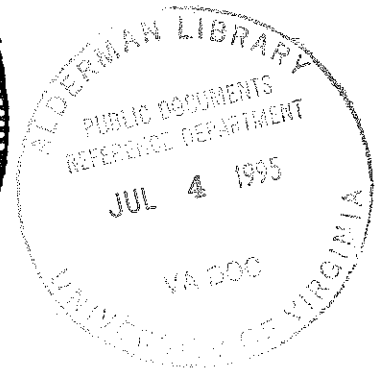
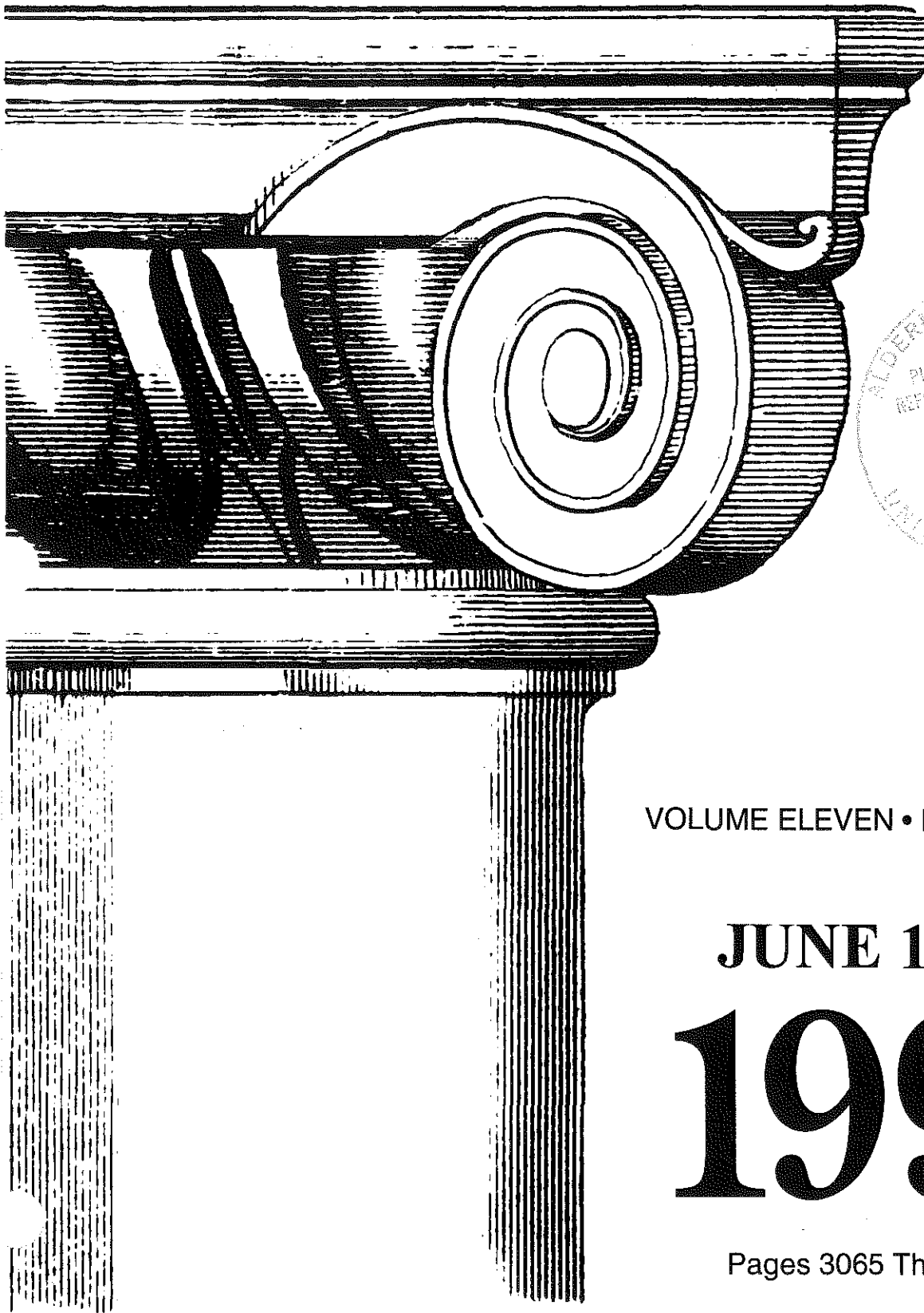


CDD S/R 26/11-19 c.2

THE VIRGINIA REGISTER

OF REGULATIONS

VA
DOC



VOLUME ELEVEN • ISSUE NINETEEN

JUNE 12, 1995

1995

Pages 3065 Through 3180

THE VIRGINIA REGISTER INFORMATION PAGE

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, is 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 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 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-month 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

The *Virginia Register* is cited by volume, issue, page number, and date. 1:3 VA.R. 75-77 November 12, 1984 refers to Volume 1, Issue 3, pages 75 through 77 of the *Virginia Register* issued on November 12, 1984.

"The Virginia Register of Regulations" (USPS-001831) is published bi-weekly, except four times in January, April, July and October, for \$100 per year by the Virginia Code Commission, General Assembly Building, Capitol Square, Richmond, Virginia 23219. Telephone (804) 786-3591. Second-Class Postage Rates Paid at Richmond, Virginia. **POSTMASTER:** Send address changes to *The Virginia Register of Regulations*, 910 Capitol Street, 2nd Floor, Richmond, Virginia 23219.

The Virginia Register of Regulations is published pursuant to Article 7 of Chapter 1.1:1 (§ 9-6.14:2 et seq.) of the Code of Virginia. Individual copies are available for \$4 each from the Registrar of Regulations.

Members of the Virginia Code Commission: Joseph V. Gartlan, Jr., Chairman; W. Tayloe Murphy, Jr., Vice Chairman; Russell M. Carneal; Bernard S. Cohen; Frank S. Ferguson; L. Cleaves Manning; E. M. Miller, Jr.; Theodore V. Morrison, Jr.; William F. Parkerson, Jr.; Jackson E. Reasor, Jr.

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

PUBLICATION DEADLINES AND SCHEDULES

May 1995 through March 1996

**Material Submitted
By Noon Wednesday**

Will Be Published On

Volume 11

May 24, 1995

June 12, 1995

June 7, 1995

June 26, 1995

INDEX 3 - Volume 11

July 1995

June 21, 1995

July 10, 1995

July 5, 1995

July 24, 1995

July 19, 1995

August 7, 1995

August 2, 1995

August 21, 1995

August 16, 1995

September 4, 1995

August 30, 1995

September 18, 1995

FINAL INDEX - Volume 11

October 1995

Volume 12

September 13, 1995

October 2, 1995

September 27, 1995

October 16, 1995

October 11, 1995

October 30, 1995

October 25, 1995

November 13, 1995

November 8, 1995

November 27, 1995

November 21, 1995 (Tuesday)

December 11, 1995

December 6, 1995

December 25, 1995

INDEX 1 - Volume 12

January 1996

December 19, 1995 (Tuesday)

January 8, 1996

January 3, 1996

January 22, 1996

January 17, 1996

February 5, 1996

January 31, 1996

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February 28, 1996

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NOTICES OF INTENDED REGULATORY ACTION

Symbol Key †

† Indicates entries since last publication of the *Virginia Register*

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

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to consider amending regulations entitled: **VR 394-01-21. Virginia Uniform Statewide Building Code, Volume 1 - New Construction Code/1993.** The purpose of the proposed action is to (i) amend the "Notice of Violation" section to comport with the "Statute of Limitation" section of the Code of Virginia; (ii) amend the requirement for the spacing of intermediate supports for guardrails; (iii) amend the sections which establish "Wind Zones" in Virginia, to comply with those required by new HUD federal regulation; (iv) delete vague and subjective text in the regulation regarding ice damming on roofs for one and two family dwellings; (v) amend the requirements for private suites (skyboxes) at automobile race tracks; (vi) amend the regulation to raise the size and occupancy threshold, regarding when permits are required for tents; (vii) amend the "Existing Building" section to clarify and to remove vague and subjective language which may be barriers to revitalization of existing buildings, and (viii) amend the "Inspections" section to allow the waiver of inspections pursuant to § 36-105 of the Code of Virginia. The agency intends to hold a public hearing on the proposed regulation after publication.

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

Public comments may be submitted until July 14, 1995.

Contact: Norman R. Crumpton, Program Manager,
Department of Housing and Community Development, The
Jackson Center, 501 North Second Street, Richmond, VA
23219-1321, telephone (804) 371-7170, FAX (804) 371-7092
or (804) 371-7089/TDD ☎

VA.R. Doc. No. R95-518; Filed May 17, 1995, 4:39 p.m.

PUBLIC COMMENT PERIODS - PROPOSED REGULATIONS



PUBLIC COMMENT PERIODS REGARDING STATE AGENCY REGULATIONS

Effective July 1, 1995, publication of notices of public comment periods in a newspaper of general circulation in the state capital is no longer required by the Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia). Chapter 717 of the 1995 Acts of Assembly eliminated the newspaper publication requirement from the Administrative Process Act. In *The Virginia Register of Regulations*, the Registrar of Regulations has developed this section entitled "Public Comment Periods - Proposed Regulations" to give notice of public comment periods and public hearings to be held on proposed regulations. The notice will be published once at the same time the proposed regulation is published in the Proposed Regulations section of the *Virginia Register*. The notice will continue to be carried in the Calendar of Events section of the *Virginia Register* until the public comment period and public hearing date have passed.

Notice is given in compliance with § 9-6.14:7.1 of the Code of Virginia that the following public hearings and public comment periods regarding proposed state agency regulations are set to afford the public an opportunity to express their views.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

† August 11, 1995 -- Public comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to adopt regulations entitled: **VR 460-01-66.2. Medicaid Reimbursement for Administration of Vaccines under the Pediatric Immunization Program (§ 4.19m)**. The purpose of this proposal is to promulgate permanent regulations for the payment of a fee for the administration of vaccines to children under the Vaccines for Children Program. The vaccines which are covered under this program are routine childhood immunizations which are given to prevent such childhood diseases as whooping cough, diphtheria, tetanus, polio, measles, mumps, and German measles.

The Omnibus Budget Reconciliation Act of 1993 (OBRA '93), Public Law 103-66, created the Pediatric Immunization Distribution Program (more commonly known and hereafter referred to as the Vaccines for Children (VFC) Program), which took effect on October 1, 1994. Section 13631 of OBRA '93 added § 1902 (A)(62) to the Social Security Act (the Act) to require that states provide for a program for the purpose and distribution of pediatric vaccines to program-registered providers for the immunization of vaccine-eligible children in accordance with § 1928 of the Act. Section 1928 required each state to establish a VFC Program (which may be administered by the State Department of Health) under which certain specified groups of children are entitled to receive qualified pediatric immunizations without charge for the costs of the vaccine. The Department of Medical Assistance Services (DMAS) has complied with this requirement with the exception of the final component, the vaccine administration fee, which is needed to complete all the necessary program elements.

The establishment of a vaccine administration fee is essential to comply with OBRA '93's Vaccines for Children (VFC) Program, which ensures that certain specified groups of children receive qualified pediatric immunizations free of charge. This vaccine

administration fee is mandated in the law and is intended to provide an incentive to providers to participate in the VFC program and provide immunizations to Medicaid children. Medicaid proposes to establish a fee of \$11 for the administration of such fees. The primary advantage to the Commonwealth and to providers of this regulatory action is that the federal government will provide these routine childhood vaccines free of charge. Since Medicaid recipients do not pay for such immunizations, such a change in drug distribution and payment policies is expected to be transparent to them. Actual expenditures will depend on the number of Medicaid providers who enroll in this vaccines program, the number of recipients who receive immunizations, and the number of administration fees that are actually paid to providers.

Public comments may be submitted until August 11, 1995, to Sally Rice, Division of Client Services, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia 23219.

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

BOARD OF SOCIAL WORK

† August 4, 1995 - 11 a.m. -- Public Hearing
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia.

† August 11, 1995 -- Public 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 Social Work intends to amend regulations entitled: **VR 620-01-2. Regulations Governing the Practice of Social Work**. The purpose of the proposed action is to clarify the responsibilities of a supervisor, allow candidates to be examined prior to completing experience requirements, and address problems with standards of practice.

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

PROPOSED REGULATIONS

For Information concerning Proposed Regulations, see information page.

Symbol Key

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

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

REGISTRAR'S NOTICE: The Virginia Housing Development Authority is exempt from the Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia); however, under the provisions of § 9-6.14:22, it is required to publish all proposed and final regulations.

Title of Regulation: VR 400-02-0017. **Rules and Regulations for HUD-Insured Home Equity Conversion Mortgage Loans to Elderly Persons of Low and Moderate Income.**

Statutory Authority: § 36-55.30:3 of the Code of Virginia.

Summary:

The proposed amendments to the authority's rules and regulations for HUD-insured home equity conversion mortgage loans to elderly persons of low and moderate income will (i) conform the regulations to the Virginia Register Form, Style and Procedure Manual, (ii) specify income limits for the program separate and apart from those income limits that apply to the authority's other single family mortgage loan programs, (iii) eliminate regulatory provisions which are no longer necessary or required in administering the program, and (iv) make minor clarifications and corrections.

VR 400-02-0017. Rules and Regulations for HUD-Insured Home Equity Conversion Mortgage Loans to Elderly Persons of Low and Moderate Income.

PART I. GENERAL PROVISIONS.

§ 1.1. General.

The following rules and regulations will be applicable to home equity conversion mortgage loans insured by the U.S. Department of Housing and Urban Development ("HUD") which are made or are proposed to be made by the Virginia Housing Development Authority ("authority") to enable low and moderate income elderly homeowners to convert a portion of their accumulated home equity into cash funds in order to continue living independently in their own homes.

Home equity conversion mortgage loans may be made pursuant to these rules and regulations only if and to the extent that the authority has made or expects to make funds available therefor.

Notwithstanding anything to the contrary herein, the executive director is authorized with respect to any home equity conversion mortgage loan hereunder to waive or modify any provisions of these rules and regulations where deemed appropriate by him for good cause, to the extent not inconsistent with the Act.

All reviews, analyses, evaluations, inspections, determinations and other actions by the authority pursuant to the provisions of these rules and regulations shall be made for the sole and exclusive benefit and protection of the authority and shall not be construed to waive or modify any of the rights, benefits, privileges, duties, liabilities or responsibilities of the authority or the mortgagor under the agreements and documents executed in connection with the mortgage loan.

The rules and regulations set forth herein are intended to provide a general description of the authority's program requirements and are not intended to include all actions involved or required in the originating and administration of home equity conversion mortgage loans under the authority's HUD-insured home equity conversion mortgage loan program (the "program"). These rules and regulations are subject to change at any time by the authority and may be supplemented by policies, rules and regulations adopted by the authority from time to time.

§ 1.2. Originating agents.

~~A. Approval.~~

A. The originating of home equity conversion mortgage loans and the processing of applications for the making thereof in accordance herewith may, at the authority's discretion, be performed through commercial banks, savings and loan associations and private mortgage bankers that are approved as originating agents ("originating agents") of the authority under the authority's rules and regulations for single family loans to persons and families of low and moderate income.

Each originating agent shall enter into an originating agreement ("originating agreement") with the authority containing such terms and conditions as the executive director shall require with respect to the origination, or origination and processing, of home equity conversion mortgage loans hereunder.

Originating agents shall maintain adequate books and records with respect to home equity conversion mortgage loans which they originate or originate and process, as applicable, shall permit the authority to examine such books and records, and shall submit to the authority such reports (including annual financial statements) and information as the authority may require. The fees payable to the originating agents for originating or originating and processing home equity conversion mortgage loans hereunder shall be established from time to time by the executive director and shall be set forth in the originating agreements applicable to such originating agents.

~~B. Selection of limited number of originating agents.~~

B. The executive director may limit the number of originating agents based upon such factors as he deems relevant, including any of the following:

Proposed Regulations

1. The need and demand for the financing of HUD-insured home equity conversion mortgage loans in various geographic areas of the Commonwealth;
2. The availability of HUD-insured home equity conversion mortgage loans from private lenders in various geographic areas of the Commonwealth;
3. The availability of HUD-certified counseling for applicants for HUD-insured home equity conversion mortgage loans in various geographic areas of the Commonwealth;
4. The need for the expeditious commitment and disbursement of home equity conversion mortgage loans;
5. The cost and difficulty of originating and processing HUD-insured home equity conversion mortgage loans; and
6. The time and cost of training originating agents.

The executive director shall select the limited number of originating agents in such manner, for such periods, and subject to such terms and conditions as he shall deem appropriate to best accomplish the purposes and goals of the authority program. In so selecting originating agents, the executive director may consider such factors as he deems relevant, including the capability, history and experience of any lender seeking selection and the amount of the origination fee requested by any such lender.

C. Allocation of funds.

~~The executive director shall allocate funds for the making or financing of home equity conversion mortgage loans hereunder in such manner, to such persons and entities, in such amounts, for such period, and subject to such terms and conditions as he shall deem appropriate to best accomplish the purposes and goals of the authority. Without limiting the foregoing, the executive director may allocate funds (i) to home equity conversion mortgage loan applicants on a first come, first serve or other basis and/or (ii) to originating agents for the origination of home equity conversion mortgage loans to qualified applicants. In determining how to so allocate the funds, the executive director may consider such factors as he deems relevant, including any of the following:~~

- ~~1. The need for the expeditious commitment and disbursement of such funds for home equity conversion mortgage loans;~~
- ~~2. The need and demand for the financing of home equity conversion mortgage loans with such funds in the various geographical areas of the Commonwealth;~~
- ~~3. The cost and difficulty of administration of the allocation of funds; and~~
- ~~4. The capability, history and experience of any originating agents who are to receive an allocation.~~

~~The executive director may from time to time take such action as he may deem necessary or proper in order to solicit applications for allocation of funds hereunder. Such actions may include advertising in newspapers and other media,~~

~~mailing of information to prospective applicants and other members of the public, and any other methods of public announcement which the executive director may select as appropriate under the circumstances. The executive director may impose requirements, limitations and conditions with respect to the submission of applications as he shall consider necessary or appropriate. The executive director may cause market studies and other research and analyses to be performed in order to determine the manner and conditions under which funds of the authority are to be allocated and such other matters as he shall deem appropriate relating thereto. The authority may also consider and approve applications for allocations of funds submitted from time to time to the authority without any solicitation therefor on the part of the authority.~~

D. Originating guide.

C. The executive director is authorized to prepare and from time to time revise an originating guide which shall set forth the procedures to be followed by all originating agents responsible for the origination and/or processing of mortgage loans under the applicable originating agreements. Copies of the originating guide shall be available upon request. The executive director shall be responsible for the implementation and interpretation of the provisions of the originating guide.

E. Making of new mortgage loans.

D. Home equity conversion mortgage loans shall be made by the authority directly to borrowers with the assistance and services of its originating agents. The review of applications for such home equity conversion mortgage loans and the terms and conditions relating to such home equity conversion mortgage loans shall be governed by and shall comply with the provisions of the applicable originating agreement, the originating guide, the Act and these rules and regulations.

If the applicant and the application for a home equity conversion mortgage loan meet the requirements of the Act and these rules and regulations, the executive director may issue on behalf of the authority a home equity conversion mortgage loan commitment to the applicant, subject to the approval of ratification thereof by the board. Such home equity conversion mortgage loan commitment shall be issued only upon the determination of the authority that such a home equity conversion mortgage loan is not otherwise available from private lenders upon reasonably equivalent terms and conditions in the area where the applicant resides. The initial principal limit and term of such home equity conversion mortgage loan, the terms and conditions relating to the disbursement of funds by the authority to the applicant, the terms and conditions relating to the prepayment thereof, and such other terms, conditions and requirements as the executive director deems necessary or appropriate shall be set forth or incorporated in the home equity conversion mortgage loan commitment issued on behalf of the authority with respect to such home equity conversion mortgage loan.

F. Sale of servicing rights.

E. The authority may, at its discretion, sell to one or more financial institutions the servicing rights to any home equity conversion mortgage loan made pursuant to these rules and regulations. Such financial institution or institutions shall be selected in such manner, on the basis of such criteria, for

such period and subject to such terms and conditions as the executive director shall deem appropriate in order to best accomplish the purposes and goals of the authority program.

PART II.
LOAN PROCESSING.

§ 2.1. Compliance with HUD and FNMA requirements.

Each home equity conversion mortgage loan must be insured pursuant to the Code of Federal Regulations, 24 CFR Parts 200 and 206, as amended (hereinafter the "federal regulations"). These federal regulations impose certain requirements and restrictions on the eligibility of home equity conversion borrowers and residences for insurance by HUD. No loan will be approved or made by the authority unless all of the requirements and restrictions under the federal regulations are met.

The authority intends to sell all of the home equity conversion mortgage loans to the Federal National Mortgage Association ("FNMA"). Therefore, each home equity conversion mortgage loan must satisfy all of the applicable guidelines, requirements, terms and conditions imposed by FNMA.

§ 2.2. Compliance with authority requirements.

~~A. Location.~~

A. The property which is to secure the home equity conversion mortgage loan shall be located entirely within the Commonwealth of Virginia.

~~B. Citizenship.~~

B. Each borrower for a home equity conversion mortgage loan must either be a United States citizen or have a valid and current alien registration card (U.S. Department of Immigration Form 1-551 or U.S. Department of Immigration Form 1-151).

~~C. Maximum gross family income.~~

C. The gross family income of an applicant for an authority home equity conversion mortgage loan may not exceed the percentage of the applicable median family income with respect to the residence of the applicant in effect under the authority's Rules and Regulations for Single Family Mortgage Loans to Persons and Families of Low and Moderate Income (VR 400-02-0003) or, if the foregoing income limit shall be waived by the executive director pursuant to such rules and regulations, such other income limit as shall be specified therein or established pursuant thereto (the applicable percentage of income limit being determined by the authority is if the applicant were applying for a mortgage loan to purchase the residence under such rules and regulations) (i) in the case of dwelling units occupied by two or fewer persons, 95% of the applicable median family income as determined by the authority for the area in which the residence is located and (ii) in the case of dwelling units occupied by three or more persons, 110% of the applicable median family income as determined by the authority for the area in which the residence is located.

For the purposes hereof, the term "gross family income" means the combined annualized gross income of all persons

residing or intending to reside in a dwelling unit, from whatever source derived and before taxes or withholdings. For the purpose of this definition, annualized gross income means gross monthly income multiplied by 12. "Gross monthly income" is, in turn, the sum of monthly gross pay plus any additional income from overtime, part-time employment, bonuses, dividends, interest, royalties, pensions, Veterans Administration compensation, net rental income plus other income (such as alimony, child support, public assistance, sick pay, social security benefits, unemployment compensation, income received from trusts, and income received from business activities or investments).

The term "applicable median family income" shall be as defined in Section 143 (f) (4) of the Internal Revenue Code of 1986, as amended.

~~The authority shall from time to time inform its originating agents by written notification thereto of the foregoing maximum gross family income limits expressed in dollar amounts for each area of the state and each family size. The effective dates of such limits shall be determined by the executive director. The authority shall from time to time inform its originating agents by written notification of the foregoing maximum gross family income limits expressed in dollar amounts for each area of the Commonwealth established by the authority and for the number of persons to occupy the dwelling unit. Such income limits shall be effective as of such date as the executive director shall determine, and authority is reserved to the executive director to implement any changes on such date or dates as he shall deem necessary or appropriate to best accomplish the purposes of the program.~~

§ 2.3. Terms and conditions of home equity conversion mortgage loans.

~~A. Compliance with HUD and FNMA requirements.~~

A. The provisions, terms and conditions of each authority home equity conversion mortgage loan shall conform to all requirements under the federal regulations and all guidelines and requirements of FNMA for the purchase of the home equity conversion mortgage loan.

~~B. Interest rate.~~

B. The interest rate to be charged on each home equity conversion mortgage loan shall be an adjustable rate which shall be established and increased or decreased at the times and in the manner specified by the guidelines and requirements of FNMA consistent with the federal regulations.

~~C. Fees and charges at closing.~~

C. Pursuant to the federal regulations, the following fees and charges incurred in connection with the origination of the home equity conversion mortgage loan shall be collected from the borrower, either in cash at the time of closing or through an initial payment under the home equity conversion mortgage loan:

1. An origination fee in such amount as shall be determined by the executive director, but in no event greater than the maximum amount permitted in the federal regulations;

Proposed Regulations

2. Recording fees and recording taxes or other charges incident to the recordation of the mortgage;
3. Credit report fee;
4. Survey fee, if required;
5. Title examination fee;
6. Title insurance charge;
7. Appraisal fee; and
8. Such other charges as incurred in closing the home equity conversion mortgage loan and as approved by HUD.

~~D. Monthly servicing fee.~~

D. The borrower shall be charged a fixed monthly servicing fee in an amount approved by HUD. The servicing fee shall be added to the outstanding balance of the home equity conversion mortgage loan in accordance with the procedures and requirements established in the federal regulations.

~~§ 2.4. Application package.~~

E. The originating agent shall submit to the authority for its review such documents and forms as the authority shall require to determine compliance with the requirements imposed by the federal regulations, the guidelines and requirements of FNMA for purchase of the home equity conversion mortgage loan, and the provisions of these rules and regulations.

~~§ 2.5. § 2.4. Firm commitment.~~

~~A. General.~~

A. The authority will review the application package submitted by the originating agent and, if and when approved, prepare a submission package to HUD for a firm mortgage insurance commitment. Upon issuance by HUD of a firm mortgage insurance commitment, the authority will issue a mortgage loan commitment to the borrower. The mortgage loan commitment must be accepted and signed by the applicant prior to closing of the home equity conversion mortgage loan. The term of a mortgage loan commitment may be extended in certain cases upon written request by the applicant and approval by the authority.

~~B. Loan rejection.~~

B. If the application fails to meet any of the standards, criteria and requirements herein, a rejection letter will be issued by the authority. In order to have the application reconsidered, the applicant must resubmit the application within 30 days after loan rejection. If the application is so resubmitted, any and all credit documentation cannot be more than 90 days old and any appraisal not more than six months old.

~~§ 2.6. § 2.5. Loan settlement.~~

~~A. Loan closing.~~

A. Upon the applicant's acceptance of the mortgage loan commitment, the closing instructions and documents will be sent to the closing attorney.

When the authority has determined that all closing requirements have been or will be satisfied, it will approve closing and, an initial payment check will be sent to the closing attorney together with any additional closing instructions. The closing attorney may disburse the initial payment only after he or she has conducted the loan closing and recorded all necessary documents, including the deed of trust securing repayment of the home equity conversion mortgage loan and in all other respects is in a position to disburse the initial payment in accordance with the commitment and the authority's instructions to the closing attorney.

~~B. Post-closing requirements.~~

B. Any fees and charges to be paid in cash by the borrower and all closing documents shall be forwarded to the authority within such time period or periods as the authority shall require.

VA.R. Doc. No. R95-520; Filed May 19, 1995, 12:08 p.m.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Title of Regulation: VR 460-01-66.2. Medicaid Reimbursement for Administration of Vaccines under the Pediatric Immunization Program (§ 4.19 m).

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

Public Hearing Date: N/A — Public comments may be submitted until August 11, 1995.

(See Calendar of Events section for additional information)

Summary:

The purpose of this proposal is to promulgate permanent regulations for the payment of a fee for the administration of vaccines to children under the Vaccines for Children Program. The vaccines which are covered under this program are routine childhood immunizations which are given to prevent such childhood diseases as whooping cough, diphtheria, tetanus, polio, measles, mumps, and German measles.

The Omnibus Budget Reconciliation Act of 1993 (OBRA '93), Public Law 103-66, created the Pediatric Immunization Distribution Program (more commonly known and hereafter referred to as the Vaccines for Children (VFC) Program), which took effect on October 1, 1994. Section 13631 of OBRA '93 added § 1902 (A) (62) to the Social Security Act (the Act) to require that states provide for a program for the purchase and distribution of pediatric vaccines to program-registered providers for the immunization of vaccine-eligible children in accordance with § 1928 of the Act. Section 1928 required each state to establish a VFC Program (which may be administered by the State Department of Health) under which certain specified groups of children are entitled to receive qualified pediatric immunizations without charge for the cost of the vaccine. The Department of Medical Assistance Services (DMAS) has complied with this requirement with the exception of the

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final component, the vaccine administration fee, which is needed to complete all the necessary program elements.

The establishment of a vaccine administration fee is essential to comply with OBRA '93's Vaccines for Children (VFC) Program, which ensures that certain specified groups of children receive qualified pediatric immunizations free of charge. This vaccine administration fee is mandated in the law and is intended to provide an incentive to providers to participate in the VFC program and provide immunizations to Medicaid children. Medicaid proposes to establish a fee of \$11 for the administration of such fees. The primary advantage to the Commonwealth and to providers of this regulatory action is that the federal government will provide these routine childhood vaccines free of charge. Since Medicaid recipients do not pay for such immunizations, such a change in drug distribution and payment policies is expected to be transparent to them. Actual expenditures will depend on the number of Medicaid providers who enroll in this vaccines program, the number of recipients who receive immunizations, and the number of administration fees that are actually paid to providers.

VR 460-01-66.2. Medicaid Reimbursement for Administration of Vaccines under the Pediatric Immunization Program.

Citation: § 1928(c)(2)(i)(C)(ii)

§ 4.19(m) Medicaid reimbursement for administration of vaccines under the Pediatric Immunization Program.

A provider may impose a charge for the administration of a qualified pediatric vaccine as stated in § 1928(c)(2)(C)(ii) of the Act. Within this overall provision, Medicaid reimbursement to providers will be administered as follows:

(ii) The state:

sets a payment rate at the level of the regional maximum established by the DHHS Secretary.

is a Universal Purchase State and sets a payment rate at the level of the regional maximum established in accordance with state law.

sets a payment rate below the level of the regional maximum established by the DHHS Secretary.

is a Universal Purchase State and sets a payment rate below the level of the regional maximum established by the Universal Purchase State.

The state pays the following rate for the administration of a vaccine:

\$11 per vaccine administration

Citation: § 1926 of the Act

(iii) Medicaid beneficiary access to immunizations is assured through the following methodology:

The Commonwealth will demonstrate access to such services by the Commonwealth's fee per vaccine administration being higher than that of a major insurance company.

Title of Regulation: VR 620-01-2. Regulations Governing the Practice of Social Work.

Statutory Authority: §§ 54.1-2400 and 54.1-3700 et seq. of the Code of Virginia.

Public Hearing Date: August 4, 1995 - 11 a.m.

Written comments may be submitted until August 11, 1995.

(See Calendar of Events section for additional information)

Basis: Chapter 24 and Chapter 37 of Title 54.1 of the Code of Virginia provide the basis for these regulations.

Chapter 24 establishes the general powers and duties of health regulatory boards including the power to establish qualifications for licensure and the responsibility to promulgate regulations.

Chapter 37 establishes the Board of Social Work and authorizes that board to regulate licensure, collect fees, and set standards for practice.

In addition, § 54.1-103 authorizes the board to promulgate regulations specifying additional training or conditions for individuals seeking licensure by reciprocity or endorsement.

Purpose: The purposes for the amendments are as follows:

1. To eliminate duplicative regulations by repealing existing public participation guidelines now found in a separate set of regulations.
2. To eliminate unnecessary fees from current regulations.
3. To comply with statutory requirements that the board establish a process and criteria for licensure by endorsement for applicants previously licensed in another jurisdiction.
4. To respond to complaints filed by the public, clients, or supervisees by clarifying and specifying standards of practice and unprofessional, inappropriate behaviors which could result in disciplinary action against a licensee.
5. To amend requirements for renewal of an expired license to make it less burdensome and costly for licensees while retaining some assurance of competency to practice for the protection of the public.
6. To amend requirements for reinstatement of licensure after a disciplinary action to establish a specific fee appropriate to the actual cost of holding a hearing, review of credentials, and processing a new application.

Substance: The key provisions of each amended section are summarized as follows:

1. § 1.1. Definitions. Two terms used in regulations have been defined by reference to the appropriate code section in order to provide clarity for applicants, supervisors, and licensees.

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2. § 1.2. Public participation guidelines are deleted. The board has promulgated a separate set of regulations, VR 620-01-3.

3. New § 1.2 establishes fees of the board. Proposed regulations eliminate unnecessary fees and adds a specific fee for the reinstatement of a license after disciplinary action. In § 1.2 B, the proposed regulation eliminates a specific reference to the time for submission of an examination fee, since that is now established by the examination service.

4. In § 2.1, the board proposes a simplification of the requirements for the submission of a completed application.

5. In § 2.2 C, amendments are proposed in order to list in one subdivision of the regulation all the requirements for the supervisor of an applicant for licensed clinical social worker. There are no new requirements.

6. §§ 2.2 D and 2.3 E are proposed as new regulations in response to problems experienced by supervisees when their supervisors fail to fulfill their responsibility. The board seeks to clarify that such failure may result in disciplinary action.

7. In § 2.3 D, amendments are proposed in order to list in one subdivision of the regulation all the requirements for the supervisor. There are no new requirements.

8. In § 3.1 C, the regulation is amended to clarify that the examination is to be taken after completion of academic training.

9. § 5.2 sets forth the requirements for renewal of a license that has expired (previously titled a "Late Renewal"). Subsection A is amended to reduce the fees required for renewal of a license expired for less than four years.

10. In § 5.2 B, requirements for a license which expired more than four years ago, current regulations require reexamination of the licensee. The board proposes a much less burdensome process, consisting of submission of evidence of competency and payment of applicable fees.

11. § 7.1 sets forth the professional conduct or activities regulated by the board. Three amendments are proposed:

a. Old subdivisions 7 and 8 are combined in new subdivision 7 to clarify the standards for disclosure of client records.

b. Old subdivision 10 (new 9) is amended to specify the type of dual relationships which are considered to be unprofessional and unethical practice.

c. Subdivision 11 is proposed to ensure that clients are informed and give consent to their treatment.

12. § 7.3 sets forth requirements for reinstatement following disciplinary action. Editorial changes are proposed for clarity, and a specific fee established to cover the actual costs of holding a reinstatement

hearing, a review of credentials and processing of an application.

Issues:

A. Responsibilities of a supervisor - §§ 2.2 and 2.3. At issue is the failure of some supervisors to fulfill their responsibilities to supervisees. Complaints have been filed with the board by applicants who have spent a large amount of money and time in supervised training and were then unable to proceed with licensure because of the refusal or failure of the supervisor to cooperate with completion of their application. The board has no recourse in its current regulations to enforce requirements for supervision on supervisors.

Alternatives considered included:

a) Continue the current procedure, which was to attempt resolution of the problems between supervisor and supervisee without disciplinary recourse; or

b) Specify in regulation that failure to comply with requirements may result in disciplinary action.

The board chose to adopt both alternatives, which would encourage a nonregulatory solution to conflicts between supervisors and supervisees but provide some avenue for grievance for the supervisee who has been harmed by an uncooperative or inept supervisor. (See §§ 2.2 D and 2.3 E.)

Advantages: There may be an indirect advantage to the public in that more responsibility and cooperation from supervisors may result in some increase in the availability of social work services. The primary advantage of the proposed amendment accrues to the supervisee who must have approval of supervised experience prior to licensure.

Disadvantages: There are no disadvantages of the proposal to the public or to the person working under supervision. There are no disadvantages to the agency, which will benefit from clarification of the supervisory responsibility.

B. Renewal of Expired License - § 5.2. Two problems were identified with § 5.2 of the current regulations. First, the requirement for payment of the renewal fee for each renewal period during which the license was expired was considered too costly and burdensome for licensees who submit a late renewal of an expired license. Also at issue is the current regulation which requires that licensees who have allowed their license to lapse for more than four years be reexamined before the board renews their license. Some have complained that the requirement is overly restrictive and unnecessary for the protection of the public.

Alternative considered: The board considered retention of the current regulations to discourage social workers from allowing their licenses to lapse. However, the board agreed that requirement for reexamination was too burdensome and the fees could accumulate to a punitive amount. Therefore, two amendments to the regulations are proposed: (i) the payment of a late fee and the biennial license fee; and (ii) for social workers who fail to renew for more than four years, the submission of satisfactory evidence that the licensee is competent to resume practice. Such evidence might include

continuing education courses, practice in another jurisdiction, or advanced study in social work.

In addition, § 5.2 is reworded and reorganized for clarity and more precise usage of terms.

Advantages: There is no direct advantage to the public; however, a less restrictive regulation on renewal of lapsed licenses may encourage licensees who have been inactive for whatever reason to return to practice and result in greater access to social work services.

Disadvantages: Since the public is not directly affected by the regulations, there is no disadvantage. There are no disadvantages to the agency; the potential loss of revenue from amending the regulation has no impact on the budget of the Board of Social Work.

C. Standards of Practice - § 7.1. Three problems were identified relating to "Standards of Practice":

1. The regulations on disclosure of client information were inadequate and confusing. Questions have been raised about the meaning of a "court order" to disclose; and the requirement for written consent of the client to disclose seemed to be contradictory.

2. In its review of situations resulting in disciplinary cases with licensees, the board determined that the prohibition on dual relationships and involvements by social workers with clients or supervisees needed to be clearer and more explicit. While the vast majority of social workers have a clear understanding of the code of conduct for their profession, some have abridged their trust and crossed the line of appropriate involvements. As its primary responsibility is the protection of the public, the board considered ways of addressing such situations.

3. On several occasions, the board has received complaints from clients who felt they were not sufficiently informed on the course or cost of treatment prior to its onset. Again, there is an issue of public protection.

To address the problems identified above, the board proposes the following:

1. Combine §§ 7.1 7 and 7.1 8 to eliminate the perception of contradictory requirements and amend the language about disclosure under court order to require disclosure "as required by law." Following the advice of the Assistant Attorney General who serves as counsel to the board, the amended requirement would apply to a variety of circumstances where the social worker is legally obligated to disclose client information without written consent. While there is no direct advantage to the public, clarity about the social worker's responsibility on disclosure serves the public interest.

2. Amend § 7.1 9 to incorporate into regulation the code of conduct for social workers in dealing with clients, former clients, or supervisees. On advice of counsel, the board proposes requirements on inappropriate behaviors, such as a prohibition on sexual intimacies, that clearly have the potential to compromise the judgment of the social worker or that risk exploitation of the client or supervisee. The advantage to the public is

greater protection against unethical behavior by social workers, who might use their position to exploit someone in a vulnerable position. The advantage to the licensees is that clarification of the requirement reinforces their code of conduct and provides the board grounds for disciplinary action against a small number of the profession who may not adhere to that standard.

3. Add a requirement that clients be provided informed consent to treatment. Such a requirement exists in other client-professional relationships and is added in response to complaints received from clients. The advantage to the public is greater accountability by licensees to their clients for the course of their treatment.

Since the proposed amendments to the regulation would hold the licensees to a standard of conduct expected of ethical practitioners in the profession, there would be no disadvantages to the public or to social workers licensed by the board. There is no disadvantage to the agency, since the standards of practice are more clearly stipulated.

D. Reinstatement following disciplinary action - § 7.3. The fee charged by the board for reinstatement of a license after disciplinary action is clarified and restated at \$200. Under current regulations, the application fee of \$65, the biennial renewal fee of \$65 and the late fee of \$10 are required for reinstatement. The proposed fee of \$200 for reinstatement of license following a disciplinary action does not represent a change from current regulation, since the cumulative total of fees is now \$200 (\$125 + \$65 + \$10). By stating the fee in regulation, it will be clearer and simpler to administer.

In addition, editorial changes are proposed in § 7.3 to provide simplicity and clarity in language.

There are no advantages or disadvantages to the public, since the fee is paid by only those social workers who have had their license disciplined and seek reinstatement. There is no disadvantage to the agency; the fee for reinstatement is more clearly stated but the total amount of the fee has not changed.

Estimated Impact:

A. Projected number of persons affected and their cost of compliance:

1. Number of licensees affected by these regulations (as of 7/1/94)

Licensed Clinical Social Workers	2,066
Licensed Social Workers	180
Registered Social Workers	144
Associate Social Workers	9

There are no additional costs for social workers who renew their licenses and who have had no complaints resulting in a disciplinary case before the board.

2. Supervisors affected by these regulations. There are approximately 100 supervisors who are registered with the board; there will be no cost of compliance for the vast majority. Only one or two per year may be affected by a new regulation that permits the board to consider

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disciplinary action against a supervisor who fails to fulfill his responsibilities to a supervisee. If disciplinary action by the board resulted in a suspension of the supervisor's license, the cost of compliance would be loss of wages for the period of the suspension and the cost of reinstatement, which is proposed to be \$200.

3. Renewal of expired license and reinstatement of disciplined license. Approximately two to five social workers per year renew an expired license. Depending on the amount of time the license has been expired, they will benefit by reduced costs and requirements for such renewal.

B. Costs to the agency for implementation:

1. Costs of disciplinary cases: It is estimated that more explicit requirements for standards of care may result in one to three additional disciplinary cases per year. There is an approximate cost of \$1,000 for an informal conference or \$2,000 for a formal hearing before the board.

2. Other approximate costs include: \$2,000 for printing and mailing notices to the Public Participation Guideline list and amended regulations to licensees and interested parties.

All costs to the agency are derived from fees paid by licensees, and no fee increases are necessary.

C. Cost to local governments: There will be no impact on local governments.

Summary:

Amendments to regulations of the Board of Social Work are proposed to eliminate unnecessary and duplicative regulations, to comply with statutory requirements for a process and criteria for licensure by endorsement, to clarify and specify standards of ethical and professional practice, to amend requirements for renewal of an expired license to make it less burdensome and costly, and to establish a specific fee for reinstatement of a license after a disciplinary action by the board.

VR 620-01-2. Regulations Governing the Practice of Social Work.

PART I. GENERAL PROVISIONS.

§ 1.1. Definitions.

The following *In addition to those defined in § 54.1-3700 of the Code of Virginia*, words and terms, when used in these regulations, shall have the following meanings, unless the context clearly indicates otherwise:

"Accredited school of social work" means a school of social work accredited by the Council on Social Work Education.

"Applicant" means a person who has submitted a completed application for licensure as a social worker with the appropriate fees.

"Board" means the Virginia Board of Social Work.

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

"Clinical course of study" means graduate course work which includes courses in human behavior and social environment, social policy, research, clinical practice with individuals, families, groups and a clinical practicum which focuses on diagnostic, prevention and treatment services.

"Exemption from requirements of licensure" is defined in § 54.1-3701 of the Code of Virginia.

"Exempt practice" is that which meets the conditions of exemption from the requirements of licensure as defined in § 54.1-3701 of the Code of Virginia.

"Nonexempt practice" is that which does not meet the conditions of exemption from the requirements of licensure as defined in § 54.1-3701 of the Code of Virginia.

"Supervision" means the relationship between a supervisor and supervisee which is designed to promote the development of responsibility and skill in the provision of social work services. Supervision is the inspection, critical evaluation, and direction over the services of the supervisee. Supervision shall include, without being limited to, the review of case presentations, audio tapes, video tapes, and direct observation.

§ 1.2. Public participation guidelines.

A. Mailing list.

The Board of Social Work 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 proposed or existing regulations.
3. Final regulation adopted.

B. Being placed on list.

Any person or organization wishing to be placed on the mailing list may be added by writing the board. In addition, the board may, at its discretion, add to the list any person, organization, or publication it believes will serve the purpose of responsible participation in the formation or promulgation of regulations. Persons and organizations on the list will be provided all information stated in subsection A of these guidelines. 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 of intent to conduct an informational proceeding as required by § 9-6.14:1 of the Code of Virginia, the board will publish a "notice of intent." This notice will contain a brief and concise statement of the possible regulation or the problem the

~~regulation would address and invite any person or organization to provide written comment on the subject matter. Such notice shall be transmitted to the Registrar of Regulations for inclusion in the Virginia Register.~~

~~D. Information 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 proceedings will be to solicit public comment on all existing regulations as to their effectiveness, efficiency, necessity, clarity, and cost of compliance. Notice of such proceedings will be transmitted to the Registrar for inclusion in the Virginia Register. Such proceedings may be held separately or in conjunction with other informational proceedings.~~

~~E. Petition for rulemaking.~~

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

~~After any meeting of the board or any subcommittee or advisory committee where the formulation or adoption of regulations occurs, the subject matter shall be transmitted to the Registrar for inclusion in the Virginia Register.~~

~~G. Advisory committees.~~

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

~~§ 4.3. 1.2. Fees.~~

~~A. The board has established fees for the following:~~

1. Registration of supervision	\$25
2. Annual renewal of supervision.....	25
3. 2. Application processing.....	65
4. Examinations and reexaminations:	
Written.....	75
5. 3. Initial license:	prorated portion of biennial license fee for unexpired part of biennium
6. 4. Biennial license	
a. Registered social worker.....	35
b. Associate social worker.....	35
c. Licensed social worker.....	125
d. Licensed clinical social worker.....	125
7. 5. Penalty for late renewal	10
8. 6. Endorsement to another jurisdiction	10
9. 7. Additional or replacement licenses.....	10

40. 8. Additional or replacement wall certificates	15
44. 9. Returned check	15
10. Reinstatement following disciplinary action.....	200

~~B. Examination fees shall be paid as follows: Written examination fee shall be mailed directly to the examination service no later than 60 days prior to the examination administration, according to its requirements.~~

PART II.
REQUIREMENTS FOR LICENSURE.

§ 2.1. General requirements.

A. No person shall practice as a social worker or clinical social worker in the Commonwealth of Virginia except as provided for in the Code of Virginia or and these regulations.

B. The individual obtaining the two years of required experience shall not call himself a licensed clinical social worker, solicit clients, bill for his services, or in any way represent himself as a licensed clinical social worker until such time that a license has been issued.

C. Licensure by this board to practice as a social worker or clinical social worker shall be determined by examination.

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

1. Meet the education and experience requirements prescribed in § 2.2 or § 2.3 of these regulations for the category of practice in which licensure is sought.
2. Have official transcripts documenting required academic coursework and degrees attained submitted directly from the appropriate institutions of higher education to the board not less than 90 days prior to the date of the written examination.

3. 2. Submit to the board, not less than 90 days prior to the date of the written examination:

- a. A completed application, on forms provided by the board;
- b. Documentation, on the appropriate forms, of the successful completion of the supervised experience education requirements of § 2.2 or § 2.3; and
- c. The application fee prescribed in § 4.3 1.2 of these regulations.

§ 2.2. Education and experience requirements for licensed clinical social worker.

A. Education. The applicant shall hold a minimum of a master's degree from an accredited school of social work, documented as prescribed in § 2.1-D-2. Graduates of foreign institutions must establish the equivalency of their education to this requirement through the Foreign Equivalency Determination Service of the Council of Social Work Education.

1. The degree program shall have included a graduate clinical course of study; or

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2. The applicant shall provide documentation of having completed specialized experience, coursework or training acceptable to the board as equivalent to a clinical course of study.

B. Experience. The applicant shall have had two years of full-time post-master's degree experience in the delivery of clinical services or the equivalent in part-time experience. The post-master's degree experience, whether full- or part-time, shall be under supervision satisfactory to the board as prescribed in these regulations.

1. Full-time experience in the delivery of clinical services is defined as a total *minimum* of 3,000 hours of work experience acquired in no less than two years.

a. Of these 3,000 hours, *trainees shall average no less than 15 hours per week shall be spent* in face-to-face client contact, for a total *minimum* of 1,380 hours in the two-year period.

b. The remaining hours may be spent in ancillary duties and activities supporting the delivery of clinical services.

2. Part-time equivalent experience in the delivery of clinical services for a total of 3,000 hours of work experience.

a. Of the 3,000 hours, 1,380 hours shall be spent in face-to-face client contact.

b. The remaining hours may be spent in ancillary duties and activities supporting the delivery of clinical services.

3. Supervision and experience obtained prior to the effective date of these regulations may be accepted towards licensure if this supervision met the requirements of the board which were in effect at the time the supervision was rendered.

4. An individual who does not become a candidate for licensure after four years of supervised training in a nonexempt *setting practice* shall submit evidence to the board showing why the training should be allowed to continue.

C. Supervision requirements for applicants in nonexempt *settings practices*.

1. An individual who proposes to obtain supervised post-graduate experience in a nonexempt *setting practice* in Virginia shall, prior to the onset of such supervision:

a. Be registered on a form provided by the board and completed by the supervisor and the supervised individual; and

b. Pay the registration-of-supervision fee prescribed by the board.

2. The supervisor providing supervision under subdivision 1 of this subsection shall be:

a. Be a licensed clinical social worker with at least five years ~~post-MSW~~ *post-Master of Social Work (MSW)* clinical experience, or an individual who the board finds is qualified to supervise after a finding that the

requirement for a supervisor who is a licensed clinical social worker with at least five years post-MSW clinical experience constitutes an undue burden on the applicant. Undue burden shall include issues such as geography or disability which limits supervisee's access to licensed clinical social worker supervision; and.

b. Be responsible for the *clinical casework* activities of the prospective applicant once the supervisory arrangement is accepted.

~~3. The experience shall include at least 100 hours of face-to-face supervision during the two-year period. A minimum of one hour of individual face-to-face supervision per week shall be provided for the two years.~~

~~4. Supervision between members of the immediate family (to include spouses, parents, and siblings) will not be approved.~~

~~D. The licensed clinical social worker acting as supervisor shall:~~

~~1. c. Be knowledgeable about the diagnostic assessment and treatment plan for clients assigned to the applicant and shall be available to the applicant on a regularly scheduled basis for supervision.~~

~~2. d. Provide supervision only for those activities for which the applicant has had appropriate education.~~

~~3. e. Provide supervision only for those activities for which the supervisor is qualified.~~

~~4. f. Provide, to the board, on an annual basis, documentation of the supervisee's direct client contact and supervisory hours for which the supervisor was responsible. The supervisor shall evaluate the supervisee's knowledge in the areas of an identified theory base, application of a differential diagnosis, establishing and monitoring a treatment plan, development and appropriate use of the professional relationship, assessing the client for risk of eminent *imminent* danger, and implementing a professional and ethical relationship with clients.~~

~~5. g. Provide documentation, *at the time of application for licensure*, on forms provided by the board, that the supervisee is at least minimally competent in the areas listed in subdivision 4 2 f of this subsection before the supervisee will be eligible to take the written examination.~~

~~3. The experience shall include at least 100 hours of face-to-face supervision during the period of supervision. A minimum of one hour of individual face-to-face supervision per week shall be provided for the period of supervision.~~

~~4. Supervision between members of the immediate family (to include spouses, parents, and siblings) will not be approved.~~

~~D. Failure to comply with the above requirements may result in disciplinary action against the supervisor.~~

E. Documentation of supervised experience. At the time of application for licensure, applicants shall provide to the board documentation of the supervised experience from all supervisors or, if a supervisor is unavailable, shall provide a satisfactory explanation of such circumstances to the board.

