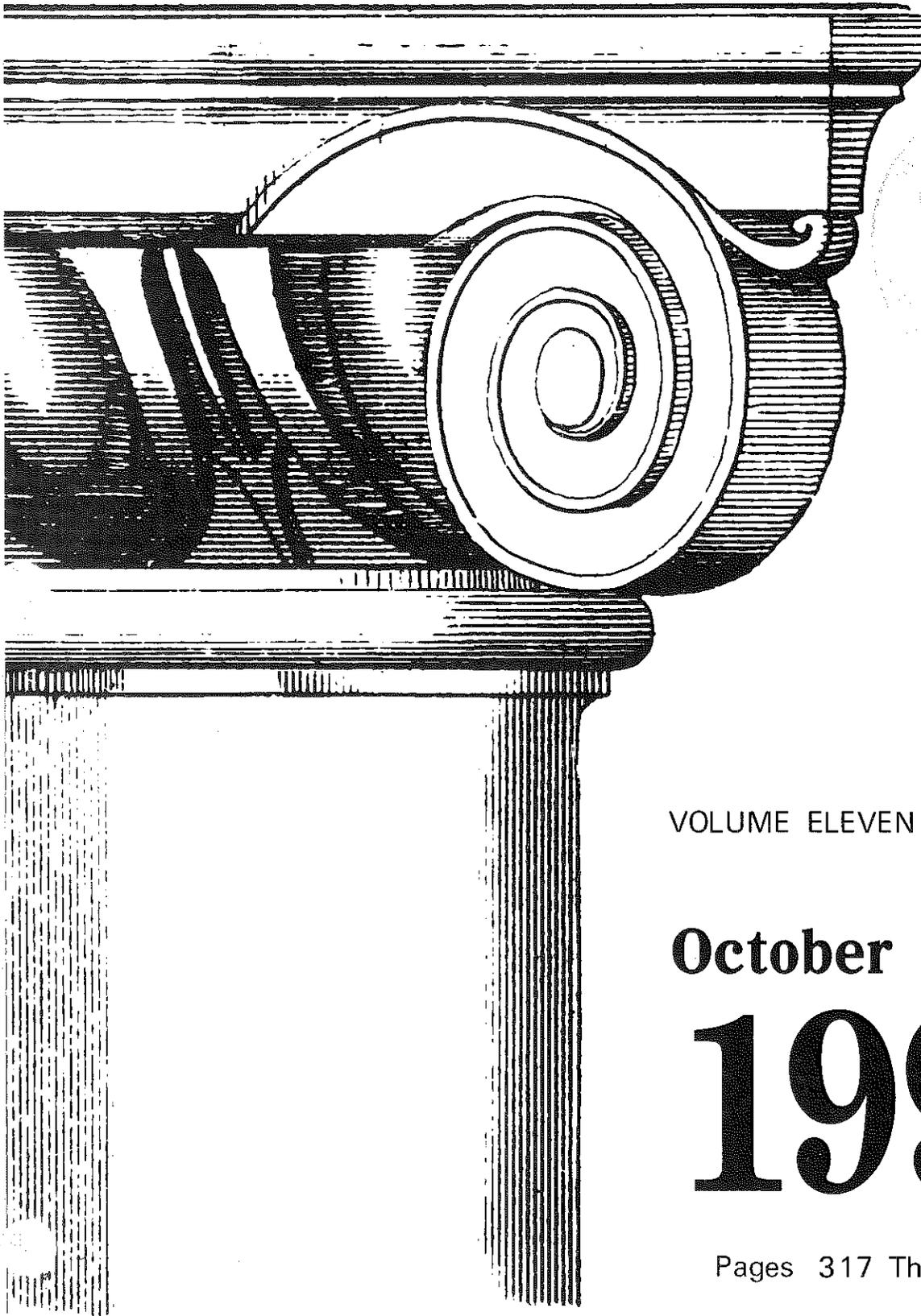


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# THE VIRGINIA REGISTER

OF REGULATIONS

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VOLUME ELEVEN • ISSUE THREE

October 31, 1994

# 1994

Pages 317 Through 408

## 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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Staff of the Virginia Register: Joan W. Smith, Registrar of Regulations; Jane D. Chaffin, Assistant Registrar of Regulations.

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# NOTICES OF INTENDED REGULATORY ACTION

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<b>Symbol Key †</b>
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† Indicates entries since last publication of the Virginia Register
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## DEPARTMENT OF CRIMINAL JUSTICE SERVICES (CRIMINAL JUSTICE SERVICES BOARD)

### 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 240-03-2. Regulations Relating to Private Security Services.** The purpose of the proposed action is to incorporate and implement legislative mandates of the 1994 General Assembly relating to private security services. The board intends to conduct a public hearing in the spring of 1995 to hear and consider recommendations concerning the proposed amendments.

Statutory Authority: § 9-182 of the Code of Virginia.

Written comments may be submitted until November 2, 1994, to L.T. Eckenrode, Department of Criminal Justice Services, P.O. Box 10110, Richmond, Virginia 23240-9998.

**Contact:** Paula Scott, Administrative Assistant, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-8730.

VA.R. Doc. No. R95-16; Filed September 14, 1994, 11:52 a.m.

## 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 amend regulations entitled: **VR 355-29-100. Regulations Governing Vital Records (formerly 355-29-01).** The purpose of the proposed action is to amend regulations to allow for the electronic reporting of birth data directly from hospitals to the State Health Department as required by 1994 General Assembly passage of HB 1044. One public hearing is planned during the public comment period following publication of the proposed regulations.

Statutory Authority: § 32.1-257 of the Code of Virginia.

Written comments may be submitted until November 30, 1994.

**Contact:** Deborah M. Little, Director, Office of Vital Records and Health Statistics, Department of Health, 305

James Madison Bldg., 109 Governor St., Richmond, VA 23219-3623, telephone (804) 371-6077 or FAX (804) 371-4800.

VA.R. Doc. R95-45; Filed October 12, 1994, 11:02 a.m.

## DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Medical Assistance Services intends to consider amending regulations entitled: **VR 460-04-8.7. Client Appeals.** The purpose of the proposed action is to eliminate from the regulations the additional level of appeal provided by the Medical Assistance Appeals Panel (MAAP). The MAAP is not required by either federal law, regulation or state law. The agency does not intend to hold public hearings on this issue.

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

Written comments may be submitted until November 30, 1994, to Diana Salvatore, Director, Division of Client Appeals, 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) 371-8850.

VA.R. Doc. No. R95-46; Filed October 12, 1994, 11:29 a.m.

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# PROPOSED REGULATIONS

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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.

## AUCTIONEERS BOARD

Title of Regulations: **VR 150-01-2. Rules and Regulations of the Virginia Auctioneers Board (REPEAL).**

Title of Regulations: **VR 150-01-2:1. Rules and Regulations of the Virginia Auctioneers Board.**

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

The Auctioneers Board has **WITHDRAWN** "VR 150-01-2, Rules and Regulations of the Virginia Auctioneers Board," and "VR 150-01-2:1, Rules and Regulations of the Virginia Auctioneers Board," which were published in 10:21 VA.R. 5316-5325 July 11, 1994. The board plans to resubmit the proposed regulation package including Part V, Schools of Auctioneering, which was inadvertently omitted from the package filed earlier.

VA.R. Doc. No. R95-32; Filed September 30, 1994, 9:11 a.m.

## DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

Title of Regulation: **VR 460-03-3.1100. Amount, Duration and Scope of Services (Coverage Limits for Single Antigen Vaccines).**

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

The Department of Medical Assistance Services has **WITHDRAWN** the proposed regulation entitled, "VR 460-03-3.1100. Amount, Duration and Scope of Services (Coverage Limits for Single Antigen Vaccines)," which was published in 10:16 VA.R. 4221-4236 May 2, 1994. The Secretary of the United States Department of Health and Human Services is required by OBRA '93, § 13631(e), to use a list established by the Advisory Committee on Immunization Practices to purchase, deliver, and administer pediatric vaccines. Such a list has not been compiled and the United States Health Care Financing Administration has advised the agency to suspend its regulatory activity on this issue.

VA.R. Doc. No. R95-40; Filed October 11, 1994, 9:35 a.m.

\* \* \* \* \*

Title of Regulation: **VR 460-10-2500. Medicaid Financial Eligibility Requirements - Families and Children.**

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

# FINAL REGULATIONS

For information concerning Final Regulations, see information page.

## Symbol Key

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

## BOARD OF DENTISTRY

**NOTICE:** On July 12, 1994, Governor Allen exercised his authority provided in § 9-6.14:9.1 C of the Code of Virginia to require the Board of Dentistry to suspend implementation of VR 255-01-1 until after an additional 30-day public comment period to consider opposition to the "licensure by endorsement" provisions of the regulations. A notice of comment was filed with the Registrar and sent to the board's mailing list in compliance with its Public Participation Guidelines with a deadline for comment of August 13, 1994. The board also held an additional public hearing on the proposed regulations on Wednesday, August 3, 1994.

At its meeting on September 22, 1994, the board considered the comment received and took the following action: "To reaffirm the board's prior adoption of final regulations including the provision permitting licensure by endorsement and thereafter delay the effective date until April 1, 1995, or the conclusion of the 1995 General Assembly Session, whichever occurs last."

In addition, the board edited § 5.3 in VR 255-01-1, which provides for "Subgingival irrigation or application of Schedule VI medicinal agents" as one of the duties that may be delegated to dental hygienists under direction. Section 54.1-3408 of the Drug Control Act, which authorizes subdivision 4 of § 5.3 of these regulations, was amended in 1993 to provide as follows: "A dentist may cause Schedule VI topical drugs to be administered under his direction and supervision by either a dental hygienist or by an authorized agent certified by the Board of Dentistry who has satisfactorily completed a training program for this purpose that is approved by the Board of Dentistry." In order to conform the language of the regulation to the statute, the board voted to amend the proposed regulation to read "Subgingival irrigation or application of Schedule VI [topical] medicinal agents." Under the provisions of § 9-6.14:4.1 C 4 a of the Code of Virginia, the action by the board is excluded from requirements of § 9-6.14:7.1 because the addition of the word "topical" was "necessary to conform to changes in Virginia statutory law or the appropriation act where no agency discretion is involved."

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

**Statutory Authority:** § 54.1-2400 and Chapter 27 (§ 54.1-2700 et seq.) of Title 54.1 of the Code of Virginia.

**Effective Date:** April 1, 1995, or the conclusion of the 1995 General Assembly session, whichever occurs last.

## Summary:

*The amendments set forth requirements for continuing education for dentists and dental hygienists, allow licensure by endorsement for dentists, allow specialists to advertise in a board-approved manner, provide for an administrative procedure for reinstatement of license, establish administrative fees for licensure by credentials and licensure reinstatement to cover administrative costs, and amend regulations for clarity and simplicity.*

*In addition, the board deleted § 1.2, Public Participation Guidelines, because a separate regulation for Public Participation Guidelines (VR 255-01-2) is currently in effect.*

*In addition, the board responded to comment received during its review of regulations requesting clarification and updating of some requirements to current practice and educational standards.*

*In response to public comment on proposed regulations, the board adopted the following changes:*

*1. § 1.5 C 11 was amended to allow the board to approve continuing education programs in addition to those offered by providers recognized by the American Dental Association; and*

*2. § 1.5 G was amended to reduce the time required for the retention of continuing education documentation from five to four years and to require hygienists to show evidence of a post course exam. Changes were made to comply with requirements of § 54.1-2729.*

*Section 5.3 4 was amended by adding the word "topical" to conform to the wording in § 54.1-3408 of the Code of Virginia.*

**Summary of Public Comment and Agency Response:** A summary of comments made by the public and the agency's response may be obtained from the promulgating agency or viewed at the Office of the Registrar of Regulations.

**Agency Contact:** Copies of the regulation may be obtained from Marcia J. Miller, Executive Director, Board of Dentistry, 6606 West Broad Street, Richmond, VA 23230-1717, telephone (804) 662-9904. There may be a charge for copies.

# Final Regulations

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

## PART I. GENERAL PROVISIONS.

### § 1.1. Definitions.

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

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

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

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

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

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

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

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

*"Dental student"* means any person currently enrolled and attending an approved school of dentistry but shall not include persons enrolled in schools/programs of dental

hygiene. No person shall be deemed to be a dental student who has not begun the first year of enrollment in school; nor a person who is not attending the regularly scheduled sessions of the school in which he is enrolled.

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

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

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

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

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

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

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

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

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

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

## § 1-2. Public participation guidelines.

### A. Mailing list.

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

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

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

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

### C. Notice of intent.

At least 30 days prior to publication of the notice to conduct an informational proceeding as required by § 9-6.14.1 of the Administrative Process Act, the board will publish a "notice of intent." This notice will contain a brief and concise statement of the possible regulation or the problem the regulation would address and invite any person to provide written comment on the subject matter. Such notice shall be transmitted to the Registrar of Regulations for inclusion in The Virginia Register of Regulations.

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

At least once each biennium, the board will conduct an informational proceeding, which may take the form of a public hearing, to receive public comment on existing regulations. The purpose of the proceeding will be to solicit public comment on all existing regulations as to their effectiveness, efficiency, necessity, clarity, and the cost of compliance. Notice of such proceeding will be transmitted to the Registrar of Regulations for inclusion in The Virginia Register of Regulations. Such proceeding may be held separately from or in conjunction with other informational proceedings.

### E. Petition of rulemaking.

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

### F. Notice of formulation and adoption.

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

### G. Advisory committees.

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

## § 1-3. 1.2. License renewal and reinstatement.

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

A. Dental renewal fees. Every person licensed to practice dentistry shall, on or before March 31, renew their license to practice dentistry and pay an annual renewal fee of \$65 except as otherwise provided in § 1-4 1.3 of these regulations.

B. Dental hygiene renewal fees. Every person licensed to practice dental hygiene by this board shall, on or before March 31, renew their license to practice dental hygiene and pay an annual renewal fee of \$25 except as otherwise provided in § 1-4 1.3 of these regulations.

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

D. Reinstatement fees and procedures. The license of any person who does not return the completed renewal form and fees by April 30 shall automatically expire and become invalid and their practice of dentistry/dental hygiene shall be illegal. Upon such expiration, the board shall immediately notify the affected person of the expiration and the reinstatement procedures. Any person whose license has expired who wishes to reinstate such license shall submit to the board a reinstatement form, the application fee, the penalty fee, renewal fee and an assessment of \$50 per month for each month or part of a month the individual has practiced in Virginia without a valid license. The board may reinstate the license of an applicant who satisfactorily completes the board-approved

# Final Regulations

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examinations unless the applicant demonstrates that he has maintained continuous ethical, legal and clinical practice during the period of licensure expiration or demonstrates that the lapse was due to factors beyond the applicant's control or was other than voluntary. The executive director shall reinstate such expired license provided that the applicant can demonstrate continuing competence, that no grounds exist pursuant to § 54.1-2706 of the Code of Virginia and § 4.3 of these regulations to deny said reinstatement, and that the applicant has paid all unpaid renewal fees and assessments.

E. Reinstatement of a license previously revoked or indefinitely suspended. Any person whose license has been revoked shall submit to the board for its approval a reinstatement form and an application fee of \$750. Any person whose license has been indefinitely suspended shall submit to the board for its approval a reinstatement form and an application fee of \$300.

## § 1.4. 1.3. Other fees.

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

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

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

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

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

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

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

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

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

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

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

L. Endorsement license. License by endorsement issued in accordance with § 2.3 for dental hygienists shall be at a fee of \$200 (\$175 application and \$25 initial licensure fee). The renewal fee shall be \$25. License by endorsement issued in accordance with § 2.3 for dentists shall be at a fee of \$565 (\$500 application fee and \$65 initial licensure fee).

M. Schedule VI topical medicinal agents certification. Certifications issued in accordance with [ subdivision 1 of ] § 5.4 [ A 1 ] shall be at a fee of \$15.

## § 1.5. 1.4. Refunds.

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

## § 1.5. Requirements for continuing education [ (CE) ] .

A. After April 1, 1995, a dentist shall be required to have completed a minimum of 15 hours and a dental hygienist shall be required to have completed a minimum of 15 hours of [ approved ] continuing [ dental ] education in [ an approved a ] program for each annual renewal of licensure.

Continuing education hours in excess of the number required for renewal may not be transferred or credited to another year.

B. An approved continuing dental education program shall be relevant to the treatment and care of patients and shall be:

1. Clinical courses in dentistry and dental hygiene; or

2. Nonclinical subjects that relate to the skills necessary to provide dental or dental hygiene services and are supportive of clinical services (i.e., patient management, legal and ethical responsibilities, stress management). Courses not acceptable for the purpose of this subsection include, but are not limited to, estate planning, financial planning, investments, and personal health.

C. Continuing education credit may be earned for verifiable attendance at or participation in any courses, to include audio and video presentations, which meet the requirements in § 1.6 B 1 and which are given by one of the following sponsors:

1. American Dental Association and National Dental Association, their constituent and component/branch associations;
2. American Dental Hygienists Association and National Dental Hygienists Association, their constituent and component/branch associations;
3. American Dental Association specialty organizations, their constituent and component/branch associations;
4. American Medical Association and National Medical Association, their specialty organizations, constituent and component/branch associations;
5. Academy of General Dentistry, its constituent and component/branch associations;
6. Community colleges with an [ approved accredited ] dental hygiene program if offered under the auspices of the dental hygienist program;
7. A college, university or hospital service which is accredited by an accrediting agency approved by the U.S. Office of Education;
8. The American Heart Association and the American Cancer Society;
9. A medical school which is accredited by the American Medical Association's Liaison Committee for Medical Education; or
10. [ State or ] federal government agencies (i.e., military dental division, Veteran's Administration, etc.) [ ; or
11. Any other board approved programs. ]

D. A licensee is exempt from completing continuing education requirements and considered in compliance on the first renewal date following his initial licensure.

E. The board may grant an exemption for all or part of the continuing education requirements due to circumstances beyond the control of the licensee, such as

temporary disability, mandatory military service, or officially declared disasters.

F. A licensee is required to provide information on compliance with continuing education requirements in his 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 continuing education 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. Documentation must be maintained for a period of [ five four ] years following renewal. [ Dental hygiene documentation shall evidence satisfactory completion of a post course examination. ]

H. A licensee who has allowed his license to lapse, or who has had his license suspended or revoked, must submit evidence of completion of continuing education equal to the requirements for the number of years in which his license has not been active.

I. Continuing education hours required by disciplinary order shall not be used to satisfy the continuing education requirement for license renewal.

J. Penalty for noncompliance of continuing education for dentists and dental hygienists is \$1,000 per violation.

## PART II. ENTRY AND LICENSURE REQUIREMENTS.

### § 2.1. Education.

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

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

### § 2.2. Licensure examinations.

#### A. Dental examinations.

1. All applicants shall have successfully completed

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Part I and Part II of the examinations of the Joint Commission on National Dental Examinations prior to making application to this board.

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

## B. Dental hygiene examinations.

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

2. For the purpose of § 54.1-2722 of the Code of Virginia, all persons desiring to practice dental hygiene in the Commonwealth of Virginia shall be required to successfully complete the board-approved examinations in dental hygiene as a precondition for licensure, except those persons eligible for licensure pursuant to § 54.1-103 of the Code of Virginia and subsection B of § 2.3 of these regulations. Applicants who successfully complete the board-approved examinations five or more years prior to the date of receipt of their applications for licensure by this board ~~will~~ may be required to retake the board-approved examinations unless they demonstrate that they have maintained continuous clinical, ethical and legal practice since passing the board-approved examinations.

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

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

### A. Dental reciprocal licensure.

An applicant for dental reciprocal licensure must:

1. Be a graduate of an accredited dental school recognized by the Commission on Dental Accreditation of the American Dental Association; and
2. Be currently licensed and engaged in the active,

legal and ethical practice of dentistry in a state having licensure requirements comparable to those established by the Code of Virginia with which the Virginia Board of Dentistry has established reciprocity.

## § 2.3. Licensure by endorsement for dentists and dental hygienists.

A. [ ~~Licensure by endorsement for the practice of dentistry.~~ An applicant for dental licensure by endorsement shall: ]

[ No applicant for licensure to practice dentistry by endorsement will be considered for licensure unless the applicant has met all of the following requirements: ]

1. [ ~~Is Be~~ ] a graduate and holder of a diploma from an accredited or approved dental school recognized by the Commission on Dental Accreditation of the American Dental Association;
2. [ ~~Has Have~~ ] successfully completed a clinical licensing examination substantially equivalent to that required by Virginia;
3. [ ~~Holds Hold~~ ] a current, unrestricted license to practice dentistry in another state, territory, District of Columbia or possession of the United States and has continuous clinical, ethical, and legal practice for five out of the past six years immediately preceding application for licensure. Active patient care in armed forces dental corps, state or federal agency, and intern or residency programs may substitute for required clinical practice;
4. [ ~~Is Be~~ ] certified to be in good standing from each state in which he is currently licensed or has ever held a license;
5. [ ~~Has Have~~ ] not failed any clinical examination accepted by the board, pursuant to § 54.1-2709 of the Code of Virginia, within the last five years;
6. [ ~~Is Be~~ ] of good moral character;
7. [ ~~Has Have~~ ] successfully completed Part I and Part II of the examinations of the Joint Commission on National Dental Examinations prior to making application to this board;
8. [ ~~Has passed Pass~~ ] an examination on the laws and the regulations governing the practice of dentistry in Virginia; and
9. [ ~~Has Have~~ ] not committed any act which would constitute a violation of § 54.1-2706 of the Code of Virginia and is not the respondent in any pending or unresolved board action or malpractice claim.

## B. Dental hygiene endorsement .

An applicant for dental hygiene endorsement licensure shall:

1. Be a graduate or be issued a certificate from an accredited dental hygiene school/program of dental hygiene recognized by the Commission on Dental Accreditation of the American Dental Association;
2. Be currently licensed to practice dental hygiene in another state, territory, District of Columbia or possession of the U.S., and have continuous clinical, ethical and legal practice for two out of the past four years immediately preceding application for licensure. Active patient care in armed forces dental corps, state ~~and~~ or federal agency, and intern ~~and~~ or residency programs, may substitute for required clinical practice;
3. Be certified to be in good standing from each state in which he is currently licensed or has ever held a license;
4. Have successfully completed a clinical licensing examination substantially equivalent to that required by Virginia;
5. Not have failed the clinical examination accepted by the board, pursuant to § 54.1-2722 of the Code of Virginia, within the last five years;
6. Be of good moral character;
7. Provide proof of not having committed any act which would constitute a violation of § 54.1-2706 of the Code of Virginia;
8. Successfully complete the dental hygiene examination of the Joint Commission on National Dental Examinations prior to making application to this board; and
9. Pass an examination on the laws and the regulations governing the practice of dentistry in Virginia.

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

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

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

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

D. A temporary permit issued pursuant to § 54.1-2715, a teacher's license issued pursuant to §§ 54.1-2713, 54.1-2714 and 54.1-2725 and full-time faculty license issued pursuant to § 54.1-2714.1 of the Code of Virginia may be revoked for any grounds for which the license of a regularly licensed dentist or dental hygienist may be revoked and for any act, acts or actions indicating the inability of the permittee or licensee to practice dentistry that is consistent with the protection of the public health and safety as determined by the generally accepted standards of dental practice in Virginia.

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

§ 2.5. *Other application requirements.*

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

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

## PART III. GENERAL ANESTHESIA AND CONSCIOUS SEDATION.

§ 3.1. Requirements to administer general anesthesia.

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

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1. Has completed a minimum of one calendar year of advanced training in anesthesiology and related academic subjects beyond the undergraduate dental school level in a training program in conformity with Part II of the "Guidelines for Teaching the Comprehensive Control of Pain and Anxiety in Dentistry" as currently published by the American Dental Association; or

2. [ ~~Is board certified~~ ] or [ ; board eligible ; or ~~educationally qualified~~ Completion of an American Dental Association approved residency ] in any dental specialty which incorporates into its curriculum the standards of teaching comparable to those set forth in Part II of the "Guidelines for Teaching the Comprehensive Control of Pain and Anxiety in Dentistry : " as currently published by the American Dental Association.

B. Exemptions. A dentist who has not meet the requirements specified in subsection A of this section may treat patients under general anesthesia in his practice if a qualified anesthesiologist, or a dentist who fulfills the requirements specified in subsection A of this section is present and is responsible for the administration of the anesthetic. If a dentist fulfills requirements himself to use general anesthesia and conscious sedation, he may employ the services of a certified nurse anesthetist.

## § 3.2. Conscious sedation; intravenous and intramuscular.

A. Automatic qualification. Dentists qualified to administer general anesthesia may administer conscious sedation.

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

## § 3.3. General information.

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

1. Full face mask for children or adults, or both;
2. Oral and nasopharyngeal airways;
3. Endotracheal tubes for children or adults, or both,

with appropriate connectors;

4. A laryngoscope with reserve batteries and bulbs and appropriately sized laryngoscope blades for children or adults, or both;

5. Source of delivery of oxygen under controlled pressure; and

6. Mechanical (hand) respiratory bag.

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

C. Other.

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

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

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

## § 3.4. Report of adverse reactions.

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

## PART IV.

### RECORD KEEPING AND REPORTING.

## § 4.1. Records.

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

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

B. Patient records. A dentist shall maintain patient

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

1. Patient's name and date of treatment;
2. Updated health history;
3. Diagnosis and treatment rendered;
4. List of drugs prescribed, administered, dispensed and the quantity;
5. Radiographs;
6. Patient financial records ~~and all insurance claim forms~~ ; and
7. Name of dentist and dental hygienist providing service.

#### § 4.2. Reporting.

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

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

#### § 4.3. Unprofessional conduct.

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

1. Fraudulently obtaining, attempting to obtain or cooperating with others in obtaining payment for services.
2. Performing services for a patient under terms or conditions which are unconscionable. The board shall not consider terms unconscionable where there has been a full and fair disclosure of all terms and where the patient entered the agreement without fraud or

duress.

3. Misrepresenting to a patient and the public the materials or methods and techniques the licensee uses or intends to use.
4. Committing any act in violation of the Code of Virginia reasonably related to the practice of dentistry and dental hygiene.
5. Delegating any service or operation which requires the professional competence of a dentist or dental hygienist to any person who is not a dentist or dental hygienist except as otherwise authorized by these regulations.
6. Certifying completion of a dental procedure that has not actually been completed.
7. Knowingly or negligently violating any applicable statute or regulation governing ionizing radiation in the Commonwealth of Virginia, including, but not limited to, current regulations promulgated by the Virginia Department of Health.
8. Permitting or condoning the placement or exposure of dental x-ray film by an unlicensed person, except where the unlicensed person has complied with § 4.5 [ A ] 11 of these regulations.

#### § 4.4. Advertising.

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

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

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

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

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E. Routine dental services. The purpose of this subsection is to delineate those routine dental services which may be advertised pursuant to § 54.1-2706(7) of the Code of Virginia and subsection F of § 4.4 of these regulations. The definitions as set out in Regulation 1 § 1.1 of these regulations are intended to set forth a minimum standard as to what constitutes such services for advertising purposes in order to allow the public to accurately compare the fees charged for a given service and to preclude potentially misleading advertisement of fees for a given service which may be delivered on a superficial or minimum basis. Advertising of fees pursuant to of § 4.4 F 3 of these regulations is limited to the following routine dental services:

1. "Examination." A study of all the structures of the oral cavity, including the recording of the conditions of all such structures and an appropriate history thereof. As a minimum, such study shall include charting of caries, identification of periodontal disease, occlusal discrepancies, and the detection of oral lesions.
2. "Diagnosis." An opinion of findings in an examination.
3. "Treatment planning." A written statement of treatment recommendations following an examination and diagnosis. This statement shall include a written itemized treatment recommendation and written itemized fee statement.
4. "Radiographs." Shall document type and quantity. (See definitions).
5. "Complete or partial dentures and crowns." Any advertisement shall include full disclosure of all related fees and procedures.
6. "Prophylaxis." The removal of calculus, accretions and stains from exposed surfaces of the teeth and from the gingival sulcus.
7. "Simple extractions." A service for the removal of nonimpacted teeth, including a full disclosure of all related fees and procedures.
8. Other procedures which are determined by the board to be routine dental services are those services set forth in the American Dental Association's "Code on Dental Procedures and Nomenclature," as published in the Journal of the American Dental Association (JADA), as amended, which is hereby adopted and incorporated by reference.

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

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

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

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

4. *Publishing an advertisement which contains a claim of professional superiority, claims to be a specialist, or uses any of the terms to designate a dental specialty such as: (i) endodontist; (ii) oral or maxillofacial surgeon; (iii) oral pathologist; (iv) orthodontist; (v) pediatric dentist; (vi) periodontist; (vii) prosthodontist; (viii) public health or any derivation of these specialties unless he is entitled to such specialty designation under the guidelines or requirements for specialties approved by the Commission on Dental Accreditation and the Council on Dental Education of the American Dental Association in effect on January 1, 1988, or such guidelines or requirements as subsequently amended and approved by the dental disciplinary board, or other such organization recognized by the board.*

*A dentist not currently entitled to such specialty designation shall not represent that his practice is limited to providing services in a specialty area without clearly disclosing in the representation that he is a general dentist. A specialist who represents services in areas other than his specialty is considered [ to be practicing ] general dentistry.*

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

§ 4.5. Nondelegable duties.

[ A: ] Nondentists. The following duties shall not be delegated to a nondentist:

1. Final diagnosis and treatment planning.
2. Performing surgical or cutting procedures on hard or soft tissue.
3. Prescribing drugs, medicaments and work authorizations.
4. Adjusting fixed or removable appliances or restorations in the oral cavity.
5. Making occlusal adjustments in the oral cavity.
6. Performing pulp capping and pulpotomy procedures.

7. Administering and monitoring local or general anesthetics, conscious sedation and administering nitrous oxide oxygen inhalation analgesia, except as provided for in § 54.1-2701 of the Code of Virginia and § 5.4 [ A ] 17 of these regulations.

8. Condensing and carving amalgam restorations.

9. Placing and contouring silicate cement and composite resin restorations.

10. Placement and fitting of orthodontic arch wire and making ligature adjustments creating active pressure on the teeth wires .

11. No person, not otherwise licensed by the board, shall place or expose dental x-ray film unless he has (i) satisfactorily completed a course or examination recognized by the Commission on Dental Accreditation of the American Dental Association, or (ii) been certified by the American Society of Radiological Technicians, (iii) satisfactorily completed a course and passed an examination in compliance with guidelines provided by the board, or (iv) passed the board's examination in radiation safety and hygiene followed by on-the-job training. Any individual not able to successfully complete the board's examination after two attempts may be certified only by completing clause (i), (ii) or (iii) of this provision. Any certificate issued pursuant to satisfying the requirements of this section shall be posted in plain view of the patient.

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

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

### § 5.1. Employment of dental hygienists.

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

### § 5.2. Required direction.

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

Dental hygienists and assistants shall engage in their respective duties only while in the employment of a licensed dentist or governmental agency and under the direction and control of the employing dentist or the dentist in charge, or the dentist in charge or control of the governmental agency. The dentist shall be present and evaluate the patient during the time the patient is in the facility. Persons acting within the scope of a license issued

to them by the board under § 54.1-2725 of the Code of Virginia to teach dental hygiene and those persons licensed pursuant to § 54.1-2722 of the Code of Virginia providing oral health education and preliminary dental screenings in any setting are exempt from this section.

### § 5.3. Dental hygienists.

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

1. Scaling, root planing and polishing natural and restored teeth using hand instruments, rotary instruments, prophylaxers and ultrasonic devices.

2. Taking of working impressions for construction of athletic and fluoride guards.

3. Performing an original or clinical examination of teeth and surrounding tissues including the charting of carious lesions, periodontal pockets or other abnormal conditions for assisting the dentist in the diagnosis.

4. *Subgingival irrigation or application of Schedule VI [ topical ] medicinal agents.*

### § 5.4. Dental hygienists and dental assistants.

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

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

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

3. Application of sealants.

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

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practice.

5. Placing and removing matrixes for restorations.
6. Placing and removing rubber dam.
7. Placing and removing periodontal packs.
8. Polishing natural and restored teeth by means of a rotary rubber cup or brush and appropriate polishing agent.
9. Holding and removing impression material for working models after placement in the patient's mouth by the dentist.
10. Taking nonworking impressions for diagnostic study models.
11. Placing of amalgam in prepared cavities with the carrier to be condensed and carved by the dentist.
12. Placing and removing elastic orthodontic separators.
13. Checking for loose orthodontic bands.
14. Removing arch wires and ligature ties.
15. Placing ligatures to tie in orthodontic arch wire that has been fitted and placed by the dentist.
16. Selecting and prefitting of orthodontic bands for cementation by the dentist.
17. Monitoring of nitrous oxide oxygen inhalation analgesia.
18. Placing and exposing dental x-ray film. (No person who is not otherwise licensed by the board shall place or expose dental x-ray film unless the requirements of [ ~~subsection A, paragraph 11, subdivision 11~~ ] of § 4.5 of these regulations have been fulfilled.)
19. Removing socket dressings.
20. Instructing patients in placement and removal of retainers and appliances after they have been completely fitted and adjusted in the patient's mouth by the dentist.
21. Removing sutures.
22. Removing supragingival cement on crowns, bands, and restorations.

Any procedure not listed above is prohibited.

§ 5.5. What does not constitute practice.

- A. Oral health education and preliminary dental

screenings in any setting are not considered the practice of dental hygiene and dentistry.

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

V.A.R. Doc. No. R95-47; Filed October 7, 1994, 4:36 p.m.

