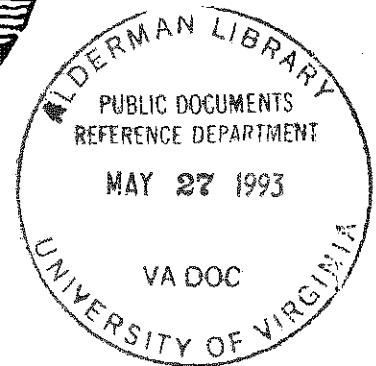


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THE VIRGINIA REGISTER

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OF REGULATIONS



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May 3, 1993

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VIRGINIA REGISTER

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

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

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

ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

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

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

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

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

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

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

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

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

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

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

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

EMERGENCY REGULATIONS

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

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

STATEMENT

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

CITATION TO THE VIRGINIA REGISTER

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NOTICES OF INTENDED REGULATORY ACTION

Symbol Key †

† Indicates entries since last publication of the Virginia Register

STATE AIR POLLUTION CONTROL BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Air Pollution Control Board intends to consider promulgating regulations entitled: **VR 120-99-03. Regulation for the Control of Motor Vehicle Emissions through Enhanced Testing.** The purpose of the proposed action is to promulgate a regulation to conform to the federal requirements for control of emissions from motor vehicles.

Public meeting: A public meeting will be held by the department in House Committee Room One, State Capitol Building, Richmond, Virginia, at 10 a.m. on May 19, 1993, to discuss the intended action. Unlike a public hearing, which is intended only to receive testimony, this meeting is being held to discuss and exchange ideas and information relative to regulation development.

Ad hoc advisory group: The department will form an ad hoc advisory group to assist in the development of the regulation. If you desire to be on the group, notify the agency contact in writing by close of business May 3, 1993, and provide your name, address, phone number and the organization you represent (if any). Notification of the composition of the ad hoc advisory group will be sent to all applicants by May 12, 1993. If you are selected to be on the group, you are encouraged to attend the public meeting on May 19, 1993, and any subsequent meetings that may be needed to develop the draft regulation. The primary function of the group is to develop recommended regulation amendments for department consideration through the collaborative approach of regulatory negotiation and consensus. The first meeting of this group will be at 2:30 p.m. on May 19 at the Pohick Regional Library, 6450 Sydenstriker Road, Burke, Virginia.

Public hearing plans: The department will hold at least one public hearing to provide opportunity for public comment on any regulation amendments drafted pursuant to this notice.

Need: The National Ambient Air Quality Standard for ozone is 0.12 parts per million (ppm) and was established by the U.S. Environmental Protection Agency (EPA) to protect the health of the general public with an adequate margin of safety. Ozone is formed when volatile organic compounds and nitrogen oxides in the ambient air react together in the presence of sunlight. When concentrations of ozone in the ambient air exceed the EPA standard the

area is considered to be out of compliance and is classified as "nonattainment." Numerous counties and cities within the Northern Virginia, Richmond, and Hampton Roads areas have been identified as ozone nonattainment areas according to new provisions of the 1990 Clean Air Act Amendments (Act); therefore, over 3.5 million Virginia citizens are being exposed to air quality that does not meet the federal health standard for ozone.

States are required to develop plans to ensure that areas will come into compliance with the federal health standard. Failure to develop adequate programs to meet the ozone air quality standard: (i) will result in the continued violations of the standard to the detriment of public health and welfare, (ii) may result in assumption of the control program by EPA at which time the Commonwealth would lose authority over matters affecting its citizens, and (iii) may result in the implementation of sanctions by EPA, such as prohibition of new major industrial facilities and loss of federal funds for sewage treatment plant development and highway construction. Although the EPA has been reluctant to impose these sanctions in the past, the Act now includes specific provisions requiring these sanctions to be issued by EPA if so warranted.

Of the consequences resulting from failure to develop an adequate program to control ozone concentrations in the ambient air, the most serious consequence will be the adverse impact on public health and welfare. A growing body of scientific data indicates that health and welfare effects associated with ozone are more serious than envisioned in the late 1970s. Some scientists believe that existing air quality standards may provide little or no margin of safety. Perhaps the most significant new finding is that ozone not only affects people with impaired respiratory systems, such as asthmatics, but also many people with healthy lungs, both children and adults. It can cause shortness of breath and lung congestion and inflammation when healthy adults are exercising, and more serious effects in the young, old, and infirmed. Recent EPA estimates suggest there are 20 to 30 million ozone-sensitive people in those major urban areas where levels are 25% (0.150 ppm) or more above the current health standard. The Northern Virginia Nonattainment Area is one of those major urban areas with ozone levels of up to 0.165 ppm. Equally high levels of ozone are often recorded in rural sectors downwind from these metropolitan areas.

Northern Virginia has an ozone air pollution problem classified by the EPA as "serious." The problem originates in large part from motor vehicle emissions. A vehicle emissions inspection (I/M) program has been in place in

Notices of Intended Regulatory Action

Northern Virginia for 10 years to help reduce these emissions; however, substantially greater emission reductions are now required and a more effective I/M program must be implemented in the Northern Virginia area.

I/M programs provide a way to check whether the emission control system on a vehicle is working correctly. All new passenger cars and trucks sold in the United States today must meet stringent air pollution standards, but they can only retain this low-polluting profile if the emission controls and engine are functioning properly. I/M is designed to ensure that vehicles stay clean in actual use. Through periodic vehicle checks and required repair of vehicles that fail the test, I/M encourages proper vehicle maintenance and discourages tampering with emission control devices. This, in turn, can substantially reduce the amount of volatile organic compounds and nitrogen oxides emitted to the ambient air, thereby reducing the formation of ozone and lowering ozone concentrations.

Alternatives:

1. Draft new regulations which will provide for implementation of a motor vehicle emissions testing program that meets the provisions of the federal Clean Air Act and associated EPA regulations and policies.
2. Make alternative regulatory changes to those required by the Act. No alternatives have been promulgated by EPA as meeting the requirements of the Act. Adopting an unapprovable program will result in sanctions being imposed by EPA.
3. Take no action to amend the regulations and continue to operate the existing program in violation of the Act and risk sanctions by EPA.

Costs and benefits: The department is soliciting comments on the costs and benefits of the alternatives stated above or other alternatives.

Applicable federal requirements: The 1990 amendments to the Clean Air Act represent the most comprehensive piece of clean air legislation ever enacted and for the first time delineates nonattainment areas as to the severity of the pollution problem. Nonattainment areas are now classified as marginal, moderate, serious, severe and extreme. Marginal areas are subject to the least stringent requirements and each subsequent classification is subject to successively more stringent control measures. Areas with higher classification of nonattainment must meet the requirements of all the areas in lower classifications. Virginia's nonattainment areas are classified as marginal for the Hampton Roads Nonattainment Area, moderate for the Richmond Nonattainment Area, and serious for the Northern Virginia Nonattainment Area.

Section 182(c) (3) of the federal Act requires "enhanced"

I/M programs in all urbanized areas with 1980 populations of 200,000 or more (as defined by the Bureau of Census) that are classified as serious or above ozone nonattainment areas. In addition, the Act created ozone transport regions (OTR) and specifically established one such region in the Northeastern United States, covering Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the Consolidated Metropolitan Statistical Area of the District of Columbia, which includes Northern Virginia. The Act requires an enhanced I/M program in any metropolitan statistical area (MSA) or portion of a MSA within the OTR with a 1990 population of 100,000 or more, regardless of its nonattainment status.

The enhanced model program is based on annual, centralized testing of all model year 1968 and later light-duty vehicles and light-duty trucks to 8,500 pounds gross vehicle weight rating. Steady state testing is performed on 1968 through 1985 model year vehicles, while 1986 and later model year vehicles are subject to transient tailpipe emission testing. Also required is a test of the vapor recovery effectiveness of the fuel system and charcoal canister operation.

EPA regulations require that enhanced programs include a test-only network to achieve the performance standard. EPA does encourage biennial testing as a cost effective alternative to annual testing but the resulting difference in emissions control must be made up by further enhancements to the program.

At a minimum, the program must include computerized emission analyzers, on-road testing, denial of waivers for warranted vehicles or repairs related to tampering, a \$450 cost waiver requirement for emission-related repairs not covered by manufacturer's warranty, enforcement through vehicle registration denial, and inspection of the emissions control diagnostic system. In addition, each state must report biennially to EPA on emissions reductions achieved by the program.

An enhanced I/M program must be implemented by January 1, 1995. Areas switching from a test-and-repair to a test-only network may phase in the change between January 1995 and January 1996.

The General Assembly of Virginia passed legislation providing for a biennial, test-only enhanced emission inspection program which will become effective January 1, 1995. The program will apply to motor vehicles that have actual gross weights of 26,000 pounds or less. The new legislation also provides for regulations to address the protection of the following consumer interests in accordance with EPA requirements: (i) the number of inspection facilities and inspection lanes relative to population density, (ii) the proximity of inspection facilities to motor vehicle owners, (iii) the time spent waiting for inspections, and (iv) the days and hours of operation of inspection facilities. Other key provisions of the legislation include:

Notices of Intended Regulatory Action

Beginning January 1, 1995, an inspection fee cap of \$20 and a minimum repair cost of \$450 to qualify for a waiver;

Motor vehicles being titled for the first time may be registered for up to two years without being subject to an emissions inspection;

Vehicle held for resale by dealers, up to five years old, will not be required to have an inspection the first year, provided that the dealer states in writing that the emissions equipment on the motor vehicle was operating in accordance with the manufacturer's warranty at the time of resale; and

The requirement for the inspection to apply to all vehicles registered or operated in the affected area including (i) vehicles owned by government entities, (ii) vehicles owned by military personnel residing in the affected areas, and (iii) vehicles owned by leasing or rental companies.

The legislation directs the State Air Pollution Control Board to adopt regulations to implement the program. Federal law requires that regulations be adopted and submitted to EPA by November 15, 1993.

Statutory Authority: §§ 46.2-1179 and 46.2-1180 of the Code of Virginia.

Written comments may be submitted until the close of business on May 19, 1993, to the Director of Air Quality Program Development, Department of Environmental Quality, P.O. Box 10089, Richmond, Virginia 23240.

Contact: David Kinsey, Policy Analyst, Division of Air Quality Program Development, Department of Environmental Quality, P.O. Box 10089, Richmond, VA 23240, telephone (804) 786-1620.

DEPARTMENT OF CRIMINAL JUSTICE SERVICES (BOARD OF)

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Criminal Justice Services Board intends to consider amending regulations entitled: **VR 240-02-1. Regulations Relating to Criminal History Record Information Use and Security.** The purpose of the proposed action is to provide dial-up access to Criminal History Record Information for authorized users on an exceptional basis. Exceptions granted on basis of documented policies and procedures which ensure that access to criminal history record information is limited to authorized users.

Statutory Authority: §§ 9-170 and 9-188 of the Code of Virginia.

Written comments may be submitted until June 3, 1993.

Contact: Paul F. Kolmetz, Ph.D., Director, Division of Information Systems and Technology, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 371-7726.



DEPARTMENT OF HEALTH (STATE BOARD OF)

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Board of Health intends to consider amending regulations entitled: **VR 355-18-000. Waterworks Regulations.** The purpose of the proposed action is to make appropriate amendments to update portions of regulations pertinent only to state requirements, not federal mandates.

Statutory Authority: § 32.1-170 of the Code of Virginia.

Written comments may be submitted until June 3, 1993, to Allen R. Hammer, P.E., Virginia Department of Health, Division of Water Supply Engineering, P.O. Box 2448, Richmond, Virginia 23218.

Contact: H.J. Eggborn, P.E., Engineering Field Director, Culpeper Field Office, Department of Health, 400 S. Main St., 2nd Floor, Culpeper, VA 22701, telephone (804) 829-7340.

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: **VR 460-03-4.1940:1. Nursing Home Payment System.** The purpose of the proposed action is to clarify the treatment and limitations of balloon-loan financing and refinancing for nursing facilities.

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

Written comments may be submitted until May 3, 1993, to Richard Weinstein, Manager, Division of Cost Settlement and Audit, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia 23219.

Contact: Victoria P. Simmons, Regulatory Coordinator,

Notices of Intended Regulatory Action

Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 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 that the Board of Medicine intends to consider amending regulations entitled: **VR 465-03-1. Regulations Governing the Practice of Physical Therapy.** The purpose of the proposed action is to amend §§ 4.1 B and 8.1 B to more clearly define the traineeship requirements for a license by endorsement and reinstatement of a lapsed license for periods of seven years or more of inactivity in the practice of physical therapy.

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

Written comments may be submitted until May 21, 1993, to Hilary H. Connor, M.D., Executive Director, Board of Medicine, 6606 West Broad Street, 5th Floor, Richmond, Virginia 23230-1717.

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

DEPARTMENT OF MOTOR VEHICLES

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Motor Vehicles intends to consider amending regulations entitled: **VR 485-50-7801. Virginia Driver Improvement Act Rules and Regulations.** The purpose of the proposed action is to revise and update regulations relating to Article 19 (§ 46.2-489 et seq.) of Chapter 3 of Title 46.2 of the Code of Virginia.

Statutory Authority: §§ 46.2-203 and 46.2-489 of the Code of Virginia.

Written comments may be submitted until May 18, 1993, to Marc Copeland, Department of Motor Vehicles, P.O. Box 27412, Room 319, Richmond, Virginia 23269-0001.

Contact: Rena J. Roberts, Driver Improvement Program Manager, Department of Motor Vehicles, 2300 W. Broad Street, Room 311, Richmond, VA 23220, telephone (804) 367-2689.

BOARD OF OPTOMETRY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Optometry intends to consider amending regulations entitled: **VR 510-01-1. Board of Optometry Regulations.** The purpose of the proposed action is to consider amending § 3.1 4 f to define what constitutes a complete contact lens prescription and to adjust fees for initial licensure, examination, and renewal of licensure for optometrists; the fee for professional designation application; and the late fee.

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

Written comments may be submitted until May 10, 1993, to Carol Stamey, Board of Optometry, 6606 West Broad Street, 4th Floor, Richmond, Virginia 23230-1717.

Contact: Elizabeth A. Carter, Executive Director, Board of Optometry, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9942.

BOARD OF SOCIAL WORK

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Social Work intends to consider amending regulations entitled: **VR 620-01-2. Regulations Governing the Practice of Social Work.** The purpose of the proposed action is to consider amending the requirement that all supervised experience be completed prior to applying for examination.

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

Written comments may be submitted until May 26, 1993.

Contact: Evelyn B. Brown, Executive Director, Board of Social Work, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9914.

DEPARTMENT OF STATE POLICE

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of State Police intends to consider promulgating regulations entitled: **Regulations Relating to Standards and Specifications for Back-up Audible Alarm Signals.** The purpose of the proposed action is to establish specifications which define standards and identification for back-up audible alarm signals required on garbage and refuse collection and disposal vehicles, and certain vehicles used primarily for highway repair and maintenance.

Statutory Authority: § 46.2-1175.1 of the Code of Virginia.

Notices of Intended Regulatory Action

Written comments may be submitted until May 19, 1993.

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

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of State Police intends to consider promulgating regulations entitled: **Regulations Relating to Standards and Specifications for Overdimensional Warning Lights**. The purpose of the proposed action is to establish specifications which define standards and identification for warning lights used in the escorting or towing of overdimensional materials, equipment, boats or manufactured housing units by authority of a highway hauling permit issued pursuant to § 46.2-1139 of the Code of Virginia.

Statutory Authority: § 46.2-1026 of the Code of Virginia.

Written comments may be submitted until May 19, 1993.

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

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of State Police intends to consider promulgating regulations entitled: **Regulations Relating to Standards and Specifications for regrooved or Recut Tires**. The purpose of the proposed action is to establish specifications which define standards for regroovable and regrooved tires and identification of regroovable tires.

Statutory Authority: § 46.2-1042 of the Code of Virginia.

Written comments may be submitted until May 19, 1993.

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

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of State Police intends to consider promulgating regulations entitled: **Standards and Specifications of the Safety Lights for Farm Tractors in Excess of 108 Inches in Width**. The purpose of the proposed action is to establish specifications for lights used in farm tractors in excess of 108 inches in width as required by § 46.2-1102 of the Code of Virginia.

Statutory Authority: § 46.2-1102 of the Code of Virginia.

Written comments may be submitted until May 19, 1993.

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

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of State Police intends to consider promulgating regulations entitled: **Standards and Specifications for Warning Stickers or Decals for All-Terrain Vehicles**. The purpose of the proposed action is to establish specifications which define standards for stickers or decals required to be placed on all-terrain vehicles sold by retailers within the Commonwealth.

Statutory Authority: § 46.2-915.1 of the Code of Virginia.

Written comments may be submitted until May 19, 1993.

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

REAL ESTATE BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Real Estate Board intends to consider amending regulations entitled: **VR 585-01-1. Real Estate Board Regulations**. The purpose of the proposed action is to undertake a review and seek public comments on all its regulations for promulgation, amendment and repeal as is deemed necessary in its mission to regulate Virginia real estate licensees.

Statutory Authority: § 54.1-200 of the Code of Virginia.

Written comments may be submitted until July 1, 1993.

Contact: Joan L. White, Assistant Director, Real Estate Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552.

TREASURY BOARD

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Treasury Board intends to consider amending regulations entitled: **VR 640-02. Virginia Security for Public Deposits Act Regulations**. The purpose of the proposed action is to amend regulations governing the Security for Public Deposits Act in order to enhance protection for public funds on deposit in financial institutions.

Statutory Authority: § 2.1-364 of the Code of Virginia.

Notices of Intended Regulatory Action

Written comments may be submitted until May 21, 1993.

Contact: Mr. A. I. Samper, Director of Accounting and Administration, Treasury Board, P.O. Box 1879, Richmond, VA 23215-1879, telephone (804) 225-2392.

STATE WATER CONTROL BOARD

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Water Control Board intends to consider promulgating regulations entitled: **VR 680-14-22. Virginia Pollution Abatement (VPA) General Permit for Animal Feeding Operations.** The purpose of the proposed action is to adopt a general permit for animal feeding operations which establishes standard language for the limitations and monitoring requirements necessary to regulate the activities of this category of operations under the VPA permit program.

The basis for this regulations is § 62.1-44.2 et seq. of the Code of Virginia. Specifically, § 62.1-44.15(7) authorizes the board to adopt rules governing the procedures of the board with respect to the issuance of permits. Further, § 62.1-44.15(10) authorizes the board to adopt such regulations as it deems necessary to enforce the general water quality management program, § 62.1-44.15(14) authorizes the board to establish requirements for the treatment of sewage, industrial wastes and other wastes, § 62.1-44.20 provides that agents of the board may have the right of entry to public or private property for the purpose of obtaining information or conducting necessary surveys of investigations, and § 62.1-44.21 authorizes the board to require owners to furnish information necessary to determine the effect of the wastes from a discharge on the quality of state waters.

Need: This proposed regulatory action is needed in order to establish appropriate and necessary permitting of the pollutant management activities at animal feeding operations and to further streamline the permitting process.

Substance and purpose: General permits may be issued for categories of dischargers that (i) involve the same or similar types of operations; (ii) manage the same or similar types of wastes; (iii) require the same effluent limitations or operating conditions; and (iv) require the same or similar monitoring. The purpose of this proposed regulatory action is to adopt a general permit for animal feeding operations with may operate and maintain treatment works for waste storage, treatment or recycle and which may perform land application of wastewater or sludges. The intent of this proposed general permit regulation is to establish standard language for the limitations and monitoring requirements necessary to regulate the activities of this category of operations under the VPA permit program. The possibility exists that more than one general permit may be developed to cover

certain activities in this category of operations.

Estimated impact: There are several hundred animal feeding operations, including both concentrated and intensified operations, that may be required to be permitted under the VPA permit program and which may qualify for this proposed general permit. Adoption of these regulations will allow for the streamlining of the permit process as it relates to the covered categories of activities. Coverage under the general permit would reduce the paperwork, time and expense of obtaining a permit for the owners and operators in this category. Adoption of the proposed regulation would also reduce the manpower needed by the board for permitting these activities.

Alternatives: There are several alternatives for compliance with state requirements to permit pollutant management activities at animal feeding operations. One is the issuance of an individual VPA permit to each facility. The others include adopting general VPA permits to cover specific operations in this category of activities including concentrated and intensified operations.

Public meetings: The board's staff will hold public meetings at 7 p.m. on Thursday, June 3, 1993, at the Rockingham County Administrative Center, Board of Supervisors Room, 20 East Gay Street, Harrisonburg; at 7 p.m. on Thursday, June 17, 1993, at the Norfolk City Council Chamber, 810 Union Street, City Hall, Norfolk; and at 7 p.m. on Thursday, June 24, 1993, at the Roanoke County Administration Center, Community Room, 338 Brambleton Avenue, S.W., Roanoke, to receive views and comments and to answer questions of the public.

Accessibility to persons with disabilities: The meetings are being held at public facilities believed to be accessible to persons with disabilities. Any person with questions on the accessibility of the facilities should contact Doneva Dalton at the address below or by telephone at (804) 527-5162. Persons needing interpreter services for the deaf must notify Ms. Dalton no later than Monday, May 17, 1993.

Applicable laws and regulations: State Water Control Law, Clean Water Act, and Permit Regulation (VR 680-14.01).

Statutory Authority: § 62.1-44 15(10) of the Code of Virginia.

Written comments may be submitted until 4 p.m. on June 30, 1993, to Doneva Dalton, Department of Environmental Quality, P.O. Box 11143, Richmond, Virginia 23230.

Contact: Cathy Boatwright, Water Division, Department of Environmental Quality, P.O. Box 11143, Richmond, VA 23230, telephone (804) 527-5316.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Water Control Board intends to consider promulgating regulations entitled:

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VR 680-15-04. Shenandoah River Surface Water Management Area (the Shenandoah River, including the Portions of the North Fork Shenandoah River and the South Fork Shenandoah River located within Warren County). The purpose of the proposed action is to define the boundaries of the surface water management area and establish the flow level at which permit conditions will be in effect.

Need: Surface water management areas are needed where low flow conditions threaten, or could threaten, beneficial stream uses. The Code of Virginia, § 62.1-246, provides local governments the right to petition the board for consideration of surface water management areas. The board has received petitions from the Clarke and Warren Counties Board of Supervisors requesting a surface water management area for the Shenandoah River.

Substance and purpose: The purpose of a surface water management area is to provide for the protection of beneficial uses of designated surface waters of the Commonwealth during periods of drought by managing the supply of surface water in order to balance competing beneficial uses. By adopting this regulation the Commonwealth is protecting the beneficial uses of the Shenandoah River in Clarke County and Warren County for the public welfare, health and safety of the citizens of the Commonwealth.

The proposed regulation will define the boundaries of the surface water management area and establish the flow level at which permit conditions will be in effect. Existing water users as of July 1, 1989, will have to apply for a Surface Water Withdrawal Certificate which will contain a board-approved water conservation or management plan. If an existing user wants to increase his withdrawal, he will have to apply for a Surface Water Withdrawal Permit. Surface water users in existence after July 1, 1989, will have to apply for a Surface Water Withdrawal Permit which will contain withdrawal limits, instream flow conditions and a water conservation or management plan.

Estimated impact: The proposed regulation will impact persons withdrawing surface water equal to or greater than 300,000 gallons per month from the James River in the Richmond metropolitan area. The staff estimates 15 surface water withdrawers in the proposed area will be required to obtain Surface Water Withdrawal Permits or Certificates from the State Water Control Board. There may be more agricultural irrigators who are not currently reporting their use.

It is estimated that the time required of each affected withdrawer to fill out the application forms and to prepare water conservation or management plans will be no more than 40 hours. Simple operations such as agricultural irrigation will require less time. Assistance in filling out the application forms and in developing water conservation or management plans will be available from the State Water Control Board.

Applicants for permits or certificates, except for certain agricultural uses, will have to pay a fee of up to \$3,000 depending on the type of withdrawal. It should be noted that these permit fees are established in a separate regulation, Fees for Permits and Certificates (VR 680-01-01), which is in the process of being adopted by the board.

These regulations also impact the board. This is a new program and additional staffing will be needed. The staffing and budget implications are not known at this time. However, the cost of administering this program should be partially offset by the revenue from permit fees.

Issues: Issues under consideration include whether the board should adopt the proposed surface water management area and issue Surface Water Withdrawal Permits and Surface Water Withdrawal Certificates. Additional issues are minimum instream flow levels, the boundaries of the area and guidelines for conservation and management plans.

Public meeting: The board will hold a public meeting at 7 p.m. on Wednesday, May 26, 1993, at the Board of Supervisors Room, Clarke County Administration Office, 102 North Church Street, Berryville, to receive views and comments and to answer questions of the public.

Accessibility to persons with disabilities: The meeting is being held at a public facility believed to be accessible to persons with disabilities. Any person with questions on the accessibility of the facilities should contact Ms. Doneva Dalton at the address below or by telephone at (804) 527-5162 or TDD (804) 527-4261. Persons needing interpreter services for the deaf must notify Ms. Dalton no later than Thursday, April 29, 1993.

Statutory Authority: § 62.1-246 of the Code of Virginia.

Written comments may be submitted until 4 p.m. on June 1, 1993, to Doneva Dalton, Department of Environmental Quality, P.O. Box 11143, Richmond, Virginia 23230.

Contact: Thomas Felvey, Office of Water Resources Management, Department of Environmental Quality, P.O. Box 11143, Richmond, VA 23230, telephone (804) 527-5092.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Water Control Board intends to consider promulgating regulations entitled: **VR 680-15-05. North River Surface Water Management Area (The North River and All Its Tributaries Above the Confluent with the Middle River).** The purpose of the proposed action is to define the boundaries of the surface water management area and establish the flow level at which permit conditions will be in effect.

Need: Surface water management areas are needed where low flow conditions threaten, or could threaten, beneficial

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stream uses. The Code of Virginia, § 62.1-246, provides local governments the right to petition the board for consideration of surface water management areas. The board has received a letter from the Town of Bridgewater's attorneys requesting a surface water management area for the North River.

Substance and purpose: The purpose of a surface water management area is to provide for the protection of beneficial uses of designated surface waters of the Commonwealth during periods of drought by managing the supply of surface water in order to balance competing beneficial uses. By adopting this regulation the Commonwealth is protecting the beneficial uses of the North River in Augusta and Rockingham Counties for the public welfare, health and safety of the citizens of the Commonwealth.

The proposed regulation will define the boundaries of the surface water management area and establish the flow level at which permit conditions will be in effect. Existing water users as of July 1, 1989, will have to apply for a Surface Water Withdrawal Certificate which will contain a board-approved water conservation or management plan. If an existing user wants to increase his withdrawal, he will have to apply for a Surface Water Withdrawal Permit. Surface water users in existence after July 1, 1989, will have to apply for a Surface Water Withdrawal Permit which will contain withdrawal limits, instream flow conditions and a water conservation or management plan.

Estimated impact: The proposed regulation will impact persons withdrawing surface water equal to or greater than 300,000 gallons per month from the North River in the proposed area. The staff estimates 15 surface water withdrawers in the proposed area will be required to obtain Surface Water Withdrawal Permits or Certificates from the State Water Control Board. There may be more agricultural irrigators who are not currently reporting their use.

It is estimated that the time required of each affected withdrawer to fill out the application forms and to prepare water conservation or management plans will be no more than 40 hours. Simple operations such as agricultural irrigation will require less time. Assistance in filling out the application forms and in developing water conservation or management plans will be available from the State Water Control Board.

Applicants for permits or certificates, except for certain agricultural uses, will have to pay a fee of up to \$3,000 depending on the type of withdrawal. It should be noted that these permit fees are established in a separate regulation, Fees for Permits and Certificates (VR 680-01-01), which is in the process of being adopted by the board.

These regulations also impact the board. This is a new program and additional staffing will be needed. The staffing and budget implications are not known at this

time. However, the cost of administering this program should be partially offset by the revenue from permit fees.

Issues: Issues under consideration include whether the board should adopt the proposed surface water management area and issue Surface Water Withdrawal Permits and Surface Water Withdrawal Certificates. Additional issues are minimum instream flow levels, the boundaries of the area and guidelines for conservation and management plans.

Public meeting: The board will hold a public meeting at 7 p.m. on Thursday, May 20, 1993, at the Rockingham County Administration Office, Board of Supervisors Room, 20 East Gay Street, Harrisonburg, to receive views and comments and to answer questions of the public.

Accessibility to persons with disabilities: The meetings are being held at public facilities believed to be accessible to persons with disabilities. Any person with questions on the accessibility of the facilities should contact Ms. Doneva Dalton at the address below or by telephone at (804) 527-5162 or TDD (804) 527-4261. Persons needing interpreter services for the deaf must notify Ms. Dalton no later than Thursday, April 29, 1993.

Statutory Authority: § 62.1-246 of the Code of Virginia.

Written comments may be submitted until 4 p.m. on May 28, 1993, to Doneva Dalton, Department of Environmental Quality, P.O. Box 11143, Richmond, Virginia 23230.

Contact: Thomas Felvey, Office of Water Resources Management, Department of Environmental Quality, P.O. Box 11143, Richmond, VA 23230, telephone (804) 527-5092.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Water Control Board intends to consider promulgating regulations entitled: **VR 680-15-06. James River Surface Water Management Area (The Richmond Metropolitan Area).** The purpose of the proposed action is to define the boundaries of the surface water management area and establish the flow level at which permit conditions will be in effect.

Need: Surface water management areas are needed where low flow conditions threaten, or could threaten, beneficial stream uses. The Code of Virginia, § 62.1-246, provides local governments the right to petition the board for consideration of surface water management areas. The board has received a petition from the Henrico County Board of Supervisors requesting a surface water management area for the James River.

Substance and purpose: The purpose of a surface water management area is to provide for the protection of beneficial uses of designated surface waters of the Commonwealth during periods of drought by managing the supply of surface water in order to balance competing

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beneficial uses. By adopting this regulation the Commonwealth is protecting the beneficial uses of the James River in the Richmond metropolitan area for the public welfare, health and safety of the citizens of the Commonwealth.

The proposed regulation will define the boundaries of the surface water management area and establish the flow level at which permit conditions will be in effect. Existing water users as of July 1, 1989, will have to apply for a Surface Water Withdrawal Certificate which will contain a board-approved water conservation or management plan. If an existing user wants to increase his withdrawal, he will have to apply for a Surface Water Withdrawal Permit. Surface water users in existence after July 1, 1989, will have to apply for a Surface Water Withdrawal Permit which will contain withdrawal limits, instream flow conditions and a water conservation or management plan.

Estimated impact: The proposed regulation will impact persons withdrawing surface water equal to or greater than 300,000 gallons per month from the James River in the Richmond metropolitan area. The staff estimates 10 surface water withdrawers in the proposed area will be required to obtain Surface Water Withdrawal Permits or Certificates from the State Water Control Board. There may be some agricultural irrigators who are not currently reporting their use. Some counties are not direct withdrawers but purchase water from a withdrawer and will therefore be impacted, such as Chesterfield, Hanover and Henrico Counties.

It is estimated that the time required of each affected withdrawer to fill out the application forms and to prepare water conservation or management plans will be no more than 40 hours. Simple operations such as agricultural irrigation will require less time. Assistance in filling out the application forms and in developing water conservation or management plans will be available from the State Water Control Board.

Applicants for permits or certificates, except for certain agricultural uses, will have to pay a fee of up to \$3,000 depending on the type of withdrawal. It should be noted that these permit fees are established in a separate regulation, Fees for Permits and Certificates (VR 680-01-01), which is in the process of being adopted by the board.

These regulations also impact the board. This is a new program and additional staffing will be needed. The staffing and budget implications are not known at this time. However, the cost of administering this program should be partially offset by the revenue from permit fees.

Issues: Issues under consideration include whether the board should adopt the proposed surface water management area and issue Surface Water Withdrawal Permits and Surface Water Withdrawal Certificates. Additional issues are minimum instream flow levels, the boundaries of the area and guidelines for conservation and

management plans.

Public meeting: The board will hold a public meeting at 7 p.m. on Monday, May 24, 1993, in the Board Room at the State Water Control Board's office, Innsbrook Corporate Center, 4900 Cox Road, Glen Allen, to receive views and comments and to answer questions of the public.

Accessibility to persons with disabilities: The meetings are being held at public facilities believed to be accessible to persons with disabilities. Any person with questions on the accessibility of the facilities should contact Ms. Doneva Dalton at the address below or by telephone at (804) 527-5162 or TDD (804) 527-4261. Persons needing interpreter services for the deaf must notify Ms. Dalton no later than Thursday, April 29, 1993.

Statutory Authority: § 62.1-246 of the Code of Virginia.

Written comments may be submitted until 4 p.m. on May 28, 1993, to Doneva Dalton, Department of Environmental Quality, P.O. Box 11143, Richmond, Virginia 23230.

Contact: Thomas Felvey, Office of Water Resources Management, Department of Environmental Quality, P.O. Box 11143, Richmond, VA 23230, telephone (804) 527-5092.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Water Control Board intends to consider amending regulations entitled: **VR 680-21-00. Water Quality Standards (VR 680-21-07.1 b (Potomac Embayment Standards))**. The purpose of the proposed action is to consider amendments to the Potomac Embayment Standards.

Need: The board adopted the Potomac Embayment Standards (PES) in 1971 to address serious nutrient enrichment problems evident in the Virginia embayments and Potomac River at that time. These standards apply to sewage treatment plants discharging into Potomac River embayments in Virginia from Jones Point to the Route 301 bridge and for expansions of existing plants discharging into the nontidal tributaries of these embayments.

Based upon these standards, several hundred million dollars were spent during the 1970s and 1980s upgrading major treatment plants in the City of Alexandria and the Counties of Arlington, Fairfax, Prince William, and Stafford. Today these localities operate highly sophisticated advanced wastewater treatment plants which have contributed a great deal to the dramatic improvement in the water quality of the upper Potomac estuary.

Even before the planned upgrades at these facilities were completed, questions arose over the high capital and operating costs that would result from meeting all of the requirements contained in the PES. Questions also arose due to the fact that the PES were blanket effluent standards that applied equally to different bodies of water.

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Therefore, in 1978 the board committed to reevaluate the PES. In 1984, a major milestone was reached when the Virginia Institute of Marine Science (VIMS) completed state-of-the-art models for each of the embayments. The board then selected the Northern Virginia Planning District Commission (NVPDC) to conduct waste load allocation studies of the Virginia embayments using the VIMS models. In 1988, these studies were completed and effluent limits were developed for each major facility that would protect the embayments and the mainstem of the Potomac river. However, the PES were not amended to reflect the results of these efforts.

Since the PES have not been amended or repealed, VPDES permits have included the PES as effluent limits. Since the plants cannot meet all of the requirements of the PES, the plant owners have operated under consent orders or consent decrees with operating effluent limits for the treatment plants that were agreed upon by the owners and the board.

In 1991, several Northern Virginia jurisdictions with embayment treatment plants submitted a petition to the board requesting that the board address the results of the VIMS/NVPDC studies and that the PES be replaced with a descriptive process for establishing effluent limits for these plants to meet water quality standards. The petitioners claimed the current standards do not allow for scientifically based permit limits.

A board staff workgroup was formed to consider the changes to the PES recommended by the petitioners. At their June 1991 meeting, the board authorized holding a public hearing to solicit comments on proposed amendments based upon the recommendations of the work group. These amendments would allow permit-by-permit development of appropriate effluent limits for the affected discharges using the board's Permit Regulation and Water Quality Standards Regulation. They would also apply a total phosphorus effluent limit of 0.18 mg/l which is the regionally agreed limit to protect the embayments and the upper Potomac estuary from nutrient enrichment.

Based upon the request of Fairfax County, a hearing was not scheduled on the proposed amendments so the petitioners could consider revisions to their original petition. By letter dated October 28, 1992, Fairfax County requested the board to proceed with a revised petition to change the PES. The revised petition was supported by the Counties of Arlington, Prince William, and Stafford and the Alexandria Sanitation Authority.

Substance and purpose: The purpose of this proposed regulatory action is to consider amendments to the Potomac Embayment Standards.

Under the recent petition from the Northern Virginia localities for amending the PES, minimum effluent limits are retained in the standards and state-of-the-art modeling is required to be performed for construction of any major new plant or expansion of an existing plant.

Information on the following issues would help the board develop appropriate amendments to the PES:

Adopting the amendments included with the revised petition from the local governments,

Repealing the Potomac Embayment Standards and using the Permit Regulation and Water Quality Standards Regulation to determine effluent limits,

Replacing the standards with a comprehensive policy to protect the Potomac Embayments (similar to the approach used with the Occoquan Policy), and

Coverage of existing small sewage treatment plants and single family home discharges by the Potomac Embayment Standards.

Estimated impact: Amendments to the Potomac Embayment Standards would impact eight major and several smaller sewage treatment plants discharging to the Potomac embayments. Upgrading the existing treatment plants to meet the current standards would cost millions of dollars. The alternatives identified thus far for amending the current standards would result in significant cost savings.

Alternatives: Three alternatives have so far been identified: (i) no change to the current standards; (ii) amend the standards to remove specific effluent limits and rely on the Permit Regulation and Water Quality Standards Regulation (approach previously authorized for hearing by the Board); or (iii) amend the standards by changing the specific effluent limits (local government petition).

Public meeting: The board will hold a public meeting to receive views and comments on the local government petition as well as other comments on amending the Potomac Embayment Standards. The meeting will be held at 7 p.m. on Wednesday, May 19, 1993, Fairfax County Government Center, Conference Center, Rooms 4 and 5, 12000 Government Center Parkway, Fairfax.

Accessibility to persons with disabilities: The meeting is being held at a public facility believed to be accessible to persons with disabilities. Any person with questions on the accessibility of the facilities should contact Doneva A. Dalton at the address listed below or by telephone at (804) 527-5162 or TDD (804) 527- 4261. Persons needing interpreter services for the deaf must notify Mrs. Dalton no later than Thursday, April 29, 1993.

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

Written comments may be submitted until 4 p.m. on May 24, 1993, to Doneva Dalton, Department of Environmental Quality, P.O. Box 11143, Richmond, Virginia 23230.

Contact: Alan E. Pollock, Chesapeake Bay Program, Department of Environmental Quality, P.O. Box 11143,

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Richmond, VA 23230, telephone (804) 527-5155.



DEPARTMENT OF YOUTH AND FAMILY SERVICES (STATE BOARD OF)

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Youth and Family Services intends to consider promulgating regulations entitled: **Minimum Standards for the Detention of Juveniles in Jails, Lockups and Court Holding Cells.** The purpose of the proposed action is to ensure the safety of detained juveniles and the security of the detaining facilities in accordance with federal and state law.

Statutory Authority: §§ 16.1-249 and 66-10 of the Code of Virginia.

Written comments may be submitted until June 3, 1993.

Contact: Donald R. Carignan, Policy Coordinator, Department of Youth and Family Services, P.O. Box 1110, Richmond, VA 23208-1110, telephone (804) 371-0692.

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 AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

Title of Regulation: VR 155-01-2:1. Regulations of the Board of Audiology and Speech Speech-Language Pathology.

Statutory Authority: §§ 54.1-2400 and 54.1-2602 of the Code of Virginia.

Public Hearing Date: N/A – Written comments may be submitted through July 2, 1993.

(See Calendar of Events section for additional information)

Summary:

The proposed amendments delete qualifications which appear in existing regulations and which expired on December 31, 1992. The amendments also change the name of speech pathology to speech-language pathology and revise the definitions of the scope of practice of audiology and speech-language pathology to comply with legislation enacted by the 1992 General Assembly. The amendments also revise licensure requirements for those seeking licensure by endorsement of credentials maintained by membership in a voluntary national professional association.

VR 155-01-2:1. Regulations of the Board of Audiology and Speech-Language Pathology.

PART I. GENERAL PROVISIONS.

Article I. Definitions.

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

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

"Advertisement" means any information disseminated or placed before the public.

"Applicant" means a person applying for licensure by the board.

"Board" means the Board of Audiology and Speech Speech-Language Pathology.

"Department" means the Department of Health Professions.

"Educational standards board" means the clinical certification board of the American Speech-Language and Hearing Association.

"Executive director" means the board administrator for the Board of Audiology and Speech Speech-Language Pathology.

"Practice of audiology" or speech pathology" means the performance for compensation of any nonmedical service, not authorized by another regulatory or health regulatory board, relating to the prevention, diagnosis, evaluation and treatment of disorders or impairments of speech, language, voice or hearing, whether of organic or nonorganic origin means the practice of conducting measurement, testing and evaluation relating to hearing and vestibular systems, including audiologic and electrophysiological measures, and conducting programs of identification, hearing conservation, habilitation, and rehabilitation for the purpose of identifying disorders of the hearing and vestibular systems and modifying communicative disorders related to hearing loss including but not limited to vestibular evaluation, electrophysiological audiometry and cochlear implants . Any person offering services to the public under any descriptive name or title which would indicate that professional audiology or speech pathology services are being offered shall be deemed to be practicing audiology and speech pathology .

"Practice of speech-language pathology" means the practice of facilitating development and maintenance of human communication through programs of screening, identifying, assessing and interpreting, diagnosing, habilitating and rehabilitating speech-language disorders including, but not limited to:

1. Providing alternative communication systems and instruction and training in the use thereof;
2. Providing aural habilitation, rehabilitation and counseling services to hearing-impaired individuals and their families;
3. Enhancing speech-language proficiency and communication effectiveness; and

4. Providing audiologic screening.

Any person offering services to the public under any descriptive name or title which would indicate that professional speech-language pathology services are being offered shall be deemed to be practicing speech-language pathology.

"Speech-language disorders" means disorders in fluency, speech articulation, voice, receptive and expressive language (syntax, morphology, semantics, pragmatics), swallowing disorders, and cognitive communication functioning.

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

Article 2. Legal Base.

§ 1.2. The following legal base describes the responsibility of the Board of Audiology and ~~Speech~~ Speech-Language Pathology to promulgate regulations governing the licensure of audiologists and ~~speech~~ speech-language pathologists in the Commonwealth of Virginia:

Title 54.1:

Chapter 1 (§§ 54.1-100 through 54.4-114);

Chapter 24 (§§ 54.1-2400 through 54.1-2402.1);

Chapter 25 (§§ 54.1-2500 through 54.1-2510); and

Chapter 26 (§§ 54.1-2600 through 54.1-2603) of the Code of Virginia.

Article 3. Purpose.

§ 1.3. These regulations establish the standards for training, examination, licensure, and practice of persons as audiologists and ~~speech~~ speech-language pathologists in the Commonwealth of Virginia.

Article 4. Applicability.

§ 1.4. Individuals subject to these regulations are (i) audiologists and (ii) speech pathologists.

Exemptions: The provisions of these regulations shall not prevent (i) any persons employed by a federal, state, county or municipal agency, or an educational institution as a speech or hearing specialist or therapist from

performing the regular duties of his office or position; (ii) any student, intern, or trainee in audiology or ~~speech~~ speech-language pathology, pursuing a course of study at an accredited university or college, or working in a recognized training center, under the direct supervision of a licensed or certified audiologist or ~~speech~~ speech-language pathologist from performing services constituting a part of his supervised course of study; (iii) a licensed audiologist or ~~speech~~ speech-language pathologist from employing or using the services of unlicensed persons as necessary to assist him in his practice.

Article 5. Public Participation Guidelines.

§ 1.5. Mailing list.

The executive director of the board shall 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 hearings or informational proceedings, the subject of which is proposed or existing regulations; and
3. Final regulations when adopted.

§ 1.6. Additions and deletions to mailing list.

A. Any person wishing to be placed on the mailing list shall have his name added by writing to the board.

B. The board may, in its discretion, add to the list any person, organization, or publication it believes will serve the purpose of responsible participation in the formation or promulgation of regulations.

C. Those on the list periodically may be requested to indicate their desire to continue to receive documents or to be deleted from the list.

D. When mail is returned as undeliverable, persons shall be deleted from the list.

§ 1.7. Notice of intent.

A. At least 30 days prior to publication of the notice to conduct an informational proceeding as required by § 9-6.14:7.1 of the Code of Virginia, the board shall publish a notice of intent.

B. The notice shall 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.

C. The notice shall be transmitted to the Registrar of Regulations for inclusion in the Virginia Register of Regulations.

Proposed Regulations

§ 1.8. Informational proceedings or public hearings for existing rules.

A. At least once each biennium, the board shall 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 their effectiveness, efficiency, necessity, clarity, and cost of compliance.

B. Notice of such proceeding shall be transmitted to the Registrar of Regulations for inclusion in the Virginia Register of Regulations.

C. The proceeding may be held separately or in conjunction with other informational proceedings.

§ 1.9. Petition for rulemaking.

A. Any person may petition the board to adopt, amend, or delete any regulation.

B. Any petition received within 10 days prior to a board meeting shall appear on the agenda of that meeting of the board.

C. The board shall have sole authority to dispose of the petition.

§ 1.10. Notice of formulation and adoption.

Prior to any meeting of the board or subcommittee of the board at which the formulation or adoption of regulations is to occur, the subject matter shall be transmitted to the Registrar of Regulations for inclusion in the Virginia Register of Regulations.

§ 1.11. Advisory committees.

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

PART II. OPERATIONAL RESPONSIBILITIES.

Article 1. Posting of License.

§ 2.1. Each licensee shall post his license in a main entrance or place conspicuous to the public in the facility in which the licensee is practicing.

§ 2.2. A licensee shall be able to produce this wallet license upon request.

Article 2. Records.

§ 2.3. Accuracy of information.

A. All changes of mailing address or name shall be furnished to the board within five days after the change occurs.

B. All notices required by law and by these regulations to be mailed by the board to any registrant or licensee shall be validly given when mailed to the latest address on file with the board.

PART III. FEES.

Article 1. Initial Fees.

§ 3.1. The following fees shall be paid as applicable for licensure:

1. Application for audiology license \$125
2. Application for ~~speech~~ *speech-language* pathology license \$125
3. Verification of licensure requests from other states \$ 50

Article 2. Renewal Fees.

§ 3.2. The following annual fees shall be paid as applicable for license renewal:

1. Audiology license renewal \$ 55
2. ~~Speech~~ *Speech-language* pathology license renewal \$ 55

Article 3. Reinstatement Fee.

§ 3.3. In addition to all back renewal fees, the following fee shall be paid for reinstatement of license for each year up to three years following expiration (see § 4.4):

- Reinstatement fee per year of expiration \$100

Article 4. Other Fees.

§ 3.4. Duplicates.

Duplicate wall certificates shall be issued by the board after the licensee submits to the board a signed affidavit that a document has been lost, destroyed, or the applicant has had a name change.

- Duplicate wall certificates \$ 50

§ 3.5. Other fee information.

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1. A. There shall be a fee of \$25 for returned checks.
2. B. Fees shall not be refunded once submitted.

PART IV. RENEWALS.

Article 1. Expiration Dates.

§ 4.1. The following licenses shall expire on December 31 of each calendar year:

1. Audiologist; and
2. Speech Speech-language pathologist.

§ 4.2. A licensee who fails to renew his license by the expiration date shall have an invalid license.

Article 2. Renewal.

§ 4.3. A person who desires to renew his license for the next year shall, not later than the expiration date:

1. Return the renewal notice and applicable renewal fee;
2. Notify the board of any changes in name and address.

Article 3. Reinstatement.

§ 4.4. Reinstatement.

A. When a license is not renewed by the expiration date, the board may consider reinstatement of a license up to three years of expiration. See § 3.3.

B. A licensee who does not reinstate within three years as prescribed by subsection A of this section shall reapply for licensure as prescribed by Part V and meet the qualifications for licensure in effect at the time of the new application.

PART V. REQUIREMENTS FOR LICENSURE.

Article 1. Licensure.

§ 5.1. The board may grant a license to any applicant who meets one of the following sets of requirements for licensure:

1. Endorsement.

a. The board may grant a license without examination to any applicant who holds a current

"Certificate of Clinical Competence," in the area in which they seek licensure issued by the American Speech-Language Hearing Association; or

b. The board may issue a license to any applicant by endorsement when the person:

(1) Holds a current unencumbered license from any state or the District of Columbia; and

(2) Has practiced audiology or speech pathology for one year or has met the requirements of the regulations of the board for licensure of audiologists and speech pathologists or has education, experience, knowledge, skills, and abilities equivalent to the regulations of the board for licensure and has provided sufficient written evidence of those qualifications at the time of application; and

(3) Has passed a qualifying examination approved by the board.

Any applicant who holds a license from another state or the District of Columbia or has ever been licensed by another state or the District of Columbia shall apply for licensure under this section and may be granted a license by the board when the applicant:

a. Holds a current unencumbered license from any state(s) or the District of Columbia and verifies such on a form prescribed by the board. If the license is not current, documentation shall be provided on a form prescribed by the board of the reason; and

b. Meets one combination of qualifications prescribed in subdivisions 1 b (1) and 1 b (2) of this section or subdivisions 1 b (1) and 1 b (3) of this section. If the applicant does not meet one of the combinations of qualifications prescribed in this subdivision, the applicant who is or has been licensed in another state or the District of Columbia shall qualify under subdivision 1 c of this section:

(1) Holds a current and unrestricted Certificate of Clinical Competence in the area in which he seeks licensure issued by the American Speech-Language Hearing Association. Verification of currency shall be in the form of a certified letter from the American Speech-Language Hearing Association issued within six months prior to application; and

(2) Has held employment in the area for which he seeks licensure for one of the past three consecutive years or two of the past five consecutive years; or

(3) Has passed a qualifying examination approved by the board that was taken and passed within three years preceding the date of application.

c. Meets the requirements of the regulations of the

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board for licensure of audiologists and speech-language pathologists under subdivision 3 of § 5.1.

2. Certificate or clinical competence. This subdivision 2 applies to all applicants who are not currently licensed in another state or the District of Columbia or who have not previously been licensed in another state or the District of Columbia. The applicant shall meet one combination of qualifications prescribed in subdivisions 2 a and 2 b of this section or subdivisions 2 a and 2 c of this section. If the applicant does not meet one of the combinations of qualifications prescribed in this subdivision 2, the applicant shall qualify under subdivision 3 of § 5.1. The board may grant a license if the applicant:

(1) Holds a current and unrestricted Certificate of Clinical Competence in the area in which he seeks licensure issued by the American Speech-Language Hearing Association. Verification of currency shall be in the form of a certified letter from the American Speech-Language Hearing Association issued within six months prior to application; and

(2) Has held employment in the area for which he seeks licensure for one of the past three consecutive years or two of the past five consecutive years; or

(3) Has passed a qualifying examination approved by the board that was taken and passed within three years preceding the date of application.

2. Education and examination. These requirements apply through December 31, 1992.

a. Examination. The applicant shall pass a qualifying examination approved by the board. The examination shall have been passed within three years preceding the date of application.

Exception: No further examination will be required for applicants having passed the board approved examination at any time prior to application if they have been actively engaged in the respective profession during the 24 months immediately preceding the date of application.

AND

b. Degree and coursework equivalency.

(1) The applicant shall have completed at least 60 semester hours approved by the board from a college or university whose audiology and speech program is accredited by the Educational Standards Board of the American Speech-Language and Hearing Association or an equivalent accreditation.

(2) At least 30 of the 60 semester hours shall be in courses beyond the bachelor's degree and acceptable

toward a graduate degree by the college or university where these courses are taken and shall be applicable to the field for which licensure is sought. See Appendix I.

AND

e. Supervised clinical experience. The applicant shall have completed 300 clock hours of direct client contact hours with individuals presenting a variety of disorders of communication. This experience shall have been within the college or university attended by the applicant or within a clinical training program acceptable to the board. A minimum of 200 clock hours shall be in the professional area in which licensure is sought; that is, in either audiology or speech pathology.

3. Education and examination. These requirements are effective January 1, 1993.

a. Examination. The applicant shall pass a qualifying examination approved by the board. The examination shall have been passed within three years preceding the date of application.

Exception: No further examination will be required for applicants having passed the board approved examination at any time prior to application if they have been actively engaged in the respective profession during the 24 months immediately preceding the date of application.

AND

b. Degree and coursework equivalency.

(1) Degree. The applicant shall hold a Master's degree or its equivalent from a college or university whose audiology and speech program is accredited by the Educational Standards Board of the American Speech-Language and Hearing Association or an equivalent accreditation:

(2) Coursework (all candidates). The applicant shall have completed at least 75 semester hours of coursework. Twenty-seven of the 75 semester hours shall be in basic science and 36 of the 75 semester hours shall be in professional coursework. See Appendices H and III I and II.

AND

(3) Supervised clinical experience (all candidates).

(a) The applicant shall complete 375 clock hours of supervised clinical observation and supervised clinical practicum combined. The clock hours of supervised clinical experience shall be provided by a college or university whose audiology and speech-language pathology program is accredited by

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the Educational Standards Board of the American Speech-Language and Hearing Association or an equivalent accreditation. See Appendix IV.

(b) The supervision for the practicum and observation shall be provided by a person who is licensed by the board of Audiology and Speech Pathology in the appropriate area of practice.

AND

4. Clinical observation. Twenty-five of the 375 clock hours (see § 5.1 3 b(3)) shall be in clinical observation prior to beginning clinical practicum.

AND

5. Clinical practicum. Three hundred fifty of the 375 clock hours (see § 5.1 3 b(3)) shall be in a clinical practicum. At least 250 of those 350 clock hours shall be in clinical hours at the graduate level in the area in which the license is sought. At least 50 of the 350 clock hours shall be in each of three types of clinical settings such as, but not limited to, public schools, private practice, free clinic, hospital setting.

For a specific breakdown of the clinical clock hours required for both ~~speech/language~~ *speech-language* and audiology applicants, see Appendix IV.

Article 2. Application Process

§ 5.2. Prior to seeking licensure as an audiologist or ~~speech~~ *speech-language* pathologist, an applicant shall submit:

1. A completed and signed application;
2. The applicable fee prescribed in § 3.1; and
3. Additional documentation as may be required by the board to determine eligibility of the applicant.

§ 5.3. All required parts of the application shall be submitted at the same time. An incomplete application package shall be returned.

Exception: Some schools require that certified transcripts be sent directly to the licensing authority. That policy is acceptable to the board.

National examination scores also will be accepted from the examining authority.

PART VI. STANDARDS OF PRACTICE.

Article 1. General.

§ 6.1. There shall be separate licenses for the practice of audiology and ~~Speech~~ *speech-language* pathology.

§ 6.2. It is prohibited for any person to practice as an audiologist or ~~Speech~~ *speech-language* pathologist unless such person has been issued a license in the appropriate classification.

§ 6.3. The titles of audiologist and ~~Speech~~ *speech-language* pathologist shall be reserved under law for the use by licensed practitioners only.

§ 6.4. No person unless otherwise licensed to do so, shall prepare, order, dispense, alter or repair hearing aids or parts of or attachments to hearing aids for consideration. However, audiologists licensed under this chapter may make earmold impressions and prepare and alter earmolds for clinical use and research.

Article 2. Core of Knowledge

§ 6.5. An audiologist and ~~speech~~ *speech-language* pathologist shall be able to demonstrate knowledge, skills, and abilities as relevant to his specific practice in the following areas:

1. Psychological and sociological aspects of human development;
2. Anatomical, physiological, neurological, psychological, and physical bases of speech, voice, hearing and language;
3. Genetic and cultural aspects of speech and language development;
4. Current principles, procedures, techniques, and instruments used in evaluating the speech, language, voice, and hearing of children and adults;
5. Various types of disorders of speech, language, voice, and hearing classifications, causes and manifestations;
6. Principles, remedial procedures, hearing aids, tinnitus devices, and other instruments used in the habilitation and rehabilitation for those with various disorders of communication;
7. Relationships among speech, language, voice, and hearing problems, with particular concern for the child or adult who presents multiple problems;
8. Organization and administration of programs designed to provide direct service to those with disorders of communications;
9. Theories of learning and behavior in their application to disorders of communication;

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10. Services available from related fields for those with disorders of communication; and

11. Effective use of information obtained from related disciplines about the sensory, physical, emotional, social, and intellectual status of a child or an adult;

§ 6.6. In addition, the audiologist shall be able to demonstrate knowledge, skills, and abilities relevant to the specific practice as follows:

1. Conducting evaluation of the function of the auditory and vestibular systems, including the use of electrophysiological techniques and the evaluation of tinnitus;

2. Evaluation of auditory processing; and

3. Principles, procedures, and techniques of organizing and administering industrial hearing conservation programs, including noise surveys, the use of hearing protective devices, and the training and supervising of audiometric technicians.

§ 6.7. In addition, the ~~speech~~ *speech-language* pathologist shall be able to demonstrate knowledge, skills, and abilities relevant to the specific practice in the following:

1. Evaluation and treatment of disorders of the oral and pharyngeal mechanism as they relate to communication, including but not limited to dysphagia; and

2. Use of alternative communication devices and appliances facilitating communication.

PART VII. REFUSAL, SUSPENSION, REVOCATION, AND DISCIPLINARY ACTION.

Article 1. Unprofessional Conduct.

§ 7.1. The board may refuse to issue a license or approval to any applicant, and may suspend for a stated period of time or indefinitely, or revoke any license or approval, or reprimand any person, or place his license on probation with such terms and conditions and for such time as it may designate, or impose a monetary penalty for any of the following causes:

1. Guaranteeing the results of any speech, voice, language, or hearing consultative or therapeutic procedure;

2. Diagnosis or treatment of speech, voice, language, and hearing disorders by correspondence, provided this shall not preclude;

a. Follow-up correspondence of individuals previously seen, or

b. Providing the persons served professionally with general information of an educational nature.

3. Revealing to unauthorized persons confidential patient information obtained from the individual he serves professionally without the permission of the individual served;

4. Exploitation of persons served professionally by accepting them for treatment when benefit cannot reasonably be expected to occur, or by continuing treatment unnecessarily;

5. Incompetence or negligence in the practice of the profession (see § 6.5);

6. Failing to recommend a physician consultation and examination for any communicatively impaired person (before the fitting of a new or replacement prosthetic aid on such person) not referred or examined by a physician within the preceding six months;

7. Failing to refer a client to a physician when there is evidence of an impairment that might respond to medical treatment. Exception: This would not include communicative disorders of nonorganic origin.

8. Failing to supervise persons who assist them in the practice of ~~speech~~ *speech-language* pathology and audiology without being present at all times within the same building when unlicensed supportive personnel are delivering services.

9. Conviction of a felony related to the practice for which the license is granted;

10. Failure to comply with federal, state, or local laws and regulations governing the practice of audiology and ~~speech~~ *speech-language* pathology;

11. Failure to comply with any regulations of the board;

12. Inability to practice with skill and safety because of physical, mental, or emotional illness, or substance abuse;

13. Making, publishing, disseminating, circulating, or placing before the public, or causing directly or indirectly to be made, an advertisement of any sort regarding services or anything so offered to the public which contains any promise; assertion; representation; or statement of fact which is untrue, deceptive, or misleading; and

14. Exceeding the scope of practice.

APPENDIX I: Coursework Through December 31, 1992.

The applicant shall have completed at least 60 semester

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hours approved by the board from a college or university whose audiology and speech program is accredited by the Educational Standards Board of the American Speech-Language and Hearing Association or an equivalent accreditation.

Of the 60 semester hours, at least 30 semester hours shall be in courses beyond the bachelor's degree and acceptable toward a graduate degree by the college or university where these courses are taken and shall be applicable to the field for which licensure is sought. (See § 5.1 2 b)

The 60 semester hours shall be broken down as follows:

1. 12 semester hours in courses that provide fundamental knowledge applicable to the normal development and use of speech, voice, hearing and language; and

2. 42 semester hours in courses in the management of speech, voice, hearing and language disorders; and information supplementary to such fields. Of these 42 semester hours:

a. At least 6 semester hours shall be in audiology for those desiring a license as a speech pathologist, or in speech pathology for those desiring a license as an audiologist;

b. No more than 6 semester hours may be in courses that provide academic credit for clinical practice;

c. At least 24 semester hours, including no more than three semester hours of credit for thesis or dissertation, shall be in the field in which the license is sought.

d. 6 semester hours may be in electives if desired or additional course work may be taken under 2.a and 2.c above.

3. 6 semester hours may be in electives.

APPENDIX H I . Basic Science Coursework. Effective January 1, 1993.

A Master's degree or its equivalent from a college or university whose audiology and speech *speech-language* program is accredited by the Educational Standards Board of the American Speech-Language and Hearing Association or an equivalent accreditation is required.

The applicant shall have completed at least 75 semester hours of coursework.

1. Basic science coursework.

At least 27 of the 75 semester hours shall be in basic science coursework as follows:

a. 6 semester hours in biological/physical sciences and mathematics;

b. 6 semester hours in behavioral and/or social sciences; and

c. 15 semester hours in basic human communication processes to include the anatomic and physiologic basis, the physical and psychophysical bases, and the linguistic and psycholinguistic aspects.

APPENDIX H II . Professional Coursework. Effective January 1, 1993.

A Master's Degree or its equivalent from a college or university whose audiology and speech *speech-language* program is accredited by the Educational Standards Board of the American Speech-Language and Hearing Association or an equivalent accreditation is required.

The applicant shall have completed at least 75 semester hours of coursework which includes basic science coursework (see Appendix H I) and professional coursework. At least 36 of the 75 semester hours shall be in professional coursework.

A. Speech and language candidates.

1. At least 30 of the 36 semester hours of professional coursework shall be in courses for which graduate credit was received.

a. Six of the 30 semester hours of graduate credit shall be required in audiology.

(1) 3 semester hours in hearing disorders and hearing evaluation; and

(2) 3 semester hours in habilitative/rehabilitative procedures.

b. At least 21 of the 30 semester hours of graduate credit shall be in the professional area in which licensure is sought.

(1) 6 semester hours in speech disorders;

(2) 6 semester hours in language disorders; and

(3) 9 semester hours in electives in speech and language.

c. Three of the 30 semester hours of graduate credit may be electives in speech, language or audiology graduate study.

2. Six of the 36 semester hours of professional coursework may be at the undergraduate level.

B. Audiology candidates.

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1. At least 30 of the 36 semester hours of professional coursework shall be in courses for which graduate credit was received.

a. At least 6 of the 30 graduate credits shall be required in speech-language pathology, not associated with hearing impairment, as follows:

- (1) 3 semester hours in speech disorders; and
- (2) 3 semester hours in language disorders.

b. At least 21 of the 30 semester hours shall be in the professional area in which licensure is sought:

- (1) 6 semester hours in hearing disorders and hearing evaluation;
- (2) 6 semester hours in habilitative/rehabilitative procedures; and
- (3) 9 semester hours in electives in audiology.

c. 3 of the 30 semester hours prescribed above shall be electives in an area of graduate credit (audiology, speech, or language).

2. Six of the 36 semester hours of professional coursework may be at the undergraduate level.

APPENDIX IV III .
Clinical Practicum.
Effective January 1, 1993.

The applicant shall complete 375 clock hours of supervised clinical observation (25 hours) and supervised clinical practicum (350 hours) combined.

The applicant shall gain experience by working in at least three types of clinical settings such as, but not limited to, public schools, private practice, nursing homes, free clinics, hospital settings, etc. At least 50 hours shall be served in each of the three types of settings. (See § 5.1 3 b (5))

A. Speech and language candidates.

1. For the clinical practicum, 250 of the 350 clock hours shall be at the graduate level in the area in which the license is sought.

a. At least 160 of the 250 graduate clock hours shall be in each of the following eight categories:

- (1) 20 clock hours in evaluation: speech disorders in children;
- (2) 20 clock hours in evaluation: speech disorders in adults;
- (3) 20 clock hours in evaluation: language disorders

in children;

(4) 20 clock hours in evaluation: language disorders in adults;

(5) 20 clock hours in treatment: speech disorders in children;

(6) 20 clock hours in treatment: speech disorders in adults;

(7) 20 clock hours in treatment: language disorders in children; and

(8) 20 clock hours in treatment: language disorders in adults.

b. Up to 20 of the 250 graduate clock hours shall be in related disorders in the major professional area.

c. At least 35 of the 250 graduate clock hours shall be in audiology.

(1) 15 clock hours in evaluation/screening

(2) 15 clock hours in habilitation/rehabilitation.

(3) 5 clock hours in audiology electives.

d. 35 of the 250 graduate clock hours shall be in electives if desired or additional hours work may be taken under 1.a and 1.c above.

2. 100 of the 250 clock hours may be at the undergraduate level.

B. Audiology candidates.

1. For the clinical practicum, 250 of the 350 clock hours shall be at the graduate level in the area in which the license is sought.

a. At least 160 of the 250 graduate clock hours shall be in the following:

(1) 40 clock hours in evaluation: hearing in children;

(2) 40 clock hours in evaluation: hearing in adults;

(3) 40 clock hours in selection and use: amplification and assistive devices for children; and

(4) 40 clock hours in selection and use: amplification and assistive devices for adults.

b. At least 20 of the 250 graduate clock hours shall be in treatment: hearing disorders in children and adults.

c. Up to 20 of the 250 graduate clock hours shall be

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in related disorders in the major professional area.

d. At least 35 of the 250 graduate clock hours shall be in speech-language pathology unrelated to hearing impairment as follows:

- (1) 15 graduate clock hours in evaluation/screening;
- (2) 15 graduate clock hours in treatment; and
- (3) 5 graduate clock hours in electives.

e. 15 of the 250 graduate clock hours shall be in electives if desired or additional course work may be taken under 1.a-c above.

2. 100 of the 350 clock hours may be at the undergraduate level.

CHILD DAY-CARE COUNCIL

EDITOR'S NOTE: The following Child Day-Care Council regulations, VR 175-08-01 and VR 175-09-01, are being proposed for an additional 30 days of public comment. The original 60-day public comment period on these regulations occurred from July 29, 1991, through September 29, 1991. The additional changes from the original proposal are shown in brackets and are a result of the comments received during the first public comment period.

Title of Regulation: VR 175-08-01. Minimum Standards for Licensed Child [Care Day] Centers [, Nursery Schools, and Child Day Care Camps] Serving Children of Preschool Age or Younger.

Statutory Authority: §§ 63.1-202 and 63.1-202.1 of the Code of Virginia.

Public Hearing Dates:

May 27, 1993 - 5 p.m.

June 1, 1993 - 5 p.m.

June 2, 1993 - 5 p.m.

June 3, 1993 - 5 p.m.

Written comments may be submitted through June 3, 1993.

(See Calendar of Events section for additional information)

Summary:

House Bill 1035 of the 1990 General Assembly session required the licensure of before school and after school child care programs, nursery schools, and child day care camps effective July 1, 1992. This bill also deleted the child care center licensure exception for governmental and hospital sponsored child care. The 1992 General Assembly session delayed HB 1035 until July 1, 1994. With the repeal of HB 1035 and the passage of SB 777 and HB 2380 by the 1993 General

Assembly session, the types of programs mentioned above fall under the definition of a "child day center" and will be newly subject to licensure this year. The proposed regulation was developed with consideration of the variety of centers that will be subject to licensure this year.

This regulation lists the standards that child day centers serving children of preschool age or younger must meet to be licensed by the Department of Social Services. The following areas are addressed in the regulation: (i) administration, (ii) personnel, (iii) physical plant, (iv) staffing and supervision, (v) program, (vi) special care provisions and emergencies, and (vii) special services.

VR 175-08-01. Minimum Standards for Licensed Child Day Centers Serving Children of Preschool Age or Younger.

PART I. INTRODUCTION.

Article 1. Definitions.

§ 1.1. [Definitions.

Position titles used in these standards are descriptive only and do not preclude the use of other titles by centers.]

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

"Administrator" means a manager or coordinator designated to be in charge of the total operation and management of one or more centers. The administrator [is may be] responsible for supervising the program director or [may] , if appropriately qualified, [may] concurrently serve as the program director.

["Admission" means a written or oral agreement for a child's provisional inclusion in the program.]

"Adult" means any individual 18 years of age or [over older] .

"Age groups"

"Infant" means children from birth to 16 months.

"Toddler" means children from 16 months up to two years.

"Preschool" means children from two years up to the age of eligibility to attend public school [, five years by September 30] .

"School age" means children from the age of eligibility to attend public school and older [, age five

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or older by September 30] .

["Age of eligibility to attend public school" means five years old by September 30.]

"Aide" means the individual designated to be responsible for helping the program leader or child care supervisor in supervising children and in implementing the activities and services for children.

[Note: Position titles used in these standards are descriptive only and do not preclude the use of other titles by centers.

"Camp" means a child day care camp.]

"Center" means a child [care day] center [; before school and after school day care program, nursery school, and child day care camp or any combination located on the same premises] .

"Character and reputation" means findings have established, and knowledgeable and objective people agree, that the individual (i) maintains business, professional, family, and community relationships which are characterized by honesty, fairness, [and] truthfulness, and (ii) demonstrates a concern for the well-being of others to the extent that the individual is considered suitable to be entrusted with the care, guidance, and protection of children. Relatives by blood or marriage, and people who are not knowledgeable of the individual, such as recent acquaintances, shall not be considered objective references.

"Child" means any individual under 18 years of age.

["Child care center" means any "facility operated for the purpose of providing care, protection, and guidance to two or more children separated from their parents or guardian during a part of the day only."

Exceptions (§ 63.1-196 of the Code of Virginia):

1. "A private family home offering care to five or fewer children";
2. "A group family day care home";
3. "A public school or private school unless the commissioner determines that such school is operating a child care center outside the scope of regular classes";
4. "A recreation program operated primarily for recreational development and instruction at a public or private school or facility unless the commissioner determines that such program is child care outside the scope of regular recreational programs";
5. "A Sunday school conducted by a religious institution or a facility operated by a religious organization where children are cared for during short

periods of time while persons responsible for such children are attending religious services";

6. Exemption as set out in § 63.1-196.3 of the Code of Virginia: A child care center operated or conducted under the auspices of a religious institution may be exempted from licensure by filing specified information with the department.

"Child day center" means a child day program offered to (i) two or more children under the age of 13 in a facility that is not the residence of the provider or of any of the children in care or (ii) 13 or more children at any location.

Exemptions: (§ 63.1-196.001 of the Code of Virginia)

1. A child day center that has obtained an exemption pursuant to § 63.1-196.3;
2. A program where, by written policy given to and signed by a parent or guardian, children are free to enter and leave the premises without permission or supervision. A program that would qualify for this exemption except that it assumes responsibility for the supervision, protection and well-being of several children with disabilities who are mainstreamed shall not be subject to licensure;
3. A program of instructional experience in a single focus, such as, but not limited to, computer science, archaeology, sport clinics, or music, if children under the age of six do not attend at all and if no child is allowed to attend for more than 25 days in any three-month period commencing with enrollment. This exemption does not apply if children merely change their enrollment to a different focus area at a site offering a variety of activities and such children's attendance exceeds 25 days in a three-month period;
4. Programs of instructional or recreational activities wherein no child under age six attends for more than six hours weekly with no class or activity period to exceed 1 1/2 hours, and no child six years of age or above attends for more than six hours weekly when school is in session or 12 hours weekly when school is not in session. Competition, performances and exhibitions related to the instructional or recreational activity shall be excluded when determining the hours of program operation;
5. A program that operates no more than a total of 20 program days in the course of a calendar year provided that programs serving children under age six operate no more than two consecutive weeks without a break of at least a week;
6. Instructional programs offered by public and private schools that satisfy compulsory attendance laws or the Individuals with Disabilities Education Act and programs of school-sponsored extracurricular activities

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that are focused on single interests such as, but not limited to, music, sports, drama, civic service, or foreign language;

7. Education and care programs provided by public schools which are not exempt pursuant to subdivision A 6 of this section shall be regulated by the State Board of Education using regulations that incorporate, but may exceed, the regulations for child day centers licensed by the commissioner;

8. Early intervention programs for children eligible under Part H of the Individuals with Disabilities Education Act wherein no child attends for more than a total of six hours per week;

9. Practice or competition in organized sports leagues;

10. Programs of religious instruction, such as Sunday schools, vacation Bible schools, and Bar Mitzvah classes, and child-minding services provided to allow parents or guardians who are on site to attend religious worship or instructional services;

11. Child-minding services which are not available for more than three hours per day for any individual child offered on site in commercial or recreational establishments if the parent or guardian (i) is not an on-duty employee, (ii) can be contacted and can resume responsibility for the child's supervision within 30 minutes, and (iii) is receiving services or participating in activities offered by the establishment;

12. A certified preschool or nursery school program operated by a private school which is accredited by a statewide accreditation organization recognized by the State Board of Education which complies with the provisions of § 63.1-196.3.1. The provisions of this subdivision shall expire on July 1, 1994.

13. Prescribed therapeutic recreation programs provided for children with disabilities in programs that meet the child day center definition shall not be subject to licensure under this chapter until the appropriate regulations are promulgated; or

14. By policy, a child day center that is required to be programmatically licensed by another state agency for that service.]

["Child day care camp" means a "facility operated seasonally or year-round offering programs or services to two or more children separated from their parents or guardian during part of the day only, which provides care, protection, and guidance and emphasizes outdoor activities. A camp is subject to licensure if its sessions cover a period in excess of 14 consecutive days or if the same children are eligible to attend two or more sessions covering a period not in excess of 14 consecutive days with fewer than six days between sessions" (§ 63.1-196 of the Code of Virginia)-

Exemption: As set out in § 63.1-196.3 of the Code of Virginia, a child day care camp operated or conducted under the auspices of a religious institution may be exempted from licensure by filing specified information with the department.

"Child day program" means a regularly operating service arrangement for children where, during the absence of a parent or guardian, a person or organization has agreed to assume responsibility for the supervision, protection, and well-being of a child under the age of 13 for less than a 24-hour period.

"Child with a developmental delay" means a child who manifests atypical development or behavior which is demonstrated by one or more of the following:

1. A typical quality of performance and function in one or more developmental areas;
2. Significant gaps within or between the developmental areas;
3. Behavior patterns that interfere with the acquisition of developmental skills.

Infants and toddlers are considered developmentally delayed when they are at least 25% below their chronological or adjusted age in one or more of the developmental areas. For infants and toddlers born prematurely (gestation 34 weeks), the child's adjusted age is used to determine developmental status. Chronological age is used once the child is 18 months.

Developmental areas include cognitive development, physical development (including fine motor, gross motor, vision, and hearing), language or speech development, psycho-social development, and self-help skills.]

"Commissioner" means the commissioner of Social Services, also known as the director of the Virginia Department of Social Services.

"Contract employee" mean an individual who enters into an agreement to provide specialized services for a specified period of time.

"Department" means the Virginia Department of Social Services.

"Department's representative" means an employee or designee of the Virginia Department of Social Services, acting as the authorized agent of the commissioner.

"Developmentally appropriate" means a philosophy which applies a knowledge of child development to the curriculum, the environment, adult-child interactions, and staff-parent interactions, and which recognizes the age span of the children within the group, as well as the needs of the individual child.

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["Enrollment" means the actual attendance of a child as a member of the center.]

"Evening care" means care provided in a center between the hours of 7 [P.M. p.m.] and 1 [A.M. a.m.], inclusively.

"Fall zone" means the area underneath and surrounding equipment that requires a [protective resilient] surface. It shall encompass sufficient area to include the child's trajectory in the event of a fall while the equipment is in use.

"Field [trip trips]" means excursions away from the facility including walks away from the facility.

["Program leader" or "child care supervisor" means the individual designated to be responsible for the direct supervision of children and for implementation of the activities and services for a group of children.]

"Licensee" means any individual, partnership, association, public agency, or corporation to whom the license is issued.

["Montessori Module" means a group of alternative, specific standards in the regulations allowed for all programs meeting the eligibility criteria of a Montessori preschool, as specified in the module.

"Montessori preschools" means educational programs wherein the teacher training and subsequent pedagogy are approved by either American Montessori Society, American Montessori Internationale, National Council of Montessori Education, or Saint Nicholas Montessori, thus verifying that the preschool meets the Montessori standards as outlined in the Montessori Module. Only Montessori schools which meet the Montessori criteria as outlined in the Montessori Module are eligible to comply with the modified licensing standards contained in that module.]

["Nursery school" means a child care center in which:

1. The center offers care, protection, guidance, and education to two or more children age two to five years of age who are separated from their parents;
2. These children attend two or more times a week for two or more hours each time;
3. These children attend not more than four hours a day for children two through four years of age and not more than six and one-half hours a day for children five years of age; and
4. The center may offer an additional, enrichment program for up to two hours once a week.

Note: Nursery schools do not include family day care homes and private family homes offering care to five or fewer children.

Exemption: As set out in § 62-1-196.3 of the Code of Virginia, a nursery school operated or conducted under the auspices of a religious institution may be exempted from licensure by filing specified information with the department.]

"Overnight care" means care provided in a center between the hours of 1 [A.M. a.m.] and 5 [A.M. a.m.], inclusively.

"Parent" means the biological or adoptive parent or parents or legal guardian or guardians of a child enrolled [in] or in the process of being [enrolled in admitted to] a center.

"Physician" means an individual licensed to practice medicine in any of the 50 states or the District of Columbia.

"Program director" means the primary, on-site director or coordinator designated to be responsible for developing and implementing the activities and services offered to children, including the [management of the] supervision [of all staff who work with children and the ,] orientation, training, and scheduling of [all] staff who work directly with children, whether or not the program director personally performs these functions.

Exception: The administrator may perform staff orientation, training or program development functions if the administrator meets the qualifications in § 3.6 of these regulations and a written delegation of responsibility specifies the duties of the program director.

["Program leader" or "child care supervisor" means the individual designated to be responsible for the direct supervision of children and for implementation of the activities and services for a group of children.]

"Programmatic experience in the group care of children" means time spent working directly with children in a group, in a child care situation which is located away from the child's home ([i.e., e.g.,] Sunday school, vacation Bible school, scouts, etc.).

["Specialty camps" means those centers which have an educational or recreational focus on one subject which may include, but is not limited to, dance, drama, music, sports.]

"Sponsor" means an individual, partnership, association, public agency, corporation or other legal entity in whom the ultimate authority and legal responsibility is vested for the administration and operation of a center subject to licensure.

"Staff" means administrative, [activities activity] , service, and volunteer personnel including the licensee when the licensee is an individual who works in the facility.

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"Volunteers" means persons who come to the center less than once a week and are not counted toward the required number of staff.

"Volunteer personnel" means persons who work at the center once a week or more often or who are counted in the required ratio of staff to children.

Article 2. Legal Base.

§ 1.2. Chapter 10 (§ 63.1-195 et seq.) of Title 63.1 of the Code of Virginia describes the responsibility of the Department of Social Services for the regulation of residential and day [care] programs [; including child care centers, before school and after school day care programs, nursery schools, and child day care camps for children, including child day centers.]

§ 1.3. Section 63.1-202 of the Code of Virginia requires the Child Day-Care Council to prescribe standards for certain activities, services, and facilities for child [care day] centers [; before school and after school day care programs, nursery schools, and child day care camps] .

Article 3. Purpose.

§ 1.4. The purpose of these minimum standards is to protect children [of preschool age or younger] who are separated from their parents during a part of the day by:

1. Ensuring that the activities, services, and facilities of centers are conducive to the well-being of children, and
2. Reducing risks in the child care environment.

Article 4. Applicability.

§ 1.5. [~~These~~ The] minimum standards [in Part I through VIII or the alternative standards in the Montessori Module in Part IX of these regulations] apply to child [care day] centers serving children of preschool age or younger [including nursery schools and child day care camps] as defined in § 1.1 of these standards.

PART II. ADMINISTRATION.

Article 1. Sponsorship.

§ 2.1. Each center shall have a clearly identified sponsor which shall be identified by its legal name in accordance with state requirements.

§ 2.2. The names and addresses of individuals who hold primary financial control and officers of the sponsor or governing body shall be disclosed fully to the Department

of Social Services.

§ 2.3. The sponsor, represented by the individual proprietor, partners, officers, and managers delegated authority to act for a sponsor shall be of good character and reputation and shall not have been convicted of a felony or a misdemeanor related to abuse, neglect, or exploitation of children or adults.

Article 2. Operational Responsibilities.

§ 2.4. As required in § 63.1-198 of the Code of Virginia, the sponsor shall afford the commissioner or his agents the right at all reasonable times to inspect facilities, all of his financial books and records, and to interview his agents, employees, and any child or other person within his custody or control.

[§ 2.5. A certified financial statement prepared for the facility by a certified public accountant shall be submitted to the department before initial licensure.]

[§ 2.6- § 2.5.] The license shall be posted in a place conspicuous to the public, near the main entrance of the building or the main office.

[§ 2.7. § 2.6.] The operational responsibilities of the licensee shall include, but not be limited to, the following:

1. To develop a written statement of the purpose, scope, and philosophy of the services to be provided by the center and written policies under which the center will operate;
2. To ensure that the center's activities, services, and facilities are maintained in compliance with [:] these minimum standards; [with] the terms of the current license issued by the department; [with] other relevant federal, state, and local laws and regulations [including the Americans with Disabilities Act and state law regarding disabilities;] and [with] the center's own policies and procedures; and
3. To identify in writing the individuals responsible for the day-to-day operations and implementation of both these regulations and the facility's policies.

[§ 2.8. § 2.7.] No center "shall make, publish, disseminate, circulate, or place before the public, or cause, directly or indirectly, to be made...an advertisement of any sort regarding services or anything so offered to the public, which ... contains any promise, assertion, representation, or statement of fact which is untrue, deceptive, or misleading" (§ 63.1-196 of the Code of Virginia).

[§ 2.9. § 2.8.] The center shall maintain public liability [insurance] for bodily injury with a minimum limit of at least \$500,000 each occurrence and \$500,000 aggregate or have equivalent self-insurance which is in compliance with

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local codes. Evidence of insurance coverage shall be made available to the department's representative upon request [unless the center is self-insured] .

[~~§ 2.10.~~ § 2.9. A school accident health insurance program for children enrolled shall be available for the parent to purchase. A plan of accident or school insurance shall be available to the parent. The center may designate whether the parent's participation in the plan is optional or mandatory.]

[~~§ 2.11.~~ § 2.10.] The center shall develop an annual plan for injury prevention. This plan shall be based on documentation of injuries and a review of the activities and services.

[~~§ 2.12.~~ § 2.11.] The center shall develop a playground safety plan which shall include:

1. Provision for active supervision by staff; [and]
2. Positioning of staff on the playground to help meet the safety needs of children; and
3. [Schedule and method to maintain the required Method of maintaining] resilient surface.

[~~§ 2.13.~~ § 2.12.] Hospital operated [child care] centers may temporarily exceed their licensed capacity during a natural disaster [or other catastrophe] if:

1. The center has developed a plan with defined limits for its emergency operation, and
2. The center has received prior approval of [the plan by] the department. The department may monitor the center during this time and impose additional requirements for the safety of children or withdraw the approval to exceed the capacity.

[§ 2.13. If children 13 years or older receive supervision in the licensed program, the center's licensed capacity shall be reduced by one for each child 13 years of age or older.]

Article 3. Policies and Procedures.

§ 2.14. Before a child's [admission and before staff are allowed to supervise children enrollment] , parents [and staff] shall be provided [in writing] the following:

1. [Operational Operating] information:
 - a. The center's purpose, scope, philosophy, and any religious affiliations;
 - b. The hours and days of operation [; specific hours during which special activities are offered;] and holidays or other times closed;

c. The procedures for admission and registration of children [and removal of children from the rolls, including the amount of notice required from the parent and the center before removal from the rolls] ;

d. Fees and tuition including whether participation in the accident or school insurance is mandatory;

e. The program and services provided and the ages of children accepted;

[f. Provisions for children with a developmental delay and any special services offered if special needs children are accepted;]

[g. f.] Organizational chart or other description of established lines of authority for persons responsible for center management within the organization;

[h. g.] Reasons [for the center to terminate enrollment of the child and procedures for removal of children from rolls including the amount of notice required for the parent and center before removal from the program] ; and

[i. h.] Licensing information found in Appendix I.

2. Arrival and departure for children:

[a. Procedures for caring for a child who may arrive after any scheduled start time of the center;

b. Procedures to confirm absence of a child from the center when the child attends more than one care or educational arrangement a day;]

[e. a.] Policy governing a parent picking up a child after closing hours and procedures if the child is not picked up;

[d. b.] Policy for release of children from the center only to responsible persons for whom the center has written authorization; and

[e. c.] Procedures for protecting children from traffic and other hazards during arrival and departure and when crossing streets.

3. Program and activities:

a. Procedures [and policies] about accepting and storing children's personal belongings;

b. Discipline policies including acceptable and unacceptable discipline measures;

c. Food policies; and

d. Transportation safety policies and procedures when provided.

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4. Health and emergencies:

[a. Procedures for identifying where attending children are at all times including field trips;]

[b. a.] Procedures for storing and giving children's medications; [and]

[c. Procedures for action in case of lost or missing children, ill or injured children, medical emergencies, and natural disasters, including but not limited to fire, flood, or other severe weather; and]

[d. b. Procedures Policy] for reporting [suspected] child abuse.

[§ 2.15. Before staff are allowed to supervise children, staff shall be provided with the information listed in § 2.14 and the following:

1. Procedures for caring for a child who may arrive after any scheduled start time of the center;

2. Procedures to confirm absence of a child from the center when the child attends more than one care or educational arrangement a day;

3. Procedures for identifying where attending children are at all times including field trips; and

4. Procedures for action in case of lost or missing children, ill or injured children, medical emergencies, and natural disasters, including but not limited to fire, flood, or other severe weather.]

Article 4.

Records, Logs, and Reports.

[§ 2.15. § 2.16.] General record keeping.

A. All children's records and personnel records shall be treated confidentially with access restricted to [staff and] officials under the authority of the Code of Virginia. Children's records [may shall] also be available to the custodial parent [unless otherwise provided in the law] .

B. Records, logs, and reports shall be kept [current] . [Records may be kept at a central location except as indicated otherwise in these standards.]

C. All records, logs, and reports on children and staff required by these standards shall be maintained and accessible for two years after termination of enrollment or employment unless specified otherwise.

[§ 2.16. § 2.17.] Children's records.

Each center shall maintain and keep at the [facility center] a separate record for each child [enrolled] which shall contain the following information:

1. Name, nickname (if any), sex, and birth date of the child;

2. Name, home address, and home phone number of each parent who has custody;

3. When applicable, work phone number and place of employment of each parent who has custody;

4. Name and phone number of child's physician;

5. Name, address, and phone number of two designated people to call in an emergency if a parent cannot be reached;

6. Names of persons authorized to pick up the child. Appropriate [eustodial legal] paperwork shall be on file when the [custodial] parent requests the center not to release the child to the other parent;

7. Allergies and intolerance to food, medication, or any other substances, and actions to take in an emergency situation;

8. Chronic physical problems [; special abilities; or developmental delays; if any; and pertinent developmental information;]

9. Health information as required by [§§ 2.26 §§ 2.27] through [2.28 2.29] of these regulations;

[Exception: When a center is located in the same building where a child attends school and the child's record has a statement verifying the school's possession of the health record, the center is not required to maintain duplicates of the school's health record for that child

10. Written agreements between the parent and the center as required by §§ 2.21 and 2.22;]

[10. 11.] Name of any additional programs or schools that the child is concurrently attending and the grade or class level; [and]

[11. Admission date; and]

12. Enrollment termination date [when applicable] .

[§ 2.17. § 2.18.] Staff records.

Staff records shall be kept for paid staff and volunteer personnel which shall include the following:

1. Name, address, [birth date verification of age requirement] , job title, and date of employment or volunteering;

2. Documentation that two or more references as to character and reputation as well as competency were checked before employment or volunteering. If a reference check is taken over the phone,

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documentation shall include dates of contact, names of persons contacted, the firms contacted, results, and signature of person making call.

Exception: Reference checks are not required for:

a. Staff hired before April 1, 1986, in centers initially licensed before July 1, [~~1992~~ 1993], and

b. Staff who began work before July 1, [~~1992~~ 1993], in [previously excepted] centers that were initially [required to be] licensed after July 1, [~~1992~~ 1993].

3. A criminal record check as required by the Regulation for Criminal Record Checks [for Child Welfare Agencies]; [and]

Note: [A ~~criminal~~ Criminal] record [~~check is~~ checks are] required for volunteers, except for parent volunteers as defined in the Regulation for Criminal Record Checks, who at any time would be alone with, in control of, or supervising one or more children outside the physical presence of a paid facility staff member.

4. Name, address, and telephone number of a person to be notified in an emergency [which shall be kept at the center] ;

5. Written information to demonstrate that the individual possesses the education, orientation training, staff development, certification, and experience required by the job position;

6. First aid and other certification as required by the responsibilities held by the staff member;

7. Health information as required by [§§ ~~2.20~~ §§ 2.30] through [~~2.31~~ 2.32] of these regulations;

8. Information [, to be kept at the center,] about any [~~chronic~~] health problems [; drug reactions, allergies, medication taken, and any other health concerns which may interfere with fulfilling the job responsibilities]; [and]

9. Date of termination when applicable.

[§ ~~2.18~~ § 2.19.] The center shall keep a written log of the following:

1. Children in attendance each day;

2. Medication given to children as required by [subdivisions 1 through 4 of] § 7.17 [~~subdivisions 1 through 4~~] ;

3. Children's accidents or injuries as required in [§ ~~7.32~~] subdivisions 1 through 7 [of § 7.35] ;

4. Quarterly asbestos inspections as required in [

subdivision C 2 of] § 4.2 [~~C 2~~] ; and

5. Emergency evacuation practice drills as required in [§ ~~7.26~~ § 7.29.]

[§ ~~2.19~~ § 2.20.] Reports shall be filed and maintained as follows:

1. The center shall inform the commissioner's representative within two working days of the circumstances surrounding the following incidences:

a. Death of a child, and

b. Missing child when local authorities have been contacted for help.

2. Any suspected incidence of child abuse shall be reported in accordance with [§] 63.1-248.3 of the Code of Virginia.

Article 5.

[Admissions Enrollment] and Termination Procedures.

[§ ~~2.20~~ § 2.21.] A written agreement between the parent and the center shall be in each child's record at the time of the child's [admission enrollment] . The agreement shall be signed by the parent and include:

1. An authorization for emergency medical care should an emergency occur when the parent cannot be located immediately, and

2. A statement that the center will notify the parent when the child becomes ill and that the parent will arrange to have the child picked up as soon as possible.

[§ ~~2.21~~ § 2.22.] When applicable, written permission from the parent authorizing the child's participation in the center's transportation and field trips shall be in the child's record.

[§ 2.23. Reserved.]

[§ ~~2.22~~ § 2.24.] The phone number of the center shall be given to the parent upon the child's enrollment.

[§ ~~2.23~~ Before enrolling a child with a developmental delay, the center shall verify the child's independent skill level to assure that adequate care can be provided by the center. An assessment shall include guidance from the child's parent(s) and a professional familiar with the child or his developmental delay.]

[§ ~~2.24~~ § 2.25.] When a center decides to terminate the enrollment of a child, the center shall provide the parent in writing the reasons for termination.

[§ ~~2.25~~ § 2.26.] Before the admission of a preschool or

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younger child, there shall be [a] personal [interview at the facility with communication among] a staff person, the parent, and the child unless there are unusual circumstances which do not allow the child to be present for the [initial interview communication]. The purpose of the [interview communication] shall be to provide the opportunity for the parent and staff to share information and agree about the admission of the child.

Article 6. Health for Children and Staff

[§ 2-26. § 2.27.] Immunizations for children.

A. Regulations by the State Board of Health for the immunization of school children require documentation of all age appropriate immunizations prescribed in the regulations before each child's [admission enrollment] to a center licensed by this Commonwealth.

Exemptions (subsection C of § 22.1-271.2 of the Code of Virginia and § 3.03 of the Regulations for the Immunizations of School Children.): Documentation of immunizations is not required for any child whose (i) parent submits an affidavit to the center, on the form entitled "Certification of Religious Exemption," stating that the administration of immunizing agents conflicts with the parent's or child's religious tenets or practices, or (ii) physician or a local health department states on a MCH 213B [or MCH 213C] Form that one or more of the required immunizations may be detrimental to the child's health.

B. Updated information on immunizations received shall be obtained once every six months for children under the age of two years.

C. Updated information on immunizations received shall be obtained once between each child's fourth and sixth birthdays.

[§ 2-27. § 2.28.] Physical examinations for children.

Each child shall have a physical examination by or under the direction of a physician before [admission enrollment] or within one month after [admission enrollment]. The schedules for examinations prior to [admission enrollment] for children are listed below:

1. Within two months prior to [admission enrollment] for children six months of age and younger;
2. Within three months prior to [admission enrollment] for children aged seven months through 18 months;
3. Within six months prior to [admission enrollment] for children aged 19 months through 24 months; [and]
4. Within 12 months [before admission prior to enrollment] for children two years of age through

five years of age [; and] .

[~~5. Within two years before admission for children six years of age and above.]~~

Exceptions:

1. Children transferring from a facility licensed by the Virginia Department of Social Services, certified by a local department of public welfare or social services, [registered as a small family day home by the Virginia Department of Social Services or by a contract agency of the Virginia Department of Social Services,] or approved by a licensed family day [care] system:

a. If the initial report or a copy of the initial report of immunizations is available to the admitting facility, no additional examination is required.

b. If the initial report or a copy of the initial report is not available, a report of physical examination and immunization is required in accordance with [§§ 2-26 and 2-27 §§ 2.27 and 2.28] .

2. (Subsection D of § 22.1-270 of the Code of Virginia): Physical examinations are not required for any child whose parent objects on religious grounds. The parent must submit a signed statement noting that the parent objects on religious grounds and certifying that to the best of the parent's knowledge the child is in good health and free from communicable or contagious disease.

[§ 2-28. § 2.29.] Form and content of immunizations and physical examination reports for children.

A. The current form required by the Virginia Department of Health shall be used to report immunizations received and the results of the required physical examination. See Appendix II for a copy of this form. Exception: When the current Health Department form has not been used such as, but not limited to, when a child transfers from another state, other documentary proof of the child having received the required examination and immunization shall be accepted. Documentary proof may include, but not be limited to, an International Certificate of Immunization, another state's immunization form, or a physician's letterhead.

B. Each report shall include the date of the physical examination and dates immunizations were received.

C. Each report shall be signed by a physician, his designee, or an official of a local health department.

[§ 2-29. § 2.30.] Tuberculosis examination for staff.

A. Each staff member, including the licensee, administrator, and volunteer personnel, shall obtain and submit a statement that he is free of tuberculosis in a communicable form. The statement shall be submitted no

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later than [~~three~~ five] working days after employment and shall:

1. Be dated within 30 days before or [~~three~~ five] working days after employment of the individual;
2. Include the type(s) of test(s) used and the results; and
3. Include the signature of the physician, the physician's designee, or an official of a local health department.

[~~Exception:~~ Exceptions:] When a staff member terminates work at one licensed facility or public or private school and begins work at a licensed center with a gap in service of six months or less, the previous statement of tuberculosis screening may be transferred to the licensed center. [Centers newly subject to licensure do not need to require staff hired before the effective date of these regulations to submit a statement of tuberculosis screening.]

B. The tuberculosis examination shall be repeated as required by a licensed physician or the local health department.

C. Any staff member who comes in contact with a known case of tuberculosis or who develops chronic respiratory symptoms shall within one month after exposure or development receive an evaluation in accordance with [§ 2-20 A B of these regulations subsections A and B of this section] .

[§ 2-20 § 2.31] When there [~~are indications~~ is evidence] that the safety of children may be jeopardized by the physical health or mental health of a staff member or volunteer, a report of examination of this person by a physician or, if appropriate, a clinical psychologist skilled in the diagnosis and treatment of mental illness shall be obtained. The request for obtaining an examination may come from the licensee, administrator, or department.

[§ 2-21 § 2.32.] If a staff member's or volunteer's examination or test results indicate that his physical or mental condition may [~~jeopardized~~ jeopardize] the safety of children or prevent his performance of duties, the staff member shall not be allowed contact with children or food served to children. The staff member may return when his condition is cleared to the satisfaction of the physician or clinical psychologist as evidenced by a signed, dated statement from the physician or clinical psychologist.

PART III. PERSONNEL.

Article 1. General Qualifications.

§ 3.1. No staff shall have been convicted of a felony or a misdemeanor related to abuse, neglect, or exploitation of

children or adults.

§ 3.2. All staff shall understand and be sensitive to the varying capabilities, interests, needs, and problems of children in care.

§ 3.3. All staff shall be:

1. Of good character and reputation;
2. Capable of carrying out assigned responsibilities;
3. Willing and able to accept training and supervision;
4. Able to communicate effectively both orally and in writing as applicable to the job responsibility; and
5. Able to understand and apply the minimum standards in this booklet which relate to their respective responsibilities.

§ 3.4. All staff who work directly with children shall have the [~~abilities~~ ability] to:

1. Communicate with emergency personnel and understand instructions on a prescription bottle;
2. Communicate effectively and appropriately with the age group to [~~whom~~ which] the staff person is assigned;
3. Communicate effectively with parents;
4. Provide a stimulating and safe environment for the age group to [~~whom~~ which] the staff person is assigned; and
5. Use materials, activities, and experiences to encourage children's growth and development.

Article 2. Qualifications by Job Responsibility.

§ 3.5. All staff who work in multiple positions within the center shall meet the qualifications for each position. Note: Personnel titles used in the standards are descriptive only. Centers are not required to use the same titles. The [administrator or] program director may have responsibilities for several centers at one site.

§ 3.6. Administrators.

[There shall be an administrator designated to be in charge of the total operation of the center.] Administrators [~~performing some of the~~ hired after the effective date of these regulations who perform responsibilities of the program director shall be at least 21 years of age and shall possess [: †. An an] endorsement [or ,] bachelor's degree [or associate degree] in a child related field from an accredited college or university and one year of programmatic experience in the group care of

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children.

[2: An associate degree in a child related field from an accredited college or university and one year of programmatic experience in the group care of children.]

[Exception: Montessori preschools may meet the alternative requirements in the Montessori Module.]

§ 3.7. [There shall be a program director designated to be responsible for developing and implementing the activities and services offered to children.] There may be one program director for several types of centers at one site or there may be one program director for each type of center at one site. If a program director is responsible for a center with school age children and a center with children of preschool age or younger, the qualifications applicable to both school age and preschool age and younger shall apply.

§ 3.8. Program directors for centers with children of preschool age or younger.

A. Program directors hired or promoted before [July 1, 1992, the effective date of these regulations] shall have until July 1, [1994 1996], to meet the qualifications of [§ 3.8 B subsection B of this section]. Program directors hired or promoted after [July 1, 1992, the effective date of these regulations] shall meet the qualifications of [§ 3.8 B subsection B of this section] immediately.

B. Program directors for centers with children of preschool age or younger shall be at least 21 years of age and possess [one of the following] :

1. A graduate degree in a child related field from an accredited college or university and six months of [age appropriate,] programmatic experience in the group care of children; or

2. An endorsement or bachelor's degree in a child related field from an accredited college or university and one year of [age appropriate,] programmatic experience in the group care of children; or

3. Forty-eight semester hours or 72 quarter hours of college credit from an accredited college or university of which 12 semester hours or 18 quarter hours are in subjects relating to group care of children and one year of [age appropriate,] programmatic experience in the group care of children; or

4. Two years of [age appropriate,] programmatic experience in the group care of children, of which one year of this experience shall be in a staff supervisory capacity, and at least one of the following educational backgrounds:

a. Forty-eight semester hours or 72 quarter hours of college credit from an accredited college or

university; [or]

b. One year early childhood certificate; or

c. A Child Development Associate credential [or equivalent as determined by the department based on documentation supplied by those claiming equivalency.]

[Note: For the programmatic experience to be considered age appropriate at least some of the experience shall be with children of preschool age or younger.

Exception: Montessori preschools may meet the alternative requirements in the Montessori Module.]

§ 3.9. Back-up for program directors.

A. For centers operating eight hours or more per day, if the program director is regularly present in the facility fewer than four hours per day, there shall be an officially designated person who shall assume the responsibility in the absence of the program director and meet the qualifications of § 3.8. In addition, if the program operates multiple shifts for working parents, a program director shall be regularly present for at least four hours of each shift or have a back-up program director who shall assume responsibility in the absence of the director and meet the qualifications of § 3.8. The grandfather clause as stated in [subsection A of] § 3.8 [A] shall also apply to back-up program directors.

B. For centers operating eight hours or less per day, if the program director is regularly present in the facility less than 50% of the hours of operation, there shall be an officially designated person who shall assume responsibility in the absence of the program director and meet the qualifications of § 3.8. The grandfather clause stated in [subsection A of] § 3.8 [A] shall also apply to back-up program directors.

[Exception: Montessori preschools may meet the alternative requirements in the Montessori Module.]

§ 3.10. Program leaders and child care supervisors.

Program leaders and child care supervisors shall be at least 18 years of age and have a high school diploma or G.E.D. In addition, program leaders and child care supervisors who are hired or promoted after [July 1, 1992, the effective date of these regulations] and who work with children of preschool age or younger shall meet the program director qualifications in § 3.8 or possess [one of the following:]

1. An endorsement or bachelor's degree in a child related field from an accredited college or university; or

2. Forty-eight semester hours or 72 quarter hours of college credit from an accredited college or university

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of which 12 semester hours or 18 quarter hours are in subjects relating to group care of children and six months of [age appropriate,] programmatic experience in the group care of children; or

3. A one year early childhood certificate from an accredited college or university and six months of [age appropriate,] programmatic experience in the group care of children; or

4. A Child Development Associate credential; or

5. One year of [age appropriate,] programmatic experience in the group care of children and participation in a staff training plan [of at] least 10 hours. The training plan shall reflect developmentally appropriate practices and be conducted within six months of employment [or promotion to a program leader] at the center.

[Note: For the programmatic experience to be considered age appropriate, at least some of the experience shall be with children of preschool age or younger.

Exception: Montessori preschools may meet the alternative requirements in the Montessori Module.]

§ 3.11. Aides.

Aides shall be at least 16 years of age and shall meet the general qualifications, health, orientation training, and staff development requirements for the applicable position.

§ 3.12. Volunteer personnel.

Volunteer personnel shall meet the qualifications for the applicable position.

§ 3.13. Volunteers.

[A.] The duties of volunteers shall be clearly defined.

[§ 3.14. B.] Volunteers who work with children of preschool age or younger shall be at least 14 years of age.

Article 3.

Staff Orientation Training and Development.

[§ 3.15. § 3.14.] Orientation training.

Before assuming job responsibilities, all staff shall receive the following training and shall certify in writing that all the required training was received:

1. Job responsibilities and [who to whom] they report [to] ;

2. The policies and procedures listed in [subdivisions 1 through 4 of § 2.14 §§ 2.14 and 2.15] that relate to the staff member's responsibilities;

3. The center's playground safety plan unless the staff member will have no responsibility for playground activities or equipment;

4. Confidential treatment of personal information about children in care and their families; and

5. The minimum standards in this booklet which relate to the staff member's responsibilities.

[§ 3.16. § 3.15.] Staff development.

A. The center shall have a plan for staff development.

B. Staff development activities to meet [§§ 3.16 C and 3.17 subsection C of this section] shall:

1. Be related to children and the function of the center;

2. Consist of some sources outside the center which may include but not be limited to audio and visual tapes, conferences, and workshops;

3. Be from someone with verifiable expertise or experience when conducted as in-service training; [and]

4. Include annually the topics of safety for children, child development and discipline, and playground supervision for staff [; and] .

[5. Include, for program directors of centers serving one or more children with a developmental delay and for staff who work directly with one or more children with a developmental delay, training related to the child's developmental delay; main-streaming; and special accommodations. For program directors the training shall be from sources with verifiable expertise and come from outside resources such as college courses, workshops, or training sessions.]

C. In addition to first aid and orientation training required elsewhere in these regulations, employed staff who work directly with children shall annually attend eight hours of staff development activities.

[Exception: Montessori preschools may meet the alternative requirements in the Montessori Module.]

[§ 3.17. In addition to first aid and orientation training required elsewhere in these regulations, employed staff who work directly with children shall annually attend twelve hours of staff development activities.]

[§ 3.18. § 3.16.] There shall be at least one staff member on duty at all times who has obtained instruction in performing the daily health observation of children. This instruction shall be obtained from a physician, registered nurse, or health department medical personnel at a three-year interval.

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PART IV. PHYSICAL PLANT.

Article 1. Approval from Other Agencies.

§ 4.1. Requirements prior to initial licensure

A. Before issuance of initial license and before use of newly constructed, renovated, remodeled, or altered buildings or §§ of buildings, written documentation of the following shall be provided by the applicant or licensee to the licensing representative:

1. Inspection and approval of [~~the~~] buildings from the [~~local building official~~ appropriate authority] ; and

2. Inspection and approval from the local health department, or approval of a plan of correction, for meeting requirements for:

- a. Water supply;
- b. Sewerage disposal system; and
- c. Food service, if applicable.

Exception: Any building which is currently approved for school occupancy and which houses a public or private school during the school year shall be considered to have met the requirements of [subdivision A 1 of] § 4.1 [A 1] when housing a center [only] serving children two and a half years of age or older.

B. If a building was under construction before 1978, a written statement from a Virginia licensed asbestos inspector and management planner shall be submitted before initial licensure in order to comply with § 63.1-198.01 of the Code of Virginia. The statement shall include:

1. Verification that the building in which the child [~~care day~~] center is located was inspected for asbestos according to [~~the Survey Standards for the Inspection of Child Care Centers for the Presence of Asbestos effective January 1989~~ the requirements of the Asbestos Hazard Emergency Response Act - 40 CFR Part 763 - Asbestos Containing Materials in Schools] ;

2. The dates of the inspection;

3. Whether asbestos was found in the building;

4. Signature of the licensed asbestos inspector and management planner, including the Virginia [~~Department of Commerce~~] license numbers [: ; and]

5. If asbestos is found or assumed [~~and not removed~~] , the statement shall include:

a. The location of any significant asbestos hazard areas;

[~~b. Response actions recommended by the inspector; and~~]

[~~e. b.] Verification of completion of the management plan [: ;]~~

[~~c. Response actions recommended by the inspector; and~~

d. Verification that response actions have been completed.

Exception: Private, nonprofit schools providing educational instruction to children five years of age or older are also subject to the federal requirements of the Asbestos Hazard Emergency Response Act (AHERA). Private, nonprofit schools which are also subject to licensure and have had an asbestos inspection completed prior to the implementation of these regulations may submit the letter of completion they have received from the Department of Education, in lieu of the requirements of this subsection .