1. Applicants for licensure who have worked full time for a minimum of two years in the delivery of clinical social work services need document only their full-time employment provided the experience requirement has been met.
2. Applicants for licensure who have worked part time in the delivery of clinical services will need to document the experience as prescribed in § 2.2 B 2.
3. Applicants whose former supervisor is deceased, or whose whereabouts is unknown, shall submit to the board a notarized affidavit from the present chief executive officer of the agency, corporation or partnership in which the applicant was supervised.
4. The affidavit shall specify dates of employment, job responsibilities, supervisor's name and last known address, and the total number of hours spent by the applicant with the supervisor in face-to-face supervision.

F. Supervision requirements for applicants in exempt settings practices. Individuals may obtain the required supervision and experience without registration of supervision provided such experience:

1. Is obtained in an exempt setting practice.
2. Meets all other requirements of the board for supervised experience as set forth in these regulations.

§ 2.3. Education and experience requirements for licensed social worker.

A. Education. The applicant shall hold a bachelor's or a master's degree from an accredited school of social work, documented as prescribed in § 2.1 D-2. Graduates of foreign institutions must establish the equivalency of their education to this requirement through the Foreign Equivalency Determination Service of the Council on Social Work Education.

B. Experience - master's degree applicants. Master's degree applicants are not required to have professional experience in the field.

C. Experience - bachelor's degree applicants. Bachelor's degree applicants shall have had two years of full-time post-bachelor's degree experience or the equivalent in part-time experience in casework management and supportive services under supervision satisfactory to the board.

1. Full-time experience in casework management and supportive services is defined as a total *minimum* of 3,000 hours of work experience acquired in no less than two years.
2. Part-time equivalent experience in casework management and supportive services is defined as at least 3,000 hours of work experience acquired in no less than four years.

D. Supervision requirement for bachelor's degree applicant in nonexempt settings practices.

1. An individual who proposes to obtain supervised post-bachelor's degree experience in Virginia shall, prior to the onset of such experience and annually thereafter for each succeeding year of such experience supervision:

- a. Be registered on a form provided by the board and completed by the supervisor and supervised individual; and
- b. Pay the annual registration-of-supervision fee as prescribed by the board.

2. The supervisor providing supervision shall be:

- a. Be a licensed social worker with a master's degree, or a licensed clinical social worker, or an individual who the board finds is qualified to supervise after a finding that the requirement for a supervisor who is a licensed social worker with a master's degree or a licensed clinical social worker constitutes an undue burden on the applicant. Undue burden shall include issues such as geography or disability which limits supervisee's access to supervision listed above; and
- b. Be responsible for the social work practice of the prospective applicant once the supervisory arrangement is accepted by the board; ;

~~3. Supervision and experience obtained prior to the implementation of these regulations may be accepted towards licensure if this supervision met the requirements of the board which were in effect at the time the supervision was rendered.~~

~~4. The supervised experience shall include at least 100 hours of weekly face-to-face supervision during the two-year period.~~

~~5. Supervision between members of the immediate family (to include spouses, parents, and siblings) will not be approved.~~

~~E. The individual acting as supervisor shall:~~

- ~~1. c. Be knowledgeable about the diagnostic assessment and treatment plan of cases assigned to the applicant and shall be available to the applicant on a regularly scheduled basis for supervision; ;~~
- ~~2. d. Provide supervision only for those activities for which the applicant has had appropriate education; ;~~
- ~~3. e. Provide supervision only for those activities for which the supervisor is qualified; ; and~~
- ~~4. f. Provide to the board, on an annual basis, documentation of the supervisee's social work practice and supervisory hours for which the supervisor was responsible. The supervisor shall evaluate the supervisee in the areas of professional ethics and professional competency.~~

~~3. Supervision and experience obtained prior to the implementation of these regulations may be accepted towards licensure if this supervision met the~~

Proposed Regulations

requirements of the board which were in effect at the time the supervision was rendered.

4. The supervised experience shall include at least 100 hours of weekly face-to-face supervision during the two-year period.

5. Supervision between members of the immediate family (to include spouses, parents, and siblings) will not be approved.

E. Failure to comply with the above requirements may result in disciplinary action against the supervisor.

F. Documentation of supervised experience.

1. At the time of application, applicants shall provide to the board documentation of the supervised experience from all supervisors or, if a supervisor is unavailable, shall provide a satisfactory explanation of such circumstances to the board.

2. Applicants whose former supervisor is deceased or whose whereabouts is unknown, shall submit to the board a notarized affidavit from the present chief executive office of the agency, corporation, or partnership in which the applicant was supervised.

3. The affidavit shall specify dates of employment, job responsibilities, the supervisor's name and last known address, and the total number of hours spent by the applicant with the supervisor in face-to-face supervision.

G. Supervision requirements for applicant in exempt setting practice. Individuals may obtain the required supervised experience without registration of supervision provided such experience:

1. Is obtained in an exempt setting practice.
2. Meets all other requirements of the board for supervised experience as set forth in these regulations.

PART III. EXAMINATIONS.

§ 3.1. General examination requirements.

A. The board may waive the written examination if the applicant has been certified or licensed in another jurisdiction by standards and procedures equivalent to those of the board.

B. An applicant for licensure by the board as a social worker or clinical social worker shall pass a written examination at times prescribed by the board.

C. The written examination may be taken upon completion of academic training pursuant to requirements of § 2.1 D.

~~C. Examination schedules.~~ D. A written examination shall be administered at least twice each year. The board may schedule such additional examinations as it deems necessary.

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

2. The candidate shall submit the applicable fees following the instructions under § 4-3 1.2 B.

§ 3.2. Written examination.

A. The written examination comprises an examination consisting of standardized multiple-choice questions. These questions may cover all or some of the following areas: human growth and development, social work practice with individuals, families, couples and groups, supervision, social policy, administration, social work research, community organization and planning, and ethical principles of social work practice in addition to other areas deemed relevant to the board.

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

PART IV. ADDITIONAL DOCUMENTATION OF COMPETENCE.

§ 4.1. Candidates who took and failed an oral examination.

Candidates who have previously taken and failed an oral examination administered by the Board of Social Work shall reapply and submit the appropriate form from their supervisor stating that the candidate meets the minimum competency levels in the six skill areas as follows:

1. Skill in the application of an identified theory base.
2. Skill in the application of a differential diagnosis.
3. Skill in establishing and monitoring a treatment plan.
4. Skill in the development and appropriate use of the professional relationship.
5. Skill in assessing the client for risk of eminent danger and taking appropriate and necessary action to protect the safety of the client, the public, and the social worker when necessary.
6. Skill in implementing a professional and ethical relationship with clients.

PART V. LICENSURE RENEWAL; REINSTATEMENT.

§ 5.1. Biennial renewal of licensure.

A. All licensees shall renew their licenses on or before June 30 of each odd-numbered year and pay the renewal fee prescribed by the board.

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

§ 5.2. Late Renewal of expired license.

A. A social worker or clinical social worker whose license has expired may renew that license within four years after its expiration date by:

1. Providing evidence of having met all applicable requirements.
2. Paying: ~~a. the penalty for late renewal fee prescribed by the board; and b. The renewal fee prescribed by the board for each renewal period during which the license~~

~~was expired, and the biennial license fee as prescribed in § 1.2.~~

~~§ 5.3. Reinstatement.~~

~~B. A social worker or clinical social worker who fails to renew the license for four years or more and who wishes to resume practice shall reapply and be reexamined for licensure on forms provided by the board, submit evidence satisfactory to the board that he is prepared to resume practice in a competent manner, and pay the fees prescribed in § 1.2 A.~~

§ 5.4. Renewal of registration for associate social workers and registered social workers.

The registration of every associate social worker and registered social worker with the former Virginia Board of Registration of Social Workers under former § 54-775.4 of the Code of Virginia shall expire on June 30 of each odd-numbered year.

1. Each registrant shall return the completed application before the expiration date, accompanied by the payment of the renewal fee prescribed by the board.
2. Failure to receive the renewal notice shall not relieve the registrant from the renewal requirement.

PART VI. COMMITTEES.

§ 6.1. Examining and advisory committees.

The board may establish advisory and examining committees to assist it in carrying out statutory responsibilities.

1. The committees may assist in evaluating the professional qualifications of applicants and candidates for licensure and renewal of licenses and in other matters the board deems necessary.
2. The committees may assist in the evaluation of the mental or emotional competency, or both, of any licensee or applicant for licensure when such competence is an issue before the board.

PART VII. STANDARDS OF PRACTICE.

§ 7.1. Professional conduct.

Persons whose activities are regulated by the board shall:

1. Practice in a manner that is in the best interest of the public and does not endanger the public health, safety, or welfare.
2. Be able to justify all service rendered to clients as necessary for diagnostic or therapeutic purposes.
3. Practice only within the competency areas for which they are qualified by training education or experience, or both.
4. Report to the board known or suspected violations of the laws and regulations governing the practice of social work.

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

6. Ensure that clients are aware of fees and billing arrangements before rendering services.

7. Keep confidential their counseling relationships with clients and disclose client records to others only with written consent of the client, with the following exceptions: (i) when the client is a danger to self or others; and (ii) when the social worker is under court order to disclose information or (ii) as required by law.

~~8. Disclose therapy records to others only with the written consent of the client.~~

9. 8. When advertising their services to the public, ensure that such advertising is neither fraudulent nor misleading.

~~10. 9. Not engage in dual relationships with clients, former clients, supervisees, and supervisors that might compromise the client's, former client's, or supervisee's well-being or, impair the social worker's or supervisor's objectivity and professional judgment (to include or increase the risk of exploitation. This includes, but is not limited to, such activities as counseling close friends, sexual partners, employees or relatives, and engaging in sexual intimacies with a client). business relationships with clients. Engaging in sexual intimacies with current clients or supervisees is prohibited.~~

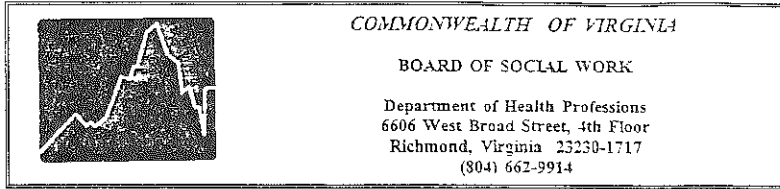
~~11. 10. Maintain clinical records on each client. The record shall include identifying information to substantiate diagnosis and treatment plan, client progress, and termination. The clinical record shall be preserved for at least five years post termination.~~

~~12. 11. Ensure that clients have provided informed consent to treatment.~~

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

Action by the board to deny, revoke, suspend or decline to renew a license shall be in accordance with the following:

1. Conviction of a felony or of a misdemeanor involving moral turpitude;
2. Procurement of license by fraud or misrepresentation;
3. Conducting one's practice in such a manner so as to make the practice a danger to the health and welfare of one's clients or to the public. In the event a question arises concerning the continued competence of a licensee, the board will consider evidence of continuing education in one or more of the following categories as a demonstration of effort to maintain minimum competence to engage in practice:
 - a. Academic social work courses taken for credit or audited.
 - b. Continuing education offered by accredited social work education programs, other accredited educational programs, and other providers, including



**CLINICAL SOCIAL WORKER
LICENSURE APPLICATION**

I hereby make application for licensure to practice as a Clinical Social Worker in the Commonwealth of Virginia. The following evidence of my qualifications is submitted with a check or money order in the amount of \$65.00 made payable to the Treasurer of Virginia. The application fee is non-refundable.

INSTRUCTIONS	PLEASE TYPE OR PRINT	USE BLACK INK
1. Applicants must complete all sections. 2. Completed application should be mailed to the above address. 3. Application and supporting documents must be received no less than 90 days prior to the date of the written examination.		
I. GENERAL INFORMATION		
Name (Last, First, M.I., Suffix, Maiden Name)	Social Security Number	Date of Birth
Mailing Address (Street and/or Box Number, City, State, ZIP Code)	Home Telephone Number	
Business Name and Address (if different from above)	Business Telephone Number	
LICENSURE/CERTIFICATION - List all the states in which you now hold or have ever held an occupational license or certificate to practice as a social worker in order of attainment.		
STATE	LICENSE/CERTIFICATE NUMBER	ISSUE DATE
COMPETENCIES - The Standards of Practice limit your practice to your demonstrated areas of competence. Please list below your specialized areas of practice that can be supported by documentation of training or education. (Use additional paper, if necessary.)		
Client Population	Skills to be Used	

ANSWER THE FOLLOWING QUESTIONS:

	YES	NO
1. Have you ever been denied the privilege of taking an occupational licensure or certification examination? If yes, state what type of occupational examination and where: _____	[]	[]
2. Have you ever had any disciplinary action taken against an occupational license to practice or are any such actions pending? If yes, explain in detail (use extra paper if necessary): _____	[]	[]
3. Have you ever been convicted of a violation of or pled <i>nolo contendere</i> to any federal, state, or local statute, regulation or ordinance or entered into any plea bargaining relating to a felony or misdemeanor? (Excluding traffic violations, except for driving under the influence.) If yes, explain in detail: _____	[]	[]
4. In the last twelve (12) months, have you been unable to practice social work by reason of excessive use of alcohol, drugs, chemicals or any other type of material or as a result of any mental or physical condition? If yes, please provide a letter of explanation. _____	[]	[]
5. Have you ever been censured, warned, or requested to withdraw from your employment, terminated from any health care facility, agency, or practice? If yes, provide an explanation on a separate sheet of paper. _____	[]	[]

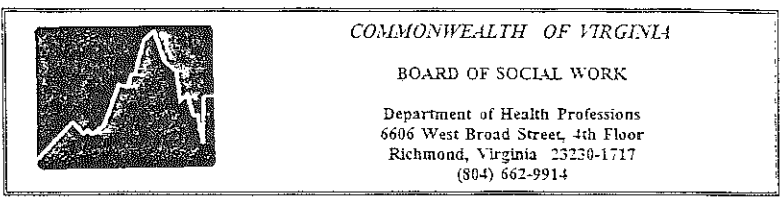
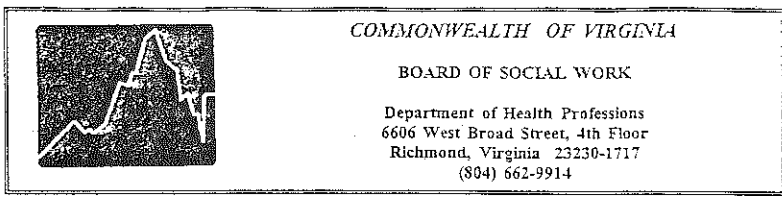
II. EDUCATION:

1. List in chronological order the name and location of each school or other institution, beyond high school, that you have attended.

Institution	Dates of Attendance		Major and/or Concentration	Degree Received	Date Degree Conferred
	From	To			

2. List in chronological order the field instruction you have had.

Institution	Dates (Mo., Yr.)		Hours per Week	Duties (Types of learning experiences as related to specialty area of practice)
	From	To		



VERIFICATION OF CASEWORK MANAGEMENT AND SUPPORTIVE SERVICES

This form is to be completed by the supervisor when supervision is completed and applicant seeks verification of supervised casework management and supportive services experience toward licensure as a social worker.

Applicant's Name: _____
 Supervisor's Name: _____
 Supervisor's Business Address: _____

Type of License: _____ License Number: _____ State of License: _____

Dates the applicant was employed: From: _____ To: _____
(month/day/year) (month/day/year)

Dates the applicant was under your supervision: From: _____ To: _____
(month/day/year) (month/day/year)

Total number of hours applicant worked per week: _____

a. Number of hours per week of individual, face-to-face clinical supervision: _____
 b. Total number of hours of individual, face-to-face clinical supervision: _____

DUTIES PERFORMED BY THE APPLICANT UNDER YOUR SUPERVISION:

SUPERVISION PROVIDED TO APPLICANT:

I declare under penalty of perjury under the laws of the Commonwealth of Virginia that the foregoing is true and correct.

 Supervisor's Signature Date

**SOCIAL WORKER
 LICENSURE APPLICATION**

I hereby make application for licensure to practice as a Social Worker in the Commonwealth of Virginia. The following evidence of my qualifications is submitted with a check or money order in the amount of \$65.00 made payable to the Treasurer of Virginia. The application fee is non-refundable.

INSTRUCTIONS	PLEASE TYPE OR PRINT	USE BLACK INK
1. Applicants must complete all sections. 2. Completed application should be mailed to the above address. 3. Application and supporting documents must be received no less than 90 days prior to the date of the written examination.		
I. GENERAL INFORMATION		
Name (Last, First, M.I., Suffix, Maiden Name)	Social Security Number	Date of Birth
Mailing Address (Street and/or Box Number, City, State, ZIP Code)		Home Telephone Number
Business Name and Address (if different from above)		Business Telephone Number
LICENSURE/CERTIFICATION - List all the states in which you now hold or have ever held an occupational license or certificate to practice as a social worker in order of attainment.		
STATE	LICENSE/CERTIFICATE NUMBER	ISSUE DATE
STANDARDS OF PRACTICE - Your practice is limited to your demonstrated areas of competence. Please list below your specialized areas of practice that can be supported by documentation of training or education.		
Client Population	Skills to be Used	

IV. PROFESSIONAL EMPLOYMENT EXPERIENCE
 List in chronological order the entire professional employment experience you have had after receiving your undergraduate degree (if you are a B.S.W. applicant) or your graduate degree (if you are an M.S.W. applicant).

Dates of Employment		Employer	Address	Hours Per Week	Supervisor	Duties
From	To					

The following statement must be executed by a Notary Public. This form is not valid unless properly notarized.

AFFIDAVIT
(To be completed before a notary public)

State of _____ Country/City of _____

Name _____ being duly sworn, says that he/she is the person who is referred to in the foregoing application for licensure as a social worker in the Commonwealth of Virginia; that the statements herein contained are true in every respect, that he/she has complied with all requirements of the law; and that he/she has read and understands this affidavit.

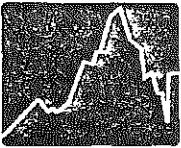
Signature of Applicant

Subscribed to and sworn to before me this _____ day of _____, _____.

My commission expires on _____.

Signature of Notary Public

SEAL



COMMONWEALTH OF VIRGINIA

BOARD OF SOCIAL WORK

Department of Health Professions
 6606 West Broad Street, 4th Floor
 Richmond, Virginia 23230-1717
 (804) 662-9914

LICENSURE VERIFICATION OF APPLICANT

TO BE COMPLETED BY VIRGINIA APPLICANT

Name: _____ License Number: _____
 Address: _____

TO BE COMPLETED BY STATE BOARD OF SOCIAL WORK

Please complete this form and return it directly to the Virginia Board of Social Work at the above address. Thank you.

Title of License: _____ License Number: _____
 Issue Date: _____ Expiration Date: _____

By Examination _____ By Endorsement _____ By Waiver _____ By Reciprocity _____

Type of Examination: AASSWB (ASI) _____ PES _____ Other _____

Date of Examination: _____
 Cut-Off Score _____ Applicant's Score _____

Has the license ever been surrendered, suspended, or revoked? Yes No

If yes, please give full particulars on a separate sheet.

Certification by the authorized Licensure Official of the State Board of _____

State of _____ I certify that the information is correct.

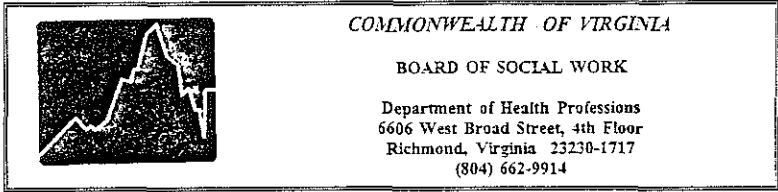
Authorized Licensure Official

Title

Jurisdiction/State

Date

SEAL



**REGISTRATION OF SUPERVISION
 POST-GRADUATE DEGREE SUPERVISED EXPERIENCE**

FEES: \$25.00 Initial Registration (one supervisor)
 \$25.00 Each Additional Registration
 Make all checks payable to THE TREASURER OF VIRGINIA - Registration fees are NON-REFUNDABLE

THIS FORM IS TO BE COMPLETED BY THE TRAINEE AND THE SUPERVISOR

TO BE COMPLETED BY TRAINEE (Please type or print):

CHECK ONE: Initial Registration Add Supervisor Change Supervisor

Name (Last, First, M.I., Suffix, Maiden Name)	Social Security Number	Date of Birth
Mailing Address (Street and/or Box Number, City, State, ZIP Code)		Home Telephone Number
Business Name and Address		Business Telephone Number

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

Institution	Dates of Attendance		Major and/or Concentration	Degree Received	Date Degree Conferred
	From	To			

FIELD INSTRUCTION: List in chronological order the field instruction you have received.

Agency or Organization	Dates (Month/Year)		Hours Per Week	Duties
	From	To		

TO BE COMPLETED BY SUPERVISOR (Please type or print):

Name (Last, First, M.I., Suffix, Maiden Name)

Business Address _____ Telephone Number _____

Professional License*	License Number	Initial Licensure Date	Licensure Expiration Date
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State: _____ *(If supervisor is not licensed in Virginia, submit copy of valid license.)

Do you have five years post-MSW clinical experience? Yes No

SUPERVISION TO BE PROVIDED - Provide detailed information of supervision to be given. For example: assess counseling skills; review treatment plans; monitor assessments, case records and statistics; supervise family interventions and family groups; monitor discharge planning; case follow-up; crisis intervention and referrals; provide case management and maintenance of case records.

DATE SUPERVISION BEGINS: Month _____ Day _____ Year _____

Indicate whether setting is exempt _____ OR non-exempt _____

DECLARATION OF SUPERVISOR:
 I am the trainee's direct supervisor _____ OR off-site supervisor _____ (check one only please)
 As supervisor, I assume responsibility for the clinical activities of the individual while under my supervision.

 Signature of Supervisor

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 regulation.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (BOARD OF)

REGISTRAR'S NOTICE: The repeal of this regulation is excluded from Article 2 of the Administrative Process Act in accordance with § 9-6.14:4.1 C 4(a) of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law where no agency discretion is involved. The Department of Housing and Community Development will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: VR 394-01-5. Virginia Public Building Safety Regulations (REPEALED).

Statutory Authority: § 27-72 (Repealed) of the Code of Virginia.

Effective Date: July 12, 1995.

Summary:

The General Assembly has repealed §§ 27-63 through 27-85.2 of the Code of Virginia which authorized the board to promulgate the Virginia Public Building Safety Regulations. Therefore, this regulation is being repealed.

Agency Contact: George W. Rickman, Jr., Agency Regulatory Coordinator, Department of Housing and Community Development, The Jackson Center, 501 North 2nd Street, 4th Floor, Richmond, VA 23219-1321, telephone (804) 371-7170.

VA.R. Doc. No. R95-526; Filed May 23, 1995, 4:25 p.m.

REGISTRAR'S NOTICE: The repeal of this regulation is excluded from Article 2 of the Administrative Process Act in accordance with § 9-6.14:4.1 C 4(a) of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law where no agency discretion is involved. The Department of Housing and Community Development will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: VR 394-01-42. Virginia Liquefied Petroleum Gas Regulations (REPEALED).

Statutory Authority: § 27-87 (Repealed) of the Code of Virginia.

Effective Date: July 12, 1995.

Summary:

Chapter 44 of the 1995 General Assembly repeals Chapter 7 (§§ 27-86 through 27-90) of Title 27 of the Code of Virginia which authorizes the board to promulgate the Virginia Liquefied Petroleum Gas Regulations. Therefore, this regulation is being repealed.

Agency Contact: George W. Rickman, Jr., Agency Regulatory Coordinator, Department of Housing and Community Development, The Jackson Center, 501 North 2nd Street, 4th Floor, Richmond, VA 23219-1321, telephone (804) 371-7170.

VA.R. Doc. No. R95-527; Filed May 23, 1995, 4:26 p.m.

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

REGISTRAR'S NOTICE: The Virginia Housing Development Authority is exempt from the Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia) pursuant to § 9-6.14:4.1 A 4; however, under the provisions of § 9-6.14:22, it is required to publish all proposed and final regulations.

Title of Regulation: VR 400-02-0003. Rules and Regulations for Single Family Mortgage Loans to Persons and Households of Low and Moderate Income.

Statutory Authority: § 36-55.30:3 of the Code of Virginia.

Effective Date: June 1, 1995.

Summary:

The amendments (i) conform the regulations to the Virginia Register Form, Style and Procedure Manual; (ii) change references to the Farmers Home Administration to the Rural Economic Community Development; (iii) eliminate regulatory provisions which are no longer necessary or required in administering the programs, such as sales price and income limits which have expired; (iv) simplify and reorganize various provisions; (v) outline general underwriting criteria which must be satisfied for all loans, including those underwritten using Federal Housing Administration, Veterans Administration and Rural Economic Community Development underwriting requirements; (vi) increase the maximum loan amount for authority conventional loans for single family detached residences and townhouses from 95% to 97% of the lesser of sales price or appraised value; (vii) provide that an applicant having a foreclosure instituted by the authority on his property financed by an authority mortgage loan will not be eligible for a mortgage loan under the referenced regulations; and (viii) make minor clarifications and corrections.

Agency Contact: Copies of the regulation may be obtained from J. Judson McKellar, Jr., General Counsel, Virginia

Housing Development Authority, 601 South Belvidere Street, Richmond, VA 23220, telephone (804) 782-1986.

VR 400-02-0003. Rules and Regulations for Single Family Mortgage Loans to Persons and Households of Low and Moderate Income.

PART I. GENERAL.

§ 1.1. General.

The following rules and regulations will be applicable to mortgage loans which are made or financed or are proposed to be made or financed by the authority to persons and households of low and moderate income for the acquisition (and, where applicable, rehabilitation), ownership and occupancy of single family housing units.

In order to be considered eligible for a mortgage loan hereunder, a "person" or "household" (as defined in the authority's rules and regulations) must have a "gross income" (as determined in accordance with the authority's rules and regulations) which does not exceed the applicable income limitation set forth in Part II hereof. Furthermore, the sales price of any single family unit to be financed hereunder must not exceed the applicable sales price limit set forth in Part II hereof. The term "sales price," with respect to a mortgage loan for the combined acquisition and rehabilitation of a single family dwelling unit, shall include the cost of acquisition, plus the cost of rehabilitation and debt service for such period of rehabilitation, not to exceed three months, as the executive director shall determine that such dwelling unit will not be available for occupancy. In addition, each mortgage loan must satisfy all requirements of federal law applicable to loans financed with the proceeds of tax-exempt bonds as set forth in Part II hereof.

Mortgage loans may be made or financed pursuant to these rules and regulations only if and to the extent that the authority has made or expects to make funds available therefor.

Notwithstanding anything to the contrary herein, the executive director is authorized with respect to any mortgage loan hereunder to waive or modify any provisions of these rules and regulations where deemed appropriate by him for good cause, to the extent not inconsistent with the Act.

All reviews, analyses, evaluations, inspections, determinations and other actions by the authority pursuant to the provisions of these rules and regulations shall be made for the sole and exclusive benefit and protection of the authority and shall not be construed to waive or modify any of the rights, benefits, privileges, duties, liabilities or responsibilities of the authority or the mortgagor under the agreements and documents executed in connection with the mortgage loan.

The rules and regulations set forth herein are intended to provide a general description of the authority's processing requirements and are not intended to include all actions involved or required in the originating and administration of mortgage loans under the authority's single family housing program. These rules and regulations are subject to change at any time by the authority and may be supplemented by

policies, rules and regulations adopted by the authority from time to time.

§ 1.2. Origination and servicing of mortgage loans.

A. ~~Approval/definitions.~~ The originating of mortgage loans and the processing of applications for the making or financing thereof in accordance herewith shall, except as noted in subsection G of this § 1.2, be performed through commercial banks, savings and loan associations, private mortgage bankers, redevelopment and housing authorities, and agencies of local government approved as originating agents ("originating agents") of the authority. The servicing of mortgage loans shall, except as noted in subsection H of this § 1.2, be performed through commercial banks, savings and loan associations and private mortgage bankers approved as servicing agents ("servicing agents") of the authority.

To be initially approved as an originating agent or as a servicing agent, the applicant must meet the following qualifications:

1. Be authorized to do business in the Commonwealth of Virginia;
2. Have a net worth equal to or in excess of \$250,000 or such other amount as the executive director shall from time to time deem appropriate, except that this qualification requirement shall not apply to redevelopment and housing authorities and agencies of local government;
3. Have a staff with demonstrated ability and experience in mortgage loan origination and processing (in the case of an originating agent applicant) or servicing (in the case of a servicing agent applicant); and
4. Such other qualifications as the executive director shall deem to be related to the performance of its duties and responsibilities.

Each originating agent approved by the authority shall enter into an originating agreement ("originating agreement"), with the authority containing such terms and conditions as the executive director shall require with respect to the origination and processing of mortgage loans hereunder. Each servicing agent approved by the authority shall enter into a servicing agreement with the authority containing such terms and conditions as the executive director shall require with respect to the servicing of mortgage loans.

An applicant may be approved as both an originating agent and a servicing agent ("originating and servicing agent"). Each originating and servicing agent shall enter into an originating and servicing agreement ("originating and servicing agreement") with the authority containing such terms and conditions as the executive director shall require with respect to the originating and servicing of mortgage loans hereunder.

For the purposes of these rules and regulations, the term "originating agent" shall hereinafter be deemed to include the term "originating and servicing agent," unless otherwise noted or the context indicates otherwise. Similarly, the term "originating agreement" shall hereinafter be deemed to include the term "originating and servicing agreement," unless otherwise noted or the context indicates otherwise.

Final Regulations

The term "servicing agent" shall continue to mean an agent authorized only to service mortgage loans. The term "servicing agreement" shall continue to mean only the agreement between the authority and a servicing agent.

Originating agents and servicing agents shall maintain adequate books and records with respect to mortgage loans which they originate and process or service, as applicable, shall permit the authority to examine such books and records, and shall submit to the authority such reports (including annual financial statements) and information as the authority may require. The fees payable to the originating agents and servicing agents for originating and processing or for servicing mortgage loans hereunder shall be established from time to time by the executive director and shall be set forth in the originating agreements and servicing agreements applicable to such originating agents and servicing agents.

~~B. Allocation of funds.~~ The executive director shall allocate funds for the making or financing of mortgage loans hereunder in such manner, to such persons and entities, in such amounts, for such period, and subject to such terms and conditions as he shall deem appropriate to best accomplish the purposes and goals of the authority. Without limiting the foregoing, the executive director may allocate funds (i) to mortgage loan applicants on a first-come, first-serve or other basis, (ii) to originating agents and state and local government agencies and instrumentalities for the origination of mortgage loans to qualified applicants and/or (iii) to builders for the permanent financing of residences constructed or rehabilitated or to be constructed or rehabilitated by them and to be sold to qualified applicants. In determining how to so allocate the funds, the executive director may consider such factors as he deems relevant, including any of the following:

1. The need for the expeditious commitment and disbursement of such funds for mortgage loans;
2. The need and demand for the financing of mortgage loans with such funds in the various geographical areas of the Commonwealth;
3. The cost and difficulty of administration of the allocation of funds;
4. The capability, history and experience of any originating agents, state and local governmental agencies and instrumentalities, builders, or other persons and entities (other than mortgage loan applicants) who are to receive an allocation; and
5. Housing conditions in the Commonwealth.

In the event that the executive director shall determine to make allocations of funds to builders as described above, the following requirements must be satisfied by each such builder:

1. The builder must have a valid contractor's license in the Commonwealth;
2. The builder must have at least three years' experience of a scope and nature similar to the proposed construction or rehabilitation; and

3. The builder must submit to the authority plans and specifications for the proposed construction or rehabilitation which are acceptable to the authority.

The executive director may from time to time take such action as he may deem necessary or proper in order to solicit applications for allocation of funds hereunder. Such actions may include advertising in newspapers and other media, mailing of information to prospective applicants and other members of the public, and any other methods of public announcement which the executive director may select as appropriate under the circumstances. The executive director may impose requirements, limitations and conditions with respect to the submission of applications as he shall consider necessary or appropriate. The executive director may cause market studies and other research and analyses to be performed in order to determine the manner and conditions under which funds of the authority are to be allocated and such other matters as he shall deem appropriate relating thereto. The authority may also consider and approve applications for allocations of funds submitted from time to time to the authority without any solicitation therefor on the part of the authority.

~~C. Originating guide and servicing guide.~~ These rules and regulations constitute a portion of the originating guide of the authority. The processing guide and all exhibits and other documents referenced herein are not included in, and shall not be deemed to be a part of, these rules and regulations. The executive director is authorized to prepare and from time to time revise a processing guide and a servicing guide which shall set forth the accounting and other procedures to be followed by all originating agents and servicing agents responsible for the origination, closing and servicing of mortgage loans under the applicable originating agreements and servicing agreements. Copies of the processing guide and the servicing guide shall be available upon request. The executive director shall be responsible for the implementation and interpretation of the provisions of the originating guide (including the processing guide) and the servicing guide.

~~D. Making and purchase of new mortgage loans.~~ The authority may from time to time (i) make mortgage loans directly to mortgagors with the assistance and services of its originating agents and (ii) agree to purchase individual mortgage loans from its originating agents or servicing agents upon the consummation of the closing thereof. The review and processing of applications for such mortgage loans, the issuance of mortgage loan commitments therefor, the closing and servicing (and, if applicable, the purchase) of such mortgage loans, and the terms and conditions relating to such mortgage loans shall be governed by and shall comply with the provisions of the applicable originating agreement or servicing agreement, the originating guide, the servicing guide, the Act and these rules and regulations.

If the applicant and the application for a mortgage loan meet the requirements of the Act and these rules and regulations, the executive director may issue on behalf of the authority a mortgage loan commitment to the applicant for the financing of the single family dwelling unit, subject to the approval of ratification thereof by the board. Such mortgage loan commitment shall be issued only upon the determination of the authority that such a mortgage loan is not otherwise

available from private lenders upon reasonably equivalent terms and conditions, and such determination shall be set forth in the mortgage loan commitment. The original principal amount and term of such mortgage loan, the amortization period, the terms and conditions relating to the prepayment thereof, and such other terms, conditions and requirements as the executive director deems necessary or appropriate shall be set forth or incorporated in the mortgage loan commitment issued on behalf of the authority with respect to such mortgage loan.

~~E. Purchase of existing mortgage loans.~~ The authority may purchase from time to time existing mortgage loans with funds held or received in connection with bonds issued by the authority prior to January 1, 1981, or with other funds legally available therefor. With respect to any such purchase, the executive director may request and solicit bids or proposals from the authority's originating agents and servicing agents for the sale and purchase of such mortgage loans, in such manner, within such time period and subject to such terms and conditions as he shall deem appropriate under the circumstances. The sales prices of the single family housing units financed by such mortgage loans, the gross family incomes of the mortgagors thereof, and the original principal amounts of such mortgage loans shall not exceed such limits as the executive director shall establish, subject to approval or ratification by resolution of the board. The executive director may take such action as he deems necessary or appropriate to solicit offers to sell mortgage loans, including mailing of the request to originating agents and servicing agents, advertising in newspapers or other publications and any other method of public announcement which he may select as appropriate under the circumstances. After review and evaluation by the executive director of the bids or proposals, he shall select those bids or proposals that offer the highest yield to the authority on the mortgage loans (subject to any limitations imposed by law on the authority) and that best conform to the terms and conditions established by him with respect to the bids or proposals. Upon selection of such bids or proposals, the executive director shall issue commitments to the selected originating agents and servicing agents to purchase the mortgage loans, subject to such terms and conditions as he shall deem necessary or appropriate and subject to the approval or ratification by the board. Upon satisfaction of the terms of the commitments, the executive director shall execute such agreements and documents and take such other action as may be necessary or appropriate in order to consummate the purchase and sale of the mortgage loans. The mortgage loans so purchased shall be serviced in accordance with the applicable originating agreement or servicing agreement and the Servicing Guide. Such mortgage loans and the purchase thereof shall in all respects comply with the Act and the authority's rules and regulations.

~~F. Delegated underwriting and closing.~~ The executive director may, in his discretion, delegate to one or more originating agents all or some of the responsibility for underwriting, issuing commitments for mortgage loans and disbursing the proceeds hereof without prior review and approval by the authority. The issuance of such commitments shall be subject to ratification thereof by the board of the authority. If the executive director determines to

make any such delegation, he shall establish criteria under which originating agents may qualify for such delegation. If such delegation has been made, the originating agents shall submit all required documentation to the authority at such time as the authority may require. If the executive director determines that a mortgage loan does not comply with any requirement under the originating guide, the applicable originating agreement, the Act or these rules and regulations for which the originating agent was delegated responsibility, he may require the originating agents to purchase such mortgage loan, subject to such terms and conditions as he may prescribe.

~~G. Field originators.~~ The authority may utilize financial institutions, mortgage brokers and other private firms and individuals and governmental entities ("field originators") approved by the authority for the purpose of receiving applications for mortgage loans. To be approved as a field originator, the applicant must meet the following qualifications:

1. Be authorized to do business in the Commonwealth of Virginia;
2. Have made any necessary filings or registrations and have received any and all necessary approvals or licenses in order to receive applications for mortgage loans in the Commonwealth of Virginia;
3. Have the demonstrated ability and experience in the receipt and processing of mortgage loan applications; and
4. Have such other qualifications as the executive director shall deem to be related to the performance of its duties and responsibilities.

Each field originator approved by the authority shall enter into such agreement as the executive director shall require with respect to the receipt of applications for mortgage loans. Field originators shall perform such of the duties and responsibilities of originating agents under these rules and regulations as the authority may require in such agreement.

Field originators shall maintain adequate books and records with respect to mortgage loans for which they accept applications, shall permit the authority to examine such books and records, and shall submit to the authority such reports and information as the authority may require. The fees to the field originators for accepting applications shall be payable in such amount and at such time as the executive director shall determine.

In the case of mortgage loans for which applications are received by field originators, the authority may process and originate the mortgage loans; accordingly, unless otherwise expressly provided, the provisions of these rules and regulations requiring the performance of any action by originating agents shall not be applicable to the origination and processing by the authority of such mortgage loans, and any or all of such actions may be performed by the authority on its own behalf.

~~H. Servicing by the authority.~~ The authority may service mortgage loans for which the applications were received by field originators or any mortgage loan which, in the

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determination of the authority, originating agents and servicing agents will not service on terms and conditions acceptable to the authority or for which the originating agent or servicing agent has agreed to terminate the servicing thereof.

PART II. PROGRAM REQUIREMENTS.

§ 2.1. Eligible persons and households *and citizenship*.

A. ~~Person~~. A one-person household is eligible.

B. ~~Household~~. A single family loan can be made to more than one person only if all such persons to whom the loan is to be made are to live together in the dwelling as a single nonprofit housekeeping unit.

C. ~~Citizenship~~. Each applicant for an authority mortgage loan must either be a United States citizen or be a lawful permanent (not conditional) resident alien as determined by the U.S. Department of Immigration and Naturalization Service.

§ 2.2. Compliance with certain requirements of the Internal Revenue Code of 1986, as amended (hereinafter "the tax code").

The tax code imposes certain requirements and restrictions on the eligibility of mortgagors and residences for financing with the proceeds of tax-exempt bonds. In order to comply with these federal requirements and restrictions, the authority has established certain procedures which must be performed by the originating agent in order to determine such eligibility. The eligibility requirements for the borrower and the dwelling are described below as well as the procedures to be performed. The originating agent will perform these procedures and evaluate a borrower's eligibility prior to the authority's approval of each loan. No loan will be approved by the authority unless all of the federal eligibility requirements are met as well as the usual requirements of the authority set forth in other parts of this originating guide.

§ 2.2.1. Eligible borrowers.

A. ~~General~~. In order to be considered an eligible borrower for an authority mortgage loan, an applicant must, among other things, meet all of the following federal criteria:

The applicant:

1. May not have had a present ownership interest in his principal residence within the three years preceding the date of execution of the mortgage loan documents. (See § 2.2.1 B ~~Three-year requirement~~);
2. Must agree to occupy and use the residential property to be purchased as his permanent, principal residence within 60 days (90 days in the case of a rehabilitation loan as defined described in § 2.17 2.15) after the date of the closing of the mortgage loan. (See § 2.2.1 C ~~Principal residence requirement~~);
3. Must not use the proceeds of the mortgage loan to acquire or replace an existing mortgage or debt, except in the case of certain types of temporary financing. (See § 2.2.1 D ~~New mortgage requirement~~);

4. Must have contracted to purchase an eligible dwelling. (See § 2.2.2 Eligible dwellings);

5. Must execute an affidavit of borrower (Exhibit E) at the time of loan application;

6. Must not receive income in an amount in excess of the applicable federal income limit imposed by the tax code (See § 2.5 ~~Income requirements~~ *Maximum gross income*);

7. Must agree not to sell, lease or otherwise transfer an interest in the residence or permit the assumption of his mortgage loan unless certain requirements are met. (See § 2.10 2.9 ~~Loan assumptions~~); and

8. Must be over the age of 18 years or have been declared emancipated by order or decree of a court having jurisdiction.

B. ~~Three-year requirement~~. An eligible borrower does not include any borrower who, at any time during the three years preceding the date of execution of the mortgage loan documents, had a "present ownership interest" (as hereinafter defined) in his principal residence. Each borrower must certify on the affidavit of borrower that at no time during the three years preceding the execution of the mortgage loan documents has he had a present ownership interest in his principal residence. This requirement does not apply to residences located in "targeted areas" (see § 2.2.3 Targeted areas); however, even if the residence is located in a "targeted area," the tax returns for the most recent taxable year (or the letter described in *subdivision* 3 below) must be obtained for the purpose of determining compliance with other requirements.

1. ~~Definition of present ownership interest~~. "Present ownership interest" includes:

- a. A fee simple interest,
- b. A joint tenancy, a tenancy in common, or a tenancy by the entirety,
- c. The interest of a tenant shareholder in a cooperative,
- d. A life estate,
- e. A land contract, under which possession and the benefits and burdens of ownership are transferred although legal title is not transferred until some later time, and
- f. An interest held in trust for the eligible borrower (whether or not created by the eligible borrower) that would constitute a present ownership interest if held directly by the eligible borrower.

Interests which do not constitute a present ownership interest include:

- a. A remainder interest,
- b. An ordinary lease with or without an option to purchase,
- c. A mere expectancy to inherit an interest in a principal residence,

d. The interest that a purchaser of a residence acquires on the execution of an accepted offer to purchase real estate, and

e. An interest in other than a principal residence during the previous three years.

~~2. Persons covered.~~ This requirement applies to any person who will execute the mortgage document or note and will have a present ownership interest (as defined above) in the eligible dwelling.

~~3. Prior tax returns.~~ To verify that the eligible borrower meets the three-year requirement, the originating agent must obtain copies of signed federal income tax returns filed by the eligible borrower for the three tax years immediately preceding execution of the mortgage documents (or certified copies of the returns) or a copy of a letter from the Internal Revenue Service stating that its Form 1040A or 1040EZ was filed by the eligible borrower for any of the three most recent tax years for which copies of such returns are not obtained. If the eligible borrower was not required by law to file a federal income tax return for any of these three years and did not so file, and so states on the borrower affidavit, the requirement to obtain a copy of the federal income tax return or letter from the Internal Revenue Service for such year or years is waived.

The originating agent shall examine the tax returns particularly for any evidence that the eligible borrower may have claimed deductions for property taxes or for interest on indebtedness with respect to real property constituting his principal residence.

~~4. Review by originating agent.~~ The originating agent must, with due diligence, verify the representations in the affidavit of borrower (Exhibit E) regarding the applicant's prior residency by reviewing any information including the credit report and the tax returns furnished by the eligible borrower for consistency, and make a determination that on the basis of its review each borrower has not had present ownership interest in a principal residence at any time during the three-year period prior to the anticipated date of the loan closing.

~~C. Principal residence requirement.~~ ~~1. General.~~ An eligible borrower must intend at the time of closing to occupy the eligible dwelling as a principal residence within 60 days (90 days in the case of a purchase and rehabilitation loan) after the closing of the mortgage loan. Unless the residence can reasonably be expected to become the principal residence of the eligible borrower within 60 days (90 days in the case of a purchase and rehabilitation loan) of the mortgage loan closing date, the residence will not be considered an eligible dwelling and may not be financed with a mortgage loan from the authority. An eligible borrower must covenant to intend to occupy the eligible dwelling as a principal residence within 60 days (90 days in the case of a purchase and rehabilitation loan) after the closing of the mortgage loan on the affidavit of borrower (to be updated by the verification and update of information form) and as part of the attachment to the deed of trust.

~~2. Definition of principal residence.~~ ~~1.~~ A principal residence does not include any residence which can

reasonably be expected to be used: (i) primarily in a trade or business, (ii) as an investment property, or (iii) as a recreational or second home. A residence may not be used in a manner which would permit any portion of the costs of the eligible dwelling to be deducted as a trade or business expense for federal income tax purposes or under circumstances where more than 15% of the total living area is to be used primarily in a trade or business.

~~3. Land not to be used to produce income.~~ ~~2.~~ The land financed by the mortgage loan may not provide, other than incidentally, a source of income to the eligible borrower. The eligible borrower must indicate on the affidavit of borrower that, among other things:

a. No portion of the land financed by the mortgage loan provides a source of income (other than incidental income);

b. He does not intend to farm any portion (other than as a garden for personal use) of the land financed by the mortgage loan; and

c. He does not intend to subdivide the property.

~~4. Lot size.~~ ~~3.~~ Only such land as is reasonably necessary to maintain the basic liveability of the residence may be financed by a mortgage loan. The financed land must not exceed the customary or usual lot in the area. Generally, the financed land will not be permitted to exceed two acres, even in rural areas. However, exceptions may be made to permit lots larger than two acres, but in no event in excess of five acres: (i) if the land is owned free and clear and is not being financed by the loan, the lot may be as large as five acres, (ii) if difficulty is encountered locating a well or septic field, the lot may include the additional acreage needed, (iii) local city and county ordinances which require more acreage will be taken into consideration, or (iv) if the lot size is determined by the authority, based upon objective information provided by the borrower, to be usual and customary in the area for comparably priced homes.

~~5. Review by originating agent.~~ ~~4.~~ The affidavit of borrower (Exhibit E) must be reviewed by the originating agent for consistency with the eligible borrower's federal income tax returns and the credit report, and the originating agent must, based on such review, make a determination that the borrower has not used any previous residence or any portion thereof primarily in any trade or business.

~~6. Post closing procedures.~~ ~~5.~~ The originating agent shall establish procedures to (i) review correspondence, checks and other documents received from the borrower during the 120-day period following the loan closing for the purpose of ascertaining that the address of the residence and the address of the borrower are the same and (ii) notify the authority if such addresses are not the same. Subject to the authority's approval, the originating agent may establish different procedures to verify compliance with this requirement.

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~~D. New mortgage requirement.~~ Mortgage loans may be made only to persons who did not have a mortgage (whether or not paid off) on the eligible dwelling at any time prior to the execution of the mortgage. Mortgage loan proceeds may not be used to acquire or replace an existing mortgage or debt for which the eligible borrower is liable or which was incurred on behalf of the eligible borrower, except in the case of construction period loans, bridge loans or similar temporary financing which has a term of 24 months or less.

~~1. Definition of mortgage.~~ For purposes of applying the new mortgage requirement, a mortgage includes deeds of trust, conditional sales contracts (i.e. generally a sales contract pursuant to which regular installments are paid and are applied to the sales price), pledges, agreements to hold title in escrow, a lease with an option to purchase which is treated as an installment sale for federal income tax purposes and any other form of owner-financing. Conditional land sale contracts shall be considered as existing loans or mortgages for purposes of this requirement.

~~2. Temporary financing.~~ In the case of a mortgage loan (having a term of 24 months or less) made to refinance a loan for the construction of an eligible dwelling, the authority shall not make such mortgage loan until it has determined that such construction has been satisfactorily completed.

~~3. Review by originating agent.~~ Prior to closing the mortgage loan, the originating agent must examine the affidavit of borrower (Exhibit E), the affidavit of seller (Exhibit F), and related submissions, including (i) the eligible borrower's federal income tax returns for the preceding three years, and (ii) credit report, in order to determine whether the eligible borrower will meet the new mortgage requirements. Based upon such review, the originating agent shall make a determination that the proceeds of the mortgage loan will not be used to repay or refinance an existing mortgage debt of the borrower and that the borrower did not have a mortgage loan on the eligible dwelling prior to the date hereof, except for permissible temporary financing described above.

~~E. Multiple loans.~~ Any eligible borrower may not have more than one outstanding authority first mortgage loan.

§ 2.2.2. Eligible dwellings.

~~A. In general.~~ In order to qualify as an eligible dwelling for which an authority loan may be made, the residence must:

1. Be located in the Commonwealth;
2. Be a one-family detached residence, a townhouse or one unit of an authority approved condominium; and
3. Satisfy the acquisition cost requirements set forth below.

~~B. Acquisition cost requirements. 1. General rule.~~ The acquisition cost of an eligible dwelling may not exceed certain limits established by the U.S. Department of the Treasury in effect at the time of the application. Note: In all cases for new loans such federal limits equal or exceed the authority's sales price limits shown in § 2.3. Therefore, for new loans the residence is an eligible dwelling if the acquisition cost is

not greater than the authority's sales price limit. In the event that the acquisition cost exceeds the authority's sales price limit, the originating agent must contact the authority to determine if the residence is an eligible dwelling.

~~2. Acquisition cost requirements for assumptions.~~ 1. To determine if the acquisition cost is at or below the federal limits for assumptions, the originating agent or, if applicable, the servicing agent must in all cases contact the authority (see § 2.10 below).

~~3. Definition of acquisition cost.~~ 2. Acquisition cost means the cost of acquiring the eligible dwelling from the seller as a completed residence.

a. Acquisition cost includes:

(1) All amounts paid, either in cash or in kind, by the eligible borrower (or a related party or for the benefit of the eligible borrower) to the seller (or a related party or for the benefit of the seller) as consideration for the eligible dwelling. Such amounts include amounts paid for items constituting fixtures under state law, but not for items of personal property not constituting fixtures under state law. (See Exhibit R for examples of fixtures and items of personal property.)

(2) The reasonable costs of completing or rehabilitating the residence (whether or not the cost of completing construction or rehabilitation is to be financed with the mortgage loan) if the eligible dwelling is incomplete or is to be rehabilitated. As an example of reasonable completion cost, costs of completing the eligible dwelling so as to permit occupancy under local law would be included in the acquisition cost. A residence which includes unfinished areas (i.e. an area designed or intended to be completed or refurbished and used as living space, such as the lower level of a tri-level residence or the upstairs of a Cape Cod) shall be deemed incomplete, and the costs of finishing such areas must be included in the acquisition cost.