## DEPARTMENT OF SOCIAL SERVICES (STATE BOARD OF) AND CHILD DAY-CARE COUNCIL

Title of Regulation: VR 615-30-01 and 175-03-01. General Procedures and Information for Licensure.

Statutory Authority: §§ 63.1-174 and 63.1-202 of the Code of Virginia.

Effective Date: January 1, 1995.

### Summary:

*The final amendments (i) add child day center systems to the programs that are regulated by the Department of Social Services; (ii) change the names of certain programs regulated by the Department of Social Services to correspond to legislative name changes; (iii) add intermediate sanctions for child welfare agencies to those sanctions already specified in the regulation and in the Code of Virginia; (iv) revise appeal procedures to reflect changes made to the Administrative Process Act; (v) change the name of the "informal appeal process" to "problem solving conference" to distinguish it from the informal conference which is part of the appeal process; and (vi) establish criteria for extended licensure for all licensed programs.*

*This regulation will affect the following programs licensed by the Department of Social Services: adult day care centers, adult care residences, private child placing agencies, independent foster homes, family day homes, family day systems, child day centers, child day centers systems, and child caring institutions.*

Summary of Public Comment and Agency Response: A summary of comments made by the public and the agency's response may be obtained from the promulgating agency or viewed at the office of the Registrar of Regulations.

Agency Contact: Copies of the regulation may be obtained from Richard Martin, Regulatory Coordinator, Department of Social Services, 730 East Broad Street, Richmond, VA 23219, telephone (804) 692-1825. There may be a charge for copies.

VR 615-30-01 and 175-03-01. General Procedures and Information for Licensure.

## PART I. INTRODUCTION.

### § 1.1. Definitions.

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

*"Adult care facility"* means a licensed home for adults adult care residence or adult day care center.

*"Allegation"* means an accusation that a facility which is subject to licensure is operating without a license.

*"Allowable variance"* means (i) permission to meet the intent of a standard by some means other than as specified by the standard, or (ii) the suspension of enforcement of a particular standard or portion of the standard for a stated time period.

*"Applicant"* means the person, corporation, partnership, association or public agency which has applied for a license.

*"Board"* means the State Board of Social Services.

[ *"Child welfare agency"* means a child day center, child day center system, child-placing agency, child-caring institution, family day home, family day system, or independent foster home. ]

*"Commissioner"* means the Commissioner of the Department of Social Services.

*"Complaint"* means an accusation that a licensed facility is not in compliance with licensing standards or law.

*"Conditional license"* means a license which may be issued to a new facility to operate in order to permit the applicant to demonstrate compliance with specified standards.

*"Council"* means the Child Day-Care Council.

*"Denial"* means the act of refusing to grant a license after receipt of an original or renewal application.

*"Department"* means the Department of Social Services.

*"Early compliance"* means replacement of a provisional or conditional license with a regular license.

*"Functional design"* means the design features of building and grounds not regulated by the Building Code, necessary for particular activities and operations of a facility subject to licensure by the Department of Social Services.

[ *"Good character and reputation"* means findings have been established and knowledgeable, reasonable and

objective people agree that the individual (i) maintains business or professional, family, and community relationships which are characterized by honesty, fairness, truthfulness, and dependability; and (ii) has a history or pattern of behavior that demonstrates the individual is suitable and able to administer a program for the care, supervision and protection of children or adults. Relatives by blood or marriage and persons who are not knowledgeable of the individual, such as recent acquaintances, may not be considered objective references. ]

*"Licensee"* means the person, corporation, partnership, association or public agency to whom a license is issued and who is legally responsible for compliance with the regulations and statutory requirements related to the facility.

*"Probationary status"* [ is means ] the placing of a licensee on notice that the [ licensed facility child welfare agency ] is substantially out of compliance with the terms of its license and the health, safety and well-being of children are at risk. Probationary status is a precursor to more serious action such as revocation, denial or injunctive action unless immediate corrective action occurs.

*"Provisional license"* means a license which may be issued upon expiration of a regular license when the licensee is temporarily unable to substantially comply with the requirements of the standards.

*"Regular license"* means a license which is issued for 12 months or more as provided in Chapters 9 and 10 of Title 63.1 of the Code of Virginia to a facility determined to be in substantial compliance with applicable standards and regulations. The actual duration of the licensure period is stated on the license.

*"Revocation"* means the act of terminating a license during its effective dates because of findings of serious noncompliance.

### [ § 1.2. Preplanning.

A. Licensing staff are available throughout the application/licensing process to answer questions and provide consultation and technical assistance (see § 4.1).

B. In order to avoid costly errors, applicants and prospective applicants are urged to present their building plans to the department as early as possible and before entering into contracts in order to assure that the building can be preapproved as meeting the department's regulations (see § 4.3).

C. In addition to making an on-site inspection of the proposed facility and the proposed services, the department will investigate the financial responsibility of the licensee and will investigate the character and reputation of the licensee and, if required, staff and

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household members (see § 4.4): ]

## PART II. LICENSING STANDARDS.

### § 2.1. Responsibility of the department.

Through the administration of the licensing program, the Department of Social Services assumes responsibility to ensure that licensed facilities and agencies provide children and adults with at least a minimum level of care in accordance with standards prescribed by the State Board of Social Services and Child Day-Care Council. The department also has the responsibility to investigate allegations. The Virginia Code requires the State Board of Social Services to adopt standards and regulations for the licensure of the following categories of facilities/agencies:

1. Adult day care centers
2. ~~Homes for adults~~ Adult care residences
3. Private child placing agencies
4. Child caring institutions
5. Independent foster homes
6. Family day care homes
7. Family day care systems.
8. Child day center systems

The Virginia Code requires the Child Day-Care Council to adopt standards and regulations for the licensure of child care day centers.

### § 2.2. Adoption of standards.

The State Board of Social Services or the Child Day-Care Council has adopted a set of standards for each category listed above. The definition of each category and requirements for licensure are contained in each set of standards.

### § 2.3. Standards development/revision process.

A. In developing or revising standards for licensed facilities/agencies, the Department of Social Services, acting as agent for the State Board of Social Services and Child Day-Care Council, adheres to the requirements of the Administrative Process Act (§ 9-6.14:1 of the Code of Virginia) and the public participation process.

B. The department solicits input from licensees, associations of licensees, experts in related fields, advocacy organizations, consumers and the general public in the development or revision of licensing standards through informal and formal comment periods and public hearings.

C. The department conducts periodic reviews and, when necessary, comprehensive revisions of each set of standards to assure that its standards continue to protect vulnerable children and adults in out-of-home care while considering the interests of both providers and consumers of care.

## PART III. THE LICENSE.

### § 3.1. General.

A license to operate a facility or agency is issued to a specific person or organization to provide out-of-home care to children or adults. An organization may be a partnership, association, or corporation, or public entity.

### § 3.2. Nontransferability of license.

A license is not transferable when there is a change in the ownership or location of the facility/agency to which the license has been issued.

EXCEPTION: Licenses issued for private child placing agencies and family day care systems are transferable when agencies change location.

### § 3.3. Conditional license.

The department may issue a conditional license to a new facility/agency in order to permit the applicant to demonstrate compliance with specified standards. A conditional license may be effective for any period not to exceed six consecutive months. When this period expires, the facility/agency must substantially meet the standards or be denied a license. Conditional licenses may be used only for new facilities/agencies.

EXCEPTION: With the approval of the appropriate fire marshal, a second conditional license may be issued to a licensee to permit the licensee additional time to comply with [ ~~fire safety standards~~ the Fire Prevention Code ] when the licensee has purchased an existing licensed facility for adults.

### § 3.4. Regular license.

A regular license is issued when the activities, services, facilities, and applicant's financial responsibility substantially meet the requirements for a license that are set forth by standards adopted by the State Board of Social Services or the Child Day-Care Council and any additional requirements that may be specified by the Code of Virginia.

### § 3.5. [ ~~Periods~~ Duration ] of licensure.

Each license and renewal thereof may be issued for a period of up to three successive years. The criteria for determining the periods of licensure are based on the activities, services, management, and compliance history of

the facility.

*A triennial license may be issued when a facility's activities, services and management routinely and substantially exceed the minimum standards.*

*A biennial license may be issued when a facility's services and management routinely meet and maintain compliance with minimum standards and may exceed on a sustained basis in some areas.*

*An annual license may be issued when a facility's activities, services and management indicate an inconsistent level of compliance but substantial compliance is reached. Some reinforcement and guidance are needed in order for the facility to meet or maintain minimum requirements.*

## § 3-5. § 3.6. Provisional license.

When a regular license expires and the applicant is temporarily unable to comply with the requirements of the standards, the department may issue a provisional license for any period not to exceed six months. A provisional license shall not be issued to a facility/agency [ ~~which~~ that ] holds a conditional license. When a period of six consecutive months of a provisional license expires, the facility/agency must substantially meet the standards and requirements or be denied a license.

**EXCEPTION:** With the approval of the appropriate fire marshal, a second provisional license may be issued to a facility for adults to permit the licensee additional time to comply with [ ~~fire safety standards~~ the *Fire Prevention Code* ].

## § 3-6. § 3.7. Terms of the license.

A. A facility/agency shall operate within the terms of its license.

B. The terms of any license include:

1. The operating name of the facility/agency;
2. The name of the individual, partnership, association, corporation , or public entity sponsoring the facility/agency;
3. The physical location of the facility/agency;
4. The maximum number of children/adults who may be in care at any time;
5. The period of time for which the license is effective; and
6. For child care facilities/agencies, the age range of children for whom care may be provided.

C. The terms of a license may include other limitations

which the department may prescribe within the context of the standards for any facility/agency.

D. The provisional license cites the standards with which the licensee is not in compliance.

E. The conditional license cites the standards with which the licensee must demonstrate compliance when operation begins, and also any standards with which the licensee is not in compliance.

F. Prior to changes in operation which would affect the terms of the license, the licensee shall secure a modification to the terms of the license from the department. (See § 4-8 4.7. )

G. *The following documents shall be posted in a prominent place at each public entrance of the licensed premises, when applicable:*

1. *The most recently issued license;*
2. *The most recent compliance plan or a written notice of where it may be reviewed in the facility;*
3. *Probationary status announcements; and*
4. *Denial and revocation notices.*

## PART IV. THE LICENSING PROCESS.

### § 4.1. Preapplication consultation.

Upon request, the department's licensing representative will provide consultation to any person(s) seeking information about obtaining a license. The purpose of such consultation is:

1. To explain standards and the licensing process;
2. To help the potential applicant explore the operational demands of a licensed facility/agency;
3. To provide assistance in locating other sources of information;
4. To alert the potential applicant to the value of assessing the need for a facility/agency in the area to be served;
5. To review the potential applicant's proposed program plans, forms, etc., as they relate to standards; and
6. To alert the potential applicant regarding the need to meet other state and local ordinances, such as health, fire and building codes, where applicable.

### § 4.2. The initial application.

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A. Upon request, the Virginia Department of Social Services department will provide an application form for a license to operate a facility/agency. There are a number of licensing offices located throughout the state. The location, telephone number and areas served by each office are provided in Attachment I of this document.

B. The department shall consider an application complete when the application fee and all the required information is submitted in the form required by the department. The schedule of fees for licenses is provided in VR 615-33-01, Fee Requirements for Processing Applications. If the department finds the application incomplete, the applicant will be notified within 15 days of receipt of the incomplete application.

C. The applicant shall complete and submit the application to the department at least 60 days prior to a planned opening date to allow the department time to act on the application.

D. The applicant may withdraw a request for a license.

## § 4.3. Approval of functional design features.

A valid certificate of occupancy is one prerequisite for licensure. When an application is for licensure of a building which has not previously been used for the type of license or Use Group being sought, or when renovations are made in the building, the department must approve functional design features of the building in accordance with applicable department regulations. The procedures are as follows:

1. Prior to beginning construction or renovation, the applicant or prospective applicant shall submit to the department floor plans which clearly indicate the use of space and other plans for compliance with all requirements for the building, use of space, and bathroom facilities contained in the applicable regulations.

(NOTE: Applicants and prospective applicants are urged to present their plans for compliance with departmental regulations to the department as early as possible and before entering into contracts in order to assure that the building can be preapproved as meeting the department's regulations. Architects, contractors, or building officials may not be thoroughly familiar with these functional design requirements, and costly errors can be avoided through early review by the department. The plan for structures must clearly indicate the use of space.)

2. The department will notify the applicant or prospective applicant within 10 working days of receipt if the plans to comply are incomplete, identifying the information still needed before the request can be considered complete.

3. When a complete plan is received, the department

will issue a Preliminary Approval Statement or a letter indicating disapproval of the plan and the reasons for disapproval.

(NOTE: A Preliminary Approval Statement does not imply that the department will approve the application for licensure since other factors will affect issuance decisions.)

4. All Preliminary Approval Statements are conditional upon there being no change in the proposal or the circumstances affecting them and upon approval of all required fire, health, or building officials.

5. The department will forward a copy of the Preliminary Approval Statement to the appropriate building official.

6. After construction or renovation, Department of Social Services department staff will make an on-site inspection to evaluate compliance with the functional design requirements of the applicable regulations. Findings of this on-site inspection will be forwarded to the applicant and the local building official.

## § 4.4. The investigation.

A. At the time of the initial application and annually thereafter, the applicant/licensee shall be responsible for obtaining inspection reports from appropriate fire and health agencies to determine compliance with applicable regulations.

EXCEPTION: Section 4.4 A does not apply to child placing agencies or family day care systems.

1. All buildings shall be inspected and approved by the local building official when required. This approval shall be documented by a Certificate of Use and Occupancy indicating that the building is classified for its proposed licensed purpose.

2. At the time of the initial application and at least annually thereafter, the applicant/licensee shall obtain an inspection report from state or local fire authorities, as applicable, to determine compliance of the building(s) with the Virginia Statewide Fire Prevention Code.

~~The initial application packet and subsequent renewal packets will include the Fire Inspection Report Form and instructions.~~

3. At the time of the initial application and at least annually thereafter, the applicant/licensee shall obtain an inspection report from state or local health authorities which shall include approval of general sanitation, water supply, sewage disposal systems, and food service operations for the building(s) in which the facility is operated.

The initial application packet and subsequent renewal packets will include the Report of Environmental Health Inspection form and instructions.

B. The department's representative shall make an on-site inspection of the proposed facility/agency and an investigation of the proposed services, as well as an investigation of the character, reputation and financial responsibility of the applicant. Compliance with all standards will be determined by the Department of Social Services.

The licensee is responsible for correcting any areas of noncompliance found during any on-site inspection.

C. The applicant/licensee shall make available to the department's representative the facility's/agency's books and records. The applicant/licensee shall also allow the department's representative to interview the facility's/agency's agents, employees, residents/participants, and any person under its custody, control, direction, or supervision.

D. After the on-site inspection the licensing representative shall discuss the findings of the investigation with the administrator/licensee. As applicable, the applicant shall submit an acceptable plan for correcting any areas of noncompliance following these discussions.

E. At any time during the investigation, an applicant/licensee may request an allowable variance to any standard which creates a special hardship. (See Part V. Allowable Variance.)

§ 4.5. Notice to the applicant of issuance or denial of a license.

A. When the investigation is completed, the department shall notify the applicant of its decision regarding the issuance of a license.

B. When the decision is to issue a conditional or provisional license, a letter accompanying the license shall refer to any areas of noncompliance with standards or areas where compliance cannot be determined, as well as any limitations on the license. The letter may also contain recommendations for the licensee's consideration. A letter will routinely not accompany the issuance of a regular license.

C. When the department intends to deny the license, the department shall send a letter stating the reasons for this action and the applicant's right to an administrative hearing appeal the decision. (See Part VIII.)

§ 4.6. Determination of continued compliance (renewal and monitoring visits).

A. In order to determine continued compliance with standards during the effective dates of the license, the department's licensing representative shall make

announced and unannounced visits to the facility/agency during the hours of its operation. The licensee is responsible for correcting any areas of noncompliance found during renewal or monitoring visits.

A. B. All licensed child [ care facilities welfare agencies ] shall be inspected at least twice a year. At least one unannounced inspection of each licensed facility shall be made each year.

B. C. At least two inspections of each licensed adult care facility shall be made each year and in every instance the annual renewal inspection made by the commissioner or his authorized agents shall be unannounced. The commissioner may authorize such other announced or unannounced inspections as he considers appropriate.

C. D. The department's representative may also make such visits to any homes/facilities that are approved by the licensee for the placement or care of children as one of the licensed services of the agency.

NOTE: When necessary to respond to excessive workloads or to give priority to higher risk situations, the department may use its discretion to increase or decrease the frequency of announced and unannounced visits made to licensed facilities during the year.

§ 4.7. Problem-solving conferences.

Licensing staff may initiate a request for problem-solving conferences with applicants or licensees when the need arises.

§ 4.8. § 4.7. Modification.

A. The licensee may request a modification of the terms of a license at any time during the period of the license. The request must be submitted in writing to the department's representative.

The department will evaluate written information about any planned changes in operation which would affect either the terms of the license or the continuing eligibility for a license. A licensing representative may visit the facility during the process of evaluating a proposed modification.

Examples of such changes are: changes in the number of children/adults to be served, staff responsibilities, availability and use of the physical plant, and changes in program focus or needs of the population to be served.

B. If a modification can be granted under the standards, the department shall respond in writing with the modified license. In the event that a new application is needed, the licensee shall receive written notification of such. When the modification cannot be granted, the licensee shall also be advised by letter.

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## ~~§ 4.9.~~ § 4.8. Early compliance.

A. A provisional or conditional license may be voided and a regular license issued when all of the following conditions exist:

1. The facility/agency complies with all standards listed on the face of the provisional or conditional license well in advance of the expiration date of the provisional or conditional license, and the facility/agency is in substantial compliance with all other standards.
2. Compliance has been verified by an on-site observation by the department's licensing representative or, when applicable, by written evidence provided by the licensee.
3. All other terms of the license remain the same.

B. The licensee shall make a written request to the licensing representative for replacement of a provisional or conditional license with a regular license.

C. When the request is approved by the department, the effective date of the new regular license shall be the same as the beginning date of the voided license.

When the request is not approved, the reasons for this action shall be confirmed to the licensee in writing.

D. Early compliance shall not be considered once a renewal application has been filed by the facility/agency.

## ~~§ 4.10.~~ § 4.9. Renewal process.

A. The ~~Department of Social Services~~ department shall send an application for renewal of the license to the licensee prior to the expiration date of the current license.

B. The licensee shall submit the completed application form along with any required attachments and the application fee prior to the expiration of the current license. It is the applicant's responsibility to complete and return the application prior to the expiration of the current license to assure timely processing. Should a current license expire before a new license is issued, the current license shall remain in effect provided that the completed application was filed and a decision for licensure is pending.

C. The department shall follow the procedure for investigation and notice to the applicant previously outlined in §§ 4.4, 4.5, and 4.6.

## PART V. ALLOWABLE VARIANCE.

### § 5.1. Use of allowable variances.

Allowable variances are used for one or more of the

following:

1. To allow the department some degree of flexibility in the enforcement of requirements, given the rapid and ever changing nature of programs and their unique settings;
2. To allow for greater development of innovative and pilot programs, which were not anticipated in the regulations; and
3. To promote equity across all programs by allowing for variable compliance methods when a regulation places special hardship on a particular facility.

### § 5.2 Conditions for initiating a request.

A licensee/applicant may request an allowable variance when he believes that the existing regulations pose a special hardship and when he believes that either an alternative method of compliance with the intent of the regulation which is causing the hardship, or the actual suspension of all or part of that regulation, would neither endanger the safety or well-being of persons in care nor create a violation of statutes or of the requirements of another regulatory agency.

### § 5.3. Process.

A. Consideration of an allowable variance is initiated when a written request to the [ ~~issuing licensing~~ ] office is received from the applicant/licensee. The department's licensing representative may provide consultation to the applicant/licensee in the development of the written request and throughout the allowable variance process.

1. The licensee/applicant shall make a written request for an allowable variance which describes the special hardship(s) to the existing program or to a planned innovative/pilot program caused by the enforcement of the requirement(s).
2. When possible, the licensee/applicant shall propose alternatives to meet the purpose of the requirement which will ensure the protection and well-being of persons in care.
3. The licensee/applicant should obtain, when requested by the department, the opinions of professionals in the field or documented research, or both, that the proposed activities, facilities, or equipment are not injurious to persons in care.
4. The department can authorize allowable variances only to its own licensing standards, not to regulations of another agency or to any requirement in federal, state, or local laws.

B. The department's [ *licensing* ] representative shall notify the petitioning applicant/licensee of the receipt of his request for an allowable variance and send a

recommendation to the person delegated decision-making authority by the department.

The decision is transmitted in writing to the petitioning applicant/licensee with a copy to the department's licensing representative.

## C. Approval.

1. The designated authority may attach conditions to the granting of the allowable variance in order to protect persons in care.
2. Allowable variances are conditional upon there being no change in the circumstances which were the basis for the approval. Any allowable variance may be rescinded or modified if conditions change; additional information becomes known which alters the basis for the original decision; the applicant/licensee fails to meet any conditions attached to the allowable variance; or results of the allowable variance jeopardize the safety, comfort, or well-being of persons in care.
3. Allowable variances expire automatically when there is a change in the facility's location or a change in the sponsorship of the facility/agency.

**EXCEPTION:** Allowable variances issued to *private* child placing agencies and family day care systems are transferable when agencies change location.

4. The department's licensing representative shall review each allowable variance at least annually. At minimum, this review shall address the impact if the allowable variance on persons in care, adherence to any conditions attached, and the continuing need for the allowable variance.

## D. Denial.

1. When the decision is to deny a request for an allowable variance, the reason(s) shall be provided in writing to the applicant/licensee.
2. When a request for an allowable variance is denied, it may be reconsidered if the applicant/licensee submits another written request and provides new or additional supporting information.
3. When a request for an allowable variance is denied by the designated decision-maker and if the petitioner believes that decision was unreasonable, arbitrary, or capricious, the petitioner may request a desk review of that decision. The following shall apply when a desk review is requested:
  - a. The petitioner shall request this desk review, in writing, within 15 days of the issuance of the denial and shall include such information as necessary to explain the belief that the decision was

unreasonable, arbitrary or capricious.

b. The desk review shall be conducted by the person who supervises the designated decision-maker, unless a different person has been assigned desk review responsibility [ ~~in accordance with the commissioner's formal delegation of authority by the Director of the Division of Licensing Programs~~ ].

c. The decision of the reviewer shall be reported in writing to the petitioner within 30 days of receiving a complete request for a desk review.

d. The reviewer's decision shall be final and not appealable.

E. When an allowable variance is denied, expires, or is rescinded, routine enforcement of the standard or portion of the standard shall be resumed.

F. The applicant/licensee may at any time withdraw a request for an allowable variance.

## PART VI. INFORMAL APPEAL PROCESS PROBLEM SOLVING CONFERENCES .

### § 6.1. *Initiating a request for a problem solving conference.*

When an applicant/licensee has concerns about licensing procedures, interpretation of standards, or the actions of licensing personnel that cannot be resolved satisfactorily in discussion with the assigned licensing representative, the ~~informal appeal~~ *problem solving* steps outlined below are available.

*Licensing staff may also initiate a request for problem solving conferences with applicants or licensees when the need arises.*

### § 6.2. *First step review.*

A. The applicant/licensee may request either a desk review by, or a meeting with, the assigned licensing representative's immediate supervisor.

~~A.~~ B. If the request stems from a desire to contest the findings or conclusions of an inspection, the following procedures shall apply:

1. The applicant/licensee shall make the request within 15 days of receiving the compliance plan.
2. The request shall specify the contested finding or conclusion and shall specify whether a desk review or conference is being requested.
3. The request shall include the applicant's/licensee's reasons or other evidence supporting the request for a

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review or a conference.

B. C. The first step informal desk review or conference will be held at the supervisor's office unless the supervisor designates a different location. The following procedures shall apply:

1. The supervisor shall report the findings of a desk review in writing within 10 days of receiving the request and supporting materials or shall hold the requested conference within 30 days of receipt of such request and materials.

2. When the request is for a conference, the supervisor shall, within 10 days following the conference, confirm to the applicant/licensee in writing the results of the conference and any subsequent decisions made by the supervisor.

## § 6.3. Second step review.

A. If after the first step review, the applicant/licensee believes that the laws, regulations, or departmental policies have been applied or interpreted in a manner that was unreasonable, arbitrary or capricious, he may request a second step review by program supervisory personnel as assigned by the Director of Licensing Programs according to the provisions of this ~~article~~ section .

~~A. B.~~ A second step ~~informal~~ review shall not be requested to challenge the content of an established law, regulation, or policy. However, the application of a law, regulation, or policy may be challenged.

~~B. C.~~ When second step ~~informal~~ ~~appeals~~ reviews are ~~made requested~~ , the request must be in writing and must specify whether the applicant/licensee is requesting a desk review or a conference. Conferences shall be held in the region or in Richmond as designated by the director; the designated location shall be as close to the operation as possible.

~~C. D.~~ The second ~~informal~~ ~~step~~ ~~appeal~~ ~~step~~ review request shall:

1. Be made within 15 days of the date of the first step response;

2. Specify the reason for requesting the second step informal review and include such information, explanation, or additional materials as necessary to support the applicant's/licensee's belief that the decision reached at the first step was unreasonable, arbitrary or capricious; and

3. Include a copy of relevant materials and correspondence developed at the first step of the informal appeal process.

~~D. E.~~ Within 30 days of receipt of this request, the director's office shall respond in writing or schedule the

conference.

E. F. When the request is for a conference, the designated program management staff shall, within 10 days following the conference, confirm to the applicant/licensee in writing the results of the conference and any subsequent decisions made by program management staff.

## § 6.4. Enforcement of disputed regulation.

Nothing in this ~~article~~ ~~part~~ shall prohibit the ~~Department of Social Services~~ ~~department~~ from exercising its responsibility and authority to enforce the disputed regulation during the ~~informal appeal process~~ ~~problem solving process~~ , including proceeding directly to ~~denial or revocation of a license~~ ~~imposition of administrative sanctions~~ , or recommending petitions for injunction when, in the judgment of the Director, Division of Licensing Programs, there is sufficient risk to persons in care to do so whether or not the steps available in the ~~informal appeal~~ ~~problem solving~~ process have been exhausted.

## PART VII. COMPLAINT INVESTIGATION.

### § 7.1. Receipt of complaints.

Complaints may be received in written or oral form and may be anonymous. The department maintains a parental hot line to respond to complaints regarding child care [ ~~facilities operations~~ ].

### § 7.2. Investigation of complaints.

The department has the responsibility to investigate any complaints regarding alleged violations of the standards or statutes and complaints of the abuse and neglect of persons in care.

NOTE: In an investigation of adult/child abuse, neglect, or exploitation in a licensed facility, the investigation shall be conducted jointly with the local department of social services whenever possible in accordance with departmental policy.

### § 7.3. Notification of findings.

When the investigation is completed, the licensee shall be notified of the findings of the investigation. Any necessary corrective action will be identified.

### § 7.4. [ ~~Areas of noncompliance~~ Licensee's responsibility ] .

The licensee is responsible for correcting any areas of noncompliance found during a complaint investigation.

## PART VIII. SANCTIONS.

### § 8.1. Violation of standards or statutes.

The commissioner of the Department of Social Services may impose such sanctions or take such actions as are appropriate for violation of any of the standards or statutes or for abuse/neglect of persons in care. Such sanctions include administrative sanctions and the imposition of a civil penalty or appointment of receivership.

## § 8.2. Administrative sanctions.

The following are administrative sanctions which may be imposed against a licensed facility:

1. Reducing the capacity of any ~~adult care~~ *licensed* facility;
2. Restricting or prohibiting new admissions to any ~~adult care~~ *licensed* facility;
3. *Placing a child welfare agency on probationary status;*
4. *Mandating training for the licensee or staff of a child welfare agency with any costs to be borne by the licensee;*
3. 5. Denying renewal of the license of any licensed facility; and
4. 6. Revoking the current license of any licensed facility.

## § 8.3. Civil penalty or appointment or receivership.

In addition to the administrative sanctions listed in § 8.2 of these regulations the commissioner may:

1. Petition the circuit court or the city or county in which the facility is located to impose a civil penalty against any adult care facility; or
2. Petition the circuit court for the city or county in which the facility is located to appoint a receiver for any adult care facility.

## § 8.4. Imposition of sanctions or civil penalties.

The following reasons may be considered by the department for the imposition of administrative sanctions or the imposition of civil penalties.

1. Failure to demonstrate or maintain compliance with applicable standards or for violations of the provisions of the Code of Virginia;
2. Permitting, aiding, or abetting the commission of any illegal act in the licensed facility/agency;
3. Engaging in conduct or practices which are in violation of statutes and standards relating to abuse, neglect, or exploitation of children/adults; or

4. Deviating significantly from the program or services for which a license was issued without obtaining prior written approval from the department, or failure to correct such deviations within a specified time.

## § 8.5. Process.

A. The applicant/licensee will receive a notice of the department's intent to impose an administrative sanction. This notice shall describe the reasons for the imposition of the administrative sanction.

B. Upon receipt of the notice to impose an administrative sanction, the applicant/licensee has the right to appeal the decision in accordance with the Administrative Process Act (§ 9-6.14:1 of the Code of Virginia). The procedures for ~~requesting an administrative hearing~~ *filing an appeal* shall be outlined in the notice. All appeals from notice of imposition of administrative sanctions shall be received in writing from the applicant/licensee within 15 days of the date of receipt of the notice.

C. In the event the applicant/licensee does not request an ~~administrative hearing appeal~~ within 15 days, the facility/agency must modify the operation ~~such that it meets the requirements of the imposed sanction(s); to conform to the pertinent law or regulation or accept imposition of the sanction.~~

D. If the facility/agency continues to operate in violation of the imposed sanction(s) after the date the sanction(s) was to have been met, the department shall initiate appropriate administrative/legal action.

E. In requesting the imposition of a civil penalty for any violation *in an adult care facility*, the department will recommend that the penalty not exceed the lesser of \$5.00 per licensed capacity or \$250 per day for each day the adult care facility is in violation, beginning on the date the facility was first notified of the violation. The date of notification under this sanction shall be deemed to be the date of receipt by the facility of written notice of the alleged violation. This notice shall include specifics of the violation charged and it shall be hand delivered or sent by overnight express mail or by registered or certified mail, return receipt requested.

F. Upon filing of a petition for appointment of a receiver, the court shall hold a hearing, at which time the department and the licensee of the adult care facility may participate and present evidence.

## § 8.6. Appeals.

A. ~~If an administrative hearing is requested, the applicant/licensee has the right to be represented by counsel at the hearing.~~

B. ~~The hearing shall be conducted by an individual appointed from a roster of attorneys; approved to serve as~~

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hearing officers, which is maintained by the Supreme Court of Virginia.

C. Once the hearing is completed, the hearing officer shall submit written findings of fact and conclusion of law and recommendations to the commissioner of the Department of Social Services.

D. The commissioner may (i) authorize the imposition of the sanction(s); (ii) authorize the imposition of a less severe sanction(s); or (iii) may deny the intent to impose a sanction(s) in the final order.

If the commissioner authorizes the imposition of the sanction(s), the time frame in which the facility must conform to the requirements of the sanction(s) shall be included in the final order. The applicant/licensee may appeal this decision to the appropriate circuit court under the provisions of § 63.1-312 of the Code of Virginia.

E. If the applicant/licensee wishes to appeal the imposition of a civil penalty or the appointment of a receiver, such appeal must be made to the appropriate court in the city or county where the facility is located.

A. Any applicant/licensee has the right to appeal the department's decision to impose an administrative sanction.

B. Appeals may be heard through an informal conference or a formal hearing.

C. If the applicant/licensee requests an appeal, he has the right to be represented by counsel at the conference/hearing.

D. An informal conference is the initial hearing of evidence in making a case decision, unless there is a waiver or agreement between the parties to go directly to a formal hearing.

An informal conference shall be conducted by the department's designee.

E. In the event of an adverse decision following the informal conference, the applicant/licensee may request a formal hearing.

A formal hearing shall be conducted by an individual appointed from a roster of attorneys approved to serve as hearing officers. This roster is maintained by the Supreme Court of Virginia.

F. Once the informal conference or formal hearing is completed, the applicant/licensee shall receive written notice of a decision.

The department's designee shall render a decision within 90 days of the informal conference or from a later date agreed to by the applicant/licensee and the agency.

A hearing officer shall render findings and

recommendations within 90 days from the date of the formal hearing or from a later date agreed to by the applicant/licensee and the agency.

The commissioner shall render a decision within 30 days from the date that the agency receives the hearing officer's recommendation.

G. If the commissioner authorizes the imposition of the sanction(s), the time frame in which the facility/agency must conform to the requirements of the sanction(s) shall be included in the final order. The applicant/licensee may appeal the decision to the appropriate circuit court under the provisions of [ § ~~63.1-312~~ §§ 63.1-180 and 63.1-194.10 ] of the Code of Virginia.

H. If the licensee wishes to appeal the imposition of a civil penalty or the appointment of a receiver, such appeal must be made to the appropriate court in the city or county where the facility is located.