Private, nonprofit schools subject to the federal AHERA requirements, but which have not already received an asbestos inspection must comply with subsections B and C of this section.]

C. If asbestos was found in the building, before a license will be issued the prospective licensee shall:

1. Submit to the department a signed, written statement that:

[~~a. Response actions to remove all asbestos containing materials have been completed or~~]

[~~a. b.] The recommendations of the operations and maintenance plan will be followed [; ~~b. Appropriate~~ , appropriate] staff will receive the necessary training [;] and [~~e. Documentation~~ documentation] of required [~~quarterly~~] inspections will be completed.~~

[2. Maintain documentation of removal at the center for review by the department's representative.]

[~~2- 3.] Send written notification to the parents, department, and other adult occupants of the building about the presence and location of the asbestos containing material as well as the advisement that the asbestos inspection report and operation and maintenance plan are available for review. A copy of this notification shall be submitted to the department.~~

[Note: The department may request that the complete asbestos inspection report and operations and maintenance plan be submitted for review.]

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Exception: The asbestos requirements of [§ 4.1 B C subsections B and C of this section] do not apply to child [care day] centers located in a [currently operating] public school building or a state owned building since the asbestos requirements of these buildings are regulated by other agencies.

§ 4.2. Requirements subsequent to initial licensure.

A. Every 12 months, written documentation shall be obtained and provided to the licensing representative of inspection and approval from the appropriate fire prevention official that the center's facility complies with the Statewide Fire Prevention Code.

B. Subsequent to initial licensure, and as required by the local health department, written documentation shall be provided of any additional inspections and approvals, or approvals of a plan of correction, for meeting:

1. Water supply;
2. Sewerage disposal system; and
3. Food service, if applicable

C. For those buildings where asbestos containing materials are found or assumed and not removed:

1. The administrator or a designated staff member shall take the required asbestos training as specified in the operations and maintenance plan for the facility [: ;]

2. The administrator or a designated staff member who has received the required asbestos training shall conduct [quarterly visual] inspections of all asbestos containing materials [according to the schedule recommended in the management plan] and document the date and the findings of these inspections [: ; and]

3. New parents and new adult occupants of the building shall be provided written notification of the presence and location of asbestos in the building and be advised that the asbestos inspection report and operations and maintenance plan are available for their review. A copy of this written notification shall be maintained at the [facility center] for review by the department's representative.

D. For those buildings where asbestos containing materials have been found or assumed and asbestos has been removed, the center shall maintain at the [facility center] documentation of that removal for review by the department's representative. [Unless all asbestos containing materials have been removed, the operations and maintenance plan shall be followed for any remaining asbestos material.]

[Exception: Subsections C and D do not apply to child

day centers located in a currently operating public school building or a state owned building since the asbestos requirements of these buildings are regulated by other agencies.]

Article 2. General Requirements.

§ 4.3. The facility's areas and equipment, inside and outside, shall be:

1. Maintained in clean and sanitary condition;
2. Maintained in conditions that are safe and free of hazards such as but not limited to sharp points or corners, splinters, protruding nails, loose rusty parts, and objects small enough to be swallowed; and
3. Maintained in operable condition.

[Exception: Montessori preschools may meet the alternative requirements in the Montessori Module.]

[§ 4.4. The facility's areas shall be accessible to all children served.]

[§ 4.5. § 4.4.] Heating provisions.

A. A heating system shall be provided. The heating system shall meet the following specifications:

1. It shall be approved by the appropriate building official;
2. Heating shall not be provided by stoves;
3. It shall be installed to prevent accessibility of children to the system; and
4. It shall have appropriate barriers to prevent children from being burned, shocked, or injured from heating equipment. In addition, proper supervision shall be available to prevent injury.

Exception: In case of emergency, portable electric or kerosene heaters may be used if they have been previously inspected and approved by the appropriate building official.

B. In areas used by children, the temperature shall be maintained no lower than 68° F.

[§ 4.6. § 4.5.] Fans or other cooling systems shall be used when the temperature of areas used by children exceeds [85° 80°] F.

[§ 4.7. Provisions for water shall be as follows:]

[± § 4.6.] Drinking water fountains or individual disposable cups, or both, shall be provided. Drinking water shall be available and accessible at all times.

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[~~2.~~ Where portable water coolers are used, they shall be of easily cleanable construction, maintained in a sanitary condition, kept securely closed, and so designed that water may be withdrawn from the container only by water tap or faucet. Individual disposable cups shall be provided.]

[~~§ 4.8.~~ § 4.7.] Building equipment shall include, but not [be] limited to, the following:

1. Outside lighting provided at entrances and exits used by children before sunrise or after sundown;
2. A working, nonpay telephone;
3. First aid [kit or] kits; and
4. Provision for locking medication as described in § 7.16.

[~~§ 4.8.~~ § 4.8.] Hazardous substances and other harmful agents.

A. No center shall be located where conditions exist that would be hazardous to the health and safety of children.

B. Hazardous substances such as cleaning materials, insecticides, and pesticides shall be kept away from food preparation and storage areas and in a locked place using a safe locking method that prevents access by children. If a key is used, the key shall not be accessible to the children.

C. Hazardous substances shall be stored in the original container unless this container is of such a large size that its use would be impractical.

D. If hazardous substances are not kept in original containers, the substitute containers shall clearly indicate their contents and shall not resemble food or beverage containers.

E. Cosmetics, medications, or other harmful agents of staff members shall not be stored in areas, purses or pockets that are accessible to children.

F. Hazardous art and craft materials, such as those listed in Appendix III, shall not be used with children.

[~~§ 4.10.~~ § 4.9.] In areas used by children of preschool age and younger, the following shall apply:

1. Steps with three or more risers shall have:
 - a. Handrails within the normal handgrasp of the children or
 - b. A banister with vertical posts, between the handrail and each step, which can be safely grasped by the children. The distance between the posts shall be no greater than three and one half inches.

2. Poisonous plants shall not be allowed in the facility or the outdoor activity area. When children are away from the center site, staff shall take precautions to prevent children from being poisoned by ingestion of or contact with plants.

3. Fans, when used, shall be secured and out of reach of children.

4. All electrical outlets shall have protective caps or other equivalent, approved, protective devices and [be] of a size that [~~can not~~ cannot] be swallowed by children.

[§ 4.10. Reserved]

[§ 4.11. Reserved]

[§ 4.12. Reserved]

[§ 4.13. Reserved]

Article 3. Indoor Areas.

[~~§ 4.11.~~ § 4.14.] There shall be 25 square feet of indoor space available to [~~each child when~~ children where] activities are conducted.

[~~Exception: Centers licensed on July 1, 1992, may continue to operate at its current capacity until July 1, 1994.~~ Exception: Centers in operation before the effective date of these regulations and newly subject to licensure may have until July 1, 1996, to meet this requirement.]

[~~§ 4.12.~~ § 4.15.] Areas not routinely used for children's activities shall not be calculated as available activity space. Space not calculated shall include, but not be limited to, offices, hallways, restrooms, kitchens, storage rooms/closets, and space occupied by equipment which is not used in or does not contribute to the children's activities.

[~~§ 4.13.~~ § 4.16.] A place away from the children's activity area shall be designated for children who are ill, injured, tired, or emotionally upset.

[~~§ 4.14.~~ § 4.17.] When allowed, staff smoking shall occur only in enclosed rooms that are separate from children. Smoking shall not be allowed in areas used by children or in the presence of children.]

[~~§ 4.15.~~ § 4.18.] Activity space shall be arranged so that when playing on the floor, children at each developmental stage shall be protected from children at more advanced developmental stages.

[~~§ 4.16.~~ § 4.19.] Space in areas used by infants shall be calculated separately from space for older children. One of the following methods to calculate available activity space for infants shall be used:

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1. Centers shall have a minimum of 25 square feet of available activity space per infant when space occupied by cribs and changing tables is deducted from the calculation of available activity space or

[§ 4.26. Reserved.]

2. Centers shall have a minimum of 35 square feet of available activity space per infant when space occupied by cribs and changing tables is included in the calculation of available activity space.

[§ 4.27. Reserved.]

] § 4.28. Reserved.]

[§ 4.20. § 4.29.] Requirements for centers with children who are not toilet trained.

Article 4. Restroom Areas and Furnishings.

[§ 4.20. Centers shall have at least two toilets and two sinks.]

[§ 4.17. § 4.21.] Each restroom provided for children shall:

1. Be within a confined area;
2. Be accessible and within the building used by the children;
3. Have toilets that are all flushable;
4. Have sinks that are all equipped with running water which does not exceed 120° F; and
5. Be equipped with soap, toilet paper, and disposable towels.

[§ 4.18 § 4.22.] For restrooms available to boys, urinals may be substituted for not more than one-half the required number of toilets, provided the center has at least two toilets.

[§ 4.10 § 4.23.] An adult size toilet with privacy shall be provided for staff use. Staff toilets may be counted in the number of required toilets for children only if children are allowed unrestricted access to them on a routine basis.

[§ 4.24. Restroom areas shall have at least one toilet and one sink for every 15 preschool children. When sharing restroom areas with other programs, the children in the other programs shall be included in the toilet and sink ratio calculations. The toilet and sink ratio appropriate to the younger age group shall apply.

Exceptions: Centers in operation before the effective date of these regulations and newly subject to licensure may have until July 1, 1996, to meet this requirement and Montessori preschools may meet the alternative requirements in the Montessori Module.

§ 4.25. When child size toilets, urinals, and low sinks are not available in restrooms used by children of preschool age and younger, one or more platform or set of steps shall be available so that children may use adult size toilets and sinks without help or undue delay.]

A. Centers that serve children [; regardless of age,] who are not toilet trained shall provide a diapering area [located in the area for children or in a room which opens directly into the area for children, which allows for sight and sound supervision of children in the classroom or is accessible and within the building used by children if the staff-to-children ratios required by [subdivisions 1 through 4 of] § 5.17 [± through 4] are maintained in the classroom.] The diapering area shall have at least the following:

1. A sink with [heated and cold running water running warm water not to exceed 120° F] ;
 2. A [changing table or counter equipped with a] nonabsorbent surface for changing diapers;
 3. A leakproof storage system for diapers that is not hand generated; [and]
 4. A covered receptacle for soiled bed linens [; and]
- [5. Soap and disposable towels.]

B. For every 10 children in the process of being toilet trained there shall be at least one toilet chair, or one child-sized toilet, or at least one adult sized toilet with a platform or steps and an available adapter seat. [These The location of these] items shall [either be located in the area used for the majority of the day by the children being toilet trained or the immediately accessible area. To be considered immediately accessible, the diapering area shall be located in a room which opens directly into the area for children, allow for sight and sound supervision of children in the classroom or be accessible and within the building used by children if the staff to children ratios required by subdivisions 1 through 4 of § 5.17 are maintained in the classroom while other children are being escorted to toileting locations.]

C. When only toilet chairs are used, there shall be a toilet located in an area or room in which the door is not more than 10 feet from the area used for the majority of the day by the children being toilet trained.

[§ 4.21. Restroom areas shall have at least one toilet and one sink for every 15 preschool age children. When sharing restroom areas with other programs, the children in the other programs shall be included in the toilet and sink ratio calculations. The toilet and sink ratio appropriate to the younger age group shall apply. The

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younger age group ratio is one toilet and one sink for every 15 children.

§ 4.22. When child size toilets, urinals, and low sinks are not available in restrooms used by children of preschool age and younger, one or more platform or set of steps shall be available so that children may use adult size toilets and sinks without help or undue delay.]

Article 5. Outdoor Areas.

[§ 4.23. Centers may have until July 1, 1994, to meet §§ 4.24 through 4.27 if §§ 5.11 through 5.20 of the 1989 version of the Minimum Standards for Licensed Child Care Centers are met. Please see Appendix IV for §§ 5.11 through 5.20 of the 1989 regulations.

§ 4.30. Centers in operation before the effective date of these regulations and newly subject to licensure may have until July 1, 1996, to meet the requirements of §§ 4.30 through 4.38.]

[§ 4.24. § 4.31.] The outdoor play area shall provide a minimum of 75 square feet of space per child in the area at any one time.

[§ 4.25. § 4.32.] Playgrounds shall be located [or and] designed in a way to protect children from hazardous situations.

[§ 4.26. § 4.33. Resilient While § 6.36 addresses the variety and amount of materials and equipment available for children, the specific playground equipment the center shall have is not designated. If playground equipment is provided, resilient] surfacing shall be placed under all fixed playground equipment with moving parts or climbing apparatus to create a fall zone [: free of hazardous obstacles. Fall zones are defined as the area underneath and surrounding equipment that requires a resilient surface. It shall encompass sufficient area to include the child's trajectory in the event of a fall while the equipment is in use. For recommendations concerning resilient surfacing, see Appendix IV.

Exception: Montessori preschools may meet the alternative requirements in the Montessori Module.]

[§ 4.27. The resilient surfacing areas shall consist of one of the following:

Critical Equipment Heights (in feet) for
Various Types and Depths of Resilient Material

Material	Uncompressed Depth			Compressed Depth
	6 inch	9 inch	12 inch	9 inch
Wood Mulch Double	7 ft	10 ft	11 ft	10 ft
Shredded— Bark Mulch Uniform	6 ft	10 ft	11 ft	7 ft
Wood Chips	6 ft	7 ft	12 ft	6 ft
Fine Sand	5 ft	5 ft	6 ft	5 ft
Coarse Sand	5 ft	5 ft	6 ft	4 ft

Fine Gravel	5 ft	7 ft	10 ft	6 ft
Medium Gravel	5 ft	5 ft	6 ft	5 ft

^ greater than

§ 4.28. Where a fall zone exists, the resilient surfacing shall be:

1. Immediately under equipment;
2. Extended to a minimum of six feet from the perimeter of the equipment;
3. Extended one additional foot beyond the requirement of subdivision 2 of § 4.28. for each foot of equipment height above six feet; and
4. Extended six feet in both directions of the motion of swings starting from a point 42 inches beyond the seat at its maximum attainable angle.

§ 4.29. Fall zones shall be free of all obstacles.]

[§ 4.30. § 4.34.] Ground footings or supports shall be in-ground below ground level.

[§ 4.31. § 4.35.] Equipment used by children shall:

1. Have no accessible openings [that are greater than between] 3 1/2 inches and [less than] nine inches;
2. Have closed S-hooks when provided; and
3. Have no protrusions, sharp points, shearing points, or pinch points.

[§ 4.32. § 4.36.] All [outdoor] swing seats shall be made of flexible material except for [special swing equipment for a child with a development delay infant swings if they are specifically designed to provide the necessary support required for infants and if the swings are located in a separate area where no other children can enter or walk around in the protected swing area] .

[§ 4.33. § 4.37.] Sandboxes with bottoms which prevent drainage shall be covered when not in use.

[§ 4.34. For children of preschool age and younger, horizontal clearances between swings shall be at least 16 inches.

§ 4.35. For children of preschool age and younger, unoccupied swing seats shall be between 12 to 15 inches from the ground.

§ 4.36. For children of preschool age and younger, slides and climbing equipment with platforms which are 20 inches or more from the ground shall have guardrails or protective barriers of at least 29 inches to prevent falls.

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§ 4.38. For outdoor activity areas used by toddlers and preschool children, the climbing portion of slides and climbing equipment shall not be more than seven feet high.]

§ 4.37. § 4.39.] Centers licensed for the care of infants and toddlers shall provide a separate playground area for these children which has at least 25 square feet of unpaved surface per infant/toddler on the outdoor area at any one time. This unpaved surface shall be suitable for crawling infants and for toddlers learning to walk. This space may be counted as part of the 75 square feet required in standard [§ 4.24 § 4.30.]

PART V. STAFFING AND SUPERVISION.

Article 1. Supervision of Staff and Volunteers.

§ 5.1. All aides, volunteer personnel, and volunteers shall be under the individual supervision of a staff member [on site] who meets the qualifications of a program leader, child care supervisor, or program director.

§ 5.2. Each person serving in the positions of a program director, back-up program director, [or] program leader or child care supervisor shall not be responsible for the individual supervision of more than two aides at any one time.

[Exception: In a training environment, aides used beyond the required staff-to-children ratio of subdivisions 1 through 4 of § 5.17 shall not be included in the above requirement.]

[§ 5.2. When with children, aides and volunteers under the age of 18 years shall be sight supervised by a staff member who meets the qualifications of a program leader/child care supervisor or program director.]

[§ 5.4. § 5.3] When with children, contract employees shall be sight supervised by a staff member unless the contract employee meets the personnel, health, and orientation training requirements for the applicable position.

Article 2. Supervision of Children.

[§ 5.4. All staff assigned responsibility for supervision of children shall ensure their care, protection, and guidance at all times.]

§ 5.5. During the center's hours of operation, one adult on the premises shall be in charge of the administration of the center. This person shall be either the administrator or an adult appointed by the licensee or designated by the administrator.

§ 5.6. There shall be [at least two staff] in each building

of the center and on field trips at all times when one or more children are present [: One of these shall meet the qualifications of a program leader/child care supervisor or program director. :]

[1. At least two staff, one of whom meets the qualifications of a program leader, child care supervisor or program director; or

2. One staff member who meets the qualifications of a program leader, child care supervisor or program director and a readily available designated support person with direct means for communication between the two of them.]

§ 5.7. In each grouping of children at least one staff member who meets the qualifications of a program leader, child care supervisor or program director shall be regularly present.

§ 5.8. [Children shall be within sight and sound supervision of staff at all times, except that staff need only be able to hear a child who is using the restroom. Staff shall check on a child who has not returned from the restroom after five minutes. Children under 10 years of age shall be within actual sight and sound supervision of staff at all times, except that staff need only be able to hear a child who is using the restroom provided that:

1. There is a system to assure that individuals who are not staff members or persons allowed to pick up a child in care do not enter the restroom area while in use by children and

2. Staff check on a child who has not returned from the restroom after five minutes.]

[§ 5.9. Reserved]

[§ 5.9. § 5.10.] When the outdoor activity area is not adjacent to the center, there shall be at least two staff on the outdoor activity area whenever one or more children are present.

[§ 5.10. § 5.11.] Staff shall greet each child upon arrival at the center and oversee each child's departure from the center.

[§ 5.11. § 5.12.] No toddler or infant shall be left unattended [while around water or while on an unconfined surface above floor level] .

Article 3. Staff-to-Children Ratio Requirements.

[§ 5.12. § 5.13.] Staff shall be counted in the required staff-to-children ratios only when they are directly supervising children.

[§ 5.13. § 5.14. Volunteers younger than 16 years of age A child volunteer not enrolled in the program] shall [not

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] be counted as a child in the staff-to-children ratio requirements.

[§ 5.14. § 5.15.] When children are regularly in ongoing mixed age groups, the staff to children ratio applicable to the youngest child in the group shall apply to the entire group.

[Exception: Montessori preschools may meet the alternative requirements in the Montessori Module.]

[§ 5.16. If the assessment of a child's developmental delay as required by § 2.24 does not indicate a 90% independent skill level, the ratio needs for specific activities shall be developed using appropriately adapted versions of the staff supervision form.]

§ 5.16. During the designated rest period, the ratio of staff to children may be double the number of children to each staff required [in subdivisions 1 through 4 of § 5.17, by subdivisions 2 through 4 of § 5.17] if:

1. A staff person is within sight and sound of the resting/sleeping children;
2. All staff counted in the overall rest period ratio are within the facility and available to assure safe evacuation in an emergency; and
3. An additional person is present at the center to help, if necessary.

§ 5.17. In each grouping of children, the following ratios of staff-to-children are required wherever children are in care:

1. For children from birth to the age of 16 months: one staff member for every four children;
2. For children 16 months old to two years: one staff member for every five children;
3. For children from two years to four years: one staff member for every 10 children; and

[Exception: Montessori preschools may meet the alternative requirements in the Montessori Module.]

4. For children from four years to the age of eligibility to attend public school [, five years by September 30] : one staff member for every 12 children.

[Exception: Montessori preschools may meet the alternative requirements in the Montessori Module.]

[§ 5.18. In each grouping of preschool children at nursery schools, the following ratios of staff shall be followed at all times instead of the ratios required by § 5.17:

1. For two-year-old children: one staff member for

every eight children; and

2. For children from three years to the age of eligibility to attend public school: one staff member for every 10 children.]

PART VI. PROGRAMS.

Article 1. Daily Schedule.

§ 6.1. There shall be a predictable sequence to the day but the schedule shall be flexible, based on children's needs.

§ 6.2. For centers operating more than two hours per day or more than two hours per session per day, outdoor activity shall be provided daily, weather allowing, according to the following:

1. If the center operates between two and five hours per day or per session, there shall be at least 15 minutes of outdoor activity per day [or per session]
2. If the center operates five hours or more per day or per session, there shall be at least one hour of outdoor activity per day [which shall be divided between morning or afternoon. or per session.]

[Exception: Exceptions:] Outdoor activity is not required on days when an all day field trip occurs [: and Montessori preschools may meet the alternative requirements in the Montessori Module for subdivision 2 of this section.]

§ 6.3. Staff shall provide opportunities for children to engage in self-chosen tasks and activities and allow children to learn from self-directed problem-solving and experimentation.

[Exception: The requirements of § 6.3 do not apply to speciality camps.]

§ 6.4. The daily schedule which describes the typical sequence of daily activities [for toddlers and preschoolers] shall be posted in a place conspicuous to parents and staff.

§ 6.5. There shall be a flexible schedule for infants based on their individual needs.

§ 6.6. Centers operating five or more hours per day [or per session] shall have a designated rest period for preschool children and toddlers in attendance at the time of the rest period.

§ 6.7 For centers operating five or more hours per day [or per session] , the following requirements for preschool children and toddlers during the designated rest period

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shall apply:

1. The rest period shall be at least one hour but no more than two hours unless children are actually sleeping;
2. Cots, beds, or rest mats shall be used during the rest period; and
3. After the first 30 minutes of a rest period, nonsleeping children shall be allowed to participate in quiet activities, which may include, but not be limited to, books, records, puzzles, coloring, or manipulatives.

Article 2. Activities.

§ 6.8. The daily activities shall be developmentally appropriate and promote the individual child's physical, intellectual, emotional, and social well-being and growth.

§ 6.9. To promote emotional development, the center shall provide for:

1. Opportunities for individual self-expression;
2. Recognition that each child is an individual;
3. Respect for personal privacy; and
4. Respect for each child's cultural, ethnic, and family background as well as the child's primary language or dialect.

§ 6.10. To promote social development, the center shall provide:

1. Guidance to children in developing and working out ways of getting along with one another;
2. Staff interaction with children in ways which emphasize and foster attitudes of mutual respect between adults and children; and
3. Staff behavior which demonstrates respect for all other persons as individuals and appreciation of cultural and ethnic diversity.

§ 6.11. The center shall provide for the self direction of the children by:

1. Allowing children opportunities to choose activities according to personal desires and interests and to move freely from one activity to another;
2. Encouraging children to do things independently and to help with daily routines as appropriate to the child's developmental level but to be available to comfort and help when needed; and
3. Supporting children's friendships and providing

children opportunities to be involved in decision making about group and individual activities.

[~~Exception: Subdivisions 1 through 3 of § 6-11 is not applicable to speciality camps.~~]

§ 6.12. A variety of children's activities shall be provided that allow for group and individual involvement and child and staff initiation.

[~~§ 6-12. When a child with a developmental delay is enrolled, there shall be activities available that are both compatible with the child's developmental delay and are attractive to other children as well.~~]

[~~§ 6-14. § 6.13.~~] For children who cannot move without help, staff shall offer to change the places and position of the child and the selection of toys or objects available to the child at least every 30 minutes or more frequently depending on the individual needs of the child.

[~~§ 6-15. § 6.14.~~] The center shall provide a balance of active and quiet activities [~~except for speciality camps~~].

[~~§ 6-16. 1 6.15.~~] Children of all ages shall be allowed to rest or sleep as needed on cribs, cots, mats, or beds, as appropriate.

[~~§ 6-17. § 6.16.~~] In addition to the requirements of § 6.8, the program for preschool children shall promote curiosity and exploration.

[~~§ 6-18. § 6.17.~~] Activities and experiences for preschool children, which are explained in Appendix V, shall include, but not be limited to:

1. Art activities;
2. Rhythm, movement, and music;
3. Language and communication experiences;
4. Sensory experiences and exploration of the environment;
5. Construction;
6. Social living;
7. Water and sand play;
8. Small motor activities; and
9. Large motor activities.

[~~Exception: Subdivisions 1 through 9 of § 6-18 is not applicable to speciality camps. Exception: Montessori preschools may meet the alternative requirements in the Montessori Module.~~]

[~~§ 6-19. § 6.18.~~] For toddlers, the center shall provide

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daily equipment and opportunities for sensory and perceptual experiences, large and small motor development, and language development.

[~~§ 6.20.~~ § 6.19.] Activities and experiences for toddlers, which are explained in Appendix VI, shall include, but not be limited to:

1. Art activities;
2. Rhythm, movement, and music;
3. Language and communication experiences;
4. Sensory experiences and exploration of the environment;
5. Construction;
6. Social living;
7. Water and sand play;
8. Small motor activities; and
9. Large motor activities.

[*Exception: Subdivision 1 through 9 of § 6.20 is not applicable to speciality camps.*]

[~~§ 6.21.~~ § 6.20.] Staff shall encourage language development by one-to-one face-to-face conversations giving toddlers time to initiate and respond; labeling and describing objects and events; helping children put feelings into words; and expanding on toddler language.

[~~§ 6.22.~~ § 6.21.] Staff shall express affection, support toddler's growing independence such as dressing and eating, and making choices in activities and routines.

[~~§ 6.23.~~ § 6.22.] Staff shall support toddler's developing self-control by expressing feelings with words, giving positively worded directions, and modeling and redirecting behavior.

[~~§ 6.24.~~ § 6.23.] Parents of toddlers shall receive daily verbal feedback about:

1. Daily activities;
2. Physical well-being; and
3. Developmental milestones.

[~~§ 6.25.~~ § 6.24.] For infants, the center shall provide daily equipment and opportunities for sensory and perceptual experiences, large and small motor development, and language development.

[~~§ 6.26.~~ § 6.25.] Staff shall promptly respond to infants' needs for food and comfort.

[~~§ 6.27.~~ § 6.26.] Play spaces shall:

1. Offer opportunities for least restrictive environment;
2. Offer a diversity of experiences for the infant; and
3. Provide frequent opportunities to creep, crawl, toddle, and walk.

Note: Play spaces may include but not be limited to cribs, infant seats, infant swings, high chairs, and floor area.

[~~§ 6.28.~~ § 6.27.] An awake infant not playing on the floor or ground shall be provided a change in play space at least every 30 minutes, and more often as determined by the needs and demands of the individual infant.

[~~§ 6.29.~~ § 6.28.] An infant [or toddler] who falls asleep in a play space other than his own crib, cot, mat, or bed shall be moved to his own crib, cot, mat, or bed.

[~~§ 6.30.~~ § 6.29.] Stimulation shall be regularly provided for infants in a variety of ways including being held, cuddled, talked to, and played with by staff.

[~~§ 6.31.~~ § 6.30.] For each infant, the center shall post a daily record which can be easily seen by both the parent and by the staff working with the children. The record shall include the following information:

1. The amount of time the infant slept;
2. The amount of food consumed and the time;
3. A description and the time of bowel movements; and
4. Developmental milestones.

[~~§ 6.32.~~ § 6.31.] Resting or sleeping infants and toddlers shall be individually checked at least every 30 minutes.

Article 3. Parental Involvement.

[~~§ 6.33.~~ § 6.32.] The center shall be open for parents to visit and observe their children at any time.

[~~§ 6.34.~~ § 6.33.] The center shall encourage parental involvement on a volunteer basis in appropriate center activities.

[~~§ 6.35.~~ § 6.34.] Staff shall [frequently and in person] share information with parents about their child's health, development, behavior, adjustment, and needs.

[~~§ 6.36.~~ The requirements of § 6.35 about sharing information shall be done regularly, frequently, and in person for parents of children of preschool age and younger.]

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Article 4. Equipment and Materials.

[~~§ 6.37.~~ § 6.35.] All furnishings, equipment, and materials shall be of a developmentally appropriate size for the child using it.

[~~§ 6.38.~~ § 6.36.] The amount and variety of materials and equipment available and the arrangement and use of the materials and equipment shall be developmentally appropriate for the children and shall include equipment and materials which:

1. Are in sufficient supply to avoid excessive competition among the children and to avoid long waits for use of the materials and equipment;

2. Provide for a variety of experiences and appeal to the individual interests and abilities of children;

[~~Exception: § 6.38 2 is not applicable to speciality camps.~~]

3. Are accessible to children for the activities required by these standards;

4. Allow children to use small and large muscles for imaginative play and creative activities; and

[~~5. Allow equal opportunity for children with a developmental delay to participate without isolation, if applicable; and]~~

[~~6. 5.] Include [cross cultural multi-cultural] materials.~~

[~~§ 6.39.~~ § 6.37.] Storage space for play materials and equipment used by the children shall be accessible to children either independently or with help [and provision shall be made for a place for each child's personal belongings] .

[~~§ 6.40.~~ § 6.38.] If combs, toothbrushes, or other personal articles are used, they shall be individually assigned.

[~~§ 6.41.~~ § 6.39.] All disposable products shall be used once and discarded.

[~~§ 6.42.~~ § 6.40.] Disposable dishes and utensils shall be sturdy enough to contain food without leakage and to prevent harm and injury to children.

[§ 6.41. Individualized space such as, but not limited to, lockers or cubbies for each preschool and younger child's clothing and personal items shall be provided.]

[~~§ 6.43.~~ § 6.42.] In each classroom grouping of children of preschool age or younger, at least one area, shelf, or cupboard space where materials can be readily and freely chosen by children during active play periods shall be

available.

[~~§ 6.44.~~ § 6.43.] Equipment and play materials [for infants] shall include, but not be limited to balls, busy boards, books, rattles, [~~mobiles,~~] dolls, play mats, soft blocks, nesting and stacking toys, squeeze toys, music boxes, and mirrors placed where [~~children~~ infants] can see themselves.

[~~§ 6.45.~~ § 6.44.] Playpens and walkers shall not be used.

[~~§ 6.46.~~ § 6.45.] No more than one child at a time shall occupy a crib, cot, rest mat, or bed.

[~~§ 6.47.~~ § 6.46.] Cribs, cots, rest mats, and beds shall be marked or identified in some way for use by a specific child.

[~~§ 6.48.~~ § 6.47.] Double decker cribs, cots, or beds, or other sleeping equipment which is stacked shall not be used.

[~~§ 6.49.~~ When one or more children are scheduled to enter or leave the center while other children are resting or sleeping, the cribs, cots, rest mats, or beds shall be placed so that the resting or sleeping children are not disturbed by children coming or going.]

[~~§ 6.50.~~ § 6.48.] Occupied cribs, cots, rest mats, and beds shall be at least 2-1/2 feet from any heat source in use.

[~~§ 6.51.~~ Cots, beds, or rest mats shall be placed so that children can get on and off their cots, beds, or rest mats without being hampered in their movement.]

[~~§ 6.52.~~ § 6.49.] There shall be at least 15 inches of space between sides and ends of occupied cots, beds, and rest mats.

Exception: Fifteen inches of space are not required where cots, beds, or rest mats touch the wall or where screens are placed between cots or beds as long as one side is open at all times to allow for passage.

[~~§ 6.53.~~ § 6.50.] If rest mats are used, they shall have comfortable cushioning and be sanitized between each use.

[~~§ 6.54.~~ § 6.51.] Cribs shall be used for children under 12 months of age and for children over 12 months of age who are not developmentally ready to sleep on a cot.

[~~§ 6.55.~~ § 6.52.] Cribs shall meet the following requirements:

[1. They shall meet the Consumer Product Safety Commission Standards at the time they were made;]

[~~±~~ 2.] There shall be no more than six centimeters or 2-3/8 inches of space between slats;

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[~~2.~~ *The corner posts shall be less than 1/16 of an inch higher than the end panel;*]

3. *Mattresses shall fit snugly next to the crib; and*

4. *Cribs with end panel cut-outs shall be of a size not to cause head entrapment.*

[~~§ 6-56.~~ § 6.53.] *No cribs shall be placed where [objects outside the crib such as] cords from blinds or curtains are in reach of infants or toddlers.*

[~~§ 6-57.~~ § 6.54.] *There shall be at least:*

1. *Twelve inches of space between the sides and ends of occupied cribs except where they touch the wall, and*

2. *Thirty inches of space between service sides of occupied cribs and other furniture when that space is the walkway for staff to gain access to any child in any crib [; and .]*

[~~§ 6-58.~~ § 6.55.] *Crib sides shall always be up and the fastenings secured when a child is in the crib, except when staff is giving the child immediate attention.*

[~~§ 6-59.~~ § 6.56.] *Pillows shall not be used by children under two years of age.*

[~~§ 6-60.~~ § 6.57.] *No toys shall be hung over or attached to cribs.*

[~~§ 6-61.~~ § 6.58.] *Linens*

A. *Linens for cribs, cots, rest mats, or beds shall consist of a top cover and a bottom cover or a one-piece covering which is open on three edges.*

B. *Linens shall be assigned for individual use.*

C. *Linens shall be maintained in clean and sanitary condition and shall be washed at least weekly except for crib sheets which shall be cleaned daily.*

D. *When pillows are used, they shall be assigned for individual use and covered with pillow cases.*

E. *Mattresses when used shall be covered with a waterproof material which can be easily sanitized.*

Article 5. Discipline.

[~~§ 6-62.~~ § 6.59.] *Discipline shall be constructive in nature and include techniques such as:*

1. *Using limits that are fair, consistently applied, and appropriate and understandable for the child's level;*

2. *Providing children with reasons for limits;*

3. *Giving positively worded directions;*

4. *Modeling and redirecting children to acceptable behavior;*

5. *Helping children to constructively express their feelings and frustrations to resolve conflict; and*

6. *Arranging equipment, materials, activities, and schedules in a way that promotes desirable behavior.*

[~~§ 6-63.~~ § 6.60.] *There shall be no physical punishment or disciplinary action administered to the body such as, but not limited to, spanking; roughly handling a child; forcing a child to assume an uncomfortable position (e.g., standing on one foot, keeping arms raised above or horizontal to the body); [~~forcing exercises on children,~~] restraining to restrict movement through binding or tying; enclosing in a confined space, box, or similar cubicle; or using exercise as punishment.*

[~~§ 6-64.~~ § 6.61.] *A child shall not be shaken at any time.*

[~~§ 6-65.~~ § 6.62.] *Staff shall not be verbally abusive which would include, but not be limited to, threats, belittling remarks about any child, his family, his race, his religion, or his cultural background, or other statements that are frightening or humiliating to the child.*

[~~§ 6-66.~~ § 6.63.] *When disciplining a child, staff shall not:*

1. *Force, withhold, or substitute food;*

2. *Force or withhold naps; or*

3. *Punish a child for toileting accidents.*

[~~§ 6-67.~~ § 6.64.] *When separation is used as a discipline technique, it shall be brief and appropriate to the child's developmental level and circumstances. The isolated child shall be in a safe, lighted, well-ventilated place and shall be within hearing and vision of a staff member.*

[*Note: It is recommended that if separation is enforced by an adult, it should not exceed one minute for each year of the child's age. Separation is not recommended for use with infants.*]

[~~§ 6-68.~~ § 6.65.] *No child, for punishment or any other reason, shall ever be confined in any space that the child cannot open, such as but not limited to closets, locked rooms, latched pantries, or containers.*

[~~§ 6-69.~~ § 6.66.] *Staff shall not give a child authority to punish another child nor shall staff consent to a child punishing another child.*

[~~§ 6-70.~~ § 6.67.] *Staff shall follow the center's policy on acceptable and unacceptable discipline methods.*

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[~~§ 6-71~~, § 6.68.] Behavior problems of children of preschool age and younger shall be dealt with promptly.

Article 6. Swimming and Wading Activities.

[~~§ 6-72~~, § 6.69.] Staff and supervision.

A. The staff-child ratios required by subdivisions 1 through 4 of § 5.17 [~~and subdivisions 1 and 2 of § 5.18~~] shall be maintained while children are participating in swimming or wading activities. The designated water safety instructor or senior lifesaver shall not be counted in the staff to children ratios.

B. If a pool, lake, or other swimming area has a water depth of more than two feet, a water safety instructor or senior life saver holding a current certificate shall be on duty supervising the children participating in swimming or wading activities at all times when one or more children are in the water. The certification shall be obtained from an organization such as, but not limited to, the American Red Cross, the YMCA, or the Boy Scouts.

C. A minimum of two staff members of the center shall be on duty supervising the children during swimming or wading activities when one or more children are in the water.

[~~§ 6-73~~, § 6.70.] Pools and equipment.

A. When permanent swimming or wading pools are located on the premises of the center, the following shall apply:

1. The manufacturer's specifications for operating the pool shall be followed [~~and as well as~~] any local ordinance and any Department of Health requirements for swimming pools [~~shall be followed~~] ;

2. All pools constructed, renovated, or remodeled after April 1, 1986, shall have a statement in writing of their inspection and approval from the local building official [~~when such appraisal is required~~] ;

3. Outdoor swimming pools shall be enclosed by safety fences and gates which shall be kept locked when the pool is not in use;

4. Entrances to swimming pools shall be locked when the pool is not in use; and

5. A whistle or other audible signaling device, a buoy or a lemon line, a reach pole, and a backboard shall be available at the swimming or wading site.

B. If children are allowed to swim in a lake or other place other than a pool, safe swimming areas shall be clearly marked.

C. All piers, floats, and platforms shall be in good

repair and where used for diving, the minimum water depth shall be indicated on the deck or planking.

D. If children are allowed to swim at a lake or other body of water larger than a pool, there shall be a rescue boat available at all times which is equipped with a reach pole and a lemon line or buoy.

E. If portable wading pools are used, they shall be emptied of dirty water and filled with clean water for each day's use and more frequently as necessary.

[~~§ 6-74~~, § 6.71.] General.

A. The center shall have emergency procedures and written safety rules for swimming or wading that are:

1. Posted in the swimming area when the pool is located on the premises of the center;

2. Given to staff involved in swimming or wading activities;

3. Given to parents of children participating in swimming or wading activities; and

4. Explained to children participating in swimming/wading activities.

B. Staff shall have a system for accounting for all children in the water.

C. Each child's swimming skills shall be determined before the child is allowed in water above the child's shoulder height.

D. Outdoor swimming activities shall occur only during daylight hours unless underwater and deck lighting is provided.

E. Children who are not toilet trained shall not use portable wading pools.

PART VII. SPECIAL CARE PROVISIONS AND EMERGENCIES.

Article 1. Preventing the Spread of Disease.

§ 7.1. If a child arrives at the center with the signs or symptoms listed in § 7.3, the child shall not be allowed to attend for that day.

§ 7.2. Staff with training as required in [~~§ 3-18~~ § 3.16] shall observe daily each child for signs and symptoms of illness.

§ 7.3. Unless otherwise instructed by the child's health care provider, that child shall be excluded if:

1. He has [~~signs of illness and~~] a temperature over

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100°F or

2. He has a communicable disease as delineated in the current Communicable Disease Chart recommendations for the exclusion of sick children. (Refer to Appendix VII).

§ 7.4. If a child needs to be excluded according to § 7.3, the following shall apply:

1. Arrangements shall be made for the child to leave the center as soon as possible after the signs or symptoms are noticed, and

2. The child shall remain in the designated quiet [; private] area until leaving the center.

§ 7.5. When a child at the center has been exposed to a reportable communicable disease, the parent shall be informed.

§ 7.6. Children's hands shall be washed with soap and water before eating meals or snacks, after toileting, and after any contact with body fluids.

§ 7.7. Staff hands shall be washed with soap or germicidal cleansing agent and water after helping a child with toileting, after any contact with body fluids, and before feeding or helping children with feeding.

§ 7.8. When a child's clothing or diaper becomes wet or soiled, it shall be changed immediately.

§ 7.9. Children not toilet trained.

A. The child's [genital soiled] area shall be thoroughly cleaned with a disposable wipe during each diapering.

B. Staff shall wash their hands with soap or germicidal cleansing agent and water after each diaper change.

C. Disposable diapers shall be used for children in diapers unless the child's skin reacts adversely to disposable diapers. If cloth diapers are used, there shall be separate step-on diaper pails for the cloth and disposable diapers.

D. Toilet chairs shall be emptied promptly and sanitized after each use.

E. Changing tables shall be used only for changing diapers or cleaning children.

F. Diapers shall be changed on [an appropriate] nonabsorbent surface which shall be washed with soap and warm water or a germicidal cleansing agent after each use.

G. Tables used for children's activities or meals shall not be used for changing diapers.

Article 2. Medication.

§ 7.10. Prescription and nonprescription medication shall be given to a child according to the center's [written] medication policies and only with written authorization from the parent.

§ 7.11. The center's medication policies shall address methods for administering medication and shall include:

1. Any general restrictions of the center;

2. Duration of the parent's authorization for medication, provided that it shall expire or be renewed after 10 work days [. Long-term prescription drug use may be excepted if a form such as the one in Appendix VIII is completed and on file] ; and

3. Methods to prevent use of outdated medication.

§ 7.12. The medication authorization shall be available to staff during the entire time it is effective.

§ 7.13. All medication shall be labeled with the child's name, the name of the medication, the dosage amount, and the time or times to be given.

§ 7.14. Prescription medication shall be in the original container with the prescription label attached.

§ 7.15. When needed, medication shall be refrigerated. When medication is stored in a refrigerator used for food, the medications shall be stored together in a container or in a clearly defined area away from food.

§ 7.16. All medication, including refrigerated medication and staff's personal medication, shall be kept in a locked place using a safe locking method that prevents access by children. If a key is used, the key [shall] not be accessible to the children.

§ 7.17. Centers shall keep a log of medication given children which shall include the following:

1. Child to whom medication was administered;

2. Amount and type of medication administered to the child;

3. The day and time the medication was administered to the child; and

4. Staff member administering the medication.

§ 7.18. Medication shall be returned to the parent as soon as the medication is no longer being administered.

Article 3. Specialized Staff Training.

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§ 7.19. First aid training.

There shall be at least one staff member on the premises during the centers hours of operation and also one person on all field trips who is trained in first aid. This person shall be available to children and meet one of the following qualifications for first aid training:

1. Has a current first aid certificate by the American Red Cross;
2. Has a current first aid certificate by the National Safety Council;
3. Has successfully completed, within the past three years, a first aid course equivalent to the curriculum which has been approved by the State Board of Health; or
4. Be a R.N. or L.P.N. with a current license from the Board of Nursing.

[§ 7.20. Reserved]

[§ 7.21. Reserved]

[§ 7.22. Reserved]

Article 4. First Aid and Emergency Supplies.

[§ 7.20. § 7.23.] A first aid kit shall be on each floor of each building used by children and [~~wherever children are in care.~~ on all field trips.]

[§ 7.21. § 7.24.] The required first aid kits shall include at a minimum:

1. Scissors [;]
2. Tweezers [;]
3. Gauze pads [;]
4. Adhesive tape [;]
5. Band-aids, assorted types [;]
6. An antiseptic cleansing solution [;]
7. An antibacterial ointment [;]

[~~8.~~ Syrup of ipecac or activated charcoal preparation (to be used only upon the advice of the physician or the Poison Control Center)]

[~~9.~~ 8.] Thermometer [;]

[~~10.~~ 9.] Triangular bandages [and ;]

[10. Disposable gloves; and]

11. The first aid instructional manual [.]

[~~§ 7.22.~~ § 7.25.] Each first aid kit shall be stored so that it is not available to children but is easily available to staff.

[~~§ 7.23.~~ § 7.26.] The following emergency supplies shall be required:

[1. Syrup of ipecac or activated charcoal preparation (to be used only upon the advice of the physician or the Poison Control Center);]

[~~±~~ 2.] Chemical cooling agents, zip-lock bags, and sponges readily available for icing down contusions, sprains, and breaks;

[~~±~~ 3.] A working, battery-operated flashlight on each floor of each building of the facility that is used by children; and

[~~±~~ 4.] One working, battery-operated radio in each building of the facility used by children and any camp location without a building.

Article 5. Procedures for Emergencies.

[§ 7.24. § 7.27.] The center shall have an emergency evacuation plan that addresses staff responsibility with respect to:

1. Sounding of fire alarms and notification of local authorities;
2. Evacuation procedures including assembly points, head counts, primary and secondary means of egress, and checking to ensure complete evacuation of the buildings;
3. Fire containment procedures, e.g., closing of fire doors or other barriers; and
4. Other special procedures developed with local authorities.

[§ 7.25. § 7.28.] Emergency evacuation procedures shall be posted in a location conspicuous to staff and children on each floor of each building of the center.

[§ 7.26. § 7.29.] The center shall implement these emergency evacuation procedures through monthly practice drills and shall maintain a log of the dates of the monthly drills for one year. For centers offering multiple shifts, the evacuation procedures shall be divided evenly among the various shifts.

[§ 7.27. § 7.30.] A generic emergency number such as 911 shall be posted in a conspicuous place near each telephone. If a generic number is not available, the following numbers shall be posted near each phone:

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1. A physician or hospital;
2. An ambulance or rescue squad service;
3. The local fire department; [and]
4. The local police department [; and .]

[~~§ 7.28.~~ § 7.31.] The number of a regional poison control center shall be posted in a conspicuous place near each phone.

[~~§ 7.29.~~ § 7.32.] The center shall develop a plan for action in case of a missing or injured child which shall address:

- [1. Immediate notification of emergency services;]
- [~~1.~~ 2.] Stabilization of injured child; [and]
- [~~2.~~ Immediate notification of parents and emergency services; and]
3. Transportation of injured child if necessary.

[~~§ 7.30.~~ § 7.33.] If an ambulance service is not readily available within 10-15 minutes, transportation shall be available at all times in case of emergency.

[~~§ 7.31.~~ § 7.34.] The center or other appropriate official shall notify the parent immediately if a child is lost, experiences a serious accident, needs emergency medical care, or dies. The center shall notify the parent at the end of the day of any known minor accidents or injuries.

NOTE: Examples of a serious accident might include unconsciousness; broken bones; deep cut requiring stitches; concussion; foreign object lodged in eye, nose, ear, or other body orifice. Examples of a minor accident might include a small scratch, cut or scrape; minor bruise or discoloration of the skin.

[~~§ 7.32.~~ § 7.35.] The center shall maintain a written log of children's injuries in which entries are made the day of occurrence. The log shall include the following:

1. Date and time of injury;
2. Name of injured child;
3. Type of injury;
4. Circumstances of the injury;
5. Names of staff present during the injury;
6. Treatment; and
7. Method of notifying parents.

[§ 7.36. Reserved]

PART VIII. Special Services.

Article 1. Nutrition and Food Services.

§ 8.1. Centers shall serve appropriate snacks or meals, or both, based on the hours of operation and time of the day.

[~~§ 8.2.~~ If children arrive before 8 A.M., breakfast shall be available.]

[~~§ 8.2.~~ § 8.2. Lunch shall be served to The center shall ensure that] children arriving from a half-day, morning kindergarten program who have not yet eaten lunch [receive a lunch] .

[~~§ 8.4.~~ § 8.3.] There shall be at least 1-1/2 hours between each meal and snack but no more than three hours between meals and snacks.

[~~§ 8.5.~~ § 8.4.] Drinking water or other beverage not containing caffeine shall be offered at regular intervals to nonverbal children.

[~~§ 8.6.~~ § 8.5.] In environments of 80° F or above, constant attention shall be given to the fluid needs of all children. Children in such environments shall be encouraged to drink fluids.

[~~§ 8.7.~~ § 8.6.] When food is provided by the center, the following shall apply:

1. Centers providing care to the same children more than four hours a day shall comply with the nutritional requirements of a recognized authority such as the Child and Adult Care Food Program of the United States Department of Agriculture (USDA) or the meal patterns in Appendix [~~VII~~ IX] .

2. Centers offering both meals and snacks shall serve [~~on various days each week~~ a variety of nutritious foods and shall serve] at least three sources of vitamin A and at least three sources of vitamin C [~~on various days each week~~] . Appendix [~~IX~~ X] lists sources of vitamin A and vitamin C.

[~~3.~~ A variety of nutritious foods shall be served.]

[~~4.~~ 3.] A menu listing all foods to be served for all meals and snacks during the current one-week period shall be:

- a. Dated;
- b. Posted in a location conspicuous to parents or given to parents;
- c. Indicate any substituted food; and

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d. Kept on file for six weeks at the center.

[~~§ 4.~~ § 4.] Powdered milk shall be not be used except for cooking.

[~~§ 8-8.~~ § 8.7.] When food is brought from home, the following shall apply:

1. The food shall not be subject to rapid deterioration or spoilage;

2. The center shall give parents the USDA requirements and a list of suggested non-perishable food. Appendix [~~VII~~ IX] has the requirements of USDA.

3. The food shall be clearly labeled in a way that identifies the owner;

4. The center shall have extra food [or shall have a plan available to obtain food] to serve to children so they can have an appropriate snack or meal if they forget to bring food from home, bring an inadequate meal or snack, or bring perishable food; and

5. All unused portions of food shall be discarded and not served again.

[~~§ 8-9.~~ § 8.8.] If a catering service is used, it shall be approved by the local health department. [A copy of the current contract shall be made available to the department's representative upon request. Food not prepared in an approved food processing establishment shall be prohibited (e.g. home canned food).]

[~~§ 8-10.~~ § 8.9] Food during cookouts.

A. All food shall be prepared in a clean and sanitary manner.

B. Unused, perishable food shall be discarded and not served again.

[~~§ 8-11.~~ Meals for children of preschool age and younger who attend more than four hours a day shall be provided by the center unless the child is on infant formula, commercially prepared baby food, or a special diet for religious or health reasons.]

[~~§ 8-12.~~ § 8.10.] Children of preschool age and younger shall be encouraged to feed themselves.

[~~§ 8-13.~~ § 8.11.] Staff shall sit with preschool children and toddlers during meal and snack times.

[~~§ 8-14.~~ § 8.12.] Foods easily causing choking, such as but not limited to hard candy, popcorn, raisins, seeds, nuts, uncut hot dogs, and uncut grapes, shall not be served to children three years of age or younger.

[~~§ 8-15.~~ § 8.13.] High chairs, infant carrier seats, or

feeding tables shall be used for children under 12 months who are not held while being fed.

[~~§ 8-16.~~ All meals and snacks for children from birth through one year shall meet the nutritional needs of children.]

[~~§ 8-17.~~ § 8.14.] The record of each child on formula shall contain:

1. The brand of formula, and

2. The child's feeding schedule.

[~~§ 8-18.~~ § 8.15.] Infants shall be fed on demand [unless parents provide other written instruction or in accordance with parental instructions] .

[~~§ 8-19.~~ § 8.16.] Prepared infant formula shall be refrigerated and clearly labeled in a way that identifies the child. [See Appendix XI for recommendations about the safe use of microwaves to heat infant formula.]

[~~§ 8-20.~~ § 8.17.] Bottle fed infants who cannot hold their own bottles shall be picked up and held when fed. Bottles shall not be propped.

[~~§ 8-21.~~ § 8.18.] No child shall be allowed to drink or eat while walking around.

[~~§ 8-22.~~ § 8.19.] Formula, bottled breast milk, and prepared baby food not consumed by an infant may be used by that same infant later in the same day, if dated and stored in the refrigerator; otherwise, it shall be discarded or returned to the parent at the end of the day.

[~~§ 8-23.~~ § 8.20.] A one-day's emergency supply of disposable bottles, nipples, and commercial formulas appropriate for the children in care shall be maintained at the facility.

[~~§ 8-24.~~ § 8.21.] Mothers shall be allowed to breast-feed their infants at the facility.

[~~§ 8-25.~~ § 8.22.] Unless written instructions from a physician indicate differently, staff shall feed semisolid food with a spoon.

[~~§ 8-26.~~ § 8.23.] Children using infant seats or high chairs shall be carefully supervised during snacks or meals. When a child is placed in an infant seat or high chair the protective belt shall be fastened securely.

[~~§ 8-27.~~ Infant formula shall not be heated in a microwave.]

Article 2. Transportation and Field Trips.

[~~§ 8-28.~~ § 8.24.] If the center transports children to the site of the center, the center shall assume responsibility

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for the child between the place where the child boards the vehicle and the center site, while at the center [and on any center field trips], and from the time the child leaves the center site until the child is delivered to a designated location or to a responsible person designated by his parent.

[§ 8.29. § 8.25.] Any vehicle used by the center for the transportation of children shall meet the following requirements:

1. The vehicle shall be enclosed and provided with door locks;
2. The vehicle's seats shall be attached to the floor;
3. The vehicle shall be insured with at least the minimum limits set by the Virginia state statutes; and
4. The vehicle shall meet the safety standards set by the [Division Department] of Motor Vehicles and shall be kept in satisfactory condition to assure the safety of children.

[§ 8.30. The driver of the vehicle shall:

1. Have a valid driver's license, appropriate to the type of vehicle operated, during all times of vehicle operation; and
2. Be at least 18 years of age.]

[§ 8.31. § 8.26.] The center shall ensure that during transportation of children:

1. Virginia state statutes about safety belts and child restraints are followed;

[2. The number of passengers in the vehicle are limited to the manufacturer's recommended capacity;]

[3. 2.] The children remain seated and each child's arms, legs, and head remain inside the vehicle;

[4. 3.] Doors are closed properly and locked;

[5. 4.] At least one staff member or the driver always remain in the vehicle when children are present;

[6. 5.] The telephone numbers for obtaining emergency help as stated in [subdivision 1 through 4 of §§ 7.27 § 7.29 1 through 4] and [7.28 § 7.30] are in the vehicle and available to staff;

[7. 6.] The name, address, and phone number of the center and an additional emergency contact number is in the vehicle and available to staff; and

[8. 7.] A list of the names of the children being transported is kept in the vehicle.

[§ 8.32. § 8.27.] When entering and leaving vehicles, children shall enter and leave the vehicle from the curb side of the vehicle or in a protected parking area or driveway.

[§ 8.33. § 8.28.] When necessary to cross streets, children shall cross streets at corners or crosswalks [- or other designated safe crossing point if no corner or crosswalk is available.]

[§ 8.34. § 8.29.] The staff-to-children ratios of subdivisions 1 through 4 of § 5.17 [and subdivision 1 and 2 of § 5.18 shall be followed [during transportation of children and] on all field trips [- but not necessarily in each vehicle. The staff to children ratios may not be followed during transportation of children to and from the center.]

[Exception: Montessori preschools may meet the alternative requirements in the Montessori Module.]

[§ 8.35. § 8.30.] At least one staff member [in the vehicle and] on field trips shall be trained in first aid according to subdivisions 1 through 4 of § 7.19 and shall be instructed on procedures to follow if [the there is a] vehicle [breaks break] down.

[§ 8.36. § 8.31.] A first aid kit with the supplies mentioned in [subdivisions 1 through 11 of 7.21 § 7.23 1 through 11, syrup of ipecac or activated charcoal preparation,] and chemical cooling agents, for icing down contusions, sprains, and breaks shall be [in the vehicle and] available to staff [on field trips].

[§ 8.37. § 8.32.] The center shall make provisions for providing children on field trips with adequate food and water.

[§ 8.38. § 8.33.] If perishable food is taken on field trips, the food shall be stored in insulated containers with ice packs to keep the food cold.

[§ 8.39. § 8.34.] Before leaving on a field trip, a schedule of the trip's events and locations shall be left at the center site.

[§ 8.40. § 8.35.] There shall be an established plan of communication between staff at the center site and staff who are away from the center site transporting children or on a field trip.

[§ 8.41. § 8.36.] The center shall develop and implement procedures to assure that all children return to the facility after a field trip.

[§ 8.42. § 8.37.] Staff shall follow the center's transportation safety policy.

[§ 8.43. § 8.38.] Parental permission for transportation and field trips shall be secured at least 24 hours before the scheduled activity. If a blanket permission is used

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instead of a separate written permission, the following shall apply:

1. The schedule of activities away from the facility shall be posted;
2. Parents shall be notified of the field trip; and
3. Parents shall be given the opportunity to withdraw their children from the field trip.

Article 3. Animals and Pets.

[~~§ 8.44.~~ § 8.39.] Animals that are kept on the premises of the center shall be vaccinated against diseases which present a hazard to the health of children.

[~~§ 8.45.~~ § 8.40.] Animals which are, or are suspected of being, ill or infested with external lice, fleas and ticks or internal worms shall be removed from contact with children.

[~~§ 8.46.~~ § 8.41.] If a child is bitten by an animal, an attempt shall be made to confine the animal for observation or laboratory analysis for evidence of rabies. The site of the bite shall be washed with soap and water immediately, and the child's physician or local health department shall be contacted as soon as possible for medical advice. The center shall report the animal bite incident to the local health department.

[~~§ 8.47.~~ Manure shall be removed from barns, stables and corrals at least once a day and stored and disposed of in a manner to prevent the breeding of flies.]

[§ 8.42. Reserved]

Article 4. Evening and Overnight Care.

[~~§ 8.48.~~ § 8.43.] Resting.

A. For evening care, beds with mattresses or cots with at least one inch of dense padding shall be used by children who sleep longer than two hours and are not required to sleep in cribs.

B. For overnight care, beds with mattresses or cots with at least two inches of dense padding shall be used by children who are not required to sleep in cribs.

C. For overnight care which occurs for a child on a weekly or more frequent basis, beds with mattresses shall be used.

D. In addition to [~~§ 6.61.~~ § 6.58] about linens, bedding appropriate to the temperature and other conditions of the rest area shall be provided.

[~~§ 8.49.~~ § 8.44.] In centers providing overnight care, an

operational tub or shower with heated and cold water shall be provided.

[~~§ 8.50.~~ § 8.45.] When bath towels are used, they shall be assigned for individual use.

[~~§ 8.51.~~ § 8.46.] Activities.

A. Activities for children in evening or overnight care shall include, as time allows, age-appropriate activities as described in [~~subdivision 1 through 9 of §§ 6.18, § 6.19 through § 6.23 and §§ 6.25 through § 6.29.~~ §§ 6.17 through 6.22 and 6.24 through 6.29.]

B. Quiet activities and experiences shall be available immediately before bedtime.

[~~§ 8.25.~~ § 8.47.] For children receiving evening and overnight care, the provider shall offer a regularly scheduled evening meal and snack.

[PART IX. MONTESSORI MODULE.

Article 1. Qualifications of a Montessori Preschool.

§ 9.1. Montessori preschools are educational programs wherein the teacher training and subsequent pedagogy are approved by either American Montessori Society, American Montessori Internationale, National Council of Montessori Education, or Saint Nicholas Montessori, thus verifying that the school meets the Montessori standards as outlined in the Montessori Module.

§ 9.2. Meeting these Montessori standards shall afford the Montessori preschool a waiver from specific minimum standards that conflict with the Montessori educational philosophy as referenced in the regulations. Only preschools which meet the Montessori criteria as outlined in the module are eligible to comply with the modified licensing standards contained in the Montessori Module.

§ 9.3. Programs operated by a Montessori preschool which go outside the scope of the regular Montessori preschool classes shall comply with the minimum standards for licensed child day centers for the extended care portion of the day. Programs going beyond four hours per day for children ages two through four and beyond 6 1/2 hours per day for children five years of age, exclusive of the allowable two hour additional enrichment program once a week, shall comply with the minimum standards for licensed child day centers for the extended care portion of the day.

Article 2. Specific Alternatives for Qualifying Montessori Preschools.

§ 9.4. Administrators.

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The administrator of a Montessori preschool shall be at least 21 years of age and shall have or meet one of the following:

1. An endorsement or bachelor's degree in a child related field from an accredited college or university and one year of programmatic experience in the group care of children;
2. An associate degree in a child related field from an accredited college or university and one year of programmatic experience in the group care of children;
3. The teacher qualification standards of American Montessori Society, American Montessori Internationale, National Council of Montessori Education, or Saint Nicholas Montessori; or
4. Five years of Montessori programmatic experience if the program director meets one of the qualifications of subdivisions 1 through 3 of this section.

§ 9.5. Program directors and back-up program directors.

The program director and back-up program director at a Montessori preschool shall be at least 21 years of age and shall have or meet one of the following:

1. An endorsement or bachelor's degree in a child related field from an accredited college or university and one year of programmatic experience in the group care of children;
2. An associate degree in a child related field from an accredited college or university and one year of programmatic experience in the group care of children;
3. The Montessori teacher qualification standards of American Montessori Society, American Montessori Internationale, National Council of Montessori Education, or Saint Nicholas Montessori; or
4. Five years of Montessori programmatic experience.

§ 9.6. Teachers.

Montessori teachers at a Montessori preschool shall:

1. Be at least 21 years of age; and
2. Hold a teaching diploma recognized by American Montessori Society, American Montessori Internationale, National Council of Montessori Education, or Saint Nicholas Montessori for the level the teacher is teaching.

§ 9.7. Staff development.

A. In addition to first aid and orientation training

required elsewhere in these regulations, employed staff who work directly with a single group of children for more than three hours daily at a Montessori preschool shall:

1. Take advantage of formal and informal opportunities for personal and professional growth, including methodology and specific subject matter, as recognized by Montessori standards for a minimum of eight hours annually; or
2. In the event of a staff member's participation in a credit course or a seminar longer than eight hours, these hours may be prorated over a period of no more than five years at the rate of 12 hours annually.

B. Specialty staff at a Montessori preschool providing enrichment activities to a single group of children less than three hours a week shall take advantage of opportunities for professional growth to remain current in their field of expertise.

§ 9.8. The facilities of a Montessori preschool, inside and outside, shall be maintained in conditions that are safe and free of hazards, protruding points or sharp corners, splinters, protruding nails, and loose rusty parts.

§ 9.9. The Montessori materials at a Montessori preschool shall be maintained in an attractive, accessible, and safe manner, so as to afford the children complete and appropriate opportunity to develop individual and group skills according to the Montessori curriculum standard.

§ 9.10. A Montessori preschool shall have restrooms that are easily accessible with a ratio of one toilet and one sink for every 20 children.

§ 9.11. A Montessori preschool shall have a safe outdoor play area which allows for exploration of nature and provides a resilient surface in fall zones.

§ 9.12. A Montessori preschool shall maintain a balanced multi-age grouping, with a ratio of one staff member for every 15 children.

§ 9.13. Teachers at a Montessori preschool shall be, at all times during the Montessori program, responsible for the development and activities of the children in his Montessori class. In the event of the teacher's extended absence, there shall be sufficient substitute staff to comply with a ratio of one staff member for every 12 children.

§ 9.14. A Montessori preschool shall have readily accessible, and in close classroom proximity, auxiliary persons sufficient to maintain a 1:10 adult-to-child ratio for 2 1/2 to four year olds or 1:15 for balanced mixed age groupings of 2 1/2 to six year olds, to be available in the event of emergency evacuation.

§ 9.15. A Montessori preschool shall offer outdoor and

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indoor space affording the children complete opportunity to develop individual and group skills, including large and small motor development.

§ 9.16. *In a Montessori preschool program operating between five and 6 1/2 hours per day there shall be at least one-half hour of outdoor activity per day.*

§ 9.17. *A Montessori preschool shall abide by the pedagogy and curriculum guidelines in the Montessori Module.*

§ 9.18. *During transportation of children and on all field trips, the staff to children ratio for a multi-age grouping of students in a Montessori preschool shall be no more than one to 20.*

Article 3. Montessori Preschool Standards.

§ 9.19. *Hours and scope of operation.*

A. *A Montessori preschool shall operate at a minimum, nine months a year, five days a week, allowing for holidays, teacher in-service days, and parent-teacher conferences, as deemed necessary by the preschool in accordance with Montessori standards.*

B. *The hours of operation for a Montessori preschool program for children, ages 2 1/2 through four years, shall be at least three hours a day, but not more than four hours a day.*

C. *The hours of operation for a Montessori preschool program for children five years of age shall be at least six hours a day but no more than 6 1/2 hours a day.*

D. *Enrichment programs, compatible with Montessori standards shall be acceptable when operated, in keeping with the Montessori curriculum; physical, emotional, and developmental welfare of the child; and available to the individual child not more than an additional two hours once a week.*

E. *Any program operated beyond these specified school hours shall comply with the minimum standards for licensed child day centers.*

§ 9.20. *Montessori class structure and supervision.*

A. *A class shall be deemed a group of children under the direct and continuous supervision of a fully qualified Montessori teacher.*

B. *Teachers at a Montessori preschool shall maintain a safe Montessori environment for the class.*

C. *Teachers at a Montessori preschool shall give the appropriate, individual or group lessons and supervise the ongoing work of the children in accordance with all Montessori pedagogical standards, included herein.*

D. *Teachers at a Montessori preschool shall be observant of the needs of the children in the class at all times and, accordingly, shall provide developmentally appropriate materials and class designation regardless of age.*

E. *Teachers at a Montessori preschool shall be aware of the family backgrounds and individual needs and development of the children within the Montessori program.*

F. *Teachers at a Montessori preschool shall maintain appropriate and confidential communication and records with other school personnel and parents as necessary for the development of the child.*

G. *Children enrolled in a Montessori class at a Montessori preschool shall demonstrate to the teacher an adequate level of development indicating a readiness for formal Montessori education.*

H. *Children enrolled in the Montessori class at a Montessori preschool shall be toilet trained and demonstrate a level of large and small motor development acceptable to working in a positive manner within the Montessori classroom environment.*

I. *Children enrolled in the Montessori class at a Montessori preschool shall demonstrate adequate communication skills and the ability to function with appropriate independence outside the home or away from a day-care provider.*

J. *Children are initially accepted into a Montessori program at a Montessori preschool on an observational basis, and shall be given adequate, but limited, time to demonstrate individual readiness for the Montessori program.*

K. *A newly established Montessori class at a Montessori preschool shall be comprised of no more than 12 to 15 children between the ages of 2 1/2 and six years and shall not increase enrollment to more than 25 children during its first year.*

L. *As the children and the class development at a Montessori preschool, the class structure may gradually build to the recommended Montessori size of 25 to 30 children between the ages of 2 1/2 and six years of age.*

M. *The class and the children at a Montessori preschool shall function at all times during the Montessori program according to the Montessori standards as outlined herein.*

§ 9.21 *Classroom materials.*

A. *Classrooms at a Montessori preschool shall contain the necessary and appropriately approved Montessori materials for each age level in the class. These Montessori materials may be complemented by appropriate, teacher-approved materials, but shall not displace or*

detract from the implementation of the Montessori materials.

B. The children at a Montessori preschool shall have continuous access to these materials as deemed appropriate by the Montessori teacher.

C. These materials at a Montessori preschool shall be organized in the classroom and used by the children in work areas that afford safe and ample working space under the direction of the Montessori teacher.

D. Use of Montessori materials in a Montessori preschool shall be presented by the Montessori teacher in accordance with the Montessori curriculum standards as included herein.

§ 9.22. Curriculum guidelines, including appropriate materials for children from two years to six years, as stated below shall be followed in a Montessori preschool.

These requirements are based on guidelines used by American Montessori Society, American Montessori Internationale, National Council of Montessori Education, and Saint Nicholas Montessori teacher training.]

acquisition of movement, order and sequence, conscious awareness, development of large and small muscles, left to right movement, increased concentration through repetition.

Preparation for life and future learning.

Age: 2 1/2 - 4 and up

Care of the Person

Dressing frames
Polishing shoes

Purpose: To teach the child to care for himself, to take pride in his person, to gain independence and self-worth.

Washing hands

Age: 2 1/2 - 4 and up

Grace and Courtesy

How to interrupt,
listen
make way
pass

Purpose: To help the child develop understanding of rules of grace and courtesy, to adapt and be accepted into a social group.

How to greet
introduce oneself
offer a chair
take a cookie
serve others
carry scissors
etc.

Age: 2 1/2 and up

Movement

How to walk
move around the room
move furniture
stop when hear bell
walk on line
carry a chair
sit properly
carry mats & materials
roll a mat
where to place mat
open & close a door
play silence game
respect silence
etc.

Purpose: To learn control of movement, self awareness of ones self, purposeful activity order, respect for persons and property, attention to details and environment.

Age: 2 1/2 and up

PRACTICAL LIFE

Preliminary Exercises

Spooning
Pouring rice
Pouring water

Purpose: To teach the child muscular control, care, exactness, how to pour.

Indirect preparation for writing.

Age: 2 1/2 - 3 1/2

Napkin folding

Purpose: To teach muscular control, exactness.

Indirect preparation for geometry.

Age: 2 1/2 - 4

Care of the Environment

Table washing
Dusting
Polishing wood
Polishing metal
Arranging flowers
Sweeping

Purpose: To teach the child how to care for his environment so that he might adapt to his environment and gain independence.

To teach control of action.

SENSORIALVisual Discrimination

Pink Tower
Broad Stair
Long Stair
Solid Cylinders
Color tablets
Geometric Cabinet
Biology Cabinet
Binomial & trinomial cube
Constructive triangles
Super imposed geometric figures
Knobless Cylinders
Solid Geometric shapes
Mystery bag
Progressive Exercises

Purpose: Aid the child's processes of classification.

Purpose: To teach visual discrimination of dimension (length, width, height).
Indirect preparation for number work, algebra and proof of formulas, geometry, art, biology.

Indirect preparation for writing.

Development of vocabulary.

Age: Progressive from 2 1/2 to 4 1/4 +

Auditory discrimination

Sound boxes
Bells
Listening exercises

Purpose: Training of auditory sense, discrimination of sounds, development of listening skills, discrimination of tones.

Age: 2 1/2 and up

Tactile Sense

Rough and smooth boards
Rough and smooth tablets
Fabrics

Purpose: Development of tactile sense, control of muscular action and lightness touch.

Indirect preparation for writing.

Age: 2 1/2 - 3 1/2

Basic, Thermic, Olfactory Senses

Basic tablet
Thermic bottles
Scent boxes and bottles

Purpose: Further develop senses. Help one to be aware of one's environment.

Age: 2 1/2 and 3 1/2

LANGUAGEOral VocabularyEnrichment of vocabulary

Purpose: Through giving the names of objects

Language training

in the environment, the sensorial materials and their relations, picture card materials, stories, poems, etc. help the child develop a fluent vocabulary so that he might express himself both orally and in written form.

Preparation for reading, writing, self expression, research in cultural areas.

Age: 0 and up

Writing

Sand paper letters
(sound game)
Moveable Alphabet
Metal Insets
Perfection of writing

Purpose: To make the child aware of the sounds in words and to unite these sounds by muscular and visual memory.

To help him explore and analyze his vocabulary.

To acquire mastery of the hand in wielding a writing instrument.

Age: Progressive 2 1/2 - 4

Reading

Phonetic object game
Phonograms
Puzzle/Secret words

Purpose: To give facility to phonetic reading.

To give the keys to further reading and exploration of language.

Age: 4 1/2 - 5

Reading Classification

Social cards, cultural cards
Definition booklets
Labels for environment
Etc.

Purpose: To further the child's reading and knowledge by introducing him to the written symbols for words he knows.

To enable him to classify his knowledge.

Age: 4 1/2 on

Function of Words

Article
Adjective
Logical Adjective game
Conjunction
Preposition
Verb
Adverb
Commands

Purpose: To make the child aware of the individual function of words in his reading and writing.

To give him further keys to the perfection of reading, writing and self expression.

Age: 4 1/2 - 5

Reading Analysis

Simple sentence (first stage, second stage and extensions attributes and appositives)

Purpose: To give the child the keys to total reading, full awareness of the intent feeling and style of the writer.

Help the child in his own reading and writing.

Age: 5 1/2 and up

Word Study

Purpose: To allow the child to explore words on a more advanced level.

Punctuation

Purpose: To help the child communicate more effectively in his written work.

Reading & writing of Music

Green boards with notes
Green manuscript board
White music charts
Summary exercises
Learning songs
Musical instruments etc.

Purpose: To recognize and create the language of musical composition through notation and lyrics.

Age: 4 1/2 and up

MATHEMATICS

Numbers (1 to 10)

Number rods
Sandpaper numbers
Number rods and cards
Spindle boxes
Cards and counters
Memory game

Purpose: To give the keys to the world of written numbers.

To understand that each number is an entity unto itself.

To teach the quantity, the symbol of sequence of numbers.

To teach the concept of zero.

Preparation for additional math.

Age: 4

Decimal system (Golden Bead Exercises)

Introduction of beads
Introduction of cards
Cards and beads together
Processes of Addition
subtraction
multiplication
division

Purpose: To teach the concepts of the decimal system through 1000s.

To give the child the overall picture of the workings of the decimal system and all its processes.

Age: 4 1/2 to 5 1/2 +

Further Exercises in Math

Linear and skip counting
Teen board
Tens board
Stamp game
Dot game
Snake Game
Addition strip board
Negative snake game
Negative strip board
Bead Bar Layouts
Multiplication Bead Board
Division Unit Board
Charts
Small Bead Frame
Hierarchical materials
Large Bead frame
Racks and tubes
Fractions

Purpose: To give the child opportunity for further exploration with numbers, the opportunity for repetition and perfection in executing the processes in math.

The opportunity to commit to memory the math facts.

Steps to total abstraction.

Age: 5 - 6 1/2 and up

GEOGRAPHY

Sandpaper Globe
Land & Water Forms
Painted Globe
Puzzle Maps
Pictures
Definition cards
Stories
Simple reference books

Purpose: To introduce the child, to the concepts of physical political, economic geography, interdependence of man and related language.

Age: 2 1/2 +

HISTORY

Artifacts
Pictures
Definition cards
Simple reference books
Stories

Purpose: To introduce the child to world cultures, physical and spiritual needs of man throughout history, famous persons, holidays, etc.

Age: 2 1/2 +

MUSIC

Songs
Records, tapes
Rhythm and movement
Tone bells
Tone charts
Composers/famous music

Purpose: To give the child a variety of musical experiences, including pitch, tone, rhythm, movement, auditory comparisons, related symbols and language.

Age: 2 1/2 +

CREATIVITY

Appropriate media
Pictures
Stories
Reference books
Practical life
Sensorial lessons

Purpose: To introduce the child to concepts of color, tone, light, form, history and art appreciation; and, afford the child appropriate opportunities for self expression.

Age: 3 +

BOTANY/BIOLOGY

Botany leaf cabinet
Plants
Pictures/plants and animals
Definition cards
Classifications materials
Stories
Simple reference books
Opportunities to explore nature

Purpose: To introduce the child to nature, the vast variety of plants and animals, the characteristics and functions; simple classification of the plant and animal kingdom; interdependence and ecology.

Age: 2 1/2 +

* All work in the areas of science, history, culture, music, and creativity are interrelated and presented to give the child an age appropriate understanding of these areas, factual information, the tools and ability to work with the materials, and the opportunity to share this knowledge.

Important prerequisites are practical life lessons and skills, sensorial and related language lessons and skills, and an understanding of reality and factual concepts.

Larry Jackson

Larry D. Jackson, Commissioner

4-12-93

Date

Appendix I (7/93)

LICENSING INFORMATION FOR PARENTS
ABOUT CHILD (GAREDAY) PROGRAMS

The Commonwealth of Virginia helps assure parents that child [care]day programs that [provide protection and guidance] assume responsibility for the supervision, protection, and well-being of a child for any part of a 24-hour day are safe [and healthful for children]. Title 63.1, Chapter 10 of the Code of Virginia gives the Department of Social Services authority to license these programs. While there are some legislative [exceptions exemptions] to licensure, licensed programs include child [care]day centers; [before school and after school child care programs; nursery schools; child day care camps; family day homes, child day center systems, and] family day [care] systems; and group family day care homes. The state may also voluntarily register [small] family day [care] homes [not required to be licensed].

Standards for licensed child [care] programs address certain health precautions, adequate play space, a ratio of children per staff member, equipment, program, and record keeping. Criminal records checks and specific qualifications for staff and most volunteers working directly with children are also required. Standards require the facility to meet applicable fire, health, and building codes.

Compliance with standards is determined by announced and unannounced visits to the program by licensing staff within the Department of Social Services. In addition, parents or other individuals may register a complaint about a program which will be investigated if it violates a standard.

Three types of licenses may be issued to programs. Conditional licenses may be issued to a new program to allow up to six months for the program to demonstrate compliance with the standards. A regular license is issued when the program substantially meets the standards for licensure. A provisional license, which cannot exceed six months, is issued when the program is temporarily unable to comply with the standards. Operating without a license when required constitutes a misdemeanor which, upon conviction, can be punishable by a fine of up to \$100 or imprisonment of up to 12 months or both for each day's violation.

If you would like additional information about the licensing of child [care]day programs or would like to register a complaint, please contact the Regional Office of Social Services closest to you.

Northern Virginia Regional Office
320 Hospital Drive [Suite #23]
Warrenton, Virginia 22186
(703) [347-6940 347-6300]

Central Regional Office
Wythe Building, Suite 130
1604 Santa Rosa Road
Richmond, Virginia 23229
(804) 662-9743

Piedmont Regional Office
Commonwealth of Virginia Building
210 Church Avenue, S.W., Suite 100
Roanoke, Virginia 24011-1779
(703) [982-7920857-7920]

Eastern Regional Office
Pembroke Office Park
Pembroke IV Office Building
Suite 300
Virginia Beach, Virginia 23462
(804) 473-2100

PART I

COMMONWEALTH OF VIRGINIA

Appendix II

SCHOOL ENTRANCE PHYSICAL EXAMINATION AND IMMUNIZATION CERTIFICATION

HEALTH INFORMATION SECTION: (PART I to be completed by parent or guardian) Please Print or Type! Thank you.

Student's Name	
LAST	FIRST MI
Complete Date of Birth: / / Sex: / Number of Children in Family: / State or Country of Birth:	
Social Security # / - - / LD. #:	
Parent or Legal Guardian:	
Address: / City: / Zip: /	
Home Phone: / Work Phone: /	
School's Name: / Grade: /	
In case of emergency, notify (other than parent or guardian) Please list Name, address, and Complete Phone Number (area code and number).	
1) / Phone: /	
2) / Phone: /	

Birth History (weight, prematurity, any other problems at birth):

Allergies to food, medicine, insect bites/stings, or others:

/ Check here if you wish to discuss confidential information with school authorities.

EQUIPMENT USED BY CHILD (please check those that apply)	CHRONIC OR RECURRING CONDITIONS (please check those that apply)
<input type="checkbox"/> Prosthesis (e.g., cane, crutch, limb)	<input type="checkbox"/> Ear Infections
<input type="checkbox"/> Brace	<input type="checkbox"/> Hard of Hearing
<input type="checkbox"/> Hearing Aids	<input type="checkbox"/> Seizures/epilepsy
<input type="checkbox"/> Glasses	<input type="checkbox"/> Kidney Disease
<input type="checkbox"/> Helmet	<input type="checkbox"/> Sickle Cell Anemia (not trait)
<input type="checkbox"/> Wheelchair or Walker	<input type="checkbox"/> Head, spinal cord injury, or disease of central nervous system
<input type="checkbox"/> Special Shoes	<input type="checkbox"/> Eye Diseases
<input type="checkbox"/> Other (Please List):	<input type="checkbox"/> Heart Disease
	<input type="checkbox"/> Asthma
	<input type="checkbox"/> Diabetes
	<input type="checkbox"/> Other (Please List):

Names of medical specialists, dentists, or special diets caring for child:

Prescription medicines taken regularly (LIST):

Operations (dates):

Hospitalizations (dates):

Other important information about your child:

****I give my permission for the school nurse/school to contact the examining physician to discuss any information contained on this form.

Signature of Parent/Legal Guardian:

Date (month/day/yr): / /

PART II
CERTIFICATION OF SCHOOL HEALTH EXAMINATION
PART II TO BE COMPLETED BY A PHYSICIAN
(Form to be completed by parent/guardian)

Student's Name, Sex, Date of Birth, Height, Weight, Head Circumference, Blood Pressure, Hemoglobin or Hematocrit, Teeth, Dentures, Vision, Hearing, and other physical examination data. Includes a table for System Examination (General Appearance, Nutrition, Eyes, Ears, Nose, Throat, Lungs, Heart, etc.) and a section for physician's signature and date.

PART III
CERTIFICATION OF IMMUNIZATION
Part III to be Completed by a Physician or Health Department Official

Form for immunization certification including: Student's Name, S.S. #, Date of Birth, Sex, Age, and a table for Record Complete Dates of Vaccine Doses Administered (DTaP, Polio, Mumps, Rubella, etc.). Includes checkboxes for Hemophiliac, Influenza, and Hib status, and a section for physician's signature and date.

PART IV

**MINIMUM IMMUNIZATIONS REQUIRED OF NEW STUDENTS BY THE
STATE BOARD OF HEALTH
FOR
*SCHOOL ATTENDANCE**

DTP: THREE (3) doses of DTP with one (1) of the three (3) administered after the fourth birthday. If any of these doses must be administered on or after the seventh birthday, ADULT Td should be used instead of DTP.

OPV: THREE (3) doses of trivalent OPV with one of the three administered after the fourth birthday or three (3) doses of eIPV with one of the three administered after the fourth birthday.

MEASLES: TWO (2) doses of live virus measles (rubeola) vaccine, one dose given at 12 months of age or older and a second dose administered prior to entering KINDERGARTEN or first grade, whichever occurs first, effective JULY 1, 1991.

RUBELLA: ONE (1) dose of rubella vaccine received at 12 months of age or older.

MUMPS: ONE (1) dose of mumps vaccine received at 12 months of age or older for students entering school on or after AUGUST 1, 1981.

***SCHOOL DEFINITION:** a) Any public school from kindergarten through grade 12 operated under the authority of any locality within this Commonwealth; b) Any private or parochial school that offers instruction at any level or grade from kindergarten through grade 12; c) Any private or parochial nursery school or preschool, or any private or parochial child care center licensed by this Commonwealth; and d) Any preschool handicapped classes or Head Start classes operated by the school divisions within this Commonwealth.

If there are questions please call your local health department.

ART MATERIALS: RECOMMENDATIONS FOR CHILDREN UNDER 12*

DO NOT USE

Dusts and Powders

1. Clay in dry form. Powdered clay, which is easily inhaled, contains free silica and possible asbestos. Do not sand dry clay pieces or do other dust-producing activities.
2. Ceramic glazes or copper enamels.
3. Cold water, fiber-reactive dyes or other commercial dyes.
4. Instant paper maches (create inhalable dust and some may contain asbestos fibers, lead from pigments in colored printing inks, etc.).
5. Powdered tempera colors (create inhalable dusts and some tempera colors contain toxic pigments, preservatives, etc.).
6. Pastels, chalks or dry markers that create dust.

SUBSTITUTES

1. Order talc-free, premixed clay (e.g. Amaco white clay). Wet mop or sponge surfaces thoroughly after using clay.
2. Use water-based paints instead of glazes. Artwork may be water-proofed with acrylic based mediums.
3. Use vegetable and plant dyes (e.g.) onionskins, tea, flowers) and food dyes.
4. Make paper mache from black and white newspaper and library or white paste, or use approved paper maches.
5. Use liquid paints or paints the teacher pre-mixes.
6. Use crayons, oil pastels or dustless chalks.

Solvents

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. Solvents (e.g., turpentine, shellac, toluene, rubber cement thinner) and solvent-containing materials (solvent-based inks, alkyd paints, rubber cement). 2. Solvent-based silk screen and other printing inks. 3. Aerosol sprays. 4. Epoxy, instant glue, airplane glue or other solvent-based adhesives. 5. Permanent felt tip markers which may contain toluene or other toxic solvents. | <ol style="list-style-type: none"> 1. Use water-based products only. 2. Use water-based silk screen inks, block printing or stencil inks containing safe pigments. 3. Use water-based paints with brushes or spatter techniques. 4. Use white glue, school paste, and preservative-free wheat paste. 5. Use only water-based markers. |
|---|--|

Toxic Metals

- | | |
|--|---|
| 1. Stained glass projects using lead came, solder, flux, etc. | 1. Use colored cellophane and black paper to simulate lead. |
| 2. Arsenic, cadmium, chrome, mercury, lead, manganese, or other toxic metals which may occur in pigments, metal fillings, metal enamels, ceramic glazes, metal casting, etc. | 2. Do not use these ingredients. Use approved materials only. |

Miscellaneous

- | | |
|---|---|
| 1. Photographic chemicals. | 1. Use blueprint paper and make sun grams, or use Polaroid cameras. |
| 2. Casting plaster. Crestes dust and casting hands and body parts has resulted in serious burns. | 2. Teacher can mix plaster in a separate ventilated area or outdoors for plaster casting. |
| 3. Acid etches and picking baths. | 3. Should not use techniques employing these chemicals. |
| 4. Scented felt tip markers. These teach children bad habits about eating and sniffing art materials. | 4. Use water-based markers. |

From Data Sheet -- Art Materials: Recommendations for Children Under 12, Center for Safety in the Arts.

*Section 63.1-195 of the Code of Virginia defines a child as "any natural person under eighteen years of age."

[Article 3: Outdoor Activity Area

§5-11-Centers shall use a clean, safe outdoor activity area; either adjoining or accessible to the center; which shall provide a minimum of 75 square feet of space per child on the outdoor area at any one time.

§5-12-Centers licensed for the care of infants and toddlers shall provide at least 25 square feet of unpaved surface per infant/toddler on the outdoor area at any one time. This unpaved surface shall be suitable for crawling infants and for toddlers learning to walk. This space may be counted as part of the 75 square feet required in §5-11.

NOTE: Space covered by sand in sand boxes or play areas may be counted toward the 25 square feet of unpaved surface.

§5-13-Asphalt, concrete, or similar hard surface shall not be the only outdoor surface.

§5-14-Where natural shade is not available, the center shall make provision for creating a shaded area or areas.

§5-15-Resilient surfaces shall be placed under slides and climbing equipment more than four feet high and all swing sets to help absorb the shock if a child falls off the equipment. Resilient surfaces include, but are not limited to; sand; mulch; pea gravel; shredded tires; and rubberized surfaces.

§5-16-Where swings are provided; they shall have soft or flexible seats such as; but not limited to; nylon or rubber belting rather than hard wooden; metal; or fiberglass seats.

§5-17-Ground supports for slides; swing sets; and climbing equipment shall be covered with material(s) which would protect children from injury.

§5-18-Where slides are provided; the lower ends shall be no more than 15 inches above the ground.

§5-19-For outdoor activity areas used by toddlers and preschool children; the climbing portion of slides and climbing equipment shall not be more than seven feet high.

§5-20-Outside sand in self-contained boxes with bottoms which prevent drainage shall be covered when not in use.]

Proposed Regulations

Appendix V

PRESCHOOL ACTIVITIES

The following activities and experiences for preschool children shall include but not be limited to:

1. Art Activities -- For example: painting and drawing; use of scissors and paper; use of paste, clay, fingerpaints; use of collage materials.
2. Rhythm and Music -- For example: listening to, dancing to, singing along with records/tapes; use of instruments such as rattles, bells, shakers, sandpaper blocks, triangles, drums, horns, whistles, and reciting songs, rhymes, finger plays.
3. Language and Communication Experiences -- For example: book and story reading; story-telling; viewing film strips; listening to recorded stories; group discussion; show and tell; use of flannel boards; interaction with peers and adults.
4. Sensory Experiences and Exploration of the Environment -- For example: discussion and observation of plants, leaves, weather; observation of and caring for animal and marine life; water play; nature walks; use of toys that stimulate the sense of touch, sight, taste, hearing, and smell; use and observation of wood, soil, sand; field trips into the community; visitors to the classroom.
5. Construction -- For example: building with blocks, interlocking legs, wooden dowels, wheels with multiple holes; play with nesting and stacking toys, pyramid rings/squares; woodworking.
6. Social Living -- For example: play with child-size household items; imaginative play through the use of dress-up clothes; play with dolls and doll houses, block people, wooden zoo and farm animals; use of puppets and play store items.
7. Water and Sand Play -- For example: play with water, sawdust, rice, beans, pebbles, soil; use of pails and shovels, measuring cups and spoons, funnels, pouring devices; availability of hose for siphoning; sponges.
8. Fine Motor Activities -- For example: use of puzzles, manipulatives, beads, peg boards, mosaics, parquetry boards, spoons; play with small balls, lacing boards, sorting toys; building with dominos; modeling with clay; use of an abacus; use of interlocking blocks, cubes, geometric shapes, rings.
9. Gross Motor Activities -- For example: climbing; balancing on steps, balance board; playing hopscotch; jumping rope; riding on or rolling transportation toys; throwing bean bags, rubber and nontoxic balls; play with punching bags; digging; reaching.

Note: Many activities provide the opportunity to combine several of the interest areas above. For example, a center may make a collage of fall leaves combining 1 and 4. Many of the manipulative and fine motor activities could be the same, etc.

Appendix IV

INFORMATION FROM HANDBOOK FOR PUBLIC PLAYGROUND SAFETY U.S. CONSUMER PRODUCT SAFETY COMMISSION

The following information is from the Handbook for Public Playground Safety prepared by the U.S. Consumer Product Safety Commission.

Critical Heights (in feet) for Various Types and Depths of Resilient Material

Material	Uncompressed		Compressed	
	Depth	Depth	Depth	Depth
Wood Mulch	6 inch	9 inch	12 inch	9 inch
Shredded Bark Mulch	7 ft	10 ft	11 ft	10 ft
Uniforra	6 ft	10 ft	11 ft	7 ft
Wood Chips	6 ft	7 ft	>12 ft	6 ft
Fine Sand	5 ft	5 ft	9 ft	5 ft
Coarse Sand	5 ft	5 ft	6 ft	6 ft
Fine Gravel	5 ft	7 ft	10 ft	6 ft
Medium Gravel	5 ft	5 ft	6 ft	5 ft

Notes: Critical Height is defined as the maximum height from which an instrumented metal headform, upon impact, yields both a peak deceleration of no more than 200 G's and a HIC of no more than 1,000 when tested in accordance with the procedure described in ASTM F1292. Critical Height, therefore, can be considered as an approximation of the maximum fall height from which a life-threatening head injury would not be expected to occur. The surfacing material used under and around a particular piece of playground equipment should have a Critical Height value of at least the height of the highest accessible part of the equipment.

The table should be read as follows: If, for example, uncompressed wood mulch is used at a minimum depth of 6 inches, the Critical Height is 7 feet. If 9 inches of uncompressed wood mulch is used, the Critical Height is 10 feet. It should be noted that, for some materials, the Critical Height decreases when the material is compressed.

There may be other loose-fill materials such as bark nuggets or shredded tires that have shock absorbing properties equivalent to those in the above table. However, no tests have been conducted on these materials by Consumer Product Safety Commission staff. Persons installing rubber mats or similar material should request test data from the manufacturer on the Critical Height of the material.

Proposed Regulations

Appendix VI

TODDLER ACTIVITIES

The following activities and experiences for toddlers shall include but not be limited to:

1. Art Activities -- For example: painting and drawing; use of large crayons, paint brushes and paper; use of paste, play dough; fingerpaints; use of collage materials.
2. Rhythms and Music -- For example: listening to, dancing to, singing along with records/tapes; use of instruments such as rattles, bells, shakers, sandpaper blocks, triangles, drums, horns; singing and reciting simple songs, rhymes, finger plays.
3. Language and Communication Experiences -- For example: book and story reading; story-telling; listening to recorded stories; use of flannel boards; use of pictures such as children, families, or familiar objects.
4. Sensory Experiences and Exploration of the Environment -- For example: observation of and caring for animal and marine life; nature walks; use of toys that stimulate the sense of touch, sight, taste, hearing, and smell such as small jars, sound shakers, feely boards; use and observation of wood, soil, sand.
5. Construction -- For example: building with small unit blocks, lightweight blocks, large interlocking blocks.
6. Social Living -- For example: use of dolls and play animals; play with dress up clothes, child size household items, puppets, mirrors, phones; play with block people, wooden zoo and farm animals.
7. Water and Sand Play -- For example: play with water, sand, and other nonfood material with equipment for scooping and digging such as pails, shovels, cups, spoons, and funnels; availability of hose for siphoning; sponges.
8. Fine Motor Activities -- For example: use of large peg boards, balls, stacking toys, shape sorter, stacking cubes, nesting/stacking toys, huge pegboards, simple puzzles.
9. Gross Motor Activities -- For example: climbing, pushing and pulling toys; play on low climbing structures; play with simple riding toys, wagons, balls, bean bags.

Note: Many activities provide the opportunity to combine several of the interest areas above. For example, a center may make a collage of fall leaves combining 1 and 4. Many of the manipulative and fine motor activities could be the same, etc.

Appendix VII

COMMUNICABLE DISEASE REFERENCE CHART FOR SCHOOL PERSONNEL

DISEASE	INCUBATION PERIOD	COMMON SIGNS AND SYMPTOMS	RECOMMENDATIONS
Chickenpox (Varicella)	From 2 to 3 weeks, usually 13 to 17 days.	Sudden onset with slight fever and itchy eruptions which become vesicular (small blisters) within a few hours. Lesions commonly occur in successive crops, with several stages of maturity present at the same time.	Communicable for as long as 5 days before eruption of vesicles and for not more than 5 days after the appearance of the first crop of vesicles. CASE: Exclude from school for at least 6 days after eruption first appears or until vesicles become dry. Avoid exposure to women in early pregnancy who have not had chickenpox. CONTACTS: On appearance of first sign or symptom, exclude from school for 7 days.
Cryptosporidiosis	From 2 to 14 days.	Watery diarrhea and low grade fever	CASE: Exclude until cessation of diarrhea. CONTACTS: School exclusion not indicated.
Fifth Disease (Erythema Infectiosum)	From 4 to 20 days.	Mild illness without fever. Rash characterized by a vivid reddening of the skin especially of the face which fades and recurs; classically, described as a "slapped cheek appearance."	CASE: Exclusion from school not required. CONTACTS: School exclusion not indicated.
German Measles (Rubella)	From 14 to 23 days, usually 16 to 18 days.	Mild symptoms; slight fever, rash of variable character lasting about 3 days; enlarged head and neck lymph glands common. Joint pain may occur especially in older children and adults.	Communicable for 7 days before onset of rash and at least 4 days thereafter. CASE: Exclude from school for 7 days after onset of rash. Avoid exposure to women in early pregnancy. Check immunization records. CONTACTS: Those who are pregnant and not immunized should be urged to seek medical advice.
Giardiasis	From 1 to 4 weeks.	Frequently asymptomatic, but may have diarrhea.	CASE: Exclude until cessation of diarrhea. Exclusion of asymptomatic carriers of giardia is not recommended. CONTACTS: School exclusion not indicated.
Hepatitis A (Infectious Hepatitis)	From 15 to 50 days, usually 28 days.	Fever, loss of appetite, nausea, abdominal discomfort and weakness followed by jaundice. Many unrecognized mild cases without jaundice occur, especially in children.	Communicability greatest from 7 days before to several days after onset of jaundice. CASE: Exclude from school until physician advises return. Convalescence may be prolonged. CONTACTS: School exclusion not indicated.
Human Immunodeficiency Virus Infection	Variable	A broad range of disease manifestations affecting multiple organ systems. Many children remain asymptomatic.	CASE: Follow advice of child's physician and/or the local health department. CONTACTS: School exclusion not indicated.

Proposed Regulations

Impetigo Contagiosa	Unknown	Multiple skin lesions usually of exposed areas (e.g., elbows, legs and knees), but may involve any area. Lesions vary in size and shape, and begin as blisters which rapidly mature into brown crusts on a reddened base. Healing from center outward produces circular areas which may resemble ringworm.	CASE: Exclude from school until physician advises return (usually 1 day). CONTACTS: Exclusion from school not indicated. Observe carefully for symptoms.
Measles (Rubeola, Red Measles)	From 8 to 13 days, usually 10 days.	Prodrome characterized by fever followed by reddened eyes, runny nose, and cough. Dusky-red blotchy rash appears on day 3 or 4 and lasts 4 to 7 days.	Communicable from beginning of prodromal period to 4 days after appearance of the rash. CASE: Exclude from school until at least 4 days after appearance of the rash. CONTACTS: Check immunization records. Exclude from school immediately on signs of prodrome.
Meningitis, Haemophilus	Unknown, probably 2 to 4 days.	Sudden onset of fever, vomiting, lethargy and stiff neck. Progressive stupor or coma are common.	CASE: Exclude from school until physician advises return. CONTACTS: School exclusion not indicated. Observe carefully for symptoms, especially fever. Parents of day care/nursery school contacts should be advised to check with their children's physicians concerning prophylactic treatment with rifampin. Discuss problem with local health department.
Meningitis, Meningococcal	From 1 to 10 days, usually 3 to 4 days.	Sudden onset of fever and intense headache. Delirium and coma often appear early; a characteristic (measle-like) rash usually follows. Can be fatal despite prompt diagnosis and treatment.	CASE: Exclude from school during acute illness. (Non-communicable after 24 hours of appropriate drug therapy.) CONTACTS: School exclusion not indicated. Parents of day care contacts should be urged to seek their physicians' advice concerning prophylactic treatment with rifampin. Discuss problem with local health department.
Mumps (Infectious Parotitis)	From 2 to 3 weeks, usually 18 days.	Fever with swelling and tenderness of one or both parotid glands located below and in front of the ears. Unrecognized mild cases without swelling may occur.	Communicable from 6 days before swelling until 9 days after. CASE: Exclude from school for 9 days after the onset of parotid gland swelling. CONTACTS: School exclusion not indicated.
Pediculosis (Lice)	Under optimum conditions, eggs hatch in 7 days and reach maturity in about 10 days.	Severe itching and scratching, often with secondary infection. Scalp and hairy portions of body may be affected. Eggs of head lice (nits) attach to hairs as small, round, gray lumps.	CASE: Exclude from school until treated by a physician. CONTACTS: Direct inspection of head, body, and clothing recommended. School exclusion not indicated in absence of infestation.
Rotavirus Infections	Usually 1 to 3 days.	Diarrhea, usually preceded by vomiting and low-grade fever. May also be accompanied by cough.	CASE: Exclude from school until cessation of diarrhea. CONTACTS: School exclusion not indicated.

Salmonellosis	From 6 to 72 hours, usually 12 to 36 hours.	Sudden onset of fever, abdominal pain, diarrhea, nausea, and frequent vomiting. Dangerous dehydration may occur in younger children.	Stools usually positive for Salmonella for several days to several weeks; a few patients test positive for several months. CASE: Exclude from school until physician advises return. CONTACTS: School exclusion and stool cultures not indicated in absence of symptoms.
Scabies	From 2 to 6 weeks.	Begins as itchy raised areas or burrows around finger webs, wrists, elbows, armpits, belt-line, and/or genitalia. Extensive scratching often results in secondary infection.	CASE: Exclude from school until physician advises return. CONTACTS: Direct inspection of body. School exclusion not indicated in absence of infestation.
Scarlet Fever	Usually 1 to 3 days, rarely longer.	Fever, sore throat, exudative tonsillitis or pharyngitis. Rash appears most often on neck, chest, and skin folds of arms, elbows, groin and inner aspect of thighs.	CASE: Exclude from school during acute illness. Non-communicable after 24 hours of appropriate drug therapy. CONTACTS: Exclude from school on appearance of signs or symptoms. Culturing of school contacts and treatment of carriers not usually indicated.
Shigellosis (Bacillary Dysentery)	From 1 to 7 days, usually 3 days.	Diarrhea, fever and often vomiting and cramps. In severe cases the stools may contain blood.	CASE: Exclude from school until cessation of diarrhea. CONTACTS: School exclusion not indicated. Stool cultures indicated only in suspected school outbreaks.
Tinea Corporis (ringworm of the Body)	From 4 to 10 days.	Circular well-demarcated lesion that can involve face, trunk or limbs. Pruritus is common.	CASE: Exclusion from school not indicated as long as lesions are covered or child is being treated by a physician. CONTACTS: School exclusion not indicated.
Whooping Cough (Pertussis)	Usually 7 days, almost uniformly within 10 days, and rarely exceeding 14 days.	Catarrhal stage begins with upper respiratory symptoms and increasingly irritating cough. The paroxysmal stage usually follows within 1 to 2 weeks, and lasts 1 to 2 months. Paroxysmal stage is characterized by repeated episodes of violent cough broken by a high-pitched inspiratory whoop. Older children may not have whoop. Convalescence may require many weeks.	CASE: Exclude from school until a physician advises return (usually 5 days after initiation of erythromycin therapy). CONTACTS: Check immunization records. Exclude on first sign or symptom.

††† A more complete discussion of these conditions and other communicable diseases may be found in *Control of Communicable Diseases in Man* (1990) published by the American Public Health Association. Additional revision and consultation are also available through your local health department. VIRGINIA DEPARTMENT OF HEALTH, OFFICE OF EPIDEMIOLOGY, P.O. BOX 2448, RICHMOND, VIRGINIA 23218.



Appendix IX

CHILD CARE FOOD PROGRAM MEAL PATTERNS

This chart lists the amounts and types of food to be served to children 1 year old and older.

MEAL COMPONENTS	AGES 1 - 2	AGES 3 - 5	AGES 6 - 12
BREAKFAST			
Milk	1/2 cup	3/4 cup	1 cup
Juice or Fruit or Vegetable	1/4 cup	1/2 cup	1/2 cup
Bread or Bread Alternate	1/2 slice	1/2 slice	1 slice
including cereal, cold dry	1/4 cup or	1/3 cup or	3/4 cup or
or cereal, hot cooked	1/3 ounce	1/4 cup	1 ounce
	1/4 cup		1/2 cup
SNACK (SUPPLEMENT)			
Select 2 out of 4 components			
Milk	1/2 cup	1/2 cup	1 cup
Juice or Fruit or Vegetable	1/2 cup	1/2 cup	3/4 cup
Meat or Meat Alternate	1/2 ounce	1/2 ounce	1 ounce
Bread or Bread Alternate	1/2 slice	1 1/2 slice	1 slice
including cereal, cold dry	1/4 cup or	1/3 cup or	3/4 cup or
or cereal, hot cooked	1/3 ounce	1/2 ounce	1 ounce
	1/4 cup	1/4 cup	1/2 cup
LUNCH OR SUPPER			
Milk	1/2 cup	3/4 cup	1 cup
Meat or Poultry or Fish	1 ounce	1 1/2 ounces	2 ounces
or egg	1	1	1
or cheese	1 ounce	1 1/2 ounce	2 ounces
or cooked dry beans or peas	1/4 cup	3/8 cup	1/2 cup
or peanut butter and other "butterers"	2 Tbsp.	3 Tbsp.	4 Tbsp.
nuts and seeds	1/2 ounce*	3/4 ounce*	1 ounce*
Vegetable and/or Fruits	1/4 cup	1/2 cup	3/4 cup
(2 or more total)			
Bread or Bread Alternate	1/2 slice	1/2 slice	1 slice

*Milk includes whole milk, lowfat milk, skin milk, cultured buttermilk, or flavored milk made from these types of fluid milk which meet State or local standards.

Bread Alternate may also include an equivalent serving of items such as a roll, biscuit, muffin, cooked enriched or whole-grain rice, macaroni, noodle, or other pasta products.

*Nuts and seeds may be credited towards meeting only 50% of the meat/meat alternate requirement.

Appendix VIII

MEDICATION AUTHORIZATION

I certify that, in my opinion, it is medically necessary that the medication described below be administered to _____ during center hours and that this medication may be administered by center staff.

Prescription: Medication: _____

Dosage and Time: _____

Duration: _____

Date of Prescription: _____

(Signature of Physician)

(Date)

I, _____, the parent or guardian of _____, request that center staff administer the medication prescribed above to my child during center hours. I understand that the person who will administer the medication may be inexperienced. I also agree to furnish said medication in the container supplied by the drug store with the label intact.

(Signature of parent or guardian)

(Date)

Appendix X

SOME FOODS WITH VITAMIN A AND VITAMIN C

Vitamin A			
*Excellent Sources			
Vegetables	Spinach	Fruits	Meats
Asparagus		*Apricots	Liver
*Broccoli	*Squash-winter	*Cantaloupe	
*Carrots	*Sweetpotatoes	Cherries, red sour	
Chili peppers (red)	Tomatoes	Papaya	
Kale	Tomato Juice,	Peaches, (not canned)	
*Mixed vegetables	paste or puree	Plums, purple (canned)	
*Peas & carrots	*Turnip greens	Prunes	
Pumpkin	Vegetable juices	Pumpkin	
		Watermelon	

Vitamin C		
Vegetables	Peppers, sweet	Fruits
Asparagus	Potatoes, white	Cantaloupe
Broccoli	Spinach	Grapefruit
Brussels sprouts	Sweetpotatoes	Grapefruit juice
Cabbage	Tomatoes	Oranges
Cauliflower	Tomato juice,	Orange juice
Chili peppers	paste or puree	Raspberries
Collards	Turnip greens	Strawberries
Kale	Turnips	Tangerines
Okra		

Appendix XI

PROTOCOLS FOR MICROWAVE HEATING OF REFRIGERATED INFANT FORMULA

Prior to heating:

- * Heat only 4 ounces or more
- * Heat only refrigerated formula
- * Always stand the bottle up
- * Always leave bottle top uncovered to allow heat to escape

Heating instructions (full power)

- * 4 ounce Bottles
Heat for no more than 30 seconds
- * 8 ounce Bottles
Heat for no more than 45 seconds

Serving instructions

- * Always replace nipple assembly; invert 10 times (vigorous shaking is unnecessary)
- * Formula should be cool to the touch; formula warm to the touch may be too hot to serve
- * Always test formula; place several drops on tongue or on top of the hand (not the inside wrist)

Source: Madeleine Sigman-Grant, PhD, RD, et al., Pediatrics, Volume 90, September, 1992.

**DIVISION OF LICENSING PROGRAMS
VIRGINIA DEPARTMENT OF SOCIAL SERVICES
INITIAL APPLICATION FOR A LICENSE TO OPERATE A CHILD [CARE DAY] CENTER**

This application shall be signed by the individual responsible for operation of the child [care day] center(s) or, if the center(s) is/are to be operated by a board, by an officer of the board or person designated authority by the board. It shall be filed 60 days before opening date. The licensing study will begin when a completed application is received.

Application is hereby made for one or more licenses to operate one or more child [care day] centers pursuant to Section 63.1-195 of the Code of Virginia. (If there is more than one center location to be licensed by this application, please copy and complete Sections II and III of this form as many times as needed.)

