [ ~~A preparatory audit is a review of the operation against the appropriate standards.~~ ]

c. The Certification Unit shall conduct a compliance audit during the second six months of operation and on a regular schedule [ as provided in § 2.1 ] thereafter.

B. The scheduled compliance audit may be postponed for up to six months due to circumstances beyond the control of the facility or program, such as natural or man-made disasters.

[ 1. The facility or program administrator shall notify the certification inspector and provide details of the circumstances requiring the postponement.

2. The certification inspector shall complete a written notice of change and submit it to the Certification Unit manager for approval.

3. The certification inspector shall send copies of the approved written notice of change to the facility or program administrator, the appropriate regional administrator, and the team members. ]

## § 2.2. Preparation for audit.

A. The Certification Unit staff shall develop a three-year audit schedule.

1. The schedule shall be submitted to the appropriate deputy director for review, comment and approval.

2. Upon approval, the certification unit staff shall:

a. Disseminate the final schedule to the regional offices [ , , and ]

b. Review the schedule as necessary and make adjustments for additional audits.

3. Changes to the final audit schedule shall be agreed upon by the appropriate deputy director and the

Certification Unit manager. [ ~~The Certification Unit staff shall notify the facility or program of the change. Changes shall not extend the audit date beyond the established frequency limits without board approval.~~ ]

[ 4. The Certification Unit staff shall notify the facility or program administrator of the change. Changes shall not extend the audit date beyond the established frequency limits without board approval. ]

B. The deputy director shall appoint certification team members.

1. Team members shall have prior audit experience or have completed certification training.

2. At least one person shall be a staff member of the same type of facility or program being audited.

3. At least one member shall be from outside of the region.

4. The team leader shall coordinate and facilitate the audit.

5. The [ ~~jail and lockup~~ certification ] team [ auditing jails and lockups ] shall consist of a certification inspector and a regional manager [ ~~for state and local community facilities and programs from the Division of Community Corrections~~ ] .

C. The Certification Unit staff shall notify the facility or program administrator in writing at least 60 days prior to [ ~~an~~ a compliance ] audit. A copy of this regulation, a copy of the standards compliance form, and a list of the compliance documentation required during an audit shall be enclosed [ with the notification ] .

D. A certification inspector shall visit the facility or program administrator prior to an audit to discuss the audit process. Exceptions [ to the visit prior to an audit ] shall be documented and approved by the Certification Unit manager [ ~~and shall be based upon the program's need for information and assistance~~ ] .

## § 2.3. On-site audit procedures.

The certification inspector shall use the first day of the audit to orient the team to the audit process and afford the facility or program administrator an opportunity to brief the team on aspects of the facility or program which may have a bearing on the audit.

1. The facility or program administrator shall grant the team access to all documents, staff and areas of the facility or program which are relevant to establishing compliance.

2. Data will be collected through documentation, interview and observation.

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3. The [ ~~team leader~~ certification inspector ] shall brief the facility or program administrator daily on audit progress and preliminary findings.

4. The entire certification team shall make compliance decisions.

a. When a team member finds an indication of noncompliance, the [ ~~entire~~ ] team [ member ] shall [ ~~be notified~~ notify the entire team ] and [ ~~provided~~ provide ] all available information regarding the standard in question.

b. The team shall review the information available to determine if the deficiency is minor in nature.

(1) A majority vote of the team shall determine the compliance.

(2) If a majority vote cannot be obtained, the matter shall be referred to the appropriate deputy director [ by the Certification Unit manager ] .

5. [ ~~A meeting~~ The team ] shall [ ~~be held~~ hold a meeting ] with the facility or program administrator to discuss the team's [ compliance audit ] findings. At this time the facility or program administrator [ ~~may~~ shall ] introduce additional data having a bearing on the team's findings.

6. At the request of the facility or program administrator, the [ ~~team leader~~ certification inspector ] shall report [ compliance ] audit findings to facility or program staff.

## § 2.4. Audit findings.

The Certification Unit staff shall mail the audit findings to the facility or program administrator and the regional office within 10 working days following the compliance audit.

## § 2.5. Development of [ ~~action plans~~ a plan of action ] .

[ ~~An action plan~~ A plan of action ] shall be developed for all deficiencies noted in the [ compliance audit ] findings. The regional office staff shall be available to assist the facility or program administrator in developing [ a the ] plan of action [ ~~to correct the deficiencies noted~~ ]

1. The plan of action must identify the following:

- a. The tasks required to correct a noted deficiency;
- b. The personnel responsible for completing the tasks; and
- c. The actual or proposed date of task completion.

2. The facility or program administrator shall submit

the plan of action to the regional office within 20 working days of receipt of the notification of deficiencies.

3. The regional administrator shall review the plan of action. If approved, it shall be submitted to the deputy director within five working days [ of receipt ] .

4. If the regional administrator does not approve the plan, a report indicating the review and reasons with a copy of the plan of action shall be submitted to the deputy director within five working days [ of receipt of the plan of action ] .

5. The deputy director shall either approve, amend or return the plan of action to the regional administrator for revision within 10 working days of receipt.

6. The regional administrator shall complete any revisions requested and return the plan to the deputy director within 10 working days [ of receipt ] .

7. The deputy director may grant one 30-day extension to a facility or program administrator for the development of a plan of action. The [ deputy director shall notify the ] board [ ~~shall be notified~~ ] of the extension and its justification. The board may grant additional extensions.

8. If a facility or program administrator fails to submit a plan of action within the time specified, the department shall submit the [ audit ] report with recommendations to the board.

## § 2.6. Variance requests.

A variance [ ~~may~~ shall ] be requested by a facility or program administrator when unable to comply with a standard.

1. Variance requests shall be submitted with the plan of action.

2. The regional administrator shall make a recommendation on the variance request and submit it and the plan of action to the deputy director.

3. The deputy director shall review the variance request and plan of action and either submit them to the board or return them to the regional administrator for revision.

4. If a variance request is disapproved, the deputy director shall notify the board.

5. Variance requests shall include:

- a. Standard which cannot be met;
- b. Justification for variance;

c. Actions being taken to comply;

d. Estimated date of compliance; and

e. Individual responsible for the action.

6. A facility or program with an approved variance shall provide a copy to the certification team.

## § 2.7. Appeal process and schedule.

A facility or program administrator may appeal a team decision [ from compliance audit findings ] using the following appeal levels and guidelines.

1. The appeal review levels for facilities and programs that are state operated are:

a. Deputy director and chief deputy director

b. Director

2. The appeal review levels for facilities and programs that are locally operated are:

a. Deputy director and chief deputy director

b. Director

c. Board of Corrections

3. Appeals shall be submitted to the regional office along with the plan of action within 20 working days of receipt of the notification of deficiencies.

4. The regional administrator shall submit the appeal and the plan of action to the deputy director within five working days [ of receipt ] . Upon receipt of notification from the deputy director, the Certification Unit manager shall coordinate a review of the appeal issues with the persons identified in §§ 2.7 A and 2.7 B of these regulations.

5. With the exception of the Board of Corrections, each appeal level shall complete their review of the appeal and notify the Certification Unit manager of their decision within five working days [ of receipt of the appeal ] . The Board of Corrections shall complete its review and notify the Certification Unit manager of its decision within 20 working days.

6. The Certification Unit manager shall notify the facility or program administrator of the decision within three working days [ of receipt of the appeal response ] .

7. If the appeal is denied, the facility or program administrator shall:

a. Submit a plan of action to the regional administrator, or

b. Request that the appeal be forwarded to the next level.

8. If the appeal is denied by the Board of Corrections, the facility or program administrator shall submit a plan of action.

## § 2.8. Board action on audit results.

A. The Certification Unit manager shall submit audit reports to the board no later than 90 days after completion of the audit. Audit reports shall include:

1. A list of deficiencies;

2. Plans of corrective action and completion status;

3. Similar deficiencies from the previous audit; and

4. Recommended action for consideration by the board.

B. Based upon the audit report the board shall take one of the following actions and issue [ the appropriate a ] certificate:

1. A Certificate of Unconditional Certification shall be issued to a facility or program that has:

a. Complied 100% with life, health, safety standards; or

b. Complied 100% with supervision standards, when life, health, safety standards do not apply; [ and or ]

c. Complied with at least 90% of the remaining standards.

2. A Certificate of Probationary Certification indicates deficiencies within the control of the facility or program. It shall be issued to a facility or program that has:

a. Complied with less than 100% of the life, health, safety standards; or

b. Complied with less than 100% of the supervision standards, when life, health, safety standards do not apply; [ and or ]

c. Complied with less than 90% of the remaining standards.

A probationary certification shall be valid for not more than one year as approved by the board. The department shall provide periodic status reports to the board.

3. A Certificate of Conditional Certification indicates deficiencies beyond the control of the facility or program as determined by the board, for example,

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lack of legislative action or capital funding. It shall be issued to a facility or program that has:

- a. Complied with less than 100% of the life, health, safety standards; or
- b. Complied with less than 100% of the supervision standards, when life, health, safety standards do not apply; [ and or ]
- c. Complied with less than 90% of the remaining standards.

A conditional certification shall be valid for not more than one year as approved by the board. The board may grant one extension not to exceed one year. The department shall provide [ ~~periodic~~ ] status reports to the board [ as requested ] .

4. A Letter of Decertification [ may will ] be issued by the board when a facility or program with a conditional or probationary certification does not meet the requirements for certification within the time limits approved by the board. The department shall provide [ ~~periodic~~ ] status reports to the board during this period.

- a. A decertified facility or program may request to be reaudited at any time.
- b. The appropriate deputy director shall notify the certification unit manager to schedule a new audit.

[ ~~5. A copy of the Probationary, Conditional or Decertification Letter for local and community facilities and programs shall be sent to the head of the local governing body and the chief circuit court judge. ]~~

[ ~~6. C. ] A facility or program's certification status shall remain in effect until notified of a specific change by the board.~~

## § 2.9. Notifications.

The Certification Unit shall notify [ ~~department, state, and local authorities~~ ] the facility or program administrator [ ] of a facility or program's certification status within four weeks after the board's action. Facilities or programs shall post the certificate in a place conspicuous to the public.

## § 2.10. Actions that can be taken when decertified.

[ When ] a facility or program [ ~~failing to achieve certification may have~~ ] is decertified the board may consider taking [ ~~taken,~~ ] the following actions [ ~~taken,~~ ] in compliance with statutes, policies, and procedures established by the board, the department or other state or federal agencies.

1. [ Board ] action [ ~~on~~ for ] facilities or programs

that are state operated may include, but not be limited [ ; ] to [ , ] the following:

- a. The facility or program director authorized to take action may bring about a reorganization of the facility or program structure or other personnel actions deemed necessary to bring it into compliance with standards; or
- b. The facility or program may be closed in accordance with established procedures.

2. [ ~~Actions on Board action for~~ ] facilities and programs that are locally operated may include, but not be limited to, the following:

- a. Recommend that the facility or program administrator authorized to take action bring about a reorganization of the facility or program structure or other personnel actions deemed necessary to bring it into compliance with standards; or
- b. Recommend that the facility or program be closed or the termination of contractual agreements in accordance with established procedures; or
- c. Initiate proceedings for the withholding of funds under the appropriate sections of the Code of Virginia.

## VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

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

Statutory Authority: §§ 9-158, 9-160, and 9-164 of the Code of Virginia.

Effective Date: April 7, 1993.

### Summary:

The Commission on Health Care for All Virginians proposed that legislation be introduced to 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 the changes contained in Senate Bill 518 dealt with the Commercial Diversification Survey.

The proposed regulation 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 Service 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.*

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

## PART I DEFINITIONS.

### § 1.1. Definitions.

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

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

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

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

the financial statements or as a supplemental schedule of the certified audited financial statements submitted to the Virginia Health Services Cost Review Council by the institution.

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

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

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

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

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

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

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

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

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of any review process under Chapter 4 of Title 32.1 of the Code of Virginia.

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

## PART II. GENERAL INFORMATION.

### § 2.1. Authority for regulations.

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

### § 2.2. Purpose of rules and regulations.

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

### § 2.3. Administration of rules and regulations.

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

### § 2.4. Application of rules and regulations.

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

### § 2.5. Effective date of rules and regulations.

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

### § 2.6. Powers and procedures of regulations not exclusive.

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

## PART III. COUNCIL PURPOSE AND ORGANIZATION.

### § 3.1. Statement of mission.

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

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

### § 3.2. Council chairman.

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

### § 3.3. Vice-chairman.

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

### § 3.4. Expense reimbursement.

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

### § 3.5. Additional powers and duties.

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

## PART IV. VOLUNTARY COST REVIEW ORGANIZATIONS.

### § 4.1. Application.

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

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

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

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

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

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

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

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

## § 4.2. Review of application.

### A. Designation.

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

### B. Disapproval.

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

### C. Reapplication.

An organization whose application has been disapproved

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

## § 4.3. Annual review of applicant.

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

B. The annual review statement shall include:

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

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

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

## § 4.4. Revocation of approval.

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

## § 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.

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## § 5.2. Eligibility.

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

## § 5.3. Contents of contract.

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

## PART VI. FILING REQUIREMENTS AND FEE STRUCTURE.

§ 6.1. Each individual 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. The annual report and the certified audited financial statement shall be received by the council no later than 120 days after the end of the respective applicable health care institution's fiscal year. Extensions of filing times for the annual report or the certified audited financial statement may be granted for extenuating circumstances upon a health care institution's written application for a 30-day extension. Such request for extension shall be filed no later than 120 days after the end of a health care institution's fiscal year. The requirement for the filing of an annual report and a certified audited financial statement may be waived if a health care institution can show that an extenuating circumstance exists. Examples of an extenuating circumstance include, but are not limited to, involvement by the institution in a bankruptcy proceeding, closure of the institution, or the institution is a new facility that has recently opened.

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. For those health care institutions that participate in either the Medicare or Medicaid program, 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 filings submitted to the council. Any health care institution that does not participate in the Medicare or Medicaid program may develop and utilize an alternative methodology to determine the nursing home portion of its costs if it chooses not to utilize the cost allocation methodology used by the Department of Medical

Assistance Services and Medicare. That methodology shall then be approved by the council and the health care institution must continue to utilize that methodology for all subsequent filings unless a subsequent change is approved by the council.

§ 6.2. Each individual 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. An institution's budget for a given fiscal year will not be accepted for review unless the institution has already filed its annual report and certified audited financial statement for the previous 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. For those health care institutions that participate in either the Medicare or Medicaid program, 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 filings submitted to the council. Any health care institution that does not participate in the Medicare or Medicaid program may develop and utilize an alternative methodology to determine the nursing home portion of its costs if it chooses not to utilize the cost allocation methodology used by the Department of Medical Assistance Services and Medicare. That methodology shall then be approved by the council and the health care institution must continue to utilize that methodology for all subsequent filings unless a subsequent change is approved by 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. An institution's proposed amendment or modification to its annually filed schedule of charges shall not be accepted for review unless the institution has complied with all prior filing requirements contained in §§ 6.1 and 6.2 for previous fiscal years. Changes in charges which will have a minimal impact on revenues are exempt from this requirement. Any change in an institution's charges or

cumulative changes in charges that will increase or decrease council-approved budgeted gross patient services revenue by less than 1.0% of annual revenue for the remaining portion of the budgeted fiscal year are considered minimal and need not be reported. All other changes must be reported.

§ 6.3:1. Each health care institution shall file annually a survey of rates charged. For hospitals, the survey shall consist of up to 30 select charges, including semi-private and private room rates. The survey shall also consist of charges of the most frequently occurring diagnoses or procedures for inpatient and outpatient treatment. The charges shall be calculated by taking an average for one month of all patient bills where the requested CPT or ICD-9 code numbers are indicated as the principal diagnosis or procedure. This information shall be received 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 i j below for each affiliate of such hospital~~ 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 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 institution or any corporation which controls a health care institution has a 25% 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~~ ending ] 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.*

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§ 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 seven 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, annual report or certified audited financial statement past the due date. The late charge may be waived if a health care institution can show that an extenuating circumstance exists. Examples of extenuating circumstance include, but are not limited to, involvement by the institution in a bankruptcy proceeding, closure of the institution, change of ownership of the institution, or the institution is a new facility that has recently opened.

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

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

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

§ 6.11. A late charge of \$25 per working day shall be paid to the council by the reporting entity required to submit the Form 990s as provided in §§ 6.3:8 and 6.3:9.

## 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. Hospitals that are part of a hospital system will be analyzed on a systemwide basis. 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. Hospitals that are part of a hospital chain may have their filings reviewed on a consolidated basis. Summarized analyses and comments shall be reviewed by the council at a scheduled council meeting within approximately 75 days after receipt of properly filed data, after which these summaries and comments, including council recommendations will be published and disseminated by the council. Amendments or modifications to the annually filed schedule of charges shall be processed in a like manner and reviewed by the council no later than 50 days after receipt of properly filed amendments or modifications. Any health care

institution which is the subject of summaries and findings of the council shall be given upon request an opportunity to be heard before the council.

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

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

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

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

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

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

§ 8.5. The council may release historical financial and statistical data reported by health care institutions to state or federal commissions or agencies based on individual, specific requests, and the merit of such requests. Requests must list the purpose for which the requested data is to

be used to permit the council to reach a valid decision on whether or not the data requested will fit the need and should, therefore, be made available. Under no circumstances will data be released which contains "personal information" as defined in § 2.1-379(2) of the Code of Virginia.

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

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

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

Virginia Health Services Cost Review Council Commercial Diversification Survey 1992	
<b>Section I</b>	
For each entity in your organizational structure as of July 1, 1992, provide the following:	
1. Name:	_____
2. Address:	City/Town _____
	State _____ Zip Code _____ Telephone / _____
3. Principal Activity (please define):	_____
4. Date of last fiscal year end:	_____
5. Total revenues for the last fiscal year (gross patient services revenue plus all other revenue):	_____
6. Net profit/loss, or if tax exempt, excess of revenues over expenses for the last fiscal year:	_____
7. Total assets at the end of the last fiscal year:	_____
8. Net equity or fund balance at the end of the last fiscal year:	_____
9. Name of controlling corporation:	_____
10. Date of Affiliation:	_____
11. Nature of affiliation:	_____
A. Type of business structure (check):	
for-profit corporation <input type="checkbox"/>	
non-profit corporation <input type="checkbox"/>	
other (specify) _____ <input type="checkbox"/>	
B. Type of control (check):	
stock ownership <input type="checkbox"/>	
member <input type="checkbox"/>	
other (specify) _____ <input type="checkbox"/>	
C. Current percentage of ownership interest: _____	
12. Method of affiliation:	_____
A. Created <input type="checkbox"/> Acquired <input type="checkbox"/>	
If acquired, date of the affiliate's initial incorporation: _____	
B. Amount of initial capital contribution: _____	
C. Share of initial equity contribution: _____	
D. Source of funds used in the creation of acquisition:	
equity of internal funds <input type="checkbox"/>	
equity of another subsidiary <input type="checkbox"/>	
loan from bank <input type="checkbox"/>	
other (specify) _____ <input type="checkbox"/>	
13. If tax-exempt under this statute, give the Internal Revenue Code section permitting tax-exempt status: Section 501(c) _____	

Virginia Health Services Cost Review Council  
Commercial Diversification Survey  
1992

Section III - Check List

Reporting requirements for the Commercial Diversification Survey include Sections I, II, and III as well as the following documents:

Consolidated audit: CHECK  
 facilities with August 31, 1992 due date:   
 facilities with September 30, 1992 due date:   
 facilities with October 31, 1992 due date:

Copy of the latest Form 990 filed with the Internal Revenue Service:

Submitted by \_\_\_\_\_

Signature of Administrator/CEO \_\_\_\_\_

Date \_\_\_\_\_

A late charge of \$25.00 per working day will be assessed for survey forms not received by the VHSCRC by August 31, 1992.

Virginia Health Services Cost Review Council  
Commercial Diversification Survey  
1992

Section II - Related Party Transactions

For each entry in your organizational structure as of July 1, 1992, provide the following:

Name: \_\_\_\_\_

A. Total purchases and/or sales between related parties:

Purchases from or Sales to:	Description of Purchases or Sales:	Total Amount by Cost or Revenue Center:

B. Lump sum transfers of capital:

Transferred To/From:	Description of Transfer:	Total Amount:

C. Transfers of assets:

Transferred To/From:	Description of Assets:	Total Amount:

D. Other related party transactions (describe):

Transferred To/From:	Description:	Total Amount:

Use additional space as needed.

\* \* \* \* \*

Title of Regulation: VR 370-01-000. Public Participation Guidelines in the Formation and Development of Regulations. REPEALED.

Title of Regulation: VR 370-01-000:1. Public Participation Guidelines for Development of Regulations.

Statutory Authority: §§ 9-6.14:7.1 and 9-164(2) of the Code of Virginia.

Effective Date: April 7, 1993.

Summary:

The changes to the Public Participation Guidelines for the Virginia Health Services Cost Review Council will allow all interested persons and organizations to receive adequate notice prior to the initiation of the promulgation of any regulation adopted by the council. It will also allow for adequate participation of those organizations as the adoption process moves through the various phases required in Virginia's Administrative Process Act.

VR 370-01-000:1. Public Participation Guidelines for Development of Regulations.

§ 1. Definitions.

A. For the purpose of these public participation guidelines for development of regulations, the words or terms shall have the meanings given them in subsection C of this section.

B. Unless specifically defined in this regulation, terms used shall have the meanings commonly ascribed to them.

C. Terms defined.

"Administrative Process Act" means Chapter 1.1:1 (§ 9-6.14:1 et seq.) of Title 9 of the Code of Virginia.

"Approving authority" means the Virginia Health Services Cost Review Council established by Chapter 26 (§ 9-156 et seq.) of Title 9 of the Code of Virginia which has the legal authority to adopt regulations.

"Director" means the executive director and staff of the Virginia Health Services Cost Review Council which positions are established pursuant to the Code of Virginia to implement programs and provide administrative support to the approving authority.

"Governor's Executive Order" means any policy or procedure issued by the Governor under § 2.1-41.1 or § 9-6.14:9.1 A of the Code of Virginia establishing the administrative policy and procedures for gubernatorial review and regulatory actions governed by the Administrative Process Act.

§ 2. General.

A. The procedures in § 3 of this regulation shall be used for soliciting the input of interested parties in the formation and development or repeal of regulations and any revision thereto in accordance with the Administrative Process Act, Chapter 1.1:1 (§ 9-6.14:1 et seq.) of Title 9 of the Code of Virginia. These procedures shall not only be utilized prior to the formation and drafting of regulations, but shall be utilized during the entire formation, promulgation and final adoption process.

B. At the discretion of the approving authority or the director, the procedures in § 3 may be supplemented by any means and in any manner to gain additional public participation in the regulation adoption process, provided such means allows for balanced participation by the interested parties.