## ATTACHMENT I

An application form to operate a private child placing agency may be obtained from the following office:

Division of Licensing Programs  
Department of Social Services  
8007 Discovery Drive  
Theater Row Building  
730 East Broad Street  
Richmond, Virginia 23220 23219  
Telephone: (804) 662-0025 692-1782

An application form to operate a licensed facility, excluding a private child placing agency, may be obtained from the following offices:

### OFFICE

~~Abingdon~~ Out Station  
Abingdon Licensing Office  
Piedmont Region  
190 Patton Street  
Abingdon, VA 24210  
Telephone: (703) 628-5171

### AREA SERVED

Serving Counties of: Bland, Buchanan, Carroll, Dickenson, Grayson, Lee, Patrick, Russell, Scott, Smyth, Tazewell, Washington, Wise, Wythe

Serving Cities of: Bristol, Galax, Norton

### OFFICE

Central Regional Office  
Wythe Building, Suite 300 130  
1604 Santa Rosa Road  
Richmond, VA 23229-5008

Telephone: (804) 662-9743

AREA SERVED

Serving Counties of: Amelia, Brunswick, Buckingham, Charles City, Charlotte, Chesterfield, Cumberland, Dinwiddie, Essex, Fluvanna, Goochland, Halifax, Hanover, Henrico, King and Queen, King William, Lancaster, Louisa, Lunenburg, Mecklenburg, New Kent, Northumberland, Nottoway, Powhatan, Prince Edward, Prince George, Richmond, Westmoreland

Serving Cities of: Colonial Heights, Hopewell, Petersburg, Richmond, South Boston

OFFICE

Eastern Regional Office  
Pembroke Office Park  
Pembroke IV Office Building  
Suite 300  
Virginia Beach, VA 23462-5496  
Telephone: (804) 473-2100

Serving Counties of: Accomack, Gloucester, Greenville, Isle of Wight, James City, Mathews, Middlesex, Northampton, Southampton, Surry, Sussex, York

Serving Cities of: Chesapeake, Emporia, Franklin, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach, Williamsburg

OFFICE

Fairfax Out Station  
Fairfax Licensing Office  
Northern Region  
3959 Pender Drive  
Fairfax, VA 22030  
Telephone: (703) 359-6733

Serving Counties of: Arlington, Loudoun, Fairfax

Serving Cities of: Alexandria, Fairfax, Falls Church

OFFICE

Northern Regional Office  
320 Hospital Drive, Suite 23  
Warrenton, VA 22186  
Telephone: (703) 347-6300

Serving Counties of: Caroline, Culpeper, Fauquier, King George, Prince William, Rappahannock, Spotsylvania, Stafford

Serving Cities of: Fredericksburg, Manassas, Manassas Park

OFFICE

Piedmont Regional Office

Commonwealth of Virginia Building  
210 Church Avenue, S.W., Suite 100  
Roanoke, VA 24011-1779  
Telephone: (703) 982-7920  
Telephone: (703) 857-7920

Serving Counties of: Alleghany, Amherst, Appomattox, Bath, Bedford, Botetourt, Campbell, Craig, Floyd, Franklin, Giles, Henry, Montgomery, Nelson, Pittsylvania, Pulaski, Roanoke, Rockbridge

Serving Cities of: Bedford, Buena Vista, Clifton Forge, Covington, Danville, Lexington, Lynchburg, Martinsville, Radford, Roanoke, Salem

OFFICE

[ Peninsula Licensing Office  
Eastern Region  
825 Diligence Dr., Suite 203  
Newport News, VA 23606  
(804) 594-7594

Serving Counties of: Gloucester, Isle of Wight, James City, Mathews, Middlesex, Surry, Sussex, York-Poquoson

Serving Cities of: Hampton, Newport News, Williamsburg ]

OFFICE

Verona Out Station  
Verona Licensing Office  
Northern Region  
Post Office Box 350  
Verona, VA 24482-0350  
Telephone: (703) 332-8900

Serving Counties of: Albemarle, Augusta, Clarke, Frederick, Greene, Highland, Madison, Orange, Page, Rockingham, Shenandoah, Staunton, Warren

Serving Cities of: Charlottesville, Harrisonburg, Waynesboro, Winchester.

V.A.R. Doc. No. R95-36; Filed October 5, 1994, 12:48 p.m.

\* \* \* \* \*

Title of Regulation: VR 615-38-01 and 175-11-01. Standards and Regulations for Licensed Child Day Center Systems.

Statutory Authority: § 63.1-196.01:1 of the Code of Virginia.

Effective Date: January 1, 1995.

Summary:

*This regulation contains the requirements and procedures that licensees and Department of Social Services staff must follow in the administration of child day center systems. Any person or organization*

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may apply for a license to operate a child day center system if that person or organization operates or manages 50 or more child day centers.

The following areas are addressed in the regulation:

1. Requirements for eligibility and qualifications for becoming a child day center system;
2. Requirements for written policies and procedures for the operation of a child day center system;
3. Requirements for fiscal accountability;
4. Requirements regarding the relationship of the system with the licensing authority;
5. Personnel requirements;
6. Requirements regarding services to member centers; and
7. Requirements regarding record keeping.

Summary of Public Comment and Agency Response: A summary of comments made by the public and the agency's response may be obtained from the promulgating agency or viewed at the office of the Registrar of Regulations.

Agency Contact: Copies of the regulation may be obtained from Richard Martin, Regulatory Coordinator, Department of Social Services, 730 East Broad Street, Richmond, VA 23219, telephone (804) 692-1825. There may be a charge for copies.

VR 615-38-01 and 175-11-01. Standards and Regulations for Licensed Child Day Center Systems.

## PART I. DEFINITIONS.

### § 1.1. Definitions.

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

[ "Accredit" means to use prescribed standards to approve child day centers that voluntarily seek to meet those standards. ]

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

"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.

"Child day center system" means any person who is

voluntarily licensed as such who operates, manages, or accredits as members of its system, 50 or more child day center sites in the Commonwealth.

"Commissioner" means the Commissioner of the Department of Social Services.

"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.

"Division" means the Division of Licensing Programs.

"Good character and reputation" means findings have been established and knowledgeable, reasonable and objective people agree that the individual (i) maintains business or professional, family, and community relationships which are characterized by honesty, fairness, truthfulness, and dependability, and (ii) has a history or pattern of behavior that demonstrates the individual is suitable and able to administer a program for the care, supervision and protection of children. Relatives by blood or marriage and persons who are not knowledgeable of the individual, such as recent acquaintances, may not be considered objective references.

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

"Monitor" or "monitoring visit" means to visit a licensed child day center to determine the center's compliance with the applicable regulations.

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

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

## PART II. ORGANIZATION AND ADMINISTRATION.

### § 2.1. Eligibility and qualifications.

A. A child day center system may be sponsored by a single individual, partnership, association, corporation, or public entity, provided the individual or organization meets the eligibility requirements.

B. A corporation sponsoring a child day center system shall maintain its corporate status in accordance with Virginia law.

C. Such corporation shall be organized and empowered for the purpose of operating and maintaining a child day center system. Corporations not organized and empowered solely to operate a child day center system shall provide for such operations in their charters.

D. A child day center system sponsored by an association [ or , a ] corporation [ , or a public entity ] shall [ ~~be controlled by~~ have ] a governing board [ ~~that shall fulfill the duties of the licensee~~ ] .

E. If a child day center system is sponsored by an individual or partnership, the individual or partnership shall be the licensee and shall comply with the responsibilities specified for a governing board.

§ 2.2. Governing board; composition; meetings [ ; responsibilities ] .

A. The membership of the governing board shall be based on the size and purpose of the child day center system as well as the services to be offered by the system.

It shall be large enough and be composed of members who will:

1. Be representative of the variety of interests served by the system;
2. Possess experience appropriate to the services offered by the system; and
3. Be representative of the geographical area served by the system.

[ ~~At minimum, the governing board shall be composed of three members unless there are fewer than three shareholders, at which time the number of members may equal the number of shareholders.~~ ]

B. The governing board shall meet not less than quarterly. Minutes of all meetings shall be recorded and retained in a permanent file at the office of the child day center system. Copies of minutes shall be made available to the department's representative upon request.

[ ~~C. The responsibilities of the governing board shall include, but not be limited to:~~ ]

[ § 2.3. Responsibilities of the governing board or licensee.

The responsibilities of the governing board or of the licensee, if there is no governing board, shall include, but not be limited to: ]

1. Establishing written bylaws for the association or corporation.
2. Establishing written policies and procedures under which the child day center system will operate.

3. Ensuring that the child day center system functions according to its defined purpose and within the scope of services to be offered.

4. Ensuring compliance with the minimum standards for licensed child day center systems.

5. Maintaining a budgetary and financial system which assures that a sound financial structure is maintained.

6. Appointing a qualified director to whom it delegates, in writing, the authority and responsibility for administrative direction and management of the child day center system in accordance with established policies.

7. Providing a written organizational chart which indicates the organizational elements of the system, the personnel positions within each organizational element and the lines of authority and communication within the child day center system. The chart shall be kept current.

8. Reviewing, at least annually, the program of the child day center system. This review shall include an examination of:

a. The [ ~~number, size and~~ ] quality [ and consistency ] of service offered by child day centers that are members of the system;

b. Problems encountered [ and changes required ] in the operation of the system; [ and ]

[ ~~c. Consistency of services provided within the framework of the stated purpose and objectives of the system;~~

~~d. Changes required in the focus of the system's program; and~~

~~e. c. ] The adequacy of the record keeping system.~~

[ ~~9. Determining, based on the annual review required by subdivision 8 of this subsection, the following:~~

~~a. Requirements for additional staff training;~~

~~b. Requirements for changes in staff;~~

~~e. Requirements for changes in the focus of the program and services offered by the system.~~

~~10. 9. ] Developing and implementing plans to respond to the needs identified in subdivision [ 9 8 ] of this subsection.~~

§ [ ~~2.3. 2.4.~~ ] Policies and procedures.

A. Written policies and procedures shall be prepared for the operation of the child day center system. These

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policies and procedures shall relate to:

1. Personnel policies (see § 3.2 A).
2. Services to member centers, including:
  - a. Criteria for approving child day centers as members of the system;
  - b. Technical assistance and consultation to child day center [ operators staff ] ; and
  - c. Inspection, supervision, monitoring and evaluation of system members.

[ 3. Policies for suspension and termination of a member center. ]

B. A copy of all policies and procedures shall be made available to the department's representative upon request.

§ [ ~~2.4~~ 2.5. ] Finances; fiscal accountability; internal financial procedures.

A. The child day center system shall have a plan of financing which assures sufficient funds to operate in accordance with its stated purpose, objectives and the services to be provided.

A new system shall, as part of its initial application for licensure, (i) submit a plan of financing for the first year of operation and (ii) document funds or credit available for the first year of operation.

[ The application for license renewal shall include evidence of financial responsibility. At minimum, this evidence shall include (i) a current balance sheet showing a statement of current assets and current liabilities; and (ii) a budget for the next year of operation. ]

B. There shall be a system of financial record keeping that is consistent with generally accepted accounting principles, showing separation of the system's accounts from all other records.

There shall be a written policy for the collection and disbursement of funds.

§ [ ~~2.5~~ 2.6. ] Relationship to the licensing authority.

A. The child day center system shall submit to the department such reasonable reports and information that it may require.

B. The system's books and records shall be made available for inspection by the department's representative upon request.

C. The licensee, governing board or its official representative shall notify the department when any major change is anticipated in the program, administrative

structure, or in the services provided. When such a change occurs which was not anticipated, such notification shall be provided no later than 10 days following the change. The department shall also be notified within five working days whenever a new director is employed by the child day center system.

## PART III. PERSONNEL.

[ Article ~~1~~.  
General Qualifications and Personnel Policies. ]

§ 3.1. General qualifications [ for system staff ] .

All [ system ] 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. [ Emotionally stable with an understanding of problems and needs of children Understanding and sensitive to the varying capabilities, interests, needs, and problems of children in care ] ; and
5. Able to understand and apply the minimum standards in this regulation and in the Minimum Standards for Licensed Child Day Centers (VR 175-08-01 and VR 175-09-01) which relate to their respective responsibilities.

§ 3.2. Personnel policies.

A. There shall be a written description for each [ system ] staff position. This job description shall include:

1. The job title;
2. The functions assigned to the position, including authority and position; and
3. Education or experience requirements for the position.

B. A copy of the job description shall be made available to each person assigned to the position at the time of employment.

[ Article 2. ]  
[ System Staff. ]

§ 3.3. Composition and number of staff; functions.

A. The composition and number of staff employed by the system shall be sufficient to ensure:

1. Compliance with these standards; and

2. The uninterrupted and timely provision of all services included in the system program to members of the system.

B. The number and composition of staff needed shall be determined by:

1. The scope of the program and services offered by the system;
2. The number of centers that are members of the system and their geographic location in relation to the system office;
3. The number of children in care in centers that are members of the system;
4. The experience and capabilities of the staff; and
5. The total responsibilities assigned to each staff member and the time required to effectively carry out these responsibilities. Total responsibilities are those relating to inspection, supervision, monitoring, providing technical assistance to operators and staff of member centers, and administrative tasks and supervisory responsibilities.

C. Qualified staff who meet the applicable qualifications established in § 3.4 of these standards shall be designated to perform each of the following functions:

1. Day-to-day management, administration and supervision of the system operations;
2. Technical assistance and consultation to the staff of member centers; and
3. Inspection, supervision and monitoring of centers that are members of the system.

§ 3.4. Staff qualifications; director; staff responsible for inspections.

A. There shall be one full-time staff member designated as the director of the system who shall be responsible for the overall day-to-day management, administration and supervision of system operations. In the case of an individual proprietorship or partnership, the director may be the licensee.

[ An individual assuming the duties of the director shall have:

1. A master's degree in early childhood education, child development, social work, education or psychology from an accredited college or university, or the equivalent as determined and approved by the department, plus three years of experience in any one or more of these fields, including two years of experience in a supervisory, administrative or management position; or

2. A bachelor's degree in early childhood education, social work, psychology or education from an accredited four-year college or university, or the equivalent as determined and approved by the department, plus four years experience in any of these fields, including two years experience in a supervisory, administrative or management position. ]

B. Responsibilities for inspections of member centers shall be assigned to a designated staff member or members. These responsibilities shall include:

1. Developing and providing technical assistance and consultation to the operators and staff of child day centers that are members of the system.
2. Making initial, renewal, [ and ] monitoring [ and complaint ] inspections of child day centers that are members of the system for the purpose of approving centers in accordance with Minimum Standards for Child Day Centers (VR 175-08-01 and VR 175-09-01) and assuring continued compliance with these requirements.

[ C. ] Staff members designated to perform inspection services shall have:

1. A bachelor's degree in early childhood education, child development, social work, psychology or education from an accredited four-year college or university or the equivalent as determined and approved by the department; or
2. An associate degree, or equivalent, in Human Services, Community and Social Service, or Educational Services or their equivalent as determined and approved by the department, from an accredited community college or four-year college or university [ , ] and two years supervised experience working in a child day center, residential children's facility, nursery school, family day home, or similar program [ providing care to children ] .

§ 3.5. Staff development.

A. Provision shall be made for orientation for all staff. This shall be documented and recorded in the employee's record.

B. Prior to assuming their duties, new employees shall be given orientation and training in at least the following areas:

1. The objectives and philosophy of the system;
2. The services offered by the system;
3. Confidential treatment of personal information;
4. The policies and procedures that are applicable their specific positions and assigned duties and

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responsibilities; and

5. The standards as they apply to the individual position.

C. A written plan of training with specific well-defined objectives shall be prepared and implemented annually for each employee. A copy of this plan shall be filed in the employee's record and shall be made available to the department's representative upon request.

D. Attendance at conferences, seminars, workshops, institutes and academic courses related to the employee's duties and responsibilities shall be encouraged.

[ Article 7. ]  
[ Volunteers. ]

## § 3.6. Volunteers.

A. Any volunteers used shall:

1. Meet the qualifications of the applicable position;
2. Be subject to laws and regulations governing the confidential treatment of personal information; and
3. Have clearly defined duties and responsibilities.

B. The system shall establish written requirements for the screening and selection of volunteers.

C. Duties and responsibilities of all volunteers shall be clearly defined in writing and differentiated from those persons regularly filling staff positions.

D. At least one staff person shall be assigned the responsibility for selection, orientation, training, scheduling, and supervision of volunteers.

E. The system shall not be dependent upon the use of volunteers to ensure the provision of services to member centers.

## PART IV. SERVICES TO MEMBER CENTERS.

### § 4.1. Policies and agreements.

A. The system shall establish and maintain written policies regarding:

1. The roles, rights and responsibilities of the system [ ~~in~~ as it relates to ] the supervision and approval of member centers;
2. The roles, rights and responsibilities of child day centers that are members of the system;
3. Procedures for consultation to prospective member centers;

4. Orientation of operators and staff of member centers;

5. Procedures for handling inquiries and applications from potential member centers;

6. Conducting a full inspection of each member center to determine compliance with [ ~~regulations for child day centers~~ VR 175-08-01 and VR 175-09-01 ] before making a recommendation to the commissioner regarding initial issuance or renewal of a license;

7. Conducting at least one inspection of each member center in each calendar year in which a full inspection for initial licensure or renewal of a license is not conducted to determine compliance with [ ~~regulations for child day centers~~ VR 175-08-01 and VR 175-09-01 ] ;

8. Procedures to be followed to assure that all areas of noncompliance with approval requirements have been corrected;

9. Receipt, investigation and resolution of complaints involving a member center's noncompliance with the system's operational standards;

10. Establishing an appeal process for member centers affected by the system's decisions;

11. Making recommendations to the commissioner regarding variances requested by member centers.

B. The system shall have a written agreement with each member center which specifies at least the following:

1. The center's agreement with the system's policies in the areas identified in subsection A of this section;
2. The financial agreement between the system and the member center; and
3. The rights and responsibilities of the system to monitor, inspect, evaluate and approve a member center.

### § 4.2. Responsibilities of the commissioner.

A. Upon receipt of a recommendation from the system regarding issuance of a license, the department's representative shall evaluate the recommendation for licensure and make a decision regarding issuance.

B. The department's representative shall conduct at least one unannounced inspection of each member center each calendar year to ensure compliance with [ ~~regulations for child day centers~~ VR 175-08-01 and VR 175-09-01 ] .

C. The department's representative will investigate reports that the system or member centers are out of compliance with applicable state laws and regulations. The

department's representative and the system shall conduct joint investigations of reports that member centers are out of compliance with applicable state laws and regulations.

D. The department will provide training and consultation to child day center systems regarding the system's application of [ ~~child day center regulations~~ VR 175-08-01 and VR 175-09-01 ] .

E. The department will receive recommendations from systems regarding variances requested by member centers and will act on these requests.

F. The department will consider the imposition of sanctions on any member center based upon the recommendation of the system or upon the department's findings.

## PART V. RECORDS.

### § 5.1. General requirements.

A. Any forms used for record keeping shall contain at minimum the information specified in these standards or in child day center standards. Model forms, which may be copied, will be supplied by the department upon request.

B. If any model form developed by the department is not used, the substitute form shall be approved by the department.

C. All records must be kept in a locked area.

D. The licensee shall have the responsibility for assuring that all records are treated confidentially. All records shall be made available to the department's representative for inspection.

### § 5.2. Written policies and procedures.

A. The written policies and procedures described in this section shall be developed by the system. Copies shall be maintained in a permanent file within the system office. Those so identified shall also be permanently filed in child day centers that are members of the system.

B. Policies and procedures pertaining to operation and management of the system shall include:

1. Written policies and procedures which address services to be provided to member centers; and

2. Written bylaws when the child day center system is sponsored by an association or corporation.

C. Policies and procedures pertaining to staff employed in the system office shall include:

1. A written job description for each staff position which exists in the system office. Each job description

shall address the areas identified in § 3.2 A of these standards;

2. Written requirements for the screening and selection of volunteers if volunteers are used; and

3. Written duties and responsibilities of volunteers.

D. Policies and procedures pertaining to member centers shall include:

1. Policies and procedures which describe the selection, evaluation, approval and general management of member centers;

2. Policies for suspension or termination of a member center; and

3. Copies of the policies and procedures listed in this section shall be provided to each center that is a member of the system.

### § 5.3. System records.

A. The records described in this section shall be maintained by the system in a permanent file within the system office. Those so identified shall also be provided to each [ ~~centers center~~ ] that is a member of the system.

B. Records on the system shall include:

1. An organizational chart (See § [ ~~2-2~~ 7.2.3.7 ] of these standards); and

2. Financial records which are consistent with generally accepted accounting principles and reflect a separation of system accounts from all other records (See § [ ~~2-4~~ B 2.5 B ] of these standards).

C. Records on centers that are members of the system shall be maintained as follows:

1. An individual record shall be maintained on each center that is a member of the system.

2. This record shall be established when the center applies for membership in the system and shall be maintained in the system office.

3. The record shall be kept current.

4. The complete record shall be retained for at least two years after the center withdraws or is terminated as a member of the system.

5. Each record shall contain at a minimum the following information and documentation:

a. A copy of the agreement with the member center as required by § 4.1 B 1 of these standards. A copy of this agreement shall be on file in the member

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center; and

b. A copy of each compliance study completed on the center and required by § 4.1 A 6 of these standards.

D. Records of persons employed in the system office shall be maintained as follows:

1. An individual record shall be maintained on each staff member employed in the system office.

2. This record shall be established when the individual is employed and shall be retained for at least two years after employment is terminated.

3. The record shall be kept current.

4. Each record shall contain at minimum the following personal and social data:

a. Name;

b. Birthdate;

c. Current address and telephone number;

d. Position and date employed;

e. Last previous employment;

f. Copies of at least [ ~~three~~ two ] references or notations of verbal references reflecting the date of the reference, the source and the content;

g. Previous experience or training;

h. Social security number;

i. Name and telephone number of person to contact in an emergency;

j. Notations of formal training received following employment; and

k. Date and reason for termination of employment.

VA.R. Doc. No. R95-35; Filed October 5, 1994, 12:48 p.m.

# STATE CORPORATION COMMISSION

## STATE CORPORATION COMMISSION

**Title of Regulation: Insurance Regulation No. 38. Rules Governing the Reporting of Cost and Utilization Data Relating to Mandated Benefits and Mandated Providers.**

**Statutory Authority: §§ 12.1-13, 38.2-223 and 38.2-3419.1 of the Code of Virginia.**

AT RICHMOND, OCTOBER 3, 1994

COMMONWEALTH OF VIRGINIA

At the relation of the

CASE NO. INS940147

STATE CORPORATION COMMISSION

Ex Parte: In the matter of adopting revised Rules Governing the Reporting of Cost and Utilization Data Relating to Mandated Benefits and Mandated Providers

### ORDER TO TAKE NOTICE

WHEREAS, Virginia Code § 12.1-13 provides that the Commission shall have the power to promulgate rules and regulations in the enforcement and administration of all laws within its jurisdiction, and Virginia Code § 38.2-223 provides that the Commission may issue any rules and regulations necessary or appropriate for the administration and enforcement of Title 38.2 of the Code of Virginia;

WHEREAS, the Bureau of Insurance has submitted to the Commission a proposed revised regulation entitled "Rules Governing the Reporting of Cost and Utilization Data Relating to Mandated Benefits and Mandated Providers;" and

WHEREAS, the Commission is of the opinion that the proposed revised regulation should be adopted;

THEREFORE, IT IS ORDERED:

(1) That all interested persons TAKE NOTICE that the Commission shall enter an order subsequent to November 15, 1994, adopting the revised regulation proposed by the Bureau of Insurance unless on or before November 15, 1994, any person objecting to the adoption of such a regulation files a request for a hearing, and in such request specifies in detail their objection to the adoption of the proposed revised regulation, with the Clerk of the Commission, Document Control Center, P. O. Box 2118, Richmond, Virginia 23216;

(2) That an attested copy hereof, together with a copy of the proposed regulation, be sent by the Clerk of the Commission to the Bureau of Insurance in care of

Deputy Commissioner Gerald A. Milsky who shall forthwith give further notice of the proposed adoption of the regulation by mailing a copy of this order, together with a copy of the proposed regulation, to all insurers, health services plans, and health maintenance organizations licensed to issue accident and sickness insurance in the Commonwealth of Virginia; and

(3) That the Bureau of Insurance shall file with the Clerk of the Commission an affidavit of compliance with the notice requirements of paragraph (2) above.

Insurance Regulation No. 38. Rules Governing the Reporting of Cost and Utilization Data Relating to Mandated Benefits and Mandated Providers.

§ 1. ~~Authority.~~

~~This Regulation is issued pursuant to the authority vested in the Commission under §§ 38.2-223 and 38.2-3419.1 of the Code of Virginia.~~

§ 2. § 1. Purpose.

The purpose of this regulation is to implement § 38.2-3419.1 of the Code of Virginia with respect to mandated health insurance benefits and providers:

This regulation is designed to:

- (a) 1. Provide the format for the reporting of costs and utilization associated with mandated benefits and providers;
- (b) 2. Describe the system for reporting such data;
- (c) 3. Define the information that is required to be reported; and
- (d) 4. Report general data related to costs and utilization associated with mandated benefits and mandated providers. However, due to the numerous means of filing claims through various procedure codes, the regulation limits the data requested to that information required to be submitted.

§ 3. ~~Effective Date.~~

~~This Regulation shall be effective on October 1, 1991.~~

§ 4. § 2. Scope.

A. This regulation shall apply to every insurer, health services plan and health maintenance organization ~~issuing licensed to issue policies of accident and sickness insurance or , subscription contracts , or evidences of coverage in this Commonwealth unless exempted by subsection B of this section .~~

B. ~~This regulation does not apply to:~~

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1. Insurers with Virginia annual written premiums for accident and sickness policies or subscription contracts of less than \$500,000; or

2. Cooperative nonprofit life benefit companies and mutual assessment life, accident and sickness insurers; or

3. Insurers that solely issue policies not subject to the mandated benefits or mandated provider requirements of §§ 38.2-3408 through 38.2-3419 and 38.2-4221 of the Code of Virginia.

## § 5: § 3. Definitions.

For the purposes of this regulation:

*"Applicable policy" or "contract" means any accident and sickness insurance policy providing hospital, medical and surgical or major medical coverage on an expense incurred basis or any accident and sickness subscription contract or any health care plan provided by a health maintenance organization issued or issued for delivery in the Commonwealth of Virginia.*

A. *"Earned premiums" means the aggregate of the earned premium on all policies during a given period. The figure is calculated by adding the premiums written to the unearned premiums as of the beginning of the period and subtracting the unearned premiums as of the end of the period.*

B. *"Incurred claims" means the total losses sustained whether paid or unpaid.*

*"Insurer" means any association, aggregate of individuals, business, corporation, individual, joint-stock company, Lloyds type of organization, organization, partnership, receiver, reciprocal or interinsurance exchange, trustee or society engaged in the business of making contracts of insurance, as set forth in § 38.2-100 of the Code of Virginia.*

C. *"Mandated benefits" means those benefits that must be included or offered in policies delivered or issued for delivery in the Commonwealth as required by §§ 38.2-3408 through 38.2-3419 of the Code of Virginia.*

D. *"Mandated providers" means those practitioners that are listed in §§ 38.2-3408 and 38.2-4221 of the Code of Virginia.*

E. *"Paid claims" means the aggregate of loss payments, less deductions for all credits, except that no deduction is made for reinsurance recoveries, during a given period.*

*"Reporting period" means the calendar year immediately preceding the May 1 reporting date.*

F. *"Written premiums" means gross premiums written minus premiums on policies cancelled and all returned*

premiums during a given period. Premiums paid to reinsurance carriers on reinsurance ceded are not deducted.

## § 4. Reporting requirements.

A. *Full report required. Except as set forth in subsections B and C of this section, all insurers, health services plans and health maintenance organizations licensed to issue policies of accident and sickness insurance or subscription contracts in the Commonwealth of Virginia must file a full and complete Form MB-1 report in accordance with the provisions of § 5 of these rules.*

B. *Exemption: No report required. Any insurer, health services plan or health maintenance organization whose total Virginia annual written premiums for all accident and sickness policies or subscription contracts, as reported to the commission on its Annual Statement for a particular reporting period is less than \$500,000 shall, for that reporting period, be exempt from filing a report as required by these rules, and shall not be required to notify the commission of such exemption other than through the timely filing of its Annual Statement.*

C. *Eligibility to file abbreviated report. Any insurer, health services plan or health maintenance organization that does not qualify for an exemption under subsection B of this section may file an abbreviated report, as described in subsection D of this section if its Virginia annual written premiums for applicable policies or contracts, as defined in § 3 of these rules, that were subject to the requirements of § 38.2-3408 or § 38.2-4221, and the requirements of §§ 38.2-3409 through 38.2-3419 of the Code of Virginia during the reporting period total less than \$500,000.*

D. *Abbreviated report defined. The abbreviated report shall include a completed first page of the Form MB-1 report format prescribed by the commission in Appendix A of these rules, or as later modified pursuant to § 6 of these rules, along with a breakdown of the insurer's, health services plan's, or health maintenance organization's Virginia written premiums for all accident and sickness policies or contracts for the reporting period by policy type (e.g., Medicare supplement, major medical, disability income, limited benefit) and by situs (e.g., Virginia, Illinois).*

## § 6: § 5. Procedures.

A. Each insurer, health services plan or health maintenance organization shall submit a full and complete Form MB-1 report for the preceding calendar year's claims on mandated benefits and mandated providers to the Bureau of Insurance by May 1, of each year beginning in 1992 unless exempted from this requirement by the provisions of subsection 4B of this Regulation. :

1. *It is exempted from this requirement by § 4 B of*

these rules; or

2. It is eligible to file an abbreviated report pursuant to § 4 C of these rules. Abbreviated reports must be submitted by May 1 of each year.

B. The Form MB-1 report shall be filed in the format prescribed in the Appendices to this Regulation Appendix A of these rules. The experience of group and non-group business shall be reported separately. Information shall be converted to the required coding systems by the insurer, health services plan or health maintenance organization prior to submission to the Bureau of Insurance.

C. Reports may be filed by use of machine readable computer diskettes issued by the Bureau of Insurance expressly for this purpose, although typewritten reports are acceptable provided that the exact format set forth in these rules, and as subsequently modified as set forth in § 6 of these rules, is utilized.

§ 6. Annual notification and modification of reporting form.

The Bureau of Insurance shall be permitted to modify the data requirements of the MB-1 reporting form and data reporting instructions on an annual basis. Any such modifications, including but not limited to the addition of new benefit or provider categories as necessitated by the addition of new mandated benefit or provider requirements to the Code of Virginia, shall be provided to all entities described in § 2 of these rules, in the form of an administrative letter sent by regular mail to the entity's mailing address shown in the bureau's records. Failure by an entity to receive such annual notice shall not be cause for exemption or grounds for noncompliance with the reporting requirements set forth in these rules.

§ 7. Penalties.

The failure by an insurer, health services plan or health maintenance organization, unless exempt pursuant to § 4 B of these rules, to file a substantially complete and accurate report on cost and utilization data relating to mandated benefits and mandated providers as required by these rules by the required day date may be considered a willful violation and is subject to an appropriate penalty in accordance with §§ 38.2-218 and 38.2-219 of the Code of Virginia.

§ 8. Severability.

If any provision of this Regulation these rules or the application thereof to any person or circumstances is for any reason held to be invalid, the remainder of this Regulation these rules and the application of such provision to other persons or circumstances shall not be affected thereby.

Appendix A. Data Reporting Instructions and Form MB-1

A. Format and Timing of Reports.

1. Cost and utilization data relating to mandated benefits and mandated providers must be submitted in the format prescribed in Appendix B of this Regulation and must be submitted no later than May 1 of each year beginning in 1992. A separate report is required for each insurer.

2. It is preferred that reports be filed by the use of machine readable computer diskettes, although written reports are acceptable provided that the exact format set forth in this regulation is utilized. The Automated Systems Section of the State Corporation Commission's Bureau of Insurance should be contacted at (804) 371-0304 for details regarding the computerized transmission of reports.

3. Insurers writing less than \$500,000 of accident and sickness premiums in a given year in the Commonwealth of Virginia are exempt from the reporting requirements for that year according to § 4 of this Regulation. Each insurer claiming an exemption for a given calendar year is responsible for notifying the Bureau of Insurance by completing and filing Page 1 of Form MB-1 prior to May 1, of the following year in lieu of a full report.

B. A. Specifications for Cost and Utilization Data

1. Parts A and B of form MB-1 require specific claims and other actuarial data for individual business on Benefit Worksheet #1 and Provider Worksheet #1 and for group business on Benefit Worksheet #2 and Provider Worksheet #2. In determining the cost of each mandate, it is expected that actual claims or actuarial data will be used. Use Claims for the CPT-4 or ICD-9CM Codes listed under each mandate in Appendix C B of this Regulation these rules are to be used to determine claim costs. In addition, §§ 38.2-3408 through 38.2-3419 and 38.2-4221 of the Code of Virginia must be consulted for complete definitions of the required benefits and providers.

2. Part C of form MB-1 requires that a standard policy be defined and the annual premium disclosed. The portions of that premium attributable to Virginia's mandated benefits and providers are to be outlined with respect to single and family coverage within both the individual and group categories of business. Additional questions are also asked information is also required.

3. Part D of form MB-1 requires that utilization and claims data be disclosed for various providers and procedures.

4. The Physician's Current Procedural Terminology,

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Fourth Edition (CPT-4) and the Internal Classification of Disease 9th Revision Clinical Modification Third Edition (ICD-9CM) should be used as the basis for defining the information to be reported. Companies using a system other than CPT-4 or ICD-9CM should report the required data under a comparable system in use by that company that has been converted to CPT-4 or ICD-9CM.

