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THE VIRGINIA REGISTER

OF REGULATIONS

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Pages 2359 Through 2470

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 new and amended sections of regulations, both as proposed and as finally adopted, are required by law to be published in *The Virginia Register of Regulations*. In addition, the *Virginia Register* is a source of other information about state government, including all emergency regulations and executive orders issued by the Governor, the *Virginia Tax Bulletin* issued periodically by the Department of Taxation, and notices of 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 intended regulatory action; a basis, purpose, substance and issues statement; an economic impact analysis prepared by the Department of Planning and Budget; the agency's response to the economic impact analysis; a summary; a notice giving the public an opportunity to comment on the proposal; and the text of the proposed regulation.

Following publication of the proposal in the *Virginia Register*, the promulgating agency receives public comments for a minimum of 60 days. The Governor reviews the proposed regulation to determine if it is necessary to protect the public health, safety and welfare, and if it is clearly written and easily understandable. If the Governor chooses to comment on the proposed regulation, his comments must be transmitted to the agency and the Registrar no later than 15 days following the completion of the 60-day public comment period. The Governor's comments, if any, will be published in the *Virginia Register*. Not less than 15 days following the completion of the 60-day public comment period, the agency may adopt the proposed regulation.

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 21 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 agency again publishes the text of the regulation as adopted, highlighting all changes made to the proposed regulation and explaining any substantial changes made since publication of the proposal. A 30-day final adoption period begins upon final publication in the *Virginia Register*.

The Governor may review the final regulation during this time and, if he objects, forward his objection to the Registrar and the agency. In addition to or in lieu of filing a formal objection, the Governor may suspend the effective date of a portion or all of a regulation until the end of the next regular General Assembly session by issuing a directive signed by a majority of the members of the appropriate standing committees and the Governor. The Governor's objection or suspension of the regulation, or both, will be published in the *Virginia Register*. If the Governor finds that changes made to the proposed regulation have substantial impact, he may require the agency to provide an additional 30-day public comment period on the changes. Notice of the additional public comment period required by the Governor will be published in the *Virginia Register*.

The agency shall suspend the regulatory process for 30 days when it receives requests from 25 or more individuals to solicit additional public comment, unless the agency determines that the changes have minor or inconsequential impact.

A regulation becomes effective at the conclusion of the 30-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 21-day extension period; (ii) the Governor exercises his authority to require the agency to provide for 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 provided for additional public comment; (iii) the Governor and the General Assembly exercise their authority to suspend the effective date of a regulation until the end of the next regular legislative session; or (iv) the agency suspends the regulatory process, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the 30-day public comment period.

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

EMERGENCY REGULATIONS

If an agency demonstrates that (i) there is an immediate threat to the public's health or safety; or (ii) Virginia statutory law, the appropriation act, federal law, or federal regulation requires a regulation to take effect no later than (a) 280 days from the enactment in the case of Virginia or federal law or the appropriation act, or (b) 280 days from the effective date of a federal regulation, it then requests the Governor's approval to adopt 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 to addressing specifically defined situations and may not exceed 12 months in duration. Emergency regulations are published as soon as possible in the *Register*.

During the time the emergency status is in effect, the agency may proceed with the adoption of permanent regulations through the usual procedures. To begin promulgating the replacement regulation, the agency must (i) deliver the Notice of Intended Regulatory Action to the Registrar in time to be published within 60 days of the effective date of the emergency regulation; and (ii) deliver the proposed regulation to the Registrar in time to be published within 180 days of the effective date of the emergency regulation. If the agency chooses not 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 (§ 9-6.14:7.1 et seq.) of Chapter 1.1:1 of the Code of Virginia be examined carefully.

CITATION TO THE VIRGINIA REGISTER

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Staff of the Virginia Register: E. M. Miller, Jr., Acting Registrar of Regulations; Jane D. Chaffin, Deputy Registrar of Regulations.

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Symbol Key

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

VIRGINIA BOARD FOR ASBESTOS LICENSING AND LEAD CERTIFICATION

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Board for Asbestos Licensing and Lead Certification intends to consider promulgating regulations entitled: **18 VAC 15-30-10 et seq. Virginia Lead-based Paint Activities Regulations**. The purpose of the proposed action is to promulgate regulations governing lead-based paint activities to replace the emergency regulations, which were effective October 1, 1995, to implement an act of the 1995 session of the General Assembly. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 54.1-501 of the Code of Virginia.

Public comments may be submitted until June 27, 1996.

Contact: David E. Dick, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8507, FAX (804) 367-2475, or (804) 367-9753/TDD ☎

VA.R. Doc. No. R96-368; Filed May 8, 1996, 11:57 a.m.

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Chesapeake Bay Local Assistance Board intends to consider amending regulations entitled: **9 VAC 10-20-10 et seq. Chesapeake Bay Preservation Area Designation and Management Regulations**. The purpose of the proposed action is to amend these regulations to accomplish the following:

1. Achieve greater clarity in all regulatory language to minimize confusion and misinterpretation.
2. Eliminate any conflicts and unnecessary redundancies between the requirements in the regulations and those in other related state and federal laws and regulations, while still providing for maximum water quality protection. Specific issues under consideration where conflicts or redundancies are perceived to exist are as follows:
 - a. Stormwater management criteria;
 - b. Erosion and sediment control criteria;
 - c. Septic system criteria;
 - d. Agricultural criteria;

e. Silvicultural criteria; and

f. Criteria regarding revision of Comprehensive Plans and Zoning Ordinances.

3. Improve vegetative buffer area criteria to provide greater flexibility and consistency with riparian forest buffer policies being developed by the Executive Council of the regional Chesapeake Bay Program.

4. Improve agricultural conservation criteria to correct the inability to meet the conservation plan approval deadline, reduce administrative overhead and result in more water quality protection practices on the land.

5. Add criteria regarding a board/department process to review local program implementation for consistency with the regulations.

Need: The Chesapeake Bay Preservation Act was passed by the Virginia General Assembly in 1988 and final regulations for its implementation were adopted in November 1990. The Chesapeake Bay Local Assistance Board, established to implement the Act in partnership with Tidewater Virginia local governments, anticipated from the outset that this kind of complex new state-local partnership program would require review and adjustment at some point to maximize its effectiveness. This amendment process is proposed to address recommendations resulting from two stakeholder evaluations of the regulations (1992 and 1994), a legislative study of state stormwater management programs (1993-94), and two separate agency reviews (1995) mandated by the General Assembly and the Governor.

Subject Matter and Intent: The list of general issues above is the result of the several studies mentioned in the previous paragraph. The board desires to accomplish a comprehensive amendment of the regulations to clarify the meaning of various provisions, provide greater implementation flexibility, and reduce costs for both local governments and members of the public who must comply with the state/local requirements.

Estimated Impacts: Tidewater Virginia local governments will experience the most immediate impact of an amendment of these regulations, because each of these local governments has adopted a local program, including adoption or amendment of various ordinances, to implement the provisions of these regulations. Amendments to the regulations will result in each of the 84 Tidewater localities having to enact at least some amendments of its local ordinance(s) and program. However, a number of the changes under consideration have been recommended by the local governments themselves. The intention of the amendments is to make the process of complying with these state-mandated local programs more reasonable and cost-efficient to implement and follow without sacrificing water quality protection. Apart from this program, such local ordinance amendments are enacted routinely by local governing bodies for similar reasons.

Notices of Intended Regulatory Action

Many of the specific changes under consideration should result in clearer, simpler, more flexible, nonconflicting program requirements. These changes are intended and expected to make local programs easier and more cost efficient to implement. The board expects that, generally, net costs to the private sector complying with these requirements will, at worst, remain at current levels and, at best, diminish somewhat. However, the proposals under consideration at this time are not specific enough to allow for refined estimates of economic impact.

Alternatives: The board could leave the current regulation in place without change. However, this would result in continued confusion regarding certain definitions and requirements and continued conflict or unnecessary redundancies with some provisions of certain related state and federal laws and regulations.

Comments: The board requests written comments from interested persons regarding its purpose as stated above. Comments are requested regarding the costs and benefits of the intended proposals as well as the stated alternatives or other alternatives. Comments also are invited regarding additional regulatory issues the public believes the board should consider. The board intends to hold two public information meetings during this comment period, as follows:

1. Classroom 127, Marshall-Wythe School of Law, College of William and Mary, Williamsburg, Virginia, 7 p.m., Wednesday, June 19, 1996
2. Theatre, City Public Library, Fredericksburg, Virginia, 7 p.m., Thursday, June 27, 1996

As well, the board intends to hold three public hearings on the proposed regulation after amendment language is published for public comment. Dates, times and locations of those public hearings will be specified in the Notice of Public Comment.

Statutory Authority: §§ 10.1-2103 and 10.1-2107 of the Code of Virginia.

Written comments may be submitted until 4 p.m. on Friday, June 28, 1996.

Contact: Scott Crafton, Regulatory Coordinator, Chesapeake Bay Local Assistance Department, 805 E. Broad Street, Suite 701, Richmond, Virginia 23219-1924, telephone (804) 225-3440, FAX (804) 225-3447, or toll free 1-800-243-7729/TDD

VA.R. Doc. No. R96-358; Filed May 8, 1996, 10:29 a.m.