Name of Center: _____

Type of Center (please check all that apply): Child [Care Day] Center for Preschool or Younger Children
 Child [Care Day] Center for School Age Children
 Nursery-School
 Child-Day-Care-Camp

Center Location: _____
 Street or Route No. City State Zip

Mailing Address: _____
 Street or Route No. City State Zip

In making this application, the applicant:

1. Is in receipt of and has read a copy of [the licensing statute and] the minimum standards applicable to the type of center to be operated.
2. Certifies that it is his intent to comply with the aforementioned minimum standards and statutes and to remain in compliance with them if he is so licensed.
3. Grants permission to the Department of Social Services and its authorized agents to make all necessary investigation of the circumstances surrounding this application and any statement made herein, including financial status, inspection of the facility(ies), review of records and interviewing his agents, employees, and any child or other person within his custody or control. The applicant understands that, following licensure, authorized agents of the department will make announced and unannounced visits to the center(s) to determine its compliance with standards and to investigate any complaints received.
4. Understands that [if he] will be requested to supply reports from the local health department, and appropriate fire prevention officials and [if he] may be requested to supply a Certificate of Occupancy from the local building official.
5. Understands that an application for a license is subject to either issuance or denial. In the event of denial, it is understood that the applicant has appeal rights which are explained in the General Procedures regulation.
6. Understands that a license is required for each center site and the application fee is calculated according to the capacity at each site.

032-05-512/9 (7/93)

7. Is aware that it is a misdemeanor for any person to operate a child [care day] center defined in Section 63.1-195 of the Code of Virginia without a license.
8. Has to the best of his knowledge and belief, given to the Department of Social Services and its authorized agents on this form and during any pre-application conference information which is true and correct. The applicant agrees to supply true and correct information requested during all subsequent investigations.

(Date)

(Name of Applicant (Individual or Organization))

by: _____
(Signature)

(Name and Title)

(Applicant's Mailing Address if different from the center)

(City, State, Zip Code)

(Business Telephone)

DIVISION OF LICENSING PROGRAMS
DEPARTMENT OF SOCIAL SERVICES

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INITIAL APPLICATION
CHILD [GARE DAY] CENTER

Directions: Please provide all requested information. If completing this form for centers located at different sites, please copy and complete Sections II and III of this form as many times as needed.

I. SPONSORSHIP AND GENERAL INFORMATION

A. Center(s) is/are to be operated by _____ Individual _____ Corporation _____ Public Agency
_____ Partnership _____ Association

B. Name of sponsor if not an individual proprietorship: _____
Address: _____
Telephone: () _____
Name and title of contact person (if applicable) _____

C. For centers sponsored by either corporations, [partnerships,] unincorporated associations, or public agencies: list the names and addresses of individuals who hold primary financial control and officers of the sponsoring/governing body:

[List all officers and members of the Board]
President or Chairperson: _____ Telephone Number: () _____
Address: _____ (City) _____ (State) _____ (Zip Code)

Office	Name	Address
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

D. References
List the names and addresses of three persons who are not related to the applicant(s) and who can knowledgeably and objectively certify to the applicant's(s') character and reputation. For center(s) sponsored by corporations, [partnerships,] unincorporated associations, or public agencies provide three references for each [officer-of-the-Board- individual who holds primary financial control and each officer of the sponsoring/governing body.]

DIVISION OF LICENSING PROGRAMS
DEPARTMENT OF SOCIAL SERVICES

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INITIAL APPLICATION
CHILD [GARE DAY] CENTER

Name of Individual Owner, Partner, or Officer [of-the-Board:] _____

References	Phone Numbers	Addresses
_____	_____	_____ (City) (State) (Zip)
_____	_____	_____ (City) (State) (Zip)
_____	_____	_____ (City) (State) (Zip)

Name of Individual Owner, Partner, or Officer [of-the-Board:] _____

References	Phone Numbers	Addresses
_____	_____	_____ (City) (State) (Zip)
_____	_____	_____ (City) (State) (Zip)
_____	_____	_____ (City) (State) (Zip)

Name of Individual Owner, Partner, or Officer [of-the-Board:] _____

References	Phone Numbers	Addresses
_____	_____	_____ (City) (State) (Zip)
_____	_____	_____ (City) (State) (Zip)
_____	_____	_____ (City) (State) (Zip)

Name of Individual Owner, Partner, or Officer [of-the-Board:] _____

References	Phone Numbers	Addresses
_____	_____	_____ (City) (State) (Zip)
_____	_____	_____ (City) (State) (Zip)
_____	_____	_____ (City) (State) (Zip)

E. How many center sites do you want licensed by this application? _____

DIVISION OF LICENSING PROGRAMS
DEPARTMENT OF SOCIAL SERVICES

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INITIAL APPLICATION
CHILD [CARE DAY] CENTER

II. INFORMATION FOR EACH CENTER SITE

Directions: As necessary, please make copies of this section of the form and complete for each center site.

A. Name of Center		B. Phone Number of Center (Area Code)	
C. Name of Administrator		D. Name of Center Director	

E. Directions to the Center:

F. Asbestos
Section 63.1-198.01 of the Code of Virginia, requires asbestos inspections in child [care day] centers based on the date of construction of the building(s) housing your center(s). Written statements required by the minimum standards applicable to your center must be submitted before a license can be issued.

When was your center built? Before 1978 (requires asbestos inspection) In 1978 or after (does not require DSS asbestos review.)

[If your center is located in a public school building or state-owned building, you are exempt from BSS asbestos review. Is your center located in a public school building or state-owned building?]

[] --Yes-- [] --No

[Please provide this information for each separate building of your child care center.]

[Note: If you operate a nonprofit school on site for children five years of age and older, the complete asbestos inspection must be submitted to the Department of Education (804) 225-2035. Written statements as noted above must be submitted to BSS if the building was constructed before 1978.]

DIVISION OF LICENSING PROGRAMS
DEPARTMENT OF SOCIAL SERVICES

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INITIAL APPLICATION
CHILD [CARE DAY] CENTER

[Is your center located in a currently operating public school building or state owned building?]

Yes (does not require DSS asbestos review.)

No (DSS asbestos review required.)

Do you operate (plan to operate) a nonprofit school for children five years of age and older on site?

Yes (the complete asbestos inspection report must be submitted to the Department of Education - (804) 225-2035. If the building was constructed before 1978, written statements as required by minimum standards must be submitted to your licensing representative before a license can be issued.)

No

Note: Please provide this information for each separate building of your child [care day] center.]

G. Hours of Operation and Requested, Licensed Capacity

Child [Care Day] Center	Hours of Operation (days and times)	Months Operated During the Year	Requested Licensed Capacity	Age Range
Preschool or Younger				
School Age				
[Nursery-School]				
[Camp]				

H. What is your total, requested licensed capacity (the number of children that can be present at any one time)?

I. Does the program operate less than four months in a 12 month period? Yes No

[If] Proposed Enrollment by Age Groups and Type of Care Offered. Please indicate if multiple sessions during a one week time period are offered (i.e. morning [nursery-school session] and afternoon [nursery-school session]).

	Infants and Toddlers (birth to 16 mos.)	Infants and Toddlers (16 mos. to 2 yrs.)	Preschool (2 and 3 yr. olds)	Preschool (4 to age of eligibility to attend school)	School Age
[Child-Care] Center					
[Preschool-or] Younger					
[School-Age]					
[Nursery-School]					

Proposed Regulations

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INITIAL APPLICATION
CHILD (CARE DAY) CENTER

J. Do you plan to accept children with disabilities in a mainstream setting?

Yes

No

K. State the purpose and scope of your services (EXAMPLES: What will be the major goal of your center(s)? What will be the emphasis and philosophy of your center(s) to carry out this goal? What are the specific services to be provided as part of your center(s) and how to these services vary according to the age group in care?):

DIVISION OF LICENSING PROGRAMS
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INITIAL APPLICATION
CHILD (CARE DAY) CENTER

Directions: As necessary, please make copies of this section of the form and complete for each center site. [List all employees and volunteers. Place an asterisk (*) by the names of employees and volunteers who have received training in first-aid. If staff not yet hired, indicate positions to be used, anticipating hours of employment, etc.]

Name of Center: _____

III. STAFF INFORMATION

Location of Center: _____

[List all employees and volunteers--if staff is not yet hired, indicate positions to be used, anticipating hours of employment, etc.]

Staff Member	Date of Employment	Position	Education/Related Experience (Indicate highest grade, diploma or degree and related experience)	Weekly Work Schedule (Specify actual hours worked each day)	Age Group For Which Responsible

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DEPARTMENT OF SOCIAL SERVICES

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INITIAL APPLICATION
CHILD [CARE DAY] CENTER

IV. ATTACHMENTS

A. Required Attachments

1. Attach the appropriate fee(s) for application processing.
2. For each site, floor plans indicating exact dimensions of rooms to be used, including
 - a) room length and width;
 - b) functions of each room;
 - c) toilet facilities, including number of basins and toilets; and
 - d) [isolation arrangements and] position of any fixed equipment and furniture.
3. For each site, sketch of available outdoor play area including exact dimensions and the location of any fixed play equipment.

Note: Floor plans and sketch of available outdoor play areas are not required if plans have previously been submitted for functional design approval and no changes have been made to the plan.

	Attached	Not Applicable
[4. a) For centers operated by a partnership:	<input type="checkbox"/>	<input type="checkbox"/>
Articles of Partnership	<input type="checkbox"/>	<input type="checkbox"/>
b) For centers operated by an association:	<input type="checkbox"/>	<input type="checkbox"/>
(1) Copy of Constitution, or	<input type="checkbox"/>	<input type="checkbox"/>
(2) Copy of By-Laws	<input type="checkbox"/>	<input type="checkbox"/>
c) For centers operated by a corporation:	<input type="checkbox"/>	<input type="checkbox"/>
Copy of Charter or certificate of authority to transact business in the Commonwealth	<input type="checkbox"/>	<input type="checkbox"/>
d) Certified financial statement prepared for your facility by a certified public accountant:	<input type="checkbox"/>	<input type="checkbox"/>

DIVISION OF LICENSING PROGRAMS
 VIRGINIA DEPARTMENT OF SOCIAL SERVICES
 RENEWAL APPLICATION FOR A LICENSE TO OPERATE A CHILD [CARE DAY] CENTER

This application shall be signed by the individual responsible for operation of the child [care day] center(s) or, if the center(s) is/are to be operated by a board, by an officer of the board or person designated authority by the board. It shall be filed 60 days before the expiration of the current license. The licensing study will begin when a completed application is received.

Application is hereby made for one or more licenses to operate one or more child [care day] centers pursuant to Section 63.1-195 of the Code of Virginia. (If there is more than one center location to be licensed by this application, please copy and complete Sections II and III of this form as many times as needed.)

Name of Center: _____

Type of Center (please check all that apply): Child [Care Day] Center for Preschool or Younger Children
 Child [Care Day] Center for School Age Children
 --Nursery-School]
 --Child-Day-Care-Camp]

Center Location: _____
 Street or Route No. City State Zip

Mailing Address: _____
 Street or Route No. City State Zip

In making this application, the applicant:

1. Is in receipt of and has read a copy of [the-licensing-statute-and] the minimum standards applicable to the type of center to be operated.
2. Certifies that it is his intent to comply with the aforementioned minimum standards and statutes and to remain in compliance with them if he is so licensed.
3. Grants permission to the Department of Social Services and its authorized agents to make all necessary investigation of the circumstances surrounding this application and any statement made herein, including financial status, inspection of the facility(ies), review of records, and interviewing his agents, employees, and any child or other person within his custody or control. The applicant understands that, following licensure, authorized department will make announced and unannounced visits to the center(s) to determine its compliance with standards and to investigate any complaints received.
4. Understands that [if he] will be requested to supply reports from the local health department and appropriate fire prevention officials.
5. Understands that an application for a license is subject to either issuance or denial. In the event of denial, it is understood that the applicant has appeal rights which are explained in the General Procedures regulation.
6. Understands that a license is required for each center site and the application fee is calculated according to the capacity at each site.

032-05-225/8 (7/93)

7. Is aware that it is a misdemeanor for any person to operate a child [care day] center defined in Section 63.1-195 of the Code of Virginia without a license.
8. Has to the best of his knowledge and belief, given to the Department of Social Services and its authorized agents on this form and during any pre-application conference information which is true and correct. The applicant agrees to supply true and correct information requested during all subsequent investigations.

(Date)

(Name of Applicant (Individual or Organization))

by: _____
(Signature)

(Name and Title)

(Applicant's Mailing Address if different from the center)

(City, State, Zip Code)

(Business Telephone)

DIVISION OF LICENSING PROGRAMS
DEPARTMENT OF SOCIAL SERVICES

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RENEWAL APPLICATION
CHILD [GARE DAY] CENTER

Directions: Please provide all requested information. If completing this form for centers located at different sites, please copy and complete Sections II and III of this form as many times as needed.

I. SPONSORSHIP AND GENERAL INFORMATION

A. Center(s) is to be operated by _____
 Individual Corporation Public Agency
 Partnership Association

B. For centers sponsored by either corporations, [partnerships,] unincorporated [associations associations], or public agencies: list the names and addresses of individuals who hold primary financial control and officers of the sponsoring/governing body:

[List all officers and members of the Board]

President or Chairperson: _____ Telephone Number: _____ () _____

Address: _____
 (City) (State) (Zip Code)

Office	Name	Address

C. How many center sites do you want licensed by this application? _____

DIVISION OF LICENSING PROGRAMS
DEPARTMENT OF SOCIAL SERVICES

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RENEWAL APPLICATION
CHILD [GARE DAY] CENTER

II. INFORMATION FOR EACH CENTER SITE

As necessary, please make copies of this section of the form and complete for each center site.

A. Name of Center _____ B. Phone Number of Center (Area Code) _____

C. Name of Administrator _____ D. Name of Center Director _____

E. Hours of Operation and Requested, Licensed Capacity

Child [Gare Day] Center	Hours of Operation (days and times)	Months Operated During the Year	Requested Licensed Capacity	Age Range
Preschool or Younger				
School Age				
[Nursery-School]				
[Camp]				

F. What is your total, requested licensed capacity (the number of children that can be present at any one time)? _____

G. Does the program operate less than four months in a 12 month period? Yes _____ No _____

H. Current Enrollment By Age Groups [and Type of Gare Offered]. Please indicate if multiple sessions during a one week time period are offered (i.e. morning [nursery-school session] and afternoon [nursery-school session]).

	Infants and Toddlers (birth to 16 mos.)	Infants and Toddlers (16 mos. to 2 yrs.)	Preschool (2 and 3 yr. olds)	Preschool (4 to age of eligibility to attend school)	School Age
[Child-Gare]					
[Center]					
[Preschool-or]					
[Younger]					
[School-Age]					
[Nursery-School]					
[Camp]					

I. How many children with disabilities do you care for in a mainstream setting for each center? _____

Proposed Regulations

DIVISION OF LICENSING PROGRAMS
DEPARTMENT OF SOCIAL SERVICES

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RENEWAL FORM
CHILD [GARE DAY] CENTER

Directions: As necessary, please make copies of this section of the form and complete for each center site. [List all employees and volunteers. Place an asterisk (*) by the names of the employees and volunteers who have received training in first-aid.]

Name of Center: _____ III. STAFF INFORMATION

Location of Center: _____

[list-all-employees-and-volunteers:]

STAFF MEMBER	DATE OF EMPLOYMENT	POSITION	EDUCATION/RELATED EXPERIENCE (Indicate highest grade, diploma or degree and related experience)	WEEKLY WORK SCHEDULE (Specify actual hours worked each day)	AGE GROUP FOR WHICH RESPONSIBLE

DIVISION OF LICENSING PROGRAMS
DEPARTMENT OF SOCIAL SERVICES

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RENEWAL APPLICATION
CHILD [GARE DAY] CENTER

IV. ATTACHMENTS

- A. A list of indoor and outdoor play equipment available to children, if it has changed since the last licensing study.
 no change has changed
- B. A copy of the daily activity schedule(s) for the center(s), if it has changed since the last licensing study.
 no change has changed
- C. A copy of all brochures and policies required by the minimum [standard standards] if they have changed since the last licensing study.
 no change has changed

Proposed Regulations

Title of Regulation: VR 175-09-01. Minimum Standards for Licensed Child [Care Day] Centers [; Before School and After School Child Care Programs, and Child Day Care Camps] Serving School Age Children.

Statutory Authority: §§ 63.1-202 (effective 7/1/93) and 63.1-202.1 of the Code of Virginia.

Public Hearing Dates:

May 27, 1993 - 5 p.m.

June 1, 1993 - 5 p.m.

June 2, 1993 - 5 p.m.

June 3, 1993 - 5 p.m.

Written comments may be submitted through June 3, 1993.

(See Calendar of Events section for additional information)

Summary:

House Bill 1035 of the 1990 General Assembly Session, required the licensure of before school and after school child care programs, nursery schools, and child day care camps effective July 1, 1992. This bill also deleted the child care center licensure exception for governmental and hospital sponsored child care. The 1992 General Assembly session delayed HB 1035 until July 1, 1994. With the repeal of HB 1035 and the passage of SB 777 and HB 2380 by the 1993 General Assembly session, the types of programs mentioned above fall under the definition of a "child day center" and will be newly subject to licensure this year. The proposed regulation was developed with consideration of the variety of centers that will be subject to licensure this year.

This regulation lists the standards that child day centers serving school age children must meet to be licensed by the Department of Social Services. The following areas are addressed in the regulation: (i) administration; (ii) personnel; (iii) physical plant, staffing, and supervision; (iv) program; (v) special care provisions and emergencies; and (vi) special services.

VR 175-09-01. Minimum Standards for Licensed Child Day Centers Serving School Age Children.

**PART I.
INTRODUCTION.**

**Article 1.
Definitions.**

§ 1.1. Definitions.

[Position titles used in these standards are descriptive only and do not preclude the use of other titles by centers.]

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

"Administrator" means a manager or coordinator designated to be in charge of the total operation and management of one or more centers. The administrator [is may be] responsible for supervising the program director or [may], if appropriately qualified, concurrently serve as the program director.

["Admission" means a written or oral agreement for a child's provisional inclusion in the program.]

"Adult" means any individual 18 years of age or [over older].

["Age of eligibility to attend public school" means five years old by September 30.]

"Aide" means the individual designated to be responsible for helping the program leader or child care supervisor in supervising children and in implementing the activities and services for children.

[Note: Position titles used in these standards are descriptive only and do not preclude the use of other titles by centers.]

["Before school and after school day care program" means a child care center which operates before and after school and provides care, protection, and guidance for children age five and older.]

"Camp" means a child day [care] camp.

"Center" means a child [care day] center [; before school and after school day care program, nursery school, and child day care camp or any combination located on the same premises].

"Character and reputation" means findings have established, and knowledgeable and objective people agree, that the individual (i) maintains business, professional, family, and community relationships which are characterized by honesty, fairness, and truthfulness, and (ii) demonstrates a concern for the well-being of others to the extent that the individual is considered suitable to be entrusted with the care, guidance, and protection of children. Relatives by blood or marriage, and people who are not knowledgeable of the individual, such as recent acquaintances, shall not be considered objective references.

"Child" means any individual under 18 years of age.

["Child day camp" means a child day center for school age children which operates during the summer for less than four months in a 12 month period and which emphasizes outdoor activities.]

["Child care center" means any "facility operated for

Proposed Regulations

the purpose of providing care, protection, and guidance to two or more children separated from their parents or guardian during a part of the day only."

Exceptions: (§ 63.1-195 of the Code of Virginia)

1. "A private family home offering care to five or fewer children";

2. "A group family day care home";

3. "A public school or private school unless the commissioner determines that such school is operating a child care center outside the scope of regular classes";

4. "A recreation program operated primarily for recreational development and instruction at a public or private school or facility unless the commissioner determines that such program is child care outside the scope of regular recreational programs";

5. "A Sunday school conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services;

6. Exemption as set out in § 63.1-196.3 of the Code of Virginia: A child care center operated or conducted under the auspices of a religious institution may be exempted from licensure by filing specified information with the department.

"Child day center" means a child day program offered to (i) two or more children under the age of 13 in a facility that is not the residence of the provider or of any of the children in care or (ii) 13 or more children at any location.

Exemptions (§ 63.1-196.001 of the Code of Virginia):

1. A child day center that has obtained an exemption pursuant to § 63.1-196.3;

2. A program where, written policy given to and signed by a parent or guardian, children are free to enter and leave the premises without permission or supervision. A program that would qualify for this exemption except that it assumes responsibility for the supervision, protection and well-being of several children with disabilities who are mainstreamed shall not be subject to licensure;

3. A program of instructional experience in a single focus, such as, but not limited to, computer science, archaeology, sport clinics, or music, if children under the age of six do not attend at all and if no child is allowed to attend for more than 25 days in any three-month period commencing with enrollment. This exemption does not apply if children merely change

their enrollment to a difference focus area at a site offering a variety of activities and such children's attendance exceeds 25 days in a three-month period;

4. Programs of instructional or recreational activities wherein no child under age six attends for more than six hours weekly with no class or activity period to exceed 1 1/2 hours, and no child six years of age or above attends for more than six hours weekly when school is in session or 12 hours weekly when school is not in session. Competition, performances and exhibitions related to the instructional or recreational activity shall be excluded when determining the hours of program operation;

5. A program that operates no more than a total of 20 program days in the course of a calendar year provided that programs serving children under age six operate no more than two consecutive weeks without a break of at least a week;

6. Instructional programs offered by public and private schools that satisfy compulsory attendance laws or the Individuals with Disabilities Education Act and programs of school-sponsored extracurricular activities that are focused on single interests such as, but not limited to, music, sports, drama, civic service, or foreign language;

7. Education and care programs provided by public schools which are not exempt pursuant to subdivision A 6 of this section shall be regulated by the State Board of Education using regulations that incorporate, but may exceed, the regulations for child day centers licensed by the commissioner;

8. Early intervention programs for children eligible under Part H of the Individuals with Disabilities Education Act wherein no child attends for more than a total of six hours per week;

9. Practice or competition in organized competitive sports leagues;

10. Programs of religious instruction, such as Sunday schools, vacation Bible schools, and Bar Mitzvah or Bat Mitzvah classes, and child-minding services provided to allow parents or guardians who are on site to attend religious worship or instructional services;

11. Child-minding services which are not available for more than three hours per day for any individual child offered on site in commercial or recreational establishments if the parent or guardian (i) is not an on-duty employee, (ii) can be contacted and can resume responsibility for the child's supervision within 30 minutes, and (iii) is receiving services or participating in activities offered by the establishment;

12. A certified preschool or nursery school program

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operated by a private school which is accredited by a statewide accreditation organization recognized by the State Board of Education which complies with the provisions of § 63.1-196.3:1. The provisions of this subdivision shall expire on July 1, 1994;

13. Prescribed therapeutic recreation programs provided for children with disabilities in programs that meet the child day center definition shall not be subject to licensure under this chapter until the appropriate regulations are promulgated; or

14. By policy, a child day center that is required to be programmatically licensed by another state agency for that service.]

["Child day care camp" means a "facility operated seasonally or year-round offering programs or services to two or more children separated from their parents or guardian during part of the day only, which provides care, protection, and guidance and emphasizes outdoor activities. A camp is subject to licensure if its sessions cover a period in excess of 14 consecutive days or if the same children are eligible to attend two or more sessions covering a period not in excess of 14 consecutive days with fewer than six days between sessions" (§ 63.1-195 of the Code of Virginia).

"Child day program" means a regularly operating service arrangement for children where, during the absence of a parent or guardian, a person or organization has agreed to assume responsibility for the supervision, protection, and well-being of a child under the age of 13 for less than a 24-hour period.

Exemption: As set out in § 63.1-196.3 of the Code of Virginia, a child day care camp operated or conducted under the auspices of a religious institution may be exempted from licensure by filing specified information with the department.

"Child with a developmental delay" means a child who manifests atypical development or behavior which is demonstrated by one or more of the following:

1. Atypical quality of performance and function in one or more developmental areas;
2. Significant gaps within or between the developmental areas;
3. Behavior patterns that interfere with the acquisition of developmental skills.

Developmental areas include cognitive development, physical development (including fine motor, gross motor, vision, and hearing), language or speech development, psycho-social development, and self-help skills.]

"Commissioner" means the commissioner of Social Services, also known as the director of the Virginia

Department of Social Services.

"Contract employee" mean an individual who enters into an agreement to provide specialized services for a specified period of time.

"Department" means the Virginia Department of Social Services.

"Department's representative" means an employee or designee of the Virginia Department of Social Services, acting as the authorized agent of the commissioner.

"Developmentally appropriate" means a philosophy which applies a knowledge of child development to the curriculum, the environment, adult-child interactions, and staff-parent interactions, and which recognizes the age span of the children within the group, as well as the needs of the individual child.

["Enrollment" means the actual attendance of a child as a member of the center.]

"Evening care" means care provided in a center between the hours of 7 p.m. and 1 a.m., inclusively.

"Fall zone" means the area underneath and surrounding equipment that requires a [protective resilient] surface. It shall encompass sufficient area to include the child's trajectory in the event of a fall while the equipment is in use.

"Field [~~trip~~ trips] " means excursions away from the facility including walks away from the facility.

["Program leader" or "child care supervisor" means the individual designated to be responsible for the direct supervision of children and for implementation of the activities and services for a group of children.

"Licensee" means any individual, partnership, association, public agency, or corporation to whom the license is issued.

["Montessori Module" means a group of alternative, specific standards in the regulations allowed for all programs meeting the eligibility criteria of a Montessori preschool, as specified in the module.

"Montessori preschools" are educational programs wherein the teacher training and subsequent pedagogy are approved by either American Montessori Society, American Montessori Internationale, National Council of Montessori Education, or Saint Nicholas Montessori, thus verifying that the preschool meets the Montessori standards as outlined in the Montessori Module. Only Montessori schools which meet the Montessori criteria as outlined in the Montessori Module are eligible to comply with the modified licensing standards contained in that module.]

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"Overnight care" means care provided in a center between the hours of 1 a.m. and 5 a.m., inclusively.

"Parent" means the biological or adoptive parent or parents or legal guardian or guardians of a child enrolled [in] or in the process of being [enrolled in admitted to] a center.

"Physician" means an individual licensed to practice medicine in any of the 50 states or the District of Columbia.

"Primitive camp" means a camp where places of abode, water supply system, permanent toilet and cooking facilities are not usually provided.

"Program director" means the primary, on-site director or coordinator designated to be responsible for developing and implementing the activities and services offered to children, including the [management of the] supervision [of all staff who work with children and the] orientation, training, and scheduling of [all] staff who work directly with children, whether or not the program director personally performs these functions.

Exception: The administrator may perform staff orientation, training or program development functions if the administrator meets the qualifications in § 3.6 of these regulations and a written delegation of responsibility specifies the duties of the program director.

["Program leader" or "child care supervisor" means the individual designated to be responsible for the direct supervision of children and for implementation of the activities and services for a group of children.]

"Programmatic experience in the group care of children" means time spent working directly with children in a group, in a child care situation which is located away from the child's home ([i.e., e.g.,] Sunday school, vacation Bible school, scouts, etc.).

"School age" means children from the age of eligibility to attend public school and older [, age five or older by September 30] .

"Speciality camps" means those centers which have an educational or recreational focus on one subject which may include, but is not limited to, dance, drama, music, sports.

"Sponsor" means an individual, partnership, association, public agency, corporation or other legal entity in whom the ultimate authority and legal responsibility is vested for the administration and operation of a center subject to licensure.

"Staff" means administrative, [activities activity] , service, and volunteer personnel including the licensee when the licensee is an individual who works in the facility.

"Volunteers" means persons who come to the center less than once a week and are not counted toward the required number of staff.

"Volunteer personnel" means persons who work at the center once a week or more often or who are counted in the required ratio of staff to children.

Article 2. Legal Base.

§ 1.2. Chapter 10 (§ 63.1-195 et seq.) of Title 63.1 of the Code of Virginia describes the responsibility of the Department of Social Services for the regulation of residential and day [care] programs [; including child care centers, before school and after school day care programs, nursery schools, and child day care camps for children, including child day centers.]

§ 1.3. Section 63.1-202 of the Code of Virginia requires the Child Day-Care Council to prescribe standards for certain activities, services, and facilities for child [care day] centers [; before school and after school day care programs, nursery schools, and child day care camps] .

Article 3. Purpose.

§ 1.4. The purpose of these minimum standards is to protect [school age] children who are separated from their parents during a part of the day by:

1. Ensuring that the activities, services, and facilities of centers are conducive to the well-being of children, and
2. Reducing risks in the child care environment.

Article 4. Applicability.

§ 1.5. [These The] minimum standards [in Part I through VIII or the alternative standards in the Montessori Module in Part IX of these regulations] apply to child [care day] centers serving school age children [including before school and after school day care programs, nursery schools, and child day care camps] as defined in § 1.1 of these standards.

PART II. ADMINISTRATION.

Article 1. Sponsorship.

§ 2.1. Each center shall have a clearly identified sponsor which shall be identified by its legal name in accordance with state requirements.

§ 2.2. The names and addresses of individuals who have primary financial control and officers of the sponsor

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governing body shall be disclosed fully to the Department of Social Services.

§ 2.3. The sponsor, represented by the individual proprietor, partners, officers, and managers who has delegated authority to act for a sponsor, shall be of good character and reputation and shall not have been convicted of a felony or a misdemeanor related to abuse, neglect, or exploitation of children or adults.

Article 2.

Operational Responsibilities.

§ 2.4. As required by § 63.1-198 of the Code of Virginia, the sponsor shall afford the commissioner or his agents the right at all reasonable times to inspect facilities, all of his financial books and records, and to interview his agents, employees, and any child or other person within his custody or control.

[§ 2.5. A certified financial statement prepared for the facility by a certified public accountant shall be submitted to the department before initial licensure.]

[§ 2.6. § 2.5.] The license shall be posted in a place conspicuous to the public, near the main entrance of the building or the main office.

[§ 2.7. § 2.6.] The operational responsibilities of the licensee shall include, but not be limited to, the following:

1. To develop a written statement of the purpose, scope, and philosophy of the services to be provided by the center and written policies under which the center will operate;

2. To ensure that the center's activities, services, and facilities are maintained in compliance with these minimum standards; [with] the terms of the current license issued by the department; [with] other relevant federal, state, and local laws and regulations [including the Americans with Disabilities Act and state law regarding disabilities] ; and [with] the center's own policies and procedures; and

3. To identify in writing the individuals responsible for the day-to-day operations and implementation of both these regulations and the facility's policies.

[§ 2.8. § 2.7.] No center "shall make, publish, disseminate, circulate, or place before the public, or cause, directly or indirectly, to be made...an advertisement of any sort regarding services or anything so offered to the public, which...contains any promise, assertion, representation, or statement of fact which is untrue, deceptive, or misleading" (§ 63.1-196 of the Code of Virginia).

[§ 2.9. § 2.8.] The center shall maintain public liability for bodily injury with a minimum limit of at least

\$500,000 each occurrence and \$500,000 aggregate or have equivalent self-insurance which is in compliance with local codes. Evidence of insurance coverage shall be made available to the department's representative upon request [unless the center is self-insured] .

[§ 2.10. § 2.9. A school accident health insurance program for children enrolled shall be available for the parent to purchase. A plan of accident or school insurance shall be available to the parent. The center may designate whether the parent's participation in the plan is optional or mandatory.]

[§ 2.11. § 2.10.] The center shall develop an annual plan for injury prevention. This plan shall be based on documentation of injuries and a review of the activities and services.

[§ 2.12. § 2.11.] The center shall develop a playground safety plan which shall include:

1. Provision for active supervision by staff; [and]
2. Positioning of staff on the playground to help meet the safety needs of children; and
3. [Schedule and method to maintain the required Method of maintaining] resilient surface.

[§ 2.13. § 2.12.] Hospital operated [child care] centers may temporarily exceed their licensed capacity during a natural disaster [or other catastrophe] if:

1. The center has developed a plan with defined limits for its emergency operation, and
2. The center has received prior approval of [the plan by] the department. The department may monitor the center during this time and impose additional requirements for the safety of children or withdraw the approval to exceed the capacity.

[§ 2.13. If children 13 years or older receive supervision in the licensed program, the center's licensed capacity shall be reduced by one for each child 13 years of age or older.]

Article 3. Policies and Procedures.

§ 2.14. Before a child's [admission and before staff are allowed to supervise children enrollment] , parents [and staff] shall be provided [in writing] the following:

1. [Operational Operating] information:
 - a. The center's purpose, scope, philosophy, and any religious affiliations;
 - b. The hours and days of operation [; specific hours during which special activities are offered;]

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and holidays or other times closed;

c. The procedures for admission and registration of children [and removal of children from the rolls, including the amount of notice required from the parent and the center before removal from the rolls;]

d. Fees and tuition including whether participation in the accident or school insurance is mandatory;

e. The program and services provided and the ages of children accepted;

[f. Provisions for children with developmental delays and any special services offered if special needs children are accepted;]

[g. f.] Organizational chart or other description of established lines of authority for persons responsible for center management within the organization;

[h. g.] Reasons [for the center to terminate enrollment of the child; and procedures for removal of children from rolls including the amount of notice required for the parent and center before removal from the program] ;and

[i. h.] Licensing information found in Appendix I.

2. Arrival and departure for children:

[a. Procedures for caring for a child who may arrive after any scheduled start time of the center;

b. Procedures to confirm absence of a child from the center when the child attends more than one care or educational arrangement a day;]

[e. a.] Policy governing a parent picking up a child after closing hours and procedures if the child is not picked up;

[d. b.] Policy for release of children from the center only to responsible persons for whom the center has written authorization; and

[e. c.] Procedures for protecting children from traffic and other hazards during arrival and departure and when crossing streets.

3. Program and activities:

a. Procedures [and policies] about accepting and storing children's personal belongings;

b. Discipline policies including acceptable and unacceptable discipline measures;

c. Food policies; and

d. Transportation safety policies and procedures when provided.

4. Health and emergencies:

[a. Procedures for identifying where attending children are at all times including field trips;

[b. a.] Procedures for storing and giving children's medications; [and]

[c. Procedures for action in case of lost or missing children, ill or injured children, medical emergencies, and natural disasters, including but not limited to fire, flood, or other severe weather; and]

[d. b. Procedures Policy] for reporting [suspected] child abuse.

[§ 2.15. Before staff are allowed to supervise children, staff shall be provided with the information listed in § 2.14 and the following:

1. Procedures for caring for a child who may arrive after any scheduled start time or the center;

2. Procedures to confirm absence of a child from the center when the child attends more than one care or educational arrangement a day;

3. Procedures for identifying where attending children are at all times including field trips; and

4. Procedures for action in case of lost or missing children, ill or injured children, medical emergencies, and natural disasters, including but not limited to fire, flood, or other severe weather.]

Article 4.

Records, Logs, and Reports.

[§ ~~2.16~~. § 2.16.] General record keeping.

A. All children's records and personnel records shall be treated confidentially with access restricted to [staff and] officials under the authority of the Code of Virginia. Children's records [may shall] also be available to the custodial parent [unless otherwise provided in the law] .

B. Records, logs, and reports shall be kept [current]. [Records may be kept at a central location except as indicated otherwise in these standards] .

C. All records, logs, and reports on children and staff required by these standards shall be maintained and [made] accessible for two years after termination of enrollment or employment unless specified otherwise.

[§ ~~2.16~~. § 2.17.] Children's records.

Each center shall maintain and keep at the [facility

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center] a separate record for each child [enrolled] which shall contain the following information:

1. Name, nickname (if any), sex, and birth date of the child;
2. Name, home address, and home phone number of each parent who has custody;
3. When applicable, work phone number and place of employment of each parent who has custody;
4. Name and phone number of child's physician;
5. Name, address, and phone number of two designated people to call in an emergency if a parent cannot be reached;
6. Names of persons authorized to pick up the child. Appropriate [~~custodial~~ legal] paperwork shall be on file when the [custodial] parent requests the center not to release the child to the other parent;
7. Allergies and intolerance to food, medication, or any other substances, and actions to take in an emergency situation;
8. Chronic physical problems [; special abilities, or developmental delays, if any; and pertinent developmental information;]
9. Health information as required by [§§ ~~2.26~~ §§ 2.27] through [~~2.27~~ 2.29] of these regulations;

[~~Exception: When a center is located in the same building where a child attends school and the child's record has a statement verifying the school's possession of the health record, the center is not required to maintain duplicates of the school's health record for that child.~~]

10. Written agreements between the parent and the center as required by §§ 2.21 through 2.23;]

[~~10. 11.~~] Name of any additional programs or schools that the child is concurrently attending and the grade or class level; [and]

[~~11. 12.~~] [Admission date; and Enrollment and termination date.]

[~~12. Enrollment termination date when applicable.~~]

[§ ~~2.17~~ § 2.18.] Staff records.

Staff records shall be kept for paid staff and volunteer personnel which shall include the following:

1. Name, address, [birth date verification of age requirement] , job title, and date of employment or volunteering;

2. Documentation that two or more references as to character and reputation as well as competency were checked before employment or volunteering. If a reference check is taken over the phone, documentation shall include dates of contact, name of persons contacted, the firms contacted, results, and signature of person making call.

Exception: Reference checks are not required for:

a. Staff hired before April 1, 1986, in centers initially licensed before July 1, [~~1992~~ 1993]; and

b. Staff who began work before July 1, [~~1992~~ 1993] , in [previously excepted] centers that were initially [required to be] licensed after July 1, [~~1992~~ 1993] .

3. A criminal record check as required by the Regulation for Criminal Record Checks [for Child Welfare Agencies] ; [and]

Note: [A ~~criminal~~ Criminal] record [~~check is~~ checks are] required for volunteers, except parent volunteers as defined in the Regulation for Criminal Record Checks who at any time would be alone with, in control of, or supervising one or more children outside the physical presence of a paid facility staff member.

4. Name, address, and telephone number of a person to be notified in an emergency [which shall be kept at the center] ;

5. Written information to demonstrate that the individual possesses the education, orientation training, staff development, certification, and experience required by the job position;

6. First aid and other certification as required by the responsibilities held by the staff member;

7. Health information as required by [§§ ~~2.28~~ §§ 2.30] through [~~2.30~~ 2.32] of these regulations;

8. Information [, to be kept at the center,] about any [~~chronic~~] health problems [; drug reactions, allergies, medication taken, and any other health concerns which may interfere with fulfilling the job responsibilities] ; and

9. Date of termination when applicable.

[§ ~~2.18~~ § 2.19.] The center shall keep a written log of the following:

1. Children in attendance each day;
2. Medication given to children as required [by in subdivisions 1 through 4 of] § 7.17 [; subdivisions ~~1~~ through 4] ;

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3. Children's accidents or injuries as required [~~by in subdivisions 1 through 7 of~~] § 7.35 [~~; subdivisions 1 through 7~~] ;

4. [~~Quarterly asbestos~~ Asbestos] inspections as required in [subdivision C 2 of] § 4.2 [~~C 2~~] ; and

5. Emergency evacuation practice drills as required in § 7.29.

[~~§ 2.19.~~ § 2.20.] Reports shall be filed and maintained as follows:

1. The center shall inform the commissioner's representative within two working days of the circumstances surrounding the following incidences:

a. Death of a child, and

b. Missing child when local authorities have been contacted for help.

2. Any suspected incidence of child abuse shall be reported in accordance with § 63.1-248.3 of the Code of Virginia.

Article 5.

[~~Admissions Enrollment~~] and Termination Procedures.

[~~§ 2.20.~~ § 2.21.] A written agreement between the parent and the center shall be in each child's record at the time of the child's [~~admission~~ enrollment] . The agreement shall be signed by the parent and include:

1. An authorization for emergency medical care should an emergency occur when the parent cannot be located immediately, and

2. A statement that the center will notify the parent when the child becomes ill and that the parent will arrange to have the child picked up as soon as possible.

[~~§ 2.21.~~ § 2.22.] When applicable, written permission from the parent authorizing the child's participation in the center's transportation and field trips shall be in the child's record.

[§ 2.23. If a parent wishes a child to leave the center unaccompanied, written permission from the parent authorizing the child to leave the center shall be secured and the center shall maintain a record of the child leaving unaccompanied.]

[~~§ 2.22.~~ § 2.24.] The phone number of the center shall be given to the parent upon the child's enrollment.

[~~§ 2.22.~~ Before enrolling a child with a developmental delay, the center shall verify the child's independent skill level to assure that adequate care can be provided by the

center. An assessment shall include guidance from the child's parent(s) and a professional familiar with the child or his developmental delay.

[~~§ 2.24.~~ § 2.25.] When a center decides to terminate the enrollment of a child, the center shall provide the parent in writing the reasons for termination.

§ 2.26. Reserved.]

Article 6.

Health for Children and Staff.

[~~§ 2.25.~~ § 2.27.] Immunizations for children.

A. Regulations by the State Board of Health for the immunization of school children require documentation of all age appropriate immunizations prescribed in the regulations before each child's [~~admission~~ enrollment] to a center licensed by this Commonwealth.

Exemptions (subsection C of § 22.1-271.2 of the Code of Virginia and § 3.03 of the Regulations for the Immunizations of School Children.): Documentation of immunizations is not required for any child whose (i) parent submits an affidavit to the center, on the form entitled "Certification of Religious Exemption," stating that the administration of immunizing agents conflicts with the parent's or child's religious tenets or practices, or (ii) physician or a local health department states on a MCH 213B Form that one or more of the required immunizations may be detrimental to the child's health.

B. Updated information on immunizations received shall be obtained once between each child's fourth and sixth birthdays.

[~~§ 2.26.~~ § 2.28.] Physical examinations for children.

Each child shall have a physical examination by or under the direction of a physician before [~~admission~~ enrollment] or within one month after [~~admission~~ enrollment] . [~~The schedules for examinations prior to admission for children are listed below:~~]

[~~1. Within 12 months before admission for~~ For] children two years of age through five years of age [~~; and the examination shall be completed within 12 months prior to enrollment.~~]

[~~2. Within two years before admission for children six years of age and above.~~]

Exceptions:

1. Children transferring from a facility licensed by the Virginia Department of Social Services, certified by a local department of public welfare or social services, [registered as a small family day home by the Virginia Department of Social Services or by a contract agency of the Virginia Department of Social Services,

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] or approved by a licensed family day [care] system:

a. If the initial report or a copy of the initial report of immunizations is available to the admitting facility, no additional examination is required.

b. If the initial report or a copy of the initial report is not available, a report of physical examination and immunization is required in accordance with [§§ 2-25 §§ 2.27] and [2-26 2.28] of these regulations.

2. Subsection D of § 22.1-270 of the Code of Virginia: Physical examinations are not required for any child whose parent objects on religious grounds. The parent must submit a signed statement noting that the parent objects on religious grounds and certifying that to the best of the parent's knowledge the child is in good health and free from communicable or contagious disease.

[§ 2-27, § 2.29.] Form and content of immunizations and physical examination reports for children.

A. The current form required by the Virginia Department of Health shall be used to report immunizations received and the results of the required physical examination. See Appendix II for a copy of this form.

Exception: When the current Health Department form has not been used such as, but not limited to, when a child transfers from another state, other documentary proof of the child having received the required examination and immunization shall be accepted. Documentary proof may include, but not be limited to, an International Certificate of Immunization, another state's immunization form, or a physician's letterhead.

B. Each report shall include the date of the physical examination and dates immunizations were received.

C. Each report shall be signed by a physician, his designee, or an official of a local health department.

[§ 2-28, § 2.30.] Tuberculosis examination for staff.

A. Each staff member, including the licensee, administrator, and volunteer personnel, shall obtain and submit a statement that he is free of tuberculosis in a communicable form. The statement shall be submitted no later than [three five] working days after employment and shall:

1. Be dated within 30 days before or [three five] working days after employment of the individual;
2. Include the types of tests used and the results; and
3. Include the signature of the physician, the

physician's designee, or an official of a local health department.

[Exception: Exceptions:] When a staff member terminates work at one licensed facility or public or private school and begins work at a licensed center with a gap in service of six months or less, the previous statement of tuberculosis screening may be transferred to the licensed center. [Centers newly subject to licensure do not need to require staff hired before the effective date of these regulations to submit a statement of tuberculosis screening.]

B. The tuberculosis examination shall be repeated as required by a licensed physician or the local health department.

C. Any staff member who comes in contact with a known case of tuberculosis or who develops chronic respiratory symptoms shall within one month after exposure or development receive an evaluation in accordance with [subsections A and B of § 2-28 subsections A and B of § 2.30] of these regulations.

[§ 2-29, § 2.31.] When there [are indications is evidence] that the safety of children may be jeopardized by the physical health or mental health of a staff member or volunteer, a report of examination of this person by a physician or, if appropriate, a clinical psychologist skilled in the diagnosis and treatment of mental illness shall be obtained. The request for obtaining an examination may come from the licensee, administrator, or department.

[§ 2-30, § 2.32.] If a staff member's or volunteer's examination or test results indicate that his physical or mental condition may [jeopardized jeopardize] the safety of children or prevent his performance of duties, the staff member shall not be allowed contact with children or food served to children. The staff member may return when his condition is cleared to the satisfaction of the physician or clinical psychologist as evidenced by a signed, dated statement from the physician or clinical psychologist.

PART III. PERSONNEL.

Article 1. General Qualifications.

§ 3.1. No staff shall have been convicted of a felony or a misdemeanor related to abuse, neglect, or exploitation of children or adults.

§ 3.2. All staff shall understand and be sensitive to the varying capabilities, interests, needs, and problems of children in care.

§ 3.3. All staff shall be:

1. Of good character and reputation;

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2. Capable of carrying out assigned responsibilities;
3. Willing and able to accept training and supervision;
4. Able to communicate effectively both orally and in writing as applicable to the job responsibility; and
5. Able to understand and apply the minimum standards in this booklet which relate to their respective responsibilities.

§ 3.4. All staff who work directly with children shall have the [~~abilities~~ ability] to:

1. Communicate with emergency personnel and understand instructions on a prescription bottle;
2. Communicate effectively and appropriately with the age group to [~~whom~~ which] the staff person is assigned;
3. Communicate effectively with parents;
4. Provide a stimulating and safe environment for the age group to [~~whom~~ which] the staff person is assigned; and
5. Use materials, activities, and experiences to encourage children's growth and development.

Article 2. Qualifications by Job Responsibility.

§ 3.5. All staff who work in multiple positions within the center shall meet the qualifications for each position.

Note: Personnel titles used in the standards are descriptive only. Centers are not required to use the same titles. The program director may have responsibilities for several centers at one site.

§ 3.6. Administrators.

[There shall be an administrator designated to be in charge of the total operation of the center.] Administrators [~~performing some of the~~ hired after the effective date of these regulations who perform] responsibilities of the program director shall be at least 21 years of age and shall possess [: ~~±. A bachelors degree or endorsement~~ an endorsement, bachelor's degree or associate degree] in a child related field from an accredited college or university and [~~six months~~ one year] of programmatic experience in the group care of children.

[~~2. An associate degree in a child related field from an accredited college or university and one year of programmatic experience in the group care of children.~~

Exception: Montessori preschools may meet the alternative

requirements in the Montessori Module.]

§ 3.7. [There shall be a program director designated to be responsible for developing and implementing the activities and services offered to children.] There may be one program director for several types of centers at one site or there may be one program director for each type of center at one site. If a program director is responsible for a center with school age children and a center with children of preschool age or younger, the qualifications applicable to both school age and preschool age and younger shall apply.

§ 3.8. Program directors.

Program directors for centers with school age children shall be at least 21 years of age unless directly supervised by an administrator meeting the qualifications of § 3.6, in which case, the program director shall be at least 19 years of age. Program directors shall possess:

[~~1. An endorsement or bachelors degree in child related field from an accredited college or university; or~~]

[~~2. 1.] An [endorsement, bachelors, or] associate degree in a child related field from an accredited college or university and six months of [age appropriate] programmatic experience in the group care of children; or~~

[~~3. 2.] Three years of [age appropriate,] programmatic experience in the group care of children which has been obtained after the age of 16 and a high school diploma or G.E.D. if supervised by an administrator meeting the qualifications of § 3.6; or~~

[~~4. 3.] Certification by a nationally recognized accrediting body whose staff qualification standards have been determined to meet minimum state regulations for the program director position.~~

[Note: For the programmatic experience to be considered age appropriate, at least some of the experience shall be with school age children.

Exception: Montessori preschools may meet the alternative requirements in the Montessori Module.]

§ 3.9. Back-up for program directors.

A. For centers operating eight hours or more per day, if the program director is regularly present in the facility fewer than four hours per day, there shall be an officially designated person who shall assume the responsibility in the absence of the program director and meet the qualifications [of subdivisions ~~1 through 4~~] of [subdivisions 1 through 3 of] § 3.8. In addition, if the program operates multiple shifts for working parents, a program director shall be regularly present for at least

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four hours of each shift or have a back-up program director who shall assume responsibility in the absence of the director and meet the qualifications [of subdivisions 1 through 4] of [subdivisions 1 through 3 of] § 3.8.

B. For centers operating eight hours or less per day, if the program director is regularly present in the facility less than 50% of the hours of operation, there shall be an officially designated person who shall assume responsibility in the absence of the program director and meet the qualifications [of subdivisions 1 through 4] of [subdivisions 1 through 3 of] § 3.8.

[Exception: Montessori preschools may meet the alternative requirements in the Montessori Module].

§ 3.10. Program leaders and child care supervisors.

[Group Program] leaders and child care supervisors shall [be :]

[1. Be] at least 18 years of age [and have ;]

[2. Have] a high school diploma or G.E.D. [; and]

[3. Have] six months of age appropriate, programmatic experience in the group care of children or a degree in elementary education or early childhood education.

Note: For the programmatic experience to be considered age appropriate, at least some of the experience shall be with school age children.

Exception: Montessori preschools may meet the alternative requirements in the Montessori Module.]

§ 3.11. Aides.

Aides shall be at least 16 years of age and shall meet the general qualifications, health, orientation training, and staff development requirements for the applicable position.

§ 3.12. Volunteer personnel.

Volunteer personnel shall meet the qualifications for the applicable position.

§ 3.13. Volunteers.

The duties of volunteers shall be clearly defined.

Article 3.

Staff Orientation Training and Development.

§ 3.14. Orientation training.

Before assuming job responsibilities, all staff shall receive the following training and shall certify in writing that all the required training was received:

1. Job responsibilities and [who to whom] they report [to] ;

2. The policies and procedures listed in [subdivisions 1 through 4 of § 2.14 §§ 2.14 and 2.15] that relate to the staff member's responsibilities;

3. The center's playground safety plan unless the staff member will have no responsibility for playground activities or equipment;

4. Confidential treatment of personal information about children in care and their families; and

5. The minimum standards in this booklet which relate to the staff member's responsibilities.

§ 3.15. Staff development.

A. The center shall have a plan for staff development.

B. Staff development activities to meet [subsection C of § 3.15 the requirements of subsection C of this section] shall:

1. Be related to children and the function of the center;

2. Consist of some sources outside the center which may include but not be limited to audio and visual tapes, conferences, and workshops;

3. Be from someone with verifiable expertise or experience when conducted as in-service training; [and]

4. Include annually the topics of safety for children, child development and discipline, and playground supervision for staff [; and .]

5. Include, for program directors of centers serving one or more children with a developmental delay and for staff who work directly with one or more children with a developmental delay, training related to the child's developmental delay, mainstreaming, and special accommodations. For program directors the training shall be from sources with verifiable expertise and come from outside resources such as college courses, workshops, or training sessions.

C. In addition to first aid, CPR, and orientation training required elsewhere in these regulations, employed staff who work directly with children shall annually attend [the number of eight] hours of staff development activities [as indicated below:

Program	
Leaders/	
Child Care	Program
Aides	Supervisors
	Directors

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Camps (for school age children only)	6	6	6
Child care for school age children (may also care for children of preschool age or younger)	12	15	15

[Exception: Montessori preschools may meet the alternative requirements in the Montessori Module.]

§ 3.16. Whenever one or more children under [the age of] eight are present in a center, there shall be at least one staff member on duty at all times who has obtained instruction in performing the daily health observation of children. This instruction shall be obtained from a physician, registered nurse, or health department medical personnel at a three year interval.

PART IV. PHYSICAL PLANT.

Article 1. Approval from Other Agencies.

§ 4.1. Requirements prior to initial licensure.

A. Before issuance of initial license and before use of newly constructed, renovated, remodeled, or altered buildings or sections of buildings, written documentation of the following shall be provided by the applicant or licensee to the licensing representative:

1. Inspection and approval of [the] buildings from the [local building official appropriate authority] ; and
2. Inspection and approval from the local health department, or approval of a plan of correction, for meeting requirements for:
 - a. water supply;
 - b. sewerage disposal system; and
 - c. food service, if applicable.

Exception: Any building which is currently approved for school occupancy and which houses a public or private school during the school year shall be considered to have met the requirements of [§ 4.1 subdivision A 1 of this section] when housing a center [only] serving children 2 1/2 years of age or older.

B. If a building was under construction before 1978, a written statement from a Virginia licensed asbestos inspector and management planner shall be submitted before initial licensure in order to comply with § 63.1-198.01 of the Code of Virginia. The statement shall include:

1. Verification that the building in which the child [care day] center is located was inspected for asbestos according to [the Survey Standards for the Inspection of Child Care Centers for the Presence of Asbestos effective January 1989 the requirements of the Asbestos Hazard Emergency Response Act - 40 CFR Part 763 - Asbestos Containing Materials in Schools] ;

2. The dates of the inspection;

3. Whether asbestos was found in the building;

4. Signature of the licensed asbestos inspector and management planner, including the Virginia [Department of Commerce] license numbers [: ; and]

5. If asbestos is found or assumed [and not removed], the statement shall include:

a. The location of any significant asbestos hazard areas;

[b. Response actions recommended by the inspector; and]

[e. b.] Verification of completion of the management plan [: ;]

[c. Response actions recommended by the inspector; and]

d. Verification that response actions have been completed.]

[Exception: Private, nonprofit schools providing educational instruction to children five years of age or older are also subject to the federal requirements of the Asbestos Hazard Emergency Response Act (AHERA). Private, nonprofit schools which are also subject to licensure and have had an asbestos inspection completed prior to the implementation of these regulations may submit the letter of completion they have received from the Department of Education, in lieu of the requirements of [§ 4.1 B 1 through 5 this subsection] .

Private, nonprofit schools subject to the federal AHERA requirements, but which have not already received an asbestos inspection must comply with [§ 4.1 B and C subsections B and C of this section] .

C. If asbestos was found in the building, before a license will be issued the prospective licensee shall:

1. Submit to the department a signed, written statement that:

[a. Response actions to remove all asbestos containing materials have been completed [or ;]

[e. b.] The recommendations of the operations and

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maintenance plan will be followed;

[~~b. c.~~] *Appropriate staff will receive the necessary training; and*

[~~e. d.~~] *Documentation of required [quarterly] inspections will be completed.*

[2. Maintain documentation of removal at the center for review by the department's representative.]

[~~2. 3.~~] *Send written notification to the parents, department, and other adult occupants of the building about the presence and location of the asbestos containing material as well as the advisement that the asbestos inspection report and operation and maintenance plan are available for review. A copy of this notification shall be submitted to the department.*

[Note: The department may request that the complete asbestos inspection report and operations and maintenance plan be submitted for review.]

Exception: The asbestos requirements of [§ 4.1 B and C subsections B and C of this section] do not apply to child [care day] centers located in a [currently operating] public school building or a state owned building since the asbestos requirements of these buildings are regulated by other agencies.

D. Prior to initial licensure, camps shall make the following documentation available to the licensing representative:

- 1. Notification to closest fire department of camp location;*
- 2. Approval or permit from local building official for installation and operation of any incinerator; and*
- 3. Approval from appropriate fire official for any open fire, if applicable.*

§ 4.2. *Requirements subsequent to initial licensure.*

A. Every 12 months, written documentation shall be obtained and provided to the licensing representative of inspection and approval from the appropriate fire prevention official that the center's facility complies with the Statewide Fire Prevention Code.

B. Subsequent to initial licensure, and as required by the local health department, written documentation shall be provided of any additional inspections and approvals, or approvals of a plan of correction, for meeting:

- 1. Water supply;*
- 2. Sewerage disposal system; and*
- 3. Food service, if applicable*

C. For those buildings where asbestos containing materials are found or assumed and not removed:

1. The administrator or a designated staff member shall take the required asbestos training as specified in the operations and maintenance plan for the facility [; ;]

2. The administrator or a designated staff member who has received the required asbestos training shall conduct [quarterly visual] inspections of all asbestos containing materials [according to the schedule recommended in the management plan] and document the date and the findings of these inspections [; ; and]

3. New parents and new adult occupants of the building shall be provided written notification of the presence and location of asbestos in the building and be advised that the asbestos inspection report and operations and maintenance plan are available for their review. A copy of this written notification shall be maintained at the [facility center] for review by the department's representative.

D. For those buildings where asbestos containing materials have been found or assumed and asbestos has been removed, the center shall maintain at the [facility center] documentation of that removal for review by the department's representative. [Unless all asbestos containing materials have been removed, the operations and maintenance plan shall be followed for any remaining asbestos material.]

[Exception: Subsections C and D of this section do not apply to child day centers located in a currently operating public school building or a state owned building since the asbestos requirements of these buildings are regulated by other agencies.]

Article 2. General Requirements.

§ 4.3. *The facility's areas and equipment, inside and outside, shall be:*

- 1. Maintained in clean and sanitary condition;*
- 2. Maintained in conditions that are safe and free of hazards such as but not limited to sharp points or corners, splinters, protruding nails, loose rusty parts, and objects small enough to be swallowed; and*

[Exception: Montessori preschools may meet the alternative requirements in the Montessori Module.]

- 3. Maintained in operable condition.*

[§ 4.4. *The facility's areas shall be accessible to all children served.*]

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[~~§ 4.6.~~ § 4.4.] Heating provisions.

A. A heating system shall be provided except for camps for school age children that only operate from May 15 to October 1. The heating system shall meet the following specifications:

1. It shall be approved by the appropriate building official;
2. Heating shall not be provided by stoves except in camps for school age children;
3. It shall be installed to prevent accessibility of children to the system; and
4. It shall have appropriate barriers to prevent children from being burned, shocked, or injured from heating equipment. In addition, proper supervision shall be available to prevent injury.

Exception: In case of emergency, portable electric or kerosene heaters may be used if they have been previously inspected and approved by the appropriate building official.

B. In areas used by children, the temperature shall be maintained no lower than 68°F;

[~~§ 4.6.~~ § 4.5.] Fans or other cooling systems shall be used when the temperature of areas used by children exceeds [~~85°F~~ 80°F.]

[~~§ 4.7.~~ § 4.6.] Provisions for water shall be as follows:

1. Drinking water fountains or individual disposable cups, or both, shall be provided. Drinking water shall be available and accessible at all times.
2. Where portable water coolers are used, they shall be of easily cleanable construction, maintained in a sanitary condition, kept securely closed, and so designed that water may be withdrawn from the container only by water tap or faucet. Individual disposable cups shall be provided.
3. Water which is transported to camp sites for drinking purposes shall be in enclosed containers.
4. Safe water shall be provided each day.

[~~§ 4.8.~~ § 4.7.] Building equipment shall include, but not [be] limited to, the following:

1. Outside lighting provided at entrances and exits used by children before sunrise or after sundown;
2. A working, nonpay telephone;
3. First aid [kit or] kits; and

4. Provision for locking medication as described in § 7.16 of these regulations.

[~~§ 4.9.~~ § 4.8.] Hazardous substances and other harmful agents.

A. No center shall be located where conditions exist that would be hazardous to the health and safety of children.

B. Hazardous substances such as cleaning materials, insecticides, and pesticides shall be kept away from food preparation and storage areas and in a locked place using a safe locking method that prevents access by children. If a key is used, the key shall not be accessible to the children.

C. Hazardous substances shall be stored in the original container unless this container is of such a large size that its use would be impractical.

D. If hazardous substances are not kept in original containers, the substitute containers shall clearly indicate their contents and shall not resemble food or beverage containers.

E. Cosmetics, medications, or other harmful agents of staff members shall not be stored in areas, purses or pockets that are accessible to children.

F. Hazardous art and craft material, such as those listed in Appendix III, shall not be used with children.

[§ 4.9. Reserved.]

[§ 4.10. Any building which is currently approved for school occupancy and which houses a public school during the school year shall be considered to have met the building requirements in this regulation when housing a center only serving school age children.]

[~~§ 4.10.~~ § 4.11.] Camps shall be located on ground which has good surface drainage and which is free of natural and man-made hazards such as mine pits, shafts, and quarries. Adequate, approved safeguards or preventive measurements shall be taken when the camp is located on ground which is in or adjacent to swamps, marshes, landfills, abandoned landfills, or breeding places for insects or rodents of public health importance.

[~~§ 4.11.~~ § 4.12.] Portable camping equipment for heating or cooking that is not required to be approved by the building official shall bear the label of a recognized inspection agency except for charcoal and wood burning cooking equipment.

[~~4.12.~~ § 4.13.] No cooking or heating shall occur in tents.

Article 3.
Indoor Areas.

Proposed Regulations

[~~§ 4.13.~~ § 4.14.] There shall be 25 square feet of indoor space available to] each child when children where] activities are conducted.

Exceptions:

[~~1.~~ Centers licensed on July 1, 1992, may continue to operate at its current capacity until July 1, 1994. Centers in operation before the effective date of these regulations and newly subject to licensure may have until July 1, 1996, to meet this requirement; and]

2. Primitive camps for school age children are not required to meet [~~§ 4.13 of these regulations about activity space when this requirement if~~] weather prevents outdoor activities by children [~~and~~ :]

a. Twenty-five square feet of indoor space per child is provided either at the program site or at a predesignated, approved location off site; or

b. The program is canceled [during this type of weather] .

[~~§ 4.14.~~ § 4.15.] Areas not routinely used for children's activities shall not be calculated as available activity space. Space not calculated shall include, but not be limited to, offices, hallways, restrooms, kitchens, storage rooms or closets, and space occupied by equipment which is not used in or does not contribute to the children's activities.

[~~§ 4.16.~~ § 4.16.] A place away from the children's activity area shall be designated for children who are ill, injured, tired, or emotionally upset.

[~~§ 4.16.~~ When allowed, staff smoking shall occur only in enclosed rooms that are separate from children.

§ 4.17. Smoking shall not be allowed in areas used by children or in the presence of children.]

[§ 4.18. Reserved.]

[§ 4.19. Reserved.]

Article 4. Restroom Areas and Furnishings.

[§ 4.20. Centers shall have at least two toilets and two sinks.]

[~~§ 4.17.~~ § 4.21.] Each restroom provided for children shall:

1. Be within a confined area;
2. Be accessible and within the building used by the children;

[Exception: Restrooms used by school age children at

camps do not have to be located within the building.]

3. Have toilets that are all flushable;

4. Have sinks that are all equipped with running water which does not exceed 120°F; and

5. Be equipped with soap, toilet paper, and disposable towels.

[~~§ 4.19.~~ § 4.22.] For restrooms available to boys, urinals may be substituted for not more than one-half the required number of toilets, provided the center has at least two toilets.

[~~§ 4.19.~~ § 4.23.] An adult size toilet with privacy shall be provided for staff use. Staff toilets may be counted in the number of required toilets for children only if children are allowed unrestricted access to them on a routine basis.

Exception: Primitive camps are not required to have a toilet facility with privacy for staff.

[~~§ 4.20.~~ § 4.24.] Restrooms shall have at least one standard size toilet and one sink for every 30 school age children. When sharing restrooms with other programs the children in the other programs shall be included in the toilet and sink ratio calculations. [~~The toilet and sink ratio appropriate to the younger age group shall apply. The younger age group ratio is one toilet and one sink for every 15 children.~~

Exception: Montessori preschools may meet the alternative requirements in the Montessori Module.]

§ 4.25. Reserved.]

[~~§ 4.21.~~ If a center is licensed for more than 30 school age children, separate restrooms shall be provided for each sex and the restrooms shall be labeled accordingly.

[§ 4.26. School age children of the opposite sex shall not use the same restroom at the same time.]

[~~§ 4.22.~~ One restroom may be used for centers licensed for 30 or fewer school age children provided that only children of the same sex occupy the restroom at one time.

[~~§ 4.23.~~ § 4.27.] In any restroom used for school age children which contains more than one toilet, at least one toilet shall be enclosed for privacy.

[~~§ 4.24.~~ § 4.28.] Restrooms used by school age children at primitive camps are not required to have:

1. Sinks, if adequate water, supplies, and equipment for hand washing are available, and

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2. Flushable toilets if the number of sanitary privies or portable toilets, constructed and operated in accordance with the applicable law and regulations of the Virginia Department of Health, meets the toilet ratio stated in [§ 4.20 § 4.24] of these regulations. No privy or outdoor toilet shall be located within 75 feet of other buildings or camp activities.

[§ 4.25: § 4.29.] Requirements for centers with children who are not toilet trained.

Centers that serve children [; regardless of age,] who are not toilet trained shall provide a diapering area [located in the area for children or in a room which opens directly into the area for children which allows for sight and sound supervision of children in the classroom or is accessible and within the building used by children if the staff-to-children ratios required by § 5.17 are maintained in the classroom while other children are being escorted to toileting locations] . The diapering area shall have at least the following:

1. A sink with [heated and cold] running water [not to exceed 120°F] ;
 2. A [changing table or counter equipped with a] nonabsorbent surface for changing diapers;
 3. A leakproof storage system for diapers that is not hand generated;
 4. A covered receptacle for soiled bed linens; [and]
- [5. Soap and disposable towels; and]
- [5: 6.] Privacy for changing diapers of school age children.

Article 5. Outdoor Areas.

[§ 4.26: Centers may have until July 1, 1994, to meet §§ 4.27 through 4.30 of these regulations if §§ 5.11 through 5.20 of the 1989 version of the Minimum Standards for Licensed Child Care Centers are met. Please see Appendix IV for §§ 5.11 through 5.20 of the 1989 regulations.]

[§ 4.30. Centers in operation before the effective date of these regulations and newly subject to licensure may have until July 1, 1996, to meet the requirements of §§ 4.31 through 4.37.]

[4.27: § 4.31.] The outdoor play area shall provide a minimum of 75 square feet of space per child in the area at any one time.

[§ 4.28: § 4.32.] Playgrounds shall be located [or and] designed in a way to protect children from hazardous situations.

[§ 4.29: § 4.33.] [Resilient While § 6.36 addresses the

variety and amount of materials and equipment available for children, the specific playground equipment the center shall have is not designated. If playground equipment is provided, resilient] surfacing shall be placed under all fixed playground equipment with moving parts or climbing apparatus to create a fall zone [; free of hazardous obstacles. Fall zones are defined as the area underneath and surrounding equipment that requires a resilient surface. It shall encompass sufficient area to include the child's trajectory in the event of a fall while the equipment is in use. For recommendations concerning resilient surfacing, please see Appendix IV.

[Exception: Montessori preschools may meet the alternative requirements in the Montessori Module.]

[§ 4.30. The resilient surfacing areas shall consist of one of the the following:

Critical Equipment Heights (in feet) for Various Types and Depths of Resilient Material

Material	Uncompressed Depth		Compressed Depth	
	6 inch	9 inch	12 inch	9 inch
Wood Mulch	7 ft	10 ft	11 ft	10 ft
Double Shredded Bark Mulch	6 ft	10 ft	11 ft	7 ft
Uniform Wood Chips	6 ft	7 ft	12 ft	6 ft
Fine Sand	5 ft	5 ft	9 ft	5 ft
Coarse Sand	5 ft	5 ft	6 ft	4 ft
Fine Gravel	5 ft	7 ft	10 ft	6 ft
Medium Gravel	5 ft	5 ft	6 ft	5 ft

* greater than]

[§ 4.31. Where a fall zone exists, the resilient surfacing shall be:

1. Immediately under equipment;
2. Extended to a minimum of six feet from the perimeter of the equipment;
3. Extended one additional foot beyond the requirement of subdivision 2 of § 4.31 of these regulations for each foot of equipment height above six feet; and
4. Extended six feet in both directions of the motion of swings starting from a point 42 inches beyond the seat at its maximum attainable angle.]

[§ 4.32. Fall zones shall be free of all obstacles.]

[§ 4.33: § 4.34.] Ground footings or supports shall be:

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in-ground below ground level.

[~~§ 4.34.~~ § 4.35.] Equipment used by children shall:

1. Have no accessible openings [that are greater than between] 3 1/2 inches and [less than] nine inches; [and
2. Have closed S-hooks when provided; and
3. Have no protrusions, sharp points, shearing points, or pinch points.

[~~§ 4.35.~~ § 4.36.] All swing seats shall be made of flexible material [except for special swing equipment for a child with a developmental delay] .

[~~§ 4.36.~~ § 4.37.] Sandboxes with bottoms which prevent drainage shall be covered when not in use.

[~~§ 4.37.~~ For school age children, horizontal clearances between swings shall be at least 24 inches.]

[~~§ 4.38.~~ For school age children, unoccupied swing seats shall be a minimum of 18 inches from the ground;]

[~~§ 4.39.~~ For school age children, slides and climbing equipment with platforms which are 30 inches or more from the ground shall have guardrails or protective barriers of at least 38 inches to prevent falls.]

[§ 4.38. Reserved.]

[§ 4.39. Reserved.]

PART V. STAFFING AND SUPERVISION.

Article 1. Supervision of Staff and Volunteers.

§ 5.1. All aides, volunteer personnel, and volunteers shall be under the individual supervision of a staff member who meets the qualifications of a program leader, child care supervisor, or program director.

§ 5.2. Each person serving in the positions of a program director, back-up program director, program leader or child care supervisor shall not be responsible for the individual supervision of more than two aides at any one time.

[Exception: In a training environment, aides used beyond the required staff-to-children ratio of § 5.17 shall not be included in the above requirement.]

[~~§ 5.3.~~ When with children, aides and volunteers under the age of 18 years shall be sight supervised by a staff member who meets the qualifications of a program leader/child care supervisor or program director.]

[~~§ 5.4.~~ § 5.3.] When with children, contract employees shall be sight supervised by a staff member unless the contract employee meets the personnel, health, and orientation training requirements for the applicable position.

Article 2. Supervision of Children.

[~~§ 5.4.~~ All staff assigned responsibility for supervision of children shall ensure their care, protection, and guidance at all times.]

§ 5.5. During the center's hours of operation, one adult on the premises shall be in charge of the administration of the center. This person shall be either the administrator or an adult appointed by the licensee or designated by the administrator.

§ 5.6. There shall be [at least two staff] in each building of the center and on field trips at all times when one or more children are present [: One of these shall meet the qualifications of a program leader/child care supervisor or program director :

1. At least two staff, one of whom meets the qualifications of a program leader, child care supervisor, or program director; or

2. One staff member who meets the qualifications of a program leader, child care supervisor, or program director and a readily available designated support person with direct means for communication between the two of them.]

§ 5.7. In each grouping of children at least one staff member who meets the qualifications of a program leader, child care supervisor, or program director shall be regularly present.

§ 5.8. [Children shall be within sight and sound supervision of staff at all times, except that staff need only be able to hear a child who is using the restroom. Staff shall check on a child who has not returned from the restroom after five minutes. Children under 10 years of age shall be within actual sight and sound supervision of staff at all times, except that staff need only be able to hear a child who is using the restroom provided that:

1. There is a system to assure that individuals who are not staff members or persons allowed to pick up a child in care do not enter the restroom area while in use by children, and

2. Staff check on a child who has not returned from the restroom after five minutes.

§ 5.9. Children 10 years [of age] and older shall be within actual sight and sound supervision of staff except when all of the following are met:

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1. Staff can hear or see the children (Note: video equipment, intercom systems, or other technological devices shall not substitute for staff being able to directly see or hear children);

2. Staff are nearby so they can provide immediate intervention if needed;

3. There is a system to assure that staff know where the children are and what they are doing;

4. There is a system to assure that individuals who are not staff members or persons allowed to pick up a child in care do not enter areas where children are not under sight supervision; and

5. Staff provide sight and sound supervision of the children at variable and unpredictable intervals not to exceed 15 minutes.]

[~~§ 5.9.~~ § 5.10.] When the outdoor activity area is not adjacent to the center, there shall be at least two staff on the outdoor activity area [or a means for direct communication between the staff member on the outdoor activity area and another staff member at the facility] whenever one or more children are present.

[~~§ 5.10.~~ § 5.11.] Staff shall greet each child upon arrival at the center and oversee each child's departure from the center.

[§ 5.12. Reserved.]

Article 3. Staff-to-Children Ratio Requirements.

[~~§ 5.11.~~ § 5.13.] Staff shall be counted in the required staff-to-children ratios only when they are directly supervising children.

[~~§ 5.12.~~ § 5.14.] Volunteers younger than 16 years of age A child volunteer not enrolled in the program] shall [not] be counted as a child in the staff-to-children ratio requirements.

[~~§ 5.13.~~ § 5.15.] When children are regularly in ongoing mixed age groups, the staff-to-children ratio applicable to the youngest child in the group shall apply to the entire group.

[Exception: Montessori preschools may meet the alternative requirements in the Montessori Module.]

[~~§ 5.14.~~ If the assessment of a child's developmental delay as required by § 2.23 of these regulations does not indicate a 90% independent skill level, the ratio needs for specific activities shall be developed using appropriately adapted versions of the staff supervision form.

§ 5.15. In each grouping of children, the following ratios of staff to children are required:

1. For children from five to eight years of age: one staff member for every 15 children; and

2. For children from eight years of age and older: one staff member for every 20 children.

§ 5.16. Reserved.

§ 5.17. The staff-to-children ratio shall be one staff member for every 20 school age children.

Exception: Montessori preschools may meet the alternate requirements in the Montessori Module.]

PART VI. PROGRAMS.

Article 1. Daily Schedule.

§ 6.1. There shall be a predictable sequence to the day but the schedule shall be flexible, based on children's needs.

§ 6.2. For centers operating more than two hours per day or more than two hours per session per day, outdoor activity shall be provided daily, weather allowing, according to the following:

1. If the center operates between two and five hours per day or per session, there shall be at least 15 minutes of outdoor activity per day [or per session]

2. If the center operates five hours or more per day or per session, there shall be at least one hour of outdoor activity per day [which shall be divided between morning or afternoon or per session] .

[Exception: Exceptions:] Outdoor activity is not required on days when an all day field trip occurs [and Montessori preschools may meet the alternative requirements in the Montessori Module for subdivision 2 of this section] .

§ 6.3. Staff shall provide opportunities for children to engage in self-chosen tasks and activities and allow children to learn from self-directed problem-solving and experimentation.

Exception: The requirements of [~~§ 6.3~~ of these regulations this section] do not apply to speciality camps.

[§ 6.4. Reserved.

§ 6.5. Reserved.

§ 6.6. Reserved.

§ 6.7. Reserved.]

Article 2. Activities.

[~~§ 6.4.~~ § 6.8.] *The daily activities shall be developmentally appropriate and promote the individual child's physical, intellectual, emotional, and social well-being and growth.*

[~~§ 6.5.~~ § 6.9.] *To promote emotional development, the center shall provide for:*

1. *Opportunities for individual self-expression;*
2. *Recognition that each child is an individual;*
3. *Respect for personal privacy; and*
4. *Respect for each child's cultural, ethnic, and family background, as well as the child's primary language or dialect.*

[~~§ 6.6.~~ § 6.10.] *To promote social development, the center shall provide:*

1. *Guidance to children in developing and working out ways of getting along with one another;*
2. *Staff interaction with children in ways which emphasize and foster attitudes of mutual respect between adults and children; and*
3. *Staff behavior which demonstrates respect for all other persons as individuals and appreciation of cultural and ethnic diversity.*

[~~§ 6.7.~~ § 6.11.] *The center shall provide for the self direction of the children by:*

1. *Allowing children opportunities to choose activities according to personal desires and interests and to move freely from one activity to another;*
2. *Encouraging children to do things independently and to help with daily routines as appropriate to the child's developmental level but to be available to comfort and help when needed; and*
3. *Supporting children's friendships and providing children opportunities to be involved in decision making about group and individual activities.*

Exception: [~~Subsections 1 through 3 of § 6.7 of these regulations~~ *Subdivisions 1 through 3 of this section*] *are not applicable to speciality camps.*

[~~§ 6.8.~~ § 6.12.] *A variety of children's activities shall be provided that allow for group and individual involvement and child and staff initiation.*

[~~§ 6.9.~~] *When a child with a developmental delay is enrolled, there shall be activities available that are both*

compatible with the child's developmental delay and are attractive to other children as well.

[~~§ 6.10.~~ § 6.13.] *For children who cannot move without help, staff shall offer to change the places and position of the child and the selection of toys or objects available to the child at least every 30 minutes or more frequently depending on the individual needs of the child.*

[~~§ 6.11.~~ § 6.14.] *The center shall provide a balance of active and quiet activities except for speciality camps.*

[~~§ 6.12.~~ § 6.15.] *Children of all ages shall be allowed to rest or sleep as needed on cots, mats, or beds, as appropriate.*

[~~§ 6.16.~~ Reserved.]

[~~§ 6.17.~~ § 6.17.] *Activities and experiences for school age children shall include, but not be limited to, the following:*

1. *Large motor activities for at least 25% of the program time;*
2. *Arts and craft activities;*
3. *Rhythm, music, and drama;*
4. *Small motor activities;*
5. *Special projects and hobbies; and*
6. *Opportunity to do homework in a suitable area.*

[~~Exception: Section 6.13~~ *Exceptions: This section*] *is not applicable to speciality camps [and Montessori preschools may meet the alternative requirements in the Montessori Module] .*

[~~§ 6.20.~~ Reserved.

§ 6.21. Reserved.

§ 6.22. Reserved.

§ 6.23. Reserved.

§ 6.24. Reserved.

§ 6.25. Reserved.

§ 6.26. Reserved.

§ 6.27. Reserved.

§ 6.28. Reserved.

§ 6.29. Reserved.

§ 6.30. Reserved.

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§ 6.31. *Reserved.*]

Article 3. Parental Involvement.

[~~§ 6.14.~~ § 6.32.] *The center shall be open for parents to visit and observe their children at any time.*

[~~§ 6.15.~~ § 6.33.] *The center shall encourage parental involvement on a volunteer basis in appropriate center activities.*

[~~§ 6.16.~~ § 6.34.] *Staff shall share information with parents about their child's health, development, behavior, adjustment, and needs.*

Article 4. Equipment and Materials.

[~~§ 6.17.~~ § 6.25.] *All furnishings, equipment, and materials shall be of a developmentally appropriate size for the child using it.*

[~~§ 6.18.~~ § 6.36.] *The amount and variety of materials and equipment available and the arrangement and use of the materials and equipment shall be developmentally appropriate for the children and shall include equipment and materials which:*

1. *Are in sufficient supply to avoid excessive competition among the children and to avoid long waits for use of the materials and equipment;*

2. *Provide for a variety of experiences and appeal to the individual interests and abilities of children;*

Exception: [~~Subsection~~ Subdivision] 2 of [~~§ 6.18~~ this section] *is not applicable to speciality camps.*

3. *Are accessible to children for the activities required by these standards;*

4. *Allow children to use small and large muscles for imaginative play and creative activities; and*

[~~5. Allow equal opportunity for children with a developmental delay to participate without isolation, if applicable; and~~

[~~6. 5.] Include [~~cross cultural~~ multicultural] materials.~~

[~~§ 6.19.~~ § 6.37.] *Storage space for play materials and equipment used by the children shall be accessible to children either independently or with help [~~and provision shall be made for a place for each child's personal belongings~~] .*

[~~§ 6.20.~~ § 6.38.] *If combs, toothbrushes, or other personal articles are used, they shall be individually assigned.*

[~~§ 6.21.~~ § 6.39.] *All disposable products shall be used once and discarded.*

[~~§ 6.22.~~ § 6.40.] *Disposable dishes and utensils shall be sturdy enough to contain food without leakage and to prevent harm and injury to children.*

[~~§ 6.41.~~ Provision shall be made for a place for each child's personal belongings.

§ 6.42. *Reserved.*

§ 6.43. *Reserved.*

§ 6.44. *Reserved.*]

[~~§ 6.23.~~ § 6.45.] *No more than one child at a time shall occupy a cot, rest mat, or bed.*

[~~§ 6.24.~~ § 6.46.] *Cots, rest mats, and beds shall be marked or identified in some way for use by a specific child.*

[~~§ 6.25.~~ § 6.47.] *Double decker cots or beds, or other sleeping equipment which is stacked shall not be used.*

[~~§ 6.26.~~ *When one or more children are scheduled to enter or leave the center while other children are resting or sleeping, the cots, rest mats, or beds shall be placed so that the resting or sleeping children are not disturbed by children coming or going.*

[~~§ 6.27.~~ § 6.48.] *Occupied cots, rest mats, and beds shall be at least 2 1/2 feet from any heat source in use.*

[~~§ 6.28.~~ *Cots, beds, or rest mats shall be placed so that children can get on and off their cots, beds, or rest mats without being hampered in their movement.*]

[~~§ 6.29.~~ § 6.49.] *There shall be at least 15 inches of space between sides and ends of occupied cots, beds, and rest mats.*

Exception: Fifteen inches of space are not required where cots, beds, or rest mats touch the wall or where screens are placed between cots or beds as long as one side is open at all times to allow for passage.

[~~§ 6.30.~~ § 6.50.] *If rest mats are used, they shall have comfortable cushioning and be sanitized between each use.*

[~~§ 6.51.~~ *Reserved.*

§ 6.52. *Reserved.*

§ 6.53. *Reserved.*

§ 6.54. *Reserved.*

§ 6.55. *Reserved.*

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§ 6.56. *Reserved.*

§ 6.57. *Reserved.*]

[~~§ 6.58.~~ § 6.58.] *Linens.*

A. *Linens for cots, rest mats, or beds shall consist of a top cover and a bottom cover or a one-piece covering which is open on three edges.*

B. *Linens shall be assigned for individual use.*

C. *Linens shall be maintained in clean and sanitary condition and shall be washed at least weekly.*

D. *When pillows are used, they shall be assigned for individual use and covered with pillow cases.*

E. *Mattresses when used shall be covered with a waterproof material which can be easily sanitized.*

Article 5. Discipline.

[~~§ 6.59.~~ § 6.59.] *Discipline shall be constructive in nature and include techniques such as:*

1. *Using limits that are fair, consistently applied, and appropriate and understandable for the child's level;*
2. *Providing children with reasons for limits;*
3. *Giving positively worded directions;*
4. *Modeling and redirecting children to acceptable behavior;*
5. *Helping children to constructively express their feelings and frustrations to resolve conflict; and*
6. *Arranging equipment, materials, activities, and schedules in a way that promotes desirable behavior.*

[~~§ 6.60.~~ § 6.60.] *There shall be no physical punishment or disciplinary action administered to the body such as, but not limited to, spanking; roughly handling a child; forcing a child to assume an uncomfortable position (e.g., standing on one foot, keeping arms raised above or horizontal to the body); [~~forcing exercises on children,~~] restraining to restrict movement through binding or tying; enclosing in a confined space, box, or similar cubicle; or using exercise as punishment.*

[~~§ 6.61.~~ § 6.61.] *A child shall not be shaken at any time.*

[~~§ 6.62.~~ § 6.62.] *Staff shall not be verbally abusive which would include, but not be limited to, threats, belittling remarks about any child, his family, his race, his religion, or his cultural background, or other statements that are frightening or humiliating to the child.*

[~~§ 6.63.~~ § 6.63.] *When disciplining a child, staff shall not:*

1. *Force, withhold, or substitute food;*
2. *Force or withhold naps; or*
3. *Punish a child for toileting accidents.*

[~~§ 6.64.~~ § 6.64.] *When separation is used as a discipline technique, it shall be brief and appropriate to the child's developmental level and circumstances. The isolated child shall be in a safe, lighted, well-ventilated place and shall be within hearing and vision of a staff member.*

[*Note: It is recommended that if separation is enforced by an adult, it should not exceed one minute for each year of the child's age. Separation is not recommended for use with infants.*

[~~§ 6.65.~~ § 6.65.] *No child, for punishment or any other reason, shall ever be confined in any space that the child cannot open, such as but not limited to closets, locked rooms, latched pantries, or containers.*

[~~§ 6.66.~~ § 6.66.] *Staff shall not give a child authority to punish another child nor shall staff consent to a child punishing another child.*

[~~§ 6.67.~~ § 6.67.] *Staff shall follow the center's policy on acceptable and unacceptable discipline methods.*

[§ 6.68. *Reserved.*]

Article 6. Swimming and Wading Activities.

[~~§ 6.69.~~ § 6.69.] *Staff and supervision.*

A. *The staff-child ratios required by [~~§ 5.17.~~ § 5.17] shall be maintained while children are participating in swimming or wading activities. The designated water safety instructor or senior lifesaver shall not be counted in the staff to children ratios.*

B. *If a pool, lake, or other swimming area has a water depth of more than two feet, a water safety instructor or senior life saver holding a current certificate shall be on duty supervising the children participating in swimming or wading activities at all times when one or more children are in the water. The certification shall be obtained from an organization such as, but not limited to, the American Red Cross, the YMCA, or the Boy Scouts.*

C. *A minimum of two staff members of the center shall be on duty supervising the children during swimming or wading activities when one or more children are in the water.*

[~~§ 6.70.~~ § 6.70.] *Pools and equipment.*

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A. When permanent swimming or wading pools are located on the premises of the center, the following shall apply:

1. The manufacturer's specifications for operating the pool shall be followed [~~and~~ as well as] any local ordinances and any Department of Health requirements for swimming pools [~~shall be followed~~ ;]

2. All pools constructed, renovated, or remodeled after April 1, 1986, shall have a statement in writing of their inspection and approval from the local building official [when such approval is required] ;

3. Outdoor swimming pools shall be enclosed by safety fences and gates which shall be kept locked when the pool is not in use;

4. Entrances to swimming pools shall be locked when the pool is not in use; and

5. A whistle or other audible signaling device, a buoy or a lemon line, a reach pole, and a backboard shall be available at the swimming or wading site.

B. If children are allowed to swim in a lake or other place other than a pool, safe swimming areas shall be clearly marked.

C. All piers, floats, and platforms shall be in good repair and where used for diving, the minimum water depth shall be indicated on the deck or planking.

D. If children are allowed to swim at a lake or other body of water larger than a pool, there shall be a rescue boat available at all times which is equipped with a reach pole and a lemon line or buoy.

E. If portable wading pools are used, they shall be emptied of dirty water and filled with clean water for each day's use and more frequently as necessary.

[~~§ 6.43~~ § 6.71.] General.

A. The center shall have emergency procedures and written safety rules for swimming or wading that are:

1. Posted in the swimming area when the pool is located on the premises of the center;

2. Given to staff involved in swimming or wading activities;

3. Given to parents of children participating in swimming or wading activities; and

4. Explained to children participating in swimming or wading activities.

B. Staff shall have a system for accounting for all

children in the water.

C. Each child's swimming skills shall be determined before the child is allowed in water above the child's shoulder height.

D. Outdoor swimming activities shall occur only during daylight hours unless underwater and deck lighting is provided.

E. Children who are not toilet trained shall not use portable wading pools.

PART VII.

SPECIAL CARE PROVISIONS AND EMERGENCIES.

Article 1.

Preventing the Spread of Disease.

§ 7.1. If a child arrives at the center with the signs or symptoms listed in subdivisions 1 and 2 of § 7.3 of these regulations, the child shall not be allowed to attend for that day.

§ 7.2. Staff with training as required in § 3.16 of these regulations shall observe daily each child [under eight years of age] for signs and symptoms of illness.

§ 7.3. Unless otherwise instructed by the child's health care provider, that child shall be excluded if:

1. He has [~~signs of illness and~~] a temperature over 100°F, or

2. He has a communicable disease as delineated in the current Communicable Disease Chart recommendations for the exclusion of sick children. (Refer to Appendix V.)

§ 7.4. If a child needs to be excluded according to subdivisions 1 and 2 of § 7.3 of these regulations, the following shall apply:

1. Arrangements shall be made for the child to leave the center as soon as possible after the signs or symptoms are noticed, and

2. The child shall remain in the designated quiet [~~private~~] area until leaving the center.

§ 7.5. When a child at the center has been exposed to a reportable communicable disease, the parent shall be informed.

§ 7.6. Children's hands shall be washed with soap and [running] water before eating meals or snacks, after toileting, and after any contact with body fluids.

§ 7.7. Staff hands shall be washed with soap or germicidal cleansing agent and water after helping a child with toileting, after any contact with body fluids, and

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before feeding or helping children with feeding.

§ 7.8. When a child's clothing or diaper becomes wet or soiled, it shall be changed immediately.

§ 7.9. Children not toilet trained.

A. The child's [genital soiled] area shall be thoroughly cleaned with a disposable wipe during each diapering.

B. Staff shall wash their hands with soap or germicidal cleansing agent and water after each diaper change.

C. Disposable diapers shall be used for children in diapers unless the child's skin reacts adversely to disposable diapers. If cloth diapers are used, there shall be separate step-on diaper pails for the cloth and disposable diapers.

D. Changing tables shall be used only for changing diapers or cleaning children.

E. Diapers shall be changed on an appropriate nonabsorbent surface which shall be washed with soap and warm water or a germicidal cleansing agent after each use.

F. Tables used for children's activities or meals shall not be used for changing diapers.

Article 2. Medication.

§ 7.10. Prescription and nonprescription medication shall be given to a child according to the center's [written] medication policies and only with written authorization from the parent.

§ 7.11. The center's medication policies shall address methods for administering medication and shall include:

1. Any general restrictions of the center;
2. Duration of the parent's authorization for medication provided that it shall expire or be renewed after 10 work days [. Long-term prescription drug use may be excepted if a form such as the one in Appendix VI is completed and on file] ; and
3. Methods to prevent use of outdated medication.

§ 7.12. The medication authorization shall be available to staff during the entire time it is effective.

§ 7.13. All medication shall be labeled with the child's name, the name of the medication, the dosage amount, and the time or times to be given.

§ 7.14. Prescription medication shall be in the original container with the prescription label attached.

§ 7.15. When needed, medication shall be refrigerated. When medication is stored in a refrigerator used for food, the medications shall be stored together in a container or in a clearly defined area away from food.

§ 7.16. All medication, including refrigerated medication and staff's personal medication, shall be kept in a locked place using a safe locking method that prevents access by children. If a key is used, the key shall not be accessible to children.

§ 7.17. Centers shall keep a log of medication given children which shall include the following:

1. Child to whom medication was administered;
2. Amount and type of medication administered to the child;
3. The day and time the medication was administered to the child; and
4. Staff member administering the medication.

§ 7.18. Medication shall be returned to the parent as soon as the medication is no longer being administered.

Article 3. Specialized Staff Training.

§ 7.19. First aid training.

There shall be at least one staff member on the premises during the centers hours of operation and also one person on all field trips who is trained in first aid. This person shall be available to children and meet one of the following qualifications for first aid training:

1. Has a current first aid certificate by the American Red Cross;
2. Has a current first aid certificate by the National Safety Council;
3. Has successfully completed, within the past three years, a first aid course equivalent to the curriculum which has been approved by the State Board of Health; or
4. Be a R.N. or L.P.N. with a current license from the Board of Nursing.

§ 7.20. Camps shall have at least one staff member with first aid training, as mentioned in subdivisions 1 through 4 of § 7.19 of these regulations, for every 30 children present.

§ 7.21. Camps shall have at least one staff member on the premises during all hours of the program's operation and also one person on all field trips who is available to children and has a current cardiopulmonary resuscitation

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(CPR) certificate. When there are more than 30 children present, there shall be at least one staff person with current CPR training for every 30 children present.

§ 7.22. Primitive camps shall have [~~at least one~~ appropriately equipped Emergency Medical Technician (EMT) a staff member on the premises during the hours of operation who has successfully completed at least first responder training within the past three years.]

Article 4. First Aid and Emergency Supplies.

§ 7.23. A first aid kit shall be on each floor of each building used by children and [~~wherever children are in care; on all field trips.~~]

§ 7.24. The required first aid kits shall include at a minimum:

1. Scissors;
2. Tweezers;
3. Gauze pads;
4. Adhesive tape;
5. Band-aids, assorted types;
6. An antiseptic cleansing solution;
7. An antibacterial ointment;
- [~~8. Syrup of ipecac or activated charcoal preparation (to be used only upon the advice of the physician or the Poison Control Center);]~~
- [~~9. 8.] Thermometer;~~
- [~~10. 9.] Triangular bandages; [~~and~~]~~
- [~~10. Disposable gloves; and]~~
11. The first aid instructional manual.

§ 7.25. Each first aid kit shall be stored so that it is not available to children but is easily available to staff.

§ 7.26. The following emergency supplies shall be required:

- [~~1. Syrup of ipecac or activated charcoal preparation (to be used only upon the advice of the physician or the Poison Control Center);]~~
- [~~2.] Chemical cooling agents, zip-lock bags, and sponges readily available for icing down contusions, sprains, and breaks;~~
- [~~3.] A working, battery-operated flashlight on each floor of each building of the facility that is used by~~

children; and

[~~3. 4.] One working, battery-operated radio in each building of the facility used by children and any camp location without a building.~~

Article 5. Procedures for Emergencies.

§ 7.27. The center shall have an emergency evacuation plan that addresses staff responsibility with respect to:

1. Sounding of fire alarms and notification of local authorities;
2. Evacuation procedures including assembly points, head counts, primary and secondary means of egress, and checking to ensure complete evacuation of the buildings;
3. Fire containment procedures, e.g., closing of fire doors or other barriers; and
4. Other special procedures developed with local authorities.

§ 7.28. Emergency evacuation procedures shall be posted in a location conspicuous to staff and children on each floor of each building of the center.

§ 7.29. The center shall implement these emergency evacuation procedures through monthly practice drills and shall maintain a log of the dates of the monthly drills for one year. For centers offering multiple shifts, the evacuation procedures shall be divided evenly among the various shifts.

§ 7.30. A generic emergency number such as 911 shall be posted in a conspicuous place near each telephone. If a generic number is not available, the following numbers shall be posted near each phone:

1. A physician or hospital;
2. An ambulance or rescue squad service;
3. The local fire department; [~~and~~]
4. The local police department [~~; and~~ .]

§ 7.31. The number of a regional poison control center shall be posted in a conspicuous place near each phone.

§ 7.32. The center shall develop a plan for action in case of a missing or injured child which shall address:

- [~~1. Immediate notification of emergency services;]~~
- [~~2.] Stabilization of injured child; [~~and~~]~~
- [~~2. Immediate notification of parents and emergency~~

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services; and]

3. Transportation of injured child if necessary.

§ 7.33. If an ambulance service is not readily available within 10 to 15 minutes, transportation shall be available at all times in case of emergency.

§ 7.34. The center or other appropriate official shall notify the parent immediately if a child is lost, experiences a serious accident, needs emergency medical care, or dies. The center shall notify the parent at the end of the day of any known minor accidents or injuries.

Note: Examples of a serious accident might include unconsciousness; broken bones; deep cut requiring stitches; concussion; foreign object lodged in eye, nose, ear, or other body orifice. Examples of a minor accident might include a small scratch, cut or scrape; minor bruise or discoloration of the skin.

§ 7.35. The center shall maintain a written log of children's injuries in which entries are made the day of occurrence. The log shall include the following:

1. Date and time of injury;
2. Name of injured child;
3. Type of injury;
4. Circumstances of the injury;
5. Names of staff present during the injury;
6. Treatment; and
7. Method of notifying parents.

§ 7.36. The camp shall have a warning system. Staff and campers shall be trained in this alarm system.

PART VIII. SPECIAL SERVICES.

Article 1. Nutrition and Food Services.

§ 8.1. Centers shall serve appropriate snacks or meals, or both, based on the hours of operation and time of the day.

[§ 8.2. If children arrive before 8 a.m., breakfast shall be available.

[§ 8.3. § 8.2.] [Lunch shall be served to The center shall ensure that] children arriving from a half-day, morning kindergarten program who have not yet eaten lunch [receive a lunch] .

[§ 8.4. § 8.3.] There shall be at least 1 1/2 hours

between each meal and snack but no more than three hours between meals and snacks.

[§ 8.5. § 8.4.] Drinking water or other beverage not containing caffeine shall be offered at regular intervals to [nonverbal] children.

[§ 8.6. § 8.5.] In environments of 80°F or above, constant attention shall be given to the fluid needs of all children. Children in such environments shall be encouraged to drink fluids.

[§ 8.7. § 8.6.] When food is provided by the center, the following shall apply:

1. Centers providing care to the same children more than four hours a day shall comply with the nutritional requirements of a recognized authority such as the Child and Adult Care Food Program of the United States Department of Agriculture (USDA) or the meal patterns in Appendix [~~VII~~ VII.]

2. Centers offering both meals and snacks shall serve [~~on various days each week~~ a variety of nutritious foods and shall serve] at least three sources of vitamin A and at least three sources of vitamin C [~~on various days each week~~] . Appendix [~~VIII~~ VIII] lists sources of vitamin A and vitamin C.

[~~3. A variety of nutritious foods shall be served.~~]

[~~4. 3.~~] A menu listing all foods to be served for all meals and snacks during the current one-week period shall be:

- a. Dated;
- b. Posted in a location conspicuous to parents or given to parents;
- c. Indicate any substituted food; and
- d. Kept on file for six weeks at the center.

[~~5. 4.~~] Powdered milk shall be not be used except for cooking.

[§ 8.8. § 8.7.] When food is brought from home, the following shall apply:

1. The food shall not be subject to rapid deterioration or spoilage;
2. The center shall give parents the USDA requirements and a list of suggested nonperishable food. Appendix [~~VII~~ VII] has the requirements of USDA.
3. The food shall be clearly labeled in a way that identifies the owner;

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4. The center shall have extra food [or shall have a plan available to obtain food] to serve to children so they can have an appropriate snack or meal if they forget to bring food from home, bring an inadequate meal or snack, or bring perishable food; and

5. All unused portions of food shall be discarded and not served again.

[~~§ 8.8.~~ § 8.8.] If a catering service is used, it shall be approved by the local health department. [A copy of the current contract shall be made available to the department's representative upon request. Food not prepared in an approved food processing establishment shall be prohibited (e.g. home canned food).]

[~~§ 8.10.~~ § 8.9.] Food during cookouts.

A. All food shall be prepared in a clean and sanitary manner.

B. Unused, perishable food shall be discarded and not served again.

[§ 8.10. Reserved.

§ 8.11. Reserved.

§ 8.12. Reserved.

§ 8.13. Reserved.

§ 8.14. Reserved.

§ 8.15. Reserved.

§ 8.16. Reserved.

§ 8.17. Reserved.

§ 8.18. Reserved.

§ 8.19. Reserved.

§ 8.20. Reserved.

§ 8.21. Reserved.

§ 8.22. Reserved.

§ 8.23. Reserved.]

Article 2. Transportation and Field Trips.

[~~§ 8.11.~~ § 8.24.] If the center transports children to the site of the center, the center shall assume responsibility for the child between the place where the child boards the vehicle and the center site, while at the center [and on any center field trips], and from the time the child leaves the center site until the child is delivered to a

designated location or to a responsible person designated by his parent.

[~~§ 8.12.~~ § 8.25.] Any vehicle used by the center for the transportation of children shall meet the following requirements:

1. The vehicle shall be enclosed and provided with door locks;

2. The vehicle's seats shall be attached to the floor;

3. The vehicle shall be insured with at least the minimum limits set by the Virginia state statutes; and

4. The vehicle shall meet the safety standards set by the Division of Motor Vehicles and shall be kept in satisfactory condition to assure the safety of children.

[~~§ 8.13.~~ The driver of the vehicle shall:

1. Have a valid driver's license, appropriate to the type of vehicle operated, during all times of vehicle operation; and

2. Be at least 18 years of age.

[~~§ 8.14.~~ § 8.26.] The center shall ensure that during transportation of children:

1. Virginia state statutes about safety belts and child restraints are followed;

[~~2.~~ The number of passengers in the vehicle are limited to the manufacturer's recommended capacity;

[~~3.~~ 2.] The children remain seated and each child's arms, legs, and head remain inside the vehicle;

[~~4.~~ 3.] Doors are closed properly and locked;

[~~5.~~ 4.] At least one staff member or the driver always remain in the vehicle when children are present;

[~~6.~~ 5.] The telephone numbers for obtaining emergency help as stated in [subdivisions 1 through 4 of] §§ 7.30 and 7.31 of these regulations are in the vehicle and available to staff;

[~~7.~~ 6.] The name, address, and phone number of the center and an additional emergency contact number is in the vehicle and available to staff; and

[~~8.~~ 7.] A list of the names of the children being transported is kept in the vehicle.

[~~§ 8.15.~~ § 8.27.] When entering and leaving vehicles, children shall enter and leave the vehicle from the curb side of the vehicle or in a protected parking area or driveway.

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[~~§ 8-16.~~ § 8.28.] When necessary to cross streets, children shall cross streets at corners or crosswalks.

[~~§ 8-17.~~ § 8.29.] The staff-to-children [~~ratios of subsections 1 and 2 of § 5-15 ratio of § 5.17~~] of these regulations shall be followed [~~during transportation of children and~~] on all field trips [~~but not necessarily in each vehicle. The staff-to-children ratio may not be followed during transportation of children to and from the center.~~]

Exception: Montessori preschools may meet the alternative requirements in the Montessori Module.]

[~~§ 8-18.~~ § 8.30.] At least one staff member [~~in the vehicle and~~] on field trips shall be trained in first aid according to [~~subsections subdivisions~~] 1 through 4 of § 7.19 of these regulations and shall be instructed on procedures to follow if [~~the there is a~~] vehicle [~~breaks break~~] down.

[~~§ 8-19.~~ § 8.31.] A first aid kit with the supplies mentioned in [~~subsections subdivisions~~] 1 through 11 of § 7.24 of these regulations [~~, syrup of ipecac or activated charcoal preparation,~~] and chemical cooling agents for icing down contusions, sprains, and breaks shall be [~~in the vehicle and~~] available to staff [~~on field trips.~~]

[~~§ 8-20.~~ § 8.32.] The center shall make provisions for providing children on field trips with adequate food and water.

[~~§ 8-21.~~ § 8.33.] If perishable food is taken on field trips, the food shall be stored in insulated containers with ice packs to keep the food cold.

[~~§ 8-22.~~ § 8.34.] Before leaving on a field trip, a schedule of the trip's events and locations shall be left at the center site.

[~~§ 8-23.~~ § 8.35.] There shall be an established plan of communication between staff at the center site and staff who are away from the center site transporting children or on field trip.

[~~§ 8-24.~~ § 8.36.] The center shall develop and implement procedures to assure that all children return to the facility after a field trip.

[~~§ 8-25.~~ § 8.37.] Staff shall follow the center's transportation safety policy.

[~~§ 8-26.~~ § 8.38.] Parental permission for transportation and field trips shall be secured at least 24 hours before the scheduled activity. If a blanket permission is used instead of a separate written permission, the following shall apply:

1. The schedule of activities away from the facility shall be posted;

2. Parents shall be notified of the field trip; and

3. Parents shall be given the opportunity to withdraw their children from the field trip.

Article 3. Animals and Pets.

[~~§ 8-27.~~ § 8.39.] Animals that are kept on the premises of the center shall be vaccinated against diseases which present a hazard to the health of children.

[~~§ 8-28.~~ § 8.40.] Animals which are, or are suspected of being, ill or infested with external lice, fleas and ticks or internal worms shall be removed from contact with children.

[~~§ 8-29.~~ § 8.41.] If a child is bitten by an animal, an attempt shall be made to confine the animal for observation or laboratory analysis for evidence of rabies. The site of the bite shall be washed with soap and water immediately, and the child's physician or local health department shall be contacted as soon as possible for medical advice. The center shall report the animal bite incident to the local health department.

[~~§ 8-30.~~ § 8.42.] Manure shall be removed from barns, stables and corrals at least once a day and stored and disposed of in a manner to prevent the breeding of flies.

Article 4. Evening and Overnight Care.

[~~§ 8-31.~~ § 8.43.] Resting.

A. For evening care, beds with mattresses or cots with at least one inch of dense padding shall be used by children who sleep longer than two hours [~~and are not required to sleep in cribs~~]. Exception: Camps, providing evening or overnight care to school age children on an occasional basis, are not required to meet [~~§ 8-31 the requirements of subsection~~] A of [~~these regulations this section~~] if sleeping bags or cots are used.

B. For overnight care, beds with mattresses or cots with at least two inches of dense padding shall be used by children [~~who are not required to sleep in cribs~~].

Exception: Camps, providing evening or overnight care to school age children on an occasional basis, are not required to meet [~~§ 8-31 the requirements of subsection~~] B of [~~these regulations this section~~] if sleeping bags or cots are used.

C. For overnight care which occurs for a child on a weekly or more frequent basis, beds with mattresses shall be used.

D. In addition to subsections A through E of [~~§ 6-31 § 6.58~~] of these regulations about linens, bedding appropriate to the temperature and other conditions of

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the rest area shall be provided.

E. For evening and overnight care, separate sleeping areas shall be provided for children of the opposite sex eight years of age or older.

F. If sleeping bags are used, [§§ 6.23 through 6.29 §§ 6.45 through 6.49] of these regulations about rest furnishings shall also apply to the use of sleeping bags.

G. Camps may use bunk beds if children are at least eight years of age.

[§ 8.32, § 8.44.] In centers providing overnight care, an operational tub or shower with heated and cold water shall be provided.

Exception: Primitive camps are not required to have a tub or shower.

[§ 8.33, § 8.45.] When bath towels are used, they shall be assigned for individual use.

[§ 8.34, § 8.46.] Activities.

A. Activities for children in evening or overnight care shall include, as time allows, age-appropriate activities as described in subdivisions 1 through 6 of [§ 6.17 § 6.17] of these regulations.

B. Quiet activities and experiences shall be available immediately before bedtime.

[§ 8.35, § 8.47.] For children receiving evening and overnight care, the provider shall offer a regularly scheduled evening meal and snack.

[PART IX. MONTESSORI MODULE.

Article 1. Qualifications of a Montessori Preschool.

§ 9.1. Montessori preschools are educational programs wherein the teacher training and subsequent pedagogy are approved by either American Montessori Society, American Montessori Internationale, National Council of Montessori Education, or Saint Nicholas Montessori, thus verifying that the school meets the Montessori standards as outlined in the Montessori Module.