5. Provider information should be reported by category of provider as they are listed. We are requesting information is required only for the providers mandated by §§ 38.2-3408 and 38.2-4221 and the physician counterpart for that provider. Place of service can be identified by Uniform Billing Code Numbers (UB-82). A partial listing of UB-82 codes is included in Appendix E B of this Regulation these rules .

6. For data regarding group coverage, include only benefits claims paid or incurred for master contracts delivered or issued for delivery to group policyholders located in Virginia.

7. Report claim amounts separately for group and individual contracts.

8. For newborn children coverage data, include claims for newborns less than 32 days old.

9. For dependent children coverage, include all health care claims for dependents beyond the age for cut-off for coverage of dependents that is specified in your contracts in the absence of a physical handicap/mental retardation (identified in this manner will be those claims for dependents other than those routinely covered).

10. 7. Claims may be reported on an "incurred claims" or "paid claims" basis. Indicate if not on a "paid claims" basis. The same basis must be used throughout the report.

11. 8. All costs of health care provided because of a mandated benefit or mandated provider should be attributed to that mandate for Parts A, B and C.

Mailing Address .....

NAIC# ..... Group NAIC # .....

Name of Person Completing Report .....

Title .....

Direct Telephone # .....

Mailing Address .....

Total accident and sickness premiums written in Virginia for all accident and sickness lines including credit, disability income, and all others, whether subject to §§ 38.2-3408 or 38.2-4221 and §§ 38.2-3409 through 38.2-3419 of the Code of Virginia or not, as reported on the Company's Annual Statement for the reporting period: \$ .....

Total accident and sickness premiums written in Virginia on applicable policies and contracts, as defined in § 3 A of these rules that are subject to §§ 38.2-3408 or 38.2-4221 and §§ 38.2-3409 through 38.2-3419 for the reporting period : \$ .....

in the year ..... the amount of \$ .....

Is the reporting company a cooperative nonprofit life benefit company or mutual assessment life, accident and sickness insurer?

Yes  No

Does this company solely issue policies not subject to the mandated benefits and mandated provider requirements of §§ 38.2-3408 through 38.2-3419 and 38.2-4221 of the Code of Virginia?

Yes  No

Does this company claim an exemption eligibility to file an abbreviated report under Section 4 § 5 C of Regulation No. 38 for this reporting year period ?

Yes, and filing only this page the abbreviated report allowed for in § 5 C.  
 No, and filing a complete report.

Signature ..... Date .....

## Appendix B. Form MB-1

### Form MB-1

Annual Report of Cost and Utilization Data Relating to Mandated Benefits and Mandated Providers Pursuant to § 38.2-3419.1 of the Code of Virginia

Reporting Year Period .....

Company Name .....

Group Name .....

**Part A: Benefit Worksheet # 1 - Individual Claim Information - Benefits\***

Enter the basis on which claim data presented throughout this report was collected (either "paid" or "incurred"):

\* Benefit INDIVIDUAL

<u>Va. Code</u> <u>Section</u>	<u>Description</u>	a Number of Visits	b Number of Days	c Total Claims Payments	d Number of Contracts	e Claim Cost Per Contract	f Annual Administrative Cost	g Percent of Total Health Claims Paid
<u>38.2-3409</u>	Dependent Children Coverage (Handicapped)							
<u>38.2-3410</u>	Doctor to Include Dentist							
<u>38.2-3411</u>	Newborn Children							
<u>38.2-3412.1</u>	Inpatient Mental / Emotional / Nervous							
	<u>Inpatient</u>							
	<u>Partial Hospital</u>							
<u>38.2-3412.1</u>	<u>Alcohol and Drug Dependence</u>							
	<u>Inpatient</u>							
	<u>Partial Hospital</u>							
	<u>Obstetrical Services</u>							
<u>38.2-3418</u>	Pregnancy from Rape / Incest							
<u>38.2-3418.1</u>	Mammography							
<u>38.2-3411.1</u>	Child Health Supervision							

Enter total claims paid or incurred on individual policies subject to the above requirements (this figure should be used in calculating the figures required for column g):

\* include information and amounts paid or incurred on hospital bills and other providers

- a: number of provider and physician visits
- b: number of inpatient or partial hospital days in facility (if applicable)
- c: total of claims paid or incurred for this mandate
- d: number of contracts in force in Virginia containing the required or optional coverage
- e: claim cost per contract = column c divided by column d
- f: the administrative cost of complying with this mandate during the reporting year period
- g: claims paid or incurred for this benefit as a percentage of the total amount of health claims paid or incurred on individual policies or contracts subject to this reporting requirement for Virginia-policyholders by this company

Benefit Worksheet # 2 - Group

*Benefit GROUP		a	b	c	d	e	f	g
Va. Code Section	Description	Number of Visits	Number of Days	Total Claims Payments	Number of Contracts Certificates	Claim Cost Per Contract Certificate	Annual Administrative Cost	Percent of Total Health Claims Paid
38.2-3409	Dependent Children Coverage (Handicapped)							
38.2-3410	Doctor to Include Dentist							
38.2-3411	Newborn Children							
38.2-3412.1	Mental / Emotional / Nervous:							
	Inpatient							
	Partial Hospital							
	Outpatient							
38.2-3412.1	Alcohol and Drug Dependence							
	Inpatient							
	Partial Hospital							
	Outpatient							
38.2-3414	Obstetrical Services							
	Normal Pregnancy							
	All Other							
38.2-3418	Pregnancy from Rape / Incest							
38.2-3418.1	Mammography							
38.2-3411.1	Child Health Supervision							

Enter total claims paid or incurred on group policies that are subject to the above requirements (this figure should be used in calculating the figures required for column g):

\* include information and amounts paid or incurred on hospital bills and other providers {for all health care expenses incurred because of this mandate}

- a: number of provider and physician visits
- b: number of inpatient or partial hospital days in facility (if applicable)
- c: total of claims paid or incurred for this mandate
- d: number of certificates in Virginia [with this coverage] containing the required or optional coverage
- e: claim cost per contract certificate = column c divided by column d
- f: the administrative cost of complying with this mandate during the reporting year period
- g: claims paid or incurred for this benefit as a percentage of the total amount of [all] health claims paid or incurred on group policies or contracts subject to this reporting requirement for Virginia policyholders by this company

**Part B: Provider Worksheet # 1 - Individual Claim Information - Providers**

Provider INDIVIDUAL

<u>Va. Code</u> <u>Sections</u> 38.2-3408 & 38.2-4221	a Number of Visits	b Total Claims Payments	c Cost Per Visit	d Number of Contracts	e <u>Claim</u> Cost Per Contract	f Annual Administrative Cost	g Percent of Total Health Claims Paid
Chiropractor							
Optometrist							
Optician							
Psychologist							
Clinical Social Worker							
Podiatrist							
Professional Counselor							
Physical Therapist							
Clinical Nurse Specialist*							
Audiologist							
Speech Pathologist							

\* rendering mental health services

- a: number of visits to this provider group for which claims were paid or incurred in Virginia
- b: total dollar amount of claims paid to this provider group in Virginia
- c: cost per visit = column b divided by column a
- d: number of individual contracts ~~in force in Virginia~~ subject to this reporting requirement
- e: claim cost per contract = column b divided by column d
- f: the ~~annual administrative cost associated with compliance of complying~~ annual administrative cost associated with compliance of complying with this mandate during the reporting period
- g: claims paid or incurred for services administered by this each provider group type as a percentage of the total amount of health claims paid or incurred on individual policies or contracts subject to this reporting requirement for Virginia policyholders by this company

Provider Worksheet # 2 - Group

<u>Provider GROUP</u> <u>Va. Code</u> <u>Sections</u> <u>38.2-3408 &amp;</u> <u>38.2-4221</u>	<u>a</u> <u>Number</u> <u>of Visits</u>	<u>b</u> <u>Total</u> <u>Claims</u> <u>Payments</u>	<u>c</u> <u>Cost Per</u> <u>Visit</u>	<u>d</u> <u>Number</u> <u>of</u> <u>Contracts</u> <u>Certificates</u>	<u>e</u> <u>Claim</u> <u>Cost Per</u> <u>Contracts</u> <u>Certificate</u>	<u>f</u> <u>Annual</u> <u>Administrative</u> <u>Cost</u>	<u>g</u> <u>Percent of</u> <u>Total Health</u> <u>Claims Paid</u>
Chiropractor							
Optometrist							
Optician							
Psychologist							
Clinical Social Worker							
Podiatrist							
Professional Counselor							
Physical Therapist							
Clinical Nurse Specialist*							
Audiologist							
Speech Pathologist							

\* rendering mental health services

- a: number of visits to this provider group for which claims were paid or incurred in Virginia
- b: total dollar amount of claims paid to this provider group in Virginia
- c: cost per visit = column b divided by column a
- d: number of certificates in Virginia subject to this reporting requirement
- e: claim cost per contract certificate = column b divided by column d
- f: the annual administrative cost associated with compliance of complying with this mandate during the reporting period
- g: claims paid or incurred for services administered by this each provider group type as a percentage of the total amount of health claims paid or incurred on group contracts subject to this reporting requirement for Virginia policyholders by this company

**Part C : Premium Information**

1. Please use what you consider to be your standard policy to answer this question. For the individual policy used as your base calculations in the question below:

- What is the deductible? .....
- What is the coinsurance? .....
- What is the individual/employee out-of-pocket maximum? .....

For the group policy used as your base calculation in the question below:

- What is the deductible? .....
- What is the coinsurance? .....
- What is the individual/employee out-of-pocket maximum? .....

For your *standard* health insurance policy in Virginia, ~~what is provide~~ the total annual premium ~~including mandates, and what amount is added to that would be charged per unit of coverage assuming inclusion of all of the benefits and providers listed below. In addition, provide the portion (dollar amount) of the annual premium of for each type policy for that is attributable to each mandate listed ? . If the company does not have a "Family" rating category, coverage for two adults and two children is to be used when calculating the required family premium figures.~~

Please indicate where coverage under your policy exceeds Virginia's mandates.

	Va. Code Section	Individual Policy		Group Certificates	
		Single	Family	Single	Family
Total Annual Policy Premium for Standard Policy Described Above					
Premium for Attributable to Each Mandate :					
Dependent Children Coverage (Handicapped)	38.2-3409				
Doctor to Include Dentist	38.2-3410				
Newborn Children	38.2-3411				
Mental/Emotional/Nervous (Mental Disabilities)					
Inpatient	38.2-3412.1				
Partial Hospitalization					
+ Outpatient					
+ Alcohol and Drug					

Dependence	38.2-3412.1		
Inpatient			
Partial Hospitalization			
Outpatient			
*Obstetrical Services	38.2-3414		
Normal Pregnancy			
All Other			
Pregnancy from Rape or Incest	38.2-3418		
*Mammography	38.2-3418.1		
*Child Health Supervision	38.2-3411.1		
*Denotes mandated offer			
Chiropractor	38.2-3408/38.2-4221		
Optometrist	38.2-3408/38.2-4221		
Optician	38.2-3408/38.2-4221		
Psychologist	38.2-3408/38.2-4221		
Clinical Social Worker	38.2-3408/38.2-4221		
Podiatrist	38.2-3408/38.2-4221		
Professional Counselor	38.2-3408/38.2-4221		
Physical Therapist	38.2-3408/38.2-4221		
Clinical Nurse Specialist **	38.2-3408/38.2-4221		
Audiologist	38.2-3408/38.2-4221		
Speech Pathologist	38.2-3408/38.2-4221		

\*\* rendering mental health services

2. What is the number of individual policies and/or group certificates issued or renewed by ~~you~~ the Company in ~~1991~~ in Virginia during the reporting period ?

	Single	Family
Individual	.....	.....
Group	.....	.....

3. What is the number of individual policies and/or group certificates in force for your company in Virginia as of December 31, 1991 in Virginia the last day of the reporting period ?

	Single	Family
Individual	.....	.....

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Group .....

4. What would be the annual premium for an individual policy with no mandated benefits or mandated providers for a 30 year old male in the Richmond area in your standard premium class? What would be the cost for a policy for the same individual with present mandates? (Assume coverage including \$250 deductible, \$1,000 stop-loss limit, 80% co-insurance factor, \$250,000 policy maximum.) If you do not issue a policy of this type, please provide the premium for a 30 year old male in your standard premium class for the policy that you offer that is most similar to the one described and summarize the differences from the described policy.

Without Mandates \$ .....

With Mandates \$ .....

Differences in Policy .....

.....

.....

.....

5. Do you add an amount to the annual premium of a group certificate to cover the cost of conversion to an individual policy? Yes ..... No .....

If yes, what is the average dollar amount:

Single ..... Family .....

If no, is that cost covered in the annual premium of the individual policy? Yes ..... No .....

The following questions concern the cost of converting group coverage to an individual policy. Answer only those questions which are relevant to your company's practices.

a. If the company adds an amount to the annual premium of a group policy or certificate to cover the cost of conversion to an individual policy, provide the average dollar amount per certificate:

Single: ..... Family: .....

b. If the cost of conversion is instead covered in the annual premium of the individual policy, provide the average dollar amount attributable to the conversion requirement:

Single: ..... Family: .....

c. If the cost of conversion is instead covered by a one-time charge made to the group policyholder for each conversion, provide the average dollar amount:

Single: ..... Family: .....

## Part D: Utilization and Expenditures for Selected Procedures by Provider Type

Select *Selected* Procedure Codes are listed here to obtain information about utilization and costs for specific types of services. Please identify expenditures and only visits for the Procedure Codes indicated. Other claims should not be included here. *Individual and group data must be combined for this part of the report.*

### 1. Procedure Code 90015 99203

#### Office Visit, Intermediate Service to New Patient

	Number of Visits	Claims Payments	Cost Per Visit
Chiropractor	.....	.....	.....
Clinical Social Worker	.....	.....	.....
Physical Therapist	.....	.....	.....
Podiatrist	.....	.....	.....
Professional Counselor	.....	.....	.....
Psychologist	.....	.....	.....
Physician	.....	.....	.....

### 2. Procedure Code 90844

#### Medical Psychotherapy, 45 to 50 Minute Session

	Number of Visits	Claims Payments	Cost Per Visit
Clinical Nurse Specialist *	.....	.....	.....
Clinical Social Worker	.....	.....	.....
Professional Counselor	.....	.....	.....
Psychiatrist	.....	.....	.....
Psychologist	.....	.....	.....
Physician	.....	.....	.....

### 3. Procedure Code 90853

#### Group Medical Psychotherapy

	Number of Visits	Claims Payments	Cost Per Visit
Clinical Nurse Specialist *	.....	.....	.....
Clinical Social Worker	.....	.....	.....
Professional Counselor	.....	.....	.....
Psychiatrist	.....	.....	.....
Psychologist	.....	.....	.....
Physician	.....	.....	.....

\* rendering mental health services

### 4. Procedure Code 92507

#### Speech, Language or Hearing Therapy; Individual

	Number of Visits	Claims Payments	Cost Per Visit
Audiologist	.....	.....	.....
Clinical Social Worker	.....	.....	.....
Physical Therapist	.....	.....	.....
Professional Counselor	.....	.....	.....
Speech Pathologist	.....	.....	.....
Physician	.....	.....	.....

**5. Procedure Code 97110**

**Physical Medicine Treatment, 30 Minutes, Therapeutic Exercise**

	Number of Visits	Claims Payments	Cost Per Visit
Chiropractor	.....	.....	.....
Physical Therapist	.....	.....	.....
Physician	.....	.....	.....
Podiatrist	.....	.....	.....
Speech Pathologist	.....	.....	.....

**6. Procedure Code 97124**

**Physical Medicine Treatment, Massage**

	Number of Visits	Claims Payments	Cost Per Visit
Chiropractor	.....	.....	.....
Physical Therapist	.....	.....	.....
Physician	.....	.....	.....
Podiatrist	.....	.....	.....

**7. Procedure Code 97128**

**Physical Medicine Treatment, Ultrasound**

	Number of Visits	Claims Payments	Cost Per Visit
Chiropractor	.....	.....	.....
Physical Therapist	.....	.....	.....
Physician	.....	.....	.....
Podiatrist	.....	.....	.....

**8. Procedure Code 92352**

**Fitting of Spectacle Prosthesis for Aphakia , monofocal**

	Number of Visits	Claims Payments	Cost Per Visit
Ophthalmologist	.....	.....	.....
Optician	.....	.....	.....
Optometrist	.....	.....	.....
Physician	.....	.....	.....

**9. Procedure Code ~~11765~~ 11750**

**Excision of ~~Ingrown Toenail~~ Nail and Nail Matrix, Partial or Complete, for Permanent Removal**

	Number of Visits	Claims Payments	Cost Per Visit
Physician	.....	.....	.....
Podiatrist	.....	.....	.....

Appendix C. B. CPT-4, ICD-9CM, and UB-82 References.

**A. CPT and ICD-9CM Codes**

*Va. Code Section 38.2-3410: Doctor to Include Dentist (Medical services legally rendered by dentists and covered under contracts other than dental)*

**ICD Codes**

520-529 Diseases of oral cavity, salivary glands and jaws

524 ~~Dentofacial anomalies, including malocclusion~~

525 ~~Other diseases and conditions of the teeth and supporting structure~~

526 Diseases of the jaws

*Va. Code Section 38.2-3411: Newborn Children (children less than 32 days old)*

**ICD Codes**

~~740-759.9~~ 740-759 Congenital anomalies

760-763 ~~Certain conditions originating in the perinatal period Maternal causes of perinatal morbidity and mortality~~

764-779 Other conditions originating in the perinatal period

**CPT Codes**

99295 *Initial NICU care, per day, for the evaluation and management of a critically ill neonate or infant*

99296 *Subsequent NICU care, per day, for the evaluation and management of a critically ill and unstable neonate or infant*

99297 *Subsequent NICU care, per day, for the evaluation and management of a critically ill and stable neonate or infant*

~~99225~~ 99431 *History and examination of the normal newborn infant, initiation of diagnostic and treatment programs and preparation of hospital records*

99432 *Normal newborn care in other than hospital or birthing room setting including physical examination of baby and conference(s) with parent(s)*

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90282 99433 Normal Newborn Services Subsequent hospital care for the evaluation and management of a normal newborn, per day

99440 Newborn resuscitation: care of the high risk newborn at delivery, including, for example, inhalation therapy, aspiration, administration of medication for initial stabilization

*Va. Code Section 38.2-3412.1:*

Mental/Emotional/Nervous Disorders

*(must use UB-82 place-of-service codes from Section B of this Appendix to differentiate between inpatient, partial hospitalization, and outpatient claims where necessary)*

## ICD Codes

290, 293-294 Organic Psychotic Conditions

295-299 Other psychoses

300-302, 306-316 Neurotic disorders, personality disorders, other non-psychotic mental disorders

317-319 Mental retardation

## CPT Codes -Distinguish between inpatient and outpatient

90825 Psychiatric evaluation of hospital records, other psychiatric reports, psychometric and/or projective tests, and other accumulated data for medical diagnostic purposes

90801 Psychiatric diagnostic interview examination, including history, mental status, or disposition

99221-99223 Initial hospital care, per day, for the evaluation and management of a patient

99231-99233 Subsequent hospital care, per day, for the evaluation and management of a patient

99238 Hospital discharge day management

~~90600-90643~~ 99241-99263 Consultation for psychiatric evaluation of a patient includes examination of a patient and exchange of information with primary physician and other informants such as nurses or family members, and preparation of report.

90801 Psychiatric diagnostic interview examination, including history, mental status, or disposition

90820 Interactive medical psychiatric diagnostic interview examination

90825 Psychiatric evaluation of hospital records, other psychiatric reports, psychometric and/or projective tests, and other accumulated data for medical diagnostic purposes

90830 Psychological testing by physician, with written report per hour

90835 Narcosynthesis for psychiatric diagnostic and therapeutic purposes

90841 Individual medical psychotherapy by a physician, with continuing medical diagnostic evaluation and drug management when indicated, including insight oriented, behavior modifying or supportive psychotherapy; time unspecified

90842 approximately 75 to 80 minutes (90841)

90843 approximately 20 to 30 minutes (90841)

90844 approximately 45 to 50 minutes (90841)

90845 Medical psychoanalysis

90846 Family medical psychotherapy (without the patient present)

90847 Family medical psychotherapy (conjoint psychotherapy) by a physician, with continuing medical diagnostic evaluation, and drug management when indicated

90849 Multiple family group medical psychotherapy by a physician, with continuing medical diagnostic evaluation, and drug management when indicated

90853 Group medical psychotherapy by a physician, with continuing medical diagnostic evaluation, and drug management when indicated

90855 Interactive individual medical psychotherapy

90857 Interactive group medical psychotherapy

90862 Pharmacologic management, including prescription use, and review of medication with no more than minimal medical psychotherapy

90870 Electro convulsive therapy, single seizure

90871 Multiple seizures, per day

## Other Psychiatric Therapy

90880 Medical hypnotherapy

90882 Environmental intervention for medical management purposes on a psychiatric patient's behalf with agencies, employers, or institutions

90887 Interpretation or explanation of results of psychiatric, other medical examinations and procedures, or other accumulated data to family or other responsible persons, or advising them to assist patient

90889 Preparation of report of patient's psychiatric status, history, treatment, or progress (other than for legal or consultative purposes) for other physicians, agencies, or insurance carriers

Other Procedures

90899 Unlisted psychiatric service/procedure

Va. Code Section 38.2-3412.1: Alcohol and Drug Dependence

ICD Codes

~~291-291.9~~ 291 Alcohol Psychoses

303 Alcohol dependence syndrome

~~ICD Codes~~

~~292-292.9~~ 292 Drug Psychoses

304 Drug dependence

~~305-305.9~~ 305 Nondependent abuse of drugs

CPT Codes

Same as listed above for Mental/Emotional/Nervous Disorders, but for above listed conditions.

Va. Code Section 38.2-3414: Obstetrical Services

Normal Pregnancy

ICD Codes

650 Normal delivery without abnormality or complication classifiable elsewhere in categories 630-676, and with spontaneous cephalic delivery, without mention of fetal manipulation or instrumentation

CPT Codes

Any codes in the maternity care and delivery range of 59000-59899 associated with ICD Code 650 listed above

All Other Obstetrical Services

ICD Codes

630-648, 651-676 Complications of pregnancy, childbirth, and puerperium

CPT Codes

Incision, Excision, Introduction, and Repair

59000 Amniocentesis, any method

59012 Cordocentesis (intrauterine), any method

59015 Chorionic villus sampling, any method

59020 Fetal contraction stress test

59025 Fetal scalp blood sampling

59050 Initiation and/or supervision of internal monitoring during labor by consultant with report (separate procedure)

59100 Hysterotomy, abdominal (e.g., for hydatidiform mole, abortion)

59120 Surgical treatment of ectopic pregnancy: tubal or ovarian, requiring salpingectomy and/or oophorectomy, abdominal or vaginal approach

59121 tubal or ovarian, without salpingectomy and/or oophorectomy (59120)

59130 abdominal pregnancy (59120)

59135 interstitial, uterine pregnancy requiring total hysterectomy (59120)

59136 interstitial, uterine pregnancy with partial resection of uterus (59120)

59140 cervical, with evacuation (59120)

59150 Laparoscopic treatment of ectopic pregnancy; without salpingectomy and/or oophorectomy

59151 with salpingectomy and/or oophorectomy (59150)

59160 Curettage, postpartum (separate procedure)

59200 Insertion of cervical dilator (e.g., laminaria, prostaglandin) (separate procedure)

59300 Episiotomy or vaginal repair, by other than attending physician

59320 Cerclage or cervix, during pregnancy; vaginal

59325 abdominal (59320)

59350 Hysterorrhaphy of ruptured uterus

Delivery, Antepartum and Postpartum Care

CPT Codes

59400 Routine obstetric care including antepartum care, vaginal delivery (with or without episiotomy, and/or forceps) and postpartum care

59409 Vaginal delivery only (with or without episiotomy and/or forceps)

~~549410~~ 59410 Vaginal delivery only (with or without

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~~epistiotomy and/or forceps~~ including postpartum care (59409)

~~549412~~ 59412 External cephalic version, with or without tocolysis (list in addition to code(s) for delivery)

~~549414~~ 59414 Delivery of placenta following delivery of infant outside of hospital

~~50420~~ Antepartum care only (separate procedure)

59425 Antepartum care only; 4-6 visits

59426 7 or more visits (59425)

~~54930~~ 59430 Postpartum care only (separate procedure)

## Cesarean Delivery

59510 Routine obstetric care including antepartum care, cesarean delivery, and postpartum care

59514 Cesarean delivery only

59515 Cesarean delivery only including postpartum care (59514)

59525 Subtotal or total hysterectomy after cesarean delivery (list in addition to 59510 or 59515)

## Abortion

~~90000-90280~~ 99201-99233 Medical treatment of spontaneous complete abortion, any trimester

59812 Treatment of spontaneous incomplete abortion, any trimester, completed surgically

~~58920~~ 59820 Treatment of missed abortion, completed surgically, first trimester

~~58921~~ 59821 second trimester (59820)

~~58930~~ 59830 Treatment of septic abortion, completed surgically

59840 Induced abortion, by dilation and curettage

59841 Induced abortion, by dilation and evacuation

59850 Induced abortion, by one or more intra-amniotic injections (amniocentesis-injections), including hospital admission and visits, delivery of fetus and secundines);

59851 with dilation and curettage and/or evacuation (59850)

59852 with hysterotomy (failed intra-amniotic injection) (59850)

## Other Procedures

59870 Uterine evacuation and curettage for hydatidiform mole

~~58999~~ 59899 Unlisted procedure, maternity care and delivery

## Anesthesia

00850 Cesarean

00855 Cesarean hysterectomy

00857 Continuous epidural analgesia for labor and cesarean section

Va. Code Section 38.2-3418: Pregnancy from Rape/Incest

Same Codes as Obstetrical Services/Any Other Appropriate in cases where coverage is provided solely due to the provisions of § 38.2-3418 of the Code of Virginia

Va. Code Section 38.2-3418.1: Mammography

CPT Codes

76092 Screening Mammography, bilateral

Va. Code Section 38.2-3411.1: Child Health Supervision, Services (Well Baby Care)

CPT Codes

90700 Immunization, active; diphtheria, tetanus toxoids, and acellular pertussis vaccine (DTaP)

90701 Immunization, active; Diphtheria and tetanus toxoids and pertussis vaccine (DTP)

90702 Diphtheria and tetanus toxoids (DT)

90703 Tetanus toxoid

90704 Mumps virus vaccine, live

90705 Measles virus vaccine, live, attenuated

90706 Rubella virus vaccine, live

90707 Measles, mumps and rubella virus vaccine, live

90708 Measles, and rubella virus vaccine, live

90709 Rubella and mumps virus vaccine, live

90710 Measles, mumps, rubella, and varicella vaccine

90711 Diphtheria, tetanus, and pertussis (DTP) and injectable poliomyelitis vaccine

90712 Polio virus vaccine, live, oral (any type (s))

90716 *Varicella (chicken pox) vaccine*

90720 *Diphtheria, tetanus, and pertussis (DTP) and Hemophilus influenza B (HIB) vaccine*

90737 Hemophilus influenza B

New Patient

90755 *Infant care to one year of age, with a maximum of 12 office visits during regular office hours, including tuberculin skin testing and immunization of DPT and Oral polio*

99381 *Initial evaluation and management of a healthy individual requiring a comprehensive history, a comprehensive examination, the identification of risk factors, and the ordering of appropriate laboratory/diagnostic procedures, new patient; infant (age under 1 year)*

99382 *early childhood (age 1 through 4 years) (99381)*

99383 *late childhood (age 5 through 11 years) (99381)*

Established Patient

*Interval history and exam related to the healthy individual, including anticipatory guidance, periodic type exam*

90762 *Late childhood (Age 5-6 years)*

90763 *Early childhood (Age 1 through 4 years)*

90764 *Infant (Age under 1 year)*

99391 *Periodic reevaluation and management of a healthy individual requiring a comprehensive history, comprehensive examination, the identification of risk factors and the ordering of appropriate laboratory/diagnostic procedures, established patient; infant (age under 1 year)*

99392 *early childhood (age 1 through 4 years) (99391)*

99393 *late childhood (age 5 through 11 years) (99391)*

90774 99178 *Administration and medical interpretation of developmental tests*

81000 *Urinalysis*

84030 *Phenylalanine (PKU), blood*

86580 *Tuberculosis-intradermal*

86585 *Tuberculosis, tine test*

90752 *late childhood (age 5 through 11)*

90753 *early childhood (age 1 through 4)*

90754 *infant (age under 1 year)*

B. Uniform Billing Code Numbers (UB-82)

PLACE OF SERVICE CODES

Field Values		Report As:
10	Hospital, inpatient	Inpatient
1S	Hospital, affiliated hospice	Inpatient
1Z	Rehabilitation hospital, inpatient	Inpatient
20	Hospital, outpatient	Outpatient
2F	Hospital-based ambulatory surgical facility	Outpatient
2S	Hospital, outpatient hospice services	Outpatient
2Z	Rehabilitation hospital, outpatient	Outpatient
30	Provider's office	Outpatient
3S	Hospital, office	Outpatient
40	Patient's home	Outpatient
4S	Hospice (Home hospice services)	Outpatient
51	Psychiatric facility, inpatient	Inpatient
52	Psychiatric facility, outpatient	Outpatient
53	Psychiatric day-care facility	Outpatient Partial Hospitalization
54	Psychiatric night-care facility	Outpatient Partial Hospitalization
55	Residential substance abuse treatment facility	Inpatient
56	Outpatient substance abuse treatment facility	Outpatient
60	Independent clinical laboratory	Outpatient
70	Nursing home	Inpatient
80	Skilled nursing facility/extended care facility	Inpatient
90	Ambulance; ground	Outpatient
9A	Ambulance; air	Outpatient
9C	Ambulance; sea	Outpatient
00	Other unlisted licensed facility	Outpatient

V.A.R. Doc. No. R95-44; Filed October 11, 1994, 3:35 p.m.

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# STATE LOTTERY DEPARTMENT

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## DIRECTOR'S ORDER NUMBER THIRTY-SIX (94)

### "FAST CASH," VIRGINIA LOTTERY RETAILER PROMOTIONAL PROGRAM RULES.

In accordance with the authority granted by Section 58.1-4006A of the Code of Virginia, I hereby promulgate "Fast Ca\$h," Virginia Lottery Retailer Promotional Program Rules for the lottery retailer incentive program which will be conducted from Monday, November 7, 1994 through Sunday, November 20, 1994. These rules amplify and conform to the duly adopted State Lottery Board regulations.

These rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 2201 West Broad Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Marketing Division, State Lottery Department, P. O. Box 4689, Richmond, Virginia 23220.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect until November 30, 1994, unless otherwise extended by the Director.

/s/ Penelope W. Kyle  
Director  
Date: October 2, 1994

V.A.R. Doc. No. R95-41; Filed October 7, 1994, 12:30 p.m.

## DIRECTOR'S ORDER NUMBER THIRTY-SEVEN (94)

### VIRGINIA LOTTERY RETAILER CASHING PROMOTIONAL PROGRAM RULES.

In accordance with the authority granted by Section 58.1-4006A of the Code of Virginia, I hereby promulgate the Virginia Lottery Retailer Cashing Promotional Program Rules for the lottery retailer incentive program which will be conducted from Monday, November 7, 1994 through Sunday, January 1, 1995. These rules amplify and conform to the duly adopted State Lottery Board regulations.

These rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 2201 West Broad Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Marketing Division, State Lottery Department, P. O. Box 4689, Richmond, Virginia 23220.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect until January 31, 1995, unless otherwise extended by the Director.

/s/ Penelope W. Kyle

Director

Date: October 2, 1994

V.A.R. Doc. No. R95-42; Filed October 7, 1994, 12:31 p.m.

## DIRECTOR'S ORDER NUMBER THIRTY-EIGHT (94)

### PAUL ADAMS' CASH EXPLOSION GAME SHOW RAFFLE DRAWING RULES

In accordance with the authority granted by Section 58.1-4006A of the Code of Virginia, I hereby promulgate the Paul Adams' Cash Explosion Game Show Raffle Drawing Rules for the lottery promotional event which will be conducted during the 1994 Virginia State Fair. The event will take place at the fairgrounds in Richmond from September 28 through October 1, 1994. These rules amplify and conform to the duly adopted State Lottery Department 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 October 3, 1994, unless otherwise extended by the Director.

/s/ Richard G. Wilkinson  
Interim Director  
Date: September 27, 1994

V.A.R. Doc. No. R95-43; Filed October 7, 1994, 12:31 p.m.

# MARINE RESOURCES COMMISSION

## MARINE RESOURCES COMMISSION

**NOTICE:** Effective July 1, 1984, the Marine Resources Commission was exempted from the Administrative Process Act for the purpose of promulgating certain regulations. However, the Commission is required to publish the full text of final regulations.

**Title of Regulation:** VR 450-01-0035. Pertaining to the Culling of Oysters.

**Statutory Authority:** §§ 28.2-201, 28.2-507, 28.2-511, and 28.2-513 of the Code of Virginia.

**Effective Date:** October 5, 1994.

### Preamble:

*This regulation establishes clean cull and seed areas, a minimum size limit, culling requirements, and inspection procedures for oysters taken from public oyster beds, rocks and shoals in the Chesapeake Bay and its tributaries and on all oyster grounds on the Seaside of Eastern Shore.*

VR 450-01-0035. Pertaining to the Culling of Oysters.

### § 1. Authority, Prior regulations ; effective date .

A. This regulation is promulgated pursuant to the authority contained in §§ 28.2-201, 28.2-507, 28.2-511, and 28.2-513 of the Code of Virginia.