C. The failure of any person or organization to receive any notice or copies of any documents shall not affect the validity of any regulation otherwise adopted in accordance with the Administrative Process Act and Governor's Executive Order.

§ 3. Public participation procedures.

A. The director shall establish and maintain a list consisting of parties expressing an interest in the adoption, amendment, or repeal of regulations.

B. Whenever the approving authority so directs, or upon his own initiative, the director may commence the regulation adoption process according to these procedures and proceed to draft a proposal.

C. The director shall issue a Notice of Intended Regulatory Action (NOIRA) for all regulatory proposals in accordance with the Administrative Process Act.

1. The NOIRA shall include, in addition to the requirements of the Registrar of Regulations:

- a. A statement as to the need for regulatory action.
- b. A description, if possible, of alternatives available to meet the need.
- c. A request for comments on the intended regulatory action, to include any ideas to assist the director in the drafting and formation of any proposed regulation developed pursuant to the NOIRA.
- d. A request for comments on the costs and benefits of the stated alternatives or other alternatives.

2. The public comment period for NOIRAs under subdivision C 1 of this section shall be no less than 15 days after publication in The Virginia Register.

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D. The director shall disseminate the NOIRA to the public via the following:

1. Distribution to the Registrar of Regulations for publication in *The Virginia Register*.
2. Distribution by mail to parties on the list established under subsection A of this section.

E. After consideration of public input, the director may prepare the draft proposed regulation and prepare the Notice of Public Comment (NOPC) and any supporting documentation required for review by the Administrative Process Act and Governor's Executive Order. A summary of comments received in response to the NOIRA shall be distributed to the approving authority for its review. The NOPC shall include, in addition to the requirements of the Registrar of Regulations, a notice of the opportunity to comment on the proposed regulation and a request for comments on the costs and benefits of the proposal. The NOPC shall also state that an analysis of the following has been conducted by the agency and is available to the public upon request:

1. Statement of purpose - why the regulation is proposed and the desired end result or objective of the regulation.
2. Estimated impact:
  - a. Number and types of regulated entities or persons affected.
  - b. Projected cost to regulated entities (and to the public, if applicable) for implementation and compliance.
  - c. Projected cost to agency for implementation and enforcement.
3. Explanation of need for the proposed regulation and potential consequences that may result in the absence of the regulation.
4. An estimate of the impact of the proposed regulation upon small businesses or organizations in Virginia.
5. A discussion of alternative approaches that were considered to meet the need which the proposed regulation addresses, and agency assurance that the proposed regulation is the least burdensome available alternative.
6. A schedule setting forth when, within two years after a regulation is promulgated, the director will evaluate it for effectiveness and continued need.
7. The public comment period shall close no less than 60 days after publication of the NOPC in *The Virginia Register*.

[ G. F. ] The NOPC may also include the time, date, and location of a public hearing to receive comments on the proposed regulation. The hearing may be held at any time during the public comment period. The hearing may be held in such location as the agency determines will best facilitate input from the affected parties.

[ H. G. ] The director shall prepare a summary of comments received in response to the NOIRA and submit them to the approving authority as part of the agency record.

[ I. H. ] Upon approval of the draft proposed regulation by the approving authority, the agency may publish the proposal for public comment.

[ J. I. ] The director may disseminate the NOPC to the public via the following:

1. Distribution to the Registrar of Regulations for:
  - a. Publication in *The Virginia Register*.
  - b. Publication in a newspaper of general circulation published at the state capital and such other newspapers as the agency may deem appropriate.
2. Distribution by mail to parties on the list established under subsection A of this section.

[ K. J. ] Concurrently with distribution of the NOPC to the Registrar of Regulations, the director shall submit the proposed regulation and supporting documentation required for review in accordance with the Administrative Process Act and Governor's Executive Order.

[ L. K. ] Completion of the remaining steps in the adoption process shall be carried out in accordance with the Administrative Process Act and Governor's Executive Order.

## STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

<p><b>REGISTRAR'S NOTICE:</b> The following regulation is exempted from the Administrative Process Act under the provisions of § 9-6.14:4.1 B 4 of the Code of Virginia, which excludes agency action relating to grants of state or federal funds or property. The regulation is being published for informational purposes only.</p>
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Title of Regulation: VR 380-03-04. Tuition Assistance Grant Program Regulations (REPEALED).

Title of Regulation: VR 380-03-04:1. Tuition Assistance Grant Program Regulations.

Statutory Authority: §§ 23-38.11 through 23-38.18 of the Code of Virginia.

Effective Date: July 1, 1993.

Summary:

Sections 23-38.11 through 23-38.18 of the Code of Virginia authorize the State Council of Higher Education to develop and promulgate regulations for operation of the Tuition Assistance Grant Program (TAGP). The major provisions of the TAGP regulations are institutional application procedures, disbursements of funds, student eligibility, award amount, and administration.

VR 380-03-04:1. Tuition Assistance Grant Program Regulations.

§ 1. Definitions.

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

"Academic year" means the enrollment period which normally extends from late August to May or June.

"Accredited" means an institution approved to confer degrees pursuant to the provisions of §§ 23-265 through 23-276 of the Code of Virginia.

[ "Bona-fide domiciliary resident of Virginia" means a student who is determined by the council to meet the definition of a domiciliary resident of Virginia eligible for in-state tuition rates, as specified under § 23-7.4 of the Code of Virginia. ]

"Census date" means the time during an academic year when a count of enrolled students is made for reporting purposes. For semester terms, the census date shall be no sooner than the end of the fourteenth calendar day from the beginning of the term and no later than the established reporting date. For quarter terms, the census date shall be no sooner than the end of the tenth calendar day from the beginning of the term and no later than the established reporting date. For nonstandard terms, the census date shall be no sooner than the end of the class session that represents the completion of 15% of the class days and no later than the [ established ] reporting date.

"Cost of attendance" means the sum of tuition, fees, room, board, books, supplies, and other education related expenses, as determined by an [ eligible ] institution for purposes of calculating a student's financial need and awarding federal campus-based student aid funds.

"Council" means the State Council of Higher Education for Virginia.

[ "Domiciliary resident" means a student who is determined by the council to meet the definition of a domiciliary resident of Virginia eligible for in-state tuition rates, as specified under § 23-7.4 of the Code of Virginia. ]

"Eligible program" means a curriculum of courses at the undergraduate, graduate, or first professional level. Undergraduate programs are those programs that lead to an associate's or bachelor's degree and which require at least two academic years (60 semester hours or its equivalent) to complete. Graduate programs are those programs leading to a degree higher in level than the baccalaureate degree and which require at least one academic year (30 semester hours or its equivalent) to complete. Programs that provide religious training or theological education are not eligible courses of study under the Tuition Assistance Grant Program. [ Normally, ] Programs in the [ 3900 39.xxxx ] series, as classified in the National Education Center for Educational Statistics' Classification of Instructional Programs (CIP), are not eligible programs.

"Eligible institution" means a private, accredited, nonprofit, degree-granting institution of higher education in Virginia whose primary purpose is to provide collegiate or graduate education and not to provide religious training or theological education.

"Fiscal year" means the period extending from July 1 to June 30.

"Full-time student" means a student who is enrolled for at least 12 credit hours per semester or its equivalent at the undergraduate level or nine credit hours per semester or its equivalent at the graduate or first professional level. The total hours counted will not include courses taken for audit, but may include required developmental or remedial courses and other elective courses which normally are not counted toward a degree at the institution. A [ graduating ] student [ who is enrolled less than full-time in the term immediately preceding graduation ] may be certified full-time and eligible to receive an award if: (i) the student was enrolled full-time in the [ immediately ] preceding term, (ii) the course credits needed to complete degree requirements total less than a full-time course load, and (iii) the maximum number of years of eligibility has not been exceeded.

"Nonprofit institution" means an institution operated by one or more nonprofit corporations or associations no part of the net earnings of which may inure to the benefit of any individual.

"Post-baccalaureate student" means a matriculated student who is in a program leading to a degree higher in level than the baccalaureate degree and is classified by the institution as a "professional" or "graduate" student.

"Program" means the Tuition Assistance Grant Program (TAGP).

"Undergraduate student" means a student in a program leading to an associate's or bachelor's degree [ or an undergraduate teaching certificate ] who has not earned a bachelor's or higher degree, and who is not classified by the institution as a "professional" or "graduate" student.

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## § 2. Institutional participation in the program: application procedures.

In order to participate in the program, eligible institutions not previously approved by the council to participate must file formal application with the council no later than January 31 of the calendar year preceding the calendar year in which fall term grants would first be available to students.

Applications shall be addressed to the council's financial aid coordinator and shall include:

1. Estimates of the number of students who would be eligible to receive grants under the program in the first and second years of participation;
2. A copy of the Fiscal Operations Report and Application to Participate in Federal Student Financial Aid Programs (FISAP); and
3. Certifications from the institution's chief executive officer that the institution:
  - a. Meets eligibility requirements for participation, namely, that it is an accredited, nonprofit, Virginia degree-granting institution of higher education whose primary purpose is not to provide religious training or theological education;
  - b. Will furnish whatever data the council may request in order to verify its institutional eligibility claims to the satisfaction of the council; and
  - c. Will promptly notify the council within 30 days following any change in governance or mission that may affect the institution's status as an eligible institution.
  - d. By its governing body has authorized its adherence to the requirements of these regulations, as the same are now constituted or hereafter amended, until such time as the institution may withdraw from participation in the program.

All documents must be on file before any funds are disbursed.

## § 3. Disbursement of funds.

### A. Advancement of funds.

No more than 90% of an institution's estimated allocation of funds for a term will be forwarded to the institution at the beginning of the term. After the census date for each term, the institution will certify that recipients are enrolled as full time students and are meeting other eligibility requirements established for the program. After enrollment is verified, remaining funds, if any, will be disbursed to the institution. Funds for recipients reported not enrolled full-time or not meeting

other eligibility requirements shall not be disbursed to students, and funds for these students, if already received by the institution in its capacity as the student's fiscal agent, shall be reported to the council as [ ~~unutilized~~ unused ] funds.

### B. [ ~~Utilization of funds.~~ Fund usage. ]

Awards may be used only for payment of tuition at the institution in the academic year for which the award has been made. [ A student who has received a full tuition waiver cannot receive an award under the program. A student who has received a partial tuition waiver may receive an award so long as the sum of the waiver and the award does not exceed tuition charges. ]

The institution shall complete and return to the council, as requested, a report of funds not [ ~~utilized~~ used ] . An institution shall not declare as [ ~~unutilized~~ unused ] funds the funds it has [ ~~received for any student whom it has~~ ] previously [ ~~certified as an eligible recipient~~ credited to a student's account ] without first notifying the student of its intention to do so, in writing, at least 20 working days prior to taking such action.

For a student who receives an award and withdraws from an institution during a term and is entitled to a refund from that institution, the institution shall report to the council as [ ~~unutilized~~ unused ] funds a prorated portion of the student's award on the basis of the tuition refund policy in effect at the institution.

All [ ~~unutilized~~ unused ] funds shall be returned to the council within 20 working days after receiving written request from the council.

### C. Notification to students.

Institutions shall [ ; in all written communications to students that make reference to awards or award estimates under the program, notify the student make students aware ] that the award is state-funded. The [ ~~institution~~ institutions ] shall also direct specific [ ~~attention~~ to the status of the award, particularly in those cases where notice to ] estimates of awards [ ~~(or awards, the funds for which have not yet been received by the institution)~~ which ] appear as credits on statements of student tuition charges. Institutions, in addition, shall ensure that each award recipient is notified of the disposition of award funds subsequent to the date that such funds are received by the institution. Evidence of such notification may include but shall not be limited to (i) the dates on receipts signed by award recipients, (ii) formal procedures for providing to recipients written notification of the crediting of student accounts or the availability of checks after such funds are received by the institution, or (iii) institutional records which verify the dates that checks were disbursed to students.

### D. Restriction on use of funds.

An institution shall establish and maintain financial records that accurately reflect all program transactions as they occur. The institution shall establish and maintain general ledger control accounts and related subsidiary accounts that identify each program transaction and separate those transactions from all other institutional financial activity. Program funds shall be deposited in a noninterest-bearing account established and maintained exclusively for that purpose. Funds may only be disbursed to student accounts receivable or to the council. The institution shall hold program funds in the account for a maximum of 20 working days before transferring funds to student accounts. All unused funds must be returned to the council no later than the end of the fiscal year [ or 20 working days after receiving written request from the council, whichever is sooner ] .

Funds received by the [ institution institutions ] under the program may be used only to pay awards to students. The funds are held in trust [ on behalf of the Commonwealth of Virginia ] by the [ institution institutions ] for the intended student beneficiaries and may not be used for any other purpose.

[ Any income realized, or to be realized, on program investment income will revert to the Commonwealth of Virginia. Funds, the foregoing notwithstanding, are the property of the Commonwealth of Virginia. ]

## § 4. Student eligibility.

### A. Eligibility criteria.

In order to be eligible to receive an award, the student must:

1. Be a [ ~~bona-fide~~ ] domiciliary resident of Virginia;
2. Enroll in the academic year for which the award is to be received as a full-time student in eligible program at an eligible institution;
3. Not have been convicted for failure to comply with federal selective service registration requirements; and
4. Complete and submit by the published deadline an application for an award.

### B. Limitations on awards.

1. If a student receives a partial payment for a semester or quarter, the student's total term of eligibility is reduced by one semester or quarter.
2. Preference for awards will be given to eligible students who will enroll for the fall semester or quarter of any given academic year. Awards to students enrolling subsequent to the fall or semester quarter will be limited to funds available through attrition and other nonuse of authorized funds.

3. Awards for undergraduate students shall initially be made for one academic year, but may be renewed for no more than three additional academic years of undergraduate study, subject always to the availability of funds.

4. Students pursuing degrees beyond the baccalaureate level shall be limited to a cumulative total of four academic years of eligibility for tuition assistance. Students enrolled in master's programs may receive assistance for two academic years; doctoral programs, two academic years; law programs, three academic years; and medical programs, four academic years.

5. Degree-holders enrolled in teacher certification programs may receive awards if the student has not exceeded undergraduate eligibility.

6. Students receiving awards must maintain eligibility throughout the period for which the award is made.

7. Students enrolled in a program leading to a second associate's, bachelor's, master's, or professional degree are not eligible to receive an award.

## § 5. Award amount.

No award shall exceed the annual average appropriation per full-time equivalent student for the previous year from the general fund for operating costs at two- and four-year public institutions of collegiate education in Virginia. The amount of the award will be determined by the number of eligible applicants and funds available. In no event shall any award exceed any award limit set forth in the Appropriations Act.

An award received by a student under the program shall not be reduced by the student's receipt of other financial aid from any source unless the award, when added to other financial aid, would enable the student to receive total assistance in excess of the estimated cost of attendance at the institution the student attends.

## § 6. Administration.

### A. The council.

The council will periodically review institutional administrative practices to determine compliance with these regulations. If [ a review the council ] determines that an institution has failed [ to comply to rectify substantial compliance errors after an opportunity to do so is provided by the council ] , the council may [ , after a 20-day written notice of pending action to the institution, ] suspend or terminate its future participation in the program. In all instances, the council will require the institution to recover and refund to the council any state funds that were expended improperly.

The council will periodically send confirmation letters to award recipients. The letters shall include but not be

# Final Regulations

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limited to requests for information about status, permanent address, domicile, and funds received to date.

[ The council will provide assistance, interpretation of policy and regulations, and guidance to the institutions in their handling of administrative matters. The assistance will be in the form of, but not limited to, information about the program and preparation of the student application. If an institution wishes to do so, it may prepare its own application, so long as it is approved by the council. ]

## B. Participating institutions.

Institutions shall:

1. Certify student eligibility in all respects except domicile for the purpose of § 23-7.4 of the Code of Virginia;

2. Provide the council with information pertinent to determining domicile and key application data onto a domiciliary diskette provided by the council [ or process information in a format approved by the council ] ;

[ 3. Notify, in writing, students whose applications are rejected that they are not eligible for awards and for what reason; ]

[ 3 4 ] . Secure and provide to the council [ forms ] such information regarding student applicants and award recipients as the council deems necessary for the proper administration of the program;

[ 4 5 ] . Act, with the student's authorization, as the student's agent to receive and hold program funds for the student's use as tuition assistance;

[ 5 6 ] . Furnish periodic reports and other pertinent information as may be required by the council. The reports shall include but not be limited to copies of institutional financial aid audit reports and audited financial statements;

[ 6 7 ] . Ensure that each application bears a stamp indicating the date the application was received by the institution. Applications received in the mail after the annually established closing dates for [ regular on-time ] or late applications may be treated as [ regular on-time ] or late applications, respectively, if proof of mailing on or before the closing date accompanies the application. The only proof of mailing accepted shall be either a completed Certificate of Mailing obtained from the U.S. Post Office by the applicant or the postmarked envelope showing that the application was mailed on or before the closing date at the institution. An application bearing a stamped date of receipt later than the closing date for late applications shall normally not be considered; and

[ 7 8 ] . Withdraw from the program only upon a 60-day written notice to both its student body and the council. Withdrawal shall be effective at the conclusion of the academic year designated by the withdrawing participant.

The institution's chief executive officer shall designate one individual at the institution to act as the primary representative of the institution in all matters pertaining to the administration of the program. The chief executive officer shall, in addition, indicate whether the primary institutional representative may designate a single subordinate who may act as an alternate representative for routine administrative operational matters at the campus. At multi-campus institutions, an alternate representative may be designated for each branch campus if the chief executive officer authorizes the appointment of alternate representatives. If there is a change in the primary representative, the chief executive officer shall designate another individual and notify the council within 30 days, in writing, of the change. It is the responsibility of the primary representative to advise the council in a similar fashion of changes in alternate representative(s), if any.

## C. Responsibility of recipients.

A recipient of an award under the program shall notify [ ; ] the institution, in writing, of any name or permanent address changes.

# EMERGENCY REGULATIONS

## DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

### Virginia Manufactured Housing Board

**Title of Regulation:** VR 449-01-01. Public Participation Guidelines for Formation, Promulgation and Adoption of Regulations.

**Statutory Authority:** §§ 9-6.14:7.1 and 36-85.18 of the Code of Virginia.

**Effective Dates:** March 8, 1993, through March 7, 1994.

#### Preamble:

Section 9-6.14:7.1 of the Code of Virginia requires an agency or a Board to develop, adopt and utilize public participation guidelines to solicit the input of interested parties in the formation and development of its regulations. The Virginia Manufactured Housing Board, a new Board created by § 36-85.17 of the Code of Virginia, is responsible for promulgating the regulations for the manufactured housing licensing program and the recovery fund. Since the public participation guidelines currently used by this Department are specifically for the Board of Housing and Community Development, the Manufactured Housing Board must have its own specific guidelines to use in developing regulations. The adoption of these guidelines as emergency regulations will enable the Board to carry out its statutory responsibilities while ensuring public participation to the maximum extent possible.

These proposed guidelines are the same as those previously approved for the Board of Housing and Community Development, only substituting Manufactured Housing Board in place of the Board of Housing and Community Development. The Department and Board will initiate actions to develop final guidelines as required by the Administrative Process Act in § 9-6.14:4.1 of the Code of Virginia.

VR 449-01-01. Public Participation Guidelines for Formation, Promulgation and Adoption of Regulations.

#### PART I. GENERAL PROVISION.

##### § 1.1. Definitions.

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

"Board" means Manufactured Housing Board.

"Department" means Department of Housing and Community Development.

"Guidelines" means the regulations adopted by the Manufactured Housing Board for public participation in the formulation, promulgation and adoption of regulations.

"Staff" means employees of the Department of Housing and Community Development or Manufactured Housing Board.

##### § 1.2. Application.

These guidelines apply to all regulations adopted by the board. They will be used whenever regulations are hereafter adopted, amended or deleted.

##### § 1.3. Periodic review.

It is the intent of the board to conduct a periodic review of all regulations that have been adopted under state law. Such reviews will be undertaken at appropriate intervals as needed to keep the regulations up-to-date. These guidelines will be used in the review process.

#### PART II. PUBLIC PARTICIPATION.

##### § 2.1. Mailing lists.

The department will maintain lists of individuals, businesses, associations, agencies, and public interest groups which have expressed an interest, or which could reasonably be expected to have an interest, in the board's regulations. The lists will be updated and expanded as new interested parties are identified. Deletions will be made when lack of interest is determined.

##### § 2.2. Notification.

The lists will be used to notify and solicit input to the regulatory revision process from interested parties. Selected mailings will be made independently of notices in The Virginia Register of Regulations and of notices in newspapers. Advertising in department newsletters, in trade and professional publications, and in public interest group publications will be used when appropriate.

##### § 2.3. Solicitation of input.

The staff of the department will continually receive, retain and compile all suggestions for changes and improvements to the regulations. In addition, a notice of intent to adopt or amend regulations will be published in The Virginia Register of Regulations to solicit public input before drafting the proposals.

##### § 2.4. Regulatory review workshops.

Before adoption or revision of the regulations, the board may conduct one or more meetings for the general public to explain the review process and to solicit proposals for needed changes. At least thirty day's notice of such meetings will be published in The Virginia Register of

# Emergency Regulations

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Regulations and in a newspaper of general circulation published in the region in which the meeting is to be held, and in a newspaper of general circulation published in Richmond, Virginia. Press releases and other media will be used as needed. Selected interested persons and groups will be notified by mail.

## § 2.5. Preparation of preliminary draft.

The board will prepare a preliminary draft of proposed amendments to the regulations based on public input received and on the results of its own study of the regulations.

## § 2.6. Ad hoc committee review.

The board may establish an ad hoc advisory committee consisting of invited representatives of all groups believed to be affected by the regulations and the proposed amendments. The board will give consideration to recommendations received from the committee, and will make appropriate revisions to the draft.

## § 2.7. Public hearings.

Prior to completion of a final draft, the board will convene at least one public hearing in accordance with the procedures required by the Administrative Process Act and the Virginia Register Act.

### PART III. ACTION ON COMMENTS OF GOVERNOR AND LEGISLATURE.

## § 3.1. When Governor suspends process.

If the Governor suspends the regulatory process to require solicitation of additional public comment, the board will do so in the manner prescribed by the Governor. If no specific method is required, the board will employ one or more of the following procedures, as deemed necessary:

1. Consult with affected persons and groups.
2. Reconvene the ad hoc review committee for further consultation.
3. Advertise and conduct an additional public hearing under the procedures prescribed by the Administrative Process Act and the Virginia Register Act.

## § 3.2. Other legislative and executive comments.

If the Governor does not require solicitation of additional public comment, but does provide suggestions, or if further suggestions are received from the required legislative review during the thirty day final adoption period, the board will determine whether solicitation of additional public comments should be undertaken. If needed, one or more of the procedures described above

may be used.