CHILD DAY-CARE COUNCIL

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Child Day-Care Council intends to consider amending regulations entitled: **22 VAC 15-30-10 et seq. Minimum Standards for Licensed Child Day Centers Serving Children of Preschool Age or Younger.** The purpose of the proposed action is to revise the regulation to ensure it is conducive to the health, safety and welfare of

children in the least burdensome and intrusive manner. This review will be comprehensive and include all standards. Areas already identified in need of revision include staff qualifications, record keeping, playground requirements and programming. Standards for centers serving school age children (22 VAC 15-40-10 et seq.) will also be incorporated into the regulation. The agency intends to hold a public hearing on the proposed regulation after publication.

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

Public comments may be submitted until June 13, 1996, to Sharon Jones, Chair, Child Day-Care Council, 730 East Broad Street, Richmond, Virginia 23219.

Contact: Arlene Kasper, Program Development Supervisor, Division of Licensing Programs, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1791 or FAX (804) 692-2370.

VA.R. Doc. No. R96-310; Filed April 23, 1996, 9:25 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Child Day-Care Council intends to consider repealing regulations entitled: **22 VAC 15-40-10 et seq. Minimum Standards for Licensed Child Day Centers Serving School Age Children.** The purpose of the proposed action is to repeal the regulation. The standards in this regulation will be incorporated into the regulation currently entitled Minimum Standards for Licensed Child Day Centers Serving Children of Preschool Age or Younger (22 VAC 15-30-10 et seq.) The agency does not intend to hold a public hearing on the proposed repeal of this regulation after publication.

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

Public comments may be submitted until June 13, 1996, to Sharon Jones, Chair, Child Day-Care Council, 730 East Broad Street, Richmond, Virginia 23219.

Contact: Arlene Kasper, Program Development Supervisor, Division of Licensing Programs, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1791 or FAX (804) 692-2370.

VA.R. Doc. No. R96-311; Filed April 23, 1996, 9:26 a.m.

BOARD FOR CONTRACTORS

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 for Contractors intends to consider promulgating regulations entitled: **18 VAC 50-30-10 et seq. Tradesman Certification Program Regulations.** The purpose of the proposed action is to replace emergency regulations governing the certification of plumbers, electricians, and HVAC workers. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 54.1-201, 54.1-1102, and 54.1-1128 through 54.1-1135 of the Code of Virginia.

Notices of Intended Regulatory Action

Public comments may be submitted until June 13, 1996.

Contact: Elizabeth Kirksey, Tradesman Certification Program Administrator, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-6166 or FAX (804) 367-2474.

VA.R. Doc. No. R96-321; Filed April 24, 1996, 3:04 p.m.

DEPARTMENT FOR THE DEAF AND HARD-OF-HEARING

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department for the Deaf and Hard-of-Hearing intends to consider amending regulations entitled: **22 VAC 20-30-10 et seq. Regulations Governing Interpreter Services for the Deaf and Hard of Hearing.** The purpose of the proposed action is to (i) improve clarity and reduce redundancy through general language changes; (ii) add provisions for the establishment of a Virginia Quality Assurance Screening Equivalency for nationally certified interpreters; (iii) add provisions for maintenance of Virginia Quality Assurance Screening Levels; (iv) add provisions for a consumer input and grievance procedure; and (v) revise the Virginia Quality Assurance Screening Process, Awarding of Screening Levels. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 63.1-85.4 and 63.1-85.4:1 of the Code of Virginia.

Public comments may be submitted until June 30, 1996.

Contact: Leslie G. Hutcheson, Special Projects Manager, Washington Bldg., 1100 Bank St., 11th Floor, Richmond, VA 23219, telephone (804) 371-7885, FAX (804) 371-7882, toll-free 1-800-552-7917, or (804) 371-7885/TDD ☎

VA.R. Doc. No. R96-356; Filed May 8, 1996, 9:01 a.m.

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

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: **13 VAC 5-20-10 et seq. Virginia Certification Standards.** The purpose of the proposed action is to perform triennial regulatory review and to update to 1996 model codes and standards. The agency intends to hold a public hearing on the proposed regulation after publication.

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

Public comments may be submitted until May 31, 1996.

Contact: Norman R. Crumpton, Associate Director, Department of Housing and Community Development, 501

North Second St., Richmond, VA 23219-1321, telephone (804) 371-7170 or FAX (804) 371-7092.

VA.R. Doc. No. R96-294; Filed April 8, 1996, 12:14 p.m.

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: **13 VAC 5-30-10 et seq. Virginia Amusement Device Regulations.** The purpose of the proposed action is to perform triennial regulatory review and to update to 1996 model codes and standards. The agency intends to hold a public hearing on the proposed regulation after publication.

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

Public comments may be submitted until May 31, 1996.

Contact: Norman R. Crumpton, Associate Director, Department of Housing and Community Development, 501 North Second St., Richmond, VA 23219-1321, telephone (804) 371-7170 or FAX (804) 371-7092.

VA.R. Doc. No. R96-293; Filed April 8, 1996, 12:14 p.m.

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: **13 VAC 5-50-10 et seq. Virginia Statewide Fire Prevention Code/1993.** The purpose of the proposed action is to perform triennial regulatory review and to update to 1996 model codes and standards. The agency intends to hold a public hearing on the proposed regulation after publication.

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

Public comments may be submitted until May 31, 1996.

Contact: Norman R. Crumpton, Associate Director, Department of Housing and Community Development, 501 North Second St., Richmond, VA 23219-1321, telephone (804) 371-7170 or FAX (804) 371-7092.

VA.R. Doc. No. R96-291; Filed April 8, 1996, 12:13 p.m.

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: **13 VAC 5-60-10 et seq. Virginia Uniform Statewide Building Code, Volume I - New Construction Code/1993.** The purpose of the proposed action is to perform triennial regulatory review and to update to 1996 model codes and standards. 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 May 31, 1996.

Notices of Intended Regulatory Action

Contact: Norman R. Crumpton, Associate Director, Department of Housing and Community Development, 501 North Second St., Richmond, VA 23219-1321, telephone (804) 371-7170 or FAX (804) 371-7092.

VA.R. Doc. No. R96-290; Filed April 8, 1996, 12:14 p.m.

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: **13 VAC 5-70-10 et seq. Virginia Uniform Statewide Building Code, Volume II - Building Maintenance Code/1993.** The purpose of the proposed action is to perform triennial regulatory review and to update to 1996 model codes and standards. The agency intends to hold a public hearing on the proposed regulation after publication.

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

Public comments may be submitted until May 31, 1996.

Contact: Norman R. Crumpton, Associate Director, Department of Housing and Community Development, 501 North Second St., Richmond, VA 23219-1321, telephone (804) 371-7170 or FAX (804) 371-7092.

VA.R. Doc. No. R96-295; Filed April 8, 1996, 12:13 p.m.

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: **13 VAC 5-90-10 et seq. Virginia Industrialized Building and Manufactured Home Safety Regulations.** The purpose of the proposed action is to perform triennial regulatory review and to update to 1996 model codes and standards. The agency intends to hold a public hearing on the proposed regulation after publication.

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

Public comments may be submitted until May 31, 1996.

Contact: Norman R. Crumpton, Associate Director, Department of Housing and Community Development, 501 North Second St., Richmond, VA 23219-1321, telephone (804) 371-7170 or FAX (804) 371-7092.

VA.R. Doc. No. R96-292; Filed April 8, 1996, 12:13 p.m.

BOARD OF MEDICINE

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 Medicine intends to consider amending regulations entitled: **18 VAC 85-30-10 et seq. Regulations Governing the Practice of Physical**

Therapy. The purpose of the proposed action is to consider amendments to clarify, simplify, and reduce the regulatory burden pursuant to recommendations to Executive Order 15(94). The board will consider repealing existing regulations and adopting new regulations if amendments are substantial and too complex for ease of understanding and compliance. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 54.1-2400 and 54.1-2942 through 54.1-2948 of the Code of Virginia.

Public comments may be submitted until May 29, 1996.

Contact: Warren Koontz, M.D., Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943, or (804) 662-7197/TDD ☎

VA.R. Doc. No. R96-301; Filed April 10, 1996, 11:25 a.m.

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 Medicine intends to consider amending regulations entitled: **18 VAC 85-50-10 et seq. Regulations Governing the Practice of Physicians' Assistants.** The purpose of the proposed action is to consider amendments to clarify, simplify, and reduce the regulatory burden pursuant to recommendations to Executive Order 15(94). The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 54.1-2400, 54.1-2952 and 54.1-2952.1 of the Code of Virginia.

Public comments may be submitted until May 29, 1996.

Contact: Warren Koontz, M.D., Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943, or (804) 662-7197/TDD ☎

VA.R. Doc. No. R96-303; Filed April 10, 1996, 11:25 a.m.