B. This regulation rescinds orders 75-4, 82-8, VR 450-01-8801, VR 450-01-8807, and VR 450-01-8808.

C. This regulation amends previous regulation, VR 450-01-0035, which was promulgated by the Marine Resources Commission and made effective October 15, 1993.

D. The effective date of this regulation is February 23, 1994.

### § 2. Purpose.

The purpose of this regulation is to establish clean cull and seed areas, culling requirements (minimum size limit) and inspection procedures which will provide protection for the public oyster beds, rocks, and shoals in Virginia's tidal waters.

### § 3. Definitions.

A. Seed areas: All natural public oyster beds, rocks, or shoals designated for the harvest of seed oysters, as follows:

1. Seaside of Eastern Shore. All of the public oyster grounds on the eastern side of Accomack and Northampton Counties on Virginia's Eastern Shore.

2. James River. All of the public oyster grounds in the James River and its tributaries above a line drawn from Cooper's Creek in Isle of Wight County on the south side of the James River to a line in a northeasterly direction across the James River to the Newport News municipal water tank located on Warwick Boulevard between 59th and 60th Streets in the City of Newport News, excluding the Jail Island and Point of Shoals Clean Cull area and the Deep Water Shoal State Repletion Seed Area.

3. Deep Water Shoal State Repletion Seed Area in the James River (574.66 acres) - beginning at a point approximately 530 feet west of Deep Water Shoal Light, said point being Corner 1 as located by Virginia State Plane Coordinates, South Zone, NAD 1927, North 302,280.00, East 2,542,360.00; thence North Azimuth 30°49'59", 4,506.99 feet to Corner 2, North 306,150.00, East 2,544,670.00; thence North Azimuth 135°08'57", 5,430.60 feet to Corner 3, North 302,300.00, East 2,548,500.00; thence North Azimuth 212°13'54", 3,487.42 feet to Corner 4, North 299,350.00, East 2,546,640.00; thence North Azimuth 269°10'16", 2,765.29 feet to Corner 5, North 299,310.00, East 2,543,875.00; thence North Azimuth 332°58'26", 3,334.09 feet to Corner 1, being the point of beginning. (Map 1)

B. Clean cull areas: All natural public oyster beds, rocks, or shoals in the tidal waters of Virginia, except those designated by the Marine Resources Commission as seed areas shall be considered clean cull areas.

Two areas within the James River Seed Area are set aside as clean cull areas and are described as follows:

1. Jail Island Clean Cull area (1,010 acres): Beginning at a point approximately 2,000 feet southwest of the shore of Mulberry Island at Point A as located by Virginia State Plane Coordinates, South Zone, NAD 1927 North 281,468.20, East 2,558,879.7; thence North Azimuth 131°26'56", 8,422.95 feet to Corner 1B, North 275,892.62, East 2,565,193.09, North Azimuth 210°28'11", 2,037.29 feet to Corner 20, North 274,136.69, East 2,564,160.02, thence North Azimuth 311°26'56", 8,949.8 feet to Point 22, North 280,061.03, East 2,557,451.72, continuing North Azimuth 311°26'22", 13,325.00 feet to Corner 3, North 288,879.88, East 2,547,462.55, thence North Azimuth 45°25'14", 2,004.82 feet to Corner 4, North 290,287.06, East 2,548,890.54, thence North Azimuth 131°26'22", 13,325.00 feet to Point A, being the point of beginning. (Map 2)

2. Point of Shoals Clean Cull Area (Baylor Acres - 820 acres): Beginning at Channel Light #7 and continuing along the south side of channel to Tylers Beach to Channel Light #1 at entrance to Tylers Beach Channel, thence North Azimuth 101°08'43", 8,417 feet to an intersection corner near east end of Long Rock, Latitude 37°04'28.2", Longitude 76°37'37.5", thence North Azimuth 205°11'49", 9,604 feet to Day Marker #4, Latitude 37°03'03.1", Longitude 76°38'30",

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extending on same Azimuth line to other private ground. This area excludes any private leases within the outlined area. (Map 3)

## § 4. Minimum cull size.

In order to encourage a continued supply of marketable oysters minimum size limits are hereby established. Undersized oysters and/or shells shall be returned immediately to their natural beds, rocks, or shoals where taken. When small oysters are adhering so closely to the shell of the marketable oyster as to render removal impossible without destroying the young oyster, then it shall not be necessary to remove it. Allowances for undersized oysters and shells incidently retained during culling are found in § 5 of this regulation.

A. 1. Oysters taken from clean cull areas shall not have shells less than three inches in length.

B. 2. In the James River seed area there shall be no size limit and oysters shall not be marketed for direct consumption.

C. 3. On the Seaside of Eastern Shore seed area, the shells of oysters marketed for direct consumption shall not be less than three inches in length. (Oysters marketed as seed oysters shall have no size limit).

## § 5. Culling tolerances or standards.

A. In the clean cull areas, if more than one four quart measure of undersized oysters or shells is found per bushel inspected it shall constitute a violation of this regulation.

B. In the James River seed areas if more than one six quart measure of shells is found per bushel of seed oysters inspected it shall constitute a violation of this regulation.

C. On the Seaside of Eastern Shore seed areas, if more than one four quart measure of undersized (less than three inches) oysters and shell is found per bushel of oysters to be marketed for direct consumption, it shall constitute a violation of this regulation.

## § 6. Culling and inspection procedures.

A. All oysters taken from natural public beds, rocks, or shoals shall be placed on the culling board and culled by hand to the inside open part of the boat in a loose pile; however, when oysters are taken by hand and held in baskets or other containers they shall be culled as taken and transferred from the container to the inside open part of the boat in a loose pile and subject to inspection by any Marine Resources Commission law-enforcement officer.

B. If oysters from leased grounds and oysters from public grounds are mixed in the same cargo on a boat or motor vehicle, the entire cargo shall be subject to

inspection under this regulation.

C. It shall be unlawful for any harvester to store oysters taken from public grounds on any boat in any type of container. All oysters taken from said areas shall be sold or purchased only in the regular oyster one-half bushel or one bushel measure as described in § 28.2-526 of the Code of Virginia, except that on the Seaside of the Eastern Shore oysters may be sold without being measured if both the buyer and the seller agree to the number of bushels of oysters in the transaction.

D. In the inspection of oysters the law-enforcement officer shall, with a shovel, take at least one bushel of oysters at random, provided that the entire bushel shall be taken at one place in the open pile of oysters.

## § 7. Penalty.

As set forth in §§ 28.2-201 and 28.2-511 of the Code of Virginia, any person, firm, or corporation violating any provision of this regulation shall be guilty of a Class 3 misdemeanor.

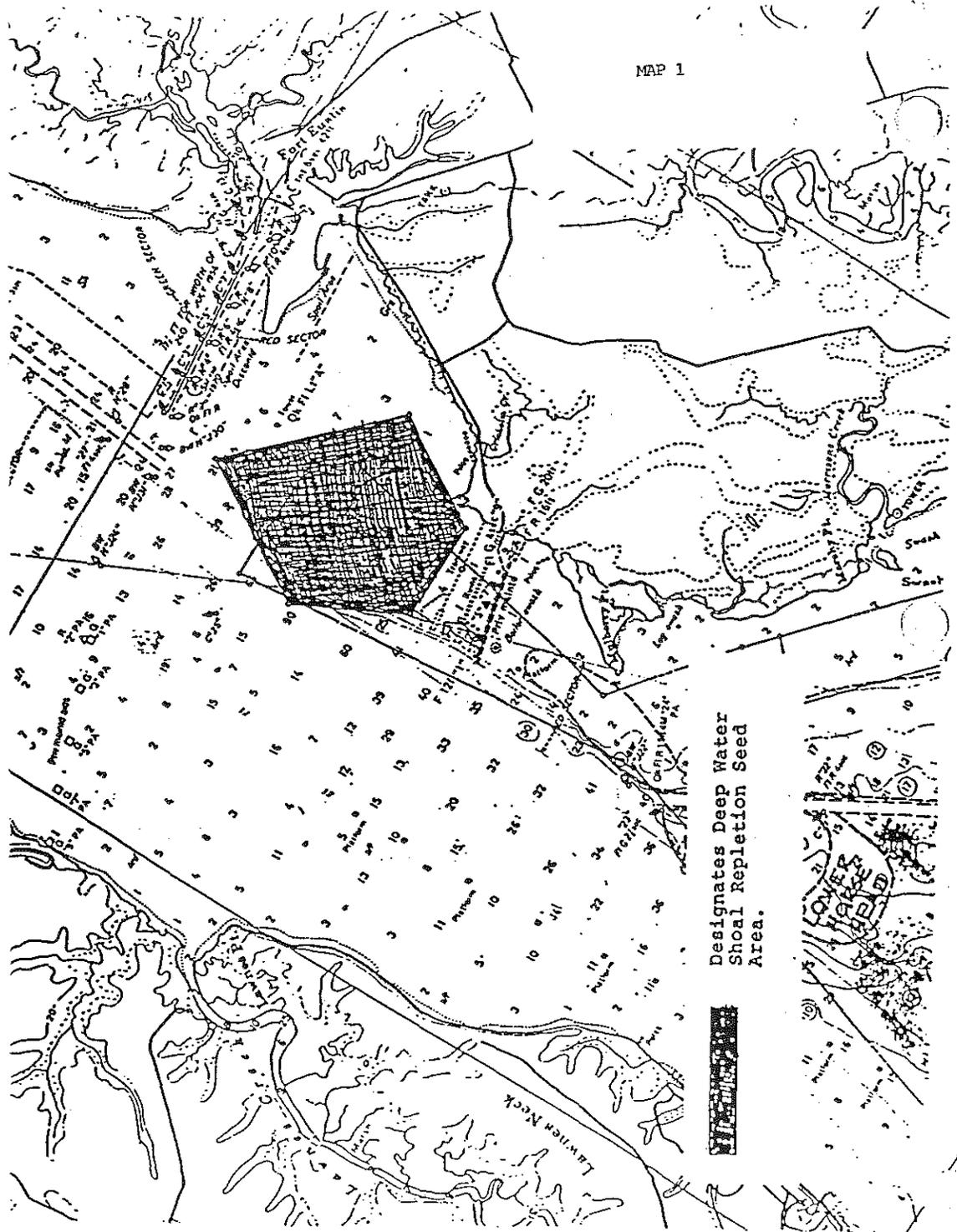
## CHARTS:

Map 1: Designates Deep Water Shoal Repletion Seed Area.

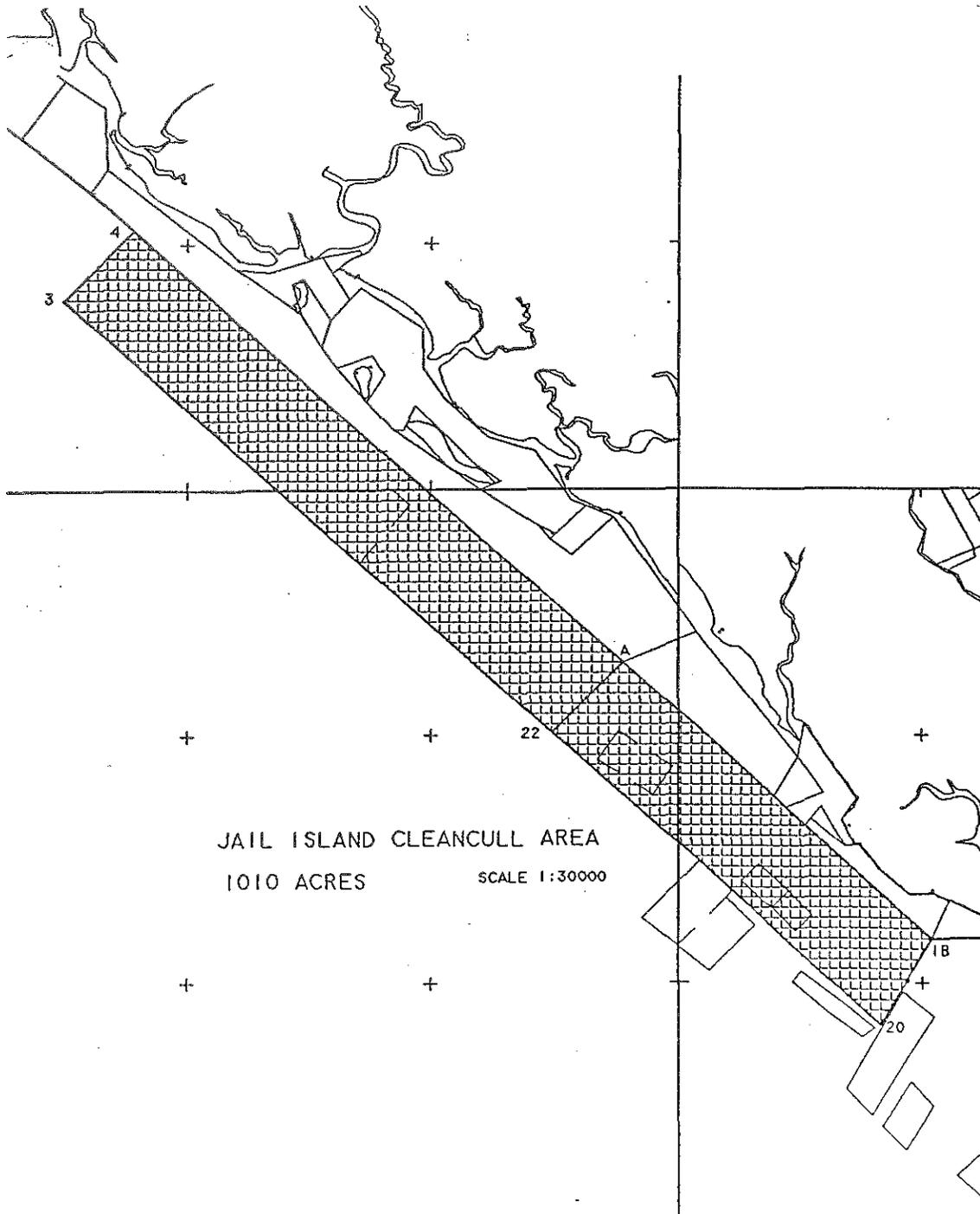
Map 2: Jail Island Clean Cull Area 1010 Acres.

Map 3: Management Area Within Baylor 820 Acres.

VA.R. Doc. No. R95-37; Filed October 5, 1994, 3:58 p.m.



MAP 2



JAIL ISLAND CLEANCULL AREA  
1010 ACRES

SCALE 1:30000



# Marine Resources Commission

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Title of Regulation: VR 450-01-0050. Pertaining to Grey Trout (Weakfish).

Statutory Authority: § 28.2-201 of the Code of Virginia.

Effective Date: October 4, 1994.

Preamble:

*This regulation establishes limitations on the commercial and recreational harvest of weakfish in order to reduce the fishing mortality rate and to rebuild the severely depleted stock of weakfish. The limitations include minimum size limits, gear restrictions and season limits for the commercial fishery and minimum size and bag limits for the recreational fishery.*

VR 450-01-0050. Pertaining to Grey Trout (Weakfish).

§ 1: Authority, repeal of prior regulations, effective date.

A. This regulation is promulgated pursuant to the authority contained in § 28.2-201 of the Code of Virginia.

B. This regulation repeals prior VR 450-01-0050 which was promulgated by the Marine Resources Commission and made effective July 1, 1992.

C. The effective date of this regulation is July 29, 1994.

§ 2: § 1. Purpose.

The purpose of this regulation is to achieve a 25% reduction in the weakfish fishing mortality rate during the April 1, 1994, through March 31, 1995, period, thereby reducing the probability of recruitment failure and stock collapse and to allow for a rebuilding of the spawning stock. This regulation responds to the mandatory requirements of the Atlantic Coastal Fisheries Cooperative Management Act (Public Law 103-206), in accordance with the Interstate Weakfish Fishery Management Plan of the Atlantic States Marine Fisheries Commission.

§ 3: § 2. Definition.

"Weakfish (Grey Trout)" shall include any fish of the species *Cynoscion regalis*.

§ 4: § 3. Minimum size limits ; tolerances .

A. It shall be unlawful for any person fishing with pound net or haul seine to possess any grey trout less than nine inches in length.

B. It shall be unlawful for any person fishing with gill nets to possess any grey trout less than 12 inches in length.

C. It shall be unlawful for any trawl boat to land any grey trout in Virginia that are less than 12 inches in length.

D. It shall be unlawful for any person fishing with hook-and-line, rod-and-reel, or hand line to possess any grey trout less than 14 inches in length.

E. It shall be unlawful for any person using any gear type not specified in subsection A, B, C or D of this section to possess any grey trout less than nine inches in length.

F. Length is measured in a straight line from the tip of the nose to the tip of the tail.

§ 5: § 4. Gear restrictions.

It shall be unlawful for any trawl boat to land grey trout in Virginia while possessing on board any trawl net having a cod-end mesh less than three inches, stretched measure.

§ 6: § 5. Commercial fishing season.

A. It shall be unlawful for any person fishing with pound net to possess any grey trout from August 1 28 through September 9, October 31, 1994, except as provided in subsection B of this section.

B. Any pound net fisherman who holds held 2, 3 or 4 pound net licenses as of August 5, July 31, 1994, and forfeits one of those licenses shall be eligible to possess grey trout during the August 1 28 through September 9, October 31, 1994, period. Any pound net fisherman who holds held 5, 6 or 7 pound net licenses as of August 5, July 31, 1994, and forfeits two of those licenses shall be eligible to possess grey trout during the August 1 28 through September 9, October 31, 1994, period. Any pound net fisherman who holds held 8, 9 or 10 pound net licenses as of August 5, July 31, 1994, and forfeits three of those licenses shall be eligible to possess grey trout during the August 1 28 through September 9, October 31, 1994, period. In addition, any pound net fisherman who holds licenses purchased after July 31, 1994, must forfeit all such licenses in order to possess grey trout during the August 28 through October 31, 1994, period. Forfeiture shall be through March 31, 1995.

C. Any pound net licensee who forfeits one or more licensed pound net stands may licenses pursuant to subsection B of this section shall retain his priority rights to such locations for future licensing until April 1, 1995. Any pound net fisherman holding a license as of July 31, 1994, may transfer the right to use that license to a person who held only one pound net license as of July 31, 1994.

D. It shall be unlawful for any person fishing with gill net to possess any grey trout from August 1 through October 18, 1994, and December 9, 1994, through March

31, 1995.

E. It shall be unlawful for any person fishing with haul seine to possess any grey trout from August 25, 1994, through March 31, 1995.

F. It shall be unlawful for any trawl boat to land any grey trout in Virginia from October 12 through November 30, 1994.

§ 7. § 6. Daily bag limit.

A. It shall be unlawful for any person fishing with hook-and-line, rod-and-reel, or hand line to possess more than 10 grey trout. Any grey trout taken after the bag limit of 10 fish has been reached shall be returned to the water immediately.

B. The daily bag limit of grey trout when fishing from a boat shall be equal to the number of legally eligible persons on board multiplied by 10.

C. Charter, party and head boat captains are ultimately responsible for the retention of the legal number of grey trout aboard their vessels.

§ 8. § 7. Penalty.

As set forth in § 28.2-903 of the Code of Virginia, any person, firm or corporation violating any provision of this regulation shall be guilty of a Class 3 misdemeanor.

/s/ William A. Pruitt  
Commissioner

V.A.R. Doc. No. R95-34; Filed October 4, 1994, 2:47 p.m.

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Title of Regulation: VR 450-01-0095. Restrictions on Oyster Harvest.

Statutory Authority: §§ 28.2-201 and 28.2-507 of the Code of Virginia.

Effective Date: October 5, 1994.

Preamble:

*This regulation establishes restrictions on the harvest of oysters from all public oyster grounds in the Chesapeake Bay and its tributaries and on all oyster grounds on the seaside of Eastern Shore.*

VR 450-01-0095. Restrictions on Oyster Harvest in Virginia.

§ 1. Authority, Other regulations, and effective date.

A. This regulation is promulgated pursuant to the authority contained in §§ 28.2-201 and 28.2-507 of the Code of Virginia.

B. Other restrictions on oyster harvesting may be found in Chapter 5 (§ 28.2-500 et seq.) of Title 28.2 of the Code of Virginia and in VR 450-01-0008, VR 450-01-0022, VR 450-01-0026, VR 450-01-0027, VR 450-01-0035, VR 450-01-0038, VR 450-01-0084, VR 450-01-0085, and VR 450-01-0086.

C. This regulation replaces previous emergency regulation, VR 450-01-0095, made effective January 26, 1994.

D. The effective date of this emergency regulation is February 23, 1994.

§ 2. Purpose.

The purpose of this regulation is to protect and conserve Virginia's oyster resource, which has been depleted by disease, harvesting, and natural disasters.

§ 3. Open season and areas.

The lawful seasons and areas for the harvest of oysters from the public oyster rocks, beds and shoals are as follows:

1. James River Seed Area: February 23, 1994 October 31, 1994, through April 30, 1994 1995.
2. Jail Island and Point of Shoals Clean Cull Areas: February 23, 1994 October 1, 1994, through April 30, 1994 1995.
3. Seaside of Eastern Shore: October 1, 1993 1994, through March 31, 1994 December 31, 1994. Seed harvest shall require a permit from the commission as set forth in § 8 of this regulation.

§ 4. Closed harvest season and areas.

It shall be unlawful for any person to harvest oysters from the following areas during the specified periods:

1. All public oyster grounds in the Chesapeake Bay and its tributaries, except the James River Seed Area and the Jail Island and Point of Shoals Clean Cull Areas: January 1, October 1, 1994, through September 30, 1994 1995.
2. James River Seed Area and Jail Island and Point of Shoals Clean Cull Areas: May 1, 1994 1995, through September 30, 1994 1995.
3. All oyster grounds on the Seaside of Eastern Shore: April 1, 1994 January 1, 1995, through September 30, 1994 1995. Oyster harvest from leased oyster ground and fee simple oyster ground shall require a permit from the commission as set forth in § 8 of this regulation.

§ 5. Time limit.

# Marine Resources Commission

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Harvest on public grounds in the James River Seed Area and the Jail Island and Point of Shoals Clean Cull Areas shall be from sunrise to noon, daily, *except during the months of January and February when it shall be from sunrise to 2 p.m., daily*. It shall be unlawful for any person to harvest oysters from the public grounds in the James River Seed Area or the Jail Island and Point of Shoals Clean Cull Areas prior to sunrise or after noon, daily, *or after 2 p.m., daily, during the months of January and February, 1995*.

/s/ William A. Pruitt  
Commissioner

V.A.R. Doc. No. R95-38; Filed October 5, 1994, 3:58 p.m.

## § 6. Gear restrictions.

It shall be unlawful for any person to harvest oysters from public oyster grounds with shaft tongs longer than 18 feet in total overall length.

## § 7. Quotas.

In the James River Seed Areas there shall be an oyster harvest quota of 80,000 bushels of seed oysters. ~~The quota will be divided such that 60,000 bushels are planted within the James River and 20,000 bushels are planted in any other area of the Chesapeake Bay and its tributaries.~~ It shall be unlawful for any person to harvest seed oysters from the James River Seed Area after the 80,000 bushel quota has been reached.

## § 8. Harvest permit required.

*A. It shall be unlawful for any person to harvest or attempt to harvest seed oysters from the public oyster grounds, leased oyster grounds, or for fee simple grounds on the Seaside of Eastern Shore during the open season without first obtaining a permit from the Marine Resources Commission.*

~~A. B.~~ It shall be unlawful for any person to harvest, or attempt to harvest, oysters from leased oyster grounds or fee simple ground on the Seaside of Eastern Shore without first obtaining a permit from the Marine Resources Commission.

~~B. C.~~ Applicants for the permit shall have paid all rent fees and shall specify the location of the lease of fee simple ground to be harvested and shall verify that the ground is properly marked as specified by VR 450-01-0038.

~~C. D.~~ No person shall hold more than two permits at any time.

## § 9. Penalty.

As set forth in § 28.2-903 of the Code of Virginia, any person violating any provision of this regulation shall be guilty of a Class 3 misdemeanor. In addition to the penalties prescribed by law, any person violating the provisions of this emergency regulation shall return all oysters harvested to the water, shall cease harvesting on that day, and all harvesting apparatus shall be subject to seizure.

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# GOVERNOR

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## EXECUTIVE MEMORANDUM 7-94

### POLICIES GOVERNING TRAVEL ON OFFICIAL BUSINESS

#### Preface:

By virtue of the authority vested in me under Article V of the Constitution of Virginia and under the laws of the Commonwealth, including but not limited to Chapter 5 of Title 2.1, I hereby establish general travel policies for executive branch agencies and personnel. These policies are based on the principle that agencies of the Commonwealth should work to eliminate the unnecessary expenditure of taxpayers' funds on travel expenses while ensuring that essential travel requirements are met. This Executive Memorandum complements, and should be implemented in conjunction with, Sections 14.1-5 through 14.1-10 of the Code of Virginia, the Appropriation Act [1994 Virginia Acts of Assembly, Chapter 966, § 4-5.06(f)], and regulations issued pursuant to those statutes.

#### Purpose:

This memorandum establishes the general policies that state agencies should incorporate in their internal travel regulations to ensure that unnecessary and discretionary travel expenses are eliminated.

#### Applicability:

This memorandum applies to all executive branch agencies, institutions, and employees.

#### Effective Date:

October 1, 1994

#### General Policies:

It is the policy of the Commonwealth of Virginia to limit travel costs to only those expenses that are necessary for providing essential services to the Commonwealth's citizens. Further, it is the policy of the Commonwealth to seek ways to reduce the cost of essential travel. In this respect, agencies shall incorporate the following policies in their internal travel regulations.

**Travel Requiring Advance Agency Head Approval:** Every executive branch agency's or institution's internal travel regulations shall require its employees to prepare an estimate of the total cost of any proposed travel. If the estimate of the total cost of an individual's proposed travel exceeds \$500 for any one trip, conference, meeting, seminar, or training session, the employee shall obtain the written approval of the agency head for that travel on a form acceptable to the agency. If the estimated cost is \$500 or less, the employee shall not be required to submit such a written estimate. "Total cost" means all costs

associated with transportation, lodging, meals, associated gratuities, conference registration, and training or course fees. The documentation of the cost and approval shall be filed with the travel reimbursement records at the agency and shall be made available for audit or inspection.

**Conventions and Conferences:** Proposals for attendance at, or sponsorship of, conventions and conferences should be given particular scrutiny by Secretaries and agency heads to ensure the proposed travel or sponsorship meets the standard of necessity. No more than two employees shall be authorized to attend any single convention or conference that requires an overnight stay; employees holding an executive office in the sponsoring organization or scheduled as presenters on the convention or conference program shall not fall within the purview of this limitation. Exceptions to this policy shall be granted by the responsible Governor's Secretary upon presentation of justification by the agency head.

**Out-of-Country Travel:** The head of every executive branch agency and institution shall report to his or her respective Secretary on every out-of-country trip by personnel of the agency or institution. This report shall include:

- the travel destination,
- the total cost of the travel,
- the source of funding,
- the need for the travel, and
- the expected benefits to the Commonwealth of the trip.

Reports shall be made in a format acceptable to the Secretary and shall be provided, for the fiscal year quarter just ended, on April 10, July 10, October 10, and January 10 of each year. A copy of these reports shall also be filed with the travel reimbursement records at the agency or institution and shall be made available for audit or inspection.

**Seminars, Workshops, or Training Programs:** Where an agency head determines that a seminar, workshop, or training program is essential to staff development for five or more employees, the agency shall investigate the option of bringing the trainer on site instead of authorizing employees to travel to an off-site location. The agency shall document the cost of an on-site session and retain such documentation on file with the agency travel records. The agency shall also explore the practicality of fulfilling the desired staff development goals through use of audio and video teleconferencing where these options may be more cost-effective than alternative programs.

**Meeting Facilities:** In selecting locations for meetings, agencies shall give first preference to using state-owned facilities. For meetings of policy, advisory, or supervisory

# Governor

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boards, the selection of a meeting site should reflect the policy that a public body conducting public business shall take care that public funds are expended prudently.

**Meal Expenses:** Reimbursement for meal expenses from public funds shall be limited to modest and reasonable costs and in accordance with applicable regulations.

**Lodging Expenses:** When overnight stays are required while on travel status, first preference shall be given to selecting lodging in the economy class. In all cases, employees shall request government rates when making reservations for lodging. Reimbursement and reimbursement rates shall be in accordance with applicable regulations.

Accountability:

The head of each executive branch agency or institution shall ensure that any and all travel undertaken by agency or institution personnel is essential to the conduct of the Commonwealth's business, is a justifiable expenditure of public funds, and conforms to both the policies and intent of this Executive Memorandum.

Implementation:

Each agency or institution will receive specific guidance from its responsible Secretary that addresses any agency-specific issues relating to its travel practices. In addition, the Secretary, in conjunction with the Department of Planning and Budget, will establish the base travel expense amount that will be used to measure the agency's success in managing its travel expenses at the end of each year.

This Executive Memorandum shall remain in full force and effect until June 30, 1998, unless superseded or rescinded by further executive action. Given under my hand this 30th day of June, 1994.

/s/ George Allen  
Governor

VA.R. Doc. No. R95-33; Filed September 30, 1994, 9:29 a.m.

**GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS**

(Required by § 9-6.12:9.1 of the Code of Virginia)

**VIRGINIA EMPLOYMENT COMMISSION**

Title of Regulation: **VR 300-01-1. Definitions and General Provisions.**

Governor's Comment:

I have reviewed the proposed regulation and public

comment for this regulatory program. This regulation is designed to clarify and reorganize the Virginia Employment Commission's Unemployment Benefits Regulations. Based on the recommendations of the agency, the Department of Planning and Budget, and the Secretary as well as my review of the public's comments, I have no objections to this regulation.

/s/ George Allen  
Governor  
Date: October 11, 1994

VA.R. Doc. No. R95-48; Filed October 14, 1994, 11:15 a.m.

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Title of Regulation: **VR 300-01-2. Unemployment Taxes.**

Governor's Comment:

I have reviewed the proposed regulation and public comment for this regulatory program. This regulation is designed to clarify and reorganize the Virginia Employment Commission's Unemployment Benefits Regulations. Based on the recommendations of the agency, the Department of Planning and Budget, and the Secretary as well as my review of the public's comments, I have no objections to this regulation.

/s/ George Allen  
Governor  
Date: October 10, 1994

VA.R. Doc. No. R95-49; Filed October 14, 1994, 11:15 a.m.

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Title of Regulation: **VR 300-01-3. Benefits (REPEAL).**

Title of Regulation: **VR 300-01-3:1. Required Records and Reports.**

Governor's Comment:

I have reviewed the proposed regulation and public comment for this regulatory program. This regulation is designed to clarify and reorganize the Virginia Employment Commission's Unemployment Benefits Regulations. Based on the recommendations of the agency, the Department of Planning and Budget, and the Secretary as well as my review of the public's comments, I have no objections to this regulation.

/s/ George Allen  
Governor  
Date: October 10, 1994

VA.R. Doc. No. R95-50; Filed October 14, 1994, 11:15 a.m.

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Title of Regulation: **VR 300-01-4. Adjudication (REPEAL).**

Title of Regulation: VR 300-01-4:1. Combined Employer Accounts.

Governor's Comment:

I have reviewed the proposed regulation and public comment for this regulatory program. This regulation is designed to clarify and reorganize the Virginia Employment Commission's Unemployment Benefits Regulations. Based on the recommendations of the agency, the Department of Planning and Budget, and the Secretary as well as my review of the public's comments, I have no objections to this regulation.

/s/ George Allen  
Governor  
Date: October 10, 1994

V.A.R. Doc. No. R95-51; Filed October 14, 1994, 11:15 a.m.

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Title of Regulation: VR 300-01-5. Employer Elections to Cover Multistate Workers.

Governor's Comment:

I have reviewed the proposed regulation and public comment for this regulatory program. This regulation is designed to clarify and reorganize the Virginia Employment Commission's Unemployment Benefits Regulations. Based on the recommendations of the agency, the Department of Planning and Budget, and the Secretary as well as my review of the public's comments, I have no objections to this regulation.

/s/ George Allen  
Governor  
Date: October 10, 1994

V.A.R. Doc. No. R95-52; Filed October 14, 1994, 11:15 a.m.

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Title of Regulation: VR 300-01-6. Benefits.

Governor's Comment:

I have reviewed the proposed regulation and public comment for this regulatory program. This regulation is designed to clarify and reorganize the Virginia Employment Commission's Unemployment Benefits Regulations. Based on the recommendations of the agency, the Department of Planning and Budget, and the Secretary as well as my review of the public's comments, I have no objections to this regulation.

/s/ George Allen  
Governor  
Date: October 10, 1994

V.A.R. Doc. No. R95-53; Filed October 14, 1994, 11:15 a.m.

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Title of Regulation: VR 300-01-7. Interstate and Multistate Claimants.

Governor's Comment:

I have reviewed the proposed regulation and public comment for this regulatory program. This regulation is designed to clarify and reorganize the Virginia Employment Commission's Unemployment Benefits Regulations. Based on the recommendations of the agency, the Department of Planning and Budget, and the Secretary as well as my review of the public's comments, I have no objections to this regulation.

/s/ George Allen  
Governor  
Date: October 10, 1994

V.A.R. Doc. No. R95-54; Filed October 14, 1994, 11:15 a.m.

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Title of Regulation: VR 300-01-8. Adjudication.

Governor's Comment:

I have reviewed the proposed regulation and public comment for this regulatory program. This regulation is designed to clarify and reorganize the Virginia Employment Commission's Unemployment Benefits Regulations. Based on the recommendations of the agency, the Department of Planning and Budget, and the Secretary as well as my review of the public's comments, I have no objections to this regulation.