Submitted by:

/s/ Neal J. Barber  
Director  
Department of Housing and Community Development  
Date: January 7, 1993

Approved by:

/s/ Cathleen A. Magennis  
Secretary of Economic Development  
Date: January 28, 1993

Approved by:

/s/ Lawrence Douglas Wilder  
Governor  
Date: February 8, 1993

Filed with:

/s/ Joan W. Smith  
Registrar of Regulations  
Date: February 11, 1993

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# STATE CORPORATION COMMISSION

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## BUREAU OF INSURANCE

February 10, 1993

### ADMINISTRATIVE LETTER 1993-3

To: All Insurers, Health Services Plans, and Health Maintenance Organizations Licensed to Write Accident and Sickness Insurance in Virginia

Re: Virginia Insurance Regulation No. 38: Rules Governing the Reporting of Cost and Utilization Data Relating to Mandated Benefits and Mandated Providers

Pursuant to Virginia Insurance Regulation No. 38 and § 38.2-3419.1 of the Code of Virginia, all insurers, health services plans, and health maintenance organizations licensed to issue policies of accident and sickness insurance or subscription contracts in Virginia are to report cost and utilization data relating to mandated benefits and mandated providers for the calendar year 1992 to the Bureau of Insurance by May 1, 1993.

Each and every company licensed as described above must submit a report to the Bureau of Insurance. Please note the following:

1. Companies that meet any one of the exemption criteria contained in section 4.B. of Regulation No. 38 for the 1992 reporting period are required to complete and file only the first page of Form MB-1. The fact that a company may have written no applicable business in Virginia during 1992 does not exempt that company from filing for an exemption. Each licensed company must file either a full report or a request for exemption.
2. It is not acceptable to consolidate information from companies within the same holding company system. Each licensed company must file its own Form MB-1.
3. This is the second reporting year since Regulation No. 38 became effective. Lack of notice, lack of information, lack of a means of producing the required data, or other such excuses will under no circumstances be accepted this year or in the future.
4. Reports filed in compliance with this regulation must be in the format contained in Form MB-1 (a copy of which is attached to this letter). Companies filing full reports are encouraged to do so on computer diskettes issued by the Bureau of Insurance. Companies may submit their reports in paper form, if typed. Each company wishing to file its report on diskette should complete and return the attached Diskette Request Form. Diskettes supplied by the Bureau of Insurance will contain Form MB-1 and the necessary data entry system.
5. Companies are reminded that Regulation No. 38 contains specific instructions and reference materials

which define the data required to complete Form MB-1. A list of instructions is attached to this administrative letter to provide further clarification. In addition, §§ 38.2-3408 through 38.2-3418.1 of the Code of Virginia which require the inclusion or availability of the benefits which are the subject of this regulation should be consulted.

Correspondence regarding this reporting requirement, including Form MB-1 filings, should be directed to:

Mr. Hil Richardson  
Senior Insurance Analyst  
Bureau of Insurance  
P.O. Box 1157  
Richmond, Virginia 23209  
Telephone No. (804) 371-9388

Section 38.2-218 of the Code of Virginia provides that any person who knowingly or willfully violates any provision of the insurance laws shall be punished for each violation by a penalty of not more than \$5,000. Failure to file a substantially complete and accurate report or exemption request pursuant to the provisions of Regulation No. 38 by the due date may be considered a willful violation and may subject the company to an appropriate penalty.

/s/ Steven T. Foster  
Commissioner of Insurance

Form MB-1 Instructions

DISKETTE REQUEST FORM

Catherine S. West  
 Microcomputer Systems Coordinator  
 Bureau of Insurance  
 P.O. Box 1157  
 Richmond, Virginia 23209

RE: Administrative Letter 1993-3  
 Annual Report of Cost and Utilization Data Relating to  
 Mandated Benefits and Mandated Providers Pursuant to Section  
 38.2-3419.1 of the Code of Virginia and Regulation No. 38

Dear Ms. West:

We would like to submit the above-referenced report for the 1992 reporting period on computer diskette using the entry system supplied by the Bureau of Insurance (requiring an IBM or IBM compatible personal computer with DOS and a minimum of 640K of memory). Please forward a:

- 3.5" high density (1.4M) diskette
- 5.25" high density (1.2M) diskette

containing Form MB-1, the required data entry system, and instructions to my attention as indicated below.

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Company: \_\_\_\_\_

NAIC Number: \_\_\_\_\_ Group NAIC Number: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Phone Number: \_\_\_\_\_ Date: \_\_\_\_\_

Corrections

The corrections noted below have been made to the copy of Form MB-1 attached to this administrative letter.

1. In Part A: Benefit Worksheet #1 - Individual (page 2) the line labeled "Obstetrical Services" should be stricken.
2. In Part C (page 6), blanks in the single coverage columns (both individual and group) to the right of the "Newborn Children" heading should be stricken.
3. In Part C (page 6), blanks directly to the right of the "Mental/Emotional/Nervous" and "Alcohol and Drug Dependence" headings should be stricken. Separate inpatient and outpatient figures are required for both benefit categories and should be recorded in the appropriate blanks.
4. In Part C (page 7), questions #2 and #3, the year "1991" should be replaced by "1992".
5. In Part C (page 8), two questions have been added to #5 to accommodate insurers who charge group policyholders a flat fee per conversion to individual coverage.

Parts A and B

1. Part A requires disclosure of specific claim data for each mandated benefit and mandated offer for both individual and group business. Part B requires similar data for each mandated provider category. In determining the cost of each mandate, it is expected that claim and other actuarial data will be used. Appendix C of Regulation No. 38 lists CPT-4 and ICD-9CM Codes which should be used in collecting the required data. Correction: The CPT-4 Codes listed for "Delivery, Antepartum and Postpartum Care" under the "Obstetrical Services" category should read as follows:

- 59400 Routine obstetric care including antepartum care, vaginal delivery (with or without epistiotomy, and/or forceps) and postpartum care
- 59410 Vaginal delivery only (with or without epistiotomy and/or forceps) including postpartum care
- 59412 External cephalic version, with or without tocolysis (list in addition to code(s) for delivery)
- 59414 Delivery of placenta following delivery of infant outside of hospital
- 59420 Antepartum care only (separate procedure)
- 59430 Postpartum care only (separate procedure)

2. On the worksheets for individual business (pages 2 and 4), for column d - Number of Contracts, companies should report the number of individual contracts which contain the benefits and providers listed. For example, benefits which are mandated offers may be present in fewer contracts than mandated coverages.
3. On the worksheets for group business (pages 3 and 5), for column d - Number of Contracts, companies should report the number of group certificates which contain the benefits and providers listed, not the number of group contracts. Therefore, column e - Claim Cost per Contract, requires a cost per certificate figure. It is understood that the number of group certificates can change frequently, but every effort should be made to estimate the average number in force during the reporting period.
4. Column f - Annual Administrative Cost (pages 2-5) should only include 1992 administrative costs (not start-up costs, unless those costs were incurred during the reporting period).
5. Column g - Percent of Total Health Claims Paid figures should be calculated using one base for the individual business worksheets (pages 2 and 4) and another base for the group business worksheets (pages 3 and 5). Claim information should be limited to claims on policies or contracts issued or issued for delivery in the Commonwealth of Virginia and subject to Virginia mandated benefit and provider statutes.

#### Part C

1. Part C requires the company to identify standard individual and group policies, the annual premium for each type of coverage, and the portion of the annual premium attributable to each mandated benefit, offer, and provider. It is understood that companies do not usually rate each benefit and provider separately. However, for the purpose of this report it is required that a dollar figure be assigned to each benefit and provider based on the company's actual claim experience, such as that disclosed in Parts A and B, and other relevant actuarial information.
2. In Part C (page 7), question #4, the premium for a policy "with mandates" should include all mandated benefits, offers, and providers.

#### Part D

1. This section requires that claim data be reported by procedure code, by provider type. The term "physician" refers to medical doctors.

2. Data should only reflect approved claims. Denials should not be included.

#### General

1. Claim information can be reported on either an incurred or paid basis as long as one is used consistently. Companies using Bureau of Insurance issued diskettes will be prompted to indicate which basis has been used. Companies filing on paper should note which basis has been used in a cover letter accompanying the report.
2. Information provided on Form MB-1 should only reflect the experience of policies or contracts issued or issued for delivery in the Commonwealth of Virginia and subject to Virginia mandated benefit and provider statutes.
3. Symbols such as "N/A" should not be used in these reports. If a particular question or group of questions are not applicable to a company, then the corresponding blanks should be left empty (an answer of "0" will be given a numeric value of zero). All empty blanks should be explained in a cover letter accompanying the report filing.

**Form MB-1**

**Annual Report of Cost and Utilization Data  
Relating to Mandated Benefits and Mandated Providers  
Pursuant to §38.2-3419.1 of the Code of Virginia**

Reporting Year \_\_\_\_\_

Company Name \_\_\_\_\_

Group Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

NAIC# \_\_\_\_\_ Group NAIC # \_\_\_\_\_

Name of Person Completing Report \_\_\_\_\_

Title \_\_\_\_\_

Direct Telephone # \_\_\_\_\_

Mailing Address \_\_\_\_\_

Total accident and sickness premiums written in Virginia:  
in the year \_\_\_\_\_ the amount of \$ \_\_\_\_\_

Is the reporting company a cooperative nonprofit life benefit company or mutual assessment life, accident and sickness insurer?

Yes  No

Does this company solely issue policies not subject to the mandated benefits and mandated provider requirements of §§38.2-3408 through 38.2-3419 and 38.2-4221 of the Code of Virginia?

Yes  No

Does this company claim an exemption under Section 4 of Regulation No. 38 for this reporting year?

Yes, and filing only this page.  No, and filing a complete report.

Signature \_\_\_\_\_ Date \_\_\_\_\_

**Part A: Benefit Worksheet # 1 – Individual**

* Benefit	a Number of Visits	b Number of Days	c Total Claims Payments	d Cost Per Visit / Adm.	e Number of Contracts	f Claim Cost Per Contract	g Annual Administrative Cost	h Percent of Total Health Claims Paid
Dependent Children Coverage								
Doctor to Include Dentist								
Newborn Children								
Inpatient Mental / Emotional / Nervous								
<del>Obstetrical Services</del>								
Pregnancy from Rape / Incest								
Mammography								
Child Health Supervision								

\* include information and amounts paid on hospital bills and other providers

a : number of provider and physician visits

b : number of days in facility ( if applicable )

c : total of claims paid for this mandate

d : column c divided by either column a or column b ( whichever is applicable)

e : number of contracts in force in Virginia

f : cost per contract = column c divided by column e

g : the administrative cost of complying with this mandate during the reporting year

h : claims paid for this benefit as a percentage of the total amount of health claims paid for Virginia policyholders by this company

# State Corporation Commission

**Benefit Worksheet # 2 -- Group**

* Benefit	a	b	c	d	e	f	g	h
	Number of Visits	Number of Days	Total Claims Payments	Cost Per Visit / Adm.	Number of Contracts	Claim Cost Per Contract	Annual Administrative Cost	Percent of Total Health Claims Paid
Dependent Children Coverage								
Doctor to Include Dentist								
Newborn Children								
Mental / Emotional / Nervous:								
Inpatient								
Outpatient								
Alcohol and Drug Dependence:								
Inpatient								
Outpatient								
Obstetrical Services								
Pregnancy from Rape / Incest								
Mammography								
Child Health Supervision								

- \* include information and amounts paid on hospital bills and other providers
- a : number of provider and physician visits
  - b : number of days in facility ( if applicable )
  - c : total of claims paid for this mandate
  - d : column c divided by either column a or column b ( whichever is applicable)
  - e : number of certificates in Virginia
  - f : cost per contract = column c divided by column e
  - g : the administrative cost of complying with this mandate during the reporting year
  - h : claims paid for this benefit as a percentage of the total amount of health claims paid for Virginia policyholders by this company

**Part B: Provider Worksheet # 1 -- Individual**

Provider	a	b	c	d	e	f	g
	Number of Visits	Total Claims Payments	Cost Per Visit	Number of Contracts	Cost Per Contract	Annual Administrative Cost	Percent of Total Health Claims Paid
Chiropractor							
Optometrist							
Optician							
Psychologist							
Clinical Social Worker							
Podiatrist							
Professional Counselor							
Physical Therapist							
Clinical Nurse Specialist							
Audiologist							
Speech Pathologist							

- a : number of visits to this provider group for which claims were paid in Virginia
- b : total dollar amount of claims paid to this provider group in Virginia
- c : cost per visit = column b divided by column a
- d : number of contracts in force in Virginia
- e : cost per contract = column b divided by column d
- f : the annual administrative cost associated with compliance with this mandate
- g : claims paid for services administered by this provider group as a percentage of the total amount of health claims paid for Virginia policyholders by this company

Provider Worksheet # 2 – Group

Provider	a Number of Visits	b Total Claims Payments	c Cost Per Visit	d Number of Contracts	e Cost Per Contract	f Annual Administrative Cost	g Percent of Total Health Claims Paid
Chiropractor							
Optometrist							
Optician							
Psychologist							
Clinical Social Worker							
Podiatrist							
Professional Counselor							
Physical Therapist							
Clinical Nurse Specialist							
Audiologist							
Speech Pathologist							

- a : number of visits to this provider group for which claims were paid in Virginia
- b : total dollar amount of claims paid to this provider group in Virginia
- c : cost per visit = column b divided by column a
- d : number of certificates in Virginia
- e : cost per contract = column b divided by column d
- f : the annual administrative cost associated with compliance with this mandate
- g : claims paid for services administered by this provider group as a percentage of the total amount of health claims paid for Virginia policyholders by this company

Part C

1. Please use what you consider to be your standard policy to answer this question. For the individual policy used as your base calculations in the question below:
- o What is the deductible? \_\_\_\_\_
  - o What is the coinsurance? \_\_\_\_\_
  - o What is the individual/employee out-of-pocket maximum? \_\_\_\_\_

- For the group policy used as your base calculation in the question below:
- o What is the deductible? \_\_\_\_\_
  - o What is the coinsurance? \_\_\_\_\_
  - o What is the individual/employee out-of-pocket maximum? \_\_\_\_\_

For your health insurance in Virginia, what is the total annual premium including mandates, and what amount is added to the annual premium of each type policy for each mandate listed?

Please indicate where coverage under your policy exceeds Virginia's mandates.

	Individual Policy		Group Certificates	
	Single	Family	Single	Family
Total Annual Policy Premium	_____	_____	_____	_____
Premium for:				
Dependent Children Coverage		_____		_____
Doctor to Include Dentist	_____	_____	_____	_____
Newborn Children	XXXX	_____	XXXX	_____
Mental/Emotional/Nervous (Mental Disabilities)	XXXX	XXXX	XXXX	XXXX
Inpatient	_____	_____	_____	_____
*Outpatient				
*Alcohol and Drug Dependence			XXXX	XXXX
Inpatient			_____	_____
Outpatient			_____	_____
*Obstetrical Services			_____	_____
Pregnancy from Rape or Incest	_____	_____	_____	_____
*Mammography	_____	_____	_____	_____
*Child Health Supervision	_____	_____	_____	_____

\* Denotes mandated offering

Chiropractor	_____	_____	_____
Optometrist	_____	_____	_____
Optician	_____	_____	_____
Psychologist	_____	_____	_____
Clinical Social Worker	_____	_____	_____
Podiatrist	_____	_____	_____
Professional Counselor	_____	_____	_____
Physical Therapist	_____	_____	_____
Clinical Nurse Specialist	_____	_____	_____
Audiologist	_____	_____	_____
Speech Pathologist	_____	_____	_____

2. What is the number of individual policies and/or group certificates issued by your Company in 1992 in Virginia?

Single Family  
 Individual \_\_\_\_\_  
 Group \_\_\_\_\_

3. What is the number of individual policies and/or group certificates in force for your company as of December 31, 1992 in Virginia?

Single Family  
 Individual \_\_\_\_\_  
 Group \_\_\_\_\_

4. What would be the annual premium for an individual policy with no mandated benefits or mandated providers for a 30 year old male in the Richmond area in your standard premium class? What would be the cost for a policy for the same individual with present mandates? (Assume coverage including \$250 deductible, \$1,000 stop-loss limit, 80% co-insurance factor, \$250,000 policy maximum.) If you do not issue a policy of this type, please provide the premium for a 30 year old male in your standard premium class for the policy that you offer that is most similar to the one described and summarize the differences from the described policy.

Without Mandates \$ \_\_\_\_\_  
 With Mandates \$ \_\_\_\_\_

Differences in Policy \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

5. Do you add an amount to the annual premium of a group certificate to cover the cost of conversion to an individual policy? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, what is the average dollar amount:  
 Single \_\_\_\_\_ Family \_\_\_\_\_

If no, is that cost covered in the annual premium of the individual policy? Yes \_\_\_\_\_ No \_\_\_\_\_

If no, is a onetime charge made to the group policyholder for each conversion?  
 Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, what is the average dollar amount:  
 Single \_\_\_\_\_ Family \_\_\_\_\_

Part D: Utilization and Expenditures for Selected Procedures by Provider Type

Select Procedure Codes are listed here to obtain information about utilization and costs for specific types of services. Please identify expenditures and only visits for the Procedure Codes indicated. Other claims should not be included here.

1. Procedure Code 90015  
 Office Visit, Intermediate Service to New Patient

	Number of Visits	Claims Payments	Cost Per Visit
Chiropractor			
Clinical Social Worker			
Optometrist			
Physical Therapist			
Podiatrist			
Professional Counselor			
Psychologist			

2. Procedure Code 90844  
 Medical Psychotherapy, 45 to 50 Minute Session

	Number of Visits	Claims Payments	Cost Per Visit
Clinical Nurse Specialist			
Clinical Social Worker			
Professional Counselor			
Psychiatrist			
Psychologist			

3. Procedure Code 90853  
 Group Medical Psychotherapy

	Number of Visits	Claims Payments	Cost Per Visit
Clinical Nurse Specialist			
Clinical Social Worker			
Professional Counselor			
Psychiatrist			
Psychologist			

4. **Procedure Code 92507**  
Speech, Language or Hearing

	Number of Visits	Claims Payments	Cost Per Visit
Audiologist			
Clinical Social Worker			
Physical Therapist			
Professional Counselor			
Speech Pathologist			
Physician			

5. **Procedure Code 97110**  
Physical Medicine Treatment, 30 Minutes, Therapeutic Exercise

	Number of Visits	Claims Payments	Cost Per Visit
Chiropractor			
Physical Therapist			
Physician			
Podiatrist			
Speech Pathologist			

6. **Procedure Code 97124**  
Physical Medicine Treatment, Massage

	Number of Visits	Claims Payments	Cost Per Visit
Chiropractor			
Physical Therapist			
Physician			
Podiatrist			

7. **Procedure Code 97128**  
Physical Medicine Treatment, Ultrasound

	Number of Visits	Claims Payments	Cost Per Visit
Chiropractor			
Physical Therapist			
Physician			
Podiatrist			

8. **Procedure Code 92002**  
Limited Eye Examination

	Number of Visits	Claims Payments	Cost Per Visit
Ophthalmologist			
Optician			
Optometrist			

9. **Procedure Code 11765**  
Excision of Ingrown Toenail

	Number of Visits	Claims Payments	Cost Per Visit
Physician			
Podiatrist			

January 28, 1993

ADMINISTRATIVE LETTER 1993-4

TO: ALL PROPERTY AND CASUALTY INSURERS AND  
RATE SERVICE ORGANIZATIONS LICENSED IN  
VIRGINIA

RE: DELAYED EFFECT OF RATE FILINGS FOR  
CERTAIN LINES AND SUBCLASSIFICATIONS OF  
COMMERCIAL LIABILITY INSURANCE

Pursuant to the order entered in Case No. INS920241, effective December 7, 1992, the lines and subclassifications of commercial liability insurance subject to the delayed-effect provisions of Section 38.2-1912 of the Code of Virginia are as follows:

- Detective Agencies and Security Guards Liability
- Insurance Agents Professional Liability
- Lawyers Professional Liability
- Medical Professional Liability
- Real Estate Agents Professional Liability
- Volunteer Fire Departments and Rescue Squads Liability
- Water Treatment Plants Liability

The order entered in Case No. INS920241 exempted the following lines of commercial liability insurance from the rate-filing requirements of Chapter 19 of Title 38.2 because rates for these lines cannot practicably be filed prior to use:

- Architects and Engineers Professional Liability
- Landfill Liability

Other lines and subclassifications previously exempted from rate filing requirements continue to be exempt.

All of the rule and rate filing procedures described in Administrative Letters 1988-17 and 1990-3 remain in effect. Please pay particular attention to the instructions regarding incomplete filings and policy effective dates.

Administrative Letters 1989-10 and 1990-10 also deal with issues related to the filing of rates subject to the delayed-effect provisions of § 38.2-1912; therefore, you may find it helpful to review them prior to submitting such filings.

/s/ Steven T. Foster  
Commissioner of Insurance

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# STATE LOTTERY DEPARTMENT

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## DIRECTOR'S ORDER NUMBER FIVE (93)

VIRGINIA'S THIRTY-SECOND INSTANT GAME LOTTERY;  
"LUCKY DICE," FINAL RULES FOR GAME OPERATION.

In accordance with the authority granted by Section 58.1-4006A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's thirty-second instant game lottery, "Lucky Dice." These rules amplify and conform to the duly adopted State Lottery Board regulations for the conduct of instant game lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 2201 West Broad Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Marketing Division, State Lottery Department, P. O. Box 4689, Richmond, Virginia 23220.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ Kenneth W. Thorson  
Director  
Date: February 1, 1993

## DIRECTOR'S ORDER NUMBER SIX (93)

INSTANT GAME 33 VIRGINIA LOTTERY RETAILER  
PROMOTIONAL PROGRAM RULES.

In accordance with the authority granted by Section 58.1-4006A of the Code of Virginia, I hereby promulgate Instant Game 33 Virginia Lottery Retailer Promotional Program Rules for the lottery retailer incentive program which will be conducted from Monday, March 29, 1993 through Sunday, May 23, 1993. These rules amplify and conform to the duly adopted State Lottery Board regulations.

These rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 2201 West Broad Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Marketing Division, State Lottery Department, P. O. Box 4689, Richmond, Virginia 23220.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ Kenneth W. Thorson  
Director  
Date: February 5, 1993

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# MARINE RESOURCES

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## EMERGENCY REGULATION

### MARINE RESOURCES COMMISSION

Title of Regulation: VR 450-01-0082. Pertaining to Gill Nets.

Statutory Authority: §§ 28.2-201 and 28.2-210 of the Code of Virginia.

Effective Dates: January 26, 1993, to February 25, 1993.