(3) The cost of land on which the eligible dwelling is located and which has been owned by the eligible borrower for a period no longer than two years prior to the construction of the structure comprising the eligible dwelling.

b. Acquisition cost does not include:

(1) Usual and reasonable settlement or financing costs. Such excluded settlement costs include title and transfer costs, title insurance, survey fees and other similar costs. Such excluded financing costs include credit reference fees, legal fees, appraisal expenses, points which are paid by the eligible borrower, or other costs of financing the residence. Such amounts must not exceed the usual and reasonable costs which otherwise would be paid. Where the buyer pays more than a pro rata share of property taxes, for example, the excess is to be treated as part of the acquisition cost.

(2) The imputed value of services performed by the eligible borrower or members of his family (brothers and sisters, spouse, ancestors and lineal descendants) in constructing or completing the residence.

~~4. Acquisition cost.~~ 3. The originating agent is required to obtain from each eligible borrower a completed affidavit of borrower which shall include a calculation of the acquisition cost of the eligible dwelling in accordance with this subsection B. The originating agent shall assist the eligible borrower in the correct calculation of such acquisition cost. The affidavit of seller shall also certify as to the acquisition cost of the eligible dwelling.

~~5. Review by originating agent.~~ 4. The originating agent shall for each new loan determine whether the acquisition cost of the eligible dwelling exceeds the authority's applicable sales price limit shown in § 2.4. If the acquisition cost exceeds such limit, the originating agent must contact the authority to determine if the residence is an eligible dwelling for a new loan. (For an assumption, the originating agent or, if applicable, the servicing agent must contact the authority for this determination in all cases - see ~~§ 2.10~~ below § 2.9). Also, as part of its review, the originating agent must review the affidavit of borrower submitted by each mortgage loan applicant and must make a determination that the acquisition cost of the eligible dwelling has been calculated in accordance with this subsection B. In addition, the originating agent must compare the information contained in the affidavit of borrower with the information contained in the affidavit of seller and other sources and documents such as the contract of sale for consistency of representation as to acquisition cost.

~~6. Independent appraisal.~~ 5. The authority reserves the right to obtain an independent appraisal in order to establish fair market value and to determine whether a dwelling is eligible for the mortgage loan requested.

§ 2.2.3. Targeted areas.

A. ~~In general.~~ In accordance with the tax code, the authority will make a portion of the proceeds of an issue of its bonds available for financing eligible dwellings located in targeted areas for at least one year following the issuance of a series of bonds. The authority will exercise due diligence in making mortgage loans in targeted areas by advising originating agents and certain localities of the availability of such funds in targeted areas and by advising potential eligible borrowers of the availability of such funds through advertising and/or news releases. The amount, if any, allocated to an originating agent exclusively for targeted areas will be specified in a forward commitment agreement between the originating agent and the authority.

B. ~~Eligibility.~~ Mortgage loans for eligible dwellings located in targeted areas must comply in all respects with the requirements in this § 2.2 and elsewhere in this guide for all mortgage loans, except for the three-year requirement described in § 2.2.1 B. Notwithstanding this exception, the applicant must still submit certain federal income tax records. However, they will be used to verify income and to verify that previously owned residences have not been primarily used in

a trade or business (and not to verify nonhomeownership), and only those records for the most recent year preceding execution of the mortgage documents (rather than the three most recent years) are required. See that section for the specific type of records to be submitted.

~~4. Definition of targeted areas.~~ *The following definitions are applicable to targeted areas.*

~~a. 1.~~ A targeted area is an area which is a qualified census tract, as described in ~~b subdivision 2~~ below, or an area of chronic economic distress, as described in ~~e subdivision 3~~ below.

~~b. 2.~~ A qualified census tract is a census tract in the Commonwealth in which 70% or more of the families have an income of 80% or less of the state-wide median family income based on the most recent "safe harbor" statistics published by the U.S. Treasury.

~~e. 3.~~ An area of chronic economic distress is an area designated as such by the Commonwealth and approved by the Secretaries of Housing and Urban Development and the Treasury under criteria specified in the tax code. PDS agents will be informed by the authority as to the location of areas so designated.

§ 2.3. Sales price limits.

~~The authority's maximum allowable sales price for loans for which reservations are taken by the authority before March 16, 1994, shall be as follows:~~

Area	Existing and New Construction	Substantial Rehab.
1. Washington DC-MD-VA MSA⁴ "inner areas"	\$131,790	\$131,790
2. "outer areas"	\$124,875	\$124,875
3. Norfolk-Va. Beach- Newport News MSA²	\$ 81,500	\$ 81,500
4. Richmond- Petersburg MSA³	\$ 79,500	\$ 79,500
5. Charlottesville MSA⁴	\$ 95,450	\$ 79,530
6. Clarke County	\$ 90,250	\$ 79,530
7. Culpeper County	\$ 84,050	\$ 79,530
8. Fauquier County	\$101,670	\$ 79,530
9. Frederick County and Winchester City	\$ 92,150	\$ 79,530
10. Isle of Wight County	\$ 81,500	\$ 79,530
11. King George County	\$ 89,300	\$ 79,530
12. Madison County	\$ 76,000	\$ 76,000
13. Orange County	\$ 77,900	\$ 77,900
14. Spotsylvania County and Fredericksburg City	\$102,700	\$ 79,530
15. Warren County	\$ 83,600	\$ 79,530

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16. Balance of State⁵ \$ 75,500 \$ 75,500

¹Washington DC Maryland Virginia MSA. Virginia Portion: "Inner Areas" Alexandria City, Arlington County, Fairfax City, Fairfax County, Falls Church City; "Outer Areas" Loudoun County, Manassas City, Manassas Park City, Prince William County, Stafford County.

²Norfolk Virginia Beach Newport News MSA. Chesapeake City, Gloucester County, Hampton City, James City County, Newport News City, Norfolk City, Poquoson City, Portsmouth City, Suffolk City, Virginia Beach City, Williamsburg City, York County.

³Richmond Petersburg MSA. Charles City County, Chesterfield County, Colonial Heights City, Dinwiddie County, Goochland County, Hanover County, Henrico County, Hopewell City, New Kent County, Petersburg City, Powhatan County, Prince George County, Richmond City.

⁴Charlottesville MSA. Albemarle County, Charlottesville City, Fluvanna County, Greene County.

⁵Balance of State. All areas not listed above.

The executive director may from time to time waive the foregoing maximum allowable sales prices with respect to such mortgage loans as he may designate if he determines that such waiver will enable the authority to assist the state in achieving its economic and housing goals and policies, provided that, in the event of any such waiver, the sales price of the residences to be financed by any mortgage loans so designated shall not exceed the applicable limits imposed by the U.S. Department of the Treasury pursuant to the federal tax code or such lesser limits as the executive director may establish. Any such waiver shall not apply upon the assumption of such mortgage loans.

The authority's maximum allowable sales price for loans for which reservations are taken by the authority on or after March 16, 1994, shall be 95% of the applicable maximum purchase prices (except that the maximum allowable sales price for targeted area residences shall be the same as are established for nontargeted residences) permitted or approved by the U.S. Department of the Treasury pursuant to the federal tax code. The authority shall from time to time inform its originating agents and servicing agents by written notification thereto of the dollar amounts of the foregoing maximum allowable sales prices for each area of the state. Any changes in the dollar amounts of such maximum allowable sales prices shall be effective as of such date as the executive director shall determine, and authority is reserved to the executive director to implement any such changes on such date or dates as he shall deem necessary or appropriate to best accomplish the purposes of the program.

§ 2.4. Net worth.

To be eligible for authority financing, an applicant cannot have a net worth exceeding 50% of the sales price of the eligible dwelling. (The value of life insurance policies, retirement plans, furniture and household goods shall not be

included in determining net worth.) In addition, the portion of the applicant's liquid assets which are used to make the down payment and to pay closing costs, up to a maximum of 25% of the sale price, will not be included in the net worth calculation.

Any income producing assets needed as a source of income in order to meet the minimum income requirements for an authority loan will not be included in the applicant's net worth for the purpose of determining whether this net worth limitation has been violated.

§ 2.5. Income requirements. A. Maximum gross income.

A. As provided in § 2.2.1 A 6 the gross income of an applicant for an authority mortgage loan may not exceed the applicable income limitation imposed by the U.S. Department of the Treasury. Because the income limits of the authority imposed by this subsection A section apply to all loans to which such federal limits apply and are in all cases below such federal limits, the requirements of § 2.2.1 A 6 are automatically met if an applicant's gross income does not exceed the applicable limits set forth in this subsection section.

For the purposes hereof, the term "gross income" means the combined annualized gross income of all persons residing or intending to reside in a dwelling unit, from whatever source derived and before taxes or withholdings. For the purpose of this definition, annualized gross income means gross monthly income multiplied by 12. "Gross monthly income" is, in turn, the sum of monthly gross pay plus any additional income from overtime, part-time employment, bonuses, dividends, interest, royalties, pensions, Veterans Administration compensation, net rental income plus other income (such as alimony, child support, public assistance, sick pay, social security benefits, unemployment compensation, income received from trusts, and income received from business activities or investments).

1. For reservations made before March 16, 1994. For reservations made before March 16, 1994, the maximum gross incomes for eligible borrowers shall be determined or set forth as follows:

The maximum gross incomes set forth in this paragraph shall be applicable only to loans for which reservations are taken by the authority before March 16, 1994, except loans to be guaranteed by the Farmers Home Administration ("FmHA").

The maximum gross income shall be a percentage (based on the number of persons to occupy the dwelling upon financing of the mortgage loan) of the applicable median family income (as defined in Section 143(f)(4) of the Internal Revenue Code of 1986, as amended) as follows:

	Percentage of applicable median family income (regardless of whether residence is new construction, existing or substantially rehabilitated)
1 person	70%
2 persons	85%
3 or more persons	100%

The authority shall from time to time inform its originating agents and servicing agents by written notification thereto of the foregoing maximum gross income limits expressed in dollar amounts for each area of the state, as established by the executive director, and the number of persons to occupy the dwelling. Any changes in the dollar amounts of such income limits shall be effective as of such date as the executive director shall determine, and authority is reserved to the executive director to implement any such changes on such date or dates as he shall deem necessary or appropriate to best accomplish the purposes of the program.

The executive director may from time to time waive the foregoing income limits with respect to such mortgage loans as he may designate if he determines that such waiver will enable the authority to assist the state in achieving its economic and housing goals and policies, provided that, in the event of any such waiver, the income of the borrowers to receive any mortgage loans so designated shall not exceed the applicable limits imposed by the U.S. Department of the Treasury pursuant to the federal tax code or such lesser limits as the executive director may establish. Any such waiver shall not apply upon the assumption of such mortgage loans.

2. For reservations made on or after March 16, 1994. For reservations made on or after March 16, 1994, the maximum gross incomes shall be determined or set forth as follows:

The maximum gross incomes set forth in this subdivision 2 shall be applicable only to loans for which reservations are taken by the authority on or after March 16, 1994, except loans to be guaranteed by the Farmers Home Administration ("FmHA").

B. For all loans, except loans to be guaranteed by the Rural Economic Community Development ("RECD"), the maximum gross income shall be a percentage (based on the number of persons expected to occupy the dwelling upon financing of the mortgage loan) of the applicable median family income (as defined in Section 143(f)(4) of the Internal Revenue Code of 1986, as amended) (the "median family income") as follows:

Number of Persons to Occupy Dwelling	Percentage of applicable median family income (regardless of whether residence is new construction, existing or substantially rehabilitated)
2 or fewer persons	85%
3 or more persons	100%

The executive director may from time to time establish maximum gross incomes equal to the following percentages of applicable median family income (as so defined) with respect to such mortgage loans as he may designate on which the interest rate has been reduced due to financial support by the authority:

Number of Persons to Occupy Dwelling	Percentage of applicable median family income (regardless of whether residence is new construction, existing or substantially rehabilitated)
2 or fewer persons	65%
3 or more persons	80%

The executive director may from time to time establish maximum gross incomes equal to the following percentages of applicable median family income (as so defined) with respect to such mortgage loans as he may designate if he determines that such maximum gross family incomes will enable the authority to assist the state in achieving its economic and housing goals and policies:

Number of Persons to Occupy Dwelling	Percentage of applicable median family income (regardless of whether residence is new construction, existing or substantially rehabilitated)
2 or fewer persons	95%
3 or more persons	110%

The authority shall from time to time inform its originating agents and servicing agents by written notification thereto of the foregoing maximum gross income limits under this subdivision 2 subsection B expressed in dollar amounts for each area of the state, as established by the executive director, and the number of persons to occupy the dwelling. Any changes to the dollar amounts of such income limits shall be effective as of such date as the executive director shall determine, and authority is reserved to the executive director to implement any such changes on such date or dates as he shall deem necessary or appropriate to best accomplish the purposes of the program.

3. For loans guaranteed by FmHA. C. With respect to a loan to be guaranteed by FmHA RECD, the maximum income shall be the lesser of the maximum gross income determined in accordance with § 2.5 A-1 or 2 B or FmHA RECD income limits in effect at the time of the application.

B. Minimum income (not applicable to applicants for loans to be insured or guaranteed by the Federal Housing Administration, the Veterans Administration or FmHA (hereinafter referred to as "FHA, VA or FmHA loans")):

An applicant satisfies the authority's minimum income requirement for financing if the monthly principal and interest (at the rate determined by the authority), tax, insurance ("PITI") and other additional monthly fees such as condominium assessments (60% of the monthly condominium assessment shall be added to the PITI figure), townhouse assessments, etc. do not exceed 32% of monthly gross income and if the monthly PITI plus outstanding monthly debt payments with more than six months duration (and payments on debts lasting less than six months, if making such payments will adversely affect the applicant's ability to make mortgage loan payments during the months following loan closing) do not exceed 40% of monthly gross income (see Exhibit B). However, with respect to those

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~~mortgage loans on which private mortgage insurance is required, the private mortgage insurance company may impose more stringent requirements. If either of the percentages set forth above are exceeded, compensating factors may be used by the authority, in its sole discretion, to approve the mortgage loan.~~

§ 2.6. Calculation of maximum loan amount.

Single family detached residence and townhouse (fee simple ownership) - Maximum of 95% 97% (or, in the case of an FHA, VA or FmHA RECD loan, such other percentage as may be permitted by FHA, VA or FmHA RECD) of the lesser of the sales price or appraised value, except as may otherwise be approved by the authority.

Condominiums - Maximum of 95% (or, in the case of an FHA, VA or FmHA RECD loan, such other percentage as may be permitted by FHA, VA or FmHA RECD) of the lesser of the sales price or appraised value, except as may be otherwise approved by the authority.

For the purpose of the above calculations, the value of personal property to be conveyed with the residence shall be deducted from the sales price. (See Exhibit R for examples of personal property.) The value of personal property included in the appraisal shall not be deducted from the appraised value.

In the case of an FHA, VA or FmHA RECD loan, the FHA, VA or FmHA RECD insurance fees or guarantee fees charged in connection with such loan (and, if an FHA loan, the FHA permitted closing costs as well) may be included in the calculation of the maximum loan amount in accordance with applicable FHA, VA or FmHA RECD requirements; provided, however, that in no event shall this revised maximum loan amount which includes such fees and closing costs be permitted to exceed the authority's maximum allowable sales price limits set forth herein.

§ 2.7. Mortgage insurance requirements.

Unless the loan is an FHA, VA or FmHA RECD loan, the borrower is required to purchase at time of loan closing full private mortgage insurance (25% to 100% coverage, as the authority shall determine) on each loan the amount of which exceeds 80% of the lesser of sales price or appraised value of the property to be financed. Such insurance shall be issued by a company acceptable to the authority. The originating agent is required to escrow for annual payment of mortgage insurance, *unless an alternative payment plan is approved by the authority*. If the authority requires FHA, VA or FmHA RECD insurance or guarantee, the loan will either, at the election of the authority, (a) be closed in the authority's name in accordance with the procedures and requirements herein or (b) be closed in the originating agent's name and purchased by the authority once the FHA Certificate of Insurance, VA Guaranty or FmHA RECD Guarantee has been obtained. In the event that the authority purchases an FHA or, VA or FmHA RECD loan, the originating agent must enter into a purchase and sale agreement on such form as shall be provided by the authority. For assumptions of conventional loans (i.e., loans other than FHA, VA or FmHA RECD loans), full private mortgage insurance as described above is required unless waived by the authority.

§ 2.8. Underwriting.

A. *In general, to be eligible for authority financing, an applicant must satisfy the following underwriting criteria which demonstrate the willingness and ability to repay the mortgage debt and adequately maintain the financed property.*

1. *An applicant must document the receipt of a stable current income which indicates that the applicant will receive future income which is sufficient to enable the timely repayment of the mortgage loan as well as other existing obligations and living expenses.*

2. *An applicant must possess a credit history which reflects the ability to successfully meet financial obligations and a willingness to repay obligations in accordance with established credit repayment terms.*

3. *An applicant having a foreclosure instituted by the authority on his property financed by an authority mortgage loan will not be eligible for a mortgage loan hereunder. The authority will consider previous foreclosures (other than on authority financed loans) on an exception basis based upon circumstances surrounding the cause of the foreclosure, length of time since the foreclosure, the applicant's subsequent credit history and overall financial stability. Under no circumstances will an applicant be considered for an authority loan within three years from the date of the foreclosure. The authority has complete discretion to decline to finance a loan when a previous foreclosure is involved.*

4. *An applicant must document that sufficient funds will be available for required down payment and closing costs.*

a. *The terms and sources of any loan to be used as a source for down payment or closing costs must be reviewed and approved in advance of loan approval by the authority.*

b. *Sweat equity, the imputed value of services performed by the eligible borrower or members of his family (brothers and sisters, spouse, ancestors and lineal descendants) in constructing or completing the residence, generally is not an acceptable source of funds for down payment and closing costs. Any sweat equity allowance must be approved by the authority prior to loan approval.*

5. *Proposed monthly housing expenses compared to current monthly housing expenses will be reviewed. If there is a substantial increase in such expenses, the applicant must demonstrate his ability to pay the additional expenses.*

6. *All applicants are encouraged to attend a home ownership educational program to be better prepared to deal with the home buying process and the responsibilities related to homeownership. The authority may require all applicants applying for certain authority loan programs to complete an authority approved homeownership education program prior to loan approval.*

~~A. Conventional loans.~~ *B. In addition to the requirements set forth in subsection A of this section, the following requirements must be met in order to satisfy the authority's underwriting requirements for conventional loans:* However, additional or more stringent requirements may be imposed by private mortgage insurance companies with respect to those loans on which private mortgage insurance is required.

1. ~~Employment and income.~~ *The following rules apply to the authority's employment and income requirement.*

a. ~~Length of employment.~~ The applicant must be employed a minimum of six months with present employer. An exception to the six-month requirement can be granted by the authority if it can be determined that the type of work is similar to previous employment and previous employment was of a stable nature.

b. ~~Self-employed applicants.~~ Note: Under the tax code, the residence may not be expected to be used in trade or business. (See § 2.2.1 C ~~Principal residence requirement.~~) Any self-employed applicant must have a minimum of two years of self-employment with the same company and in the same line of work. In addition, the following information is required at the time of application:

(1) Federal income tax returns for the two most recent tax years.

(2) Balance sheets and profit and loss statements prepared by an independent public accountant.

In determining the income for a self-employed applicant, income will be averaged for the two-year period.

c. *The following rules apply to income derived from sources other than primary employment.*

(1) *When considering alimony and child support,* a copy of the legal document and sufficient proof must be submitted to the authority verifying that alimony and child support are court ordered and are being received. Child support payments for children 15 years or older are not accepted as income in qualifying an applicant for a loan.

(2) *When considering social security and other retirement benefits,* social security Form No. SSA 2458 must be submitted to verify that applicant is receiving social security benefits. Retirement benefits must be verified by receipt or retirement schedules. VA disability benefits must be verified by the VA. Educational benefits and social security benefits for dependents 15 years or older are not accepted as income in qualifying an applicant for a loan.

(3) ~~Part-time employment.~~ Part-time employment must be continuous for a minimum of six months. Employment with different employers is acceptable so long as it has been uninterrupted for a minimum of six months. Part-time employment as used in this section means employment in addition to full-time employment.

Part-time employment as the primary employment will also be required to be continuous for six months.

(4) ~~Overtime, commission and bonus.~~ Overtime earnings must be guaranteed by the employer or verified for a minimum of two years. Bonus and commissions must be reasonably predictable and stable and the applicant's employer must submit evidence that they have been paid on a regular basis and can be expected to be paid in the future.

2. ~~Credit.~~ *The following rules apply to an applicant's credit:*

a. ~~Credit experience.~~ The authority requires that an applicant's previous credit experience be satisfactory. Poor credit references without an acceptable explanation will cause a loan to be rejected. Satisfactory credit references and history are considered to be important requirements in order to obtain an authority loan.

b. ~~Bankruptcies.~~ An applicant will not be considered for a loan if the applicant has been adjudged bankrupt within the past two years. If longer than two years, the applicant must submit a written explanation giving details surrounding the bankruptcy. The authority has complete discretion to decline a loan when a bankruptcy is involved.

c. ~~Judgments and collections.~~ An applicant is required to submit a written explanation for all judgments and collections. In most cases, judgments and collections must be paid before an applicant will be considered for an authority loan.

3. ~~Appraisals.~~ The authority reserves the right to obtain an independent appraisal in order to establish the fair market value of the property and to determine whether the dwelling is eligible for the mortgage loan requested.

4. *An applicant satisfies the authority's minimum income requirement for financing if the monthly principal and interest (at the rate determined by the authority), tax, insurance ("PITI") and other additional monthly fees such as condominium assessments (60% of the monthly condominium assessment shall be added to the PITI figure), townhouse assessments, etc., do not exceed 32% of monthly gross income and if the monthly PITI plus outstanding monthly debt payments with more than six months duration (and payments on debts lasting less than six months, if making such payments will adversely affect the applicant's ability to make mortgage loan payments during the months following loan closing) do not exceed 40% of monthly gross income (see Exhibit B). However, with respect to those mortgage loans on which private mortgage insurance is required, the private mortgage insurance company may impose more stringent requirements. If either of the percentages set forth above are exceeded, compensating factors may be used by the authority, in its sole discretion, to approve the mortgage loan.*

5. *Funds necessary to pay the downpayment and closing costs must be deposited at the time of loan application. The authority does not permit the applicant*

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to borrow funds for this purpose unless approved in advance by the authority. If the funds are being held in an escrow account by the real estate broker, builder or closing attorney, the source of the funds must be verified. A verification of deposit from the parties other than financial institutions authorized to handle deposited funds is not acceptable.

6. A gift letter is required when an applicant proposes to obtain funds as a gift from a third party. The gift letter must confirm that there is no obligation on the part of the borrower to repay the funds at any time. The party making the gift must submit proof that the funds are available.

~~B.~~ C. The following rules are applicable to FHA loans only.

1. ~~In general.~~ The authority will normally accept FHA underwriting requirements and property standards for FHA loans. However, *the applicant must satisfy the underwriting criteria set forth in subsection A of this section and most of the authority's basic eligibility requirements including those described in §§ 2.1 through 2.5 hereof remain in effect due to treasury restrictions or authority policy.*

2. ~~Mortgage insurance premium.~~ Applicant's mortgage insurance premium fee may be included in the FHA acquisition cost and may be financed provided that the final loan amount does not exceed the authority's maximum allowable sales price. In addition, in the case of a condominium, such fee may not be paid in full in advance but instead is payable in annual installments.

3. ~~Closing fees.~~ The FHA allowable closing fees may be included in the FHA acquisition cost and may be financed provided the final loan amount does not exceed the authority's maximum allowable sales price.

4. ~~Appraisals.~~ FHA appraisals are acceptable. VA certificates of reasonable value (CRV's) are acceptable if acceptable to FHA.

~~C.~~ D. The following rules are applicable to VA loans only.

1. ~~In general.~~ The authority will normally accept VA underwriting requirements and property guidelines for VA loans. However, *the applicant must satisfy the underwriting criteria set forth in subsection A of this section and most of the authority's basic eligibility requirements (including those described in §§ 2.1 through 2.5 hereof) remain in effect due to treasury restrictions or authority policy.*

2. ~~VA funding fee.~~ The funding fee can be included in loan amount provided the final loan amount does not exceed the authority's maximum allowable sales price.

3. ~~Appraisals.~~ VA certificates of reasonable value (CRV's) are acceptable *in lieu of an appraisal.*

~~D.~~ FmHA E. The following rules are applicable to RECD loans only.

1. ~~In general.~~ The authority will normally accept FmHA RECD underwriting requirements and property standards for FmHA RECD loans. However, *the applicant must*

satisfy the underwriting criteria set forth in subsection A of this section and most of the authority's basic eligibility requirements including those described in §§ 2.1 through 2.5 hereof remain in effect due to treasury restrictions or authority policy.

2. ~~Guarantee fee.~~ The FmHA RECD guarantee fee can be included in loan amount provided the final loan amount does not exceed the authority's maximum allowable sales price.

~~E.~~ ~~FHA and VA buydown program.~~ F. With respect to FHA and VA loans, the authority permits the deposit of a sum of money (the "buydown funds") by a party (the "provider") with an escrow agent, a portion of which funds are to be paid to the authority each month in order to reduce the amount of the borrower's monthly payment during a certain period of time. Such arrangement is governed by an escrow agreement for buydown mortgage loans (see Exhibit V) executed at closing (see § 2-14 2.13 for additional information). The escrow agent will be required to sign a certification (Exhibit X) in order to satisfy certain FHA requirements. For the purposes of underwriting buydown mortgage loans, the reduced monthly payment amount may be taken into account based on FHA guidelines then in effect (see also subsection B or C or D above, as applicable).

~~F.~~ ~~Interest rate buydown program.~~ G. Unlike the program described in subsection E F above which permits a direct buydown of the borrower's monthly payment, the authority also from time to time permits the buydown of the interest rate on a conventional, FHA or VA mortgage loan for a specified period of time.

~~§ 2.0.~~ Funds necessary to close.

~~A.~~ Cash (Not applicable to FHA, VA or FmHA loans).

~~Funds necessary to pay the downpayment and closing costs must be deposited at the time of loan application. The authority does not permit the applicant to borrow funds for this purpose, except where (i) the loan amount is less than or equal to 80% of the lesser of the sales price or the appraised value, or (ii) the loan amount exceeds 80% of the lesser of the sales price or the appraised value and the applicant borrows a portion of the funds under a loan program approved by the authority or from their employer, with the approval of the private mortgage insurer, and the applicant pays in cash from their own funds an amount equal to at least 3.0% of the lesser of the sales price or the appraised value. If the funds are being held in an escrow account by the real estate broker, builder or closing attorney, the source of the funds must be verified. A verification of deposit from the parties other than financial institutions authorized to handle deposited funds is not acceptable.~~

~~B.~~ Gift letters.

~~A gift letter is required when an applicant proposes to obtain funds as a gift from a third party. The gift letter must confirm that there is no obligation on the part of the borrower to repay the funds at any time. The party making the gift must submit proof that the funds are available. This proof should be in the form of a verification of deposit.~~

~~C.~~ Housing expenses.

~~Proposed monthly housing expenses compared to current monthly housing expenses will be reviewed carefully to determine if there is a substantial increase. If there is a substantial increase, the applicant must demonstrate his ability to pay the additional expenses.~~

~~§ 2-10. 2.9. Loan assumptions.~~

~~A. Requirements for assumptions. VHDA currently permits assumptions of all of its single family mortgage loans provided that certain requirements are met. For all loans closed prior to January 1, 1991, except FHA loans which were closed during calendar year 1990, the maximum gross income for the person or household assuming a loan shall be 100% of the applicable median family income. For such FHA loans closed during 1990, if assumed by a household of three or more persons, the maximum gross income shall be 115% of the applicable median family income (140% for a residence in a targeted area) and if assumed by a person or a household of less than three persons, the maximum gross income shall be 100% of the applicable median family income (120% for a residence in a targeted area). For all loans closed after January 1, 1991, the maximum gross income for the person or household assuming loans shall be the highest percentage, as then in effect under § 2.5 A 2, of applicable median family income for the number or persons to occupy the dwelling upon assumption of the mortgage loan, unless otherwise provided in the deed of trust. The requirements for each of the two different categories of mortgage loans listed below (and the subcategories within each) are as follows:~~

~~1. The following rules apply to assumptions of conventional loans.~~

~~a. For assumptions of conventional loans financed by the proceeds of bonds issued on or after December 17, 1981, the requirements of the following sections hereof must be met:~~

- ~~(1) Maximum gross income requirement in this § 2-10 2.9 A~~
- ~~(2) § 2.2.1 C (Principal residence requirement)~~
- ~~(3) § 2.8 (Authority underwriting requirements)~~
- ~~(4) § 2.2.1 B (Three-year requirement)~~
- ~~(5) § 2.2.2 B (Acquisition cost requirements)~~
- ~~(6) § 2.7 (Mortgage insurance requirements).~~

~~b. For assumptions of conventional loans financed by the proceeds of bonds issued prior to December 17, 1981, the requirements of the following sections hereof must be met:~~

- ~~(1) Maximum gross income requirement in this § 2-10 2.9 A~~
- ~~(2) § 2.2.1 C (Principal residence requirements)~~
- ~~(3) § 2.8 (Authority underwriting requirements)~~
- ~~(4) § 2.7 (Mortgage insurance requirements).~~

~~2. The following rules apply to assumptions of FHA, VA or FmHA RECD loans.~~

a. For assumptions of FHA, VA or FmHA RECD loans financed by the proceeds of bonds issued on or after December 17, 1981, the following conditions must be met:

- ~~(1) Maximum gross income requirement in this § 2-10 2.9 A~~
- ~~(2) § 2.2.1 C (Principal residence requirement)~~
- ~~(3) § 2.2.1 B (Three-year requirement)~~
- ~~(4) § 2.2.2 B (Acquisition cost requirements).~~

~~in addition, all applicable FHA, VA or FmHA RECD underwriting requirements, if any, must be met.~~

b. For assumptions of FHA, VA or FmHA RECD loans financed by the proceeds of bonds issued prior to December 17, 1981, only the applicable FHA, VA or FmHA RECD underwriting requirements, if any, must be met.

~~B. Review by the authority/additional requirements. Upon receipt from an originating agent or servicing agent of an application package for an assumption, the authority will determine whether or not the applicable requirements referenced above for assumption of the loan have been met and will advise the originating agent or servicing agent of such determination in writing. The authority will further advise the originating agent or servicing agent of all other requirements necessary to complete the assumption process. Such requirements may include but are not limited to the submission of satisfactory evidence of hazard insurance coverage on the property, approval of the deed of assumption, satisfactory evidence of mortgage insurance or mortgage guaranty including, if applicable, pool insurance, submission of an escrow transfer letter and execution of a Recapture Requirement Notice (VHDA Doc. R-1).~~

~~§ 2-11. 2.10. Leasing, loan term, and owner occupancy.~~

~~A. Leasing. The owner may not lease the property without first contacting the authority.~~

~~B. Loan term. Loan terms may not exceed 30 years.~~

~~C. Owner occupancy. No loan will be made unless the residence is to be occupied by the owner as the owner's principal residence.~~

~~§ 2-12. 2.11. Reservations/fees.~~

~~A. Making a reservation. The authority currently reserves funds for each mortgage loan on a first come, first serve basis. Reservations are made by specific originating agents or field originators with respect to specific applicants and properties. No substitutions are permitted. Similarly, locked-in interest rates are also nontransferable. Funds will not be reserved longer than 60 days unless the originating agent requests and receives an additional one-time extension prior to the 60-day deadline. Locked-in interest rates on all loans, including those on which there may be a VA Guaranty, cannot be reduced under any circumstances.~~

~~B. More than one reservation. An applicant, including an applicant for a loan to be guaranteed by VA, may request a second reservation if the first has expired or has been~~

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canceled. If the second reservation is made within 12 months of the date of the original reservation, the interest rate will be the greater of (i) the locked-in rate or (ii) the current rate offered by the authority at the time of the second reservation.

C. ~~The reservation fee.~~ The originating agent or field originator shall collect ~~and remit to the authority~~ a nonrefundable reservation fee in such amount and according to such procedures as the authority may require from time to time. Under no circumstances is this fee refundable. A second reservation fee must be collected for a second reservation. No substitutions of applicants or properties are permitted.

D. *The following other fees shall be collected.*

1. ~~Origination fee.~~ In connection with the origination and closing of the loan, the originating agent shall collect *at closing or, at the authority's option, simultaneously with the acceptance of the authority's commitment,* an amount equal to 1.0% of the loan amount (please note that for FHA loans the loan amount for the purpose of this computation is the base loan amount only). If the loan does not close ~~and the failure to close is not due to the fault of the applicant,~~ then the origination fee shall be waived.

2. ~~Discount point.~~ The originating agent shall collect from the seller at the time of closing an amount equal to 1.0% of the loan amount.

~~§ 2-13. 2.12.~~ Commitment. (Exhibit J)

A. ~~In general.~~ Upon approval of the applicant, the authority will send a mortgage loan commitment to the borrower in care of the originating agent. ~~(For FmHA loans, upon approval of the applicant, the authority will submit the credit package to FmHA and upon receipt of the FmHA conditional commitment, will send the mortgage loan commitment.)~~ Also enclosed in the commitment package will be other documents necessary for closing. The originating agent shall ask the borrower to indicate his acceptance of the mortgage loan commitment by signing and returning it to the originating agent within 15 days after the date of the commitment *or prior to settlement, whichever occurs first.*

A commitment must be issued in writing by an authorized officer of the authority and signed by the applicant before a loan may be closed. The term of a commitment may be extended in certain cases upon written request by the applicant and approved by the authority. If an additional commitment is issued to an applicant, the interest rate may be higher than the rate offered in the original commitment. Such new rate and the availability of funds therefor shall in all cases be determined by the authority in its discretion.

B. ~~Loan rejection.~~ If the application fails to meet any of the standards, criteria and requirements herein, a loan rejection letter will be issued by the authority (see Exhibit L). In order to have the application reconsidered, the applicant must resubmit the application within 30 days after loan rejection. If the application is so resubmitted, the credit documentation cannot be more than 90 days old and the appraisal not more than six months old.

~~§ 2-14. 2.13.~~ Buy-down points.

~~Special note regarding~~ *With respect to* checks for buy-down points (this applies to *under* both the monthly payment buydown program described in § 2.8 ~~D~~ F above and the interest rate buydown program described in § 2.8 ~~E~~ G, a certified or cashier's check made payable to the authority is to be provided at loan closing for buy-down points, if any. Under the tax code, the original proceeds of a bond issue may not exceed the amount necessary for the "governmental purpose" thereof by more than 5.0%. If buy-down points are paid out of mortgage loan proceeds (which are financed by bonds), then this federal regulation is violated because bond proceeds have in effect been used to pay debt service rather than for the proper "governmental purpose" of making mortgage loans. Therefore, it is required that buy-down fees be paid from the seller's own funds and not be deducted from loan proceeds. Because of this requirement, buy-down funds may not appear as a deduction from the seller's proceeds on the HUD-1 Settlement Statement.

~~§ 2-15. 2.14.~~ Property guidelines.

A. ~~In general.~~ For each application the authority must make the determination that the property will constitute adequate security for the loan. That determination shall in turn be based solely upon a real estate appraisal's determination of the value and condition of the property.

In addition, manufactured housing (mobile homes), both new construction and certain existing, may be financed only if the loan is insured 100% by FHA (see subsection C).

B. *The following rules apply to conventional loans.*

1. ~~Existing housing and new construction.~~ The following requirements apply to both new construction and existing housing to be financed by a conventional loan: (i) all property must be located on a state maintained road; provided, however, that the authority may, on a case-by-case basis, approve financing of property located on a private road acceptable to the authority if the right to use such private road is granted to the owner of the residence pursuant to a recorded right-of-way agreement providing for the use of such private road and a recorded maintenance agreement provides for the maintenance of such private road on terms and conditions acceptable to the authority (any other easements or rights-of-way to state maintained roads are not acceptable as access to properties); (ii) any easements which will adversely affect the marketability of the property, such as high-tension power lines, drainage or other utility easements will be considered on a case-by-case basis to determine whether such easements will be acceptable to the authority; (iii) property with available water and sewer hookups must utilize them; and (iv) property without available water and sewer hookups may have their own well and septic system; provided that joint ownership of a well and septic system will be considered on a case-by-case basis to determine whether such ownership is acceptable to the authority, *provided further that cisterns will be considered on a case-by-case basis to determine whether the cistern will be adequate to serve the property.*

~~2. Additional requirements for new construction.~~ New construction financed by a conventional loan must also meet Uniform Statewide Building Code and local code.

C. *The following rules apply to FHA, VA or FmHA RECD loans.*

~~1. Existing housing and new construction.~~ Both new construction and existing housing financed by an FHA, VA or FmHA RECD loan must meet all applicable requirements imposed by FHA, VA or FmHA RECD.

~~2. Additional requirements for new construction.~~ If such homes *Manufactured housing (mobile homes)* being financed by FHA loans ~~are new manufactured housing~~ they must also meet federal manufactured home construction and safety standards, satisfy all FHA insurance requirements, be on a permanent foundation to be enclosed by a perimeter masonry curtain wall conforming to standards of the Uniform Statewide Building Code, be permanently affixed to the site owned by the borrowers and be insured 100% by FHA under its section 203B program. In addition, the property must be classified and taxed as real estate and no personal property may be financed.

~~§ 2.16.~~ 2.15. Substantially rehabilitated.

For the purpose of qualifying as substantially rehabilitated housing under the authority's maximum sales price limitations, the housing unit must meet the following definitions:

1. Substantially rehabilitated means improved to a condition which meets the authority's underwriting/property standard requirements from a condition requiring more than routine or minor repairs or improvements to meet such requirements. The term includes repairs or improvements varying in degree from gutting and extensive reconstruction to cosmetic improvements which are coupled with the cure of a substantial accumulation of deferred maintenance, but does not mean cosmetic improvements alone.

2. For these purposes a substantially rehabilitated housing unit means a dwelling unit which has been substantially rehabilitated and which is being offered for sale and occupancy for the first time since such rehabilitation. The value of the rehabilitation must equal at least 25% of the total value of the rehabilitated housing unit.

3. The authority's staff will inspect each house submitted as substantially rehabilitated to ensure compliance with our underwriting-property standards. An appraisal is to be submitted after the authority's inspection and is to list the improvements and estimate their value.

4. The authority will only approve rehabilitation loans to eligible borrowers who will be the first resident of the residence after the completion of the rehabilitation. As a result of the tax code, the proceeds of the mortgage loan cannot be used to refinance an existing mortgage, as explained in § 2.2.1 D (~~New mortgage requirement~~). The authority will approve loans to cover the purchase of a residence, including the rehabilitation:

a. Where the eligible borrower is acquiring a residence from a builder or other seller who has performed a substantial rehabilitation of the residence; and

b. Where the eligible borrower is acquiring an unrehabilitated residence from the seller and the eligible borrower contracts with others to perform a substantial rehabilitation or performs the rehabilitation work himself prior to occupancy.

~~§ 2.17.~~ 2.16. Condominium requirements.

A. For conventional loans, the originating agent must provide evidence that the condominium is approved by any two of the following: FNMA, FHLMC or VA. The originating agent must submit evidence at the time the borrower's application is submitted to the authority for approval.

B. For FHA, VA or FmHA RECD loans, the authority will accept a loan to finance a condominium if the condominium is approved by FHA, in the case of an FHA loan, by VA, in the case of a VA loan or by FmHA RECD, in the case of an FmHA RECD loan.

~~§ 2.18.~~ 2.17. FHA plus program.

A. ~~In general.~~ Notwithstanding anything to the contrary herein, the authority may make loans secured by second deed of trust liens ("second loans") to provide downpayment and closing cost assistance to eligible borrowers who are obtaining FHA loans secured by first deed of trust liens. Second loans shall not be available to a borrower if the FHA loan is being made under the FHA buydown program or is subject to a step adjustment in the interest rate thereon or is subject to a reduced interest rate due to the financial support of the authority.

B. ~~Mortgage insurance requirements.~~ The second loans shall not be insured by mortgage insurance; accordingly, the requirements of § 2.7 regarding mortgage insurance shall not be applicable to the second loan.

C. ~~Maximum loan amount.~~ The requirements of § 2.6 regarding calculation of maximum loan amount shall not be applicable to the second loan. In order to be eligible for a second loan, the borrower must obtain an FHA loan for the maximum loan amount permitted by FHA. The second loan shall be for the lesser of:

1. The lesser of sales price or appraised value plus FHA allowable closing fees (i.e., fees which FHA permits to be included in the FHA acquisition cost and to be financed) minus the FHA maximum base loan amount, seller paid closing costs and 1.0% of the sales price, or

2. 3.0% of the lesser of the sales price or appraised value plus \$1,100.

In no event shall the combined FHA loan and the second loan amount exceed the authority's maximum allowable sales price.

D. ~~Underwriting.~~ With respect to underwriting, no additional requirements or criteria other than those applicable to the FHA loan shall be imposed on the second loan.

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E. ~~Assumptions~~. The second mortgage loan shall be assumable on the same terms and conditions as the FHA loan.

F. ~~Fees~~. No origination fee or discount point shall be collected on the second loan.

G. ~~Commitment~~. Upon approval of the applicant, the authority will issue a mortgage loan commitment pursuant to § 2.13-2.12. The mortgage loan commitment will include the terms and conditions of the FHA loan and the second loan and an addendum setting forth additional terms and conditions applicable to the second loan. Also enclosed in the commitment package will be other documents necessary to close the second loan.

NOTE: Documents and forms referred to herein as Exhibits have not been adopted by the authority as a part of the rules and regulations for single family mortgage loans to persons and households of low and moderate income but are attached thereto for reference and informational purposes. Accordingly, such documents and forms have not been included in the foregoing rules and regulations for single family mortgage loans to persons and households of low and moderate income. Copies of such documents and forms are available upon request at the offices of the authority.

VA.R. Doc. No. R95-517; Filed May 17, 1995, 12:59 p.m.

BOARD OF NURSING

Title of Regulation: VR 495-01-1. Regulations of the Board of Nursing.

Statutory Authority: §§ 54.1-2400 and 54.1-3000 et seq. of the Code of Virginia.

Effective Date: July 12, 1995.

Summary:

The Board of Nursing has adopted amendments to its regulations as a result of changes in the procedure for administering the licensing examinations and to clarify compliance with the Administrative Process Act in the review of proposals and reports related to the approval of nursing education programs. The amendments are made in response to a change in law related to the practice of nursing pending licensure by examination and in an effort to improve the efficiency and effectiveness of the program approval process.

There will be two major changes as a result of the amendments: (i) to establish a Special Conference Committee to review applications for nursing and nurse aide education programs and recommend approval or disapproval to the board and to review reports of surveys and on-site visits for continued approval in order to reduce the regulatory burden and costs; and (ii) to comply with a change in the statute which allows practice for 90 days between completion of an education program and receipt of results of the licensing examination.

Summary of Public Comment and Agency Response: No public comment was received by the promulgating agency.

Agency Contact: Copies of the regulation may be obtained from Corinne F. Dorsey, R.N., Board of Nursing, 6606 West Broad Street, 4th Floor, Richmond, VA 23219, telephone (804) 662-9909.

VR 495-01-1. Regulations of the Board of Nursing.

PART I. GENERAL PROVISIONS.

§ 1.1. Definitions.

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

"Approval" means the process by which the board or a governmental agency in another state or foreign country evaluates and grants official recognition to nursing education programs that meet established standards not inconsistent with Virginia law.

"Associate degree nursing program" means a nursing education program preparing for registered nurse licensure, offered by a Virginia college or other institution and designed to lead to an associate degree in nursing, provided that the institution is authorized to confer such degree by the State Board of Education, State Council of Higher Education or an Act of the General Assembly.

"Baccalaureate degree nursing program" means a nursing education program preparing for registered nurse licensure, offered by a Virginia college or university and designed to lead to a baccalaureate degree with a major in nursing, provided that the institution is authorized to confer such degree by the State Board of Education, the State Council of Higher Education or an Act of the General Assembly.

"Board" means the Board of Nursing.

"Clinical nurse specialist" means a licensed registered nurse who holds:

1. A master's degree from a board approved program which prepares the nurse to provide advanced clinical nursing services; and
2. Specialty certification from a national certifying organization acceptable to the board or an exception available from March 1, 1990, to July 1, 1990.

"Conditional approval" means a time-limited status which results when an approved nursing education program has failed to maintain requirements as set forth in § 2-2 Article 2 of Part II of these regulations.

"Cooperating agency" means an agency or institution that enters into a written agreement to provide learning experiences for a nursing education program.

"Diploma nursing program" means a nursing education program preparing for registered nurse licensure, offered by a hospital and designed to lead to a diploma in nursing, provided the hospital is licensed in this state.

"National certifying organization" means an organization that has as one of its purposes the certification of a specialty in nursing based on an examination attesting to the knowledge of the nurse for practice in the specialty area.

"Nursing education program" means an entity offering a basic course of study preparing persons for licensure as registered nurses or as licensed practical nurses. A basic course of study shall include all courses required for the degree, diploma or certificate.

"Practical nursing program" means a nursing education program preparing for practical nurse licensure, offered by a Virginia school, that leads to a diploma or certificate in practical nursing, provided the school is authorized by the appropriate governmental agency.

"Program director" means a registered nurse who has been designated by the controlling authority to administer the nursing education program.

"Provisional approval" means the initial status granted to a nursing education program which shall continue until the first class has graduated and the board has taken final action on the application for approval.

"Recommendation" means a guide to actions that will assist an institution to improve and develop its nursing education program.

"Requirement" means a mandatory condition that a nursing education program must meet to be approved.

§ 1.2. Delegation of authority.

A. The executive director of the board shall issue a certificate of registration to each person who meets the requirements for initial licensure under §§ 54.1-3017, 54.1-3018, 54.1-3020 and 54.1-3021 of the Code of Virginia. Such certificates of registration shall bear the signature of the president of the board, the executive director and the director of the Department of Health Professions.

B. The executive director shall issue license to each applicant who qualifies for such license under § 54.1-3011 of the Code of Virginia. Such licenses shall bear the name of the executive director.

C. The executive director shall be delegated the authority to execute all notices, orders and official documents of the board unless the board directs otherwise.

§ 1.3. Fees.

Fees required in connection with the licensing of applicants by the board are:

1. Application for Licensure by Examination	\$25
2. Application for Licensure by Endorsement	\$50
3. Biennial Licensure Renewal	\$40
4. Reinstatement of License	\$50
5. Duplicate License	\$15
6. Verification of License	\$25
7. Transcript of All or Part of Applicant/Licensee Records	\$20
8. Returned Check Charge	\$15
9. Application for C.N.S. Registration	\$50

10. Biennial Renewal of C.N.S. Registration	\$30
11. Reinstatement of Lapsed C.N.S. Registration	\$25
12. Verification of C.N.S. Registration to Another Jurisdiction	\$25

PART II. NURSING EDUCATION PROGRAMS.

Article 1.

§ 2.1. Establishing a Nursing Education Program.

§ 2.1. Phase I.

A. An institution wishing to establish a nursing education program shall:

1. Submit to the board, at least 15 months in advance of expected opening date, a statement of intent to establish a nursing education program;
2. Submit to the board, along with the statement of intent, a feasibility study to include the following information:
 - a. Studies documenting the need for the program;
 - b. Purpose and type of program;
 - c. Availability of qualified faculty;
 - d. Budgeted faculty positions;
 - e. Availability of clinical facilities for the program;
 - f. Availability of academic facilities for the program;
 - g. Evidence of financial resources for the planning, implementation and continuation of the program;
 - h. Anticipated student population;
 - i. Tentative time schedule for planning and initiating the program; and
 - j. Current catalog, if applicable.
3. Respond to the board's request for additional information.

B. A site visit shall be conducted by a representative of the board.

~~C. The board, after review and consideration, shall either approve or disapprove Phase I. The Education Special Conference Committee (the "committee"), comprised of not less than three members of the board, shall, in accordance with § 9-6.14:11 of the Code of Virginia, receive and review applications and the report of the site visit and shall make recommendations to the board regarding the grant or denial of approval of Phase I.~~

1. ~~If Phase I is approved~~ If the board accepts the recommendation to approve Phase I, the institution may apply for provisional approval of the nursing education program as set forth in these regulations.
2. ~~If Phase I is disapproved, the institution may request a hearing before the board and the provisions of the Administrative Process Act shall apply. (§ 9-6.14:1 et seq.)~~ If the committee recommendation is to deny

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approval of Phase I, no further action will be required of the board unless the program requests a hearing before the board or a panel thereof in accordance with § 9-6.14:12 and subdivision 9 of § 54.1-2400 of the Code of Virginia.

§ 2.2. Phase II.

~~D.~~ A. The application for provisional approval shall be complete when the following conditions are met:

1. A program director has been appointed and there are sufficient faculty to initiate the program (§ 2.2-G 2.6 of these regulations);

2. A tentative written curriculum plan developed in accordance with § 2.2-F 2.9 of these regulations has been submitted; and .

~~E. The board, after review and consideration, shall either grant or deny provisional approval. B. The committee shall, in accordance with § 9-6.14:11 of the Code of Virginia, make recommendations to the board for the grant or denial of provisional approval.~~

1. If provisional approval is granted:

a. The admission of students is authorized; and

b. The program director shall submit quarterly progress reports to the board which shall include evidence of progress toward application for approval and other information as required by the board.

~~2. If provisional approval is denied, the institution may request a hearing before the board and the provisions of the Administrative Process Act shall apply. (§ 9-6.14:1 et seq.) If the committee recommendation is to deny approval of Phase II, no further action will be required of the board unless the program requests a hearing before the board or a panel thereof in accordance with § 9-6.14:12 and subdivision 9 of § 54.1-2400 of the Code of Virginia.~~

~~F.~~ C. Following graduation of the first class, the institution shall apply for approval of the nursing education program.

§ 2.3. Phase III.

~~G.~~ A. The application for approval shall be complete when a self-evaluation report of compliance with § 2.2 of these regulations Article 2 of this part has been submitted and a survey visit has been made by a representative of the board.

~~H. The board will review and consider the self-evaluation and the survey reports at the next regularly scheduled meeting. B. The committee shall, in accordance with § 9-6.14:11 of the Code of Virginia, receive and review the self-evaluation and survey reports and shall make a recommendation to the board for the grant or denial of approval.~~

~~I. The board shall either grant or deny approval. If denied, the institution may request a hearing before the board and the provisions of the Administrative Process Act shall apply. (§ 9-6.14:1 et seq.) C. If the committee's recommendation is to deny approval of Phase III, no further action will be required of the board unless the program requests a hearing~~

before the board or a panel thereof in accordance with § 9-6.14:12 and subdivision 9 of § 54.1-2400 of the Code of Virginia.

Article 2.

§ 2.2. Requirements for Approval.

~~A.~~ § 2.4. Organization and administration.

~~4.~~ A. The institution shall be authorized to conduct a nursing education program by charter or articles of incorporation of the controlling institution, by resolution of its board of control, or by the institution's own charter or articles of incorporation.