§ 9.2. Meeting these Montessori standards shall afford the Montessori preschool a waiver from specific minimum standards that conflict with the Montessori educational philosophy as referenced in the regulations. Only preschools which meet the Montessori criteria as outlined in the module are eligible to comply with the modified licensing standards contained in the Montessori Module.

§ 9.3. Programs operated by a Montessori preschool which go outside the scope of the regular Montessori preschool

classes shall comply with the minimum standards for licensed child day centers for the extended care portion of the day. Programs going beyond four hours per day for children ages two through four and beyond 6 1/2 hours per day for children five years of age, exclusive of the allowable two hour additional enrichment program once a week, shall comply with the minimum standards for licensed child day centers for the extended care portion of the day.

Article 2. Specific Alternatives for Qualifying Montessori Preschools.

§ 9.4. Administrators.

The administrator of a Montessori preschool shall be at least 21 years of age and shall have or meet one of the following:

1. An endorsement or bachelor's degree in a child related field from an accredited college or university and one year of programmatic experience in the group care of children;
2. An associate degree in a child related field from an accredited college or university and one year of programmatic experience in the group care of children;
3. The teacher qualification standards of American Montessori Society, American Montessori Internationale, National Council of Montessori Education, or Saint Nicholas Montessori; or
4. Five years of Montessori programmatic experience if the program director meets one of the qualifications of subdivisions 1 through 3 of this section.

§ 9.5. Program directors and back-up program directors.

The program director and back-up program director at a Montessori preschool shall be at least 21 years of age and shall have or meet one of the following:

1. An endorsement or bachelor's degree in a child related field from an accredited college or university and one year of programmatic experience in the group care of children;
2. An associate degree in a child related field from an accredited college or university and one year of programmatic experience in the group care of children;
3. The Montessori teacher qualification standards of American Montessori Society, American Montessori Internationale, National Council of Montessori Education, or Saint Nicholas Montessori; or
4. Five years of Montessori programmatic experience.

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§ 9.6. Teachers.

Montessori teachers at a Montessori preschool shall:

1. *Be at least 21 years of age, and*
2. *Hold a teaching diploma recognized by American Montessori Society, American Montessori Internationale, National Council of Montessori Education, or Saint Nicholas Montessori for the level the teacher is teaching.*

§ 9.7. Staff development.

A. In addition to first aid and orientation training required elsewhere in these regulations, employed staff who work directly with a single group of children for more than three hours daily at a Montessori preschool shall:

1. *Take advantage of formal and informal opportunities for personal and professional growth, including methodology and specific subject matter, as recognized by Montessori standards for a minimum of eight hours annually; or*
2. *In the event of a staff member's participation in a credit course or a seminar longer than eight hours, these hours may be prorated over a period of no more than five years at the rate of 12 hours annually.*

B. Specialty staff at a Montessori preschool providing enrichment activities to a single group of children less than three hours a week shall take advantage of opportunities for professional growth to remain current in their field of expertise.

§ 9.8. *The facilities of a Montessori preschool, inside and outside, shall be maintained in conditions that are safe and free of hazards, protruding points or sharp corners, splinters, protruding nails, and loose rusty parts.*

§ 9.9. *The Montessori materials at a Montessori preschool shall be maintained in an attractive, accessible, and safe manner, so as to afford the children complete and appropriate opportunity to develop individual and group skills according the Montessori curriculum standard.*

§ 9.10. *A Montessori preschool shall have restrooms that are easily accessible with a ratio of one toilet and one sink for every 20 children.*

§ 9.11. *A Montessori preschool shall have a safe outdoor play area which allows for exploration of nature and provides a resilient surface in fall zones.*

§ 9.12. *A Montessori preschool shall maintain a balanced multi-age grouping, with a ratio of one staff member for every 15 children.*

§ 9.13. *Teachers at a Montessori preschool shall be, at all times during the Montessori program, responsible for the development and activities of the children in his Montessori class. In the event of the teacher's extended absence, there shall be sufficient substitute staff to comply with a ratio of one staff member for every 12 children.*

§ 9.14. *A Montessori preschool shall have readily accessible, and in close classroom proximity, auxiliary persons sufficient to maintain a 1:10 adult-to-child ratio for 2 1/2 to four year olds or 1:15 for balanced mixed age groupings of 2 1/2 to six year olds, to be available in the event of emergency evacuation.*

§ 9.15. *A Montessori preschool shall offer outdoor and indoor space affording the children complete opportunity to develop individual and group skills, including large and small motor development.*

§ 9.16. *In a Montessori preschool program operating between five and 6 1/2 hours per day there shall be at least 1/2 hour of outdoor activity per day.*

§ 9.17. *A Montessori preschool shall abide by the pedagogy and curriculum guidelines in the Montessori Module.*

§ 9.18. *During transportation of children and on all field trips, the staff to children ratio for a multi-age grouping of students in a Montessori preschool shall be no more than one to 20.*

Article 3. Montessori Preschool Standards.

§ 9.19. Hours and scope of operation.

A. A Montessori preschool shall operate, at a minimum, nine months a year, five days a week, allowing for holidays, teacher in-service days, and parent-teacher conferences, as deemed necessary by the preschool in accordance with Montessori standards.

B. The hours of operation for a Montessori preschool program for children, ages 2 1/2 through four years, shall be at least three hours a day, but not more than four hours a day.

C. The hours of operation for a Montessori preschool program for children five years of age shall be at least six hours a day but no more than 6 1/2 hours a day.

D. Enrichment programs, compatible with Montessori standards shall be acceptable when operated, in keeping with the Montessori curriculum; physical, emotional, and developmental welfare of the child; and available to the individual child not more than an additional two hours once a week.

E. Any program operated beyond these specified school hours shall comply with the minimum standards for

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licensed child day centers.

§ 9.20. Montessori class structure and supervision.

A. A class shall be deemed a group of children under the direct and continuous supervision of a fully qualified Montessori teacher.

B. Teachers at a Montessori preschool shall maintain a safe Montessori environment for the class.

C. Teachers at a Montessori preschool shall give the appropriate, individual or group lessons and supervise the ongoing work of the children in accordance with all Montessori pedagogical standards, included herein.

D. Teachers at a Montessori preschool shall be observant of the needs of the children in the class at all times and, accordingly, shall provide developmentally appropriate materials and class designation regardless of age.

E. Teachers at a Montessori preschool shall be aware of the family backgrounds and individual needs and development of the children within the Montessori program.

F. Teachers at a Montessori preschool shall maintain appropriate and confidential communication and records with other school personnel and parents as necessary for the development of the child.

G. Children enrolled in a Montessori class at a Montessori preschool shall demonstrate to the teacher an adequate level of development indicating a readiness for formal Montessori education.

H. Children enrolled in the Montessori class at a Montessori preschool shall be toilet trained and demonstrate a level of large and small motor development acceptable to working in a positive manner within the Montessori classroom environment.

I. Children enrolled in the Montessori class at a Montessori preschool shall demonstrate adequate communication skills and the ability to function with appropriate independence outside the home or away from a day-care provider.

J. Children are initially accepted into a Montessori program at a Montessori preschool on an observational basis, and shall be given adequate, but limited, time to demonstrate individual readiness for the Montessori program.

K. A newly established Montessori class at a Montessori preschool shall be comprised of no more than 12 to 15 children between the ages of 2 1/2 and six years and shall not increase enrollment to more than 25 children during its first year.

L. As the children and the class development at a Montessori preschool, the class structure may gradually build to the recommended Montessori size of 25 to 30 children between the ages of 2 1/2 and six years of age.

M. The class and the children at a Montessori preschool shall function at all times during the Montessori program according to the Montessori standards as outlined herein.

§ 9.21. Classroom materials.

A. Classrooms at a Montessori preschool shall contain the necessary and appropriately approved Montessori materials for each age level in the class. These Montessori materials may be complemented by appropriate, teacher-approved materials, but shall not displace or detract from the implementation of the Montessori materials.

B. The children at a Montessori preschool shall have continuous access to these materials as deemed appropriate by the Montessori teacher.

C. These materials at a Montessori preschool shall be organized in the classroom and used by the children in work areas that afford safe and ample working space under the direction of the Montessori teacher.

D. Use of Montessori materials in a Montessori preschool shall be presented by the Montessori teacher in accordance with the Montessori curriculum standards as included herein.

§ 9.22. Curriculum guidelines, including appropriate materials for children from two years to six years, as stated below, shall be followed in a Montessori preschool.

These requirements are based on guidelines used by American Montessori Society, American Montessori Internationale, National Council of Montessori Education, and Saint Nicholas Montessori teacher training.]

PRACTICAL LIFEPreliminary Exercises

Spooning
Pouring rice
Pouring water

Purpose: To teach the child muscular control, care, exactness, how to pour.

Indirect preparation for writing.

Age: 2 1/2 - 3 1/2

Napkin folding

Purpose: To teach muscular control, exactness.

Indirect preparation for geometry.

Age: 2 1/2 - 4

Care of the Environment

Table washing
Dusting
Polishing wood
Polishing metal
Arranging flowers
Sweeping

Purpose: To teach the child how to care for his environment so that he might adapt to his environment and gain independence.

To teach control of action, acquisition of movement, order and sequence, conscious awareness, development of large and small muscles, left to right movement, increased concentration through repetition.

Preparation for life and future learning.

Age: 2 1/2 - 4 and up

Care of the Person

Dressing frames
Polishing shoes

Purpose: To teach the child to care for himself, to take pride in his person, to gain independence and self-worth.

Washing hands

Age: 2 1/2 - 4 and up

Grace and Courtesy

How to interrupt,
listen
make way
pass

Purpose: To help the child develop understanding or rules of grace and courtesy, to adapt and be accepted into a social group.

How to greet
introduce oneself
offer a chair
take a cookie
serve others
carry scissors
etc.

Age: 2 1/2 and up

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VR 175-09-01 MINIMUM STANDARDS FOR LICENSED CHILD [GAREDAY] CENTERS, [BEFORE 66H006 AND AFTER 66H006 CHILD CARE PROGRAMS; AND CHILD DAY CARE CAMPS] SERVING SCHOOL AGE CHILDREN
Movement

How to walk

move around the room
move furniture
stop when hear bell
walk on line
carry a chair
sit properly
carry mats & materials
roll a mat
where to place mat
open & close a door
play silence game
respect silence
etc.

Purpose: To learn control of movement, self awareness of ones self, purposeful activity order, respect for persons and property, attention to details and environment.

Age: 2 1/2 and up

SENSORIALVisual Discrimination

Pink Tower
Broad Stair
Long Stair
Solid Cylinders
Color tablets
Geometric Cabinet
Biology Cabinet
Binomial & trinomial cube
Constructive triangles
Super imposed geometric figures
Knobless Cylinders
Solid Geometric shapes
Mystery bag
Progressive Exercises

Purpose: Aid the child's processes of classification.

Purpose: To teach visual discrimination of dimension (length, width, height).
Indirect preparation for number work, algebra and proof of formulas, geometry, art, biology.

Indirect preparation for writing.

Development of vocabulary.

Age: Progressive from 2 1/2 to 4 1/4 +

Auditory discrimination

Sound boxes
Bells
Listening exercises

Purpose: Training of auditory sense, discrimination of sounds, development of listening skills, discrimination of tones.

Age: 2 1/2 and up

Tactile Sense

Rough and smooth boards
Rough and smooth tablets
Fabrics

Purpose: Development of tactile sense, control of muscular action and lightness touch.

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Indirect preparation for writing.

2 1/2 - 3 1/2

Age:

Basic, Tactile, Olfactory Senses

Purpose:

Further develop senses. Help one to be aware of one's environment.

Age:

2 1/2 and 3 1/2

Basic tablet
Therapeutic bottles
Scent boxes and bottles

LANGUAGE

Oral Vocabulary

Purpose:

Through giving the names of objects in the environment, the sensorial materials and their relations, picture card materials, stories, poems, etc. help the child develop a fluent vocabulary so that he might express himself both orally and in written form.

Preparation for reading, writing, self-expression, research in cultural areas.

Age:

0 and up

Writing

Sand paper letters
sound game
Movable Alphabet
Metal Insets
Perfection of writing

Purpose:

To make the child aware of the sounds in words and to unite these sounds by muscular and visual memory.

To help him explore and analyze his vocabulary.

To acquire mastery of the hand in wielding a writing instrument.

Age:

Progressive 2 1/2 - 4

Reading

Phonetic object game
Phonograms
Puzzle/Secret words

Purpose:

To give facility to phonetic reading.

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To give the keys to further reading and exploration of language.

4 1/2 - 5

Age:

Reading Classification

Purpose:

To further the child's reading and knowledge by introducing him to the written symbols for words he knows.

Age:

4 1/2 on

Social cards, cultural cards
Definition booklets
Labels for environment
Etc.

Function of Words

Purpose:

To make the child aware of the individual function of words in his reading and writing.

Age:

4 1/2 - 5

Article
Adjective
Logical Adjective game
Conjunction
Preposition
Verb
Adverb
Commands

Reading Analysis

Purpose:

To give the child the keys to total reading, full awareness of the intent feeling and style of the writer.

Help the child in his own reading and writing.

Age:

5 1/2 and up

Purpose:

To allow the child to explore words on a more advanced level.

Purpose:

To help the child communicate more effectively in his written work.

Reading & writing of Music

Purpose:

To recognize and create the language of musical composition through notation and lyrics.

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[BEFORE SCHOOL AND AFTER SCHOOL CHILD CARE PROGRAMS; AND CHILD DAY CARE
CAMPS] SERVING SCHOOL AGE CHILDREN

Summary exercises
Learning songs
Musical instruments
etc.

Age: 4 1/2 and up

MATHEMATICS

Numbers (1 to 10)

Number rods
Sandpaper numbers
Number rods and cards
Spindle boxes
Cards and counters
Memory game

Purpose: To give the keys to the world of
written numbers.

To understand that each number is
an entity unto itself.

To teach the quantity, the symbol of
sequence of numbers.

To teach the concept of zero.

Preparation for additional math.

Age: 4

Decimal system (Golden (Bead Exercises)

Introduction of beads
Introduction of cards
Cards and beads together
Processes of Addition
subtraction
multiplication
division

Purpose: To teach the concepts of the
decimal system through 1000s.

To give the child the overall
picture of the workings of the
decimal system and all its
processes.

Age: 4 1/2 to 5 1/2 +

Further Exercises in Math

Linear and skip counting
Teen board
Tens board
Stamp game
Dot game
Snake Game
Addition strip board
Negative snake game
Negative strip board
Bead Bar Layouts
Multiplication Bead Board
Division Unit Board

Purpose: To give the child opportunity for
further exploration with numbers,
the opportunity for repetition and
perfection in executing the
processes in math.

The opportunity to commit to memory
the math facts.

Steps to total abstraction.

Age: 5 - 6 1/2 and up

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[BEFORE SCHOOL AND AFTER SCHOOL CHILD CARE PROGRAMS; AND CHILD DAY CARE
CAMPS] SERVING SCHOOL AGE CHILDREN

Charts
Small Bead Frame
Hierarchical materials
Large Bead frame
Racks and tubes
Fractions

GEOGRAPHY

Sandpaper Globe
Land & Water Forms
Painted Globe
Puzzle Maps
Pictures
Definition cards
Stories
Simple reference books

Purpose: To introduce the child, to the
concepts of physical political,
economic geography, interdependence
of man and related language.

Age: 2 1/2 +

HISTORY

Artifacts
Pictures
Definition cards
Simple reference books
Stories

Purpose: To introduce the child to world
cultures, physical and spiritual
needs of man throughout history,
famous persons, holidays, etc.

Age: 2 1/2 +

MUSIC

Songs
Records, tapes
Rhythms and movement
Tone bells
Tone charts
Composers/famous music

Purpose: To give the child a variety of
musical experiences, including
pitch, tone, rhythm, movement,
auditory comparisons, related
symbols and language.

Age: 2 1/2 +

CREATIVITY

Appropriate media
Pictures
Stories
Reference books
Practical life
Sensorial lessons

Purpose: To introduce the child to concepts
of color, tone, light, form,
history and art appreciation; and,
afford the child appropriate
opportunities for self expression.

Age: 3 +

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Appendix I (7/93)

LICENSING INFORMATION FOR PARENTS
ABOUT CHILD [CAREDAY] PROGRAMS

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BOTANY/BIOLOGY

Purpose:

To introduce the child to nature, the vast variety of plants and animals, the characteristics and functions; simple classification of the plant and animal kingdoms; interdependence and ecology.

Age:

2 1/2 *

Stories
Simple reference books
Opportunities to explore nature

* All work in the areas of science, history, culture, music, and creativity are interrelated and presented to give the child an age appropriate understanding of these areas. factual information, the tools and ability to work with the materials, and the opportunity to share this knowledge.

0 Important prerequisites are practical life lessons and skills, sensorial and related language lessons and skills, and an understanding of reality and factual concepts.

Larry D. Jackson

Larry D. Jackson, Commissioner

April 12 1993

Date

The Commonwealth of Virginia helps assure parents that child [careday] programs that [provide protection and enforce responsibility for the supervision, protection, and well-being of a child] for any part of a 24-hour day are safe [and healthy] for children. Title 63.1, Chapter 10 of the Code of Virginia gives the Department of Social Services authority to license these programs. While there are some legislative [exceptions] to licensure, licensed programs include child [careday] centers, [before school and after school] child care programs; nursery schools; child day care camps; family day homes; child day center systems; and family day [care] systems; and group family day care homes. The state may also voluntarily register [such] family day [care] homes [not required to be licensed].

Standards for licensed child [care program] centers address certain health precautions, adequate play space, a ratio of children per staff member, equipment, program, and record keeping. Criminal records checks and specific qualifications for staff and most volunteers working directly with children are also required. Standards require the facility to meet applicable fire, health, and building codes.

Compliance with standards is determined by announced and unannounced visits to the program by licensing staff within the Department of Social Services. In addition, parents or other individuals may register a complaint about a program which will be investigated if it violates a standard.

Three types of licenses may be issued to programs. Conditional licenses may be issued to a new program to allow up to six months for the program to demonstrate compliance with the standards. A regular license is issued when the program substantially meets the standards for licensure. A provisional license, which cannot exceed six months, is issued when the program is temporarily unable to comply with the standards. Operating without a license when required constitutes a misdemeanor which, upon conviction, can be punishable by a fine of up to \$100 or imprisonment of up to 12 months or both for each day's violation.

If you would like additional information about the licensing of child [careday] programs or would like to register a complaint, please contact the Regional Office of Social Services closest to you.

Northern Virginia Regional Office
320 Hospital Drive, Suite #23
Warrenton, Virginia 22186
(703) 347-6349 347-6300

Central Regional Office
Mythe Building, Suite 130
1604 Santa Rosa Road
Richmond, Virginia 23229
(804) 662-9743

Piedmont Regional Office
Commonwealth of Virginia Building
210 Church Avenue, S.W., Suite 100
Roanoke, Virginia 24011-1779
(703) 982-7928 857-7920

Eastern Regional Office
Pembroke Office Park
Pembroke IV Office Building
Suite 300
Virginia Beach, Virginia 23462
(804) 473-2100

PART II **CERTIFICATION OF SCHOOL HEALTH EXAMINATION**
PART II TO BE COMPLETED BY A PHYSICIAN
(To be completed by parent/guardian)

Student's Name: _____ Sex: M F Birth Date: _____

Height: _____ Weight: _____ Head Circumference: _____

Symptoms or Remarks: _____

Vision (with glasses) R: _____ L: _____ Hearing R: _____ L: _____

Vision (with glasses) R: _____ L: _____ Hearing R: _____ L: _____

Vision (with glasses) R: _____ L: _____ Hearing R: _____ L: _____

Vision (with glasses) R: _____ L: _____ Hearing R: _____ L: _____

System Examination	Exam.	Not Exam.	Comments About Findings
General Appearance, Nutrition			
Posture, Gait			
Skin			
Head			
Eyes External			
Fund			
Ears External & Canal			
Tympanic Membrane			
Nose			
Throat			
Trunk			
Neck			
Rect			
Lungs			
Abdomen			
Costals (Twaar Supr)			
Bone, Joint, Muscles			
Neurological			
Other			
Est. of developmental level			
Behavioral Observations			
Cognitive			
Emotional Inst			
Activity level			
Summary of abnormal conditions which may require (R) Educational evaluation, (D) Expressional adjustment, or (O) Admission to be limited.			

Referrals made: _____

Physician (print): _____

Address: _____

MCH-113CR-1091

PART I **SCHOOL ENTRANCE PHYSICAL EXAMINATION AND IMMUNIZATION CERTIFICATION**
HEALTH INFORMATION SECTION (PART I to be completed by parent or guardian) Please Print or Type Please use

Student's Name: _____ LAST FIRST MI

Complete Date of Birth: _____ Sex: M F Number of Children in Family: _____ State or Country of Birth: _____

Social Security #: _____

Parent or Legal Guardian: _____

Address: _____ City: _____ State: _____ ZIP: _____

Home Phone: _____ Work Phone: _____

School's Name: _____

In case of emergency, notify (other than parent or guardian) Please list Name, address, and Complete Phone Number (area code and number).

1) _____ Phone: _____

2) _____ Phone: _____

Birth History (weight, prematurity, any other problems at birth): _____

Allergies to food, medicine, insect bites/stings, or other: _____

Check here if you wish to discuss confidential information with school authorities.

EQUIPMENT USED BY CHILD (please check those that apply)	CHRONIC OR RECURRING CONDITIONS (please check those that apply)
<input type="checkbox"/> Prosthetic (e.g., cane, crutch, limb)	<input type="checkbox"/> Ear Infections
<input type="checkbox"/> Braces	<input type="checkbox"/> Hard of Hearing
<input type="checkbox"/> Hearing Aids	<input type="checkbox"/> Seizure/Epilepsy
<input type="checkbox"/> Glasses	<input type="checkbox"/> Kidney Disease
<input type="checkbox"/> Hemi- Wheelchair or Walker	<input type="checkbox"/> Sickle Cell Anemia (not trait)
<input type="checkbox"/> Special Shoes	<input type="checkbox"/> Head, spinal cord injury, or disease of central nervous system
<input type="checkbox"/> Other (Please List): _____	<input type="checkbox"/> Eye Diseases
	<input type="checkbox"/> Heart Disease
	<input type="checkbox"/> Asthma
	<input type="checkbox"/> Diabetes
	<input type="checkbox"/> Other (Please List): _____

Name of medical specialist, dentist, or special clinic caring for child: _____

Prescription medicines taken regularly (LIST): _____

Operates (driver): _____

Other important information about your child: _____

I give my permission for the school mentioned to contact the examining physician to discuss any information mentioned on this form.

Signature of Parent/Legal Guardian: _____ Date (month/day): _____

PART III

CERTIFICATION OF IMMUNIZATION

Part III to be Completed by a Physician or Health Department Official

Student's Name: _____ DOB: _____
 Student's S.S. #: _____ I.D. #: _____

Parent/Guardian: _____

IMMUNIZATIONS	RECORD COMPLETE DATES (month,day,year) OF VACCINE DOSES ADMINISTERED				
Diphtheria/Tetanus/Pertussis (DTP)	____/____/____	____/____/____	____/____/____	____/____/____	____/____/____
Diphtheria/Tetanus (DT or Adult Td)	____/____/____	____/____/____	____/____/____	____/____/____	____/____/____
Poliomyelitis (OPV or eIPV)	____/____/____	____/____/____	____/____/____	____/____/____	____/____/____
Measles (Rubeola)	____/____/____	____/____/____	Serological Confirmation of Measles Immunity	____/____/____	____/____/____
Rubella	____/____/____	____/____/____	Serological Confirmation of Rubella Immunity	____/____/____	____/____/____
Mumps	____/____/____	____/____/____	Child Entered School Before 08/01/91	____/____/____	____/____/____
Measles, Mumps, Rubella (MMR)	____/____/____	____/____/____	____/____/____	____/____/____	____/____/____
Hepatitis B Vaccine	____/____/____	____/____/____	Other	____/____/____	____/____/____

Haemophilus influenzae Type b (Hib Conjugate): PLEASE COMPLETE THE APPROPRIATE SECTION BELOW.

- Has received complete series of Hib vaccine in accordance with current recommendations of the AMERICAN ACADEMY OF PEDIATRICS OR THE U.S. PUBLIC HEALTH SERVICE.
- Has received the AGE-APPROPRIATE doses of Hib vaccine as recommended by the AMERICAN ACADEMY OF PEDIATRICS OR THE U.S. PUBLIC HEALTH SERVICE, the series will be completed on (RECORD COMPLETE DATE (month,day,year))
 Series Completion Date: ____/____/____
- Hib vaccine is not indicated because this child has had Hib disease at 24 months of age or older.
- Being over 36 months of age, this child is not required by law to have proof of immunization against Hib.

MEDICAL EXEMPTION: DTP Td OPV Hib Measles Mumps Rubella
 As specified in 22.1-271.2.c(1) of the Code of Virginia, I certify that administration of the vaccine(s) designated above would be detrimental to this student's health. The vaccine(s) is (are) specifically contraindicated because (please specify): _____

This contraindication is permanent or temporary and expected to preclude immunization until _____
 Signature of PHYSICIAN or HEALTH DEPT. OFFICIAL: _____ Date: ____/____/____

RELIGIOUS EXEMPTION: The Code of Virginia allows a child an exemption from receiving immunizations required for school attendance if the student or the student's parent/guardian submits an affidavit to the school's admitting official stating that the administration of immunizing agents conflicts with the student's religious tenets or practices. Any student entering school for the first time after July 1, 1993, must submit this affidavit on a CERTIFICATE OF RELIGIOUS EXEMPTION (Form CRE-1) which may be obtained at any local health department, school division superintendent's office or local department of Social Services. Ref. Code 22.1-271.2, C(1), CODE OF VIRGINIA

*I certify that this student has received at least one dose of each of the vaccines required by the State Board of Health for attending school and that this student has a plan for the completion of his/her requirements within the next 90 days (conditional enrollment).

Signature of Physician or Health Dept. Official: _____ Date (month,day,year): ____/____/____

**I certify that this student is ADEQUATELY IMMUNIZED in accordance with the MINIMUM requirements for attending school prescribed by the State Board of Health on the reverse side of this form.

Signature of Physician or Health Dept. Official: _____ Date (month,day,year): ____/____/____

PART IV

MINIMUM IMMUNIZATIONS REQUIRED OF NEW STUDENTS BY THE STATE BOARD OF HEALTH FOR SCHOOL ATTENDANCE

DTP: THREE (3) doses of DTP with one (1) of the three (3) administered after the fourth birthday. If any of these doses must be administered on or after the seventh birthday, ADULT Td should be used instead of DTP.

OPV: THREE (3) doses of trivalent OPV with one of the three administered after the fourth birthday or three (3) doses of eIPV with one of the three administered after the fourth birthday.

MEASLES: TWO (2) doses of live virus measles (rubeola) vaccine, one dose given at 12 months of age or older and a second dose administered prior to entering KINDERGARTEN or first grade, whichever occurs first, effective JULY 1, 1991.

RUBELLA: ONE (1) dose of rubella vaccine received at 12 months of age or older.

MUMPS: ONE (1) dose of mumps vaccine received at 12 months of age or older for students entering school on or after AUGUST 1, 1981.

***SCHOOL DEFINITION:** a) Any public school from kindergarten through grade 12 operated under the authority of any locality within this Commonwealth; b) Any private or parochial school that offers instruction at any level or grade from kindergarten through grade 12; c) Any private or parochial nursery school or preschool, or any private or parochial child care center licensed by this Commonwealth; and d) Any preschool handicapped classes or Head Start classes operated by the school divisions within this Commonwealth.

If there are questions please call your local health department.

Appendix III

ART MATERIALS: RECOMMENDATIONS FOR CHILDREN UNDER 12*

DO NOT USE

Dusts and Powders

1. Clay in dry form. Powdered clay, which is easily inhaled, contains free silica and possible asbestos. Do not sand dry clay pieces or do other dust-producing activities.
2. Ceramic glazes or copper enamels.
3. Cold water, fiber-reactive dyes or other commercial dyes.
4. Instant paper maches (create inhalable dust and some may contain asbestos fibers, lead from pigments in colored printing inks, etc.).
5. Powdered temperacolors (create inhalable dusts and some tempera colors contain toxic pigments, preservatives, etc.).
6. Pastels, chalks or dry markers that create dust.

Solvents

1. Solvents (e.g., turpentine, shellac, toluene, rubber cement thinner) and solvent-containing materials (solvent-based inks, alkyd paints, rubber cement).
2. Solvent-based silk screen and other printing inks.
3. Aerosol sprays.
4. Epoxy, instant glue, airplane glue or other solvent-based adhesives.
5. Permanent felt tip markers which may contain toluene or other toxic solvents.

SUBSTITUTES

1. Order talc-free, premixed clay (e.g. Amaco white clay). Wet mop or sponge surfaces thoroughly after using clay.
2. Use water-based paints instead of glazes. Artwork may be water-proofed with acrylic based mediums.
3. Use vegetable and plant dyes (e.g. onionskins, tea, flowers) and food dyes.
4. Make paper mache from black and white newspaper and library or white paste, or use approved paper maches.
5. Use liquid paints or paints the teacher pre-mixes.
6. Use crayons, oil pastels or dustless chalks.

1. Use water-based products only.
2. Use water-based silk screen inks, block printing or stencil inks containing safe pigments.
3. Use water-based paints with brushes or spatter techniques.
4. Use white glue, school paste, and preservative-free wheat paste.
5. Use only water-based markers.

Toxic Metals

1. Stained glass projects using lead case, solder, flux, etc.
2. Arsenic, cadmium, chrome, mercury, lead, manganese, or other toxic metals which may occur in pigments, metal fillings, metal enamels, ceramic glazes, metal casting, etc.

1. Use colored cellophane and black paper to simulate lead.

2. Do not use these ingredients. Use approved materials only.

Miscellaneous

1. Photographic chemicals.
 1. Use blueprint paper and make sun grams, or use Polaroid cameras.
2. Casting plaster. Creates dust and casting hands and body parts has resulted in serious burns.
 2. Teacher can mix plaster in a separate ventilated area or outdoors for plaster casting.
3. Acid etches and picking baths.
 3. Should not use techniques employing these chemicals.
4. Scented felt tip markers. These teach children bad habits about eating and sniffing art materials.
 4. Use water-based markers.

From Data Sheet -- Art Materials: Recommendations for Children Under 12, Center for Safety in the Arts.

*Section 63.1-195 of the Code of Virginia defines a child as "any natural person under eighteen years of age."

Proposed Regulations

[Appendix IV

Article 3- Outdoor Activity Area

- §5-11-Centers shall use a clean, safe outdoor activity area, either adjoining or accessible to the center, which shall provide a minimum of 75 square feet of space per child on the outdoor area at any one time.
- §5-12-Centers licensed for the care of infants and toddlers shall provide at least 25 square feet of unpaved surface per infant/toddler on the outdoor area at any one time. This unpaved surface shall be suitable for crawling infants and for toddlers learning to walk. This space may be counted as part of the 75 square feet required in §5-11.
- NOTE: Space covered by sand in sand boxes or play areas may be counted toward the 25 square feet of unpaved surface.
- §5-13-Asphalt, concrete, or similar hard surface shall not be the only outdoor surface.
- §5-14-Where natural shade is not available, the center shall make provision for creating a shaded area or areas.
- §5-15-Resilient surfaces shall be placed under slides and climbing equipment more than four feet high and all swing sets to help absorb the shock if a child falls off the equipment. Resilient surfaces include, but are not limited to, sand, mulch, pea gravel, shredded tires, and rubberized surfaces.
- §5-16-Where swings are provided, they shall have soft or flexible seats such as, but not limited to, nylon or rubber baiting rather than hard wooden, metal, or fiberglass seats.
- §5-17-Ground supports for slides, swing sets, and climbing equipment shall be covered with material(s) which would protect children from injury.
- §5-18-Where slides are provided, the lower ends shall be no more than 15 inches above the ground.
- §5-19-For outdoor activity areas used by toddlers and preschool children, the climbing portion of slides and climbing equipment shall not be more than seven feet high.
- §5-20-Outside sand in self-contained boxes with bottoms which prevent drainage shall be covered when not in use.]

Appendix IV

**INFORMATION FROM HANDBOOK FOR PUBLIC PLAYGROUND SAFETY
U.S. CONSUMER PRODUCT SAFETY COMMISSION**

The following information is from the Handbook for Public Playground Safety prepared by the U.S. Consumer Product Safety Commission.

Material	Critical Heights (in feet) for Various Types and Depths of Resilient Material			
	6 inch	Uncompressed Depth		Compressed Depth 9 inch
		9 inch	12 inch	
Wood Mulch	7 ft	10 ft	11 ft	10 ft
Double Shredded Bark Mulch	6 ft	10 ft	11 ft	7 ft
Uniform Wood Chips	6 ft	7 ft	>12 ft	6 ft
Fine Sand	5 ft	5 ft	9 ft	5 ft
Coarse Sand	5 ft	5 ft	6 ft	4 ft
Fine Gravel	5 ft	7 ft	10 ft	6 ft
Medium Gravel	5 ft	5 ft	6 ft	5 ft

Notes: Critical Height is defined as the maximum height from which an instrumented metal headform, upon impact, yields both a peak deceleration of no more than 200 G's and a HIC of no more than 1,000 when tested in accordance with the procedure described in ASTM F1292. Critical Height, therefore, can be considered as an approximation of the maximum fall height from which a life-threatening head injury would not be expected to occur. The surfacing material used under and around a particular piece of playground equipment should have a Critical Height value of at least the height of the highest accessible part of the equipment.

The table should be read as follows: If, for example, uncompressed wood mulch is used at a minimum depth of 6 inches, the Critical Height is 7 feet. If 9 inches of uncompressed wood mulch is used, the Critical Height is 10 feet. It should be noted that, for some materials, the Critical Height decreases when the material is compressed.

There may be other loose-fill materials such as bark nuggets or shredded tires that have shock absorbing properties equivalent to those in the above table. However, no tests have been conducted on these materials by Consumer Product Safety Commission staff. Persons installing rubber mats or similar material should request test data from the manufacturer on the Critical Height of the material.]

Proposed Regulations

Appendix V

COMMUNICABLE DISEASE REFERENCE CHART FOR SCHOOL PERSONNEL

DISEASE	INCUBATION PERIOD	COMMON SIGNS AND SYMPTOMS	RECOMMENDATIONS
Chickenpox (Varicella)	From 2 to 3 weeks, usually 13 to 17 days.	Sudden onset with slight fever and itchy eruptions which become vesicular (small blisters) within a few hours. Lesions commonly occur in successive crops, with several stages of maturity present at the same time.	Communicable for as long as 5 days before eruption of vesicles and for not more than 5 days after the appearance of the first crop of vesicles. CASE: Exclude from school for at least 6 days after eruption first appears or until vesicles become dry. Avoid exposure to women in early pregnancy who have not had chickenpox. CONTACTS: On appearance of first sign or symptom, exclude from school for 7 days.
Cryptosporidiosis	From 2 to 14 days.	Watery diarrhea and low grade fever	CASE: Exclude until cessation of diarrhea. CONTACTS: School exclusion not indicated.
Fifth Disease (Erythema Infectiosum)	From 4 to 20 days.	Mild illness without fever. Rash characterized by a vivid reddening of the skin especially of the face which fades and recurs; classically, described as a "slapped cheek appearance."	CASE: Exclusion from school not required. CONTACTS: School exclusion not indicated.
German Measles (Rubella)	From 14 to 23 days, usually 16 to 18 days.	Mild symptoms; slight fever, rash of variable character lasting about 3 days; enlarged head and neck lymph glands common. Joint pain may occur especially in older children and adults.	Communicable for 7 days before onset of rash and at least 4 days thereafter. CASE: Exclude from school for 7 days after onset of rash. Avoid exposure to women in early pregnancy. Check immunization records. CONTACTS: Those who are pregnant and not immunized should be urged to seek medical advice.
Giardiasis	From 1 to 4 weeks.	Frequently asymptomatic, but may have diarrhea.	CASE: Exclude until cessation of diarrhea. Exclusion of asymptomatic carriers of giardia is not recommended. CONTACTS: School exclusion not indicated.
Hepatitis A (Infectious Hepatitis)	From 15 to 50 days, usually 28 days.	Fever, loss of appetite, nausea, abdominal discomfort and weakness followed by jaundice. Many unrecognized mild cases without jaundice occur, especially in children.	Communicability greatest from 7 days before to several days after onset of jaundice. CASE: Exclude from school until physician advises return. Convalescence may be prolonged. CONTACTS: School exclusion not indicated.
Human Immunodeficiency Virus Infection	Variable	A broad range of disease manifestations affecting multiple organ systems. Many children remain asymptomatic.	CASE: Follow advice of child's physician and/or the local health department. CONTACTS: School exclusion not indicated.

Impetigo Contagiosa	Unknown	Multiple skin lesions usually of exposed areas (e.g., elbows, legs and knees), but may involve any area. Lesions vary in size and shape, and begin as blisters which rapidly mature into brown crusts on a reddened base. Healing from center outward produces circular areas which may resemble ringworm.	CASE: Exclude from school until physician advises return (usually 1 day). CONTACTS: Exclusion from school not indicated. Observe carefully for symptoms.
Measles (Rubeola, Red Measles)	From 8 to 13 days, usually 10 days.	Prodrome characterized by fever followed by reddened eyes, runny nose, and cough. Dusky-red blotchy rash appears on day 3 or 4 and lasts 4 to 7 days.	Communicable from beginning of prodromal period to 4 days after appearance of the rash. CASE: Exclude from school until at least 4 days after appearance of the rash. CONTACTS: Check immunization records. Exclude from school immediately on signs of prodrome.
Meningitis, Haemophilus	Unknown, probably 2 to 4 days.	Sudden onset of fever, vomiting, lethargy and stiff neck. Progressive stupor or coma are common.	CASE: Exclude from school until physician advises return. CONTACTS: School exclusion not indicated. Observe carefully for symptoms, especially fever. Parents of day care/nursery school contacts should be advised to check with their children's physicians concerning prophylactic treatment with rifampin. Discuss problem with local health department.
Meningitis, Meningococcal	From 1 to 10 days, usually 3 to 4 days.	Sudden onset of fever and intense headache. Delirium and coma often appear early; a characteristic (measle-like) rash usually follows. Can be fatal despite prompt diagnosis and treatment.	CASE: Exclude from school during acute illness. (Non-communicable after 24 hours of appropriate drug therapy.) CONTACTS: School exclusion not indicated. Parents of day care contacts should be urged to seek their physicians' advice concerning prophylactic treatment with rifampin. Discuss problem with local health department.
Mumps (Infectious Parotitis)	From 2 to 3 weeks, usually 18 days.	Fever with swelling and tenderness of one or both parotid glands located below and in front of the ears. Unrecognized mild cases without swelling may occur.	Communicable from 6 days before swelling until 9 days after. CASE: Exclude from school for 9 days after the onset of parotid gland swelling. CONTACTS: School exclusion not indicated.
Pediculosis (Lice)	Under optimum conditions, eggs hatch in 7 days and reach maturity in about 10 days.	Severe itching and scratching, often with secondary infection. Scalp and hairy portions of body may be affected. Eggs of head lice (nits) attach to hairs as small, round, gray lumps.	CASE: Exclude from school until treated by a physician. CONTACTS: Direct inspection of head, body, and clothing recommended. School exclusion not indicated in absence of infestation.
Rotavirus Infections	Usually 1 to 3 days.	Diarrhea, usually preceded by vomiting and low-grade fever. May also be accompanied by cough.	CASE: Exclude from school until cessation of diarrhea. CONTACTS: School exclusion not indicated.

Proposed Regulations

Salmonellosis	From 6 to 72 hours, usually 12 to 36 hours.	Sudden onset of fever, abdominal pain, diarrhea, nausea, and frequent vomiting. Dangerous dehydration may occur in younger children.	Stools usually positive for Salmonella for several days to several weeks; a few patients test positive for several months. CASE: Exclude from school until physician advises return. CONTACTS: School exclusion and stool cultures not indicated in absence of symptoms.
Scabies	From 2 to 4 weeks.	Begins as itchy raised areas or burrows around finger webs, wrists, elbows, armpits, belt-line, and/or genitalia. Extensive scratching often results in secondary infection.	CASE: Exclude from school until physician advises return. CONTACTS: Direct inspection of body. School exclusion not indicated in absence of infestation.
Scarlet Fever	Usually 1 to 3 days, rarely longer.	Fever, sore throat, exudative tonsillitis or pharyngitis. Rash appears most often on neck, chest, and skin folds of arms, elbows, groin and inner aspect of thighs.	CASE: Exclude from school during acute illness. Non-communicable after 24 hours of appropriate drug therapy. CONTACTS: Exclude from school on appearance of signs or symptoms. Culturing of school contacts and treatment of carriers not usually indicated.
Shigellosis (Bacillary Dysentery)	From 1 to 7 days, usually 3 days.	Diarrhea, fever and often vomiting and cramps. In severe cases the stools may contain blood.	CASE: Exclude from school until cessation of diarrhea. CONTACTS: School exclusion not indicated. Stool cultures indicated only in suspected school outbreaks.
Tinea Corporis (Ringworm of the Body)	From 4 to 10 days.	Circular well-demarcated lesion that can involve face, trunk or limbs. Pruritus is common.	CASE: Exclusion from school not indicated as long as lesions are covered or child is being treated by a physician. CONTACTS: School exclusion not indicated.
Whooping Cough (Pertussis)	Usually 7 days, almost uniformly within 10 days, and rarely exceeding 14 days.	Catarrhal stage begins with upper respiratory symptoms and increasingly irritating cough. The paroxysmal stage usually follows within 1 to 2 weeks, and lasts 1 to 2 months. Paroxysmal stage is characterized by repeated episodes of violent cough broken by a high-pitched inspiratory whoop. Older children may not have whoop. Convalescence may require many weeks.	CASE: Exclude from school until a physician advises return (usually 5 days after initiation of erythromycin therapy). CONTACTS: Check immunization records. Exclude on first sign or symptom.

NOTE: A more complete discussion of these conditions and other communicable diseases may be found in Control of Communicable Diseases in Man (1990) published by the American Public Health Association. Additional information and consultation are also available through your local health department. VIRGINIA DEPARTMENT OF HEALTH, OFFICE OF EPIDEMIOLOGY, P.O. BOX 2448, RICHMOND, VIRGINIA 23218.



Appendix VI

MEDICATION AUTHORIZATION

I certify that, in my opinion, it is medically necessary that the medication described below be administered to _____ during center hours and that this medication may be administered by center staff.

Prescription: Medication: _____

Dosage and Time: _____

Duration: _____

Date of Prescription: _____

(Signature of Physician)

(Date)

I, _____, the parent or guardian of

_____, request that center staff administer the medication prescribed above to my child during center hours. I understand that the person who will administer the medication may be inexperienced. I also agree to furnish said medication in the container supplied by the drug store with the label intact.

(Signature of parent or guardian)

(Date)

Appendix VII

CHILD CARE FOOD PROGRAM MEAL PATTERNS

This chart lists the amounts and types of food to be served to children 1 year old and older.

MEAL COMPONENTS	AGES 1 - 2	AGES 3 - 5	AGES 6 - 12
BREAKFAST			
Milk	1/2 cup	3/4 cup	1 cup
Juice or Fruit or Vegetable	1/4 cup	1/2 cup	1/2 cup
Bread or Bread Alternate	1/2 slice	1/2 slice	1 slice
including cereal, cold dry	1/4 cup or	1/3 cup or	3/4 cup or
or cereal, hot cooked	1/3 ounce	1/2 ounce	1 ounce
	1/4 cup	1/4 cup	1/2 cup
SNACK (SUPPLEMENT)			
Select 2 out of 4 components			
Milk	1/2 cup	1/2 cup	1 cup
Juice or Fruit or Vegetable	1/2 cup	1/2 cup	3/4 cup
Meat or Meat Alternate	1/2 ounce	1/2 ounce	1 ounce
Bread or Bread Alternate	1/2 slice	1/2 slice	1 slice
including cereal, cold dry	1/4 cup or	1/3 cup or	3/4 cup or
or cereal, hot cooked	1/3 ounce	1/2 ounce	1 ounce
	1/4 cup	1/4 cup	1/2 cup
LUNCH OR SUPPER			
Milk	1/2 cup	3/4 cup	1 cup
Meat or Poultry or Fish	1 ounce	1 1/2 ounces	2 ounces
or egg	1	1	1
or cheese	1 ounce	1 1/2 ounce	2 ounces
or cooked dry beans or peas	1/4 cup	3/8 cup	1/2 cup
or peanut butter and other "butters"	2 Tbsp.	3 Tbsp.	4 Tbsp.
nuts and seeds	1/2 ounce*	3/4 ounce*	1 ounce*
Vegetable and/or Fruits (2 or more total)	1/4 cup	1/2 cup	3/4 cup
Bread or Bread Alternate	1/2 slice	1/2 slice	1 slice

Milk includes whole milk, lowfat milk, skim milk, cultured buttermilk, or flavored milk made from these types of fluid milk which meet State or local standards.

Bread Alternate may also include an equivalent serving of items such as a roll, biscuit, muffin, cooked enriched or whole-grain rice, macaroni, noodles, or other pasta products.

*Nuts and seeds may be credited towards meeting only 50% of the meat/meat alternate requirement.

Appendix VIII

SOME FOODS WITH VITAMIN A AND VITAMIN C

Vitamin A		*Excellent Sources
Vegetables		Fruits
Asparagus	Spinach	*Apricots
*Broccoli	*Squash-winter	*Cantaloupe
*Carrots	*Sweetpotatoes	Cherries, red sour
Chili peppers (red)	Tomatoes	Papaya
Kale	Tomato Juice,	Peaches, (not canned)
*Mixed vegetables	paste or puree	Plums, purple (canned)
*Peas & carrots	*Turnip greens	Prunes
Pumpkin	Vegetable juices	Pumpkin
		Watermelon
Vitamin C		
Vegetables		Fruits
Asparagus	Peppers, sweet	Cantaloupe
Broccoli	Potatoes, white	Grapefruit
Brussels sprouts	Spinach	Grapefruit juice
Cabbage	Sweetpotatoes	Oranges
Cauliflower	Tomatoes	Orange juice
Chili peppers	Tomato juice,	Raspberries
Collards	paste or puree	Strawberries
Kale	Turnip greens	Tangerines
Okra	Turnips	

DIVISION OF LICENSING PROGRAMS
 VIRGINIA DEPARTMENT OF SOCIAL SERVICES
 INITIAL APPLICATION FOR A LICENSE TO OPERATE A CHILD [CARE DAY] CENTER

This application shall be signed by the individual responsible for operation of the child [care day] center(s) or, if the center(s) is/are to be operated by a board, by an officer of the board or person designated authority by the board. It shall be filed 60 days before opening date. The licensing study will begin when a completed application is received.

Application is hereby made for one or more licenses to operate one or more child [care day] centers pursuant to Section 63.1-195 of the Code of Virginia. (If there is more than one center location to be licensed by this application, please copy and complete Sections II and III of this form as many times as needed.)

Name of Center: _____

Type of Center (please check all that apply): Child [Care Day] Center for Preschool or Younger Children
 Child [Care Day] Center for School Age Children
 [---]---Nursery-School
 [---]---Child-Day-Care-Camp

Center Location: _____
 Street or Route No. City State Zip

Mailing Address: _____
 Street or Route No. City State Zip

In making this application, the applicant:

1. Is in receipt of and has read a copy of [the licensing statute and] the minimum standards applicable to the type of center to be operated.
2. Certifies that it is his intent to comply with the aforementioned minimum standards and statutes and to remain in compliance with them if he is so licensed.
3. Grants permission to the Department of Social Services and its authorized agents to make all necessary investigation of the circumstances surrounding this application and any statement made herein, including financial status, inspection of the facility(ies), review of records, and interviewing his agents, employees, and any child or other person within his custody or control. The applicant understands that, following licensure, authorized agents of the department will make announced and unannounced visits to the center(s) to determine its compliance with standards and to investigate any complaints received.
4. Understands that [if he] will be requested to supply reports from the local health department, and appropriate fire prevention officials and [if he] may be requested to supply a Certificate of Occupancy from the local building official.
5. Understands that an application for a license is subject to either issuance or denial. In the event of denial, it is understood that the applicant has appeal rights which are explained in the General Procedures regulation.
6. Understands that a license is required for each center site and the application fee is calculated according to the capacity at each site.

032-05-512/9 (7/93)

7. Is aware that it is a misdemeanor for any person to operate a child [care day] center defined in Section 63.1-195 of the Code of Virginia without a license.
8. Has to the best of his knowledge and belief, given to the Department of Social Services and its authorized agents on this form and during any pre-application conference information which is true and correct. The applicant agrees to supply true and correct information requested during all subsequent investigations.

(Date) _____

 (Name of Applicant (Individual or Organization))

by: _____
 (Signature)

 (Name and Title)

 (Applicant's Mailing Address if different from the center)

 (City, State, Zip Code)

 (Business Telephone)

DIVISION OF LICENSING PROGRAMS
DEPARTMENT OF SOCIAL SERVICES

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INITIAL APPLICATION
CHILD [GARE DAY] CENTER

Directions: Please provide all requested information. If completing this form for centers located at different sites, please copy and complete Sections II and III of this form as many times as needed.

I. SPONSORSHIP AND GENERAL INFORMATION

A. Center(s) is/are to be operated by _____
 Individual Corporation Public Agency
 Partnership Association

B. Name of sponsor if not an individual proprietorship: _____
 Address: _____
 Telephone: () _____
 Name and title of contact person (if applicable) _____

C. For centers sponsored by either corporations, [partnerships,] unincorporated associations, or public agencies [list the names and addresses of individuals who hold primary financial control and officers of the sponsoring/governing body:]

[i.--list-all-officers-and-members-of-the-Board]

President or Chairperson: _____ Telephone Number: () _____
 Address: _____ (City) _____ (State) _____ (Zip Code)

Office	Name	Address
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

D. References

List the names and addresses of three persons who are not related to the applicant(s) and who can knowledgeable and objectively certify to the applicant's(s') character and reputation. For center(s) sponsored by corporations, [partnerships,] unincorporated associations, or public agencies provide three references for each [officer-of-the-Board; individual who holds primary financial control and each officer of the sponsoring/governing body.]

DIVISION OF LICENSING PROGRAMS
DEPARTMENT OF SOCIAL SERVICES

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INITIAL APPLICATION
CHILD [GARE DAY] CENTER

Name of Individual Owner, Partner, or Officer [of-the-Board:] _____

References	Phone Numbers	Addresses
_____	_____	_____ (City) _____ (State) _____ (Zip)
_____	_____	_____ (City) _____ (State) _____ (Zip)
_____	_____	_____ (City) _____ (State) _____ (Zip)

Name of Individual Owner, Partner, or Officer [of-the-Board:] _____

References	Phone Numbers	Addresses
_____	_____	_____ (City) _____ (State) _____ (Zip)
_____	_____	_____ (City) _____ (State) _____ (Zip)
_____	_____	_____ (City) _____ (State) _____ (Zip)

Name of Individual Owner, Partner, or Officer [of-the-Board:] _____

References	Phone Numbers	Addresses
_____	_____	_____ (City) _____ (State) _____ (Zip)
_____	_____	_____ (City) _____ (State) _____ (Zip)
_____	_____	_____ (City) _____ (State) _____ (Zip)

Name of Individual Owner, Partner, or Officer [of-the-Board:] _____

References	Phone Numbers	Addresses
_____	_____	_____ (City) _____ (State) _____ (Zip)
_____	_____	_____ (City) _____ (State) _____ (Zip)
_____	_____	_____ (City) _____ (State) _____ (Zip)

E. How many center sites do you want licensed by this application? _____

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DEPARTMENT OF SOCIAL SERVICES

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INITIAL APPLICATION
CHILD [GARE DAY] CENTER

II. INFORMATION FOR EACH CENTER SITE

Directions: As necessary, please make copies of this section of the form and complete for each center site.

A. Name of Center		B. Phone Number of Center (Area Code)	
C. Name of Administrator		D. Name of Center Director	

E. Directions to the Center:

F. Asbestos

Section 63.1-198.01 of the Code of Virginia, requires asbestos inspections in child [care day] centers based on the date of construction of the building(s) housing your center(s). Written statements required by the minimum standards applicable to your center must be submitted before a license can be issued.

When was your center built? Before 1978 (requires asbestos inspection) In 1978 or after (does not require BSS asbestos review.)

[If your center is located in a public school building or state-owned building, you are exempt from BSS asbestos review. Is your center located in a public school building or state-owned building?] Yes No

[Please provide this information for each separate building of your child care center:]

[Note: If you operate a nonprofit school on site for children five years of age and older, the complete asbestos inspection must be submitted to the Department of Education (804) 225-2035. Written statements as noted above must be submitted to BSS if the building was constructed before 1978.]

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DEPARTMENT OF SOCIAL SERVICES

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INITIAL APPLICATION
CHILD [GARE DAY] CENTER

[Is your center located in a currently operating public school building or state owned building?]

Yes (does not require DSS asbestos review.)
 No (DSS asbestos review required.)

Do you operate (plan to operate) a nonprofit school for children five years of age and older on site?

Yes (the complete asbestos inspection report must be submitted to the Department of Education - (804) 225-2035. If the building was constructed before 1978, written statements as required by minimum standards must be submitted to your licensing representative before a license can be issued.)
 No

Note: Please provide this information for each separate building of your child [care day] center.]

G. Hours of Operation and Requested, Licensed Capacity

	Hours of Operation (days and times)	Months Operated During the Year	Requested Licensed Capacity	Age Range
Child [Gare Day] Center				
Preschool or Younger				
School Age				
[Nursery-School]				
[Camp]				

H. What is your total, requested licensed capacity (the number of children that can be present at any one time)? _____

I. Does the program operate less than four months in a 12 month period? Yes No

[I-J.] Proposed Enrollment by Age Groups and Type of Care Offered. Please indicate if multiple sessions during a one week time period are offered (i.e. morning [nursery-school session] and afternoon [nursery-school session]).

	Infants and Toddlers (birth to 16 mos.)	Infants and Toddlers (16 mos. to 2 yrs.)	Preschool (2 and 3 yr. olds)	Preschool (4 to age of eligibility to attend school)	School Age
[Child-Gare] Center					
[Preschool-or] Younger					
[School-Age]					
[Nursery-School]					

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INITIAL APPLICATION
CHILD (GARE DAY) CENTER

[J--Do you plan to accept children with disabilities in a mainstream setting?

Yes

No

K. State the purpose and scope of your services (EXAMPLES: What will be the major goal of your center(s)? What will be the emphasis and philosophy of your center(s) to carry out this goal? What are the specific services to be provided as part of your center(s) and how to these services vary according to the age group in care?):

DIVISION OF LICENSING PROGRAMS
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INITIAL APPLICATION
CHILD (GARE DAY) CENTER

Directions: As necessary, please make copies of this section of the form and complete for each center site. [List all employees and volunteers. Place an asterisk (*) by the names of employees and volunteers who have received training in first-aid. If staff not yet hired, indicate positions to be used, anticipating hours of employment, etc.]

Name of Center: _____

III. STAFF INFORMATION

Location of Center: _____

[List all employees and volunteers---If staff is not yet hired, indicate positions to be used, anticipating hours of employment-etc.]

Staff Member	Date of Employment	Position	Education/Related Experience (Indicate highest grade, diploma or degree and related experience)	Weekly Work Schedule (Specify actual hours worked each day)	Age Group For Which Responsible

IV. ATTACHMENTS

A. Required Attachments

1. Attach the appropriate fee(s) for application processing.
2. For each site, floor plans indicating exact dimensions of rooms to be used, including:
 - a) room length and width;
 - b) functions of each room;
 - c) toilet facilities, including number of basins and toilets; and
 - d) [isolation-arrangements-and] position of any fixed equipment and furniture.
3. For each site, sketch of available outdoor play area including exact dimensions and the location of any fixed play equipment.

Note: Floor plans and sketch of available outdoor play areas are not required if plans have previously been submitted for functional design approval and no changes have been made to the plan.

	Not	
	Attached	Applicable
4. a) For centers operated by a partnership:		
Articles of Partnership		
b) For centers operated by an association:		
(1) Copy of Constitution, or		
(2) Copy of By-Laws		
c) For centers operated by a corporation:		
Copy of Charter or certificate of authority to transact business in the Commonwealth		
5. Certified financial statement prepared for your facility by a certified public accountant:		

- [6-5.] A written statement regarding the sponsorship and organization of the center(s) with information showing who is responsible for policy making, operation and management decisions.
- [7-6.] Samples of all forms developed, such as application form, agreement form, etc. if different from the model forms provided by the Department of Social Service
- [8-7.] Sample menu for one month if food is provided by the center.
- [9-8.] A list of indoor and outdoor play equipment available to children.
- [10-9.] A copy of the daily activity schedule(s) for the center(s).
- [11-10.] A copy of all brochures and policies required by the minimum standards applicable to your center.

B. Optional Attachments

Attachments requested in this section may be provided now or during the initial on-site inspection. Review of these attachments before the on-site visit may shorten the amount of time needed for the visit. It is your option when to provide the information.

1. Evidence of insurance coverage.
2. Certificate of Occupancy.
3. Written statements about asbestos (if applicable according to the minimum standards).

DIVISION OF LICENSING PROGRAMS
 VIRGINIA DEPARTMENT OF SOCIAL SERVICES
 RENEWAL APPLICATION FOR A LICENSE TO OPERATE A CHILD [GARE DAY] CENTER

- 2 -

7. Is aware that it is a misdemeanor for any person to operate a child [care day] center defined in Section 63.1-195 of the Code of Virginia without a license.
8. Has to the best of his knowledge and belief, given to the Department of Social Services and its authorized agents on this form and during any pre-application conference information which is true and correct. The applicant agrees to supply true and correct information requested during all subsequent investigations.

This application shall be signed by the individual responsible for operation of the child [care day] center(s) or, if the center(s) is/are to be operated by a board, by an officer of the board or person designated authority by the board. It shall be filed 60 days before the expiration of the current license. The licensing study will begin when a completed application is received.

Application is hereby made for one or more licenses to operate one or more child [care day] centers pursuant to Section 63.1-195 of the Code of Virginia. (If there is more than one center location to be licensed by this application, please copy and complete Sections II and III of this form as many times as needed.)

Name of Center: _____

- Type of Center (please check all that apply):
- Child [Care Day] Center for Preschool or Younger Children
 - Child [Care Day] Center for School Age Children
 - Nursery-School
 - Child-Day-Care-Camp

Center Location: _____
 Street or Route No. City State Zip

Mailing Address: _____
 Street or Route No. City State Zip

In making this application, the applicant:

1. Is in receipt of and has read a copy of [the licensing statute and] the minimum standards applicable to the type of center to be operated.
2. Certifies that it is his intent to comply with the aforementioned minimum standards and statutes and to remain in compliance with them if he is so licensed.
3. Grants permission to the Department of Social Services and its authorized agents to make all necessary investigation of the circumstances surrounding this application and any statement made herein, including financial status, inspection of the facility(ies), review of records, and interviewing his agents, employees, and any child or other person within his custody or control. The applicant understands that, following licensure, authorized department will make announced and unannounced visits to the center(s) to determine its compliance with standards and to investigate any complaints received.
4. Understands that [if he] will be requested to supply reports from the local health department and appropriate fire prevention officials.
5. Understands that an application for a license is subject to either issuance or denial. In the event of denial, it is understood that the applicant has appeal rights which are explained in the General Procedures regulation.
6. Understands that a license is required for each center site and the application fee is calculated according to the capacity at each site.

032-05-225/8 (7/93)

(Date)

[_____
(Name of Applicant (Individual or Organization))

by: _____
(Signature)

(Name and Title)

(Applicant's Mailing Address if different from the center)

(City, State, Zip Code)

(Business Telephone)

DIVISION OF LICENSING PROGRAMS
DEPARTMENT OF SOCIAL SERVICES

RENEWAL APPLICATION
CHILD [GARB DAY] CENTER

- 4 -

DIVISION OF LICENSING PROGRAMS
DEPARTMENT OF SOCIAL SERVICES

RENEWAL APPLICATION
CHILD [GARB DAY] CENTER

- 3 -

Directions: Please provide all requested information. If completing this form for centers located at different sites, please copy and complete Sections II and III of this form as many times as needed.

II. INFORMATION FOR EACH CENTER SITE

As necessary, please make copies of this section of the form and complete for each center site.

A. Name of Center _____ B. Phone Number of Center _____
(Area Code) _____

C. Name of Administrator _____ D. Name of Center Director _____

E. Hours of Operation and Requested, Licensed Capacity

Child [Gare Day] Center Preschool or Younger	Hours of Operation (days and times)	Months Operated During the Year	Requested Licensed Capacity	Age Range
School Age				
[Nursery-School]				
[Sample]				

F. What is your total, requested licensed capacity (the number of children that can be present at any one time)? _____

[G. Does the program operate less than four months in a 12 month period? Yes No]

[H. Current Enrollment By Age Groups (and Type of Care Offered). Please indicate if multiple sessions during a one week time period are offered (i.e. morning [nursery-school session] and afternoon [nursery-school session]).

[Child-Age] Center	Infants and Toddlers (birth to 16 mos.)	Infants and Toddlers (16 mos. to 2 yrs.)	Preschool (2 and 3 yr. olds)	Preschool (4 to age of eligibility to attend school)	School Age
[Younger]					
[School-Age]					
[Nursery-School]					
[Sample]					

[I. How many children with disabilities do you care for in a mainstream setting for each center? _____]

I. SPONSORSHIP AND GENERAL INFORMATION

A. Center(s) is to be operated by _____ Individual _____ Corporation _____ Public Agency
Partnership _____ Association _____

B. For centers sponsored by either corporations, [partnerships,] unincorporated [associations associations], or public agencies (list the names and addresses of individuals who hold primary financial control and officers of the sponsoring/governing body):
[list all officers and members of the Board]

President or Chairperson: _____ Telephone Number: _____

Address: _____ (City) _____ (State) _____ (Zip Code)
Office Name Address

C. How many center sites do you want licensed by this application? _____

Proposed Regulations

Directions: As necessary, please make copies of this section of the form and complete for each center site. [List all employees and volunteers. Place an asterisk (*) by the names of the employees and volunteers who have received training in first-aid.]

Name of Center: _____ III. STAFF INFORMATION

Location of Center: _____

[list-all-employees-and-volunteers:]

STAFF MEMBER	DATE OF EMPLOYMENT	POSITION	EDUCATION/RELATED EXPERIENCE (Indicate highest grade, diploma or degree and related experience)	WEEKLY WORK SCHEDULE (Specify actual hours worked each day)	AGE GROUP FOR WHICH RESPONSIBLE

IV. ATTACHMENTS

- A. A list of indoor and outdoor play equipment available to children, if it has changed since the last licensing study.
 no change has changed

- B. A copy of the daily activity schedule(s) for the center(s), if it has changed since the last licensing study.
 no change has changed

- C. A copy of all brochures and policies required by the minimum [standard standards] if they have changed since the last licensing study.
 no change has changed

Proposed Regulations

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

Title of Regulation: VR 320-01-04. Resident Trainee Program for Funeral Service.

Statutory Authority: §§ 54.1-2400 and 54.1-2803 of the Code of Virginia.

Public Hearing Date: - N/A - Written comments may be submitted through July 2, 1993.

(See Calendar of Events section for additional information)

Summary:

The proposed regulations address five specific areas: maximum supervision of a registrant who has completed the formal training program but has not yet become licensed, requirement for final reporting, penalty for failure to report, and revisions of wording and format for clarity and ease of compliance. The proposed amendments are intended to more clearly define "direct supervision," format the fee section, place a maximum time limit on trainee programs, and establish reporting and supervision requirements for the trainee program.

VR 320-01-04. Resident Trainee Program for Funeral Service.

PART I. GENERAL PROVISIONS.

Article 1. Definitions, Legal Base, Purpose, Applicability.

§ 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 applying for registration by the board.

"Board" means the Board of Funeral Directors and Embalmers.

"Conduct" means to carryout and perform.

"Direct supervision" means that a licensed supervisor is present and in the room with the trainee.

"Registration" means the process of applying to the board to seek approval to serve as a trainee or supervisor.

"Resident trainee" means a person who is preparing to be licensed for the practice of funeral services under the direct supervision of a practitioner licensed by the board.

"Supervisor" means a licensed employee of the

establishment which is the training site. The employee is licensed as an embalmer, funeral director, or funeral service licensee and has agreed to supervise the training program of the resident trainee and has been approved by the board to provide supervision.

"Training site" means the licensed funeral establishment which has agreed to serve as the location for resident training and has been approved by the board for the training.

§ 1.2. Legal base.

Section 54.1-2817 of the Code of Virginia describes the responsibility of the Board of Funeral Directors and Embalmers to regulate the resident trainee program for funeral service in the Commonwealth of Virginia.

§ 1.3. Purpose.

These regulations establish the standards for qualifications, training and practice of persons as resident trainees; sites of training; and supervisors of training in the Commonwealth of Virginia.

§ 1.4. Applicability.

Individuals and establishments subject to these regulations are (i) funeral service resident trainees; (ii) licensed funeral homes serving as training sites; and (iii) funeral service licensees, funeral directors, and embalmers serving as training supervisors.

Article 2. Fees.

§ 1.5. Initial fees.

The following fees shall be paid as applicable for registration:

1. Funeral service resident trainee registration ... \$25
2. Resumption of traineeship after interruption ... \$10

§ 1.6. Renewal fee.

The following annual fee shall be paid for registration renewal:

Resident trainee registration renewal \$25

§ 1.7. Reinstatement fee.

The following reinstatement fee shall be paid in addition to annual renewal fees for reinstatement of an expired registration up to three years following expiration:

Resident trainee registration reinstatement \$10

Article 3.

Proposed Regulations

Other Fees.

§ 1.8. ~~Other fees~~ Duplicates .

A. Duplicates:

Duplicate trainee registration \$25

B. Other:

§ 1.9. Additional fee information.

1. A. There shall be a fee of \$25 for returned checks.

2. B. Fees shall not be refunded once submitted.

Article 3 4 . Renewals.

§ ~~1.9.~~ § 1.10. Expiration date.

A. The resident trainee registration shall expire on January 31 of each calendar year.

B. A person who fails to renew a registration by the expiration date shall be deemed to have an invalid registration.

C. No credit will be allowed for a traineeship period served under an expired registration.

§ ~~1.10.~~ § 1.11. Renewal of registration.

A person who desires to renew his registration for the next year shall not later than the expiration date:

1. Return the renewal notice;
2. Submit the applicable fee; and
3. Notify the board of any changes in name, address, employment, or supervisor.

§ ~~1.11.~~ § 1.12. Reinstatement of expired registration.

The board may consider reinstatement of an expired registration for up to three years following expiration. A written application request for reinstatement shall be submitted to the board and shall include payment of all applicable delinquent renewal fees prescribed in § 1.6 plus the additional reinstatement fee prescribed in § 1.7.

§ ~~1.12.~~ § 1.13. Reapplication for registration.

When a registration is not reinstated within three years of its expiration date, an applicant for registration shall restart the training program and reapply for traineeship.

PART II. TRAINEE PROGRAM REQUIREMENTS.

Article 1. Training Program: General.

§ 2.1. Resident training.

For applicants applying for initial traineeships after ~~November 1, 1990~~, the trainee program shall consist of at least 18 months of resident training.

§ 2.2. Traineeship registration.

An individual may hold an active traineeship registration for a maximum of 48 months from the date of initial registration for the traineeship program or from the initial enrollment in mortuary science school, whichever comes first. The board, in its discretion, may grant an extension of the traineeship registration.

§ ~~2.2.~~ § 2.3. School attendance.

A resident trainee shall not attend school full time while serving his traineeship.

§ ~~2.3.~~ § 2.4. Number of trainees limited.

When more than two trainees are requested by a licensed funeral establishment, not more than two trainees will be registered per licensed supervisor at any time.

§ ~~2.4.~~ § 2.5. Approval of funeral training.

The approval shall apply to and be valid only to:

1. The resident trainee;
2. The licensed person(s) under whom the training is to be given; and
3. The funeral service establishment(s) named in the approval statement.

§ ~~2.5.~~ § 2.6. Trainee work schedule.

Every resident trainee shall be assigned a work schedule of at least 40 hours each week in order to obtain credit for such training. The trainee shall be required to serve ~~weekday, evening, and weekend shifts~~ to receive training in all areas of funeral service.

Article 2. Resident Trainees: Requirements and Application Process for Registration.

§ ~~2.6.~~ § 2.7. Resident trainee requirements.

To be approved for registration as a resident trainee, a person shall:

1. Be a graduate of an accredited high school or the equivalent;

Proposed Regulations

2. Obtain a supervisor approved by the board to provide training;

3. Have not been convicted of a felony. The board, in its discretion, may approve an individual convicted of a felony if he has been pardoned or has had his civil rights restored.

~~§ 2-7.~~ § 2.8. Trainee application package.

Every qualified person seeking registration with the board as a trainee under the Program for Training of Resident Trainees shall submit an application package which shall include:

1. Completed and signed application;
2. Fee prescribed in § 1.5; and
3. Additional documentation as may be required by the board to determine eligibility of the applicant.

~~§ 2-8.~~ § 2.9. Submission of incomplete application package; exception.

All required parts of the application package shall be submitted at the same time. An incomplete package will be returned to the applicant.

Exception: Some schools require that certified transcripts be sent directly to the licensing authority. That policy is acceptable to the board. National examination scores where applicable will also be accepted from the examining authority.

~~§ 2-9.~~ § 2.10. Resumption-of-traineeship application.

When a traineeship is interrupted by the trainee, the trainee shall submit a resumption-of-traineeship application to the board prior to resuming his traineeship.

Article 3.

Establishment Application Requirements.

~~§ 2-10.~~ § 2.11. Training sites.

Funeral training shall be given at the main office of the licensed funeral service establishment approved for training or at any branch of such establishment that complies with the provisions of these regulations and is approved by the board as a training site.

~~§ 2-11.~~ § 2.12. Qualifications of training site.

The board shall approve only an establishment or two combined establishments to serve as the training site(s) which:

1. Have a full and unrestricted Virginia license;
2. Have complied in all respects with the provisions of

the regulations of the Board of Funeral Directors and Embalmers; and

3. Have 35 or more funerals and 35 or more bodies for embalming per calendar year for each person to be trained. This total must be maintained throughout the period of training.

~~§ 2-12.~~ § 2.13. Approval of training site.

An individual, firm, or corporation owning or operating any funeral service establishment shall apply to and be approved by the board prior to permitting funeral training to be given or conducted in the establishment.

~~§ 2-13.~~ § 2.14. Establishment application package.

Every qualified establishment or combined establishments seeking approval as a training site(s) shall submit an application package which shall include:

1. Completed and signed application; and
2. Additional documentation as may be required by the board to determine eligibility of the establishment.

Article 4.

Supervisor Application Requirements.

~~§ 2-14.~~ § 2.15. Training supervision.

A. Training shall be conducted under the direct supervision of a licensee(s) approved by the board.

B. An individual who has completed the traineeship requirements and received the certificate of completion shall continue to be under the direct supervision of a licensee(s) approved by the board during the remaining period of traineeship registration. (See §§ 1.1 and 2.2)

~~§ 2-15.~~ § 2.16. Qualifications of supervisor.

The board shall approve only funeral service licensees, licensed funeral directors, or licensed embalmers to give funeral training who:

1. Have a full and unrestricted Virginia funeral license;
2. Have complied in all respects with the provisions of the regulations of the Board of Funeral Directors and Embalmers; and
3. Are employed full time in the establishment where training occurs.

~~§ 2-16.~~ § 2.17. Supervisor approval.

An individual shall apply to and be approved by the board prior to serving as a supervisor.

Proposed Regulations

~~§ 2-17.~~ § 2.18. Supervisor application package.

Every qualified person seeking approval of the board as a supervisor shall submit an application package which shall include:

1. Completed and signed application; and
2. Additional documentation as may be required by the board to determine eligibility of the applicant.

~~§ 2-18.~~ § 2.19. Curriculum compliance.

An approved supervisor shall comply with and shall provide supervision and training as prescribed by these regulations.

Article 5. Program Requirements.

~~§ 2-19.~~ § 2.20. Selection of new supervisor.

If the program is interrupted because the approved supervisor is unable to serve, the trainee shall obtain a new supervisor.

~~§ 2-20.~~ § 2.21. Resumption of training.

Credit for training shall resume when a new supervisor is obtained by the trainee and approved by the board.

Article 6. Reporting Requirements.

~~§ 2-21.~~ § 2.22. Report to the board.

A. The trainee, the supervisor(s), and the establishment shall submit a written report to the board at the end of every six months of training. The report shall:

1. Verify that the trainee has actually served in the required capacity during the preceding six months; and
2. Be received in the board office no later than 10 days following the end of the six-month period. A late report automatically will have credit deducted in two week increments from the completed training time.

B. An individual who has completed the traineeship requirements and received the certificate of completion but has time remaining toward his traineeship registration shall submit a final report on a form provided by the board within five days after the date of expiration of the traineeship registration.

~~§ 2-22.~~ § 2.23. Failure to submit training report.

If the trainee, supervisor, or establishment manager fails to submit the reports required in ~~§ 2-21~~ subsection A of § 2.22, the trainee shall forfeit all credit for training since

the last report made. The board may waive such forfeiture. *If the trainee, supervisor, or establishment manager fails to submit the report required in subsection B of § 2.21, the trainee, supervisor or establishment manager may be required to appear before the board.*

~~§ 2-23.~~ § 2.24. Terminated or interrupted training.

If the training program is terminated or interrupted prior to completion of a six-month period, the trainee and the supervisor shall submit the following information to the board within five working days:

1. Trainee.
 - a. All partial progress reports to the date of termination for the six-month period; and
 - b. Written explanation of the causes of program termination/interruption.
2. Supervisor. The supervisor shall submit written explanation of the causes of program termination/interruption.

~~§ 2-24.~~ § 2.25. Credit for partial reports.

Credit for partial reports shall only be given in increments of one month.

PART III. TRAINING PROGRAM: FUNERAL SUPERVISORS' RESPONSIBILITIES.

Article 1. Regulations and Forms.

§ 3.1. Regulations.

The supervisor shall provide the trainee with regulations or sections of regulations relating to the funeral industry as follows:

1. Regulations of the Board of Funeral Directors and Embalmers;
2. Preneed regulations of the Board of Funeral Directors and Embalmers;
3. Virginia Department of Health regulations governing:
 - a. Vital statistics reporting;
 - b. Responsibilities of the medical examiner;
 - c. Cremations and burial at sea;
 - d. Disinterments and reinterments;
 - e. Shipping bodies to another country;

f. Shipping bodies by public transport; and

g. Filing of death certificates;

4. Occupational Safety and Health Administration (OSHA) regulations;

5. Regulations governing the filing of Veteran's Administration and Social Security claims;

6. Federal Trade Commission's Funeral Rule on funeral industry practices.

§ 3.2. Forms.

The supervisor shall provide the trainee with copies of and explanations for the use of:

1. General price list;
2. Itemized statement of funeral goods and services;
3. Casket price list;
4. Outer burial container price list; and
5. Preneed contract.

§ 3.3. Forms completion.

The supervisor shall instruct the trainee in how to complete, and allow the trainee to complete, final forms for business as follows:

1. Itemized statements of funeral goods and services;
2. Preneed contracts;
3. Death certificates;
4. Veteran and Social Security Administration forms;
5. Cremation forms; and
6. Vital statistic reports.

§ 3.4. Preneed funding forms.

The supervisor shall instruct the trainee on the requirements and use of forms used by funding companies for the investment of preneed funds.

Article 2.

Knowledge of the Community and Others.

§ 3.5. Community resources.

The supervisor shall provide the trainee with a list of the following and a contact person whom the funeral home uses as a resource at each place with a contact at each.

1. Area hospitals;

2. Area nursing homes;

3. Regional medical examiner;

4. City or county morgue;

5. Police department;

6. Cemeteries and crematoriums; and

7. Churches, mosques, synagogues.

§ 3.6. Community funeral customs.

The supervisor shall instruct the trainee on the funeral customs of the following:

1. Nationalities served by the funeral home;
2. Religious rites;
3. Fraternal rites; and
4. Military rites.

Article 3. Merchandising.

§ 3.7. Merchandising.

The supervisor shall instruct the trainee on:

1. The features and prices of merchandise offered by the establishment, both special order and in-stock merchandise;
2. How to display merchandise and stock the selection room;
3. How to complete information cards to be displayed on caskets; and
4. How to order merchandise.

Article 4.

Initial Arrangements and Meeting with the Family.

§ 3.8. Initial contact.

The supervisor shall allow the trainee to observe and then conduct the following:

1. Taking a death call;
2. Removing a body and transporting it to the funeral home;
3. Placing the body in the preparation or holding room;

Proposed Regulations

4. Obtaining permission for embalming;
5. Documenting verbal permission for embalming; and
6. Documenting the reason for proceeding with an embalming when the next-of-kin cannot be contacted.

§ 3.9. Confidentiality and dignity.

The supervisor shall instruct the trainee in the meaning of, and ensure that the trainee adheres to, the funeral home policy for:

1. Honoring the confidentiality of every family and family member; and
2. Honoring the dignity of the dead and the families of the dead at all times.

§ 3.10. Initial arrangements.

The supervisor shall allow the trainee to observe and then to practice with the supervisor the following:

1. Giving prices over the telephone;
2. The required time to offer the general price list, casket price list, outer burial container price list, and presenting the itemized statement of funeral goods and services to the family;
3. Meeting with the family and discussing prices and disclosures;
4. Taking vital statistics information;
5. Taking information for obituary notices and filing the notices with the newspaper;
6. Showing the family the merchandise in the selection room;
7. Making cash advance arrangements with a third party; and
8. Arranging with and completing the paperwork for cremations and cemetery burials.

§ 3.11. Meeting with the family.

With the supervisor present and in the same room, the supervisor shall allow the trainee to:

1. Meet with families to discuss prices, disclosures, and making arrangements for at need services;
2. Complete itemized statements of funeral goods and services for presentation to the families;
3. Complete preneed arrangements with families;

4. Explain the features and prices of merchandise to families; and

5. Assist families in choosing at need substitute merchandise when merchandise that is chosen during a preneed arrangement is not available at need.

Article 5. The Service.

§ 3.12. Disposition.

The supervisor shall allow the trainee to observe and then conduct the following arrangement for disposition of the body.

1. Making cemetery and crematory arrangements;
2. Taking a body to the crematorium; and
3. Disposing of cremains as requested by the family.

§ 3.13. Services.

The supervisor shall allow the trainee to observe and then conduct with the supervisor present, the following arrangements:

1. Visitation/viewing;
2. Chapel, church, and graveside services;
3. Services for disposition of cremains;
4. Funeral processions;
5. Multiple services taking place simultaneously;
6. Direct cremations;
7. Immediate burials;
8. Receiving bodies from another funeral home;
9. Shipping bodies to another funeral home; and
10. Preparing information sheet on services for receptionist to use in answering questions for the public.

PART IV. RESPONSIBILITIES OF EMBALMING SUPERVISOR.

Article 1. Preparation Room.

§ 4.1. Preparation room.

The supervisor shall instruct the trainee on the following:

Proposed Regulations

1. Stocking the preparation room to meet compliance with regulations;
2. Purpose and use of protective clothing and gear during the preparation of a body;
3. Cleanliness, disinfection, and sanitation requirements for the preparation room;
4. Hazardous and infectious waste management; and
5. Cleaning and sterilizing reusable instruments.

Article 2. The Embalming.

§ 4.2. Embalming: general.

The supervisor shall instruct the trainee on the following:

1. Use and purpose of the embalming instruments;
2. Use and purpose of the embalming fluids; and
3. Use and purpose of the embalming report.

§ 4.3. Embalming.

The supervisor shall allow the trainee to observe, and then conduct with the supervisor present and in the same room, the following:

1. External disinfection of bodies;
2. Cleaning bodies after the embalming;
3. Using precautions in an embalming of bodies harbouring an infectious disease;
4. Preparing bodies with tissue gas;
5. Setting the features on bodies;
6. Using restorative techniques on damaged bodies;
7. Using cosmetology on bodies;
8. Clothing bodies;
9. Casketing bodies; and
10. Embalming bodies.

§ 4.4. Embalming reports.

The supervisor shall have the trainee observe and then complete embalming reports.

PART V. THE TRAINEE'S RESPONSIBILITIES.

Article 1. Regulations and Forms.

§ 5.1. Regulatory agencies.

The trainee shall be able to list the state and federal agencies that regulate the funeral industry and be able to describe the roles and functions of each agency as it relates to the funeral industry.

§ 5.2. Regulations.

The trainee shall be knowledgeable of the contents of the regulations prescribed in § 3.1 and be able to explain to the supervisor and the board those regulations and how they apply to the funeral industry.

§ 5.3. Forms.

The trainee shall complete the forms prescribed in § 3.3 and be able to explain to the supervisor and the board the use and content requirements of the forms.

§ 5.4. Preneed.

The trainee shall be able to explain to the supervisor and the board preneed funding requirements.

Article 2. Knowledge of the Community and Others.

§ 5.5. Community resources.

The trainee shall contact at a time of need the funeral home's resource person at each of the facilities prescribed in § 3.5 and make arrangements as pertinent for transporting, removing, services, or disposition of the dead.

§ 5.6. Funeral customs.

The trainee shall be knowledgeable of and be able to explain to the supervisor and the board the funeral customs prescribed in § 3.6.

Article 3. Merchandising.

§ 5.7. Merchandising.

The trainee shall:

1. Display merchandise and learn to stock the selection room;
2. Prepare pricing and information cards to be displayed on the caskets;
3. Be able to explain to the supervisor the features and prices of merchandise; and
4. Place an order for merchandise.

Proposed Regulations

Article 4.

Initial Arrangements and Meeting with the Family.

§ 5.8. Initial contact.

The trainee shall conduct the activities prescribed in § 3.8 under the supervision of the supervisor.

§ 5.9. Meeting with the family.

The trainee shall conduct arrangements with families in the presence of and in the same room with the supervisor as prescribed in §§ 3.10 and 3.11.

Article 5. The Service.

§ 5.10. Disposition and services.

The trainee shall plan and conduct 25 funerals during the traineeship as prescribed in §§ 3.12 and 3.13.

Article 6. Embalming.

§ 5.11. Embalming.

The trainee shall conduct 25 embalmings in the room with and under the supervision of the embalming supervisor. The trainee will conduct all procedures prescribed in § 4.3.

§ 5.12. Embalming preparation.

The trainee shall have a knowledge of and be able to explain to the supervisor and the board the purpose and procedures as prescribed in §§ 4.1 and 4.2.

§ 5.13. Embalming reports.

The trainee shall complete embalming reports on the 25 embalmings the trainee conducts.

PART VI. REFUSAL, SUSPENSION, REVOCATION, AND DISCIPLINARY ACTION.

§ 6.1. Disciplinary action.

The board may refuse to issue or renew a license, registration, or approval to any applicant; and may suspend for a stated period of time or indefinitely, or revoke any license, registration, or approval, or reprimand any person, or place his license or registration on probation with such terms and conditions and for such time as it may designate or impose a monetary penalty for failure to comply with the regulations of the training program or the Regulations of the Board of Funeral Directors and Embalmers.

DEPARTMENT OF GAME AND INLAND FISHERIES (BOARD OF)

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

Title of Regulations:

VR 325-01. Definitions and Miscellaneous.

VR 325-01-1. In General.

VR 325-02. Game.

VR 325-02-1. In General.

VR 325-02-2. Bear.

VR 325-02-3. Beaver.

VR 325-02-6. Deer.

VR 325-02-9. Grouse.

VR 325-02-11. Mountain Lion.

VR 325-02-14. Opossum.

VR 325-02-16. Pheasant.

VR 325-02-17. Quail.

VR 325-02-18. Rabbit and Hares.

VR 325-02-19. Raccoon.

VR 325-02-21. Squirrel.

VR 325-02-22. Turkey.

VR 325-02-25. Firearms.

VR 325-04. Watercraft.

VR 325-04-1. In General.

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

Proposed Effective Date: August 26, 1993.

Notice to the Public:

The Board of Game and Inland Fisheries has ordered to be published, pursuant to §§ 29.1-501 and 29.1-502 of the Code of Virginia, the following proposed new and amended board regulations. A public hearing on the advisability of adopting, or amending and adopting, the proposed regulations, or any part thereof, will be held at the Holiday Inn I-64 West End, 6531 West Broad Street, Richmond, Virginia, beginning at 9 a.m. on Friday, June 18, 1993, at which time any interested citizen present shall be heard. If the board is satisfied that the proposed regulations, or any part thereof, are advisable, in the form in which published or as amended as a result of the public hearing, the board may adopt such proposals at that time, acting upon the proposals separately or in block.

Summary:

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

VR 325-01. DEFINITIONS AND MISCELLANEOUS.

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VR 325-01-1. In General.

§ 12. Appointment of new consignment agents for sale of hunting and fishing licenses.

Rescind this section in its entirety and replace it with new sections numbered §§ 12.1, 12.2, 12.3, 12.4, 12.5 and 12.6.

§ 12.1. For the purposes of these regulations, the following terms shall have the meanings ascribed to them by this section.

"Back dating" means indicating on any license a date or time of issue which precedes the actual date or time of issue.

"Cash agent" means a duly appointed license agent from whom a cash deposit shall be required.

"Consignment agent" means a duly appointed license agent from whom a cash deposit is not required.

"Locality" means the county or incorporated city or township within which a given license agent or applicant is located.

§ 12.2. Appointment of agents for the sale of hunting and fishing licenses.

A. All applicants who apply to be an agent to sell hunting and fishing licenses shall be appointed pursuant to the provisions of § 29.1-327 of the Code of Virginia and applicable regulations adopted by the board.

1. The following criteria shall be used to determine eligibility for appointment as a license agent:

a. The applicant has an established place of business at the location where hunting and fishing licenses are to be sold which has been in operation for at least 12 consecutive months;

b. The type of business and method and hours of operation are in concert with the mission of the Department of Game and Inland Fisheries and the provision of hunting, fishing, and trapping opportunities to the public;

c. The applicant receives a satisfactory credit rating from a recognized credit bureau; and

d. The applicant is approved for a surety bond through the bonding company then being used by the department.

2. For purposes of these regulations, license agent privileges do not automatically transfer from one owner to another owner upon the sale of a business which is serving as a license agent. A person who buys a business from an existing license agent may

be appointed as a cash agent upon completion of the sale of the business.

B. Except as provided in subsection C of this section, all persons appointed as a license agent must serve at least one year as a cash agent.

1. For the purposes of these regulations, a cash agent is required to place with the department a cash deposit in the amount of \$2,000. The deposit will be refunded to the agent upon resignation as a license agent and full settling of account or conversion to a consignment agent. The deposit shall be subject to forfeiture for failure to report sales or to remit fees due the department in accordance with established operating procedures.

2. Before conversion to a consignment agent, a cash agent must demonstrate through actual sales the ability to sell at least 90% of the average hunting and fishing license sales of all agents in the locality.

3. If a cash agent sells the required number of licenses and has served as a cash agent for the required time period, he may be converted to a consignment agent provided that he meets all other applicable requirements.

C. The director is authorized to appoint consignment agents as needed to provide for a minimum of two consignment agents within a given locality, not including the clerk of the court.

The director is authorized to appoint as consignment agents operators at state-owned or state-leased facilities, facilities operated by units of local or federal governmental entities, or licensed shooting preserves.

D. All persons appointed as license agents must make available for sale all hunting, fishing, and trapping licenses, stamps, and permits sold by the department unless specifically granted an exception by the director.

E. Any person who has been convicted of a Class 3 or Class 4 misdemeanor wildlife violation may not be appointed as a license agent within two years of the date of the last conviction. Any person who has been convicted of a Class 1 or Class 2 misdemeanor wildlife violation, any felony wildlife violation, or any federal wildlife violation may not be appointed as a license agent within five years of the date of the last conviction.

§ 12.3. Revocation and suspension of license agent privileges.

A. Any agent who is located within 10 miles of any other agent, not including a clerk of the court, and whose combined net sales volume of hunting and fishing licenses (not including agent fees) does not equal at least \$5,000 per combined license year for two consecutive combined license years (beginning with the effective date of this

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regulation), will be removed as a license agent for a period of at least three years.

1. For purposes of these regulations, "10 miles" shall be determined by the most direct automobile route on public streets or highways.

2. In the event that two or more license agents do not meet the minimum sales volume as required by this section, the agent with the greatest sales volume for the area being impacted by this section shall be retained as a license agent.

3. This subsection shall not apply to clerks of the court or agents appointed pursuant to VR 325-01-1, § 12.1 C 2 or VR 325-01-1 § 12.1 D.

B. Any agent who does not abide by these regulations or operating procedures issued pursuant thereto or to applicable provisions of law will be removed as a license agent; however, the director may in his discretion first suspend license agent privileges for a period of time not to exceed two years.

C. Conviction of wildlife law violations.

1. In addition to penalties prescribed by law, the license agent privileges of any agent who has been convicted of a Class 3 or Class 4 misdemeanor wildlife violation will be suspended for a period not to exceed two years from the date of the last conviction.

2. In addition to penalties prescribed by law, the license agent privileges of any agent who has been convicted of a Class 1 or Class 2 misdemeanor wildlife violation, any felony wildlife violation, or any federal wildlife violation will be suspended for a period not to exceed five years from the date of the last conviction.

D. Late reporting of license sales or late remittance of sales receipts or other fees to the department subjects the license agent to suspension or revocation of license agent privileges.

1. The first time a report or remittance is late, the agent will be sent a letter which tells him that the report or remittance is late and gives him until the fifth of the following month to send them in. If the report or money or both is not received by the fifth of the following month, the agent's fees are to be forfeited and an officer will be sent to pick up the agent's books for an audit. If the audit is satisfactory and all outstanding remittances are paid in full, the license books will be returned to the agent with a caution not to be late again. The agent will be informed of the consequences of future late reporting.

2. If an agent submits either a report or remittance late a second time within 12 months, the agent will

be sent a second notice. The second notice will inform the agent that his report or remittance or both is late, that he has until the fifth of the following month to send them in, and that his books will be picked up for an audit. If the audit is satisfactory and any outstanding remittances are paid in full, the books will be returned to the agent after a conference with staff. The agent will be informed verbally and in writing that future late reporting will lead to revocation of license agent privileges.

3. If an agent submits either a report or remittance late a third time within 12 months, the agent will be sent a third and final notice and shall have his license agent privileges revoked for a period of up to five years. The final notice will inform the agent that his report or remittance or both is late, that an officer will pick up all license books, and that his license agent privileges are being revoked. The books will be audited and the agent sent a bill for any outstanding remittances. If outstanding remittances are not paid in a timely manner, the account will be turned over to the agency's bonding company for collection.

§ 12.4. Issuance of an improper or falsified license.

1. It shall be unlawful to falsify or alter any hunting, trapping, or fishing license or to issue to any person an improper, falsified, or altered license.

2. For purposes of these regulations, an improper license shall include but not be limited to a license that has been back dated, a resident license issued to a nonresident, a license issued to a person who has not satisfied the hunter safety certification requirements, and a saltwater sport fishing recreational boat license issued to a person who is not the registered owner of the boat or for a boat which is not of the size specified on the license.

3. In addition to any penalties prescribed by law, upon conviction of a license agent of a violation of this section, the director shall revoke the agent's license agent privileges for a period up to five years.

§ 12.5. Suspension or revocation appeal.

A. Any action taken to suspend or revoke license agent privileges pursuant to these regulations may be appealed to the Board of Game and Inland Fisheries at its next regularly scheduled meeting and in accordance with policies and procedures adopted by the board for appearances by the public. Decisions by the board may be appealed as provided by operation of law.

§ 12.6. Operating procedures.

The director shall develop and disseminate procedures for the implementation of these regulations and any applicable provisions of law.

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§ 15. Structures on department-owned lands *and national forest lands* .

A. It shall be unlawful to construct, maintain or occupy any permanent structure, except by permit, on department-owned lands *and national forest lands* . This provision shall not apply to structures, stands or blinds provided by the department.

B. It shall be unlawful to maintain any temporary dwelling on department-owned lands for a period greater than 14 consecutive days. Any person constructing or occupying any temporary structure shall be responsible for complete removal of such structures when vacating the site.

C. It shall be unlawful to construct, maintain or occupy any tree stand on department-owned lands *and national forest lands* ; provided, that portable tree stands which are not permanently affixed may be used.

VR 325-02. GAME.

VR 325-02-1. In General.

§ 6. Hunting with dogs or possession of weapons in certain locations during closed season.

A. National forests and ~~department~~ *department-owned* lands.

It shall be unlawful to ~~hunt with dogs~~ *have in possession a bow or a gun or to have in possession a strung bow, or a gun* which is not unloaded and cased or dismantled, in the national forests and on department-owned lands and on lands managed by the department under cooperative agreement except during the period when it is lawful to ~~hunt~~ *take* bear, deer, grouse, pheasant, quail, rabbit, raccoon, squirrel, turkey, waterfowl, in all counties west of the Blue Ridge Mountains *and on national forest lands east of the Blue Ridge Mountains* and ; ~~in addition,~~ migratory game birds in all counties east of the Blue Ridge Mountains. The provisions of this section shall not prohibit the conduct of any activities authorized by the board or the establishment and operation of archery and shooting ranges on the above-mentioned lands. The use of firearms and bows in such ranges during the closed season period will be restricted to the area within established range boundaries. Such weapons shall be required to be unloaded and cased or dismantled in all areas other than the range boundaries. The use of firearms or bows during the closed hunting period in such ranges shall be restricted to target ~~practice~~ *shooting* only and no birds or animals shall be molested.

B. Certain counties.

Except as otherwise provided in VR 325-02-1, § 6-1, it shall be unlawful to have either a shotgun or a rifle in one's possession when accompanied by a dog in the daytime in the fields, forests or waters of the counties of

Augusta, Clarke, Frederick, Page, Shenandoah and Warren, and in the counties east of the Blue Ridge Mountains, except Patrick, at any time except the periods prescribed by law to hunt game birds and animals.

C. Meaning of "possession" of bow or firearm.

For the purpose of this section the word "possession" shall include , *but not be limited to*, having any bow or firearm in *or on* one's ~~or~~ *person, vehicle* or conveyance.

D. *It shall be unlawful to chase with a dog or train dogs on national forest lands or department-owned lands except during authorized hunting, chase, or training seasons that specifically permit these activities on these lands.*

E. *It shall be unlawful to possess or transport a loaded gun in or on any vehicle at any time on national forest lands or department-owned lands. For the purpose of this section a "loaded gun" shall be defined as a firearm in which ammunition is chambered or loaded in the magazine or clip, when such magazine or slip is found engaged or partially engaged in a firearm. The definition of a loaded muzzleloading gun will include a gun which is capped or has a charged pan.*

§ 6-1. Open dog training season.

A. *Private lands and certain military areas.*

It shall be lawful to train dogs during daylight hours on rabbits and nonmigratory game birds on private lands, Fort A.P. Hill and Fort Pickett. Participants in this dog training season shall not have any weapons other than starter pistols in their possession, must comply with all regulations and laws pertaining to hunting and no game shall be taken; provided, however, that weapons may be in possession when training dogs on captive waterfowl and pigeons so that they may be immediately shot or recovered, except on Sunday.

B. *Designated portions of certain department-owned lands.*

It shall be lawful to train dogs on quail on designated portions of the Amelia Wildlife Management Area, Chester F. Phelps Wildlife Management Area, Chickahominy Wildlife Management Area and Dick Cross Wildlife Management Area from September 1 to the day prior to the opening date of the quail hunting season, both dates inclusive. Participants in this dog training season shall not have any weapons other than starter pistols in their possession, shall not release pen-raised birds, must comply with all regulations and laws pertaining to hunting and no game shall be taken.

§ 24. *Wanton waste.*

No person shall kill or cripple and knowingly allow any nonmigratory game bird or game animal to be wasted

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without making a reasonable effort to retrieve the animal and retain it in their possession. Nothing in this section shall permit a person to trespass or violate any state, federal, city or county law, ordinance or regulation.

§ 25. Sunday hunting on controlled shooting areas.

A. Except as otherwise provided in the sections appearing in this regulation, it shall be lawful to hunt pen-raised game birds seven days a week as provided by § 29.1-514 of the Code of Virginia. The length of the hunting season on such preserves and the size of the bag limit shall be in accordance with rules of the board. For the purpose of this regulation, controlled shooting areas shall be defined as licensed shooting preserves.

B. It shall be unlawful to hunt pen-raised game birds on Sunday on controlled shooting areas in those counties having a population of not less than 54,000, nor more than 55,000, or in any county or city which prohibits Sunday operation by ordinance.

VR 325-02-2. Bear.

§ 8. Tagging bear and obtaining official game tag; by licensee.

A. Detaching game tag from license.

It shall be unlawful for any person to detach the game tag from any license to hunt bear prior to the killing of a bear and tagging same. Any detached tag shall be subject to confiscation by any representative of the department.

B. Immediate tagging of carcass.

Any person killing a bear shall, before removing the carcass from the place of kill, detach from his special license for hunting bear the appropriate tag and shall attach such tag to the carcass of his kill. *Place of kill shall be defined as the location where the animal is first reduced to possession.*

C. Presentation of tagged carcass for checking; obtaining official game tag check card .

Upon killing a bear and tagging same, as provided above, the licensee shall, ~~on the date of kill, upon vehicle transport of the carcass or at the conclusion of legal hunting hours, whichever occurs first, and without unnecessary delay,~~ present the tagged carcass of his kill to an authorized bear checking station or to an appropriate representative of the department in the county or adjoining county in which the bear was killed. Upon presentation of the tagged carcass to the bear checking station, the licensee shall surrender or allow to be removed one premolar tooth from the carcass and have a seal, furnished by the department, permanently attached by the check station operator . At such time, the tag ~~previously~~ attached to the carcass shall be exchanged for an official game tag check card , which shall be furnished

by the department, and securely attached to the carcass. Upon checking, a seal furnished by the department shall be permanently affixed to the carcass by the checking station operator securely attached to the carcass and remain attached until the carcass is processed .

D. Destruction of identity of bear prior to tagging; forfeiture of untagged bear.

It shall be unlawful for any person to destroy the identity (sex) of any bear killed unless and until tagged and checked as required by this section. Any bear not tagged as required by this section found in the possession of any person shall be forfeited to the Commonwealth to be disposed of as provided by law.

§ 9. Tagging bear and obtaining official game tag; by person exempt from license requirement.

Upon killing a bear, any person exempt from license requirement as prescribed in § 29.1-301 of the Code of Virginia, or issued a complimentary license as prescribed in § 29.1-339, or the holder of a permanent license issued pursuant to § 29.1-301 E, shall ~~on the day of kill~~ , upon vehicle transport of the carcass or at the conclusion of legal hunting hours, whichever occurs first, and without unnecessary delay, present the carcass of his kill to an authorized bear checking station or to any appropriate representative of the department in the county or adjoining county in which the bear was killed. Upon presentation of the tagged carcass to the bear checking station, the licensee shall surrender or allow to be removed one premolar tooth from the carcass and have a seal, furnished by the department, permanently attached by the check station operator . At such time, the person shall be given an official game tag check card furnished by the department, which tag shall be securely attached to the carcass and remain attached until the carcass is processed . Upon checking, a seal furnished by the department shall be permanently affixed to the carcass by the checking station operator.

VR 325-02-3. Beaver.

§ 1. ~~Continuous closed hunting season~~ Hunting or shooting of beaver .

A. Public lands or waters.

There shall be a continuous closed season for the hunting or shooting of beaver on all public lands and waters of the Commonwealth .

B. Private lands or waters.

There shall be a continuous open season on private lands and waters for a landowner or their designated agent to shoot beaver when beaver are causing damage on the private landowner's property.

VR 325-02-6. Deer.

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

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

§ 2.2. Same - Isle of Wight County and City of Suffolk west of Dismal Swamp Line.

Rescind this section in its entirety.

§ 4. Bow and arrow hunting.

A. ~~Season generally~~ *Early special archery.*

It shall be lawful to hunt deer with bow and arrow from the ~~second~~ *first* Saturday in October through the Saturday prior to the third Monday in November, both dates inclusive, except where there is a closed general hunting season on deer.

B. ~~Additional~~ *Late special archery season west of Blue Ridge Mountains and certain cities and counties east of Blue Ridge Mountains.*

In addition to the season provided in subsection A of this section, it shall be lawful to hunt deer with bow and arrow ~~from the Monday following the close of the general firearms season on deer west of the Blue Ridge Mountains through the first Saturday in January, both dates inclusive, in all cities and counties west of the Blue Ridge Mountains and in the counties of (including cities within) Amherst (west of U.S. Route 29), Bedford, Campbell (west of Norfolk Southern Railroad), Franklin, Henry, Nelson (west of Route 151), Patrick and Pittsylvania (west of Norfolk Southern Railroad) from the Monday following the close of the regular firearms season on deer west of the Blue Ridge Mountains and from December 1 in the Cities of Chesapeake, Suffolk (east of the Dismal Swamp line) and Virginia Beach through the first Saturday in January, all both dates inclusive, in the cities of Chesapeake, Suffolk (east of the Dismal Swamp line) and Virginia Beach.~~

C. ~~Bag limit.~~

The bag limit shall be two a day, two a license year, one of which must be an antlerless deer; either sex full season during the special archery seasons as provided in subsections A and B of this section. Deer tags issued with the special archery license shall be valid only during the

special archery seasons. Tags from the bear-deer-turkey license shall be valid for use during the special archery seasons provided that the taking of such deer is within the total daily and seasonal bag limits provided for deer. Bonus deer permits shall be valid for use during special archery seasons in all counties east of the Blue Ridge Mountains and in the counties of Botetourt, Clarke, Frederick and Warren.

C. ~~Either-sex deer hunting days.~~

Deer of either sex may be taken full season during the special archery seasons as provided in subsections A and B of this section.

D. Carrying firearms prohibited.

It shall be unlawful to carry firearms while hunting with bow and arrow *during the special archery season.*

E. Requirements for bow and arrow.

Arrows used for hunting big game must have a minimum width head of 7/8 of an inch and the bow used for such hunting must be capable of casting a broadhead arrow a minimum of 125 yards.

F. Use of dogs prohibited during bow season.

It shall be unlawful to use dogs when hunting with bow and arrow from the second Saturday in October through the Saturday prior to the second Monday in November, both dates inclusive.

§ 5. ~~Muzzle-loading~~ *Muzzleloading* gun hunting.

A. ~~Early special muzzleloading season generally.~~

Except as otherwise specifically provided by the sections appearing in this regulation, It shall be lawful to hunt deer with primitive weapons (~~muzzle-loading muzzleloading guns~~) from the ~~second Monday in November and for five consecutive hunting days following Saturday prior to the first Monday in November through the Saturday prior to the third Monday in November, both dates inclusive, in all cities and counties where hunting with a rifle or muzzle-loading muzzleloading gun is permitted, except in the cities of Chesapeake, Suffolk (east of the Dismal Swamp Line) and Virginia Beach and in the counties of Lee, Russell, Scott, Tazewell, Washington and Wise.~~

B. ~~Additional~~ *Late special muzzleloading season west of Blue Ridge Mountains and in certain cities and counties east of Blue Ridge Mountains.*

It shall be lawful to hunt deer with primitive weapons (~~muzzle-loading muzzleloading guns~~) from the third Monday in December through the first Saturday in January, both dates inclusive, in all *cities and counties west of the Blue Ridge Mountains, and east of the Blue*

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Ridge Mountains in the counties of (including the cities within) Amherst (west of U.S. Route 29), Bedford, Campbell (west of Norfolk Southern Railroad), Franklin, Henry, Nelson (west of Route 151), Patrick and Pittsylvania (west of Norfolk Southern Railroad).

C. Bag limits; limitations on deer tags.

The bag limit shall be one a day, one a license year, during the special muzzle-loader season as provided in subsections A and B of this section. Antlerless deer may only be taken during the last six days of the late special muzzle-loader season in those counties permitting either sex hunting during the general firearms season west of the Blue Ridge Mountains and in the counties or portions of counties east of the Blue Ridge Mountains listed in subsection B of this section. It shall be lawful to hunt deer of either sex on the last day only of the late special muzzle-loader season in the counties of Lee, Scott, Tazewell and Washington and on the Clinch Mountain Wildlife Management Area, and there shall be no either sex deer hunting days in the counties of Dickenson, Russell and Wise. Deer tags issued with the special muzzle-loader gun license shall be valid only during the special muzzle-loader seasons. Deer tags from the bear-deer-turkey license shall be valid for use only during the late special muzzle-loader seasons. Bonus deer permits shall be valid for use during special muzzle-loader seasons in all counties east of the Blue Ridge Mountains and in the counties of Botetourt, Clarke, Frederick and Warren.

C. Either-sex deer hunting days.

Deer of either sex may be taken during the entire early special muzzleloading season in all cities and counties east of the Blue Ridge Mountains (except on national forest lands, state forest lands, state park lands, department-owned lands and Philpott Reservoir) and on the second Saturday only on state forest lands, state park lands, and department-owned lands lying east of the Blue Ridge Mountains and on Philpott Reservoir. It shall be lawful to hunt deer of either sex during the last six days of the late special muzzleloading season in all cities and counties west of the Blue Ridge Mountains (except Buchanan, Dickenson, Lee, Russell, Scott, Tazewell, Washington, Wise and on national forest lands in Smyth and on the Clinch Mountain Wildlife Management Area) and in the counties (including cities within) or portions of counties east of the Blue Ridge Mountains listed in subsection B of this section. Provided further it shall be lawful to hunt deer of either sex during the last day only of the late special muzzleloading season in the cities and counties within Dickenson (north of Pound River and west of Russell Fork River), Lee, Russell, Scott, Tazewell, Washington, Wise and on national forest lands in Smyth and on the Clinch Mountain Wildlife Management Area.

D. Use of dogs prohibited.

It shall be unlawful to hunt deer with dogs during any special season for hunting with muzzle-loading

muzzleloading guns.

E. Muzzle-loading Muzzleloading gun defined.

A muzzle-loading muzzleloading gun, for the purpose of this regulation, means a single shot flintlock or percussion weapon, excluding muzzle-loading muzzleloading pistols, .45 caliber or larger, firing a single lead projectile or sabot (with a .38 caliber or larger nonjacketed lead projectile) of the same caliber loaded from the muzzle of the weapon and propelled by at least 50 grains of black powder (or black powder equivalent). Open or peep sights only (iron sights) are permitted during special muzzle-loading muzzleloading seasons.