Preamble:

*This regulation establishes an area along the southern shore of the Chesapeake Bay which is closed to gill nets.*

VR 450-01-0082. Pertaining to Gill Nets.

§ 1. *Authority, effective date, termination date.*

A. *This regulation is promulgated pursuant to the authority contained in §§ 28.2-201 and 28.2-210 of the Code of Virginia.*

B. *The effective date of this regulation is January 26, 1993.*

C. *The emergency regulation shall terminate on February 25, 1993.*

§ 2. *Purpose.*

*The purpose of this regulation is to close a portion of the southern shoreline of the Chesapeake Bay to gill nets in order to preserve public safety and reduce conflicts between gill net fishermen and others in this area.*

§ 3. *Gill net closed season and area.*

*From the Friday before Memorial Day through Labor Day, it shall be unlawful for any person to place, set, or fish any gill net within 200 feet of the shoreline between the western jetty at Little Creek and the Hampton Roads Bridge-Tunnel Facility.*

§ 4. *Penalty.*

*As set forth in § 28.2-903 of the Code of Virginia, any person violating any provision of this regulation shall be guilty of a Class 3 misdemeanor.*

/s/ William A. Pruitt  
Commissioner

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# GOVERNOR

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## EXECUTIVE MEMORANDUM 3-92

### Subject:

State Agency Communications Access

### Purpose:

This memorandum communicates statewide policy on communications access for employees, clients, and applicants for service and employment who are deaf, hard-of-hearing, speech-impaired, blind, visually-impaired, or deaf-blind.

### Applicability:

This memorandum applies to all executive branch agencies and institutions, including central, regional, and local offices.

### Effective Date:

December 8, 1992

### Requirements:

The Americans with Disabilities Act (ADA) of 1990 gives civil rights protection to individuals with disabilities that are similar to those provided to individuals on the basis of race, sex, national origin, and religion. It guarantees equal opportunity for individuals with disabilities in employment, public accommodations, transportation, state and local government services, and telecommunications. The Virginians with Disabilities Act of 1985 (Title 51.5 of the Code of Virginia) further states that it is the policy of the Commonwealth "to encourage and enable persons with disabilities to participate fully and equally in the social and economic life of the Commonwealth..."

The ADA requires all state and local government facilities, services, and communications to be accessible consistent with the requirements of Section 504 of the Rehabilitation Act of 1973, as amended. Section 504 requires that all federally funded services be made accessible to persons with disabilities, including employees, clients, and applicants for service and employment who are deaf, hard-of-hearing, speech-impaired, blind, visually-impaired, or deaf-blind.

In addition, Regulations Governing Non-Discrimination Under State Grants and Programs (VR 602-01-2) states that qualified persons with disabilities may not be excluded on the basis of disability from participation in, be denied benefits of, or otherwise be subjected to discrimination under any program or activity which receives or benefits from state financial assistance or under any program or activity conducted by or on behalf of any state agency. Section 3.3 of these regulations stipulates, "A program or activity shall

take appropriate steps to ensure effective communication with applicants, participants, personnel, and members of the public." The section continues, "A program or activity shall ensure that interested persons, including persons with sensory or cognitive impairments can obtain information as to the existence and location of accessible services, activities and facilities."

To ensure that employees, clients, and applicants for service and employment who are deaf, hard-of-hearing, speech-impaired, blind, visually-impaired, or deaf-blind continue to have the opportunity to participate fully as responsible and independent citizens of the Commonwealth, the agencies and institutions of state government shall be fully accessible to employees, clients, and applicants for service and employment with hearing, speech, or vision disabilities.

In order to continue communications accessibility, I hereby direct all state agencies and institutions to cooperate and participate as described in this memorandum.

### I. Responsibilities of the state agencies and institutions:

A. Maintain internal policies governing all divisions, including central, regional and local offices, regarding:

1. Use and familiarity with the statewide telecommunications relay service (TRS), which address call-handling procedures and, on an ongoing basis, sensitivity and technical training for agency staff.

2. Text Telephone (TT) accessibility, on an as-needed basis which addresses call-handling procedures and, on an on-going basis, training for agency staff in TT use and agency TT policy. (Text telephones include, TDDs, TTYs and computer modems used for telephone communication.) In addition:

a. either the agency's TT-accessible telephone number or the toll-free numbers for the statewide TRS shall be publicized in all agency public information and literature, including letterhead when such contains telephone numbers;

b. the agency's TT-accessible exchanges, if any, shall be listed in the public telephone directory; and

c. the agency shall provide a TT and/or a ring signaling device, upon request, for permanent use by an employee or temporary use by a client or an applicant for service or employment who is deaf, hard-of-hearing, speech-impaired, deaf-blind or otherwise in need.

3. Qualified interpreters for employees, clients, and applicants for service and employment who are deaf, hard-of-hearing, speech-impaired and deaf-blind, which address methods for obtaining an interpreter

appropriately skilled for the assignment. The policy shall include procedures for procuring qualified interpreters, methods of compensation and cancellation policies.

4. Auxiliary aids and services to employees, clients, and applicants for service and employment with hearing or vision disabilities and/or other disabilities in order to create the opportunity to participate or benefit in programs or services provided by the agency. Auxiliary aids may include, but are not limited to: amplified telephones, closed-captioned decoders, training videotapes with open captions, and real-time captioning and assistive listening systems (i.e. audio loops or infrared systems) at public meetings, written material provided in Braille, large print, or recorded on cassette tapes.

The agency shall also provide an amplified telephone and/or a ring signaling device, upon request, for permanent use by an employee or temporary use by a client, or an applicant for service or employment who is deaf, hard-of-hearing, speech-impaired, deaf-blind, or otherwise in need.

B. Make reasonable changes (i.e., easily accomplishable and able to be carried out without much difficulty or expense) in existing policies, practices, and procedures to provide access to employees, clients, and applicants for service and employment who are deaf, hard-of-hearing, speech-impaired, blind, visually-impaired or deaf-blind.

C. All new services, facilities and alterations shall provide the opportunity for employees, clients, and applicants for service and employment who are deaf, hard-of-hearing, speech-impaired, blind, visually-impaired or deaf-blind to participate and/or benefit.

#### II. Responsibilities of the Virginia Department for the Deaf and Hard of Hearing (VDDHH):

A. Assist state agencies and institutions, upon request, in the development of internal policies required by this memorandum. (See Attachments A & B.)

B. Assist state agencies and institutions, upon request, by providing technical assistance regarding all aspects of communications access.

#### III. Responsibilities of the Department of General Services, Division of Purchases and Supply:

A. Negotiate a state contract for the purchase of auxiliary aids, as advised and requested by the Virginia Department for the Deaf and Hard of Hearing or the Virginia Department for the Visually Handicapped, and advise state agencies of this contract by written notice.

#### IV. Responsibilities of the Virginia Department for the Visually Handicapped:

A. Provide technical assistance to state agencies and institutions, upon request, in providing materials in a format accessible to persons who are blind or visually-impaired (i.e. Braille, large print, or cassette tape).

This Executive Memorandum shall remain in full force and effect until June 30, 1994, unless superseded or rescinded by further executive memorandum.

/s/ Lawrence Douglas Wilder  
Governor

#### Attachment A

#### MODEL POLICY PROCURING QUALIFIED INTERPRETERS

#### I. Establishing an Agency Compliance Officer:

It is recommended that the agency's Human Resource/Personnel Officer, Equal Employment Opportunity (EEO) Officer, or 504 Specialist be designated to establish internal policies, procedures and training and ensure compliance with state and federal mandates. The Interpreter Services Program (ISP) staff at the Virginia Department for the Deaf and Hard of Hearing (VDDHH) may be contacted at (804) 225-2570 to offer technical assistance.

#### II. Procedures for Procuring Qualified Interpreters:

A. To request an interpreter, contact VDDHH immediately when the need for an interpreter has been identified. Be prepared to give complete information including the name(s) of deaf consumers, on-site contact person and telephone number, location where service is to be rendered, beginning and ending times, the nature of the assignment and billing procedures. For assignments which are technical in nature or greater than two hours in length, the use of two or more interpreters is recommended.

Depending on the circumstances, VDDHH will either attempt to secure a qualified interpreter or will provide the caller with names and telephone numbers of same. (Note: Qualified interpreters are in high demand and frequently schedule appointments weeks in advance. Therefore, it is necessary to give as much notice as possible.)

B. "The Directory of Qualified Interpreters for the Deaf and Hard of Hearing" may be obtained from VDDHH. In addition to a complete listing of qualified interpreters, the Directory provides guidelines for selecting an interpreter with the appropriate credentials and how to use an interpreter. Agencies are encouraged to contact interpreters directly.

#### III. Methods of Compensation:

# Governor

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All state and local agencies are required to compensate interpreters directly. Interpreters are freelance professionals, working as independent contractors. They will negotiate their fees directly with the agency responsible for payment.

#### IV. Cancellation Policy:

Interpreters should be notified as soon as possible when assignments have been cancelled so that they may accept other assignments. All interpreters have their own cancellation policy; therefore, once an interpreter has been secure, the agency responsible for payment should determine with the interpreter how much notice is required for cancellation without payment.

### Attachment B

#### MODEL POLICY

#### TELECOMMUNICATIONS ACCESS

##### I. Procedures for Procuring a Text Telephone (TT):

A. Contact your procurement section and order from state contract VA-911201-UTI, using an agency purchase order.

B. Key personnel should request training provided by VDDHH. This training will give a brief outline on developing call-handling procedures and an overview of support services.

C. If you have any further questions, contact VDDHH - Telecommunications at (804) 225-2570.

##### II. Utilizing the Virginia Relay Center (VRC):

Implemented February 1, 1991, the VRC began providing telecommunications relay services (TRS) to the Commonwealth. Voice callers can access the Center by calling 1-800-828-1140; TT users can access the Center by calling 1-800-828-1120. Key personnel should contact VDDHH for training on how to use the VRC. All employees should be trained:

A. How to access the VRS.

B. How to accept confidential information via a call through the VRC.

C. What billing methods are used to place a call through the VRC.

##### III. Maintaining of Records:

Unless clearly explained, understood and accepted by both parties, all agency copies or recordings of all conversations, including media and paper copy, shall be disposed of immediately following the termination of the

conversation. (Note: This does not prohibit note taking or the completion of intake or program forms.)

#### EXECUTIVE ORDER NUMBER SIXTY-THREE (93)

#### CONTINUING THE GOVERNOR'S ADVISORY COMMISSION ON WORKERS' COMPENSATION

By virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and, including, but not limited to, Sections 2.1-51.36 and 2.1-51.37 of the Code of Virginia, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby continue the Governor's Advisory Commission on Workers' Compensation which was created by Executive Order Fifty (92).

The Advisory Commission is classified as a gubernatorial advisory commission in accordance with Sections 2.1-51.35 and 9-6.25 of the Code of Virginia.

In recent years the Commonwealth has experienced unprecedented industrial growth. As industry has grown, the need for and importance of a fair and functional system of workers' compensation have become increasingly important. The Commonwealth has experienced rapid growth in work-related injuries and claims. These injuries have significant consequences upon workers, employers, and the medical community. The Commission on Workers' Compensation will assist in the exchange of information and ideas among those affected by injuries to employees in the workplace.

The Commission shall have the specific duty of advising the Governor relative to the following issues:

1. The Commission will examine, among other things: the definition of injury; attorney's fees for representation of injured employees; compensation for injured employees, including those who refuse suitable employment; awards for a change in condition; refusal of employment; and the process for obtaining medical opinions for injured employees.

2. The Commission will also examine the costs of health benefits extended to injured employees and ways to contain increases in such costs without decreasing the quality of health care afforded to injured employees.

3. The Commission will evaluate the need for changes to the Code of Virginia and make any recommendations deemed necessary to provide the Commonwealth with the ability to address workers' compensation issues.

The Commission shall consist of no more than eighteen members, including a Chair and Vice-Chair, and shall be appointed by the Governor and serve at his pleasure.

Such funding as is necessary for the fulfillment of the Commission's business during the term of its existence will be provided by such executive branch agencies with related purposes as the Governor may from time to time designate. Total expenditures for the Commission's work are estimated to be \$12,500.

Such staff and other support as is necessary for the conduct of the Commission's business during the term of its existence will be provided by the Department of General Services and such other executive branch agencies with related purposes as the Governor may from time to time designate. An estimated 5,200 hours of staff support will be required to assist the Commission.

Members of the Commission shall serve without compensation and shall not receive any expenses incurred in the discharge of their official duties.

The Commission shall complete its examinations of these matters and report to the Governor no later than September 15, 1993. It may issue interim reports and make recommendations at any time it deems necessary.

This Executive order shall become effective upon its signing and shall remain in full force and effect until December 1, 1993 unless amended or rescinded by further executive order.

This Executive Order rescinds Executive Order Number Fifty (92) issued the 11th day of June, nineteen hundred and ninety two.

Given under my hand and under the Seal of the Commonwealth of Virginia this 28th day of January, 1993.

/s/ 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**

Title of Regulation: **VR 270-01-0002. Regulations Governing the Educational Programs for Gifted Students.**

Governor's Comment:

I do not object to the initial draft of these regulations. However, I reserve the right to comment on the final package, including any changes made as a result of public hearings and comments, before promulgation.

/s/ Lawrence Douglas Wilder  
Governor  
Date: February 2, 1993

**VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL**

Title of Regulation: **VR 370-01-000. Public Participation Guidelines (REPEALING).**

Title of Regulation: **VR 370-01-000:1. Public Participation Guidelines.**

Governor's Comment:

No objections.

/s/ Lawrence Douglas Wilder  
Governor  
Date: February 15, 1993

\* \* \* \* \*

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

Governor's Comment:

No objections.

/s/ Lawrence Douglas Wilder  
Governor  
Date: February 15, 1993

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**

Title of Regulation: **VR 394-01-4. Virginia Amusement Device Regulations/1990.**

Governor's Comment:

I do not object to the initial draft of these regulations. However, I reserve the right to comment on the final package, including any changes made as a result of public hearings and comments, before promulgation.

/s/ Lawrence Douglas Wilder  
Governor  
Date: February 9, 1993

**STATE LOTTERY DEPARTMENT**

Title of Regulation: **VR 447-02-2. On-Line Game Regulations.**

Governor's Comment:

I do not object to the initial draft of these regulations. However, I reserve the right to comment on the final package, including any changes made as a result of public hearings and comments, before promulgation.

/s/ Lawrence Douglas Wilder

# Governor

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Governor  
Date: February 10, 1993

## DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION, AND SUBSTANCE ABUSE SERVICES

Title of Regulation: **VR 470-06-01. Rules and Regulations to Assure the Protection of Subjects of Human Research (REPEALING).**

Title of Regulation: **VR 470-06-01:1. Regulations to Assure the Protection of Participants in Human Research.**

Governor's Comment:

I do not object to the initial draft of these regulations. However, I reserve the right to comment on the final package, including any changes made as a result of public hearings and comments, before promulgation.

/s/ Lawrence Douglas Wilder  
Governor  
Date: February 16, 1993

## DEPARTMENT OF SOCIAL SERVICES

Title of Regulation: **VR 615-01-43. Aid to Families with Dependent Children (AFDC) Program - Fifth Degree Specific Relative.**

Governor's Comment:

I do not object to the initial draft of these regulations. However, I reserve the right to comment on the final package, including any changes made as a result of public comment, before promulgation.

/s/ Lawrence Douglas Wilder  
Governor  
Date: February 2, 1993

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Title of Regulation: **VR 615-34-01. Voluntary Registration of Small Family Day Care Homes - Requirements for Contracting Organizations.**

Governor's Comment:

I do not object to the initial draft of these regulations. However, I reserve the right to comment on the final package, including any changes made as a result of public comment, before promulgation.

/s/ Lawrence Douglas Wilder  
Governor  
Date: February 9, 1993

\* \* \* \* \*

Title of Regulation: **VR 615-37-01. Regulations for Criminal Record Checks for Homes for Adults and Adult Day Care Centers.**

Governor's Comment:

I approve of the nature and content of these regulations; however, I reserve the right to comment on the final package, including any changes made as a result of public comments, before promulgation.

/s/ Lawrence Douglas Wilder  
Governor  
Date: February 15, 1993

## DEPARTMENT OF SOCIAL SERVICES (STATE BOARD OF) AND CHILD DAY-CARE COUNCIL

Title of Regulation: **VR 615-32-02. Regulations for Criminal Record Checks: Licensed Child-Caring Institutions (REPEALING).**

Title of Regulation: **VR 175-04-01. Criminal Record Checks for Licensed Child Care Centers (REPEALING).**

Title of Regulation: **VR 615-36-01 and 175-10-01. Regulations for Criminal Record Checks for Child Welfare Agencies.**

Governor's Comment:

I approve of the nature and content of these regulations; however, I reserve the right to comment on the final package, including any changes made as a result of public comments, before promulgation.

/s/ Lawrence Douglas Wilder  
Governor  
Date: February 15, 1993

# 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.

#### Notice to the Public

RT Associates has published a Virginia Register Deskbook, a cumulative index of Volumes 1 through 8 (Issue 13). For more information contact RT Associates, P.O. Box 36416, Baltimore, Maryland 21286.

## DEPARTMENT OF LABOR AND INDUSTRY

### Notice to the Public

The Virginia State Plan for the enforcement of occupational safety and health laws (VOSH) commits the Commonwealth to adopt regulations identical to, or as effective as, those promulgated by the U.S. Department of Labor, Occupational Safety and Health Administration (OSHA).

Accordingly, public participation in the formulation of such regulations must be made during the adoption of such regulations at the federal level. Therefore, the Virginia Department of Labor and Industry is reissuing the following Federal OSHA notice:

U.S. Department of Labor  
Occupational Safety and Health Administration  
29 CFR Part 1926  
(Docket S-775)

Safety Standards for Steel and Other Metal and Non-Metal Erection

Agency: Occupational Safety and Health Administration (OSHA)

Action: Notice of Intent to Establish Negotiated Rulemaking Committee; Request for Representation.

Summary: The Occupational Safety and Health Administration is announcing its intent to establish a Steel Erection Negotiated Rulemaking Advisory Committee under the Negotiated Rulemaking Act (NRA) and the Federal

Advisory Committee Act (FACA). The committee will negotiate issues associated with the development of a proposed revision of the existing safety provisions in its construction standards for steel erection (29 CFR part 1926, subpart R). The committee will include representatives of identified parties who would be significantly affected by the final rule. OSHA solicits interested parties to nominate representatives for membership for representation on the committee.

Nominations for membership or representation on the committee should be sent, in quadruplicate, to the Docket Office, Docket S-775, U.S. Department of Labor, Occupational Safety and Health Administration, Room N-2625, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Text: Full text of the proposed rulemaking can be found in Volume 57, No. 250, p. 61860 (December 29, 1992) of the Federal Register.

Date: OSHA must receive written comments and requests for membership or representation by March 29, 1993.

Address: Written comments should be submitted in quadruplicate to the Docket Office, Docket No. S-775, Room N-2625, U.S. Department of Labor, 200 Constitution Ave., N.W., Washington, D.C. 20210, telephone (202) 219-7894.

An additional copy should be submitted to the Director of Enforcement Policy, Virginia Department of Labor and Industry, 13 South 13th Street, Richmond, Virginia 23219.

For further information contact: James F. Foster, Office of Information and Consumer Affairs, OSHA, Room N-3647, 200 Constitution Avenue, N.W., Washington, D.C. 20210, telephone (202) 219-8151.

## VIRGINIA CODE COMMISSION

### NOTICE TO STATE AGENCIES

**Mailing Address:** Our 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

# General Notices/Errata

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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.

Congress of the United States" change "of" to "or"

## 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 HOUSING AND COMMUNITY DEVELOPMENT

Title of Regulation VR 394-01-21. Virginia Uniform Statewide Building Code, Volume I - New Construction Code/1990.

Publication: 9:7 VA.R. 979-1142 December 28, 1992.

#### Correction to Final Regulation:

Page 1048, Addendum 1, Article 2(A), definition of "Building," line 8 after "mudslide" insert "-prone area shall be subject to flood proofing regulations or mudslide"

### DEPARTMENT OF LABOR AND INDUSTRY

#### Apprenticeship Council

Title of Regulation: VR 425-01-26. Regulations Governing the Administration of Apprenticeship Programs in the Commonwealth of Virginia.

Publication: 9:10 VA.R. 1510-1515A February 8, 1993.

#### Correction to Proposed Regulation:

Page 1513, § 4 B 14 b, last paragraph, after "the

# CALENDAR OF EVENTS

## Symbols Key

- † Indicates entries since last publication of the Virginia Register
- ☒ Location accessible to handicapped
- ☎ Telecommunications Device for Deaf (TDD)/Voice Designation

## NOTICE

Only those meetings which are filed with the Registrar of Regulations by the filing deadline noted at the beginning of this publication are listed. Since some meetings are called on short notice, please be aware that this listing of meetings may be incomplete. Also, all meetings are subject to cancellation and the Virginia Register deadline may preclude a notice of such cancellation.

For additional information on open meetings and public hearings held by the Standing Committees of the Legislature during the interim, please call Legislative Information at (804) 786-6530.

## VIRGINIA CODE COMMISSION

### EXECUTIVE

#### BOARD FOR ACCOUNTANCY

**March 15, 1993 - 10 a.m.** – Open Meeting  
Department of Commerce, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ☒

A meeting to (i) review comments on the proposed regulations, and (ii) conduct routine board business.

**Contact:** Roberta L. Banning, Assistant Director, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590.



## DEPARTMENT FOR THE AGING

### Long-Term Care Council

**March 12, 1993 - 10 a.m.** – Open Meeting  
Virginia Housing Development Authority, 601 South Belvidere Street, Conference Room 1, Richmond, Virginia.  
☒ (Interpreter for the deaf provided upon request)

A general business meeting.

**Contact:** Cathy Saunders, Director of Long-Term Care, Department for the Aging, 700 E. Franklin St., 10th Floor, Richmond, VA 23219, telephone (804) 225-2912 or toll-free 1-800-55AGING.

### Long-Term Care Ombudsman Program Advisory Council

**March 25, 1993 - 9:30 a.m.** – Open Meeting  
The Virginia Association of Homes for Adults, Inc., United Way Building, 224 West Broad Street, Suite 101, Richmond, Virginia. ☒

Business will include further discussion on the goals and objectives for the Virginia Long-Term Care Ombudsman Program and Elder Rights.