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 Medicine intends to consider amending regulations entitled: **18 VAC 85-80-10 et seq. Regulations for Certification of Occupational Therapists.** The purpose of the proposed action is to consider amending requirements for examination and supervised practice by a trainee, amending supervisory responsibilities, reducing the initial fee for certification, and clarifying existing regulations in accordance with board review pursuant to Executive Order 15(94). The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 54.1-2400 and 54.1-2956.1 through 54.1-56.5 of the Code of Virginia.

Public comments may be submitted until May 29, 1996.

Notices of Intended Regulatory Action

Contact: Warren Koontz, M.D., Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943, or (804) 662-7197/TDD ☎

VA.R. Doc. No. R96-303; Filed April 10, 1996, 11:25 a.m.

DEPARTMENT OF MINES, MINERALS AND ENERGY

† Notice of Intended Regulatory Action

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 consider amending regulations entitled: **4 VAC 25-130-700.1 et seq. Virginia Coal Surface Mining Reclamation Regulations.** The purpose of the proposed action is to provide blow-out protection where underground mine workings end near the surface outcrop of the coal seam. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 45.1-161.3 and 45.1-230 of the Code of Virginia.

Public comments may be submitted until June 26, 1996.

Contact: Danny Brown, Division Director, Department of Mines, Minerals and Energy, Division of Mined Land Reclamation, P.O. Drawer 900, Big Stone Gap, VA 24219, telephone (540) 523-8152, FAX (804) 523-8163, or toll-free 1-800-828-1120 (VA Relay Center).

VA.R. Doc. No. R96-369; Filed May 8, 1996, 1:06 p.m.

Board of Coal Mining Examiners

† 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 Coal Mining Examiners intends to consider amending regulations entitled: **4 VAC 25-20-10 et seq. Board of Coal Mining Examiners Certification Regulations.** The purpose of the proposed action is to establish a separate regulation setting requirements for the certification of coal miners. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 45.1-161.28 of the Code of Virginia.

Public comments may be submitted until June 26, 1996.

Contact: Frank A. Linkous, Mine Division Chief, Department Mines, Minerals and Energy, U.S. Route 23 South, P.O. Drawer 900, Big Stone Gap, VA 24219, telephone (540) 523-8100, FAX (804) 523-8239, or toll-free 1-800-828-1129 (VA Relay Center).

VA.R. Doc. No. R96-330; Filed May 3, 1996, 3:06 p.m.

Virginia Gas and Oil Board

† Notice of Intended Regulation Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Gas and Oil Board intends to consider amending regulations entitled: **4 VAC 25-160-10 et seq. Virginia Gas and Oil Board Regulations.** The purpose of the proposed action is to amend the Virginia Gas and Oil Board Regulations governing protection of gas and oil resources. The board's regulations establish requirements for applications and hearings to (i) define pools of gas or oil; (ii) establish drilling units within pools; (iii) establish a mechanism where all gas and oil owners in a drilling unit will equitably share the costs and proceeds from the drilling unit's production; (iv) establish escrow accounts for coalbed methane well proceeds until there are conflicting claims to ownership of the gas are settled; and (v) hear appeals of Department of Mines, Minerals and Energy decisions.

The amendments to be considered would implement the recommendations identified during the Department of Mines, Minerals and Energy's regulation review under Executive Order 15(94). The recommendations will streamline the regulatory process, eliminate unnecessary regulatory requirements, clarify language, and implement changes based on the board's, gas and oil operators', and citizens' experience with the regulation since it was promulgated in 1991. Copies of the regulatory review report are available at the Department of Mines, Minerals and Energy's Division of Gas and Oil office in Abingdon and at the department's office in Richmond. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 45.1-361.15 of the Code of Virginia.

Public comments may be submitted until June 26, 1996.

Contact: B. Thomas Fulmer, Division Director, Department of Mines, Minerals and Energy, Division of Gas and Oil, P.O. Box 1416, Abingdon, VA 24212, telephone (540) 676-5423, FAX (804) 676-5459, or toll-free 1-800-828-1120 (VA Relay Center)

VA.R. Doc. No. R96-328; Filed May 2, 1996, 3:19 p.m.

MOTOR VEHICLE DEALER BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Motor Vehicle Dealer Board intends to consider promulgating regulations entitled: **24 VAC 22-20-10 et seq. Motor Vehicle Dealer Fees.** The purpose of the proposed action is to establish fees. The Motor Vehicle Dealer Board (MVDB) was established by the 1995 General Assembly as a self-sustaining entity. All expenses for the MVDB must be paid through fees assessed by the board. Towards this end, the General Assembly granted the MVDB authority to set fees within specific limits. At the current fee level, the board will not be able to meet its expenses. It is projected that the board will have a negative cash balance by April 1997 if fees are not adjusted. The continued function of

Notices of Intended Regulatory Action

the MVDB will be impacted if fees are not adjusted to meet the expenses of the board. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 46.2-1506, 46.2-1519, and 46.2-1546 of the Code of Virginia.

Public comments may be submitted until June 13, 1996, to Bruce Gould, Motor Vehicle Dealer Board, P.O. Box 27412, Room 724, Richmond, VA 23269-0001.

Contact: Daniel B. Wilkins, Executive Director, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104, Richmond, VA 23230, telephone (804) 367-0300, FAX (804) 367-1053, or (804) 272-9278/TDD ☎

VA.R. Doc. No. R96-316; Filed April 24, 1996, 11:26 a.m.

DEPARTMENT OF MOTOR VEHICLES

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Motor Vehicles intends to consider repealing regulations entitled: **24 VAC 20-20-10 et seq. Privacy Protection Act.** The purpose of the proposed action is to repeal the regulation in accordance with changes adopted by the 1994 session of the General Assembly. Sections 46.2-208 through 46.2-210 of the Code of Virginia have made the regulation obsolete. It appears that the regulation is neither applicable nor necessary. The agency does not intend to hold a public hearing on the proposed repeal of the regulation after publication.

Statutory Authority: §§ 46.2-203 and 46.2-208 of the Code of Virginia.

Public comments may be submitted until July 1, 1996, to Bruce Gould, Department of Motor Vehicles, P.O. Box 27412, Room 724, Richmond, VA 23369-0001.

Contact: Karen Chappell, Administrator, Department of Motor Vehicles, P.O. Box 27412, Room 311, Richmond, VA 23269-0001, telephone (804) 367-0146, FAX (804) 367-8891, or toll-free 1-800-272-9278/TDD ☎

VA.R. Doc. No. R96-334; Filed May 6, 1996, 11:56 a.m.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Motor Vehicles intends to consider repealing regulations entitled: **24 VAC 20-30-10 et seq. Virginia Driver Improvement Act Rules and Regulations.** The purpose of the proposed action is to repeal the existing regulation which was originally promulgated in 1975 and last amended in 1978. As such, the regulation has no substantive relationship to either the current statute or program. The agency does not intend to hold a public hearing on the proposed repeal of the regulation after publication.

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

Public comments may be submitted until July 1, 1996.

Contact: Marc Copeland, Legislative Analyst, Department of Motor Vehicles, P.O. Box 27412, Room 724, Richmond, VA 23269-0001, telephone (804) 367-1875, FAX (804) 367-6631, or toll-free 1-800-272-9278/TDD ☎

VA.R. Doc. No. R96-333; Filed May 6, 1996, 11:55 a.m.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Motor Vehicles intends to consider amending regulations entitled: **24 VAC 20-120-10 et seq. Commercial Driver Training School Regulations.** The purpose of the proposed action is to delete unnecessary language and reflect changes in the law. The amendments also bring about technical changes or clarify requirements. The most substantial revision allows students who are enrolled in public or nonpublic/private education schools and who are completing driver education through a commercial driver training school to receive four periods of instruction on weekends and holidays. The revision also allows students who are not enrolled in public or nonpublic/private education schools and who are completing driver education through a commercial driver training school to receive four periods of instruction on weekdays, weekends, and holidays. Details of the amendments will be provided upon request. The agency does not intend to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 46.2-203 and 46.2-1703 of the Code of Virginia.

Public comments may be submitted until July 1, 1996, to P.A. Bowling, Department of Motor Vehicles, P.O. Box 27412, Room 724, Richmond, VA 23369-0001.

Contact: Frank C. Yancey, Office Manager, Motorist Licensing Administrator, Department of Motor Vehicles, P.O. Box 27412, Room 417, Richmond, VA 23269-0001, telephone (804) 367-9156, FAX (804) 367-6683, or toll-free 1-800-272-9278/TDD ☎

VA.R. Doc. No. R96-331; Filed May 6, 1996, 11:55 a.m.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Motor Vehicles intends to consider repealing regulations entitled: **24 VAC 20-130-10 et seq. International Registration Plan-Virginia Rules and Regulations.** The purpose of the proposed action is to repeal the regulations. This regulation was first published in 1975 when Virginia and 13 other jurisdictions were members of the International Registration Plan (Plan). The regulation was used by Virginia primarily as a tool to educate the motor carrier industry to the workings of the plan. Today, there are 49 jurisdictions that are members of the International Registration Plan. The plan has been changed many times in the intervening years, making the regulation published in 1975 obsolete. The current plan, along with various other related national policies and procedures, provides the necessary guidance to the member jurisdictions

Notices of Intended Regulatory Action

and the motor carrier industry alike. The agency does not intend to hold a public hearing on the proposed repeal of the regulation after publication.