F. Unlawful to have other firearms in possession.

It shall be unlawful to have in immediate possession any firearm other than a muzzle-loading muzzleloading gun while hunting with a muzzle-loading muzzleloading gun in a special muzzle-loading muzzleloading season.

§ 6. Bag limit; General firearms season generally ; bonus deer permits and tag usage .

Except with the specific exceptions provided in the sections appearing in this regulation, the general firearms season The bag limit for deer statewide shall be two a day, three deer a license year, one of which must be antlerless. Antlerless deer may be taken only during designated either-sex deer hunting days during the special archery season, special muzzleloading seasons, and the general firearms season . Bonus deer permits shall be valid for use during the general firearms seasons in all counties east of the Blue Ridge Mountains and in the counties of Botetourt, Clarke, Frederick and Warren; provided, that no more than two deer per license year, one of which must be an antlerless deer, may be taken with bonus deer permits in only on private land in counties and cities where deer hunting is permitted during the special archery, special muzzle-loader muzzleloading gun or and the general firearms seasons only in designated areas . Deer taken on bonus permits shall count against the daily bag limit but are in addition to the seasonal bag limit.

§ 7. Bag limit; Two a day, three a license year, one of which must be an antlerless deer; Either sex Saturday following third Monday in November and last two days; General firearms season either-sex deer hunting days; Saturday following third Monday in November and last two hunting days.

The general firearms bag limit for deer shall be two a day, three a license year, one of which must be an antlerless deer, During the general firearms season, deer of either sex may be taken on the Saturday immediately following the third Monday in November and the last two hunting days only, in the counties of (including cities within) Alleghany, Appomattox, Augusta, Bath, Bland, Carroll, Chesterfield, Craig, Giles, Goochland, Grayson,

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Hanover, Henrico, Highland, Mathews, Middlesex, Montgomery, Page (except on national forest lands), Pulaski (except on the Radford Army Ammunition Plant), Roanoke, Rockbridge, Rockingham (except national forest lands), Shenandoah (except national forest lands), Smyth (except on national forest lands and Clinch Mountain Wildlife Management Area), Spotsylvania and Wythe and on Fairystone Farms Wildlife Management Area, Fairystone State Park, Havens Wildlife Management Area, Philpott Reservoir, and Turkeycock Mountain Wildlife Management Area and national forest lands in Roanoke County.

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

The general firearms bag limit for deer shall be two a day, three a license year, one of which must be an antlerless. During the general firearms season, deer of either sex may be taken full season, in the counties of (including cities within) Amherst (west of U.S. Route 29, except on national forest lands), Bedford, Botetourt (except on national forest lands), Campbell (only west of Norfolk Southern Railroad and in the City of Lynchburg; only on private lands for which a special permit has been issued by the chief of police), Clarke, Fairfax (restricted to certain parcels of land by special permit), Floyd, Franklin (except Philpott Reservoir and Turkeycock Mountain Wildlife Management Area), Frederick (except on national forest lands), Henry (except on Fairystone Farms Wildlife Management Area, Fairystone State Park, Philpott Reservoir, and Turkeycock Mountain Wildlife Management Area), Loudoun, Nelson (west of Route 151, except on national forest lands), Patrick (except Fairystone Farms Wildlife Management Area, Fairystone State Park and Philpott Reservoir), Pittsylvania (west of Norfolk Southern Railroad), Roanoke (except on national forest lands and Havens Wildlife Management Area), Warren (except on national forest lands) and on Back Bay National Wildlife Refuge, Fort A.P. Hill, Caledon Natural Area, Camp Peary, Cheatham Annex, Chincoteague National Wildlife Refuge, Dahlgren Surface Warfare Center Base, Dam Neck Amphibious Training Base, Dismal Swamp National Wildlife Refuge, Eastern Shore of Virginia National Wildlife Refuge, False Cape State Park, Fentress Naval Auxiliary Landing Field, Fisherman's Island National Wildlife Refuge, Fort Belvoir, Fort Eustis, Fort Lee, Fort Pickett, Harry Diamond Laboratory, Langley Air Force Base, Naval Air Station Oceana, Northwest Naval Security Group, Presquile National Wildlife Refuge, Quantico Marine Corps Reservation, Radford Army Ammunition Plant, Sky Meadows State Park, York River State Park and Yorktown Naval Weapons Station and Hog Island Wildlife Management Area (except on the Carlisle Tract).

§ 11. Bag limit; Same; either sex Saturday following third Monday in November. Same; first Saturday immediately following third Monday in November and last six days.

The general firearms bag limit for deer shall be two a day and three a license year, one of which must be an

antlerless deer, either sex the Saturday immediately following the third Monday in November, on the Buckingham-Appomattox State Forest, Chickahominy Wildlife Management Area, Clinch Mountain Wildlife Management Area, Cumberland State Forest, Fairystone Wildlife Management Area, Fairystone State Park, Philpott Reservoir and Prince Edward State Forest; provided, that the general firearms bag limit for deer shall be two a day and three a license year, one of which must be an antlerless deer, in the counties of Lee, Scott, Tazewell (except on Clinch Mountain Wildlife Management Area) and Washington (except on the Clinch Mountain Wildlife Management Area).

During the general firearms season, deer of either sex may be taken the Saturday immediately following the third Monday in November in the counties (including cities within) of Lee, Russell, Scott, Tazewell, Washington, Wise, and on the Clinch Mountain Wildlife Management Area, Buckingham-Appomattox State Forest, Cumberland State Forest and Pocahontas State Forest and on national forest lands in Frederick, Page, Shenandoah, Smyth, Rockingham and Warren counties.

§ 13. Bag limit; Same; either sex Saturday following third Monday in November and last six days. Same; first Saturday immediately following third Monday in November and last six days.

The general firearms bag limit for deer shall be two a day, three a license year, one of which must be an antlerless deer. During the general firearms season, deer of either sex may be taken on the first Saturday immediately following the third Monday in November and the last six hunting days, in the counties of (including cities within) Amherst, Botetourt, Brunswick (except on Fort Pickett), Buckingham (except on Buckingham-Appomattox State Forest), Campbell, Caroline, Charles City (except on Chickahominy Wildlife Management Area), Charlotte, Clarke, Culpeper (except on Chester F. Phelps Wildlife Management Area), Cumberland (except on Cumberland State Forest), Dinwiddie (except on Fort Pickett), Floyd, Fluvanna, Franklin (except on Philpott Reservoir), Frederick, Gloucester, Green, Halifax, Henry (except on Fairystone Wildlife Management Area and Philpott Reservoir), James City, Louisa, Lunenburg, Madison, Mecklenburg, Nelson, New Kent, Nottoway (except on Fort Pickett), Orange, Patrick (except on Fairystone Park), Pittsylvania (east of the Norfolk Southern Railroad), Powhatan, Prince George (except on Fort Lee), Prince William (except on Harry Diamond Laboratory and Quantico Marine Reservation), Stafford (except on Quantico Marine Reservation), Middlesex, Mathews, Warren and York (except on Camp Peary, Cheatham Annex and Naval Weapons Station) and on the Horsepen Lake Wildlife Management Area, James River Wildlife Management Area, Occoneechee State Park, Amelia Wildlife Management Area, Briery Creek Wildlife Management Area, Dick Cross Wildlife Management Area, White Oak Mountain Wildlife Management Area and Powhatan Wildlife Management Area and on national

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forest lands in Amherst, Botetourt and Nelson counties ; and in the Cities of Chesapeake (except on Dismal Swamp National Wildlife Refuge, Fentress Naval Auxiliary Landing Field and on the Northwest Naval Security Group and Presquile National Wildlife Refuge), Hampton (except on Langley Air Force Base), Newport News (except on Fort Eustis), and Virginia Beach (except on Back Bay National Wildlife Refuge, Dam Neck Amphibious Training Base, Naval Air Station Oceana and , False Cape State Park and Fentress Naval Auxiliary Landing Field) and on Fort A.P. Hill (training areas) .

§ 14. Bag limit; Same; either sex Saturday following third Monday in November and last 24 days. Same; first three Saturdays following third Monday in November and last 24 hunting days.

The general firearms bag limit for deer shall be two a day, three a license year, one of which must be an antlerless deer. During the general firearms season, deer of either sex may be taken on the first three Saturday Saturdays immediately following the third Monday in November and on the last 24 hunting days, in the counties of (including cities within) Accomack (except Chincoteague National Wildlife Refuge), Greensville, Isle of Wight, Northhampton (except Eastern Shore of Virginia National Wildlife Refuge and Fisherman's Island National Wildlife Management Area), Southampton, Surry (except Hog Island Wildlife Management Area), and Sussex, and in the City of Suffolk (except on the Dismal Swamp National Wildlife Refuge).

§ 14.1. Bag limit; Same; either sex Saturday following third Monday in November and last 12 days. Same; first two Saturdays immediately following third Monday in November and last 12 hunting days.

The general firearms bag limit for deer shall be two a day, three a license year, one of which must be an antlerless deer. During the general firearms season, deer of either sex may be taken on the Saturday first two Saturdays immediately following the third Monday in November and on the last 12 hunting days, in the counties of (including the cities within) Accomack, Albemarle, Amelia ; (except Amelia Wildlife Management Area), Amherst (east of U.S. Route 29), Appomattox (except Buckingham-Appomattox State Forest and Horsepen Lake Wildlife Management Area), Brunswick (except Fort Pickett), Buckingham (except on Buckingham-Appomattox State Forest and Horsepen Lake Wildlife Management Area), Campbell (east of Norfolk Southern Railroad except City of Lynchburg), Caroline (except Fort A.P. Hill), Charles City (except on Chickahominy Wildlife Management Area), Charlotte, Chesterfield (except Pocahontas State Forest), Culpeper (except on Chester F. Phelps Wildlife Management Area), Cumberland (except on Cumberland State Forest), Dinwiddie (except on Fort Pickett), Essex, Fauquier (except on the G. Richard Thompson and Chester F. Phelps Wildlife Management Areas), Sky Meadows State Park and Quantico Marine Reservation), Fluvanna, Gloucester, Goochland, Greene, Halifax, Hampton (except on Langley Air Force Base),

Hanover, Henrico, James City, King and Queen, King George (except Caledon Natural Area and Dahlgren Surface Warfare Center), King William, Lancaster, Louisa, Lunenburg, Madison, Mecklenburg (except Dick Cross Wildlife Management Area, Occoneechee State Park), Nelson (east of Route 151 except James River Wildlife Management Area), New Kent, Newport News (except Fort Eustis), Northampton (except Eastern Shore of Virginia National Wildlife Refuge and Fisherman's Island National Wildlife Refuge), Northumberland, Nottoway (except on Fort Pickett), Orange, Pittsylvania (east of Norfolk Southern Railroad except White Oak Mountain Wildlife Management Area), Powhatan (except Pocahontas State Forest and Powhatan Wildlife Management Area), Prince Edward (except on Prince Edward State Forest and Briery Creek Wildlife Management Area), Prince George (except on Fort Lee), Prince William (except on Harry Diamond Laboratory and Quantico Marine Reservation), Rappahannock, Richmond, Spotsylvania, Stafford (except on Quantico Marine Reservation), and Westmoreland, and on Fort A.P. Hill (controlled access area) York (except on Camp Peary, Cheatham Annex and Yorktown Naval Weapons Station) .

§ 14-2. Bag limit; One a day, one a license year, bucks only. General firearms season; bucks only.

The general firearms bag limit for deer shall be one a day, one a license year. During the general firearms season, only deer with antlers visible above the hairline may be taken in that portion of Dickenson County lying north of the Pound River and west of the Russell Fork River and in the counties of Russell (except on the Clinch Mountain Wildlife Management Area) and Wise, and on the Chester F. Phelps and Wildlife Management Area, G. Richard Thompson Wildlife Management Areas. Only bucks may be taken in the counties and areas controlled by this section Area, Chickahominy Wildlife Management Area and on the Carlisle Tract of Hog Island Wildlife Management Area .

§ 15. Tagging deer and obtaining official game tag; by licensee.

A. Detaching game tag from license.

It shall be unlawful for any person to detach the game tag from any license to hunt deer prior to the killing of a deer and tagging same. Any detached tag shall be subject to confiscation by any representative of the department.

B. Immediate tagging of carcass.

Any person killing a deer shall, before removing the carcass from the place of kill, detach from his special license for hunting deer the appropriate tag and shall attach such tag to the carcass of his kill. Place of kill shall be defined as the location where the animal is first reduced to possession.

C. Presentation of tagging carcass for checking; obtaining

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official game tag check card .

Upon killing a deer and tagging same, as provided above, the licensee shall, ~~by 9 p.m. on the date of kill,~~ upon vehicle transport of the carcass or at the conclusion of legal hunting hours, whichever occurs first, and without unnecessary delay, present the tagged carcass of his kill to an authorized checking station or to an appropriate representative of the department in the county or adjoining county in which the deer was killed. At such time, the tag ~~previously~~ attached to the carcass shall be exchanged for an official game tag check card , which shall be furnished by the department, and securely attached to the carcass and remain attached until the carcass is processed .

D. Destruction of deer prior to tagging; forfeiture of untagged deer.

It shall be unlawful for any person to destroy the identity (sex) of any deer killed unless and until tagged and checked as required by this section. Any deer not tagged as required by this section found in the possession of any person shall be forfeited to the Commonwealth to be disposed of as provided by law.

§ 16. Tagging deer and obtaining official game tag; by person exempt from license requirement.

Upon killing a deer, any person exempt from license requirement as prescribed in § 29.1-301 of the Code of Virginia, or issued a complimentary license as prescribed in § 29.1-339, or the holder of a permanent license issued pursuant to § 29.1-301 E, shall, ~~by 9 p.m. on the date of kill,~~ upon vehicle transport of the carcass or at the conclusion of legal hunting hours, whichever occurs first, and without unnecessary delay, present the carcass of his kill to an authorized checking station or to any appropriate representative of the department in the county or adjoining county in which the deer was killed. At such time, the person shall be given an official game tag check card furnished by the department, which tag shall be securely attached to the carcass and remain attached until the carcass is processed .

VR 325-02-9. Grouse.

§ 1. Open season.

Except as otherwise specifically provided in the sections appearing in this regulation, it shall be lawful to hunt grouse from the ~~first Monday in November last Monday in October~~ through the second Saturday in February, January 31, both dates inclusive.

VR 325-02-11. Mountain Lion.

§ 1. Hunting, trapping, possession, importation or destruction prohibited.

Rescind this section in its entirety.

VR 325-02-14. Opossum.

PART I. HUNTING.

§ 1.1. Open season; counties east of the Blue Ridge Mountains.

Except as otherwise specifically provided by the sections appearing in this regulation, it shall be lawful to hunt opossum in all counties east of the Blue Ridge Mountains (except on national forest lands east of the Blue Ridge Mountains) from ~~November~~ October 15 through March 10, both dates inclusive.

§ 1.2. Open season; counties west of Blue Ridge Mountains and national forest lands east of the Blue Ridge Mountains .

It shall be lawful to hunt opossum in all counties west of the Blue Ridge Mountains and national forest lands east of the Blue Ridge Mountains from October 15 through January 31, both dates inclusive.

VR 325-02-16. Pheasant.

§ 1. Open season; counties east of Blue Ridge Mountains generally .

A. East of U.S. Route I-95.

Except as otherwise specifically provided in the sections appearing in this regulation, it shall be lawful to hunt pheasant in all counties and portions of counties east of the Blue Ridge Mountains and east of U.S. Route I-95 from the second Monday in November through the second Saturday in February, both dates inclusive during the period when it is lawful to take quail .

B. West of U.S. Route I-95.

Except as otherwise specifically provided in the sections appearing in this regulation, it shall be lawful to hunt pheasant in all counties and portions of counties east of the Blue Ridge Mountains and west of U.S. Route I-95 from the second Monday in November through January 31, both dates inclusive.

§ 2. Same; counties west of Blue Ridge Mountains.

Rescind this section in its entirety.

VR 325-02-17. Quail.

§ 2. Same; counties east of U.S. Route I-95.

Rescind this section in its entirety.

§ 4. Bag limit.

The bag limit for quail shall be eight six a day ;

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provided, that the bag limit for quail shall be four per day on the Elm Hill Wildlife Management Area .

VR 325-02-18. Rabbit and Hares.

§ 5. Sale prohibited.

Rescind this section in its entirety.

VR 325-02-19. Raccoon.

PART I. CHASING.

§ 1.1. Open season; counties east of Blue Ridge Mountains; possession of certain devices unlawful.

Except as otherwise specifically provided in the sections appearing in this regulation, it shall be lawful to chase raccoon with dogs, without capturing or taking, in all counties east of the Blue Ridge Mountains (except on the George Washington and Jefferson National Forests) from August 1 through May 31, both dates inclusive. It shall be unlawful to have in ~~immediate~~ possession a firearm, bow, axe, saw, or any tree climbing device while hunting during this chase season. *The meaning of "possession" for the purpose of this section shall include, but not be limited to, having these devices in or on one's person, vehicle or conveyance while engaged in the act of chasing.*

§ 1.2. Open season; counties west of Blue Ridge Mountains; possession of certain devices unlawful.

It shall be lawful to chase raccoon with dogs, without capturing or taking, on private lands in all counties west of the Blue Ridge Mountains from August 1 through May 31, both dates inclusive. It shall be unlawful to have in ~~immediate~~ possession a firearm, bow, axe, saw, or any tree climbing device while hunting during this chase season. *The meaning of "possession" for the purpose of this section shall include, but not be limited to, having these devices in or on one's person, vehicle or conveyance while engaged in the act of chasing.*

PART II. HUNTING AND TRAPPING.

§ 2.1. Open season for hunting; counties east of the Blue Ridge Mountains.

Except as otherwise provided by local legislation and with the specific exceptions provided in the sections appearing in this regulation, it shall be lawful to take raccoon by hunting in all counties east of the Blue Ridge Mountains (*except on national forest lands east of the Blue Ridge Mountains*) from October 15 through March 10, both dates inclusive.

§ 2.2. Open season for hunting; counties west of the Blue Ridge Mountains *and national forest lands east of the Blue Ridge Mountains* .

It shall be lawful to take raccoon by hunting in all counties west of the Blue Ridge Mountains *and on national forest lands east of the Blue Ridge Mountains* from October 15 through January 31, both dates inclusive.

VR 325-02-21. Squirrel.

PART I. GRAY AND RED SQUIRREL.

§ 1.8. Bow and arrow hunting.

A. Season.

It shall be lawful to hunt squirrel with bow and arrow from the ~~second~~ *first* Saturday in October through the Saturday prior to the second Monday in November, both dates inclusive.

B. Carrying firearms prohibited.

It shall be unlawful to carry firearms while hunting with bow and arrow *during the special archery season* .

C. Use of dogs prohibited during bow season.

It shall be unlawful to use dogs when hunting with bow and arrow from the ~~second~~ *first* Saturday in October through the Saturday prior to the second Monday in November, both dates inclusive.

§ 1.9. Sale prohibited.

Rescind this section in its entirety.

VR 325-02-22. Turkey.

§ 3. Open season; spring season for bearded turkeys.

It shall be lawful to hunt bearded turkeys only from the Saturday nearest the 15th of April and for 30 consecutive hunting days following, both dates inclusive, from 1/2 hour before sunrise to 12:00 noon prevailing time. Bearded turkeys may be hunted by calling. It shall be unlawful to use dogs or organized drives for the purpose of hunting. *It shall be unlawful to use or have in possession any rifle, pistol, or weapon capable of firing rifle or pistol ammunition when hunting turkeys during the spring season.* It shall be unlawful to use or have in possession any shot larger than number 2 fine shot when hunting turkeys with a shotgun.

§ 5. Bow and arrow hunting.

A. Season.

It shall be lawful to hunt turkey with bow and arrow in those counties and ~~area~~ *areas* open to fall turkey hunting from the ~~second~~ *first* Saturday in October through the Saturday prior to the second Monday in November, both dates inclusive.

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B. Bag limit.

The daily and seasonal bag limit for hunting turkey with bow and arrow shall be the same as permitted during the general turkey season in those counties and area areas open to fall turkey hunting, and any turkey taken shall apply toward the total season bag limit.

C. Carrying firearms prohibited.

It shall be unlawful to carry firearms while hunting with bow and arrow *during special archery season*.

D. Requirements for bow and arrow.

Arrows used for hunting turkey must have a minimum width head of 7/8 of an inch, and the bow used for such hunting must be capable of casting a broadhead arrow a minimum of 125 yards.

E. Use of dogs prohibited during bow season.

It shall be unlawful to use dogs when hunting with bow and arrow from the ~~second~~ first Saturday in October through the Saturday prior to the second Monday in November, both dates inclusive.

§ 7. Tagging turkey and obtaining official game tag check card ; by licensee.

A. Detaching game tag from license.

It shall be unlawful for any person to detach the game tag from any license to hunt turkey prior to the killing of a turkey and tagging same. Any detached tag shall be subject to confiscation by any representative of the department.

B. Immediate tagging of carcass.

Any person killing a turkey shall, before removing the carcass from the place of kill, detach from his special license for hunting turkey the appropriate tag and shall attach such tag to the carcass of his kill. *Place of kill shall be defined as the location where the animal is first reduced to possession.*

C. Presentation of tagged carcass for checking; obtaining official game tag check card .

Upon killing a turkey and tagging same, as provided above, the licensee shall, ~~by 9 p.m. on the date of kill,~~ upon vehicle transport of the carcass or at the conclusion of legal hunting hours, whichever occurs first, and without unnecessary delay, present the tagged carcass of his kill to an authorized checking station or to an appropriate representative of the department in the county or adjoining county in which the turkey was killed. At such time, the tag ~~previously~~ attached to the carcass shall be exchanged for an official game tag check card , which shall be furnished by the department, and securely

attached to the carcass and remain attached until the carcass is processed .

D. Destruction of identity of turkey prior to tagging; forfeiture of untagged turkey.

It shall be unlawful for any person to destroy the identity (sex) of any turkey killed unless and until tagged and checked as required by this section. Any turkey not tagged as required by this section found in the possession of any person shall be forfeited to the Commonwealth to be disposed of as provided by law.

§ 8. Tagging turkey and obtaining official game tag; by person exempt from license requirement.

Upon killing a turkey, any person exempt from the license requirement as described in § 29.1-301 of the Code of Virginia, or issued a complimentary license as prescribed in § 29.1-339, or the holder of a permanent license issued pursuant to § 29.1-301 E, shall, ~~by 9 p.m. on the date of kill,~~ upon vehicle transport of the carcass or at the conclusion of legal hunting hours, whichever occurs first, and without unnecessary delay, present the carcass of his kill to an authorized checking station or to any appropriate representative of the department in the county or adjoining county in which the turkey was killed. At such time, the person shall be given an official game tag check card furnished by the department, which tag shall be securely attached to the carcass and remain so attached until the carcass is processed .

VR 325-02-25. Firearms.

§ 2. Rifles prohibited in hunting bear and deer in certain counties and cities.

Except as otherwise provided in § 3 of this regulation or by local ordinance , it shall be unlawful to use a rifle of any calibre caliber for the hunting or killing of bear and deer in the counties of Chesterfield, Isle of Wight, New Kent, Southampton and Sussex and in the cities of Chesapeake and Suffolk (that portion formerly Nansemond County).

VR 325-04. WATERCRAFT.

VR 325-04-1. In General.

§ 5. Regulatory markers and aids to navigation .

Under the provisions of Chapter 7 of Title 29.1 of the Code of Virginia a system of regulatory markers is and a lateral buoyage marking system of aids to navigation are hereby adopted on all public waters of the Commonwealth not marked by an agency of the United States. Regulatory markers will be a combination of international orange and white, a diamond shape with white center denoting danger, a diamond shape with inside cross denoting prohibition of all vessels, a circle with white center denoting a control or restriction, and a rectangular shape denoting

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information other than a danger, control or restriction. Explanatory words may be added to all *regulatory* markers and the operation of all vessels shall be governed by any such *regulatory* marker authorized by the department. No regulatory marker, *aid to navigation* or other waterway marker affecting the safety, health or well-being of a boat operator, excepting those placed by an agency of the United States, shall be placed in, on or near the water unless authorized by the department and such authorized *regulatory* markers and *aids to navigation* shall be designed, placed and maintained according to rules prescribed by the board.

* * * * *

Title of Regulation: VR 325-02. Game.
VR 325-02-5. Crow.

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

Proposed Effective Date: August 1, 1993.

Notice to the Public:

The Board of Game and Inland Fisheries has ordered to be published, pursuant to §§ 29.1-501 and 29.1-502 of the Code of Virginia, the following proposed new and amended board regulations. A public hearing on the advisability of adopting, or amending and adopting, the proposed regulations, or any part thereof, will be held at the Holiday Inn I-64 West End, 6531 West Broad Street, Richmond, Virginia, beginning at 9 a.m. on Friday, June 18, 1993, at which time any interested citizen present shall be heard. If the board is satisfied that the proposed regulations, or any part thereof, are advisable, in the form in which published or as amended as a result of the public hearing, the board may adopt such proposals at that time, acting upon the proposals separately or in block.

Summary:

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

§ 1. Open season.

It shall be lawful to hunt crow on Wednesday, Thursday, Friday and Saturday of each week from August 1 through ~~December 31~~ *the last day in February*, both dates inclusive; and from the first Wednesday in February through the last Saturday in March, both dates inclusive.

BOARD OF PHARMACY

Title of Regulation: VR 530-01-1. Virginia Board of Pharmacy Regulations.

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

Public Hearing Date: May 11, 1993 - 9 a.m.

Written comments may be submitted through July 2, 1993.

(See Calendar of Events section for additional information)

Summary:

The purpose of these regulations is to set forth the requirements for the licensure and the responsibilities of pharmacists in assuring the safety of the public and the security of prescription drugs in the Commonwealth. The Board of Pharmacy has proposed amendments to its regulations as a result of its biennial regulatory review during which all regulations were examined for their continued effectiveness, efficiency, necessity, clarity and cost of compliance. The amendments proposed are made in response to public comments received, in response to the changing needs and technology in the practice of pharmacy, and in an effort to clarify and simplify the regulations.

The board has also proposed a one-time fee reduction for renewal of licenses and permits for calendar year 1994. This proposal responds to the statutory requirement that boards adjust fees when differences in biennial revenues and expenses are greater than 10%. The proposed regulation will meet that requirement without creating a deficit for the board in subsequent years. Also proposed are that a maximum credit for any one week be increased from 40 to 50 hours, and that time allowed to register a new pharmacist-in-charge be extended from 10 to 14 days.

VR 530-01-1. Virginia Board of Pharmacy Regulations.

PART I. GENERAL PROVISIONS.

§ 1.1. Public participation guidelines.

A. Mailing list.

The executive director of the board will maintain a list of persons and organizations who will be mailed the following documents:

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

B. Being placed on list: deletion.

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Any person wishing to be placed on the mailing list may do so by writing the board. In addition, the board may, in its discretion, add to the list any person, organization, or publication it believes will serve 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. Those on the list may be periodically requested to indicate their desires to continue to receive documents or to be deleted from the list. After 30 days, the names of the persons who do not respond will be deleted from the list.

C. Notice of intent.

At least 30 days prior to the publication of the notice to conduct an informational proceeding as required by § 9-6.14:1 of the Code of Virginia, 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 regulation. The purpose of the proceeding will be to solicit public comment on all existing regulations as to their effectiveness, efficiency, necessity, clarity, and 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 or in conjunction with other informational proceedings.

E. Petition for rulemaking.

Any person may petition the board to adopt, amend, or delete any regulation. Any petition received in a timely manner 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.

At any meeting of the board or subcommittee of the board at which the formulation or adoption of regulations is to occur, the subject matter shall be transmitted to the Registrar for inclusion in the Virginia Register of Regulations.

G. Advisory committees.

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

§ 1.2. Definitions.

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

"ACPE" means the American Council on Pharmaceutical Education.

"Board" means the Virginia State Board of Pharmacy.

"CE" means continuing education as required for renewal of licensure by the Board of Pharmacy.

"CEU" means a continuing education unit awarded for credit as the equivalent of 10 contact hours.

"Compliance packaging" means packaging for dispensed drugs which is comprised of a series of containers for solid oral dosage forms and which is designed to assist the user in administering or self-administering the drugs in accordance with directions for use.

"Contact hour" means the amount of credit awarded for 60 minutes of participation in and successful completion of a continuing education program.

"Expiration date" means that date placed on a drug package by the manufacturer or repacker beyond which the product may not be dispensed or used.

"Facsimile (FAX) prescription" means a written prescription or order which is transmitted by an electronic device over telephone lines which sends the exact image to the receiver (pharmacy) in a hard copy form.

"Generic drug name" means the nonproprietary name listed in the United States Pharmacopeia-National Formulary (USP-NF) or in the USAN and the USP Dictionary of Drug Names.

"Hermetic container" means a container that is impervious to air or any other gas under the ordinary or customary conditions of handling, shipment, storage, and distribution.

"Hospital" or "nursing home" means those facilities as defined in Title 32.1 of the Code of Virginia or as defined in regulations by the Virginia Department of Health.

"Inactive license" means a license which is registered with the Commonwealth but does not entitle the licensee to practice, the holder of which is not required to submit documentation of CE necessary to hold an active license.

"Light resistant container" means a container that protects the contents from the effects of light by virtue of the specific properties of the material of which it is composed, including any coating applied to it. Alternatively, a clear and colorless or a translucent container may be made light-resistant by means of an

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opaque covering, in which case the label of the container bears a statement that the opaque covering is needed until the contents have been used. Where a monograph directs protection from light, storage in a light-resistant container is intended.

"Long-term care facility" means a nursing home, retirement care, mental care or other facility or institution which provides extended health care to resident patients.

"Nuclear pharmacy" means a pharmacy providing radiopharmaceutical services.

"Permitted physician" means a physician who is licensed pursuant to § 54.1-3304 of the Code of Virginia to dispense drugs to persons to whom or for whom pharmacy services are not reasonably available.

"Personal supervision" means the pharmacist must be physically present and render direct, personal control over the entire service being rendered or act(s) being performed. Neither prior nor future instructions shall be sufficient nor, shall supervision rendered by telephone, written instructions, or by any mechanical or electronic methods be sufficient.

"Prescription department" means any contiguous or noncontiguous areas used for the compounding, dispensing and storage of all Schedule II through VI drugs and devices and any Schedule I investigational drugs.

"Radiopharmaceutical" means any article that exhibits spontaneous decay or disintegration of any unstable atomic nucleus, usually accompanied by the emission of ionizing radiation and any nonradioactive reagent kit or nuclide generator which is intended to be used in the preparation of any such article.

"Repackaged drug" means any drug removed from the manufacturer's original package and placed in different packaging.

"Safety closure container" means a container which meets the requirements of the Federal Poison Prevention Packaging Act, i.e. in testing such containers, that 85% of a test group of 200 children of ages 41-52 months are unable to open the container in a five minute period and that 80% fail in another five minutes after a demonstration of how to open it and that 90% of a test group of 100 adults must be able to open and close the container.

"Special packaging" means packaging that is designed or constructed to be significantly difficult for children under five years of age to open to obtain a toxic or harmful amount of the drug contained therein within a reasonable time and not difficult for normal adults to use properly, but does not mean packaging which all such children cannot open or obtain a toxic or harmful amount within a reasonable time.

"Special use permit" means a permit issued to conduct a pharmacy of a special scope of service that varies in any way from the provisions of any board regulation.

"Storage temperature" means those specific directions stated in some monographs with respect to the temperatures at which pharmaceutical articles shall be stored, where it is considered that storage at a lower or higher temperature may produce undesirable results. The conditions are defined by the following terms:

1. *"Cold"* means any temperature not exceeding 8°C (46°F). A refrigerator is a cold place in which temperature is maintained thermostatically between 2° and 8°C (36° and 46°F). A freezer is a cold place in which the temperature is maintained thermostatically between -20° and -10°C (-4° and 14°F).

2. *"Room temperature"* means the temperature prevailing in a working area.

3. *"Controlled room temperature"* is a temperature maintained thermostatically between 15° and 30°C (59° and 86°F).

4. *"Warm"* means any temperature between 30° and 40°C (86° and 104°F).

5. *"Excessive heat"* means any temperature above 40°C (104°F).

6. *"Protection from freezing"* means where, in addition to the risk of breakage of the container, freezing subjects a product to loss of strength or potency, or to the destructive alteration of the dosage form, the container label bears an appropriate instruction to protect the product from freezing.

"Terminally ill" means a patient with a terminal condition as defined in § 54.1-2982 of the Code of Virginia.

"Tight container" means a container that protects the contents from contamination by extraneous liquids, solids, or vapors, from loss of the drug, and from efflorescence, deliquescence, or evaporation under the ordinary or customary conditions of handling, shipment, storage, and distribution, and is capable of tight reclosure. Where a tight container is specified, it may be replaced by a hermetic container for a single dose of a drug and physical tests to determine whether standards are met shall be as currently specified in United States Pharmacopoeia-National Formulary.

"Unit-dose container" means a container that is a single-unit container, as defined in United States Pharmacopoeia-National Formulary, for articles intended for administration by other than the parenteral route as a single dose, direct from the container.

"Unit dose package" means a container that contains a

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particular dose ordered for a patient.

"Unit dose system" means a pharmacy coordinated method of drug dispensing and control in which drugs are distributed in properly labeled unit-dose containers or single-unit containers in ready to administer form as far as possible, in a supply for not more than seven days, system in which multiple drugs in unit dose packaging are dispensed in a single container, such as a medication drawer or bin, labeled only with patient name and location. Directions for administration are not provided by the pharmacy on the drug packaging or container but are obtained by the person administering directly from a physician's order or medication administration records.

"U.S.P.-N.F." means the United States Pharmacopeia-National Formulary.

"Well-closed container" means a container that protects the contents from extraneous solids and from loss of the drug under the ordinary or customary conditions of handling, shipment, storage, and distribution.

§ 1.3. Fees.

Except as provided in § 1.4, fees shall be as listed below, and unless otherwise stated provided, all such fees listed in this section are shall not be refundable.

A. Fee for initial pharmacist licensure.

1. The application and initial examination fee for a pharmacist license shall be \$300. If an applicant withdraws the application prior to taking the examination, all but \$25 of the fee will be refunded. If the applicant wishes to take portions of the examination on separate dates, the fees shall be as follows:

a. The National Association of Boards of Pharmacy Examination (NABPLEX) shall be \$200.

b. The Federal Drug Law Examination (FDLE) shall be \$75.

c. The State Drug Law Examination (SDLE) shall be \$75.

2. The application and State Drug Law Examination fee for licensure by endorsement shall be \$150. The fee for retaking the examination shall be \$75.

3. The application and State Drug Law Examination fee for licensure by score transfer of NABPLEX or FDLE scores or both shall be \$150. The fee for taking NABPLEX, if needed, shall be \$200. The fee for taking FDLE, if needed, shall be \$75. The fee for retaking the SDLE shall be \$75.

4. The application fee for a person whose license has been revoked or suspended indefinitely shall be

\$300.

B. Renewal of pharmacist license.

1. The annual fee for renewal of a pharmacist license shall be \$50.

2. The annual fee for renewal of an inactive pharmacist license shall be \$35.

3. If a pharmacist fails to renew his license within the Commonwealth by the renewal date, he must pay the back renewal fee and a \$25 late fee within 60 days of expiration.

4. Failure to renew a pharmacist license within 60 days following expiration shall cause the license to lapse and shall require the submission of a reinstatement application, payment of all unpaid renewal fees, and a delinquent fee of \$50.

C. Other licenses or permits.

1. The annual permit fee to conduct a *resident or nonresident* pharmacy shall be \$200.

2. The annual license fee for a permitted physician to dispense drugs shall be \$200.

3. An application for a change of the pharmacist-in-charge shall be accompanied by a fee of \$25.

4. An application for a change of location or a remodeling which requires an inspection shall be accompanied by a fee of \$100.

5. A nonrestricted manufacturing permit shall be \$200 annually.

6. A restricted manufacturing permit shall be \$150 annually.

7. A wholesale distributor license shall be \$200 annually.

8. A warehouse permit shall be \$200 annually.

9. A permit for a medical equipment supplier shall be \$150 annually.

10. A permit for a licensed humane society shall be \$10 annually.

11. If a licensee fails to renew a required license or permit prior to the expiration date, a \$25 late fee shall be assessed.

12. If a required license or permit is not renewed within 60 days after its expiration, the license or permit shall lapse, and continued practice or operation

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of business with a lapsed license or permit shall be illegal. Thereafter, reinstatement shall be at the discretion of the board upon submission of an application accompanied by all unpaid renewal fees and a delinquent fee of \$50.

D. Controlled substances registration.

1. The annual fee for a controlled substances registration as required by § 54.1-3422 of the Code of Virginia shall be \$20.

2. If a registration is not renewed within 60 days of the expiration date, the back renewal fee and a \$10 late fee shall be paid prior to renewal.

3. If a controlled substance registration has been allowed to lapse for more than 60 days, all back renewal fees and a \$25 delinquent fee must be paid before a current registration will be issued. Engaging in activities requiring a controlled substance registration without holding a current registration is illegal; and *may subject the registrant to disciplinary action by the board.* Reinstatement of a lapsed registration is at the discretion of the board *and may be granted by the executive director of the board upon completion of an application and payment of all fees.*

E. Other fees.

1. A request for a duplicate wall certificate shall be accompanied by a fee of \$25.

2. A request for certification of grades to another board shall be accompanied by a fee of \$25.

F. Board approval of continuing education programs and providers.

1. The application fee for approval of an individual CE program is \$100.

2. The application fee for approval of provider status is \$300.

3. Renewal of approved provider status is \$300 paid biennially.

§ 1.4. Fee reductions.

Between January 1, 1994, and January 1, 1995, the following fees shall be in effect as listed below:

1. Renewal of pharmacist license.

a. The annual fee for renewal of a pharmacist license shall be \$25.

b. The annual fee for renewal of an inactive pharmacist license shall be \$25.

2. Other licenses or permits.

a. The annual permit fee to conduct a resident or nonresident pharmacy shall be \$100.

b. The annual license fee for a permitted physician to dispense drugs shall be \$100.

c. A nonrestricted manufactured permit shall be \$100 annually.

d. A restricted manufacturing permit shall be \$75 annually.

e. A wholesale distributor permit shall be \$10 annually.

f. A permit for a medical equipment supplier shall be \$75 annually.

PART II. ENTRY AND LICENSURE REQUIREMENTS FOR PHARMACISTS.

§ 2.1. Requirements for practical experience required.

A. Each applicant for licensure by examination shall have gained practical experience in prescription compounding and dispensing within a pharmacy for a period of not less than six months.

B. During the six months of practical experience required, the applicant shall accumulate a minimum of 1,000 hours. For purposes of this regulation, credit will not be given for more than 40 50 hours in any one week.

C. All practical experience credit required shall only be gained after completion of the first professional year in an approved school of pharmacy.

D. Practical experience gained in a college of pharmacy which has a program designed to provide the applicant with practical experience in all phases of pharmacy practice and which program is approved by the American Council on Pharmaceutical Education will be accepted by the board for the time period during which the student is actually enrolled. The applicant will be required to gain any additional experience needed toward fulfilling the six months and 1,000 hours of experience required.

E. An applicant shall not be admitted to the examination unless all of the practical experience has been gained.

§ 2.2. Procedure for gaining practical experience outside of an accredited college clerkship program.

A. Each pharmacy student; ~~except those enrolled in an approved college clerkship program;~~ who desires to gain practical experience in a pharmacy within the Commonwealth shall register with the board on a form provided by the board prior to becoming so engaged. This

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requirement shall also apply to students gaining practical experience within the Commonwealth for licensure in another state. The student shall be called a "student externe."

B. Graduates in pharmacy of an approved school of pharmacy who wish to gain practical experience within the Commonwealth shall register with the board prior to being so engaged. Such graduates shall be called "pharmacy interne." Experience gained in another state must be certified by the board in the state in which the experience was gained.

C. The applicant shall be supervised by a pharmacist who holds an unrestricted license and assumes full responsibility for the training, supervision and conduct of the externe or the interne. The supervising pharmacist shall not supervise more than one interne or externe during the same time period for experience during or after the last professional year.

D. The practical experience of the student externe shall be gained at times nonconcurrent with the school year excepting that gained in any program of a pharmacy school which meets the requirements of § 54.1-3312 of the Code of Virginia with the exception of school vacations.

E. The registration of a student externe shall be valid only while the student is enrolled in a school of pharmacy. The registration card issued by the board shall be returned to the board upon failure to be enrolled.

F. Any Practical experience gained within any state by a student externe or a pharmacy interne who has not must be registered with and certified by the board in the of that state in which the experience is being gained will not in order to be accepted or certified by this board nor certified to another state by the board.

G. All practical experience of the student externe or pharmacy interne shall be evidenced by an affidavit which shall be filed prior to or with the application for examination for licensure.

H. An applicant for examination shall file affidavits or the certificate certificates of experience on a form prescribed by the board no less than 30 days prior to the date of the examination; and such certificates required in G and H of this section shall be on a form prescribed by the board.

I. The registration of a student externe shall be valid only while the student is enrolled in a school of pharmacy. The registration card issued by the board shall be returned to the board upon failure to be enrolled.

§ 2.3. Curriculum and approved colleges of pharmacy.

A. Length of curriculum.

The following minimum educational requirements for

licensure for the specified periods shall be recognized by the board for the purpose of licensure.

1. On and after June 1, 1928, but before June 1, 1936, the applicant for licensure shall have been graduated from a three-year course of study with a pharmacy graduate or pharmacy college degree in pharmacy awarded.

2. On and after June 1, 1936, but before June 1, 1964, the applicant for licensure shall have been graduated from a four-year course of study with a Bachelor of Science degree in pharmacy awarded.

3. On and after June 1, 1964, the applicant for licensure shall have been graduated from at least a five-year course of study with a Bachelor of Science degree in pharmacy or a Doctorate of Pharmacy degree awarded.

B. First professional degree required.

In order to be licensed as a pharmacist within this Commonwealth, the applicant shall have been granted the first professional degree from a program of a college of pharmacy which meets the requirements of § 54.1-3312 of the Code of Virginia.

§ 2.4. Content of the examination and grades required.

A. The examination for licensure as a pharmacist shall consist of an integrated examination of pharmacy practice, pharmacology, pharmacy mathematics, and such other subjects as are necessary to assure that the candidate possesses the necessary knowledge and skills to practice pharmacy. Additional examination of the board will additionally examine the candidates' knowledge of federal and state laws related to pharmacy practice shall be provided by the board.

B. Passing requirements.

The passing grade on the integrated pharmacy examination shall be not less than 75. The passing grade on the any law examination shall be not less than 75.

C. Limitation on admittance to examination.

When an applicant for licensure by examination fails to meet the passing requirements of paragraph B of this section on three occasions, he shall not be readmitted to the examinations until he has completed an additional six months of practical experience as a pharmacy interne as set forth in § 2.2.

§ 2.5. Renewal of license.

A. Pharmacist licenses expire on December 31 and shall be renewed annually prior to that date by the submission of a renewal fee, renewal form, and statement of compliance with continuing education requirements.

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B. A pharmacist newly licensed on or after October 1 shall not be required to renew that license until December 31 of the following year.

C. A pharmacist who fails to renew his license by the expiration date has 60 days in which to renew by submission of the renewal and late fee, renewal form, and statement of compliance with continuing education requirements.

D. ~~If a pharmacist fails~~ *Failure to renew within the 60 days of expiration ; shall cause his license will to lapse ; and he must submit . Reinstatement may be granted by the executive director of the board upon completion of an application for reinstatement of license along with , the payment of all back renewal fees ; and a delinquent fee, and submission of a statement of compliance with continuing education requirements. Practice of pharmacy with a lapsed license shall be illegal ; and reinstatement shall be at the discretion of and may subject the licensee to disciplinary action by the board.*

E. A pharmacist who has been registered as inactive for more than one year must apply for reinstatement, comply with CE requirements, and pay the current year renewal fee in order to resume active licensure.

F. It shall be the duty and responsibility of each licensee to inform the board of his current address. A licensee shall immediately notify the board in writing of any change of an address of record. All notices required by law or by these rules and regulations are deemed to be legally given when mailed to the address given and shall not relieve the licensee of the obligation to comply.

§ 2.6. Requirements for continuing education.

A. On and after December 31, 1993, a licensee shall be required to have completed a minimum of 1.5 CEU's or 15 contact hours of continuing pharmacy education in an approved program for each annual renewal of licensure. CEU's or hours in excess of the number required for renewal may not be transferred or credited to another year.

B. An approved continuing pharmacy education program is:

1. One that is approved by the American Council on Pharmacy Pharmaceutical Education and carries the provider logo and number of the ACPE; or
2. One that is approved by the board.

C. A licensee is exempt from completing CE requirements and considered in compliance on the first renewal date following his initial licensure.

D. The board may grant an extension of up to one year for the completion of CE requirements upon a written request from the licensee prior to the renewal date. Any

subsequent extension shall be granted only for good cause shown. Such an extension shall not relieve the licensee of the requirement for CEU's or hours.

E. The board may grant an exemption for all or part of the CE requirements due to circumstances beyond the control of the pharmacist, such as temporary disability, mandatory military service, or officially declared disasters.

F. ~~A licensee is~~ *Licensees are required to provide information on attest to compliance with CE requirements in on their annual license renewal. Following the renewal period, the board may conduct an audit of licensees to verify compliance. Licensees selected for audit must provide original documents certifying that they have fulfilled their CE requirements by the deadline date as specified by the board.*

G. All licensees are required to maintain original documents verifying the date and subject of the program or activity, the CEU's or contact hours, and certification from an approved provider. Documentation shall be maintained for a period of two years following renewal in a file available to inspectors at the pharmacist's principal place of practice, or, if there is no principal place of practice, at the pharmacist's address of record.

H. A pharmacist who holds an inactive license, who has allowed his license to lapse or who has had his license suspended or revoked must submit evidence of completion of CEU's or hours equal to the requirements for the number of years in which his license has not been active.

I. Pharmacists who are licensed by other states and who have obtained a minimum of 1.5 CEU's or 15 contact hours of approved CE programs of such other states need not obtain additional hours.

§ 2.7. Approval of continuing education programs and providers.

A. The board will approve without application or further review any program offered by a ACPE-approved provider and will accept for credit certificates bearing the official ACPE logo and program number.

B. The board may approve an individual CE program or may grant approved provider status under the following provisions:

1. Approval of an individual CE program.

a. An approved individual program is a course, activity, or lecture which includes subject matter related to the competency of the practice of pharmacy and which has been approved for CE credit by the board.

b. In order to receive approval for an individual program, the sponsor or provider must make application prior to the program offering on a form

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provided by the board. The information which must be provided shall include but not be limited to: name of provider, location, date and time of program, charges to participants, description of program content and objectives, credentials of speaker or author, method of delivery, evaluation procedure, evidence of a pre and post test, credits requested, mechanism for record-keeping, and any such information as the board deems necessary to assure quality and compliance.

c. The sponsor making application for board approval of an individual program must pay a fee as required in § 1.3 F of this regulation.

d. The board shall notify the provider or sponsor within 60 days following the receipt of a completed application of approval or disapproval of a program and the number of credits which may be awarded.

2. Approval of CE provider status.

a. An approved provider is any person, corporation, school, association, or other entity who has demonstrated an ability to provide qualified CE programs and has met the requirements of the board for approved provider status.

b. An applicant for approved provider status must have sponsored at least three individually board approved programs for a minimum period of two years immediately preceding the submission of application for approved status.

c. The application for approved provider status shall include but not be limited to: information on the entity making application, a listing of approved CE programs offered during the last two years, accreditation, methods of promotion and delivery of programs, assessment process, maintenance of records, policy on grievances and tuition, standards for selection of speakers, program goals and objectives, and a description of facilities adequate to meet those objectives.

d. The application for approved provider status shall be accompanied by a fee as required in § 1.3 F.

e. An applicant who has been granted approved provider status is permitted to offer CE programs by submitting to the board information on that offering at least 10 days prior to the program. The approved provider is not required to submit application for approval of each individual program nor to pay the fee for such approval.

f. An approved provider must have that status renewed every two years, must pay the renewal fee, and must provide information on program offerings to the board for review.

g. The board may revoke or suspend an approval of a provider or refuse to renew such approval if the provider fails to maintain the necessary standards and requirements.

3. Certificate of completion. The provider of an approved program shall provide to each participant who completes the required hours and passes the post test a certification with the name of the provider, name of the participant, description of course and method of delivery, number of hours credited, date of completion, and program identification number.

4. Maintenance of records. The provider of an approved program shall maintain all records on that program, its participants, and hours awarded for a period of three years and shall make those records available to the board upon request.

5. Monitoring of programs. The board shall periodically review and monitor programs. The provider of a CE program shall waive registration fees for a representative of the board for that purpose.

6. Changes in programs or providers. Any changes in the information previously provided about an approved program or provider must be submitted or the board may withdraw its approval.

PART III. PHARMACIES.

§ 3.1. Pharmacy permits generally.

A. A pharmacy permit shall not be issued to a pharmacist to be simultaneously in charge of more than one pharmacy.

B. The pharmacist-in-charge or the pharmacist on duty shall control all aspects of the practice of pharmacy. Any decision overriding such control of the pharmacist-in-charge or other pharmacist on duty by nonpharmacist personnel shall be deemed the practice of pharmacy.

C. When the pharmacist-in-charge ceases practice at a pharmacy; ~~an application for a new pharmacy permit shall be filed within 10 days or no longer wishes to be designated as pharmacist-in-charge, he shall take a complete and accurate inventory of all Schedule II through V controlled substances on hand and shall immediately return the pharmacy permit to the board.~~

D. An application for a permit designating the new pharmacist-in-charge shall be filed with the required fee within 14 days on a form provided by the board. Pursuant to §§ 54.1-111 1 and 54.1-3434 of the Code of Virginia, it shall be unlawful for a pharmacy to operate without a new permit past the 14-day deadline.

§ 3.2. Special or limited-use pharmacy permits.

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For good cause shown, the board may issue a special or limited-use pharmacy permit, when the scope, degree or type of pharmacy practice or service to be provided is of a special, limited or unusual nature as compared to a regular pharmacy service. The permit to be issued shall be based on special conditions of use requested by the applicant and imposed by the board in cases where certain requirements of regulations may be waived. The following conditions shall apply:

1. *The application shall list the regulatory requirements for which a waiver is requested and a brief explanation as to why each requirement should not apply to that practice.*

1. 2. A policy and procedure manual detailing the type and method of operation, hours of operation, and method of documentation of continuing pharmacist control must accompany the application.

2. 3. The issuance and continuation of such permits shall be subject to continuing compliance with the conditions set forth by the board.

§ 3.3. Pharmacies going out of business.

A. At least 30 days prior to the closing date, the board shall be notified by the pharmacist-in-charge or owner. The disposition of all Schedule II through VI drugs shall be reported to the board. If the pharmacy drug stock is to be transferred to another licensee, the pharmacist-in-charge or owner shall inform the board of the name and address of the licensee to whom the drugs are being transferred and the date of transfer.

B. Exceptions to the 30-day public notice as required in § 54.1-3434.01 of the Code of Virginia and the notice required in § 3.3 A of these regulations shall be sudden closing due to fire, destruction, natural disaster, death, property seizure, eviction, bankruptcy, or other emergency circumstances as approved by the board.

C. In the event of an exception to the 30-day notice as required in § 54.1-3434.01 of the Code of Virginia and in § 3.3 A of these regulations, the pharmacist-in-charge shall provide notice as far in advance of closing as allowed by the circumstances.

§ 3.4. New pharmacies and changes to existing pharmacies .

A. **Inspection and notice required for new pharmacies**
Any person wishing to open a new pharmacy, change the location of an existing pharmacy, or move the location or make structural changes to an existing prescription department shall file an application with the board .

B. *The proposed location or structural changes shall be inspected by an authorized agent of the board prior to issuance of a permit.*

1. ~~The proposed location of a pharmacy practice area shall be inspected by an agent of the board prior to the issuance of a permit.~~

2. 1. Pharmacy permit applications which indicate a requested inspection date, or requests which are received after the application is filed, shall be honored provided a 14-day notice is allowed prior to the requested inspection date.

3. 2. Requested inspection dates which do not allow a 14-day notice to the board may be adjusted by the board to provide 14 days for the scheduling of the inspection.

B. 3. At the time of the inspection, the dispensing area shall comply with §§ 3.5, 3.6, 3.7, 3.8, and ~~3.10~~ 3.9 of these regulations.

C. *Upon completion of the inspection, the executive director of the board shall review the findings of the inspection. Drugs shall not be stocked within the proposed pharmacy or moved to a new location until adequate safeguards against diversion have been provided and approved by approval is granted or the permit is issued by the executive director of the board or its authorized agent his designee .*

§ 3.5. Physical standards for all pharmacies.

A. Space requirements.

~~The area which is to be used for the storage, compounding, and preparation of prescriptions for Schedule II through VI drugs prescription department shall not be less than 240 square feet. The patient waiting area or the area used for devices, cosmetics, and proprietary medicines shall not be considered a part of the minimum 240 square feet. The total area shall be consistent with the size and scope of the services provided.~~

B. Access to dispensing area prescription department .

~~Access to stock rooms, rest rooms, and other areas other than an office that is exclusively used by the pharmacist shall not be through the dispensing area or drug storage area prescription department. A rest room in the prescription department, used exclusively by pharmacists and personnel assisting with dispensing functions, may be allowed provided there is another rest room outside the prescription department available to other employees and the public. This subsection shall not apply to dispensing areas which are established prescription departments in existence prior to the effective date of this regulation.~~

C. The pharmacy shall be constructed of permanent and secure materials. Trailers or other moveable facilities or temporary construction shall not be permitted.

D. The entire area of the location of the pharmacy practice, including all areas where drugs are stored shall

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be well lighted and well ventilated; the proper storage temperature shall be maintained to meet U.S.P.-N.F. specifications for drug storage.

E. The *prescription department* counter work space shall be used only for the compounding and dispensing of drugs and necessary record keeping.

F. A sink with hot and cold running water shall be within the ~~immediate compounding and dispensing area~~ *prescription department*.

G. Adequate refrigeration facilities *equipped with a monitoring thermometer* for the storage of drugs requiring cold storage temperature shall be maintained within the ~~compounding and dispensing area~~ *prescription department, if the pharmacy stocks such drugs*.

§ 3.6. Sanitary conditions.

A. The entire area of any place bearing the name of a pharmacy shall be maintained in a clean and sanitary manner and in good repair and order.

B. The ~~dispensing area~~ *prescription department* and work counter space and equipment in the dispensing area shall be maintained in a clean and orderly manner.

C. Adequate trash disposal facilities and receptacles shall be available.

§ 3.7. Required minimum equipment.

The pharmacist-in-charge shall be responsible for maintaining the following equipment:

1. A current copy of the United States Pharmacopeia Dispensing Information Reference Book.
2. A set of Prescription Balances, sensitive to 15 milligrams, and weights.
- ~~3. A refrigerator with a monitoring thermometer.~~
4. 3. A copy of the current Virginia Drug Control Act and board regulations.
5. 4. A current copy of the Virginia Voluntary Formulary.
6. 5. A laminar flow hood for pharmacies engaging in the compounding of sterile product(s).
6. *Other equipment, supplies, and references consistent with the pharmacy's scope of practice and with the public safety.*

§ 3.8. Safeguards against diversion of drugs *Security system*.

A device for the detection of breaking shall be installed

in each dispensing and drug storage area *prescription department* of each pharmacy. The installation and the device shall be based on accepted burglar alarm industry standards, and shall be subject to the following conditions:

1. The device shall be a sound, microwave, photoelectric, ultrasonic, or any other generally accepted and suitable device.

2. The device shall be maintained in operating order *and shall have an auxiliary source of power*.

3. The device shall fully protect the ~~immediate drug compounding, dispensing and storage areas~~ *prescription department* and shall be capable of detecting breaking by any means ~~whatsoever~~ in the area ~~when the pharmacy or other business in which the pharmacy is located is closed~~ *when activated*.

~~4. The alarm system must have an auxiliary source of power.~~

4. Access to the alarm system in the prescription department area of the pharmacy shall be restricted to the pharmacists working at the pharmacy, and the system shall be activated whenever those areas are closed for business.

5. This regulation shall not apply to pharmacies which have been granted a permit prior to the effective date of this regulation provided *that a previously approved security alarm system is in place, that no structural changes are made in the prescription department, that no changes are made in the security system, that the prescription department is not closed while the rest of the business remains open, and provided further that a breaking and loss of drugs does not occur.*

6. If the prescription department was located in a business with extended hours prior to the effective date of these regulations and had met the special security requirements by having a floor to ceiling enclosure, a separately activated alarm system shall not be required.

7. This section shall not apply to pharmacies which are open and staffed by pharmacists 24 hours a day. If the pharmacy changes its hours or if it must be closed for any reason, the pharmacist-in-charge must immediately notify the board and have installed within 72 hours a security system which meets the requirements of subdivisions 1 through 4 of this section.

§ 3.9. Special security requirements.

A. If the compounding and dispensing area is to be closed while the remainder of the pharmacy or business in which the dispensing area is located is open for the conduct of business, an alarm system shall be installed in

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the dispensing area and be subject to the following requirements:

1. The alarm system is activated and operated separately from any other alarm system in the pharmacy of the business in which the dispensing area is located.

2. The alarm system will detect breaking in the dispensing area when it is closed.

3. The alarm system is controlled only by the pharmacist.

B. An emergency key or access code to the system shall be maintained as set forth in § 3-10 of these regulations.

C. If the dispensing and drug storage area is enclosed from floor to ceiling, the separately activated alarm system referred to in this regulation shall not be required.

§ 3-10. § 3.9. Dispensing area Prescription department enclosures.

A. The drug dispensing and drug storage areas prescription departments of each pharmacy shall be provided with enclosures subject to the following conditions:

1. The enclosure shall be constructed in such a manner that it protects the controlled drug stock from unauthorized entry and from pilferage at all times whether or not a pharmacist is on duty.

2. The enclosure shall be of sufficient height as to prevent anyone from reaching over to gain access to the drugs.

3. Entrances to the enclosed area must have a door which extends from the floor and which is at least as high as the adjacent counters or adjoining partitions.

4. Doors to the area must have locking devices which will prevent entry in the absence of the pharmacist.

B. The door keys and alarm access code to the dispensing areas shall be subject to the following requirements:

1. Only pharmacists practicing at the pharmacy and authorized by the pharmacist-in-charge shall be in possession of any keys to the locking device on the door to such enclosure.

2. The pharmacist may place a key or the access code in a sealed envelope or other container which contains a seal and a signature placed by the pharmacist on the envelope or container with the pharmacist's signature across the seal in a safe or vault within the pharmacy or other secured place. This key or code shall only be used to allow entrance

to the prescription department by other pharmacists.

3. The key may be used to allow emergency entrance to the dispensing area by other pharmacists.

C. Restricted access to the dispensing area prescription department .

The prescription drug compounding and dispensing area department is restricted to pharmacists, externes, and internes who are practicing at the pharmacy. Clerical assistants and other persons designated by the pharmacist may be allowed access by the pharmacist but only during the hours the pharmacist is on duty.

§ 3-11. § 3.10. Drugs outside of dispensing area Storage of drugs, devices, and controlled paraphernalia .

Any Schedule II through VI drug not stored within the prescription compounding and dispensing area and kept for stock replenishing shall be secured and access to it shall be restricted to the pharmacist and persons authorized by the pharmacist.

§ 3-12. A. Prescriptions awaiting delivery.

Prescriptions prepared for delivery to the patient may be placed in a secure place outside of the compounding and dispensing area prescription department and access to the prescriptions restricted by the pharmacist to designated clerical assistants. With the permission of the pharmacist, the prepared prescriptions may be transferred to the patient whether or not at a time when the pharmacist is not on duty.

§ 3-13. B. Dispersion of Schedule II drugs.

Schedule II drugs may shall either be dispersed with other schedules of drugs or shall be maintained within a locked cabinet, drawer, or safe.

§ 3-14. C. Safeguards for controlled paraphernalia.

Controlled paraphernalia shall not be placed on open display or in an area completely removed from the drug compounding and dispensing area prescription department whereby patrons will have free access to such items or where the pharmacist cannot exercise reasonable supervision and control.

§ 3-15. D. Expired drugs; security.

Any drug which has exceeded the expiration date shall not be dispensed or sold; it shall be separated from the stock used for dispensing and may be . Expired prescription drugs shall be maintained in a designated area with the unexpired stock prior to the disposal of the expired drug within the prescription department until proper disposal .

§ 3-16. § 3.11. Destruction Disposal of Schedule II through

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V drugs in by pharmacies.

If a pharmacist-in-charge wishes to ~~destroy~~ dispose of unwanted Schedule II through V drugs kept for dispensing, in lieu of returning the drugs to the Drug Enforcement Administration (DEA), he shall use one of the the following procedures for the drug destruction :

1. Return the drugs to the Drug Enforcement Administration (DEA) by delivery to the nearest DEA office; or

2. Transfer the drugs to another person or entity authorized to possess Schedule II through V drugs; or

3. Destroy the drugs according to the following procedures:

1. a. At least 14 days prior to the destruction date, the pharmacist-in-charge shall provide a written notice to the board office; the notice shall state the following:

a. (1) Date, time, and manner of , and place of destruction.

b. (2) The names of the pharmacists who will witness the destruction process.

2. b. If the destruction date is to be changed or the destruction does not occur, a new notice must shall be provided to the board office as set forth above in this subsection.

3. c. The DEA Drug Destruction Form No. 41 must be used to make a record of all drugs to be destroyed. The actual destruction shall be witnessed by the pharmacist-in-charge and another pharmacist not employed by the pharmacy.

4. d. The drugs must shall be destroyed in accordance with all applicable local, state and federal laws and regulations by burning in an incinerator ; an alternate method of flushing may be used if incineration is not possible and if permitted by the municipality or by other methods approved in advance by the board .

5. e. The actual destruction shall be witnessed by the pharmacist-in-charge and another pharmacist not employed by the pharmacy. The DEA drug destruction form shall be used to make a record of all drugs to be destroyed.

6. f. Each form shall show the following information:

a. (1) Legible signatures and license numbers of the pharmacist-in-charge and the witnessing pharmacist;

b. (2) The license numbers of the pharmacists

destroying the drugs; and The method of destruction; and

e. (3) The date of the destruction.

7. g. At the conclusion of the destruction of the drug stock:

a. (1) ~~Two~~ Three copies of the completed destruction form shall be sent to Drug Enforcement Administration, Washington Field Division, Room 2558, 400 - 6th Street S.W., Washington, D.C. 20024, Attn: Diversion Control Group.

b. (2) A copy of the completed destruction form shall be sent to the office of the board.

e. (3) A copy of the completed destruction form shall be retained with the pharmacy inventory records.

PART IV. NUCLEAR PHARMACIES.

§ 4.1. General requirements for pharmacies providing radiopharmaceutical services.

A. A permit to operate a pharmacy providing radiopharmaceutical services shall be issued only to a qualified nuclear pharmacist. In emergency situations, in the pharmacist's absence, he may designate one or more other qualified pharmacists to have access to the licensed area. These individuals may obtain single doses of radiopharmaceuticals for the immediate emergency and shall document such withdrawals in the control system.

B. Pharmacies providing ordinary pharmacy services in addition to radiopharmaceutical services shall comply with all regulations applicable to pharmacies in general. Pharmacies providing only radiopharmaceutical services shall comply with all regulations related to physical standards, sanitary conditions and security.

C. The nuclear pharmacy area shall be separate from the pharmacy areas for nonradioactive drugs and shall be secured from unauthorized personnel. All pharmacies handling radiopharmaceuticals shall provide a radioactive storage and product decay area, occupying at least 25 square feet of space, separate from and exclusive of the hot laboratory, compounding, dispensing, quality assurance and office area.

D. A prescription order for a radiopharmaceutical shall be dispensed in a unit-dose package. A pharmacy may furnish the radiopharmaceuticals for office use only to practitioners for an individual patient except for the occasional transfer to a pharmacist.

E. In addition to any labeling requirements of the board for nonradioactive drugs, the immediate outside container of a radioactive drug to be dispensed shall also be labeled

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with: (i) the standard radiation symbol; (ii) the words "Caution—Radioactive Material"; (iii) the name of the radionuclide; (iv) the chemical form; (v) the amount of radioactive material contained, in millicuries or microcuries; (vi) if a liquid, the volume in milliliters; (vii) the requested calibration time for the amount of radioactivity contained; and (viii) the practitioner's name and the assigned lot number.

F. The immediate inner container shall be labeled with: (i) the standard radiation symbol; (ii) the words "Caution—Radioactive Material"; and (iii) the prescription number.

G. The amount of radioactivity shall be determined by radiometric methods for each individual dose immediately prior to dispensing.

H. Nuclear pharmacies may redistribute approved radioactive drugs if the pharmacy does not process the radioactive drugs in any manner nor violate the product packaging.

§ 4.2. Qualification as a nuclear pharmacist.

In order to practice as a nuclear pharmacist, a pharmacist shall possess the following qualifications:

1. Meet Nuclear Regulatory Commission standards of training for medically used or radioactive by-product material.
2. Have received a minimum of ~~90~~ 200 contact hours of didactic instruction in nuclear pharmacy.
3. Attain a minimum of ~~160~~ 500 hours of clinical nuclear pharmacy training under the supervision of a qualified nuclear pharmacist in a nuclear pharmacy providing nuclear pharmacy services, or in a structured clinical nuclear pharmacy training program in an approved college of pharmacy.
4. Submit an affidavit of experience and training to the board.

PART V. DRUG INVENTORY AND RECORDS.

§ 5.1. Manner of maintaining records, prescriptions, inventory records.

A. Each pharmacy shall maintain the inventories and records of drugs as follows:

1. Inventories and records of all drugs listed in Schedules I and II shall be maintained separately from all other records of the pharmacy.
2. Inventories and records of drugs listed in Schedules III, IV, and V may be maintained separately or with records of Schedule VI drugs but shall not be maintained with other records of the pharmacy.

3. Location of records. All records of Schedule II through V drugs shall be maintained at the same location as the stock of drugs to which the records pertain or retrieved and made available for inspection or audit by authorized agents within 72 hours.

4. Inventory after drug theft. In the event that an inventory is taken as the result of a theft of drugs pursuant to § 54.1-3404 of the Drug Control Act, the inventory shall be used as the opening inventory within the current biennial period. Such an inventory does not preclude the taking of the required inventory on the required biennial inventory date.

5. All records required by this section shall be filed chronologically.

B. Prescriptions.

1. A hard copy prescription shall be placed on file for every initial prescription dispensed and be maintained for two years from the date of last refill. All prescriptions shall be filed chronologically by date of initial dispensing.

1- 2. Schedule II drugs. Prescriptions for Schedule II drugs shall be maintained in a separate prescription file.

2- 3. Schedule III through V drugs. Prescriptions for Schedule III through V drugs shall be maintained either in a separate prescription file for drugs listed in Schedules III, IV, and V only or in such form that they are readily retrievable from the other prescriptions of the pharmacy. Prescriptions will be deemed readily retrievable if, at the time they are initially filed, the face of the prescription is stamped in red ink in the lower right corner with the letter "C" no less than one inch high and filed in the prescription file for drugs listed in the usual consecutively numbered prescription file for Schedule VI drugs.

§ 5.2. Automated data processing records of prescriptions.

A. An automated data processing system may be used for the storage and retrieval of original and refill dispensing information for prescriptions instead of manual record keeping requirements, subject to the following conditions:

1. A hard copy prescription shall be placed on file as set forth in § 5.1 B.

1- 2. Any computerized system shall provide retrieval (via CRT computer monitor display or printout) of original prescription information for those prescriptions which are currently authorized for dispensing.

2- 3. Any computerized system shall also provide retrieval via CRT computer monitor display or

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printout of the dispensing history for prescriptions dispensed during the past two years.

3. 4. Documentation of the fact that the refill information entered into the computer each time a pharmacist refills an original fills a prescription for a drug is correct shall be provided by the individual pharmacist who makes use of such system. If the system provides a printout of each day's prescription dispensing data, the printout shall be verified, dated and signed by the individual pharmacist who dispensed the prescription. The individual pharmacist shall verify that the data indicated is correct and then sign the document in the same manner as he would sign a check or legal document *his name appears on his pharmacist license* (e.g., J.H. Smith or John H. Smith).

In place of such printout, the pharmacy shall maintain a bound log book, or separate file, in which each individual pharmacist involved in dispensing shall sign a statement each day, in the manner previously described, attesting to the fact that the dispensing information entered into the computer that day has been reviewed by him and is correct as shown.

B. Printout of dispensing data requirements.

Any computerized system shall have the capability of reducing a printout of any dispensing data which the user pharmacy is responsible for maintaining under the Drug Control Act.

§ 5.3. Pharmacy repackaging of drug; records required.

A. Records required.

Pharmacies in which bulk reconstitution of injectables, bulk compounding or the prepackaging of drugs is performed shall maintain adequate control records for a period of one year or until the expiration, whichever is greater. The records shall show the name of the drug(s) used, strength, if any, quantity prepared, initials of the pharmacist supervising the process, *the assigned control number, or the manufacturer's or distributor's name, and control number or the assigned number*, and an expiration date.

B. Expiration date. Labeling requirements.

The drug name, strength, if any, the *assigned control number, or the manufacturer's or distributor's name and control number or assigned control number*, and an appropriate expiration date shall appear on any subsequently repackaged or reconstituted units as follows:

1. If U.S.P.-N.F. Class B or better packaging material is used for oral unit dose packages, an expiration date not to exceed six months or the expiration date shown on the original manufacturing bulk container, whichever is less, shall appear on the repackaged or

reconstituted units.

2. If it can be documented that the repackaged unit has a stability greater than six months, an appropriate expiration date may be assigned.

3. If U.S.P.-N.F. Class C or less packaging material is used for oral, solid medication, an expiration date not to exceed 30 days shall appear on the repackaged or reconstituted units.

PART VI. PRESCRIPTION ORDER AND DISPENSING STANDARDS.

§ 6.1. Distribution of a prescription device.

Any person, except those persons who are registered under the provisions of § 54.1-3434 of the Drug Control Act, who sells or distributes a Schedule VI device which under the applicable federal or state law may be sold, dispensed, or distributed only by or on the order of prescription of a practitioner, shall maintain every such prescription or order on file for two years.

§ 6.1. Dispensing of prescriptions; acts restricted to pharmacists.

A. The following acts shall be performed by a pharmacist, or by a student externe or pharmacy interne, provided a method for direct monitoring by the pharmacist of such acts of the externe or interne is provided:

1. The accepting of an oral prescription from a practitioner or his authorized agent and the reducing of such oral prescription to writing.

2. The personal supervision of the compounding of extemporaneous preparations.

3. The conducting of a prospective drug review as required by § 54.1-3319 of the Code of Virginia prior to the dispensing or refilling of any prescription and the integration of any information maintained in a patient medication profile.

4. The counseling of any person presenting a new prescription as required by § 54.1-3319 of the Code of Virginia, any counseling related to refilling a prescription, and the providing of drug information to the public or to a practitioner.

5. The communication with the practitioner regarding any changes in a prescription, substitution of the drug prescribed, refill authorizations, drug therapy, or patient information.

6. The direct supervision of those persons assisting the pharmacist in the prescription department under the following conditions:

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a. Only one person who is not a pharmacist may be present in the prescription department at any given time with each pharmacist for the purpose of assisting the pharmacist in preparing and packaging of prescriptions.

b. In addition to the person authorized in subdivision 6 a of this subsection, personnel authorized by the pharmacist may be present in the prescription department for the purpose of performing clerical functions, to include data entry of prescription and patient information into a computer system or a manual patient profile system.

B. Certification of completed prescription.

After the prescription has been prepared and prior to the delivery of the order, the pharmacist shall inspect the prescription product to verify its accuracy in all respects, and place his initials on the record of dispensing as a certification of the accuracy of, and the responsibility for, the entire transaction.

C. If a pharmacist declines to fill a prescription for any reason other than the unavailability of the drug prescribed, he shall record on the back of the prescription the word "declined"; the name, address, and telephone number of the pharmacy; the date filling of the prescription was declined; and the signature of the pharmacist.

§ 6.2. Transmission of a prescription order by facsimile machine.

Prescription orders for Schedule VI drugs may be transmitted to pharmacies by facsimile device (FAX) upon the following conditions:

1. The transmission shall occur only with permission of the patient.
2. A valid faxed prescription must contain all required information for a written prescription, including the prescriber's signature.
3. A faxed prescription shall be valid only if faxed from the prescriber's practice location and only if the following additional information is recorded on the prescription prior to faxing:
 - a. Documentation that the prescription has been faxed;
 - b. The date that the prescription was faxed;
 - c. The printed name, address, phone number, and fax number of the authorized prescriber and the pharmacy to which the prescription was faxed; and
 - d. The institution, if applicable, from which the

prescription was faxed, including address, phone number and fax number.

4. If the faxed prescription is of such quality that the print will fade and not remain legible for the required retention period, the receiving pharmacist shall photocopy the faxed prescription on paper of permanent quality.

§ 6.3. Dispensing of Schedule II drugs.

A. A prescription for a Schedule II drug shall be dispensed in good faith but in no case shall it be dispensed more than six months after the date on which the prescription was issued.

B. A prescription for a Schedule II drug shall not be refilled except as authorized under the conditions for partial dispensing as set forth in § 6.5.

§ 6.4. Emergency prescriptions for Schedule II drugs.

In case of an emergency situation, a pharmacist may dispense a drug listed in Schedule II upon receiving oral authorization of a prescribing practitioner, provided that:

1. The quantity prescribed and dispensed is limited to the amount adequate to treat the patient during the emergency period;
2. The prescription shall be immediately reduced to writing by the pharmacist and shall contain all information required in § 54.1-3410 of the Drug Control Act, except for the signature of the prescribing practitioner;
3. If the pharmacist does not know the practitioner, he shall make a reasonable effort to determine that the oral authorization came from a practitioner using his phone number as listed in the telephone directory or other good-faith efforts to ensure his identity; and
4. Within 72 hours after authorizing an emergency oral prescription, the prescribing practitioner shall cause a written prescription for the emergency quantity prescribed to be delivered to the dispensing pharmacist. In addition to conforming to the requirements of § 54.1-3410 of the Drug Control Act, the prescription shall have written on its face "Authorization for Emergency Dispensing" and the date of the oral order. The written prescription may be delivered to the pharmacist in person or by mail, but if delivered by mail, it must be postmarked within the 72-hour period. Upon receipt, the dispensing pharmacist shall attach this prescription to the oral emergency prescription which had earlier been reduced to writing. The pharmacist shall notify the nearest office of the Drug Enforcement Administration and the board if the prescribing practitioner fails to deliver a written prescription to him. Failure of the pharmacist to do so shall void the authority conferred

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by this paragraph to dispense without a written prescription of a prescribing practitioner.

§ 6.2. § 6.5. Partial dispensing of Schedule II prescriptions.

A. The partial filling of a prescription for a drug listed in Schedule II is permissible if the pharmacist is unable to supply the full quantity called for in a written or emergency oral prescription, and he makes a notation of the quantity supplied on the face of the written prescription. The remaining portion of the prescription may be dispensed within 72 hours of the first partial dispensing; however, if the remaining portion is not or cannot be dispensed within the 72-hour period, the pharmacist shall so notify the prescribing practitioner. No further quantity may be supplied beyond 72 hours without a new prescription.

B. Prescriptions for Schedule II drugs written for patients in ~~nursing homes~~ long-term care facilities may be dispensed in partial quantities, to include individual dosage units. For each partial dispensing, the dispensing pharmacist shall record on the back of the prescription (or on another appropriate record, uniformly maintained and readily retrievable) the date of the partial dispensing, quantity dispensed, remaining quantity authorized to be dispensed, and the identification of the dispensing pharmacist. The total quantity of Schedule II drugs in all partial dispensing shall not exceed the total quantity prescribed. Schedule II prescriptions shall be valid for a period not to exceed 60 days from the issue date unless sooner terminated by the discontinuance of the drug.

C. Information pertaining to current Schedule II prescriptions for patients in a nursing home may be maintained in a computerized system if this system has the capability to permit:

1. Output (display or printout) of the original prescription number, date of issue, identification of prescribing practitioner, identification of patient, identification of the nursing home, identification of drug authorized (to include dosage form, strength, and quantity), listing of partial dispensing under each prescription and the information required in subsection B of this section.

2. Immediate (real time) updating of the prescription record each time a partial dispensing of the prescription is conducted.

D. *Partial filling of Schedule II prescriptions for terminally ill patients.*

A prescription for a Schedule II drug may be filled in partial quantities to include individual dosage units for a patient with a medical diagnosis documenting a terminal illness under the following conditions:

1. *The practitioner shall classify the patient as terminally ill, and the pharmacist shall verify and*

record such notation on the prescription.

2. *On each partial filling, the pharmacist shall record the date, quantity dispensed, remaining quantity authorized to be dispensed, and the identity of the dispensing pharmacist.*

3. *Prior to the subsequent partial filling, the pharmacist shall determine that it is necessary. The total quantity of Schedule II drugs dispensed in all partial fillings shall not exceed the total quantity prescribed.*

4. *Schedule II prescriptions for terminally ill patients may be partially filled for a period not to exceed 60 days from the issue date unless terminated sooner.*

5. *Information pertaining to partial filling may be maintained in a computerized system under the conditions set forth in § 6.5 C.*

§ 6.4. Dispensing of prescriptions; acts restricted to pharmacists.

A. The following acts shall be performed by a pharmacist, or by a student externe or pharmacy interne, provided a method for monitoring such acts of the externe or interne is provided:

1. The accepting of an oral prescription from a practitioner and the reducing of such oral prescription to writing.

2. The personal supervision of the compounding of extemporaneous preparations.

3. The providing of drug information, including notice of changes or substitution of medication, to practitioners and to the patients.

4. The interpretation of the information contained in medication profile records.

B. Persons assisting pharmacist.

The following shall apply to persons present in the compounding and dispensing area:

1. Only one person who is not a pharmacist may be present in the immediate compounding and dispensing area at any given time with each pharmacist for the purpose of assisting the pharmacist in preparing and packaging of prescriptions.

2. In addition to the person authorized in subdivision 1 of this subsection personnel authorized by the pharmacist may be present in the immediate compounding and dispensing area for the purpose of performing clerical functions.

C. Certification of completed prescription.

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After the prescription has been prepared and prior to the delivery of the order, the pharmacist shall inspect the prescription product to verify its accuracy in all respects, and place his initials on the record of dispensing as a certification of the accuracy of, and the responsibility for, the entire transaction.

§ 6.5: § 6.6. Refilling of Schedule III through VI prescriptions.

A. Schedule II drugs:

A prescription for a Schedule II drug shall not be refilled.

B. Schedule III through V drugs:

A. Refilling of Schedule III, IV, and V drugs.

A prescription for a drug listed in Schedule III, IV, or V shall not be dispensed or refilled more than six months after the date on which such prescription was issued, and no such prescription authorized to be filled may be refilled more than five times.

1. Each refilling of a prescription shall be entered on the back of the prescription, initialed and dated by the pharmacist as of the date of dispensing. If the pharmacist merely initials and dates the prescription, it shall be presumed that the entire quantity ordered was dispensed.

2. Partial dispensing of prescriptions: The partial dispensing of a prescription for a drug listed in Schedule III, IV, or V is permissible, provided that:

a. Each partial dispensing is recorded in the same manner as a refilling;

b. The total quantity of drug dispensed in all partial dispensing does not exceed the total quantity prescribed; and

c. No dispensing occurs after six months after the date on which the prescription order was issued.

C. B. Refilling of Schedule VI drugs.

1. A prescription for a drug listed in Schedule IV shall be refilled only as expressly authorized by the practitioner. If no such authorization is given, the prescription shall not be refilled.

2. A prescription for a Schedule VI drug or device shall not be dispensed or refilled if the prescription is more than two years old after the date on which it was issued. In instances where the drug or device is to be continued, authorization shall be obtained from the prescriber and a new prescription shall be filed.

D. C. As an alternative to all manual record-keeping

requirements provided for in subsections A ; and B and C of this section, an automated data processing system as provided in § 5.2 may be used for the storage and retrieval of dispensing information for prescription for drugs dispensed.

D. Authorized refills of all prescription drugs may only be dispensed in reasonable conformity with the directions for use as indicated by the practitioner; if directions have not been provided, then any authorized refills may only be dispensed in reasonable conformity with the recommended dosage and with the exercise of sound professional judgment.

PART VII. LABELING AND PACKAGING STANDARDS FOR PRESCRIPTIONS.

§ 7.1. Labeling of prescription as to content and quantity.

Unless otherwise directed by the prescribing practitioner, any drug dispensed pursuant to a prescription shall bear on the label of the container, in addition to other requirements, the following information:

1. The drug name and strength, when applicable ; :

a. If a trade name drug is dispensed, the trade name of the drug or the generic name of the drug.

b. If a generic drug is dispensed in place of a trade name drug, in addition to the requirements of § 32.1-87 A of the Code of Virginia, one of the following methods shall be used:

(1) The generic name, or

(2) A name for the product dispensed which appears on the generic manufacturer's label ; , or

(3) The generic name followed by the words "generic for" followed by the trade name of the drug for which the generic drug is substituted.

2. The number of dosage units, or if liquid, the number of milliliters dispensed.

§ 7.2. Packaging standards for dispensed prescriptions.

A. A drug shall be dispensed only in packaging approved by the current U.S.P.-N.F. for that drug. In the absence of such packaging standard for that drug, it shall be dispensed in a well-closed container.

B. Drugs may be dispensed in compliance packaging for self-administration when requested by the patient or for use in hospitals or long-term care facilities provided that such packaging meets all current U.S.P.-N.F. standards for packaging, labeling and record keeping.

§ 7.3. Special packaging.

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A. Each drug dispensed to a person in a household shall be dispensed in special packaging except when otherwise directed in a prescription by a practitioner, when otherwise requested by the purchaser, or when such drug is exempted from such requirements promulgated pursuant to the Poison Prevention Packaging Act of 1970.

B. Each pharmacy may have a sign posted near the ~~compounding and dispensing area~~ *prescription department* advising the patients that nonspecial packaging may be requested.

C. *If nonspecial packaging is requested, documentation of such request shall be maintained for two years from the date of dispensing.*

PART VIII. STANDARDS FOR PRESCRIPTION TRANSACTIONS.

§ 8.1. Issuing a copy of a prescription that can be refilled.

A. A copy of a prescription for a drug which pursuant to § 54.1-3411 of the Code of Virginia, can be refilled at the time the copy is issued shall be given upon request to another pharmacist.

B. The transfer of original prescription information for a drug listed in Schedules III through VI for the purpose of refill dispensing is permissible between pharmacies if the transfer is communicated directly between two pharmacists, and the transferring pharmacist records the following information:

1. Records the word "VOID" on the face of the invalidated prescription;
2. Records on the reverse of the invalidated prescription the name, address, and the Drug Enforcement Administration (DEA), registry number of the pharmacy to which it was transferred, except for a prescription for a Schedule VI drug, and the name of the pharmacist receiving the prescription information; and
3. Records the date of the transfer and the name of the pharmacist transferring the information.

C. The pharmacist receiving the transferred prescription information shall reduce to writing the following:

1. Write the word "TRANSFER" on the face of the transferred prescription.
2. Provide all information required to be on a prescription and include:
 - a. Date of issuance of original prescription;
 - b. Original number of refills authorized on the original prescription;

c. Date of original dispensing;

d. Number of valid refills remaining and date of last refill;

e. Pharmacy name, address, DEA registry number except for Schedule VI prescriptions, and original prescription number from which the prescription information was transferred; and

f. Name of transferring pharmacist.

3. Both the original and transferred prescription shall be maintained for a period of two years from the date of last refill.

D. Nothing in this regulation shall prevent the giving of a prescription marked "For Information Only" to a patient.

E. Pharmacists may use computer systems in lieu of recording on the hard copy prescription provided that the system used clearly meets all requirements of § 8.1 B and C while retaining all previous dispensing information.

§ 8.2. Issuing a copy of a prescription that cannot be refilled.

A. A copy of a prescription for a drug which, pursuant to § 54.1-3411 of the Drug Control Act, cannot be refilled at the time the copy is issued, shall be given on request of a patient but such copy shall be marked with the statement "FOR INFORMATION ONLY," the patient's name and address, the date of the original prescription, and the date the copy was given.

B. A copy marked in this manner is not a prescription, as defined in § 54.1-3400 of the Drug Control Act, and shall not be refilled.

C. The original prescription shall indicate that a copy has been issued, to whom it was issued, and the issuing date.

§ 8.3. Confidentiality of patient information.

A pharmacist shall not exhibit, dispense, or reveal any prescription or discuss the therapeutic effects thereof, or the nature or extent of, or the degree of illness suffered by or treatment rendered to, any patient served by the pharmacist with any person other than the patient or his authorized representative, the prescriber, or other licensed practitioner caring for this patient, or a person duly authorized by law to receive such information.

§ 8.4. Kickbacks, fee-splitting, interference with supplier.

A. A pharmacist shall not solicit or foster prescription practice by ~~secret agreement~~ with a prescriber of drugs or any other person providing for rebates, "kickbacks," fee-splitting, or special charges in exchange for prescription orders *unless fully disclosed in writing to the*

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patient and any third party payor .

B. A pharmacist shall not interfere with the patient's right to choose his supplier of medication or cooperate with any person or persons in denying a patient the opportunity to select his supplier of prescribed medications.

§ 8.5. Returning of drugs and devices.

Drugs or devices shall not be accepted for return or exchange by any pharmacist or pharmacy for resale after such drugs and devices have been taken from the premises where sold, distributed, or dispensed unless such drug or devices are in the manufacturer's original sealed containers or in unit-dose container which meets the U.S.P.-N.F. Class A or Class B container requirement.

§ 8.6. Permitted physician licensed by the board.

Permitted physicians licensed by the board to dispense drugs shall be subject to the following sections of these regulations:

§ 3.8. Safeguards against diversion of drugs: *Security system.*

§ 5.1. Manner of maintaining records, prescriptions, inventory records:

§ 6.4. Filling of prescriptions:

§ 6.5. Refilling of prescriptions:

§ 7.1. Labeling of prescriptions:

§ 7.2. Packaging standards for dispensed prescriptions:

§ 7.3. Special packaging:

§ 8.5. Returning of drugs and devices:

All of Part V. DRUG INVENTORY AND RECORDS.

All of Part VI. PRESCRIPTION ORDER AND DISPENSING STANDARDS.

All of Part VII. LABELING AND PACKAGING STANDARDS FOR PRESCRIPTIONS.

All of Part VIII. STANDARDS FOR PRESCRIPTION TRANSACTIONS.

PART IX. UNIT DOSE DISPENSING SYSTEMS.

§ 9.1. Unit dose dispensing system.

A. A unit dose drug dispensing system may be utilized for the dispensing of drugs to patients in a hospital or nursing home long-term care facility . The following

requirements shall apply regardless of whether licensed or unlicensed persons administer medications :

A. If a unit dose system is utilized by a pharmacy, no more than a seven-day supply of drugs shall be dispensed at any one given time:

1. Any equipment used to house drugs to be dispensed in a unit dose system shall be fitted with a locking mechanism.

B. 2. A signed order by the prescribing practitioner shall accompany the requests for a Schedule II drug, except that a verbal order for a hospital patient for a Schedule II controlled substance may be transmitted to a licensed nurse or pharmacist employed by the hospital who will promptly reduce the order to writing in the patient's chart. Such an order shall be signed by the prescriber within 72 hours.

C. 3. Properly trained personnel may transcribe the physician's drug orders to a patient profile card, fill the medication carts, and perform other such duties related to a unit dose distribution system provided these are done under the personal supervision of a pharmacist.

D. 4. All dosages and drugs shall be labeled with the drug name, strength, lot number and expiration date when indicated.

E. 5. The patient's individual drug drawer or tray shall be labeled with the patient's name and location.

F. 6. All unit dose drugs intended for internal use shall be maintained in the patient's individual drawer or tray unless special storage conditions are necessary.

G. 7. A back-up dose of a drug of not more than one dosage dose unit may be maintained in the patient's drawer, tray, or special storage area provided that the dose is maintained in the patient's drawer, tray, or special storage area with the other drugs for that patient.

H. 8. A record shall be made and maintained within the pharmacy for a period of one year showing:

1. a. The date of filling of the drug cart;

2. b. The location of the drug cart;

3. c. The initials of person who filled the drug cart; and

4. d. The initials of the pharmacist checking and certifying the contents of the drug cart in accordance with the provisions in § 6.1 B .

I. 9. A patient profile record or medication card will be accepted as the dispensing record of the pharmacy.

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for unit dose dispensing systems only, subject to the following conditions:

1. *a.* The record of dispensing must be entered on the patient profile record or medication card at the time the drug drawer or tray is filled.

2. *b.* In the case of Schedule II through V drugs, after the patient profile record or medication card has been completed, the card must be maintained for two years.

3. *c.* In the case of the computer-based distribution system, a uniformly maintained "fill list" or other document *containing substantially the same information* may be accepted as the dispensing record for Schedule II through VI drugs. Records of disposition/administration for floor stock drugs as provided in § 10.5.B will be accepted for drugs distributed as floor stock. A separate record for Schedule VI is not required if disposition records of Schedule II through V are maintained.

B. In providing unit dose systems to hospitals or long-term care facilities where only those persons licensed to administer are administering drugs, the pharmacy shall dispense not more than a seven-day supply at any one given time.

C. In addition to the requirements listed in § 9.1 A, the following requirements apply to those long-term care facilities in which unlicensed persons administer drugs:

1. The pharmacy providing medications to such facility shall dispense no more than a 72-hour supply of the drugs at any one given time.

2. The pharmacy shall provide to persons administering medications training specific to the particular unit dose system being used.

3. The pharmacy shall provide a medication administration record to the facility listing each drug to be administered with full dosage directions to include no abbreviations.

4. The drugs in a unit dose system shall be placed in slots within a drawer labeled or coded to indicate time of administration.

PART X.

HOSPITAL PHARMACIES: PHARMACY SERVICES TO HOSPITALS.

§ 10.1. Hospital pharmacies: chart order not a prescription.

A chart order is an order for a medication to be dispensed for an inpatient in a hospital. It is not a prescription order as defined in the Drug Control Act.

§ 10.2. Standards for hospital pharmacies.

A. Hospitals not having a full-time pharmacist, but in which drugs are prepackaged or relabeled or drugs transferred from one container to another, shall obtain a pharmacy permit with a part-time pharmacist designed to perform such functions or to provide personal supervision of such functions.

B. If there is no formally organized pharmacy department, the pharmacy service shall be obtained from another hospital having such a service or from a community pharmacy. Properly labeled and prepackaged drugs may then be distributed from the storage area under the supervision and direction of the pharmacist-in-charge of the service provider.

§ 10.3. Labeling of drugs; preparation and storage of drugs.

A. Labeling.

All medications issued as floor stock shall be labeled with the name of the drug, strength, assigned lot number and expiration date when applicable. In the case of a drug order sent to a nursing unit in a multiple dose container for subsequent administration to a particular patient, the drug shall be labeled with the name and the strength of the drug and the name and the location of the patient.

B. Equipment.

There shall be adequate equipment, properly maintained, and supplies provided to ensure proper professional and administrative services as may be required for patient safety through proper storage, compounding, dispensing, distribution and administration of drugs. When sterile products are prepared in the pharmacy, the product shall be prepared by qualified personnel in the environment of a laminar flow hood.

C. Storage.

All drugs within the pharmacy and throughout the hospital shall be under the supervision of the pharmacist-in-charge. The drugs shall be stored under proper conditions of temperature, light, sanitation and security.

§ 10.1. Chart order.

A chart order for a drug to be dispensed for administration to an inpatient in a hospital shall be exempt from the requirement of including all elements of a prescription as set forth in §§ 54.1-3408 and 54.1-3410 of the Code of Virginia. A hospital pharmacy policy and procedures manual shall set forth the minimum requirements for chart orders consistent with federal and state law.

§ 10.2. Responsibilities of the pharmacist-in-charge.

A. The pharmacist-in-charge in a pharmacy located within a hospital or the pharmacist-in-charge of any

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outside pharmacy providing pharmacy services to a hospital shall be responsible for the proper storage and security of all drugs used throughout the hospital.

B. The pharmacist-in-charge of a pharmacy serving a hospital shall be responsible for a monthly review of drug therapy for each patient within the hospital for a length of stay of one month or greater. A record of such review shall be signed and dated by the pharmacist and shall include but not limited to any irregularities in drug therapy, drug interactions, drug administration, or transcription errors. All significant irregularities shall be brought to the attention of the attending practitioner or other person having authority to correct the potential problem.

~~§ 10.4.~~ § 10.3. After-hours access to the pharmacy.

When authorized by the pharmacist-in-charge, a supervisory nurse may have access to the pharmacy in the absence of the pharmacist in order to obtain emergency medication, provided that such drug is available in the manufacturer's original package or in units which have been prepared and labeled by a pharmacist and provided further that a separate record shall be made and left within the pharmacy on a form prescribed by the pharmacist-in-charge and such records are maintained within the pharmacy for a period of one year showing:

1. The date of withdrawal;
2. The patient's name;
3. The name of the drug, strength, dosage form and dose prescribed;
4. Number of doses removed; and
5. The signature of the authorized nurse.

~~§ 10.5.~~ § 10.4. Floor stock drugs.

A. Proof of delivery.

A delivery receipt shall be obtained for Schedule II through V drugs supplied as floor stock. *This record shall include the date, drug name and strength, quantity, hospital unit receiving drug and the signatures of the dispensing pharmacist and the receiving nurse.* Receipts shall be maintained in the pharmacy for a period of two years.

B. Distribution records.

A record of disposition/administration shall be used to document administration of Schedule II through V drugs when a floor stock system is used for such drugs. The record shall be returned to the pharmacy within three months of its issue. The pharmacist-in-charge or his designee shall:

1. Match returned records with delivery receipts to verify that all records are returned;

2. Periodically audit returned administration records for completeness as to patient's names, dose, date and time of administration, signature or initials of person administering the drug, and date the record is returned;

3. Verify that all additions to inventory are recorded, that all additions to and deductions from inventory are correctly calculated, that sums carried from one record to the next are correctly recorded, and periodically verify that doses documented on administration records are reflected in the medical record; *and*

4. Initial or sign the returned record, *file chronologically by date of issue*, and retain for two years from the date of return; *and*.

5. ~~Establish a system of documentation of administration of drugs in all areas where drugs are stored or administered.~~

~~C. Repackaging.~~

~~Drugs repackaged for floor stock shall comply with § 5.3.~~

~~§ 10.6.~~ § 10.6. Securing the pharmacy.

~~The pharmacy shall be locked in the absence of a pharmacist prior to, and after, routine hours of operation and shall be secured from access to other personnel except as provided in § 10.4 of these regulations.~~

~~§ 10.7.~~ § 10.5. Emergency room.

All drugs in the emergency department shall be under the control and supervision of the pharmacist-in-charge and shall be subject to the following additional requirements:

~~A:~~ 1. All drugs kept in the emergency room shall be in a secure place from which unauthorized personnel and the general public are excluded.

~~B:~~ 2. Oral orders for medications shall be reduced to writing and shall be signed by the practitioner.

~~C:~~ 3. ~~In the emergency room,~~ A medical practitioner may dispense drugs for the immediate need of his patient to his patients if in a bona fide medical emergency or when pharmaceutical services are not readily available and if permitted to do so by the hospital; the drug container and the labeling shall comply with the requirements of these regulations and the Drug Control Act.

~~D:~~ 4. A record shall be maintained of all drugs

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administered in the emergency room.

~~E.~~ 5. A separate record shall be maintained on all drugs, including drug samples, dispensed in the emergency room. The records shall be maintained for a period of two years showing:

1. ~~a.~~ Date and time dispensed;
2. ~~b.~~ Patient's name;
3. ~~c.~~ Physician's name;
4. ~~d.~~ Name of drug dispensed, strength, dosage form, quantity dispensed, and dose.

~~§ 10.9.~~ § 10.6. ~~Outpatient pharmacy permit. Pharmacy services.~~

~~A. An outpatient pharmacy of a hospital shall be operated under a separate pharmacy permit issued to a specific pharmacy-in-charge of each such operation; if the pharmacy dispensed drugs to walk-in customers who are not patients of the hospital, the outpatient pharmacies shall be governed by laws and regulations as they apply to pharmacies in general and shall be operated in a space separated from the hospital pharmacy.~~

~~B. A. An outpatient pharmacy of a hospital may be operated under the permit of the hospital pharmacy, if the drugs are dispensed only. In addition to service to inpatients, a hospital pharmacy may dispense drugs to the following:~~

1. ~~To~~ Patients who receive treatments or consultations on the premises;
2. ~~To~~ inpatients, Outpatients ; or emergency patients upon discharge for their personal use away from the hospital; and
3. ~~To~~ The hospital employees, medical staff members, or students for personal use or for the use of their dependents.

Nothing in this regulation shall prohibit a hospital pharmacy not operated under a separate outpatient pharmacy permit from providing such services or drugs, or both, as are not readily available in the community to patients who may not otherwise be served by the hospital pharmacy.

~~B. If a hospital pharmacy operates satellite pharmacies, from which drugs are dispensed to patients listed in § 10.6 A, each satellite shall designate a separate pharmacist-in-charge.~~

~~C. If a pharmacy located within a hospital dispenses drugs to patients other than those listed in § 10.6 A, the pharmacy shall obtain a separate pharmacy permit and shall operate in a space separated from the hospital~~

~~pharmacy.~~

~~§ 10.9.~~ § 10.7. Mechanical devices for dispensing drugs.

A hospital may utilize mechanical devices for the dispensing of drugs pursuant to § 54.1-3301 of the Drug Control Act, provided the utilization of such mechanical devices is under the personal supervision of the pharmacist. Such supervision shall include:

~~A. 1.~~ The packaging and labeling of drugs to be placed in the mechanical dispensing devices. Such packaging and labeling shall conform to all requirements pertaining to containers and label contents.

~~B. 2.~~ The placing of previously packaged and labeled drug units into the mechanical dispensing device.

~~C. 3.~~ The removal of the drug from the mechanical device and the final labeling of such drugs after removal from the dispensing device.

~~D. 4.~~ In the absence of a pharmacist, a person legally qualified to administer drugs may remove drugs from such mechanical device.

~~§ 10.10.~~ § 10.8. Certified emergency medical technician program.

The pharmacy may prepare a drug kit for a Certified Emergency Medical Technician Program provided:

1. The pharmacist-in-charge of the hospital shall be responsible for all controlled drugs contained in this drug kit.

2. The drug kit is sealed in such a manner that it will preclude any possibility of loss of drugs.

3. Drugs may be administered by a technician upon an oral order of an authorized medical practitioner. The oral order shall be reduced to writing by the technician and shall be signed by the physician.

4. When the drug kit has been opened, the kit shall be returned to the pharmacy and exchanged for an unopened kit. A record signed by the physician for the drugs administered shall accompany the opened kit when exchanged. An accurate record shall be maintained by the pharmacy on the exchange of the drug kit for a period of one year.

5. The record of the drugs administered shall be maintained as a part of the pharmacy records pursuant to state and federal regulations.

~~§ 10.11.~~ § 10.9. Identification for ~~interne~~ medical intern or resident prescription form in hospitals.

The prescription form for the prescribing of drugs for

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use by medical interns or residents who prescribe only in a hospital shall bear the prescriber's signature, the legibly printed name, address, and telephone number of the prescriber and an identification number assigned by the hospital. The identification number shall be the Drug Enforcement Administration number assigned to the hospital pharmacy plus a suffix assigned by the institution. The assigned number shall be valid only within the course of duties within the hospital.

PART XI. PHARMACY SERVICES TO NURSING HOMES LONG-TERM CARE FACILITIES .

§ 11.1. Drugs in nursing homes long-term care facilities .

Drugs, as defined in the Drug Control Act, shall not be floor stocked by a nursing home long-term care facility , except those in the stat drug box or emergency drug box or as provided for in § 11.5 within these regulations.

§ 11.2. Pharmacist's Pharmacy's responsibilities to nursing homes long-term care facilities .

The pharmacist pharmacy serving a nursing home a long-term care facility shall ascertain :

A: 1. That Receive a valid order exists prior to the dispensing of any drug.

2. Ensure that personnel administering the drugs are trained in using the dispensing system provided by the pharmacy.

B: 3. Ensure that the drugs for each patient are kept and stored in the originally received containers and that the medication of one patient shall not be transferred to another patient.

C: 4. Ensure that each cabinet , cart or other area utilized for the storage of the drugs for individual patients is locked and accessible only to authorized personnel.

D: 5. Ensure that the storage area for patients drugs is well lighted, of sufficient size to permit storage without crowding, and is of the maintained at appropriate temperature.

E: 6. Ensure that poison and drugs for "external use only" are kept in a cabinet and separate from other medications.

F: 7. Provide for the disposition of That discontinued drugs are destroyed under the following conditions:

1. a. The Discontinued drugs are destroyed on the premises of the facility may be returned to the pharmacy for resale if authorized by § 8.5 or destroyed by appropriate means in compliance with any applicable local, state, and federal laws and

regulations.

2. b. The drugs are destroyed in the presence of the pharmacist supplying pharmacy service to the facility and the director of nurses of the facility. Drug destruction at the pharmacy shall be witnessed by the pharmacist-in-charge and by another pharmacy employee. Drug destruction at the facility shall be witnessed by the facility administrator and by another employee authorized to administer medication.

3. c. A complete and accurate record of the drugs returned or destroyed or both shall be maintained and made. The original of the record of destruction shall be signed by the pharmacist and director of nurses; the persons witnessing the destruction and maintained at the long-term care facility for a period of two years. A copy of the destruction record shall be maintained at the provider pharmacy for a period of two years.

4. d. All destruction of the drugs is shall be done without 30 days of the time the drug was discontinued.

5. The records of destruction shall be made a part of the records on all Schedule II through V drugs administered in the nursing home.

6. This procedure does not apply to discontinued drugs in unit-dose containers which meet U.S.P.-N.F. Class A or Class B container requirements or the manufacturer's sealed containers. Such drugs may be returned to the issuing pharmacist for reuse.

G: 8. Ensure that appropriate drug reference materials are available on in the nursing facility units.

H: 9. Ensure that a monthly review of a drug therapy by a pharmacist is conducted for each patient. Such review shall be used to determine any irregularities , which may include but not be limited to drug therapy, drug interactions, drug administration or transcription errors . The pharmacist shall sign and date the notation of the review. An irregularity shall include such therapy which is not right and proper, and may include drug interactions or drug administration or transcription errors. All significant irregularities shall be brought to the attention of the attending practitioner or other party having authority to correct the potential problem.

§ 11.3. Emergency drug kit.

The pharmacist providing services may prepare an emergency kit for a facility served by the pharmacy provided in which only those persons licensed to administer are administering drugs under the following conditions :

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A. 1. The contents of the emergency kit shall be of such a nature that the absence of the drugs would threaten the survival of the patients.

B. 2. The contents of the kit shall be determined by the ~~Pharmacy and Therapeutics Committee~~ *provider pharmacist in consultation with the medical and nursing staff* of the institutions and shall be limited to drugs for administration by injection or inhalation only, except that Nitroglycerin SL may be included.

C. 3. The kit is sealed in such a manner that it will preclude any possible loss of the drug.

D. 4. The opened kit is maintained under secure conditions and returned to the pharmacy within 72 hours for replenishing.

E. 5. Any drug used from the kit shall be covered by a prescription, signed by the physician, when legally required, within 72 hours.

§ 11.4. Stat-drug box.

An additional drug box called a stat-drug box may be prepared by a pharmacy to provide for initiating therapy prior to the receipt of ordered drugs from the pharmacy. *A stat-drug box shall be provided to those facilities in which only those persons licensed to administer are administering drugs* and shall be subject to the following conditions:

A. 1. The box is sealed in such a manner that will preclude the loss of drugs.

B. 2. When the stat-drug box has been opened, it is returned to the pharmacy.

C. 3. Any drug used from the box shall be covered by a drug order signed by the practitioner, when legally required, within 72 hours.

D. There shall not be more than one box per 200 patients in a facility.

E. 4. There shall be a listing of the contents of the box maintained in the pharmacy and also attached to the box in the facility. This same listing shall become a part of the policy and procedure manual of the facility served by the pharmacy.

F. 5. The drug listing on the box shall bear an expiration date for the box. The expiration date shall be the day on which the first drug in the box will expire.

G. 6. ~~Contents of the stat-drug box.~~ The contents of the box shall be limited to *those drugs in which a delay in initiating therapy may result in harm to the patient.* ~~the following classes of drugs, the drug strengths to be selected by the drug committee of the~~

facility in consultation with the providing pharmacist:

a. *The listing of drugs contained in the stat-drug box shall be determined by the provider pharmacist in consultation with the medical and nursing staff of the long-term care facility.*

b. *The stat-drug box shall contain no Schedule II drugs.*

c. *The stat-drug box shall contain no more than one Schedule III through V drug in each therapeutic class and no more than five doses of each.*

1. Antibiotics (injectable) - Not more than five doses of each of four different antibiotics.

2. Antibiotics (oral) - Not more than five doses each of five different antibiotics including two strengths of each antibiotic.

3. Antiemetics - Not more than five doses each of three different antiemetics.

4. Antihistamines - Not more than five doses each of two different antihistamines.

5. Antihypertensives - Not more than five doses each of two different antihypertensives.

6. Antipyretics - Not more than five doses each of two antipyretics.

7. Antipsychotic - Not more than five doses each of five antipsychotics.

8. Diuretics - Not more than five doses each of two diuretics.

9. Antidiarrheals - Not more than five doses of two oral antidiarrheal products.

10. Anticonvulsants - Not more than five doses of two oral anticonvulsants.

11. Analgesics - Not more than five doses of one oral narcotic drug in Schedule III or IV and five doses of one nonnarcotic drug in Schedule III or IV.

§ 11.5. Floor stock.