~~2.~~ B. Universities, colleges, community or junior colleges, proprietary schools and public schools offering nursing education programs shall be accredited by the appropriate state agencies and the Southern Association of Colleges and Schools.

~~3.~~ C. Hospitals conducting a nursing education program shall be accredited by the Joint Commission on Accreditation of Healthcare Organizations.

~~4.~~ D. Any agency or institution that is utilized by a nursing education program shall be one that is authorized to conduct business in the Commonwealth of Virginia, or in the state in which the agency or institution is located.

~~5.~~ E. The authority and responsibility for the operation of the nursing education program shall be vested in a program director who is duly licensed to practice professional nursing in Virginia and who is responsible to the controlling board, either directly or through appropriate administrative channels.

~~6.~~ F. A written organizational plan shall indicate the lines of authority and communication of the nursing education program to the controlling body; to other departments within the controlling institution; to the cooperating agencies; and to the advisory committee, if one exists.

~~7.~~ G. Funds shall be allocated by the controlling agency to carry out the stated purposes of the program. The program director of the nursing education program shall be responsible for the budget recommendations and administration, consistent with the established policies of the controlling agency.

~~B.~~ § 2.5. Philosophy and objectives.

Written statements of philosophy and objectives shall be:

1. Formulated and accepted by the faculty;
2. Directed toward achieving realistic goals;
3. Directed toward the meaning of education, nursing and the learning process;
4. Descriptive of the practitioner to be prepared; and
5. The basis for planning, implementing and evaluating the total program.

~~C.~~ § 2.6. Faculty.

4. A. Qualifications.

a. 1. Every member of a nursing faculty, including the program director, shall hold a current license to practice as a registered nurse in Virginia.

b. 2. Every member of a nursing faculty responsible for teaching students in a cooperating agency located outside the jurisdictional limits of Virginia shall meet the licensure requirements of that jurisdiction.

c. 3. The program director and each member of the nursing faculty shall maintain professional competence through such activities as nursing practice, continuing education programs, conferences, workshops, seminars, academic courses, research projects and professional writing.

d. 4. For baccalaureate degree programs:

(1) a. The program director shall hold a doctoral degree.

(2) b. Every member of the nursing faculty shall hold a graduate degree. Faculty members without a graduate degree with a major in nursing shall have a baccalaureate degree with a major in nursing.

e. 5. For associate degree and diploma programs:

(1) a. The program director shall hold a graduate degree, preferably with a major in nursing.

(2) b. The majority of the members of the nursing faculty shall hold a graduate degree, preferably with a major in nursing.

(3) c. Other members of the nursing faculty shall hold a baccalaureate degree, preferably with a major in nursing.

f. 6. For practical nursing programs.

(1) a. The program director shall hold a baccalaureate degree, preferably with a major in nursing.

(2) b. The majority of the members of the nursing faculty shall hold a baccalaureate degree, preferably with a major in nursing.

g. 7. Exceptions to provisions of ~~subparagraphs d, e, and f subdivisions 4, 5, and 6~~ of this subsection shall be by board approval.

(1) a. Initial request for exception.

(a) (1) The program director shall submit a request for initial exception in writing for considerations at a regular board meeting prior to the term during which the nursing faculty member is scheduled to teach.

(b) (2) A description of teaching assignment, a curriculum vitae and a statement of intent, from the prospective faculty member, to pursue the required degree shall accompany each request.

(2) b. Request for continuing exception.

(a) (1) Continuing exception will be based on the progress of the nursing faculty member toward meeting the degree required by these regulations

during each year for which the exception is requested.

(b) (2) The program director shall submit the request for continuing exception in writing for consideration at a regular board meeting prior to the next term during which the nursing faculty member is scheduled to teach.

(c) (3) A list of courses required for the degree being pursued and college transcripts showing successful completion of a minimum of two of the courses during the past academic year shall accompany each request.

(3) c. The executive director of the board shall be authorized to make the initial decision on requests for exceptions. Any appeal of that decision shall be in accordance with the provisions of the Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia).

2. B. Number.

a. 1. The number of faculty shall be sufficient to prepare the students to achieve the objectives of the educational program and such number shall be reasonably proportionate to:

(1) a. Number of students enrolled;

(2) b. Frequency of admissions;

(3) c. Education and experience of faculty members;

(4) d. Number and location of clinical facilities; and

(5) e. Total responsibilities of the faculty.

b. 2. When students are giving direct care to patients, the ratio of students to faculty in clinical areas shall not exceed 10 students to one faculty member.

3. C. Conditions of employment.

a. 1. Qualifications and responsibilities for faculty positions shall be defined in writing.

b. 2. Faculty assignments shall allow time for class and laboratory preparation; teaching; program revision; improvement of teaching methods; academic advisement and counseling of students; participation in faculty organizations and committees; attendance at professional meetings; and participation in continuing education activities.

4. D. Functions. The principal functions of the faculty shall be to:

a. 1. Develop, implement and evaluate the philosophy and objectives of the nursing education program;

b. 2. Participate in designing, implementing, teaching, and evaluating and revising the curriculum;

c. 3. Develop and evaluate student admission, progression, retention and graduation policies within the framework of the controlling institution;

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d. 4. Participate in academic advisement and counseling of students; and

e. 5. Provide opportunities for student and graduate evaluation of curriculum and teaching and program effectiveness.

5. E. Organization.

a. 1. The nursing faculty shall hold regular meetings for the purpose of developing, implementing and evaluating the nursing education program.

b. 2. Minutes of faculty and committee meetings, including actions taken, shall be recorded and available for reference.

c. 3. There shall be provision for student participation.

~~D. Students. § 2.7. Admission, promotion and graduation of students.~~

~~1. Admission, promotion and graduation.~~

a. A. Requirements for admission to the nursing education program shall not be less than the statutory requirements that will permit the graduate to be admitted to the appropriate licensing examination.

EXPLANATORY NOTE: Reference subdivision 1 of subsection A of § 54.1-3017 of the Code of Virginia: The equivalent of a four-year high school course of study is considered to be:

(1) 1. A General Educational Development (GED) certificate for high school equivalence; or

(2) 2. Satisfactory completion of the college courses required by the nursing education program.

b. B. Students shall be selected on the basis of established criteria and without regard to age, race, creed, sex or national origin.

c. C. Requirements for admission, readmission, advanced standing, progression, retention, dismissal and graduation shall be available to the students in written form.

~~E. Records. § 2.8. School records; student records; school bulletin or catalogue.~~

~~1. School records. A. A system of records shall be maintained and be made available to the board representative and shall include:~~

~~a. 1. Data relating to accreditation by any agency or body,~~

~~b. 2. Course outlines,~~

~~c. 3. Minutes of faculty and committee meetings,~~

~~d. 4. A record of the performance of graduates on the licensing examination,~~

~~e. 5. Survey reports.~~

~~2. Student records.~~

a. B. A file shall be maintained for each student. Each file shall be available to the board representative and shall include:

(1) 1. The student's application,

(2) 2. High school transcript or copy of high school equivalence certificate,

(3) 3. Current record of achievement.

b. A final transcript shall be retained in the permanent file of the institution.

c. Provision shall be made for the protection of student and graduate records against loss, destruction and unauthorized use.

~~3. School bulletin or catalogue. C. Current information about the nursing education program shall be published periodically and distributed to students, applicants for admission and the board. Such information shall include:~~

~~a. 1. Description of the program.~~

~~b. 2. Philosophy and objectives of the controlling institution and of the nursing program.~~

~~c. 3. Admission and graduation requirements.~~

~~d. 4. Fees.~~

~~e. 5. Expenses.~~

~~f. 6. Financial aid.~~

~~g. 7. Tuition refund policy.~~

~~h. 8. Education facilities.~~

~~i. 9. Living accommodations.~~

~~j. 10. Student activities and services.~~

~~k. 11. Curriculum plan.~~

~~l. 12. Course descriptions.~~

~~m. 13. Faculty-staff roster.~~

~~n. 14. School calendar.~~

~~F. § 2.9. Curriculum.~~

~~1. A. Curriculum shall reflect the philosophy and objectives of the nursing education program, and shall be consistent with the law governing the practice of nursing.~~

~~2. B. The ratio between nursing and nonnursing credit shall be based on a rationale to ensure sufficient preparation for the safe and effective practice of nursing.~~

~~3. C. Learning experiences shall be selected to fulfill curriculum objectives.~~

~~4. D. Nursing education programs preparing for practical nursing licensure shall include:~~

~~a. 1. Principles and practice in nursing encompassing the attainment and maintenance of physical and mental health and the prevention of illness for individuals and groups throughout the life cycle;~~

- b. 2. Basic concepts of the nursing process;
- c. 3. Basic concepts of anatomy, physiology, chemistry, physics and microbiology;
- d. 4. Basic concepts of communication, growth and development, interpersonal relations, patient education and cultural diversity;
- e. 5. Ethics, nursing history and trends; vocational and legal aspects of nursing, including regulations and sections of the Code of Virginia related to nursing; and
- f. 6. Basic concepts of pharmacology, nutrition and diet therapy.

5. E. Nursing education programs preparing for registered nurse licensure shall include:

- a. 1. Theory and practice in nursing, encompassing the attainment and maintenance of physical and mental health and the prevention of illness throughout the life cycle for individuals, groups and communities;
- b. 2. Concepts of the nursing process;
- c. 3. Concepts of anatomy, physiology, chemistry, microbiology and physics;
- d. 4. Sociology, psychology, communications, growth and development, interpersonal relations, group dynamics, cultural diversity and humanities;
- e. 5. Concepts of pharmacology, nutrition and diet therapy, and pathophysiology;
- f. 6. Concepts of ethics, nursing history and trends, and the professional and legal aspects of nursing, including regulations and sections of the Code of Virginia related to nursing; and
- g. 7. Concepts of leadership, management and patient education.

6. § 2.9. Resources, facilities and services.

1. A. Periodic evaluations of resources, facilities and services shall be conducted by the administration, faculty, students and graduates of the nursing education program.

2. B. Secretarial and other support services shall be provided.

3. C. Classrooms, conference rooms, laboratories, clinical facilities and offices shall be available to meet the objectives of the nursing education program and the needs of the students, faculty, administration and staff.

4. D. The library shall have holdings that are current, pertinent and accessible to students and faculty, and sufficient in number to meet the needs of the students and faculty.

5. E. Written agreements with cooperating agencies shall be developed, maintained and periodically reviewed. The agreement shall:

- a. 1. Ensure full control of student education by the faculty of the nursing education program, including the selection and supervision of learning experiences.

b. 2. Provide that an instructor shall be present on the clinical unit(s) unit or units to which students are assigned for direct patient care.

c. 3. Provide for cooperative planning with designated agency personnel.

6. F. Any observational experiences shall be planned in cooperation with the agency involved to meet stated course objectives.

7. G. Cooperating agencies shall be approved by the appropriate accreditation, evaluation or licensing bodies, if such exist.

H. § 2.10. Program changes.

1. A. The following proposed changes require board approval prior to their implementation:

a. 1. Proposed changes in the nursing education program's philosophy and objectives that result in program revision.

b. 2. Proposed changes in the curriculum that result in alteration of the length of the nursing education program.

2. B. Other additions, deletions or revisions of courses shall be reported to the board with the annual report required in § 2.3 2.12 A of these regulations.

I. § 2.11. Procedure for approval of program change.

1. A. When a program change is contemplated, the program director shall inform the board or board representative.

2. B. When a program change is requested, a plan shall be submitted to the board including:

a. 1. Proposed change,

b. 2. Rationale for the change,

c. 3. Relationship of the proposed change to the present program.

3. C. Fifteen copies of these materials shall be submitted to the board at least three weeks prior to the board meeting at which the request will be considered.

Article 3.

Maintaining or Closing an Approved Nursing Education Program.

§ 2.3- 2.12. Maintaining an approved nursing education program.

A. The program director of each nursing education program shall submit an annual report to the board.

B. Each nursing education program shall be reevaluated at least every eight years and shall require:

1. A comprehensive self-evaluation report based on-§ 2.2 of these regulations Article 2 of this part, and

2. A survey visit by a representative(s) of the board on dates mutually acceptable to the institution and the board.

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~~C. The self-evaluation and survey visit reports shall be presented to the board for consideration and action at a regularly scheduled board meeting. The reports and the action taken by the board shall be sent to the appropriate administrative officers of the institution. In addition, a copy shall be forwarded to the executive officer of the state agency or agencies having program approval authority or coordinating responsibilities for the governing institutions. The Education Special Conference Committee (the "committee"), comprised of not less than three members of the board, shall, in accordance with § 9-6.14:11 of the Code of Virginia, receive and review the self-evaluation and survey reports and shall make a recommendation to the board for grant of continued or conditional approval.~~

~~D. Interim visits shall be made to the institution by board representatives at any time within the eight-year period either by request or as deemed necessary by the board.~~

~~E. 1. A nursing education program shall continue to be approved provided the requirements set forth in § 2.2 of these regulations Article 2 of this part are attained and maintained.~~

~~F. 2. If the board committee determines that a nursing education program is not maintaining the requirements of § 2.2 of these regulations Article 2 of this part, the committee shall recommend to the board that the program shall be placed on conditional approval and the governing institution shall be given a reasonable period of time to correct the identified deficiencies. The institution may request a hearing before the board and the provisions of the Administrative Process Act shall apply. (§ 9-6.14:1 et seq.)~~

~~a. The committee shall receive and review reports of progress toward correcting identified deficiencies and, when a final report is received at the end of the specified time showing correction of deficiencies, make a recommendation to the board for grant of continued approval.~~

~~b. If the governing institution fails to correct the identified deficiencies within the time specified by the committee or the board, the board shall or a panel thereof may withdraw the approval following a hearing held pursuant to the provisions of the Administrative Process Act. (§ 9-6.14:1 et seq.) Sections 2.4 B and C of these regulations shall apply to any nursing education program whose approval has been withdrawn.~~

~~c. The governing institution may request a formal hearing before the board or a panel thereof pursuant to § 9-6.14:12 and subdivision 9 of § 54.1-2400 of the Code of Virginia if it objects to any action of the board relating to conditional approval.~~

~~D. Interim visits shall be made to the institution by board representatives at any time within the eight-year period either by request or as deemed necessary by the board.~~

~~§ 2.4. 2.13. Closing of an approved nursing education program ; voluntary closing; closing as a result of denial or withdrawal of approval; custody of records .~~

~~A. Voluntary closing. When the governing institution anticipates the closing of a nursing education program, it shall notify the board in writing, stating the reason, plan and date of intended closing. The governing institution shall choose one of the following closing procedures:~~

~~1. The program shall continue until the last class enrolled is graduated.~~

~~a. The program shall continue to meet the standards for approval until all of the enrolled students have graduated.~~

~~b. The date of closure is the date on the degree, diploma or certificate of the last graduate.~~

~~c. The governing institution shall notify the board of the closing date.~~

~~2. The program shall close after the governing institution has assisted in the transfer of students to other approved programs.~~

~~a. The program shall continue to meet the standards required for approval until all students are transferred.~~

~~b. A list of the names of students who have been transferred to approved programs and the date on which the last student was transferred shall be submitted to the board by the governing institution.~~

~~c. The date on which the last student was transferred shall be the closing date of the program.~~

~~B. Closing as a result of denial or withdrawal of approval. When the board denies or withdraws approval of a program, the governing institution shall comply with the following procedures:~~

~~1. The program shall close after the institution has made a reasonable effort to assist in the transfer of students to other approved programs. A time frame for the transfer process shall be established by the board.~~

~~2. A list of the names of students who have transferred to approved programs and the date on which the last student was transferred shall be submitted to the board by the governing institution.~~

~~3. The date on which the last student was transferred shall be the closing date of the program.~~

~~C. Custody of records. Provision shall be made for custody of records as follows:~~

~~1. If the governing institution continues to function, it shall assume responsibility for the records of the students and the graduates. The institution shall inform the board of the arrangements made to safeguard the records.~~

~~2. If the governing institution ceases to exist, the academic transcript of each student and graduate shall be transferred by the institution to the board for safekeeping.~~

Article 4.

Clinical Nurse Specialist Education Program.

§ 2-5. 2.14. Clinical nurse specialist education program.

An approved program shall be offered by:

1. A nationally accredited school of nursing within a college or university that offers a master's degree in nursing designed to prepare a registered nurse for advanced practice in a clinical specialty in nursing; or
2. A college or university that offers a master's degree consistent with the requirements of a national certifying organization as defined in § 1.1 of these regulations.

PART III.
LICENSURE AND PRACTICE.

§ 3.1. Licensure by examination.

A. The board shall administer ~~authorize the administration~~ of examinations for registered nurse licensure and examinations for practical nurse licensure ~~no less than twice a year~~.

~~B. The minimum passing score on the examination for registered nurse and practical nurse licensure shall be determined by the board.~~

~~C. If a candidate does not take the examination when scheduled, the application shall be retained on file as required for audit and the candidate must file a new application and fee to be rescheduled.~~

B. A candidate shall be eligible to take the examination (i) upon receipt by the board of the completed application, fee and an official transcript from the nursing education program; and (ii) when a determination has been made that no grounds exist upon which the board may deny licensure pursuant to § 54.1-3007 of the Code of Virginia.

C. To establish eligibility for licensure by examination, an applicant for the licensing examination shall:

1. File the required application, any necessary documentation and fee no later than 60 days prior to the first day of the month in which the applicant expects to take the examination.
2. Arrange for the board to receive an official transcript from the nursing education program which shows either:
 - a. That the degree or diploma has been awarded; or
 - b. That all requirements for awarding the degree or diploma have been met and specifies the date of conferral.
3. File a new application and fee if:
 - a. The examination is not taken within six months of the date that the board determines the applicant to be eligible; or
 - b. Eligibility is not established within six months of the original filing date.

~~D. The minimum passing score on the examination for registered nurse licensure and practical nurse licensure shall be determined by the board.~~

~~D. E. Any applicant suspected of giving or receiving unauthorized assistance during the writing of the examination shall may be noticed for a hearing before the board pursuant to the provisions of the Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia) to determine whether the license shall be issued eligibility for licensure or reexamination.~~

~~E. F. The board shall not release examination results of a candidate to any individual or agency without written authorization from the applicant or licensee.~~

F. An applicant for the licensing examination shall:

1. ~~File the required application and fee no less than 60 days prior to the scheduled date of the examination.~~
2. ~~Arrange for the board to receive the final certified transcript from the nursing education program at least 15 days prior to the examination date or as soon thereafter as possible. The transcript must be received prior to the reporting of the examination results to candidates.~~

~~G. Fifteen days prior to an examination date, all program directors shall submit a list of the names of those students who have completed or are expected to complete the requirements for graduation since the last examination. Any change in the status of a candidate within the above specified 15-day period shall be reported to the board immediately.~~

H. G. Practice of nursing pending receipt of examination results.

1. ~~Graduates of approved nursing education programs An eligible graduate who has filed an application for licensure in Virginia may practice nursing in Virginia pending for a period not to exceed 90 days between completion of the nursing education program and the receipt of the results of the candidate's first licensing examination given by a board of nursing following their graduation, provided they have filed an application for licensure in Virginia. Candidates taking the examination in Virginia shall file the application for licensure by examination. Candidates taking the examination in other jurisdictions shall file the application for licensure by endorsement.~~

2. Candidates who practice nursing as provided in § 3.1 H G 1 of these regulations shall use the designation "R.N. Applicant" or "L.P.N. Applicant" when signing official records.

3. The designations "R.N. Applicant" and "L.P.N. Applicant" shall not be used by applicants who either do not take the examination within 90 days following completion of the nursing education program or who have failed the first examination for which they are eligible.

I. H. Applicants who fail the examination.

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1. An applicant who fails the licensing examination shall not be licensed or be authorized to practice nursing in Virginia.

2. An applicant for *licensure by reexamination* shall file the required application and fee no less *later* than 60 days prior to the ~~scheduled date of first day of the month in which the applicant expects to take the examination in order to establish eligibility~~.

3. Applicants who have failed the ~~licensing examination for licensure~~ in another U.S. jurisdiction ~~and who meet~~ but satisfy the qualifications for licensure in this jurisdiction may apply for licensure by examination in Virginia. Such applicants shall submit the required application and fee. Such applicants shall not, however, be permitted to practice nursing in Virginia until the requisite license has been issued.

§ 3.2. Licensure by endorsement.

A. A graduate of an approved nursing education program who has been licensed by examination in another U.S. jurisdiction and whose license is in good standing, or is eligible for reinstatement, if lapsed, shall be eligible for licensure by endorsement in Virginia, provided the applicant satisfies the requirements for registered nurse or practical nurse licensure.

B. An applicant for licensure by endorsement shall submit the required application and fee and submit the required form to the appropriate credentialing agency in the state of original licensure for verification of licensure. Applicants will be notified by the board after 30 days, if the completed verification form has not been received.

C. If the application is not completed within one year of the initial filing date, the application shall be retained on file by the board as required for audit.

§ 3.3. Licensure of applicants from other countries.

A. Applicants whose basic nursing education was received in, and who are duly licensed under the laws of another country, shall be scheduled to take the licensing examination provided they meet the statutory qualifications for licensure. Verification of qualification shall be based on documents submitted as required in § 3.3 B and C of these regulations.

B. Such applicants for registered nurse licensure shall:

1. Submit evidence of a passing score on the Commission on Graduates of Foreign Nursing Schools Qualifying Examination; and
2. Submit the required application and fee for licensure by examination.

C. Such applicants for practical nurse licensure shall:

1. Request a transcript from the nursing education program to be submitted directly to the board office;
2. Provide evidence of secondary education to meet the statutory requirements;
3. Request that the credentialing agency, in the country where licensed, submit the verification of licensure form directly to the board office; and

4. Submit the required application and fee for licensure by examination.

§ 3.4. Renewal of licenses.

A. Licensees born in even-numbered years shall renew their licenses by the last day of the birth month in even-numbered years. Licensees born in odd-numbered years shall renew their licenses by the last day of the birth month in odd-numbered years.

B. No less than 30 days prior to the last day of the licensee's birth month, an application for renewal of license shall be mailed by the board to the last known address of each licensee, who is currently licensed.

C. The licensee shall complete the application and return it with the required fee.

D. Failure to receive the application for renewal shall not relieve the licensee of the responsibility for renewing the license by the expiration date.

E. The license shall automatically lapse if the licensee fails to renew by the last day of the birth month.

F. Any person practicing nursing during the time a license has lapsed shall be considered an illegal practitioner and shall be subject to prosecution under the provisions of § 54.1-3008 of the Code of Virginia.

§ 3.5. Reinstatement of lapsed licenses.

A. A nurse whose license has lapsed shall file a reinstatement application and pay the current renewal fee and the reinstatement fee.

B. The board may request evidence that the nurse is prepared to resume practice in a competent manner.

§ 3.6. Duplicate license.

A duplicate license for the current renewal period shall be issued by the board upon receipt of the required information and fee.

§ 3.7. Evidence of change of name.

A licensee who has changed his name shall submit as legal proof to the board a copy of the marriage certificate or court order evidencing the change. A duplicate license shall be issued by the board upon receipt of such evidence and the required fee.

§ 3.8. Requirements for current mailing address.

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

B. Each licensee shall maintain a record of his current mailing address with the board.

C. Any change of address by a licensee shall be submitted in writing to the board within 30 days of such change.

§ 3.9. [*Supervision.*]

Licensed practical nursing is performed under the direction or supervision of a licensed medical practitioner, a registered

nurse or a licensed dentist within the context of § 54.1-3408 of the Code of Virginia.

§ 3.10. Clinical nurse specialist registration.

A. Initial registration. An applicant for initial registration as a clinical nurse specialist shall:

1. Be currently licensed as a registered nurse in Virginia;
2. Submit evidence of graduation from an approved program as defined in § 2-5 2.14 of these regulations;
3. Submit evidence of current specialty certification from a national certifying organization as defined in § 1.1 of these regulations; and
4. Submit the required application and fee.

B. Renewal of registration.

1. Registration as a clinical nurse specialist shall be renewed biennially at the same time the registered nurse license is renewed.
2. The clinical nurse specialist shall complete the renewal application and return it with the required fee and evidence of current specialty certification unless registered in accordance with an exception.
3. Registration as a clinical nurse specialist shall lapse if the registered nurse license is not renewed and may be reinstated as follows:
 - a. Reinstatement of R.N. license;
 - b. Payment of reinstatement and current renewal fees; and
 - c. Submission of evidence of continued specialty certification unless registered in accordance with an exception.

§ 3.11. Clinical nurse specialist practice.

A. The practice of clinical nurse specialists shall be consistent with the :

1. Education required in § 2-5 2.14 of these regulations, and
2. Experience required for specialist certification.

B. The clinical nurse specialist shall provide those advanced nursing services that are consistent with the standards of specialist practice as established by a national certifying organization for the designated specialty and in accordance with the provisions of Title 54.1 of the Code of Virginia.

C. Advanced practice as a clinical nurse specialist shall include but shall not be limited to performance as an expert clinician to:

1. Provide direct care and counsel to individuals and groups;
2. Plan, evaluate and direct care given by others; and
3. Improve care by consultation, collaboration, teaching and the conduct of research.

PART IV. DISCIPLINARY PROVISIONS.

§ 4.1. Disciplinary provisions.

A. The board has the authority to deny, revoke or suspend a license issued, or to otherwise discipline a licensee upon proof that the licensee has violated any of the provisions of § 54.1-3007 of the Code of Virginia. For the purpose of establishing allegations to be included in the notice of hearing, the board has adopted the following definitions:

A. 1. Fraud or deceit shall mean *means*, but shall not be limited to:

- 1- a. Filing false credentials;
- 2- b. Falsely representing facts on an application for initial license, reinstatement or renewal of a license; or
- 3- c. Giving or receiving assistance in writing the licensing examination.

B. 2. Unprofessional conduct shall mean *means*, but shall not be limited to:

- 4- a. Performing acts beyond the limits of the practice of professional or practical nursing as defined in Chapter 30 (§ 54.1-3000 et seq.) of Title 54.1 of the Code of Virginia, or as provided by §§ 54.1-2901 and 54.1-2957 of the Code of Virginia;
- 2- b. Assuming duties and responsibilities within the practice of nursing without adequate training or when competency has not been maintained;
- 3- c. Obtaining supplies, equipment or drugs for personal or other unauthorized use;
- 4- d. Employing or assigning unqualified persons to perform functions that require a licensed practitioner of nursing;
- 5- e. Falsifying or otherwise altering patient or employer records;
- 6- f. Abusing, neglecting or abandoning patients or clients; or
- 7- g. Practice of a clinical nurse specialist beyond that defined in § 3.11 of these regulations.
- 8- h. Holding self out as or performing acts constituting the practice of a clinical nurse specialist unless so registered by the board.

§-4-2- B. Any sanction imposed on the registered nurse license of a clinical nurse specialist shall have the same effect on the clinical nurse specialist registration.

PART V. CERTIFIED NURSE AIDES.

§ 5.1. Definitions.

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

"Nurse aide education program" means a program designed to prepare nurse aides for certification.

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"Nursing facility" means an entity which is certified for Medicare or Medicaid long term care reimbursement.

"Primary instructor" means a registered nurse who is responsible for teaching and evaluating the students enrolled in a nurse aide education program.

"Program coordinator" means a registered nurse who is administratively responsible and accountable for a nurse aide education program.

"Program provider" means an entity which conducts a nurse aide education program.

§ 5.2. Delegation of authority.

The executive director of the board shall issue a certificate as a certified nurse aide to each applicant who qualifies for such a certificate under §§ 54.1-3024, 54.1-3025, 54.1-3026 and 54.1-3028 of the Code of Virginia.

§ 5.3. Nurse aide education programs.

A. Establishing a nurse aide education program.

1. A program provider wishing to establish a nurse aide education program shall submit an application to the board at least 90 days in advance of the expected opening date.
2. The application shall provide evidence of the ability of the institution to comply with § 5.3 B of these regulations.
3. ~~The application shall be considered at a meeting of the board. The board shall, after review and consideration, either grant or deny approval. The Education Special Conference Committee (the "committee"), comprised of not less than three members of the board, shall, in accordance with § 9-6.14:11 of the Code of Virginia, receive and review the application and shall make a recommendation to the board for grant or denial of approval.~~
4. ~~If approval is denied the program provider may request a hearing before the board and the provisions of the Administrative Process Act shall apply. (§ 9-6.14:1 et seq.) If the committee's recommendation is to deny approval, no further action will be required of the board unless the program requests a hearing before the board or a panel thereof in accordance with § 9-6.14:12 and subdivision 9 of § 54.1-2400 of the Code of Virginia.~~

B. Maintaining an approved nurse aide education program. To maintain approval, the nurse aide education program shall demonstrate evidence of compliance with the following essential elements:

1. Curriculum content and length as set forth in §§ 5.3 D and 5.3 G of these regulations.
2. Maintenance of qualified instructional personnel as set forth in § 5.3 C of these regulations.
3. Classroom facilities that meet requirements set forth in § 5.3 H of these regulations.
4. Maintenance of records as set forth in § 5.3 E of these regulations.

5. Skills training experience in a nursing facility which has not been subject to penalty or penalties as provided in 42 FR *CFR* § 483.151(b)(2) (Medicare and Medicaid Programs: Nurse Aide Training and Competency Evaluation Programs, effective April 1, 1992) in the past two years.

6. Agreement that board representatives may make unannounced visits to the program.

7. Impose no fee for any portion of the program on any nurse aide who, on the date on which the nurse aide begins the program, is either employed or has an offer of employment from a nursing facility.

8. Must report all substantive changes in subdivisions 1 through 7 of § 5.3 B of these regulations within 10 days of the change to the board.

C. Instructional personnel.

1. Program coordinator.

- a. The program coordinator in a nursing facility based program may be the director of nursing services. The director of nursing may assume the administrative responsibility and accountability for the nurse aide education program but shall not engage in the actual classroom and clinical teaching.
- b. The primary instructor may be the program coordinator in any nurse aide education program.

2. Primary instructor.

- a. Qualifications. [(4)] The primary instructor, who does the actual teaching of the students, :]

[(1)] Shall hold a current Virginia license as a registered nurse; and

(2) Shall have two years of experience as a registered nurse and at least one year of experience within the previous five years in the provision of long term care facility services. Such experience may include, but not be limited to, employment in a nurse aide education program or employment in or supervision of nursing students in a nursing facility or unit, geriatrics department, chronic care hospital, home care or other long-term care setting. Experience should include varied responsibilities, such as direct resident care, supervision and education.

- b. Responsibilities. The primary instructor shall:

- (1) Participate in the planning of each learning experience;
- (2) Ensure that course objectives are accomplished;
- (3) Ensure that the provisions of § 5.3 C 6 of these regulations are maintained;
- (4) Maintain records as required by § 5.3 E of these regulations; and
- (5) Perform other activities necessary to comply with § 5.3 B of these regulations.

- (6) Ensure that students do not perform services for which they have not received instruction and been found proficient by the instructor.
3. Other instructional personnel.
- a. Qualifications.
- (1) A registered nurse shall:
- (a) Hold a current Virginia license as a registered nurse; and
- (b) Have had at least one year, within the preceding five years, of direct patient care experience as a registered nurse with the elderly or chronically ill, or both, of any age.
- (2) A licensed practical nurse shall:
- (a) Hold a current Virginia license as a practical nurse;
- (b) Hold a high school diploma or equivalent;
- (c) Have been graduated from a state-approved practical nursing program; and
- (d) Have had at least two years, within the preceding five years, of direct patient care experience with the elderly or chronically ill, or both, of any age.
- b. Responsibilities. Other personnel shall provide instruction under the general supervision of the primary instructor.
4. Prior to being assigned to teach the nurse aide education program, all instructional personnel shall demonstrate competence to teach adults by one of the following:
- a. Complete satisfactorily a "train-the-trainer" program approved by the board. Such a program shall be approved by the board for five years, at which time the sponsor must request reapproval of the program. The content of the program must include:
- (1) Basic principles of adult learning;
- (2) Teaching methods and tools for adult learners; and
- (3) Evaluation strategies and measurement tools for assessing the learning outcomes; or
- b. Complete satisfactorily a credit or noncredit course or courses approved by the board. Such courses shall be evaluated for approval by the board upon request from the individual taking the course. The content of such credit or noncredit course shall be comparable to that described in § 5.3 C 4 a of these regulations; or
- c. Provide evidence acceptable to the board of experience in teaching adult learners within the preceding five years.
5. The program may utilize resource personnel who have had at least one year of experience in their field to meet the planned program objectives for specific topics.
6. When students are giving direct care to clients in clinical areas, instructional personnel must be on site solely to supervise the students. The ratio of students to each instructor shall not exceed 10 students to one instructor.
- D. Curriculum.
1. The graduate of the nurse aide education program shall be prepared to:
- a. Communicate and interact competently on a one-to-one basis with the clients;
- b. Demonstrate sensitivity to clients' emotional, social, and mental health needs through skillful directed interactions;
- c. Assist clients in attaining and maintaining functional independence;
- d. Exhibit behavior in support and promotion of clients' rights; and
- e. Demonstrate skills in observation and documentation needed to participate in the assessment of clients' health, physical condition and well-being.
2. Content. The curriculum shall include, but shall not be limited to, classroom and clinical instruction in the following:
- a. Initial core curriculum. Prior to the direct contact of a student with a nursing facility client, a total of at least 16 hours of instruction in the following areas must be presented:
- (1) Communication and interpersonal skills,
- (2) Infection control,
- (3) Safety and emergency procedures, including the Heimlich Maneuver,
- (4) Promoting client independence, and
- (5) Respecting clients' rights.
- b. Basic skills.
- (1) Recognizing abnormal changes in body functioning and the importance of reporting such changes to a supervisor.
- (2) Measuring and recording routine vital signs.
- (3) Measuring and recording height and weight.
- (4) Caring for the clients' environment.
- (5) Measuring and recording fluid and food intake and output.
- (6) Performing basic emergency measures.
- (7) Caring for client when death is imminent.
- c. Personal care skills.
- (1) Bathing and oral hygiene.
- (2) Grooming.

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- (3) Dressing.
 - (4) Toileting.
 - (5) Assisting with eating and hydration including proper feeding techniques.
 - (6) Caring for skin.
 - (7) Transfer, positioning and turning.
- d. Individual client's needs including mental health and social service needs.
- (1) Identifying the psychosocial characteristics of the populations who reside in nursing homes.
 - (2) Modifying the aide's behavior in response to behavior of clients.
 - (3) Identifying developmental tasks associated with the aging process.
 - (4) Providing training in and the opportunity for self care according to clients' capabilities.
 - (5) Demonstrating principles of behavior management by reinforcing appropriate behavior and causing inappropriate behavior to be reduced or eliminated.
 - (6) Demonstrating skills supporting age-appropriate behavior by allowing the client to make personal choices, providing and reinforcing other behavior consistent with clients' dignity.
 - (7) Utilizing client's family or concerned others as a source of emotional support.
 - (8) Responding appropriately to client's behavior.
- e. Care of the cognitively impaired client.
- (1) Using techniques for addressing the unique needs and behaviors of individuals with dementia (Alzheimer's and others).
 - (2) Communicating with cognitively impaired residents.
 - (3) Demonstrating and understanding the behavior of cognitively impaired residents.
 - (4) Responding appropriately to the behavior of cognitively impaired residents.
 - (5) Using methods to reduce the effects of cognitive impairment.
- f. Skills for basic restorative services.
- (1) Using assistive devices in transferring, ambulation, eating and dressing.
 - (2) Maintaining range of motion.
 - (3) Turning and positioning, both in bed and chair.
 - (4) Bowel and bladder training.
 - (5) Caring for and using prosthetic and orthotic devices.
- (6) Teaching the client in self-care according to the client's abilities as directed by a supervisor.
- g. Clients' rights.
- (1) Providing privacy and maintaining confidentiality.
 - (2) Promoting the client's right to make personal choices to accommodate individual needs.
 - (3) Giving assistance in resolving grievances and disputes.
 - (4) Providing assistance necessary to participate in client and family groups and other activities.
 - (5) Maintaining care and security of the client's personal possessions.
 - (6) Promoting the resident's rights to be free from abuse, mistreatment and neglect and the need to report any instances of such treatment to appropriate staff.
 - (7) Avoiding the need for restraints in accordance with current professional standards.
- h. Legal aspects of practice as a certified nurse aide.
3. Unit objectives.
- a. Objectives for each unit of instruction shall be stated in behavioral terms which are measurable.
 - b. Objectives shall be reviewed with the students at the beginning of each unit.
- E. Records.
- 1. Each nurse aide education program shall develop an individual record of major skills taught and the date of performance by the student. At the completion of the nurse aide education program, the nurse aide must receive a copy of this record.
 - 2. A record of the reports of graduates' performance on the approved competency evaluation program shall be maintained.
 - 3. A record that documents the disposition of complaints against the program shall be maintained.
- F. Student identification. The nurse aide students shall wear identification that is clearly recognizable to clients, visitors and staff.
- G. Length of program.
- 1. The program shall be at least 80 clock hours in length.
 - 2. The program shall provide for at least 16 hours of instruction prior to direct contact of a student with a nursing facility client.
 - 3. Skills training in clinical settings shall be at least 40 hours. Five of the clinical hours may be in a setting other than a nursing home.
 - 4. Employment orientation to facilities used in the education program must not be included in the 80 hours allotted for the program.

H. Classroom facilities. The nurse aide education program shall provide facilities that meet federal and state requirements including :

1. Comfortable temperatures.
2. Clean and safe conditions.
3. Adequate lighting.
4. Adequate space to accommodate all students.
5. All equipment needed, including audio-visual equipment and that needed for simulating resident care.

I. Program review.

1. Each nurse aide education program shall be reviewed on site by an agent of the board at least every two years following initial review.

2. ~~The report of the site visit shall be presented to the board for consideration and action. The report and the action taken by the board shall be sent to the appropriate administrative officer of the program. The committee, in accordance with § 9-6.14:11 of the Code of Virginia, shall receive and review the report of the site visit and shall make recommendations to the board to grant or deny continued approval.~~

a. ~~A nurse aide education program shall continue to be approved provided the requirements set forth in § 5.3 B through H of these regulations are maintained.~~

b. ~~If the committee determines that a nurse aide education program is not maintaining the requirements of § 5.3 B through H of these regulations, with the exception of § 5.3 B 5, the committee shall recommend to the board that the program be placed on conditional approval and the program provider shall be given a reasonable period of time to correct the identified deficiencies.~~

(1) The committee shall receive and review reports of progress toward correcting identified deficiencies and, when a final report is received at the end of the specified time showing corrections of deficiencies, make a recommendation to the board for grant of continued approval.

(2) If the program provider fails to correct the identified deficiencies within the time specified by the committee or the board, the board or a panel thereof may withdraw approval following a hearing in accordance with § 9-6.14:12 and subdivision 9 of § 54.1-2400 of the Code of Virginia.

(3) The program provider may request a formal hearing before the board or a panel thereof pursuant to § 9-6.14:12 and subdivision 9 of § 54.1-2400 of the Code of Virginia if it objects to any action of the board relating to conditional approval.

3. The program coordinator shall prepare and submit a program evaluation report on a form provided by the board in the intervening year that an on site review is not conducted.

~~4. A nurse aide education program shall continue to be approved provided the requirements set forth in subsections B through H of § 5.3 of these regulations are maintained.~~

~~5. If the board determines that a nurse aide education program is not maintaining the requirements of subsections B through H of § 5.3 of these regulations, with the exception of § 5.3 B 5 of these regulations, the program may be placed on conditional approval and be given a reasonable period of time to correct the identified deficiencies. The program provider may request a hearing before the board and the provisions of the Administrative Process Act shall apply. (§ 9-6.14:1 et seq.)~~

~~6. If the program either fails to maintain the requirements of subsections B through H of § 5.3 of these regulations or to correct the identified deficiencies within the time specified by the board, the board may withdraw the approval following a hearing held pursuant to the provisions of the Administrative Process Act. (§ 9-6.14:1 et seq.)~~

J. Curriculum changes. Changes in curriculum must be approved by the board prior to implementation and shall be submitted for approval at the time of a report of a site visit or the report submitted by the program coordinator in the intervening years.

K. Interruption of program.

1. When a program provider does not wish to admit students for a period not to exceed one year, the provider may request that the program be placed on inactive status and shall not be subject to compliance with § 5.3 B of the regulations for the specified time.

2. Unless the program provider notifies the board that it intends to admit students, the program will be considered closed at the end of the one-year period and be subject to the requirements of § 5.3 L of these regulations.

L. Closing of a nurse education program. When a nurse aide education program closes, the program provider shall:

1. Notify the board of the date of closing.

2. Submit to the board a list of all graduates with the date of graduation of each.

§ 5.4. Nurse aide competency evaluation.

A. The board may contract with a test service for the development and administration of a competency evaluation.

B. All individuals completing a nurse aide education program in Virginia shall successfully complete the competency evaluation required by the board prior to making application for certification and to using the title Certified Nurse Aide.

C. The board shall determine the minimum passing score on the competency evaluation.

§ 5.5. Nurse aide registry.

A. Initial certification by examination.

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1. To be placed on the registry and certified, the nurse aide must:
 - a. Satisfactorily complete a nurse aide education program approved by the board; or
 - b. Be enrolled in a nursing education program preparing for registered nurse or practical nurse licensure, have completed at least one nursing course which includes clinical experience involving client care; or
 - c. Have completed a nursing education program preparing for registered nurse licensure or practical nurse licensure; and
 - d. Pass the competency evaluation required by the board; and
 - e. Submit the required application and fee to the board.
 2. Initial certification by endorsement.
 - a. A graduate of a state approved nurse aide education program who has satisfactorily completed a competency evaluation program and is currently registered in another state may apply for certification in Virginia by endorsement.
 - b. An applicant for certification by endorsement shall submit the required application and fee and submit the required verification form to the credentialing agency in the state where registered, certified or licensed within the last two years.
 3. Initial certification shall be for two years.
- B. Renewal of certification.
1. No less than 30 days prior to the expiration date of the current certification, an application for renewal shall be mailed by the board to the last known address of each currently registered certified nurse aide.
 2. The certified nurse aide shall return the completed application with the required fee and verification of performance of nursing-related activities for compensation within the preceding two years.
 3. Failure to receive the application for renewal shall not relieve the certificate holder of the responsibility for renewing the certification by the expiration date.
 4. A certified nurse aide who has not performed nursing-related activities for compensation during the two years preceding the expiration date of the certification shall repeat and pass the nurse aide competency evaluation prior to applying for recertification.
- C. Reinstatement of lapsed certification. An individual whose certification has lapsed shall file the required application and renewal fee and:
1. Verification of performance of nursing-related activities for compensation prior to the expiration date of the certificate and within the preceding two years; or
 2. When nursing activities have not been performed during the preceding two years, evidence of having

repeated and passed the nurse aide competency evaluation.

D. Evidence of change of name. A certificate holder who has changed his name shall submit as legal proof to the board a copy of the marriage certificate or court order authorizing the change. A duplicate certificate shall be issued by the board upon receipt of such evidence and the required fee.

E. Requirements for current mailing address.

1. All notices required by law and by these regulations to be mailed by the board to any certificate holder shall be validly given when mailed to the latest address on file with the board.

2. Each certificate holder shall maintain a record of his current mailing address with the board.

3. Any change of address by a certificate holder shall be submitted in writing to the board within 30 days of such change.

§ 5.6. Denial, revocation or suspension.

The board has the authority to deny, revoke or suspend a certificate issued, or to otherwise discipline a certificate holder upon proof that he has violated any of the provisions of § 54.1-3007 of the Code of Virginia. For the purpose of establishing allegations to be included in the notice of hearing, the board has adopted the following definitions:

1. Fraud or deceit shall mean, but shall not be limited to:

a. Filing false credentials;

b. Falsely representing facts on an application for initial certification, reinstatement or renewal of a certificate; or

c. Giving or receiving assistance in taking the competency evaluation.

2. Unprofessional conduct shall mean, but shall not be limited to:

a. Performing acts beyond those authorized for practice as a nurse aide as defined in Chapter 30 (§ 54.1-3000 *et seq.*) of Title 54.1 of the Code of Virginia ;

b. Assuming duties and responsibilities within the practice of a nurse aide without adequate training or when competency has not been maintained;

c. Obtaining supplies, equipment or drugs for personal or other unauthorized use;

d. Falsifying or otherwise altering client or employer records;

e. Abusing, neglecting or abandoning clients; or

f. Having been denied a license or having had a license issued by the board revoked or suspended.

PART VI.

MEDICATION ADMINISTRATION TRAINING PROGRAM.

~~§ 6.1. Medication administration training program.~~ A. Establishing a medication administration training program.

4. A. A program provider wishing to establish a medication administration training program pursuant to § 54.1-3408 of the Code of Virginia shall submit an application to the board at least 90 days in advance of the expected beginning date.

2. B. The application shall be considered at a meeting of the board. The board shall, after review and consideration, either grant or deny approval.

3. C. If approval is denied, the program provider may request a hearing before the board, and the provisions of the Administrative Process Act shall apply (§ 9-6.14:1 et seq. of the Code of Virginia).

B. § 6.2. Qualifications of instructional personnel.

Instructors shall be licensed health care professionals who, consistent with provisions of the Drug Control Act (§ 54.1-3400 et seq. of the Code of Virginia), are authorized to administer, prescribe or dispense drugs and who have completed a program designed to prepare the instructor to teach the course as it applies to the clients in the specific setting in which those completing the course will administer medications.

~~C.~~ § 6.3. Content.

The curriculum shall include classroom instruction and practice in the following:

1. Preparing for safe administration of medications to clients in specific settings by:
 - a. Demonstrating an understanding of the client's rights regarding medications, treatment decisions and confidentiality.
 - b. Recognizing emergencies and other health-threatening conditions and responding accordingly.
 - c. Identifying medication terminology and abbreviations.
2. Maintaining aseptic conditions by:
 - a. Implementing universal precautions.
 - b. Insuring cleanliness and disinfection.
 - c. Disposing of infectious or hazardous waste.
3. Facilitating client self-administration or assisting with medication administration by:
 - a. Reviewing administration records and prescriber's orders.
 - b. Facilitating client's awareness of the purpose and effects of medication.
 - c. Assisting the client to interpret prescription labels.

d. Observing the five rights of medication administration and security requirements appropriate to the setting.

e. Following proper procedure for preparing medications.

f. Measuring and recording vital signs to assist the client in making medication administration decisions.

g. Assisting the client to administer oral medications.

h. Assisting the client with administration of prepared instillations and treatments of:

- (1) Eye drops and ointments.
- (2) Ear drops.
- (3) Nasal drops and sprays.
- (4) Topical preparations.
- (5) Compresses and dressings.
- (6) Vaginal and rectal products.
- (7) Soaks and sitz baths.
- (8) Inhalation therapy.
- (9) Oral hygiene products.

i. Reporting and recording the client's refusal to take medication.

j. Documenting medication administration.

k. Documenting and reporting medication errors.

l. Maintaining client records according to facility policy.

m. Sharing information with other staff orally and by using documents.

n. Storing and securing medications.

o. Maintaining an inventory of medications.

p. Disposing of medications.

4. Facilitating client self-administration or assisting with the administration of insulin. Instruction and practice in the administration of insulin shall be included only in those settings where required by client needs and shall include:

- a. Cause and treatment of diabetes.
- b. The side effects of insulin.
- c. Preparation and administration of insulin.

NOTICE: The forms used in administering the Regulations of the Board of Nursing are not being published due to the large number; however, the name of each form is listed below. The forms are available for public inspection at the Board of Nursing, Southern States Building, 6606 West Broad Street, 4th Floor, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Room 262, Richmond, Virginia.

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Application for Licensure by Endorsement - Registered Nurse
Application for Licensure by Endorsement - Licensed Practical Nurse
Application for Licensure by Examination - Registered Nurse
Application for Licensure by Examination - Licensed Practical Nurse
Application for Licensure by Repeat Examination - Registered Nurse
Application for Licensure by Repeat Examination - Licensed Practical Nurse
Application for Licensure by Examination for Nurses Educated in Other Countries
Application for Licensure by Examination for Licensed Practical Nurses Educated in Other Countries
Application for Reinstatement of License as a Registered Nurse
Application for Reinstatement of License as a Licensed Practical Nurse
Application for Registration as a Clinical Nurse Specialist
Survey Visit Report
Annual Report for Registered Nursing Programs
Annual Report for Practical Nursing Programs
Certified Nurse Aide Renewal
Application for Reinstatement of Nurse Aide Certification
Application for Nurse Aide Certification by Endorsement
Nurse Aide Certification Verification Form
Application to Establish Nurse Aide Education Program
Program Evaluation Report
On-Site Review Report
Evaluation of On-Site Visitor
Application for Approval of Train-the-Trainer Program
Request for Statistical Information

VA.R. Doc. No. R95-521; Filed May 23, 1995, 2:40 p.m.

DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

Title of Regulation: VR 190-03-01. Regulations Governing Polygraph Examiners.

Statutory Authority: §§ 54.1-113 and 54.1-1802 of the Code of Virginia.

Effective Date: July 12, 1995.

Summary:

The final regulations provide additional definitions, clarify entry requirements, simplify requirements for renewal and reinstatement, clarify the standards of practice and

conduct, and develop the criteria for approval of polygraph schools.

The regulation provides definitions of polygraph terms from Chapter 18 (§ 54.1-1800 et seq.) of Title 54.1 of the Code of Virginia and defines the terms "affidavit," "reciprocity," "reinstatement" and "renewal." Also, the entry requirements state that additional information is to be provided when applying for a license, such as, meeting the minimum age requirement of 18 years, indicating whether the applicant is a licensed polygraph examiner in good standing in another jurisdiction, and disclosing any disciplinary action in connection with his polygraph examiner license and disclosing any misdemeanor or felony convictions. All applicants must also disclose a physical address and sign an affidavit certifying that they have read and understand the law and regulations of the board.

The regulations also establish provisions for those individuals residing outside of Virginia who wish to obtain a Virginia license by reciprocity. Such provisions require the licensed polygraph examiner to be engaged in the practice of polygraphy for at least 12 consecutive months, require the criteria under which the license was issued to be substantially equivalent to those established in Virginia, and require the applicant to meet all other board requirements for licensure. Also, each nonresident applicant shall file an irrevocable consent for the department to serve as service agent for any actions filed in a Virginia court.

The experience and education requirements for obtaining a polygraph examiner's license or an examiner's intern registration remain unchanged. No additional qualifications are needed for an examiner currently licensed to supervise a registered polygraph intern. The regulations implement a new provision providing federal employees and military personnel who have administered polygraph examinations and who have received training from the federal government or the United States military to obtain a license without fulfilling the internship requirement by successfully passing the board's written examination.

The regulations clarify the advisory board's licensure examination. All applicants for licensure shall pass a two-part examination, of which Part I is a written examination and Part II is an Advisory Board Evaluation. Applicants must pass Part I in order to sit for Part II of the examination being administered the same day.