Statutory Authority: §§ 46.2-203 and 46.2-703 of the Code of Virginia.

Public comments may be submitted until July 1, 1996, to Marc Copeland, Department of Motor Vehicles, P.O. Box 27412, Room 724, Richmond, VA 23369-0001.

Contact: Jerry Fern, Manager, IRP and Tax Licensing, Department of Motor Vehicles, P.O. Box 27412, Room 607, Richmond, VA 23269-0001, telephone (804) 367-8487, FAX (804) 367-1578, or toll-free 1-800-272-9278/TDD ☎

VA.R. Doc. No. R96-332; Filed May 6, 1996, 11:55 a.m.

BOARD OF NURSING

† 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 Nursing intends to consider amending regulations entitled: **18 VAC 90-20-10 et seq. Board of Nursing Regulations.** The purpose of the proposed action is to establish a modest increase in fees in order to maintain revenues consistent with expenditures. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 54.1-113, 54.1-2400 and 54.1-3000 of the Code of Virginia.

Public comments may be submitted until June 26, 1996.

Contact: Nancy Durrett, 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 ☎

VA.R. Doc. No. R96-329; Filed May 3, 1996, 1:38 p.m.

DEPARTMENT OF REHABILITATIVE SERVICES

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Rehabilitative Services intends to consider amending regulations entitled: **22 VAC 30-10-10 et seq. Public Participation Guidelines.** The purpose of the proposed action is to make the department's regulations more representative of public needs and views through greater public participation and control in the regulatory process and making changes mandated by 1993 amendments to the Administrative Process Act. The agency does not intend to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 9-6.14:7.1 and 51.5-14 of the Code of Virginia

Public comments may be submitted until May 30, 1996.

Contact: Mary C. Lutkenhaus, Policy Analyst, Department of Rehabilitative Services, 8004 Franklin Farms Dr., Richmond, VA 23288-0300, telephone (804) 662-7610, FAX (804) 662-7696, toll-free 1-800-552-5019, or toll-free 1-800-464-9950/TDD ☎

VA.R. Doc. No. R96-289; Filed April 8, 1996, 9:39 a.m.

DEPARTMENT OF SOCIAL SERVICES (STATE 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 State Board of Social Services intends to consider amending regulations entitled: **22 VAC 40-680-10 et seq. Virginia Energy Assistance Program.** The purpose of the proposed action is to receive comments regarding the use of Low-Income Home Energy Assistance Program (LIHEAP) funding for the 1996-97 program year, and future years. The energy assistance program is reviewed annually. Regulatory requirements are contained in the Low Income Home Energy Assistance Act, Title XXVI of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35, as amended) Human Services Amendments of 1994 (Public Law 103-252, signed May 18, 1994). The agency does not intend to hold a public hearing on the proposed regulation after publication.

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

Public comments may be submitted until May 29, 1996, to Charlene H. Chapman, Energy and Emergency Assistance, Department of Social Services, 730 East Broad Street, Richmond, Virginia 23219.

Contact: L. Richard Martin, Legislative Coordinator, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1825.

VA.R. Doc. No. R96-309; Filed April 9, 1996, 3:51 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.

STATE LOTTERY BOARD

August 28, 1996 - 9:30 a.m. -- Public Hearing
State Lottery Department, 900 East Main Street, Richmond, Virginia.

July 26, 1996 -- 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 State Lottery Board intends to amend regulations entitled: **11 VAC 5-20-10 et seq. Administration Regulations**. The purpose of the proposed amendments is to clarify procurement exemptions and restrictions, clarify board meeting requirements, remove sections that are duplicative of Code of Virginia provisions when practical, and incorporate housekeeping changes.

Statutory Authority: § 58.1-4007 of the Code of Virginia.

Contact: Barbara L. Robertson, Legislative, Regulatory and Board Administrator, State Lottery Department, 900 E. Main St., Richmond, VA 23219, telephone (804) 692-7774.

August 28, 1996 - 9:30 a.m. -- Public Hearing
State Lottery Department, 900 East Main Street, Richmond, Virginia.

July 26, 1996 -- 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 State Lottery Board intends to amend regulations entitled: **11 VAC 5-30-10 et seq. Instant Game Regulations**. The purpose of the proposed amendments is to clarify revocation or suspension of a lottery retailer's license, authorize cashing at lottery headquarters, eliminate claim form requirements, delete sections that are unnecessary or duplicative, and make housekeeping changes.

Statutory Authority: § 58.1-4007 of the Code of Virginia.

Contact: Barbara L. Robertson, Legislative, Regulatory and Board Administrator, State Lottery Department, 900 E. Main St., Richmond, VA 23219, telephone (804) 692-7774.

August 28, 1996 - 9:30 a.m. -- Public Hearing
State Lottery Department, 900 East Main Street, Richmond, Virginia.

July 26, 1996 -- 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 State Lottery Board intends to amend regulations entitled: **11 VAC 5-40-10 et seq. On-Line Game Regulations**. The purpose of the proposed amendments is to clarify revocation or suspension of a lottery retailer's license, authorize cashing at lottery headquarters, eliminate claim form requirements, revise subscription plan, and make housekeeping changes.

Statutory Authority: § 58.1-4007 of the Code of Virginia.

Contact: Barbara L. Robertson, Legislative, Regulatory and Board Administrator, State Lottery Department, 900 E. Main St., Richmond, VA 23219, telephone (804) 692-7774.

PROPOSED REGULATIONS

For information concerning Proposed Regulations, see Information Page.

Symbol Key

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

DEPARTMENT OF GAME AND INLAND FISHERIES (BOARD OF)

REGISTRAR'S NOTICE: The Department of Game and Inland Fisheries is exempt from the Administrative Process Act pursuant to subdivision A 3 of § 9-6.14:4.1 of the Code of Virginia when promulgating regulations regarding the management of wildlife.

Title of Regulation: 4 VAC 15-40-10 et seq. Game: In General (amending 4 VAC 15-40-20).

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

Notice to the Public:

The Board of Game and Inland Fisheries has ordered to be published, pursuant to §§ 29.1-501 and 29.1-502 of the Code of Virginia, the following proposed amended board regulation. Comments regarding the proposed amended regulation are solicited from the public, should be submitted in writing, and should be sent to: Phil Smith, Policy Analyst Senior, Department of Game and Inland Fisheries, 4010 West Broad Street, Richmond, Virginia 23230, or faxed to (804) 367-2427. A public hearing on the advisability of adopting, or amending and adopting, the proposed regulation, or any part thereof, will be held at the Department of Game and Inland Fisheries, 4010 West Broad Street, Richmond, Virginia, beginning at 10 a.m. on Thursday, July 18, 1996, at which time any interested citizen present shall be heard. If the board is satisfied that the proposed regulation or any part thereof is advisable, in the form in which published or as amended as a result of the public hearing, the board may adopt such proposal at that time.

Summary:

The amendment allows hunters possessing a medical doctor's written statement based on a physical examination declaring that such persons have a permanent physical disability that prevents them from hunting with conventional archery equipment to hunt with a crossbow on the private land of another, with the written permission of the landowner, during the special archery seasons. The amendment requires such disabled hunters to advise the landowner of their intent to hunt with a crossbow.

4 VAC 15-40-20. Hunting with crossbows, arrows to which any drug, chemical or toxic substance has been added or explosive-head arrows prohibited.

A. Except as otherwise provided by law or regulation, it shall be unlawful to use a crossbow, arrows to which any drug, chemical or toxic substance has been added or arrows with explosive heads at any that time for the purpose of

hunting wild birds or wild animals. A crossbow is defined as any bow that can be mechanically held in the drawn or cocked position.

B. Crossbows permitted for persons with permanent physical disabilities. For the purposes of this section any person, possessing a medical doctor's written statement based on a physical examination declaring that such person has a permanent physical disability that prohibits the person from holding the mass weight of a conventional bow and arrow at arm's length perpendicular to the body, or drawing or pulling or releasing the bow string of a conventional bow, and thus prevents that person from hunting with conventional archery equipment, may hunt with a crossbow on his own property *or on the private property of another with the written permission of the landowner* during established special archery seasons. *Disabled hunters seeking such permission shall advise the landowner of their intent to hunt with a crossbow during the special archery seasons.* The doctor's written statement must be carried by the person while hunting and a copy of the doctor's written statement must be provided to the department on a form provided by the department; prior to hunting with a crossbow and the department's verification form shall be presented upon demand to any officer whose duty it is to enforce the game and inland fish laws.

VA.R. Doc. No. R96-366; Filed May 8, 1996, 11:37 a.m.

Title of Regulation: 4 VAC 15-90-10 et seq. Game: Deer (amending 4 VAC 15-90-70).