/s/ George Allen  
Governor  
Date: October 10, 1994

V.A.R. Doc. No. R95-55; Filed October 14, 1994, 11:15 a.m.

REAL ESTATE APPRAISER BOARD

Title of Regulation: VR 583-01-03. Real Estate Appraiser Board Rules and Regulations.

Governor's Comment:

I have reviewed the regulation and the public's comments. The Secretary and the agency have assured me that this regulation is a reasonable and necessary means of implementing this program.

/s/ George Allen  
Governor  
Date: October 11, 1994

V.A.R. Doc. No. R95-56; Filed October 14, 1994, 11:15 a.m.

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# SCHEDULES FOR COMPREHENSIVE REVIEW OF REGULATIONS

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Governor George Allen issued and made effective Executive Order Number Fifteen (94) on June 21, 1994. This Executive Order was published in The Virginia Register of Regulations on July 11, 1994 (10:21 V.A.R. 5457-5461 July 11, 1994). The Executive Order directs state agencies to conduct a comprehensive review of all existing regulations to be completed by January 1, 1997, and requires a schedule for the review of regulations to be developed by the agency and published in The Virginia Register of Regulations. This section of The Virginia Register has been reserved for the publication of agencies' review schedules. Agencies will receive public comment on the following regulations listed for review.

## VIRGINIA EMPLOYMENT COMMISSION

### NOTICE OF REQUEST FOR COMMENTS

The Virginia Employment Commission will receive public comments concerning the need for amendment or repeal of the following adopted regulations:

- VR 300-01-1. Definitions and General Provisions.
- VR 300-01-2. Unemployment Taxes.
- VR 300-01-3:1. Required Records and Reports.
- VR 300-01-4:1. Combined Employer Accounts.
- VR 300-01-5. Employer Elections to Cover Multistate Workers.
- VR 300-01-6. Benefits.
- VR 300-01-7. Interstate and Multistate Claimants.
- VR 300-01-8. Adjudication.

These regulations were adopted on July 18, 1994, but have not been published in final form and therefore are not yet final regulations. Copies are available from the Virginia Employment Commission on request.

Please forward all comments to Mr. Michael P. Maddox at the Virginia Employment Commission, P. O. Box 1358, Richmond, Virginia 23211. For additional information call Mr. Maddox at (804) 786-1070. Public comments will be accepted through December 12, 1994.

## BOARD FOR GEOLOGY

- VR 335-01-02. Rules and Regulations of the Board for Geology.

The Department of Professional and Occupational Regulation, pursuant to Executive Order 15(94), is proposing to undertake a comprehensive review of the regulations of the Board for Geology. As a part of this

process public input and comments are being solicited; comments may be provided from October 31 to December 31, 1994 to the administrator of the program, Joan White, at the Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia 23230. The department's goal in accordance with the Executive Order is to ensure that the regulations achieve the least possible interference in private enterprise while still protecting the public health, safety and welfare and are written clearly so that they may be used and implemented by all those who interact with the regulatory process.

A public hearing on the proposed regulation will be held on December 1, 1994, at 1 p.m., in Conference Room #2, 5th Floor, 3600 West Broad Street, Richmond, VA 23230.

**Contact:** Joan L. W. McMichael, Assistant Director, Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, VA 23230-4917, telephone (804) 367-8552.

## DEPARTMENT OF HEALTH

### PLAN FOR THE COMPREHENSIVE REVIEW OF ALL EXISTING HEALTH REGULATIONS

#### Timetable for Review

The 66 regulations for the State Board of Health and the Virginia Health Planning Board are divided into four groups. Each group shall be reviewed within a period of six months. From the start date, review should comply with the following timetable:

**First 2 Weeks:** Staff develops written statement of regulation's statutory authority and intended purpose. Regulated parties are detailed. Existing advisory committee is notified of the review; or an ad hoc advisory group is formed to participate in the review, if appropriate.

**By Week 2:** Notification of review and public comment period is identified and filed with the Registrar for publication in the Register. Public comment period shall be no less than 60 days.

**By Month 3:** Review of regulation is begun with advisory groups. Public comment is received and analyzed; shared with advisory group. Development of report is underway.

**End Month 5:** Draft report with recommendation is presented to the Commissioner. If consensus on recommendation is not present, staff provides oral briefing to review unresolved issues. Revisions made to the report.

**End Month 6:** Final Report is presented to Secretary James and copied to members of the State Board of

# Schedules for Comprehensive Review of Regulations

Health or Virginia Health Planning Board.

The review periods for the four groups are as follows:

	<u>Begin by</u>	<u>End</u>
Group I	Sept 15, 1994	March 15, 1995
Group II	December 1, 1994	June 1, 1995
Group III	July 15, 1995	January 15, 1996
Group IV	December 1, 1995	June 1, 1996

This schedule will facilitate staff compliance with the requirement that 1/2 of the regulations be evaluated by July 1, 1995, and the remaining by July 1, 1996.

The following table details the dates assigned to each of the regulations for completion of the comprehensive review. In addition, the VDH program area with primary responsibility for accomplishing the review is identified.

**VR NUMBER, REGULATION TITLE ..... DUE DATE AND PROGRAM RESPONSIBLE**

VR 355-01-100. Public Participation Guidelines. ...	3/15/95
Office of Public Affairs	
VR 355-01-400. Human Research. ....	6/1/95
Office of Public Affairs	
VR 355-05-01. Registration of Cremators. ....	1/15/96
Office of Vital Records & Health Statistics	
VR 355-11-200. Newborn Screening & Treatment. ..	6/1/96
Office of Family Health Services	
VR 355-12-01. Virginia's Hearing Impairment Identification & Monitoring System. ....	3/15/95
Office of Family Health Services	
VR 355-12-02. Children's Specialty Services Program (Plan). ....	6/1/95
Office of Family Health Services	
VR 355-17-01. Regulations for Marinas and Boat Moorings (4th Revision). ....	6/1/95
Office of Water Programs	
VR 355-17-02. Sewerage Regulations. ....	6/1/96
Office of Water Programs	
VR 355-18-000. Waterworks Regulations. ....	1/15/96
Office of Water Programs	
VR 355-18-014. Waterworks Operations Fee. ....	1/15/96
Office of Water Programs	
VR 355-19-02. Notices and Descriptions of Shellfish Area Condemnations. (Each Condemnation Notice is VR-numbered separately; review will occur for process of	

condemnation.) ..... 3/15/95  
Office of Water Programs

VR 355-19-04. Notices of Establishment and Description of Seasonally Condemned Areas at Marina Facilities. 6/1/96  
Office of Water Programs

VR 355-19-05. Rules and Regulations Governing the Sanitary Control of Oysters, Clams and or Shellfish. .... 1/15/96  
Office of Water Programs

VR 355-19-06. Regulations Governing the Sanitary Control of the Picking, Packing and Marketing of Crab Meat. .... 6/1/96  
Office of Water Programs

VR 355-19-07. Regulations Prohibiting the Taking of Fish for Human Consumption from the North Fork of the Holston River. .... 3/15/95  
Office of Water Programs

VR 355-20-01. Virginia's Radiation Protection Regulations. .... 6/1/95  
Office of Epidemiology

VR 355-20-02. Virginia's Radiation Protection Regulations Fee Schedule. .... 6/1/95  
Office of Epidemiology

VR 355-28-100. Rules and Regulations for the Reporting and Control of Diseases. .... 1/15/96  
Office of Epidemiology

VR 355-28-02. Rules Governing Virginia Tumor Registry. .... 6/1/96  
Office of Epidemiology

VR 355-28-300. Regulations Governing the Immunization of School Children. .... 1/15/96  
Office of Epidemiology

VR 355-29-01. Regulations Governing Vital Records and Health Statistics. .... 6/1/96  
Office of Vital Records and Health Statistics

VR 355-30-000. Virginia Medical Care Facilities Certificate of Public Need Regulations. .... 3/15/95  
Office of Resources Development

VR 355-30-100 - VR 355-30-114. STATE MEDICAL FACILITIES PLAN. (The 13 sets of regulations will be divided among the 4 review groups.) ..... 3/15/95  
..... 6/1/95  
Office of Resources Development ..... 1/15/96  
Office of Resources Development ..... 6/1/96

VR 355-32-01. Rules & Regulations Governing Emergency Medical Services. .... 3/15/95  
Office of Emergency Medical Services

VR 355-32-02. Regulations Governing Financial Assistance for EMS. .... 6/1/95  
Office of Emergency Medical Services

# Schedules for Comprehensive Review of Regulations

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- VR 355-32-500. EMS-Do Not Resuscitate. .... 1/15/96  
Office of Emergency Medical Services
- VR 355-33-01. Rules and Regulations for the Licensure of  
Convalescent and Nursing Homes. .... 6/1/96  
Office of Emergency Medical Services
- VR 355-33-02. Regulations for the Licensure of Home  
Health Agencies. .... 6/1/95  
Office of Emergency Medical Services
- VR 355-33-03. Regulations for the Licensure of Hospices.  
Office of Emergency Medical Services ..... 1/15/96
- VR 355-33-04. Rules and Regulations Governing the  
Practice of Midwifery. .... 3/15/95  
Office of Family Health Services
- VR 355-33-500. Rules and Regulations for Licensure of  
Hospitals. .... 1/15/96  
Office of Emergency Medical Services
- VR 355-34-100. Private Well Regulations. .... 3/15/95  
Office of Environmental Health
- VR 355-34-02. Regulations Governing Sewage Handling and  
Disposal. .... 6/1/95  
Office of Environmental Health
- VR 355-34-03. Regulations Governing Application Fee for  
Construction Permits for Onsite Disposal Systems and  
Private Wells. .... 6/1/96  
Office of Environmental Health
- VR 355-34-400. Alternative Discharging Sewage Treatment  
Services. .... 1/15/96  
Office of Environmental Health
- VR 355-35-01. Regulations Governing Restaurants. 3/15/95  
Office of Environmental Health
- VR 355-35-200. Transient Lodging and Hotel Sanitation in  
Virginia. .... 6/1/95  
Office of Environmental Health
- VR 355-35-300. Regulations Governing the Sanitation of  
Summer Camps. .... 1/15/96  
Office of Environmental Health
- VR 355-35-400. Rules and Regulations Governing  
Campgrounds. .... 1/15/96  
Office of Environmental Health
- VR 355-35-500. Regulations Governing Tourist Establishment  
Swimming Pools and other Public Pools. .... 6/1/96  
Office of Environmental Health
- VR 355-35-06. Rules and Regulations Governing the  
Construction and Maintenance of Migrant Labor Camps.  
Office of Environmental Health ..... 6/1/95
- VR 355-35-700. Public Swimming Pool Regulations. 6/1/96  
Office of Environmental Health
- VR 355-39-100. Regulations Governing Eligibility Standards  
and Charges for Medical Care Services. .... 3/15/95  
Office of Finance and General Services
- VR 355-39-200. Charges Schedule. .... 3/15/95  
Office of Finance and General Services
- VR 355-40-02. Guidelines for the General Assembly Nursing  
Scholarship Program. .... 3/15/95  
Office of Public Health Nursing
- VR 355-40-03. Regulations Governing the State Dental  
Scholarship Program. .... 3/15/95  
Office of Dental Services
- VR 355-40-400. Regulations Governing the Virginia Medical  
Scholarships Programs. .... 6/1/95  
Office of Primary Care Development
- VR 355-40-500. Regulations for the Identification of  
Medically Underserved Areas in Virginia. .... 1/15/96  
Office of Primary Care Development
- VR 355-40-700. Regulations Governing Nurse Practitioner  
Scholarship Program. .... 6/1/96  
Office of Public Health Nursing
- VIRGINIA HEALTH PLANNING BOARD
- VR 359-01-01. Guidelines for Public Participation in  
Developing Regulations. .... 3/15/95  
Health Policy
- VR 359-02-01. Regulations for Designating Health Planning  
Regions. .... 3/15/95  
Health Policy
- VR 359-02-02. Regulations Governing the Regional Health  
Planning Boards. .... 6/1/95  
Health Policy
- VR 359-02-03. Regulations for Designating Regional Health  
Planning Agencies. .... 6/1/95  
Health Policy
- VR 359-03-01. Administration of State Funding for Regional  
Health Planning. .... 3/15/95  
Health Policy

The public comment is being sought for the regulations assigned to Group I review from October 17 through December 16, 1994. Public comment periods for the remaining three review cycles will be published at the beginning of each cycle. In addition, comment will be received on any of the regulations during the October 17 to December 16, 1994, period.

Comments should be sent to: Office of the Commissioner,

# Schedules for Comprehensive Review of Regulations

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Virginia Department of Health, P. O. Box 2448, Richmond, Virginia 23218, FAX (804) 786-4616.

Please indicate the name of the regulation and VR number on your correspondence.

## COMMISSION ON LOCAL GOVERNMENT

Pursuant to Executive Order 15(94), the Commission on Local Government is initiating a comprehensive review of the following regulations:

VR 445-01-01. Public Participation Process.

VR 445-01-02. Organization and Rules of Procedure.

These regulations govern the Commission's procedures and its analysis of annexation, consolidation, and related interlocal issues.

Oral or written comments may be submitted from local government officials and all other interested parties through November 17, 1994, to M. H. Wilkinson, Executive Director or Ted McCormack, Assistant Director, Virginia Commission on Local Government, 702 Eighth Street Office Building, Richmond, VA 23219 (804) 786-6508.

**Contact:** M. H. Wilkinson, Executive Director or Ted McCormack, Assistant Director, Virginia Commission on Local Government, 702 Eighth Street Office Building, Richmond, VA 23219, telephone (804) 786-6508.

## DEPARTMENT OF SOCIAL SERVICES

VR 615-26-01. Minimum Standards for Licensed Family Day Care Systems.

VR 615-33-01. Fee Requirements for Processing Applications.

VR 615-36-01 and VR 175-10-01. Regulation for Criminal Record Checks for Child Welfare Agencies.

VR 615-28-01. Minimum Standards for Independent Foster Homes.

VR 615-37-01. Regulation for Criminal Record Checks for Homes for Adults and Adult Day Care Centers.

VR 615-27-02. Minimum Standards for Licensed Child Placing Agencies.

VR 615-24-01. Minimum Standards for Licensed Child Caring Institutions.

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

VR 175-09-01. Minimum Standards for Licensed Child Day

Centers for School Age Children.

VR 175-01-01:1. Public Participation Guidelines (Child Day Care Council).

(No VR number.) Allowable Variance Policy.

Written or oral public comments may be submitted through December 1, 1994, to Kathryn Thomas, Department of Social Services, 730 East Broad Street, Richmond, VA 23219, telephone: (804) 692-1793.

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# GENERAL NOTICES/ERRATA

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

## GENERAL NOTICES

### DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL (ALCOHOLIC BEVERAGE CONTROL BOARD)

#### Notice to the Public

Pursuant to the Virginia Department of Alcoholic Beverage Control's "Public Participation Guidelines for Adoption or Amendment of Regulations" (VR 125-01-1, Part V of the Regulations of the Virginia Department of Alcoholic Beverage Control), the board will conduct a public meeting on Thursday, June 1, 1995, at 10 a.m. in its Hearing Room, First Floor, A.B.C. Board, Main Offices, 2901 Hermitage Road, Richmond, Virginia, to receive comments and suggestions concerning the adoption, amendment or repeal of board regulations. Any group or individual may file with the board a written petition for the adoption, amendment or repeal of any regulation. Any such petition shall contain the following information, if available.

1. Name of petitioner;
2. Petitioner's mailing address and telephone number;
3. General description of proposal, with recommendations for adoption, amendment or repeal of specific regulation(s);
4. Why is change needed? What problem is it meant to address?
5. What is the anticipated effect of not making the change?
6. Estimated costs or savings to regulated entities, the public, or others incurred by this change as compared to current regulations;
7. Who is affected by recommended change? How affected?
8. Draft language; and
9. Supporting documents.

The board may also consider any other request for regulatory change at its discretion. All petitions or requests for regulatory change should be submitted to the board no later than Friday, November 18, 1994.

The board will also be appointing an ad hoc advisory panel consisting of persons on its general mailing list who will be affected by or interested in the adoption, amendment or repeal of board regulations. This panel will consider regulation proposals, make recommendations, assist in development of draft language and provide such advice as the board may request. Anyone interested in serving on such panel should notify the contact person

identified below by Friday, November 18, 1994, requesting that their name be placed on the general mailing list.

Petitions for regulatory change and requests to be appointed to the ad hoc advisory panel should be sent to Sara M. Gilliam, Assistant Secretary to the Board, 2901 Hermitage Road, Richmond, Virginia 23220, or may be faxed to (804) 367-1802 if the original paperwork is also mailed.

Applicable laws or regulations (authority to adopt regulations): §§ 4.1-103 12, 4.1-111, 4.1-112, 4.1-113 and 9-6.14:1 et seq. of the Code of Virginia; VR 125-01-1 § 5.1, Board Regulations.

Entities affected: All licensees (manufacturers, wholesalers, importers, retailers) and the general public.

FOR FURTHER INFORMATION CONTACT: Sara M. Gilliam, Assistant Secretary, Department of Alcoholic Beverage Control, P.O. Box 27491, Richmond, Virginia 23261, telephone (804) 367-0617.

### DEPARTMENT OF HEALTH PROFESSIONS

#### † Notice to All Providers of Rehabilitation Services in the Commonwealth of Virginia

The 1994 General Assembly enacted legislation (§ 54.1-3513 of the Code of Virginia) which requires the Board of Professional Counselors to certify rehabilitation providers.

As defined in this legislation, a rehabilitation provider is a person who, functioning within the scope of his practice, performs, coordinates, manages or arranges for rehabilitation services. Rehabilitation services include evaluation, assessment, training services, services to family members, interpreter services, rehabilitation teaching, coordination of telecommunications, placement in suitable employment, post-employment services and other related services provided to a person with a disability for the purpose of restoring the person's productive capacity. In addition, § 65.2-603 of the Code of Virginia states that providers of vocational rehabilitation services which include vocational evaluation, counseling, job coaching, job development, job placement, on-the-job training, education and retraining must be certified to provide services in accordance with the Worker's Compensation mandate.

No person, other than a person licensed by the Boards of Medicine, Nursing, Optometry, Professional Counselors, Psychology or Social Work, shall hold himself out as a provider of rehabilitation services unless he holds a valid

certificate.

Upon receipt of a completed application before June 30, 1995, the Board of Professional Counselors will issue certification to any person who was actively engaged in providing rehabilitation services on January 1, 1994. If you are eligible for this certification, contact the Rehabilitation Provider Certification Program, Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, Virginia 23230-1717, telephone (804) 662-9575 to request an application form.

**DEPARTMENT OF LABOR AND INDUSTRY**

**Notice to the Public**

The Virginia State Plan for the enforcement of Virginia Occupational Safety and Health (VOSH) laws commits the Commonwealth to adopt regulations identical to, or as effective as, those promulgated by the U.S. Department of Labor, Occupational Safety and Health Administration.

Accordingly, public participation in the formulation of such regulations must be made during the adoption of such regulations at the federal level. Therefore, the Virginia Department of Labor and Industry is reissuing the following Federal OSHA notice:

**U. S. DEPARTMENT OF LABOR**

Occupational Safety and Health Administration

29 CFR Parts 1910, 1915, 1926, and 1928

(Docket No. H-122)

**INDOOR AIR QUALITY** (including Environmental Tobacco Smoke in the Workplace)

**AGENCY:** Occupational Safety and Health Administration (OSHA)

**ACTION:** Notice of proposed federal rulemaking; change of hearing location; extension of hearing dates; and clarification of hearing issues.

**SUMMARY:** The Occupational Safety and Health Administration (OSHA) is changing the location of the hearing (the starting date of the hearing remains unchanged) and extending the length of the hearing to accommodate the large number of parties who wish to participate. In order to help hearing participants focus their testimony on relevant issues, OSHA is also clarifying certain aspects of its proposal.

**TEXT:** Full text of the proposed rulemaking can be found in the Federal Register, Volume 59, No. 179, pg. 47570 (September 16, 1994).

**DATES:** The hearing will take place from September 20,

1994, through October 14, 1994, as scheduled, but will also reconvene for additional sessions from October 24 through November 22, 1994, and November 29 through December 5, 1994. The starting time is 10 a.m. on the first day and 9:30 a.m. on the subsequent days.

**ADDRESSES:** The first two days of the hearing, Tuesday, September 20 and Wednesday, September 21, will be held at the Andrew W. Mellon Auditorium between 12th and 13th Streets on Constitution Avenue, N.W., Washington, D.C. The third and fourth days of the hearing, Thursday, September 22, and Friday, September 23, will be held at the Department of Interior Auditorium, 1849 "C" Street, N.W., Washington, D.C. The location of the hearings on subsequent days will be announced, and may be obtained by calling the OSHA Office of Information and Consumer Affairs at (202) 219-8618.

**FOR FURTHER INFORMATION CONTACT:** Tom Hall, Office of Information and Consumer Affairs, OSHA, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, (202) 219-8618.

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**Notice to the Public**

The Virginia State Plan for the enforcement of Virginia Occupational Safety and Health (VOSH) laws commits the Commonwealth to adopt regulations identical to, or as effective as, those promulgated by the U.S. Department of Labor, Occupational Safety and Health Administration.

Accordingly, public participation in the formulation of such regulations must be made during the adoption of such regulations at the federal level. Therefore, the Virginia Department of Labor and Industry is reissuing the following Federal OSHA notice:

**U. S. DEPARTMENT OF LABOR**

Occupational Safety and Health Administration

29 CFR Parts 1910, 1917, and 1918

(Docket No. S-025)

**LONGSHORING AND MARINE TERMINALS**

**AGENCY:** Occupational Safety and Health Administration (OSHA)

**ACTION:** Proposed Rule; Notice of Informal Public Hearings.

**SUMMARY:** The Occupational Safety and Health Administration (OSHA) proposed on June 2, 1994 (59 FR 28594), to revise its Safety and Health Regulations for Longshoring and, to a far lesser extent, to amend its Safety and Health Regulations for Marine Terminals. The proposed rule covers cargo handling and related activities

## General Notices/Errata

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conducted aboard vessels and at Marine Terminals. The proposed amendments to the Marine Terminals standard are intended primarily to provide regulatory consistency with the proposed Longshoring ship-board rules.

The June 2, 1994, Federal Register notice and subsequent correction notice on June 13, 1994 (59 FR 30389), announced the cities and dates for three informal rulemaking hearings that will be held on all issues raised by the proposal. The dates of these hearings have been changed. This notice sets the new dates and specific locations of the informal public hearings to be held as part of the rulemaking process. In addition, it extends the original date for the submission of Notices of Intention to Appear by three weeks and reduces the time frame for the submission of documentary evidence and the text of lengthy testimony from 21 days to 14 days prior to the date of the hearing where the evidence will be presented.

TEXT: Full text of the proposed rule can be found in the Federal Register, Volume 59, No. 160, pg. 42785 (August 19, 1994).

The hearings will begin at 9:30 a.m. and be held in New Orleans, Louisiana on November 15, 16 and 17, 1994.

Parties who request more than 10 minutes for their presentation at the informal public hearing and parties who will submit documentary evidence at the hearing must submit the full text of their testimony and all documentary evidence prior to the date of the hearing to be attended as follows:

New Orleans, Louisiana: postmarked by November 1, 1994.

The New Orleans hearings will be held at THE INN ON BOURBON, 541 Bourbon Street, New Orleans, Louisiana. The telephone number is (504) 524-7611.

Written comments should be submitted in quadruplicate to the Docket Office, Docket No. S-025, Room N-2625, U.S. Department of Labor, 200 Constitution Ave., N.W., Washington, D.C. 20210. Telephone: (202) 219-7894. Comments of 10 pages or less may be faxed to the Docket Office, if followed by a hard copy. The OSHA Docket Office fax number is (202) 219-5046.

An additional hard copy should be submitted to the Director of Enforcement Policy, Virginia Department of Labor and Industry, 13 South Thirteenth Street, Richmond, Virginia 23219 or faxed, if 10 pages or less, to (804) 786-8418.

Notices of intention to appear, testimony and documentary evidence to be submitted at the hearing are to be sent to Mr. Thomas Hall, OSHA Division of Consumer Affairs, Docket No. S-025, Room N-3647, U.S. Department of Labor, 200 Constitution Avenue N.W., Washington, DC 20210, telephone (202) 219-8615.

FOR FURTHER INFORMATION CONTACT: Mr. James F. Foster, Director, Office of Information and Consumer Affairs, OSHA, U.S. Department of Labor, Room N-3647, 200 Constitution Avenue, N.W., Washington, D.C. 20210, (202) 219-8148.

### COMMISSION ON LOCAL GOVERNMENT

#### Notice to the Public

Pursuant to the provisions of §§ 2.1-7.1 and 15.1-945.3(6) of the Code of Virginia and to Paragraph 7 of Executive Memorandum 5-94, notice is hereby given that the following modifications of the schedule of local mandate assessments have been approved by the Governor and Secretary of Administration, effective August 20, 1994:

The Virginia Alcohol Safety Action Program mandate has been reassigned to the Commission on the Virginia Alcohol Safety Action Program, which is not an executive branch agency. Therefore, this mandate is no longer subject to review.

The completion dates for assessment of the three mandates administered by the Compensation Board have been changed to January 31, 1995.

The original schedule for the assessments of state and federal mandates on local governments was established by the Commission on Local Government and approved by Governor Allen. In conducting assessments, agencies will follow the process established by Executive Memorandum 5-94, which became effective April 22, 1994. For further information call Adele MacLean, Policy Analyst, Commission on Local Government at 786-6508.

### 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 FAX two copies and 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

**ERRATA**

**MARINE RESOURCES COMMISSION**

Title of Regulation: VR 450-01-0092. Pertaining to Gill Nets.

Publication: 11:1 V.A.R. 106 October 3, 1994.

Correction to Final Regulation:

Page 106, filing date should read "August 16, 1994, 2:51 p.m."

\* \* \* \* \*

Title of Regulation: VR 450-01-0093. Pertaining to Crab Pots.

Publication: 11:1 V.A.R. 106 October 3, 1994.

Correction to Final Regulation:

Page 107, filing date should read "August 16, 1994, 2:51 p.m."

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# CALENDAR OF EVENTS

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<b>Symbols Key</b>	
†	Indicates entries since last publication of the Virginia Register
☒	Location accessible to handicapped
☎	Telecommunications Device for Deaf (TDD)/Voice Designation



## NOTICE

Only those meetings which are filed with the Registrar of Regulations by the filing deadline noted at the beginning of this publication are listed. Since some meetings are called on short notice, please be aware that this listing of meetings may be incomplete. Also, all meetings are subject to cancellation and The Virginia Register deadline may preclude a notice of such cancellation.

For additional information on open meetings and public hearings held by the Standing Committees of the Legislature during the interim, please call Legislative Information at (804) 786-6530.

## VIRGINIA CODE COMMISSION

### EXECUTIVE

#### BOARD FOR ACCOUNTANCY

† **November 22, 1994 - 9 a.m.** – Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia. ☒

An open meeting to conduct informal fact-finding conferences in regard to the Board for Accountancy v. John Bernard Shanes, Jr., at 9 a.m., and the Board for Accountancy v. Bradley E. Crowder at 10 a.m. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made for any appropriate accommodation. The department fully complies with the Americans with Disabilities Act. Please notify the department of your request for accommodation at least two weeks in advance.

**Contact:** Carol A. Mitchell, Assistant Director, Board for Accountancy, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8524.

## DEPARTMENT FOR THE AGING

### Advisory Committee on Consolidation of Long-Term Care and Aging Services

**November 10, 1994 - 10 a.m.** – Open Meeting  
Monroe Towers, 101 North 14th Street, Room E,

Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

An open meeting to discuss state-level consolidation of long-term care and aging services and begin developing a plan to ensure the coordination and enhancement of service delivery at the local level.

**Contact:** Cathy Saunders, Director, Long-Term Care Council, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 225-2912.

## DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

### Virginia Seed Potato Board

† **November 2, 1994 - 8 p.m.** – Open Meeting  
Eastern Shore Agricultural Experiment Station, Research Drive, Painter, Virginia. ☒

The board will meet to review and adopt regulations. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact William Mapp so that suitable arrangements can be made.

**Contact:** J. William Mapp, Program Director, Box 26, Onley, VA 23418, telephone (804) 787-5867.

### Virginia Winegrower's Advisory Board

**November 1, 1994 - 10 a.m.** – Open Meeting  
Boar's Head Inn and Sports Club, Route 250 West, Tack Room, Charlottesville, Virginia. ☒ (Interpreter for the deaf provided upon request)

A meeting to hear committee and project monitor reports and review old and new business. Public comment is welcome following the conclusion of board business. Any person who needs any accommodation in order to participate at the meeting should contact Mary Davis-Barton at least 14 days before the meeting date so that suitable arrangements can be made.

**Contact:** Mary Davis-Bacon, Secretary, Virginia Winegrower's Advisory Board, 1100 Bank St., Suite 1009, Richmond, VA 23219, telephone (804) 786-0481.

**BOARD FOR ARCHITECTS**

† **November 17, 1994 - 9 a.m. – Open Meeting**  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Conference Room 2, Richmond,  
Virginia. ☒

A meeting to (i) approve minutes dated September 1, 1994; (ii) review enforcement files; (iii) review applications; (iv) review correspondence; and (v) conduct any board business.

**Contact:** Mark N. Courtney, Assistant Director, Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514 or (804) 367-9753/TDD ☎

**AUCTIONEERS BOARD**

† **November 23, 1994 - 9 a.m. – Open Meeting**  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia. ☒

A meeting to conduct an informal fact-finding conference in regard to the Auctioneers Board v. Robert Wendell Williamson. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at (804) 367-8500. The department fully complies with the Americans with Disabilities Act. Please notify the department of your request for accommodation at least two weeks in advance for consideration.

**Contact:** Carol A. Mitchell, Assistant Director, Auctioneers Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8524.

**BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY**

**November 17, 1994 - 9:30 a.m. – Open Meeting**  
Department of Health Professions, 6606 West Broad Street,  
5th Floor, Conference Room 1, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

A regular board meeting.

**Contact:** Meredyth Partridge, Executive Director, Board of Audiology and Speech-Language Pathology, 6606 W. Broad St., Richmond, VA 23230, telephone (804) 662-9907 or (804) 662-7197/TDD ☎

**November 17, 1994 - 9:30 a.m. – Open Meeting**  
Department of Health Professions, 6606 West Broad Street,  
5th Floor, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

Pursuant to Executive Order 15(94) requiring a

comprehensive review of all regulations, the board will receive comments on the following regulations:

- VR 155-01-3, Public Participation Guidelines
- VR 155-01-2, General Regulations

This regulation will be reviewed to ensure (i) that it is essential to protect the health and safety of the citizens or necessary for the performance of an important government function; (ii) that it is mandated or authorized by law; (iii) that it offers the least burdensome alternative and most reasonable solution; and (iv) that it is clearly written and easily understandable. Written comment may be sent to the board before December 15, 1994.

**Contact:** Meredyth Partridge, Executive Director, Board of Audiology and Speech-Language Pathology, 6606 W. Broad St., Richmond, VA 23230, telephone (804) 662-9907 or (804) 662-7197/TDD ☎

**BOARD FOR BARBERS**

**December 5, 1994 - 9 a.m. – Open Meeting**  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia. ☒

A general business meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact Karen W. O'Neal. The department fully complies with the Americans with Disabilities Act. Please notify the department of your request for accommodation at least two weeks in advance for consideration of your request.

**Contact:** Karen W. O'Neal, Assistant Director, Board for Barbers, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-0500.

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**November 5, 1994 –** Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board for Barbers intends to amend regulations entitled: **VR 170-01-1:1. Board for Barbers Regulations.** The purpose of the proposed amendments is to establish the requirements for licensure of barbers, barber instructors, barber shops and barber schools, including a fee adjustment.

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

**Contact:** Karen W. O'Neal, Assistant Director, Board for Barbers, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-0500.

# Calendar of Events

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## BOARD FOR BRANCH PILOTS

† **December 13, 1994 - 9 a.m.** – Public Hearing  
Virginia Port Authority, 600 World Trade Center, Norfolk,  
Virginia. ☎

A public hearing on review of regulations in response  
to Executive Order 15(94).

**Contact:** David E. Dick, Assistant Director, Board for  
Branch Pilots, 3600 W. Broad St., Richmond, VA 23230,  
telephone (804) 367-8595 or (804) 367-9753/TDD ☎

## GOVERNOR'S COMMISSION ON CHAMPION SCHOOLS

**November 2, 1994 - 6:30 p.m.** – Public Hearing  
Roanoke, Virginia (site to be determined)

An opportunity for public input in regard to improving  
public education. The full commission will review the  
contents of the public hearing.

**Contact:** Robin L. Zink, Associate Director, Governor's  
Commission on Champion Schools, 506 Ninth Street Office  
Bldg., Richmond, VA 23219, telephone (804) 692-0244.

## CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

### Central Area Review Committee

**November 17, 1994 - 2 p.m.** – Open Meeting  
**December 14, 1994 - 2 p.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 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

**November 17, 1994 - 10 a.m.** – Open Meeting  
**December 15, 1994 - 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 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

**November 23, 1994 - 10 a.m.** – Open Meeting  
**December 28, 1994 - 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 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 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

† **November 10, 1994 - 9 a.m.** – Open Meeting  
Theater Row Building, 730 East Broad Street, Lower Level,  
Conference Room 1, Richmond, Virginia. ☎ (Interpreter for  
the deaf provided upon request)

The council will meet to discuss issues and concerns  
that impact child day centers, camps, school age  
programs, and preschool/nursery schools. Public  
comment period will be at noon. Please call ahead of  
time for possible changes in meeting time.