**Contact:** Etta V. Hopkins, Assistant State Ombudsman, Virginia Department for the Aging, 700 E. Franklin St., 10th Floor, Richmond, VA 23219-2327, telephone (804) 225-2271, toll-free 1-800-552-3402, or (804) 225-2271/TDD ☎

## DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (BOARD OF)

**March 15, 1993** – Written comments may be submitted through this date.

**May 19, 1993 - 2 p.m.** – Public Hearing  
1100 Bank Street, 2nd Floor Board Room, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Agriculture and Consumer Services intends to consider amending regulations entitled **VR 115-05-01. Regulations Governing Grade "A" Milk.** The proposed regulation will continue certain authority contained in the existing regulation governing the production, processing, and sale of Grade "A" pasteurized milk and Grade "A" pasteurized milk products and certain milk products. The purpose of the present regulatory action is to review the regulation for effectiveness and continued need. The proposed regulation has been drafted to include provisions of the existing regulation and to enhance its effectiveness. In addition, certain new provisions have been established which affect milk plants, receiving station, transfer stations, producers and industry laboratories specifying: drug screening requirements of Grade "A" raw milk for pasteurization prior to processing; minimum penalties for violation of the drug residue requirements; new standards for temperature, somatic cell counts and

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cryoscope test; requirements to receive and retain a permit; sanitation requirements for Grade "A" raw milk for pasteurization; and sanitation requirements for Grade "A" pasteurized milk.

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

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

## Virginia Marine Products Board

† **March 30, 1993 - 5:30 p.m.** – Open Meeting  
Nick's Steak and Spaghetti House, Route 17, Gloucester Point, Virginia. ☒

The board will meet to receive reports from the executive director of the Virginia Marine Products Board on: finance, marketing, past and future program planning, publicity and public relations, and old and new business.

**Contact:** Shirley Estes, Executive Director, 554 Denbigh Blvd., Suite B, Newport News, VA 23602, telephone (804) 874-3474.

## Virginia Sweet Potato Board

Eastern Shore Agriculture Experiment Station, Route 1, Box 133, Research Drive, Painter, Virginia. ☒

The board will meet to discuss marketing, promotion, research and education programs for the state's sweet potato industry and to develop the board's annual budget. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes.

**Contact:** J. William Mapp, Program Director, Department of Agriculture and Consumer Services, Box 26, Onley, VA 23418, telephone (804) 787-5867.

## STATE AIR POLLUTION CONTROL BOARD

† **March 18, 1993 - 9 a.m.** – Open Meeting  
General Assembly Building, 910 Capitol Square, Senate Room A, Richmond, Virginia. ☒

The board may discuss emissions from municipal waste incinerators. Agendas will be available two weeks before the meeting date.

**Contact:** Dr. Katherine Sands, Policy Analyst, Department of Air Pollution Control, P.O. Box 10089, Richmond, VA 23240, telephone (804) 225-2722.

## ALCOHOLIC BEVERAGE CONTROL BOARD

† **March 15, 1993 - 9:30 a.m.** – Open Meeting  
† **March 29, 1993 - 9:30 a.m.** – Open Meeting

† **April 12, 1993 - 9:30 a.m.** – Open Meeting  
† **April 26, 1993 - 9:30 a.m.** – Open Meeting  
† **May 10, 1993 - 9:30 a.m.** – Open Meeting  
† **May 24, 1993 - 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, Alcoholic Beverage Control Board, 2901 Hermitage Road, P.O. Box 27491, Richmond, VA 23261, telephone (804) 367-0616.

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

† **March 18, 1993 - 9 a.m.** – Open Meeting  
Department of Commerce, 3600 West Broad Street, Room 395, Richmond, Virginia. ☒

A meeting to (i) review minutes from December 3, 1992, meeting; (ii) review correspondence; (iii) review enforcement files; and (iv) conduct regulatory review.

**Contact:** Willie Fobbs, III, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514.

## Board for Land Surveyors

† **March 17, 1993 - 9 a.m.** – Open Meeting  
Department of Commerce, 3600 West Broad Street, Richmond, Virginia. ☒

A meeting to (i) review minutes from January 14, 1993 meeting; (ii) review correspondence; (iii) review enforcement files; (iv) conduct regulatory review; and (v) construct April 1993 examination.

**Contact:** Willie Fobbs, III, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514.

## ASAP POLICY BOARD - MOUNT ROGERS

**April 14, 1993 - 1 p.m.** – Open Meeting  
Oby's Restaurant, North Main Street, Marion, Virginia. ☒

A meeting to conduct program business. The order of business at all regular meetings shall be as follows: (i) call to order; (ii) roll call; (iii) approval of minutes; (iv) unfinished business; (v) new business; and (vi) adjournment.

**Contact:** J. L. Reedy, Jr., Director, Mt. Rogers ASAP, 1102 A N. Main St., Marion, VA 24354, telephone (703) 783-7771.

ASAP POLICY BOARD - VALLEY

March 8, 1993 - 8:30 a.m. - Open Meeting
Augusta County School Board Office, Fishersville, Virginia.

A regular meeting of the local policy board which conducts business pertaining to the following: (i) court referrals, (ii) financial report, (iii) director's report, and (iv) statistical reports.

Contact: Mrs. Rhoda G. York, Executive Director, Holiday Court, Suite B, Staunton, VA 24401, telephone (703) 886-5616 or Waynesboro number (703) 943-4405.

AUCTIONEERS BOARD

March 9, 1993 - 9 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street, Richmond, Virginia.

A meeting to conduct board business and other matters which may require board action.

Contact: Geralde W. Morgan, Board Administrator, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8534.

BOARD FOR BARBERS

March 8, 1993 - 9 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street, 5th Floor, Richmond, Virginia.

MEETING CANCELLED

A meeting for barber examination and item writing session, and other routine board business.

Contact: Roberta L. Banning, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590.

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

March 25, 1993 - 10 a.m. - Open Meeting
State Capitol, Senate Room 4, Richmond, Virginia.
(Interpreter for the deaf provided upon request)

The board will conduct general business, including review of local Chesapeake Bay Preservation Area programs. A tentative agenda is available from the Chesapeake Bay Local Assistance Department.

Contact: Receptionist, Chesapeake Bay Local Assistance Department, 805 E. Broad St., Richmond, VA 23219, telephone (804) 225-3440 or toll-free 1-800-243-7229/TDD

CHILD DAY-CARE COUNCIL

March 11, 1993 - 9:30 a.m. - Open Meeting
Virginia Society of Certified Public Accountants, Innsbrook Office Complex, Cox Road, Richmond, Virginia.
(Interpreter for the deaf provided upon request)

A meeting to discuss issues, concerns and programs that impact child care centers, camps, school age programs, and preschool/nursery schools. The public comment period is 10 a.m. Please call ahead of time for possible changes in meeting time.

Contact: Peggy Friedenber, Legislative Analyst, Office of Governmental Affairs, Department of Social Services, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-9217.

INTERDEPARTMENTAL REGULATION OF RESIDENTIAL FACILITIES FOR CHILDREN

March 19, 1993 - 8:30 a.m. - Open Meeting
Office of Coordinator, Interdepartmental Regulation, Blair Building, Conference Room B, 8007 Discovery Drive, Richmond, Virginia.

A regularly scheduled 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, Jr., Coordinator, Interdepartmental Regulation, Office of the Coordinator, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-7124.

BOARD OF COMMERCE

March 22, 1993 - 10 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street, Richmond, Virginia.

A meeting to discuss agenda items including General Assembly bills, and studies requested of the Board of Commerce.

Contact: Bonnie S. Salzman, Director, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8519.

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May 7, 1993 - Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Commerce intends to repeal regulations entitled: VR 190-02-1. Agency Rules of Practice for Hearing Officers. The Board of Commerce is proposing to repeal its current

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rules of practice for hearing officers used for governing all formal proceedings involved in enforcing the regulation of professions and occupations listed under § 54.1-300 of the Code of Virginia to eliminate any confusion, duplication or inconsistency with the statutes incorporated in the Administrative Process Act.

## STATEMENT

**Basis:** Pursuant to § 54.1-310 5 of the Code of Virginia, the Board of Commerce proposes to repeal the current rules and regulations for hearing officers.

**Purpose:** The Department of Commerce's rules of practice for hearing officers may not govern all formal proceedings involved in enforcing the regulation of professions and occupations listed under § 54.1-300 of the Code of Virginia and all other formal proceedings conducted by a hearing officer pursuant to the Code of Virginia.

**Issues:** To eliminate confusion, duplication or inconsistency of requirements and statutes governing hearing officers as established in the Administrative Process Act.

**Impact:** The repeal of this regulation will have little or no impact on hearing officers.

There is no budgetary impact expected for the agency.

Written comments may be submitted through May 7, 1993, to Bonnie S. Salzman, Director, Department of Commerce, 3600 West Broad Street, Richmond, Virginia 23230.

Statutory Authority: § 54.1-310 of the Code of Virginia.

**Contact:** Peggy McCreery, Regulatory Programs Director, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2194.

## STATE BOARD FOR COMMUNITY COLLEGES

† **March 17, 1993 - 2:30 p.m.** – Open Meeting

† **March 18, 1993 - 9 a.m.** – Open Meeting

James Monroe Building, 101 North 14th Street, 15th Floor, Richmond, Virginia.

A regular meeting of the board.

**Contact:** Joy S. Graham, Assistant Chancellor of Public Affairs, Virginia Community College System, 101 N. 14th St., Richmond, VA 23219, telephone (804) 225-2126 or (804) 371-8504/TDD ☎

## COMPENSATION BOARD

**March 31, 1993 - 5 p.m.** – Open Meeting

Ninth Street Office Building, 202 North Ninth Street, Room 913/913A, 9th Floor, Richmond, Virginia. ☒ (Interpreter for

the deaf provided upon request)

A routine meeting to conduct business.

**Contact:** Bruce W. Haynes, Executive Secretary, Compensation Board, P.O. Box 3-F, Richmond, VA 23206-0686 or (804) 786-3886/TDD ☎

## BOARD FOR CONTRACTORS

### Complaints Committee

**March 17, 1993 - 9 a.m.** – Open Meeting

Department of Commerce, 3600 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia.

A meeting to review and consider complaints filed by consumers against licensed contractors.

**Contact:** A.R. Wade, Complaints Administrator, 3600 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 367-8585.

### Recovery Fund Committee

**March 18, 1993 - 9 a.m.** – Open Meeting

Department of Commerce, 3600 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. ☒

A meeting to consider claims filed against the Virginia Contractor Transaction Recovery Fund. This meeting is open to the public; however, a portion of the discussion may be conducted in Executive Session.

**Contact:** Holly Erickson, Assistant Administrator, 3600 W. Broad St., Richmond, VA 23219, telephone (804) 367-8561.

## BOARD OF CORRECTIONAL EDUCATION

† **March 19, 1993 - 10 a.m.** – Open Meeting

James Monroe Building, 101 North 14th Street, 7th Floor, Richmond, Virginia.

A monthly meeting to discuss general business of the Department of Correctional Education.

**Contact:** Joan Macklin, Administrative Staff Assistant, 101 N. 14th St., 7th Floor, Richmond, VA 23219, telephone (804) 786-4519.

## BOARD OF CORRECTIONS

† **March 10, 1993 - 10 a.m.** – Open Meeting

6900 Atmore Drive, Board Room, Richmond, Virginia. ☒

A regular monthly meeting to consider such matters as may be presented to the board.

**Contact:** Vivian T. Toler, Secretary to the Board, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3235.

## BOARD FOR COSMETOLOGY

**March 29, 1993 - 9 a.m. – Open Meeting**

Department of Commerce, 3600 West Broad Street, Richmond, Virginia.

A general business meeting.

**Contact:** Demetra Y. Kontos, Assistant Director, Board for Cosmetology, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-0500.

## DEPARTMENT FOR THE DEAF AND HARD OF HEARING

**March 24, 1993 - 5 p.m. – Public Hearing**

The Rehabilitation Center for the Blind, 401 Azalea Avenue, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

A public hearing to receive comments on the department's proposed fee increase for candidates participating in the Virginia Quality Assurance Screening Written and Performance Assessments.

**Contact:** Brenda Thornton, VQAS Coordinator, 1100 Bank Street, 12th Floor, Richmond, VA 23219, telephone (804) 225-2570 or toll-free 1-800-552-7917.

## GOVERNOR'S COMMISSION ON DEFENSE CONVERSION AND ECONOMIC ADJUSTMENT

**March 8, 1993 - 9 a.m. – Open Meeting**

**March 9, 1993 - 9 a.m. – Open Meeting**

Richmond Marriott Hotel, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

A statewide conference to educate community leaders, affected businesses, and state agencies on the potential impact of reductions in domestic military spending in Virginia, and federal, state, and local actions necessary to reduce the negative effects and to capitalize on the positive ramifications of such actions. Individuals wishing to attend must preregister at a cost of \$75 per person. Registrations are limited to 450.

**Contact:** Jeffrey A. Windom, Deputy Commissioner, Virginia Employment Commission, 703 E. Main St., Richmond, VA 23219, telephone (804) 786-1697 or (804) 371-8050/TDD ☎

## BOARD OF DENTISTRY

**† April 15, 1993 - 7 p.m. – Public Hearing**

6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia.

**† May 10, 1993 –** Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Dentistry intends to amend regulations entitled: **VR 255-01-1. Virginia Board of Dentistry Regulations.** The purpose of the proposed amendments is to establish the requirements for certification to apply Schedule VI topical medications.

## STATEMENT

**Basis:** The Board of Dentistry is authorized to regulate the practice of dentistry and dental hygienists by § 54.1-3300 et seq. of the Code of Virginia. The 1992 General Assembly amended § 54.1-3408 to authorize "a dentist to cause Schedule VI topical drugs to be administered under his direction and supervision by either a dental hygienist or by an authorized agent certified by the Board of Dentistry who has satisfactorily completed a training program for this purpose that is approved by the Board of Dentistry." These regulations are proposed to implement that authority.

**Purpose:** The proposed regulations establish the requirements and fee to certify individuals to administer Schedule VI topical medicinal agents. The proposed regulations replace emergency provisions adopted by the board with became effective July 1992. These emergency regulations will expire on July 20, 1993, or upon promulgation of these proposed regulations, whichever is sooner. The proposed regulations are identical to existing emergency provisions except that the proposed regulations also specify who may provide training for individuals to prepare for certification.

**Substance:** The proposed regulations establish two pathways to become certified to administer topical medicinal agents including topical fluoride and desensitizing agents: (a) satisfactorily complete a course or examination recognized by the Commission on Dental Accreditation of the American Dental Association and be certified by the board or (b) satisfactorily complete a training program approved by the board and be certified by the board.

In addition, the proposed regulations specify that training in preparation for this certification may be provided by dentists or dental hygienists licensed in Virginia or by certified dental assistants who are currently certified by the Dental Assisting National Board (see § 5.4 A 1).

The proposed regulations also establish a fee of \$15 for dental assistants who apply for certification (see § 1.4 M).

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**Issues:** During the last five months that the emergency regulations have been in existence there have been no challenges from the public as to the meaning of the regulation. The board made every effort to remove ambiguity and redundancy.

While no challenges were received, questions did arise regarding qualifications of those who may provide training leading to certification. The board determined to add these qualifications, namely, that the individual has (a) satisfactorily completed a course or examination recognized by the Commission on Dental Accreditation of the American Dental Association and been certified by the board, or (b) satisfactorily completed a training program approved by the board and been certified by the board.

The board views the proposed amendments as the least restrictive and most cost-effective means for protecting the public. Without this regulation, individuals hired to assist dentists will be unable to deliver these services which have proven to be cost-effective and beneficial to patient health. This inability is contrary to legislation enacted by the 1992 General Assembly.

## Impact:

A. **Number of persons affected:** Approximately 5,000 dental assistants are practicing in Virginia. Of this number 1,078 were certified between September 1992 and January 1993. This leaves a potential certification pool of about 4,922. The board estimates that 1,000 individuals will apply for certification each year.

B. **Projected cost for implementation:** The board estimates that its cost for implementing this program will be \$15,000 per year. This estimate includes staff time, printing and postage. The board will continue to examine revenues and expenses related to this program and adjust fees accordingly.

C. **Projected cost for compliance:** Training may be given by (a) a licensed dentist or dental hygienist (approximate time one hour) or (b) completing a five-hour course at the MCV/VCU School of Dentistry at a cost of \$49, plus any travel and out-of-pocket expenses.

Because training by licensed dentists and dental hygienists will be widely available, and because such training increases the cost-effectiveness of dental practices, the training requirement should place a minimal burden on the trainees.

Statutory Authority: §§ 54.1-2400, 54.1-2700 et seq., 54.1-3303, and 54.1-3408 of the Code of Virginia.

**Contact:** Marcia J. Miller, Executive Director, Virginia Board of Dentistry, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9906.

## DEPARTMENT OF EDUCATION (BOARD OF)

**March 25, 1993 - 8 a.m. – Open Meeting**

James Monroe Building, 101 North 14th Street, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

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.

**Contact:** Dr. Ernest W. Martin, Assistant Superintendent, P.O. Box 2120, Richmond, VA 23216-2120, telephone (804) 225-2073.

## LOCAL EMERGENCY PLANNING COMMITTEE - CHESTERFIELD COUNTY

**April 1, 1993 - 5:30 p.m. – Open Meeting**

† **May 6, 1993- 5:30 p.m. – Open Meeting**

Chesterfield County Administration Building, 10001 Ironbridge Road, Room 502, Chesterfield, Virginia. ☒

A meeting to meet requirements of Superfund Amendment and Reauthorization Act of 1986.

**Contact:** Lynda G. Furr, Assistant Emergency Services Coordinator, Chesterfield Fire Department, P.O. Box 40, Chesterfield, VA 23832, telephone (804) 748-1236.

## LOCAL EMERGENCY PLANNING COMMITTEE - COUNTY OF MONTGOMERY/TOWN OF BLACKSBURG

**March 9, 1993 - 3 p.m. – Open Meeting**

Montgomery County Courthouse, Main and Franklin Streets, Board of Supervisors Room, 3rd Floor, Christiansburg, Virginia. ☒

A meeting for the development of a Hazardous Materials Emergency Response Plan for Montgomery County and the Town of Blacksburg.

† **March 9, 1993 - 6 p.m. – Public Hearing**

Montgomery County Courthouse, Main and Franklin Streets, Board of Supervisors Room, Christiansburg, Virginia. ☒

A public hearing to receive citizen comments on the draft update of the Montgomery County/Town of Blacksburg Hazardous Materials Emergency Response Plan.

**Contact:** Steve Via, New River Valley Planning Commission, P.O. Box 3726, Radford, VA 24143, telephone (703) 639-9313 or FAX (703) 831-6093.

## LOCAL EMERGENCY PLANNING COMMITTEE - PORTSMOUTH

**March 10, 1993 - 9 a.m. – Open Meeting**  
St. Julien's Annex, Victory Boulevard at Magazine Road,  
Building 307, Portsmouth, Virginia.

A general meeting.

**Contact:** Karen Karpowski, Secretary, Portsmouth Local  
Emergency Planning Committee, Fire Department, 361  
Effingham Street, Portsmouth, VA 23704-2337, telephone  
(804) 393-8765.

## LOCAL EMERGENCY PLANNING COMMITTEE - ROANOKE VALLEY

**† March 17, 1993 - 9 a.m. – Open Meeting**  
Salem Civic Center, 1001 Roanoke Boulevard, Room C,  
Salem, Virginia. ☒

A meeting to (i) receive public comment; (ii) receive  
report from community coordinators; and (iii) receive  
report from standing committees.

**Contact:** Danny W. Hall, Fire Chief/Coordinator of  
Emergency Services, 105 S. Market St., Salem, VA 24153,  
telephone (703) 375-3080.

## VIRGINIA FIRE SERVICES BOARD

**March 12, 1993 - 6 p.m. – Open Meeting**  
**March 13, 1993 - Unknown – Open Meeting**  
**March 14, 1993 - Unknown – Open Meeting**  
Mountain Lake, Virginia.

A work session. No business will be conducted, no  
policy decisions will be made.

**Contact:** Anne J. Bales, Executive Secretary Senior,  
Department of Fire Programs, 2807 Parham Road, Suite  
200, Richmond, VA 23294, telephone (804) 527-4236.

## DEPARTMENT OF FORESTRY

### Reforestation of Timberlands Board

**† March 17, 1993 - 10 a.m. – Open Meeting**  
Zoar State Forest, Aylett, Virginia. ☒

A meeting to discuss general business and to review  
accomplishments.

**Contact:** Phil T. Grimm, Assistant Chief, Forest  
Management, Department of Forestry, P.O. Box 3758,  
Charlottesville, VA 22903, telephone (804) 977-6555.

## BOARD OF GAME AND INLAND FISHERIES

**† March 11, 1993 - 9 a.m. – Open Meeting**  
4010 West Broad Street, Richmond, Virginia.

The board will convene a meeting at 9 a.m. and  
recess for the Planning Committee of the Board to  
review and discuss a system to implement and  
monitor HJR-191 recommendations, and go discuss  
possible changes to the board's meeting procedures.  
The board will reconvene at the conclusion of the  
committee meeting and go into an executive session, if  
necessary. Also, if necessary, other general and  
administrative matters will be considered.

**† April 1, 1993 - 9 a.m. – Open Meeting**  
Holiday Inn, 6531 West Broad Street, Richmond, Virginia.

The board will convene its meeting at 9 a.m. They  
will immediately recess for their committee meetings,  
beginning with the Wildlife and Boat Committee,  
followed by the Funding Committee, Liaison  
Committee, Planning Committee, Finance Committee,  
and end with the Law and Education Committee. In  
addition to the Wildlife and Boat Committee hearing  
staff recommendations for changes to the 1993-94 and  
1994-95 hunting seasons, each committee will hear and  
discuss topics appropriate to their authority, and take  
any necessary action.

**† April 2, 1993 - 9 a.m. – Open Meeting**  
Holiday Inn, I-64 West Broad, 6531 West Broad Street,  
Richmond, Virginia.

The board will reconvene its meeting with an  
executive session at 8 a.m. They will recess or  
adjourn the executive session at 9 a.m. for the public  
meeting. During the public meeting, the board will  
hear and consider proposed changes to the 1993-94  
and 1994-95 hunting seasons. Proposed changes will be  
adopted for advertisement for public comment, and  
will be reconsidered by the board at the June 17 and  
18, 1993 meetings. Final regulations will be adopted at  
that time. In addition to considering changes to the  
hunting seasons, other general and administrative  
matters, as necessary, will be considered, with the  
appropriate action taken by the board.

**Contact:** Belle Harding, Secretary to Bud Bristow, 4010 W.  
Broad St., Richmond, VA 23230, telephone (804) 367-1000.

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## DEPARTMENT OF HEALTH (STATE BOARD OF)

**April 23, 1993** – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Health intends to amend regulations entitled: **VR 355-28-100. Regulations for Disease Reporting and Control.** The regulations are being amended to (i) comply with current disease control policies, (ii) change the form for reporting morbidity, and (iii) comply with statutory requirements.

Statutory Authority: §§ 32.1-12 and 32.1-35 of the Code of Virginia.