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

Notice to the Public:

The Board of Game and Inland Fisheries has ordered to be published, pursuant to §§ 29.1-501 and 29.1-502 of the Code of Virginia, the following proposed amended board regulation. Comments regarding the proposed amended regulation are solicited from the public, should be submitted in writing, and should be sent to: Phil Smith, Policy Analyst Senior, Department of Game and Inland Fisheries, 4010 West Broad Street, Richmond, Virginia 23230, or faxed to (804) 367-2427. A public hearing on the advisability of adopting, or amending and adopting, the proposed regulation, or any part thereof, will be held at the Department of Game and Inland Fisheries, 4010 West Broad Street, Richmond, Virginia, beginning at 10 a.m. on Thursday, July 18, 1996, at which time any interested citizen present shall be heard. If the board is satisfied that the proposed regulation or any part thereof is advisable, in the form in which published or as amended as a result of the public hearing, the board may adopt such proposal at that time.

Proposed Regulations

Summary:

The amendment allows disabled hunters whose permanent physical disabilities prevent them from hunting with conventional archery equipment to hunt deer during the special archery deer seasons with a crossbow on the private property of another with written permission from the landowner.

4 VAC 15-90-70. Bow and arrow hunting.

A. Early special archery. It shall be lawful to hunt deer with bow and arrow from the first Saturday in October through the Saturday prior to the third Monday in November, both dates inclusive, except where there is a closed general hunting season on deer.

B. Late special archery season west of Blue Ridge Mountains and certain cities and counties east of Blue Ridge Mountains. In addition to the season provided in subsection A of this section, it shall be lawful to hunt deer with bow and arrow from the Monday following the close of the general firearms season on deer west of the Blue Ridge Mountains through the first Saturday in January, both dates inclusive, in all cities and counties west of the Blue Ridge Mountains and in the counties of (including cities within) Amherst (west of U.S. Route 29), Bedford, Campbell (west of Norfolk Southern Railroad), Franklin, Henry, Nelson (west of Route 151), Patrick and Pittsylvania (west of Norfolk Southern Railroad) and from December 1 through the first Saturday in January, both dates inclusive, in the cities of Chesapeake, Suffolk (east of the Dismal Swamp line) and Virginia Beach.

C. Either-sex deer hunting days. Deer of either sex may be taken full season during the special archery seasons as provided in subsections A and B of this section.

D. Carrying firearms prohibited. It shall be unlawful to carry firearms while hunting with bow and arrow during the special archery season.

E. Requirements for bow and arrow. Arrows used for hunting big game must have a minimum width head of 7/8 of an inch and the bow used for such hunting must be capable of casting a broadhead arrow a minimum of 125 yards.

F. Use of dogs prohibited during bow season. It shall be unlawful to use dogs when hunting with bow and arrow from the first Saturday in October through the Saturday prior to the third Monday in November, both dates inclusive.

G. Crossbows permitted for persons with permanent physical disabilities. As provided in 4 VAC 15-40-20 B, it shall be lawful for persons whose permanent physical disabilities prevent them from hunting with conventional archery equipment to hunt deer with a crossbow on their own property or on private property of another with the written permission of the landowner as provided in subsections A, B, C, D, and F of this section.

VA.R. Doc. No. R96-367; Filed May 8, 1995, 11:37 a.m.

UNIVERSITY OF VIRGINIA

REGISTRAR'S NOTICE: The University of Virginia is claiming an exemption from the Administrative Process Act in accordance with § 9-6.14:4.1 A 6 of the Code of Virginia, which exempts educational institutions operated by the Commonwealth.

Title of Regulation: 8 VAC 85-10-10 et seq. Medical Center Procurement Guidelines.

Statutory Authority: § 23-77.4 of the Code of Virginia (Chapters 933 and 995 of 1996 Virginia Acts of Assembly).

Summary:

This proposed regulation (8 VAC 85-10-10 et seq.) sets out guidelines for procurements of goods; services, including professional services; and construction by the University of Virginia on behalf of the University of Virginia Medical Center. The guidelines require the university to seek competition to the maximum practical degree in Medical Center procurements (excepting only contracts entered into in connection with joint ventures covered by § 23-77.3 of the Code of Virginia); they also encourage joint procurement with other university departments and with outside organizations, and provide that procurement records are available to the public consistent with the Virginia Freedom of Information Act. The guidelines direct the university administration to adopt procurement procedures to implement the guidelines, and further direct that until the administration is able to do so, the provisions of the Commonwealth of Virginia Purchasing Manual for Institutions of Higher Education be used as interim procedures for noncapital outlay-related procurements, and that relevant provisions of the Virginia Public Procurement Act be used as interim procedures for capital outlay-related procurements (i.e., construction and capital outlay-related professional services). The guidelines specify that the procedures shall include processes for vendor protests and appeals, provisions for prompt payment including interest on outstanding invoices, a system of competitive negotiation for professional services, and purchasing equipment procedures to maximize competition, consistent with the Medical Center's needs for sole source and other types of special procurements.

CHAPTER 10.

MEDICAL CENTER PROCUREMENT GUIDELINES.

8 VAC 85-10-10. Definitions.

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

"Board of Visitors" means the Rector and Board of Visitors of the University of Virginia.

"Enabling legislation" means Chapters 933 and 995 of the 1996 Virginia Acts of Assembly.

"Implementing procedures" or "procedures" means the comprehensive set of specific procurement procedures governed by 8 VAC 85-10-120 through 8 VAC 85-10-180.

"President" means the President of the University of Virginia.

"University" means the University of Virginia.

"University of Virginia Medical Center" or "Medical Center" means that part of the University of Virginia Health Sciences Center consisting of the University of Virginia Hospital, referenced in the 1996-98 Appropriation Act (Chapter 912 of the 1996 Acts of Assembly) as Agency 209, and related health care and health maintenance facilities.

8 VAC 85-10-20. General provisions.

A. Chapters 933 and 995 of the 1996 Virginia Acts of Assembly provide that contracts awarded by the University of Virginia on behalf of the University of Virginia Medical Center for the procurement of goods; services, including professional services; and construction shall be exempt from the procurement laws of the Commonwealth, provided that the Board of Visitors of the university adopts guidelines that are generally applicable to such procurements by the Medical Center or by the university on behalf of the Medical Center. The guidelines are to be based upon competitive principles, include certain specific principles and practices enumerated in the enabling legislation and, in each instance, seek competition to the maximum practical degree.

B. The enabling legislation exempts such procurements and contracts from the Virginia Public Procurement Act, § 11-35 et seq. of the Code of Virginia, except that the following provisions of that Act continue to apply: §§ 11-49, 11-51, 11-52 (which section shall not be construed to require compliance with the prequalification application procedures of subsection B of § 11-46), 11-54, 11-56 through 11-61, and 11-72 through 11-80. The enabling legislation also exempts such procurements and contracts from Article 3 (§ 2.1-435 et seq.) of Chapter 32 of Title 2.1 of the Code of Virginia, regarding the duties and responsibilities of the Division of Purchases and Supply of the Virginia Department of General Services and from Article 5 (§ 2.1-480 et seq.) of Chapter 32 of Title 2.1 of the Code of Virginia regarding the review and approval by the Division of Engineering and Buildings of the Virginia Department of General Services of contracts for the construction of Medical Center capital projects.

C. The provisions of this policy statement set forth in this chapter constitute the adopted Board of Visitors procurement guidelines required by the enabling legislation regarding contracts awarded by the university on behalf of the Medical Center.

8 VAC 85-10-30. Continued applicability of other Board of Visitors' policies affecting procurements and capital projects.

These guidelines and any procedures adopted by the president or his designee to implement these guidelines shall continue to be subject to (i) any other policies adopted by the Board of Visitors affecting procurements at the university, including policies regarding the nature and amounts of procurements which may be undertaken without the approval of the Board of Visitors, or of the president or his designee and (ii) with regard to the procurement of construction and construction-related professional services, any other policies adopted by the Board of Visitors affecting capital projects.

Should the new procedures conflict with existing policies of the Board of Visitors, the existing policies shall control.

8 VAC 85-10-40. Scope and purpose of Medical Center procurement guidelines.

The guidelines contained in this policy statement apply to contracts awarded by the university on behalf of the Medical Center for the procurement of goods; services, including professional services; and construction. It shall be the policy of the university that Medical Center procurements conducted by the university result in the purchase of high quality goods, services and construction at reasonable prices, and that the Medical Center be free, to the maximum extent permitted by law and these guidelines, from constraining regulations which hinder the ability of the Medical Center to do business in a competitive environment. These guidelines shall apply to all procurements undertaken by the university on behalf of the Medical Center, regardless of the source of funds.

8 VAC 85-10-50. General competitive principles.

In connection with Medical Center procurements and the processes leading to award of contracts, the university is committed to:

1. Seeking competition to the maximum practical degree, taking into account the size of the anticipated procurement, the term of the resulting contract and the likely extent of competition;
2. Conducting all procurements in a fair and impartial manner and avoiding any impropriety or the appearance of any impropriety;
3. Making procurement rules clear in advance of any competition;
4. Giving access to the Medical Center's business to all qualified vendors, firms and contractors, with no potential bidder or offeror excluded arbitrarily or capriciously, while allowing the flexibility to engage in cooperative procurements and to meet special needs of the Medical Center;
5. Ensuring that specifications for purchases are fairly drawn so as not to favor unduly a particular vendor; and
6. Providing for the free exchange of information between the Medical Center, the remainder of the university, and vendors, firms or contractors concerning the goods, services or construction sought and offered, while preserving the confidentiality of proprietary information.