Fees for initial application, examination, renewal and reinstatement of license have been established in accordance with § 54.1-113 of the Code of Virginia and are based on the current regulated population. Three new fees have been adopted: (i) a bad check fee for those individuals whose checks are dishonored by the financial institution, (ii) a certificate of licensure fee for a licensee requesting a letter of good standing from the advisory board, and (iii) a duplicate wall certificate fee for those licensees requesting an additional certificate. The procedures regarding renewal and reinstatement are addressed.

License expiration dates will be staggered and will expire one year from the date the license was issued. The department will mail a renewal notice to the licensee at the last known address on record. Applicants for renewal will be required to submit the appropriate fee and shall continue to meet the standards of entry as set forth in the proposed regulations. Any polygraph examiner who fails to renew his polygraph license within one calendar month after the license expires shall be required to apply for reinstatement. Six calendar months after the expiration date on the license, reinstatement is no longer possible and the former licensee must reapply as a new applicant for licensure meeting all educational, examination and experience requirements. The department may deny renewal or reinstatement for the same reasons as it may refuse initial licensure or discipline a licensee. Guidelines regarding the maintenance of a license and the status of a license during the period before reinstatement are addressed in the proposed regulations.

All polygraph examination procedures have been consolidated into one section. To comply with amendments to § 40.1-51.4:3 of the Code of Virginia as amended in 1990, the advisory board amended the section to provide that an examiner shall not ask questions regarding the examinee's sexual preference or sexual activities.

In addition to the current minimum requirements for a polygraphy school curriculum, the advisory board has clarified the information needed regarding the program for the board's consideration and approval.

Summary of Public Comment and Agency Response: No public comment was received by the promulgating agency.

Agency Contact: Copies of the regulation may be obtained from Nancy Taylor Feldman, Assistant Director, Polygraph Examiners Advisory Board, 3600 West Broad Street, Richmond, Virginia 23220-4917, telephone (804) 367-8590.

VR 190-03-01. Regulations Governing Polygraph Examiners.

PART I. GENERAL DEFINITIONS.

§ 1.1. Definitions.

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

"Affidavit" means a written statement of facts, made voluntarily, and confirmed by the oath or affirmation of the party making it, taken before a notary or other person having the authority to administer such oath or affirmation.

"Advisory board" or "board" means the Polygraph Examiner's Advisory Board.

"Department" means the Department of Professional and Occupational Regulation.

"Director" means the Director of the Department of Professional and Occupational Regulation.

"Polygraph" means any mechanical or electronic instrument or device used to test or question individuals for the purpose of determining truthfulness.

"Polygraph examination" means the entire period of contact between a licensee and an examinee.

"Polygraph examiner" or "examiner" means any person who uses any device or instrument to test or question individuals for the purpose of determining truthfulness.

"Polygraph examiner intern" means any person engaged in the study of polygraphy and the administration of polygraph examinations under the personal supervision and control of a polygraph examiner.

"Polygraph test" means the part of the polygraph examination during which the examinee is connected to a polygraph instrument which is continuously recording the examinee's reactions to questions.

"Reciprocity" means any individual holding a current license in another jurisdiction may obtain a Virginia polygraph examiners license provided the requirements and standards under which the license was issued are substantially equivalent to those established in these regulations and the individual meets all other board requirements for licensure in Virginia.

"Reinstatement" means having a license restored to effectiveness after the expiration date on the license has passed. When a licensee fails to renew his license within one calendar month after its expiration date, the licensee is required to apply for reinstatement of the license. Six months after the expiration date on the license, reinstatement is no longer possible and the applicant must reapply and requalify for licensure.

"Relevant question" means a question asked of an examinee during a polygraph test which concerns an issue identified to the examinee during the pretest and which is to be reported by the licensee to any other person.

"Renewal" means continuing the effectiveness of a license for another period of time.

§ 1.2. Explanation of terms.

Each reference in these regulations to a person shall be deemed to refer, as appropriate, to the masculine and the feminine, to the singular and the plural, and to natural persons and organizations.

§ 1.3. Advisory board.

A. The Polygraph Examiners Advisory Board, consisting of eight members appointed by the director, shall advise the department on any matters relating to the practice of polygraphy and the licensure of polygraph examiners in the Commonwealth of Virginia.

B. The advisory board shall be composed of three Virginia licensed polygraph examiners employed by law-enforcement agencies of the Commonwealth, or any of its political subdivisions; three Virginia licensed polygraph examiners employed in private industry; and two citizen members as defined in §§ 54.1-107 and 54.1-200 of the

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Code of Virginia. All members must be residents of the Commonwealth of Virginia.

B. C. Each member shall serve a ~~three-year~~ *four-year* term. No member shall serve more than two consecutive ~~three-year~~ *four-year* terms.

~~§ 1.3. Renewal of license.~~

~~Each examiner's license shall be valid for one calendar year or for such part remaining in the one year period when the license is issued. Each examiner's license shall be renewed during December of each year, and if not so renewed shall expire on December 31 of that year. A renewal fee of \$80 shall accompany each renewal application for the examiner's license. Each licensee who applies for renewal after January 31 shall pay an additional \$80 late fee (\$160 total to be paid). Failure of the licensee to receive the notice and application to renew from the department shall not constitute grounds for relief from these requirements for renewal.~~

~~§ 1.4. Reinstatement of examiner's license.~~

~~An examiner whose license has expired may, at any time within six months after expiration, obtain a renewal license by paying all renewal and late fees due. Anyone who has not reapplied within six months shall be required to pass the licensing examination and pay a reinstatement fee of \$160.~~

PART II. ENTRY REQUIREMENTS.

~~§ 2.1. Application for license and registration.~~

~~A. Each application shall be made on forms provided by the department.~~

~~B. Each application for an examiner's license shall be accompanied by a fee of \$65, which is nonrefundable.~~

~~C. Each application for an intern registration shall be accompanied by a fee of \$25, which is nonrefundable.~~

~~D. A separate application and nonrefundable \$65 fee shall be required from each applicant for each administration of the licensing examination.~~

~~E. Each applicant shall submit his fingerprints on forms provided by the department.~~

~~§ 2.1. Basic qualifications for licensure and registration.~~

~~A. Every applicant to the board for a license shall provide information on his application establishing that:~~

- ~~1. The applicant is at least 18 years old.~~
- ~~2. The applicant has met the experience requirements by having a high school diploma or its equivalent and a minimum of five years experience as an investigator, detective, or in a field acceptable to the department which demonstrates the ability to practice polygraphy.~~

~~a. The applicant will be credited two years of the five years of experience required in subdivision 2 of this subsection if he has an associate degree from an accredited college or university.~~

b. The applicant will be credited all five years of experience required in subdivision 2 of this subsection if he has a bachelor's degree from an accredited college or university.

3. The applicant has met the education requirements by either completing the required training in detection or deception at a polygraph school approved by the department, or by submitting evidence of satisfactory completion of substantially equivalent training if the polygraph school at which the applicant received the training in the detection or deception is not approved by the department.

4. The applicant has completed six months as a registered intern examiner under the personal and direct on-premise supervision of an examiner qualified under § 2.3 who shall supervise each and every polygraph examination administered by the intern. The internship need not be accomplished in Virginia. However, any internship conducted outside of Virginia must comply fully with this regulation. An intern shall not be eligible to sit for the license examination until the intern's supervisor has submitted to the department a written statement that the internship has been satisfactorily completed. The department may waive the internship for any person who practiced polygraphy in the federal jurisdiction.

5. The applicant is in good standing as a licensed polygraph examiner in every jurisdiction where licensed. The applicant must disclose if he has had a license as a polygraph examiner which was suspended, revoked, or surrendered in connection with a disciplinary action or which has been the subject of discipline in any jurisdiction prior to applying for licensure in Virginia. At the time of application for licensure, the applicant must also disclose any disciplinary action taken in another jurisdiction in connection with the applicant's practice as a polygraph examiner and whether he has been previously licensed in Virginia as a polygraph examiner.

6. The applicant is fit and suited to engage in the profession of polygraphy. The applicant must disclose if he has been convicted in any jurisdiction of a felony or misdemeanor involving lying, cheating, stealing, sexual offense, drug distribution, physical injury, or relating to the practice of the profession. Any plea of nolo contendere shall be considered a conviction for purposes of this subdivision. The record of a conviction authenticated in such form as to be admissible in the evidence under the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such conviction.

7. The applicant has disclosed his physical address. A post office box is not acceptable.

8. The nonresident applicant for a license has filed and maintained with the department an irrevocable consent for the department to serve as a service agent for all actions filed in any court in this Commonwealth.

9. The applicant has signed, as part of the application, an affidavit certifying that he has read and understands

the Virginia polygraph examiner's license law and the regulations of the board.

10. The applicant has submitted two fingerprint cards with his application on forms provided by the department for a criminal background history.

B. The department may (i) make further inquiries and investigations with respect to the qualifications of the applicant, (ii) require a personal interview with the applicant, (iii) or both. Failure of an applicant to comply with a written request from the advisory board or director for additional information within 30 days of receiving such notice, except in such instances where the advisory board or director has determined ineligibility for a clearly specified period of time, may be sufficient and just cause for disapproving the application.

C. The applicant shall pass all parts of the polygraph examiners licensing examination approved by the department at a single administration in order to be eligible for a polygraph examiners license.

~~§ 2.2. Experience required.~~

All applicants shall have a high school diploma or its equivalent and a minimum of five years' experience as an investigator, detective, or in a field acceptable to the department which demonstrates the ability to practice polygraph.

~~§ 2.3. Experience required, exceptions.~~

A. Two years of the five years of experience required in § 2.2 shall be credited to applicants with an associate degree from an accredited college or university

B. All five years of experience required in § 2.2 shall be credited to applicants with a bachelor's degree from an accredited college or university.

~~§ 2.4. Education required.~~

The applicant shall either successfully complete the required training in detection of deception at a polygraph school approved by the department, or submit evidence of satisfactory completion of substantially equivalent training if the polygraph school at which the applicant received training in the detection of deception is not approved by the department.

~~§ 2.5. Internship required.~~

The applicant must complete six months as a registered intern examiner under the personal and direct on premise supervision of an examiner qualified under § 2.9 who shall supervise each and every polygraph examination administered by the intern. The internship need not be accomplished in Virginia. However, any internship conducted outside of Virginia must comply fully with this regulation. No intern shall be eligible to sit for the license examination until the intern's supervisor has submitted to the department a written statement that the internship has been satisfactorily completed.

~~§ 2.6. Examination required.~~

The applicant must pass all parts of a polygraph examiner licensing examination approved by the department at a single administration in order to be eligible for a polygraph examiner's license.

~~§ 2.7. 2.2. Registration of polygraph examiner interns.~~

A. A polygraph examiner intern registration shall be issued to applicants who fulfill the requirements of §§ 2.2 through 2.4 subdivisions A 2 and A 3 of § 2.1 .

A. B. An intern registration shall be valid for 12 months from the date of issue as indicated on the registration .

B. C. Each intern shall be supervised by a licensed polygraph examiner who meets the qualifications in § 2.9 2.3

D. A polygraph intern may apply for an extension of a polygraph intern registration after the expiration of the initial intern registration for no more than one year by submitting the fee referenced in § 2.7. Additional extensions will be allowed if the individual repeats the education requirements set forth in subdivision A 3 of § 2.1 .

~~§ 2.8. Continued registration as a polygraph intern after the expiration of the initial intern registration.~~

A. A person applying for an extension of a polygraph intern registration shall submit the fee referenced in § 2.1(C); and

B. The registration may be extended for no more than one year except that additional extensions will be allowed if the individual repeats the education requirements set forth in § 2.4.

~~§ 2.9. 2.3. Qualifications for licensed polygraph examiners to act as supervisors of polygraph interns.~~

Each supervisor for a registered intern examiner shall be currently licensed and have held a valid Virginia examiner's license for three years or submit evidence satisfactory to the department that he has qualifications that are substantially equivalent to those required herein.

~~§ 2.10. 2.4. Procedures for licensed polygraph examiners to certify the procedures to be used to supervise an intern during an internship.~~

A. Each licensee supervising an intern shall file with the application of the intern a description of the following:

1. The frequency of contact between the licensee and the intern; and
2. The procedures to be employed by the licensee in reviewing and evaluating the intern's performance; and
3. The polygraph technique(s) to be used.

B. The licensee supervising the intern shall review the intern's charts prior to the rendering of any opinion or conclusion on any polygraph examination administered by the intern.

~~§ 2.11. Waiver of requirements.~~

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§ 2.5. Qualifications for licensure by reciprocity.

The department may license by reciprocity any person licensed and in good standing An individual who is currently licensed as a polygraph examiner in another jurisdiction where a formal reciprocal licensing agreement has established that may obtain a Virginia license provided the requirements were and standards under which the license was issued are substantially equivalent to those in Virginia at the time licensure as granted.

The department may waive the internship for any person who practiced polygraphy in the federal jurisdiction. An individual applying for licensure by reciprocity shall have been a licensed examiner engaged in the practice of polygraphy for at least 12 consecutive months prior to application.

§ 2.6. Waiver of internship requirement.

Any federal employee or military personnel who have administered polygraph examinations as one of their duties in their respective jobs, and who have received training from the federal government or United States military, may obtain a Virginia polygraph examiner's license without fulfilling the internship requirement by successfully passing the board's written examination.

§ 2.12. Approval of polygraph school curriculum.

Each school desiring to teach polygraphy shall submit its curriculum to the department for approval. The curriculum shall meet the following minimum requirements:

1. There shall be one type of accepted polygraph instrument per three students in the course;
2. The duration of instruction shall not be less than 240 hours, unless the school has obtained approval from the department for a shorter duration of instruction;
3. Each out of state school approved by the state in which it is located shall have the appropriate regulatory agency of that state certify such approval to the department
4. The curriculum shall encompass the following subject areas:
 - a. Polygraph theory;
 - b. Examination techniques and question formulation;
 - c. Polygraph interrogation;
 - d. Case observation;
 - e. Polygraph case practice;
 - f. Chart interpretation;
 - g. Legal aspects of polygraphy;
 - h. Physiological aspects of polygraphy;
 - i. Psychological aspects of polygraphy;
 - j. Instrumentation;
 - k. History of polygraph; and
 - l. Reviews and examinations.

5. Any person teaching the subjects required by this regulation shall meet the following minimum requirements for the subjects to be taught:

- a. Legal aspects of polygraph examination. The instructor must be a member of the Virginia Bar.
- b. Polygraph interrogation. The instructor must have five years experience in the field of interrogation.
- c. Physiological aspects of polygraphy. The instructor must have a degree in a health related science with coursework in physiology from an accredited institution of higher learning.
- d. Psychological aspects of polygraphy. The instructor must have a degree in psychology from an accredited institution of higher learning.
- e. All other courses may be taught by individuals having at least five years of experience as a polygraph examiner.
- f. The department may make exception to the above qualifications when an instructor is otherwise qualified by education or experience and provides such evidence in writing to the department.

Schools may be required to submit evidence of compliance with this regulation on a quarterly basis and shall allow observations of their compliance by the department's designated representatives

§ 2.7. Fees.

A. All application fees for licenses and registrations are nonrefundable and shall not be prorated. The date of receipt by the department is the date which will be used to determine whether or not the fee is on time.

B. Application and examination fees must be submitted with the application for licensure. All other fees are discussed in greater detail in later sections of these regulations.

C. In the event that a check, money draft, or similar instrument for payment of a fee required by statute or regulation is not honored by the bank or financial institution named, the applicant or regulant shall be required to remit fees sufficient to cover the original fee, plus the additional processing charge shown below.

D. The following fees listed in the table apply:

FEE TYPE	AMOUNT DUE	WHEN DUE
Application for Examiner's license	\$125	With application
Application for Intern Registration	\$85	With application
Dishonored Check	\$25	Upon notification by financial institution
Examination	\$125	With application
Reexamination	\$125	With approval letter

Renewal	\$110	Up to one calendar month after the expiration date on license
Reinstatement	\$220	One to six calendar months after the expiration date on license
Duplicate Wall Certificate	\$25	With written request
Certificate of Licensure	\$25	With written request

§ 2.8. Examinations.

All examinations required for licensure shall be approved by the advisory board and provided by the department, a testing service acting on behalf of the advisory board, or another governmental agency or organization.

Applicants for licensure shall pass a two-part licensing examination approved by the board, of which Part I is a written examination and Part II is an Advisory Board Evaluation. Applicants must pass the written examination in order to sit for the advisory board evaluation being administered the same day.

The applicant shall follow all the rules established by the department with regard to conduct at the examination. Such rules shall include any written instructions communicated prior to the examination date and any instructions communicated at the site, either written or oral, on the date of the examination. Failure to comply with all rules established by the department with regard to conduct at the examination shall be grounds for denial of application.

**PART III.
RENEWAL.**

§ 3.1. Renewal required.

Licenses issued under these regulations shall expire 12 months from the last day of the month in which the license was issued, as indicated on the license.

§ 3.2. Procedures for renewal.

The department will mail a renewal application form to the licensee at the last known home address. Failure to receive this notice shall not relieve the licensee of the obligation to renew. Prior to the expiration date shown on the license, each licensee desiring to renew his license must return to the department all required forms and the appropriate fee as referenced in § 2.7.

§ 3.3. Fees for renewal.

Licenses shall be required to renew their license by submitting the proper fee made payable to the Treasurer of Virginia. Any licensee who fails to renew within one calendar month after the license expires, shall be required to apply for reinstatement.

§ 3.4. Department discretion to deny renewal.

The department may deny renewal of a license for the same reasons as it may refuse initial licensure or discipline a licensee. The licensee is entitled to a review of such action. Appeals from such actions shall be in accordance with the

provisions of the Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia).

Failure to timely pay a monetary penalty, reimbursement of cost, or other fee assessed by consent order or final order shall result in delaying or withholding services provided by the department, such as, but not limited to, renewal, reinstatement, processing of a new application, or examination administration.

§ 3.5. Qualifications for renewal.

Applicants for renewal of a license shall continue to meet the standards for entry as set forth in subdivisions A 5 through A 8 of § 2.1.

**PART IV.
REINSTATEMENT.**

§ 4.1. Reinstatement required.

A. Any licensee who fails to renew his license within one calendar month after the expiration date on the license shall be required to apply for reinstatement and submit the proper fee referenced in § 2.7.

B. Six calendar months after the expiration date on the license, reinstatement is no longer possible. To resume practice as a polygraph examiner, the former licensee must apply as a new applicant for licensure, meeting all educational, examination and experience requirements as listed in the regulations current at the time of reapplication.

C. Any examiner activity conducted subsequent to the expiration of the license may constitute unlicensed activity and may be subject to prosecution under § 54.1-111 of the Code of Virginia.

§ 4.2. Department discretion to deny reinstatement.

The department may deny reinstatement of a license for the same reasons as it may refuse initial licensure or discipline a licensee.

The licensee is entitled to a review of such action. Appeals from such actions shall be in accordance with the provisions of the Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia).

Failure to timely pay any monetary penalty, reimbursement of cost, or other fee assessed by consent order or final order shall result in delaying or withholding the services provided by the department, such as, but not limited to, renewal, reinstatement, processing of a new application, or examination administration.

§ 4.3. Status of a license during the period before reinstatement.

A. When a license is reinstated, the licensee shall continue to have the same license number and shall be assigned an expiration date one year from the previous date of the license.

B. A licensee who reinstates his license shall be regarded as having been continually licensed without interruption. Therefore, the licensee shall remain under the disciplinary authority of the department during this entire period. Nothing

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in these regulations shall divest the department of its authority to discipline a licensee for a violation of the law or regulations during the period of licensure.

~~PART III.~~ PART V.

STANDARDS OF PRACTICE AND CONDUCT.

~~§ 3.1. Standards of practice to be explained in writing.~~

~~§ 5.1. Polygraph examination procedures.~~

A. Each licensed polygraph examiner and registered polygraph examiner intern must post, in a conspicuous place for the examinee, his license or registration, or a legible copy of his license or registration to practice in Virginia.

~~B. At the beginning of each polygraph examination,~~ The examiner shall provide the examinee with a written explanation of the provisions of §§ 3.1 through 3.8 5.1, 5.2, and 5.3 at the beginning of each polygraph examination .

~~§ 3.2. Examinee may request tape recording of examination.~~

C. The examiner shall tape record the examination administered to any The examinee who requests may request a tape recording of the polygraph examination being administered . Each examiner shall maintain tape recording equipment and tapes adequate for such recording. The examiner shall safeguard all examination recordings with the records he is required to keep by § 3.17 and make the 5.4. All recordings shall be made available to the department, the examinee or the examinee's attorney upon request. The examiner may charge the examinee a fee not to exceed \$25 only if the examinee requests and receives a copy of an examination tape recording.

~~§ 3.3. Examinee entitled to a copy of written report.~~

D. The examinee shall be entitled to a copy of all portions of any written report pertaining to his examination which is prepared by the examiner and provided to any person or organization . The examinee shall make his request in writing to the examiner. The examiner shall comply within 10 business days of providing the written report to any person or organization or receiving the examinee's written request, whichever occurs later. The examiner may collect not more than \$1.00 per page from the examinee for any copy provided.

~~§ 3.4. Exceptions.~~

E. The provisions of §§ 3.1, 3.2, and 3.3 subsections B, C, and D of this section shall not be applicable to any examination conducted by or on behalf of the Commonwealth or any of its political subdivisions when the examination is for the purpose of preventing or detecting crime or the enforcement of penal laws. However, examiners administering examinations as described in this section shall comply with § 3.4 subsection B of this section through a verbal explanation of the provisions of §§ 3.5, 3.6, 5.2 and 3.7 5.3 .

~~§ 3.5. 5.2. Examination pretest procedure.~~

A. Prior to administering any polygraph test, the examiner shall inform the prospective examinee of all the issues to be covered during the polygraph test examination and of all the items to be reported by the examiner to any other person.

~~§ 3.6. Written consent to examine.~~

B. The examiner shall obtain written permission from the prospective examinee to administer the examination after fulfilling the requirements of § 3.1 5.1 , and before proceeding further with the administration of the examination.

~~§ 3.7. 5.3. Examination standards of practice.~~

A. To protect the rights of each examinee, the examiner shall comply with the following standards of practice by advising each examinee in the manner prescribed of each of the following standards of practice and shall not proceed to examine or continue the examination if it is or becomes apparent to the examiner that the examinee does not understand any one of these standards:

1. All questions to be asked during the polygraph test(s) shall be reduced to writing and read to the examinee.
2. The examinee or the examiner may terminate the examination at any time.
3. If the examination is within the scope of § 40.1-51.4:3 of the Code of Virginia, the examiner shall explain the provisions of that statute to the examinee.
4. No questions shall be asked concerning any examinee's lawful religious affiliations, lawful political affiliations, or lawful labor activities. This provision shall not apply to any such affiliation which is inconsistent with the oath of office for public law-enforcement officers.
5. The examinee shall be provided the full name of the examiner and the name, address, and telephone number of the department of Commerce .

~~§ 3.8. Sexual preference or sexual activity questions.~~

B. Examiners The examiner shall not ask questions during any part of a pre-employment polygraph examination concerning any an examinee's sexual preferences or sexual activities in accordance with § 40.1-51.4:3 of the Code of Virginia .

~~This section shall not be applicable to any examination conducted by, on behalf of, or required by any state or local government agency in the Commonwealth or its political subdivisions.~~

~~§ 3.9. Number of examinations.~~

C. An examiner shall not perform more than 12 polygraph examinations in any 24-hour period.

~~§ 3.10. Number of questions to be asked on a polygraph test.~~

D. An examiner shall not ask more than 16 questions per chart on a single polygraph test. Nothing in this section subsection shall prohibit an examiner from conducting more than one polygraph test during a polygraph examination.

~~§ 3.11. Interval between polygraph test questions.~~

E. Examiners An examiner shall allow on every polygraph test a minimum time interval of 10 seconds between the examinee's answer to a question and the start of the next question.

~~§ 3.12. Polygraph test chart markings.~~

F. Examiners An examiner shall record at a minimum the following information on each polygraph test chart produced:

1. The name of the examinee;
2. The date of the examination;
3. The time that each test begins;
4. The examiner's initials;
5. Any adjustment made to component sensitivity;
6. The point at which each question begins and each answer is given;
7. Each question number; and
8. Each answer given by the examinee.

~~§ 3.13. Polygraph test evaluation.~~

G. Examiners An examiner shall render only three evaluations of polygraph tests:

1. Deception indicated;
2. No deception indicated; or
3. Inconclusive.

~~Examiners~~ An examiner may include in ~~their~~ *his* report any information revealed by the examinee during the polygraph examination.

Nothing in this section shall prohibit an examiner from explaining the meaning of the above evaluations.

~~§ 3.14. Chart analysis.~~

H. An examiner shall not render a verbal or written report based upon polygraph test chart analysis without having conducted at least two polygraph tests. Each relevant question shall have been asked at least once on each of at least two polygraph tests.

~~§ 3.15. Hiring or retention recommendations.~~

~~Examiners shall not make hiring or retention recommendations based solely on the results of a polygraph examination.~~

~~This section shall not prohibit an examiner from making a hiring or retention decision for the examiner's full-time employer.~~

I. An examiner may make a hiring or retention recommendation for the examiner's full-time employer provided the hiring or retention decision is not based solely on the results of the polygraph examination.

~~§ 3.16. Display of license.~~

~~Each licensed polygraph examiner and registered polygraph examiner intern shall post, in a conspicuous place for the examinee, his license or registration, or a legible copy of his license or registration to practice in Virginia.~~

~~§ 3.17.~~ 5.4. Records.

The licensed polygraph examiner or registered polygraph examiner intern shall maintain the following for at least one year from the date of each polygraph examination:

1. Polygraphic charts.
2. Questions asked during the examination;
3. A copy of the results and the conclusions drawn;
4. A copy of any written report provided in connection with the examination.
5. Tape recordings of examinations made in compliance with ~~§ 3.2 subsection C~~ of § 5.1 .

~~§ 3.18.~~ 5.5. Grounds for fines, denial, suspension or revocation of licenses or denial or withdrawal of school approval.

The department may fine, deny, suspend, or revoke any license or registration, or deny or withdraw school approval upon a finding that the applicant, licensee, registrant, or school:

1. Has ~~misrepresented~~ *presented false or fraudulent* information ~~furnished~~ when applying for any license or registration, renewal of license or registration, or approval; ~~or~~
2. Has violated ~~or, aided, or abetted another in violating others to violate~~ Chapters 1 through 3 of Title 54.1 or §§ 54.1-1800 through 54.1-1805 of the Code of Virginia, or of any regulation or rule issued pursuant to those laws; ~~or other statute applicable to the practice of the profession herein regulated, or of any provisions of these regulations;~~
3. Has been convicted of any misdemeanor directly related to the occupation or any felony; ~~or. Any pleas of nolo contendere shall be considered a conviction for the purposes of this section. The record of a conviction authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where the conviction occurred shall be forwarded to the board within 10 days of entry and shall be admissible as prima facie evidence of such conviction;~~
4. Has made any misrepresentation or false promise or caused to be printed or otherwise disseminated any false or misleading advertisement; ~~or published any advertisement that is false, deceptive, or misleading;~~
5. Has allowed one's license or registration to be used by anyone else; ~~or~~
6. Has failed, within a reasonable period of time, to provide any records or other information requested or demanded by the department; ~~or~~
7. *Has displayed professional incompetence or negligence in the performance of polygraphy.*

~~§ 5.6.~~ Maintenance of license.

A. Notice in writing shall be given to the department in the event of any change of business or individual name or

Final Regulations

address. Such notice shall be mailed to the department within 30 days of the change of the name or location. The department shall not be responsible for the licensee's or registrant's failure to receive notices, communications and correspondence caused by the licensee's or registrant's failure to promptly notify the department in writing of any change of name or address.

B. All licensees or registrants shall operate under the name in which the license or registration was issued.

PART VI. APPROVAL OF POLYGRAPHY SCHOOL.

§ 6.1. Approval of polygraph school curriculum.

Schools seeking approval of their polygraph curriculum shall submit the application for approval of a polygraph school to the department for consideration. The application shall include:

1. The name and address of the school;
2. The name and address of the proprietor, partnership, corporation or association if different from the school name;
3. The owners of the school;
4. The names and qualifications of the instructors which shall be indicated on instructor qualifications form; and
5. The subject courses and the number of instruction hours assigned to each.

§ 6.2. Minimum requirements for school curriculum.

A. There must be one type of accepted polygraph instrument per three students in the course.

B. To receive approval, the institution must offer a minimum of 240 hours of instruction, unless the school has obtained approval from the department for less than the minimum hours of course instruction. The following subject areas in the school's curriculum must include:

1. Polygraph theory;
2. Examination techniques and question formulation;
3. Polygraph interrogation;
4. Case observation;
5. Polygraph case practice;
6. Chart interpretation;
7. Legal aspects;
8. Physiological aspects of polygraphy;
9. Psychological aspects of polygraphy;
10. Instrumentation;
11. History of polygraph; and
12. Reviews and examinations.

C. Out-of-state schools seeking approval of their curriculum which has been approved by their state must have the appropriate regulatory agency of their state certify such approval to the department.

§ 6.3. Instructor minimum requirements.

A. Any person teaching the subjects required by this regulation shall meet the following minimum requirements for the subjects to be taught:

1. Legal Aspects of Polygraph Examination. The instructor must be a member of the Virginia State Bar.
2. Polygraph Interrogation. The instructor must have five years experience in the field of interrogation.
3. Physiological Aspects of Polygraphy. The instructor must have a degree in a health related science with coursework in physiology from an accredited institution of higher learning.
4. Psychological Aspects of Polygraphy. The instructor must have a degree in psychology from an accredited institution of higher learning.
5. All other courses may be taught by individuals having at least five years of experience as a polygraph examiner.

B. The department may make exception to the above qualifications when an instructor is otherwise qualified by education or experience and provides such evidence in writing to the department.

C. Schools may be required to submit evidence of compliance with this section on a quarterly basis and shall allow observations of their compliance by the department's designated representatives.



Commonwealth of Virginia
Polygraph Examiners Advisory Board

Department of Professional & Occupational Regulation
 P. O. Box 11066
 Richmond, Virginia 23230-1106
 (804) 367-8505

APPLICATION FOR A POLYGRAPH EXAMINERS LICENSE/INTERN REGISTRATION

Please check proper category and submit appropriate fee. Make check or money order payable to the Treasurer of Virginia. All fees are nonrefundable.

Examiner's License (Reciprocity) - \$125 Examiner's Intern Registration - \$85

PART I: TO BE COMPLETED BY ALL APPLICANTS

- A. FULL NAME _____
 STREET ADDRESS _____
 CITY _____ STATE _____ ZIP _____
 RESIDENCE PHONE () _____ BUSINESS PHONE () _____
 SOCIAL SECURITY NUMBER _____ - _____ - _____
 MAILING ADDRESS _____
 (if different from above)
- B. Have you ever pleaded guilty, entered a plea of nolo contendere, or been convicted of a misdemeanor involving lying, cheating, stealing, sex offense, drug distribution, or physical injury or any felony? Yes No If yes, explain _____

- C. Have you ever had a license or registration revoked, suspended, or subject to disciplinary action (including probation, fine, reprimand, or surrendered) in any jurisdiction? Yes No If yes, explain, _____

- D. Have you ever had a license as a Polygraph Examiner in the Commonwealth of Virginia? If yes, give License Number _____, and years held _____.
- E. Submit two completed fingerprint cards provided by the Department as required by §54.1-1804 of the Code of Virginia.

PART II: EDUCATION/EXPERIENCE - Please indicate education/experience by completing the appropriate section. Failure to complete this section may result in denial of application.

- A. COMPLETE THIS SECTION IF YOU ATTENDED A VIRGINIA APPROVED SCHOOL OF POLYGRAPH (Attach certified copy of transcript or diploma)
 Name of School _____
 Address _____
 Date of Graduation _____
- B. COMPLETE THIS SECTION IF YOU ATTENDED AN ACCREDITED COLLEGE OR UNIVERSITY (Attach certified copy of transcript)
 Name of College/University _____
 Address _____
 Degree Earned _____ Degree Field _____
 Date of Graduation _____
- C. COMPLETE THIS SECTION IF YOU RECEIVED EXPERIENCE AS AN INVESTIGATOR, DETECTIVE, OR IN A BEHAVIORAL SCIENCE RELATED FIELD. (A letter from your employer(s) confirming the information below must be attached)
 Name of Employer _____
 Address _____
 Dates of Employment (from) _____ (to) _____
 Description of duties _____

 (If additional space is needed, please attach sheet)
- D. COMPLETE PART III IF APPLYING FOR AN INTERN REGISTRATION.
- E. COMPLETE PART IV AND PART V IF APPLYING FOR A POLYGRAPH LICENSE VIA RECIPROCITY.

PART III: INTERN SUPERVISOR QUALIFICATION AND ENDORSEMENT

Intern Supervisor shall complete this section for the applicant.

- A. Name of Intern Supervisor _____
 VA Examiner License Number _____ Date of Issuance _____
 Business Address _____
- B. Statement of frequency of contact between Intern Applicant and Intern Supervisor during the six month internship. _____

- C. Procedure to be employed by the Intern Supervisor in reviewing and evaluating the Intern's performance. _____

- D. Polygraph techniques(s) to be utilized. _____

ENDORSEMENT BY LICENSED EXAMINER

I hereby agree to supervise the internship of _____ as required by Regulations 2.1.4 and 2.4. I understand that I must provide personal and direct on-premises supervision, review all charts of the Intern prior to the rendering of any opinion or conclusion on any polygraph examination administered by the Intern and send the Department a written statement when the internship has been completed.

AFFIDAVIT

STATE OF _____
COUNTY OR CITY OF _____

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

Signature of Intern Supervisor

Subscribed and sworn to before me this _____ day of _____, 19 ____.

Signature of Notary Public Date commission expires

PART IV: EXAMINER LICENSE BY RECIPROCITY

Complete this section if you are currently licensed/registered as a Polygraph Examiner in another state.

- A. Name of Issuing Agency _____
 Address _____
 License Number _____ Date of Issuance _____
 Expiration Date _____
- B. Provide the following additional documentation:
 1. Certification from the above referenced agency that your license/registration is in good standing in that jurisdiction.
 2. A copy of your current license/registration.
- C. Complete Part V regarding Irrevocable Consent for the Department to serve as service agent for all actions filed in any court within the Commonwealth of Virginia.

PART V: IRREVOCABLE DESIGNATION OF AGENT FOR THE SERVICE OF PROCESS (To be completed by all non-residents)

KNOW BY ALL THESE MEN PRESENTS:

The undersigned, _____, being a non-resident applicant for licensure as a Polygraph Examiner within the Commonwealth of Virginia, does hereby irrevocably designate and appoint the Director of the Virginia Department of Professional and Occupational Regulation, as his (her,its) agent for the purpose of accepting service of any and all processes issued by any court located in the Commonwealth of Virginia, as well as service of all pleadings and other papers, relating in any way to any action, suit or legal proceeding arising out of or pertaining to his (her,its) duties or responsibilities as a Polygraph Examiner in Virginia. The undersigned further consents, stipulates and agrees that any lawful process served upon the aforesaid agent shall have the same legal force and validity as if served upon the undersigned personally within _____ (State of Residency) and that the authority contained herein shall continue in force and effect so long as any liability against the undersigned remains outstanding in the Commonwealth of Virginia.

This _____ day of _____, 19 ____.

Signature of Polygraph Examiner: _____

PART VI: AFFIDAVIT

(TO BE EXECUTED BY ALL APPLICANTS BEFORE A NOTARY PUBLIC)

STATE OF _____

CITY/COUNTY OF _____

The undersigned, in making application to the Virginia Polygraph Examiners Advisory Board, swears or affirms that he or she is the applicant named herein and that the answers and information contained herein are true to the best of his or her knowledge and belief, and that he or she has not withheld or suppressed any information that might affect this application, and that he or she has read and understands this affidavit.

The undersigned says that he or she has read and understands Chapter 18 of the Code of Virginia, and the regulations of the Advisory Board that govern Polygraph Examiners.

Signature of Applicant: _____

Signature of Notary Public: _____

Subscribed and sworn to before me this _____ day of _____, 19____.

My commission expires: _____



Commonwealth of Virginia
Polygraph Examiners Advisory Board

Department of Professional & Occupational Regulation
3600 W. Broad Street
Richmond, Virginia 23230-4917
(804) 367-8505

INSTRUCTOR QUALIFICATION FORM

A. FULL NAME _____

STREET ADDRESS _____

CITY _____ STATE _____ ZIP _____

TELEPHONE () _____

B. TEACHING CERTIFICATE HELD (if any): _____

C. LIST SUBJECTS INSTRUCTOR INTENDS ON TEACHING: (Refer to § 6.3 of the regulations regarding the minimum instructor requirements for teaching certain courses.)

D. EDUCATION

Name and Address of School	Degree Earned	Date Degree Awarded

E. EMPLOYMENT

Name and Address of Employer	Dates of Employment	Brief Job Description

F. CERTIFICATION

I certify that the foregoing statements and information are correct to the best of my knowledge and belief.

Signature of School Director

Date



Commonwealth of Virginia
Polygraph Examiners Advisory Board

Department of Professional & Occupational Regulation
3600 W. Broad Street
Richmond, Virginia 23230-4917
(804) 367-8505

APPLICATION FOR APPROVAL OF POLYGRAPH SCHOOL

PART I: SCHOOL INFORMATION

- A. NAME OF SCHOOL _____
 SCHOOL ADDRESS _____
 CITY _____ STATE _____ ZIP _____
 TELEPHONE (____) _____
- B. PLEASE INDICATE TYPE OF SCHOOL OWNERSHIP:
 _____ Sole Proprietor _____ Partnership _____ Corporation
 _____ Other (please specify _____)
- C. NAME AND ADDRESS OF PROPRIETOR, PARTNERSHIP, CORPORATION OR ASSOCIATION IF DIFFERENT FROM SCHOOL NAME.

- D. IF THE SCHOOL IS OWNED BY AN INDIVIDUAL OR PARTNERSHIP, LIST THE NAME(S) AND HOME ADDRESS(ES) OF THE OWNERS. IF THE SCHOOL IS OWNED BY A CORPORATION OR ASSOCIATION, LIST THE NAME(S) AND HOME ADDRESS(ES) OF THE PRESIDENT, VICE-PRESIDENT, SECRETARY AND TREASURER.

NAME	ADDRESS	TITLE

- E. NAME OF DIRECTOR OR CHIEF ADMINISTRATOR OF SCHOOL: _____
- Please note that this person must maintain a knowledge of Virginia's polygraph examiner regulations and is the person the Department of Professional and Occupational Regulation will contact to investigate complaints, arrange for inspections, etc.

PART II: SCHOOL CURRICULUM

- A. The required school curriculum must offer a minimum of 240 hours of instruction.

SUBJECT	HOURS
Polygraph Theory	_____
Examination Techniques & Question Formulation	_____
Polygraph Interrogation	_____
Case Observation	_____
Polygraph Case Practice	_____
Chart Interpretation	_____
Legal Aspects of Polygraphy	_____
Physiological Aspects of Polygraph	_____
Psychological Aspects of Polygraph	_____
Instrumentation	_____
History of Polygraph	_____
Reviews and Examinations	_____
Other _____	_____
TOTAL HOURS	_____

- B. List Instructors below and attach the Instructor Qualification Form for each.

NAMES OF INSTRUCTORS	SUBJECTS TO BE TAUGHT
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____

(If additional space is needed, attach a sheet)

PART III: CERTIFICATION OF COMPLIANCE

I, _____, the Director or Chief Administrator of _____ (school) certify that I have presented true statements throughout this application form and its attachments to the best of my knowledge and belief. I agree to maintain a knowledge of the Virginia Polygraph Examiners Regulations, to cooperate with the Department of Professional and Occupational Regulation in any investigation or inspection, and to at all times comply with the Virginia Polygraph Examiners Regulations.

Signature of Director/Administrator

PART IV: AFFIDAVIT

STATE OF _____

CITY OR COUNTY OF _____

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

Signature of Director/Administrator

Subscribed and sworn to before me this _____ day of _____, 19 ____.

Signature of Notary Public: _____

My commission expires: _____

VA R. Doc. No. R95-528; Filed May 24, 1995, 12 p.m.

STATE CORPORATION COMMISSION

FINAL REGULATION

Bureau of Financial Institutions

Title of Regulation: VR 225-01-1601. Rules Governing Mortgage Lenders and Brokers.

Statutory Authority: §§ 6.1-421 and 12.1-13 of the Code of Virginia.

Effective Date: June 1, 1995.

Agency Contact: Copies of the regulation may be obtained from Joe Face, Bureau of Financial Institutions, State Corporation Commission, P.O. Box 1197, Richmond, Virginia 23209, telephone (804) 371-9657. Copying charges are \$1.00 for the first two pages, and 50¢ for each page thereafter.

AT RICHMOND, MAY 11, 1995

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

Ex Parte: In the matter of CASE NO. BFI950087
proposed amendment to rules
promulgated under the Mortgage
Lender and Broker Act

ORDER ADOPTING A REGULATION

By order herein dated February 15, 1995, the Commission directed that notice of a proposed amendment to the Commission's "Rules Governing Mortgage Lenders and Brokers" (VR 225-01-1601), which amendment was proposed by the Bureau of Financial Institutions ("the Bureau"), be given. Notice of the proposed amendment was duly published in the Virginia Register and also given to all licensees under the Mortgage Lender and Broker Act ("the Act"). Interested parties were afforded an opportunity to file written comments in favor of or against the proposal, and written requests for a hearing, on or before April 3, 1995.

The proposed amendment would require licensees under the Act to deposit monies received from mortgage loan applicants for fees paid to third parties in an escrow account in a bank, savings institution, or credit union segregated from other funds of the licensee. Several licensees filed written comments favoring or opposing the amendment, those opposing taking the position that the escrow account requirement was unnecessary, unnecessarily burdensome, or costly. Written comments were also filed by counsel for the Virginia Mortgage Bankers Association, and by the Virginia Institute of Mortgage Brokers. One request for a hearing was made, but later withdrawn. The Bureau submitted the results of a survey made to determine the cost of maintaining a business escrow account in various Virginia banks.

The Commission, having considered the proposed amendment and all submissions made in this case, concludes that the additional burden to licensees resulting from the escrow account requirement will be modest, and outweighed by the resulting enhanced ability of the Bureau to enforce the Act. The Commission is, therefore, of the opinion that the amendment, as proposed, should be adopted.

THEREFORE, IT IS ORDERED:

(1) That the amended regulation entitled "Rules Governing Mortgage Lenders and Brokers," attached hereto, is adopted effective June 1, 1995;

(2) That the amended regulation shall be transmitted for publication in the Virginia Register; and

(3) That there being nothing further to be done in this matter, this case is dismissed and the papers herein shall be placed among the ended cases.

AN ATTESTED COPY hereof shall be sent to the Commissioner of Financial Institutions who shall mail a copy of this order and the attached amended regulation (without editing marks) to all licensees under the Act and all other persons who filed written comments in this case.

VR 225-01-1601. Rules Governing Mortgage Lenders and Brokers.

± § 1. Definitions.

As used in this Regulation: The following words and terms, when used in this regulation, shall have the following meaning unless the context clearly indicates otherwise:

~~1. The terms "mortgage lender", "mortgage broker" and "mortgage loan" have the meaning ascribed to them in Section 6.1-409 of the Code of Virginia.~~

2. The term "commitment" "Commitment" means a written offer to make a mortgage loan signed by a mortgage lender, or by another person authorized to sign such instruments on behalf of a mortgage lender.

~~3. The term "commitment agreement" "Commitment agreement" means a commitment accepted by an applicant for a mortgage loan, as evidenced by the applicant's signature thereon.~~

"Commitment fee" means any fee or charge accepted by a mortgage lender, or by a mortgage broker for transmittal to a mortgage lender, as consideration for binding the mortgage lender to make a mortgage loan in accordance with the terms of the commitment or as a requirement for acceptance by the applicant of a commitment, but the term does not include fees paid to third persons or interest.

~~4. The term "fees" "Fees paid to third persons" means the bona fide fees or charges paid by the applicant for a mortgage loan to third persons other than the mortgage lender or mortgage broker or paid by the applicant to or retained by the mortgage lender or mortgage broker for transmittal to such third persons in connection with the mortgage loan, including, but not limited to, recording taxes and fees, reconveyance or releasing fees, appraisal fees, credit report fees, attorney fees, fees for title reports and title searches, title insurance premiums, surveys and similar charges.~~

~~5. The term "commitment fee" means any fee or charge accepted by a mortgage lender, or by a mortgage broker for transmittal to a mortgage lender, as consideration for binding the mortgage lender to make a mortgage loan in accordance with the terms of the commitment or as a~~

~~requirement for acceptance by the applicant of a commitment, but the term does not include fees paid to third persons or interest.~~

~~6. The term "lock-in agreement" "Lock-in agreement" means a written agreement between a mortgage lender and an applicant for a mortgage loan which establishes and sets an interest rate and the points to be charged in connection with a mortgage loan that is closed within the time period specified in the agreement. A lock-in agreement can be entered into before mortgage loan approval, subject to the mortgage loan being approved and closed, or after such approval. A commitment agreement which establishes and sets an interest rate and the points to be charged in connection with a mortgage loan that is closed within the time period specified in the agreement is also a lock-in agreement. The interest rate that is established and set by the agreement may be either a fixed rate or an adjustable rate.~~

~~7. The term "lock-in fee" "Lock-in fee" means any fee or charge accepted by a mortgage lender, or by a mortgage broker for transmittal to a mortgage lender, as consideration for making a lock-in agreement, but the term does not include fees paid to third persons or interest.~~

~~"Mortgage lender," "mortgage broker" and "mortgage loan" have the meaning ascribed to them in § 6.1-409 of the Code of Virginia.~~

~~8. The term "points" "Points" means any fee or charge retained or received by a mortgage lender or mortgage broker stated or calculated as a percentage or fraction of the principal amount of the loan, other than or in addition to fees paid to third persons or interest.~~

~~9. The term "reasonable" "Reasonable period of time" means that period of time, determined by a mortgage lender in good faith on the basis of its most recent relevant experience and other facts and circumstances known to it, within which the mortgage loan will be closed.~~

~~II. § 2. Operating rules.~~

~~A licensee shall conduct its business in accordance with the following rules:~~

~~1. No licensee shall intentionally misrepresent the qualification requirements for a mortgage loan or any material loan terms or make false promises to induce an applicant to apply for a mortgage loan or to induce an applicant to enter into any commitment agreement or lock-in agreement or to induce an applicant to pay any commitment fee or lock-in fee in connection therewith. A "material loan term" means the loan terms required to be disclosed to a consumer pursuant to (i) the federal Truth-in-Lending Act (15 USCA §§ 1601-1647), and regulations and official commentary issued thereunder, as amended from time to time, (ii) Section § 6.1-2.9:5 of the Code of Virginia, and (iii) Part III § 3 of these regulations.~~

~~2. All moneys received by a licensee from an applicant for fees paid to third persons shall be accounted for separately, and all disbursements for fees paid to third persons shall be supported by adequate documentation of the services for which such fees were or are to be~~

~~paid. All such moneys shall be deposited in an escrow account in a bank, savings institution, or credit union segregated from other funds of the licensee.~~

~~3. The mortgagor who obtains a mortgage loan shall be entitled to continue to make payments to the transferor of the servicing rights under a mortgage loan until the mortgagor is given written notice of the transfer of the servicing rights by the transferor. The notice shall specify the name and address to which future payments are to be made and shall be mailed or delivered to the mortgagor at least ~~ten (10)~~ 10 calendar days before the first payment affected by the notice.~~

~~4. If a person has been or is engaged in business as a mortgage lender or mortgage broker and has filed a bond or letter of credit with the commissioner, as required by Virginia Code Section § 6.1-413 of the Code of Virginia, such bond or letter of credit shall be retained by the commissioner notwithstanding the occurrence of any of the following events:~~

- ~~(a) a. The person's application for a license is withdrawn or denied;~~
- ~~(b) b. The person's license is surrendered, suspended or revoked; or~~
- ~~(c) c. The person ceases engaging in business as a mortgage lender or mortgage broker.~~

~~III. § 3. Commitment agreements and lock-in agreements.~~

~~4. A commitment agreement shall include the following:~~

- ~~(a) 1. Identification of the property intended to secure the mortgage loan (this does not require a formal legal description);~~
- ~~(b) 2. The principal amount and term of the loan;~~
- ~~(c) 3. The interest rate and points for the mortgage loan if the commitment agreement is also a lock-in agreement or a statement that the mortgage loan will be made at the mortgage lender's prevailing rate and points for such loans at the time of closing or a specified number of days prior to closing;~~
- ~~(d) 4. The amount of any commitment fee and the time within which the commitment fee must be paid;~~
- ~~(e) 5. Whether or not funds are to be escrowed and for what purpose;~~
- ~~(f) 6. Whether or not private mortgage insurance is required;~~
- ~~(g) 7. The length of the commitment period;~~
- ~~(h) 8. A statement that if the loan is not closed within the commitment period, the mortgage lender is no longer obligated by the commitment agreement and any commitment fee paid by the applicant will be refunded only under the circumstances set forth in Section III.3 § 3 C of this regulation and such other circumstances as are set forth in the commitment agreement; and~~
- ~~(i) 9. Any other terms and conditions of the commitment agreement required by the lender.~~

State Corporation Commission

2. B. A lock-in agreement shall include the following:

(a) 1. The interest rate and points for the mortgage loan, and if the rate is an adjustable rate, the initial interest rate and a brief description of the method of determining the rate (such as the index and the margin);

(b) 2. The amount of any lock-in fee and the time within which the lock-in fee must be paid;

(c) 3. The length of the lock-in period;

(d) 4. A statement that if the loan is not closed within the lock-in period, the mortgage lender is no longer obligated by the lock-in agreement and any lock-in fee paid by the applicant will be refunded only under the circumstances set forth in Section III.4 § 3 D of this regulation and such other circumstances as are set forth in the lock-in agreement;

(e) 5. A statement that any terms not locked-in by the lock-in agreement are subject to change until the loan is closed at settlement; and

(f) 6. Any other terms and conditions of the lock-in agreement required by the lender.

3. C. If an applicant has paid any commitment fee, and the mortgage loan is not closed due to any of the following, such commitment fee shall be refunded:

(a) 1. The commitment period was not a reasonable period of time given the prevailing market conditions at the time the commitment agreement was entered into;

(b) 2. The mortgage loan is turned down because of the applicant's lack of creditworthiness;

(c) 3. The mortgage loan is turned down because of the appraised value of the property intended to secure the mortgage loan;

4. D. If an applicant has paid any lock-in fee and the loan is not closed because the lock-in period was not a reasonable period of time given the prevailing market conditions at the time the lock-in agreement was entered into, such lock-in fee shall be refunded.