**Contact:** Richard Martin, Division of Management and  
Customer Service, Department of Social Services, Theater  
Row Bldg., 730 E. Broad St., Richmond, VA 23219,  
telephone (804) 692-1825.

## INTERDEPARTMENTAL REGULATION OF CHILDREN'S RESIDENTIAL FACILITIES

### Coordinating Committee

† **November 18, 1994 - 8:30 a.m.** – Open Meeting  
Theater Row Building, 730 East Broad Street, Office of  
Coordinator, Interdepartmental Regulation, 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, Department of Social Services, 730 East Broad St., Richmond, VA 23219-1849, telephone (804) 692-1960.

## COMPENSATION BOARD

† **November 30, 1994 - 1 p.m.** – Open Meeting  
† **December 22, 1994 - Noon** – Open Meeting  
Ninth Street Office Building, 202 North 9th Street, Room 913/913A, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A routine meeting to conduct business.

**Contact:** Bruce W. Haynes, Executive Secretary, Compensation Board, P.O. Box 710, Richmond, VA 23206-0686, telephone (804) 786-3886/TDD ☎

## DEPARTMENT OF CONSERVATION AND RECREATION (BOARD OF)

**November 9, 1994 - 9 a.m.** – Open Meeting  
Virginia War Memorial, 621 Belvidere Street, Richmond, Virginia. ☎

An ad hoc committee will convene to review the following regulations in accordance with the Governor's Executive Order 15(94):

Agenda: 9 a.m. to 9:30 a.m.

VR 215-00-00. Regulatory Public Participation Procedures  
VR 217-00-00. Regulatory Public Participation Procedures  
VR 625-00-00:1. Regulatory Public Participation Procedures

9:30 a.m. to 11:30 a.m.

VR 215-01-02. Virginia State Park Regulations  
VR 215-01-03. Virginia State Forest Regulations

1 p.m. to 3 p.m.

VR 215-01-01. Standards for the Classification of Real Estate as Devoted to Open Space Use Under the Virginia Land Use Assessment Law

**Contact:** Leon E. App, Regulatory Coordinator, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-4570, FAX (804) 786-6141 or (804) 786-2121/TDD ☎

**November 9, 1994 - 7 p.m.** – Open Meeting

Virginia War Memorial, 621 Belvidere Street, Richmond, Virginia. ☎

A public meeting to accept public comments concerning the following regulations in accordance with the Governor's Executive Order 15(94):

Board of Conservation and Recreation

VR 215-00-00. Regulatory Public Participation Procedures  
VR 215-02-00. Stormwater Management Regulations (this review will be made in coordination with the ongoing regulatory action to amend the regulations)

Department of Conservation and Recreation

VR 217-00-00. Regulatory Public Participation Procedures  
VR 215-01-01. Standards for the Classification of Real Estate as Devoted to Open Space Use Under the Virginia Land Use Assessment Law.  
VR 215-01-02. Virginia State Park Regulations  
VR 215-01-03. Virginia State Forest Regulations

Virginia Soil and Water Conservation Board

VR 625-00-00:1. Regulatory Public Participation Procedures  
VR 625-01-00. Impounding Structure Regulations  
VR 625-03-00. Flood Prevention and Protection Assistance Fund Regulations

**Contact:** Leon E. App, Regulatory Coordinator, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-4570, FAX (804) 786-6141 or (804) 786-2121/TDD ☎

† **November 15, 1994 - 10 a.m.** – Open Meeting  
Department of Conservation and Recreation, Zincke Building, 203 Governor Street, 2nd Floor, Conference Room #200, Richmond, Virginia. ☎

A meeting of the ad hoc committee formed pursuant to Executive Order 15(94) to perform regulatory reform review on VR 215-02-00, Stormwater Management Regulations.

**Contact:** J. Michael Flagg, Manager, Bureau of Urban Programs, Department of Conservation and Recreation, 203 Governor St., Suite 206, Richmond, VA 23219, telephone (804) 786-3959

## Falls of the James Scenic River Advisory Board

† **November 17, 1994 - Noon** – Open Meeting  
Richmond City Hall, Recreation and Parks Conference Room, 4th Floor, Richmond, Virginia.

A meeting to review river issues and programs.

# Calendar of Events

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**Contact:** Richard G. Gibbons, Environmental Program Manager, Department of Conservation and Recreation, Division of Planning and Recreation Resources, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-4132 or (804) 786-2121/TDD ☎

## BOARD FOR CONTRACTORS

**November 4, 1994** – 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 for Contractors intends to **repeal regulations entitled: VR 220-01-2, Board for Contractors Regulations, and adopt regulations entitled: VR 220-01-2:1, Board for Contractors Regulations.** The purpose of the proposed regulation is to adjust application and renewal fees, to add and clarify definitions, to promulgate requirements for Class C contractors in accordance with new statutory requirements, and to amend its standards of practice and conduct.

Statutory Authority: §§ 54.1-113, 54.1-201 and 54.1-1102 of the Code of Virginia.

**Contact:** Geralde W. Morgan, Assistant Director, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-2785.

† **November 9, 1994 - 9 a.m.** – Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia. ☎

A called meeting of the board to consider comments received from the public regarding the proposed contractor regulations and to adopt final regulations. Following the meeting, the Tradesman Certification Subcommittee will meet to consider the first rough draft of emergency tradesman regulations and other program implementation issues.

**Contact:** Geralde W. Morgan, Regulatory Boards Administrator Senior, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-2785.

## Recovery Fund Committee

† **December 7, 1994 - 9 a.m.** – Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia. ☎

A meeting to consider claims filed against the Virginia Contractor Transaction Recovery Fund. This meeting will be open to the public; however, a portion of the discussion may be conducted in executive session. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact Christine Martine at (804) 367-8561. The department fully complies with the

Americans with Disabilities Act. Please notify the department of your request for accommodation at least two weeks in advance for consideration.

**Contact:** Holly Erickson, Assistant Administrator, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8561 or (804) 367-9753/TDD ☎

## BOARD FOR COSMETOLOGY

**November 7, 1994 - 10 a.m.** – Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia. ☎

A general business meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact Karen O'Neal. The department fully complies with the Americans with Disabilities Act. Please notify the department of your request for accommodations at least two weeks in advance for consideration of your request.

**Contact:** Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-0500 or (804) 367-9753/TDD ☎

\* \* \* \* \*

**November 7, 1994 - 10 a.m.** – Public Hearing  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia.

**December 3, 1994** – 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 for Cosmetology intends to **repeal regulations entitled: VR 235-01-02, Board for Cosmetology Regulations, and VR 235-01-03, Nail Technician Regulations, and adopt regulations entitled: VR 235-01-02:1, Board for Cosmetology Regulations.** The purpose of this regulatory action is to repeal the existing Board for Cosmetology Regulations (VR 235-01-02) and Nail Technician Regulations (VR 235-01-03) and combine them into one set of new regulations (VR 235-01-02:1). The proposed regulations will achieve consistency with existing barber regulations and statutes as well as current board policies. Further, the proposed regulations will amend the Board for Cosmetology's license renewal procedures.

Statutory Authority: §§ 54.1-201 and 54.1-1202 B of the Code of Virginia.

**Contact:** Karen W. O'Neal, Assistant Director, Board for Cosmetology, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-0500.

## BOARD OF CORRECTIONS

† **November 16, 1994 - 10 a.m.** – Open Meeting  
Department of Corrections, 6900 Atmore Drive, Board Room, Richmond, Virginia. ☒

A meeting to discuss matters as may be presented to the board.

**Contact:** Vivian Toler, Secretary to the Board, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3235.

### Administration Committee

† **November 16, 1994 - 8:30 a.m.** – Open Meeting  
Department of Corrections, 6900 Atmore Drive, Richmond, Virginia. ☒

A meeting to discuss administration matters which may be presented to the full board.

**Contact:** Vivian Toler, Secretary to the Board, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3235.

### Committee on Certification Process Review

† **November 16, 1994 - Noon** – Open Meeting  
Department of Corrections, 6900 Atmore Drive, Richmond, Virginia. ☒

A meeting to discuss and review the board's certification process.

**Contact:** Vivian Toler, Secretary to the Board, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3235.

### Correctional Services Committee

† **November 15, 1994 - 1 p.m.** – Open Meeting  
Department of Corrections, 6900 Atmore Drive, Richmond, Virginia. ☒

A meeting to discuss correctional services matters which may be presented to the full board.

**Contact:** Vivian Toler, Secretary to the Board, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3235.

### Liaison Committee

† **November 17, 1994 - 9:30 a.m.** – Open Meeting  
Department of Corrections, 6900 Atmore Drive, Richmond, Virginia. ☒

A meeting to discuss criminal justice matters.

**Contact:** Vivian Toler, Secretary to the Board, Department of Corrections, 6900 Atmore Dr. Richmond, VA 23225,

telephone (804) 674-3235.

## BOARD OF DENTISTRY

**November 4, 1994 - 9 a.m.** – Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

Pursuant to Executive Order 15(94) requiring a comprehensive review of all regulations, the board will receive comments on the following regulations:

VR 255-01-2, Public Participation Guidelines

This regulation will be reviewed to ensure (i) that it is essential to protect the health and safety of the citizens or necessary for the performance of an important government function; (ii) that it is mandated or authorized by law; (iii) that it offers the least burdensome alternative and most reasonable solution; and (iv) that it is clearly written and easily understandable. Written comment may be sent to the board before December 15, 1994.

**Contact:** Marcia J. Miller, Executive Director, Board of Dentistry, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9906.

## DISABILITY SERVICES COUNCIL

† **November 4, 1994 - 1 p.m.** – Open Meeting  
Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, Virginia.

Orientation will be provided to new council members and the minimum allocation will be determined for Rehabilitation Services Incentive Fund awards to Disability Services Boards.

**Contact:** Dr. Ronald C. Gordon, Commissioner, Department of Rehabilitative Services, 8004 Franklin Farms Dr., Richmond, VA 23230, telephone (804) 662-7010, toll-free 1-800-552-5019/TDD ☎ and Voice or (804) 662-9040/TDD ☎

## DEPARTMENT OF EDUCATION (STATE BOARD OF)

**November 17, 1994 - 8:30 a.m.** – Open Meeting  
General Assembly Building, 910 Capitol Square, 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.

# Calendar of Events

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**Contact:** James E. Laws, Jr., Administrative Assistant for Board Relations, Department of Education, P.O. Box 2120, Richmond, VA 23216-2120, telephone (804) 225-2924 or toll-free 1-800-292-3820.

## DEPARTMENT OF ENVIRONMENTAL QUALITY

† **November 1, 1994 - 7 p.m.** – Public Hearing  
Donaldson Brown Hotel and Conference Center, Virginia Polytechnic Institute and State University, Blacksburg, Virginia.

An informational briefing and public hearing to consider an application from Virginia Polytechnic Institute and State University to modify the Physical Plant by replacing an existing coal-fired boiler with a new coal-fired boiler on their Blacksburg campus.

**Contact:** Gail Taber Steele, Environmental Engineer, Department of Environmental Quality, Roanoke Air Office, 5338 Peters Creek Rd., Suite D, Roanoke, VA 24019, telephone (703) 561-7000.

## BOARD OF FUNERAL DIRECTORS AND EMBALMERS

**November 9, 1994 - 9:30 a.m.** – Open Meeting  
Department of Health Professions, 6606 West Broad Street, Conference Room 1, Richmond, Virginia. ☒

A regular board meeting.

**Contact:** Meredyth P. Partridge, Executive Director, Board of Funeral Directors and Embalmers, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9907 or (804) 662-7197/TDD ☎

## BOARD FOR GEOLOGY

**December 1, 1994 - 10 a.m.** – Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 3, Richmond, Virginia. ☒

A regular meeting.

**Contact:** David A. Vest, Board Administrator, Board for Geology, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8307 or (804) 367-9753/TDD ☎

## DEPARTMENT OF HEALTH (STATE BOARD OF)

**December 1, 1994 - Noon** – Open Meeting  
Omni Hotel, 100 South 12th Street, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

A worksession of the board. An informal dinner will follow at 6:30 p.m.

**Contact:** Rosanne Kolesar, Office of the Commissioner, Department of Health, P.O. Box 2448, Suite 214, Richmond, VA 23218, telephone (804) 786-3564.

**December 2, 1994 - 9 a.m.** – Open Meeting  
Omni Hotel, 100 South 12th Street, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

A business meeting and adjournment.

**Contact:** Rosanne Kolesar, Office of the Commissioner, Department of Health, P.O. Box 2448, Suite 214, Richmond, VA 23218, telephone (804) 786-3564.

## VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

**November 22, 1994 - 9:30 a.m.** – Open Meeting  
† **December 20, 1994 - 9:30 a.m.** – Open Meeting  
Blue Cross/Blue Shield, 2015 Staples Mill Road, Richmond, Virginia. ☒

A monthly meeting.

**Contact:** Kim Bolden Walker, Public Relations Coordinator, Virginia Health Services Cost Review Council, 805 E. Broad St., 6th Floor, Richmond, VA 23219, telephone (804) 786-6371.

## COMMISSION ON THE FUTURE OF HIGHER EDUCATION IN VIRGINIA

**November 22, 1994 - 10 a.m.** – Open Meeting  
General Assembly Building, 910 Capitol Square, Senate Room A, Richmond, Virginia. ☒

The commission was created by SJR 139 (1994) and was charged with considering issues of importance to higher education in Virginia. For more information contact the council.

**Contact:** Anne M. Pratt, Associate Director, Commission on the Future of Higher Education, 101 N. 14th St., 9th Floor, Richmond, VA 23219, telephone (804) 225-2639.

## STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

† **November 8, 1994 - 9:30 a.m.** – Open Meeting  
James Monroe Building, 101 North 14th Street, 9th Floor, Council Conference Room, Richmond, Virginia.

† **December 13, 1994 - 9:30 a.m.** – Open Meeting  
Virginia Commonwealth University, Richmond, Virginia.

A general business meeting. For more information, contact the council.

**Contact:** Anne M. Pratt, Associate Director, State Council

of Higher Education for Virginia, James Monroe Bldg., 101 N. 14th St., 9th Floor, Richmond, VA 23219, telephone (804) 225-2632.

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**December 4, 1994** – 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 Council of Higher Education for Virginia intends to amend regulations entitled: **VR 380-01-00. Public Participation Guidelines.** The proposed amendments correct some unclear language and put the regulations in compliance with the Administrative Process Act and Chapter 898 of the 1993 Acts of Assembly.

Statutory Authority: §§ 9-6.14:7.1 and 23-9.6:1 of the Code of Virginia.

**Contact:** Fran Bradford, Regulatory Coordinator, State Council of Higher Education for Virginia, 101 N. 14th St., 9th Floor, Richmond, VA 23219, telephone (804) 225-2613.

## DEPARTMENT OF HISTORIC RESOURCES

**November 2, 1994 - 7 p.m.** – Open Meeting  
Virginia War Memorial, 621 South Belvidere Street, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

In compliance with Executive Order 15(94), the Department of Historic Resources and the Board of Historic Resources are reviewing their existing regulations. The department and the board will hold two public meetings to receive comments on the following regulations:

VR 390-01-02. Regulations Governing Permits for the Archaeological Excavation of Human Remains

VR 390-01-03. Regulations for the Evaluation Criteria and Procedures for Designation of Virginia Landmarks by the Historic Resources Board

VR 392-01-02. Regulations for Evaluation Criteria and Procedures for Nomination of Properties to the National Register or for Designation as National Historic Landmarks by the Department of Historic Resources

VR 390-01-01. Regulations Governing Public Participation Guidelines for the Historic Resources Board

VR 392-01-01. Regulations Governing Public Participation for the Department of Historic Resources

The agency is specifically seeking comments on

provisions (i) which are not mandated by state or federal laws, are not essential to protect the health, safety and welfare of citizens or which are not essential for the efficient and economical performance of an important government function; (ii) for which less burdensome or less intrusive alternatives are available that will satisfy any applicable state or federal legal requirements and achieve the essential purpose; or (iii) which are not clearly written and easily understandable by the individual and entities affected. Written comments will be received until December 1, 1994.

**Contact:** Margaret Peters, Information Director, Department of Historic Resources, 221 Governor St., Richmond, VA 23219, telephone (804) 786-3143 or (804) 786-1934/TDD ☎

**November 9, 1994 - 7 p.m.** – Open Meeting  
Roanoke Municipal Building, 215 Church Avenue, S.W., Council Chambers, Roanoke, Virginia. ☒ (Interpreter for the deaf provided upon request)

In compliance with Executive Order 15(94), the Department of Historic Resources and the Board of Historic Resources are reviewing their existing regulations. The department and the board will hold two public meetings to receive comments on the following regulations:

VR 390-01-02. Regulations Governing Permits for the Archaeological Excavation of Human Remains

VR 390-01-03. Regulations for the Evaluation Criteria and Procedures for Designation of Virginia Landmarks by the Historic Resources Board

VR 392-01-02. Regulations for Evaluation Criteria and Procedures for Nomination of Properties to the National Register or for Designation as National Historic Landmarks by the Department of Historic Resources

VR 390-01-01. Regulations Governing Public Participation Guidelines for the Historic Resources Board

VR 392-01-01. Regulations Governing Public Participation for the Department of Historic Resources

The agency is specifically seeking comments on provisions (i) which are not mandated by state or federal laws, are not essential to protect the health, safety and welfare of citizens or which are not essential for the efficient and economical performance of an important government function; (ii) for which less burdensome or less intrusive alternatives are available that will satisfy any applicable state or federal legal requirements and achieve the essential purpose; or (iii) which are not clearly written and easily understandable by the individual and entities

# Calendar of Events

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affected. Written comments will be received until December 1, 1994.

**Contact:** Margaret Peters, Information Director, Department of Historic Resources, 221 Governor St., Richmond, VA 23219, telephone (804) 786-3143 or (804) 786-1934/TDD ☎

## HOPEWELL INDUSTRIAL SAFETY COUNCIL

**November 1, 1994 - 9 a.m.** – Open Meeting  
† **December 6, 1994 - 9 a.m.** – Open Meeting  
† **January 3, 1995 - 9 a.m.** – Open Meeting  
Hopewell Community Center, Second and City Point Road, Hopewell, Virginia. ☎ (Interpreter for the deaf provided upon request)

Local Emergency Preparedness Committee Meeting on emergency preparedness as required by SARA Title III.

**Contact:** Robert Brown, Emergency Service Coordinator, 300 North Main Street, Hopewell, VA 23860, telephone (804) 541-2298.

## VIRGINIA HOUSING DEVELOPMENT AUTHORITY

**November 3, 1994 - 10 a.m.** – Public Hearing  
Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, Virginia.

**November 3, 1994** – Written comments may be submitted until this date.

Notice is hereby given that the Virginia Housing Development Authority intends to amend regulations entitled: **VR 400-01-0001. Rules and Regulations – General Provisions for Programs of the Virginia Housing Development Authority.** The proposed amendment changes the requirement that the authority re-examine and redetermine the income and eligibility of occupants of multi-family dwelling units from every two years to every three years.

Statutory Authority: § 36-55.30:3 of the Code of Virginia.

**Contact:** J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, 601 S. Belvidere St, Richmond, VA 23220, telephone (804) 782-1986.

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**November 3, 1994 - 10 a.m.** – Public Hearing  
Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, Virginia.

**November 3, 1994** – Written comments may be submitted until this date.

Notice is hereby given that the Virginia Housing Development Authority intends to amend regulations entitled: **VR 400-02-0001. Rules and Regulations for Multi-Family Housing Developments.** The proposed amendments (i) provide for changes in the processing of multi-family loan applications; (ii) eliminate regulatory provisions which are no longer necessary or required in the processing of such applications; (iii) simplify various provisions; and (iv) make minor clarifications and corrections.

Statutory Authority: § 36-55.30:3 of the Code of Virginia.

**Contact:** J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, 601 S. Belvidere St, Richmond, VA 23220, telephone (804) 782-1986.

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**November 3, 1994 - 10 a.m.** – Public Hearing  
Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, Virginia.

**November 3, 1994** – Written comments may be submitted until this date.

Notice is hereby given that the Virginia Housing Development Authority intends to amend regulations entitled: **VR 400-02-0013. Rules and Regulations for Multi-Family Housing Developments for Mentally Disabled Persons.** The proposed amendments (i) provide for changes in the processing of loan applications for such developments; (ii) eliminate regulatory provisions which are no longer necessary or required in the processing of such applications; (iii) simplify various provisions; and (iv) make minor clarifications and corrections.

Statutory Authority: § 36-55.30:3 of the Code of Virginia.

**Contact:** J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, 601 S. Belvidere St, Richmond, VA 23220, telephone (804) 782-1986.

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**November 3, 1994 - 10 a.m.** – Public Hearing  
Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, Virginia.

**November 3, 1994** – Written comments may be submitted until this date.

Notice is hereby given that the Virginia Housing Development Authority intends to amend regulations entitled: **VR 400-02-0014. Rules and Regulations for the Acquisition of Multi-Family Housing.** The proposed amendments (i) provide for changes in the processing of multi-family development acquisition applications; (ii) eliminate regulatory provisions which are no longer necessary or required in the processing

of such applications; (iii) simplify various provisions; and (iv) make minor clarifications and corrections.

Statutory Authority: § 36-55.30:3 of the Code of Virginia.

**Contact:** J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, 601 S. Belvidere St., Richmond, VA 23220, telephone (804) 782-1986.

† **November 15, 1994 - 11 a.m.** – Open Meeting

Virginia Housing Development Authority, 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; (iv) consider and, if appropriate, approve proposed amendments to the Rules and Regulations - General Provisions for Programs of the Virginia Housing Development Authority, Rules and Regulations for Multi-Family Housing Developments, Rules and Regulations for the Acquisition of Multi-Family Housing Developments and Rules and Regulations for Multi-Family Housing Developments for Mentally Disabled Persons; and (v) consider such other matters and take such other actions as it may deem appropriate. Various committees of the Board of Commissioners may also meet before or after the regular meeting and consider matters within their purview. The planned agenda of the meeting will be available 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.

## STATEWIDE INDEPENDENT LIVING COUNCIL

† **December 14, 1994 - 10 a.m.** – Open Meeting

† **December 15, 1994 - 9 a.m.** – Open Meeting

Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, Virginia.

In place of a regular quarterly meeting, the council will be in orientation training on the Rehabilitation Act and responsibilities of the Statewide Independent Living Council.

**Contact:** Dr. Ronald C. Gordon, Commissioner, Department of Rehabilitative Services, 8004 Franklin Farms Dr., Richmond, VA 23230, telephone (804) 662-7010, toll-free 1-800-552-5019/TDD ☎ and Voice or (804) 662-9040/TDD ☎

## COUNCIL ON INFORMATION MANAGEMENT

† **November 18, 1994 - 1 p.m.** – Open Meeting

Washington Building, 1100 Bank Street, Suite 901, 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 ☎

## HJR NO. 76 INTERNET STUDY COMMITTEE

**November 3, 1994 - 10 a.m.** – Open Meeting

**November 17, 1994 - 10 a.m.** – Open Meeting

Department of Information Technology, Richmond Plaza Building, 110 South 7th Street, 3rd Floor, Richmond, Virginia. ☒

A meeting to study whether the Commonwealth needs to establish protocols and guidelines regarding in-state access to the myriad files and components available through the Internet.

**Contact:** Marty Gillespie, Director of Security, Department of Information Technology, 110 S. 7th St., 3rd Floor, Richmond, VA 23219, telephone (804) 344-5705.

## LIBRARY BOARD

**November 14, 1994 - 10:30 a.m.** – Open Meeting

Library of Virginia, 11th Street at Capitol Square, 3rd Floor, Supreme Court Room, Richmond, Virginia. ☒

A meeting to discuss administrative matters of the Library of Virginia.

**Contact:** Jean H. Taylor, Secretary to the State Librarian, Library of Virginia, 11th Street at Capitol Square, Richmond, VA 23219, telephone (804) 786-2332.

## Archives Records Management Committee

† **November 8, 1994 - 10 a.m.** – Open Meeting

Library of Virginia, 11th Street at Capitol Square, 4th Floor, Office of the State Archivist, Richmond, Virginia. ☒

A meeting to discuss matters pertaining to archives and records management.

**Contact:** Mary E. Carter, Secretary to State Archivist, Library of Virginia, 11th Street at Capitol Square, Richmond, VA 23219, telephone (804) 786-5579.

## Automation and Networking Committee

† **November 14, 1994 - 8:45 a.m.** – Open Meeting

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Library of Virginia, 11th Street at Capitol Square, 3rd Floor Conference Room, Richmond, Virginia. ☒

A meeting to discuss automation and networking matters.

**Contact:** Jean H. Taylor, Secretary to State Librarian, Library of Virginia, 11th Street at Capitol Square, Richmond, VA 23219, telephone (804) 786-2332.

## Executive Committee

**November 13, 1994 - 7 p.m.** – Open Meeting  
Location to be announced.

A meeting to discuss matters pertaining to the Library Board.

**Contact:** Jean H. Taylor, Secretary to the State Librarian, Library of Virginia, 11th Street at Capitol Square, Richmond, VA 23219, telephone (804) 786-2332.

## General Library Committee

† **November 14, 1994 - 8 a.m.** – Open Meeting  
Library of Virginia, 11th Street at Capitol Square, Office of the Director, General Library Division, Richmond, Virginia. ☒

A meeting to discuss general library matters.

**Contact:** Jean H. Taylor, Secretary to State Librarian, Library of Virginia, 11th Street at Capitol Square, Richmond, VA 23219, telephone (804) 786-2332.

## Legislative and Finance Committee

† **November 14, 1994 - 9:30 a.m.** – Open Meeting  
Library of Virginia, 11th Street at Capitol Square, Office of the State Librarian, Richmond, Virginia. ☒

A meeting to discuss legislative and financial matters.

**Contact:** Jean H. Taylor, Secretary to State Librarian, Library of Virginia, 11th Street at Capitol Square, Richmond, VA 23219, telephone (804) 786-2332.

## Public Library Development Committee

**November 14, 1994 - 8:30 a.m.** – Open Meeting  
Library of Virginia, Library Development and Networking Division, 11th Street at Capitol Square, Room 4-24, Richmond, Virginia. ☒

A meeting to discuss matters pertaining to Public Library Development and the Library Board.

**Contact:** Jean H. Taylor, Secretary to the State Librarian, Library of Virginia, 11th Street at Capitol Square, Richmond, VA 23219, telephone (804) 786-2332.

## Public Records Advisory Council

† **November 4, 1994 - 10 a.m.** – Open Meeting  
Library of Virginia, 11th Street at Capitol Square, Supreme Court Room, 3rd Floor, Richmond, Virginia. ☒

A meeting to discuss matters pertaining to the Public Records Advisory Council.

**Contact:** Mary E. Carter, Secretary to State Archivist, Library of Virginia, 11th Street at Capitol Square, Richmond, VA 23219, telephone (804) 786-5579.

## Publications and Cultural Affairs Committee

† **November 14, 1994 - 9:30 a.m.** – Open Meeting  
Library of Virginia, 11th Street at Capitol Square, Office of the Director of Publications and Cultural Affairs, Richmond, Virginia. ☒

A meeting to discuss matters related to publications and cultural affairs.

**Contact:** Jean H. Taylor, Secretary to State Librarian, Library of Virginia, 11th Street at Capitol Square, Richmond, VA 23219, telephone (804) 786-2332.

## STATE COUNCIL ON LOCAL DEBT

**November 16, 1994 - 11 a.m.** – Open Meeting  
**December 21, 1994 - 11 a.m.** – Open Meeting  
James Monroe Building, 101 North 14th Street, 3rd Floor, Treasury Board Conference Room, Richmond, Virginia. ☒

A regular meeting; subject to cancellation unless there are action items requiring the council's consideration. Persons interested in attending should call one week prior to the meeting date to ascertain whether or not the meeting is to be held as scheduled.

**Contact:** Gary Ometer, Debt Manager, Department of the Treasury, P.O. Box 1879, Richmond, VA 23215, telephone (804) 225-4928.

## COMMISSION ON LOCAL GOVERNMENT

**November 30, 1994 - 3 p.m.** – Open Meeting  
Hillsville, Virginia (location to be determined)

A regular meeting of the commission to consider such matters as may be presented. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the commission's office.

**Contact:** Barbara Bingham, Administrative Assistant, Commission on Local Government, 702 8th Street Office Building, Richmond, VA 23219, telephone (804) 786-6508 or (804) 786-1860/TDD ☎

**December 12, 1994 - 9 a.m.** – Open Meeting  
**December 13, 1994 - 9 a.m.** – Open Meeting  
**December 14, 1994 - 9 a.m.** – Open Meeting  
Ashland-Hanover County area; site to be determined.

Oral presentations regarding the petition by the Town of Ashland seeking a Commission on Local Government order establishing the rights of the town to annex territory in Hanover County by ordinance pursuant to § 15.1-1058.4 of the Code of Virginia. Persons desiring to participate in the Commission's proceedings and requiring special accommodations or interpreter services should contact the commission office.

**Contact:** Barbara Bingham, Administrative Assistant, Commission on Local Government, 702 Eighth Street Office Building, Richmond, VA 23219, telephone (804) 786-6508 or (804) 786-1860/TDD ☎

**December 12, 1994 - 7:30 p.m.** – Public Hearing  
Ashland-Hanover County area; site to be determined.

Public hearing regarding a petition by the Town of Ashland seeking a Commission on Local Government order establishing the rights of the town to annex territory in Hanover County by ordinance pursuant to § 15.1-1058.4 of the Code of Virginia. Persons desiring to participate in the Commission's proceedings and requiring special accommodations or interpreter services should contact the commission office.

**Contact:** Barbara Bingham, Administrative Assistant, Commission on Local Government, 702 Eighth Street Office Building, Richmond, VA 23219, telephone (804) 786-6508.

## DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

**November 4, 1994** – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14.7.1 of the Code of Virginia that the Board of Medical Assistance Services intends to amend regulations entitled: VR 460-02-2.2100.1, Coverage and Conditions of Eligibility (Attachment 2.2-A); VR 460-02-2.6100.1, Eligibility Conditions and Requirements (Attachment 2.6-A); VR 460-03-2.6101.1, Income Eligibility Levels (Supplement 1 to Attachment 2.6-A); More Liberal Income Disregards (Supplement 8a to Attachment 2.6-A); and VR 460-03-2.6108.2, More Liberal Methods of Treating Resources under § 1902(r)(2) of the Act (Supplement 8b to Attachment 2.6-A): Expanded Coverage for Children Ages 6 to 19. The purpose of these amendments is to conform existing policy with federal requirements regarding the placement of eligibility policy within the state plan.

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

Written comments may be submitted through November 4, 1994, to Ann Cook, Department of Medical Assistance Services, Division of Policy and Research, 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) 371-8850.

## Prior Authorization Advisory Committee

† **November 8, 1994 - 3 p.m.** – Open Meeting  
Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia.

The scheduled session is an organizational meeting. The meeting will consist of a briefing on the voluntary prior authorization program currently under development.

**Contact:** Rebecca Miller, RPh, Pharmacy Supervisor, Division of Client Services, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-3820.

## BOARD OF MEDICINE

**November 2, 1994 - 9 a.m.** – Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Room 2, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

Pursuant to Executive Order 15(94) requiring a comprehensive review of all regulations, the board will receive comments on the following regulations.

VR 465-01-01. Public Participation Guidelines  
VR 465-03-01. Physical Therapy  
VR 465-04-01. Respiratory Therapy  
VR 465-05-01. Physician's Assistant  
VR 465-08-01. Occupational Therapy

These regulations will be reviewed to ensure (i) that it is essential to protect the health and safety of the citizens or necessary for the performance of an important government function; (ii) that it is mandated or authorized by law; (iii) that it offers the least burdensome alternative and most reasonable solution; and (iv) that it is clearly written and easily understandable. Written comment may be sent to the board before December 15, 1994.

**Contact:** Eugenia Dorson, Deputy Executive Director, Board of Medicine, 6606 W. Broad St., Richmond, VA 23230, telephone (804) 662-9925.

## Advisory Board on Physical Therapy

**November 4, 1994 - 9 a.m.** – Open Meeting

# Calendar of Events

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Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Room 1, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

The board will meet to (i) elect officers; (ii) receive reports; (iii) review and discuss NAFTA and licensure report; and (iv) discuss such other business that may become before the Advisory Board.

Special note: The proposed amendment to the regulations will not be discussed at this meeting. A special meeting will be scheduled to respond to written comments. The chairman will entertain public comments following the adoption of the agenda for 10 minutes on agenda items.

**Contact:** Eugenia K. Dorson, Deputy Executive Director, Discipline, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9923 or (804) 662-7197/TDD ☎

## Advisory Board on Respiratory Therapy

**November 16, 1994 - 10 a.m. – Open Meeting**  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

The board will meet to elect officers, review current regulations and to discuss any other issues which may come before the board. The chairperson will entertain public comments during the first 15 minutes of the meeting.

**Contact:** Eugenia K. Dorson, Deputy Executive Director, Discipline, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9923 or (804) 662-7197/TDD ☎

## PROTECTION AND ADVOCACY FOR INDIVIDUALS WITH MENTAL ILLNESS ADVISORY COUNCIL

† **December 8, 1994 - 9 a.m. – Open Meeting**  
Shoney's Inn, 7007 West Broad Street, Conference Room 110, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

A regular bimonthly council meeting. Time is provided for public comment at the start of the meeting.