8 VAC 85-10-60. Access to records.

Purchasing and procurement records shall be available to citizens or to interested persons, firms or corporations in accordance with the provisions of the Virginia Freedom of Information Act, § 2.1-340 et seq., and § 11-52 of the Code of Virginia, except those records exempt from disclosure pursuant to § 2.1-342 B 62 or other sections of the Virginia Freedom of Information Act.

Proposed Regulations

8 VAC 85-10-70. Training; ethics in contracting.

The president or his designee shall take all necessary and reasonable steps to assure (i) that all Medical Center and other university officials responsible for and engaged in procurements authorized by the enabling legislation and these guidelines are knowledgeable regarding the requirements of the enabling legislation, these guidelines and §§ 11-72 through 11-80 of the Code of Virginia (Ethics in Public Contracting), (ii) that only officials authorized by these guidelines and any procedures adopted by the president or his designee to implement these guidelines are responsible for and engaged in such procurements, and (iii) that compliance with the enabling legislation and these guidelines is achieved.

8 VAC 85-10-80. Procurements may serve Medical Center and other university needs.

To the extent it is economically beneficial and lawful to do so, and in conformity with these guidelines, the Medical Center is encouraged to participate with other units of the university in the joint procurement of goods and services.

8 VAC 85-10-90. Cooperative procurements and alliances.

The university on behalf of the Medical Center may participate in cooperative procurements with other educational institutions, charitable organizations, health care provider alliances and purchasing organizations where the purposes of these guidelines will be furthered.

8 VAC 85-10-100. Exemption for contracts entered into pursuant to § 23-77.3 of the Code of Virginia.

Upon a finding in writing by the Vice President and Provost for Health Sciences or his designee that a proposed contract falls within the provisions of § 23-77.3 of the Code of Virginia, the Medical Center may enter into the contracts and ventures authorized by that section without competition. Such contracts and ventures, however, still shall be subject to approval of the president and the Board of Visitors.

8 VAC 85-10-110. Code of Virginia provisions still applicable to Medical Center procurements.

In implementing the authority conferred by these guidelines, the personnel administering any procurement shall adhere to the following provisions of the Virginia Public Procurement Act, including any amendments thereto: § 11-49 (use of brand names); § 11-51 (prohibiting employment discrimination by contractors); § 11-52 (public inspection of certain records; this section shall not be construed to require compliance with the prequalification application procedures of subsection B of § 11-46); § 11-54 (withdrawal of bids due to error); § 11-56 through § 11-61 (provisions dealing with construction contracts and payment and performance bonds on such contracts); and §§ 11-72 through 11-80 (ethics in public contracting). University personnel also are advised that other provisions of law, including the State and Local Government Conflict of Interests Act, § 2.1-639.1 et seq. of the Code of Virginia, and the Virginia Governmental Frauds Act, § 18.2-498.1 et seq. of the Code of Virginia, continue to apply to all procurements.

8 VAC 85-10-120. Adoption and effective dates of implementing procedures and interim implementing procedures.

A. The president, acting through the executive vice president in consultation with the Vice President and Provost for Health Sciences, shall adopt a comprehensive set of specific procurement procedures (the "procedures"), which implement applicable provisions of law and these guidelines. The procedures (i) shall include the delegation of procurement authority to appropriate university officials who will oversee university purchases on behalf of the Medical Center of goods; services, including professional services; and construction, including a grant of authority to such officials to engage in further delegation of authority as the president deems appropriate, and (ii) shall be consistent with and implement the requirements of these guidelines and the provisions of § 23-77.4 of the Code of Virginia.

B. These guidelines shall be effective July 1, 1996, and, as of their effective date, shall be applicable to all procurements undertaken by the university on behalf of the Medical Center for goods; services, including professional services; and construction. Existing contracts may continue to be used after that date. Since, however, the procedures are not anticipated to be developed and adopted prior to July 1, 1996, interim procedures to implement these guidelines are needed. Therefore, by July 1, 1996, and until 30 days following the submission of the procedures to the Board of Visitors, the president or his designee shall implement these guidelines by adopting, on an interim basis, procurement procedures that (i) incorporate with any necessary modification the Commonwealth of Virginia Purchasing Manual for Institutions of Higher Education and Their Vendors (the "Purchasing Manual") for all procurements of goods and services other than construction and construction-related professional services and (ii) incorporate the provisions of the Virginia Public Procurement Act, § 11-35 et seq. of the Code of Virginia (but not the policies or procedures of any other state agency administering the Virginia Public Procurement Act) for all procurements of construction and construction-related professional services. Thus, on an interim basis, the university will continue to act on behalf of the Medical Center pursuant to the Purchasing Manual for purchases other than capital outlay. The provisions of the Virginia Public Procurement Act incorporated by reference into the interim implementing procedures will apply to procurements related to capital outlay (i.e., construction and capital outlay-related professional services).

C. The interim implementing procurement procedures shall remain in effect until the expiration of 30 days following submission of the procedures to the Board of Visitors. After that date (i) the Purchasing Manual and the Virginia Public Procurement Act provisions incorporated herein by reference shall no longer apply other than as set forth in these guidelines and (ii) these guidelines shall apply as implemented by the procedures to all procurements by the university on behalf of the Medical Center for goods; services, including professional services; and construction.

8 VAC 85-10-130. *Protests, appeals and debarment.*

The procedures for procurements other than capital outlay shall include a process or processes for an administrative appeal by vendors, firms or contractors, consisting of a protest to a person designated by the president, and thereafter an appeal to a procurement appeals board appointed by the president. Procurements for capital outlay projects shall include a dispute resolution process which may include an appearance before a person appointed by the president. Protests and appeals may challenge determinations of vendor, firm or contractor nonresponsibility or ineligibility, or award of contracts, provided that such protests and appeals are filed within the times specified by the procedures. Remedies available shall be limited to reversal of the action challenged. The procedures also may establish the basis and process for debarment of any vendor, firm or contractor.

8 VAC 85-10-140. *Prompt payment of contractors and subcontractors.*

The procedures shall include provisions related to prompt payment of outstanding invoices which shall include payment of interest on properly presented invoices outstanding more than 14 days beyond the payment date, at a rate no higher than the lowest prime rate charged by any commercial bank as published in the *Wall Street Journal*. The payment date shall be the later of 30 days from the date of the receipt of goods or invoice, or the date established by the contract. The procedures shall include compliance with the set off procedures of the Virginia Debt Collection Act, § 2.1-726 et seq. of the Code of Virginia, and shall require an annual report to the Board of Visitors of interest paid during each fiscal year. All contracts also shall require prompt payment of subcontractors by the general contractor upon receipt of payment by the university.

8 VAC 85-10-150. *Types of procurements.*

The procedures shall implement a system of competitive negotiation for professional services, as defined in the procedures, and shall implement purchasing procedures developed to maximize competition, given the size and duration of the contract, and the needs of the Medical Center. Such procedures may include special provisions for procurements such as emergency procurements, sole source procurements, brand name procurements, small purchases, procurements in which only one qualified vendor responds, and others.

8 VAC 85-10-160. *Approval and public notice of procurements.*

The procedures shall provide for approval of solicitation documents by an authorized individual and for reasonable public notice of procurements, given the size and nature of the need and the applicability of any Virginia Freedom of Information Act exemption.

8 VAC 85-10-170. *Administration of contracts.*

The procedures shall contain provisions related to the administration of contracts, including contract claims, modifications, extensions and assignments.

8 VAC 85-10-180. *Nondiscrimination.*

The procedures shall prohibit employment discrimination by vendors, firms and contractors, shall provide for a nondiscriminatory procurement process and shall include appropriate provisions for involvement of minority and disadvantaged business enterprises.

8 VAC 85-10-190. *Severability.*

The provisions of this policy statement and guidelines promulgated under the enabling legislation or the interim implementing procedures or the implementing procedures promulgated pursuant to this policy statement and these guidelines, or the application thereof to any person or circumstances, which are held invalid shall not affect the validity of other regulations, guidelines, procedures, provisions or applications which can be given effect without the invalid regulations, guidelines, procedures, provisions or applications.

Documents Incorporated By Reference

Commonwealth of Virginia Purchasing Manual for Institutions of Higher Education and Their Vendors, UVA Purchasing Department, not dated.

VA.R. Doc. No. R96-370; Filed May 8, 1996, 4:19 p.m.

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 GAME AND INLAND FISHERIES (BOARD OF)

REGISTRAR'S NOTICE: The Department of Game and Inland Fisheries is exempt from the Administrative Process Act pursuant to subdivision A 3 of § 9-6.14:4.1 of the Code of Virginia when promulgating regulations regarding the management of wildlife.

Title of Regulation: 4 VAC 15-20-10 et seq. Definitions and Miscellaneous: In General (amending 4 VAC 15-20-200).

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

Effective Date: July 1, 1996.