VA.R. Doc. No. R95-523; Filed May 23, 1995, 1:56 p.m.

ADMINISTRATIVE LETTER

Bureau of Insurance

May 19, 1995

Administrative Letter 1995-6

TO: All Insurers, Health Services Plans, Health Maintenance Organizations and Other Interested Parties

RE: Legislation enacted by the 1995 Virginia General Assembly

We have attached for your reference summaries of certain statutes enacted or amended and re-enacted during the 1995 Session of the Virginia General Assembly. **The effective date of these statutes is July 1, 1995, except as otherwise**

indicated in this letter. Each organization to which this letter is being sent should review the attachment carefully and see that notice of these laws is directed to the proper persons, **including appointed representatives**, to ensure that appropriate action is taken to effect compliance with these new legal requirements. Please note that this document is a **summary** of legislation. It is neither a legal review and interpretation nor a full description of the legislative amendments made to insurance-related laws during the 1995 Session. Each organization is responsible for legal review of the statutes pertinent to its operations.

Please note that two bills included in this year's summary reference the addition of a new Chapter 54 (§ 38.2-5400 et seq.) to the Code of Virginia. The Virginia Code Commission will determine the correct citation for each of the new chapters of the Code of Virginia, and the results will be evident when the official code compilation is published by the Michie Company later this summer. Until then, House Bill 1973 and Senate Bill 724 both contain references to Chapter 54 of the Code of Virginia. These bills are contained in the Life and Health and Financial Regulation of Insurance sections, respectively.

/s/ Steven T. Foster
Commissioner of Insurance

ALL BILLS ARE EFFECTIVE JULY 1, 1995 UNLESS
OTHERWISE NOTED

PROPERTY AND CASUALTY INSURANCE

Chapter 3 (House Bill 220)

This bill amends § 38.2-2114 by prohibiting insurance companies from non-renewing policies written to insure owner-occupied dwellings solely because of any claim resulting primarily from natural causes. This means that regardless of the number of claims resulting primarily from natural causes, the insurer is prohibited from non-renewing solely for that reason.

Sections 38.2-2114 and 38.2-2212 are also amended to establish certain requirements for insurance companies that non-renew private passenger auto and homeowners policies due to adverse credit information. Insurers must give the insured a notice stating that the non-renewal is based on a consumer report, and the notice must provide the name and address of the institution reporting the credit information. The insurance company must also advise the insured that he can obtain a free copy of the credit report and that he has 10 days to question the accuracy of the report. If the insured sends a written request questioning the credit report, the policy will remain in effect during the time the insurance company is verifying the accuracy of the credit information. The bill provides that a homeowners policy may not be non-renewed until 30 days after the accuracy of the credit report has been verified and communicated to the insured. Under an automobile policy, the non-renewal may not become effective until 45 days after the accuracy of the credit report has been verified and communicated to the insured. The insured must respond to any company inquiry within 10 days of mailing and, if the insured fails to cooperate, the insurance company may terminate the investigation and non-renew the policy after providing 15 days written notice to the insured. The

provisions of this bill will apply to non-renewals effective on or after July 1, 1995.

Chapter 302 (House Bill 1788)

This bill amends § 38.2-5001 which establishes definitions for the Virginia Birth-Related Neurological Injury Compensation Program. The definition of "participating hospital" is amended to include employees of the hospital who are acting in the course and scope of their employment provided those employees are not physicians or nurse midwives who are eligible to qualify as participating physicians under the program.

Chapter 226 (House Bill 1926)

This bill amends §§ 38.2-2217 and 46.2-498 by allowing insurance companies to offer a reduction in premiums for drivers under 55 years old who voluntarily attend and satisfactorily complete a driver improvement clinic. Drivers must take these clinics every two years in order to continue to be eligible for the premium credit. Premium reductions for motor vehicle accident prevention courses available to drivers 55 and older are still required to be offered by insurance companies, and these courses must be taken every three years in order to continue to be eligible for the credit.

Chapter 119 (House Bill 1951)

This bill amends § 38.2-2701 by expanding the definition of "basic property insurance" written through the Virginia Property Insurance Association (VPIA). The revised definition allows the VPIA to write additional lines of insurance as recommended by the VPIA's board of directors and approved by the Commission. The VPIA requested this statutory change to provide broader coverage. The VPIA is planning to offer coverage on a replacement cost basis. It also plans to make available a liability endorsement and a theft endorsement on owner-occupied dwellings.

Chapter 121 (House Bill 1989)

This bill amends §§ 46.2-440 and 46.2-441 by allowing a nonresident to show proof of future financial responsibility from an insurance company or other state-authorized entity providing insurance and authorized or licensed to do business in the nonresident's state of residence. Proof of future financial responsibility must be in the amounts required by § 46.2-472. This bill attempts to correct problems that were created by the legislative change made in 1993 when the Maryland Automobile Insurance Fund was added as an insurance company authorized to do business in Maryland. The Maryland Automobile Insurance Fund asked for this change in order not to be required to file the deposit as required in § 46.2-440.

Chapter 237 (House Bill 2217)

This bill adds § 65.2-813.1 to the Workers' Compensation Code which allows workers' compensation insurers to offer small deductible policies. Such policies must provide for the insurer to pay first dollar and then seek reimbursement from the policyholder. The bill also allows the insurer to cancel the deductible endorsement if the policyholder fails to reimburse the insurer for the deductible.

Chapter 476 (House Bill 2510)

This bill amends § 38.2-2206 (uninsured motorist insurance coverage) by changing the definition of "insured" to include wards and foster children of either the named insured or the spouse who are residents of the same household. The provisions of this act apply to all motor vehicle policies issued, renewed, or issued for delivery on or after July 1, 1995.

Chapter 175 (Senate Bill 726)

This bill amends Title 6.1 by adding a new section numbered § 6.1-2.9:6. The new code section prohibits lending institutions from requiring borrowers, who are refinancing a mortgage, to cancel the existing homeowners policy and obtain a new policy for the sole purpose of changing the effective date of coverage. An exception is made if the expiration date of the existing policy is within four months of the closing. The bill makes it clear that lending institutions are not prohibited from requesting a new policy when coverage under the existing policy is inadequate or if there is a concern over the financial soundness of the insurer or the services the insurer will provide.

Chapter 803 (Senate Bill 882)

This bill amends § 38.2-1902 (scope of chapter) by requiring the rates for automobile bodily injury and property damage liability insurance issued to petroleum tank truck carriers to be filed with the SCC Bureau of Insurance on a "file and use" basis. The bill also amends provisions in Titles 9, 46.2, 52, 56, and 58.1 pertaining to the regulation of motor carriers.

Chapter 267 (Senate Bill 888)

This bill adds a new section to the Workers' Compensation Code (§ 65.2-309.1). The new law creates a right of subrogation on behalf of an employer against proceeds recovered by an employee under the employer's uninsured or underinsured motorist coverage. The bill also allows the employer to deduct from medical, surgical, hospital, and funeral expenses incurred by the employer a proportionate share of such amounts paid by a plaintiff in any action brought by the employee. Section 38.2-2206, subsection I, is also amended to make reference to § 65.2-309.1.

Chapter 189 (Senate Bill 930)

This bill amends § 38.2-2206 by stating that any one named insured may reject additional uninsured motorist coverage, and such rejection will be binding upon all insureds under the policy. This section currently requires a policy of motor vehicle liability insurance to include uninsured motorists limits equal to the liability limits on the policy unless the insured rejects the higher limits. This change makes it clear that the rejection of the higher uninsured motorists limits by any named insured under the policy will be binding upon all insureds.

Chapter 652 (Senate Bill 1104)

This bill amends § 38.2-2204 by allowing insurers to exclude motor vehicle liability coverage that inures to the benefit of the Commonwealth under the provisions of the Virginia Tort Claims Act and a self-insurance plan established by the Department of General Services. This provision applies to state employees who, in the regular course of their

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employment, transport patients in their own personal vehicles.

LIFE AND HEALTH INSURANCE

Chapter 80 (House Bill 1715)

This bill amends § 38.2-4319 in the Health Maintenance Organizations Chapter, by adding § 38.2-3433 to the "sweep-in" provision. This clarifies that the small employer market premium and disclosure provisions apply to HMOs.

Chapter 745 (House Bill 1973)

This bill amends § 38.2-5300 in the Private Review Agent Chapter and adds a new Chapter 54 with §§ 38.2-5400 through 38.2-5409 titled "Utilization Review Standards and Appeals." Section 38.2-5400 in the new chapter contains definitions of "adverse decision," "covered person," "final adverse decision," "peer of the treating health care provider," "treating health care provider" or "provider," "utilization review entity" or "entity," and "utilization review plan" or "plan." Section 38.2-5401 provides that Chapter 54 does not apply to utilization review (UR) performed under contract with the federal government for patients eligible for Medicare, or under contract with a plan otherwise exempt pursuant to the Employee Retirement Income Security Act of 1974, or private review agents subject to Chapter 53, or under programs administered by the Department of Medical Assistance Services or administered under contract with that Department.

The bill requires that each entity establish standards and criteria for utilization review determinations with input from physician advisors representing major areas of specialty and certified by the boards of the various medical specialties. The standards are to be objective, clinically valid, compatible with established principles of health care, and flexible. A list of the physician advisors, their major areas of specialty, and the standards and established criteria must be provided to any provider upon request except as prohibited by copyright laws.

Section 38.2-5402 includes requirements regarding physician advisors and review staff including specialists and those authorized to approve UR determinations.

Section 38.2-5403 requires that the UR plan contain procedures for at least the following:

1. Review determinations;
2. Advance notice to patients of requirements for certification or pre-approval of care;
3. Advance notice that compliance with the review process is not a guarantee of benefits or payment;
4. The process of reconsideration and appeal; and
5. Ensuring confidentiality of patient-specific medical records and information.

Section 38.2-5404 requires a UR entity to provide free telephone access for patients and providers for at least 40 hours a week during normal business hours. The bill also requires the entity to have an adequate phone system to accept and record messages beyond normal business hours.

Section 38.2-5405 contains requirements for emergency care, extensions of care or hospitalization, and access to patient-specific medical records and information.

Section 38.2-5406 contains requirements for rendering adverse decisions. The bill requires notification within 2 work days when there is such a decision. The decision should include instructions for requesting reconsideration including a contact name, address, and phone number. Entities must make a good faith attempt to obtain information from providers prior to rendering an adverse decision.

Section 38.2-5407 requires each entity to have a process for reconsideration of an adverse decision.

Section 38.2-5408 requires an extensive appeals process for final adverse decisions, including a process for expedited appeals. Requirements for notification, review personnel, and opportunity for and presentation of additional information are included. The section does not apply to adverse decisions, reconsiderations, or final adverse decisions based only on the fact that benefits are not covered by the plan for the health care in question. The section also provides that insurers, health services plans, health maintenance organizations, or entities performing UR cannot end employment or a contractual arrangement, or otherwise penalize a provider for invoking the appeals process or advocating the interest of his patient "unless the provider engages in a pattern of filing appeals that are without merit."

Section 38.2-5409 requires entities to maintain written records of review procedures, staff qualifications, review criteria, number of complaints and their resolution, number and type of adverse decisions and reconsiderations, final adverse decisions and appeals, as well as procedures for the confidentiality of medical and personal information. Records are to be maintained at a location accessible to Commission employees for 5 years, and are subject to examination by the Commission.

The Commission has no jurisdiction to adjudicate controversies arising out of §§ 38.2-5402, 38.2-5404, 38.2-5405, 38.2-5406, 38.2-5407, and 38.2-5408.

The Commission has the right to determine that an entity has adopted a review plan according to subsection A of § 38.2-5403, but has no jurisdiction to determine the propriety of the plan.

Chapter 446 (House Bill 1977)

This bill amends § 38.2-4312.1 in the Health Maintenance Organizations Chapter. It creates an exception in the freedom of choice requirements for pharmacies by declaring that in situations where an HMO wholly owns and operates a pharmacy or where a pharmacy is operated exclusively for the HMO, the HMO does not have to comply with the provision with regard to other pharmacies.

Chapter 522 (House Bill 2043)

This bill amends and reenacts §§ 38.2-3503, 38.2-3605, 38.2-4214 and 38.2-4319. The bill adds § 38.2-3514.1. The bill changes the allowable preexisting conditions period from two years to one year for individual policies. In the new § 38.2-3514.1, the bill provides that individual policies must credit the time a person was covered under previous

individual or group policies providing hospital, medical and surgical or major medical coverage. The coverage must have been continuous for up to no more than 30 days prior to the new coverage. The bill also defines a preexisting condition provision as meaning a policy provision that:

limits, denies, or excludes coverage for charges or expenses incurred during a 12-month period following the insured's effective date of coverage for a condition that during a 12-month period immediately preceding the effective date of coverage, had manifested itself in such a manner as would cause an ordinarily prudent person to seek diagnosis, care, or treatment, or for which medical advice, diagnosis, care, or treatment was recommended or received within 12 months immediately preceding the effective date of coverage or as to pregnancy existing on the effective date of coverage.

The bill does not apply to short-term travel, accident only, limited or specified disease contracts, long-term care insurance, short-term non-renewable policies or contracts of not more than six months' duration, which are subject to nonmedical underwriting or minimal underwriting; individual open enrollment policies or contracts issued pursuant to § 38.2-4216.1 to persons previously insured under a group health insurance policy or contract issued by another unaffiliated company, who due to health status, would be eligible for individual coverage only through open enrollment, or Medicare supplement insurance.

Chapter 467 (House Bill 2304)

This bill amends § 38.2-3407.7 in the Accident and Sickness Insurance Chapter, § 38.2-4209.1 in the Health Services Plan Chapter and § 38.2-4312 in the Health Maintenance Organizations (HMO) Chapter. The bill repeals §§ 38.2-3407.8, 38.2-4209.2, and 38.2-4312.2 relating to ancillary services providers.

The bill provides that insureds or members have the right to select, without limitation, pharmacies that have previously notified the insurer, health services plan, or HMO that they agree to accept reimbursement for their services at the same rate as preferred providers as payment in full, including copayments. Each insurer, health services plan, and HMO must establish a system to permit electronic or telephonic transmittal of the reimbursement agreement by the pharmacy and must promptly verify the reimbursement terms.

The bill also provides that in no event shall a person receiving a covered pharmacy benefit from a nonpreferred provider or nonparticipating provider, that has submitted a reimbursement agreement, be responsible for fees beyond the copayment and the normal reimbursement for preferred providers.

The bill provides that for the purposes of §§ 38.2-3407.7, 38.2-4209.1 and 38.2-4312.1, a prohibited condition or penalty includes (i) denying immediate access to electronic claims filing to a nonpreferred pharmacy that has complied with the section's requirements of a direct service agreement or a preferred provider agreement or (ii) requiring a person to make a point of service payment beyond what is imposed for preferred providers.

A pharmacy that wants to be covered by the bill must complete and deliver a direct service agreement or preferred provider agreement to the insurer, health services plan, or HMO if requested to do so. The agreement must be delivered within 30 days of receipt. Any pharmacy or ancillary provider that does not complete and deliver the agreement within 30 days will not be covered by the section until an agreement is completed and delivered.

The bill also provides that the section is not applicable to any pharmaceutical benefit covered by a health care plan when the benefits are obtained from a pharmacy wholly owned and operated by, or exclusively operated for, the HMO providing the health care plan.

The Joint Commission on Health Care (JCHC) is to conduct a three-year study of how the availability and quality of ancillary medical services are affected by managed care. The findings are to be included in JCHC reports to the Governor and the General Assembly in 1996, 1997, and 1998.

Chapter 689 (House Bill 2337)
Chapter 650 (Senate Bill 1035)

These companion bills establish a Virginia Medical Savings Account Plan (plan). Upon passage of federal legislation authorizing the components of the plan, state agencies that are named in the bill, including the State Corporation Commission Bureau of Insurance, are to take action to implement the plan.

The bill requires the Department of Medical Assistance Services (DMAS) to develop and implement a plan to utilize medical savings accounts for the provision of primary, acute care, and long-term care to the working poor, and those eligible for Medicaid. DMAS must also develop a plan and apply for a waiver from the Health Care Financing Administration (HCFA) to implement a demonstration project.

The bill requires the Bureau of Insurance to provide the General Assembly, DMAS and the Department of Workers' Compensation a report on available plans or policies providing high deductible indemnity health policies or other insurance mechanisms for providing low-cost catastrophic care. The Bureau is also to advise on the inclusion of the essential health services used as the basis for managed care commercial health insurance.

The Department of Workers' Compensation is to develop and implement a plan to utilize medical savings accounts for provision of acute care to employees eligible for workers' compensation, and is to cooperate with the Department of Taxation to develop a system for voluntary employer contributions to medical savings accounts, and reasonable tax deductions.

The Department of Taxation is to develop, and present to the General Assembly, a system for refundable tax credits that is consistent with federal law and regulation. The system is to include a sliding scale for the working poor and innovative use of tax credits for employers and health care providers that participate in the plan.

The plan is to include at least the following requirements for medical savings accounts: eligible participants, criteria for

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accounts, use of debit cards, educational programs, integration of existing coverage, refundable tax credits, a system for withholding amounts to be deposited in medical savings accounts, a system for calculating individual need, a system for tax credits for the working poor and for health care practitioners, a system for voluntary employer contributions, a cafeteria menu of insurance plans for high-deductible insurance policies, and any other specific provisions necessary.

The Joint Commission on Health Care is to monitor development of the plan and make recommendations to the various agencies. Periodic reports are to be provided to the Joint Commission from the state agencies involved in the plan, as the Joint Commission may require.

Chapter 345 (House Bill 2583)

This bill amends § 38.2-4300 in the Health Maintenance Organizations Chapter. The bill adds a definition of "emergency services" to the chapter. The term is defined to mean:

those health care services that are rendered by affiliated or non affiliated providers after the sudden onset of a medical condition that manifests itself by symptoms of sufficient severity, including severe pain, that the absence of immediate medical attention could reasonably be expected by a prudent layperson who possesses an average knowledge of health and medicine to result in (i) serious jeopardy to the mental or physical health of the individual, or (ii) danger of serious impairment of the individual's bodily functions, or (iii) serious dysfunction of any of the individual's bodily organs, or (iv) in the case of a pregnant woman, serious jeopardy to the health of the fetus. Emergency services provided within the plan's service area shall include covered health care services from nonaffiliated providers only when delay in receiving care from a provider affiliated with the health maintenance organization could reasonably be expected to cause the enrollee's condition to worsen if left unattended.

Chapter 537 (Senate Bill 553)

This bill adds § 38.2-3418.2 to the Code of Virginia and amends § 38.2-4319 in the Health Maintenance Organizations Chapter. The bill prohibits individual and group accident and sickness policies, health services plan contracts and health maintenance organization health care plans that provide coverage for diagnostic and surgical treatment of any bone or joint of the skeletal structure from excluding coverage for diagnostic and surgical treatment involving a bone or joint of the head, neck, face or jaw. The bill applies to policies, contracts, and plans delivered, issued for delivery, or renewed in this Commonwealth on and after July 1, 1995. The bill also prohibits the imposition of coverage limits for bones or joints of the head, neck, face or jaw that are more restrictive than coverage limits for bones and joints of the skeletal structure if the treatment is required because of a medical condition or injury that prevents normal function of the joint or bone and is deemed medically necessary to attain functional capacity of the affected part.

The bill does not apply to short-term travel, accident only, limited or specified disease policies, or to short-term nonrenewable policies of not more than six months' duration.

Chapter 182 (Senate Bill 801)

This bill amends § 38.2-4300 in the HMO chapter by amending the definition of "basic health care services" to provide that it does not apply when a health maintenance organization has contracted with the Commonwealth to furnish health services to recipients of medical assistance under Title XIX of the U.S. Social Security Act (Medicaid) pursuant to § 38.2-4320. The bill provides that basic health care services may vary to the extent necessary to meet the benefit standards prescribed by the state plan for Medicaid pursuant to § 32.1-325 of the Code of Virginia.

Chapter 259 (Senate Bill 805)

This bill amends § 38.2-3323, which provides for coverage for spouses and dependent children (including dependent handicapped children) under group life insurance contracts. The amendment makes the section consistent with a similar provision (§ 38.2-3409 B) applicable to group health insurance contracts by adding a provision clarifying the circumstances under which coverage will continue beyond the usual contractual limiting age for a dependent handicapped child, including time limits for notification to the insurer of the continuance of such handicap and dependency.

Chapter 68 (Senate Bill 806)

This bill clarifies § 38.2-3405 (anti-subrogation provision) to indicate that coordination of benefits provisions in health insurance policies may not operate to reduce benefits because of any benefits paid, payable, or provided by any liability insurance contract or any benefits paid, payable, or provided by any medical expense or medical payments insurance provided in conjunction with liability coverage.

Chapter 270 (Senate Bill 917)

This bill amends § 38.2-3412.1 in the mandated benefits sections of the Accident and Sickness Insurance Chapter. The bill provides that for the purpose of the mandate of coverage for mental health and substance abuse services, any expenses for outpatient treatment that may apply toward a deductible required by the policy or contract are not to count toward the outpatient visit benefit until the deductible has been met and the expenses for the visits are covered by the policy or contract.

Chapter 420 (Senate Bill 979)

This bill adds § 38.2-3407.9 to the Accident and Sickness Provisions Chapter and amends §§ 38.2-4214 in the Health Services Plan Chapter and 38.2-4319 in the Health Maintenance Organizations (HMO) Chapter. The bill provides that if a policy provides for ambulance services, any person providing ambulance services to a covered person must be reimbursed directly from the insurer, health services plan or HMO, if there has been an assignment of benefits to the person providing the services.

The bill defines "ambulance services" as meaning the transportation of any person by means of any ambulance, rescue or life-saving vehicle designed or used for the

principal purpose of supplying resuscitation or emergency relief where human life is endangered. The term includes emergency medical services ambulances and mobile intensive care units.

FINANCIAL REGULATION OF INSURANCE

Chapter 843 (House Bill 1917)

This bill amends and reenacts § 38.2-5110 in the chapter concerning risk retention groups and purchasing groups. The bill adds a provision under which the Commission shall be deemed a state court of competent jurisdiction, independent of its Bureau of Insurance, in all judicial proceedings to enforce the provisions of Chapter 51 concerning risk retention groups and purchasing groups.

Chapter 321 (House Bill 2025)

This bill amends § 38.2-4135. Amendments in subsection A exempt from regulation under Chapter 45 of Title 38.2 any association, whether a fraternal benefit society or not, which was organized before 1880 if the members of the association are past or present members of the Armed Services or Sea Services of the United States and the provision of insurance and other benefits to members, their dependents or their beneficiaries is a principal purpose of the association.

The bill expands the exemption in subsection F to "orders" and "associations."

Chapter 789 (Senate Bill 724)

This bill adds risk-based capital provisions (RBC) in a new Chapter 54 of the Code of Virginia. The new RBC provisions require insurers, including life and health as well as property and casualty insurers, to maintain additional levels of surplus based upon the volume and the kinds of insurance transacted. Those insurers which fail to maintain the required levels of risk-based capital will be subject to special corrective orders issued by the Commission. The reports required by the RBC Act shall remain confidential. The requirements will take into consideration the individual insurer's operations, including the riskiness of investments, cash flow and type of insurance activity. States accredited by the National Association of Insurance Commissioners (NAIC) Accreditation Program are expected to adopt such legislation by January 1, 1997 if a state is to remain accredited.

Chapter 60 (Senate Bill 733)

This bill amends several general provisions dealing with the financial regulation of insurers. Sections 38.2-1046 and 38.2-1048 are amended to provide that assets placed on deposit with the State Treasurer of Virginia by an insurance company domiciled in Virginia shall be disbursed pursuant to the provisions of Chapter 15 of Title 38.2 in the event of liquidation, rehabilitation or conservation of an insurer. This amendment will ensure that all of the assets of the delinquent domestic insurance company are disbursed in a consistent and equitable manner.

This bill also amends §§ 38.2-1413, 38.2-1414, 38.2-1427.3 and 38.2-1432 to simplify and clarify the manner in which insurers are authorized to invest in common stock, preferred stock, debt obligations and other securities of a subsidiary. The amendments proposed will result in more reliable and consistent regulation because the applicable

limitations on investments will be clearer to insurers and regulators.

The bill also amends § 38.2-2710 of the Code of Virginia to require residual market facilities, inspection services and joint underwriting associations subject to Chapter 27 to file annual financial reports in a form prescribed by the Commission, as other insurers are required to do.

This bill amends § 38.2-4811 to raise the minimum capital and surplus requirements for insurers approved under Chapter 48 of Title 38.2 to issue surplus lines insurance in the Commonwealth. The amendment provides a three-year phase-in period for less capitalized insurers to comply with the new requirements.

CREDIT PROPERTY INSURANCE (P&C) CREDIT INVOLUNTARY UNEMPLOYMENT INSURANCE (P&C) CREDIT LIFE INSURANCE (L&H) CREDIT ACCIDENT AND SICKNESS INSURANCE (L&H)

Chapter 167 (House Bill 1901)

This bill amends §§ 38.2-233, 38.2-1814, 38.2-1824, 38.2-3727, and 38.2-3737. A new definition of "credit property insurance agent" has been added to § 38.2-1800, and a new restricted license has been created for a credit property insurance agent, meaning that agents who sell credit property insurance will no longer have to be licensed as full Property and Casualty agents. This means that those wishing to sell credit property insurance will not be required to take pre-licensing education, sit for an examination, or satisfy continuing education requirements.

The bill also changes from 25 days to 7 days the waiting period for the solicitation of credit involuntary unemployment insurance and credit life and credit accident and sickness insurance after the credit transaction.

A provision has also been added that allows joint credit accident and sickness insurance to be offered at a rate that is 165% of the rate applicable to individual credit accident and sickness insurance.

CONTINUING EDUCATION

Chapter 554 (Senate Bill 1125) - Emergency legislation effective 3/24/95

This bill amends §§ 38.2-1868 and 38.2-1869 by extending the end of the first continuing education biennium until 6/30/95. This bill does NOT extend an agent's time to comply in any manner other than by completing courses. Reciprocity requests, waiver requests, exemption requests, etc. are not given the additional time.

MISCELLANEOUS

Chapter 615 (Senate Bill 1049)

This bill amends § 38.2-401, the Fire Programs Fund by increasing the assessment on insurers from 8/10 of 1% to 1%. Therefore, the 1995 Fire Programs Fund assessment, based on 1995 calendar year direct gross premium income, due by March 1, 1996, will be 1% of such direct gross premium income.

VA.R. Doc. No. R95-524; Filed May 23, 1995; 1:57 p.m.

MARINE RESOURCES COMMISSION

FINAL REGULATIONS

NOTICE: The Marine Resources Commission is exempted from the Administrative Process Act (§ 9-6.14:4.1 of the Code of Virginia); however, it is required by § 9-6.14:22 B to publish all final regulations.

Title of Regulation: VR 450-01-0010. Pertaining to the Harvesting of Clams.

Statutory Authority: § 28.2-201 of the Code of Virginia.

Effective Date: May 2, 1995.

Preamble:

This regulation establishes rules and procedures governing licensing, use of gear, and times for harvesting soft shell clams and hard shell clams from the public, leased, and unassigned grounds of the Commonwealth.

This regulation is promulgated pursuant to authority contained in § 28.2-201 of the Code of Virginia. This regulation amends and readopts previous regulation VR 450-01-0010, which was adopted on September 1, 1987, and was effective September 1, 1987. The effective date of this regulation is May 2, 1995.

Agency Contact: Copies of the regulation may be obtained from Deborah R. McCalester, Regulatory Coordinator, Marine Resources Commission, P.O. Box 756, Newport News, VA 23607, telephone (804) 247-2248.

VR 450-01-0010. Pertaining to the Harvesting of Clams.

PART I. PURPOSE AND DEFINITIONS.

§ 1.1. Purpose.

The purpose of this regulation is to provide for the long-term conservation and use of the soft shell clam and hard shell clam resources, and to provide for appropriate stewardship over the public, leased, and unassigned subaqueous grounds of the Commonwealth.

§ 1.2. Definitions.

The following words and terms, when used in this regulation, shall have the following meaning unless the context clearly indicates otherwise.

"Bull rake" means a device designed for use by hand for the purpose of harvesting clams, and which has the following characteristics: rake mouth width shall not exceed 30 inches, the teeth on the bar shall not be longer than 4½ inches, the holding basket shall not hold greater than three-fourths of a bushel of clams and bottom material, and the handle shall not be longer than 30 feet. A bull rake may be equipped with skids to adjust the teeth for depth of penetration into the bottom.

"Commission" means the Marine Resources Commission.

"Conventional dredge" means the type of dredge that has become customarily used in Virginia to dredge oysters and

crabs. It excludes any type of dredge where the dredging action functions or is aided by hydraulic action.

"Conventional hard clam rake" means a device designed for use by hand for the purpose of harvesting clams, and which has the following characteristics: rake mouth width shall not exceed 16 inches, the teeth on the bar shall not be longer than seven inches, the attached holding basket shall not hold greater than one-tenth of a bushel of clams and bottom material, and the handle shall not be longer than 10 feet.

"Public ground" means the grounds defined by §§ 28.2-551 and 28.2-639 through 28.2-649 of the Code of Virginia, and any areas set aside as public ground by court order.

"Leased ground" means any grounds leased by the Marine Resources Commission pursuant to the provisions of Chapter 6 of Title 28.2 of the Code of Virginia.

"Officer" means a law-enforcement officer of the Marine Resources Commission.

"Unassigned ground" means any ground outside the public ground as defined by this regulation and which has not been set aside, or assigned by lease, permit or easement by the Marine Resources Commission.

PART II.

PERTAINING TO THE TAKING OR CATCHING OF SOFT SHELL CLAMS FROM LEASED GROUNDS.

§ 4.4. 2.1. License required.

A. It shall be unlawful to take or catch soft shell clams from any leased grounds in any of the tidal waters of the Commonwealth by the use of a hydraulic dredge without first obtaining (i) a soft shell clam dredge license for each boat used for such a purpose and (ii) a permit for each boat and operator thereof.

B. Any lessee desiring to take or catch soft shell clams from leased ground by the use of a hydraulic dredge shall apply to the ~~District Inspector~~ officer in charge of the district, in writing, specifying the location and identify identity of the specific lease or leases where he desires to dredge and request the privilege to dredge the specific lease or leases.

C. Each application will be reviewed by the commission. The commission may conduct a public hearing on such application if, in its discretion, it is deemed necessary. If the commission deems it wise to permit dredging of soft shell clams within the area of such a lease, the commission engineers shall first approve the existing boundaries, survey and plat of each lease. Any surveying or marking of the lease which may be necessary shall be at the expense of the lessee, unless such survey shows that the leased ground was properly marked.

D. Pursuant to § 28.2-201 of the Code of Virginia, the commission hereby establishes a license fee of \$50 for each boat using a hydraulic dredge for the purpose of taking or catching soft shell clams from leased ground or public ground. There shall be no refund of the license fee or any part thereof in case a license or permit is suspended or revoked.

§ 1-2- 2.2. Additional permits required.

A. After the license is issued by the District Inspector officer in charge of the district and before the licensee may begin to operate the hydraulic dredge, the lessee shall obtain from the District Inspector officer in charge of the district a separate and individual permit which combines the identification of each lease, boat, and the operator thereof. An additional permit shall be obtained from the District Inspector officer in charge of the district each time there is any change in operations which does not comply with all provisions in the original permit.

B. The license and permit shall at all times be on board the boat available for inspection by any inspector of the commission.

§ 1-3- 2.3. Operation of dredge on leased grounds.

A. It shall be unlawful to operate a hydraulic dredge in the nighttime between the hours of sunset and sunrise or on Sunday for the catching of soft shell clams from leased ground.

B. It shall be unlawful to operate a hydraulic dredge on any lease for less than three acres unless adjoining other leases where the combined leases total more than three acres.

C. It shall be unlawful to operate a hydraulic dredge on any leased ground unless the boundaries of the lease are distinctly marked between corners to the satisfaction of the District Inspector officer in charge of the district. All such marking shall be continually maintained during the dredging operations.

D. If any person is found operating a dredge anywhere outside of the approved lease or in violation of any provisions of this regulation, any inspector may immediately suspend the permit and the boat operator shall surrender the permit to the inspector upon the inspector's request. Any such suspension shall continue in full force and effect until review by the commission. The review shall be held not later than 40 days thereafter. The commission shall determine whether or not to revoke the permit or reinstate the permit.

§ 1-4- Penalty.

Any person violating any provisions of Part I of this regulation shall be guilty of a Class 3 misdemeanor.

PART II III.
PERTAINING TO THE TAKING OR CATCHING OF SOFT SHELL CLAMS FROM PUBLIC OR UNASSIGNED GROUNDS.

§ 2-1- Definitions.

A. Public grounds shall be defined in § 28.2-551 of the Code of Virginia or areas set aside as public ground by court order.

B. Unassigned ground shall be taken to mean any ground outside of the areas as defined in § 28.2-551 of the Code of Virginia which has not been set aside, or assigned by lease, permit or easement by the commission.

§ 2-2- 3.1. Dredge prohibited.

It shall be unlawful for any person to take or catch soft shell clams from any unassigned ground in the tidal waters of the Commonwealth by the use of a dredge.

§ 2-3- 3.2. License required.

A. It shall be unlawful for any person, other than an employee of the commission or the Virginia Institute of Marine Science while conducting tests or experiments, to take or catch soft shell clams from any public grounds in the tidal waters of the Commonwealth by the use of a dredge without first obtaining (i) a soft shell clam dredge license as set forth in subsection E of this section for each boat used for such purpose and (ii) a permit for each boat and operator thereof.

B. Any person desiring to take or catch soft shell clams from the public grounds by the use of a hydraulic dredge shall apply to the District Inspector officer in charge of the district, in writing, describing the area and requesting the privilege to dredge the specific area.

C. Each application shall be reviewed by the commission. The commission shall conduct a public hearing to determine the suitability of the area for the production of oysters, and shall make such further investigations and studies as in its discretion it deems necessary. If the commission deems it wise to permit dredging of soft shell clams in such an area, the area must be surveyed and marked by the commission before a license and permit is issued.

D. If the application is approved by the commission, no person shall have the exclusive use of the area for taking or catching soft shell clams by hydraulic dredge. The area shall be open to the general public for such a purpose provided each person obtains the necessary license and permit and complies with all other provisions of this regulation.

E. Pursuant to § 28.2-201 of the Code of Virginia, the commission hereby establishes a license fee of \$50 for each boat utilizing using a hydraulic dredge for the purpose of taking or catching soft shell clams from public grounds or leased grounds. There shall be no refund of the license fee or any part thereof in case a license or permit is suspended or revoked.

§ 2-4- 3.3. Additional permit required.

A. After the license is issued by the District Inspector officer in charge of the district, and before the licensee may begin to operate the hydraulic dredge, the licensee shall obtain from the District Inspector officer in charge of the district a separate and individual permit which combines the identification of the approved area, boat and the operator thereof. An additional permit shall be obtained from the District Inspector officer in charge of the district each time there is any change in operations which does not comply with the provisions in the original permit.

B. The license and permit shall at all times be on board the boat available for inspection by any inspector of the commission officer.

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§ 2-5. 3.4. Operation of dredge on public grounds.

A. It shall be unlawful to operate a hydraulic dredge in the nighttime between the hours of sunset and sunrise, or on Saturday and or Sunday, for the catching of soft shell clams from public ground.

B. If any person is found operating a dredge anywhere outside of the approved marked area or in violation of any provision of this regulation, any inspector may immediately suspend the permit and the boat operator shall surrender the permit to the inspector upon the inspector's request. Any such suspension shall continue in full force and effect until reviewed by the commission. The review shall be held not later than 40 days thereafter. The commission shall determine whether or not to revoke the permit or reinstate the permit.

§ 2-6. Penalty.

Any person violating any provisions of Part II of this regulation shall be guilty of a Class 3 misdemeanor.

PART III. IV. PERTAINING TO THE TAKING OR CATCHING OF HARD SHELL CLAMS FROM PUBLIC, UNASSIGNED AND LEASED GROUND.

§ 3-1. Definitions.

A. "Public grounds" shall be as defined in § 28.2-551 of the Code of Virginia or areas set aside as public ground by court order.

B. "Unassigned ground" shall be taken to mean any ground outside of the areas as defined in § 28.2-551 of the Code of Virginia which has not been set aside or assigned by lease, permit or easement by the commission.

C. "Shoals" are defined by § 28.2-100 of the Code of Virginia to mean tidal bottoms where the water is less than four feet in depth at mean low water.

D. "Conventional dredge" shall be taken to mean the type of dredge that has been customarily used in Virginia to dredge oysters and crabs. It excludes any type of dredge that functions by hydraulic action.

E. A "conventional hard clam rake" shall be a device designed for use by hand for the purpose of harvesting clams. The hard clam rake mouth width shall not exceed 46 inches, the teeth on the bar shall not be longer than seven inches, the attached holding basket shall not hold greater than 1/10 of a bushel of clams and bottom material, and the handle shall not be longer than 10 feet.

§ 3-2. 4.1. Crab dredge boat not to take clams.

It shall be unlawful for any person in charge of any boat licensed to catch crabs with a dredge to have or allow on board any clams in excess of 250.

§ 3-3. 4.2. Hydraulic dredge.

As set forth in § 28.2-520 of the Code of Virginia, it shall be unlawful to take or catch hard shell clams from any leased grounds in any of the tidal waters of the Commonwealth by the use of a hydraulic dredge. The commission will determine if it should consider applications to dredge after

the Virginia Institute of Marine Science reports the results of their hard shell clam research projects to the commission. The Virginia Institute of Marine Science may use hydraulic dredges to take and catch hard shell clams on an experimental basis.

§ 3-4. 4.3. Conventional dredge.

A. It shall be unlawful to take or catch hard shell clams from any public or unassigned grounds in the tidal waters of the Commonwealth by the use of a conventional dredge except as provided in § 3-4 (b) 4.3 B of this regulation.

B. It shall be lawful *only* between December 1 and April 1, to take or catch hard shell clams by the use of a conventional dredge from public or unassigned ground on the seaside of Accomack and Northampton Counties where the water is more than four feet in depth at mean low water, provided each person complies with all the provisions of this regulation.

C. It shall be unlawful to take or catch hard shell clams from natural oyster rocks, beds or shoals within the public or unassigned areas on the seaside of Accomack and Northampton counties by the use of a conventional dredge in water less than four feet in depth at mean low water.

D. C. It shall be unlawful to operate a conventional dredge as permitted in § 3-4 (b) subsection B of this regulation section between one hour before sunset and one hour after sunrise, or on Sunday.

E. D. Any person who may desire to take or catch hard shell clams from leased ground by the use of a conventional dredge shall comply with all provisions of §§ 28.2-515, 28.2-516, and 28.2-517 of the Code of Virginia, except the provisions thereof relating to planting of seed oysters or shells and the use of said ground for cultivation of oysters.

§ 3-5. 4.4. Conventional rake Rakes.

It shall be unlawful to take hard shell clams from any public or unassigned grounds in the tidal waters of Virginia by means of a rake other than by a conventional clam rake that does not have the characteristics provided in § 3-1(e); provided, however, that a bull rake may be used to take hard shell clams from the public or unassigned grounds on the seaside of Accomack and Northampton Counties from October 1 through April 30 inclusive. Further, a conventional clam rake or a bull rake may only be used by hand; any other means of use, including any method of attachment to a boat while the gear is harvesting, shall be unlawful.

§ 3-6. 4.5. License required.

A. Pursuant to § 28.2-201 of the Code of Virginia, the commission hereby establishes a license fee of \$35 for each boat using one or more power-lifted conventional dredges and \$15 for each boat using one or more hand-operated conventional dredges for the purpose of taking or catching hard shell clams from public or unassigned grounds on the seaside of Accomack and Northampton Counties, as specified allowed in § 3-4 (b) subsection B of this regulation section.

B. The license shall at all times be on board the boat available for inspection by any inspector of the commission officer.

§ 3.7. Revocation of license.

If any person is found operating a dredge in violation of any provision of this regulation, any inspector may immediately suspend the license and the boat operator shall surrender the license to the inspector upon the inspector's request. Any such suspension shall continue in full force and effect until a hearing before the commission. The hearing shall be held not later than 40 days thereafter. The commission shall determine whether or not to revoke the license or reinstate the license.

§ 3.8. Penalty.

Any person violating any provisions of Part III of this regulation shall be guilty of a Class 3 misdemeanor.

PART V. PENALTY AND SANCTIONS.

§ 5.1. Penalty.

A. Except as provided in subsections B and C of this section, as set forth below 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, and a second or subsequent violation of any provision of this regulation committed by the same person within 12 months of a prior violation is a Class 1 misdemeanor.

B. As set forth in § 28.2-520 of the Code of Virginia, and reiterated in § 4.2 of this regulation, any person using a hydraulic dredge to take hard shell clams from any tidal waters of the Commonwealth shall be guilty of a Class 1 misdemeanor.

C. As set forth in § 28.2-531 of the Code of Virginia, and reiterated in part in §§ 2.3 A, 3.4, and 4.3 C of this regulation, any person taking clams from public, unassigned, or leased ground during the hours from sunset to sunrise or on Sunday, and not otherwise excepted by § 28.2-531, shall be guilty of a Class 3 misdemeanor; provided, however, that any person violating the additional provisions of (i) no use of a hydraulic dredge on Saturday for the catching of soft shell clams from public or unassigned ground, imposed by § 3.4 A of this regulation, and (ii) no use of a conventional dredge between the hours of one hour before sunset and one hour after sunrise for the catching of hard shell clams from public, unassigned, or leased grounds, imposed by § 4.3 C of this regulation, shall be subject to the penalty set forth in § 28.2-903 of the Code of Virginia.

§ 5.2. Suspension and revocation of license.

If any person is found operating a dredge in violation of any of the provisions of this regulation, including operating outside of an approved lease or operating outside of an approved marked area, any officer may immediately suspend the permit, and the boat operator shall surrender the permit to the officer upon request. Any such suspension shall continue in full force and effect until reviewed by the commission in accordance with § 28.2-521 of the Code of Virginia. Such review shall be held not later than 40 days after such

suspension. After such review, the commission shall determine whether or not to revoke the permit as provided by § 28.2-521 of the Code of Virginia or reinstate the permit.

/s/ William A. Pruitt
Commissioner

VA.R. Doc. No. R95-514; Filed May 2, 1995, 3:38 p.m.

Title of Regulation: VR 450-01-0034. Pertaining to the Taking of Striped Bass (REPEALED).

Title of Regulation: VR 450-01-0034:1. Pertaining to the Taking of Striped Bass.

Statutory Authority: § 28.2-201 of the Code of Virginia.

Effective Date: May 1, 1995.

Preamble:

This regulation establishes a limited commercial and recreational fishery for striped bass in Virginia. The provisions of this regulation are intended to comply with all federal and interstate requirements for fishing for striped bass. This regulation also authorizes the aquaculture of striped bass and hybrid striped bass and sets forth the conditions required for their culture.

This regulation is promulgated pursuant to the authority contained in § 28.2-201 of the Code of Virginia and replaces VR 450-01-0034 which was promulgated on February 28, 1995, and was effective March 9, 1995. The effective date of this regulation is May 1, 1995.

VR 450-01-0034:1. Pertaining to the Taking of Striped Bass.

PART I. PURPOSE AND DEFINITIONS.

§ 1.1. Purpose.

The purpose of this regulation is to provide for the continued sustained yield from the recovered striped bass stocks in Virginia and to limit the growth of the number of commercial participants in this fishery. The provisions pertaining to aquaculture serve to prevent the escape of cultured hybrid striped bass into the natural environment and to minimize the impact of cultured fish in the market place on the enforcement of other provisions of this regulation.

§ 1.2. Definitions.

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

"Chesapeake Bay and its tributaries" means all tidal waters of the Chesapeake Bay and its tributaries within Virginia, westward of the shoreward boundary of the Territorial Sea, excluding the coastal area as defined by this regulation, and excluding the Potomac River tributaries as defined by this regulation.

"Coastal area" means the area that includes Virginia's portion of the Territorial Sea, plus all of the creeks, bays,

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inlets, and tributaries on the seaside of Accomack County, Northampton County (including areas east of the causeway from Fisherman Island to the mainland), and the City of Virginia Beach (including federal areas and state parks, fronting on the Atlantic Ocean and east and south of the point where the shoreward boundary of the Territorial Sea joins the mainland at Cape Henry).

"Commission" means the Marine Resources Commission.

"Commercial fishing" or "fishing commercially" or "commercial fishery" means fishing by any person where the catch is for sale, barter, trade, or any commercial purpose, or is intended for sale, barter, trade, or any commercial purpose.

"Potomac River tributaries" means all the tributaries of the Potomac River that are within Virginia's jurisdiction, beginning with, and including, Flag Pond thence upstream to the District of Columbia boundary.

"Recreational fishing" or "fishing recreationally" or "recreational fishery" means fishing by any person, whether licensed or exempted from license, where the catch is not for sale, barter, trade, or any commercial purpose, or is not intended for sale, barter, trade, or any commercial purpose.

"Spawning reaches" means sections within the spawning rivers as follows:

1. James River: From a line connecting Dancing Point and New Sunken Meadow Creek upstream to a line connecting City Point and Packs Point.
2. Pamunkey River: From the Route 33 bridge at West Point upstream to a line connecting Liberty Hall and the opposite shore.
3. Mattaponi River: From the Route 33 bridge at West Point upstream to the Route 360 bridge at Aylett.
4. Rappahannock River: From the Route 360 bridge at Tappahannock upstream to the Route 3 bridge at Fredericksburg.

"Striped bass" means any fish of the species *Morone saxatilis* including any hybrid of the species *Morone saxatilis*.

PART II. GENERAL PROVISIONS.

§ 2.1. General prohibitions and requirements.

A. It shall be unlawful for any person to possess any striped bass taken from the tidal waters of Virginia, including Virginia's portion of the Territorial Sea, except in accordance with the provisions of Title 28.2 of the Code of Virginia and in accordance with the provisions of this regulation.

B. It shall be unlawful for any person to possess any striped bass taken from the tidal waters of Virginia, including Virginia's portion of the Territorial Sea, during a time, from an area, and with a gear type when there is no open season set forth in this regulation for such time, area, and gear type.

C. Except as provided in Part V of this regulation, it shall be unlawful for any person to possess any striped bass less than 18 inches total length at any time.

D. It shall be unlawful for any person to possess any striped bass that measures less than the minimum size or more than the maximum size applicable to the open season when fishing occurs.

E. Measurement of striped bass shall be in a straight line from tip of nose to tip of tail.

F. It shall be unlawful for any person while aboard any boat or vessel or while fishing from shore or pier to alter any striped bass or to possess any altered striped bass such that its total length cannot be determined.

G. It shall be unlawful for any person to spear or gaff, or attempt to spear or gaff, any striped bass at any time.

H. It shall be unlawful for any person to use a commercial hook-and-line within 300 feet of any bridge, bridge-tunnel, jetty, or pier during any open recreational striped bass season in the Chesapeake Bay and its tributaries except during the period midnight Sunday through midnight Wednesday.

I. Unless specified differently in other regulations, it shall be unlawful to place, set, or fish any gill net within 300 feet of any bridge, bridge-tunnel, jetty, or pier during any open recreational striped bass season in the Chesapeake Bay and its tributaries, except during the period midnight Sunday through midnight Wednesday.

J. During the period April 1 through May 31, inclusive, it shall be unlawful for any person to set or fish any anchored gill net or staked gill net for any purpose within the spawning reaches of the James, Pamunkey, Mattaponi, and Rappahannock Rivers. Drift or float gill nets may be set and fished within the spawning reaches of these rivers during this period provided that the person setting and fishing the net remains with the net during the time it is fishing and all striped bass that are caught shall be returned to the water immediately.

K. Holding any permit issued by the commission to fish for striped bass, recreationally or commercially, shall authorize any commission personnel or their designees to inspect, measure, weigh, or take biological samples from any striped bass in possession of the permit holder.

§ 2.2. Severability.

Any provision of this regulation that is held invalid by a court of competent jurisdiction shall not affect the validity of other provisions of this regulation which can be given effect without the invalid provision.

PART III. CONCERNING RECREATIONAL FISHING.

§ 3.1. General.

A. It shall be unlawful for any person fishing recreationally to take or to catch striped bass with any gear other than hook and line, rod and reel, or hand line.

B. It shall be unlawful for any person fishing recreationally to possess any striped bass while fishing in an area and at a time where there is no open recreational striped bass

season. Striped bass caught contrary to this provision shall be returned to the water immediately.

C. It shall be unlawful for any person fishing recreationally to possess striped bass in excess of the possession limit applicable for the area and season being fished. Striped bass taken in excess of the possession limit shall be returned to the water immediately.

When fishing from a boat or vessel where the entire catch is held in a common hold or container, the possession limit shall be for the boat or vessel and shall be equal to the number of persons on board legally eligible to fish multiplied by the applicable personal possession limit. The captain or operator of the boat or vessel shall be responsible for any boat or vessel possession limit.

D. It shall be unlawful to combine possession limits when there is more than one area and season open at the same time.

E. It shall be unlawful for any person while actively fishing pursuant to a recreational fishery to possess any striped bass that are smaller than the minimum size limit or larger than the maximum size limit for the area and season then open and being fished. Any striped bass caught that does not meet the applicable size limit shall be returned to the water immediately.

F. It shall be unlawful for any person to sell, offer for sale, trade, or barter any striped bass taken by hook and line, rod and reel, or hand line; provided, however, this provision shall not apply to persons possessing a commercial hook-and-line license with a striped bass permit and meeting the other requirements of this regulation.

G. It shall be unlawful for any person fishing recreationally to transfer any striped bass to another person, while on the water or while fishing from a pier or shore.

H. It shall be unlawful for the captain of any charter boat or charter vessel to take hook-and-line, rod-and-reel, or hand line fishermen for hire unless the captain has obtained a permit from the commission and is the holder of a Coast Guard charter license.

I. Charter boat captains shall report to the commission on forms provided by the commission all daily quantities of striped bass caught and harvested, and daily fishing hours for themselves or their customers, respectively. The written report shall be forwarded to the commission no later than 15 days following the last day of any open season. In addition, charter boat captains engaging in the Bay and Coastal Trophy-size Striped Bass Recreational Fishery and the Potomac River Tributaries Trophy-size Striped Bass Recreational Fishery shall provide the report required by §§ 3.2 F and 3.3 F, respectively, of this regulation. Failure to provide these reports is a violation of this regulation.

§ 3.2. Bay and Coastal Trophy-size Striped Bass Recreational Fishery.

A. The open season for the Bay and Coastal Trophy-size Striped Bass Recreational Fishery shall be May 1 through May 15, inclusive; provided, however, the season may be adjusted as set forth in subsection E of this section.