**Contact:** Kenneth Shores, PAIMI Coordinator, Department for Rights of Virginians with Disabilities, James Monroe Bldg., 101 N. 14th St., 17th Floor, Richmond, VA 23219, telephone (804) 225-2042 or toll-free 1-800-552-3962/TDD ☎ and Voice

## STATE NETWORKING USERS ADVISORY BOARD

† **November 11, 1994 - 1 p.m. – Open Meeting**

Jefferson-Madison Regional Library, 201 East Market Street, 3rd Floor Conference Room, Madison Room, Charlottesville, Virginia. ☒

A meeting to discuss administrative matters.

**Contact:** Anthony G. Yankus, Division Director, Library Development and Networking Division, Library of Virginia, 11th Street at Capitol Square, Richmond, VA 23219, telephone (804) 786-2320.

## JOINT COMMITTEE ON PRESCRIPTIVE AUTHORITY FOR NURSE PRACTITIONERS

**December 5, 1994 - 1 p.m. – Open Meeting**  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

Pursuant to Executive Order 15(94) requiring a comprehensive review of all regulations, the board will receive comments on the following regulations.

VR 465-12-01 and VR 495-03-01. Prescriptive Authority for Nurse Practitioners

These regulations will be reviewed to ensure (i) that it is essential to protect the health and safety of the citizens or necessary for the performance of an important government function; (ii) that it is mandated or authorized by law; (iii) that it offers the least burdensome alternative and most reasonable solution; and (iv) that it is clearly written and easily understandable. Written comment may be sent to the board before December 15, 1994.

**Contact:** Corinne Dorsey, R.N., Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9909.

## BOARD OF NURSING

† **November 14, 1994 - 9 a.m. – Open Meeting**  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

Two special conference committees will conduct informal conferences in the morning. A panel of the board will conduct formal hearings in the afternoon. Public comment will not be received.

**Contact:** Corinne F. Dorsey, R.N., Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909 or (804) 662-7197/TDD ☎

† **November 15, 1994 - 9 a.m. – Open Meeting**

† **November 16, 1994 - 9 a.m. – Open Meeting**

Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

A regular meeting to consider matters relating to nursing education programs, discipline of licensees, licensure by examination and other matters under the jurisdiction of the board. The board will consider a draft of amendments to the Regulations Governing the Licensure of Nurse Practitioners on November 15, 1994. Public comment will be received during an open forum beginning at 11 a.m. on Tuesday, November 15.

**Contact:** Corinne F. Dorsey, R.N., Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909 or (804) 662-7197/TDD ☎

**November 15, 1994 - 1:30 p.m. – Open Meeting**  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. ☒ (Interpreter services for the deaf provided upon request)

Pursuant to Executive Order 15(94) requiring a comprehensive review of all regulations, the board will receive comments on the following regulations.

VR 495-04-01. Public Participation Guidelines

This regulation will be reviewed to ensure (i) that it is essential to protect the health and safety of the citizens or necessary for the performance of an important government function; (ii) that it is mandated or authorized by law; (iii) that it offers the least burdensome alternative and most reasonable solution; and (iv) that it is clearly written and easily understandable. Written comment may be sent to the board before December 15, 1994.

**Contact:** Corinne Dorsey, R.N., Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909 or (804) 662-7197/TDD ☎

**† November 17, 1994 - 8:30 a.m. – Open Meeting**  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

A panel of the Board of Nursing will conduct formal hearings. If the agenda for the panel is not filled with formal hearings, two special conference committees will conduct informal conferences as time permits. Public comment will not be received.

**Contact:** Corinne F. Dorsey, R.N., Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909 or (804) 662-7197/TDD ☎

## Nurse Aide Registry

**† November 7, 1994 - 1 p.m. – Open Meeting**  
Virginia Employment Commission, Wythe Shopping Plaza, 870 East Main Street, Wytheville, Virginia. ☒ (Interpreter for the deaf provided upon request)

Formal administrative hearings will be held for nurse aides Martha Robinson and Dewey M. Tolbert. Public comment will not be received.

**Contact:** Nancy K. Durrett, R.N., M.S.N., Assistant Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-7310 or (804) 662-7197/TDD ☎

**† November 8, 1994 - 9 a.m. – Open Meeting**  
ABC Board, 3023 Peters Creek Road, Conference Room, Roanoke, Virginia. ☒ (Interpreter for the deaf provided upon request)

Formal administrative hearing will be held for nurse aide Victoria Edwards. Public comment will not be received.

**Contact:** Nancy K. Durrett, R.N., M.S.N., Assistant Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-7310 or (804) 662-7197/TDD ☎

**† November 9, 1994 - 10:30 a.m. – Open Meeting**  
Department of Rehabilitative Services, 4456 Corporation Lane, Pembroke Corporate Center, Virginia Beach, Virginia. ☒ (Interpreter for the deaf provided upon request)

Formal administrative hearing will be held for nurse aides Naomi Tucker and Peggy Cataldi. Public comment will not be received.

**Contact:** Nancy K. Durrett, R.N., M.S.N., Assistant Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-7310 or (804) 662-7197/TDD ☎

## BOARD OF NURSING HOME ADMINISTRATORS

**November 29, 1994 - 9:30 a.m. – Open Meeting**  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. ☒

A regular board meeting.

**Contact:** Meredyth Partridge, Executive Director, Board of Nursing Home Administrators, 6606 W. Broad St., Richmond, VA 23230-1717, telephone (804) 662-9907 or (804) 662-7197/TDD ☎

**November 29, 1994 - 9:30 a.m. – Open Meeting**  
Department of Health Professions, 6606 West Broad Street,

# Calendar of Events

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5th Floor, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

Pursuant to Executive Order 15(94) requiring a comprehensive review of all regulations, the board will receive comments on the following regulations.

VR 500-01-2.1. General Regulations  
VR 500-01-3. Public Participation Guidelines

These regulations will be reviewed to ensure (i) that it is essential to protect the health and safety of the citizens or necessary for the performance of an important government function; (ii) that it is mandated or authorized by law; (iii) that it offers the least burdensome alternative and most reasonable solution; and (iv) that it is clearly written and easily understandable. Written comment may be sent to the board before December 15, 1994.

**Contact:** Meredyth Partridge, Executive Director, Board of Nursing Home Administrators, 6606 W. Broad St., Richmond, VA 23230-1717, telephone (804) 662-9907 or (804) 662-7197/TDD ☎

## BOARD OF OPTOMETRY

† **November 21, 1994 - 8 a.m.** – Open Meeting  
Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

A general board meeting. Brief public comment will be received at the beginning of the meeting.

**Contact:** Carol Stamey, Administrative Assistant, Board of Optometry, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9910 or (804) 662-7197/TDD ☎

**November 21, 1994 - 8 a.m.** – Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

Pursuant to Executive Order 15(94) requiring a comprehensive review of all regulations, the board will receive comments on the following regulations.

VR 510-01-2. Public Participation Guidelines

This regulation will be reviewed to ensure (i) that it is essential to protect the health and safety of the citizens or necessary for the performance of an important government function; (ii) that it is mandated or authorized by law; (iii) that it offers the least burdensome alternative and most reasonable solution; and (iv) that it is clearly written and easily understandable. Written comment may be sent to the board before December 15, 1994.

**Contact:** Elizabeth Carter, Executive Director, Board of Optometry, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9910.

† **November 21, 1994 - 3 p.m.** – Open Meeting  
Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

Informal conference meetings. Brief public comment will be received at the beginning of the meeting.

**Contact:** Carol Stamey, Administrative Assistant, Board of Optometry, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9910 or (804) 662-7197/TDD ☎

## VIRGINIA POLYGRAPH EXAMINERS ADVISORY BOARD

† **November 29, 1994 - 10 a.m.** – Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia. ☒

A meeting for discussing regulations, Executive Order 15(94), the examination and other routine business matters. A public comment period will be scheduled during the meeting. No public comment will be accepted after that period. However, the meeting is open to the public. Any person who needs any accommodations in order to participate in the meeting should contact Nancy Taylor Feldman at least 10 days before the meeting date so that suitable arrangements can be made.

**Contact:** Nancy Taylor Feldman, Assistant Director, Virginia Polygraph Examiners Advisory Board, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590.

## VIRGINIA POLLUTION PREVENTION ADVISORY COMMITTEE

† **November 15, 1994 - 2 p.m.** – Open Meeting  
Department of Environmental Quality, 629 East Main Street, 1st Floor, Richmond, Virginia. ☒

The committee will hold its quarterly meeting. The Advisory Committee has been established to assist the Department of Environmental Quality in its implementation of voluntary pollution prevention technical assistance throughout the Commonwealth.

**Contact:** Sharon K. Baxter, Pollution Prevention Manager, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240-0009, telephone (804) 762-4344 or (804) 762-4021/TDD ☎

**BOARD OF PROFESSIONAL COUNSELORS**

**December 2, 1994 - 9:30 a.m. – Open Meeting**  
Department of Health Professions, 6606 West Broad Street,  
Richmond, Virginia. ☒ (Interpreter for the deaf provided  
upon request)

Pursuant to Executive Order 15(94) requiring a  
comprehensive review of all regulations, the board  
will receive comments on the following regulations.

- VR 560-01-01. Public Participation Guidelines
- VR 560-01-03. Substance Abuse Counselor Certification

These regulations will be reviewed to ensure (i) that  
it is essential to protect the health and safety of the  
citizens or necessary for the performance of an  
important government function; (ii) that it is mandated  
or authorized by law; (iii) that it offers the least  
burdensome alternative and most reasonable solution;  
and (iv) that it is clearly written and easily  
understandable. Written comment may be sent to the  
board before December 15, 1994.

**Contact:** Evelyn B. Brown, Executive Director, Board of  
Professional Counselors, 6606 W. Broad St., 4th Floor,  
Richmond, VA 23230, telephone (804) 662-9912.

**DEPARTMENT OF PROFESSIONAL AND  
OCCUPATIONAL REGULATION**

**November 4, 1994 - 7 p.m. – Public Hearing**  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia.

**December 19, 1994 –** Written comments may be submitted  
until this date.

Notice is hereby given in accordance with § 9-6.14:7.1  
of the Code of Virginia that the Department of  
Professional and Occupational Regulation intends to  
amend regulations entitled: **VR 190-01-1:1. Regulations  
Governing Employment Agencies.** The purpose of the  
proposed amendments is to establish the requirements  
for licensure of employment agencies, employment  
agency controlling persons and employment agency  
counselors, including a fee adjustment.

Statutory Authority: §§ 54.1-113, 54.1-201 and 54.1-1302.1 of  
the Code of Virginia.

**Contact:** Nancy Taylor Feldman, Assistant Director,  
Department of Professional and Occupational Regulation,  
3600 W. Broad St., Richmond, VA 23230-4917, telephone  
(804) 367-8590.

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**November 9, 1994 - 10 a.m. – Public Hearing**  
Department of Professional and Occupational Regulation,

3600 West Broad Street, Conference Room 4A, Richmond,  
Virginia.

**December 19, 1994 –** Written comments may be submitted  
until this date.

Notice is hereby given in accordance with § 9-6.14:7.1  
of the Code of Virginia that the Department of  
Professional and Occupational Regulation intends to  
amend regulations entitled: **VR 190-03-1. Regulations  
Governing Polygraph Examiners.** The amendments  
clarify the qualifications for licensure and licensure by  
reciprocity, establish a waiver of internship  
requirement, provide information regarding  
examination, simplify procedures for renewal and  
reinstatement of licenses, and establish criteria for  
approval of polygraph schools. The most substantive  
change is the increase in fees for polygraph licenses,  
intern registrations, examination, and renewal and  
reinstatement fees as needed in accordance with §  
54.1-113 of the Code of Virginia. All other amendments  
are for clarity, simplicity, and readability.

Statutory Authority: §§ 54.1-113 and 54.1-1802 of the Code  
of Virginia.

**Contact:** Nancy Taylor Feldman, Assistant Director,  
Department of Professional and Occupational Regulation,  
3600 W. Broad St., Richmond, VA 23230-4917, telephone  
(804) 367-8590.

**Board for Professional and Occupational Regulation**

† **November 21, 1994 - 2 p.m. – Open Meeting**  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia. ☒

A regular quarterly meeting. Agenda items include  
discussion of locksmith study and recommendations to  
the General Assembly and Governor, and discussion of  
regulation review.

**Contact:** Joyce K. Brown, Secretary to the Board, Board  
for Professional and Occupational Regulation, 3600 W.  
Broad St., Richmond, VA 23230, telephone (804) 367-2717  
or (804) 367-9753/TDD ☒

**BOARD OF PSYCHOLOGY**

**December 6, 1994 - 8:30 a.m. – Open Meeting**  
Department of Health Professions, 6606 West Broad Street,  
Richmond, Virginia. ☒ (Interpreter for the deaf provided  
upon request)

Pursuant to Executive Order 15(94) requiring a  
comprehensive review of all regulations, the board  
will receive comments on the following regulations.

- VR 565-01-1:1. Public Participation Guidelines .

# Calendar of Events

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Each regulation will be reviewed to ensure (i) that it is essential to protect the health and safety of the citizens or necessary for the performance of an important government function; (ii) that it is mandated or authorized by law; (iii) that it offers the least burdensome alternative and most reasonable solution; and (iv) that it is clearly written and easily understandable. Written comment may be sent to the board before December 15, 1994.

**Contact:** Evelyn Brown, Executive Director, Board of Psychology, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9913.

## REAL ESTATE APPRAISER BOARD

**November 1, 1994 - 10 a.m.** – Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ☒

A general business meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact Karen O'Neal. The department fully complies with the Americans with Disabilities Act. Please notify the department of your request for accommodations at least two weeks in advance for consideration of your request.

**Contact:** Karen W. O'Neal, Assistant Director, Real Estate Appraiser Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-0500 or (804) 367-9753/TDD ☎

† **November 3, 1994 - 9 a.m.** – Open Meeting  
† **November 4, 1994 - 9 a.m.** – Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 4, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

A meeting to conduct a Cut Score Study for the state Real Estate Appraiser examination.

**Contact:** George O. Bridewell, Examination Administrator, Real Estate Appraiser Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8572 or (804) 367-9753/TDD ☎

## Complaints Committee

**November 16, 1994 - 10 a.m.** – Open Meeting  
**December 6, 1994 - 10 a.m.** – Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ☒

A meeting to review complaints prior to the board meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact Karen W. O'Neal. The department fully complies with the Americans with

Disabilities Act. Please notify the department of your request for accommodation at least two weeks in advance for consideration of your request.

**Contact:** Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-0500 or (804) 367-9753/TDD ☎

## REAL ESTATE BOARD

**December 5, 1994** – 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 Real Estate Board intends to amend regulations entitled: **VR 585-01-1. Real Estate Board Regulations**. The proposed amendments differentiate between sales and leasing practices, eliminate rental location agent regulations, allow use of professional names, clarify other existing regulations, and adjust fees.

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

## VIRGINIA RECYCLING MARKETS DEVELOPMENT COUNCIL

† **November 10, 1994 - 10 a.m.** – Open Meeting  
State Capitol, House Room One, Richmond, Virginia. ☒

The council will continue work on developing and monitoring a plan to strengthen Virginia's recycling infrastructure and markets; setting forth strategies primarily designed to improve the supply, quantity, and quality of recyclables; and providing strategies for increasing the demand for recycled products and expanding the capacity of collectors, processors and manufacturers to handle and use specified recyclable materials.

**Contact:** Paddy Katzen, Special Assistant to Secretary of Natural Resources, Department of Environmental Quality, 629 E. Main St., Richmond, VA 23219, telephone (804) 762-4488.

## STATE REHABILITATION ADVISORY COUNCIL

† **November 14, 1994 - 10 a.m.** – Open Meeting  
Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, Virginia.

A regular quarterly meeting.

**Contact:** Dr. Ronald C. Gordon, Commissioner, Department of Rehabilitative Services, 8004 Franklin Farms Dr.,

Richmond, VA 23230, telephone (804) 662-7010, toll-free 1-800-552-5019/TDD ☎ and Voice or (804) 662-9040/TDD ☎

## BOARD OF REHABILITATIVE SERVICES

† **December 1, 1994 - 10 a.m.** – Open Meeting

Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A regular monthly business meeting.

**Contact:** Dr. Ronald C. Gordon, Commissioner, Department of Rehabilitative Services, 8004 Franklin Farms Dr., Richmond, VA 23230, telephone (804) 662-7010, toll-free 1-800-552-5019/TDD and Voice ☎ or (804) 662-9040/TDD ☎

## VIRGINIA RESOURCES AUTHORITY

**November 8, 1994 - 9:30 a.m.** – Open Meeting

Virginia Resources Authority, The Mutual Building, 909 East Main Street, Board Room, Suite 607, Richmond, Virginia.

The board will meet to approve minutes of the meeting of October 11, 1994; to review the authority's operations for the prior months; and to consider other matters and take other actions as it may deem appropriate. The planned agenda of the meeting will be available at the offices of the authority one week prior to the date of the meeting. Public comments will be received at the beginning of the meeting.

**Contact:** Shockley D. Gardner, Jr., Virginia Resources Authority, 909 E. Main St., Suite 607, Richmond, VA 23219, telephone (804) 644-3100 or FAX (804) 644-3109.

**December 13, 1994 - 9:30 a.m.** – Open Meeting

Virginia Resources Authority, The Mutual Building, 909 East Main Street, Board Room, Suite 607, Richmond, Virginia.

The board will meet to approve minutes of the meeting of November 8, 1994; to review the authority's operations for the prior months; and to consider other matters and take other actions as it may deem appropriate. The planned agenda of the meeting will be available at the offices of the authority one week prior to the date of the meeting. Public comments will be received at the beginning of the meeting.

**Contact:** Shockley D. Gardner, Jr., Virginia Resources Authority, 909 E. Main St., Suite 607, Richmond, VA 23219, telephone (804) 644-3100 or FAX (804) 644-3109.

## SEWAGE HANDLING AND DISPOSAL APPEALS REVIEW BOARD

**November 2, 1994 - 10 a.m.** – Open Meeting

County of Henrico, Administrative Building, 4301 East Parham Road, Board of Supervisors Board Room, Richmond, Virginia. ☎

A meeting to hear all administrative appeals of denials of onsite sewage disposal systems permits pursuant to §§ 32.1-166.1 et seq. and 9-6.14:12 of the Code of Virginia and VR 355-34-02.

**Contact:** Constance G. Talbert, Secretary to the Board, Sewage Handling and Disposal Appeals Review Board, 1500 E. Main St., Suite 117, Richmond, VA 23218, telephone (804) 786-1750.

## COMMONWEALTH TRANSPORTATION BOARD

† **November 16, 1994 - 2 p.m.** – Open Meeting

Department of Transportation, 1401 East Broad Street, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A work session of the board and the Department of Transportation staff.

**Contact:** Robert E. Martinez, Secretary of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-8032.

† **November 17, 1994 - 10 a.m.** – Open Meeting

Department of Transportation, 1401 East Broad Street, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A monthly meeting of the board to vote on proposals presented regarding bids, permits, additions and deletions to the highway system, and any other matters requiring board approval. Public comment will be received at the outset of the meeting on items on the meeting agenda for which the opportunity for public comment has not been afforded the public in another forum. Remarks will be limited to five minutes. Large groups are asked to select one individual to speak for the group. The board reserves the right to amend these conditions. Separate committee meetings may be held on call of the chairman. Contact VDOT Public Affairs at (804) 786-2715 for schedule.

**Contact:** Robert E. Martinez, Secretary of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-8032.

## SECRETARY OF TRANSPORTATION

† **November 10, 1994 - 3 p.m.** – Public Hearing

# Calendar of Events

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Department of Transportation, 1401 East Broad Street, Auditorium, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

A public meeting to receive comments on the interim report of the strategic planning process, Virginia Connections. The strategic planning process was initiated to refocus transportation efforts on seven principles put forth by Secretary Martinez. Forums were held around the state this summer to receive input from public and private transportation providers and users of Virginia's multimodal transportation system.

**Contact:** Amelia E. Jordan, Policy Analyst, Department of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 225-3543.

## VIRGINIA TRANSPORTATION SAFETY BOARD

**November 2, 1994 - 8:30 a.m. – Open Meeting**  
Department of Motor Vehicles, 2300 West Broad Street, Richmond, Virginia. ☒

A regular quarterly meeting to discuss finalization of federal safety grants.

**Contact:** William H. Leighty, Deputy Commissioner, Department of Motor Vehicles, 2300 W. Broad St., Richmond, VA 23230, telephone (804) 367-6614.

## TREASURY BOARD

**November 16, 1994 - 9 a.m. – Open Meeting**  
**December 21, 1994 - 9 a.m. – Open Meeting**  
James Monroe Building, 101 North 14th Street, 3rd Floor, Treasury Board Room, Richmond, Virginia. ☒

A regular meeting.

**Contact:** Gloria J. Hatchel, Administrative Assistant, Department of the Treasury, James Monroe Bldg., 101 N. 14th St., Richmond, VA 23219, telephone (804) 371-6011.

## BOARD OF VETERINARY MEDICINE

**December 7, 1994 - 8 a.m. – Open Meeting**  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

Pursuant to Executive Order 15(94) requiring a comprehensive review of all regulations, the board will receive comments on the following regulations.

VR 645-01-0:1. Public Participation Guidelines

This regulation will be reviewed to ensure (i) that it

is essential to protect the health and safety of the citizens or necessary for the performance of an important government function; (ii) that it is mandated or authorized by law; (iii) that it offers the least burdensome alternative and most reasonable solution; and (iv) that it is clearly written and easily understandable. Written comment may be sent to the board before December 15, 1994.

**Contact:** Elizabeth Carter, Executive Director, Board of Veterinary Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9915.

## VIRGINIA RACING COMMISSION

† **November 9, 1994 - 9:30 a.m. – Open Meeting**  
State Corporation Commission, Tyler Building, 1300 East Main Street, Richmond, Virginia. ☒

In addition to a regular commission meeting, there will be a review of current regulations pertaining to definitions.

**Contact:** William H. Anderson, Policy Analyst, Virginia Racing Commission, P.O. Box 1123, Richmond, VA 23208, telephone (804) 371-7363.

## DEPARTMENT FOR THE VISUALLY HANDICAPPED

### Vocational Rehabilitation Council

**November 12, 1994 - 10:30 a.m. – Open Meeting**  
Department for the Visually Handicapped, Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. ☒

The council meets quarterly to advise the Virginia Department for the Visually Handicapped on matters related to vocational rehabilitation services for the blind and visually impaired citizens of the Commonwealth. Interpreter for the deaf provided upon request. Request deadline is 3:30 p.m. on October 28, 1994.

**Contact:** James G. Taylor, Vocational Rehabilitation Specialist, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3140, toll-free 1-800-662-2155 or (804) 371-3140/TDD ☎

## VIRGINIA COUNCIL ON VOCATIONAL EDUCATION

† **November 9, 1994 - 8:30 a.m. – Open Meeting**  
Holiday Inn, 1424 North Main Street, Marion, Virginia.

Council members will gather at the Holiday Inn for transportation to conduct on-site visits to vocational educational programs in Smyth County and Virginia Highlands Community College. At 2 p.m. the council session will begin at the Holiday Inn to conduct

business and receive reports from liaison agency representatives.

**Contact:** Jerry M. Hicks, Executive Director, Virginia Council on Vocational Education, 7420-A Whitepine Road, Richmond, VA 23237, telephone (804) 275-6218 or FAX (804) 743-2088.

† **November 10, 1994 - 8:30 a.m.** – Open Meeting  
Holiday Inn, 1424 North Main Street, Marion, Virginia.

A council business session.

**Contact:** Jerry M. Hicks, Executive Director, Virginia Council on Vocational Education, 7420-A Whitepine Road, Richmond, VA 23237, telephone (804) 275-6218 or FAX (804) 743-2088.

## VIRGINIA WASTE MANAGEMENT BOARD

### NOTE: CHANGE IN MEETING DATE

† **November 7, 1994 - 10 a.m.** – Open Meeting  
Department of Environmental Quality, Innsbrook Corporate Center, 4900 Cox Road, Board Room, Glen Allen, Virginia.  
☒ (Interpreter for the deaf provided upon request)

The meeting is held pursuant to §§ 10.1-1401 and 10.1-1402 of the Code of Virginia. The board has the authority to supervise and control waste management activities in the Commonwealth.

**Contact:** Cindy M. Berndt, Manager, Regulatory Services, Department of Environmental Quality, 629 E. Main St., Richmond, VA 23219, telephone (804) 762-4378 or (804) 762-4021/TDD ☎

## STATE WATER CONTROL BOARD

† **November 2, 1994 - 10 a.m.** – Public Hearing  
Tidewater Regional Office, 287 Pembroke Office Park, Conference Room, Suite 310, Virginia Beach, Virginia. ☒  
(Interpreter for the deaf provided upon request)

A public meeting to receive comments on the proposed Virginia Pollutant Discharge Elimination System (VPDES) Permit No. VA 0004821 for Texaco Lubricants Company, Norfolk Plant, P.O. Box 5827, Chesapeake, Virginia 23324. The purpose of this hearing is to receive comments on the proposed issuance or denial of the permit and the effect of the discharge on water quality or beneficial uses of state waters.

**Contact:** Deborah G. Pegram, Hearing Reporter, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 762-4041 or (804) 762-4021/TDD ☎

## COLLEGE OF WILLIAM AND MARY

### Board of Visitors

† **November 10, 1994 - Noon** – Open Meeting  
Blow Memorial Hall, Richmond Road, Williamsburg, Virginia.

† **November 11, 1994 - 9 a.m.** – Open Meeting  
Richard Bland College, 11301 Johnson Road, Petersburg, Virginia.

A regularly scheduled meeting of the board to receive reports from several committees of the board, and to act on those resolutions that are presented by the administrations of William and Mary and Richard Bland College. An informational release will be available four days prior to the board meeting for those individuals and organizations who request it.

**Contact:** Ray L. Betzner, Director of Public Information, College of William and Mary, Office of University Relations, P.O. Box 8795, Williamsburg, VA 23187-8795, telephone (804) 221-2628.

## LEGISLATIVE

### VIRGINIA CODE COMMISSION

† **November 16, 1994 - 10 a.m.** – Open Meeting  
General Assembly Building, 910 Capitol Square, 6th Floor, Speaker's Conference Room, Richmond, Virginia.

A regular meeting of the commission.

**Contact:** Joan W. Smith, Registrar of Regulations, General Assembly Building, 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591.

### COMMISSION ON POPULATION GROWTH AND DEVELOPMENT

#### Executive Committee

**November 7, 1994 - 10 a.m.** – Cancelled  
General Assembly Building, 910 Capitol Square, 6th Floor Conference Room, Richmond, Virginia. ☒

This meeting of the committee has been cancelled.

**Contact:** Katherine L. Imhoff, Executive Director, Commission on Population Growth and Development, General Assembly Building, 910 Capitol St., Room 519B, Richmond, VA 23219, telephone (804) 371-4949.

# Calendar of Events

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## JOINT SUBCOMMITTEE STUDYING STATE AND FEDERAL LAW ON PRIVACY, CONFIDENTIALITY AND MANDATORY DISCLOSURE OF INFORMATION HELD OR USED BY GOVERNMENTAL AGENCIES

**November 15, 1994 - 2 p.m.** — Open Meeting  
General Assembly Building, 910 Capitol Square, House Room C, Richmond, Virginia.

The subcommittee will meet for the purpose of hearing recommendations. HJR 66.

**Contact:** Ginny Edwards, Staff Attorney, Division of Legislative Services, 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591.

## CHRONOLOGICAL LIST

### OPEN MEETINGS

#### November 1

Agriculture and Consumer Services, Department of  
- Virginia Winegrower's Advisory Board  
Hopewell Industrial Safety Council  
Real Estate Appraiser Board

#### November 2

† Agriculture and Consumer Services, Department of  
- Virginia State Seed Potato Board  
Historic Resources, Department of  
- Historic Resources Board  
Medicine, Board of  
Sewage Handling and Disposal Appeals Review Board  
Transportation Safety Board, Virginia

#### November 3

Internet Study Committee, HJR No. 76  
† Real Estate Appraiser Board

#### November 4

Dentistry, Board of  
† Disability Services Council  
† Library Board  
- Public Records Advisory Council  
Medicine, Board of  
- Advisory Board on Physical Therapy  
† Real Estate Appraiser Board

#### November 7

Cosmetology, Board for  
† Board of Nursing  
- Nurse Aide Registry  
Population Growth and Development, Commission on  
- Executive Committee  
† Waste Management Board, Virginia

#### November 8

† Higher Education for Virginia, State Council of  
† Library Board  
- Archives and Records Management Committee  
† Medical Assistance, Department of  
- Prior Authorization Advisory Committee  
† Nursing, Board of  
- Nurse Aide Registry  
Resources Authority, Virginia

#### November 9

Conservation and Recreation, Department of  
† Contractors, Board for  
Funeral Directors and Embalmers, Board of  
Historic Resources, Department of  
- Historic Resources Board  
† Nursing, Board of  
- Nurse Aide Registry  
† Virginia Racing Commission  
† Vocational Education, Virginia Council on

#### November 10

Aging, Department for the  
- Advisory Committee on Consolidation of Long-Term Care and Aging Services  
† Child Day-Care Council  
† Recycling Markets Development Council, Virginia  
† Vocational Education, Virginia Council on  
† William and Mary, College of  
- Board of Visitors

#### November 11

† Networking Users Advisory Board, State  
† William and Mary, College of  
- Board of Visitors

#### November 12

Visually Handicapped, Department for the  
- Vocational Rehabilitation Council

#### November 13

Library Board  
- Executive Committee

#### November 14

Library Board  
- Automation and Networking Committee  
- General Library Committee  
- Legislative and Finance Committee  
- Public Library Development Committee  
- Publications and Cultural Affairs Committee  
† Nursing, Board of  
† Rehabilitation Advisory Council, State

#### November 15

† Conservation and Recreation, Board of  
† Corrections, Board of  
- Correctional Services Committee  
† Housing Development Authority, Virginia  
Nursing, Board of  
† Pollution Prevention Advisory Committee, Virginia

# Calendar of Events

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Privacy, Confidentiality and Mandatory Disclosure of Information Held or Used by Governmental Agencies, Joint Subcommittee Studying State and Federal Law on

## November 16

† Corrections, Board of  
- Administration Committee  
- Committee on Certification Process Review  
Local Debt, State Council on  
Medicine, Board of  
- Advisory Board on Respiratory Therapy  
† Nursing, Board of  
Real Estate Appraiser Board  
- Complaints Committee  
† Transportation Board, Commonwealth  
Treasury Board

## November 17

† Architects, Board for  
Audiology and Speech-Language Pathology, Board of  
Chesapeake Bay Local Assistance Board  
- Central Area Review Committee  
- Northern Area Review Committee  
† Conservation and Recreation, Department of  
- Falls of the James Scenic River Advisory Board  
† Corrections, Board of  
- Liaison Committee  
Education, Board of  
Internet Study Committee, HJR No. 76  
† Nursing, Board of  
† Transportation Board, Commonwealth

## November 18

† Children's Residential Facilities, Coordinating Committee for Interdepartmental Regulation of  
† Information Management, Council on

## November 21

Optometry, Board of  
† Professional and Occupational Regulation, Board of

## November 22

† Accountancy, Board for  
Health Services Cost Review Council, Virginia  
Higher Education, Commission on the Future of

## November 23

† Auctioneers Board  
Chesapeake Bay Local Assistance Board  
- Southern Area Review Committee

## November 29

Nursing Home Administrators, Board of  
† Polygraph Examiners Advisory Board, Virginia

## November 30

† Compensation Board  
Local Government, Commission on

## December 1

Geology, Board for  
Health, State Board of  
† Rehabilitative Services, Board of

## December 2

Health, State Board of  
Professional Counselors, Board of

## December 5

Barbers, Board for  
Prescriptive Authority for Nurse Practitioners, Joint Committee on

## December 6

† Hopewell Industrial Safety Council  
Psychology, Board of  
Real Estate Appraiser Board  
- Complaints Committee

## December 7

† Professional and Occupational Regulation, Department of  
- Recovery Fund Committee  
Veterinary Medicine, Board of

## December 8

† Protection and Advocacy for Individuals with Mental Illness Advisory Council

## December 12

Local Government, Commission on

## December 13

† Higher Education for Virginia, State Council of  
Local Government, Commission on  
Resources Authority, Virginia

## December 14

Chesapeake Bay Local Assistance Board  
- Central Area Review Committee  
† Statewide Independent Living Council  
Local Government, Commission on

## December 15

Chesapeake Bay Local Assistance Board  
- Northern Area Review Committee

## December 20

† Health Services Cost Review Council, Virginia

## December 21

Local Debt, State Council on  
Treasury Board

## December 22

† Compensation Board

## December 28

Chesapeake Bay Local Assistance Board  
- Southern Area Review Committee

# Calendar of Events

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**January 3, 1995**

† Hopewell Industrial Safety Council

## **PUBLIC HEARINGS**

**November 1**

† Environmental Quality, Department of

**November 2**

Champion Schools, Governor's Commission on

† Water Control Board, State

**November 3**

Housing Development Authority, Virginia

**November 4**

Professional and Occupational Regulation, Department

of

**November 7**

Cosmetology, Board for

**November 9**

Professional and Occupational Regulation, Department

of

**November 10**

† Transportation, Secretary of

**December 12**

Local Government, Commission on

**December 13**

† Branch Pilots, Board for