Summary:

The amendments (i) set forth in regulation the amount to be charged for the operation of a foxhound training preserve in Virginia, and (ii) delete reference to fees to be charged for a wolf-hybrid permit.

Agency Contact: Copies of the regulation may be obtained from Phil Smith, Department of Game and Inland Fisheries, 4010 West Broad Street, Richmond, VA 23230, telephone (804) 367-8341.

4 VAC 15-20-200. Fees for miscellaneous permits.

A. Pursuant to §§ 29.1-417, 29.1-418, 29.1-422, 29.1-743 and other applicable provisions of the Code of Virginia, except as provided by this chapter the following fees shall be paid by applicants for the specified permits before any such permit may be issued.

Boat Ramp Special Use	
Nonprofit Public Use	\$10
Private/Commercial Use	\$50
Boat Regattas/Tournaments	\$50/day
Collect and Sell	\$50
Commercial Nuisance Animals	\$25
Deer Farming	\$350
Exhibitors	
Commercial Use	\$50
Educational/Scientific Use	\$20
Exotic Importation and Holding	\$10
Field Trial	\$25
Foxhound Training Preserves	\$50
Hold for Commercial Use	\$10

Propagation

Commercial Use	\$50
Private Use	\$20
Licensed Shooting Preserves	\$20
Rehabilitation	\$10
Scientific Collection	\$20
Special Hunting Permit	\$10
Striped Bass Tournament	\$10
Threatened & Endangered Species	\$20
Trout Catch-Out Pond	\$50
Wolf Hybrid—Individual	
Nonneutered	\$20/animal
Neutered	\$10/animal
Wolf Hybrid—Kennel	\$100

B. Veterinarians shall not be required to pay a permit fee or to obtain a permit to hold wildlife temporarily for medical treatment.

VA.R. Doc. No. R96-365; Filed May 8, 1996, 11:36 a.m.

Title of Regulation: 4 VAC 15-110-10 et seq. Game: Fox (adding 4 VAC 15-110-75).

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

Effective Date: July 1, 1996.

Summary:

This new section establishes a season from September 1 through the last day in February, both dates inclusive, for the live trapping of red and gray fox on private land or public lands designated by the department for the purpose of stocking foxhound training preserves as authorized by the board. The live trapping and transportation of such foxes may only occur within a 50-mile radius of the permitted preserve in which the fox will be stocked unless specifically excepted by the department. Unless reenacted, the provisions of this section expire after May 25, 2001.

Agency Contact: Copies of the regulation may be obtained from Phil Smith, Department of Game and Inland Fisheries, 4010 West Broad Street, Richmond, VA 23230, telephone (804) 367-8341.

4 VAC 15-110-75. Foxhound training preserves; live-trapping for release.

It shall be lawful for any foxhound training preserve permittee or those licensed trappers designated in writing by the permittee to live-trap and transport red (*Vulpes vulpes*) and gray (*Urocyon cinereoargenteus*) fox from September 1 through ~~March 31~~ the last day of February,], both dates inclusive, only for the purpose of stocking foxhound training preserves covered by permits authorized by the board and issued by the department. For the purpose of this section, foxes may be live-trapped on private land with landowner permission or on public lands designated by the department. Foxes may be live-trapped only within a 50-mile radius of the foxhound training preserve in which they will be released unless a specific exception is granted by the department for good cause. [Unless reenacted, the provisions of this section shall expire after May 25, 2001.]

VA.R. Doc. No. R96-364; Filed May 8, 1996, 11:37 a.m.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

REGISTRAR'S NOTICE: The following regulatory action is exempt from 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, and in accordance with § 9-6.14:4.1 C 3 of the Code of Virginia, which excludes regulations that consist only of changes in style or form or corrections of technical errors. The Department of Medical Assistance Services will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: State Plan for Medical Assistance Relating to Durable Medical Equipment and Rehabilitative Services - Lead Investigations.

12 VAC 30-50-10 et seq. Amount, Duration, and Scope of Medical and Remedial Care and Services (amending 12 VAC 30-50-160 and 12 VAC 30-50-220).

12 VAC 30-80-10 et seq. Methods and Standards for Establishing Payment Rate; Other Types of Care (amending 12 VAC 30-80-30).

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

Effective Date: July 1, 1996.

Summary:

These amendments to the State Plan concern the actions taken by the 1996 General Assembly regarding Durable Medical Equipment (DME) and lead investigations. Item 322 D 1 of Chapter 912 of the 1996 Acts of Assembly requires the Department of Medical Assistance Services to change, effective July 1, 1996, the preauthorization requirements for incontinence supplies from greater than three cases per month to greater than two cases per month. Also, the rates paid for all items of durable medical equipment must be reduced by 4.5%. This rate adjustment does not apply to nutritional supplements.

Item 322 F of Chapter 912 of the 1996 Acts of Assembly requires the Medicaid Program to cover investigations by local health departments to determine the source of lead contamination as part of the management and treatment of Medicaid-eligible children who have been diagnosed with elevated blood lead levels. This provision only applies to investigation costs that are eligible for federal matching funds in accordance with current federal regulations. Payments for these environmental investigations are limited to two visits per residence.

Agency Contact: Copies of the regulation may be obtained from Victoria P. Simmons or Roberta J. Jonas, Regulatory Coordinators, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 371-8850.

12 VAC 30-50-160. Home health services.

A. Service must be ordered or prescribed and directed or performed within the scope of a license of a practitioner of the healing arts. Home health services shall be provided in accordance with guidelines found in the Virginia Medicaid Home Health Manual.

B. Nursing services provided by a home health agency.

1. Intermittent or part-time nursing service provided by a home health agency or by a registered nurse when no home health agency exists in the area.

2. Patients may receive up to 32 visits by a licensed nurse annually. Limits are per recipient, regardless of the number of providers rendering services. Annually shall be defined as July 1 through June 30 for each recipient. If services beyond these limitations are determined by the physician to be required, then the provider shall request prior authorization from DMAS for additional services. Payment shall not be made for additional service unless authorized by DMAS.

C. Home health aide services provided by a home health agency.

1. Home health aides must function under the supervision of a registered nurse.

2. Home health aides must meet the certification requirements specified in 42 CFR 484.36.

3. For home health aide services, patients may receive up to 32 visits annually. Limits shall be per recipient, regardless of the number of providers rendering services. Annually shall be defined as July 1 through June 30 for each recipient.

D. Durable medical equipment (DME) and supplies suitable for use in the home.

1. General requirements and conditions.

a. All medically necessary supplies and equipment shall be covered. Unusual amounts, types, and duration of usage must be authorized by DMAS in accordance with published policies and procedures. When determined to be cost-effective by DMAS, payment may be made for rental of the equipment in lieu of purchase.

Final Regulations

b. DME providers shall adhere to all applicable DMAS policies, laws, and regulations for durable medical equipment and supplies. DME providers shall also comply with all other applicable Virginia laws and regulations requiring licensing, registration, or permitting. Failure to comply with such laws and regulations shall result in denial of coverage for durable medical equipment or supplies which are regulated by such licensing agency or agencies.

c. DME and supplies must be furnished pursuant to a Certificate of Medical Necessity (CMN) (DMAS-352).

d. A CMN shall contain a physician's diagnosis of a recipient's medical condition and an order for the durable medical equipment and supplies that are medically necessary to treat the diagnosed condition and the recipient's functional limitation. The order for DME or supplies must be justified in the written documentation either on the CMN or attached thereto. The CMN shall be valid for a maximum period of six months for Medicaid recipients 21 years of age and younger. The maximum valid time period for Medicaid recipients older than 21 years of age is 12 months. The validity of the CMN shall terminate when the recipient's medical need for the prescribed DME or supplies ends.

e. DME must be furnished exactly as ordered by the attending physician on the CMN. The CMN and any supporting verifiable documentation must be complete (signed and dated by the physician) and in the provider's possession within 30 days from the time the ordered DME and supplies are initially furnished by the DME provider. Each component of the DME must be specifically ordered on the CMN by the physician. For example, the order must specify IV pole, pump, and tubing. A general order for IV supplies shall not be acceptable.

f. The CMN shall not be changed, altered, or amended after the attending physician has signed it. If changes are necessary, as indicated by the recipient's condition, in the ordered DME or supplies, the DME provider must obtain a new CMN. New CMNs must be signed and dated by the attending physician within 30 days from the time the ordered supplies are furnished by the DME provider.

g. DMAS shall have the authority to determine a different (from those specified above) length of time a CMN may be valid based on medical documentation submitted on the CMN. The CMN may be completed by the DME provider or other health care professionals, but it must be signed and dated by the attending physician. Supporting documentation may be attached to the CMN but the attending physician's entire order must be on the CMN.

h. The DME provider shall retain a copy of the CMN and all supporting verifiable documentation on file for DMAS' post payment audit review purposes. DME providers shall not create nor revise CMNs or supporting documentation for this service after the initiation of the post payment review audit process.

Attending physicians shall not complete, nor sign and date, CMNs once the post payment audit review has begun.