**Contact:** C. Diane Woolard, M.P.H., Senior Epidemiologist, Virginia Department of Health, P.O. Box 2448, Room 113, Richmond, VA 23218, telephone (804) 786-6261.

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**March 17, 1993 - 10 a.m.** – Public Hearing  
Monroe Building, 101 North 14th Street, Conference Room B, Richmond, Virginia.

**April 23, 1993** – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Health intends to amend regulations entitled: **VR 355-30-000. Virginia Medical Care Facilities Certificate of Public Need Rules and Regulations.** The purpose of the proposed amendments is to implement the Certificate of Public Need program consistent with the amended law which became effective July 1, 1992.

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

Written comments may be submitted through April 23, 1993, to Paul E. Parker, Director, Division of Resources Development, Virginia Department of Health, 1500 East Main Street, Suite 105, Richmond, Virginia 23219.

**Contact:** Wendy Brown, Project Review Manager, Division of Resources Development, 1500 E. Main St., Suite 105, Richmond, VA 23219, telephone (804) 786-7463.

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**March 17, 1993 - 1 p.m.** – Public Hearing  
Monroe Building, 101 North 14th Street, Conference Room B, Richmond, Virginia.

**April 23, 1993** – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Health intends to **repeal** regulations entitled: **1987 State Medical Facilities Plan** and **adopt** regulations entitled: **VR 355-30-100 through VR 355-30-113. Virginia State Medical Facilities Plan.** The purpose of the proposed action is to revise the State Medical Facilities Plan to provide guidance for assessing the public need for projects for review according to the 1992 amendments to the Certificate of Public Need law.

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

**Contact:** Paul E. Parker, Director, Division of Resources Development, 1500 E. Main St., Suite 105, Richmond, VA 23219, telephone (804) 786-7463.

## Commissioner's Waterworks Advisory Committee

† **March 18, 1993 - 10 a.m.** – Open Meeting  
† **May 20, 1993 - 10 a.m.** – Open Meeting  
400 South Main Street, 2nd Street, Culpeper, Virginia.

A meeting to conduct general business of the committee.

**Contact:** Thomas B. Gray, P.E., Special Project Engineer, 1500 E. Main St., Room 109, Richmond, VA 23219, telephone (804) 786-1768.

## VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

**March 23, 1993 - 9:30 a.m.** – Open Meeting  
Blue Cross/Blue Shield of Virginia, 2015 Staples Mill Road, Richmond, Virginia. ☎

A monthly meeting.

**Contact:** John A. Rupp, Executive Director, 805 E. Broad St., 6th Floor, Richmond, VA 23219, telephone (804) 786-6371.

## STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

**March 9, 1993 - 9:30 a.m.** – Open Meeting  
George Mason University, Fairfax, Virginia.

**April 13, 1993 - 9:30 a.m.** – Open Meeting  
Danville Community College, Danville, Virginia.

A general business meeting. For additional information contact the council.

**Contact:** Anne M. Pratt, Associate Director, Monroe Bldg., 101 N. 14th St., 9th Floor, Richmond, VA 23219, telephone (804) 225-2639.

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**March 12, 1993** – Written comments may be submitted through this date.

**March 18, 1993 - 1 p.m.** – Public Hearing  
James Monroe Building, 101 North 14th Street, 9th Floor Conference Room, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Council of Higher Education for Virginia intends to **repeal** regulations entitled **VR 380-03-02. Virginia Work-Study Program Regulations**, and **adopt** regulations entitled **VR 380-03-02:1. Virginia Work-Study Program Regulations**. Section 23-38.70 of the Code of Virginia authorizes the Council of Higher Education to develop regulations and procedures for the operation of the Virginia-Work Study Program (VWSP). The proposed VWSP regulations, if adopted, will replace the existing regulations which are outdated and, in places, ambiguous. The major provisions are institutional application procedures, distribution of funds, student eligibility, restrictions on student placement and compensation, and responsibilities of involved parties.

Statutory Authority: § 23-38.70 of the Code of Virginia.

**Contact:** Stephen Merritt, Coordinator, Financial Aid Programs, Council of Higher Education for Virginia, James Monroe Bldg., 101 N. 14th St., Richmond, VA 23219, telephone (804) 225-2623.

\* \* \* \* \*

† **March 26, 1993** – Written comments may be submitted through this date.

Notice is hereby given that the State Council of Higher Education for Virginia intends to adopt regulations entitled: **VR 380-03-07. Virginia Guaranteed Assistance Program Regulations**. The proposed regulations are being promulgated to ensure that the operation of the Virginia Guaranteed Assistance Program is uniform for all participating public schools and institutions of higher education.

Statutory Authority: §§ 22.1-212.3, 22.1-212.4, and 23-38.53:4 of the Code of Virginia.

**Contact:** Stephen R. Merritt, Council of Higher Education, James Monroe Bldg., 101 N. 14th St., 10th Floor, Richmond, VA 23219, telephone (804) 225-2623.

## VIRGINIA HISTORIC PRESERVATION FOUNDATION

**March 10, 1993 - 10:30 a.m.** – Open Meeting  
Petersburg City Hall, Council Chambers, Petersburg, Virginia. ☒ (Interpreter for the deaf provided upon request)

A general business meeting.

**Contact:** Margaret Peters, Information Director, 221 Governor St., Richmond, VA 23219, telephone (804) 786-3143 or (804) 786-1934/TDD ☎

## HOPEWELL INDUSTRIAL SAFETY COUNCIL

**April 6, 1993 - 9 a.m.** – Open Meeting  
Hopewell Community Center, Second and City Point Road, Hopewell, Virginia. ☒ (Interpreter for deaf provided upon request)

A Local Emergency Preparedness Committee meeting on emergency preparedness as required by SARA Title III.

**Contact:** Robert Brown, Emergency Service Coordinator, 300 N. Main St., Hopewell, VA 23860, telephone (804) 541-2298.

## DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

† **April 19, 1993 - 10 a.m.** – Open Meeting  
Salem Civic Center, 1001 Boulevard, Parlor A, Salem, Virginia. ☒ (Interpreter for the deaf provided upon request)

† **April 20, 1993 - 10 a.m.** – Open Meeting  
City Council Chambers, 22 Lincoln Street, Hampton, Virginia. ☒ (Interpreter for the deaf provided upon request)

† **April 21, 1993 - 10 a.m.** – Open Meeting  
One County Complex Court, County Board Chambers, Prince William, Virginia. ☒ (Interpreter for the deaf provided upon request)

† **April 22, 1993 - 10 a.m.** – Open Meeting  
501 North 2nd Street, First Floor Board Room, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

Public Participation Regional Regulatory Review workshop, to explain the review and adoption process and to solicit proposals.

**Contact:** Norman R. Crumpton, Program Manager, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7179 or (804) 371-7089/TDD ☎

# Calendar of Events

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## VIRGINIA HOUSING DEVELOPMENT AUTHORITY

† **March 16, 1993 - 11 a.m.** – Open Meeting  
601 South Belvidere Street, Richmond, Virginia. ☒

A regular meeting of the Board of Commissioners to (i) review and, if appropriate, approve the minutes from the prior monthly meeting; (ii) consider for approval and ratification mortgage loan commitments under its various programs; (iii) review the authority's operations for the prior month; and (iv) 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 at the offices of the authority one week prior to the date of the meeting.

**Contact:** J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, 601 S. Belvidere St., Richmond, VA 23220, telephone (804) 782-1986.

## DEPARTMENT OF LABOR AND INDUSTRY

### Apprenticeship Council

**March 25, 1993 - 10 a.m.** – Open Meeting  
General Assembly Building, 910 Capitol Street, House Room C, Richmond, Virginia 23219. ☒

A regular meeting.

**Contact:** Robert S. Baumgardner, Director of Apprenticeship, Department of Labor and Industry, 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-2381.

\* \* \* \* \*

**April 12, 1993** – Written comments may be submitted through this date.

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 new minimum numeric ratios for program sponsors performing Davis-Bacon work.

Statutory Authority: § 40.1-118 of the Code of Virginia.

**Contact:** Robert S. Baumgardner, Director of Apprenticeship, Department of Labor and Industry, 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-2381.

## LIBRARY BOARD

NOTE: CHANGE IN MEETING DATE

**March 19, 1993 - 10 a.m.** – Open Meeting  
The Virginia State Library and Archives, 3rd Floor, Supreme Court Room, Richmond, Virginia. ☒

A meeting to discuss administrative matters of the Virginia State Library and Archives.

**Contact:** Jean H. Taylor, Secretary to State Librarian, Virginia State Library and Archives, 11th St. at Capitol Square, Richmond, VA 23219, telephone (804) 786-2332.

## STATE COUNCIL ON LOCAL DEBT

**March 17, 1993 - 11 a.m.** – Open Meeting  
**April 21, 1993 - 11 a.m.** – Open Meeting  
James Monroe Building, 101 North 14th Street, 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:** Gary Ometer, Debt Manager, Department of the Treasury, P.O. Box 6-H, Richmond, VA 23215, telephone (804) 225-4928.

## LONGWOOD COLLEGE

### Academic Affairs Committee and Student Affairs Committee

† **April 5, 1993 - 4:30 p.m.** – Open Meeting  
Longwood College, East Ruffner Building, Board Room, Farmville, Virginia. ☒

A meeting to conduct routine business of the two committees prior to the full board meeting.

**Contact:** William F. Dorrill, President, 201 High St., Farmville, VA 23909-1899, telephone (804) 395-2001.

### Board of Visitors

† **April 15, 1993 - 5 p.m.** – Open Meeting  
† **April 16, 1993 - 9:30 a.m.** – Open Meeting  
Longwood College, Ruffner Building, Farmville, Virginia. ☒

A meeting to conduct routine business of the board.

**Contact:** William F. Dorrill, President, 201 High St., Farmville, VA 23909-1899, telephone (804) 395-2001.

STATE LOTTERY BOARD

† March 22, 1993 - 11 a.m. - Open Meeting  
Lottery Fairfax Regional Office, 8550 Arlington Boulevard,  
Fairfax, Virginia. ☒

A regular monthly meeting of the board. The meeting will begin with a public hearing. The regular meeting business will be conducted according to items listed on an agenda which has not yet been determined. Two periods of public comment are scheduled.

Contact: Barbara L. Robertson, Lottery Staff Officer, State Lottery Department, 2201 W. Broad St., Richmond, VA 23220, telephone (804) 367-9433.

\* \* \* \* \*

March 22, 1993 - 11 a.m. - Public Hearing  
Fairfax Regional Office, 8550 Arlington Boulevard, Fairfax, Virginia.

March 22, 1993 - Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Lottery Board intends to adopt regulations entitled **VR 447-02-2. On-Line Game Regulations**. The purpose of the proposed amendment is to reduce the potential of the purchase of large blocks of on-line lottery tickets by stipulating that all playslips used must be manually marked.

Statutory Authority: § 58.1-4007 of the Code of Virginia.

Contact: Barbara L. Robertson, Lottery Staff Officer, State Lottery Department, 2201 W. Broad St., Richmond, VA 23220, telephone (804) 367-9433.

VIRGINIA MANUFACTURED HOUSING BOARD

† March 24, 1993 - 10 a.m. - Open Meeting  
Department of Housing and Community Development, 501 North 2nd Street, 2nd Floor, Richmond, Virginia. ☒  
(Interpreter for the deaf provided upon request)

A regular monthly meeting of the board.

Contact: Curtis L. McIver, Associate Director, Department of Housing and Community Development, Code Enforcement Office, The Jackson Center, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7160.

MARY WASHINGTON COLLEGE

Board of Visitors

April 17, 1993 - 9 a.m. - Open Meeting

Woodard Campus Center, Red Room, Fredericksburg, Virginia. ☒

A regularly scheduled meeting.

Contact: Vicki Campbell, Clerk, Board of Visitors, Mary Washington College, 1301 College Avenue, George Washington Hall 103, Fredericksburg, VA 22401-5358, telephone (703) 899-4621.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES  
(BOARD OF)

April 23, 1993 - Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Medical Assistance Services intends to amend regulations entitled: **State Plan for Medical Assistance Relating to EPSDT and Inpatient Psychiatric Services: VR 460-01-22, Services; VR 460-03-3.1100, Amount, Duration and Scope of Services; VR 460-02-3.1300, Standards Established and Methods Used to Assure High Quality of Care; and VR 460-02-4.1920, Methods and Standards for Establishing Payment Rates-Other Types of Care**. The purpose of this proposal is to promulgate permanent regulations to supersede the current emergency regulations which provide for the same policies. The sections of the State Plan for Medical Assistance (the Plan) affected by this proposed regulation are: preprinted page 22; the Amount, Duration, and Scope of Services narrative (Supplement 1 to Attachment 3.1 A and B); Standards Established and Methods Used to Assure High Quality of Care (Attachment 3.1 C); and Methods and Standards for Establishing Payment Rates - Other Types of Care (Attachment 4.19 B).

The Omnibus Budget Reconciliation Act of 1989 (OBRA 89) requires that state Medicaid programs provide to recipients any and all necessary services permitted to be covered under federal law, when the need for those services are identified as a result of screenings through the Early and Periodic Screening, Diagnosis, and Treatment Program. Such services must be provided even if they are not otherwise covered under the Plan, and are thus not available to recipients independent of EPSDT referral.

The EPSDT program provides for screening and diagnostic services to determine physical and mental defects in recipients up to age 21, and health care, treatment, and other services to correct or ameliorate any defects or chronic conditions discovered. EPSDT is a mandatory program which must be provided for all Medicaid-eligible recipients who are 18 years old or younger and, at the state's option, up to age 21. The Commonwealth provides EPSDT for recipients to age 21.

# Calendar of Events

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One service now required to be covered for recipients because of EPSDT is inpatient psychiatric services in psychiatric hospitals. These regulations reflect the definition of covered services and the fee-for-service reimbursement methodology.

During the development of the department's policy concerning EPSDT, the Health Care Financing Administration (HCFA) provided guidance to the states. DMAS incorporated this guidance into its emergency regulations which HCFA subsequently approved. DMAS has tightened its definition of covered psychiatric services to be those provided in psychiatric hospitals when the services are the result of EPSDT.

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

Written comments may be submitted until 5 p.m. on April 23, 1993, to Betty Cochran, Director, Division of Quality Care Assurance, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia 23219.

**Contact:** Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7933.

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**April 23, 1993** – Written comments may be submitted through 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 460-02-4.1810, VR 460-02-4.1830, and VR 460-02-4.1920. Outpatient Rehab Services and Removing the Medicare Cap on Fees.** The purpose of this proposal is (i) to promulgate permanent regulations which will provide for equitable application of recipient cost sharing policies for outpatient rehabilitative services and the elimination of the Medicare cap on all services' fees; and (ii) to replace emergency regulations currently in effect.

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

Written comments may be submitted until 5 p.m. on April 23, 1993, to Jerome W. Patchen, Director, Division of Policy and Research, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia 23219.

**Contact:** Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7933.

## BOARD OF MEDICINE

### Advisory Board on Physical Therapy

**March 12, 1993 - 9 a.m. – Open Meeting**  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Room 1, Richmond, Virginia. ☒

A meeting to (i) review the traineeship forms for the American and foreign trained physical therapists; (ii) develop regulations to require an examination for inactive physical therapists applying for licensure by endorsement or reinstatement of a lapsed license; (iii) establish regulations for number of traineeships of foreign and American graduates which may be supervised by a licensed P.T.; (iv) receive reports; (v) review § 6.1 of regulations regarding the physical therapist and physical therapist assistant's first visit to determine if amendments are required; and (vi) such other business as may come before the advisory board. The chairman may entertain public comments on any agenda item.

**Contact:** Eugenia K. Dorson, Deputy Executive Director, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9923.

### Advisory Board of Occupational Therapists

**March 24, 1993 - 10 a.m. – Open Meeting**  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia. ☒

A meeting to discuss the certified Occupational Therapy Assistant, review the regulation VR 465-08-01, continuing education, and such other business which comes before the advisory board. The chairman may entertain public comments on any of the agenda items noticed.

**Contact:** Eugenia K. Dorson, Deputy Executive Director, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9923.

### Advisory Committee on Certification of Optometrists

**March 19, 1993 - 9 a.m. – Public Hearing**  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia. ☒

The advisory committee will conduct a public hearing pursuant to § 54.1-2957.2 of the Code of Virginia on regulation VR 465-09-01, § 4.3, Therapeutical Pharmaceutical Agents which a certified Doctor of Optometry may administer and prescribe for certain diseases and abnormal conditions of the human eye, and its adnexa. The committee will receive written comments until Friday, February 26, 1993. The committee will review all public and written comments and provide recommendations to the full board that may be deemed to be reasonable and

necessary to ensure an appropriate standard of medical care for the patient.

**Contact:** Eugenia K. Dorson, Deputy Executive Director, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9923.

**April 9, 1993 - 10 a.m. - Open Meeting**  
6606 West Broad Street, Board Room 1, 5th Floor, Richmond, Virginia. ☐

A meeting to review all written and public comments received by the Board on Regulation VR 465-09-01, § 4.3, Therapeutic Pharmaceutical Agents, and make recommendations to full board.

**Contact:** Eugenia K. Dorson, Deputy Executive Director, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9923.

### Advisory Board on Respiratory Therapy

**March 26, 1993 - 1 p.m. - Open Meeting**  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. ☐

A meeting to elect officers, review the regulation VR 465-04-01 for certification of R.T.s, and such other business which may come before the advisory board. The chairman may entertain public comments on any of the agenda items noticed.

**Contact:** Eugenia K. Dorson, Deputy Executive Director, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9923.

### Credentials Committee

† **April 17, 1993 - 8 a.m. - Open Meeting**  
6606 West Broad Street, 5th Floor, Board Room 3, Richmond, Virginia. ☐

The committee will meet in open and closed session to (i) conduct general business; (ii) interview and review medical credentials of applicants applying for licensure in Virginia; and (iii) discuss any other items which may come before the committee. The committee will receive public comments of those persons appearing on behalf of candidates.

**Contact:** Eugenia K. Dorson, Deputy Executive Director, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9923.

### Executive Committee

† **April 16, 1993 - 9 a.m. - Open Meeting**  
6606 West Broad Street, 5th Floor, Board Room 1, Richmond, Virginia. ☐

The committee will meet in open and closed sessions

to (i) review cases of files requiring administrative action; (ii) review proposed budget; (iii) review legislation enacted by the 1993 General Assembly; and (iv) consider any other items which may come before the committee. The committee may receive public comments on specific items at the pleasure of the chairman.

**Contact:** Eugenia K. Dorson, Deputy Executive Director, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9923.

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

**March 24, 1993 - 10 a.m. - Open Meeting**  
Southeastern Virginia Training Center, 2100 Steppingstone Square, Community Services Meeting Room, Chesapeake, Virginia.

A regular monthly board meeting. Agenda to be published on March 17. Agenda can be obtained by calling Jane Helfrich.

Tuesday - Information session - 8 p.m.  
Wednesday - Committee meetings - 9 a.m.  
Regular session - 10 a.m.

See agenda for locations.

**Contact:** Jane V. Helfrich, Board Administrator, State MHMRSAS Board, P.O. Box 1797, Richmond, VA 23214, telephone (804) 786-3921.

† **March 25, 1993 - 10 a.m. - Public Hearing**  
James Madison Building, 109 Governor Street, Main Floor Conference Room, Richmond, Virginia. ☐ (Interpreter for the deaf provided upon request)

A meeting to obtain public comment on the Substance Abuse, Prevention and Treatment Block Grant, and application for federal fiscal year 1993.

**Contact:** Bill Armistead, James Madison Bldg., 109 Governor St., Richmond, VA 23219, telephone (804) 371-7769.

### State Human Rights Committee

**March 24, 1993 - 9 a.m. - Open Meeting**  
Southeastern Virginia Training Center, 2100 Steppingstone Square, Community Services Meeting Room, Chesapeake, Virginia. ☐

A regular meeting to discuss business relating to human rights issues. Agenda items are listed for the meeting.

**Contact:** Elsie D. Little, State Human Rights Director,

# Calendar of Events

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Department of Mental Health, Mental Retardation and Substance Abuse Services, Office of Human Rights, P.O. Box 1797, Richmond, VA 23214, telephone (804) 786-3988.

## BOARD OF NURSING

† **March 22, 1993 - 8:30 a.m.** – Open Meeting  
† **March 25, 1993 - 8:30 a.m.** – Open Meeting  
Department of Health Professions, 6606 West Broad Street, Conference Room 1, 5th Floor, Richmond, Virginia. ☒  
(Interpreter for the deaf provided upon request)

A panel of the board will conduct formal hearings. Public comment will not be received.

† **March 23, 1993 - 9 a.m.** – Open Meeting  
† **March 24, 1993 - 9 a.m.** – Open Meeting  
Department of Health Professions, 6606 West Broad Street, Conference Room 1, 5th Floor, Richmond, Virginia. ☒  
(Interpreter for the deaf provided upon request)

A regular meeting of the board to consider matters relating to nursing education programs, discipline of licensees, licensure by examination and endorsement and other matters under the jurisdiction of the board. A draft of proposed amendments to regulations will be considered. Public comment will be received during an open forum session beginning at 11 a.m. on Tuesday, March 23, 1993.

**Contact:** Corinne F. Dorsey, R.N., Executive Director, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9909 or (804) 662-7197/TDD ☎

## BOARD OF OPTOMETRY

† **March 10, 1993 - 9 a.m.** – Open Meeting  
Department of Health Professions, Southern States Building, 6606 West Broad Street, 4th Floor, Conference Room 3, Richmond, Virginia.

An informal conference.

**Contact:** Carol Stamey, Administrative Assistant, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9910.

## BOARD OF PHARMACY

† **March 10, 1993 - 9 a.m.** – Open Meeting  
Department of Health Professions, 6606 West Broad Street, Conference Room 1, Richmond, Virginia.

Informal conferences.

**Contact:** Scotti W. Milley, Executive Director, Virginia Board of Pharmacy, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9911.

## POLYGRAPH EXAMINERS ADVISORY BOARD

**March 23, 1993 - 10 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:** Geralde W. Morgan, Board Administrator, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8534.

## PREVENTION AND CHILDREN'S RESOURCES ADVISORY COUNCIL

† **April 22, 1993 - 10 a.m.** – Open Meeting  
James River Corporate Office, 100 Tredegar Street, Richmond, Virginia.

A regularly scheduled quarterly business meeting.

**Contact:** Harriet Russell, Director, Department of Mental Health, Mental Retardation and Substance Abuse Services, Office of Prevention and Children's Resources, P.O. Box 1797, Richmond, VA 23214, telephone (804) 786-1530.

## BOARD OF PROFESSIONAL COUNSELORS

† **March 26, 1993 - 10 a.m.** – Public Hearing  
6606 West Broad Street, Conference Room 1, Richmond, Virginia.