B. The area open for this fishery shall be the coastal area and the Chesapeake Bay and its tributaries, except the spawning reaches of the James, Pamunkey, Mattaponi, and Rappahannock Rivers.

C. The minimum size limit for this fishery shall be 32 inches.

D. The possession limit for this fishery shall be one fish per person.

E. This fishery, combined with the fishery defined by § 3.3 of this regulation, shall have a target take of 25,000 total fish coming from both the Virginia and Maryland portions of the Chesapeake Bay and any tributaries of the Chesapeake Bay and the Potomac River, and includes the area under the jurisdiction of the Potomac River Fisheries Commission. The season for this fishery shall be closed when it is determined that this total target has been reached.

F. Persons engaging in this fishery shall report the retention of any striped bass to the commission. Filing the report shall be the responsibility of the person retaining the striped bass, or, in the case of any charter boat or vessel, the captain of the charter boat or vessel. These reports are due 15 days after the close of this fishery and shall be on forms provided by the commission. There will be separate forms for persons and for charter boats or vessels.

§ 3.3. Potomac River Tributaries Trophy-size Striped Bass Recreational Fishery.

A. The open season for the Potomac River Tributaries Trophy-size Striped Bass Recreational Fishery shall be May 20 through June 4, inclusive.

B. The area open for this fishery shall be those tributaries of the Potomac River that are within Virginia's jurisdiction beginning with, and including, Flag Pond thence upstream to the Route 301 bridge.

C. The minimum size limit for this fishery shall be 32 inches.

D. The possession limit for this fishery shall be one fish per person.

E. This fishery, combined with the fishery defined in § 3.2 of this regulation, shall have a target take of 25,000 total fish coming from both the Virginia and Maryland portions of the Chesapeake Bay and any tributaries of the Chesapeake Bay and Potomac River, and includes the area under the jurisdiction of the Potomac River Fisheries Commission. The season for this fishery shall be closed when it is determined that this total target has been reached.

F. Persons engaging in this fishery shall report the retention of any striped bass to the commission. Filing the report shall be the responsibility of the person retaining the striped bass, or, in the case of any charter boat or vessel, the captain of the charter boat or vessel. These reports are due 15 days after the close of this fishery and shall be on forms provided by the commission. There will be separate forms for persons and for charter boats or vessels.

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§ 3.4. Bay Spring Striped Bass Recreational Fishery.

A. The open season for the Bay Spring Striped Bass Recreational Fishery shall be May 16 through June 15, inclusive.

B. The area open for this fishery shall be the Chesapeake Bay and its tributaries.

C. The minimum size limit for this fishery shall be 18 inches, and the maximum size limit for this fishery shall be 28 inches.

D. The possession limit for this fishery shall be two fish per person.

§ 3.5. Bay Fall Striped Bass Recreational Fishery.

A. The open season for the Bay Fall Striped Bass Recreational Fishery shall be October 17 through December 31, inclusive.

B. The area open for this fishery shall be the Chesapeake Bay and its tributaries.

C. The minimum size limit for this fishery shall be 18 inches.

D. The possession limit for this fishery shall be two fish per person.

§ 3.6. Potomac River Tributaries Fall Striped Bass Recreational Fishery.

A. The open season for the Potomac River Tributaries Fall Striped Bass Recreational Fishery shall be September 16 through December 17, inclusive.

B. The area open for this fishery shall be the Potomac River tributaries.

C. The minimum size limit for this fishery shall be 18 inches.

D. The possession limit for this fishery shall be two fish per person.

§ 3.7. Coastal Striped Bass Recreational Fishery.

A. The open season for the Coastal Striped Bass Recreational Fishery shall be May 16 through December 31, inclusive.

B. The area open for this fishery shall be the coastal area as defined in this regulation.

C. The minimum size limit for this fishery shall be 28 inches.

D. The possession limit for this fishery shall be two fish per person.

PART IV. CONCERNING COMMERCIAL FISHING.

§ 4.1. General.

A. It shall be unlawful for any person to engage in the commercial fishery for striped bass without first having the necessary commercial fisherman's registration and appropriate gear license as required by Title 28.2 of the Code

of Virginia, and the special permit to fish for striped bass established in § 4.2 of this regulation.

B. It shall be unlawful for any person fishing commercially to harvest striped bass by any method other than gill net, pound net, haul seine, fyke net, or commercial hook and line. The harvest of striped bass by any person using any of these gear is presumed to be a commercial harvest.

C. It shall be unlawful for any person fishing commercially to possess any striped bass taken outside any open commercial season or area, with gear inapplicable to the season and area, as specified in § 4.3 of this regulation. Any striped bass caught contrary to this provision shall be returned to the water immediately.

D. It shall be unlawful for any person while actively fishing pursuant to a commercial fishery to possess any striped bass that is less than the minimum size limit applicable for the area and season then open and being fished. Any striped bass caught that does not meet the applicable minimum size limit shall be returned to the water immediately.

E. All striped bass in the possession of any person for the purpose of sale must be identified with a tamper-evident sealed tag that has been approved and issued by the appropriate authority in the jurisdiction of capture. Whole striped bass shall have tags attached directly to the fish. Processed or filleted striped bass must be accompanied by the tags removed from the fish when processed.

F. When the striped bass are in the possession of any person, other than the original harvester, for the purpose of resale, the striped bass shall be accompanied by a bill of sale which shall include the name of the seller, the permit or license number of the seller if such permit or license is required in the jurisdiction of harvest, the date of sale, the pounds of striped bass in possession, the location of catch and the gear type used to harvest the striped bass. If the striped bass product for sale is fillets, the bill of sale shall also specify the number of fillets.

§ 4.2. Entry limits, permits, and reports.

A. There is established a special permit for engaging in the commercial fishery for striped bass, and it shall be unlawful for any person to engage in the commercial fishery for striped bass without first having obtained the permit from the commission. This permit will be for a specific gear, and it shall be unlawful for any person to engage in the commercial fishery for striped bass with any gear not so permitted, except that commercial hook-and-line may be used by any permittee.

Permits will be issued in number and manner as set forth in subdivisions B 1 and 2 of this section.

To be qualified to receive a permit, the applicant must meet the conditions of subdivisions 1, 2, 3 and 4 of this subsection, and the conditions of either subdivisions 5 a or 5 b of this subsection. An applicant meeting the conditions of subdivisions 1, 2, 3, 4, and 5 a of this subsection shall be considered a priority applicant and qualified for a permit for specific gear as set forth in subdivision B 2 a of this section.

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1. Applicants shall apply for permits by June 1, 1995, to be eligible to fish during the commercial season beginning June 16, 1995. Applicants not in accord with this time period will not be accepted.

Completed permit applications and supporting documents may be hand delivered or mailed to the Marine Resources Commission, 2600 Washington Avenue, P. O. Box 756, Newport News, Virginia 23607. Complete applications must be received at the commission no later than 5 p.m. on the last day of the application period.

2. Applicants may apply only for a permit for and use only a single type of commercial gear during 1995 and will be restricted to that gear type in future years except that commercial hook and line may be used by any permittee.

3. Applicants shall have a valid 1995 commercial fisherman's registration. Applicants must provide a copy of a valid gear license as required by Title 28.2 of the Code of Virginia, corresponding to the type of gear being applied for at the time of application for the permit.

4. Applicants shall have reported all prior fishing activity in accordance with VR 450-01-0079 such that the applicant is not under any sanction by the commission for noncompliance.

5. Applicants shall meet either of the following conditions:

a. Applicants shall have held a valid striped bass commercial gear permit for 1993 or 1994. Applicants meeting this condition and all prior listed conditions shall be considered priority applicants.

b. Applicants shall have held a valid commercial fishing gear license for 1993 or 1994 for the gear for which application is being made for this permit.

6. The commission may grant exceptions to the limited entry conditions listed above based on hardship. Any person requesting an exception shall provide in writing an explanation of his hardship and all pertinent information relating to these conditions and the hardship. All requests for exceptions must be received at the commission by May 15.

B. 1. There shall be a limited number of permits for specific gear available for the commercial fishery for striped bass for 1995 and beyond. Subject to the provisions of subdivision 2 a of this subsection, the maximum number of permits for each specific gear shall be as follows.

a. Gill nets	379
b. Pound nets	71
c. Haul seines	15
d. Fyke nets	9
e. Commercial hook and line	162

2. Permits shall be granted by the commission in the following manner and the maximum number of permits for a gear may be increased if necessary to comply with this manner.

a. A qualified priority applicant (meets the conditions of subdivisions 1, 2, 3, 4, and 5 a of subsection A of this section) for a permit for any gear shall be granted a permit for that gear. If the number of qualified priority applicants for a gear exceeds the maximum number of permits available for that gear then the maximum number of permits for that gear shall be increased to equal the number of qualified priority applicants, thus assuring that all qualified priority applicants receive a permit for the gear applied for.

b. In the event the number of qualified priority applicants for any gear take the maximum number of permits available for that gear, then all other qualified applicants (meets the conditions of subdivisions 1, 2, 3, 4, and 5 b of subsection A of this section) shall be placed by lottery in order on a waiting list for a permit for that gear. The waiting list shall be used to grant any permits in subsequent years, provided the applicant remains qualified.

c. In the event the number of qualified priority applicants for any gear do not take the maximum number of permits available for that gear, then the number of permits not taken for that gear shall be available to all other qualified applicants for that gear, and shall be granted in the following manner:

(1) If the number of all other qualified applicants for that gear meets or is less than the number of applicants for that gear, then each qualified applicant shall be granted a permit for that gear.

(2) If the number of all other qualified applicants for that gear is greater than the number of available permits for that gear, then all such applicants shall be placed by lottery on a list with the earliest drawn applicant being granted a permit, continuing in like manner until the total number of permits available for that gear is granted. The remaining list shall be a waiting list, in order, for granting any permits in subsequent years, provided the applicant remains qualified.

C. It shall be unlawful for any person to purchase striped bass taken from Virginia's tidal waters for the purpose of resale without first obtaining a permit from the Commission.

D. Permits must be in the possession of the permittee while harvesting, selling or possessing striped bass. Failure to have the appropriate permit in possession shall be a violation of this regulation.

E. All commercial harvesters of striped bass shall report to the commission in accordance with VR 450-01-0079.

F. All buyers of striped bass taken from Virginia's tidal waters shall provide written reports of daily purchases and sales for each commercial fishing season to the commission no later than 15 days following the last day of each commercial fishing season.

Marine Resources Commission

G. Failure of any person permitted to harvest, buy, or sell striped bass, to submit the required written report for any fishing day shall constitute a violation of this regulation.

§ 4.3. Commercial seasons, areas, and size limits.

Except as may be adjusted pursuant to § 4.4 of this regulation, the open commercial striped bass fishing seasons, areas, and applicable size limits, by gear, shall be as follows:

1. In the Chesapeake Bay and its tributaries and the Potomac River tributaries, the open commercial season for pound nets, gill nets, haul seines, fyke nets, and commercial hook and line shall be from June 16 through December 31, inclusive, and the minimum size limit shall be 18 inches.

2. In the coastal area, the open commercial season for pound nets, gill nets, haul seines, fyke nets, and commercial hook and line shall be June 16 through December 31, inclusive, and the minimum size limit shall be 28 inches.

§ 4.4. Commercial harvest quota.

A. All harvests of striped bass by gill net, pound net, haul seine, fyke net, and commercial hook and line shall be used in arriving at the total allowable level of commercial harvest.

B. The total allowable level of all commercial harvest of striped bass for all open seasons and for all legal gear shall be 876,940 pounds of whole fish. At such time as the total harvest of striped bass is projected to reach 876,940 pounds, and announced as such, it shall be unlawful for any person to land or possess striped bass caught for commercial purposes. Such cessation of fishing for striped bass shall apply to all gears, even in the event some specific gear quotas may not have been reached. At such time as the harvest by any specific gear is projected to reach the total allowable level of commercial striped bass harvest for that gear, as set forth in subsections C, D, E, F, and G of this section, and announced as such, it shall be unlawful for any person to land or possess striped bass caught by that gear.

C. The total allowable level of commercial striped bass harvest by gill net shall be 68.6% of the total allowable sum of pounds of whole fish set forth in subsection B of this section.

D. The total allowable level of commercial striped bass harvest by pound net shall be 24.5% of the total allowable sum of pounds of whole fish set forth in subsection B of this section.

E. The total allowable level of commercial striped bass harvest by haul seine shall be 2.94% of the total allowable sum of pounds of whole fish set forth in subsection B of this section.

F. The total allowable level of commercial striped bass harvest by fyke net shall be 1.96% of the total allowable sum of pounds of whole fish set forth in subsection B of this section.

G. The total allowable level of commercial striped bass harvest by hook and line shall be 2.0% of the total allowable

sum of pounds of whole fish set forth in subsection B of this section.

§ 4.5. Individual commercial catch limits and tagging.

A. It shall be unlawful to bring to shore any commercially caught striped bass that has not been marked by the fisherman with a tamper evident, numbered tag provided by the commission. At the place of capture, and as soon as possible after capture, tags shall be passed through the mouth of the fish and one gill opening, and interlocking ends of the tag shall then be connected such that the tag may only be removed by breaking. It shall be unlawful to possess striped bass in a quantity greater than the number of tags in possession.

B. For each of the commercial gear types, gill net, pound net, haul seine, fyke net, and commercial hook and line, the commission will issue tags equally to persons permitted as described in § 4.2 of this regulation, according to the available quotas set forth in § 4.4 of this regulation, and converted to number of fish based on the estimated average weight of the striped bass caught.

C. Striped bass tags are valid only for use by the permittee to whom the tags were allotted. It shall be unlawful for any permittee to transfer any tag to another person. The permittee shall be on board the boat or vessel when striped bass are harvested and tags are applied.

D. Altering or attempting to alter any tag for the purpose of re-use shall constitute a violation of this regulation.

E. Any tags issued and not used shall be returned to the commission by the permittee within 15 days after the close of the commercial fishery for the year.

PART V. AQUACULTURE OF STRIPED BASS AND HYBRID STRIPED BASS.

§ 5.1. Permit required.

A. It shall be unlawful for any person to operate a striped bass aquaculture facility without first obtaining a permit from the commission. Such permit shall authorize and define the limits of activities concerning the purchase, possession, sale, giving, receiving, and transportation of striped bass or hybrid striped bass in accordance with the other rules contained in this regulation.

B. The application for a striped bass aquaculture facility shall state the name and address of the applicant, the type and location of the facility, type of water supply, location of nearest tidal waters or tributaries to tidal water, and an estimate of production capacity. All aquaculture permits shall expire on December 31 of the year of issue and are not transferable. Permits shall be automatically renewed by the commission provided no structural changes in the facility have been made, the facility has been adequately maintained, and the permittee has complied with all of the provisions of this regulation.

C. The original of each permit shall be maintained and prominently displayed at the aquaculture facility described therein. A copy of such permit may be used as evidence of authorization to transport striped bass or hybrid striped bass

to sell the fish away from the permitted facility under the conditions imposed in § 5.5 of this regulation.

§ 5.2. Water supply; outfall; prevention of entry and escapement.

A. A striped bass or hybrid striped bass aquaculture facility may consist of one or more ponds, artificial impoundments, closed recirculating systems or a combination of the above.

B. No pond or impoundment used for striped bass or hybrid striped bass aquaculture may be constructed or situated on a natural water course that originates beyond the boundaries of private land upon which the pond or impoundment is located.

C. There shall be no direct and unscreened discharge from any facility to any natural watercourse. Except as provided in subsection D of this section, outfall from any pond or impoundment shall be processed according to one of the following systems:

1. The outfall shall pass over a dry ground percolation system in which ground absorption of the water is sufficient to prevent the formation of a watercourse which is capable of reaching any natural watercourse. The outfall shall pass through a screened filter box prior to entering the percolation area.

2. The outfall shall pass through a chlorination process and retention pond for dechlorination. The outfall shall pass through a filter box prior to entering the chlorination system.

3. Such facilities must also comply with regulations of the State Water Control Board.

D. If the outfall from an aquaculture facility may not conform to the systems described in subdivision C 1 or C 2 of this section then all of the following conditions shall be required:

1. The aquaculture of striped bass or hybrid striped bass shall be restricted to the use of cage culture. Such cages shall be constructed of a vinyl coated wire or high density polyethylene mesh material sufficient in size to retain the fish and all cages must be securely anchored to prevent capsizing. Covers shall be required on all cages.

2. The outfall from the pond or impoundment shall pass through a screened filter box. Such filter box shall be constructed of a mesh material sufficient in size to retain the fish and shall be maintained free of debris and in workable condition at all times.

3. The outfall from the screened filter box shall pass into a containment basin lined and filled with quarry rock or other suitable material to prevent the escapement of the fish from the basin.

E. Those facilities utilizing embankment ponds shall maintain sufficient freeboard above the spillway to prevent overflow.

§ 5.3. Acquisition of fish, fingerlings, fry, and eggs.

Striped bass or hybrid striped bass fingerlings, fry, or eggs, may be obtained only from state permitted fish dealers and must be certified by the seller as striped bass or hybrid striped bass having a disease free status. Each purchase or acquisition of striped bass or hybrid striped bass must be accompanied by a receipt or other written evidence showing the date, source, species, quantity of the acquisition and its destination. Such receipt must be in the possession of the permittee prior to transportation of such fish, fingerlings, fry, or eggs to the permitted facility. All such receipts shall be retained as part of the permittee's records. The harvesting of striped bass from the tidal waters of Virginia for the purpose of artificially spawning in a permitted aquaculture facility shall comply with all of the provisions of this regulation and state law including minimum size limits, maximum size limits, and closed harvesting seasons and areas.

§ 5.4. Inspection of facilities; diseased fish; disposition.

A. Agents of the commission and the Department of Game and Inland Fisheries are authorized to make periodic inspection of the facilities and the stock of each operation permitted under this section. Every person engaged in the business of striped bass aquaculture shall permit such inspection at any reasonable time.

B. No person permitted under regulation shall maintain in the permitted facility any fish which shows evidence of any contagious disease listed in the then current list by the United States Fish and Wildlife Service as "certifiable diseases" except for the period required for application of standard treatment procedures or for approved disposition.

C. No person permitted under this regulation shall sell or otherwise transfer possession of any striped bass or hybrid striped bass which shows evidence of a "certifiable disease" to any person, except that such transfer may be made to a fish pathologist for examination and diagnosis.

§ 5.5. Sale, records, importation, release.

A. All striped bass or hybrid striped bass except fingerlings, fry, and eggs, which are the product of an aquaculture facility permitted under this section shall be packaged with a printed label bearing the name, address, and permit number of the aquaculture facility. When so packaged and labeled such fish may be transported and sold at retail or at wholesale for commercial distribution through normal channels of trade until reaching the ultimate consumer. Every such sale must be accompanied by a receipt showing the date of sale, the name, address and permit number of the aquaculture facility, the numbers and species of fish sold, and the name of the purchaser. Each subsequent resale must be accompanied by a receipt clearly identifying the seller by name and address, showing the number and species of the fish sold, the date sold, the permit number of the aquaculture facility and, if the sale is to other than the ultimate consumer, the name and address of the purchaser. The purchaser in possession of such fish must exhibit the receipt on demand of any law-enforcement officer. A duplicate copy of each such receipt must be retained for one year by the seller as part of the records of each transaction.

Marine Resources Commission

B. Each permitted aquaculture facility operator shall maintain a chronological file of the receipts or copies thereof showing the dates and sources of acquisitions of striped bass or hybrid striped bass and quantities thereof, and a chronological file of copies of receipts of his sales required under subsection A of this section. Such records shall be segregated as to each permit year, shall be made available for inspection by any authorized agent of the commission or Department of Game and Inland Fisheries, and shall be retained for at least one year following the close of the permit year to which they pertain.

C. Striped bass or hybrid striped bass which are the product of an approved and state permitted aquaculture facility in another state may be imported into Virginia for the consumer market. Such fish shall be packaged and labeled in accordance with the provisions contained in subsection A of this section. Any sale of such fish also shall be accompanied by receipts as described in subsection A of this section.

D. Under no circumstance shall striped bass which are the product of an aquaculture facility located within or outside the Commonwealth of Virginia be placed into the waters of the Commonwealth without first having notified the commission and having received written permission from the Commissioner of Marine Resources.

PART VI. PENALTIES AND SANCTIONS.

§ 6.1. 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, and a second or subsequent violation of any provision of this regulation committed by the same person within 12 months of a prior violation is a Class 1 misdemeanor.

§ 6.2. Sanctions.

A. Any person failing to submit any report required by this regulation shall be denied a striped bass permit for the following year.

B. Any person found guilty of violating any provision of this regulation may have their permit or license revoked at any time upon review by the commission as provided for in § 28.2-232 of the Code of Virginia.

If the commission revokes any person's permit for an aquaculture facility under Part V of this regulation, then that person shall not be eligible to apply for a like permit for a period of two years from the date of revocation.

/s/ William A. Pruitt
Commissioner

VA.R. Doc. No. R95-515; Filed May 12, 1995, 3:38 p.m.

GOVERNOR

EXECUTIVE ORDER NUMBER FORTY-SIX (95)

THE VOLUNTEER VIRGINIA! INITIATIVE: CREATING THE GOVERNOR'S COMMISSION ON COMMUNITY SERVICE AND VOLUNTEERISM

By virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, including but not limited to Title 2.1 of the Code of Virginia, and subject always to my continuing and ultimate authority and responsibility to act in such matters, I hereby create the Governor's Commission on Community Service and Volunteerism.

The Commission is classified as a gubernatorial advisory commission in accordance with Sections 2.1-51.35 and 9-6.25 of the Code of Virginia.

The Commission shall advise the Governor on matters related to the promotion and development of all types of citizen service and volunteerism in the Commonwealth of Virginia, including coordination of the VOLUNTEER VIRGINIA! initiative. The Commission shall have the following specific duties:

1. To monitor, revise and assist with the implementation of Virginia's State Plan for National Service and Volunteerism, which outlines strategies for supporting and expanding voluntary service throughout the Commonwealth.
2. To advise the Governor regarding annual application to the federal Corporation for National Service for available funding of voluntary service activities, the award, administration and evaluation of sub-grants to local programs, and the provision of training and technical assistance to national service programs and grant applications.
3. To serve as an advisory body to the Commonwealth's Office of Volunteerism for the purpose of strengthening all aspects of volunteerism and community service in Virginia, including the VOLUNTEER VIRGINIA! initiative.
4. To assist in coordinating volunteer service efforts within the public, non-profit, and for-profit sectors so as to prevent duplication, develop resources, and maximize beneficial collaboration.
5. To recognize and call attention to the significant contributions of Virginia citizens and organizations through volunteer activities in the Commonwealth.

The Commission shall be comprised of no more than thirty members appointed by the Governor and serving at his pleasure. Additional persons may be appointed by the Governor as ex officio members. The Governor shall designate a Chair and Vice Chair, or in lieu thereof two or more Co-Chairs, of the Commission.

Such staff support as is necessary for the conduct of the Commission's work during the term of its existence shall be furnished by Office of Volunteerism, the Office of the Secretary of Health and Human Resources, the Office of the Governor, and such other executive agencies with closely

and definitely related purposes as the Governor may designate. An estimated 1,000 hours of staff time will be required to support the work of the Commission. Funding necessary to support the Commission's work shall be provided from sources, both private contributions and state funds appropriated for the same purposes as the Commission, authorized by Section 2.1-51.37 of the Code of Virginia. Direct expenditures for the Commission's work are estimated at \$15,000.

Members of the Commission shall serve without compensation and shall receive reimbursement for expenses incurred in the discharge of their official duties only upon the approval of the Secretary of Health and Human Resources.

The Commission shall meet at least quarterly upon the call of the Chair or Co-Chairs. The Commission shall make an annual report to the Governor beginning in November-December 1995, and shall issue such other reports and recommendations as it deems necessary or upon the request of the Governor.

This Executive Order shall be effective upon its signing and shall remain in full force and effect until April 1, 1996, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 26th day of April, 1995.

/s/ George Allen
Governor

VA.R. Doc. No. R95-510; Filed May 15, 1995, 3:16 p.m.

GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

(Required by § 9-6.12:9.1 of the Code of Virginia)

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (BOARD OF)

Title of Regulation: VR 394-01-21. Virginia Uniform Statewide Building Code, Volume I - New Construction Code/1993.

Governor's Comment:

I have reviewed this proposed regulation on a preliminary basis. The regulation is mandated by state law. While I reserve the right to take action authorized by the Administrative Process Act during the final adoption period, I have no objection to the proposed regulation based on the information and public comment currently available.

/s/ George Allen
Governor
Date: May 16, 1995

VA.R. Doc. No. R95-525; Filed May 22, 1995, 11:39 a.m.

Governor

BOARD OF NURSING

Title of Regulation: VR 495-01-1. Regulations of the Board of Nursing.

Governor's Comment:

This regulation is mandated by federal and state law. I have reviewed the proposed regulation on a preliminary basis. While I reserve the right to take action authorized by the Administrative Process Act during the final adoption period, I have no objection to the proposed regulation based on the information and public comment currently available.

/s/ George Allen
Governor
Date: May 8, 1995

VA.R. Doc. No. R95-511; Filed May 11, 1995, 9:20 a.m.

BOARD OF PHARMACY

Title of Regulation: VR 530-01-1. Regulations of the Board of Pharmacy.

Governor's Comment:

I have reviewed this proposed regulation on a preliminary basis. While I reserve the right to take action authorized by the Administrative Process Act during the final adoption period, I have no objection to the proposed regulation based on the information and public comment currently available.

/s/ George Allen
Governor
Date: May 8, 1995

VA.R. Doc. No. R95-512; Filed May 11, 1995, 9:20 a.m.

DEPARTMENT OF STATE POLICE

Title of Regulation: VR 545-01-18. Regulations Governing the Operation and Maintenance of the Sex Offender Registry.

Governor's Comment:

I have reviewed the proposed regulation on a preliminary basis. The regulation is mandated by state law and will better protect citizens by enabling localities to track the whereabouts of convicted sex offenders. While I reserve the right to take action authorized by the Administrative Process Act during the final adoption period, I have no objection to the proposed regulation based on the information and public comment currently available.

/s/ George Allen
Governor
Date: May 8, 1995

VA.R. Doc. No. R95-513; Filed May 11, 1995, 9:20 a.m.

GENERAL NOTICES/ERRATA

Symbol Key †

† Indicates entries since last publication of the *Virginia Register*

DEPARTMENT FOR THE AGING

Notice of Public Comment Period on 1996-99 State Plan for Aging Services

Notice is hereby given that the Department for the Aging will accept comments on the proposed State Plan for Aging Services developed pursuant to Titles III and VII of the Older Americans Act, as amended. Interested persons may submit data, views, and arguments, either orally or in writing, to the department.

The State Plan for Aging Services will (i) identify the Virginia Department for the Aging as the sole state agency designated to develop and administer Title III programs in Virginia; (ii) identify the geographic boundaries of each Planning and Service Area in Virginia and the Area Agency on Aging designated for each Planning and Service Area; (iii) include a plan for the distribution and proposed use of Title III funds within Virginia; (iv) set forth statewide program objectives to implement the requirements of Title III; and (v) provide prior federal fiscal year information related to low-income minority and rural older persons in Virginia.

The Older Americans Act requires that an Elder Rights Plan be included in the State Plan as an addendum. The Elder Rights Plan will describe the manner in which the department for the Aging will develop a comprehensive, coordinated Elder Rights system to carry out Title VII of the Older Americans Act, including the goals, priorities, and expected outcomes of such a system. The Plan also will describe the methods which the Department for the Aging will use to periodically assess the status of elder rights in Virginia. The State Plan for Aging Services will cover the four-year period from October 1, 1995, through September 30, 1999. The Department anticipates submitting the Plan to the federal Administration on Aging in August, 1995. At least one public hearing will be held on the proposed State Plan for Aging Services. Contact the department for information about the time and location. Persons who testify at the hearing are encouraged to provide a written copy of their comments to the hearing officer. An interpreter for the deaf and hard-of-hearing will be provided upon request. Written comments on the Plan may be submitted until 5 p.m. on July 1, 1995. Comments should be sent to: Ms. Kathy Vesley, Director, Division of Aging Consumer Services, Virginia Department for the Aging, 700 East Franklin Street - 10th Floor, Richmond, Virginia 23219-2327. To receive a copy of the proposed State Plan and to obtain further information, write to the Department for the Aging at the address above or call 804-225-2271 or toll-free in Virginia 1-800-552-3402.

DEPARTMENT OF ENVIRONMENTAL QUALITY

Notice of Availability for Public Review

An Environmental Assessment of a Proposal to Drill Coalbed Methane Gas Wells in Chesterfield County, Virginia

Purpose of notice: This notice serves to inform persons interested in reviewing and commenting on the environmental impact assessment described herein of the availability of the assessment as required by § 62.1-195.1(D) of the Code of Virginia. A general description of the proposed activity, its location, and the content of the environmental impact assessment follows.

Location: Commonwealth Energy Company, the operating affiliate of Maverick Oil and Gas Company, has proposed locating three coalbed methane gas extraction wells within the Chesterfield County portion of the Richmond Basin. The three proposed well sites are located approximately one half mile from the community of Winterpock. The actual sites are within 1,500 feet of each other in an area to the south of Route 664 (Coalboro Road) and to the west of Route 621. The proposed sites are located on the Winterpock, Virginia Quadrangle, USGS topographic map, 7.5 minute series (1987).

Project description: The purpose of the proposed well drilling operation in Chesterfield County is to explore the possibility of extracting marketable quantities of coalbed methane or natural gas from the Richmond Basin. The proposed drilling operation would require approximately a day for site preparation, 24 to 48 hours for the actual drilling operation, and two to three days for additional testing. Each well site will require a maximum area of one acre. Up to 300 gallons of waste water per day is expected to be produced from drilling operations. If gas extraction proves marketable, the gas wells will be connected to the existing natural gas pipeline of Commonwealth Gas Company which is located approximately three miles to the north of the proposed wells. Provisional plans exist for additional wells throughout the Richmond Basin, contingent upon the success of these initial wells. Upon final restoration of the site, the well monitoring meter box and access road will be the only aboveground facilities.

The environmental impact assessment submitted for the proposed project includes an executive summary, a discussion of technical issues, location and vicinity maps, descriptions of the proposed drilling and operating plans, plat maps of the affected sites, discussions of realized and potential environmental impacts, plans for mitigation and avoidance, estimation for the probability of discharges and accidents, spill/release contingency plans, an evaluation of economic impacts, and a final assessment of secondary environmental and economic impacts.

General Notices/Errata

Location of the assessment: A copy of the assessment may be reviewed during regular business hours at the offices of the Department of Environmental Quality, Office of Grants Management/Intergovernmental Affairs, 629 East Main Street, Sixth Floor, Richmond, Virginia. Another copy of the assessment will be available for review at the Chesterfield County Planning Office located in the Chesterfield County Administration Building, 9901 Lori Road, Chesterfield, Virginia.

Deadline for public comment: Written comments on the environmental impacts of the proposed drilling activities may be submitted until 5 p.m., June 29, 1995. Comments must be addressed to Michael Murphy, Department of Environmental Quality, Office of Grants Management/Intergovernmental Affairs, 629 East Main Street, 6th Floor, Richmond, Virginia 23219.

Contact: For additional information, contact Tom Griffin, Department of Environmental Quality, at the address above or call (804) 762-4330.

DEPARTMENT OF LABOR AND INDUSTRY

VIRGINIA OCCUPATIONAL SAFETY AND HEALTH REGULATIONS

VR 425-02-52. Logging, General Industry (§1910.266)

Partial Stay of Enforcement

On April 17, 1995, the Safety and Health Codes Board adopted a partial stay of enforcement of the effective date for several paragraphs of federal OSHA's final rule entitled, "Logging Operations, General Industry," §1910.266, VR 425-02-52, as published by federal OSHA on February 8, 1995 (60 Fed. Reg. 7449). Paragraphs affected by the partial stay of enforcement are as follows: (d)(1)(v), insofar as it requires foot protection to be chain-saw resistant; (d)(1)(vii), insofar as it requires face protection; (d)(2)(iii), for first-aid kits that contain all the items listed in Appendix A of the regulation; (f)(2)(iv), (f)(2)(xi), (f)(3)(ii), (f)(3)(vii), (f)(3)(viii) and (f)(7)(ii), insofar as parking brakes are required to stop the machine; (g)(1) and (g)(2), insofar as they require inspection and maintenance of employee-owned vehicles; and (h)(2)(vii), insofar as it precludes backcuts at the level of the horizontal cut of the undercut when the Humboldt cutting method is used.

The purpose of the partial stay of enforcement is to allow time for federal OSHA to clarify language in the regulatory text to more accurately express federal OSHA's intent with respect to the affected provisions.

The Virginia Occupational Safety and Health (VOSH) effective date for this partial stay of enforcement extends from June 1, 1995 until August 9, 1995. The remaining requirements of VR 425-02-52, Logging, General Industry, §1910.266, are unaffected by this partial stay and will go into effect as scheduled on June 1, 1995.

VR 425-02-113. Personal Protective and Life Saving Equipment, Construction Industry (§§1926.95 - 1926.107)

Delay of Effective Date

On April 17, 1995, the Safety and Health Codes Board adopted a delay of the effective date for Subparts E and M of federal OSHA's final rule entitled, "Fall Protection, Construction Industry," as published in the Federal Register on January 26, 1995 (60 Fed. Reg. 5131). Sections affected by the delay of the effective date of the Fall Protection standard, Subpart E, include §§1926.104, "Safety belts, lifelines, and lanyards," 1926.105, "Safety nets," and 1926.107, "Definitions applicable to this subpart," of VR 425-02-113, "Personal Protective and Life Saving Equipment, Construction Industry". The delay is necessary to permit federal OSHA to reopen the Subpart M record for supplemental comments concerning Subpart M coverage of non-building steel erection work, which also impacts Subpart E.

The Virginia Occupational Safety and Health (VOSH) effective date for this delay is from June 1, 1995 until August 6, 1995. The remaining requirements for other Fall Protection regulations in the Construction Industry are unaffected by this delay and will go into effect as scheduled on June 1, 1995.

VR 425-02-175. Safety Nets, Construction Industry (§1926.753)

Delay of Effective Date

On April 17, 1995, the Safety and Health Codes Board adopted a delay of the effective date for Subparts E and M of federal OSHA's final rule entitled, "Fall Protection, Construction Industry," as published in the Federal Register on January 26, 1995 (60 Fed. Reg. 5131). Sections affected by the delay of the Fall Protection standard, Subpart E, include VR 425-02-175, Safety nets, Construction Industry, §1926.753. The delay is necessary to permit federal OSHA to reopen the Subpart M record for supplemental comments concerning Subpart M coverage of non-building steel erection work.

The Virginia Occupational Safety and Health (VOSH) date for this delay is from June 1, 1995 until August 6, 1995. The remaining requirements of other Fall Protection regulations for the construction industry are unaffected by this delay and will go into effect as scheduled on June 1, 1995.

VR 425-02-177. Fall Protection, Construction Industry (§§1926.500 through 1926.503)

Delay of Effective Date

On April 17, 1995, the Safety and Health Codes Board adopted a delay of the effective date for Subparts E and M of federal OSHA's final rule entitled, "Fall Protection, Construction Industry," as published in the Federal Register on January 26, 1995 (60 Fed. Reg. 5131). Sections affected by the delay of the effective date of the Fall Protection

standard include sections 1926.500 through 1926.503 of the Fall Protection standard, VR 425-02-177. The delay is necessary to permit federal OSHA to reopen the Subpart M record for supplemental comments concerning Subpart M coverage of non-building steel erection work.

The Virginia Occupational Safety and Health (VOSH) effective date for this delay is from June 1, 1995 until August 6, 1995. The remaining requirements of other Fall Protection regulations in the Construction Industry are unaffected by this delay and will go into effect as scheduled on June 1, 1995.

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: (804) 692-0625.

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 OBJECTIONS -
RR08

CALENDAR OF EVENTS

Symbol Key

- † Indicates entries since last publication of the *Virginia Register*
- ♿ Location accessible to handicapped
- ☎ Telecommunications Device for Deaf (TDD)/Voice Designation

NOTICE

Only those meetings which are filed with the Registrar of Regulations by the filing deadline noted at the beginning of this publication are listed. Since some meetings are called on short notice, please be aware that this listing of meetings may be incomplete. Also, all meetings are subject to cancellation and the *Virginia Register* deadline may preclude a notice of such cancellation.

For additional information on open meetings and public hearings held by the Standing Committees of the Legislature during the interim, please call Legislative Information at (804) 786-6530.

VIRGINIA CODE COMMISSION

EXECUTIVE

BOARD FOR ACCOUNTANCY

June 16, 1995 -- Public 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 Accountancy intends to amend regulations entitled: **VR 105-01-2. Board for Accountancy Regulations**. The purpose of the proposed amendments is to reduce current educational requirements and eliminate the provision for specific coursework requirements.

Statutory Authority: §§ 54.1-201 and 54.1-2002 of the Code of Virginia.

Contact: Nancy Taylor Feldman, Assistant Director, Board for Accountancy, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590.

† **July 18, 1995 - 10 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia. ♿

An open meeting to review applications and correspondence, conduct review and disposition of enforcement cases, and discuss other matters requiring board action. A public comment period will be held at the beginning of the meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at (804) 367-8590 at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Nancy Taylor Feldman, Assistant Director, Board for Accountancy, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-2474 or (804) 367-9753/TDD ☎

ADVISORY COMMITTEE ON AGING, DISABILITY AND LONG-TERM SERVICES

June 12, 1995 - 9:30 a.m. -- Open Meeting
Norfolk, Virginia. ♿ (Interpreter for the deaf provided upon request)

June 14, 1995 - 9:30 a.m. -- Open Meeting
Fredericksburg, Virginia. ♿ (Interpreter for the deaf provided upon request)

June 16, 1995 - 9:30 a.m. -- Open Meeting
Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

June 19, 1995 - 9:30 a.m. -- Open Meeting
Fairfax, Virginia. ♿ (Interpreter for the deaf provided upon request)

The Secretary of Health and Human Resources, Kay Coles James, and the Advisory Committee on Aging, Disability and Long-Term Care Services are hosting forums on long-term care and aging services. Consumers, providers, local governments, human services agencies, and others interested in the delivery of long-term care and aging services are encouraged to attend to provide recommendations for improving the delivery of these services for the elderly and people with disabilities. To attend a forum, you must register in advance. Registration will be accepted on a first-come basis because space is limited. Confirmations containing more detailed information will be sent to registrants. For information on the forums or to register, call or write to the Advisory Committee on Aging, Disability and Long-Term Care Services at the address below. If you are unable to attend and would like to submit written comments, please send your remarks to the Advisory Committee.

Contact: Cindi Bowling, Project Manager, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-0552, FAX (804) 225-4512 or toll-free 1-800-343-0634/TDD ☎

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Virginia Egg Board

† June 23, 1995 - 10 a.m. -- Open Meeting
Sheraton Hotel, 36th and Atlantic Avenue, Virginia Beach, Virginia. ☎

The board will convene for the purpose of reviewing financial statements and education, and advertising and promotion recommendations of the Virginia Egg Council. Other business may be discussed before the board at that time. 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 accommodations in order to participate at the meeting should contact Cecilia Glembocki at least five days before the meeting date so that suitable arrangements can be made.

Contact: Cecilia Glembocki, Executive Director, Virginia Egg Board, 911 Saddleback Court, McLean, VA 22102, telephone (703) 790-1984.

Virginia Horse Industry Board

July 11, 1995 - 10 a.m. -- Open Meeting
Virginia Cooperative Extension, Charlottesville-Albemarle Unit, 168 Spotnap Road, Lower Level Meeting Room, Charlottesville, Virginia. ☎

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 accommodations in order to participate at the meeting should contact Andrea S. Heid at least five days before the meeting date so that suitable arrangements can be made.

Contact: Andrea S. Heid, Equine Marketing Specialist, Department of Agriculture and Consumer Services, 1100 Bank St., #906, Richmond, VA 23219, telephone (804) 786-5842 or (804) 371-6344/TDD ☎

Pesticide Control Board

† July 13, 1995 - 9 a.m. -- Open Meeting
Department of Agriculture and Consumer Services, 1100 Bank Street, Board Room 204, Richmond, Virginia. ☎

Committee meetings and a general business meeting. Portions of the meeting may be held in closed session pursuant to § 2.1-344 of the Code of Virginia. The public will have an opportunity to comment on any matter not on the Pesticide Control Board's agenda beginning at 9 a.m. Any person who needs any accommodations in order to participate in the meeting should contact Dr. Marvin A. Lawson at least 10 days before the meeting so that suitable arrangements can be made.

Contact: Dr. Marvin A. Lawson, Program Manager, Office of Pesticide Management, Department of Agriculture and

Consumer Services, 1100 Bank St., Room 401, P.O. Box 1163, Richmond, VA 23209, telephone (804) 371-6558.

Virginia Pork Industry Board

† July 7, 1995 - 3:30 p.m. -- Open Meeting
Hotel Roanoke and Conference Center, 110 Shenandoah Avenue, Roanoke, Virginia. ☎

A meeting to elect new officers, approve projects and formulate the annual budget. 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 accommodations in order to participate at the meeting should contact John Parker at least five days before the meeting date so that suitable arrangements can be made.

Contact: John H. Parker, Executive Director, Virginia Pork Industry Board, Washington Building, 1100 Bank St., Richmond, VA 23219, telephone (804) 786-7092.

STATE AIR POLLUTION CONTROL BOARD

† June 19, 1995 - 7 p.m. -- Public Hearing
Bland County High School Gymnasium, Bland, Virginia.

A public hearing to receive comments on a permit application from CaseLin Systems, Inc., to construct and operate two medical waste incinerators in Bland County, Virginia.

Contact: Cliff Musick, Environmental Engineer Senior, Department of Environmental Quality, P.O. Box 1190, 121 Russell Road, Abingdon, VA 24210, telephone (703) 676-5582.

ALCOHOLIC BEVERAGE CONTROL BOARD

June 12, 1995 - 9:30 a.m. -- Open Meeting
June 26, 1995 - 9:30 a.m. -- Open Meeting
Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, Virginia. ☎

A meeting to receive and discuss reports and activities from staff members. Other matters not yet determined.

Contact: W. Curtis Coleburn, Secretary to the Board, Alcoholic Beverage Control Board, 2901 Hermitage Rd., P.O. Box 27491, Richmond, VA 23261, telephone (804) 367-0712 or FAX (804) 367-1802.

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

June 30, 1995 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ☎

Calendar of Events

A meeting to conduct general board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at (804) 367-8514. 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: 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 ☎

June 30, 1995 - 2:30 p.m. -- Public Hearing
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ☎

A public hearing will be held in accordance with the provisions of Executive Order 15(94) requiring a comprehensive review of all regulations relating to architects, professional engineers, land surveyors and landscape architects. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at (804) 367-8514 at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

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 ☎

Board for Interior Designers

June 22, 1995 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ☎

A meeting to conduct general board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at (804) 367-8514 at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514 or (804) 367-9753/TDD ☎

Board for Landscape Architects

June 15, 1995 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ☎

A meeting to conduct general board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at (804) 367-8514 at least 10

days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514 or (804) 367-9753/TDD ☎

Board for Professional Engineers

NOTE: CHANGE IN MEETING DATE

June 13, 1995 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ☎

A meeting to conduct general board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at (804) 367-8514 at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514 or (804) 367-9753/TDD ☎

BOARD FOR ASBESTOS LICENSING AND LEAD CERTIFICATION

† **June 14, 1995 - 10 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 4 A, Richmond, Virginia. ☎

A meeting to conduct general board business and adopt emergency regulations for lead-based paint training and certification regulations.

Contact: David E. Dick, Assistant Director, Board for Asbestos Licensing and Lead Certification, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595, FAX (804) 367-2475 or (804) 367-9753/TDD ☎

AVIATION BOARD

June 20, 1995 - 3 p.m. -- Open Meeting
Department of Aviation, 5702 Gulfstream Road, Sandston, Virginia. ☎ (Interpreter for the deaf provided upon request)

A workshop for the board. No formal actions will be taken.

Contact: Cindy Waddell, Department of Aviation, 5702 Gulfstream Rd., Sandston, VA 23150, telephone (804) 236-3625 or (804) 236-3624/TDD ☎

June 21, 1995 - 9 a.m. -- Open Meeting
Sheraton Inn, Richmond Airport, 4700 South Laburnum Avenue, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A regular bi-monthly meeting of the board. Applications for state funding will be presented to the board and other matters of interest to the Virginia aviation community will be discussed.

Contact: Cindy Waddell, Department of Aviation, 5702 Gulfstream Rd., Sandston, VA 23150, telephone (804) 236-3625 or (804) 236-3624/TDD ☎

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

June 22, 1995 - 10 a.m. -- Open Meeting
Department of Social Services, 730 East Broad Street, Conference Room 2, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to conduct general business, including a review of local Chesapeake Bay Preservation Area programs. Public comment will be taken early in the meeting. A tentative agenda will be available by June 1, 1995, from the Chesapeake Bay Local Assistance Department.

Contact: Florence E. Jackson, Program Support Technician, Chesapeake Bay Local Assistance Department, 805 E. Broad St., Suite 701, Richmond, VA 23219, telephone (804) 225-3440, FAX (804) 225-3447 or toll-free 1-800-243-7229/TDD ☎

COMPENSATION BOARD

† **June 29, 1995 - 1 p.m.** -- Open Meeting
† **July 27, 1995 - 1 p.m.** -- Open Meeting
Ninth Street Office Building, 202 North Ninth Street, 9th Floor, Room 913/913A, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A routine meeting to conduct board business.

Contact: Bruce W. Haynes, Executive Secretary, Compensation Board, P.O. Box 710, Richmond, VA 23206-0686, telephone (804) 786-3886, FAX (804) 371-0235 or (804) 786-3886/TDD ☎

DEPARTMENT OF CONSERVATION AND RECREATION

Falls of the James Scenic River Advisory Board

† **June 15, 1995 -- Noon** -- Open Meeting
† **July 20, 1995 - Noon** -- Open Meeting
† **August 17, 1995 - Noon** -- Open Meeting
City Hall, Planning Commission Conference Room, 5th Floor, Richmond, Virginia.

A meeting to review river issues and programs.

Contact: Richard G. Gibbons, Environmental Program Manager, Department of Conservation and Recreation, Division of Planning and Recreation Resources, 203 Governor St., Richmond, VA 23219, telephone (804) 786-4132, FAX (804) 371-7899, or (804) 786-2121/TDD ☎

Shenandoah Scenic River Advisory Board

June 15, 1995 -- 4 p.m. -- Open Meeting
Clarke County Courthouse, 2nd Floor, Board Room, Berryville, Virginia.

A meeting to review river issues and programs.

Contact: Richard G. Gibbons, Environmental Program Manager, Department of Conservation and Recreation, Division of Planning and Recreation Resources, 203 Governor St., Richmond, VA 23219, telephone (804) 786-4132, FAX (804) 371-7899, or (804) 786-2121/TDD ☎

BOARD FOR CONTRACTORS

June 21, 1995 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ☎

A meeting to review board member reports and summaries from informal fact-finding conferences held pursuant to the Administrative Process Act, and to review consent order offers in lieu of further disciplinary proceedings. 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 accommodations at least two weeks in advance for consideration of your request.

Contact: Debbie A. Amaker, Legal Assistant, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8582 or (804) 367-9753/TDD ☎

† **June 26, 1995 - 11 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 pursuant to the Administrative Process Act in order for the board to make a case decision.

Contact: Earlyne Perkins, Legal Assistant, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-0946 or (804) 367-9753/TDD ☎

Applications Review Committee

† **June 20, 1995 - 10 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ☎

Calendar of Events

A regularly scheduled meeting of the committee to review applications with convictions and/or complaints for Class A, B and C contractor's licenses.

Contact: Elizabeth Y. Kirksey, Assistant Administrator, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-2785.

Recovery Fund Committee

June 28, 1995 - 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 Holly Erickson. 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: Holly Erickson, Assistant Administrator, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8561.

STATE BOARD OF CORRECTIONS

† **June 14, 1995 - 10 a.m.** -- Open Meeting
Department of Corrections, 6900 Atmore Drive, Board Room, Richmond, Virginia. ♿

A meeting to discuss matters as they 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

† **June 14, 1995 - 8:30 a.m.** -- Open Meeting
Department of Corrections, 6900 Atmore Drive, Richmond, Virginia. ♿

A meeting to discuss administration matters as they 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.

Correctional Services Committee

† **June 13, 1995 - 1 p.m.** -- Open Meeting
Department of Corrections, 6900 Atmore Drive, Board Room, Richmond, Virginia. ♿

A meeting to discuss correctional services matters as they 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.

BOARD FOR COSMETOLOGY

June 12, 1995 - 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 W. O'Neal. The department fully complies with the Americans with Disabilities Act. Please notify the department of your request at least two weeks in advance.

Contact: Karen W. O'Neal, Assistant Director, Board for Cosmetology, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-0500, FAX (804) 367-2475 or (804) 367-9753/TDD ♿

† **June 26, 1995 - 10 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿

A meeting to conduct a formal hearing in regard to the Board for Cosmetology v. Personality Beauty School. 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 at least two weeks in advance.

Contact: Carol A. Mitchell, Assistant Director, Board for Cosmetology, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8524.

DEBT CAPACITY ADVISORY COMMITTEE

† **June 22, 1995 - 10 a.m.** -- Open Meeting
James Monroe Building, 101 North 14th Street, 3rd Floor, Treasury Board Room, Richmond, Virginia. ♿

A regular meeting of the committee.

Contact: Gloria J. Hatchel, Administrative Assistant, Department of the Treasury, 101 N. 14th St., Richmond, VA 23219, telephone (804) 371-6011.

VIRGINIA INTERAGENCY COORDINATING COUNCIL ON EARLY INTERVENTION

June 14, 1995 - 9:30 a.m. -- Open Meeting
Henrico Area Mental Health and Mental Retardation Services, 10299 Woodman Road, Richmond, Virginia. ♿

A quarterly meeting of the council to discuss issues relating to the implementation of a comprehensive system of early intervention services for infants and toddlers with disabilities, and their families.

Contact: Richard Corbett, Department of Mental Health, Mental Retardation and Substance Abuse Services, Early Intervention, P.O. Box 1797, Richmond, VA 23214, telephone (804) 786-3710.

BOARD OF EDUCATION

June 22, 1995 -- 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 meetings. Business will be conducted according to items listed on the agenda. The agenda is available upon request.

Contact: James E. Laws, Jr., Administrative Assistant for Board Relations, Department of Education, P.O. Box 2120, Richmond, VA 23216-2120, telephone (804) 225-2024 or toll-free 1-800-292-3820.