In addition to an emergency box or stat-drug box, a long-term care facility in which only those persons licensed to administer are administering drugs may maintain a stock of intravenous fluids, irrigation fluids, heparin flush kits, medicinal gases, sterile water and saline, and prescription devices. Such stock shall be limited to a listing to be determined by the provider pharmacist in consultation with the medical and nursing staff of the institution.

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PART XII. OTHER INSTITUTIONS AND FACILITIES.

§ 12.1. Drugs in industrial infirmaries/first aid rooms.

A. Controlled drugs purchased by an institution, agency, or business within the Commonwealth, having been purchased in the name of a practitioner licensed by the Commonwealth of Virginia and who is employed by an institution, agency, or business which does not hold a pharmacy permit, shall be used only for administering to those persons at that institution, agency, or business.

B. All controlled drugs ~~will~~ shall be maintained and secured in a suitable locked ~~facility storage area~~, the key to which will be in the possession of the practitioner or nurse who is under the direction and supervision of the practitioner.

C. Such institution, agency, or business shall adopt a specific protocol for the administration of prescription drugs, listing the inventory of such drugs maintained, and authorizing the administering of such drugs in the absence of a physician in an emergency situation when the timely prior verbal or written order of a physician is not possible. Administering of such drugs shall be followed by written orders.

1. For the purpose of this regulation, emergency shall be defined as a circumstance requiring administration of controlled drugs necessary to preserve life or to prevent significant or permanent injury or disability.

2. The protocol shall be maintained for inspection and documentation purposes.

D. A nurse may, in the absence of a practitioner, administer nonprescription drugs and provide same in unit dose containers in quantities which in the professional judgment of the nurse and the existing circumstances will maintain the person at an optimal comfort level until the employee's personal practitioner can be consulted. The administering and providing of such medication must be in accordance with explicit instructions of a specific protocol promulgated by the practitioner in charge of the institution, agency, or business.

§ 12.2. Licensed Humane societies and animal shelters ; use of pentobarbital .

A humane society or animal shelter, after having obtained the proper permits pursuant to state and federal laws, may purchase, possess and administer ~~Sodium Pentobarbital~~ any drug approved by the State Veterinarian to euthanize injured, sick, homeless and unwanted domestic pets and animals provided that *these procedures are followed* :

1. ~~The facility shall be under the general supervision of a veterinarian. A veterinarian shall provide general supervision for the facility and appropriate training to~~

~~the person(s) responsible for administration of the drugs.~~

2. ~~The person(s) responsible for administering the drug shall have been trained by a veterinarian in the manner of administration. The person in charge of the facility shall obtain the required permit and controlled substance registration from the board and shall be responsible for maintaining proper security and required records of all controlled substances obtained.~~

a. If that person ceases employment with the facility or relinquishes his position, he shall immediately return the permit to the board and shall take a complete and accurate inventory of all drugs in stock.

b. An application for a new permit shall be filed with the required fee within 14 days on a form provided by the board. At that time, the new person in charge of the facility shall take a complete and accurate inventory of all drugs in stock.

3. Drugs shall be stored in a secure place and only the person(s) responsible for administering may have access to the drugs.

4. ~~The Any~~ drug used shall be obtained and administered in the injectable form only.

5. All invoices and order forms shall be maintained for a period of two years.

6. Complete and accurate records shall be maintained for two years on the administration of the drug; the record shall show the date of administration, the species of the animal, the weight of animal, the amount of drug administered and signature of the person administering the drug.

§ 12.3. Drugs in correctional institutions.

All prescription drugs at any correctional unit shall be obtained only on an individual prescription basis from a pharmacy and subject to the following conditions:

1. ~~The prescription orders shall be initiated by the physician or his agent.~~

2. ~~The number of doses on each prescription order shall be specified.~~

3. 1. All prepared drugs shall be maintained in a suitable locked ~~facility storage area~~ with only the person responsible for administering the drugs having access.

4. ~~All drugs shall be taken in the presence of the person administering the drug.~~

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5. 2. **Drug administration record.** Complete and accurate records shall be maintained on of all drugs received, administered and discontinued. This record shall consist of a two-part drug administration record. The administration record shall show the:

- a. Prescription number;
- b. Drug name and strength;
- c. Number of dosage units received;
- d. Physician's name; and
- e. Date, time and signature of person administering the individual dose of drug.

6. 3. **Disposal of unused drugs.** All unused or discontinued drugs shall be sealed and the amount in the container at the time of the sealing shall be recorded on the drug administration record. Such drugs shall be returned to the provider pharmacy along with Part 2 of the drug administration record within seven days. The drug shall be returned by the same means as it was originally sent.

a. The provider pharmacy shall compare the number of drug dosage units dispensed against Part 2 of the drug administration record, the number of dosage units administered and the number of dosage units returned to the issuing pharmacy review the returned drug administration for accountability of all dosage units dispensed .

b. The drug administration records shall be filed in chronological order by the provider pharmacy and maintained for a period of one year or, at the option of the facility, the records may be returned by the provider pharmacy to the facility.

c. The returned drugs shall be destroyed at least every 30 days. This destruction shall be carried out by the provider pharmacy and a responsible witness. The Board of Pharmacy shall be notified two weeks prior to the destruction in order that the board may witness any such destruction. An agent of the board shall, from time to time, witness a destruction of such drugs and, prior to the destruction, randomly reconcile the contents of selected containers against the drug administration record.

d. Drugs in the manufacturer's original sealed container may be returned to the stocks of the provider pharmacy.

c. Drugs may be returned to the provider pharmacy stock in compliance with the provisions of § 8.5.

d. Other drugs shall be disposed of or destroyed by the provider pharmacy in accordance with local, state, and federal regulations.

7. 4. **Emergency and stat-drug box.** An emergency box and a stat-drug box may be prepared for the facility served by the pharmacy pursuant to §§ 11.3 and 11.4 of the regulations provided : *that the facility employs one or more full-time physicians, registered nurses, licensed practical nurses, or correctional health assistants.*

a. The facility employs one or more full-time physicians, registered nurse, licensed practical nurse or correctional health assistant;

b. No drugs are to be administered from the emergency box or stat-drug box unless authorized by the physician either in writing or orally. If orally, the order must be signed by the physician within 72 hours.

c. Only the physician, nurse, licensed practical nurse or correctional health assistant may administer a drug from the emergency box or stat-drug box.

d. The emergency drug box or stat-drug box must be sealed in such a manner that it will preclude any possibility of loss of drugs. Any drug box which has been opened must be returned to the pharmacy within 72 hours.

PART XIII.

EXEMPTED STIMULANT OR DEPRESSANT DRUGS AND CHEMICAL PREPARATIONS.

§ 13.1. Excluded substances.

The list of excluded substances, which may be lawfully sold over the counter without a prescription under the Federal Food, Drug and Cosmetic Control Act (21.U.S.C. 301), as set forth in the Code of Federal Regulations, Title 21, Part 1308.22, is adopted pursuant to the authority set forth in §§ 54.1-3443, 54.1-3450 and 54.1-3452 of the Drug Control Act.

§ 13.2. Exempted chemical preparations.

The list of exempt chemical preparations set forth in the Code of Federal Regulations, Title 21, Part 1308.24 is adopted pursuant to the authority set forth in §§ 54.1-3443, 54.1-3450 and 54.1-3452 of the Drug Control Act.

§ 13.3. Excepted compounds.

The list of excepted compounds set forth in the Code of Federal Regulations, Title 21, Part 1308.32 is adopted pursuant to the authority set forth in §§ 54.1-3443, 54.1-3450 and 54.1-3452; the excepted compounds are drugs which are subject to the provisions of § 54.1-3455 of the Drug Control Act.

PART XIV.

MANUFACTURERS, WHOLESALE DISTRIBUTORS, WAREHOUSERS, AND MEDICAL EQUIPMENT

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SUPPLIERS.

§ 14.1. Licenses and permits generally.

A license or permit shall not be issued to any manufacturer, wholesale distributor, warehouse, or medical equipment supplier to operate from a private dwelling, unless a separate business entrance is provided, and the place of business is open for inspection at all times during normal business hours. The applicant shall comply with all other federal, state and local laws and ordinances before any license or permit is issued.

§ 14.2. Safeguards against diversion of drugs.

The following requirements shall apply to manufacturers, wholesale distributors, or warehouse of prescription drugs:

1. The holder of the permit shall restrict all areas in which prescription drugs are manufactured, stored, or kept for sale, to only designated and necessary persons.
2. The holder of the permit shall provide reasonable security measures for all drugs in the restricted area.
3. The holder of the permit shall not deliver any drug to a licensed business at which there is no one in attendance at the time of the delivery nor to any person who may not legally possess such drugs.
4. The holder of the permit shall comply with the security requirements set forth in § 3.8.
5. This regulation shall not apply to the holder of a permit to manufacture or distribute only medical gases.

§ 14.3. Manufacturing of cosmetics.

The building in which cosmetics are manufactured, processed, packaged and labeled, or held shall be maintained in a clean and orderly manner and shall be of suitable size, construction and location in relation to surroundings to facilitate maintenance and operation for their intended purpose. The building shall:

1. Provide adequate space for the orderly placement of equipment and materials used.
2. Provide adequate lighting and ventilation.
3. Provide adequate washing, cleaning, and toilet facilities.

§ 14.4. Good manufacturing practices.

A. The Good Manufacturing Practices regulations set forth in the Code of Federal Regulations, Title 21, Part 211 and effective April 1, 1986, are adopted by reference.

B. Each manufacturer of drugs shall comply with the requirements set forth in the federal regulations referred to in subsection A of this section.

§ 14.5. Prescription drug marketing act.

A. The requirements for wholesale distribution of prescription drugs set forth in the federal Prescription Drug Marketing Act of 1987 and Title 21, Part 205 of the Code of Federal Regulations are adopted by reference.

B. Each wholesale distributor of prescription drugs shall comply with minimum requirements for qualifications, personnel, storage, handling, and records as set forth in the federal regulations referred to in subsection A of this section.

§ 14.6. Medical equipment suppliers.

A. A medical equipment supplier may dispense to the ultimate consumer the following: prescription devices, medicinal oxygen, Schedule VI drugs which have no medicinal properties and are used in the operation and cleaning of medical devices, and hypodermic needles and syringes as authorized by § 54.1-3435.3 of the Drug Control Act.

B. A medical equipment supplier shall receive a valid order from a practitioner prior to dispensing and shall maintain this order on file for a period of two years from date of last dispensing.

C. Medical equipment suppliers shall make a record at the time of dispensing. This record shall be maintained for two years from date of dispensing and shall include:

1. Name and address of patient;
2. Name and address of physician ordering;
3. Item dispensed and quantity, if applicable; and
4. Date of dispensing.

* * * * *

Title of Regulation: VR 530-01-2. Regulations for Practitioners of the Healing Arts to Sell Controlled Substances.

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

Public Hearing Date: May 11, 1993 - 9 a.m.
Written comments may be submitted through July 2, 1993.

(See Calendar of Events section for additional information)

Summary:

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These regulations establish requirements for licensure and the responsibilities of physicians engaged in the sale of drugs to assure the public safety and the security of controlled substances in the Commonwealth. The Board of Pharmacy proposes amendments as a result of its biennial regulatory review. All existing regulations were examined for continued effectiveness, efficiency, necessity, clarity and cost of compliance. The amendments are proposed in response to public comment, to the changing needs and technology in the physician's practice, or to security concerns of inspectors and the board. An effort has been made to clarify and simplify the regulation wherever questions of form or content arose.

The board also proposes a one-time fee reduction for renewal of licenses for calendar year 1994. The proposal responds to the statutory requirement that boards adjust fees when differences in biennial revenues and expenses are greater than 10%. The proposed regulation will meet that requirement without creating a deficit for the board in subsequent years. The board also proposes new fees for late renewals, lapsed licenses, and an inactive license.

Additional proposed amendments explicitly provide that the licensee is responsible for ensuring that only one designated person is present to assist with the preparation and packaging of controlled substances.

VR 530-01-2. Regulations for Practitioners of the Healing Arts to Sell Controlled Substances.

PART I. GENERAL PROVISIONS.

§ 1.1. Definitions.

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

"Licensee" as used in these regulations shall mean a practitioner who is licensed by the Board of Pharmacy to sell controlled substances.

"Personal supervision" means the licensee must be physically present and render direct, personal control over the entire service being rendered or act(s) being performed. Neither prior nor future instructions shall be sufficient nor shall supervision be rendered by telephone, written instructions, or by any mechanical or electronic methods.

"Practitioner" as used in these regulations shall mean a doctor of medicine, osteopathy or podiatry who possesses a current unrestricted license issued by the Board of Medicine.

"Special packaging" means packaging that is designed

or constructed to be significantly difficult for children under five years of age to open or obtain a toxic or harmful amount of the controlled substance contained therein within a reasonable time and not difficult for normal adults to use properly, but does not mean packaging which all such children cannot open or obtain a toxic or harmful amount within a reasonable time.

"U.S.P.-N.F." means the United States Pharmacopeia-National Formulary.

PART II. LICENSURE REQUIREMENTS.

§ 2.1. Application for licensure.

A. In order to ~~sell~~ engage in the sale of controlled substances as defined in § 54.1-3401 of the Code of Virginia and as provided for in § 54.1-2914 B of the Code of Virginia, a practitioner who possesses a current unrestricted license issued by the Board of Medicine shall make application to the Board of Pharmacy on a form provided by the board. A fee of ~~\$275~~ \$200 shall be remitted with the application for licensure.

B. For good cause shown, the board may issue a limited-use license, when the scope, degree or type of services provided to the patient is of a limited nature. The license to be issued shall be based on conditions of use requested by the applicant or imposed by the board in cases where certain requirements of regulations may be waived. The following conditions shall apply:

1. A policy and procedure manual detailing the type and volume of controlled substances to be sold, and safeguards against diversion must accompany the application. The application shall list the regulatory requirements for which a waiver is requested and a brief explanation as to why each requirement should not apply to that practice.

2. The issuance and continuation of such license shall be subject to continuing compliance with the conditions set forth by the board.

3. Application for a limited-use license is contingent on the practitioner selling only controlled substances which have been received prepackaged in ready-to-dispense quantities and containers needing only the addition of required labeling.

§ 2.2. Renewal of license.

A. A license so issued shall be valid until December 31 of the year of issue. A renewal of the license shall be made on or before December 31. ~~The fee shall be the same fee as that set for a pharmacist license.~~ The annual renewal fee shall be \$50.

Between January 1, 1994, and January 1, 1995, the annual renewal fee shall be \$25.

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B. If a practitioner fails to renew his license to sell within the Commonwealth by the renewal date, he must pay the back renewal fee and a \$25 late fee within 60 days of expiration.

C. Failure to renew the license to sell within 60 days following expiration shall cause the license to lapse. The selling of controlled substances with a lapsed license shall be illegal and may subject the practitioner to disciplinary action by the board. Reinstatement is at the discretion of the board and may be granted by the executive director upon submission of a reinstatement application, payment of all unpaid renewal fees, and a delinquent fee of \$50.

D. The annual fee for renewal of an inactive license to sell shall be \$35.

§ 2.3. Acts to be performed by the licensee.

A. The selection of the controlled substance from the stock, any, preparation or packaging of a controlled substance or the preparation of a label for a controlled substance to be transferred to a patient shall be the personal responsibility of the licensee.

1. Any compounding of a controlled substance shall be personally performed by the licensee.

2. Only one person who is not a licensee may be present in the storage and selling area at any given time for the purpose of assisting the licensee in the preparation, packaging and labeling of a controlled substance.

B. Prior to the dispensing, the licensee shall inspect the prescription product to verify its accuracy in all respects, and place his initials on the record of sale as provided in § 4.3 B as certification of the accuracy of, and the responsibility for, the entire transaction.

C. If the record of sale is maintained in an automated data processing system as provided in § 4.5 § 4.4, the licensee shall personally place his initials with each entry of a sale as provided in § 4.3 B as a certification of the accuracy of, and the responsibility for, the entire transaction.

§ 2.4. Licensees ceasing to sell controlled substances ; inventory required prior to disposal .

~~Licensees ceasing to sell controlled substances; inventory required prior to disposal.~~

A. Any licensee who desires to cease selling controlled substances shall notify the board 10 days prior to cessation and his license will be placed on an inactive status.

B. Any Schedule II through V controlled substances shall be inventoried and may be disposed of by transferring the controlled substance stock to another licensee or other practitioner or by destruction as set forth in these

regulations.

C. The licensee or other responsible person shall inform the board of the name and address of the licensee to whom the controlled substances are transferred.

§ 2.5. Inactive status.

Any licensee ~~in~~ who elects to take an inactive status shall not engage in the sale of controlled substances. To reactivate his license, he shall apply to the board to reactivate his license and shall pay the fee charged for license renewal. Engaging in the sale of controlled substances with an inactive license may subject the licensee to disciplinary action by the board.

PART III. INSPECTION REQUIREMENTS, STANDARDS AND SECURITY FOR STORAGE AREA.

§ 3.1. Maintenance of a common stock of controlled substances.

Any two or more licensees who elect to maintain a common stock of controlled substances for dispensing shall:

1. Designate a licensee who shall be the primary person responsible for the stock, the required inventory, the records of receipt and destruction safeguards against diversion and compliance with these regulations.

2. Report to the board the name of the licensee and the location of the controlled substance stock on a form provided by the board.

3. Upon a change in the licensee so designated, an inventory of all Schedule II through V controlled substances shall be conducted in the manner set forth in § 54.1-3404 of the Drug Control Act and such change shall immediately be reported to the board.

4. Nothing shall relieve the other individual licensees who sell controlled substances at the location of the responsibility for the requirements set forth in these regulations.

§ 3.2. Inspection and notice required.

A. The area designated for the storage and selling of controlled substances shall be inspected by an agent of the board prior to the issuance of a license.

B. Applications for licenses which indicate a requested inspection date, or requests which are received after the application is filed, shall be honored provided a 14-day notice to the board is allowed prior to the requested inspection date.

C. Requested inspection dates which do not allow a 14-day notice to the board may be adjusted by the board

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to provide 14 days for the scheduling of the inspection.

D. At the time of the inspection, the controlled substance selling and storage area shall comply with §§ 3.3, 3.4, 3.5, 3.6 and 3.7 of these regulations.

E. No license shall be issued to sell controlled substances until adequate safeguards against diversion have been provided for the controlled substance storage and selling area and approved by the board or its authorized agent.

§ 3.3. Physical standards.

Physical standards for the controlled substance selling and storage area:

1. The building in which the controlled substances selling and storage area is located shall be constructed of permanent and secure materials. Trailers and other movable facilities shall not be permitted;
2. There shall be an *enclosed area of not less than 60 square feet* that is designated as the controlled substances selling and storage area ; , *which shall be used exclusively for the storage, preparation, dispensing, and record-keeping related to the sale of controlled substances. The work space used in preparation of the drugs shall be contained within the enclosed area. A controlled substance selling and storage area inspected and approved prior to the effective date of these regulations shall not be required to meet the size requirement of this regulation;*
3. Controlled substances maintained for ultimate sale shall be maintained separately from any other controlled substances maintained for other purposes;
4. The selling and storage area, work counter space and equipment in the area shall be maintained in a clean and orderly manner;
5. ~~The counter work space shall be used only for the preparation and selling of controlled substances and necessary record keeping;~~
6. ~~The selling and storage area shall not be operated or maintained in conjunction with any activity that would compromise the quality of the controlled substances;~~
7. 5. A sink with hot and cold running water shall be available within the immediate vicinity of the selling and storage area; and
8. 6. The entire area described in this regulation shall be well lighted and ventilated; the proper storage temperature shall be maintained to meet official specifications for controlled substance storage.

§ 3.4. Access to selling area.

Access to stock rooms, rest rooms, and other areas other than an office that is exclusively used by the licensee shall not be through the selling and storage area.

§ 3.5. Minimum equipment.

The licensee shall be responsible for maintaining the following equipment in the designated area:

1. A current copy of the United States Pharmacopeia Dispensing Information Reference Book;
2. A refrigerator with a monitoring thermometer, located in the selling area, if any controlled substances requiring refrigeration are maintained;
3. A copy of the current Virginia Drug Control Act and board regulations;
4. A current copy of the Virginia Voluntary Formulary;
5. A laminar flow hood if sterile product(s) are to be prepared; and
6. Prescription balances and weights, if the licensee is engaged in extemporaneous compounding.

§ 3.6. Safeguards against diversion of controlled substances.

A device for the detection of breaking shall be installed in the controlled substances selling and storage area. The installation and the device shall be based on accepted burglar alarm industry standards, and shall be subject to the following conditions:

1. The device shall be a sound, microwave, photoelectric, ultrasonic, or any other generally accepted and suitable device;
2. The device shall be maintained in operating order;
3. The device shall fully protect the immediate controlled substance selling and storage areas and shall be capable of detecting breaking by any means whatsoever in the area when the area is closed;
4. The alarm system must have an auxiliary source of power;
5. The alarm system shall be capable of being activated and operated separately from any other alarm system in the area or the business in which the controlled substance selling and storage area is located;
6. The alarm system is controlled only by the licensee; and

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7. An emergency key or access code to the system shall *may* be maintained as set forth in § 3.7 B of these regulations.

§ 3.7. Selling area enclosures.

A. The controlled substance selling and storage area of the licensee shall be provided with enclosures subject to the following conditions:

1. The enclosure shall be construed in such a manner that it protects the controlled substance stock from unauthorized entry and from pilferage at all times whether or not the licensee is on duty;
2. The enclosure shall be of sufficient height as to prevent anyone from reaching over to gain access to the controlled substances;
3. Entrances to the enclosed area must have a door which extends from the floor and which is at least as high as the adjacent counters or adjoining partitions; and
4. Doors to the area must have locking devices which will prevent entry in the absence of the licensee.

B. The door keys *and alarm access code* to the selling and storage area shall be subject to the following requirements:

1. Only the licensee shall be in possession of *the alarm access code* and any keys to the locking device on the door to such enclosure;
2. *The selling and storage area must be locked when the licensee is not present and engaged in preparation or selling of drugs; and*
2. 3. The licensee ~~or the licensee so designated pursuant to subdivision 1 of § 3.1~~ may place a key *and the access code* in ~~an a sealed envelope or other sealed container which contains a seal and a signature placed by the licensee on the container with the licensee's signature across the seal in a safe or vault within the office or other secured place ; and for use by another licensee.~~
3. The key may be used to allow emergency entrance to the selling area by other licensees licensed under these regulations.

C. Restricted access to the selling and storage area. The controlled substance selling and storage area is restricted to the licensee and ~~a one person~~ designated by the licensee. ~~Such other persons~~ *The designated person* may be present in the selling and storage area only during the hours when the licensee is on duty to render personal supervision.

§ 3.8. Controlled substances outside of the selling area.

~~Any Schedule II through VI controlled substances not stored within the selling area and kept for stock replenishing shall be secured and access to it shall be restricted to the licensee.~~

§ 3.9. § 3.8. Prescriptions awaiting delivery.

Prescriptions prepared for delivery to the patient may be placed in a secure place outside of the controlled substance selling area and access to the prescriptions restricted by the licensee to designated assistants. The prepared prescriptions may be transferred to the patient whether or not the licensee is on duty *with prior approval of the licensee* .

§ 3.10. § 3.9. Expired controlled substances; security.

Any controlled substance which has exceeded the expiration date shall be separated from the stock used for selling and may be maintained in a designated area with the unexpired stock prior to the disposal of the expired controlled substances.

§ 3.11. § 3.10. ~~Destruction~~ Disposal of Schedule II through V controlled substances.

If a licensee wishes to ~~destroy~~ *dispose of* unwanted Schedule II through V controlled substances ~~maintained for selling~~ , he shall use *one of* the following procedures for the destruction :

1. *Return the drugs to the Drug Enforcement Administration (DEA) by delivery to the nearest DEA office;*
2. *Transfer the drugs to another person or entity authorized to possess Schedule II through V drugs; or*
3. *Destroy the drugs according to the following procedures:*
 1. *a. At least 14 days prior to the destruction date, the licensee shall provide a written notice to the board office; the notice shall state the following:*
 1. *(1) Date, time and , manner or , and place of destruction;*
 2. *(2) The name(s) names of the licensee licensees who will witness the destruction process ; .*
 2. *b. If the destruction date is to be changed or the destruction does not occur, a new notice must shall be provided to the board office as set forth above in this subsection.*
 3. *c. The DEA Drug Destruction Form No. 41 must shall be used to make a record of all controlled substances to be destroyed.*
 4. *d. The controlled substances must shall be*

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destroyed in accordance with all applicable local, state, and federal laws and regulations by burning in an incinerator ; ~~an alternate method of flushing may be used if incineration is not possible and if permitted by the municipality or by other methods approved in advance by the board .~~

5. e. The actual destruction shall be witnessed by the licensee and another licensee of the board not employed by the practitioner.

6. f. Each form shall show the following information:

a. (1) Legible signatures of the licensee and the witnessing person.

b. (2) The license number of the licensee and other licensed person destroying the controlled substances.

e. (3) The date of destruction.

7. g. At the conclusion of the destruction of the controlled substance stock:

a. (1) ~~Two~~ Three copies of the completed destruction form shall be sent to: Drug Enforcement Administration, Washington Field Division, Room 2558, 400 6th Street, SW, Washington, DC 20024, Attn: Diversion Control Group.

b. (2) A copy of the completed destruction form shall be sent to the office of the board.

e. (3) A copy of the completed destruction form shall be retained with the inventory records.

PART IV. WRITTEN PRESCRIPTION AND RECORD KEEPING STANDARDS.

§ 4.1. Sign and written prescription requirement requirements .

Requirements are:

1. A. The licensee shall provide the patient with a written prescription whether or not he intends to sell the controlled substance to the patient ; .

2. B. The licensee shall provide a sign in the public area of the office. The sign must be legible to the public with normal vision and must advise the public that the controlled substances may be obtained from him or from a pharmacy ; .

3. C. The licensee after delivery of the written prescription to the patient shall, in each case, advise the patient of their right to obtain the controlled substance from him or from a pharmacy ; ~~and .~~

4. D. If the patient chooses to purchase the controlled substance from the licensee, the written prescription shall be returned to the licensee ; ~~be and~~ signed by the patient ; ~~marked void by the licensee and filed chronologically .~~ If the licensee chooses to use the hard copy prescription as his record of sale, he shall record all information and file as required by § 4.3. If the licensee chooses to record the sale in book form or maintain it in an automated data system, he shall mark the prescription void, file chronologically, and maintain for a period of two years.

§ 4.2. Manner of maintaining inventory records for licensees selling controlled substances.

A. Each licensee shall maintain the inventories and records of controlled substances as follows:

1. Inventories and records of all controlled substances listed in Schedule II shall be maintained separately from all other records of the licensee ; .

2. Inventories and records of controlled substances listed in Schedules III, IV and V may be maintained separately or with records of Schedule VI controlled substances but shall not be maintained with other records of the licensee ; .

3. ~~Location of records.~~ All records of Schedule II through V controlled substances shall be maintained at the same location as the stock of controlled substances to which the records pertain ; ~~or retrieved and made available for inspection or audit by authorized agents within 72 hours.~~

4. ~~Inventory after controlled substance theft.~~ In the event that an inventory is taken as the result of a theft of controlled substances pursuant to § 54.1-3404 of the Drug Control Act, the inventory shall be used as the opening inventory within the current biennial period. Such an inventory does not preclude the taking of the required inventory on the required biennial inventory date.

5. ~~All records required by this section shall be filed chronologically.~~

§ 4.3. Form of records of Schedule II through VI drugs sold:

A. The record of selling of controlled substances shall be in a book form or may be maintained in an automated data system as provided in § 4.5.

B. The licensee shall personally inspect the prescription product prior to dispensing to the patient and verify its accuracy in all respects by initialing the record of each sale at the time of inspection.

§ 4.4. § 4.3. Manner of maintaining records for Schedule II through VI drugs controlled substances sold.

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A. The *hard copy prescription* or records of ~~selling sale~~ for Schedule II controlled substances shall be *maintained* as follows:

1. ~~The record of the selling of Schedule II controlled substances~~ They shall be ~~separate~~ *maintained separately* from other records.

2. ~~The record~~ They shall be maintained in chronological order and shall show the selling date, a number which identifies the sale, the name and address of the patient, the name and strength of the controlled substance, *the initials of the licensee*, and the quantity sold.

B. The *hard copy prescription* or records of ~~selling sale~~ for Schedule III through V controlled substances shall be *maintained* as follows:

1. ~~The record~~ They shall be *maintained* in the manner set forth in ~~subdivision B A 2 subsection A~~ of this section.

2. ~~The selling records~~ *hard copy prescription or records of sale* for Schedule III through V controlled substances may be maintained ~~separate~~ *separately* from other selling records or may be maintained with selling records for Schedule VI controlled substances provided the Schedule III through V controlled substance records are readily retrievable from the selling records for Schedule VI controlled substances. The records shall be deemed readily retrievable if a red "C" is placed uniformly on the record entry line for each Schedule III through V controlled substance sold.

~~§ 4.5.~~ § 4.4. Automated data processing records of sale.

A. An automated data processing system may be used for the storage and retrieval of the sale of controlled substances instead of manual record keeping requirements, subject to the following conditions:

1. Any computerized system shall also provide retrieval via ~~CRT~~ *computer monitor* display or printout of the sale of all controlled substances during the past two years, the listing to be in chronological order and shall include all information required by the manual method; ~~and~~.

2. If the system provides a printout of each day's selling activity, the printout shall be verified, dated and signed by the licensee. The licensee shall verify that the data indicated is correct and then sign the document in the same manner as he would sign a check or legal document (e.g., J.H. Smith or John H. Smith). In place of such printout, the licensee shall maintain a bound log book, or separate file, in which the licensee shall sign a statement each day, in the manner previously described, attesting to the fact that the selling information entered into the computer that

day has been reviewed by him and is correct as shown.

3. *A hard copy prescription shall be placed on file chronologically and maintained for a period of two years.*

B. ~~Printout of dispensing data requirement.~~ Any computerized system shall have the capability of producing a printout of any selling data which the practitioner is responsible for maintaining under the Drug Control Act.

PART V. PACKAGING, REPACKAGING AND LABEL STANDARDS.

§ 5.1. Repackaging of controlled substances; records required; *labeling requirements*.

A. ~~Record required.~~

A. A licensee repackaging controlled substances shall maintain adequate control records for a period of one year or until the expiration, whichever is greater. The records shall show the name of the controlled substance(s) repackaged, strength, if any, quantity prepared, initials of the licensee supervising the process, *the assigned control number, or the manufacturer's or distributor's name and control number, or the assigned number*, and an expiration date.

B. ~~Expiration date.~~

B. The controlled substance name, strength, if any, the *assigned control number, or the manufacturer's or distributor's name and control number, or assigned control number*, and an appropriate expiration date shall appear on any subsequently repackaged units *as follows*:

1. If U.S.P.-N.F. Class B or better packaging material is used for oral unit dose packages, an expiration date not to exceed six months or the expiration date shown on the original manufacturing bulk containers, whichever is less, shall appear on the repackaged units;

2. If it can be documented that the repackaged unit has a stability greater than six months, an appropriate expiration date may be assigned; and

3. If U.S.P.-N.F. Class C or less packaging material is used for oral, solid medication, an expiration date not to exceed 30 days shall appear on the repackaged units.

§ 5.2. Labeling of prescription as to content and quantity.

A. Any controlled substances sold by a licensee shall bear on the label of the container, in addition to other requirements, the following information:

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1. The name and address of the practitioner and the name of the patient;
2. The date of the dispensing; and
3. The controlled substance name and strength, when applicable.

a. If a trade name controlled substance is sold, the trade name of the controlled substance or the generic name of the controlled substance.

b. If a generic controlled substance is sold in place of a trade name controlled substance, in addition to the requirements of § 32.1-87 A of the Code of Virginia, one of the following methods shall be used:

- (1) The generic name; or
- (2) A name for the product sold which appears on the generic manufacturer's label; or
- (3) The generic name followed by the word "generic for" followed by the trade name of the controlled substance for which the generic controlled substance is substituted.

4. The number of dosage units, or if liquid, the number of millimeters dispensed.

§ 5.3. Packaging standards for controlled substance sold.

A controlled substance shall be sold only in packaging approved by the current U.S.P.-N.F. for the controlled substance. In the absence of such packaging standard for the controlled substance, it shall be dispensed in a well-closed container.

§ 5.4. Special packaging.

A. Each controlled substance sold to a person in a household shall be sold in special packaging, except when otherwise requested by the purchaser, or when such controlled substance is exempted from such requirements promulgated pursuant to the Poison Prevention Packaging Act of 1970.

B. Each licensee may have a sign posted near the compounding and selling area advising the patients that nonspecial packaging may be requested. *If nonspecial packaging is requested, documentation of such request shall be maintained for two years from the date of dispensing.*

PART VI.

PATIENT'S CHOICE OF SUPPLIER AND RETURN OF CONTROLLED SUBSTANCES.

§ 6.1. Choice of controlled substance supplier.

A licensee shall not interfere with the patient's right to

choose his supplier of medication or cooperate with any person or persons in denying a patient the opportunity to select his supplier of prescribed medications.

§ 6.2. Returning of controlled substances.

Controlled substances shall not be accepted for return or exchange by any licensee for resale after such controlled substances have been taken from the premises where sold, unless such controlled substances are in the manufacturer's original sealed container or in a unit-dose container which meets the U.S.P.-N.F. Class A or Class B container requirement and have not been stored under conditions whereby it may have become contaminated.

PART VII.

GROUND'S FOR REVOCATION OR SUSPENSION.

§ 7.1. Grounds for revocation or suspension.

The Board of Pharmacy may revoke, suspend, refuse to issue or renew a license to sell controlled substances or may deny any application if it finds that the applicant:

1. Has been negligent in the sale of controlled substances;
2. Has become incompetent to sell controlled substances because of his mental or physical condition;
3. Uses drugs or alcohol to the extent that he is rendered unsafe to sell controlled substances;
4. Has engaged in or attempted any fraud or deceit upon the patient or the board in connection with the sale of controlled substances;
5. Has assisted or allowed unlicensed persons to engage in the sale of controlled substances;
6. Has violated or cooperated with others in violating any state or federal law or any regulation of the board relating to the sale, distribution, dispensing or administration of controlled substances;
7. Has had his federal registration to dispense controlled substances revoked or suspended; or
8. Has been convicted of violating any federal drug law or any drug law of Virginia or of another state or has had his license to practice medicine, osteopathy or podiatry suspended or revoked in Virginia or in any other state.

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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 HOUSING AND COMMUNITY DEVELOPMENT (BOARD OF)

Title of Regulation: VR 394-01-4. Virginia Amusement Device Regulations/1990.

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

Effective Date: June 2, 1993.

Summary:

The 1990 edition of the Amusement Device Regulations provides for the administration and enforcement of uniform, statewide standards for the construction, maintenance, operation and inspection of amusement devices. The technical requirements of the regulations are based primarily on standards developed by the American Society for Testing and Materials (ASTM). Provisions are included in the regulations for the inspection of amusement devices, reports and investigation of accidents, certification and conduct of operators and an administrative appeals system for the resolution of disagreements between the building officials and amusement device owners and operators.

Amendments to these regulations include specific provisions for bungee jumping activities. The regulation has been divided into two articles with the first article setting general requirements and the new Article 2 for specific requirements for bungee jumping. As a result of public comment, Section 1900.3 was amended to prohibit the use of cranes or derricks in bungee jumping activities. Section 2000.1 now requires the manufacturer to provide criteria for the use of bungee cords whereas the proposed amendments contained only minimum criteria in the text. Section 2100.1 was amended to require all hardware to be designed for the use intended or be analyzed by an engineer licensed in Virginia and deleted the specific hardware criteria contained in the proposed amendments. Engineering approval is now required for any premanufactured structures for bungee jumping by Section 2200.1 and additional minor changes have been made to clarify unclear or delete unenforceable language.

VR 394-01-4. Virginia Amusement Device Regulations/1990.

ARTICLE 1. GENERAL PROVISIONS.

SECTION 100.0. GENERAL.

100.1. Title: These regulations shall be known as the Virginia Amusement Device Regulations ("VADR"). Except as otherwise indicated, VADR and regulations, as used herein, shall mean the Virginia Amusement Device Regulations.

100.2. Authority: The VADR is adopted under authority granted the Board of Housing and Community Development by the Uniform Statewide Building Code Law, Chapter 6 (§ 36-97 et seq.) of Title 36 of the Code of Virginia. The VADR is intended to supplement the provisions of the Virginia Uniform Statewide Building Code (USBC).

100.3. Adoption: The 1990 edition of the VADR was adopted by order of the Board of Housing and Community Development on November 19, 1990. This order was prepared according to requirements of the Administrative Process Act. The order is maintained as part of the records of the Department of Housing and Community Development, and is available for public inspection.

100.4. Effective date: The 1990 edition of the VADR shall become effective on March 1, 1991. The construction of any amusement device that was subject to a previous edition of the USBC when constructed, shall remain subject to the edition of the USBC in effect at the time of construction. Subsequent reconstruction, reassembly, maintenance, operation and inspection of such devices shall be subject to the pertinent provisions of the VADR in effect at the time of such action.

100.5. Application: The VADR shall govern the construction, maintenance, operation and inspection of amusement devices, whether mobile or permanently fixed to a site including kiddie rides defined by § 200.0 of these regulations. These regulations do not apply to any single passenger coin-operated ride, manually, mechanically, or electrically operated, which customarily is placed, singularly or in groups, in a public location and which does not normally require the supervision or service of an amusement ride operator and is not considered a kiddie ride for the purpose of these regulations, or to nonmechanized playground equipment, including swings, stationary spring-mounted animal features, rider propelled merry-go-rounds, climbers, slides, trampolines, swinging gates, and physical fitness devices except where an admission fee is charged for usage or an admission fee is charged to areas where such equipment is located. To the extent they are not superseded by the provisions of these regulations, all other state and local laws and regulations shall apply to amusement devices. The VADR does not supersede zoning ordinances or other land use controls

that do not affect the manner of construction or materials to be used in the construction, maintenance, operation and inspection of amusement devices.

SECTION 200.0. DEFINITIONS.

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

"Amusement attraction" means any building or structure around, over or through which people may move or walk, without the aid of any moving device integral to the building structure, that provides amusement, pleasure, thrills, or excitement.

"Amusement device" means a device or structure open to the public by which persons are conveyed or moved in an unusual manner for diversion.

"Amusement park" means a tract or area used principally as a location for amusement devices permanently fixed to the site.

"ANSI" means American National Standards Institute.

"ASTM" means American Society for Testing and Materials.

"Board" means the Board of Housing and Community Development.

"Bungee jumping" means that activity where a person free falls from a height and the person's descent is limited by attachment to an elastic rope known as a bungee cord.

"Carnival" means an itinerant enterprise consisting principally of portable amusement devices temporarily situated at a site.

"Certificate of inspection" means a certificate issued by the building official, pursuant to § 1500.0 of these regulations.

"Committee" means the Amusement Device Technical Advisory Committee.

"Construction" means the initial construction or manufacture of amusement devices. "Construction" does not include reassembly of existing devices.

"Director" means the Director of the Department of Housing and Community Development or his designee.

"Fair" means an enterprise principally devoted to the periodic and recurring exhibition of products of agriculture, industry, education, science, religion, or the arts that has one or more amusement devices, either portable or permanently fixed to the site, operated in conjunction with the exhibition.

"First aid" means the one time treatment or subsequent observation of scratches, cuts not requiring stitches, burns, splinters, or a diagnostic procedure, including examination and X-rays, which does not ordinarily require medical treatment even though provided by a physician or other licensed professional personnel.

"Inspector" means a person authorized by the building official to perform the inspections required herein.

"Kiddie ride" means an amusement ride designed primarily for use by children up to 12 years of age, that requires simple reassembly procedures prior to operation, and that does not require complex inspections prior to operation.

"Major modification" means any change in either the structural or operational characteristics of the ride or device which will alter its performance or structural integrity from that specified in the manufacturer's design criteria.

"Minor injury" means sprains, abrasions, bruises, and lacerations less than three inches.

"Operator" means any person or persons actually engaged in or directly controlling the operation of an amusement device.

"Owner" means, a person who owns an amusement device, including the state or its political subdivision, or in the event the amusement device is leased, the lessee, or the agent of either.

"Passenger tramway" means a device used to transport passengers, suspended in the air by the use of steel cables, chains or belts, or by ropes, and usually supported by trestles or towers with one or more spans.

"Permit" means written authorization given by the local building official to construct, reassemble or locate an amusement device so as to make ready for operation. Issuance of a permit does not give authority to operate without a certificate of inspection.

"Reassembly" means the act of placing the component parts of an existing device into a configuration which allows its use and operation.

"Review board" means the State Building Code Technical Review Board as established by § 36-108 of the Code of Virginia.

"Serious injury" means an injury that requires medical treatment by a physician other than minor injuries or first aid.

SECTION 300.0. TECHNICAL ADVISORY COMMITTEE.

300.1. Membership: In appointing an Amusement Device Technical Advisory Committee, the board shall include

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representatives from the following groups:

1. Ride manufacturers,
2. Owners or operators of carnivals, amusement parks and fairs,
3. Mechanical or structural engineers,
4. Insurance underwriters, and
5. Members of the general public.

300.2. Term of membership: The members of the Technical Advisory Committee established by § 36-98.3(C) of the Code of Virginia, shall each serve for initial staggered terms of two and three years. Thereafter, appointments shall be for three years, with a provision for reappointment at the pleasure of the board.

SECTION 400.0. REFERENCE STANDARDS.

400.1. Adoption of standards: The construction, maintenance, operation and inspection of amusement devices and passenger tramways shall be done in accordance with the following applicable referenced standards which are set forth in Appendix A: :

[ANSI (American National Standards Institute, 1430 Broadway, New York, N.Y. 10018), B77.1-90.]

ASTM (American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103) F 698-88, Specification for Physical Information to be Provided for Amusement Rides and Devices

ASTM F 747-86, Definitions of Terms Relating to Amusement Rides and Devices

ASTM F 770-88, Practice for Operation Procedures for Amusement Rides and Devices

ASTM F 846-86, Guide for Testing Performance of Amusement Rides and Devices

ASTM F 853-86, Practice for Maintenance Procedures for Amusement Rides and Devices

ASTM F 893-87, Guide for Inspection of Amusement Rides and Devices

ASTM F 1159-88, Practice for the Design and Manufacture of Amusement Rides and Devices

ASTM F 1193-88, Practice for an Amusement Ride and Device Manufacturer Quality Assurance Program

If a ride was manufactured prior to the development of the ASTM standards (1978), the information listed in the referenced edition of ASTM 698, §§ 3.1 through 3.6, shall be available at the time of inspection.

Where differences occur between provisions of the VADR and the referenced standards, the provisions of the VADR shall apply.

400.1.1. Bungee jumping activities: In addition to complying with applicable requirements of Article 1, bungee jumping activities shall meet the requirements established in Article 2 of these regulations.

SECTION 500.0. ENFORCEMENT.

500.1. Responsibility of local governments: Enforcement of these regulations shall be the responsibility of the local building department in accordance with § 36-105 of the Code of Virginia. Inspections under these regulations shall be performed by:

1. The local building official or his representative when such official or representative has been certified by the board to inspect amusement devices pursuant to § 36-137(6) of the Code of Virginia; or, at the option of the owner or lessee or agent of either.

2. Persons from other departments of state government, local government, or private industry, when such personnel have been certified by the board to inspect amusement devices pursuant to § 36-137(6) of the Code of Virginia; or

3. Employees of insurance companies providing coverage for claims arising out of the use of the amusement device being inspected, when such personnel have been certified by the board to inspect amusement devices pursuant to § 36-137(6) of the Code of Virginia.

500.2. Qualifications of inspectors:

1. Any person seeking to become qualified to perform amusement device inspections pursuant to § 500.1 of these regulations shall successfully complete certification requirements in accordance with Part V of the Virginia Certification Standards for Building and Amusement Device Inspectors, Blasters and Tradesmen (VR 394-01-02).

2. Notwithstanding any regulation to the contrary, no exemption shall be permitted from the requirements for certification for any person including local building officials and their representatives to inspect amusement devices.

500.3. Credentials: The building official, state personnel, or any certified inspector shall carry proper credentials of authorization provided by the Department of Housing and Community Development when enforcing any provision of these regulations.

SECTION 600.0. DUTIES AND POWERS OF THE BUILDING OFFICIAL.

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600.1. General: The building official shall enforce the provisions of the VADR as provided herein, and as interpreted by the State Building Code Technical Review Board in accordance with § 36-118 of the Code of Virginia.

600.2. Applications and permits: The building official shall receive applications and issue permits for the construction, reassembly, operation and inspection of amusement devices.

600.3. Notices and orders: The building official shall issue necessary notices or orders to remove unsafe conditions, to require the necessary safeguards during construction or reassembly and to ensure compliance with all the VADR requirements for the health, safety and general welfare of the public.

600.4. Inspections: The building official shall make or cause the required inspections to be conducted in accordance with § 1000.0 of these regulations, or shall accept reports of inspection by individuals certified to perform amusement device inspections when the owner or lessee of the amusement device has exercised the option of using private inspectors. Reports of such inspections shall be in writing and signed by the certified individual.

600.5. Delegation of duties and powers: The building official may delegate duties and powers subject to any limitations imposed by the local government, but shall be responsible that any powers and duties delegated are carried out in accordance with the VADR.

600.6. Fees: Fees may be levied by the local governing body in order to defray the cost of enforcement and appeals in accordance with § 36-105 of the Code of Virginia.

600.6.1. Fee schedule: A schedule of fees shall be established by the local government and shall be made available to the public upon request. The fee schedule adopted by the local government shall not exceed the fee schedule set by the Board of Housing and Community Development. The board shall review the fee schedule at least tri-annually and shall adjust the fee schedule as proven necessary. The fees shall be based on the actual cost of administrative activities and inspections performed by local government personnel. The local government shall not establish a fee schedule resulting in fees that exceed the actual costs of the activities performed by local government personnel. The fee schedule shall have provisions for fee reduction if private inspectors are utilized by the owner or lessee. When an inspector not an employee of the local governing body is retained by an owner, the owner shall pay the inspector's fees directly. When an inspector not an employee of the local governing body is retained by the local building department, that department shall pay the inspector's fees.

SECTION 700.0. APPLICATION FOR PERMIT.

700.1. When permit is required: Written application shall

be made to the building official when a permit is required. A permit shall be issued by the building official before any of the following actions subject to the VADR may be commenced:

1. Constructing and operating an amusement device permanently fixed to a site.
2. Reassembling and operating any portable amusement device.

700.2. Who may apply for a permit: Application for a permit shall be made by the owner or lessee of the amusement device or agent of either.

700.3. Information for application: The application for a permit shall be submitted on forms supplied by the building official. The forms shall require the following information:

1. Name of the owner, lessee, or agent of either.
2. Identification of the person(s) authorized to accept service of process on behalf of the owner or lessee.
3. A general description of the amusement devices, their location, and the work or operation proposed.
4. Proof of financial responsibility in a minimum amount of \$300,000 per occurrence. Such proof may be demonstrated by a bond or cash reserve, or certificate or policy of insurance providing coverage for liability arising out of the use or operation of the amusement device.

SECTION 800.0. MODIFICATION.

800.1. Modifications: If an owner or operator finds that compliance with the amusement device regulations or decision of the local building official presents a practical difficulty or undue hardship, the owner or operator may apply to the local building official for a modification of the regulation or decision. Such modification may be granted provided the spirit and intent of these regulations are observed, and public health, welfare and safety are assured.

800.2. Alternative design, materials, and equipment: Where there is an alternative design, material or equipment, the owner may apply to the local building official for a modification of the VADR relating to such design, material or equipment. Upon application of the owner, the building official may modify the provisions of the VADR relating to amusement device design or building materials, equipment, devices or assemblies provided the proposed alternatives are satisfactory and comply with the intent of the VADR and the standards incorporated therein, and are, for the purposes intended, at least the equivalent of that prescribed in the VADR for quality, strength, effectiveness, durability and safety.

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800.3. Records: The application for modification and the final decision of the building official shall be in writing and shall be officially recorded with the copy of the certificate of inspection in the permanent records of the local building department.

SECTION 900.0. AMUSEMENT DEVICE PERMITS.

900.1. Action on application: The building official shall examine all applications for permits within five days after filing. If the application does not conform to the requirements of the VADR, the building official shall reject such application in writing, stating the reasons for rejection. If the building official is satisfied that the proposed work or operation conforms to the requirements of the VADR and all applicable laws and ordinances, a permit shall be issued as soon as practicable. For purposes of coordination, the local governing body may require reports to the building official by other departments as a condition for issuance of a permit and certificate of inspection. Such reports shall be based upon review of the application or inspection of the project as determined by the local governing body.

Note: Before issuing a permit, the building official should consider the effects of any applicable regulations of other governmental agencies so that proper coordination may be achieved before the work is commenced.

900.2. Signature on permit: The signature of the building official or his authorized representative shall be attached to every permit.

900.3. Annual permit: Instead of an individual permit for each reassembly of an already approved amusement device, the building official may issue an annual permit.

900.4. Revocation of permits: The building official may revoke a permit or approval issued under the provisions of the VADR in case of any false statement or misrepresentation of fact in the application on which the permit or approval was based.

SECTION 1000.0. INSPECTIONS.

1000.1. Preliminary inspection: Before issuing a permit, the building official may examine all sites for which an application has been filed for a permit to construct, reassemble or operate an amusement device.

1000.2. Required inspections: After issuing a permit, the building official shall conduct inspections from time to time during construction or reassembly or shall accept inspection reports from independent private inspectors employed by the owner or lessee, and may conduct inspections of the operation of amusement devices or may require the owner or lessee to provide reports from private inspectors for inspections conducted during operation of the amusement device(s). A record of such inspections shall be maintained by the building official.

1000.2.1. Right of entry: The building official may inspect amusement devices for the purpose of enforcing the VADR in accordance with the authority granted by §§ 36-105 and 36-98.3(D) of the Code of Virginia.

1000.3. Minimum inspections: As part of their inspections, inspectors shall perform, but are not limited to the following actions:

1. Inspect all amusement devices permanently fixed to a site,
 - a. Prior to each seasonal operation; and
 - b. Prior to operation following any major modification; and
 - c. At least once during the operating season.

2. Inspect all portable amusement devices after each reassembly and prior to operation except that the inspector may accept a valid certificate of inspection which was issued with respect to a "kiddie ride" by another inspector certified in Virginia. If an inspector chooses to inspect a kiddie ride which has a valid certificate of inspection, no fee shall be charged. If upon inspection, the inspector finds that a device is not in compliance with applicable standards, the certificate of inspection may be declared invalid.

3. Verify that nondestructive testing has been conducted by a recognized testing agency as prescribed by the device manufacturer and in accordance with ASTM.

4. At the discretion of the inspector, verify that the operation and maintenance of amusement devices is in accordance with the requirements of these regulations and the standards referenced therein.

5. Inspect any amusement device upon the request of the director or local building official following a report or other notification that the device or one of substantially similar design and construction has been involved in an accident resulting in a fatality or serious injury.

6. Investigate any report or other notification of a problem or a defect with respect to an amusement device and inspect the device at the request of the director or the building official to determine whether it poses a hazard or threat of injury to the public.

7. Upon completion of the amusement device, and before issuance of the certificate of inspection, a final inspection shall be made to ensure that the device conforms with the VADR.

1000.4. Notice of readiness for inspection: Every owner or operator of an amusement device shall notify the local building official when an amusement device or one that

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has undergone major modifications is scheduled to be ready and available for inspection.

In addition, every owner or operator of an amusement park shall notify the local building official when each amusement device located within the park is scheduled to be ready for inspection prior to its seasonal operation.

Every owner or operator of a carnival or fair shall notify the local building official of the date each amusement device is scheduled to be reassembled and ready for inspection on a site.

Note: Although no requirements are imposed on owners or operators with respect to time for giving notice of readiness for inspection, owners and operators are cautioned to refer to §§ 900.1 and 1000.5 of these regulations which require the building official to perform certain duties within five days of application or notice. Owners or operators failing to give at least five days notice of readiness for inspection will only be inspected by the building official or his authorized representative at their pleasure or convenience.

1000.5. Inspections to be prompt: The inspector shall respond to inspection requests without unreasonable delay. When given at least five days notice of readiness for inspection, the inspector shall inspect on the date designated by the owner or operator. The inspector shall approve the device or give written notice of defects to the owner or operator. Such defects shall be corrected and the amusement device reinspected before operation or proceeding with any work that would conceal the defects.

SECTION 1100.0. ACCIDENTS.

1100.1. Owner/operator to suspend operation: An owner or operator shall immediately suspend operation of any amusement device which is involved in an accident resulting in fatality or serious injury.

1100.2. Reports: Every owner or operator of an amusement device shall report to the director and the local building official the details of any accident involving an amusement device which results in a fatality or serious injury. The report shall be submitted in writing to the local building official within 24 hours, and to the director the next working day. Such report shall include but is not limited to the following information:

1. A description of the amusement device including the name of the manufacturer, the serial number and the date the device was originally constructed, if available.
2. A description of the accident including the number of people involved, number and type of injuries, number of fatalities.
3. Cause of accident if determined.

1100.3. Owner's authority to resume operation: The owner, lessee or agent of either may resume operation of an amusement device following suspension of operation under this section if, after conducting an investigation, the owner, lessee, or agent determines that the incident was in no way the result of a failure or malfunction of the device or any of its operating or safety equipment. Any investigation conducted under this section shall include (i) examination of the accident scene, (ii) interviews with witnesses, if any, (iii) review of statements made by the injured person, if any, and (iv) trial operation and inspection of the amusement device. A written record of such investigation shall be made and submitted to the local building official or his designee.

The decision of the owner or operator not to resume operation of the amusement device shall not be construed as an admission that the incident was caused by the failure or malfunction of the device. Nothing in this section shall be construed to waive the requirements of notification of the occurrence set forth in § 1100.2.

SECTION 1200.0. QUALIFICATION OF OPERATORS.

1200.1. Minimum age: No amusement device shall be operated by a person under 16 years of age, except that this provision shall not apply to a child under 16 years of age employed by his parents in an occupation not declared hazardous by the Commissioner of Labor and Industry.

1200.2. Requirements:

1. An operator may not operate more than one amusement device at a time unless the devices are within the sight of the operator and are operated by a common control panel or station, except that in the case of kiddie rides, two rides may be operated in unison under the continuous and common control of one operator provided that the farthest point of operation of either device is no more than 35 feet and the control is equipped with a positive pressure switch.
2. An amusement device shall be attended by an operator at all times during operation.

1200.3. Conduct; authority:

1. No amusement device shall be operated by an operator while under the influence of alcohol.
2. No amusement device shall be operated by an operator while under the influence of drugs which may affect the operator's judgment or ability to assure patrons' safety.
3. The operator has the authority to prohibit use of amusement devices by individuals who may present a safety threat to others or to themselves.

1200.4. Training: The ride operator shall be trained in the

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proper use and operation of the ride as required by ASTM F770 and ASTM F853 listed in Appendix A .

SECTION 1300.0. SUSPENSION OF OPERATION.

1300.1. When director or local building official may order: The director or local building official shall order, in writing, a temporary suspension of operation of an amusement device if the director or local building official has reason to believe that the device is hazardous or unsafe, or if the director or local building official receives a report or is otherwise notified that the amusement device has been involved in an accident resulting in fatality or serious injury.

The director or local building official may order, in writing, a temporary suspension of operation of an amusement device if (i) the director or local building official receives a report or is otherwise notified that an amusement device or one of substantially similar design has been involved in an accident resulting in a fatality or serious injury; and (ii) an inspection conducted in accordance with § 1000.0 of these regulations reveals that the ride is hazardous or poses a threat to the safety of the public.

1300.2. When operation to resume: When the operation of an amusement device has been suspended under this section, such operation shall not resume until any hazardous or unsafe condition has been corrected and a certificate of inspection has been issued with respect to such device.

SECTION 1400.0. VIOLATIONS.

1400.1. Code violations prohibited: No person, firm or corporation shall construct, reassemble, maintain, operate or inspect any amusement device regulated by the VADR, or cause same to be done in conflict with or in violation of any of the provisions of the VADR.

1400.2. Notice of violation: The building official shall serve a notice of violation on the person responsible for the construction, reassembly, maintenance, operation or inspection of any amusement device in violation of the provisions of the VADR, or in violation of plans and specifications approved thereunder, or in violation of a permit or certificate issued under the provisions of the VADR. Such order shall direct the discontinuance and abatement of the violation.

1400.3. Prosecution of violation: If the notice of violation is not complied with promptly, the building official shall request the legal counsel of the jurisdiction to institute the appropriate legal proceedings to restrain, correct or abate such violation or to require the removal or termination of the use of any amusement device in violation of the provisions of the VADR.

1400.4. Violation penalties: Violations are a misdemeanor in accordance with § 36-106 of the Code of Virginia.

Violators, upon conviction, may be punished by a fine of not more than \$1,000.

1400.5. Abatement of violation: Conviction of a violation of the VADR shall not preclude the institution of appropriate legal action to prevent other violations or recurring violations of the VADR relating to construction, reassembly, maintenance, operation or inspection of any amusement device.

SECTION 1500.0. CERTIFICATES OF INSPECTION.

1500.1. When certificate required: No amusement device shall be operated unless a certificate of inspection has been issued with respect to that device. A copy of the certificate shall be affixed to the entrance of the device in plain view of riders or patrons.

1500.2. Requirements: A certificate of inspection shall be issued to an owner or operator after an inspection conducted pursuant to § 1000.0 of these regulations indicates that the device is in satisfactory working order and poses no hazard or threat to the safety of the public.

1500.3. Term: A certificate of inspection will be valid:

1. Until the device is disassembled except that a certificate of inspection issued with respect to a portable kiddie ride shall be valid for one year after the issue date, regardless of whether the device is disassembled; or
2. Until any major modification or alteration is made to the device; or
3. Until the inspection required by § 1000.0 is conducted on fixed site devices; or
4. Until termination of the proof of financial responsibility required by § 1600.0.

1500.4. Contents of the certificate of inspection: When an amusement device is entitled thereto, the building official shall issue a certificate of inspection. When the certificate is issued, the device shall be deemed in compliance with the VADR. The certificate shall specify the use of the amusement device, the type of construction, the occupancy load of the device, the date on which the certificate was issued, the term of the certificate, and any special stipulations and conditions. The certificate shall also include the name of the building official or his representative and a telephone number where they may be reached in case of an emergency or accident.

SECTION 1600.0. FINANCIAL RESPONSIBILITY.

1600.1. Proof of financial responsibility: The owner shall provide proof of financial responsibility in a minimum amount of \$300,000 per occurrence. Such proof shall be demonstrated by a bond or cash reserve, or certificate of insurance providing coverage for liability arising out of the

use or operation of the amusement device.

1600.2. Termination of financial responsibility: Each owner or operator of an amusement device shall report immediately to the director and to the local building official that the proof of financial responsibility required by this section will be terminated and shall include in the report the date of such termination.

SECTION 1700.0. APPEALS.

1700.1. Assistance from director: An owner of an amusement device aggrieved by a decision of the building official may request the director to assist the building official and the owner in resolving any questions arising from the interpretation and application of these regulations. The director may request advice or assistance from members of the Technical Advisory Committee in resolving any questions.

1700.2. Appeal to review board: When the questions cannot be resolved with the assistance of the director, the owner may appeal to the State Building Code Technical Review Board. Application for review shall be made to the review board within 15 days of the decision of the building official. The review board may request advice or assistance from members of the Technical Advisory Committee when rendering a decision.

1700.3. Enforcement of decision: Upon receipt of the written decision of the State Building Code Technical Review Board, the building official shall take immediate action in accordance with the decision.

1700.4. Court review: Decisions of the State Building Code Technical Review Board shall be final if no appeal is made. An appeal from the decision of the State Building Code Technical Review Board may be presented to the court of the original jurisdiction in accordance with the provisions of the Administrative Process Act.

SECTION 1800.0. CONTINUATION OF COMPLIANCE.

1800.1. Continued compliance required: Amusement devices constructed or manufactured before the effective date of the VADR shall be maintained, reassembled, operated and inspected in accordance with the provisions of the VADR. The construction and manufacture of such devices shall remain subject to the previous edition of the USBC in effect at the time the device was constructed or manufactured.

APPENDIX A Referenced Standards

The following is a listing of the standards referenced in this code, the date of the applicable edition of the standard, and the promulgating agency of the standard.

[ANSI - American National Standards Institute
1430 Broadway

New York, N.Y. 10018

B77.1-90]

ASTM - American Society of Testing and Materials
1016 Race Street
Philadelphia, Pennsylvania 19103

F 698-88 Specification for Physical Information to be Provided for Amusement Rides and Devices

F 747-86 Definitions of Terms Relating to Amusement Rides and Devices

F 770-88 Practice for Operation Procedures for Amusement Rides and Devices

F 846-86 Guide for Testing Performance of Amusement Rides and Devices

F 863-86 Practice for Maintenance Procedures for Amusement Rides and Devices

F 893-87 Guide for Inspection of Amusement Rides and Devices

F 1150-88 Practice for the Design and Manufacture of Amusement Rides and Devices

F 1103-88 Practice for an Amusement Ride and Device Manufacturer Quality Assurance Program

ARTICLE 2. BUNGEE JUMPING.

SECTION 1900.0. GENERAL.

1900.1. Definitions: The following words and terms, when used in this article, shall have the following meaning, unless the context clearly indicates otherwise.

"Bungee cord" means the elastic rope to which the jumper is attached which lengthens and shortens to produce a bouncing action.

["Bungee cord end connections" means a static line runner commonly made from tubular nylon webbing.

"Bungee cord loop end connections" means the loop of cord generally provided by the manufacturer to which an end connection is attached prior to use.]

"Carabineer" means a shaped metal device with a gate used to connect sections of the bungee cord, jump rigging, equipment or safety gear.

["Dynamic loading" means the load placed on the rigging and attachments by the initial free fall of the jumper and the bouncing movements of the jumper, expressed as pounds force.]

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["Ground operator" means a person who assists the jump master to prepare a jumper for jumping.]

"Harness" means an assembly to be worn by a jumper to be attached to a bungee cord. It is designed to prevent the wearer from becoming detached from the bungee system.

["Jump height" means the distance from where the jumper begins his leap to the bottom of the jump space.]

"Jump master" means a person who has responsibility for the bungee jumper and who takes the jumper through the final stages to the actual jump.

["Jump operator" means a person who assists the jump master to prepare a jumper for jumping-

"Jump point" means the position from which the jumper departs from the platform.]

"Jump zone" means the space bounded by the maximum designed movements of the jumper [or any part of the jumper] .

"Jumper" means the person who departs from a height attached to a bungee system.

"Landing area" means the surface area of ground or water directly under the jump [space zone] , the area where the [lifting lowering] device moves the jumper to be landed away from the jump space and the area covered by the movement of the [lifting lowering] device.

"Operating manual" means the document that contains the procedures and forms for the operation of bungee jumping [equipment and] activity at a site.

"Platform" means the equipment attached to the structure [or crane] from which the jumper departs.

["Preparation area" means the area where the jumper is prepared for jumping which is either a separate area on the ground, on the support structure or part of the platform-

"Safety factor" means the ratio obtained by dividing the breaking load of any piece of equipment by its working load.]

"Ultimate tensile strength" means the greatest amount of load applied to a bungee cord prior to failure.

1900.2. Purpose: The purpose of this article is to set minimum technical requirements [to assure safety] for bungee jumpers [; and] spectators [and employees] in bungee jumping activities governed by these regulations.

1900.3. [Application Scope] : This article sets standards for bungee jumping operations which are open to the

public and which are conducted from structures designed for use as part of the bungee jumping operation [including cranes] . Bungee jumping from other types of structures, cranes or derricks is not permitted for public participation.]

[~~1900.4.~~ 1900.3.1] Prohibited [jumping] activities: Bungee jumping [operations activities] which involve double jumping, sandbagging, catapulting or stunt jumping shall not be permitted to be open for public participation.

SECTION 2000.0. BUNGEE CORDS.

2000.1. Testing requirements: Bungee cords shall be tested by an approved testing agency or by an engineer licensed in Virginia. The following criteria shall be met:

1. Each lot of bungee cords shall have a [representative number minimum of 10%, but not less than one] of [the] cords tested to determine the lowest ultimate tensile strength of the cords tested. A load versus elongation curve based on the test result shall be provided with each lot of bungee cords.

2. The manufacturer shall specify the maximum number of jumps for which each cord or cord type is designed [and the criteria for use of the cord] .

[~~3.~~ In a single cord system, the binding shall hold the cord threads in the designed positions and shall have the same characteristics as the cord itself. In a multiple cord system, the cord shall be bound together in a manner to prevent potential jumper entanglement. The bindings shall not damage or effect the performance of the cords.]

2000.2. Cord retirement and destruction: Bungee cords shall be retired when (i) the cords exhibit deterioration or damage, (ii) they do not react according to specifications, or (iii) they have reached the maximum usage expressed in number of jumps as specified by the manufacturer. Bungee cords retired from use shall be destroyed [immediately] by cutting the cord into five foot lengths.

SECTION 2100.0. JUMP HARDWARE.

2100.1. Jump harnesses: Jump harnesses shall be either full body-designed, which includes a waist harness worn in conjunction with a chest harness, or ankle-designed with a link to a waist harness [and shall meet the following requirements: . All jump harnesses, carabineers, cables and other hardware shall be designed and manufactured for the purpose or designed or analyzed by an engineer licensed in Virginia and shall be used and maintained in accordance with the manufacturer's or engineer's instructions.]

[~~1.~~ The harness shall be designed so as not to cause bruising-

~~2.~~ The ankle-designed harness shall be either as an

ankle harness or as ankle strapping which is tied off in such a manner as to secure the jumper to the cord end connection.

3. The harness shall be available to fit the range of jumper sizes accepted for jumping.

4. The harness shall have a minimum breaking strength of 4,000 pounds, and be suitable for the type of jumping conducted.

2100.2. Carabineers: Carabineers shall be of the screw type lock with a minimum main axis breaking load of 6,000 pounds. Alloy carabineers shall not be used. A minimum of two carabineers shall be used at each bungee end connection point.

2100.3. Anchors: One of two anchors shall attach the bungee cord to the structure or crane. If two anchors are used, each shall have a minimum strength of 8,000 pounds or shall be designed with a factor of safety of five, whichever is greater. If a single anchor is used, it shall have a minimum strength of 22,000 pounds or shall be designed with a factor of safety of 20, whichever is more. There shall be a carabineer that connects each anchor to the bungee cord end or in the case of single anchor attachment to the structure or crane, two carabineers shall be used. The carabineers shall have a minimum strength of 8,000 pounds and shall be of locking variety with a screw-type lock.

2100.4. Other connection systems: Other connection systems may be used if meeting the connection requirements for carabineers and anchors. Where wire rope is used, it shall have swaged ends with a thimble eye or be continuous. Wire clips are not permitted.

2100.5. Other hardware: Other hardware shall be of a size, strength, design and construction suitable for its intended use. The minimum diameter of rope is 11 millimeters with a minimum breaking load of 5,000 pounds. The minimum breaking load of tubular webbing or equivalent hardware is 4,000 pounds.]

SECTION 2200.0. [CRANE AND] STRUCTURE REQUIREMENTS.

[2200.1. Cranes: Cranes shall have a minimum lifting capacity of 20 tons. The maximum load while hoisting persons shall not exceed 50% of the rated capacity of the crane given any boom angle used. The load on the crane shall be established by combining the weight of the man basket, headache ball, maximum dynamic load of the jumper and all other equipment and passengers.]

[2200.2. 2200.1. Structures Engineering analysis] : Structures [used constructed on site] for bungee jumping activities shall be [analyzed designed] by an engineer licensed in Virginia [to determine loading and the proper placement of anchors and other rigging] . [Structures manufactured for bungee jumping activities shall be

analyzed by an engineer licensed in Virginia and assembled and supported in accordance with the manufacturer's instructions.]

SECTION 2300.0. OPERATIONAL AND SITE REQUIREMENTS.

2300.1. Bungee cord use: Operators shall follow the criteria provided by the manufacturer for the use of bungee cords. A [documented] record of the number of jumps with each cord shall be maintained. All [cord ends cords] shall be inspected daily for wear, slippage or other abnormalities, unless the manufacturer specifies more frequent inspections.

2300.1.1. Determining loading of bungee cord: The jump master or site [controller or] manager shall be responsible for determining the appropriate use of all bungee cords in relation to the weight of the jumper and height of the platform. [The maximum G-force allowable on a jumper using a waist and chest harness in 4.5 G's. The maximum G-force allowable on a jumper using an ankle harness is 3.5 G's. The minimum factor of safety for any cord configuration attached to a jumper shall be no less than five. The maximum dynamic load which is possible for a jumper to exert on a bungee cord configuration shall be no greater than 20% of that cord configuration's minimum breaking strength. Bungee cords shall be attached to the structure at all times when in the connection area.]

2300.2. Hardware [requirements inspections] : All harnesses shall be inspected prior to harnessing a jumper and shall be removed from service when they exhibit signs of excessive wear or [have been damaged damage] . All carabineers shall be inspected daily and shall be removed from service when [(i) the locking mechanisms fail to lock properly, (ii) the springs are worn, or (iii) the locking gates become deformed they exhibit signs of excessive wear or damage or fail to function as designed] . The anchors shall be inspected daily and shall be replaced if showing signs of excessive wear. [A locking mechanism on the rope shall be used to stop and hold the jumper in one place after being pulled back to the jump platform in a human-powered retrieval system. A dead man's switch or locking mechanism that will stop the lowering action, if necessary, shall be used in a friction lowering system. Bungee cords shall be attached to the structure or crane at all times when in the connection area.]

2300.3. [Jump-related operational requirements Retrieval and lowering system] : A secondary retrieval system [must shall] be provided in all operations [with personnel trained in performing a rescue] . [The crane operator shall have a durable load chart visible at all times during operation and shall be responsible for not exceeding the permissible load requirements. The jumper shall be instructed to jump as perpendicular to the boom of a crane as possible. If the man basket is lowered onto the bungee cord, the cord shall be inspected before jumping is

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~~continued. Communication shall be maintained between all personnel involved with the jump. A locking mechanism on the line shall be used to stop and hold the jumper in place after being pulled back to the jump platform in a retrieval system. A dead man's switch or locking mechanism that will stop the lowering action shall be used in a friction lowering system.]~~

2300.4. Site requirements: The jump zone, preparation area [; jump space] and landing/recovery area shall be identified and maintained during bungee jumping activities. The landing/recovery area shall be accessible to emergency vehicles. [Communication shall be maintained between all personnel involved with the jump.]

2300.4.1. Over land site requirements: An air bag [~~or landing pad shall be used. The air bag or landing pad shall be~~ ,] a minimum of 10 feet by 10 feet [shall be used] . The air bag shall be rated for the maximum free fall height possible from the platform during operation. The [~~landing area air bag~~] shall be located immediately below [the] jump space. The landing area shall be free of spectators and debris at all times and shall be free of any equipment or personnel when a jumper is being prepared on the jump platform and until the bungee cord is at its static extended state. A place to sit and recover shall be provided [~~close adjacent~~] to, but outside, the landing area where the jumper shall be allowed to recover [~~before moving off the landing spot~~] .

2300.4.2. Over water site requirements: Where the jump space or landing area, or both, is over sea, lake, river or harbor waters, the following shall apply:

1. The landing water area shall be at least nine feet deep and a minimum of 10 feet by 10 feet [~~in area if square~~] or have a minimum of 15 feet in diameter if circular.

2. The jump space [~~or and~~] landing area [; ~~or both,~~] shall be free of other vessels, floating and submerged objects and [~~the placement of~~] buoys. A sign of [~~appropriate approved~~] size which reads "Bungee Jumping! Keep Clear" shall be fixed to the ~~buoy lines~~ buoys] on four sides [of the landing area] .

3. The landing [~~and recovery~~] vessel shall be [~~positioned accurately and remain in a constant position readily available~~] for the duration of the landing procedures.

4. The landing vessel shall have a landing pad size of at least five feet by five feet within and lower than the sides of the vessel.

5. A [landing] vessel shall be [~~present available~~] that [~~is able to can~~] be maneuvered in the range of water conditions expected and will enable staff to pick up a jumper [~~or other persons who have fallen into the water~~] .

6. One person may operate the landing vessel where the vessel is positioned without the use of power. A separate person shall [~~pilot operate~~] the vessel where power is required to maneuver into or hold [; ~~or both,~~] the landing position.

[~~7. The vessel shall be equipped as required by the U.S. Coast Guard with approved life jackets for all personnel and other rescue equipment.]~~

Where the landing area is part of a [~~constructed~~] swimming pool [~~complex~~] or [the landing area] is specifically constructed for bungee jumping, the following shall apply:

1. Rescue equipment shall be available [, such as a life ring or safety pole] .

2. The jump space and landing area shall be fenced to exclude the public.

3. Only the operators of the bungee jump [and jumper] shall be within the jump [space zone] and landing areas.

2300.5. Storage: [Adequate storage Storage] shall be provided [~~both on site and off site~~] to protect equipment from physical, chemical and ultra-violet radiation damage. The storage shall be provided for [any] current replacement and emergency equipment and organized for [~~easy and orderly ready~~] access and shall be secure against unauthorized entry.

SECTION 2400.0. MANAGEMENT AND PERSONNEL [REQUIREMENTS RESPONSIBILITIES] .

2400.1. General: All bungee jumping activities shall have a minimum of one site [~~controller or~~] manager, [~~two one~~] jump [~~masters master~~] and [~~two one~~] ground [~~operators, all over the age of 18, operator~~] to be present at all times during operation of the bungee jump.

2400.2. Site [~~controller or~~] manager: [~~The site controller or manager shall be qualified as a jump master and have first aid and CPR training.] The site [~~controller or~~] manager is responsible for the following:~~

1. Controlling the entire operation.

2. Site equipment and procedures [~~for replacement~~] .

3. Determining whether it is safe to jump.

4. Selection of, and [and] training of personnel.

5. Emergency [~~action and~~] procedures.

6. Maintaining records.

2400.3. Jump master: [~~The jump master shall have completed a minimum of 25 jumps and completed 30~~

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hours of training with 10 hours reviewing the operation manual, 10 hours of on the job experience and four hours of procedural review and additional information or education.] A jump master shall be located at each jump platform and shall have thorough knowledge of, and is responsible for, the following:

[1. Rescue procedures for, briefing and psychological preparation of the jumper.]

[2. 1.] Overseeing the processing of jumpers [; , selection of the bungee cord, adjustment of the rigging,] final check of jumper's preparation [; and] countdown for and observation of the jump [; selection of the bungee cord and adjustment of the rigging] .

[3. The site, equipment, procedures and personnel 2. Verifying that the cord is attached to the structure at all times when the jumper is in the jump area] .

[4. Emergency 3. Rescue and emergency] procedures [for accidents, illness, unruly or hysterical jumpers, failure of equipment before or after the jump] .

[5. 4.] Ensuring that the number of jumps undertaken in a given period of time will allow all personnel to safely carry out their responsibilities.

2400.4. Ground operator: [The ground operator shall have completed at least one bungee jump and have 10 hours training with four hours reviewing the operation manual and six hours training on site.] The ground operator shall have knowledge of all equipment used and of jump procedures and shall have the following responsibilities:

1. Ensuring that the [participant jumper] is qualified to jump.

2. Assisting the jump master to prepare the jumper and [attaching attach] the jumper to the [harnesses harness and rigging] .

3. [Attaching the jumper to the rigging, under the supervision of the jump master, assisting Assisting] the jumper to the recovery area [and ensuring that the jumper leaves the operation area] .

4. Maintaining a clear view of the landing [zone area] .

[5. Assisting in crowd control when warranted.]

2400.5. Operating manual: Each site shall have an operating manual which shall include the following:

1. Site plan, job descriptions (including procedures), [inspections and] maintenance requirements of equipment including rigging, hardware, bungee cords, harnesses and lifelines.

2. An emergency [rescue] plan [(including procedures); bungee cord logs and inspection procedures, standards and follow-up actions] .

2400.6. Daily operating procedures: The daily operating procedures [include the following: shall be conducted in accordance with ASTM F-770 listed in Section 400.1.]

[1. Setting up the site and associated equipment.

2. Completing a written check list for personal protective equipment such as gloves, life jackets, buoyancy aids, harnesses and life lines and the communication system.

3. Examination of the jump equipment and rigging.

4. Perform test jumps and check the bungee cord operation.

5. Brief personnel for the day's operation.]

2400.7. [Registration Qualification] and preparation of jumpers: The [registration qualification and preparation] of jumpers shall include [their name, obtaining] any pertinent medical information, [age, jumper] weight [; and a] briefing of [jumping] procedures and safety instructions.

[2400.8. Jump procedures: The following procedure shall be used to execute a jump:

1. Personnel shall check the jumper for loose objects.

2. The harness shall be attached.

3. The bungee cord shall be connected and adjusted if necessary.

4. The jumper shall be connected to the cord and the connections to the rigging shall be checked prior to being raised to elevation.

5. The jump master shall perform a final inspection.

6. The ground crew countdowns jumper.

7. Retrieval process shall not be initiated until rebounds have ceased.

8. The jumper shall be returned to the public area.

9. The bungee cord is retrieved to the platform.

* * * * *

REGISTRAR'S NOTICE: This regulation is excluded from Article 2 of the Administrative Process Act in accordance with § 9-6.14:4.1 C 4(a) of the Code of Virginia, which excludes from Article 2 regulations which are necessary to conform to changes in Virginia statutory law where no

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agency discretion is involved. The Department of Housing and Community Development will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: VR 394-01-101. Enterprise Zone Program Regulations.

Statutory Authority: § 59.1-278 of the Code of Virginia.

Effective Date: June 7, 1993.

Summary:

In response to Chapters 467, 528, and 351 of the 1992 Acts of Assembly, amendments to the Enterprise Zone Program Regulations would:

1. *Extend the income tax and unemployment tax credits qualification period to 10 years for businesses that begin operation within a designated Enterprise Zone after July 1, 1992;*
2. *Add, "commercial and economic" revitalization to the purpose of the Enterprise Zone Act; and*
3. *Add a third distress criteria, "...floor area vacancy rate of industrial or commercial properties of 20% or more."*

**PROCEDURAL AND REPORTING REQUIREMENTS.
PROCEDURE I.**

Designating an Enterprise Zone

1. Procedure: Obtain an Application for Enterprise Zone Designation (Form EZ-1). Joint applicants should also obtain a copy(ies) of Form EZ-1-JA.

Remarks: Forms EZ-1 and EZ-1-JA may be obtained from the Department of Housing and Community Development, 205 North Fourth Street, The Jackson Center, 501 North Second Street, Richmond, Virginia 23219.

2. Procedure: Complete the application.

Remarks: In its application, a locality may propose local incentives to stimulate private investment in a proposed zone.

3. Procedure: Hold at least one public hearing on the application.

4. Procedure: Submit the completed application and a resolution by the local governing body to the department.

Remarks: Applications must be submitted by the submission date to be established by the department.

5. Procedure: The department reviews and forwards to

the Governor those applications determined to be eligible for Enterprise Zone designation.

6. Procedure: The director of the Department of Housing and Community Development recommends to the Governor those applications determined to have the greatest potential for accomplishing the purpose of the program.

7. Procedure: The Governor designates, upon recommendation of the director, up to 15 25 Enterprise Zones for a period of 20 years.

Remarks: The Governor's designation shall be final. A local governing body whose application is denied will be notified and provided with the reasons for denial.

Application for Enterprise Zone Designation (Form EZ-1)

Requirements: Applications for zone designation must be submitted to the department on Form EZ-1. Form EZ-1 requires the following information on a proposed zone: location and boundaries; development history; local revitalization efforts; land use characteristics; physical deficiencies and investment opportunities; local development objectives; barriers to investment in a zone; proposed local program incentives; projected impact of proposed local incentives; projected impact of state tax incentives; and local assurances and authorization. A resolution of the local governing body must also accompany the application.

Need for Requirements: Section 59.1-274 of the Code of Virginia stipulates that applications for zone designation shall be made in writing to the department. Section 59.1-275A of the Code of Virginia authorizes the department to solicit whatever information is necessary for the purpose of determining whether an area qualifies to be designated as a zone. Procedures are needed to assure that applications are submitted and reviewed in a consistent manner. All the information requested on Form EZ-1 is necessary in order to determine which applications will best accomplish the purpose of the Act. The requirement for a resolution by a local governing body is considered to be the minimum action needed to assure that an application is being submitted by the local governing body as stipulated in § 59.1-274 of the Code of Virginia.

Cost of Requirements: Local governments participating in the program would incur costs associated with preparing Form EZ-1 and conducting the required public hearing. Form EZ-1 requests only information which is readily available to the applicant. Therefore, it should impose no significant cost. The secretarial area of Economic Development would incur administrative costs associated with determining zone eligibility and selecting zones. The department does not anticipate the need for additional personnel or budget authorization in order to carry out its responsibility.

Joint Application Agreement (Form EZ-1-JA).

Requirements: A joint application must be accompanied by a Joint Application Agreement(s) (Form EZ-1-JA). Form EZ-1-JA requires applicants to certify that they are in agreement in filing the joint application.

Need for Requirements: Section 59.1-274 of the Code of Virginia permits adjacent jurisdictions to file a joint application for zone designation. Since Form EZ-1 is designed to be completed by a single jurisdiction (the program administrator) Form EZ-1-JA is needed in order to certify that each jurisdiction is in agreement in filing the joint application.

Cost of Requirements: Jurisdictions participating in the joint application would incur costs associated with preparing Form EZ-1-JA. This additional cost would be minimal.

PROCEDURE II.

Amendment and Termination Procedures.

A. Amending an application.

1. Procedure: Obtain a Request for Application Amendment (Form EZ-2). Joint applicants should also obtain a copy(ies) of a Form EZ-2-JA.

Remarks: Forms EZ-2 and EZ-2-JA are available from the Department of Housing and Community Development, 205 North Fourth Street, The Jackson Center, 501 North Second Street, Richmond, Virginia 23219.

2. Procedure: Complete the Request for Application Amendment.

3. Procedure: Hold at least one public hearing on the proposed amendment.

4. Procedure: Submit the completed Request for Application Amendment and a resolution by the local governing body to the department.

5. Procedure: The department reviews the Request for Application Amendment.

Remarks: The department will approve an amendment to local program incentives only if the proposed local incentives are equal to or superior to those in the application prior to the proposed amendment. The department will approve an amendment to expand zone boundaries only if the proposed amendment can be justified.

B. Terminating a zone.

1. Procedure: Notify the department in writing of any inability or unwillingness to provide approved local program incentives.

Remarks: Notice must be made within 30 days.

2. Procedure: Request an amendment to the approved application in accordance with procedure IIA.

Remarks: Requests must be submitted within 60 days following notice to the department.

3. Procedure: The department reviews requested amendments in accordance with procedure IIA:

Remarks: Approval of an amendment will allow a zone to continue in operation.

4. Procedure: The department recommends to the secretary that the zone be terminated.

Remarks: This step occurs only if a local governing body fails to provide notice in writing of any inability or unwillingness to provide approved local program incentives (step 1) or has its request for amendment denied.

5. Procedure: The secretary reviews the department's recommendation and may recommend that the Governor terminate the zone.

6. Procedure: A zone is terminated upon written notice to a local governing body.

Remarks: The date of such notice is considered to be the date of zone termination. Qualified business firms located in a terminated zone remain eligible to receive state tax incentives under this program for any remaining taxable years in the five-year qualification period for which they are eligible. No additional business firms may become qualified to receive state tax incentives after the date of zone termination.

Request for Application Amendment (Form EZ-2).

Requirements: A request for an amendment must be submitted to the department on Form EZ-2. Form EZ-2 requires the following information for an amendment incentives to be deleted or revised; local incentives to be added or revised; impact of the amended local incentives; and local assurances and authorization. Form EZ-2 requires the following information for an amendment to expand zone boundaries: location of proposed addition and new zone boundaries; development history, local revitalization efforts; land use characteristics; physical deficiencies and investment opportunities; local development objectives; barriers to investment in amended zone area; any new proposed local program incentives; projected impact of state tax incentives; and local assurances and authorization. A resolution of the local governing body must also accompany Form EZ-2.

Need for Requirements: Section 59.1-284 of the Code of Virginia permits localities to request an enlargement of

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their enterprise zone boundaries and amendments to the local incentives proposed in their approved applications for zone designation. Procedures are needed to assure that such requests are submitted and reviewed in a consistent manner. All the information requested on Form EZ-2 is considered to be necessary in order to determine if a boundary change is justified or whether a proposed new incentive is "equal to or superior to the unamended application" as required in § 59.1-284 of the Code of Virginia. The requirement for a resolution of the local governing body is considered to be the minimum action needed to assure that a request for application amendment is being submitted by the local governing body as stipulated in § 59.1-284 of the Code of Virginia.

Cost of Requirements: A jurisdiction would incur costs associated with preparing a Request for Application Amendment. This form asks only for information readily available to the applicant and, therefore, the costs it imposes should not be significant. The department would incur costs associated with processing the proposed amendment. The department does not anticipate a need for additional personnel or budget authorization in order to carry out this responsibility.

Joint Application Amendment Agreement (Form EZ-2-JA).

Requirements: Form EZ-2-JA must be attached to Form EZ-2 in the case of an amendment to a joint application. Form EZ-2-JA requires applicants to certify that they are in agreement in filing the amendment.

Need for Requirements: Form EZ-2-JA eliminates the need for two application amendment forms: one for single applicants and one for joint applicants.

Cost of Requirements: Jurisdictions would incur costs associated with preparing a Joint Application Amendment Agreement (Form EZ-2-JA). This cost would be minimal.

PROCEDURE III. Local Administrative Procedures.

A. Surveying zone business conditions.

1. Procedure: Obtain Survey of Zone Business Conditions (Form EZ-3-S).

Remarks: Form EZ-3-S is available from the Department of Housing and Community Development, 205 North Fourth Street, The Jackson Center, 501 North Second Street, Richmond, Virginia 23219.

2. Procedure: Complete Survey of Zone Business Conditions by collecting and summarizing data on zone businesses and employment.

Remarks: Information from the Survey of Zone Business Conditions will be used by the department as a basis for program evaluation.

3. Procedure: Submit the completed Survey of Zone Business Conditions to the department.

Remarks: Form EZ-3-S must be submitted to the department within 90 days following the date of zone designation.

B. Submitting an annual report.

1. Procedure: Obtain Annual Report (Form EZ-3-AR).

Remarks: Form EZ-3-AR may be obtained from the Department of Housing and Community Development, 205 North Fourth Street, The Jackson Center, 501 North Second Street, Richmond, Virginia 23219.

2. Procedure: Complete Annual Report by updating the following: (i) a list of surplus public land and actions taken to sell such land; (ii) an evaluation of zone development progress; and (iii) a summary of zone business and employment data.

Remarks: Information from annual reports will be used by the department in monitoring local compliance with program requirements and in preparing an annual evaluation report to the Governor.

3. Procedure: Submit the completed annual report to the department.

Remarks: Form EZ-3-AR must be submitted to the department within 90 days of the anniversary date of zone designation.

Survey of Zone Business Conditions (Form EZ-3-S).

Requirements: Form EZ-3-S must be submitted by an applicant to the department following zone designation. It requires information on zone business characteristics and zone business activity.

Need for Requirements: Section 59.1-273 of the Code of Virginia requires the department to submit annual reports to the Governor evaluating the effectiveness of the program. In order to do so, the department must obtain uniform baseline data on business conditions in designated zones. Such data is not readily available to the department, nor does the department have the resources to collect it. Local governments participating in the program and receiving its benefits are the appropriate agencies to collect information on zone conditions. Procedures and regulations are needed to assure that the reporting requirements of localities are consistent and that all reporting is carried out in a uniform manner.

Cost of Requirements: Local governments would incur costs from making a survey to collect data on the number of business firms and employment levels. However, the survey need not be sophisticated or costly.

Annual Report (Form EZ-3-AR).

Requirements: Form EZ-3-AR must be submitted by an applicant to the department within 90 days of the anniversary date of zone designation. It requires the following information: status of local actions to sell surplus public land within a zone; evaluation of the program's success in achieving local development objectives; state program evaluation data; and assurances.

Need for Requirements: In order to evaluate the effectiveness of the program, the department must obtain uniform data on an annual basis indicating changes in zone business conditions. Regulations are needed to assure that the reporting requirements or localities are consistent and that all reporting is carried out in a uniform manner. Section 59.1-273 of the Code of Virginia also requires the department to monitor the implementation and operation of the program. Regulations are needed to assure that the department's monitoring of local compliance with administrative requirements (i.e., sale of surplus public land) is consistent and fair.

Cost of Requirements: Local governments would incur costs associated with providing the information requested in the annual report. However, several steps have been taken to minimize such costs. First, the information required regarding the sale of surplus public land is readily available to localities. Second, localities are allowed to structure their local program evaluations as they see fit. Finally, the data requested on business conditions is structured in the same way as on Form EZ-3-S in order to simplify reporting. The type of data requested has been carefully considered and reasonable estimates are permitted, where appropriate, in order to minimize the need for localities to conduct surveys on an annual basis.

PROCEDURE IV.

Requesting State Tax Incentives.

1. Procedure: Obtain a Request to Qualify for State Tax Incentives - New Firms (Form EZ-4N) or a Request to Qualify for State Tax Incentives - Existing Firms (Form EZ-4E).

Remarks: Forms EZ-4N and EZ-4E may be obtained from the Department of Housing and Community Development, 205 North Fourth Street, The Jackson Center, 501 North Second Street, Richmond, Virginia 23219.

2. Procedure: Complete the Request to Qualify for State Tax Incentives to the department.

Remarks: Forms EZ-4N and Form EZ-4E must be completed and signed by an independent certified public accountant.

3.a. Procedure: Submit the completed Request to Qualify for State Tax Incentives to the department.

Remarks: Form EZ-4N or Form EZ-4E must be submitted to the department no later than 30 calendar

days prior to the firm's normal or extended deadline for filing its return for state income, franchise or license tax.

b. Attach to Form EZ-4N or Form EZ-4E a statement requesting one or more of the state tax incentives provided for in the program.

Remarks: Business firms may receive state tax incentives for only *the length of their qualification period*, five or 10 consecutive years beginning with the first taxable year in which the firm qualifies.

4. Procedure: Within 14 calendar days of receiving Form EZ-4N or Form EZ-4E, the department reviews the form and certifies to the appropriate state agency the applicability of the state tax incentive requested by a qualified business firm.

Remarks: The department forwards to the appropriate local governing body a copy of the business firm's statement requesting state tax incentives, along with a determination that the firm is qualified or not qualified to receive such state tax incentives.

5. Procedure: The department notifies the business firm that it is qualified or not qualified to receive the requested state tax incentives.

Remarks: The department forwards to a qualified business firm three copies of the certification submitted to the appropriate state agency: one copy for the firm's records, one for the firm to attach to its state sales tax return and one for the firm to attach to its return for state income, franchise or license tax.

6. Procedure: File the applicable state tax return with an attached copy of the certification of qualification to receive state tax incentives.

Remarks: The return must be filed by the normal filing deadline unless an extension has been granted.

7. Procedure: Qualified business firms receive appropriate state tax credits or refunds.

Request to Qualify for State Tax Incentives (Form EZ-4N or Form EZ-4E).

Requirements: Form EZ-4N or EZ-4E must be submitted by a business firm to the department in order to qualify for state tax incentives. Each form requires information regarding the location of the firm and its zone establishment(s), data necessary to determine whether the firm is qualified under the program and a declaration that the information is accurate.

Need for Requirements: Section 59.1-279 of the Code of Virginia requires a business firm to submit annually to the department a form stating that it qualifies to receive state

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tax incentives. Procedures are needed so that such forms are filed in a consistent and timely manner. The information requested on Form EZ-4E and EZ-4N is the minimum needed to establish that a firm meets all requirements and to provide the department with basic record keeping data.

Cost of Requirements: A business firm would incur minimal costs associated with the requirements. Firms are not required to change their taxable years or alter their accounting practices in order to qualify to receive state tax incentives. The department would incur annual administrative costs associated with certifying the applicability of a requested tax incentive. The Virginia Department of Taxation and State Corporation Commission would incur costs related to the crediting or refunding of taxes for qualified businesses within a zone. The extent of costs to be borne by the department and other state agencies cannot be measured until zones are designated and the level of interest in the program by qualified business firms can be determined.

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.

"Average number of full-time employees" means the number of full-time employees during each payroll period of a business firm's taxable year divided by the number of payroll periods:

1. In calculating the average number of full-time employees, a business firm may count only those full-time employees who worked at least one-half of their normal work days during the payroll period. Paid leave time may be counted as work time.
2. For a business firm which uses different payroll periods for different classes of employees, the average number of full-time employees of the firm shall be defined as the sum of the average number of full-time employees for each class of employee.

"Base taxable year" means the taxable year preceding the first taxable year for which a firm qualifies for state tax incentives under this program.

"Business firm" means any business entity, incorporated or unincorporated, which is authorized to do business in the Commonwealth of Virginia and which is subject to state individual income tax, state corporate income tax, state franchise or license tax on gross receipts, or state bank franchise tax on net taxable capital:

1. The term "business firm" includes partnerships and small business corporations electing to be taxed under

Subchapter S of the Federal Internal Revenue Code, and which are not subject to state income tax as partnerships or corporations, but the taxable income of which is passed through to and taxed as income of individual partners and shareholders.

2. The term "business firm" does not include organizations which are exempt from state income tax on all income except unrelated business taxable income as defined in the Federal Internal Revenue Code, § 512; nor does it include homeowners associations as defined in the Federal Internal Revenue Code, § 528.

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

"Develop" means to make improvements to land through the construction, conservation, repair, restoration, rehabilitation, conversion, alteration, enlargement or remodeling of a structure(s) to accommodate the principal use to which the land is or will be put. Improvements to land where parking is the principal use shall not constitute development pursuant to the requirements in § 7.1 A, except where the buyer can demonstrate to the satisfaction of the seller that such use is necessary in order to further the purpose of the program (see § 2.3) and the local development objectives outlined in the application for zone designation.

"Employee of a zone establishment" means a person employed by a business firm who is on the payroll of the firm's establishment(s) within the zone. In the case of an employee who is on the payroll of two or more establishments of the firm, both inside and outside the zone, the term "employee of a zone establishment" refers only to such an employee assigned to the firm's zone establishment(s) for at least one-half of his normally scheduled work days.

"Establishment" means a single physical location where business is conducted or where services or industrial operations are performed:

1. A central administrative office is an establishment primarily engaged in management and general administrative functions performed centrally for other establishments of the same firm.
2. An auxiliary unit is an establishment primarily engaged in performing supporting services to other establishments of the same firm.

"Family" means (i) one or more persons living in a single residence who are related by blood, marriage or adoption. A stepchild or stepparent shall be considered to be related by marriage; (ii) one or more persons not living in the same residence but who were claimed as a dependent on another person's federal income tax return for the previous year shall be presumed, unless otherwise demonstrated, part of the other person's family; or (iii) an

individual 18 or older who receives less than 50% of his support from the family, and who is not the principal earner nor the spouse of the principal earner, shall not be considered a member of the family. Such an individual shall be considered a family of one.

"Family income" means all income actually received by all family members over age 16 from the following sources:

1. Gross wages and salary (before deductions);
2. Net self-employment income (gross receipts minus operating expenses);
3. Interest and dividend earnings; and
4. Other money income received from net rents, Old Age and Survivors Insurance (OASI), social security benefits, pensions, alimony, child support, and periodic income from insurance policy annuities and other sources.

The following types of income are excluded from family income:

1. Noncash benefits such as food stamps and housing assistance;
2. Public assistance payments;
3. Disability payments;
4. Unemployment and employment training benefits;
5. Capital gains and losses; and
6. One-time unearned income.

When computing family income, income of a spouse and/or other family members shall be counted for the portion of the income determination period that the person was actually a part of the family.

"Family size" means the largest number of family members during the income determination period.

"Full-time employee" means a person employed by a business firm who is normally scheduled to work at least 35 hours per week during the firm's payroll period or two or more individuals who together share the same job position and together work the normal number of hours a week as required by the business firm for that one position. The term "full-time employee" does not include unpaid volunteer workers.

"Gross receipts attributable to the active conduct of trade or business within an Enterprise Zone" means all receipts of the business firm arising from the firm's activities or from the investment and use of the firm's capital in its establishment(s) within the zone. The

proportion of gross receipts arising from the firm's activities, or from its investment and use of capital within the zone, shall be calculated by dividing the total expenses of the firm's establishment(s) within the zone by the firm's total expenses both inside and outside the zone:

1. This calculation must be used to allocate and apportion taxable gross receipts against which state franchise or license tax credits may be claimed (see § 9.2 C).
2. This calculation may not be used to allocate and apportion Virginia taxable income against which state corporate and individual income tax credits may be claimed or taxable net capital against which state franchise tax credits may be claimed.

"Income determination period" means the 12 months immediately preceding the month in which the person was hired.

"Independent certified public accountant" means a public accountant certified and licensed by the Commonwealth of Virginia who is not an employee of the business firm seeking to qualify for state tax incentives under this program.

"Low-income person" means a person who is a full-time employee of a business firm seeking qualification and whose family had an income which was less than 80% of median family income during the income determination period.

"Median family income" means the dollar amount, adjusted for family size, as determined annually by the department for the city or county in which the zone is located.

"Metropolitan central city" means a city so designated by the U.S. Office of Management and Budget.

"Payroll period" means the period of time for which a business firm normally pays its employees.

"Secretary" means the Secretary of Economic Development.

"Surplus public land" means land within a zone which is owned by the Commonwealth or a unit of local government and which meets the following standards:

1. In the case of land owned by a unit of local government, (i) the land is not being used for a public purpose nor designated or targeted for a specific public use in an adopted land use plan, facilities plan, capital improvements plan or other official public document; (ii) no tangible harm would be incurred by the unit of local government if the land were eliminated from its holdings; and (iii) sale of the land would not violate any restriction stated in the deed.

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2. In the case of land owned by agencies of the Commonwealth, except land acquired by the Virginia Department of Transportation for the construction of highways, the land has been determined to be surplus to the Commonwealth in accordance with criteria and procedures established pursuant to §§ 2.1-504 through 2.1-512 of the Code of Virginia.

3. In the case of land acquired by the Virginia Department of Transportation for the construction of highways, the land has been determined to be surplus to the needs of the Commonwealth Transportation Board and the Commonwealth in accordance with criteria and procedures established pursuant to §§ 33.1-93, 33.1-149 and 33.1-154 of the Code of Virginia. The Commonwealth Transportation Board, prior to determining that land surplus to its needs is also surplus to the Commonwealth, may make such land available to other state agencies in accordance with procedures established pursuant to §§ 2.1-504 through 2.1-512 of the Code of Virginia.

"Tax due" means the amount of tax liability as determined by the Department of Taxation or the State Corporation Commission.

"Tax year" means the year in which the assessment is made.

"Taxable year" means the year in which the tax due on state taxable income, state taxable gross receipts or state taxable net capital is accrued.

"Unit of local government" means any county, city or town. Special-purpose political subdivisions, such as redevelopment and housing authorities and industrial development authorities, are not units of local government.

"Zone" means an Enterprise Zone declared by the Governor to be eligible for the benefits of this program.

PART II. GENERAL PROVISIONS.

§ 2.1. Authority.

These regulations are issued by the Board of Housing and Community Development, Commonwealth of Virginia, as required by § 59.1-278 of the Code of Virginia.

§ 2.2. Scope and applicability.

These regulations describe the procedures and requirements that will be used to implement the Virginia Enterprise Zone Program.

§ 2.3. Purpose of program.

The purpose of the Virginia Enterprise Zone Program is to stimulate business and industrial growth which would result in revitalization of neighborhoods commercial and

economic revitalization by means of regulatory flexibility and tax incentives. This program is to be directed to areas of the Commonwealth that need special governmental attention to attract private sector investment.

§ 2.4. Compliance with the Virginia Administrative Process Act.

The provisions of the Virginia Administrative Process Act, § 9-6.14:1 et seq. of the Code of Virginia, shall govern the issuance and administration of these regulations.

§ 2.5. Severability.

If any provision of these regulations is held to be invalid, this does not invalidate other provisions which are severable from it.

PART III. ELIGIBILITY CRITERIA.

§ 3.1. Eligible applicants for zone designation.

Eligible applicants include the governing body of any county, city or town.

A. Applications on behalf of towns.

The governing body of a county may apply for designation of an Enterprise Zone on behalf of a town located within the county.

B. Joint applications.

Two or more adjacent eligible jurisdictions may file a joint application for an Enterprise Zone lying in the jurisdictions submitting the application.

C. Limit on applications.

Eligible jurisdictions may submit only one application for the designation of an Enterprise Zone. This limitation includes the submission of a joint application with other jurisdictions.

§ 3.2. Zone eligibility requirements.

To be eligible for consideration, an application for an Enterprise Zone must meet the following requirements.

A. Contiguous area.

The proposed zone must consist of a contiguous area.

B. Distress criteria.

The proposed zone must meet at least one of the following criteria as enumerated in the 1980 most current U.S. Census or current data from the Center for Public Service or local planning district commission: (i) 25% or more of the households must have had incomes below

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80% of the median household income of the county or city; or (ii) the unemployment rate must have been at least 1.5 times the state average ; or (iii) demonstrate a floor area vacancy rate of industrial or commercial properties of 20% of more .

C. Zone size.

The proposed zone shall conform to the following size guidelines. In a joint application, the portion of the zone proposed in each jurisdiction shall conform to the guidelines:

1. Size limits for zones in Metropolitan Central Cities.
Minimum: 1/2 square mile (320 acres). In no instance shall a zone consist only of a site for a single business firm.
Maximum: 1 square mile (640 acres) or 7% of the jurisdiction's land area or population, whichever is largest.
2. Size limits for zones in towns and cities other than Metropolitan Central Cities.
Minimum: 1/4 square mile (160 acres). In no instance shall a zone consist only of a site for a single business firm.
Maximum: 1/2 square mile (320 acres) or 7% of the jurisdiction's land area or population, whichever is largest.
3. Size limits for zones in unincorporated areas of counties.
Minimum: 1/2 square mile (320 acres). In no instance shall a zone consist only of a site for a single business firm.
Maximum: 4 square miles (2,560 acres).
4. Exception for zones in cities formed through consolidation. Zones in cities, the existing boundaries of which were created through the consolidation of a city and county, or the consolidation of two cities, shall conform substantially to the minimum and maximum size guidelines for unincorporated areas of counties as set forth in § 3.2C(3).

PART IV. PROCEDURES AND REQUIREMENTS FOR ZONE DESIGNATIONS.

§ 4.1. Procedures for zone application and designation.

Up to 25 Enterprise Zones will be designated by the Governor in accordance with the following procedures and requirements.

A. Applications for zone designation.

Applications for zone designation will be solicited by the department in accordance with the following procedures and requirements:

1. Application form. An application for zone designation must be submitted on Form EZ-1 to the Director, Virginia Department of Housing and Community Development, 205 North Fourth Street, The Jackson Center, 501 North Second Street, Richmond, Virginia 23219, on or before the submission date established by the department.

2. Local public hearing. The local governing body must hold at least one public hearing on the application for zone designation prior to its submission to the department.

3. Application requirements. In order to be considered in the competitive zone designation process an application must provide all the requested information, be accompanied by a resolution of the local governing body and be signed by the chief administrator or the clerk to the town council or county board of supervisors where there is no chief administrator. The chief administrator or clerk, in signing the application, must certify that the local governing body held the public hearing required in § 4.1 A(2).

4. Proposed local incentives. As part of its application a locality may propose local incentives such as regulatory and tax relief, and infrastructure and service delivery improvements, in order to stimulate private investment in the proposed zone. The likely impact of proposed local incentives in offsetting identified barriers to private investment in the proposed zone, together with the projected impact of state tax incentives, will be factors in evaluating applications.

The local governing body may propose incentives which it will make generally available throughout the zone or available only under specified conditions. Likewise, the local governing body may propose incentives to be provided for the entire life of the zone or for any shorter period.

Proposed local incentives may be provided by the local governing body itself or by an assigned agent(s) such as a local redevelopment and housing authority, a private nonprofit entity or a private for-profit entity. In the case of a county which submits an application on behalf of an incorporated town, the county may designate the governing body of the town to serve as its assigned agent. In the case of a county which submits an application for a zone encompassing unincorporated county areas as well as portions of one or more towns, the county may designate the governing body(ies) or the town(s) to serve as its assigned agent(s).

B. Departmental review of applications.

Within 60 days following the application submission date, the department shall review and forward to the Governor those applications determined to be eligible for Enterprise Zone designation under § 3.2.

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C. Director's review of eligible applications.

Within 30 days of forwarding eligible applications to the Governor, the Director of the Department of Housing and Community Development shall recommend to the Governor those which are determined to have the greatest potential for accomplishing the purpose of the program.

D. Governor's designation.

The Governor shall designate, upon recommendation of the Director, Enterprise Zones for a period of 20 years. The Governor's designation shall be final.

E. Notification of denial.

A local governing body whose application for zone designation is denied shall be notified and provided with the reasons for denial.

§ 4.2. Procedures and requirements for joint applications.

Two or more adjacent jurisdictions submitting a joint application as provided for in § 3.1 B must meet the following requirements:

A. Designation of a program administrator.

The applicants must designate one jurisdiction to act as program administrator. The jurisdiction so designated shall be responsible for filing a survey of zone business conditions and annual reports as provided for in §§ 7.2 and 7.3.

B. Submission of joint applications.

In order to submit a joint application, Form EZ-1 must be completed and filed by the jurisdiction acting as program administrator in accordance with the procedures set forth in §§ 4.1 A(1) through 4.1 A(4). In addition, a copy of Form EZ-1-JA must be completed by each of the other participating jurisdictions to certify that they are in agreement in filing the joint application. A copy(ies) of Form EZ-1-JA must be submitted to the department with Form EZ-1.

C. Other requirements.

The applicants must meet all other requirements of these regulations pertaining to applicants. In the case of joint applications, all references to "applicant" and "local governing body" contained in the text of these regulations shall mean the governing body of each participating jurisdiction.

PART V. PROCEDURES FOR ZONE AMENDMENT.

§ 5.1. Relationship to federal enterprise zone program.