**May 7, 1993** – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Professional Counselors intends to amend regulations entitled: **VR 660-01-02. Regulations Governing the Practice of Professional Counseling.** The proposed regulations establish standards of practice for professional counseling, including education, supervised experience and examination for licensure, and amends fees. The proposed regulations result from a biennial review.

## STATEMENT

Basis: Chapter 1 (§ 54.1-100 et seq.), §§ 54.1-2400 and 54.1-2510, and Chapter 35 (§ 54.1-3500 et seq.) of Title 54.1 of the Code Virginia provide the statutory basis for promulgation of the regulations by the Board of Professional Counselors. Proposed regulations on recordkeeping, § 6.1 are submitted for public comment under this general authority.

Amendments to § 54.1-2400 of the Code of Virginia by the

1992 session of the General Assembly eliminated the use of oral examinations. Proposed amendments to § 3.3 respond to this statutory change.

Section 54.1-113 of the Code of Virginia requires the board to adjust fees so that fees are sufficient but not excessive to cover the board's operational expenses. Amendments to § 1.3 respond to this requirement.

**Purpose:** The proposed regulations are designed to ensure the public protection by establishing standards for licensure, examination, training and practice of licensed professional counselors.

The proposed regulations (i) eliminate oral examinations as required by statute; (ii) adjust fees as required by statute; (iii) establish requirements for recordkeeping consistent with quality and continuity of care. Additional minor changes have been made to existing regulations for clarity and ease of understanding. Proposed changes are as follows:

Section 1.3 establishes a reduced renewal fee of \$85 in order for the board to comply with the Code of Virginia requirement that revenue not exceed the budget by more than 10%.

Section 2.1 establishes a deadline of 90 days prior to the administration of the written examination for applications to be received. This requirement allows the examination service to receive a roster of approved candidates, collect examination fees and to provide the candidates pertinent information within an acceptable timeframe.

Section 2.2 B 1 amends supervised practice requirements providing greater clarity for prospective licensees and their supervisors.

Section 2.2 B 1 c provides an applicant a means to petition the board when an undue burden exists due to disability or geographic inaccessibility to appropriate supervision.

Section 2.2 B 2 clarifies the requirement that a supervisor must have received training in providing supervision. This required documentation has been previously addressed in the registration of supervision forms but not formally set out in regulation.

Section 2.2 B 3 clarifies the requirement that an acceptable transcript must document appropriate education.

Section 2.2 B 4 clarifies the information regarding an applicant's experience and estimated competency which the supervisor is required to provide on an annual basis.

Section 3.2 clarifies the knowledge, skills and abilities a written examination is to test.

Section 3.3 deletes all references to oral examinations and clarifies language related to reexamination.

Section 4.3 deletes all language related to legal name change in that it has not proven cost effective to require a fee for the few name changes received and processed.

Section 6.1 establishes a new requirement for recordkeeping.

**Substance:**

1. Existing regulations governing oral examinations have been stricken from § 3.3.
2. Fees have been adjusted as follows:
  - a. Oral examination fees have been deleted.
  - b. The written examination has been adjusted from \$150 for oral and written examination to \$120 for the written examination only. Although increasing the cost of the written examination requirement, this proposed fee represents a net saving to the candidate.
3. A new regulation requiring that treatment records be maintained for five years following termination of treatment is proposed in § 6.1.

**Issues:** Section 3.3, oral examinations, and § 1.3, fees, respond to statutory requirements.

Section § 6.1, record retention, proposes that records be maintained to assure appropriate quality and continuity of professional care and treatment.

All other changes proposed are to improve clarity. The board is aware of no controversy regarding any of these proposed changes.

**Impact:**

- A. Number of regulated entities affected:
  - a. 1,481 licensed professional counselors.
  - b. 375 post-graduate trainees.
- B. Projected cost for implementation of proposed regulations:
  1. Agency cost:
    - a. Decreased renewal fees: no cost to agency.
    - b. Fees for written examination: no cost to agency.
    - c. Estimated cost of disciplinary action related to noncompliance with recordkeeping provisions. It is estimated that the board will have one case per year related to recordkeeping, at a cost of about \$1,800.

# Calendar of Events

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2. Projected cost of compliance with proposed regulations to licensee:

- a. Renewal fees: biennial savings of \$15.
- b. Examination fee: savings of \$30.
- c. Recordkeeping requirements: estimated cost of space to maintain files \$200 per year per licensee.

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

**Contact:** Evelyn B. Brown, Executive Director, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9912.

## BOARD OF PSYCHOLOGY

**March 23, 1993 - 8:30 a.m.** – Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Room #4, Richmond, Virginia. ☒

An informal fact finding conference to review application for licensure of Cheryl R. Hussey, Ed.D.

**March 23, 1993 - 10:30 a.m.** – Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Room #2, Richmond, Virginia. ☒

A meeting to conduct general board business, and review regulations to consider fee adjustments.

**Contact:** Evelyn B. Brown, Executive Director, or Jane Ballard, Administrative Assistant, Department of Health Professions, 6606 W. Broad St., Richmond, VA 23230-1717, telephone (804) 662-9913.

\* \* \* \* \*

† **July 20, 1993 - 9 a.m.** – Public Hearing  
6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia.

† **August 7, 1993** – 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 Psychology intends to amend regulations entitled: **VR 565-01-2. Regulations Governing the Practice of Psychology.** The proposed amendments increase license renewal fees for psychologists and school psychologists and increase application fees for clinical psychologists.

## STATEMENT

**Basis:** Chapter 36 (§ 54.1-3600 et seq.) of Title 54.1 of the Code of Virginia authorizes the Board of Psychology to license psychologists and school psychologists to recommend clinical psychologists for licensure under the Board of Medicine after investigation and successful examination by the Board of Psychology. Section 54.1-113

of the Code of Virginia requires the Board of Psychology to adjust fees when revenue is greater than or less than 10% of the board's operating budget. With current fees the board expects a shortfall of \$66,087 as of June 30, 1994.

**Purpose:** The purpose of the proposed regulations is to adjust revenues to meet but not exceed expenses as required by Virginia law.

**Substance:** Section 1.3 increases fees to be required by the board:

- 1. Application processing for clinical psychologists - \$450 (now \$350).
- 2. Annual renewal of license for psychologists - \$95 (now \$150 per biennium).
- 3. Annual renewal of license for school psychologists - \$95 (now \$150 per biennium).

**Issues:** The board is unaware of any controversy surrounding the proposed fee increases. The proposed regulations have also been submitted to the Governor for his approval as emergency provisions. During the time these emergency provisions are in effect the board will collect any comments received. These comments, coupled with any received during the public comment period, will permit the board to assess any issues and make adjustments to final regulations if appropriate.

## Impact:

A. Cost of implementation: The proposed fee increases will not create an additional cost burden on the board, but will instead adjust fees and income as required by law.

B. Number and type of regulated entities affected:

- 65 licensed school psychologists each year
- 565 licensed psychologists each year
- 100 clinical psychologists each year

C. Projected cost of compliance: The increase in application fees for clinical psychologists will cost the applicant an additional \$100 above the current cost of \$350.

The licensure renewal fee will cost the psychologist and school psychologist an additional \$20 per year to maintain a license.

Statutory Authority: §§ 54.1-113 and 54.1-2400 of the Code of Virginia.

**Contact:** Evelyn B. Brown, Executive Director, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9913.

## VIRGINIA RACING COMMISSION

† **March 17, 1993 - 9:30 a.m.** – Open Meeting  
Richmond Plaza, 110 South 7th Street, 4th Floor  
Auditorium, Richmond, Virginia. ☒

A regular commission meeting including a review of the proposed regulation pertaining to satellite wagering.

**Contact:** William H. Anderson, Policy Analyst, Virginia Racing Commission, P.O. Box 1123, Richmond, VA 23208, telephone (804) 371-7363.

## RAPPAHANNOCK-RAPIDAN DIVISION OF COURT SERVICES EXECUTIVE BOARD

† **March 15, 1993 - 5:30 p.m.** – Open Meeting  
300 Sunset Lane Ext., Suite 3110, Culpeper, Virginia. ☒  
(Interpreter for the deaf provided upon request)

A quarterly business meeting of the District Nine Virginia Alcohol Safety Action Program. Items for review include (i) budget; (ii) program activities; (iii) personnel; and (iv) 1993 legislation.

**Contact:** R. Dean Irvine, Director, 300 Sunset Lane Ext., Suite 3110, Culpeper, VA 22701, telephone (703) 825-4550.

## REAL ESTATE BOARD

**March 11, 1993 - 9 a.m.** – Open Meeting  
Department of Commerce, 3600 West Broad Street, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

A meeting to conduct board business including review of applications for licensure, disciplinary cases, correspondence, etc.

**Contact:** Joan L. White, Assistant Director, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552.

## REAL ESTATE APPRAISER BOARD

**March 16, 1993 - 10 a.m.** – Open Meeting  
Department of Commerce, 3600 West Broad Street, Richmond, Virginia.

A general business meeting.

**Contact:** Demetra Y. Kontos, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-0500.

## Complaints Committee

**March 10, 1993 - 10 a.m.** – Open Meeting

Department of Commerce, 3600 West Broad Street, Richmond, Virginia.

A meeting to review complaints.

**Contact:** Demetra Y. Kontos, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-0500.

## SEWAGE HANDLING AND DISPOSAL APPEALS REVIEW BOARD

**March 10, 1993 - 10 a.m.** – Open Meeting  
Ramada Inn, 1130 Motel Drive, Allegheny Room, Woodstock, Virginia. ☒

A meeting to hear all administrative appeals of denials of onsite sewage disposal system permits pursuant to §§ 32.1-166.1 et seq. and 9-6.14:12 of the Code of Virginia, and VR 355-34-02.

**Contact:** Constance G. Talbert, Secretary to the Board, 1500 E. Main St., Suite 117, P.O. Box 2448, Richmond, VA 23218, telephone (804) 786-1750.

## VIRGINIA SMALL BUSINESS ADVISORY BOARD

† **March 17, 1993 - 8 a.m.** – Open Meeting  
Virginia Department of Economic Development, 1021 East Cary Street, 14th Floor Board Room, Richmond, Virginia. ☒

A regular board meeting.

**Contact:** David V. O'Donnell, Director of Small Business and Financial Services, Virginia Department of Economic Development, Office of Small Business and Financial Service, 1021 E. Cary St., 11th Floor, Richmond, VA 23219, telephone (804) 371-8260.

## DEPARTMENT OF SOCIAL SERVICES (STATE BOARD OF)

† **May 7, 1993** – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Social Services intends to adopt regulations entitled: **VR 615-01-47. Disability Advocacy Program.** The purpose of the proposed regulation is to allow local departments of social services to make referrals and pay for legal services for recipients of general relief or state and local foster care when the provision of these services results in approval of previously denied claims for Supplemental Security Income disability benefits.

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## STATEMENT

**Basis:** These regulations are issued under the authority granted to the Department of Social Services by §§ 63.1-25 and 63.1-89.1 of the Code of Virginia.

**Purpose:** These regulations continue the regulations for the Disability Advocacy Project authorized through emergency regulations and provide for statewide implementation of the project. Emergency regulations were published in 8:25 VA.R. September 7, 1992.

**Substance:** These regulations establish an advocacy project in which local departments of social services may make referrals and pay for legal services for recipients of general relief or for children receiving state and local foster care when the provision of these services results in approval of previously denied claims for Supplemental Security Income disability benefits.

**Issues:** Whether the Department of Social Services should adopt for statewide implementation the Disability Advocacy Project established under emergency regulation.

**Impact:** Payment for these services will be taken from the recoupment (from back-due Supplemental Security Income benefits paid to an individual) for assistance paid an individual from general relief or state and local foster care while the Supplemental Security Income application was pending approval. The payment may not exceed the recoupment amount so would not increase expenditures. If the recoupment is greater than the payment for legal services, general relief and state and local foster care budgets will receive a recoupment that would not have been available without advocacy services resulting in an approved Supplemental Security Income claim. The individual is transferred to the Supplemental Security Income program which is funded entirely with federal dollars thus reducing the strain on state and local governments' budgets while providing a larger monthly benefit to the individual.

Statutory Authority: §§ 63.1-25 and 63.1-89.1 of the Code of Virginia.

Written comments may be submitted through May 7, 1993, to Diana Salvatore, Program Manager, Medical Assistance Unit, Virginia Department of Social Services, 8007 Discovery Drive, Richmond, Virginia 23229.

**Contact:** Peggy Friedenberg, Legislative Analyst, Bureau of Governmental Affairs, Division of Planning and Program Review, Virginia Department of Social Services, 8007 Discovery Dr., Richmond, VA 23229, telephone (804) 662-9217.

## BOARD OF SOCIAL WORK

† **March 19, 1993 - 10 a.m.** – Open Meeting  
Department of Health Professions, 6606 West Broad Street,

Richmond, Virginia. ☒

A formal hearing. Public comment will not be heard.

**Contact:** Evelyn B. Brown or Bernice Parker, Executive Director/Administrative Assistant, Board of Social Work, 6606 W. Broad St., Richmond, VA 23230, telephone (804) 662-7328.

## SPECIALIZED TRANSPORTATION COUNCIL

† **March 18, 1993 - 9 a.m.** – Open Meeting  
Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, Virginia.

A meeting to discuss business of the council.

**Contact:** Bob Knox, Staff to the Council, Department for the Aging, 700 E. Franklin St., 10th Floor, Richmond, VA 23219, telephone (804) 225-2271.

## DEPARTMENT OF TAXATION

**April 23, 1993** – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Taxation intends to amend regulations entitled: **VR 630-3-414. Corporation Income Tax: Sales Factor.** This regulation sets forth the proper method for including receipts from installment sales in the sales factor. The basis portion is included in the sales factor in the year of sale. The net gain portion and interest income are included in the sales factor in the year recognized for federal income tax purposes. The regulation also clarifies when such receipts should be included in the numerator of the sales factor.

Statutory Authority: 58.1-203 of the Code of Virginia.

**Contact:** Michael S. Melson, Tax Policy Analyst, Department of Taxation, P.O. Box 1880, Richmond, VA 23282-1880, telephone (804) 367-0033.

\* \* \* \* \*

**April 23, 1993** – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Taxation intends to amend regulations entitled: **VR 630-3-419. Corporation Income Tax: Construction Corporation; Apportionment.** This regulation clarifies that the "completed contract method" mentioned in § 58.1-419 of the Code of Virginia does not include any of the "percentage of completion" methods available under federal law. In addition, the regulation clarifies

which apportionment formula should be used when a construction corporation reports income under two or more accounting methods. Other nonsubstantive changes are made to conform to the style of The Virginia Register.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Contact: Michael S. Melson, Tax Policy Analyst, Department of Taxation, P.O. Box 1880, Richmond, VA 23282-1880, telephone (804) 367-0033.

\* \* \* \* \*

April 23, 1993 - Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Taxation intends to amend regulations entitled: **VR 630-10-73. Retail Sales and Use Tax: Newspapers, Magazines, Periodicals and Other Publications.** The purpose of the proposed amendment is to clarify what constitutes taxable/exempt publications for purposes of the retail sales and use tax.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Contact: Terry M. Barrett, Policy Analyst, Department of Taxation, P.O. Box 1880, Richmond, VA 23282-1880, telephone (804) 367-0010.

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April 23, 1993 - Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Taxation intends to amend regulations entitled: **VR 630-10-74. Retail Sales and Use Tax: Nonprofit Organizations.** The purpose of the proposed amendment is to clarify the sales and use tax treatment of sales and purchase transactions made by nonprofit organizations.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Contact: Lonnie T. Lewis, Jr., Tax Policy Analyst, Department of Taxation, P.O. Box 1880, Richmond, VA 23282-1880, telephone (804) 367-0962.

\* \* \* \* \*

April 23, 1993 - Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Taxation intends to amend regulations entitled: **VR 630-10-80. Retail Sales and Use Tax: Penalties and**

**Interest.** The purpose of the proposed amendment is to reflect recent law changes in the area of civil and criminal penalties in light of Virginia's 1990 Tax Amnesty Program and clarify the application of penalty to audit assessments.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Contact: Valerie H. Marks, Tax Policy Analyst, Department of Taxation, P.O. Box 1880, Richmond, VA 23282-1880, telephone (804) 367-0964.

**VIRGINIA COUNCIL ON TEEN PREGNANCY PREVENTION**

† **May 6, 1993 - 10 a.m. - Open Meeting**  
Koger Center, 1604 Santa Rosa Drive, Wythe Building, Conference Rooms A and B, Richmond, Virginia.

A regularly scheduled quarterly business meeting.

Contact: Jeanne McCann, Coordinator, Virginia Council on Teen Pregnancy Prevention, Department of Mental Health, Mental Retardation and Substance Abuse Services, Office of Prevention and Children's Resources, P.O. Box 1797, Richmond, VA 23219, telephone (804) 786-1530.

**DEPARTMENT OF TRANSPORTATION**

† **March 15, 1993 - 10 a.m. - Public Hearing**  
Tappahannock/Essex Fire Department, Route 627 (Airport Road), Tappahannock, Virginia. ☒ (Interpreter for the deaf provided upon request)

Fredericksburg district preallocation hearing to receive comments on highway allocations for the upcoming year, and on updating the six-year improvement program for the interstate, primary, and urban systems, as well as mass transit.

† **March 16, 1993 - 10 a.m. - Public Hearing**  
Salem District Office, Harrison Avenue north of Main Street and east of Virginia 311, Salem, Virginia. ☒ (Interpreter for the deaf provided upon request)

Salem district preallocation hearing to receive comments on highway allocations for the upcoming year, and on updating the six-year improvement program for the interstate, primary, and urban systems, as well as mass transit.

† **March 22, 1993 - 10 a.m. - Public Hearing**  
Suffolk District Office, 1700 North Main Street (Route 460), Suffolk, Virginia. ☒ (Interpreter for the deaf provided upon request)

Suffolk district preallocation hearing to receive comments on highway allocations for the upcoming year, and on updating the six-year improvement

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program for the interstate, primary, and urban systems, as well as mass transit.

† **March 23, 1993 - 10 a.m.** – Public Hearing  
Augusta County Government Center, Route 11, Verona, Virginia. ☒ (Interpreter for the deaf provided upon request)

Staunton district preallocation hearing to receive comments on highway allocations for the upcoming year, and on updating the six-year improvement program for the interstate, primary, and urban systems, as well as mass transit.

† **March 24, 1993 - 10 a.m.** – Public Hearing  
Richmond District Office, Pine Forest Drive off Route 1, one mile north of Colonial Heights. ☒ (Interpreter for the deaf provided upon request)

Richmond district preallocation hearing to receive comments on highway allocations for the upcoming year, and on updating the six-year improvement program for the interstate, primary, and urban systems, as well as mass transit.

† **March 26, 1993 - 10 a.m.** – Public Hearing  
Culpeper District Office, Route 15, Culpeper, Virginia. ☒

Culpeper district preallocation hearing to receive comments on highway allocations for the upcoming year, and on updating the six-year improvement program for the interstate, primary, and urban systems, as well as mass transit.

† **March 31, 1993 - 10 a.m.** – Public Hearing  
Fairfax City Hall, Fairfax, Virginia. ☒ (Interpreter for the deaf provided upon request)

Northern Virginia district preallocation hearing to receive comments on highway allocations for the upcoming year, and on updating the six-year improvement program for the interstate, primary, and urban systems, as well as mass transit.

† **April 2, 1993 - 10 a.m.** – Public Hearing  
Virginia Highlands Community College, Route 372, Abingdon, Virginia. ☒ (Interpreter for the deaf provided upon request)

Bristol district preallocation hearing to receive comments on highway allocations for the upcoming year, and on updating the six-year improvement program for the interstate, primary, and urban systems, as well as mass transit.

† **April 5, 1993 - 10 a.m.** – Public Hearing  
Lynchburg District Office, Route 501, Lynchburg, Virginia. ☒ (Interpreter for the deaf provided upon request)

Lynchburg district preallocation hearing to receive comments on highway allocations for the upcoming

year, and on updating the six-year improvement program for the interstate, primary, and urban systems, as well as mass transit.

† **June 10, 1993 - 9 a.m.** – Public Hearing  
Salem District Office, Harrison Avenue, Salem, Virginia. ☒ (Interpreter for the deaf provided upon request)

Final allocation hearing for the western districts to receive comments on highway allocations for the upcoming year, and on updating the six-year improvement program for the interstate, primary, and urban systems, and mass transit for the Bristol, Salem, Lynchburg, and Staunton districts.

† **June 10, 1993 - 2 p.m.** – Public Hearing  
Virginia Department of Transportation, 1221 East Broad Street, Auditorium, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

Final allocation hearing for the eastern districts to receive comments on highway allocations for the upcoming year, and on updating the six-year improvement program for the interstate, primary, and urban systems, and mass transit for the Richmond, Fredericksburg, Suffolk, Culpeper, and Northern Virginia districts.

**Contact:** Albert W. Coates, Jr., Assistant Commissioner, Virginia Department of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-9950.

## COMMONWEALTH TRANSPORTATION BOARD

**March 17, 1993 - 2 p.m.** – Open Meeting  
Department of Transportation, 1401 East Broad Street, Board Room, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

A work session of the Commonwealth Transportation Board and the Department of Transportation staff.

**March 18, 1993 - 10 a.m.** – Open Meeting  
Department of Transportation, 1401 East Broad Street, Board Room, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

A monthly meeting to vote on proposals presented regarding bids, permits, additions and deletions to the highway system, and any other matters requiring board approval. Public comment will be received at the outset of the meeting on items on the meeting agenda for which the opportunity for public comment has not been afforded the public in another forum. Remarks will be limited to five minutes. Large groups are asked to select one individual to speak for the group. The board reserves the right to amend these conditions.

**Contact:** John G. Milliken, Secretary of Transportation,

1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-6670

## TREASURY BOARD

**March 17, 1993 - 9 a.m. - Open Meeting**

**April 21, 1993 - 9 a.m. - Open Meeting**

James Monroe Building, 101 North 14th Street, Treasury Board Room, 3rd Floor, Richmond, Virginia. ☒

A regular meeting of the board.

**Contact:** Linda F. Bunce, Administrative Assistant to the Treasurer, Department of the Treasury, 101 N. 14th St., 3rd Floor, Richmond, VA 23219, telephone (804) 225-2142.

## VIRGINIA RESOURCES AUTHORITY

**March 9, 1993 - 9:30 a.m. - Open Meeting**

The Mutual Building, 909 East Main Street, Suite 607, Board Room, Richmond, Virginia.

The board will meet to approve minutes of its prior meeting; to review the authority's operations for the prior months; and to consider other matters and take other actions as it may deem appropriate. The planned agenda of the meeting will be available at the offices of the authority one week prior to the date of the meeting. Public comments will be received at the beginning of the meeting.