LOCAL EMERGENCY PLANNING COMMITTEE - CITY OF ALEXANDRIA

June 14, 1995 - 6 p.m. -- Open Meeting
Virginia-American Water Company, 2223 Duke Street, Alexandria, Virginia. (Interpreter for the deaf provided upon request)

An open meeting with committee members and facility emergency coordinators to conduct business in accordance with SARA Title III, Emergency Planning and Community Right-to-Know Act of 1986.

Contact: Charles McRorie, Emergency Preparedness Coordinator, City of Alexandria, P.O. Box 178, Alexandria, VA 22313, telephone (703) 838-3825 or (703) 838-5056/TDD

DEPARTMENT OF ENVIRONMENTAL QUALITY

June 14, 1995 - 9 a.m. -- Open Meeting
July 19, 1995 - 9 a.m. -- Open Meeting
Department of Environmental Quality, Innsbrook Corporate Center, 4900 Cox Road, Glen Allen, Virginia.

A meeting of the joint panel. This meeting is designed to define, assess and make recommendations in more closely aligning the Department of Environmental Quality's air, water and waste permitting procedures. This meeting date is subject to change. Please contact Kim Anderson for possible changes in meeting date or additional information.

Contact: Kim Anderson, Administrative Staff Assistant, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 762-4020, FAX (804) 762-4019 or (804) 762-4021/TDD

Cost-Benefit Analysis Work Group

† July 12, 1995 - 10 a.m. -- Open Meeting
† August 2, 1995 - 10 a.m. -- Open Meeting
Department of Environmental Quality, 629 East Main Street, 10th Floor Conference Room, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to continue assisting the agency in developing a process for conducting cost benefit analyses for each of its regulations.

Contact: Michael P. Murphy, Director, Grants Management, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240-0009, telephone (804) 762-4003, FAX (804) 762-4019, toll-free 1-800-592-5482 or (804) 762-4021/TDD

STATE EXECUTIVE COUNCIL

June 30, 1995 - 9 a.m. -- Open Meeting
Department of Youth and Family Services, 700 East Franklin Street, 4th Floor, Board Room, Richmond, Virginia.

The State Executive Council is established under § 2.1-746 of the Code of Virginia. The monthly meeting of the council is to discuss and make decisions, set policies, and review and act appropriately on Comprehensive Services Act-related issues as they pertain to at-risk youth and families.

Contact: Alan G. Saunders, Director, State Executive Council, 700 E. Franklin St., Richmond, VA 23219, telephone (804) 786-5394.

VIRGINIA FIRE SERVICES BOARD

June 15, 1995 - 7:30 p.m. -- Public Hearing
Sheraton Inn, Fredericksburg, Virginia.

A public hearing to discuss fire training and policies. The hearing is open to the public for input and comments.

Contact: Bobby L. Stanley, Jr., Acting Executive Director, Department of Fire Programs, 2807 N. Parham Rd., Suite 200, Richmond, VA 23294, telephone (804) 527-4236.

June 16, 1995 - 9 a.m. -- Open Meeting
Sheraton Inn, Fredericksburg, Virginia.

A meeting to discuss fire training and policies. The meeting is open to the public for input and comments.

Contact: Bobby L. Stanley, Jr., Acting Executive Director, Department of Fire Programs, 2807 N. Parham Rd., Suite 200, Richmond, VA 23294, telephone (804) 527-4236.

Fire/EMS Education and Training Committee

June 15, 1995 - 10 a.m. -- Open Meeting
Sheraton Inn, Fredericksburg, Virginia.

A meeting to discuss fire training and policies. The meeting is open to the public for input and comments.

Calendar of Events

Contact: Bobby L. Stanley, Jr., Acting Executive Director, Department of Fire Programs, 2807 N. Parham Rd., Suite 200, Richmond, VA 23294, telephone (804) 527-4236.

Fire Prevention and Control Committee

June 15, 1995 - 9 a.m. -- Open Meeting
Sheraton Inn, Fredericksburg, Virginia.

A meeting to discuss fire training and policies. The meeting is open to the public for input and comments.

Contact: Bobby L. Stanley, Jr., Acting Executive Director, Department of Fire Programs, 2807 N. Parham Rd., Suite 200, Richmond, VA 23294, telephone (804) 527-4236.

Legislative/Liaison Committee

June 15, 1995 - 1 p.m. -- Open Meeting
Sheraton Inn, Fredericksburg, Virginia.

A meeting to discuss fire training and policies. The meeting is open to the public for input and comments.

Contact: Bobby L. Stanley, Jr., Acting Executive Director, Department of Fire Programs, 2807 N. Parham Rd., Suite 200, Richmond, VA 23294, telephone (804) 527-4236.

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

July 12, 1995 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia.

A general board meeting to discuss board business. Public comments will be received at the beginning of the meeting for 15 minutes. The public hearing will begin at 10 a.m. Pursuant to Executive 15(94) requiring a comprehensive review of all regulations, the board will receive comments on the following:

VR 320-01-2. General Regulations of the Board of Funeral Directors and Embalmers
VR 320-01-3. Regulations for Preneed Funeral Planning
VR 320-01-4. Resident Training Regulations.

These regulations will be reviewed to ensure that (i) it is essential to protect the health and safety of the citizens or necessary for the performance or an important government function; (ii) it is mandated or authorized by law; (iii) it offers the least burdensome alternative and the most reasonable solution; and (iv) it is clearly written and easily understandable.

Contact: Lisa Russell Hahn, Executive Director, Board of Funeral Directors and Embalmers, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9907, (804) 662-7197/TDD ☎, or FAX (804) 662-9943.

DEPARTMENT OF HEALTH

Biosolids Use Regulations Advisory Committee

† **June 16, 1995 - 9 a.m.** -- Open Meeting

† **July 20, 1995 - 9 a.m.** -- Open Meeting

The UVA Richmond Center, 7740 Shrader Road, Suite E, Richmond, Virginia. ☎

A meeting to discuss issues concerning implementation of the Biosolids Use Regulations relating to land application, marketing or distribution of biosolids.

Contact: C.M. Sawyer, Division Director, Department of Health, Office of Water Programs, P.O. Box 2448, Richmond, VA 23218, telephone (804) 786-1755 or FAX (804) 786-5567.

Biosolids Use Committee

† **July 20, 1995 - 1 p.m.** -- Open Meeting

The UVA Richmond Center, 7740 Shrader Road, Suite E, Richmond, Virginia. ☎

A meeting to review and evaluate specific concerns relating to land application and agricultural use of biosolids including issues related to the final Biosolids Use Regulations recently adopted by the State Board of Health to regulate the land application, marketing or distribution of biosolids.

Contact: C.M. Sawyer, Division Director, Department of Health, Office of Water Programs, P.O. Box 2448, Richmond, VA 23218, telephone (804) 786-1755 or FAX (804) 786-5567.

BOARD OF HEALTH PROFESSIONS

Ad Hoc Levels of Regulation Committee

† **June 20, 1995 - 10 a.m.** -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia.

A regular meeting. Brief public comment will be received at the beginning of the meeting.

Contact: Elizabeth A. Carter, Ph.D., Deputy Executive Director, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9942 or (804) 662-7197/TDD ☎

Administration and Budget Committee

† **June 20, 1995 - 9 a.m.** -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia.

A regular meeting. Brief public comment will be received at the beginning of the meeting.

Contact: Elizabeth A. Carter, Ph.D., Deputy Executive Director, Department of Health Professions, 6606 W. Broad

St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9942 or (804) 662-7197/TDD ☎

Task Force on Unified Regulation of Psychologists

June 19, 1995 - 10 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia.

A meeting to review statutory revisions which provide for psychologists being licensed under a single board, including public comment on its proposal. Public comment on this topic will be received at the beginning of the meeting.

Contact: Robert A. Nebiker, Deputy Director, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9904.

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

June 13, 1995 - 9:30 a.m. -- Open Meeting
Trigon Blue Cross/Blue Shield, 2015 Staples Mill Road, Richmond, Virginia. ☎

A monthly meeting.

Contact: Barbara Ryder, Director of Administration, Virginia Health Services Cost Review Council, 805 E. Broad St., 6th Floor, Richmond, VA 23219, telephone (804) 786-6371.

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

June 13, 1995 - 9:30 a.m. -- Open Meeting
James Monroe Building, 101 North 14th Street, 9th Floor, Council Conference Room, Richmond, Virginia. ☎
(Interpreter for the deaf provided upon request)

July 11, 1995 - 9:30 a.m. -- Open Meeting
Northern Virginia Community College, Annandale Campus, Annandale, Virginia. (Interpreter for the deaf provided upon request)

A general business meeting. For additional information about the meeting or location please contact the council.

Contact: Anne M. Pratt, Associate Director, Monroe Bldg., 101 N. 14th St., 9th Floor, Richmond, VA 23219, telephone (804) 225-2632

COMMISSION ON THE FUTURE OF HIGHER EDUCATION IN VIRGINIA

June 14, 1995 - 10 a.m. -- Open Meeting
General Assembly Building, 910 Capitol Square, Speaker's Conference Room, 6th Floor, Richmond, Virginia. ☎
(Interpreter for the deaf provided upon request)

A meeting to discuss issues of interest to higher education in Virginia. For a more detailed agenda please contact the Council of Higher Education.

Contact: Anne M. Pratt, Associate Director, Monroe Bldg., 101 N. 14th St., 9th Floor, Richmond, VA 23219, telephone (804) 225-2629.

VIRGINIA HISTORIC PRESERVATION FOUNDATION

June 14, 1995 - 10:30 a.m. -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A general business meeting.

Contact: Margaret Peters, Information Director, Virginia Historic Preservation Foundation, 222 Governor St., Richmond, VA 23219, telephone (804) 786-3143, FAX (804) 225-4261 or (804) 786-1934/TDD ☎

DEPARTMENT OF HISTORIC RESOURCES

Historic Resources Board

† **June 21, 1995 - 10 a.m.** -- Open Meeting
Hunton and Williams, 951 East Byrd Street, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A general business meeting.

Contact: Margaret Peters, Information Director, Department of Historic Resources, 221 Governor St., Richmond, VA 23219, telephone (804) 786-3143, FAX (804) 225-4261 or (804) 786-1934/TDD ☎

State Review Board

† **June 20, 1995 - 10 a.m.** -- Open Meeting
State Water Control Board, Innsbrook Corporate Center, 4900 Cox Road, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to consider the nomination of the following properties to the National Register of Historic Places.

1. Bridge at Falling Creek, Chesterfield County
2. Dam No. 1 Battle Site, Newport News
3. Hays Creek Mill, Rockbridge County
4. Poplar Hill, Isle of Wight County
5. Washington National Airport Terminal and South Hangar Line, Arlington County
6. Woodstock Historic District, Shenandoah County

Contact: Margaret Peters, Information Director, Department of Historic Resources, 221 Governor St., Richmond, VA 23219, telephone (804) 786-3143, FAX (804) 225-4261 or (804) 786-1934/TDD ☎

Calendar of Events

HOPEWELL INDUSTRIAL SAFETY COUNCIL

July 11, 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 Services Coordinator, 300 North Main Street, Hopewell, VA 23860, telephone (804) 541-2298.

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

† June 26, 1995 - 10 a.m. -- Public Hearing

Department of Housing and Community Development, The Jackson Center, 501 North Second Street, Richmond, Virginia. ☎

The board will convene a public hearing to accept public comments relative to revised guidelines for operation of the Department of Housing and Community Development's Indoor Plumbing Program. A brief overview of the program will be presented. The board will adopt program guidelines at its regular monthly meeting which will follow the public hearing.

Contact: Barry W. Brown, Program Manager, Department of Housing and Community Development, The Jackson Center, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7030, FAX (804) 371-7093 or (804) 371-7089/TDD ☎

June 26, 1995 - Noon -- Open Meeting

Department of Housing and Community Development, The Jackson Center, 501 North Second Street, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A regular monthly business meeting of the board.

Contact: Stephen Calhoun, CPA, Department of Housing and Community Development, The Jackson Center, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7013, FAX (804) 371-7090 or (804) 371-7089/TDD ☎

State Building Code Technical Review Board

† June 16, 1995 - 10 a.m. -- Open Meeting

Department of Housing and Community Development, The Jackson Center, 501 North Second Street, Richmond, Virginia. ☎

The board hears administrative appeals concerning building and fire codes and other regulations of the department. The board also issues interpretations and formalizes recommendations to the Board of Housing and Community Development concerning future changes to the regulations.

Contact: Vernon W. Hodge, Building Code Supervisor, Department of Housing and Community Development, The

Jackson Center, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7170 or (804) 371-7089/TDD ☎

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

† June 20, 1995 - 11 a.m. -- Open Meeting

Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, Virginia. ☎

A regular meeting of the Board of Commissioners to review and, if appropriate, (i) approve the minutes from the prior monthly meeting; (ii) consider for approval and ratification mortgage loan commitments under its various programs; (iii) review the authority's operations for the prior month; (iv) consider, and, if appropriate, approve proposed amendments to the Rules and Regulations for Multi-Family Housing Developments, the Rules and Regulations for the Acquisition of Multi-Family Housing Developments and the 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.

COUNCIL ON INFORMATION MANAGEMENT

Virginia Information Technology Infrastructure Task Force

† June 12, 1995 - 1 p.m. -- Open Meeting

Washington Building, 1100 Bank Street, 9th Floor Conference Room, Richmond, Virginia. ☎

A meeting to discuss the first draft of a report due to the Governor by June 30, 1995.

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 ☎

† June 27, 1995 - 1 p.m. -- Open Meeting

Washington Building, 1100 Bank Street, 9th Floor Conference Room, Richmond, Virginia. ☎

A meeting to finalize a report due to the Governor by June 30, 1995.

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 ☎

VIRGINIA INTERAGENCY MIGRANT WORKER POLICY COMMITTEE

† June 21, 1995 - 11 a.m. -- Open Meeting
Eastern Shore Community College, Melfa, Virginia. ☎
(Interpreter for the deaf provided upon request)

Orientation and a general meeting of the committee.

Contact: Patti C. Bell, Staff Coordinator, Department of Labor and Industry, Powers-Taylor Building, 13 S. 13th St., Richmond, VA 23219, telephone (804) 225-3083, FAX (804) 371-6524 or (804) 786-2376/TDD ☎

DEPARTMENT OF LABOR AND INDUSTRY

Migrant and Seasonal Farmworkers Board

† June 21, 1995 - 9 a.m. -- Open Meeting
Eastern Shore Community College, Melfa, Virginia. ☎
(Interpreter for the deaf provided upon request)

A regular meeting of the board.

Contact: Patti C. Bell, Staff Coordinator, Department of Labor and Industry, Powers-Taylor Building, 13 S. 13th St., Richmond, VA 23219, telephone (804) 225-3083, FAX (804) 371-6524 or (804) 786-2376/TDD ☎

LIBRARY BOARD

State Networking Users Advisory Board

June 12, 1995 - 10 a.m. -- Open Meeting
Jefferson-Madison Regional Library, 201 East Market Street,
Madison Room, Charlottesville, Virginia. ☎ (Interpreter for the
deaf provided upon request)

A meeting to discuss administrative matters of the board.

Contact: Jean H. Taylor, Secretary to the State Librarian,
The Library of Virginia, 11th Street at Capitol Square,
Richmond, VA 23219, telephone (804) 786-2332.

STATE COUNCIL ON LOCAL DEBT

June 21, 1995 - 11 a.m. -- Open Meeting
James Monroe Building, 101 North 14th Street, 3rd Floor,
Treasury Board Conference Room, Richmond, Virginia. ☎

A regular meeting of the council, 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 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.

STATE LOTTERY BOARD

† June 28, 1995 - 9:30 a.m. -- Open Meeting
State Lottery Department, 900 East Main Street, 8th Floor
Conference Room, Richmond, Virginia. ☎ (Interpreter for the
deaf provided upon request)

A regular meeting of the board. Business will be conducted according to items listed on the agenda which has not yet been determined. One period for public comment is scheduled.

Contact: Barbara L. Robertson, Legislative, Regulatory and Board Administrator, State Lottery Department, 900 E. Main St., Richmond, VA 23219, telephone (804) 692-7774 or FAX (804) 692-7775.

MARINE RESOURCES COMMISSION

June 27, 1995 - 9:30 a.m. -- Open Meeting
Marine Resources Commission, 2600 Washington Avenue,
4th Floor, Room 403, Newport News, Virginia. ☎ (Interpreter
for the deaf provided upon request)

The commission will hear and decide marine environmental matters at 9:30 a.m.; permit applications for projects in wetlands, bottom lands, coastal primary sand dunes and beaches; appeals of local wetland board decisions; policy and regulatory issues. The commission will hear and decide fishery management items at approximately noon. Items to be heard are as follows: regulatory proposals, fishery management plans; fishery conservation issues; licensing; shellfish leasing. Meetings are open to the public. Testimony is taken under oath from parties addressing agenda items on permits and licensing. Public comments are taken on resource matters, regulatory issues and items scheduled for public hearing. The commission is empowered to promulgate regulations in the areas of marine environmental management and marine fishery management.

Contact: Sandra S. Schmidt, Secretary to the Commission, Marine Resources Commission, P.O. Box 756, Newport News, VA 23607-0756, telephone (804) 247-8088, toll-free 1-800-541-4646 or (804) 247-2292/TDD ☎

BOARD OF MEDICAL ASSISTANCE SERVICES

June 13, 1995 - 10 a.m. -- Open Meeting
Department of Medical Assistance Services, 600 East Broad
Street, Suite 1300, Richmond, Virginia. ☎ (Interpreter for the
deaf provided upon request)

A meeting to discuss medical assistance services and to take action on issues pertinent to the board.

Contact: Cynthia Klisz, Executive Assistant, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-8099 or toll-free 1-800-343-0634.

Calendar of Events

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

† August 11, 1995 -- Public 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 Medical Assistance Services intends to adopt regulations entitled: **VR 460-01-66.2. Medicaid Reimbursement for Administration of Vaccines under the Pediatric Immunization Program (§ 4.19m)**. The purpose of this proposal is to promulgate permanent regulations for the payment of a fee for the administration of vaccines to children under the Vaccines for Children Program. The vaccines which are covered under this program are routine childhood immunizations which are given to prevent such childhood diseases as whooping cough, diphtheria, tetanus, polio, measles, mumps, and German measles.

The Omnibus Budget Reconciliation Act of 1993 (OBRA '93), Public Law 103-66, created the Pediatric Immunization Distribution Program (more commonly known and hereafter referred to as the Vaccines for Children (VFC) Program), which took effect on October 1, 1994. Section 13631 of OBRA '93 added § 1902 (A)(62) to the Social Security Act (the Act) to require that states provide for a program for the purpose and distribution of pediatric vaccines to program-registered providers for the immunization of vaccine-eligible children in accordance with § 1928 of the Act. Section 1928 required each state to establish a VFC Program (which may be administered by the State Department of Health) under which certain specified groups of children are entitled to receive qualified pediatric immunizations without charge for the costs of the vaccine. The Department of Medical Assistance Services (DMAS) has complied with this requirement with the exception of the final component, the vaccine administration fee, which is needed to complete all the necessary program elements.

The establishment of a vaccine administration fee is essential to comply with OBRA '93's Vaccines for Children (VFC) Program, which ensures that certain specified groups of children receive qualified pediatric immunizations free of charge. This vaccine administration fee is mandated in the law and is intended to provide an incentive to providers to participate in the VFC program and provide immunizations to Medicaid children. Medicaid proposes to establish a fee of \$11 for the administration of such fees. The primary advantage to the Commonwealth and to providers of this regulatory action is that the federal government will provide these routine childhood vaccines free of charge. Since Medicaid recipients do not pay for such immunizations, such a change in drug distribution and payment policies is expected to be transparent to them. Actual expenditures will depend on the number of Medicaid providers who enroll in this vaccines program, the number of recipients who receive immunizations, and the number of administration fees that are actually paid to providers.

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

Public comments may be submitted until August 11, 1995, to Sally Rice, Division of Client Services, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia 23219.

Contact: Victoria Simmons or Roberta Jonas, Regulatory Coordinators, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8850.

Drug Utilization Review Board and Prior Authorization Advisory Committee

† June 22, 1995 - 3 p.m. -- Open Meeting
Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia.

A regular meeting of the DUR Board and PA Advisory Committee. Routine business will be conducted.

Contact: Marianne Rollings or David B. Shepherd, Pharmacy Consultants, Client Services Division, Department of Medical Assistance Services, 600 E. Broad St., Richmond, VA 23219, telephone (804) 786-3820.

BOARD OF MEDICINE

July 1, 1995 -- Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Medicine intends to amend regulations entitled: **VR 465-02-1. Regulations Governing the Practice of Medicine, Osteopathy, Podiatry, Chiropractic, Clinical Psychology and Acupuncture**. The proposed amendments clarify prohibited sexual contact with patients; remove burdensome, outdated language on acupuncture; and eliminate the requirements for a state examination for chiropractic licensure.

Statutory Authority: §§ 54.1-2400 and 54.1-2900 et seq. of the Code of Virginia.

Contact: Eugenia K. Dorson, Deputy Executive Director, Board of Medicine, 6606 W. Broad St., Richmond, VA 23230, telephone (804) 662-9925.

STATE MILK COMMISSION

† June 20, 1995 - 10:30 a.m. -- Open Meeting
900 Natural Resources Drive, Room 1224, Charlottesville, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting to discuss industry issues, distributor licensing, Virginia base transfers, Virginia baseholding license amendments, regulations, fiscal matters, and to receive reports from the staff of the Milk Commission. The commission will discuss the formation of an ad hoc committee to study recommendations made in the

regulatory analysis of the rules and regulations pursuant to Executive Order 15(94). The commission may consider other matters pertaining to its responsibilities. Any person requiring accommodations in order to participate at this meeting should contact Edward C. Wilson, Jr. at least five days prior to the meeting so that suitable arrangements can be made.

Contact: Edward C. Wilson, Jr., Deputy Administrator, State Milk Commission, 200 N. 9th St., Suite 1015, Richmond, VA 23219-3414, telephone (804) 786-2013 or (804) 786-2013/TDD ☎

DEPARTMENT OF MINES, MINERALS AND ENERGY

June 16, 1995 -- Public comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Mines, Minerals and Energy intends to amend regulations entitled: **VR 480-03-19. Coal Surface Mining Reclamation Regulations.** The proposed amendment makes permanent the October 19, 1994, emergency regulation amendment allowing continued use of scalp rock in highwall backfills on surface coal mines.

Statutory Authority: §§ 45.1-161.3 and 45.1-230 of the Code of Virginia.

Public comments may be submitted through June 16, 1995, to Danny Brown, Director, Department of Mines, Minerals and Energy, Division of Mined Land Reclamation, P.O. Drawer 900, Big Stone Gap, Virginia 24219.

Contact: Les Vincent, Reclamation Chief Engineer, Department of Mines, Minerals and Energy, Division of Mined Land Reclamation, P.O. Drawer 900, Big Stone Gap, VA 24219, telephone (703) 523-8100.

VIRGINIA MUSEUM OF FINE ARTS

July 5, 1995 - 8 a.m. -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Director's Office, Richmond, Virginia. ☎

A briefing for museum officers of museum activities. Public comment will not be received at the meeting.

Contact: Emily C. Robertson, Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221, telephone (804) 367-0553.

BOARD OF NURSING

Nurse Aide Registry

June 12, 1995 - 9 a.m. -- Open Meeting
June 14, 1995 - 9 a.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A special conference committee will meet to hold informal conferences for certified nurse aides. 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 ☎

BOARDS OF NURSING AND MEDICINE

Joint Committee

† **June 27, 1995 - 2 p.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, Conference Room 2, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to consider comments received on proposed VR 495-02-1 and VR 465-07-1, Regulation Governing the Licensure of Nurse Practitioners, and make a recommendation for final action to the Boards of Nursing and Medicine.

Other business relevant to the duties of the committee may be considered as time permits. Public comment will be received at 3 p.m.

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, FAX (804) 662-9943, or (804) 662-7197/TDD ☎

VIRGINIA OUTDOORS FOUNDATION

† **June 27, 1995 - 10 a.m.** -- Open Meeting
Treasury Board Conference Room, Monroe Building, 101 North 14th Street, 3rd Floor, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

General business meeting - agenda available upon request. Public comment will be received.

Contact: Virginia E. McConnell, Executive Director, Virginia Outdoors Foundation, 203 Governor St., Richmond, VA 23219, telephone (804) 225-2147.

BOARD OF PHARMACY

† **June 13, 1995 - 10 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia.

A working meeting of the Regulation Committee and Ad Hoc Advisory Committee for the comprehensive review of VR 530-01-1 in accordance with Executive Order 15(94). No public comments will be received.

Calendar of Events

Contact: Scotti W. Milley, Executive Director, Virginia Board of Pharmacy, 6606 West Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9911.

† **June 14, 1995 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, Conference Room 2, Richmond, Virginia.

Board meeting and formal hearings. Adoption of final regulations relative to graduates of foreign schools of pharmacy. This is a public meeting and there will be a 15-minute public comment period from 9:15 a.m. to 9:30 a.m.

Contact: Scotti W. Milley, Executive Director, Board of Pharmacy, 6606 West Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9911.

DEPARTMENT OF STATE POLICE

June 16, 1995 -- Public comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of State Police intends to adopt regulations entitled: **VR 545-01-18. Regulations Governing the Operation and Maintenance of the Sex Offender Registry.** These regulations establish the procedures and forms to be used in the registration of persons required by law to register with the Sex Offender Registry and the lawful dissemination of the Sex Offender Registry.

Statutory Authority: § 19.2-390.1 of the Code of Virginia.

Contact: Lieutenant John G. Weakley, Assistant Records Management Officer, Department of State Police, Records Management Division, P.O. Box 27472, Richmond, VA 23261-7472, telephone (804) 674-2022.

POLYGRAPH EXAMINERS ADVISORY BOARD

June 27, 1995 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia. ☎

The board will meet to review new enforcement procedures, administer the Polygraph Examiners Licensing Examination to eligible polygraph examiner interns, and to consider other matters which may require board action. A public comment period will be scheduled at the beginning of the meeting. 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. The department fully complies with the Americans with Disabilities Act.

Contact: Nancy Taylor Feldman, Assistant Director, Polygraph Examiners Advisory Board, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590 or (804) 367-9753/TDD ☎

BOARD OF PROFESSIONAL COUNSELORS

July 28, 1995 -- Public comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Professional Counselors intends to adopt regulations entitled: **VR 560-01-04. Regulations Governing the Certification of Rehabilitation Providers.** New regulations governing the certification of rehabilitation providers are proposed by the Board of Professional Counselors to provide for (i) fees to cover the application processing (\$100) and annual certification review (\$50); and (ii) standards of practice that establish guidelines for professional conduct, grounds for disciplinary action for misconduct, and reinstatement procedures following denial of certification or disciplinary action.

Statutory Authority: §§ 54.1-2400 and 54.1-3514 of the Code of Virginia.

Contact: Evelyn B. Brown, Executive Director, Board of Professional Counselors, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9912.

BOARD FOR PROFESSIONAL AND OCCUPATIONAL REGULATION

June 12, 1995 - 10 a.m. -- Open Meeting
Central Rappahannock Regional Library, 1201 Caroline Street, Fredericksburg, Virginia. ☎

A general business meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at (804) 367-8519 at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Debra S. Vought, Agency Management Analyst, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23220, telephone (804) 367-8519 or (804) 367-9753/TDD ☎

June 12, 1995 - 2 p.m. -- Public Hearing
Central Rappahannock Regional Library, 1201 Caroline Street, Fredericksburg, Virginia. ☎

† **July 13, 1995 - 7 p.m.** -- Public Hearing
Roanoke City Council Chambers, 215 Church Avenue, S.W., Roanoke, Virginia. ☎

The board will conduct public hearings in connection with its study of the feasibility of including carpenters and masons in the Tradesmen Certification Program. The study is a result of Senate Joint Resolution 321, which passed in the 1995 session of the Virginia General Assembly. Persons desiring to participate in the meetings and requiring special accommodations or interpreter services should contact the department at (804) 367-8519 at least 10 days prior to the meeting so that suitable arrangements can be made. The

department fully complies with the Americans with Disabilities Act.

Contact: Debra S. Vought, Agency Management Analyst, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23220, telephone (804) 367-8519 or (804) 367-9753/TDD ☎

PROTECTION AND ADVOCACY FOR INDIVIDUALS WITH MENTAL ILLNESS ADVISORY COUNCIL

June 15, 1995 - 9 a.m. -- Open Meeting
Shoney's Inn of Richmond, 7007 West Broad Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regularly scheduled bi-monthly meeting of the council. There will be opportunity for public comment at 9 a.m.

Contact: Barbara Hoban, Advocate, 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.

BOARD OF PSYCHOLOGY

June 13, 1995 - 9 a.m. -- Open Meeting
June 13, 1995 - 1 p.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, Virginia. ♿

An informal conference conducted in accordance with § 9-6.14:11 of the Code of Virginia.

Contact: Evelyn B. Brown, Executive Director, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-7328 or (804) 662-7197/TDD ☎

REAL ESTATE BOARD

June 16, 1995 - 8:30 a.m. -- Open Meeting
Hyatt Regency, Reston Town Center, Reston, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular business meeting of the board to include review of investigative matters, consideration of applications, various requests to the board for information, and discussion of legislation and emergency regulations.

Contact: Emily O. Wingfield, Acting Assistant Director, Real Estate Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552 or (804) 367-9753/TDD ☎

RECYCLING MARKETS DEVELOPMENT COUNCIL

† **July 14, 1995 - 10 a.m.** -- Open Meeting
Department of Environmental Quality, Innsbrook Corporate Center, Board Room, 4900 Cox Road, Richmond, Virginia.

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.

Subcommittee meetings, if appropriate, will be held prior to or after the general council meeting. The subcommittees will meet from 10 to 11:30 a.m.; council will meet from 11:30 to 12:30 p.m.; followed by a lunch break.

Contact: Paddy Katzen, Assistant to Secretary of Natural Resources, Department of Environmental Quality, 629 E. Main St., Richmond, VA 23219, telephone (804) 762-4488.

RICHMOND HOSPITAL AUTHORITY

Board of Commissioners

June 22, 1995 - 4 p.m. -- Open Meeting
Richmond Nursing Home, 1900 Cool Lane, 2nd Floor, Classroom, Richmond, Virginia. ♿

A monthly board meeting to discuss nursing home operations and related matters.

Contact: Marilyn H. West, Chairman, Richmond Hospital Authority, P.O. Box 548, Richmond, VA 23204-0548, telephone (804) 782-1938.

BLUE RIBBON COMMISSION ON SCHOOL HEALTH

June 12, 1995 - 7 p.m. -- Public Hearing
Atlee High School, 10301 Atlee Station Road, Mechanicsville, Virginia.

† **June 19, 1995 - 7 p.m.** -- Public Hearing
Fauquier High School, 705 Waterloo Road, Warrenton, Virginia.

† **June 21, 1995 - 7 p.m.** -- Public Hearing
Northampton High School, Eastville, Virginia.

† **July 12, 1995 - 7 p.m.** -- Public Hearing
Salem High School, 400 Spartan Drive, Salem, Virginia.

The Blue Ribbon Commission on School Health plans to conduct hearings to receive comment from the public about the following aspects of school health programs: (i) parent and community involvement, (ii) health education, (iii) health services, and (iv) healthful school environment.

Contact: H. Douglas Cox, Director, Office of Student Services, Virginia Department of Education, P.O. Box 2120, Richmond, VA 23216-2120, telephone (804) 225-2402.

Calendar of Events

SEWAGE HANDLING AND DISPOSAL APPEALS REVIEW BOARD

June 28, 1995 - 10 a.m. -- Open Meeting
Ramada Inn, 1130 Motel Drive, Allegheny Room, Woodstock,
Virginia. ☎

A meeting to hear all administrative appeals of denials of onsite sewage disposal 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, P.O. Box 2448, Richmond, VA 23218, telephone (804) 786-3561.

VIRGINIA SMALL BUSINESS ADVISORY BOARD

† **June 29, 1995 - 9 a.m.** -- Open Meeting
Virginia Department of Economic Development, Riverfront Towers West, 901 East Byrd Street, 19th Floor Board Room, Richmond, Virginia.

The board will conduct its regular meeting.

Contact: Laura McElligott, Associate State Director, Virginia Small Business Advisory Board, Virginia Department of Economic Development, 901 E. Byrd St., Suite 1800, Richmond, VA 23219, telephone (804) 371-8252 or toll-free 1-800-225-3384.

BOARD OF SOCIAL WORK

† **August 4, 1995 - 11 a.m.** -- Public Hearing
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia.

† **August 11, 1995** -- Public 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 Social Work intends to amend regulations entitled: **VR 620-01-2. Regulations Governing the Practice of Social Work.** The purpose of the proposed action is to clarify the responsibilities of a supervisor, allow candidates to be examined prior to completing experience requirements, and address problems with standards of practice.

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

DEPARTMENT OF TAXATION

June 12, 1995 - 10 a.m. -- Open Meeting
2220 West Broad Street, Training Room, Richmond, Virginia. ☎

A meeting to discuss a proposed set of new guidelines for local business, professional and occupational license

taxes. Pursuant to § 58.1-3701, the guidelines are exempt from the Administrative Process Act. The draft of the new guidelines will not be published in the Virginia Register, but may be obtained from the Department of Taxation after May 15, 1995. Interested parties are invited to submit comments on the new guidelines in person or in writing no later than June 12, 1995.

Contact: John Josephs, Tax Policy Analyst, or Bill Reynolds, Tax Auditor, Department of Taxation, P.O. Box 1880, Richmond, VA 23282-1880, telephone (804) 367-8010 or FAX (804) 367-6020.

DEPARTMENT OF TRANSPORTATION (COMMONWEALTH TRANSPORTATION BOARD)

June 12, 1995 - 2 p.m. -- Public Hearing
Department of Transportation, 1401 East Broad Street, Auditorium, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A final hearing to receive comments on highway allocations for the upcoming year, and on updating the Six-Year Improvement Program for the Interstate, Primary, and Urban Systems, as well as mass transit for the Richmond, Fredericksburg, Suffolk, Culpeper, and Northern Virginia districts. A final allocation hearing for the eastern districts.

Contact: James W. Atwell, Assistant Commissioner of Finance, Department of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-5128 or (804) 786-4410/TDD ☎

June 12, 1995 - 9 a.m. -- Public Hearing
Salem District Auditorium, 731 Harrison Avenue, Salem, Virginia. ☎ (Interpreter for the deaf provided upon request)

A final hearing to receive comments on highway allocations for the upcoming year, and on updating the Six-Year Improvement Program for the Interstate, Primary, and Urban Systems, as well as mass transit for the Bristol, Salem, Lynchburg and Staunton districts. A final allocation hearing for the western districts.

Contact: James W. Atwell, Assistant Commissioner of Finance, Department of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-5128 or (804) 786-4410/TDD ☎

June 21, 1995 - 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.

June 22, 1995 - 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.

July 12, 1995 - 4:30 p.m. -- Public Hearing
Bluefield Rescue Squad, Bluefield, Virginia.

July 19, 1995 - 4 p.m. -- Public Hearing
Lake Taylor High School, Norfolk, Virginia.

July 31, 1995 -- Public 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 Commonwealth Transportation Board intends to **repeal** regulations entitled **VR 385-01-05, Hazardous Materials Transportation Rules and Regulations at Bridge-Tunnel Facilities**, and **adopt** regulations entitled **VR 385-01-05:1, Hazardous Materials Transportation Rules and Regulations at Bridge-Tunnel Facilities**. The purpose of the proposed amendment is to change the existing Hazardous Materials Transportation Rules and Regulations at Bridge-Tunnel Facilities from a regulation based on a listing of hazardous materials to a regulation based on hazard class. All hazardous material transportation restrictions are to be lifted from the two rural interstate 77 tunnels.

Statutory Authority: §§ 33.1-12(3) and 33.1-49 of the Code of Virginia.

Contact: Perry Cogburn, Environmental Program Planner, Department of Transportation Maintenance Division, Emergency Operations Center, 1221 E. Broad St., Richmond, VA 23219, telephone (804) 786-6824, toll-free 1-800-367-7623 or (804) 371-8498/TDD

July 15, 1995 -- Public 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 Commonwealth

Transportation Board intends to **repeal** regulations entitled: **VR 385-01-12. Hauling Permit Manual**, and **adopt** regulations entitled: **VR 385-01-12:1. Hauling Permit Manual**. The revised Hauling Permit Manual of the Commonwealth Transportation Board identifies conditions under which overweight and oversize hauling permits may be granted, and sets forth the fee structure for the permits. The revised manual eliminates obsolete requirements and policies required to obtain overweight or oversize hauling permits, expands weight allowances under general blanket conditions, and makes obtaining overweight and oversize permits less restrictive.

Statutory Authority: §§ 33.1-12(3) and 33.1-49 and Article 18 (§ 46.2-1139 et seq.) of Chapter 10 of Title 46.2 of the Code of Virginia.

Contact: William R. Childress, Hauling Permit Manager, Department of Transportation, 1221 E. Broad St., Richmond, VA 23219, telephone (804) 225-3676 or toll-free 1-800-828-1120/TDD

TREASURY BOARD

June 21, 1995 - 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, Treasury Board, James Monroe Bldg., 101 N. 14th St., Richmond, VA 23219, telephone (804) 371-6011.

VIRGINIA RACING COMMISSION

† **June 20, 1995 - 9:30 a.m. -- Open Meeting**
State Corporation Commission, Tyler Building, 1300 East Main Street, Richmond, Virginia.

A regular commission meeting in addition to a panel discussion on medication for racehorses and an informal fact-finding conference on proposed satellite facilities in Chesapeake and Hampton.

Contact: William H. Anderson, Policy Analyst, Virginia Racing Commission, P.O. Box 1123, Richmond, VA 23208, telephone (804) 371-7363.

VIRGINIA RESOURCES AUTHORITY

June 13, 1995 - 9:30 a.m. -- Open Meeting
Ramada Oceanfront Tower Resort and Conference Center, 57th and Oceanfront, Virginia Beach, Virginia.

July 11, 1995 - 9:30 a.m. -- Open Meeting
August 8, 1995 - 9:30 a.m. -- Open Meeting
The Mutual Building, 909 East Main Street, Suite 607, Board Room, Richmond, Virginia.

The board will meet to approve minutes of the prior monthly meeting; to review the authority's operations for

Calendar of Events

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., The Mutual Bldg., 909 E. Main St., Suite 607, Richmond, VA 23219, telephone (804) 644-3100 or FAX (804) 644-3109.

DEPARTMENT FOR THE VISUALLY HANDICAPPED

June 19, 1995 - 4 p.m. -- Public Hearing
Virginia Rehabilitation Center for the Blind, 401 Azalea Avenue, Richmond, Virginia.


July 28, 1995 -- Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department for the Visually Handicapped intends to **repeal** regulations entitled **VR 670-01-1, Regulation Guidelines for Public Participation** and **adopt** regulations entitled: **VR 670-01-100, Public Participation Guidelines**. VR 670-01-1 is being repealed so that the department can adopt new public participation regulations that meet the requirements of the Administrative Process Act, as amended in 1993. VR 670-01-100 provides guidelines for involving the public in the development and promulgation of regulations of the Department for the Visually Handicapped. With it, the department will comply with the public participation requirements of the Administrative Process Act, as amended in 1993. These guidelines do not apply to regulations that are exempt or excluded from the provisions of the Administrative Process Act (§ 9-6.14:4.1 of the Code of Virginia).


Statutory Authority: §§ 9-6.14:7.1 and 63.1-85 of the Code of Virginia.

Contact: Glen R. Slonneger, Program Director, Department for the Visually Handicapped, 397 Azalea Avenue, Richmond, VA 23227, telephone (804) 371-3140 or toll-free 1-800-622-2155.


Advisory Committee on Services

July 15, 1995 - 11 a.m. -- Open Meeting
Department for the Visually Handicapped, Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)


The committee meets quarterly to advise the board for the Department for the Visually Handicapped on matters related to services for blind and visually impaired citizens of the Commonwealth.

Contact: Barbara G. Tyson, Executive Secretary Senior, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3140, toll-free 1-800-622-2155 or (804) 371-3140/TDD 

Vocational Rehabilitation Advisory Council

† September 16, 1995 - 10 a.m. -- Open Meeting
Department for the Visually Handicapped, Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. 
(Interpreter for the deaf provided upon request. Request must be received no later than 9/5/95 at 5 p.m.)

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.

Contact: James G. Taylor, Vocational Rehabilitation Program Specialist, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3140, (804) 371-3140/TDD , or toll-free 1-800-622-2155.

VIRGINIA VOLUNTARY FORMULARY BOARD

June 29, 1995 - 10 a.m. -- Public Hearing
James Madison Building, 109 Governor Street, Main Floor Conference Room, Richmond, Virginia.

The board will hold a public hearing to consider the proposed adoption and issuance of revisions to the Virginia Voluntary Formulary. The proposed revisions to the formulary add and delete drugs and drug products to the formulary that became effective on May 1, 1994. Copies of the proposed revisions to the formulary are available for inspection at the Virginia Department of Health, Bureau of Pharmacy Services, James Madison Building, 109 Governor St., Richmond, Virginia 23219. Written comments sent to the above address and received prior to 5 p.m. on June 29, 1995, will be made a part of the hearing record.


Contact: James K. Thomson, Bureau of Pharmacy Services, Department of Health, Madison Bldg., 109 Governor St., Room B1-9, Richmond, VA 23219, telephone (804) 786-4326.

August 17, 1995 - 10:30 a.m. -- Open Meeting
Washington Building, 1100 Bank Street, 2nd Floor, Board Room, Richmond, Virginia.

A meeting to consider public hearing comments and review new product data for products being considered for inclusion in the Virginia Voluntary Formulary.

Contact: James K. Thomson, Bureau of Pharmacy Services, Department of Health, Madison Bldg., 109 Governor St., Room B1-9, Richmond, VA 23219, telephone (804) 786-4326.

BOARD FOR WASTE MANAGEMENT FACILITY OPERATORS

July 27, 1995 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 4 A and B, Richmond, Virginia. 

There will be a general board meeting beginning at 10 a.m., followed by a public hearing at 11 a.m. in compliance with Executive Order 15(94).

Contact: David E. Dick, Assistant Director, Board for Waste Management Facility Operators, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595, FAX (804) 367-2475 or (804) 367-9753/TDD ☎

STATE WATER CONTROL BOARD

June 28, 1995 - 10 a.m. -- Open Meeting
Department of Environmental Quality, Innsbrook Corporate Center, 4900 Cox Road., Board Room, Glen Allen, Virginia. ☎

A regular quarterly meeting.

Contact: Cindy Berndt, Policy and Planning Supervisor, Department of Environmental Quality, 629 E. Main St., Richmond, VA 23219, telephone (804) 762-4378, FAX (804) 762-4346 or (804) 762-4021/TDD ☎

BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

July 13, 1995 - 10 a.m. -- Public Hearing
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A public hearing will be held for the purpose of receiving comment on the board's regulations and public participation guidelines in accordance with Executive Order 15(94). The comment period will end July 31, 1995. Persons desiring to participate in the hearing and requiring special accommodations or interpreter services should contact the board at least 10 days prior to the hearing. The board fully complies with the Americans with Disabilities Act.

Contact: Nancy Taylor Feldman, Assistant Director, Board for Waterworks and Wastewater Works Operators, 3600 W. Broad St., 4th Floor, Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-2474 or (804) 367-9753/TDD ☎

† **July 13, 1995 - 10 a.m. -- Open Meeting**
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

An open meeting to continue regulatory review and other matters requiring board action will be held immediately after a public hearing on Executive Order 15(94). A public comment period will be scheduled at the beginning of the meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Nancy Taylor Feldman, Assistant Director, Board for Waterworks and Wastewater Works Operators, 3600 W. Broad St., 4th Floor, Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-2474 or (804) 367-9753/TDD ☎

LEGISLATIVE

JOINT LEGISLATIVE AUDIT AND REVIEW COMMISSION

June 12, 1995 - 9:30 a.m. -- Open Meeting
General Assembly Building, 910 Capitol Square, Senate Room A, Richmond, Virginia.

A meeting to discuss the concept of benchmarks for future government operations and a follow-up review of community action agencies.

Contact: Philip A. Leone, Director, Joint Legislative Audit and Review Commission, General Assembly Bldg., 910 Capitol St., Suite 1100, Richmond, VA 23219, telephone (804) 786-1258.

JUVENILE JUSTICE SYSTEM TASK FORCE

June 27, 1995 - 10 a.m. -- Open Meeting
Tidewater area; location to be announced.

A regular meeting. HJR 604.

Contact: Joyce Huey, General Assembly Building, 910 Capitol Street, Richmond, VA 23219, telephone (804) 371-2481.

CHRONOLOGICAL LIST

OPEN MEETINGS

June 12
Aging, Disability and Long-Term Care Services, Advisory Committee on
Alcoholic Beverage Control Board
Cosmetology, Board for
† Information Management, Council on
- Virginia Information Technology Infrastructure Task Force
Joint Legislative Audit and Review Commission
Library of Virginia
- State Networking Users Advisory Board
Nursing, Board of
- Nurse Aide Registry
Professional and Occupational Regulation, Board for
Taxation, Department of
Transportation, Department of

Calendar of Events

June 13

Architects, Professional Engineers, Land Surveyors and Landscape Architects, Board for
- Board for Professional Engineers
† Corrections, State Board of
- Correctional Services Committee
Health Services Cost Review Council, Virginia
Higher Education for Virginia, State Council on
Medical Assistance Services, Board of
† Pharmacy, Board of
Psychology, Board of
Virginia Resources Authority

June 14

Aging, Disability and Long-Term Care Services, Advisory Committee on
† Asbestos Licensing and Lead Certification, Board for
† Corrections, State Board of
- Administration Committee
Emergency Planning Committee, Local - City of Alexandria
Environmental Quality, Department of
Higher Education in Virginia, Commission on the Future of
Historic Preservation Foundation, Virginia
Interagency Coordinating Council on Early Intervention, Virginia
Nursing, Board of
- Nurse Aide Registry
† Pharmacy, Board of

June 15

Architects, Professional Engineers, Land Surveyors and Landscape Architects, Board for
- Board for Landscape Architects
† Conservation and Recreation, Department of
- Falls of the James Scenic River Advisory Board
- Shenandoah Scenic River Advisory Board
Fire Services Board, Virginia
- Fire/EMS Education and Training Committee
- Fire Prevention and Control Committee
- Legislative/Liaison Committee
Protection and Advocacy for Individuals with Mental Illness Advisory Council

June 16

Aging, Disability and Long-Term Care Services, Advisory Committee on
Fire Services Board, Virginia
† Health, State Board of
- Biosolids Use Regulations Advisory Committee
† Housing and Community Development, Department of
- State Building Code Technical Review Board
Real Estate Board

June 19

Aging, Disability and Long-Term Care Services, Advisory Committee on
Health Professions, Department of
- Task Force on Unified Regulation of Psychologists

June 20

Aviation Board, Virginia
† Contractors, Board for

- Applications Review Committee
† Health Professions, Board of
- Ad Hoc Levels of Regulation Committee
- Administration and Budget Committee
† Historic Resources, Department of
- State Review Board
† Housing Development Authority, Virginia
† Milk Commission, State
† Virginia Racing Commission

June 21

Aviation Board, Virginia
Contractors, Board for
† Historic Resources, Department of
- Historic Resources Board
† Interagency Migrant Worker Policy Committee, Virginia
† Labor and Industry, Department of
- Migrant and Seasonal Farmworkers Board
Local Debt, State Council on
Transportation Board, Commonwealth
Treasury Board

June 22

Architects, Professional Engineers, Land Surveyors and Landscape Architects, Board for
- Board for Interior Designers
Chesapeake Bay Local Assistance Board
† Debt Capacity Advisory Committee
Education, Board of
† Medical Assistance Services, Department of
- Drug Utilization Review Board and Prior Authorization Advisory Committee
Richmond Hospital Authority
- Board of Commissioners
Transportation Board, Commonwealth

June 23

† Agriculture and Consumer Services, Department of
- Virginia Egg Board

June 26

Alcoholic Beverage Control Board
† Contractors, Board for
† Cosmetology, Board for
Housing and Community Development, Board of

June 27

† Information Management, Council on
- Virginia Information Technology Infrastructure Task Force
Marine Resources Commission
† Nursing and Medicine, Boards of
† Outdoors Foundation, Virginia
Polygraph Examiners Advisory Board

June 28

Contractors, Board for
† Lottery Board, State
Sewage Handling and Disposal Appeals Review Board
Water Control Board, State

June 29

† Compensation Board
† Small Business Advisory Board, Virginia

June 30

Architects, Professional Engineers, Land Surveyors and
Landscape Architects, Board for
Executive Council, State

July 5

Museum of Fine Arts, Virginia

July 7

† Agriculture and Consumer Services, Department of
- Virginia Pork Industry Board

July 11

Agriculture and Consumer Services, Department of
- Virginia Horse Industry Board
Higher Education for Virginia, State Council on
Hopewell Industrial Safety Council
Virginia Resources Authority

July 12

† Environmental Quality, Department of
- Cost-Benefit Analysis Work Group
Funeral Directors and Embalmers, Board of

July 13

† Agriculture and Consumer Services, Department of
- Pesticide Control Board
† Waterworks and Wastewater Works Operators, Board
for

July 14

† Recycling Markets Development Council, Virginia

July 15

Visually Handicapped, Department for the
- Advisory Committee on Services

July 18

† Accountancy, Board for

July 19

Environmental Quality, Department of

July 20

† Conservation and Recreation, Department of
- Falls of the James Scenic River Advisory Board
† Health, State Board of
- Biosolids Use Regulations Advisory Committee
- Biosolids Use Committee

July 27

† Compensation Board
Waste Management Facility Operators, Board for

August 2

† Environmental Quality, Department of
- Cost-Benefit Analysis Work Group

August 8

Virginia Resources Authority

August 17

† Conservation and Recreation, Department of
- Falls of the James Scenic River Advisory Board
Voluntary Formulary Board, Virginia

September 16

† Visually Handicapped, Department for the

- Vocational Rehabilitation Advisory Council

PUBLIC HEARINGS**June 12**

Professional and Occupational Regulation, Board for
School Health, Blue Ribbon Commission on
Transportation Board, Commonwealth

June 15

Fire Services Board, Virginia

June 19

† Air Pollution Control Board, State
† School Health, Blue Ribbon Commission on
Visually Handicapped, Department for the

June 21

† School Health, Blue Ribbon Commission on

June 26

† Housing and Community Development, Board of

June 29

Voluntary Formulary Board, Virginia

June 30

Architects, Professional Engineers, Land Surveyors and
Landscape Architects, Board for

July 12

† School Health, Blue Ribbon Commission on
Transportation Board

July 13

† Professional and Occupational Regulation, Board for
Waterworks and Wastewater Works Operators, Board
for

July 19

Transportation Board, Commonwealth

August 4

† Social Work, Board of