If any portion of an area designated as an Enterprise

Zone by the Governor is included in an area designated as an enterprise zone by an agency of the federal government, the area designated by the Governor shall be enlarged to include the area designated by the federal agency.

§ 5.2. Amendment of approved applications.

A local governing body will be permitted to request amendments to approved applications for zone designation in accordance with the following procedures and requirements provided that the amendments relate to local program incentives or to expansions of zone boundaries.

A. Local public hearing on proposed amendment.

The local governing body must hold at least one public hearing on the requested amendment prior to its submission to the department.

B. Submission of a request for an amendment.

A request for an amendment must be submitted to the department on Form EZ-2. This form must be accompanied by a resolution of the local governing body and must certify that the local governing body held the public hearing required in § 5.2 A. In the case of a joint application, a request for an amendment must be completed by the jurisdiction serving as program administrator and must be accompanied by Form EZ-2-JA. This form certifies that the other participating jurisdictions are in agreement in filing the request for amendment.

C. Limit on applications for amendments to expand zone boundaries.

The first application for an amendment to expand zone boundaries may be submitted at any time. Thereafter, only one application for an amendment to expand zone boundaries will be permitted every four years.

D. Eligibility criteria for amendments to expand zone boundaries.

A proposed boundary amendment must meet the following requirements:

1. Contiguous area. The area proposed for expansion must be contiguous to the existing zone.
2. Distress criteria.

The enlarged zone must meet at least one of the distress criteria outlined in § 3.2 B of the program regulations.

E. Boundary amendment size.

The enlarged zone shall not exceed the maximum size guidelines outlined in § 3.2 C of the program regulations. A zone boundary amendment may not consist of a site for,

a single business firm or be less than 10 acres.

F. Approval of an amendment.

The department will approve an amendment to local incentives only if the proposed local incentives are equal or superior to those in the application prior to the proposed amendment. The department will approve an amendment to expand zone boundaries only if the proposed amendment is deemed to be justified in the opinion of the department.

G. Notification of denial.

A local governing body that is denied either a boundary or local incentive amendment shall be provided with the reasons for denial.

PART VI. PROCEDURES FOR ZONE TERMINATION.

§ 6.1. Failure to provide local program incentives.

If a local governing body or its assigned agent(s) is unable or unwilling to provide any of the approved local program incentives, the following procedures will apply. In the case of joint applications, these procedures will apply if either local governing body or its assigned agent(s) is unable or unwilling to provide approved local incentives.

A. Notification.

A local governing body must notify the department in writing within 30 days of any inability or unwillingness to provide an approved local program incentive.

B. Request for an amendment.

A local governing body will have 60 days after submission of the notice required in § 6.1 A to request an amendment to its application. Such a request shall be filed in accordance with the procedures set forth in § 5.2 C.

C. Departmental review.

The department will review requests for amendments in accordance with the criterion set forth in § 5.2 F. Approval of an amendment will allow a zone to continue in operation. If a local governing body fails to provide notice as set forth in § 6.1 A, or has its request for an amendment denied, then the department may recommend to the secretary that the zone be terminated.

D. Secretarial review of recommendation for zone termination.

The secretary, upon review of the department's recommendation, may recommend that the Governor terminate the zone.

§ 6.2. Zone termination.

A zone shall be terminated in accordance with the procedures set forth in § 6.1 upon written notice to a local governing body. The date of such notice is considered to be the date of zone termination.

A. Continued availability of state tax incentives to previously qualified business firms.

Qualified business firms located in a terminated zone may continue to request state tax incentives provided under this program for any remaining taxable years in the ~~five-year~~ qualification period for which they are eligible.

B. Limits on business firm qualification.

After the date of zone termination, no additional business firms may become qualified to receive state tax incentives provided under this program.

PART VII. ADMINISTRATIVE REQUIREMENTS.

§ 7.1. Sale of surplus public land.

The Commonwealth and any unit of local government that owns land within the zone shall: (i) upon designation of a zone, identify any surplus land and within six months make such land available for sale; and (ii) update annually its list of surplus land and make available for sale within six months any newly identified surplus parcels. The department may waive this requirement only if the owner can demonstrate to the department's satisfaction that the land cannot be developed due to its size, configuration, topography, location or other relevant factors.

A. Conditions on the sale of public land.

The Commonwealth or any unit of local government that sells surplus land within a zone shall require the buyer to develop the land within a period not to exceed five years. This requirement of the buyer must be enforceable by the seller. The Commonwealth or any unit of local government that sells surplus land within a zone may set any additional conditions upon the sale which it considers to be necessary to assure that the land is developed in a manner consistent with the purpose of the program (See § 2.3) and the local development objectives outlined in the application for zone designation. If the land is not sold within five years, such conditions shall be revised as necessary to make the land marketable.

B. Monitoring of compliance.

In order to monitor compliance with the requirements of § 7.1, the department will request annually from local governing bodies and state agencies with responsibility for overseeing the disposition of surplus state land, information concerning the identification and sale of surplus land. A local governing body shall document compliance with § 7.1 in its annual report to the department (see § 7.3). The

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department shall request annually from the Division of Engineering and Buildings of the Virginia Department of General Services and from the Virginia Department of Transportation, lists of surplus state land within zones and actions taken to sell such land.

§ 7.2. Survey of zone business conditions.

Within 90 days following the date of zone designation, a local governing body shall conduct a survey of existing zone business conditions to serve as a basis for program evaluation. Survey data shall be submitted to the department on Form EZ-3-S. The survey shall include information on business and employment conditions in the zone as requested on Form EZ-3-S.

§ 7.3. Annual report.

A local governing body shall submit annual reports to the department for the purpose of program monitoring and evaluation. Annual reports shall be submitted to the department on Form EZ-3-AR, within 90 days of the anniversary date of zone designation. Annual reports shall include information documenting the local governing body's compliance with § 7.1 and data for the purpose of program evaluation as requested on Form EZ-3-AR. Annual reports shall also include an evaluation of the program's success in achieving identified local development objectives.

PART VIII. BUSINESS FIRM REQUIREMENTS.

§ 8.1. Requirements for becoming a qualified business firm.

In order to become qualified for the purpose of receiving state tax incentives, a business firm must meet the requirements of § 8.1 A or § 8.1 B.

A. Requirements for new firms.

A business firm which begins the operation of a trade or business within a zone after the date of zone designation must meet the following requirements: (i) at least 50% of its gross receipts earned during the taxable year for which state tax incentives are requested must be attributable to trade or business conducted within the zone; and (ii) at least 40% of the average number of full-time employees of its zone establishment(s) must be low-income persons.

B. Requirements for existing firms.

A business firm which is engaged in the conduct of a trade or business in a zone at the time of zone designation must meet the following requirements: (i) at least 50% of its gross receipts earned during the taxable year for which state tax incentives are requested must be attributable to trade or business conducted within the zone; (ii) the average number of full-time employees of its zone

establishment(s) must be at least 10% greater than the average for the base taxable year; and (iii) at least 40% of such increase must be low-income persons.

§ 8.2. Prohibition of duplicate government assistance.

A business firm may not use the same expense to qualify for state tax incentives under this program as is used to qualify for state tax incentives under any other program.

PART IX. BUSINESS FIRM PROCEDURES.

§ 9.1. Procedures for becoming a qualified business firm.

In order to become qualified for the purpose of receiving state tax incentives under this program, a new business firm must submit to the department Form EZ-4N stating that it meets the requirements of § 8.1 A. An existing business firm must submit Form EZ-4E stating that it meets the requirements of § 8.1 B. These forms must be prepared by an independent certified public accountant (CPA) licensed by the Commonwealth.

A. Proof of qualification.

Form EZ-4N or Form EZ-4E, when completed and signed by an independent CPA, shall be prima facie evidence that a business firm is qualified to receive state tax incentives.

B. Determination of employee low-income status.

In determining whether a business firm meets the requirements of § 8.1 A or § 8.1 B, an independent CPA may accept a signed statement from an employee affirming that he meets the definition of a low-income person.

C. Annual submission of form.

A business firm must submit either Form EZ-4N or Form EZ-4E for each year in which state tax incentives are requested. Form EZ-4N or Form EZ-4E must be submitted to the department no later than 30 calendar days prior to the firm's normal or extended deadline for filing a return for state corporate income tax, state individual income tax, state franchise or license tax on gross receipts, or state franchise tax on net capital.

D. Certification by the department - Within 14 calendar days of receipt of Form EZ-4N or Form EZ-4E, the department will:

1. Review the form;
2. Certify to the Commissioner of the Virginia Department of Taxation, or in the case of public service companies to the Director of Public Service Taxation for the State Corporation Commission, the

applicability of the tax credits requested by the firm; and

3. Forward three copies of the certification to the firm (one copy for the firm's records and two copies to be filed with the applicable state tax returns) or notify the firm that it fails to qualify for state tax incentives under Part VIII.

E. Submission of state tax returns.

A business firm, upon receipt from the department of copies of the certificate of its qualification to receive state tax incentives, may file the applicable state tax returns. In order for the Virginia Department of Taxation or the State Corporation Commission to grant the credit or refund requested, the appropriate copy of the certificate of qualification must be attached to firm's tax return.

When a partnership or small business corporation electing to be taxed under Subchapter S of the Federal Internal Revenue Code requests a credit(s) against state individual income tax on behalf of its partners or shareholders, each partner or shareholder must attach to its state individual income tax return a photocopy of the appropriate certificate of qualification received by the firm.

F. *Five-year limit for receiving state tax incentives. Time limits for receiving Virginia state tax incentives.*

A business firm may receive state tax incentives for only five consecutive taxable years. Businesses that began operations before July 1, 1992, are eligible to receive five years of tax incentives beginning with the first taxable year in which the firm qualifies. Businesses that began operations after July 1, 1992, are eligible to receive tax incentives for 10 years beginning with the first taxable year in which the firm qualifies they qualify. If a firm fails to become qualified for any taxable year during this five-year its qualification period, it forfeits the right to request state tax incentives for that year. However, the firm is eligible to become qualified for any remaining taxable years of its five-year five- or 10-year cycle.

G. Prohibition on requalification due to reorganization of a firm.

A business firm may not qualify for state tax incentives for more than five consecutive taxable years its qualification period by reorganizing or changing its form in a manner that does not alter the basis of the firm's assets or result in a taxable event.

§ 9.2. Procedures for requesting state tax incentives.

A business firm shall submit annually to the department, along with Form EZ-4N or Form EZ-4E, a statement requesting one or more of the state tax incentives provided for in this section. In the case of a partnership or a small business corporation electing to be taxed under

Subchapter S of the Federal Internal Revenue Code, the statement requesting state tax incentives shall include the name, address and social security number of each partner or shareholder requesting a credit(s) against state individual income tax as provided for in § 9.2 B.

A. State corporate income tax credits.

A qualified business firm subject to tax under Article 10, Chapter 3, Title 58.1, of the Code of Virginia, may request credits against any such tax due. Corporate income tax credits shall not extend for more than five consecutive tax years for firms that began operations before July 1, 1992, or 10 consecutive tax years for firms that began operations after July 1, 1992. The sum of the corporate income tax credits claimed under this section shall not exceed the business firm's state corporate income tax liability. Corporate income tax credits shall apply only to taxable income attributable to the conduct of business within a zone. A business firm having taxable income from business activity both inside and outside a zone shall allocate and apportion its taxable income attributable to the conduct of business in accordance with the procedures contained in §§ 58.1-406 through 58.1-420 of the Code of Virginia.

1. General credit. A credit may be claimed against corporate income tax liability for each of five or ten consecutive tax years in an amount equaling:

a. Firms beginning operations before July 1, 1992:

a: 80% of the tax due for the first tax year;

b: 60% of the tax due for the second tax year;

c: 40% of the tax due for the third tax year; and

d: 20% of the tax due for the fourth and fifth tax years.

b. Firms beginning operations after July 1, 1992:

80% of the tax due for the first tax year; and

60% of the tax due for the second through tenth tax years.

An unused tax credit may not be applied to future tax years.

2. Unemployment tax credit. A credit may be claimed against corporate income tax liability for each of five or ten consecutive tax years in an amount equaling:

a. Firms beginning operations before July 1, 1992:

a: 80% of the state unemployment tax due on employees of zone establishments for the first tax year;

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- b. 60% of such tax due for the second tax year;
- e. 40% of such tax due for the third tax year; and
- d. 20% of such tax due for the fourth and fifth tax years.
- b. *Firms beginning operations after July 1, 1992:*
 - 80% of the tax due for the first tax year; and
 - 60% of the tax due for the second through tenth tax years.

An unemployment tax credit may only be claimed against the amount of taxable corporate income remaining after the subtraction of any general credit claimed under § 9.2 A(1). An unused employment tax credit may be applied to future tax years within the five-year five- to ten-year period established by this section.

B. State individual income tax credits.

A qualified business firm which is subject to state individual income tax may request credits against any such tax due. Individual income tax credits shall not extend for more than five consecutive tax years for firms beginning operations before July 1, 1992, or ten consecutive tax years for firms beginning operations after July 1, 1992. The sum of the individual income tax credits claimed under this section shall not exceed the business firm's state individual income tax liability. When a partnership or a small business corporation electing to be taxed under Subchapter S of the Federal Internal Revenue Code is eligible for this tax credit, each partner or shareholder may request the credit on his individual income tax in proportion to the amount of income received by that partner from the partnership, or shareholder from his corporation, respectively. Individual income tax credits shall apply only to taxable income attributable to the conduct of business within a zone. A business firm having taxable income from business activity both inside and outside the zone shall allocate and apportion its taxable income attributable to conduct of business in accordance with the same procedures set forth for corporations subject to corporate income tax, as contained in §§ 58.1-406 through 58.1-420 of the Code of Virginia.

1. General credit. A credit may be claimed against individual income tax liability for each of five or ten consecutive tax years in an amount equaling:

- a. *Firms beginning operations before July 1, 1992:*
 - a. 80% of the tax due for the first tax year;
 - b. 60% of the tax due for the second tax year;
 - e. 40% of the tax due for the third tax year; and

d. 20% of the tax due for the fourth and fifth tax years.

b. *Firms beginning operations after July 1, 1992:*

80% of the tax due for the first tax year; and

60% of the tax due for the second through tenth tax years.

An unused tax credit may not be applied to future tax years.

2. Unemployment tax credit. A credit may be claimed against individual income tax liability for each of five or ten consecutive tax years in an amount equaling:

a. *Firms beginning operations before July 1, 1992:*

a. 80% of the state unemployment tax due on employees of zone establishments for the first tax year;

b. 60% of such tax due for the second tax year;

e. 40% of such tax due for the third tax year; and

d. 20% of such tax due for the fourth and fifth tax years.

b. *Firms beginning operations after July 1, 1992:*

80% of the tax due for the first tax year; and

60% of the tax due for the second through tenth tax years.

An unemployment tax credit may only be claimed against the amount of taxable individual income remaining after the subtraction of any general credit claimed under § 9.2 B(1). An unused employment tax credit may be applied to future tax years within the five-year period established by this section.

C. Credits against state franchise or license tax on gross receipts.

A qualified business firm which is subject to state franchise tax on gross receipts or state license tax on gross premium receipts may request a credit against any such tax due. Credits against state franchise or license tax on gross receipts shall not extend for more than five consecutive tax years for firms beginning operations before July 1, 1992, or 10 consecutive tax years for firms beginning operations after July 1, 1992. The sum of the credits against state franchise or license tax on gross receipts claimed under this section shall not exceed the business firm's state franchise or license tax liability. Credits against state franchise or license tax on gross receipts shall apply only to taxable gross receipts attributable to the active conduct of trade or business

within a zone. A business firm having taxable gross receipts from business activity both inside and outside the zone shall allocate and apportion its taxable gross receipts attributable to conduct of business in accordance with the procedures outlined in the definition for "gross receipts attributable to the active conduct of a trade or business within an Enterprise Zone":

1. General credit. A credit may be claimed against tax liability on gross receipts for each of five or ten consecutive tax years in an amount equaling:

a. *Firms beginning operations before July 1, 1992:*

- a. 80% of the tax due for the first tax year;
- b. 60% of the tax due for the second tax year;
- c. 40% of the tax due for the third tax year; and
- d. 20% of the tax due for the fourth and fifth tax years.

b. *Firms beginning operations after July 1, 1992:*

- 80% of the tax due for the first tax year; and
- 60% of the tax due for the second through tenth tax years.

An unused tax credit may not be applied to future tax years.

2. Unemployment tax credit. A credit may be claimed against tax liability on gross receipts for each of five or ten consecutive tax years in an amount equaling:

a. *Firms beginning operations before July 1, 1992:*

- a. 80% of the state unemployment tax due on employees of zone establishments for the first tax year;
- b. 60% of such tax due for the second tax year;
- c. 40% of such tax due for the third tax year; and
- d. 20% of such tax due for the fourth and fifth tax years.

b. *Firms beginning operations after July 1, 1992:*

- 80% of the tax due for the first tax year; and
- 60% of the tax due for the second through tenth tax years.

An unemployment tax credit may only be claimed against the amount of the taxable gross receipts remaining after the subtraction of any general credit claimed under § 9.2 C(1). An unused unemployment tax credit may be

applied to future tax years within the ~~five-year~~ five- or ten-year period established by this section.

D. Credits against state franchise tax on net capital.

A qualified business firm which is subject to state franchise tax on net capital may request credits against any such tax due. Credits against state franchise tax on net capital shall not extend for more than five consecutive tax years for firms beginning operations before July 1, 1992, or 10 consecutive tax years for firms beginning operations after July 1, 1992. The sum of the credits against state franchise tax on net capital claimed under this section shall not exceed the business firm's state franchise tax liability. Credits against state franchise tax on net capital shall apply only to taxable net capital attributable to the active conduct of business within a zone. A business firm having taxable net capital arising from business activity both inside and outside the zone shall allocate and apportion its net capital attributable to conduct of business in accordance with the same procedures set forth for corporations subject to corporate income tax, as contained in §§ 58.1-406 through 58.1-420 of the Code of Virginia.

1. General credit. A credit may be claimed against tax liability on net capital for each of five or ten consecutive tax years in an amount equaling:

a. *Firms beginning operations before July 1, 1992:*

- a. 80% of the tax due for the first tax year;
- b. 60% of the tax due for the second tax year;
- c. 40% of the tax due for the third tax year; and
- d. 20% of the tax due for the fourth and fifth tax years.

b. *Firms beginning operations after July 1, 1992:*

- 80% of the tax due for the first tax year; and
- 60% of the tax due for the second through tenth tax years.

An unused tax credit may not be applied to future tax years.

2. Unemployment tax credit. A credit may be claimed against tax liability on net capital for each of five or ten consecutive tax years in an amount equaling:

a. *Firms beginning operations before July 1, 1992:*

- a. 80% of the state unemployment tax due on employees of zone establishments for the first tax year;
- b. 60% of such tax due for the second tax year;

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- e. 40% of such tax due for the third tax year; and
 - d. 20% of such tax due for the fourth and fifth tax years.
- b. *Firms beginning operations after July 1, 1992:*
- 80% of the tax due for the first tax year; and
 - 60% of the tax due for the second through tenth tax years.

An unemployment tax credit may only be claimed against the amount of taxable net capital remaining after the subtraction of any general credit claimed under § 9.2 D(1). An unused ~~employment~~ *unemployment* tax credit may be applied to future tax years within the ~~five-year~~ *qualification* period established by this section.

E. State sales and use tax exemption.

A qualified business firm may request an exemption from state taxes on all items purchased or leased for the conduct of trade or business within a zone as required under §§ 58-441.1, 58.1-600 et seq. of the Code of Virginia. This exemption applies only to the state portion of the sales and use tax and not to any portion of the tax levied under local option. A business firm in its statement to the department requesting an exemption shall specify the amount of state sales and use tax actually paid during the year for which the exemption is claimed. The Virginia Department of Taxation shall review the amount requested and make an appropriate refund to the firm. State sales and use tax exemptions shall not extend for more than five consecutive tax years.

F. Notification to localities of requests for state tax incentives.

The department shall forward to the local governing body of the jurisdiction in which the zone is located: (i) a copy of the business firm's statement requesting state tax incentives; and (ii) the department's determination that the firm is qualified or not qualified to receive such incentives in accordance with the requirements of Part VIII.

EMERGENCY REGULATIONS

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

Title of Regulation: State Plan for Medical Assistance
Relating to Federal Poverty Income Guidelines.
VR 460-03-2.6101. Income Eligibility Guidelines.

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

Effective Dates: April 1, 1993, through March 31, 1994.

Summary:

1. **REQUEST:** The Governor is hereby requested to approve this agency's adoption of the emergency regulation entitled 1993 Federal Poverty Income Guidelines. This regulation will provide the agency with the regulatory authority to apply the 1993 Federal Poverty Income Guidelines to the appropriate eligibility groups.

2. **RECOMMENDATION:** Recommend approval of the Department's request to take an emergency adoption action regarding 1993 Federal Poverty Income Guidelines. The Department intends to finalize the permanent regulations in conformance to the applicable requirements of the Code of Virginia § 9-6.14:1.

/s/ Bruce U. Kozlowski
Director

Date: March 16, 1993

3. CONCURRENCES:

/s/ Howard M. Cullum
Secretary of Health and Human Resources
Date: March 25, 1993

4. GOVERNOR'S ACTION:

/s/ Lawrence Douglas Wilder
Governor

Date: March 31, 1993

5. FILED WITH:

/s/ Joan W. Smith
Registrar of Regulations
Date: March 31, 1993

DISCUSSION

6. **BACKGROUND:** The section of the State Plan for Medical Assistance which is affected by this action is Eligibility Conditions and Requirements, Attachment 2.6 A, Supplement 1.

This amendment incorporates into the Plan the 1993 Federal Poverty Income Guidelines, as published by the U.S. Department of Health and Human Services (DHHS) in the February 12, 1993, Federal Register. The Plan currently contains the 1992 Federal Poverty Income

Guidelines.

The Federal Register notice provided updated guidelines which are effective on the date of the Register publication. Sections 1902(1), 1902(1)(1)(D), 1902(m), and 1905(s) of the Social Security Act require states to base Medicaid eligibility on percentages of the Federal Poverty Income Guidelines for certain categories of eligible individuals.

1902(1) - Pregnant Women and Children Under Age 6	133%
1902(1)(1)(D) - Children born after 9/30/83 who have attained age 6 but have not attained age 19	100%
1902(m) - Qualified Medicare Beneficiaries	100%
1902(a) - Specified Low Income Medicare Beneficiaries	110%
1905(s) - Qualified Disabled and Working Individuals	200%

Each year when the annual Federal Poverty Income Guidelines are published, states must revise the financial eligibility income standards for the affected categories by incorporating the new income levels into the State Plan.

7. **AUTHORITY TO ACT:** The Code of Virginia (1950) as amended, § 32.1-324, grants to the Director of Medical Assistance Services the authority to administer and amend the Plan for Medical Assistance in lieu of Board action pursuant to the Board's requirements. The Code also provides, in the Administrative Process Act (APA) § 9-6.14:4.1(C)(5), for an agency's adoption of emergency regulations subject to the Governor's prior approval. Subsequent to the emergency adoption action and filing with the Registrar of Regulations, this agency intends to initiate the APA process appropriate for this issue.

The Health Care Financing Administration, consistent with the Social Security Act § 1905(p)(2)(D)(ii), will not approve an effective date later than the beginning of the quarter following the Guidelines' publication in the Federal Register.

Without an emergency regulation, this amendment to the State Plan cannot become effective until the requirements of the APA's Articles 1 and 2 are met. Therefore, an emergency regulation is needed to meet the April 1, 1993, effective date required to obtain federal approval.

8. **FISCAL/BUDGETARY IMPACT:** This fiscal impact of increasing the Federal Poverty Income Guidelines is accounted for in the Utilization and Inflation Amendment to the Appropriations Act.

9. **RECOMMENDATION:** Recommend approval of this

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request to adopt this emergency regulation to become effective April 1, 1993. From its effective date, this regulation is to remain in force for one full year or until superseded by final regulations promulgated through the APA, whichever occurs first. Without an effective emergency regulation, the Department would lack the authority to implement the updated Guidelines in conformance to federal requirements.

10. Approval Sought for VR 460-03-2.6101.

Approval of the Governor is sought for an emergency modification of the Medicaid State Plan in accordance with the Code of Virginia § 9-6.14:4.1(C)(5) to adopt the following regulation:

VR 460-03-2.6101. Income Eligibility Guidelines.

A. Income eligibility levels—categorically needy.

1. For AFDC related groups:

No. of Persons	Group I	Group II	Group III
1	\$131	\$157	\$220
2	207	231	294
3	265	291	354
4	322	347	410
5	380	410	488
6	427	458	534
7	482	512	590
8	541	572	650
9	591	623	701
10	647	678	755
Each person above 10	56	56	56

2. For aged, blind, disabled groups: the SSI income levels.

3. For individuals meeting the requirements of §§ 435.231 and 435.232, the income level is 300% of the SSI payment level for an individual.

B. Income eligibility levels—optional categorically needy groups with incomes up to federal poverty line.

1. Pregnant women, infants, and children. The levels for determining income eligibility for groups of pregnant women, infants, and children under the

provisions of § 1902(1)(2) of the Act are as follows:

Based on 133%, and updated annually, of the official federal nonfarm income poverty line:

Size of Family Unit	Poverty Guideline
1	\$ 9,057 9,270
2	12,223 12,542
3	15,388 15,814
4	18,554 19,086
5	21,719 22,357
6	24,884 25,629
7	28,050 28,901
8	31,215 32,173
Each additional person	3,165 3,272

B1. Income eligibility levels—categorically needy groups with incomes up to federal poverty line.

1. Children who have attained age 6 but have not attained age 19 born after September 30, 1983. The levels for determining income eligibility for groups of children under the provisions of § 1902(1)(1)(D) of the Act are as follows:

Based on 100% of the official federal nonfarm income poverty line:

Size of Family Unit	Poverty Guideline
1	\$ 6,810 6,970
2	9,100 9,430
3	11,570 11,890
4	13,950 14,350
5	16,330 16,810
6	18,710 19,270
7	21,090 21,730
8	23,470 24,190
Each additional person	2,380 2,460

B2. Optional categorically needy groups with income related to federal poverty level.

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1. Children between ages six and 13. The levels for determining income eligibility for groups of children who are born after September 30, 1979, and who have attained six years of age but are under 13 years of age under the provisions of § 1902(1)(2) and § 1905(n)(2) of the Act are as follows:

Based on 100% (no more than 100%) of the official federal income poverty line.

Family Size	Income Level	
1	\$ 6,810	6,970
2	\$ 9,190	9,430
3	\$ 11,570	11,890
4	\$ 13,950	14,350
5	\$ 16,330	16,810
6	\$ 18,710	19,270
7	\$ 21,090	21,730
8	\$ 23,470	24,190
9	\$ 25,850	26,650
10	\$ 28,230	29,110
<i>Each additional person</i>	<i>2,380</i>	<i>2,460</i>

2. Aged and disabled individuals

The levels for determining income eligibility for groups of aged and disabled individuals under the provisions of § 1902(m)(4) of the Act are as follows:

Based on . . . % of the official Federal nonfarm income poverty line:

Not covered.

C. Income eligibility levels—~~optional~~ *mandatory* group of qualified Medicare beneficiaries with incomes up to federal poverty line.

The levels for determining income eligibility for groups of qualified Medicare beneficiaries under the provisions of § 1905(p)(2)(A) of the Act are as follows:

Based on 100%, and updated annually, of the official federal nonfarm income poverty line:

Size of Family Unit Poverty Guideline

1	\$ 6,810	6,970
2	\$ 9,190	9,430

D. Income eligibility levels—mandatory group of qualified disabled and working individuals with incomes up to federal poverty line.

The levels for determining income eligibility for groups of qualified disabled and working individuals under the provisions of § 1905(s) of the Act are as follows:

Based on 200%, and updated annually, of the official federal nonfarm income poverty level:

Size of Family Unit Poverty Guideline

1	\$ 13,620	13,940
2	18,380	18,860

E. Income eligibility levels—mandatory group of specified low-income Medicare beneficiaries with incomes up to federal poverty line.

The levels for determining income eligibility for groups of qualified Medicare beneficiaries under the provisions of § 1905(a)(10)(E) of the Act are as follows:

Based on 110%, and updated annually, of the official federal nonfarm income poverty line:

Size of Family Unit Poverty Guideline

1	\$ 7,491	7,667
2	10,100	10,373

Grouping of Localities

Group I	Counties	Counties	Counties	Cities
Accomack	Highland	Sussex		Lynchburg
Alleghany	Isle of Wight	Tazewell		Martinsville
Amelia	James City	Washington		Newport News
Amherst	King George	Westmoreland		Norfolk
Appomattox	King and Queen	Wise		Petersburg
Bath	King William	Wythe		Portsmouth
Bedford	Lancaster	York		Radford
Bland	Lee			Richmond
Botetourt	Louisa	Cities		Roanoke
Brunswick	Lunenburg			Salem
Buchanan	Madison	Bristol		Staunton
Buckingham	Mathews	Buena Vista		Virginia Beach
Campbell	Mecklenburg	Clifton Forge		Williamsburg
Caroline	Middlesex	Danville		Winchester
Carroll	Nelson	Emporia		***
Charles City	New Kent	Franklin		Group III
Charlotte	Northhampton	Galax		
Clarke	Northumberland	Norton		Cities

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Craig	Nottoway	Poquoson	
Culpeper	Orange	Suffolk	Arlington
Cumberland	Page	***	Fairfax
Dickenson	Patrick	Group II	Montgomery
Dinwiddie	Pittsylvania		Prince William
Essex	Powhatan	Albemarle	
Fauquier	Prince Edward	Augusta	Cities
Floyd	Prince George	Chesterfield	Alexandria
Fluvanna	Pulaski	Henrico	Charlottesville
Franklin	Rappahannock	Loudoun	Colonial Heights
Frederick	Richmond	Roanoke	Fairfax
Giles	Rockbridge	Rockingham	Falls Church
Gloucester	Russell	Warren	Fredericksburg
Goochland	Scott		Hampton
Grayson	Shenandoah	Cities	Manassas
Greene	Smyth	Chesapeake	Manassas Park
Greensville	Southampton	Covington	Waynesboro
Halifax	Spotsylvania	Harrisonburg	
Hanover	Stafford	Hopewell	
Henry	Surry	Lexington	

* * * * *

Title of Regulation: VR 460-04-4.1910. Selective Contracting of Inpatient Hospital Services.

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

Effective Dates: March 31, 1993 through March 30, 1994.

Summary:

1. **REQUEST:** The Governor is hereby requested to approve this agency's adoption of the emergency regulation entitled SELECTIVE CONTRACTING of INPATIENT HOSPITAL SERVICES. This regulation will provide the agency with the regulatory authority to provide hospital inpatient services to Medicaid recipients in the Tidewater Virginia area in selected hospitals through a competitive selection process.

2. **RECOMMENDATION:** Recommend approval of the Department's request to take an emergency adoption action regarding SELECTIVE CONTRACTING of INPATIENT HOSPITAL SERVICES. The Department intends to initiate the public notice and comment requirements contained in the Code of Virginia § 9-6.14:7.1.

/s/ Bruce U. Kozlowski
Director

Date: February 26, 1993

3. CONCURRENCES:

/s/ Howard M. Cullum
Secretary of Health and Human Resources
Date: March 26, 1993

4. GOVERNOR'S ACTION:

/s/ Lawrence Douglas Wilder
Governor
Date: March 31, 1993

5. FILED WITH:

/s/ Joan W. Smith
Registrar of Regulations
Date: March 31, 1993

DISCUSSION

6. **BACKGROUND:** The 1992 Appropriations Act directed the Department of Medical Assistance Services (DMAS) to seek the necessary waivers from the United States Department of Health and Human Services by July 1, 1992, to authorize the Commonwealth to provide hospital care to Medicaid recipients in the Tidewater area in selected hospitals through a competitive process. The waiver application was developed and submitted to HCFA on July 1, 1992.

The Commonwealth of Virginia has received approval from HCFA for a waiver under § 1915(b)(4) of the Social Security Act. With this HCFA approval, DMAS will provide hospital inpatient services to Medicaid recipients in the Tidewater area through contracting hospitals.

In the selective contracting program, hospital payment for inpatient services will be based on a per diem rate that will be negotiated with individual hospitals. The pilot program is based on awarding contracts to cost-effective hospitals in the Tidewater area while ensuring Medicaid recipients access to quality inpatient care. Under this program, hospitals will be awarded contracts based on their competitive bid prices and the evaluation criteria specified in DMAS' waiver request. The DMAS will contract with enough hospitals to ensure there is at least 110% of the projected Medicaid bed capacity needed. In selective contracting, only those hospitals awarded contracts will be reimbursed for providing inpatient services to Medicaid recipients with the following exceptions: contracted services will not include emergency services, care to Medicare Part A crossover beneficiaries, care to recipients residing outside a specified distance from a contracting hospital, emergency admissions for recipients traveling outside the contract area, or outpatient services. All non-contracting hospitals will continue to be reimbursed for emergency admissions and the other services not covered by the waiver. Certain types of facilities will be exempted from the selective contracting

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program based on the amount of revenue they receive from public assistance programs or for the unique services they offer.

DMAS is the single state agency authority responsible for supervision of the administration of these waiver services. DMAS will contract with those providers of services which meet all licensing and certification criteria required in these regulations and which are selected through the Commonwealth's procurement process.

7. **AUTHORITY TO ACT:** The Code of Virginia (1950) as amended, § 32.1-324, grants to the Director of the DMAS the authority to administer and amend the Plan for Medical Assistance in lieu of Board action pursuant to the Board's requirements. The Code also provides, in the Administrative Process Act (APA) § 9-6.14:4.1(C)(5), for an agency's adoption of emergency regulations subject to the Governor's prior approval. Subsequent to the emergency adoption action and filing with the Registrar of Regulations, this agency intends to initiate the public notice and comment process contained in Article 2 of the APA.

Without an emergency regulation, this policy cannot become effective until the publication and concurrent comment and review period requirements of the APA's Article 2 are met. Therefore, an emergency regulation is needed to comply with the schedule established for the waiver.

8. **FISCAL/BUDGETARY IMPACT:** The cost of implementing the Tidewater Selective Contracting Program will be minimal in comparison to the program savings that will be realized. Development costs will include Management Information System changes, a patient origin study, and a microcomputer model for ensuring the necessary bed capacity. Total development costs are projected to be \$25,223. The additional two-year administrative costs associated with selective contracting are estimated to be \$200,383. This includes \$41,839 for recipient and provider notifications, \$6,044 for a toll free helpline, and \$150,000 for the HCFA-required independent evaluation. The DMAS will be able to implement the pilot without adding new staff. Existing DMAS staff will be redirected as needed to perform activities associated with the hospital contracting program. Program savings are demonstrated by calculating the difference between projected costs without the waiver and the costs with the waiver in effect. In the absence of the waiver, inpatient costs are projected to be \$43.3 million in the first twelve month period and \$49.7 million for the second twelve month period. Selective contracting is expected to reduce these costs to \$41.5 million in year one of the waiver and to \$47.4 million in year two. These estimates are based upon an assumed average discount of 5% on negotiated per diem rates and are phased in based upon current billing and processing lags. Taking into account the development and administrative costs, two-year savings will be \$3.87 million (\$1.99 million General Fund).

9. **COMMENTS:** Copies of this emergency regulation are available for public review. Comments or questions should be directed to: Kathryn Kotula, Dept. of Medical Assistance Services, 600 E. Broad Street, Suite 1300, Richmond, Virginia 23219, (804) 786-7933.

10. **RECOMMENDATION:** Recommend approval of this request to adopt this emergency regulation to become effective once filed with the Registrar of Regulations. From its effective date, this regulation is to remain in force for one full year or until superseded by final regulations promulgated through the APA. Without an effective emergency regulation, the Department would lack the authority to initiate the competitive bid process and develop contracts to provide cost-effective care while ensuring access to quality care.

11. Approval Sought for VR 460-04-4.1910

Approval of the Governor is sought in accordance with the Code of Virginia § 9-6.14:4.1(C)(5) to adopt the following emergency regulation:

I have determined that Section III (B) of the federally approved Tidewater Hospital Selective Contracting Program conflicts with Section 11-41(A) of the Code of Virginia ("the Code"). I have further determined, pursuant to Section 11-39 of the Code, that acceptance of the federal Medicaid funds available to the Virginia Department of Medical Assistance Services ("DMAS") under the program is in the public interest. As a result of these findings, DMAS may lawfully comply with the terms and conditions of the Program as approved by the United States Department of Health and Human Services/Health Care Financing Administration, notwithstanding the provisions of Section 11-39 et seq. of the Code.

/s/ Lawrence Douglas Wilder

Governor

Date: March 31, 1993

VR 460-04-4.1910. Selective Contracting of Inpatient Hospital Services.

§ 1. Definitions.

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

"Community travel distance standards" means travel distance standards to ensure the provision of quality care within a reasonable distance from the recipient's place of residence.

"Contractor" shall mean that agency, firm, provider, organization, or other entity performing the obligations of the contractor under the contract for the provision of inpatient services. It shall include any subcontractor retained by the primary contractor as permitted under the

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terms of the contractual agreement.

"DMAS" means the Department of Medical Assistance Services.

"Emergency hospital services" means services that are necessary to prevent the death or serious impairment of the health of the recipient. The threat to life or health of the recipient shall necessitate the use of the most accessible hospital available that is equipped to furnish the services.

"Inpatient services" means all services provided directly or indirectly by the contract hospital and includes the covered services and limitations defined in the State Plan for Medical Assistance. Inpatient services include, but are not limited to:

1. Bed and board;
2. Medical, nursing, surgical, pharmacy, and dietary services;
3. All diagnostic and therapeutic services required by the recipient except as noted in the contract for inpatient services.
4. Use of hospital facilities and medical social services ordinarily furnished by the hospital for the care and treatment of inpatients are covered. Use of drugs as limited in Appendix B of the Hospital Manual and biologicals which are ordinarily furnished by the hospital for the care and treatment of inpatients. Whole blood and equivalent quantities of packed red blood cells are covered when not available from other sources. Other components of whole blood, such as plasma and gamma globulin, are covered biologicals. Supplies, appliances, and equipment ordinarily furnished by the hospital for the care and treatment for the recipient solely during his inpatient stay in the hospital are covered inpatient hospital services.
5. Transportation services subsequent to admission required in providing inpatient services under the contract, including but not limited to, transportation to and return from a subcontractor to the contractor or to another subcontractor. Transportation services provided prior to admission (e.g., ambulance, cabulance) shall not be included in the contract rate and may be billed separately by the transportation provider.
6. All other services provided to hospital inpatients except as noted in the contract.
7. Services rendered by the contractor within 24 hours prior to the recipient's admission as an inpatient, such as outpatient or emergency services which are related to the condition for which the recipient is admitted as an inpatient.

8. Administrative services required in providing inpatient services under this contract.

"Offeror" shall mean that agency, firm, provider, organization, or other entity who, at the time DMAS proposes to award a contract, is engaged in the provision of hospital inpatient acute care services of the type to be procured under such contract, and who at such time is eligible and qualified in all respects to perform that contract, and who submitted a proposal which conforms in all material aspects to the Request for Proposal.

"Pilot" means the cities of Chesapeake, Norfolk, Portsmouth, and Virginia Beach, selected to implement hospital contracting for inpatient services.

"Provider" means an organization or institution with a current valid participation agreement who or which will (1) provide the service, (2) submit the claim, and (3) accept as payment in full the amount paid by the DMAS.

"Psychiatric services" are short-term psychiatric services covered in general acute care hospitals when certified by the hospitals' utilization review committees.

"Recipient" means a person who has been determined Medicaid eligible by DMAS and is receiving or has received a medical service during the eligibility period. Medicaid recipients who are also eligible for Medicare hospital benefits under the provisions of Title XVIII of the Social Security Act and who have not exhausted those benefits shall not be considered recipients within the meaning of the contract. A recipient also includes that person whose eligibility was not determined until after the rendition of inpatient services.

"Rehabilitation services" are inpatient rehabilitation services covered in facilities that are certified as rehabilitative units of a general acute care hospital which have been excluded from the Medicare prospective payment system. The facility must have a current provider agreement for rehabilitation services with the DMAS.

"Subcontractor" shall mean one not in the employment of the contractor, who is performing all or part of the obligations of the contractor under the Tidewater Selective Contracting Program under a separate contract with the contractor. The terms "subcontractor" and "subcontractors" mean subcontractors in any tier.

§ 2. Program Purpose.

The purpose of the Tidewater Selective Contracting Program shall be to allow the DMAS to invite hospitals in the Tidewater area to bid for the provision of inpatient services to Medicaid recipients. All hospitals in the pilot area (with the exception of certain types of facilities which are exempt from the selective contracting program) will be given the opportunity to compete for contracts to serve the Medicaid population. The DMAS will negotiate,

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the rates, terms, and conditions of the contracts with hospitals. The DMAS will contract with enough hospitals to ensure there is at least 110% of the projected Medicaid bed capacity needed, and will select those hospitals which offer the Commonwealth the most cost-effective service arrangements while ensuring compliance with the Commonwealth's standards for access and quality of care. Contracted hospitals will agree to provide the services at a fixed price for a specified period.

§ 3. Community Travel Distance.

Travel distance standards shall be established for each community based on actual recipient travel experience to pilot hospitals for inpatient care during calendar year 1992. The Department's database identifies the recipient's ZIP code of residence and the hospital associated with each inpatient stay. Distances between the center of each ZIP code, representing recipient origins, and each hospital destination, will be computed. Community travel distance standards will be determined for each ZIP code. These will generally be equivalent to the average of travel distances from home to hospital. However, averages of less than fifteen miles will be set to a community travel distance standard of fifteen miles. Recipients living in the pilot area but beyond the community travel standard from a contracting hospital will be exempted from the pilot program and will be able to receive inpatient services from a contracting or non-contracting hospital.

§ 4. Recipients.

Except for those covered under the exclusions shown below, recipients affected by the Selective Contracting Program shall be those residing in the pilot areas.

A. Exclusions. The following recipients, within the designated pilot area, shall be excluded from participating:

1. If the distance from a recipient's home substantially exceeds the community travel distance standard, the recipient will not be restricted to contract facilities if a hospital providing the service is closer than a contract hospital.
2. Recipients who are inpatients in psychiatric hospitals and nursing facilities.
3. If the Medicaid recipient is eligible for and has not exhausted this benefit under the Federal program of hospital insurance for the aged and disabled (Medicare Part A), the recipient shall be exempt from the selective contracting program. Medicaid shall continue to reimburse for the Part B premiums, coinsurance, and deductible for all Medicare crossover beneficiaries.

B. Client Enrollment Process. All recipients living in a pilot area, except those meeting one of the exclusions above, shall be enrolled in the Tidewater Selective Contracting Program. Other pilot sites may be added to

the scope of the Tidewater Selective Contracting Program at DMAS' discretion and with the approval of the Health Care Financing Administration.

C. Receipt of Services.

1. Recipients may receive inpatient services at any contracting hospital in the pilot area.
2. Emergency services shall be provided at any Medicaid participating hospital without delay or prior authorization.
3. If a recipient's physician requests admission to a non-contracting hospital, and medical necessity can be demonstrated by the physician, the DMAS shall have the authority to authorize the admission. Such approvals shall be made on a case-by-case basis and only if it is demonstrated that the services cannot be provided by a contract hospital. Recipients shall have a right to a fair hearing consistent with the Client Appeals regulations at VR 460-04-8.7, upon denial of any such request.

§ 5. Covered Services and Provider Requirements.

A. Proposals shall be solicited from all acute care general hospitals, except for Federal hospitals, rehabilitation hospitals, long-term care hospitals, state psychiatric hospitals, Children's Hospital of the King's Daughters, out-of state hospitals, and hospitals outside the pilot area. Those hospitals which receive or should receive more than 35% of their net patient revenue from Medicaid, local government units, and charity care may be exempted from the requirements of the Tidewater Selective Contracting Program. An exemption needs to be requested in writing and sent to the attention of the Director of DMAS. This exemption must be requested prior to the date the proposals are due. If an exemption is denied, the hospital can appeal in accordance with the provisions of § 8 of these regulations.

B. The contractor shall provide all inpatient services to any eligible Medicaid recipient in need of such services and assumes full responsibility for provision of all inpatient services, either directly, or through subcontractors, or as otherwise provided in the contract.

C. The contractor shall admit on a nondiscriminatory basis all recipients requiring care unless no licensed and staffed beds are available.

D. The contractor shall schedule admissions according to its usual admission procedures in the event that no appropriately licensed and staffed beds are available, and shall advise DMAS of the lack of capacity.

E. The contractor shall accept as payment in full for these inpatient services payment from the DMAS as provided for in the contract, and shall not attempt to collect any non-reimbursed expenses other than co-pays

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from the recipient.

F. The DMAS shall pay the contractor for such medically necessary services rendered in accordance with the terms and under the express conditions of the contract.

1. The contractor shall, at its own expense, provide and maintain facilities and professional, allied, and supportive paramedical personnel to provide all necessary and appropriate inpatient services.
2. The contractor shall, at its own expense, provide and maintain the organizational and administrative capabilities to carry out its duties and responsibilities under the contract and all applicable statutes and regulations pertaining to Medicaid providers.
3. The contractor shall refer recipients to specialty care and other services when medically necessary.
4. The contractor shall not refuse an admission or discharge a recipient or otherwise discriminate against a recipient solely on the basis of age, sex, race, physical or mental handicap, national origin, or type of illness or condition, except when that illness or condition can be better treated by another provider type or facility.
5. The contractor shall ensure that physicians who wish to treat Medicaid recipients can obtain clinical privileges without undue restrictions.

G. The contractor shall warrant that it is currently licensed as a general hospital in accordance with applicable laws and regulations of the Commonwealth. The contractor shall warrant that it is currently, and for the duration of the contract will remain, certified under Title XVIII of the Social Security Act.

§ 6. Services Exempted From the Tidewater Selective Contracting Program.

Patients can receive the following services at any provider. Payment of these services is not subject to selective contracting.

1. Emergency services
2. Inpatient rehabilitation services provided in facilities that are certified as rehabilitation hospitals
3. Long-Term care services
4. Services provided to Medicare Part A crossover patients
5. Family Planning Services.

§ 7. Provider Payments.

For each day of patient service provided, contractors shall be reimbursed for inpatient services by way of a single, all-inclusive per patient per day rate. Except as noted below, the contract rate per patient per day shall constitute the complete reimbursement the contractor will receive for inpatient services. The following restrictions will apply to this method of reimbursement:

A. Billing Procedures.

1. The contract rate shall include all inpatient services provided during a hospital stay. There shall be no separate billing for any services provided directly or indirectly by the contractor during the inpatient stay except for physician services. Physicians shall continue to bill separately for services provided to eligible Medicaid recipients using the HCFA - 1500 claim form.
2. There shall be no separate billing for any transportation services required in providing inpatient services under the contract.
3. There shall be no separate billing for any services rendered within 24 hours prior to the recipient's admission as an inpatient (such as outpatient or emergency services) which are related to the condition for which the patient was admitted. These services shall be deemed inpatient services and included in the contracted rate.

B. Capital costs shall be included in the proposal price and shall not be treated as a separate cost component nor shall it be treated as a pass-through cost.

C. Medical education costs shall be included in the proposal price and shall not be treated as a separate cost component.

D. If an admission was medically necessary and appropriate and there was a reasonable expectation that the patient would remain at least overnight and occupy a bed, the admission shall be authorized as a day of inpatient care, even if the patient is discharged later the same calendar day.

E. The limitations on inpatient covered days shall be those set forth in § 3.1 and Attachments 3.1 A and B of the State Plan for Medical Assistance. The limitations on co-payments shall be those set forth in § 4.18 and Attachments 4.18 A and C of the State Plan for Medical Assistance. The limitations on third party liabilities shall be those set forth in § 4.22 and Attachments 4.22 A and B of the State Plan for Medical Assistance.

F. Payment Adjustment Fund.

1. The Payment Adjustment Fund shall be distributed to contracting hospitals as set forth in Section XIII, Attachment 4.19A of the State Plan.

2. The escalation factor as set forth in Section V of Attachment 4.19A shall not be an add-on to the contract rate of contractors selected under this program.

G. The Disproportionate Share Payment Adjustment shall be an add-on to the operating cost per diem agreed to by the parties and set forth in the contract. The Disproportionate Share Payment Adjustment shall continue to be determined in accordance with Section V Attachment 4.19A of the State Plan. For purposes of applying the provision of Attachment 4.19A Section V to contracting hospitals, the operating cost rate shall be the operating cost per diem of the contract rate.

§ 8. Provider Appeals.

Disputes involving the award of a contract by DMAS under a selective contracting program, disputes involving denial of any exemption from such program, and disputes involving the implementation of any contract entered into as a result of such program, may be appealed in writing to the Director of DMAS within the time provided by law. The Director of DMAS shall render a decision. The party shall have the right to seek an impartial review of the Director's final decision from the Procurement Appeals Board. The Department of General Services, Division of Purchases and Supply Procurement Appeals Board is established under Section 11-71 of the Code of Virginia to provide impartial review of the contested decision on the procurement of goods made by any agency of the Commonwealth that is required to follow the purchasing procedures set forth in the Commonwealth of Virginia Vendor's Manual.

STATE CORPORATION COMMISSION

COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, APRIL 5, 1993

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

CASE NO. PUC930009

Ex Parte: In the matter of
adopting rules governing service
standards for local exchange
telephone companies

ORDER ESTABLISHING RULEMAKING PROCEEDING AND INVITING COMMENTS

The Commission's Division of Communications has maintained service standards for Virginia certificated local exchange telephone companies ("LECs") that serve as proper guidelines for the maintenance of satisfactory telephone service within the Commonwealth. With modern technology, Virginia's LECs have, in most instances, met or exceeded these guidelines. However, there have been occasions when service has deteriorated beneath the prescribed levels.

The Commission places a high priority on the levels of service quality achieved by Virginia's LECs and is proposing that the present service standard guidelines become Commission rules pursuant to Virginia Code § 12.1-28. If the service standards are adopted as rules, any failure to comply with these standards would constitute a violation of such rules, punishable pursuant to either Virginia Code § 56-483 or § 12.1-33 or both. Accordingly,

IT IS THEREFORE ORDERED:

- (1) That this matter is docketed and assigned Case No. PUC930009;
- (2) That the Commission's Division of Communications shall forthwith cause a copy of the following notice to be published in newspapers having general circulation throughout the Commonwealth:

NOTICE OF PROPOSED RULES GOVERNING THE SERVICE STANDARDS FOR VIRGINIA'S LOCAL EXCHANGE TELEPHONE COMPANIES

The Virginia State Corporation Commission has proposed rules governing service standards for Virginia's local exchange telephone companies ("LECs"). The purpose of these rules is to assure continuation of quality telephone service throughout the Commonwealth and provide sanctions for any deterioration in service.

The text of the proposed rules can be examined at the Commission's Division of Communications or the Document Control Center located at Floor 1 of the Tyler Building, 1300 East Main Street, Richmond, Virginia, Monday through Friday, 8:15 a.m. until 5:00 p.m. Copies of the proposed rules may be ordered from the Commission's Division of Communications or from the Virginia Telephone Association, 11 South 12th Street, Suite 310, Richmond, Virginia 23219.

The Commission will not conduct a public hearing unless substantial objections are raised to the proposed rules and a hearing is requested. Interested persons may submit written comments or requests for hearing concerning the proposed rules on or before May 14, 1993, by writing William J. Bridge, Clerk, Virginia State Corporation Commission, P.O. Box 2118, Richmond, Virginia 23216, making reference to Case No. PUC930009. The Commission Staff shall review the comments submitted and may file any appropriate response on or before May 28, 1993.

VIRGINIA STATE CORPORATION COMMISSION

- (3) That the Commission Staff study the written comments submitted by interested parties and file any response deemed appropriate by May 28, 1993;
- (4) That each LEC providing service in Virginia make available for public inspection, during normal business hours at locations accessible by the public, a copy of the rules herein proposed as set forth in Attachment A; and
- (5) That this matter is continued generally pending further order of the Commission.

ATTESTED COPIES hereof shall be sent by the Clerk of the Commission to each certificated local exchange telephone company operating in Virginia as shown on Appendix A attached hereto; to each interexchange telephone company operating in Virginia as shown on the service list attached hereto as Appendix B; to the Division of Consumer Counsel, Office of the Attorney General, 101 North 8th Street, 6th Floor, Richmond, Virginia 23219; and to the Commission's Office of General Counsel and Divisions of Communications, Public Utility Accounting, Economics and Finance, and Public Service Taxation.

STATE CORPORATION COMMISSION

AT RICHMOND, APRIL 5, 1993

COMMONWEALTH OF VIRGINIA

At the relation of the

CASE NO. PUE910076

STATE CORPORATION COMMISSION

State Corporation Commission

Ex Parte: In re: Revision of
Commission rules governing public
utility rate increase applications

ORDER SCHEDULING ORAL ARGUMENT

On December 13, 1991, the Commission issued an order directing Staff to provide notice of new rate case rules proposed by the Commission Staff in its report dated September 30, 1991. An opportunity for public comment was provided, and a number of comments were filed. Having considered the Staff report and the public comment, the Commission believes that certain modifications to the proposed rules should be considered. A copy of the proposed rules showing these modifications is attached as the Appendix to this order. The proposed rules, as modified, would change the Commission's rate case rules in three major respects.

First, the applicability provision of the proposed rules would exclude telephone companies. The existing rate case rules would be amended and retained to govern rate increase applications by local exchange telephone companies. The introductory portion of the existing rules would be amended to read as follows:

I. An application for a rate increase filed by a *local exchange telephone company public utility, as defined in Section 56-232, Code of Virginia, (except Electric Cooperatives, as defined in the Electric Cooperatives Act, Code of Virginia, Section 56-209, and Telephone Cooperatives, as defined in the Telephone Cooperatives Act, Code of Virginia, Section 56-487),* having annual revenues exceeding \$1,000,000, which application is filed under Chapter 10 of Title 56 of the Code of Virginia and proposes to increase annual operating revenues shall include:

Existing Rule IV and all references to electric, gas or water and sewer companies in the existing instructions and schedules would be superseded by the provisions of the proposed rules, as modified.

Second, expedited rate cases would be eliminated, and all proposed rate increases would be suspended for 150 days, except that the Commission could shorten the 150-day period for good cause shown.

Third, language would be included to give the Commission flexibility to allow applicants to vary from detailed provisions of the rules if appropriate in particular cases.

The Commission wishes to hear oral argument on the proposed rules as modified; accordingly,

IT IS ORDERED:

(1) That oral argument will be heard in this proceeding on May 27, 1993, for the purpose of receiving comment and argument on the modifications

to the rules indicated in this order;

(2) That additional written comments will be considered timely if received by the Commission before the oral argument; and

(3) That any party may participate in the oral argument upon filing a notice of intent to participate on or before April 15, 1993.

Commissioner Moore took no part in the issuance of this order.

AN ATTESTED COPY hereof shall be mailed by the Clerk of the Commission to all electric utilities, natural gas utilities, local exchange telephone companies, water and sewer companies, and other parties listed in the Service List attached to the Commission's order of December 13, 1991, in this case, and to the Division of Consumer Counsel, Office of the Attorney General of Virginia, 101 North 8th Street, Richmond, Virginia 23219, and the Commission's Office of General Counsel and Divisions of Energy Regulation, Communications, Public Utility Accounting and Economics and Finance.

ATTACHMENT A

RULES GOVERNING UTILITY RATE INCREASE APPLICATIONS AND ANNUAL REVIEW FILINGS

I. RATE CASE FILING REQUIREMENTS.

A. An application for a rate increase filed pursuant to Chapter 10 of Title 56 of the Code of Virginia by an investor-owned electric, natural gas, water or sewer a public utility, as defined in Section 56-232 of the Code of Virginia (except Electric Cooperatives, as defined in Section 56-209, et. seq., of the Code of Virginia, and Telephone Cooperatives, as defined in Section 56-487, et. seq., of the Code of Virginia, and except as provided in Rule IV-B hereof), having annual revenues exceeding \$1,000,000, which proposes to increase annual operating revenues shall include:

(1) 1. The name and post office address of the applicant and the name and post office address of its counsel,

(2) 2. A full and clear statement of the relief sought and the facts which the applicant is prepared to prove by competent evidence, the proof of which will warrant the relief objectives sought,

(3) 3. A statement of the legal basis for the relief objectives sought,

(4) 4. An exhibit consisting of schedules 1 - 18 prepared in accordance with the Appendix to these rules, provided that the filing of such schedules 1 - 18 shall not be deemed to limit the issues in any rate

State Corporation Commission

case or the admissibility of any evidence which is relevant and material thereto, and

~~(5) An exhibit containing all changes to rate schedules and tariff sheets, including any changes to rules, regulations or terms of service;~~

~~(6) 5. All written direct testimony and other exhibits which applicant intends to introduce as evidence to support the relief objective sought ; and .~~

~~D B . An application shall not be deemed filed under Section 56-238 of the Code of Virginia unless it contains the statements, testimony and exhibits required by Rule I.A . ; provided that the Commission may waive any of the provisions of Rule I.A.4 for good cause shown. The effective date of any rate or revenue increase requested pursuant to these rules shall be suspended for sixty (60) days from the filing thereof and may be made effective thereafter only if subject to refund with interest in accordance with Section 56-238.~~

~~C. Nothing in Rule I.A shall be deemed to excuse an applicant from submitting additional information requested by the Commission's Staff under information requests which any Staff Division may make from time to time.~~

~~(7) A table of contents of the Company's filing, including the testimony and exhibits.~~

~~(B) D. All exhibits and schedules shall be identified with an appropriate schedule number and shall be prepared in accordance with the following general instructions:~~

1. The applicant shall verify the accuracy of all data and calculations contained in, and pertaining to, every exhibit submitted.

2. Each exhibit shall be labeled with the name of the applicant and the initials of the sponsoring witness in the upper right hand corner as shown below:

Exhibit No. (Leave Blank)
Witness: (Initials)
Statement or Schedule Number

The first page of all exhibits shall contain a caption which describes the subject matter of the exhibit.

3. If the accounting and statistical data submitted differ from the books of the applicant, then the applicant shall include in its filing a reconciliation schedule for each account or subaccount which differs, together with an explanation describing the nature of the difference.

4. The required accounting and statistical data shall include all work papers and other information necessary to ensure that items, statements and schedules are verifiable and are not misleading.

~~C E . All applications shall be filed in Twenty (20) copies of the application shall be filed with the Clerk of the Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23216. The applicant shall serve a copy of the information required by paragraphs (1) through (3) of Rule I.A upon the presiding officer of the governing body Commonwealth Attorney and Chairman of the Board of Supervisors of each county or city (or equivalent officials in the counties having alternate forms of government) affected by the proposed increase and the Commonwealth Attorney for each such county and the City Attorney for each such city. and upon the Mayor or Manager and the Attorney of every city and town (or equivalent officials in cities and towns having alternate forms of government) affected by the proposed increase. The applicant shall also serve each such official with a statement that a copy of the complete application may be obtained at no cost by making a request therefor orally or in writing to a specified company official or location. In addition, the applicant shall serve a copy of its complete application upon the Division of Consumer Counsel of the Office of the Attorney General of Virginia. All such service specified by this rule shall be made by either (a) by hand personal delivery or (b) by first class mail, to the customary place of business or to the residence of the person served.~~

~~D: An application shall not be deemed filed under Section 56-238 of the Code of Virginia unless it contains the statements, testimony and exhibits required by Rule I.A. The effective date of any rate or revenue increase requested pursuant to these rules shall be suspended for sixty (60) days from the filing thereof and may be made effective thereafter only if subject to refund with interest in accordance with Section 56-238.~~

~~E: The application shall be based on a test period consisting of twelve months of historic accounting data ending no more than 120 days prior to submission of the application. The historic revenue and expense data may be adjusted for all changes which are reasonably certain to occur through the end of the rate year. The amount of any adjustments for such changes shall reflect the actual number of months (or parts thereof) during which the change is expected to have an effect in the rate year.~~

~~F. A utility seeking a rate increase under these rules shall file with the Clerk of the Commission a notice of intent to request a rate increase not less than 60 days prior to filing the application. Rate base shall be based on the year-end rate base for the historic test period described in paragraph I.E. The historic rate base data may be adjusted for all changes which are reasonably certain to occur through the end of the rate year. The amount of any adjustments for such changes shall reflect the actual number of months (or parts thereof) during which the change is expected to have an effect in the rate year.~~

~~G. The effective date of any rate increase requested pursuant to these rules shall be suspended for 150 days in~~

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accordance with Section 56-238 of the Code of Virginia, unless a shorter suspension period is ordered by the Commission for good cause shown. The components of the actual capital structure at the end of the historic test period may be adjusted in the same manner as rate base may be adjusted under Rule I.F. Interest, dividends on preferred stock, and other expenses associated with capital structure components other than common equity may be adjusted in the same manner as expenses may be adjusted under Rule I.E.

H. The application shall contain a test period consisting of twelve months of historic accounting data ending no more than 120 days prior to the submission of the application. The historic revenue, expense, rate base, capital structure and cost of capital data may be adjusted consistent with the provisions of Section 56-235.2 of the Code of Virginia. For purposes of these rules, the term "rate year" shall mean the twelve (12) months following the earliest effective date of the proposed rates permitted by these rules.

I. Applicant shall file no later than 60 days after the end of the rate year a comparison of estimated to actual cost of service items for the rate year. All revenue, expense and investment projections shall be detailed by primary account and compared to actual amounts during the rate year. All variations shall be explained in detail. Two copies shall be filed with the Division of Public Utility Accounting and one copy filed with the Division of Economics and Finance.

II. FUEL FACTOR AND COGENERATION RATE FILING REQUIREMENTS

A. When an electric utility files for a rate increase, fuel factor projections and cogeneration rates shall not be filed as part of the original application. The Commission shall, by order, establish a filing date for fuel factor and cogeneration testimony. The filing shall be required to include the projections required by the Commission's Fuel Monitoring System and testimony and exhibits to support the projections and cogeneration rates.

B. A. Any request in the event that an electric utility files an application to modify an electric utility's increase its fuel factor or cogeneration rates shall be made by separate application. only, Fuel factor projections and proposed cogeneration rates shall be filed at least eight six weeks prior to the proposed effective date of such factor or rates. The filing shall include the projections required by the Commission's Fuel Monitoring System and testimony and exhibits supporting the projections, proposed new fuel factor and cogeneration rates.

C. B. When an electric utility deems it unnecessary to request any change to its base rates or fuel factor, it shall nevertheless file fuel factor projections at least eight six weeks prior to the expiration of the last projection or as otherwise required by the Commission.

C. An electric utility shall file cogeneration rates and supporting information, revising previous filings if appropriate, at least biennially.

III. ANNUAL REVIEW FILING REQUIREMENTS

A. Any utility not requesting a base rate increase in any year shall make an annual review filing consisting of Schedules 1-12 1-13 as described in required pursuant to Rule I.A (4) 4. The test year shall be the current 12 months ending in the same month as the test year used in the utility's most recent rate application. Notwithstanding any notice filed pursuant to Rule I.F, this information shall be filed with the Commission within 120 days after the end of the new test year.

B. Adjustments reflected in Column (2) of Schedule 4 which do not incorporate the ratemaking treatment approved by the Commission in the utility's last rate case shall be separately identified as new proposed adjustments in Schedule 7.

C. In computing its cost of capital, as prescribed in Schedules 10 and 11 of the Appendix attached hereto, the applicant shall use the highest and lowest equity return rates found reasonable by the Commission in the utility's most recent rate case and the rate used to determine the revenue requirements in that case.

B. D. Annual review filings shall be made available to the public by the company on request. Nothing in this Rule III shall be interpreted to limit the access of the Commission's Staff or the public to additional information from any utility company to the extent otherwise required or permitted by law.

IV. RELATIONSHIP TO OTHER LAWS

A. Nothing in these rules shall be interpreted to relieve the applicant of its burden to prove all the elements of a rate case or to establish that its proposed rate increase is just and reasonable and results in no undue discrimination among customers.

B. These regulations shall not apply to any telephone company participating in the experimental plan for the optional regulation of telephone companies, adopted by the Commission effective January 1, 1989 (Ex Parte: In the matter of promulgating an experimental plan for the optional regulation of telephone companies, Case No. PUC880035, 1988 S.C.C. Ann. Rept. 249). Applications for rate increases and annual review filings prepared by telephone companies participating in the plan shall be in such form and shall contain such information as required by the Division of Public Utility Accounting consistent with the requirements of the plan and Case No. PUE850022.

C. B. Nothing in these regulations shall be interpreted to apply to applications for temporary reductions of rates pursuant to Section 56-242 of the Code of Virginia or temporary increases in rates pursuant to Section 56-245 of

State Corporation Commission

the Code of Virginia.

C. The Commission may grant, under such terms and conditions and to such extent as it deems appropriate, a waiver of any of the provisions of these Rules Governing Utility Rate Increase Applications and Annual Review Filings.

APPENDIX

Contents

Schedule

Number Schedule Title

1. Annual Reports
2. Securities and Exchange Commission Reports
3. Per Books Rate of Return Statement
4. Fully Adjusted Rate of Return Statement
5. Net Original Cost Rate Base - Per Books
6. Net Original Cost Rate Base - Fully Adjusted
7. Detail of Ratemaking Adjustments
8. Working Papers for Ratemaking Adjustments
9. Jurisdictional Allocation
10. Per Books Capital Structure and Cost of Capital Statement and Supporting Schedules
11. Fully Adjusted Capital Structure and Cost of Capital Statement and Supporting Schedules
12. Revenue and Expense Variance Analysis
13. Affiliate Transactions
14. Proposed Rates and Tariffs
15. Additional Revenue
16. Sample Billing
17. Block Billing
18. Class Cost of Service Study

Schedule 1

Annual Reports

Provide the most recent Stockholder's Annual Report for the applicant, and for the consolidated company if the applicant is a subsidiary. ~~(No photocopies)~~

Schedule 2

Securities and Exchange Commission Reports

Provide the most recent SEC Form 10-K and SEC Form 10-Q for the applicant, and for the consolidated company if the applicant is a subsidiary. ~~(No photocopies)~~

Schedule 3

Per Books Rate of Return Statement

Instructions: Use format of the attached schedule.

Amounts reflected in lines (23) and (24), Column (1) shall be obtained from Column (1) of Schedule 10. Amounts reflected in lines (23) and (24), Column (3) shall be

obtained from Column (3) of Schedule 10.

Adjustments in Column (2) reflect any financial differences between GAAP and ratemaking accounting as prescribed by the SCC. Each Column (2) adjustment shall be separately identified and reflected in an attached subschedule 3a using the format prescribed for Schedule 7.

Jurisdictional allocation factors used to eliminate non-Virginia jurisdictional business in Column (4) shall be fully supported in Schedule 9.

Gas utilities shall provide a supporting subschedule 3b detailing interest paid on supplier refunds.

The amount of Applicant shall provide a supporting subschedule 3c detailing the sources of other income (expense) reflected in line (14), Column (1). The amount shown in Column (5) shall only be the current amount of that portion of other income (expense) recognized as jurisdictional in the applicant's last rate case.

Applicant shall provide a subschedule 3d detailing by cost component interest expense, which reconciles to line (15), Column (1).

For subsidiary companies that receive all external capital from the parent, lines (15) and (16), Column (3) shall be allocated from the consolidated parent's interest expense and preferred dividends. The allocation factor shall be equal to Column (3) rate base divided by the total adjusted capitalization reflected in Schedule 10.

Lines (15), (16), (23) and (24) shall be allocated from Column (3) to Column (5) using an allocation factor equal to Virginia jurisdictional rate base divided by the total adjusted capitalization reflected in Column 3 of Schedule 10.

Line (17), JDC capital expense, shall be reflected as an adjustment due to ratemaking requirements in Column (2), if applicable. Also, the associated income tax savings shall be reflected in line (4), Column (2). For purposes of this schedule, JDC capital expense shall be calculated by multiplying line (13), adjusted operating income by the weight of JDC capital in the capital structure reflected in Column (4), Schedule 10. The associated income tax savings shall be calculated by multiplying line (22), total rate base, times the weight of JDC capital times the weighted cost of debt component of the JDC cost rate times the applicable income tax rate.

Schedule 4

Fully Adjusted Rate of Return Statement

Instructions: Use format of the attached schedule.

Each Column (2) adjustment shall be separately identified and reflected in Schedule 7. In an annual review filing, adjustments reflected in Column (2) of Schedule 4 which

State Corporation Commission

do not incorporate ratemaking treatment approved by the Commission in the utility's last rate case shall be separately identified as new proposed adjustments in Schedule 7.

After ratemaking adjustments, lines (15), (16) and (24) shall be calculated consistent with the ratemaking capital structure reflected in Schedule 11.

After ratemaking adjustments, JDC capital expense shall be calculated by multiplying line (22), total rate base, by the weighted cost of JDC capital in the ratemaking capital structure reflected in Schedule 11. The associated income tax savings shall be calculated as described in the instructions to Schedule 3.

Schedule 5

Net Original Cost Rate Base - Per Books

Instructions: Use format of the attached schedule.

Adjustments in Column (2) reflect any financial differences between GAAP and ratemaking accounting as prescribed by the SCC. Each Column (2) adjustment shall be separately identified and reflected in an attached subschedule 5a using the format prescribed for Schedule 7.

Jurisdictional allocation factors used to eliminate non-Virginia jurisdictional business in Column (4) shall be fully supported in Schedule 9.

Applicant shall provide a supporting subschedule 5b detailing property held for future use by item and date of planned use.

Applicant shall provide subschedule 5c, which reconciles between per books balance sheet accounts and amounts reflected as rate base deductions for accumulated deferred income taxes and other cost free capital.

Applicant shall provide subschedule 5d to support all rate base components not readily substantiated from per books balance sheet accounts, such as thirteen month average amounts and cash working capital.

The cash working capital allowance based on the methodology approved by the Commission for the applicant shall be reflected beginning in Column (1).

Schedule 6

Net Original Cost Rate Base - Fully Adjusted

Instructions: Use format of the attached schedule.

Each Column (2) adjustment shall be separately identified and reflected in Schedule 7.

If a cash working capital allowance that is based on the results of a lead lag study has been approved by the

Commission for the applicant, subschedules 6a and 6b shall be provided detailing the cash working capital computation for Columns (1) and (3), respectively.

Applicant shall provide a supporting subschedule 6c if historic rate base data is adjusted for changes occurring during the rate year. Adjusted rate base figures (by component) shall be shown for each month following the historic year end. Adjustments shall be reflected only in the month in which the change is expected to occur and subsequent months of the rate year.

Schedule 7

Detail of Ratemaking Adjustments

Instructions: Use format of the attached schedule.

Applicant may adjust all cost of service items for any changes expected to occur through the end of the rate year.

Each adjustment shall be numbered sequentially and listed under the appropriate description category (Operating Revenues, O&M Expenses, etc.). The impact on cost of service from each adjustment shall be detailed in Columns (1) through (10). Total adjusted Operating Income (A.O.I.) adjustments reflected in this schedule should equal total A.O.I. adjustments reflected in Column (2), line (13) of Schedule 4.

Interest synchronization and cash working capital changes may be reflected as single adjustments based on fully adjusted cost of service.

Each ratemaking adjustment is to be fully explained in a supporting subschedule 7a to this statement.

Detailed workpapers substantiating each adjustment shall be provided in Schedule 8.

Schedule 8

Working Papers for Ratemaking Adjustments

Provide detailed workpapers and supporting schedules of all proposed adjustments. Each supporting document shall identify the origin of the data shown. Also, indicate whether data is actual or estimated. Working papers shall be indexed and tabbed for each adjustment. Two copies shall be filed with the Division of Public Utility Accounting and one copy to the Division of Energy Regulation.

Schedule 9

Jurisdictional Allocation

Provide summary schedules by primary account reflecting all revenue, expense and rate base items allocated to Virginia jurisdiction. Schedules should reflect the Virginia

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jurisdictional cost of service both before and after ratemaking adjustments. Provide working papers to support all calculated amounts including the development of allocation factors.

Provide detailed schedules reflecting the computation of current and deferred income taxes. These schedules should identify the allocation of each Schedule M item reconciling between book and taxable income.

Provide a narrative explanation and justification of the allocation methodology used. Discuss any changes in the applicant's operations which materially affect any allocation factor.

Where utility service to local, state and federal government customers is not subject to the jurisdiction of the Commission, the revenues, expenses and investment associated with such service shall be identified separately in the allocation study and removed from jurisdictional business.

Schedule 10

Per Books Capital Structure and Cost of Capital Statement and Supporting Schedules

Instructions: Use format of the attached schedule.

Column (1) shall reflect the per books capital structure at the end of the test year. Data in Column (1) shall be compatible with the applicant's Stockholders' Annual Report, SEC Form 10-K or 10-Q, and/or other publicly available financial statements. Columns (2) through (6) shall reflect data for the entity whose capital structure is proposed. A per books consolidated capital structure shall be provided in Column (2A) if a consolidated capital structure is used for ratemaking; otherwise, Column (2A) is not applicable. Show all other adjustments due to ratemaking requirements in Column (2B). Adjustments in Column (2B) shall be explained in detail in an accompanying schedule.

Capital components not applicable to a company shall be denoted as such. Capital components other than those shown shall be included, if applicable. A separate description and amount shall be provided for each component of "other" capital, if applicable.

Schedules supporting both the amount and cost rate for each capital component shall be provided. *For the cost of common equity, use the highest and lowest rates authorized in the utility's most recent rate case and the return used to determine the revenue requirement in that case.* For job development credits, if applicable, supporting schedules shall be provided as needed.

Schedule 11

Fully Adjusted Capital Structure and Cost of Capital Statement and Supporting Schedules

Instructions: Use format of the attached schedule.

This schedule shall reflect the capital structure and cost of capital supporting the proposed revenue requirement. Data from this schedule shall be used to develop lines 15, 16, 17 and 24, Column (3) of Schedule 4, the Fully Adjusted Rate of Return Statement.

Capital components not applicable to a company shall be denoted as such. Capital components other than those shown shall be included, if applicable. A separate description and amount shall be provided for each component of "other" capital, if applicable.

Schedules supporting both the amount and cost rate for each capital component shall be provided. The dollar amounts for each component shall be reconciled in a supporting schedule to Column (3), Schedule 10. For job development credits, if applicable, supporting schedules shall be provided as needed.

Schedule 12

Revenue and Expense Variance Analysis

Applicant shall quantify jurisdictional operating revenues and system operating and maintenance ("O&M") expenses by primary account during the test period and the preceding twelve months. Also, provide jurisdictional sales volumes by customer class for the test period.

Applicant shall provide a detailed explanation of all jurisdictional revenue and system expense increases or decreases of more than 10% during the test period compared to the previous twelve month period. The expense variance analysis applies to test period expense items greater than one-hundredth of one percent (.0001) of total O&M expenses for utilities with O&M expenses exceeding \$100 million, and one-tenth of one percent (.001) of total O&M expenses for utilities with O&M expenses below \$100 million.

Schedule 13

Affiliate Transactions

Provide a narrative summary of affiliated services received and/or provided during the test period.

Provide a summary of service charges detailing the nature of costs incurred by functional group for each month of the test period. Also, show the final account disposition of all costs incurred for each month of the test period.

If applicant is part of a holding company, separately identify all costs allocated to the parent and then back to the operating company.

Schedule 14

Proposed Rates and Tariffs

Provide a copy of the rates designed to effect the proposed revenue increase. Where tariff revisions are proposed, provide existing tariff sheets with a line (-) or X (xx) through those portions of the tariff to be deleted, and bold, italicize or underline proposed new tariff language or provisions.

Schedule 15

Additional Revenue

Provide by rate schedule the calculations of additional gross revenues that would be produced by the new rates during the test period. Detail by rate schedule all miscellaneous charges and other revenues, if applicable, and reconcile Schedule 15-Additional Revenue with the revenue shown on Schedule 4-Rate of Return Statement.

Schedule 16

Sample Billing

Provide a sample billing analysis detailing the effect on each rate schedule at representative levels of consumption and the percentage of the number of bills rendered for that consumption level during the test year.

Schedule 17

Block Billing

Provide the following where applicable:

Calculations by rate schedule and rate block of the revenue effect of weather normalization;

Calculations by rate schedule and rate block of the revenue effect of sales and rate annualization and customer growth; and,

Calculation by rate schedule and rate block of proposed additional revenue and percentage increase.

The above calculations for Schedule 17 should be separated into base and fuel components for electric utilities and gas and non-gas components for gas utilities.

Schedule 18

Class Cost of Service Study

Provide the results of a class cost of service study, including all supporting workpapers including the development of the allocation factors. The classes shall reflect existing rate schedules broken down by customer class, and the study shall be based on adjusted test year information.

STATE LOTTERY DEPARTMENT

DIRECTOR'S ORDER NUMBER SEVEN (93)

PROGRAM FOR PLACEMENT OF LOTTERY SELF-SERVICE TERMINALS (SST's)

In accordance with the authority granted by Section 58.1-4006 of the Code of Virginia, and as provided by Section 1.4B of State Lottery Department Instant Game Regulations, VR 447-02-1, and Section 2.3 B of State Lottery Department On-Line Game Regulations, VR 447-02-2, I hereby publish additional licensing criteria for the placement of lottery self-service terminals at locations throughout Virginia. This order amplifies and conforms to the duly adopted State Lottery Department regulations for the conduct of instant and on-line games.

This order is 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: Office of the Director, State Lottery Department, 2201 West Broad Street, 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: April 9, 1993

DIRECTOR'S ORDER NUMBER TEN (93)

"CASH 5 BAHAMAS SWEEPSTAKES"; 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 "Cash 5 Bahamas Sweepstakes" game rules for the Virginia Lottery's Cash 5 player awareness program to be conducted from Monday, April 12, 1993 through Saturday, May 22, 1993. These rules amplify and conform to the duly adopted State Lottery Board regulations for the conduct of 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: April 7, 1993

DIRECTOR'S ORDER NUMBER ELEVEN (93)

VIRGINIA'S THIRTY-THIRD INSTANT GAME LOTTERY; "BARRELS OF BUCKS," 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-third instant game lottery, "Barrels of Bucks." 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: April 5, 1993

DIRECTOR'S ORDER NUMBER TWELVE (93)

"BARRELS OF BUCKS"; PROMOTIONAL GAME AND DRAWING RULES

In accordance with the authority granted by Section 58.1-4006A of the Code of Virginia, I hereby promulgate the "Barrels of Bucks" promotional game and drawing rules for the Instant Game 33 kickoff events which will be conducted at various lottery retailer locations throughout the Commonwealth on Thursday, April 8, 1993. These rules amplify and conform to the duly adopted State Lottery Board regulations for the conduct of 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 until April 30, 1993, unless otherwise extended by the Director.

/s/ Kenneth W. Thorson, Director
Date: April 5, 1993

MARINE RESOURCES COMMISSION

EMERGENCY REGULATION

MARINE RESOURCES COMMISSION

Title of Regulation: VR 450-01-0088. Pertaining to Extension of the 1993 Shad Season.

Statutory Authority: § 28.2-210 of the Code of Virginia.

Effective Dates: April 15, 1993 to May 1, 1993.

Preamble:

This emergency regulation extends the 1993 American shad fishing season from April 15 to April 30.

VR 450-01-0088. Pertaining to Extension of the 1993 Shad Season.

§ 1. Authority, effective date, termination date.

A. *This emergency regulation is promulgated pursuant to the authority contained in § 28.2-210 of the Code of Virginia.*

B. *The effective date of this regulation is April 15, 1993.*

C. *This regulation shall terminate on May 1, 1993.*

§ 2. Purpose.

The purpose of this regulation is to extend by 15 days the fishing season for American shad to accommodate the needs of the seafood industry. Abnormal weather patterns have delayed the migration of the shad into the Chesapeake Bay and its tributaries. The season extension will allow a more normal fishery to proceed.

§ 3. Season extension.

The lawful fishing season for the taking of American shad in the Chesapeake Bay and its tributaries is hereby extended through April 30, 1993.

/s/ William A. Pruitt
Commissioner

Virginia Tax Bulletin

Virginia Department of Taxation

MARCH 8, 1993

93-5

STATE RECORDATION TAX

When deeds and other documents are recorded in the Circuit Court, the clerk must often determine the "actual value," a term synonymous with fair market value (FMV), to compute the proper recordation tax. Prior opinions of the Attorney General and rulings of the Department of Taxation have found that the value at which property has been assessed for real property tax purposes may be used to determine FMV. However, while the assessed value is a valuable tool in determining the FMV, it is not controlling. The clerk may not automatically base the recordation tax on the assessed value unless it is determined that the assessed value does, in fact, equal the actual value of the property conveyed.

There are a number of reasons why the assessed value may not represent FMV, such as:

- 1) Significant changes that may have occurred after January 1st in the local market or in the property itself may not be reflected in the assessed value.
- 2) The assessed values in a locality may be generally over or under the FMV because the locality may have used sales or other information for some substantial period prior to January 1st.
- 3) The assessed value may be erroneous.

Placing a value on real estate is entirely a factual determination that is best made by one who is thoroughly familiar with the property itself and local market conditions. However, this responsibility rests with the clerk of the circuit court when the value is determined for recordation tax purposes. Although the assessed value is accorded a very strong presumption of accuracy, the clerk should not use the assessed value to the exclusion of other reliable information as to the current FMV. The courts have found that sales prices, while not conclusive, should be accorded substantial weight on the issue of fair market value.

Where the assessed value is greater than the sales price, the clerk may not automatically base recordation tax on the assessed value, although it may trigger a closer examination of the proper tax to impose. The clerk must first find that there are circumstances surrounding the transaction that indicate the sales price may be less than the fair market value of the property conveyed. Examples of such circumstances may be a foreclosure deed, the relationship between the parties, the existence of a long-term lease at below market rates, etc. If such circumstances exist the clerk must make an independent determination of the FMV of the property conveyed; as noted above, the assessed value is relevant to this determination, but not controlling.

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Pursuant to Va. Code § 58.1-812 a clerk may ask for an affidavit or other evidence as to FMV or the circumstances of the transaction that may affect FMV. Once the clerk has determined the amount of tax imposed on a deed (which may involve a determination of FMV), the statute requires full payment of the tax prior to recordation. A taxpayer who disputes the amount of tax, and who has not been able to persuade the clerk with evidence, affidavits, etc. prior to recordation, must pay the tax and apply to the Tax Commissioner for correction of an erroneous assessment under Va. Code § 58.1-1821. A taxpayer who disputes the FMV determination made by the clerk must present clear and cogent evidence to show why the value used does not reflect the FMV as of the date of the transaction.

DEPARTMENT OF TAXATION

REGISTRATION
RECORDATIONS
F11-3-31

Virginia Tax Bulletin

Virginia Department of Taxation

APRIL 9, 1993

93-6

INTEREST RATES

SECOND QUARTER 1993

Rates remain unchanged: The federal rates for the second quarter of 1993 remain at 7% for tax underpayments (assessments), 6% for tax overpayments (refunds), and 9% for "large corporate underpayments" as defined in I.R.C. § 6621(c). Va. Code § 58.1-15 provides that the underpayment rate for Virginia taxes will be 2% higher than the corresponding federal rates. Accordingly, the Virginia rates for the second quarter of 1993 remain at 9% for tax underpayments, 6% for tax overpayments, and 11% for "large corporate underpayments".

Rate for Addition to Tax for Underpayments of Estimated Tax

Taxpayers whose taxable year ends on March 31, 1993: For the purpose of computing the addition to the tax for underpayment of Virginia estimated income taxes on Form 760C (for individuals, estates and trusts), Form 760F (for farmers and fishermen) or Form 500C (for corporations), the first quarter 9% underpayment rate will apply through the due date of the return, July 15, 1993.

Individuals: Tax returns for the calendar year 1992 are due on May 1, 1993. For the purpose of computing the addition to the tax for underpayment of Virginia estimated income taxes on Form 760C (for individuals, estates and trusts) or Form 760F (for farmers and fishermen), the first quarter 9% underpayment rate will apply through the due date of the return, May 1, 1993.

Corporations with taxable years ending on December 31, 1992: Tax returns for the calendar year 1992 are due on April 15, 1993. For the purpose of computing the addition to the tax for underpayment of Virginia estimated income taxes on Form 500C, the first quarter 9% underpayment rate will apply through the due date of the return, April 15, 1993.

Local Tax

Assessments: Localities assessing interest on delinquent taxes pursuant to Va. Code §58.1-3916 may impose interest at a rate not to exceed 10% for the first year of delinquency, and at a rate not to exceed 10% or the underpayment rate in effect for the applicable quarter, whichever is greater, for the second and subsequent years of delinquency. For the second quarter of 1993, the federal underpayment rate is 7%.

Refunds: Localities which have provided for refund of erroneously assessed taxes may provide by ordinance that such refund be repaid with interest at a rate which does not exceed the rate imposed by the locality for delinquent taxes.

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Page 2

Recent Interest Rates

Accrual Period	Overpayment	Underpayment	Large Corporate
Beginning	(Refund)	(Assessment)	Underpayment
Through			
1-JAN-87	8%	9%	—
1-OCT-87	9%	10%	—
1-JAN-88	10%	11%	—
1-APR-88	9%	10%	—
1-OCT-88	10%	11%	—
1-APR-89	11%	12%	—
1-OCT-89	10%	11%	—
1-APR-91	9%	10%	—
1-JUL-91	9%	12%	14%
1-JAN-92	8%	11%	13%
1-APR-92	7%	10%	12%
1-JUL-92	7%	10%	12%
1-OCT-92	6%	9%	11%
1-JAN-93	6%	9%	11%

For additional information: Contact the Taxpayer Assistance Section, Office Services Division, Virginia Department of Taxation, P. O. Box 1880, Richmond, Virginia 23282-1880, or call the following numbers for additional information about interest rates and penalties.

Individual & Fiduciary Income Tax	(804) 367-8031
Corporation Income Tax	(804) 367-8036
Withholding Tax	(804) 367-8038
Soft Drink Excise Tax	(804) 367-8016
Aircraft Sales & Use Tax	(804) 367-8098
Other Sales & Use Taxes	(804) 367-8037

GOVERNOR

GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

(Required by § 9-6.12:9.1 of the Code of Virginia)

DEPARTMENT OF GENERAL SERVICES

Title of Regulation: **VR 330-03-02. Aggressive Air Sampling Standards to be Utilized in Final Clearance Inspections for Asbestos Projects in Local Education Agencies and Public Colleges and Universities in the Commonwealth of Virginia.**

Governor's Comment:

I concur with the form and substance of this proposal.

/s/ Lawrence Douglas Wilder
Governor
Date: April 8, 1993

DEPARTMENT OF HEALTH (STATE BOARD OF)

Title of Regulation: **VR 355-01-01. Public Participation Guidelines (REPEALING).**

Title of Regulation: **VR 355-01-100. Public Participation Guidelines.**

Governor's Comment:

I concur with the form and substance of these regulations. However, any final regulations should replace "may" with "shall" in Section 3.3B, so that the statement reads ". . . the Department shall publish a Notice of Public Comment . . .".

/s/ Lawrence Douglas Wilder
Governor
Date: April 7, 1993

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

Title of Regulation: **VR 380-03-02. Virginia Work-Study Program Regulations (REPEALING).**

Title of Regulation: **VR 380-03-02:1. Virginia Work-Study Program Regulations.**

Governor's Comment:

I concur with the form and substance of these regulations.

/s/ Lawrence Douglas Wilder
Governor
Date: April 7, 1993

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

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

Governor's Comment:

I concur with the form and substance of this proposal.

/s/ Lawrence Douglas Wilder
Governor
Date: April 8, 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.

SECRETARY OF THE COMMONWEALTH

Notice to Counties, Cities, Towns, Authorities, Commissions, Districts and Political Subdivisions of the Commonwealth

Notice is hereby given that pursuant to § 2.1-71 of the Code of Virginia, that each county, city and town and each authority, commission, district or other political subdivision of the Commonwealth to which any money is appropriated by the Commonwealth or any of the above which levies any taxes or collects any fees or charges for the performance of public services or issues bonds, notes or other obligations, shall annually file with the Secretary of the Commonwealth a list of all bond obligations, the date and amount of the obligation and the outstanding balance therein, on or before June 30 of each year. Following is a copy of the form which may be photocopied for use herein described.

Statutory Authority: § 2.1-71 of the Code of Virginia.

Contact: Sheila A. Evans, Conflict of Interest and Appointments Specialist, P.O. Box 2454, Richmond, VA 23201-2454, or Old Finance Bldg., Capitol Square, Richmond, VA 23219, telephone (804) 786-2441.

OFFICIAL TITLE: _____

FILING FORM PER SECTION 2.1-71 OF THE CODE OF VIRGINIA - 1993
 OFFICE OF THE SECRETARY OF THE COMMONWEALTH

Type of Project
 Financed

Balance Outstanding

Amount
 of Issue

Date Issued

Type of
 Obligation

General Notices/Errata

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

All agencies are required to use the appropriate forms when furnishing material and dates for publication in the Virginia Register of Regulations. The forms are supplied by the office of the Registrar of Regulations. If you do not have any forms or you need additional forms, please contact: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591.

FORMS:

NOTICE of INTENDED REGULATORY ACTION - RR01
NOTICE of COMMENT PERIOD - RR02
PROPOSED (Transmittal Sheet) - RR03
FINAL (Transmittal Sheet) - RR04
EMERGENCY (Transmittal Sheet) - RR05
NOTICE of MEETING - RR06
AGENCY RESPONSE TO LEGISLATIVE OR GUBERNATORIAL OBJECTIONS - RR08
DEPARTMENT of PLANNING AND BUDGET (Transmittal Sheet) - DPBRR09

Copies of the Virginia Register Form, Style and Procedure Manual may also be obtained at the above address.

CALENDAR OF EVENTS

Symbols Key

- † Indicates entries since last publication of the Virginia Register
- ☒ Location accessible to handicapped
- ☎ Telecommunications Device for Deaf (TDD)/Voice Designation

NOTICE

Only those meetings which are filed with the Registrar of Regulations by the filing deadline noted at the beginning of this publication are listed. Since some meetings are called on short notice, please be aware that this listing of meetings may be incomplete. Also, all meetings are subject to cancellation and the Virginia Register deadline may preclude a notice of such cancellation.

For additional information on open meetings and public hearings held by the Standing Committees of the Legislature during the interim, please call Legislative Information at (804) 786-6530.

VIRGINIA CODE COMMISSION

EXECUTIVE

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (BOARD OF)

- † May 19, 1993 - 1 p.m. - Open Meeting
 - † May 20, 1993 - 9 a.m. - Open Meeting
 - † June 30, 1993 - 1 p.m. - Open Meeting
- Washington Building, 1100 Bank Street, Room 204, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

At this regular meeting, the board plans to discuss legislation, regulations and fiscal matters and will receive reports from the staff of the Department of Agriculture and Consumers Services. The board may consider other matters relating to its responsibilities. At the conclusion of other business, the board will review public comments for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact Roy E. Seward, Secretary to the Board, identified in this notice at least 10 days before the meeting date, so that suitable arrangements can be made for any appropriate accommodation.

Contact: Roy E. Seward, Secretary to the Board, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Room 211, Richmond, VA 23219, telephone (804) 786-3535 or (804) 371-6344/TDD ☎

* * * * *

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 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.

* * * * *

June 25, 1993 - Written comments may be submitted until this date.

June 30, 1993 - 1 p.m. - Public Hearing
Department of Agriculture and Consumer Services, Washington Building, 1100 Bank Street, Board Room, Room 204, 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 adopt regulations entitled: **VR 115-04-28. Regulations Governing the Oxygenation of Gasoline.** The purpose of the proposed regulation is to ensure that motor fuels dispensed in this Commonwealth comply with any oxygenation requirements specified by the federal Clean Air Act pertaining to motor fuels. The 1990 amendments to the federal Clean Air Act require states with carbon

Calendar of Events

monoxide nonattainment areas with design values¹ of 9.5 parts per million (ppm) or more to implement an oxygenated gasoline program in all such designated nonattainment areas. Title II of the 1990 amendments to the federal Clean Air Act requires that states institute an oxygenated gasoline program by establishing "control areas" in any Metropolitan Statistical Area (MSA) which contains one or more carbon monoxide nonattainment areas. Pursuant to such provisions, the Department of Air Pollution Control has designated as the control area the Virginia counties within the Washington, D.C. Metropolitan Statistical Area (MSA) consisting of Arlington, Fairfax, Loudoun, Prince William, and Stafford; and the Virginia cities within the Washington, D.C. MSA consisting of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park.

The oxygen content requirement applies during the portion of the year in which the control area is prone to high ambient concentrations of carbon monoxide. The Environmental Protection Agency has established this control period (which the Board of Agriculture and Consumer Services anticipates will recur annually) to be, in the case of Virginia, a specified four months out of twelve. In Virginia this control period will begin on November 1 of one year and continue through the last day of February of the following year.

The proposed regulation (i) specifies carbon monoxide nonattainment areas; (ii) specifies the control area; (iii) specifies the control period; (iv) specifies a minimum oxygenate content in gasoline during the control period; (v) requires all persons regulated to keep records of classes of oxygenates and oxygenate content; (vi) requires gasoline pump labelling; (vii) specifies methods of sampling, testing, and oxygen content calculations; and (viii) specifies means of compliance and methods of enforcement.

¹ Design value means the calculation which is used to derive the number of carbon monoxide parts per million in the air in order to determine whether an area shall be designated a carbon monoxide nonattainment area.

Statutory Authority: §§ 59.1-153 and 59.1-156 of the Code of Virginia.

Contact: J. Alan Rogers, Program Manager, Office of Weights and Measures, Department of Agriculture and Consumer Services, 1100 Bank St., Room 402, Richmond, VA 23219, telephone (804) 786-2476.

STATE AIR POLLUTION CONTROL BOARD

May 26, 1993 - 10 a.m. - Public Hearing
Department of Environmental Quality, Southwest Virginia Regional Air Quality Office, 121 Russell Road, Abingdon,

Virginia.

May 26, 1993 - 10 a.m. - Public Hearing
Department of Environmental Quality, Valley of Virginia Regional Air Quality Office, Executive Office Park, Suite D, 5338 Peters Creek Road, Roanoke, Virginia.

May 26, 1993 - 10 a.m. - Public Hearing
Department of Environmental Quality, Central Virginia Regional Air Quality Office, 7701-03 Timberlake Road, Lynchburg, Virginia.

May 26, 1993 - 10 a.m. - Public Hearing
Department of Environmental Quality, Northeastern Virginia Regional Air Quality Office, 300 Central Road, Suite B, Fredericksburg, Virginia.

May 26, 1993 - 10 a.m. - Public Hearing
Department of Environmental Quality, State Capital Regional Air Quality Office, Virginia State Library and Archives, 11th Street at Capitol Square, Lecture Room, Richmond, Virginia.

May 26, 1993 - 10 a.m. - Public Hearing
Department of Environmental Quality, Hampton Roads Regional Air Quality Office, Old Greenbrier Village, Suite A, 2010 Old Greenbrier Road, Chesapeake, Virginia.

May 26, 1993 - 10 a.m. - Public Hearing
Department of Environmental Quality, Northern Virginia Regional Air Quality Office, Springfield Corporate Center, Suite 310, 6225 Brandon Avenue, Springfield, Virginia.

June 19, 1993 - Written comments may be submitted until close of business on this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Air Pollution Control Board intends to amend regulations entitled: **VR 120-01. Regulations for the Control and Abatement of Air Pollution (Revision MM)**. The regulation requires that owners obtain a permit prior to the construction of a major industrial/commercial facility or an expansion to an existing one locating in a prevention of significant deterioration area. The regulation prescribes the procedures and criteria for review and final action on the permit application. The proposed amendments are being made in order to make the state prevention of significant deterioration regulation conform to the federal requirements for prevention of significant deterioration new source review program.

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

Written comments may be submitted until close of business June 19, 1993, to Director of Air Quality Program Development, Department of Environmental Quality, P.O. Box 10089, Richmond, Virginia. The purpose of this notice is to provide the public with the opportunity to comment on the proposed regulation and the costs and benefits of

Calendar of Events

the proposal.

Contact: Karen Sabasteanski, Policy Analyst, Air Quality Program Development, Department of Environmental Quality, P.O. Box 10089, Richmond, VA 23240, telephone (804) 786-1624.

ALCOHOLIC BEVERAGE CONTROL BOARD

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

† **May 20, 1993 - 9 a.m. - Open Meeting**
Department of Commerce, 3600 West Broad Street, Richmond, Virginia. ☒

A meeting to (i) approve minutes from March 18, 1993, meeting; (ii) review correspondence; (iii) review enforcement files; and (iv) conduct regulatory review.

Contact: Willie Fobbs, III, Board Administrator, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514.

Board for Landscape Architects

† **May 21, 1993 - 9 a.m. - Open Meeting**
Department of Commerce, 3600 West Broad Street, Richmond, Virginia. ☒

A meeting to (i) approve minutes from November 16, 1992 meeting; (ii) review correspondence; and (iii) review applications.

Contact: Willie Fobbs, III, Board Administrator, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514.

Board for Land Surveyors

† **May 19, 1993 - 9 a.m. - Open Meeting**
Department of Commerce, 3600 West Broad Street, Richmond, Virginia. ☒

A meeting to (i) approve minutes from March 17,

1993, meeting; (ii) review correspondence; (iii) review enforcement files; and (iv) develop examination questions.

Contact: Willie Fobbs, III, Board Administrator, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514.

Board for Professional Engineers

† **May 19, 1993 - 1 p.m. - Open Meeting**
Department of Commerce, 3600 West Broad Street, Richmond, Virginia. ☒

A meeting to (i) approve minutes from February 23, 1993 meeting; (ii) review correspondence; (iii) review enforcement files; and (iv) review applications.

Contact: Willie Fobbs, III, Board Administrator, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514.

ASAP POLICY BOARD - VALLEY

May 10, 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: Rhoda G. York, Executive Director, Holiday Court, Suite B, Staunton, VA 24401, telephone (703) 886-5616 or (Waynesboro number) (703) 943-4405.

AUCTIONEERS BOARD

† **May 4, 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 OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

May 13, 1993 - 11 a.m. - Open Meeting
6606 West Broad Street, Richmond, Virginia. ☒

A board meeting and formal conferences.

Calendar of Events

Contact: Meredyth P. Partridge, Executive Director, 6606 W. Broad St., Richmond, VA 23230, telephone (804) 662-9111.

* * * * *

† July 2, 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 Audiology and Speech-Language Pathology intends to amend regulations entitled: VR 155-01-2.1. **Regulations of the Board of Audiology and Speech-Language Pathology.** The purpose of the proposed amendments is to delete expired requirements and incorporate legislation effective July 1, 1992.

STATEMENT

Basis: The board is authorized to promulgate these regulations pursuant to §§ 54.1-2400 and 54.1-2602 of the Code of Virginia, to comply with and implement the basic law provided in §§ 54.1-2600 through 54.1-2603 of the Code of Virginia.

Purpose: The proposed amended regulations delete expired standards for licensure and practice as audiologists and speech-language pathologists, change the name of speech pathology to speech-language pathology, revise the definitions of the scope of practice of audiology and speech-language pathology and delete a single route to licensure by endorsement through maintenance of membership in a voluntary association.

Substance and issues: The proposed regulations revise the name of the board and all references to speech pathology to read "speech-language" pathology to conform to legislation enacted by the 1992 General Assembly.

The definitions of the practice of audiology and speech-language pathology are amended to comply with legislation enacted by the 1992 General Assembly.

Revision in § 1.1 and throughout the document respond to statutory changes enacted by the 1992 General Assembly.

Section 5.1 is revised. Current regulations allow an applicant to qualify automatically if he holds a Certificate of Clinical Competence issued by a national association. Because the certificate is "grandfathered" through payment of membership dues, verification of current competency is not required. The board deleted this pathway to licensure and strengthened requirements by adding an experience or current examination qualification.

A new § 5.1 2 was added for clarity.

Former § 5.1 2 is deleted. This provision became obsolete on January 1, 1993.

A new § 5.1 3 was added. All applicants applying for licensure after January 1, 1993, will be required to meet new requirements which were promulgated in 1991. The regulations became effective December 18, 1991, providing applicants preparing for licensure in 1993 a full year to meet the requirements prior to applying and providing applicants qualified prior to 1993 a full year to apply under the current qualifications.

Estimated impact:

A. **Number of persons affected:** There are 305 audiologists licensed by the board and 1,263 speech-language pathologists licensed by the board for a total of 1,568 licensees.

B. **Projected costs to the agency for implementation and enforcement:** Licensees will receive a copy of the final regulations at a projected cost for printing and mailing of \$2,500. New applications for licensure will involve minimal staff time and a printing cost of \$750. The board averages seven complaints per year at a total adjudication cost currently of \$5,000. Complaints or failure to comply are not expected to increase as a result of the proposed amendments. A total estimated cost is projected to be \$3,200 for staff time, postage, printing, and mailing costs.

C. **Projected costs to regulate entities:** The amendments are designed to incorporate legislative changes that clarify and define scope of practice for ease of compliance with no content changes from previous requirements. No projected costs are expected.

The amendments delete expired requirements for licensure and allow various options for ensuring competency. An individual who fails to renew his license may have to qualify under more stringent requirements. This is an avoidable cost.

Statutory Authority: §§ 54.1-2400 and 54.1-2602 of the Code of Virginia.

Contact: Meredyth P. Partridge, Executive Director, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-7390.

BOARD FOR BARBERS

† May 3, 1993 - 9 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ☐

Barber examination and item writing session and other routine board business.

Contact: Roberta L. Banning, Assistant Director, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590.

Calendar of Events

BOARD FOR BRANCH PILOTS

† **May 25, 1993 - 9 a.m.** – Open Meeting
Virginia Pilot Association, 3329 Shore Drive, Virginia Beach, Virginia. ☒

A meeting to approve minutes from April 13, 1993 meeting, and to conduct a regular quarterly meeting of the board to consider routine business.

Contact: Willie Fobbs, III, Board Administrator, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514.

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

† **May 27, 1993 - 10 a.m.** – Open Meeting
State Capitol, Senate Room 4, Richmond, Virginia. ☒

The board will announce Fiscal Year 1994 Local Assistance Grant awards and will conduct general business, including review of local Chesapeake Bay Preservation Area programs. A tentative agenda will be available from the Chesapeake Bay Local Assistance Department by May 20, 1993.

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 ☎

Central Area Review Committee

May 26, 1993 - 10 a.m. – Open Meeting
June 30, 1993 - 10 a.m. – Open Meeting
Chesapeake Bay Local Assistance Department, 805 East Broad Street, Suite 701, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

The committee will review Chesapeake Bay Preservation Area programs for the Central Area. Persons interested in observing should call the Chesapeake Bay Local Assistance Department to verify meeting time, location and schedule. No comments from the public will be entertained at the committee meeting; however, written comments are welcome.

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 ☎

Northern Area Review Committee

May 27, 1993 - 2 p.m. – Open Meeting
July 1, 1993 - 10 a.m. – Open Meeting
Chesapeake Bay Local Assistance Department, 805 East Broad Street, Suite 701, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

The committee will review Chesapeake Bay Preservation Area programs for the Northern Area.

Persons interested in observing should call the Chesapeake Bay Local Assistance Department to verify meeting time, location and schedule. No comments from the public will be entertained at the committee meeting; however, written comments are welcome.

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 ☎

Southern Area Review Committee

May 19, 1993 - 1:30 p.m. – Open Meeting
June 21, 1993 - 1:30 p.m. – Open Meeting
City of Hampton Planning Office, Harbor Center Building, 2 Eaton Street, 9th Floor, Conference Room, Hampton, Virginia. ☒ (Interpreter for the deaf provided upon request)

The committee will review Chesapeake Bay Preservation Area programs for the Southern Area. Persons interested in observing should call the Chesapeake Bay Local Assistance Department to verify meeting time, location and schedule. No comments from the public will be entertained at the committee meeting; however, written comments are welcome.

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

† **May 27, 1993 - 5 p.m.** – Public Hearing
Roanoke City Chambers, Municipal Building, 215 Church Avenue, S.W., 4th Floor, Roanoke, Virginia.

† **June 1, 1993 - 5 p.m.** – Public Hearing
Fairfax Government Center, 12000 Government Center Parkway Fairfax, Virginia.

† **June 2, 1993 - 5 p.m.** – Public Hearing
Norfolk City Council Chambers, Norfolk City Hall Building, 810 Union Street, 11th Floor, Norfolk, Virginia.

† **June 3, 1993 - 5 p.m.** – Public Hearing
Richmond City Council Chambers, 900 East Broad Street, Suite 200, Richmond, Virginia.

June 3, 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 Child Day-Care Council intends to adopt regulations entitled: **VR 175-08-01. Minimum Standards for Licensed Child Day Centers Serving Children of Preschool Age or Younger.** This regulation lists the standards that child day centers serving children of preschool age or younger must meet to be licensed by the Department

Calendar of Events

of Social Services.

STATEMENT

Substance: The regulation, Minimum Standards for Licensed Child Day Centers Serving Children of Preschool Age or Younger (VR 175-08-01), is being proposed for an additional 30-day period of public comment. This regulation consolidates three of the regulations that were to be developed separately (VR 175-02-01, VR 175-05-01, and 175-06-01).

The above regulation describes the requirements that child day centers serving children of preschool age or younger must meet to become licensed by the Department of Social Services. With the passage of HB 1035 by the 1990 General Assembly Session, certain camps, before and after school programs, and nursery schools would become subject to licensure effective July 1, 1992. This bill also deleted the child care center licensure exception for hospital and governmental sponsors of child care. The 1992 General Assembly delayed HB 1035 until the passage of SB 777 and HB 2380 by the 1993 General Assembly session, the types of programs mentioned above will fall under the definition of a "child day center" and be subject to licensure this year.

Issues: This document is comprised of the following issues which impact child day centers serving children of preschool age or younger that are subject to licensure by the Department of Social Services: administration, personnel, physical plant, staffing and supervision, program, special care provisions and emergencies, and special services.

Basis: Section 63.1-202 of the Code of Virginia provides the statutory basis for the Child Day-Care Council to promulgate regulations for child day centers (effective July 1, 1993). On June 27, 1991, the Child Day-Care Council approved and proposed regulation for a 60-day public comment period. On April 8, 1993, the Child Day-Care Council approved the proposed regulation for an additional 30-day public comment period.