**Contact:** Shockley D. Gardner, Jr., Virginia Resources Authority, The Mutual Bldg., 909 E. Main St., Suite 707, Richmond, VA 23219, telephone (804) 644-3100 or FAX (804) 644-3109.

## VIRGINIA COUNCIL ON VOCATIONAL EDUCATION

† **March 24, 1993 - 1 p.m. - Open Meeting**

The Jefferson Hotel, Franklin and Adams Streets, Richmond, Virginia.

A business session.

† **March 25, 1993 - 9:30 a.m. - Open Meeting**

James Monroe Building, 101 North 14th Street, Richmond, Virginia.

A joint meeting with the Virginia Board of Education.

**Contact:** Jerry M. Hicks, Executive Director, 7420-A Whitepine Rd., Richmond, VA 23237, telephone (804) 275-6218.

## VIRGINIA VOLUNTARY FORMULARY BOARD

**March 12, 1993 - 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 March 12, 1993, will be made a part of the hearing record.

**April 22, 1993 - 10:30 a.m. - Open Meeting**

Washington Building, 1100 Bank Street, 2nd Floor Board Room, Richmond, Virginia.

A meeting to consider 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 St., Room B1-9, Richmond, VA 23219, telephone (804) 786-4326.

## VIRGINIA WAR MEMORIAL FOUNDATION

† **March 11, 1993 - 1 p.m. - Open Meeting**

Virginia War Memorial, 621 South Belvidere Street, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

A monthly meeting to hear committee reports.

**Contact:** Nathan I. Broocke, Director, Division of Engineering and Buildings, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-3263 or (804) 786-6152/TDD ☎

## DEPARTMENT OF WASTE MANAGEMENT (VIRGINIA WASTE MANAGEMENT BOARD)

**March 10, 1993 - 2 p.m. - Public Hearing**

James Monroe Building, 101 North 14th Street, Conference Room C, Richmond, Virginia.

Pursuant to the requirements of Part VII, Virginia Solid Waste Management Regulations (SWMR), Permitting of Solid Waste Management Facilities, the Department of Waste Management will hold a public hearing on the draft permit for a solid waste industrial landfill located at 3220 Deepwater Terminal Road, in the southeastern section of the corporate limits of the City of Richmond, Virginia. The permit was drafted by the Department of Waste Management for Peck Iron and Metal Company, Inc., in accordance

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with Part VII of the SWMR. The purpose of the public hearing will be to solicit comments regarding the technical merits of the permit issues. The public comment period will extend until March 22, 1993. Copies of the proposed draft permit may be obtained from Rebecca Clark, Department of Waste Management. Comments concerning the draft permit must be in writing and directed to Aziz Farahmand, Department of Waste Management, Monroe Building, 101 North 14th Street, 11th Floor, Richmond, Virginia 23219.

**March 15, 1993 - 9 a.m. – Open Meeting**  
Smithfield Town Hall, 310 Institute Street, Council Chambers, Smithfield, Virginia.

A general business meeting of the board. Staff will seek approval of the proposed Infectious Waste Regulations for public comment. Staff will seek approval to hold public meetings and public hearings on the proposed Amendment 12 to the Hazardous Waste Regulations. Staff will discuss the Coal Ash Regulations. The Virginia Waste Management Board will tour the Surry Power Station, Route 650 (off Route 10), Surry, Virginia, at 1 p.m.

**March 16, 1993 - 9 a.m. – Open Meeting**  
Airfield Conference Center, Southeast 4-H Educational Center, Inc., 15189 Airfield Road, Wakefield, Virginia.

The Virginia Waste Management Board will hold a workshop. This is a working session only. No formal action will be taken. The public is welcome to attend.

**Contact:** Loraine Williams, Executive Secretary, Monroe Bldg. 101 N. 14th St., 11th Floor, Richmond, VA 23219, telephone (804) 225-2998 or (804) 371-8737/TDD ☎

**March 24, 1993 - 7 p.m. – Public Hearing**  
Central High School, Route 14 at King and Queen Courthouse, King and Queen County, Virginia.

Pursuant to the requirements of Part VII of the Virginia Solid Waste Management Regulations (Permitting of Solid Waste Management Facilities), the draft Solid Waste Disposal Facility Permit for the development of a sanitary landfill in King and Queen County, Virginia, proposed by Browning-Ferris Industries, is available for public review and comment. The permit allows the proposed facility to accept only authorized, nonhazardous wastes as listed in the draft permit. The proposal incorporates design elements for a single composite liner system and a high density polyethylene leachate collection pipe system, which are not provided for in the regulations. Browning-Ferris Industries petitioned for these features pursuant to the requirements of Part IX of the regulations (Rulemaking Petitions and Procedures), and the Department of Waste Management has granted tentative approval.

**Contact:** Dean E. Starook, Environmental Engineer Senior, Monroe Bldg., 101 N. 14th St., 11th Floor, Richmond, VA 23219, telephone (804) 371-0517.

**March 26, 1993 - 2 p.m. – Public Hearing**  
County Administration Building, 4301 East Parham Road, Henrico County Supervisors Board Room, Richmond, Virginia.

Pursuant to the requirements of the Virginia Solid Waste Management Regulations (Permitting of Solid Waste Management Facilities), the draft Solid Waste Disposal Facility Permit for the development of a sanitary landfill and resource management facility proposed by Browning-Ferris Industries of South Atlantic, Inc., is available for public review and comment. The permit allows the proposed facility to accept only authorized, nonhazardous solid waste, and will be open to all municipal, government, commercial, and industrial customers in accordance with the conditions of Henrico County Use Permit 41-90.

**Contact:** Donald H. Brunson, III, Environmental Engineer Senior, Monroe Bldg., 101 N. 14th St., 11th Floor, Richmond, VA 23219, telephone (804) 371-0515.

**† April 8, 1993 - 2 p.m. – Public Hearing**  
Alleghany High School, 210 Mountaineer Drive, Covington, Virginia.

Pursuant to the requirements of the Virginia Solid Waste Management Regulations (SWMR), Permitting of Solid Waste Management Facilities, the Department of Waste Management will hold a public hearing on the draft permit amendment for Hercules Industrial Landfill No. 93 located in the City of Covington. The permit amendment was drafted by the Department of Waste Management for the Hercules Incorporated, in accordance with Part VII of the VSWMR. The purpose of the public hearing will be to solicit comments regarding the technical merits of the amended issues. The public comment period will extend until April 19, 1993. Copies of the proposed draft permit may be obtained from Sanjay V. Thirunagari of the Department of Waste Management. Copies concerning the draft permit must be in writing and directed to Howard Freeland at the Department of Waste Management.

**Contact:** Sanjay V. Thirunagari, Environmental Engineer Senior, Virginia Department of Waste Management, James Monroe Bldg., 101 N. 14th St., 11th Floor, Richmond, VA 23219, telephone (804) 371-2518.

## STATE WATER CONTROL BOARD

**March 15, 1993 –** Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to repeal regulations entitled **VR 680-13-01. Rules of the Board and Standards for Water Wells.** The purpose of the proposed action is to repeal the Rules of the Board and Standards for Water Wells concurrently with the adoption of new regulations implementing the Ground Water Act of 1992.

Statutory Authority: §§ 62.1-44.34:10, 62.1-44.34:11, 62.1-44.34:12, and 62.1-44.15(10) of the Code of Virginia.

**Contact:** Mary-Ellen Kendall, State Water Control Board, P.O. Box 11143, Richmond, VA 23230, telephone (804) 527-5195.

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**March 15, 1993** – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to adopt regulations entitled **VR 680-13-07. Ground Water Withdrawal Regulations.** The purpose of the proposed regulation is to establish procedures for the declaration of ground water management areas and the subsequent issuance of ground water withdrawal permits and special exceptions within those areas.

Written comments may be submitted through March 15, 1993, to Lori Jackson, State Water Control Board, P.O. Box 11143, Richmond, Virginia 23230.

Statutory Authority: § 62.1-256 of the Code of Virginia.

**Contact:** Terry Wagner, State Water Control Board, P.O. Box 11143, Richmond, VA 23230, telephone (804) 527-5203.

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**March 15, 1993** – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to adopt regulations entitled **VR 680-14-12. Facility and Aboveground Storage Tank Registration Requirements.** The purpose of the proposed regulation is to compile an inventory of facilities and aboveground storage tanks within the Commonwealth.

Written comments may be submitted through March 15, 1993, to Doneva Dalton, State Water Control Board, P.O. Box 11143, Richmond, Virginia.

Statutory Authority: §§ 62.1-44.34:19 and 62.1-44.15 (10) of the Code of Virginia.

**Contact:** David Ormes, State Water Control Board, P.O. Box 11143, Richmond, VA 23230, telephone (804) 527-5197.

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**March 15, 1993** – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1

Statutory Authority: § 62.1-44.92 (Repealed) of the Code of Virginia.

**Contact:** Terry Wagner, State Water Control Board, P.O. Box 11143, Richmond, VA 23230, telephone (804) 527-5203.

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**March 15, 1993** – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to consider amending regulations entitled **VR 680-13-03. Petroleum Underground Storage Tank Financial Responsibility Requirements.** The purpose of the proposed amendment is to incorporate the new sliding scale for financial responsibility established by the 1992 General Assembly, establish a simplified test for self-insurance and revised compliance dates, and delete requirements for the Fund.

Written comments may be submitted through March 15, 1993, to Doneva Dalton, State Water Control Board, P.O. Box 11143, Richmond, Virginia 23230.

Statutory Authority: §§ 62.1-44.34:10, 62.1-44.34:11, 62.1-44.34:12, and 62.1-44.15 (10) of the Code of Virginia.

**Contact:** Mary-Ellen Kendall, State Water Control Board, P.O. Box 11143, Richmond, Virginia 23230, telephone (804) 527-5195.

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**March 15, 1993** – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to adopt regulations entitled **VR 680-13-06. Virginia Petroleum Storage Tank Fund.** The purpose of the proposed regulation is to describe the requirements for the Virginia Petroleum Storage Tank Fund.

Written comments may be submitted through March 15, 1993, to Doneva Dalton, State Water Control Board, P.O. Box 11143, Richmond, Virginia 23230.

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of the Code of Virginia that the State Water Control Board intends to adopt regulations entitled **VR 680-14-13. Aboveground Storage Tanks Pollution Prevention Requirements.** The purpose of the proposed regulation is to establish standards and procedures to be followed by facility operators to prevent the discharge of oil to state waters, lands and storm drain systems from new and existing aboveground storage tanks.

Written comments may be submitted through March 15, 1993, to Doneva Dalton, State Water Control Board, P.O. Box 11143, Richmond, Virginia.

Statutory Authority: §§ 62.1-44.34:15.1 and 62.1-44.15 (10) of the Code of Virginia.

**Contact:** David Ormes, State Water Control Board, P.O. Box 11143, Richmond, VA 23230, telephone (804) 527-5197.

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**March 15, 1993** – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to adopt regulations entitled **VR 680-14-14. Facility Financial Responsibility Requirements.** The purpose of the proposed regulation is to establish requirements for financial responsibility on the part of operators of facilities having a maximum aboveground storage capacity of 25,000 gallons of oil or having an average daily throughput of 25,000 gallons or more of oil.

Written comments may be submitted through March 15, 1993, to Doneva Dalton, State Water Control Board, P.O. Box 11143, Richmond, Virginia.

Statutory Authority: §§ 62.1-44.34:16 and 62.1-44:21 and 62.1-44.15 (10) of the Code of Virginia.

**Contact:** David Ormes, State Water Control Board, P.O. Box 11143, Richmond, VA 23230, telephone (804) 527-5197.

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**March 12, 1993** – Written comments may be submitted through 4 p.m. on this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled **VR 680-16-03. Upper James River Basin Water Quality Management Plan.** The purpose of the proposed amendment is to increase the waste load allocation for the Town of Crewe's sewage treatment plant discharge to an unnamed tributary of Deep Creek.

Statutory Authority: § 62.1-44.15 (10) of the Code of

Virginia.

Written comments may be submitted until 4 p.m. on March 12, 1993, to Doneva Dalton, State Water Control Board, P.O. Box 11143, Richmond, Virginia 23230.

**Contact:** Curt Linderman, Piedmont Regional Office, State Water Control Board, P.O. Box 11143, Richmond, VA 23230, telephone (804) 527-5038.

\* \* \* \* \*

**March 15, 1993** – Written comments may be submitted until 4 p.m. on this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled **VR 680-21-00. Water Quality Standards.** The purpose of the proposed amendment is to update, clarify and correct sections VR 680-21-07.2 (Special Designations in Surface Waters, (VR 680-21-07.3 (Nutrient Enriched Waters) and VR 680-21-08 (River Basin Sections Tables).

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

Written comments may be submitted until 4 p.m. on March 15, 1993, to Lori Jackson, State Water Control Board, P.O. Box 11143, Richmond, Virginia 23230.

**Contact:** Eleanore Daub, State Water Control Board, P.O. Box 11143, Richmond, VA 23230, telephone (804) 527-5091.

**March 18, 1993 - 6:30 p.m.** – Public Hearing  
Nelson County Board of Supervisors Room, Court Street, Lovingson, Virginia. ☒ (Interpreter for the deaf provided upon request)

A public hearing to receive comments on the proposed Virginia Pollutant Discharge Elimination System (VPDES) Permit No. VA0087505 for Henderson's Store Sewage Treatment Plan, P.O. Box 336, Lovingson, Virginia 22949. The purpose of this hearing is to receive comments on the proposed issuance or denial of the permit and the effect of the proposed discharge on water quality or beneficial uses of state waters.

**Contact:** Lori F. Jackson, Hearings Reporter, Office of Policy Analysis, State Water Control Board, 4900 Cox Rd., Glen Allen, VA 23060, telephone (804) 527-5163.

## BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

† **March 19, 1993 - 8:30 a.m.** – Open Meeting  
Department of Commerce, 3600 West Broad Street, Richmond, Virginia. ☒

A meeting to conduct regulatory review and other matters which may require board action.

**Contact:** Gerald W. Morgan, Administrator, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8534.



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

**March 11, 1993 - 8:30 a.m. – Open Meeting**

**April 8, 1993 - 8:30 a.m. – Open Meeting**

700 Centre Building, 7th and Franklin Streets, 4th Floor, Richmond, Virginia. ☎

Committee meetings begin at 8:30 to be followed by a general meeting at 10 a.m. to (i) review programs recommended for certification or probation; (ii) consider adoption of draft policies; and (iii) take up other matters that may come before the board.

**Contact:** Donald R. Carignan, Policy Coordinator, P.O. Box 1110, Richmond, VA 23208-1110, telephone (804) 371-0692.

### State Management Team of the Comprehensive Services Act for At-Risk Youth and Families

**March 11, 1993 - 9 a.m. – Open Meeting**

Koger Center, 8007 Discovery Drive, Blair Building, Conference Room A, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

**March 25, 1993 - 9 a.m. – Open Meeting**

Koger Center, 8007 Discovery Drive, Blair Building, Conference Room C, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A general business meeting to effect the Comprehensive Services Act for At-Risk Youth and Families. Please confirm meeting details before planning to attend.

**Contact:** Dian McConnel, Coordinator, Council on Community Services for Youth and Families, Department of Youth and Family Services, 700 Centre, 700 E. Franklin St., Richmond, VA 23219, telephone (804) 786-5394 or (804) 371-0772/TDD ☎

## LEGISLATIVE

### COMMISSION ON POPULATION GROWTH AND DEVELOPMENT

**March 17, 1993 - 10 a.m. – Open Meeting**

Roslyn Conference Center, 8727 River Road, Richmond, Virginia.

A meeting to discuss Draft #4 of the Virginia Growth Strategies Act.

**Contact:** Katherine L. Imhoff, Executive Director, General Assembly Bldg., 910 Capitol Street, Room 519B, Richmond, VA 23219, telephone (804) 371-4949.

## CHRONOLOGICAL LIST

### OPEN MEETINGS

**March 8**

ASAP Policy Board - Valley

† Barbers, Board for

Defense Conversion and Economic Adjustment Statewide Conference, Governor's Commission on

**March 9**

Auctioneers Board, Virginia

Defense Conversion and Economic Adjustment

Statewide Conference, Governor's Commission on

Higher Education for Virginia, State Council of

Local Emergency Planning Commission - County of

Montgomery/Town of Blacksburg

Virginia Resources Authority

**March 10**

Agriculture and Consumer Services, Department of  
-Virginia Sweet Potato Board

† Corrections, Board of

Historic Preservation Foundation, Virginia

Local Emergency Planning Committee - Portsmouth

† Optometry, Board of

† Pharmacy, Board of

Real Estate Appraiser Board

-Complaints Committee

Sewage Handling and Disposal Appeals Review Board

**March 11**

† Child Day-Care Council

† Game and Inland Fisheries, Board of

Real Estate Board

† War Memorial Foundation, Virginia

Youth and Family Services, Board of

Youth and Family Services, Department of

- State Management Team of the Comprehensive

Services Act for At-Risk Youth and Families

# Calendar of Events

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## March 12

Aging, Department for the  
- Long-Term Care Council  
Fire Services Board, Virginia  
Medicine, Board of  
- Advisory Board on Physical Therapy

## March 13

Fire Services Board, Virginia

## March 14

Fire Services Board, Virginia

## March 15

Accountancy, Board for  
† Alcoholic Beverage Control Board  
† Rappahannock-Rapidan Division of Court Services  
Executive Board  
Waste Management Board, Virginia

## March 16

Real Estate Appraiser Board  
† Virginia Housing Development Authority  
Waste Management Board, Virginia

## March 17

† Community Colleges, State Board for  
Contractors, Board for  
- Complaints Committee  
† Land Surveyors, Virginia Board for  
Local Debt, State Council on  
† Local Emergency Planning Committee - Roanoke  
Valley  
Population Growth and Development, Commission on  
† Reforestation of Timberlands Board  
† Small Business Advisory Board, Virginia  
Transportation Board, Commonwealth  
Treasury Board  
† Virginia Racing Commission

## March 18

† Air Pollution Control Board, State  
† Architects, Professional Engineers, Land Surveyors  
and Landscape Architects, Virginia Board for  
† Community Colleges, State Board for  
Contractors, Board for  
- Recovery Fund Committee  
† Health, Department of  
- Commissioner's Waterworks Advisory Committee  
† Specialized Transportation Council  
Transportation Board, Commonwealth

## March 19

† Correctional Education, Board of  
Interdepartmental Regulation of Residential Facilities  
for Children  
- Coordinating Committee  
† Library Board  
† Waterworks and Wastewater Works Operators, Board  
for

## March 22

† Commerce, Board of  
† Lottery Department, State  
† Nursing, Board of

## March 23

Health Services Cost Review Council, Virginia  
† Nursing, Board of  
Polygraph Examiners Advisory Board  
Psychology, Board of

## March 24

† Manufactured Housing Board, Virginia  
Medicine, Board of  
- Advisory Board of Occupational Therapists  
Mental Health, Mental Retardation and Substance  
Abuse Services Board, State  
Mental Health, Mental Retardation and Substance  
Abuse Services, Department of  
- State Human Rights Committee  
† Nursing, Board of  
† Vocational Education, Virginia Council on

## March 25

Aging, Department for the  
- Long-Term Care Ombudsman Program Advisory  
Council  
† Chesapeake Bay Local Assistance Board  
Education, Board of  
Labor and Industry, Department of  
- Apprenticeship Council  
† Nursing, Board of  
† Vocational Education, Virginia Council on  
Youth and Family Services, Department of  
- State Management Team of the Comprehensive  
Services Act for At-Risk Youth and Families

## March 26

Medicine, Board of  
- Advisory Board on Respiratory Therapy

## March 29

† Alcoholic Beverage Control Board  
Cosmetology, Board for

## March 30

† Marine Products Board, Virginia

## March 31

Compensation Board

## April 1

† Game and Inland Fisheries, Board of  
Local Emergency Planning Committee - Chesterfield  
County

## April 2

† Game and Inland Fisheries, Board of

## April 5

† Longwood College

# Calendar of Events

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† - Academic Affairs Committee and Student Affairs  
Committee of the Board of Visitors

- April 6**  
Hopewell Industrial Safety Council
- April 8**  
Youth and Family Services, Board of
- April 9**  
Medicine, Board of  
- Advisory Committee on Certification for  
Optometrists
- April 12**  
† Alcoholic Beverage Control Board
- April 13**  
Higher Education for Virginia, State Council of
- April 14**  
Mount Rogers Alcohol Safety Action Program
- April 15**  
† Longwood College  
- Board of Visitors
- April 16**  
† Longwood College  
- Board of Visitors  
† Medicine, Board of  
- Executive Committee
- April 17**  
Mary Washington College  
- Board of Visitors  
† Medicine, Board of  
- Credentials Committee
- April 19**  
† Housing and Community Development, Department  
of
- April 20**  
† Housing and Community Development, Department  
of
- April 21**  
† Housing and Community Development, Department  
of  
Local Debt, State Council on  
Treasury Board
- April 22**  
† Housing and Community Development, Department  
of  
† Prevention and Children's Resources Advisory  
Council  
Voluntary Formulary Board, Virginia
- April 26**

† Alcoholic Beverage Control Board

- May 6**  
† Local Emergency Planning Committee - Chesterfield  
County  
† Teen Pregnancy Prevention, Virginia Council on
- May 10**  
† Alcoholic Beverage Control Board
- May 20**  
† Health, Department of  
- Commissioner's Waterworks Advisory Committee
- May 24**  
† Alcoholic Beverage Control Board

## PUBLIC HEARINGS

- March 9**  
† Local Emergency Planning Committee - County of  
Montgomery/Town of Blacksburg
- March 10**  
Waste Management, Department of
- March 12**  
Voluntary Formulary Board, Virginia
- March 15**  
† Transportation, Department of
- March 16**  
† Transportation, Department of
- March 17**  
Health, Department of
- March 18**  
Higher Education for Virginia, State Council of  
Water Control Board, State
- March 19**  
Medicine, Board of  
- Advisory Committee for Optometry
- March 22**  
Lottery Department, State  
† Transportation, Department of
- March 23**  
† Transportation, Department of
- March 24**  
Deaf and Hard of Hearing, Department for the  
† Transportation, Department of  
Waste Management, Department of

# Calendar of Events

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**March 25**

† Mental Health, Mental Retardation and Substance Abuse Services, Department of

**March 26**

† Professional Counselors, Board of  
† Transportation, Department of  
Waste Management, Department of

**March 31**

† Transportation, Department of

**April 2**

† Transportation, Department of

**April 5**

† Transportation, Department of

**April 8**

† Waste Management, Department of

**April 15**

† Dentistry, Board of

**May 19**

Agriculture and Consumer Services, Department of

**June 10**

† Transportation, Department of

**July 20**

† Psychology, Board of