Purpose: The purpose of the proposed regulation is to provide protective oversight of preschool and younger children in child day centers. More specifically, the purpose is to ensure that the activities, services and facilities of the centers are conducive to the well-being of these children and that the risks in the environment of the centers are reduced for these children.

Impact: As of February 28, 1993, there were 1,299 child care centers licensed by the Department of Social Services. They have a licensed capacity for 108,732 children ranging from birth to 18 years of age. Centers serving children of preschool age and younger enrolled in these centers will be affected by this regulation.

It is not known how many child day centers sponsored by governmental agencies or hospitals and how many nursery

schools and child day care camps will become newly subject to licensure under SB 777 (1993) and HB 2380 (1993). Our best estimate is that there will be 888 centers newly subject to licensure but it is unknown how many provide care for children of preschool age or younger.

The following types of services may become newly subject to licensure and may need to meet this regulation: local parks and recreation programs offering child day centers, nursery schools, nonresidential camps meeting the definition of a child day center, hospital operated child day centers, Head Start centers, and lab schools operated by colleges.

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

Contact: Peggy Friedenberg, Legislative Analyst, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1820.

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† **May 27, 1993 - 5 p.m.** – Public Hearing
Roanoke City Chambers, Municipal Building, 215 Church Avenue, S.W., 4th Floor, Roanoke, Virginia.

† **June 1, 1993 - 5 p.m.** – Public Hearing
Fairfax Government Center, 12000 Government Center Parkway Fairfax, Virginia.

† **June 2, 1993 - 5 p.m.** – Public Hearing
Norfolk City Council Chambers, Norfolk City Hall Building, 810 Union Street, 11th Floor, Norfolk, Virginia.

† **June 3, 1993 - 5 p.m.** – Public Hearing
Richmond City Council Chambers, 900 East Broad Street, Suite 200, Richmond, Virginia.

June 3, 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 Child Day-Care Council intends to adopt regulations entitled: **VR 175-09-01. Minimum Standards for Child Day Centers Serving School Age Children.** This regulation lists the standards that child day centers serving school age children must meet to be licensed by the Department of Social Services.

STATEMENT

Substance: The regulation, Minimum Standards for Licensed Child Day Centers Serving School Age Children (VR 175-09-01), is being proposed for an additional 30-day period of public comment. This regulation consolidates three of the regulations that were to be developed separately (VR 175-02-01, VR 175-05-01, and 175-07-01). A 60-day public comment period was held previously from July 29, 1991, through September 29, 1991.

Calendar of Events

The above regulation describes the requirements that child day centers serving school age children must meet to become licensed by the Department of Social Services. With the passage of HB 1035 by the 1990 General Assembly session, certain camps, before and after school programs, and nursery schools would become subject to licensure effective July 1, 1992. This bill also deleted the child care center licensure exception for hospital and governmental sponsors of child care. The 1992 General Assembly delayed HB 1035 until the passage of SB 777 and HB 2380 by the 1993 General Assembly session, the types of programs mentioned above will fall under the definition of a "child day center" and be subject to licensure this year.

Issues: This document is comprised of the following issues which impact child day centers serving school age children that are subject to licensure by the Department of Social Services: administration, personnel, physical plant, staffing and supervision, program, special care provisions and emergencies, and special services.

Basis: Section 63.1-202 of the Code of Virginia provides the statutory basis for the Child Day-Care Council to promulgate regulations for child day centers (effective July 1, 1993). On June 27, 1991, the Child Day-Care Council approved the proposed regulation for a 60-day public comment period. On April 8, 1993, the Child Day-Care Council approved the proposed regulation for an additional 30-day public comment period.

Purpose: The purpose of the proposed regulation is to provide protective oversight of school age children in child day centers. More specifically, the purpose is to ensure that the activities, services and facilities of the centers are conducive to the well-being of these children and that the risks in the environment of the centers are reduced for these children.

Impact: As of February 28, 1993, there were 1,299 child care centers licensed by the Department of Social Services. They have a licensed capacity for 108,732 children ranging from birth to 18 years of age. Centers serving school age children and the school age children enrolled in these centers will be affected by this regulation.

It is not known how many child day centers sponsored by governmental agencies or hospitals and how many before school and after school care programs and child day care camps will become newly subject to licensure under SB 777 (1993) and HB 2380 (1993). Our best estimate is that there will be 888 centers newly subject to licensure but is unknown how many may provide care for school age children.

The following types of services may become newly subject to licensure and may need to meet this regulation: local parks and recreation programs offering child day centers, nonresidential camps meeting the definition of a child day center, and hospital operated child day centers.

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

Contact: Peggy Friedenber, Legislative Analyst, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1820.

COUNCIL ON CHILD DAY CARE AND EARLY CHILDHOOD PROGRAMS

† **May 5, 1993 - 10 a.m.** – Open Meeting
Virginia Department of Agriculture, Washington Building, 1100 Bank Street, 2nd Floor Conference Room, Richmond, Virginia. ☒

A bi-monthly meeting of the council. Public comments will not be received.

Contact: Mary Ellen Verdu, Director, Virginia Council on Child Day Care and Early Childhood Programs, Washington Bldg., 1100 Bank St., Suite 1116, Richmond, VA 23219, telephone (804) 371-8603.

INTERDEPARTMENTAL REGULATION OF RESIDENTIAL FACILITIES FOR CHILDREN

May 21, 1993 - 8:30 a.m. – Open Meeting
Department of Mental Health, Mental Retardation and Substance Abuse Services, Madison Building, 109 Governor Street, 9th Floor Conference Room, Richmond, Virginia. ☒

June 18, 1993 - 8:30 a.m. – Open Meeting
Ninth Street Office Building, 202 North 9th Street, Governor's Cabinet's Conference Room, 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, Office of the Coordinator, Interdepartmental Regulation, 730 East Broad St., Richmond, VA 23219-1849, telephone (804) 662-7124 (after May 2, 1993 (804) 692-1960).

BOARD OF COMMERCE

May 5, 1993 - 2 p.m. – Public Hearing
Newport News Omni, 1000 Omni Way Boulevard, Newport News, Virginia. ☒

May 12, 1993 - 1 p.m. – Public Hearing
Holiday Inn Tanglewood, 4468 Starkey Road, Roanoke, Virginia. ☒

May 19, 1993 - 7 p.m. – Public Hearing
Tysons Corner Holiday Inn, 1960 Chain Bridge Road, McLean, Virginia. ☒

Calendar of Events

May 26, 1993 - 1 p.m. - Public Hearing
Department of Commerce, 3600 West Broad Street,
Richmond, Virginia. ☒

A public hearing connected with the board's study of the feasibility of establishing a licensing program for home inspectors. The study is a result of the Virginia Senate's Joint Resolution 254, which passed during the 1993 session of the Virginia General Assembly.

Contact: Joyce K. Brown, Secretary to the Board, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8564.

May 5, 1993 - 10 a.m. - Public Hearing
Newport News Omni, 1000 Omni Way Boulevard, Newport News, Virginia. ☒

May 19, 1993 - 1 p.m. - Public Hearing
Holiday Inn Tysons Corner, 1960 Chain Bridge Road, McLean, Virginia. ☒

May 26, 1993 - 9 a.m. - Public Hearing
Department of Commerce, 3600 West Broad Street, Richmond, Virginia. ☒

A public hearing connected with the board's study of the feasibility of establishing a licensing program for property managers of condominiums, townhouses, and other similar common interest communities. The study is a result of the Virginia House of Delegates Joint Resolution 618, which passed during the 1993 session of the Virginia General Assembly.

Contact: Joyce K. Brown, Secretary to the Board, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8564.

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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 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.

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

† **May 12, 1993 - 2:30 p.m. - Open Meeting**
Mountain Empire Community College, U.S. Highway 23 South, Big Stone Gap, Virginia.

State board committee meetings.

† **May 13, 1993 - 9 a.m. - Open Meeting**
Mountain Empire Community College, U.S. Highway 23 South, Big Stone Gap, Virginia.

A regularly scheduled meeting.

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

May 26, 1993 - 5 p.m. - Open Meeting
Ninth Street Office Building, 202 North 9th Street, 9th Floor, Room 913/913A, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

A routine meeting to conduct business of the board.

Contact: Bruce W. Haynes, Executive Secretary, P.O. Box 710, Richmond, VA 23206-0710, telephone (804) 786-3886 or (804) 786-3886/TDD ☎

BOARD ON CONSERVATION AND DEVELOPMENT OF PUBLIC BEACHES

† **May 12, 1993 - 10:30 a.m. - Open Meeting**
Virginia Institute of Marine Science, Director's Conference Room, Gloucester Point, Virginia. ☒

A general business meeting.

Contact: Susan M. Townsend, Program Support Technician, Department of Conservation and Recreation, P.O. Box 1024, Gloucester Point, VA 23062, telephone (804) 642-7121.

BOARD FOR CONTRACTORS

Recovery Fund Committee

† **June 16, 1993 - 9 a.m. - Open Meeting**
3600 West Broad Street, Richmond, Virginia. ☒

A meeting to consider claims filed against the Virginia

Calendar of Events

Contractor Transaction Recovery Fund. This meeting will be open to the public; however, a portion of the discussion may be conducted in Executive Session.

Contact: Holly Erickson, Assistant Administrator, Recovery Fund, 3600 W. Broad St., Richmond, VA 23219, telephone (804) 367-8561.

BOARD OF CORRECTIONS

† **May 12, 1993 - 10 a.m.** – Open Meeting
6900 Atmore Drive, Board of Corrections Board Room, Richmond, Virginia. ☒

A regular monthly meeting to consider such matters as may be presented to the board.

Contact: Vivian T. Toler, Secretary to the Board, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3235.

Liaison Committee

May 13, 1993 - 9:30 a.m. – Open Meeting
6900 Atmore Drive, Board Room, Richmond, Virginia. ☒

The committee will continue to address and discuss criminal justice issues.

Contact: Vivian T. Toler, Secretary to the Board, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3235.

BOARD FOR COSMETOLOGY

May 10, 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, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-0500.

CRIMINAL JUSTICE SERVICES BOARD

† **May 5, 1993 - 11 a.m.** – Open Meeting
General Assembly Building, 910 Capitol Square, House Room D, Richmond, Virginia. ☒

A meeting to consider matters relating to the board's responsibilities for criminal justice training and improvement of criminal justice system. Public comments will be heard before adjournment of the meeting.

Contact: Paula Scott Dehetre, Executive Assistant,

Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-4000.

Committee on Training

† **May 5, 1993 - 9 a.m.** – Open Meeting
General Assembly Building, 910 Capitol Square, House Room D, Richmond, Virginia. ☒

A meeting to discuss matters related to training for criminal justice personnel.

Contact: Paula Scott Dehetre, Executive Assistant, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-4000.

BOARD OF DENTISTRY

† **May 12, 1993 - 8 a.m.** – Open Meeting
6606 West Broad Street, 5th Floor, Richmond, Virginia. ☒

A full board meeting to respond to comments and adopt regulations regarding the administration of topical medicinal agents. The public may observe the business meeting; however, no comments from the public will be accepted.

† **May 12, 1993 - 9:30 a.m.** – Open Meeting
6606 West Broad Street, 5th Floor, Richmond, Virginia. ☒

Informal conferences. This is a public meeting; however, no comments from the public will be accepted.

Contact: Marcia J. Miller, Executive Director, 6606 W. Broad St., Richmond, VA 23230-1717, telephone (804) 662-9906.

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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.

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.

Calendar of Events

DEPARTMENT OF EDUCATION (BOARD OF)

May 27, 1993 - 8 a.m. - Open Meeting
June 24, 1993 - 8:30 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, State Department of Education, P.O. Box 2120, Richmond, VA 23216-2120, telephone (804) 225-2973 or toll-free 1-800-292-3820.

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May 21, 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 Education intends to amend regulations entitled: **VR 270-01-0007. Regulations Governing Special Education Programs for Children with Disabilities in Virginia.** The revised regulations outline the requirements for the provision of special education programs. Areas of coverage include identification, eligibility, service delivery, funding, personnel qualifications, procedural safeguards, local school division responsibilities, and Department of Education responsibilities.

Statutory Authority: §§ 22.1-214 and 22.1-215 of the Code of Virginia.

Contact: Anne P. Michie, Specialist, Federal Program Monitoring, Department of Education, P.O. Box 2120, Richmond, VA 23216-2120, telephone (804) 225-2013 or toll-free 1-800-292-3820.

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June 18, 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 Education intends to adopt regulations entitled: **VR 270-01-0055. Regulations for the Protection of Students as Participants in Human Research.** The regulations are designed to ensure that the rights of students who may become subjects of research are protected. The regulations specifically address the rights of students in the areas of personal privacy and informed consent. These rights are protected by means of the creation in each school entity of a review board to oversee all research involving students that is conducted within the realm of its authority.

Statutory Authority: § 22.1-16.1 of the Code of Virginia.

Contact: Lawrence McCluskey, Lead Specialist, P.O. Box 2120, Richmond, VA 23216-2120, telephone (804) 225-2762.

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May 3, 1993 - 6 p.m. - Public Hearing
Sheraton Airport Inn, Roanoke, Virginia.

May 10, 1993 - 6 p.m. - Public Hearing
Holiday Inn Fair Oaks, Fairfax, Virginia.

May 11, 1993 - 6 p.m. - Public Hearing
Sheraton Inn Park South, Richmond, Virginia.

June 19, 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 Education intends to adopt regulations entitled: **VR 270-01-0057. Special Education Program Standards.** These regulations set standards for special education programs for children with disabilities in Virginia. Criteria are set forth for teaching endorsements, waivers for certain educational interpreters, and program models for school-age and preschool-age students.

Statutory Authority: § 22.1-214 of the Code of Virginia.

Contact: Dr. Patricia Abrams, Principal Specialist, Special Education, Virginia Department of Education, P.O. Box 2120, Richmond, VA 23216-2120, telephone (804) 225-2874, toll-free 1-800-292-3820 or toll-free 1-800-422-1098/TDD ☒

STATE BOARD OF ELECTIONS

† **May 28, 1993 - 10 a.m. - Open Meeting**
Ninth Street Office Building, 200 North 9th Street, 6th Floor Conference Room, Room 625, Richmond, Virginia. ☒

The board will meet with representatives of the Business Records Corporation regarding servicing of voting equipment.

Contact: Margaret O. "Jane" Jones, Executive Secretary Senior, State Board of Elections, 200 N. 9th St., Room 101, Richmond, VA 23219, telephone (804) 786-6551 or toll-free 1-800-552-9745.

LOCAL EMERGENCY PLANNING COMMITTEE - CHESTERFIELD COUNTY

† **May 6, 1993 - 5:30 p.m. - Open Meeting**
† **June 3, 1993 - 5:30 p.m. - Open Meeting**
Chesterfield County Administration Building, 10,001 Ironbridge Road, Room 502, Chesterfield, Virginia. ☒

Calendar of Events

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 - PORTSMOUTH

† **May 12, 1993 - 9 a.m.** - Open Meeting

St. Julien's Annex, Victory Boulevard at Magazine Road, Building 307, Portsmouth, Virginia. (Interpreter for the deaf provided upon request)

A general meeting. A new chairman will be elected at this meeting.

Contact: Karen Karpowski, Secretary, Local Emergency Planning Committee, 361 Effingham St., Portsmouth, VA 23704, telephone (804) 393-8765.

LOCAL EMERGENCY PLANNING COMMITTEE - PRINCE WILLIAM COUNTY, MANASSAS CITY, AND MANASSAS PARK CITY

† **May 17, 1993 - 1:30 p.m.** - Open Meeting

One County Complex Court, Potomac Conference Room, Prince William, Virginia. ☒

A multi-jurisdictional local emergency planning committee to discuss issues related to hazardous substances in the jurisdictions. SARA Title III provisions and responsibilities for hazardous material emergency response planning.

Contact: John E. Medici, Hazardous Materials Officer, One County Complex Court, Internal Zip MC470, Prince William, VA 22192, telephone (703) 792-6800.

DEPARTMENT OF ENVIRONMENTAL QUALITY

May 20, 1993 - 10 a.m. - Open Meeting

Madison Building, 109 Governor Street, Main Conference Room, Richmond, Virginia.

A meeting to discuss the proposed changes to Hazardous Waste Management Regulations for incorporation of US EPA revisions to wood preserver rules.

Contact: William F. Gilley, Regulation Consultant, 101 N. 4th St., 11th Floor, Richmond, VA 23219, telephone (804) 25-2966.

VIRGINIA FIRE SERVICES BOARD

May 1, 1993 - Time unknown - Open Meeting

May 2, 1993 - Time unknown - Open Meeting
Mountain Lake, Virginia.

A work session. No business will be conducted, no policy decisions will be made. This work session was postponed from March 12.

Contact: Anne J. Bales, Executive Secretary Senior, 2807 Parham Rd., Suite 200, Richmond, VA 23294, telephone (804) 527-4236.

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

May 4, 1993 - 9 a.m. - Open Meetings

6606 West Broad Street, Rooms 1, 3 and 4, Richmond, Virginia. ☒

Exams and a board meeting.

Contact: Meredyth P. Partridge, Executive Director, Department of Health Professions, 6606 W. Broad St., Richmond, VA, telephone (804) 662-9111.

Informal Conference Committee

May 5, 1993 - 9 a.m. - Open Meeting

6606 West Broad Street, 5th Floor, Room 2, Richmond, Virginia. ☒

Informal conferences.

Contact: Meredyth P. Partridge, Executive Director, Department of Health Professions, 6606 W. Broad St., Richmond, VA, telephone (804) 662-9111.

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† **July 2, 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 Funeral Directors and Embalmers intends to amend regulations entitled: **VR 320-01-04. Regulations of the Resident Trainee Program for Funeral Service.** The proposed amendments add a definition of direct supervision, reformat the fee section, place a maximum time limit on trainee programs, and establish reporting and supervision requirements for the registered trainee.

STATEMENT

Basis: The board is authorized to promulgate these regulations pursuant §§ 54.1-2400 and 54.1-2803 of the Code of Virginia, to comply with and implement the basic law provided respectively in §§ 54.1-2803 through 54.1-2819.

Calendar of Events

Purpose: The proposed amendments add a definition of direct supervision, establish a maximum allowable time that trainees may remain registered as trainees, and establish a reporting form to affirm that supervision was provided after the formal apprenticeship ends.

Substance: Sections 1.8, 2.6, 2.10, and 2.20 were revised for clarity and ease of compliance. There were no content changes in these sections.

§ 1.1: A definition of "direct supervision" was added to clarify that supervision means the supervisor must be present and in the room with the trainee.

§ 1.8: "Other fees" section reformatted for clarity. Fees for duplicate licenses are separated from fees for returned checks.

§ 2.2: A maximum allowable traineeship registration period of 48 months is imposed. The board may, in its discretion, grant an extension.

§ 2.6: Redundant language was deleted.

§ 2.10: Language was clarified to require the trainee to notify the board under any circumstance leading to an interruption of the traineeship.

§ 2.15: A requirement was added that a registrant who has completed the formal apprenticeship but not yet become licensed shall continue under direct supervision of a licensed funeral director/embalmer.

§ 2.20: Language was deleted to clarify that when a program is interrupted for any reason the trainee shall obtain a new supervisor prior to receiving credit for additional traineeship.

§ 2.22 B: A requirement was added for a final report at the end of the 48-month registration affirming that supervision has been provided throughout.

§ 2.23: Language was added to clarify the sanction for failure to submit the final report.

Issues: Two significant problems have been identified in the resident trainee regulations. The first is supervision. Training supervisors have not provided consistent oversight as required by the regulations because the definition of supervision was not clear. The amendment in § 1.1 provides clarification and defines the expectation for supervision and the requirements for compliance. This amendment is intended to reduce the number of allegations of unlicensed activity by the resident trainees.

The second concern centers about the trainee who makes a career of the apprenticeship program. The board currently has trainees who have been registered in the program for 10 years. Some have completed the formal program (18 months) but have not qualified for licensure since they have not completed mortuary science school or

taken the national or state examinations. Although there is a maximum allowable time that one can delay examination, the only penalty is losing credit for past apprenticeship. These "career" apprentices simply reapply for a new apprenticeship and the cycle begins again.

Placing a "cap" on the maximum allowable time that one can be registered as a trainee will facilitate the process and expediently move registrants through the program while allowing the board to extend the deadline in extenuating circumstances. The "cap" will allow the trainee six months prior to applying for licensure to continue in the capacity of a trainee after completing the formal program and attending school. These amendments appear in §§ 2.2, 2.15, 2.22 B, and 2.23.

Estimated impact:

A. **Number of persons affected:** There are 187 registered trainees regulated by the board. Each trainee has at least one supervisor and some trainees have two supervisors (one for funeral service and one for embalming). The board estimates that there are approximately 250 supervisors. Trainees are currently registered at approximately 195 of the 493 licensed establishments (several trainees serve at more than one establishment).

B. **Projected costs to the agency for implementation and enforcement:** Registrants and licensed supervisors will receive a copy of the final regulations at a projected cost for printing and mailing of \$1,000. New forms will involve minimal staff time and a printing cost of \$150. The board expects disciplinary cases to increase slightly as a result of the clarified supervisory requirements and projects the increased cost to average approximately \$5,000 annually. Complaints or failure to comply are not expected to increase as a result of the remainder of the proposed amendments. The staff presently has a trainee tracking system in place that will not be impacted by the changes in requirements.

A total estimated cost is projected to be \$6,150 for staff time, postage, printing, mailing, and adjudication.

C. **Projected costs to regulated entities:** A regulated funeral establishment which as a trainee is required currently to directly supervise the trainee. The amendment clarifies the necessity for direct supervision. The supervisor will be required to be on site whenever the trainee is on duty. The increased cost in supervisory time is avoidable since offering training is voluntary. Trainees increase productivity and revenues sufficient to defray any costs for supervision.

The strongest impact will be felt by the trainee who has not moved expeditiously toward licensure. However, the individual can remain in the funeral home performing services that do not require a license. Based on the varying wages of trainees, an exact cost to the registrant cannot be determined.

Calendar of Events

Consumers will be afforded the protection of knowing that their funeral needs are being met either by licensed personnel or by a trainee directly supervised by licensed personnel.

An additional form is required to be submitted to the board. The form will be provided by the board and will involve only mailing cost for the registrant.

Statutory Authority: §§ 54.1-2400 and 54.1-2803 of the Code of Virginia.

Contact: Meredyth P. Partridge, Executive Director, Board of Funeral Directors and Embalmers, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (80) 662-9907.

BOARD OF GAME AND INLAND FISHERIES

† **May 20, 1993 - 2 p.m.** – Open Meeting

† **May 21, 1993 - 9 a.m.** – Open Meeting

Northern Virginia, 4-H Center, Front Royal, Virginia.

The board and agency director will hold a facilitated workshop to discuss and identify the roles of the board and the agency director, and to develop performance standards for the director, as well as conduct an annual performance review evaluation of the director.

† **June 17, 1993 - 9 p.m.** – Open Meeting

Holiday Inn I-64 West End, 6531 West Broad Street, Richmond, Virginia.

The board will convene its meeting at 9 a.m. and immediately recess for their committee meetings, beginning with the Wildlife and Boat Committee, followed by the Planning Committee, Finance Committee, Liaison Committee and Law and Education Committee meetings.

In the Wildlife and Boat Committee, proposed advertised changes to the 1993-94 and 1994-95 hunting season, bag limits, etc. and aids to boating navigation will be reviewed and discussed.

During the Planning Committee meeting, members will discuss the board's funding initiative, and further consider implementation of recommendations made by the HJR-191 Legislative study committee that reported on the management and organizational structure of the department.

During the Finance Committee meeting, members will review the department's financial status report, proposed regulations concerning appointment and dismissal of license agents, and any other necessary matters appropriate to this committee's authority.

At the notice of this meeting, agenda items have not been posted for the Liaison and Law and Education

Committees. If necessary, these committees will meet and discuss matters appropriate to their authority.

† **June 18, 1993 - 9 a.m.** – Open Meeting

Holiday Inn I-64 West End, 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. and convene the public meeting. During the public meeting, the board will hear and consider changes to the 1993-94 and 1994-95 hunting seasons and related regulations, aids to boating navigation regulations and regulations on the appointment and removal of license agents. These changes may alter the proposed regulations significantly in response to public comment or staff recommendations. In addition, public comment will be heard, and if adopted, these changes will become effective as final regulations. Other general and administrative matters, as necessary, will be considered, with appropriate actions taken by the board.

Contact: Belle Harding, Secretary, 4010 W. Broad St., P.O. Box 11104, Richmond, VA 23230, telephone (804) 367-1000.

GOVERNOR'S ADVISORY BOARD ON AGING

June 10, 1993 - 1 p.m. – Open Meeting

June 11, 1993 - 1 p.m. – Open Meeting

The Hyatt Richmond, 6624 West Broad Street, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

A regular business meeting, including work sessions for the board's standing committees. The board will review legislation passed by the 1993 Session of the General Assembly and plan future activities.

Contact: Bill Peterson, Human Resources Coordinator, Virginia Department for the Aging, 700 E. Franklin St., 10th Floor, Richmond, VA 23219-2327, telephone (804) 225-2803 or (804) 225-2271/TDD ☐



DEPARTMENT OF HEALTH (STATE BOARD OF)

June 2, 1993 - 10 a.m. – Open Meeting

Virginia Tech Seafood Experiment Station, 102 South King Street, Hampton, Virginia.

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A meeting to discuss industry/state policies regarding vibrio vulnificus.

Contact: Keith Skiles, Shellfish Program Manager, 1500 E. Main St., Room 109, Richmond, VA 23219, telephone (804) 786-7937.

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May 4, 1993 - 1 p.m. – Public Hearing
Main Street Station, 1500 East Main Street, Commissioner's Conference Room, Room 214, Richmond, Virginia.

June 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 Health intends to amend regulations entitled: **VR 355-39-100. Regulations Governing Eligibility Standards and Charges for Health Care Services to Individuals.** The proposed amendments (i) change the basis for charges from costs to Medicaid's current payment schedules; (ii) change the eligibility requirements to more closely match those used to determine Medicaid eligibility; (iii) increase local decision making as to what services are provided; (iv) simplify and make more useful the waiver process; and (v) correct references to the Code of Virginia as necessary.

Statutory Authority: §§ 32.1-11 and 32.1-12 of the Code of Virginia.

Contact: Dave Burkett, Director of Reimbursement, Virginia Department of Health, P.O. Box 2448, Room 239, Richmond, VA 23218, telephone (804) 371-4089.

Commissioner's Waterworks Advisory Committee

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

May 25, 1993 - 9:30 a.m. – Open Meeting
Blue Cross/Blue Shield, 2015 Staples Mill Road, Richmond, Virginia.

A monthly meeting followed by a public hearing on the rules and regulations (VR 370-01-001 and VR 370-01-002). The public hearing will begin at noon.

June 22, 1993 - 9:30 a.m. – Open Meeting

Blue Cross/Blue Shield, 2015 Staples Mill Road, Richmond, Virginia. ☒

A monthly meeting.

Contact: Kim Bolden, Public Relations Coordinator, 805 E. Broad St., 6th Floor, Richmond, VA 23219, telephone (804) 786-6371.

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May 25, 1993 - Noon – Public Hearing
Blue Cross/Blue Shield, 2015 Staples Mill Road, Richmond, Virginia.

May 25, 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 Virginia Health Services Cost Review Council intends to amend regulations entitled: **VR 370-01-001. Rules and Regulations of the Virginia Health Services Cost Review Council.** The purpose of the proposed amendments is to amend the agency's regulations to conform to the new methodology adopted by the Virginia Health Services Cost Review Council to measure efficiency and productivity of health care institutions.

Statutory Authority: §§ 9-161.1 and 9-164 of the Code of Virginia.

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

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May 25, 1993 - Noon – Public Hearing
Blue Cross/Blue Shield, 2015 Staples Mill Road, Richmond, Virginia.

May 25, 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 Virginia Health Services Cost Review Council intends to adopt regulations entitled: **VR 370-01-002. Regulations to Measure the Efficiency and Productivity of Health Care.** The purpose of the proposed regulation is to establish a new methodology to measure the efficiency and productivity of health care institutions.

Statutory Authority: §§ 9-161.1 and 9-164 of the Code of Virginia.

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

BOARD FOR HEARING AID SPECIALISTS

† **May 17, 1993 - 8:30 a.m.** – Open Meeting
Department of Commerce, 3600 West Broad Street,
Richmond, Virginia. ☒

A meeting to (i) conduct examinations to eligible candidates; (ii) review enforcement cases; (iii) conduct regulatory review; and (iv) 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.

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

May 11, 1993 - 9 a.m. – Open Meeting
† **June 8, 1993 - 9 a.m.** – Open Meeting
101 North 14th Street, 9th Floor, Council Conference
Room, Richmond, 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) 225-2632.

DEPARTMENT OF HISTORIC RESOURCES

† **May 17, 1993 - 7 p.m.** – Public Hearing
Cedar Lee Middle School, Bealton, Virginia. ☒ (Interpreter
for the deaf provided upon request)

† **May 18, 1993 - 7 p.m.** – Public Hearing
Culpeper Middle School, 500 Achievement Drive, Culpeper,
Virginia. ☒ (Interpreter for the deaf provided upon
request)

A public hearing to receive comment on the Virginia
Board of Historic Resources' reconsideration of the
designation of the Brandy Station Battlefield Historic
District in Culpeper and Fauquier counties.

† **May 20, 1993 - 7:30 p.m.** – Open Meeting
One County Complex Court, James McCoart Building,
Occoquan River Conference Room, Prince William,
Virginia. ☒ (Interpreter for the deaf provided upon
request)

A public meeting to receive comment on the Virginia
Board of Historic Resources' reconsideration of the
designation of the Bristoe Battlefield Historic District
in Prince William County.

Contact: Margaret Peters, Information Director, 221
Governor St., Richmond, VA 23219, telephone (804)

786-3143 or (804) 786-1934/TDD ☎

HOPEWELL INDUSTRIAL SAFETY COUNCIL

May 4, 1993 - 9 a.m. – Open Meeting
June 1, 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 (BOARD OF)

May 5, 1993 - 3 p.m. – Public Hearing
Department of Housing and Community Development, 501
North 2nd Street, First Floor Conference Room, Richmond,
Virginia.

May 5, 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 Housing and
Community Development intends to amend regulations
entitled: **VR 394-01-107. Procedures for Allocation of
Low-Income Housing Tax Credits.** The proposed
procedures establish the administrative framework for
the allocation of low income housing tax credits by
the Department of Housing and Community
Development.

Statutory Authority: Chapter 8 of the Title 36 of the Code
of Virginia, § 42 of the Internal Revenue Code, Governor's
Executive Order Forty (91).

Contact: Graham Driver, Program Administrator, 501 N.
2nd St., Richmond, VA 23219-1321, telephone (804)
371-7122.

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

† **May 18, 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

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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.

COUNCIL ON INFORMATION MANAGEMENT

† **May 21, 1993 - 9 a.m.** – Open Meeting
1100 Bank Street, 9th Floor, Richmond, Virginia. ☒

A regularly scheduled meeting.

Contact: Linda Hening, Administrative Assistant, Council on Information Management, 1100 Bank St., Suite 901, Richmond, VA 23219, telephone (804) 225-3622 or (804) 225-3624/TDD ☎

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

† **June 14, 1993 - 1 p.m.** – Open Meeting
General Assembly Building, 910 Capitol Square, Speaker's Conference Room, 6th Floor, Richmond, Virginia.

A regular meeting to consider such matters as may be presented. Persons desiring to participate in the commission's meeting and requiring special accommodations or interpreter services should contact the commission's offices by June 7, 1993.

Contact: Robert H. Kirby, Secretary, 8th Street Office Building, Room 702, Richmond, VA 23219, telephone (804) 786-6508 or (804) 786-1860/TDD ☎

LIBRARY BOARD

May 3, 1993 - 10 a.m. – Open Meeting
Virginia State Library and Archives, 11th Street at Capitol Square, Supreme Court Room, 3rd Floor, Richmond, Virginia. ☒

A meeting to discuss administrative matters.

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.

COMMISSION ON LOCAL GOVERNMENT

† **May 11, 1993 - 4 p.m.** – Open Meeting

403 South Main Street, Town Council Meeting Room, Amherst, Virginia.

A regular meeting to consider such matters as may be presented. Persons desiring to participate in the commission's meeting and requiring special accommodations or interpreter services should contact the commission's offices by Friday, May 7, 1993.

† **May 12, 1993 - 9 a.m.** – Open Meeting
Amherst County General District Courtroom, 102 Court Square, Amherst, Virginia.

Oral presentations regarding the Town of Amherst - Amherst County voluntary settlement agreement. Persons desiring to participate in the commission's proceedings and requiring special accommodations or interpreter services should contact the commission's offices by Friday, May 7, 1993.

† **May 12, 1993 - 7:30 p.m.** – Public Hearing
Amherst County Elementary School, 300 North Main Street, Cafeteria, Amherst, Virginia.

A public hearing regarding the Town of Amherst - Amherst County voluntary settlement agreement. Persons desiring to participate in the commission's proceedings and requiring special accommodations or interpreter services should contact the commission's offices by Friday, May 7, 1993.

Contact: Barbara W. Bingham, Administrative Assistant, 702 8th Street Office Bldg., Richmond, VA 23219, telephone (804) 786-6508 or (804) 786-1860/TDD ☎

STATE LOTTERY BOARD

† **May 24, 1993 - 10 a.m.** – Open Meeting
2201 West Broad Street, Richmond, Virginia. ☒

A regular monthly meeting of the board. Business will be conducted according to items listed on the agenda which has not yet been determined. Two periods for public comment are scheduled.

Contact: Barbara L. Robertson, Lottery Staff Officer, State Lottery Department, 2201 W. Broad St., Richmond, VA 23220, telephone (804) 367-9433.

VIRGINIA MANUFACTURED HOUSING BOARD

May 19, 1993 - 10 a.m. – Open Meeting
Department of Housing and Community Development, 501 North 2nd Street, 2nd Floor Conference Room, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

A regular monthly meeting to review public input and suggestions for draft of Manufactured Housing

Licensing and Transaction Recovery Fund Regulations.

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 or (804) 371-7089/TDD ☎

ADVISORY COMMITTEE ON MAPPING, SURVEYING, AND LAND INFORMATION SYSTEMS

† **May 6, 1993 - 10 a.m.** – Open Meeting
1100 Bank Street, 9th Floor, Richmond, Virginia. ☒

A regularly scheduled meeting.

Contact: Chuck Tyger, Computer Systems Chief Engineer, Council on Information Management, 1100 Bank St., Suite 901, Richmond, VA 23219, telephone (804) 786-8169 or (804) 225-3624/TDD ☎

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

May 11, 1993 - 1 p.m. – Open Meeting
600 East Broad Street, Suite 1300, Board Room, Richmond, Virginia. ☒

A meeting of the board to discuss medical assistance services and issues pertinent to the board.

Contact: Patricia A. Sykes, Policy Analyst, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7958 or toll-free 1-800-343-0634/TDD ☎

May 21, 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 Interim Settlement/Prospective Rate Time Frames, Audited Financial Statements, and Appeal Notice Requirements. VR 460-03-4.1940:1. Nursing Home Payment System (PIRS).** The purpose of this proposal is to promulgate permanent regulations to supersede emergency regulations which change from 90 to 180 days the time frame within which cost reports filed pursuant to the Nursing Home Payment System are interim settled and a prospective rate set. In addition, this proposed regulation will require nursing facilities to file audited financial statements and related information as part of their annual cost report, and will change the appeal time frames from calendar days to business days, and from receipt of a notice or decision to date of a notice or decision.

Interim settlement/prospective rate time frames: Before the adoption of emergency regulations effective August 3, 1992, DMAS regulations and policy required that providers' cost reports be interim settled and a prospective rate set within 90 days after an acceptable cost report is received. Providers, prompted in part by changes in the Internal Revenue Code, were increasingly changing their fiscal year periods to a calendar year cost reporting period. Despite increasing the Cost Settlement staff in recent years, DMAS was unable to meet regulatory and policy timelines in the face of the increasingly lopsided filing periods. After review, DMAS concluded that adding more staff to meet a seasonal workload would not be a cost effective use of resources. This extension of time was expected to permit DMAS to even out the workload by moving some of it from the peak workload periods during the second and fourth calendar quarters to the lower workload periods in the third and first calendar quarters. The amendment was also expected to increase provider confidence in the rate-setting process and enhance staff morale.

Audited financial statements: The cost reports filed annually by nursing facilities are currently required to be accompanied by financial statements. In addition, a home office report must be filed, if applicable.

Providers are now required to file audited financial statements with the Virginia Health Services Cost Review Council. Accordingly, it would impose no burden on providers to require that they supply the same information to DMAS, and would enhance DMAS' performance of its mission.

Appeal notice requirements: Since 1986, DMAS has used certified mail to nursing facilities to advise them of deadlines or actions DMAS will take if a response is not received by a specific date, for example, due dates for noting appeals, or rate reductions for failure to file cost reports on time. As a result of an employee suggestion and a review of the program's experience, certified mail will no longer be used for nursing facilities (except for final decisions signed by the DMAS director). To compensate for the earlier start of the timeclock, time will be measured by business days instead of calendar days.

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

Written comments may be submitted through May 21, 1993, to William R. Blakely, Jr., Director, Division of Cost Settlement and Audit, 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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June 4, 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 460-04-8.7. Client Appeals Regulations**. The purpose of this proposal is to amend regulations governing the management and conduct of client appeals for the Medicaid program.

The Code of Federal Regulations § 431 Subpart E contains the federal requirements for fair hearings for applicants and recipients. This subpart, in implementing the Social Security Act § 1902 (a)(3), requires that the State Plan for Medical Assistance provide an opportunity for a fair hearing to any person whose claim for assistance is denied or not acted upon promptly. Hearings are also available for individuals if Medicaid takes action to suspend, terminate, or reduce services. The State Plan conforms to this requirement on preprinted page 33.

The Virginia General Assembly amended the Administrative Process Act effective July 1, 1989, to allow judicial review of public assistance case decisions. While granting recipients the right to judicial review, the General Assembly limited the scope of that review to the application of the law to an individual case; the validity of the law itself is not subject to review. At that time, the DMAS revised its administrative procedures for recipient appeals, replacing its then current Medicaid Appeals Board with a panel of administrative law judges. The client appeals system now provides for two levels of review of Medicaid recipients' and applicants' appeals. The first level is a hearing officer's decision and the second is a decision by a panel of administrative law judges.

On July 8, 1992, a class action lawsuit was filed in Federal District Court (Shifflett, et al. v. Kozlowski, C.A. No. 92-0071H, Western District of Virginia, Harrisonburg Division) challenging the timeliness of administrative decisions. Federal law requires that a final agency decision be issued within 90 days. Panel review is not a process required by federal law. The 90-day federal limit cannot be met if panel review is included. This timeliness issue is being pressed in this litigation. These proposed regulatory amendments are designed to resolve the issue by requiring an appellant to acknowledge the nonapplicability of the 90-day requirement to panel review as a condition of appeal. They also give an appellant the right to seek judicial review directly from the decision of the hearing officer. Panel review thus becomes optional with the appellant.

An issue has also been raised regarding DMAS

receiving federal matching dollars (FFP) for benefits paid during appeals after the 90-day period. Accordingly, the regulations have been amended to permit benefits only through the hearing officer level of the appeal.

These proposed regulations are intended to address the issues raised in the earlier referenced lawsuit as well as other issues deemed by DMAS as requiring revision.

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

Written comments may be submitted through June 4, 1993, to Thomas J. Czelusta, Sr., Administrative Law Judge, Department of Medical Assistance Services, Division of Client Appeals, 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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May 25, 1993 - 10 a.m. – Public Hearing
General Assembly Building, 910 Capitol Square, House Room D, Richmond, Virginia.

May 26, 1993 - 9 a.m. – Public Hearing
Norfolk City Council Chambers, City Hall Building, 810 Union Street, 11th Floor, Norfolk, Virginia.

June 18, 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 460-03-3.1100, 460-02-3.1300, VR 460-03-3.1301, VR 460-04-3.1300, VR 460-04-8.10. Criteria for Nursing Home Preadmission Screening and Continued Stay; Technical Amendments**. The purpose of this proposal is to provide permanent regulations which supersede existing emergency regulations, and clarify the requirements and the process for ensuring that appropriate criteria for placing recipients in nursing facilities are met.

DMAS promulgated an emergency regulation for these criteria effective September 1, 1992. This regulatory package represents the agency's suggested proposed regulations to begin the permanent rule making process. These criteria are used by local screening teams to approve or deny Title XIX (Medicaid) payment for nursing facility or community-based care services.

Nursing home preadmission screening was implemented in Virginia in 1977 to ensure that

Medicaid-eligible individuals placed in nursing homes actually required nursing home care. In 1982, DMAS obtained approval for a Section 2176 Home and Community-Based Care waiver to allow individuals who have been determined to require nursing facility services an alternative to nursing home placement. This alternative to nursing home care has become the Home and Community-Based Care Services program and offers such services as personal care, respite care, and adult day health care.

In 1989, DMAS revised a portion of the regulations related to nursing home preadmission screening to incorporate the requirement to screen all individuals for conditions of mental illness or mental retardation.

Section 32.1-330 of the Code of Virginia designates that the definition for eligibility to community based services will be included in the State Plan for Medical Assistance. In the existing emergency regulations, nursing needs are defined only by example of the types of nursing services which indicate a need for nursing facility care. This proposed regulation adds a definition for medical and nursing needs and clarifies and expands the list of the types of services which are provided by licensed nursing or professional personnel. It also defines imminent risk of nursing facility placement.

This proposed regulation, as does the existing emergency regulation, contains additional sections which summarize the requirements which must be met to find an individual eligible for nursing facility care and/or community based care. The list of specific care needs which do not qualify an individual for nursing facility care has been clarified, expanded, and moved to the summary section. The evaluation section clarifies specific criteria for determining when an individual is at imminent risk of nursing home placement and can be authorized for community-based care placement. It also requires the evaluator to document that a community-based care option has been explored and explained to the client and/or client's primary caregiver prior to authorizing nursing facility care.

In addition, this regulation package makes amendments to clarify and improve the consistency of the regulations as they relate to outpatient rehabilitation. DMAS is making certain nonsubstantive changes as follows:

Attachment 3.1 A & B, Supplement 1, Attachment 3.1 C: The authorization form for extended outpatient rehabilitation services no longer requires a physician's signature. Although the physician does not sign the form, there is no change in the requirement that attached medical justification must include physician orders or a plan of care signed by the physician. Services that are noncovered home health services are described. These services are identified for provider

clarification and represent current policy. Also, technical corrections have been made to bring the plan into compliance with the 1992 Appropriation Act and previously modified policies (i.e., deleting references to the repealed Second Surgical Opinion program under § 2. Outpatient hospital services and § 5. Physicians services).

The program's policy of covering services provided by a licensed clinical social worker under the direct supervision of a physician is extended to include such services provided under the direct supervision of a licensed clinical psychologist or a licensed psychologist clinical. This change merely makes policy consistent across different provider types. The same policy of providing for social workers' supervision by licensed clinical psychologists or licensed psychologists clinical is provided for in VR 460-04-8.10, Long-Stay Acute Care Hospital Regulations, which are state-only regulations.

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

Written comments may be submitted through June 18, 1993, to Betty Cochran, Director, Division of Quality Care Assurance, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7933.

Drug Utilization Review Board

† **June 24, 1993 - 3 p.m.** – Open Meeting
600 East Broad Street, Suite 1300, Richmond, Virginia.

A regular meeting. Routine business will be conducted.

Contact: Carol B. Pugh, Pharm.D., DUR Program Consultant, Quality Care Assurance Division, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-3820.

BOARD OF MEDICINE

† **June 3, 1993 - 8 a.m.** – Open Meeting
† **June 4, 1993 - 8 a.m.** – Open Meeting
† **June 5, 1993 - 8 a.m.** – Open Meeting
† **June 6, 1993 - 8 a.m.** – Open Meeting
Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, Virginia. ☒

The Board of Medicine will meet on June 3, 1993, in open session, to conduct general board business, receive committee and board reports, and discuss any other items which may come before the board. The board will also meet on June 3, 4, 5, and 6 to review reports, interview licensees, and make case decisions

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on disciplinary matters. The board will also review any regulations that may come before it. The president may entertain brief public comments at the beginning of the meeting.

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

Credentials Committee

† **June 4, 1993 - 8:15 p.m. - Open Meeting**
Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, Virginia. ☒

The committee will meet in open and closed sessions to conduct general business, interview and review medical credentials of applicants applying for licensure in Virginia and discuss any other items which may come before the committee. The committee will receive public comments from 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.

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

† **May 26, 1993 - 10 a.m. - Open Meeting**
Pittsylvania-Danville CSB, Danville, Virginia. ☒

A regular monthly meeting. Agenda to be published on May 19. Agenda may be obtained by calling Jane Helfrich.

Tuesday	Informal session	8 p.m.
Wednesday	Committee meetings	9 a.m.
	Regular session	10 a.m.

See agenda for location.

Contact: Jane V. Helfrich, Board Administrator, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23214, telephone (804) 786-3921.

MIDDLE VIRGINIA BOARD OF DIRECTORS AND THE MIDDLE VIRGINIA COMMUNITY CORRECTIONS RESOURCES BOARD

May 6, 1993 - 7 p.m. - Open Meeting
502 South Main Street #4, Culpeper, Virginia.

From 7 p.m. until 7:30 p.m. the board will hold a business meeting to discuss DOC contract, budget, and other related business. Then the board will meet to

review cases for eligibility to participate with the program. It will review the previous month's operation (budget and program-related business).

Contact: Lisa Ann Peacock, Program Director, 502 S. Main St. #4, Culpeper, VA 22701, telephone (703) 825-4562.

VIRGINIA MILITARY INSTITUTE

Board of Visitors

May 20, 1993 - 1 p.m. - Open Meeting
Virginia Military Institute, Smith Hall, Lexington, Virginia. ☒

Finals meeting of the Board of Visitors. Also, a regular meeting to (i) discuss committee reports; (ii) approve awards, distinctions and diplomas; (iii) discuss personnel changes; and (iv) elect president pro tem.

Contact: Colonel Edwin L. Dooley, Jr., Secretary to the Board, Superintendent's Office, Virginia Military Institute, Lexington, VA 24450, telephone (703) 464-7206.

VIRGINIA MUSEUM OF FINE ARTS

Collections Committee

May 18, 1993 - 2 p.m. - Open Meeting
Virginia Museum Galleries, 2800 Grove Avenue, Richmond, Virginia. ☒

A meeting to consider gifts and purchase of works of art, and to review loan recommendations.

Contact: Emily C. Robertson, Secretary, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221-2466, telephone (804) 367-0553.

Finance Committee

May 20, 1993 - 11 a.m. - Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Conference Room, Richmond, Virginia. ☒

A meeting to conduct a year-end review of financial statements and to discuss enterprise operations.

Contact: Emily C. Robertson, Secretary, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221-2466, telephone (804) 367-0553.

Board of Trustees

May 20, 1993 - Noon - Open Meeting
Virginia Museum of Fine Arts, Virginia Museum Auditorium, Boulevard and Grove Avenue, Richmond, Virginia. ☒

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A meeting to receive reports from committees, officers and staff, and to conduct budget review and yearly overview of operations.

Contact: Emily C. Robertson, Secretary, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221-2466, telephone (804) 367-0553.

STATE NETWORKING USERS ADVISORY BOARD

† **May 19, 1993 - 1 p.m.** – Open Meeting
Lee Library, Chatham Hall, Chatham, Virginia.

A meeting to discuss administrative matters of the board.

Contact: Judith Lowry, Secretary, Library Development, Virginia State Library and Archives, 11th St. at Capitol Square, Richmond, VA 23219-3491, telephone (804) 786-2321 or toll-free 1-800-336-5266.

BOARD OF OPTOMETRY

† **May 20, 1993 - 8 a.m.** – Open Meeting
The Hilton, 50 Kingsmill Road, Room #15, Williamsburg, Virginia. ☒

An informal conference committee meeting.

† **May 20, 1993 - 9 a.m.** – Open Meeting
The Hilton, 50 Kingsmill Road, Room #15, Williamsburg, Virginia. ☒

A general board meeting. Regulatory review will be conducted. Brief public comments will be received at the beginning of the board meeting.

Contact: Carol Stamey, Administrative Assistant, 6606 W. Broad St., Richmond, VA 23230-1717, telephone (804) 662-9910.

BOARD OF PHARMACY

† **May 11, 1993 - 9 a.m.** – Public Hearing
Department of Health Professions, 6606 West Broad Street, Conference Room 1, 5th Floor, Richmond, Virginia.

July 2, 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 Pharmacy intends to amend regulations entitled: **VR 530-01-1. Regulations of the Virginia Board of Pharmacy.** The purpose of the proposed amendments is to respond to comments made during the biennial regulatory review; to clarify and simplify regulations; and to respond to current needs and technology in the practice.

STATEMENT

Basis: Chapters 24, 33, and 34 of Title 54.1 of the Code of Virginia provide the basis for these regulations.

Chapter 24 establishes the general powers and duties of health regulatory boards including the responsibility to “promulgate regulations in accordance with the Administrative Process Act (§ 9-6.14:1 et seq.) which are reasonable and necessary to administer effectively the regulatory system.”

Chapter 33 establishes the Board of Pharmacy and authorizes that Board to regulate the licensure of pharmacists and practitioners of the healing arts who prescribe controlled substances.

Chapter 34 is cited as “The Drug Control Act” and authorizes the Board to issue permits and regulations for pharmacies, wholesale distributors, and manufacturers.

Changes in § 1.3 of these regulations are authorized under § 54.1-113 of the Code of Virginia which requires that boards adjust fees so that revenues are aligned with operational expenses.

Purpose: The purpose of these regulations is to set forth the requirements for licensure and the responsibilities of pharmacists in assuring the safety of the public and the security of prescription drugs in the Commonwealth. The regulations also set forth the criteria for granting and maintaining a permit for pharmacies and those businesses responsible for the storage, dispensing, and distribution of drugs.

Changes in regulations respond to comments received during the biennial review of all pharmacy regulations and represent an effort to clarify and update requirements to conform to current practice. Wherever possible, amendments were proposed to make the regulation less burdensome and more responsive to the needs of those who prescribe, dispense, or receive controlled substances. At the same time, the Board is responsible for assuring the quality and safety of prescription drugs, protecting against diversion, and enforcing state and federal laws governing controlled substances.

Substance: The key provisions of each amended regulation are summarized below.

A. Part I. General Provisions

§ 1.2 contains additional definitions or amended language to clarify terminology used in the current practice of pharmacy and in proposed regulation.

§ 1.3 A sets fees for initial pharmacist licensure. In order to be less burdensome to applicants coming from other states, the Board proposes to allow the transfer of National Association of Boards of Pharmacy Licensing Examination (NABPLEX) and/or

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Federal Drug Law Examination (FDLE) scores and recommends a fee of \$150 for such an application and the required State Drug Law Examination. This is a reduction from the current fee of \$300 for all applicants. In addition, the applicant who transfers scores will pay the same fee for taking individual exams as the applicant who wishes to take portions of the examination on separate dates.

§ 1.3 C sets fees for licenses and permits for regulated entities other than pharmacists. A new fee of \$10 annually for a licensed humane society permit has been proposed to cover the administrative costs of issuing and renewing such permits. There are no other fee changes proposed in this section.

In § 1.3 D, language is added to allow reinstatement of a lapsed controlled substance registration by the Executive Director upon completion of an application and payment of all fees. Such a procedure is consistent with the reinstatement of a lapsed pharmacist license. The proposed regulation clarifies that the Director may act on behalf of the Board.

In § 1.4, fees for specific categories of licensure or permit have been reduced for the calendar year 1994 to comply with statutory requirements.

B. Part II. Licensure Requirements for Pharmacists

§ 2.1 establishes the requirements for practical experience for applicants for licensure. The Board proposes to amend in § 2.1 B to allow credit for practical experience for a maximum of 50 hours a week. This change is less restrictive and more consistent with current practice, since hours worked at a pharmacy often vary from week to week and often exceed the present 40-hour maximum.

In § 2.2, amendments are proposed to give the applicant the opportunity to use school vacation times to fulfill requirements for practical experience. Other amendments are added to clarify the procedure for the applicant.

§ 2.3 establishes educational requirements for licensure; changes are proposed to recognize the six-year doctoral degree as an entry level degree in addition to current requirement for a five-year degree. Some schools of pharmacy now award the doctoral degree as the first professional degree.

§ 2.4 establishes the content of the examination and the passing grades. A proposed amendment will allow the Board to separate the state and federal law exams and report a score for each rather than having to combine the two scores. The Board requires that candidates for licensure as a pharmacist possess passing knowledge of both federal and state drug laws. Each examination was developed separately to be psychometrically sound and valid. The current practice

of combining the two test scores compromises the validity of both examinations. The change will be less burdensome to applicants who will be required to retake only the exam that was failed.

§ 2.5 sets forth requirements and procedures for renewal of licensure, clarifies the procedure for reinstatement of a lapsed license, and specifies that the practice of pharmacy with a lapsed license may subject the pharmacist to disciplinary action by the Board. An additional amendment is proposed to codify the policy of the Board to consider the licensee responsible for his renewal and for notice of any change of address.

§ 2.6 sets forth requirements for continuing education (CE). A proposed amendment will clarify that the licensee shall attest to compliance with CE on his renewal, rather than providing information or documentation of CE. This documentation is not required by statute unless specifically requested by the Board. The proposed change will be less burdensome for licensees and less costly to the agency.

C. Part III. Pharmacies

§ 3.1 establishes requirements for issuance of a pharmacy permit to a pharmacist-in-charge. Amended language in this section creates additional requirements which the Board has determined are necessary when a pharmacist ceases his practice or is no longer designated as the "pharmacist-in-charge" (PIC). These include inventory requirements, return of the pharmacy permit to the Board, and cessation of operation beyond the deadline required for a new permit.

The new regulations address problems experienced with pharmacy owners who operate a pharmacy beyond the deadline without naming a new pharmacist-in-charge and with pharmacists-in-charge stepping down and leaving "abandoned" stocks of drugs to which an owner is not legally allowed to access or possess. The requirements proposed place into regulation the current expectations of the Board when there is a change in the pharmacist-in-charge and clarify that it is unlawful to operate a pharmacy beyond the deadline for a new permit.

§ 3.1 D changes the deadline for naming a new pharmacist-in-charge from 10 days to 14 days in response to public comment requesting more time for the process.

§ 3.2 is amended to more clearly state requirements for a "limited-use pharmacy permit." The applicant will be required to specify and explain why a request for waiver of regulations has been made.

§ 3.4 establishes requirements for inspection and notice for a new pharmacy. Proposed amendments

clarify that the requirements for new pharmacy permit also apply to a pharmacy which has a change of location or when structural changes to an existing pharmacy are made. Current board policy interprets such changes as the establishment of a new pharmacy requiring inspection. The proposed amendments do not represent a new burden to the pharmacies.

Amendments also clarify the process used in the review of inspection findings and in the approval of new pharmacy permits.

§ 3.5 establishes the physical standards for all pharmacies. Amendments made in this and other sections in the use of the term "prescription department" are for clarification of the area regulated. For the convenience of licensees, proposed amendment in this section will also allow access to a rest room in the area which is used exclusively by the pharmacists and their technicians.

An amendment to this section provides that refrigerated storage is required only if the pharmacy stocks drugs requiring refrigeration. The amended provision will be less burdensome for facilities that do not stock such drugs.

§ 3.7 establishes minimum equipment requirements. An amendment deletes the requirement for a refrigerator (now required by § 3.5) and adds a general requirement that pharmacies provide any equipment necessary to ensure public safety within that pharmacy's scope of practice.

§ 3.8 establishes those security requirements for prescription departments which the board believes to be necessary to protect against the unlawful diversion of drugs. Additional requirements for restricting access to the system in the pharmacies and for activation of the alarm for the prescription department when it is closed for business are proposed. These requirements are considered essential to protect against drug diversion.

In response to public comment, the Board proposes to "grandfather" pharmacies which have approved alarm systems in place unless these pharmacies experience a break-in with loss of drugs. Therefore, the new regulation will not represent an additional burden to current licensees.

In response to other comments, the Board proposes an exception to the alarm system requirement for pharmacies with prescription departments that are open and staffed 24 hours a day.

Existing § 3.9 set forth special security arrangements which are now incorporated in § 3.8. Therefore, the section has been eliminated in the proposed regulations.

New § 3.9 (existing § 3.10) describes the type and access of enclosure allowed. Amendments proposed will add the alarm access code to current requirements for the security of door keys.

New § 3.10 has been renamed to incorporate the four existing provisions into a single section renamed "Storage of drugs, devices, and controlled paraphernalia." Amendments clarify that expired drugs may not be dispensed and must be kept within the prescription department.

New § 3.11 establishes procedures for disposal of Schedule II through V drugs. The alternatives for disposal described reflect choices available in the current practice of pharmacy for the disposal of unwanted drugs. Amendments proposed in § 3.11 are basically a clarification or restatement of the procedure for destruction and do not represent a new burden.

D. Part IV. Nuclear Pharmacies

§ 4.2 establishes the qualifications for licensure as a nuclear pharmacist. Amendments proposed will raise the minimum requirement for instruction from 90 to 200 hours and for clinical training from 160 to 500 hours. The 200 and 500 hour requirements are the minimum allowed by the federal Nuclear Regulatory Commission for certification. In addition to Board of Pharmacy requirements, a nuclear pharmacist must also obtain certification by the NRC to handle radioactive materials. The change does not represent a new burden or impose additional costs upon licensees.

E. Part V. Drug Inventory and Records

§§ 5.1 and 5.2 outline the requirements for maintaining automated and other records of prescriptions. They include amendments to require hard copy prescriptions to be kept in chronological order and made available for inspection for two years after date of last refill. These amendments were made on the recommendation of Department pharmacy inspectors, by request of third-party insurers, and to accommodate the use of computer records and the proposed use of facsimile machines.

§ 5.3 establishes requirements for repackaging of drugs. The amendment clarifies the choice of control number that may be used on the label of the repackaged unit.

F. Part VI. Prescription Order and Dispensing Standards

Part VI has been reordered to clarify requirements for all prescription dispensing including specific requirements for Schedule II and Schedules III through VI drugs. The language in the current § 6.1 has been incorporated in § 14.6 related to regulation of medical equipment suppliers.

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Proposed amendments to new § 6.1 specify the acts which are restricted to the pharmacist in the filling of prescriptions. Statutory changes enacted by the 1992 General Assembly are referenced in amendments proposed for a prospective drug review and for counseling prior to dispensing. Amendments to this section also make the pharmacist responsible for communication with the practitioner and for the direct supervision of those persons assisting in the prescription department.

In response to a public comment by the State Police, a new rule is proposed to require a pharmacist who declines to fill a prescription to so indicate on the back of the prescription. The change is proposed to alert other pharmacists that a prescription may be problematic and to assist in the effort to curb the diversion of prescription drugs.

§ 6.2 is a proposed new section to allow the use of facsimile machines to transmit Schedule VI prescriptions. Requirements of other states which currently permit such a transmission were reviewed and considered in the development of this regulation. Federal regulations currently prohibit facsimile transmission of prescriptions for Schedule II-V drugs.

§ 6.3 is a new section proposed to clarify the time limit for dispensing and the prohibition on refills for Schedule II drugs, as required in the Drug Control Act.

§ 6.4 is identical to the current § 6.2.

§ 6.5 contains the requirements for partial dispensing of Schedule II drugs (currently contained in § 6.3). In response to comments and in the interest of more humane, cost-effective treatment, the Board proposes a new Part D to allow partial filling for terminally ill patients. These new provisions mirror the language of federal regulations permitting such activity.

§ 6.6 describes the process for refilling Schedule III through VI drugs. Amended language clarifies that the two year limitation on refilling a Schedule VI prescription is from the date the prescription was issued and that authorized refills must conform to the prescribing physician's directions for use or to the reasonable judgment of the pharmacist.

G. Part VII. Labeling and Packaging Standards for Prescriptions

In § 7.2, a new subsection B is proposed to clarify the use of compliance packaging in hospitals and long-term care facilities.

§ 7.3. establishes the use of special (child-resistant) packaging required by law and adds an amendment to require record-keeping if nonspecial packaging is requested by the patient. The board has determined

that such documentation is necessary for the protection of the pharmacist as well as the patient.

H. Part VIII. Standards for Prescription Transactions

§ 8.1 establishes the requirements for issuing a copy of a prescription to be refilled. The proposed amendment accommodates the storage of information in a computer system, provided that all pertinent dispensing information is maintained.

Existing § 8.4 prohibits the practice of kickbacks or fee-splitting with a supplier by "secret agreement." Nothing in current regulation prohibits such an arrangement openly made by a pharmacist. To better protect all parties, a proposed amendment will require full disclosure of such an agreement to the patient and to any third party payor.

In § 8.6 the word "permitted" is added to clarify that this section applies to that group of physicians who are separately licensed to practice pharmacy in areas where pharmaceutical services are not otherwise available. The amendments further reference all sections of the regulations which are applicable to permitted physicians.

I. Part IX. Unit Dose Dispensing Systems

§ 9.1 clarifies the use of a unit dose dispensing system and extends its use to all long-term care facilities, including nursing homes. Proposed amendments require a locking device on storage equipment and require that the pharmacist certify the contents of the drug cart.

§ 9.1 B is a restatement of the current requirement that unit dose systems be dispensed in not more than a seven-day supply in facilities in which licensed personnel administer drugs.

§ 9.1 C is a new section proposed to establish rules for long term facilities in which unlicensed personnel administer drugs. The board determined to require training in unit dose systems, a limitation of a 72-hour supply, and additional record keeping and labeling of medications for the protection of the public.

J. Part X. Pharmacy Services to Hospitals

The title of this Part was changed from "Hospital Pharmacies" to reflect the fact that there is no special category of permits for hospital pharmacies.

§ 10.1 has been rewritten to clarify the elements of a "chart order" as opposed to those of a "prescription."

Existing §§ 10.2 and 10.3 were eliminated in the proposed regulations because they are redundant of other provisions.

New § 10.2 is proposed to include the oversight of all drugs used in the hospital and the requirement of a monthly chart review for any patients remaining hospitalized for one month or longer as responsibilities of the pharmacist-in-charge in a hospital setting. (The latter requirement is the same as that for long-term care facilities, added in response to comments from the Virginia Society of Hospital Pharmacists.)

New § 10.4 (existing § 10.5) sets forth requirements for use of floor stock drugs in hospitals, amended to add labeling requirements previously stated in § 10.3. An additional requirement for chronological filing by date of issue is consistent with that for other pharmacies. Existing § 10.6 was eliminated as duplicative of security requirements set forth in § 3.8.

New § 10.5 (existing § 10.7) sets forth requirements for use of drugs in the emergency department and clarifies the conditions under which a practitioner may dispense to a patient.

New § 10.6 (existing § 10.8) has been retitled "Pharmacy Services." Subsection A lists the persons to whom a hospital pharmacy may dispense drugs.

New § 10.6 B proposes to require a satellite pharmacy within a hospital to designate a separate pharmacist-in-charge (PIC) for each satellite. This rule addresses a concern by the board that a single PIC in a large hospital complex with several satellite pharmacies cannot be expected to meet all legal and regulatory requirements. The proposed regulation will cost \$25 for each such PIC in hospital pharmacies with satellites.

In § 10.6 C, the requirement that a pharmacy located within a hospital that dispenses to outside patients must have a separate pharmacy permit is a restatement of the regulation in § 10.6 A, now proposed for deletion.

New § 10.9 (existing § 10.11) adds "medical" before intern to distinguish that person from a pharmacy intern.

K. Part XI. Pharmacy Services to Long-Term Care Facilities.

§ 11.1 sets forth restrictions on floor stock of drugs and changes "nursing home" to "long-term care facility" as more inclusive and descriptive of the variety of facilities offering care and dispensing drugs.

§ 11.2 establishes the provider pharmacy's responsibilities to the facilities. Portions of this section were rewritten to eliminate some duplicative language and to clarify the responsibility of the provider pharmacy to ensure that certain conditions are met.

Since some of these facilities use unlicensed persons

to administer unit dose systems, the Board has proposed a new requirement in § 11.2 2 that the pharmacy provide training to personnel in the dispensing system used.

In § 11.2 4, a cart or other area used for drug storage is also required to be locked to provide reasonable security from diversion.

Amendments to § 11.2 7 are proposed in response to comments from pharmacies and facilities about the restrictiveness of the destruction requirements. The proposed regulation allows the return of unused drugs for resale (if allowed by regulation) and permits destruction to take place at the pharmacy or at the facility. The regulation further stipulates requirements for witnesses to the destruction and for record-keeping.

The amendment proposed to § 11.2 9 is a restatement of current regulation for clarity and simplicity.

§ 11.3 sets forth requirements for the use of an emergency drug kit in long-term care facilities. Proposed amendments restrict the use of the kit to facilities in which only licensed persons administer drugs and require the pharmacy to be involved in determining the contents of the kit.

§ 11.4 sets forth requirements for use of a "stat box" in facilities in which licensed persons administer drugs. In response to comments about the contents of the stat box, the Board proposes eliminating the "one box for 200 patients" rule and allowing the contents to be determined by the provider pharmacist in consultation with the medical and nursing staff within the requirements of § 11.4 6. The proposed rule provides some flexibility to each facility and is less restrictive and burdensome to the licensees.

New § 11.5 is proposed to allow floor stocking of a limited number of drugs and devices. The listing in this section was suggested by public comment and agreed to by the Board as being reasonable and cost-effective without compromising security or public safety.

L. Part XII. Other Institutions and Facilities.

§ 12.1 sets forth requirements for security and administration of drugs in infirmaries and first aid rooms. The elimination of the word "industrial" in the title clarifies that the regulations apply to all types of infirmaries. The substitution of "storage area" for "facility" is necessary, since many infirmaries or first aid rooms store drugs in a locked cabinet rather than a separate facility.

§ 12.2 sets forth requirements for security and administration of drugs in humane societies and animal shelters. The reference to a specific drug used

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by these facilities has been amended to allow the use of any drug approved by the State Veterinarian, consistent with § 54.1-3425 of the Code of Virginia.

Other changes in § 12.2 specify the procedures to be followed in securing a permit for the facility and in making a change in the person in charge. The Board proposes to put into regulation its expectation that the person in charge of the facility be responsible for security and record-keeping. The proposed requirements and responsibilities are similar to those of a PIC and apply when the person leaves the humane society or animal shelter or ceases to be the person in charge.

§ 12.3 sets forth the requirements for security and administration of drugs in correctional institutions. In consultation with the Director of Inspections for the Department, the board proposes to eliminate cumbersome and unenforceable regulations involving record-keeping and storage of drugs while maintaining safety and security.

The board considered requests from some correctional staff members to allow drugs to be floor-stocked and to allow drugs dispensed to one inmate to be used for another inmate if needed. The Board determined that neither of these suggestions are in the best interest of inmates' health and welfare or in the best interest of public safety due to the increased possibility for diversion. In addition, the request to re-use one inmate's discontinued medication for another inmate violates federal regulations or guidelines.

Issues: The amendments described are the result of a biennial regulatory review of regulations of the Virginia Board of Pharmacy which began in September of 1992. Since regulations had not been examined for clarity, simplicity, and effectiveness since 1988, the board addressed several major issues during the process of its review. The questions raised and issues addressed include:

A. Should the board consider public comments made during the 1990 regulatory review as well as those made during the Public Comment Period from 9/7 to 10/7/92 following the Notice of Intended Regulatory Action?

The Public Participation Guidelines of the board require the board to conduct an informational proceeding once each biennium to receive comments on existing regulations. In 1990, the board published a notice and held a hearing which elicited a number of oral and written comments from the public. However, no changes in regulation were proposed as a result of those comments.

When the board began the regulatory review process in 1992, it concluded from the record that some comments made in 1990 had not been addressed and that some issues remained unresolved. Although not required to do so, the board decided to consider and

respond to those earlier comments.

B. What action should be taken to address the board's surplus in funds?

Since the board is required by law to reduce this surplus, several proposals were considered:

The first alternative considered was for a permanent reduction in fees. Since the current budget of the board calls for expenditures nearly equal to revenues, this proposal would result in a shortfall in the next few years and necessitate a subsequent fee increase.

The second alternative was for a one-time reduction in some fees, which would reduce the surplus without creating a subsequent shortfall. The board then had to decide which fees should be reduced.

A one-time reduction in fees for license renewals and annual permits only was agreed upon for the following reasons: 1) certain categories of fees, such as a \$20 annual fee for a controlled substances registration accurately reflected the costs to the agency, did not contribute to the surplus, and therefore were not included in the one-time reduction; and 2) fees from applicants include set costs for examinations and did not contribute to the surplus.

C. What policies or procedures needed to be clarified or amended in order to address questions from licensees or the public?

Issues of clarity and simplicity were foremost in the review process. The board addressed all areas of regulation that were confusing, cumbersome, or redundant. For example: 1) differing terminology used to describe the "prescription department" was eliminated and that area was defined in proposed amendments; 2) the procedure for approval of a pharmacy permit or the reinstatement of a lapsed license was clarified; 3) sections were reordered to make them easier to read and more logical; and 4) redundant language was deleted and requirements set forth in one part of regulation were referenced and not duplicated in another.

D. What regulations need to be amended in order to bring them within the scope of modern pharmaceutical education and practice?

While regulations must be consistent with the Drug Control Act and federal laws and regulations and the board must remain responsible to the public, the Board determined that some regulations could be less restrictive and burdensome. For example: 1) it was proposed that allowable credit for the work experience of pharmacy students be increased from 40 to 50 hours a week and that credit be granted for work during school vacations; 2) rather than proposing

additional requirements for equipment and supplies necessary only for specialized pharmacies, the Board proposed a requirement for equipment "consistent with the pharmacy's scope of practice"; 3) options for the disposal of unused drugs were increased since, in current practice, pharmacists often prefer to employ a disposal firm or to use methods not previously allowed; and 4) changes in technology have impacted the practice of pharmacy and necessitated proposed revisions to accommodate computerization and the use of facsimile devices.

E. How can pharmaceutical services be made more cost effective and efficient in order to better serve the patient - public?

Several amendments to regulation were proposed to reflect public comment and the board's knowledge of pharmaceutical services in a variety of settings. The board accepted those it felt would assist the delivery of services without jeopardizing safety. The board responded to public comment in the following ways: 1) comments by correctional facilities requesting a floor stock drugs and the transfer an unused prescription from one inmate to another were not recommended, but burdensome record-keeping requirements were made simpler; 2) requests from nursing homes to have more flexibility and authority in determining the contents of a stat box were recommended; 3) requests from long-term care facilities to be able to floor stock certain essential prescription items were recommended as more responsive and more cost effective; 4) requests to allow partial filling of Schedule II drugs for terminally ill patients were recommended as more humane and cost effective; 5) requests to lengthen the time requirement for the change in a pharmacist-in-charge from 10 days to two weeks were recommended; 6) requests to allow unit dose systems in long-term care facilities were recommended; and 7) requests that pharmacies which remain open 24 hours a day not be required to have alarm systems were recommended.

F. What security or safety issues need to be addressed through proposed amendments to regulations?

Deterring drug diversion is a major concern. The board recommended several changes to address these concerns: 1) the board accepted the recommendation of the State Police to require a pharmacist to write "declined" on a prescription he refuses to fill; 2) since unit dose systems are being used in long term care facilities by unlicensed persons, the Board recommended additional training and restricting the quantity dispensed to a 72-hour supply; 3) the board recommended that an application for a limited use permit specify for which regulation the pharmacy is seeking a waiver to ensure that security is maintained; and 4) prescription departments must be alarmed when closed to protect the drug stock.

Impact:

A. Regulated entities: There are currently 6,708 pharmacists, 1,593 pharmacies, 20 permitted physicians, 20,133 controlled substance registrants, 76 wholesale distributors, 14 warehouse, 98 medical equipment suppliers, 53 restricted manufacturers, and 25 nonrestricted manufacturers licensed in the Commonwealth for whom amendments to regulations are applicable. Permit requirements for licensed humane societies have not been adequately enforced. There are currently 25 licensed by the Board, but it is anticipated that additional humane societies and animal shelters will secure permits under proposed regulations.

B. Projected cost for implementation: The one-time reduction in fees proposed in § 1.4 will reduce the surplus of \$490,440 by \$298,075 and bring the difference in revenues over expenditures within 10% as required by § 54.1-113 of the Code of Virginia. With the proposed reduction, the projected net surplus for the 1992/94 biennium will be \$192,365, representing less than 10% difference of revenue over expenditures. Because projected revenues from existing fees roughly equal projected expenditures for the next biennium, a permanent fee reduction would create a shortfall in funds.

The proposed regulations will not create additional costs to the agency. No additional record-keeping is proposed, no additional inspections are required, and no additional complaints are anticipated.

C. Projected cost for compliance: Current licensees and permit holders will experience a cost savings as a result of the proposed one-time fee reduction. Renewals for most categories of licensees will be only one half of cost for calendar year 1994. Costs for initial applications and examinations will remain the same.

There are no anticipated costs associated with compliance with regulations in record-keeping or retrieval, equipment or supplies, or security. Alarming of prescription departments is already required; drug carts used by hospitals have locking devices, and pharmacist-in-charge are currently held accountable for the prescription drugs in their pharmacy.

Additional costs for permits will be minimal. Satellite pharmacies in large hospitals will need to secure permits for each pharmacist-in-charge, representing an annual cost of \$25 each. Licensed humane societies and animal shelters currently have had no annual permit fee required. Many have failed to maintain permits. The proposed annual fee of \$10 is intended to assist with enforcement and the maintenance of records consistent with the law without creating an undue cost to the facilities.

Under proposed regulations, any new pharmacies located within a business with extended hours that

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seeks licensure from the board will be required to have a separate alarm system controlled by pharmacists. Representatives of the chain drug stores have determined that the systems presently being installed in their facilities will meet that requirement and that it will not represent additional cost. However, if a separate installation is required, they estimate the cost to be approximately \$750. Pharmacies licensed under current regulations will be "grandfathered" and will not have additional costs for alarming or security.

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

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† **May 11, 1993 - 9 a.m.** — Public Hearing
Department of Health Professions, 6606 West Broad Street, Conference Room 1, 5th Floor, Richmond, Virginia.

July 2, 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 Pharmacy intends to amend regulations entitled: **VR 530-01-2. Regulations for Practitioners of the Healing Arts to Sell Controlled Substances.** The purpose of the proposed amendments is to respond to comments made during the biennial regulatory review, to clarify and simplify regulations, and to respond to current needs and technology in the practice.

STATEMENT

Basis: Chapters 24, 33, and 34 of Title 54.1 of the Code of Virginia provide the basis for these regulations.

Chapter 24 establishes the general powers and duties of health regulatory boards including the responsibility to "promulgate regulations in accordance with the Administrative Process Act (§ 9-6.14:1 et seq.) which are reasonable and necessary to administer effectively the regulatory system."

Chapter 33 establishes the Board of Pharmacy and authorizes that board to regulate the licensure of pharmacists and practitioners of the healing arts who prescribe controlled substances.

Chapter 34 is cited as "The Drug Control Act" and authorizes the board to issue permits and regulations for licensees engaged in the sale and distribution of prescription drugs.

Statement of purpose: The purpose of these regulations is

to set forth the requirements for licensure and the responsibilities of physicians selling drugs to assure public safety and the security of prescription drugs in the Commonwealth. In response to requests from licensees, the board proposes to establish criteria for limited-use licenses. Other amendments are proposed to conform requirements for license renewal, supervision of unlicensed persons, drug security and disposition, and record-keeping with those of pharmacists who also sell drugs.

Amendments are also proposed to clarify regulations, to reflect changes in the current practice of physicians who are selling drugs, and to respond to comments made to the board and the Department of Health Professions.

Substance: The proposed amendments are explained below.

§ 2.1 A establishes requirements for applicants for licensure. The board proposes to amend terminology describing a sale to address questions and problems which have arisen related to the existing definition. The board also proposes a permanent reduction in the application fee from \$275 to \$200 to reflect actual cost to the agency.

§ 2.1 B sets forth the process and criteria for limited-use licenses. The proposal was selected from several alternatives to address comments from licensees who do not wish to have separate enclosures for the selling and storage area as required in existing regulations.

The proposed amendments permit the issuance of a limited-use license under special circumstances in which only prepackaged drugs are sold.

§ 2.2 sets forth requirements for license renewal. The annual renewal fee is the same as that for a pharmacist and will be reduced by one-half for calendar year 1994. The additional fees and requirements for late renewals and reinstatement of a delinquent license are also the same as that for pharmacists. In addition, a fee is established for the issuance of an inactive license.

§ 2.3 establishes the acts to be performed by the licensee. An amendment will specify that only one person who is not a licensee is allowed in the area to assist in the preparation of controlled substances. Pharmacists have a similar requirement in their regulations.

§ 2.4 sets forth the requirements and procedures for renewal of licensure. This section also clarifies the procedure for reinstatement of a lapsed license and specifies that the practice of selling drugs with a lapsed license subjects the physician to disciplinary action by the Board. An additional amendment is proposed to codify the licensee's responsibility for license renewal and for notice to the Board of any change of address.

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§ 2.5 establishes an inactive status for a physician licensed by these regulations and specifies that inactive licensees are not authorized to engage in the sale of controlled substances.

§ 3.3 sets forth physical standards for the controlled substance selling and storage area. Proposed amendments require that the area be enclosed, be at least 60 square feet, and be used exclusively for storage and other activities related to the sale of drugs.

§ 3.7 sets forth requirements for selling area enclosures. Proposed requirements for alarming and access to the area are similar to those for a pharmacy.

Existing § 3.8 has been eliminated.

In the new § 3.8, a requirement is added that the licensee give prior approval for a prepared prescription to be dispensed to a patient when the licensee is not on duty. It is identical to a proposed requirement for pharmacists and results from comments from the law enforcement agency.

In the new § 3.10, the proposed amendments related to disposal of unwanted Schedule II through V drugs will be consistent with disposition requirements for pharmacies.

In § 4.1, the sections are renumbered for consistency. An amendment to § 4.1 D will allow the licensee a choice in the manner in which records of prescriptions are entered and maintained.

§ 4.2. establishes requirements for maintaining inventory records. Proposed amendments will require that the records be maintained at the facility or retrievable within 72 hours for inspection and that records be maintained chronologically. The amendments are necessary for inspection purposes and are consistent with those for pharmacies.

Existing § 4.3 has been eliminated.

The new § 4.3 (existing § 4.4) establishes regulations for maintaining records for Schedule II through V drugs. Amendments are proposed for clarity and consistency with requirements in § 4.2.

The new § 4.4 (existing § 4.5) sets forth the requirements for automated data processing of records. An amendment is proposed to require the hard copy prescription to be maintained for two years from the date of issue.

Amendments proposed in § 5.1 clarify labeling requirements for control numbers consistent with pharmacy regulations.

In § 5.4, an amendment is proposed to require that documentation of a request for nonspecial (not child-resistant) packaging be maintained for two years to protect the patient and the licensee.

Issues: The proposed amendments result from a biennial regulatory review of all regulations of the Virginia Board of Pharmacy which began in September of 1992. Since all regulations had not been examined for clarity, simplicity, and effectiveness since the regulations were promulgated in May of 1990, the board addressed several major issues during the process of its review:

A. What action should be taken by the board to address the surplus in Board of Pharmacy funds?

The board is required by § 54.1-113 of the Code of Virginia to reduce this surplus. Several proposals were considered:

The first was a permanent reduction in fees. Since the current budget of the board calls for expenditures nearly equal to revenues, this would result in a shortfall in funds in the next few years and necessitate a subsequent fee increase.

The second proposal was for a one-time reduction in some fees, which would reduce the surplus without creating a subsequent deficit.

The board chose to propose: (i) a permanent reduction in the application fee from \$275 to \$200, to more accurately reflect the costs to the agency and to be consistent with fees for pharmacy permits; (ii) a one-time reduction in renewal fees from \$50 to \$25 consistent with other proposed fee reductions; and (iii) other fees identical to those for pharmacists (such as the \$35 fee for an inactive license).

B. What policies or procedures need to be clarified or amended to address concerns of licensees and the public?

Issues of clarity and simplicity were foremost in the review process. The Board addressed all areas of regulation that were confusing, cumbersome, or redundant. For example:

1) Questions have arisen about what was the board's definition of selling drugs and when a license is needed for that purpose. The board has proposed to amend § 2.1 to clarify the definition of a sale as provided in § 54.1-3401 of the Code of Virginia;

2) Questions have arisen about late renewals, lapsed licenses, and reinstatements. Those concerns have been addressed in proposed regulations which parallel those for pharmacy;

3) Questions have arisen about physical requirements for selling and storage areas within a physician's practice, such as "What constitutes a

Calendar of Events

separate enclosure?" and "Does a locked cabinet or a closet qualify?" Amendments are proposed in § 3.3 clarify the physical size and function of that area;

4) Several sections were reordered or renumbered in order to comply with correct regulatory form; and

5) Sections such as § 3.8 and § 4.3 which were redundant or incorporated into other sections were eliminated or moved.

C. What regulations need to be amended to make them more consistent with the scope of the current practice of physicians selling controlled substances?

The board, while conscious of its responsibility to the public for the safety and security of prescription drugs, determined that some regulations could be made less restrictive and burdensome to the licensees. For example:

1) Options for the disposal of unused drugs are proposed. In current practice, practitioners often prefer to employ a disposal firm or to use other methods not currently allowed by regulation; and

2) Changes in technology have impacted practice. Proposed revisions, such as a choice in the manner of storing records, reflect these changes.

D. What additional security or safety issues need to be addressed?

Physicians selling drugs in some facilities petitioned the Board for amendments to current requirements for areas used for selling and storage of controlled substances.

Following consultation with a committee representing the Board of Pharmacy, the Inspections and Investigations Divisions of the Department of Health Professions, and industry representatives, two alternatives were proposed:

The first was to eliminate the enclosure requirement and propose regulations to address security concerns for areas that did not have enclosures.

The second was to propose a limited-use license, which would allow the board to review the licensee's policy and procedure manual to assure continued compliance on an individual basis without eliminating the security requirement for all facilities. The committee recommended the second option, and the board has proposed amendments to issue limited use licenses.

Impact:

A. Regulated entities: There are currently 189 physicians licensed to sell drugs in the Commonwealth for whom these amendments will be applicable.

B. Projected costs to regulated entities: Costs to regulated entities will be lowered by the proposed one-time reduction in license renewal fees from \$50 to \$25 for calendar year 1994. A permanent reduction from \$275 to \$200 for the initial application fee is proposed to be consistent with permit fees for pharmacies. Additional fees for late renewals and delinquent licenses are proposed consistent with those required for pharmacists.

C. Projected costs to agency: It is projected that the one-time reduction in fees will reduce the board's surplus and bring the difference in revenues and expenditures within the 10% limit to comply with § 54.1-113 of the Code of Virginia. The one-time reduction in licensure fees for physicians who elect to sell drugs is consistent with one-time reductions in other types of fees proposed by the board. With that amendment and with a permanent reduction in other fees, the projected difference in revenue over expenditures will fall within the statutory requirement.

D. Source of funds: All funds of the Board of Pharmacy are derived from application and license fees paid by regulated entities.

E. Projected cost for compliance: As a result of the proposed one-time fee reduction, current licensees will experience a cost savings. Renewals will be only one-half of current cost for calendar year 1994. The cost for initial applications will be permanently reduced from \$275 to \$200.

It is estimated that fewer than 10 physicians annually will have to pay the additional proposed fee of \$25 for a late renewal; and that fewer than 5 physicians annually will have to pay the late fee and a \$50 reinstatement fee for a lapsed license.

No increased costs for compliance with requirements for record-keeping, equipment, or storage for those physicians licensed under current regulations are anticipated. Proposed size requirements for the selling and storage area for new applications may require a small number of applicants for licensure to set aside a larger space for that purpose. Proposed exemptions from these requirements for facilities currently approved make it impossible to predict the number or the cost.

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

Contact: Scotti W. Milley, Executive Director, Virginia Board of Pharmacy, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9911.

Calendar of Events

POLYGRAPH EXAMINERS ADVISORY BOARD

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† **June 7, 1993 - 10 a.m.** – Open Meeting
Department of Commerce, 3600 West Broad Street,
Richmond, Virginia. ☒

A meeting for the purpose of administering 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.

BOARD OF PROFESSIONAL COUNSELORS

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 560-01-02. 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.

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

† **May 18, 1993 - 8:30 a.m.** – Open Meeting
Department of Health Professions, 6606 West Broad Street,
Richmond, Virginia. ☒

An informal fact finding conference to review residency verification for licensure of Jodi L. French, Psy.D.

† **May 18, 1993 - 10 a.m.** – Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Room 3, Richmond, Virginia. ☒

An informal fact finding conference to review allegations regarding a complaint received by the New Hampshire Board of Examiners for the licensure request of Wayne L. Smith, Psy.D.

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.

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.

REAL ESTATE APPRAISER BOARD

NOTE: CHANGE IN MEETING DATE.

May 18, 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, Real Estate Appraiser Board, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-0500.

REAL ESTATE BOARD

† **May 6, 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.

† **May 26, 1993 - 9 a.m.** – Open Meeting
Virginia Beach Resort and Conference Center, Shore Drive,
Virginia Beach, Virginia. ☒ (Interpreter for the deaf provided upon request)

A board planning meeting and retreat to review practices and procedures for handling of board business and activities.

† **May 27, 1993 - 9 a.m.** – Open Meeting

Calendar of Events

Virginia Beach Resort and Conference Center, Shore Drive, Virginia Beach Virginia. ☒ (Interpreter for the deaf provided upon request)

A work session for review of Real Estate Board Regulations and Time-Share Regulations, if time permits.

Contact: Joan L. White, Assistant Director, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552.

BOARD OF REHABILITATIVE SERVICES

† **May 27, 1993 - 10 a.m.** – Open Meeting
Williamsburg Hilton and Conference Center, Williamsburg, Virginia.

A regular monthly business meeting of the board.

Contact: Susan L. Urofsky, Commissioner, 4901 Fitzhugh Ave., Richmond, VA 23230, telephone (804) 367-0318 or toll-free 1-800-552-5019/TDD ☐

SEWAGE HANDLING AND DISPOSAL ADVISORY COMMITTEE

May 20, 1993 - 10 a.m. – Open Meeting
1500 East Main Street, Suite 115, Main Street Station, Richmond, Virginia. ☒

A regular meeting.

Contact: Constance G. Talbert, Secretary, 1500 E. Main St., P.O. Box 2448, Suite 117, Richmond, VA 23218, telephone (804) 786-1750.

SEWAGE HANDLING AND DISPOSAL APPEALS REVIEW BOARD

† **June 2, 1993 - 10 a.m.** – Open Meeting
General Assembly Building, 910 Capitol Square, Senate Room A, Richmond, Virginia. ☒

A meeting to hear all administrative appeals of denials of onsite sewage disposal systems permits pursuant to §§ 32.1-166 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., P.O. Box 2448, Suite 117, Richmond, VA 23218, telephone (804) 786-1750.

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.

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 Friedenber, 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.

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May 21, 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 615-80-01. Human Subject Research Regulations.** The regulations are for assuring the protection of participants in human subject research conducted or authorized by the Virginia Department of Social Services, local social service agencies, agencies licensed by the department, and others receiving funds for state or local agencies.

Statutory Authority: §§ 63.1-25 and 63.1-25.01 of the Code of Virginia.

Written comments may be submitted through May 21, 1993, to Sue Murdock, Department of Social Services, 8007 Discovery Drive, Richmond, Virginia 23229-8699.

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

BOARD OF SOCIAL WORK

† **May 21, 1993, - 10 a.m.** – Open Meeting
6606 West Broad Street, Richmond, Virginia. ☒

A meeting to (i) conduct general board business; (ii) respond to correspondence; and (iii) discuss current

Calendar of Events

regulations of regulatory review changes. No public comment will be received.

Contact: Evelyn B. Brown, Executive Director, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9914.

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

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.

TRANSPORTATION SAFETY BOARD

† **May 21, 1993 - 1:30 p.m. – Open Meeting**
Radisson Hotel, Hampton, Virginia. ☒

A quarterly meeting.

Contact: Bill Dennis, Executive Assistant, 2300 W. Broad St., Richmond, VA 23220, telephone (804) 367-2666.

GOVERNOR'S COMMISSION ON VIOLENT CRIME

† **June 22, 1993 - 9:30 a.m. – Open Meeting**
General Assembly Building, 910 Capitol Square, Senate Room B, Richmond, Virginia. ☒

A full commission meeting.

Contact: Kris Ragan, Special Assistant, 701 E. Franklin St., 9th Floor, Richmond, VA 23219, telephone (804) 225-3899.

VIRGINIA RACING COMMISSION

May 11, 1993 - 9:30 a.m. – Open Meeting
Richmond Plaza, 110 South 7th Street, 4th Floor Auditorium, Richmond, Virginia. ☒

A regular commission meeting including a discussion of the proposed regulation relating to satellite facilities.

Contact: William H. Anderson, Policy Analyst, Virginia Racing Commission, P.O. Box 1123, Richmond, VA 23208, telephone (804) 371-7363.

VIRGINIA RESOURCES AUTHORITY

May 11, 1993 - 9:30 a.m. – Open Meeting
June 8, 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 (i) approve minutes of the prior month's meeting; (ii) review the authority's operations for the prior months; and (iii) consider other matters and take other actions as it may deem appropriate. The planned agenda of the meeting will be available at the offices of the authority one week prior to the date of the meeting. Public comments will be received at the beginning of the meeting.

Contact: Shockley D. Gardner, Jr., Virginia Resources Authority, Mutual Building, 909 E. Main St., Suite 707, Richmond, VA 23219, telephone (804) 644-3100 or fax (804) 644-3109.

VIRGINIA COUNCIL ON VOCATIONAL EDUCATION

May 5, 1993 - 1 p.m. – Open Meeting
Ramada Inn, Lexington, Virginia.

Committee meetings.

May 5, 1993 - 7 p.m. – Open Meeting

Calendar of Events

Rockbridge High School, Rockbridge County, Virginia.

A public meeting.

May 6, 1993 - 8:30 – Open Meeting
Ramada Inn, Lexington, Virginia.

A council business session.

Contact: Jerry M. Hicks, Executive Director, Virginia Council on Vocational Education, 7420-A Whitepine Rd., Richmond, VA 23237, telephone (804) 275-6218.

VIRGINIA WAR MEMORIAL FOUNDATION

† **May 26, 1993 - Noon** – Open Meeting
621 South Belvidere Street, Richmond, Virginia. ☒
(Interpreter for the deaf provided upon request)

A regular meeting of the Board of Trustees.

Contact: Peggy R. Robertson, Assistant Director for Administration, Division of Engineering and Buildings, Department of General Services, 805 E. Broad St., Room 101, Richmond, VA 23219, telephone (804) 786-3263 or (804) 786-6152/TDD ☎

VIRGINIA WASTE MANAGEMENT BOARD

May 4, 1993 - 10 a.m. – Open Meeting
Department of Environmental Quality (formerly the Water Control Board Offices), Innsbrook, 4900 Cox Road, Richmond, Virginia. ☒

A general business meeting. Staff will seek approval to advertise the proposed Infectious Waste Regulations for public comment.

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 TELE

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May 20, 1993 - 2 p.m. – Public Hearing
Madison Building, 109 Governor Street, Main Conference Room, Richmond, Virginia.

June 18, 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 Virginia Waste Management Board intends to amend regulations entitled: **VR 672-10-1. Hazardous Waste Management Regulations.** Amendment 13 to the Hazardous Waste Management Regulations incorporates changes applicable to wood preservers.

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

Contact: William F. Gilley, Regulation Consultant, 101 N. 14th St., 11th Floor, Richmond, VA 23219, telephone (804) 225-2966.

BOARD FOR WASTE MANAGEMENT FACILITY OPERATORS

June 4, 1993 – Written comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board for Waste Management Facility Operators intends to adopt regulations entitled: **VR 674-01-01. Public Participation Guidelines.** The purpose of the proposed regulation is to establish procedures to solicit comment from all interested parties, establish a mailing list and establish procedures for public hearings, notice of intended regulatory action and advisory committees.

Statutory Authority: §§ 9-6.14:7.1 and 54.1-201 of the Code of Virginia.

Contact: Nelle P. Hotchkiss, Assistant Director, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595.

STATE WATER CONTROL BOARD

May 11, 1993 - 10 a.m. – Open Meeting
Department of Environmental Quality, 4900 Cox Road, Training Room, Glen Allen, Virginia.

The board's staff will meet with the Science Advisory Committee to discuss water quality standards issues for the 1993 Triennial Review.

Contact: Jean Gregory, Department of Environmental Quality, P.O. Box 11143, Richmond, VA 23230, telephone (804) 527-5093.

May 19, 1993 - 7 p.m. – Open Meeting
Fairfax County Government Center, 1200 Government Center Parkway, Conference Center, Rooms 4 and 5, Fairfax, Virginia.

A meeting to receive comments from interested persons on the intent to amend the Potomac Embayment Standards of VR 680-21-00, Water Quality Standards, and on the costs and benefits of the intended action (see Notices of Intended Regulatory Action).

Contact: Alan E. Pollock, Office of Water Resources Management, Department of Environmental Quality, P.O. Box 11143, Richmond, VA 23230, telephone (804) 527-5155.

May 20, 1993 - 7 p.m. – Open Meeting

Calendar of Events

Rockingham County Administration Office, 20 East Gay Street, Board of Supervisors Room, Harrisonburg, Virginia.

A meeting to receive oral comments from interested persons on the adoption of the North River Surface Water Management Area and the cost and benefits of the stated action (see Notices of Intended Regulatory Action).

Contact: Thomas Felvey, Office of Water Resources Management, Department of Environmental Quality, P.O. Box 11143, Richmond, VA 23230, telephone (804) 527-5092.

May 24, 1993 - 7 p.m. - Open Meeting
Department of Environmental Quality, 4900 Cox Road, Board Room, Glen Allen, Virginia.

A meeting to receive oral comments from interested persons on the adoption of the James River Surface Water Management Area, the Richmond Metropolitan Area, and the cost and benefits of the stated action (see Notices of Intended Regulatory Action).

Contact: Thomas Felvey, Office of Water Resources Management, Department of Environmental Quality, P.O. Box 11143, Richmond, VA 23230, telephone (804) 527-5092.

May 26, 1993 - 7 p.m. - Open Meeting
102 North Church Street, Clarke County Board of Supervisors Room, Berryville, Virginia.

A meeting to receive oral comments from interested persons on the adoption of the Shenandoah River Surface Water Management and the cost and benefits of the adoption (see Notices of Intended Regulatory Action).

Contact: Thomas Felvey, Office of Water Resources Management, Department of Environmental Quality, P.O. Box 11143, Richmond, VA 23230, telephone (804) 527-5092.

† **June 3, 1993 - 7 p.m. - Open Meeting**
Rockingham County Administrative Center, 20 East Gay Street, Board of Supervisors Room, Harrisonburg, Virginia.

† **June 17, 1993 - 7 p.m. - Open Meeting**
Norfolk City Council Chamber, 810 Union Street, City Hall, Norfolk, Virginia.

† **June 24, 1993 - 7 p.m. - Open Meeting**
Roanoke County Administrative Center, 3738 Brambleton Avenue, S.W. Community Room, Roanoke, Virginia.

A meeting to receive views and comments and to answer questions of the public regarding the State Water Control Board's intent to promulgate a general permit for animal feeding operations (VR 680-14-22, Virginia Pollution Abatement General Permit for Animal Feeding Operations).

Contact: Cathy Boatwright, Water Division, Department of

Environmental Quality, P.O. Box 11143, Richmond, VA 23230, telephone (804) 527-5316.

BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

† **May 13, 1993 - 8:30 a.m. - Open Meeting**
† **May 14, 1993 - 8:30 a.m. - Open Meeting**
† **June 15, 1993 - 8:30 a.m. - Open Meeting**
† **June 16, 1993 - 8:30 a.m. - Open Meeting**
Department of Commerce, 3600 West Broad Street, Richmond, Virginia. ☒

A meeting to conduct regulatory review.

† **July 21, 1993 - 8:30 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.

LEGISLATIVE

AUDITOR OF PUBLIC ACCOUNTS

May 3, 1993 - 10 a.m. - Public Hearing
Sheraton Inn Coliseum, 1215 Mercury Boulevard, Hampton, Virginia.

Public hearings to receive public testimony on the draft revision of the Uniform Financial Reporting Manual. Individuals planning to attend or make a presentation at one of these hearings are requested to complete a registration form available from the Auditor of Public Accounts. There is no charge to attend the public hearings.

Written comments may be submitted until May 5, 1993. All comments received will be considered in finalizing the revision of the manual.

Contact: UFRM, Auditor of Public Accounts, P.O. Box 1295, Richmond, VA 23210, telephone (804) 225-3350.

CHESAPEAKE BAY COMMISSION

May 6, 1993 - 1 p.m. - Open Meeting
May 7, 1993 - 9:30 a.m. - Open Meeting
Fort Magruder Inn, Route 60 East, Williamsburg, Virginia.

A quarterly meeting. Topics on May 6 include an

Calendar of Events

examination of the current state of shellfish populations and management initiatives and the future of the oyster industry. Topics on May 7 include an examination of environmental conditions which serve as indicators regarding the state of the Chesapeake Bay, discussion of the 10th Anniversary Rivers Conference, and an update on the tributary planning efforts.

Contact: Russell W. Baxter, Ninth Street Office Building, Suite 900, Richmond, VA 23219, telephone (804) 786-4500.

JOINT COMMISSION ON HEALTH CARE

† **May 14, 1993 - 10 a.m.** – Open Meeting
General Assembly Building, 910 Capitol Square, Senate Room B, Richmond, Virginia.

An open meeting.

Contact: Lillian Raible, Joint Commission on Health Care, 1001 E. Broad St., Richmond, VA 23219, telephone (804) 786-5445.

VIRGINIA HOUSING STUDY COMMISSION

May 3, 1993 - 10 a.m. – Public Hearing
Martha Washington Inn, Abingdon, Virginia.

† **May 20, 1993 - 10 a.m.** – Public Hearing
Arlington Public Library, 1015 North Quincy Street, Arlington, Virginia.

† **May 27, 1993 - 2 p.m.** – Public Hearing
General Assembly, 910 Capitol Square, House Room C, Richmond, Virginia.

† **June 10, 1993 - 10 a.m.** – Public Hearing
Old Dominion University, Life Science Building, Elkhorn Avenue and 43rd Street, Mills Godwin Auditorium, Room 102, Norfolk, Virginia.

A public hearing to receive comments on the following:

1. HJR 442 (claims pursuant to failure of FRT plywood);
2. HJR 489 (blighted and deteriorated housing);
3. HJR 163 (ongoing from 1992 - homelessness in Virginia); and
4. Other issues related to affordable housing in the Commonwealth.

Contact: Persons wishing to speak should contact Nancy M. Ambler, Executive Director, Virginia Housing Study Commission, 601 S. Belvidere St., Richmond, VA 23220,

telephone (804) 225-3797; additional information may be obtained from Nancy D. Blanchard, Virginia Housing Study Commission, 601 S. Belvidere St., Richmond, VA 23220, telephone (804) 782-1986, Ext. 565.

JOINT LEGISLATIVE AUDIT AND REVIEW COMMISSION

† **May 10, 1993 - 9:30 a.m.** – Open Meeting
General Assembly Building, House Appropriations Committee Room, 9th Floor, Richmond, Virginia.

A meeting to review study findings and recommendations.

Contact: Phil Leone, Suite 1100, General Assembly Building, 910 Capitol Square, Richmond, VA 23219, telephone (804) 786-1258.

CHRONOLOGICAL LIST

OPEN MEETINGS

May 3

† Barbers, Board for
Library Board

May 4

† Auctioneers Board
Funeral Directors and Embalmers, Board of
Hopewell Industrial Safety Council
Waste Management Board, Virginia

May 5

† Child Day Care and Early Childhood Programs,
Council on
† Criminal Justice Services Board
- Committee on Training
Funeral Directors and Embalmers, Board of
- Informal Conference Committee
Vocational Educational, Virginia Council on

May 6

Chesapeake Bay Commission
Local Emergency Planning Committee - Chesterfield
County
† Mapping, Surveying, and Land Information Systems,
Advisory Committee on
Middle Virginia and the Middle Virginia Community
Corrections Resources Board
- Board of Directors
† Real Estate Board
Teen Pregnancy Prevention, Virginia Council on
Vocational Education, Virginia Council on

May 7

Calendar of Events

Chesapeake Bay Commission

May 10

Alcoholic Beverage Control Board
ASAP Policy Board - Valley
Cosmetology, Board for
† Joint Legislative Audit and Review Commission

May 11

Higher Education for Virginia, State Council of
† Local Government, Commission on
Medical Assistance Services, Board of
Virginia Racing Commission
Virginia Resources Authority
Water Control Board, State

May 12

† Community Colleges, State Board for
† Conservation and Development of Public Beaches,
Board on
† Corrections, Board of
† Dentistry, Board of
† Local Emergency Planning Committee - Portsmouth
† Local Government, Commission on

May 13

Audiology and Speech-Language Pathology, Board of
† Community Colleges, State Board for
Corrections, Board of
- Liaison Committee
† Waterworks and Wastewater Works Operators, Board
for

May 14

† Health Care, Joint Commission on
† Waterworks and Wastewater Works Operators, Board
for

May 17

† Hearing Aid Specialists, Board for
† Local Emergency Planning Committee - Prince
William County, Manassas City and Manassas Park
City

May 18

† Housing Development Authority, Virginia
† Psychology, Board of
Real Estate Appraiser Board
Virginia Museum Board of Trustees
- Collections Committee

May 19

† Agriculture and Consumer Services, Board of
Chesapeake Bay Local Assistance Board
- Southern Area Review Committee
† Land Surveyors, Board for
† Networking Users Advisory Board, State
† Professional Engineers, Board for
Water Control Board, State

May 20

† Agriculture and Consumer Services, Board of
† Architects, Professional Engineers, Land Surveyors
and Landscape Architects, Board for
Environmental Quality, Department of
† Game and Inland Fisheries, Board of
Health, Department of
- Commissioner's Waterworks Advisory Committee
† Historic Resources, Department of
† Optometry, Board of
Virginia Museum Board of Trustees
- Finance Committee
Water Control Board, State
Sewage Handling and Disposal Advisory Committee
Virginia Military Institute
- Board of Visitors

May 21

† Game and Inland Fisheries, Board of
† Information Management, Council on
Interdepartmental Regulation of Children's Residential
Facilities
- Coordinating Committee
† Landscape Architects, Board for
† Social Work, Board of
† Transportation Safety Board, Virginia

May 24

Alcoholic Beverage Control Board
† Lottery Department, State
Water Control Board, State

May 25

† Branch Pilots, Board for
Virginia Health Services Cost Review Council

May 26

Chesapeake Bay Local Assistance Board
- Central Area Review Committee
Compensation Board
† Mental Health, Mental Retardation and Substance
Abuse Services Board, State
† Real Estate Board
† Virginia War Memorial Foundation
Water Control Board, State

May 27

† Chesapeake Bay Local Assistance Board
- Northern Area Review Committee
Education, Board of
† Real Estate Board
† Rehabilitative Services, Board of

May 28

† Elections, Board of

June 1

Hopewell Industrial Safety Council

June 2

Health, Department of
† Sewage Handling and Disposal Appeals Review

Calendar of Events

- Board
- June 3**
† Local Emergency Planning Committee - Chesterfield County
† Medicine, Board of
† Water Control Board, State
- June 4**
† Medicine, Board of
- Credentials Committee
- June 5**
† Medicine, Board of
- June 6**
† Medicine, Board of
- June 7**
† Polygraph Examiners Advisory Board M
- June 8**
† Higher Education for Virginia, State Council of Virginia Resources Authority
- June 10**
Governor's Advisory Board on Aging
- June 11**
Governor's Advisory Board on Aging
- June 14**
† Intergovernmental Relations, Advisory Commission on
- June 15**
† Waterworks and Wastewater Works Operators
- June 16**
† Contractors, Board for
† Waterworks and Wastewater Works Operators
- June 17**
† Game and Inland Fisheries, Board of
† Water Control Board, State
- June 18**
† Game and Inland Fisheries, Board of Interdepartmental Regulation on Children's Residential Facilities
- Coordinating Committee
- June 21**
Chesapeake Bay Local Assistance Board
- Southern Area Review Committee
- June 22**
† Violent Crime, Governor's Commission on Virginia Health Services Cost Review Council
- June 24**

- Education, Board of
† Medical Assistance Services, Department of
- Drug Utilization Review Board
† Water Control Board, State
- June 30**
† Agriculture and Consumer Services, Board of Chesapeake Bay Local Assistance Board
- Central Area Review Committee
- July 1**
Chesapeake Bay Local Assistance Board
- Northern Area Review Committee
- July 21**
† Waterworks and Wastewater Works Operators, Board for

PUBLIC HEARINGS

- May 3**
Auditor of Public Accounts
Education, State Board of
Virginia Housing Study Commission
- May 4**
Health, Department of
- May 5**
Commerce, Board of
Housing and Community Development, Department of
- May 10**
Education, State Board of
- May 11**
Education, State Board of
† Pharmacy, Board of
- May 12**
Commerce, Board of
† Local Government, Commission on
- May 17**
† Historic Resources, Department of
- May 18**
† Historic Resources, Department of
- May 19**
Agriculture and Consumer Services, Department of
Auditor of Public Accounts
Commerce, Board of
- May 20**
† Virginia Housing Study Commission
Waste Management Board, Virginia

Calendar of Events

May 25

Medical Assistance Services, Department of
Virginia Health Services Cost Review Council

May 26

Air Pollution Control Board, State
Commerce, Board of
Medical Assistance Services, Department of

May 27

† Child Day-Care Council
† Virginia Housing Study Commission

June 1

† Child Day-Care Council

June 2

† Child Day-Care Council

June 3

† Child Day-Care Council

June 10

† Virginia Housing Study Commission
Transportation, Department of

June 30

Agriculture and Consumer Services, Board of

July 20

Psychology, Board of

Calendar of Events