2. ~~Reserved. Preauthorization is required for incontinence supplies provided in quantities greater than two cases per month.~~

3. Supplies, equipment, or appliances that are not covered include, but are not limited to, the following:

a. Space conditioning equipment, such as room humidifiers, air cleaners, and air conditioners.

b. Durable medical equipment and supplies for any hospital or nursing facility resident, except ventilators and associated supplies for nursing facility residents that have been approved by DMAS central office.

c. Furniture or appliances not defined as medical equipment (such as blenders, bedside tables, mattresses other than for a hospital bed, pillows, blankets or other bedding, special reading lamps, chairs with special lift seats, hand-held shower devices, exercise bicycles, and bathroom scales).

d. Items that are only for the recipient's comfort and convenience or for the convenience of those caring for the recipient (e.g., a hospital bed or mattress because the recipient does not have a decent bed; wheelchair trays used as a desk surface); mobility items used in addition to primary assistive mobility aide for caregiver's or recipient's convenience (i.e., electric wheelchair plus a manual chair); cleansing wipes.

e. Prosthesis, except for artificial arms, legs, and their supportive devices which must be preauthorized by the DMAS central office (effective July 1, 1989).

f. Items and services which are not reasonable and necessary for the diagnosis or treatment of illness or injury or to improve the functioning of a malformed body member (for example, over-the-counter drugs; dentifrices; toilet articles; shampoos which do not require a physician's prescription; dental adhesives; electric toothbrushes; cosmetic items, soaps, and lotions which do not require a physician's prescription; sugar and salt substitutes; support stockings; and nonlegend drugs).

g. Orthotics, including braces, splints, and supports.

h. Home or vehicle modifications.

i. Items not suitable for or not used primarily in the home setting (i.e., car seats, equipment to be used while at school, etc.).

j. Equipment that the primary function is vocationally or educationally related (i.e., computers, environmental control devices, speech devices, etc.).

4. For coverage of blood glucose meters for pregnant women, refer to 12 VAC 30-50-500.

5. Reserved.

6. The medical equipment and supply vendor must provide the equipment and supplies as prescribed by the

physician on the certificate of medical necessity. Orders shall not be changed unless the vendor obtains a new certificate of medical necessity prior to ordering or providing the equipment or supplies to the patient.

7. Medicaid shall not provide reimbursement to the medical equipment and supply vendor for services provided prior to the date prescribed by the physician or prior to the date of the delivery or when services are not provided in accordance with published policies and procedures. If reimbursement is denied for one of these reasons, the medical equipment and supply vendor may not bill the Medicaid recipient for the service that was provided.

8. The following criteria must be satisfied through the submission of adequate and verifiable documentation satisfactory to the department. Medically necessary DME and supplies shall be:

- a. Ordered by the physician on the CMN;
- b. A reasonable and necessary part of the recipient's treatment plan;
- c. Consistent with the recipient's diagnosis and medical condition particularly the functional limitations and symptoms exhibited by the recipient;
- d. Not furnished solely for the convenience, safety, or restraint of the recipient, the family, attending physician, or other practitioner or supplier;
- e. Consistent with generally accepted professional medical standards (i.e., not experimental or investigational); and
- f. Furnished at a safe, effective, and cost effective level suitable for use in the recipient's home environment.

9. Coverage of enteral nutrition (EN) and total parenteral nutrition (TPN) which do not include a legend drug shall be limited to when the nutritional supplement is the sole source form of nutrition, is administered orally or through a nasogastric or gastrostomy tube, and is necessary to treat a medical condition. Coverage of EN and TPN shall not include the provision of routine infant formulae. A nutritional assessment shall be required for all recipients receiving nutritional supplements.

E. Physical therapy, occupational therapy, or speech/language pathology services and audiology services provided by a home health agency or physical rehabilitation facility.

1. Service covered only as part of a physician's plan of care.
2. Patients may receive up to 24 visits for each rehabilitative therapy service ordered annually without authorization. Limits shall apply per recipient regardless of the number of providers rendering services. Annually shall be defined as July 1 through June 30 for each recipient. If services beyond these limitations are determined by the physician to be required, then the provider shall request prior authorization from DMAS for additional services.

F. The following services are not covered under the home health services program:

1. Medical social services;
2. Services or items which would not be paid for if provided to an inpatient of a hospital, such as private-duty nursing services, or items of comfort which have no medical necessity, such as television;
3. Community food service delivery arrangements;
4. Domestic or housekeeping services which are unrelated to patient care and which materially increase the time spent on a visit;
5. Custodial care which is patient care that primarily requires protective services rather than definitive medical and skilled nursing care; and
6. Services related to cosmetic surgery.

12 VAC 30-50-220. Other diagnostic, screening, preventive, and rehabilitative services, i.e., other than those provided elsewhere in this plan.

- A. Diagnostic services are not provided.
- B. Screening services. Screening mammograms for the female recipient population aged 35 and over shall be covered, consistent with the guidelines published by the American Cancer Society.
- C. Preventive services are not provided.
- D. Rehabilitative services.
 1. Intensive physical rehabilitation.
 - a. Medicaid covers intensive inpatient rehabilitation services as defined in subdivision D 1 d in facilities certified as rehabilitation hospitals or rehabilitation units in acute care hospitals which have been certified by the Department of Health to meet the requirements to be excluded from the Medicare Prospective Payment System.
 - b. Medicaid covers intensive outpatient physical rehabilitation services as defined in subdivision D 1 d in facilities which are certified as Comprehensive Outpatient Rehabilitation Facilities (CORFs).
 - c. These facilities are excluded from the 21-day limit otherwise applicable to inpatient hospital services. Cost reimbursement principles are defined in 12 VAC 30-70-10 through 12 VAC 30-70-130.
 - d. An intensive rehabilitation program provides intensive skilled rehabilitation nursing, physical therapy, occupational therapy, and, if needed, speech-language pathology, cognitive rehabilitation, prosthetic-orthotic services, psychology, social work, and therapeutic recreation. The nursing staff must support the other disciplines in carrying out the activities of daily living, utilizing correctly the training received in therapy and furnishing other needed nursing services. The day-to-day activities must be carried out under the continuing direct supervision of a

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physician with special training or experience in the field of physical medicine and rehabilitation.

e. Nothing in this regulation is intended to preclude DMAS from negotiating individual contracts with in-state intensive physical rehabilitation facilities for those individuals with special intensive rehabilitation needs.

f. For continued intensive rehabilitation services, the patient must demonstrate an ability to actively participate in goal-related therapeutic interventions developed by the interdisciplinary team. This shall be evidenced by regular attendance in planned activities and demonstrated progress toward the established goals.

g. Intensive rehabilitation services shall be considered for termination regardless of the preauthorized length of stay when any of the following conditions are met:

(1) No further potential for improvement is demonstrated. The patient has reached his maximum progress and a safe and effective maintenance program has been developed.

(2) There is limited motivation on the part of the individual or caregiver.

(3) The individual has an unstable condition that affects his ability to participate in a rehabilitative plan.

(4) Progress toward an established goal or goals cannot be achieved within a reasonable period of time.

(5) The established goal serves no purpose to increase meaningful functional or cognitive capabilities.

(6) The service can be provided by someone other than a skilled rehabilitation professional.

2. Community mental health services. Definitions. The following words and terms, when used in these regulations, shall have the following meanings unless the context clearly indicates otherwise:

"Code" means the Code of Virginia.

"DMAS" means the Department of Medical Assistance Services consistent with Chapter 10 (§ 32.1-323 et seq.) of Title 32.1 of the Code of Virginia.

"DMHMRSAS" means Department of Mental Health, Mental Retardation and Substance Abuse Services consistent with Chapter 1 (§ 37.1-39 et seq.) of Title 37.1 of the Code of Virginia.

a. Mental health services. The following services, with their definitions, shall be covered:

(1) Intensive in-home services for children and adolescents under age 21 shall be time-limited interventions provided typically but not solely in the residence of an individual who is at risk of being moved into an out-of-home placement or who is being transitioned to home from out-of-home placement due to a disorder diagnosable under the

Diagnostic and Statistical Manual of Mental Disorders-III-R (DSM-III-R). These services provide crisis treatment; individual and family counseling; life (e.g., counseling to assist parents to understand and practice proper child nutrition, child health care, personal hygiene, and financial management, etc.), parenting (e.g., counseling to assist parents to understand and practice proper nurturing and discipline, and behavior management, etc.), and communication skills (e.g., counseling to assist parents to understand and practice appropriate problem-solving, anger management, and interpersonal interaction, etc.); case management activities and coordination with other required services; and 24-hour emergency response. These services shall be limited annually to 26 weeks.

(2) Therapeutic day treatment for children and adolescents shall be provided in sessions of two or more hours per day, to groups of seriously emotionally disturbed children and adolescents or children at risk of serious emotional disturbance in order to provide therapeutic interventions. Day treatment programs, limited annually to 780 units, provide evaluation, medication education and management, opportunities to learn and use daily living skills and to enhance social and interpersonal skills (e.g., problem solving, anger management, community responsibility, increased impulse control and appropriate peer relations, etc.), and individual, group and family counseling.

(3) Day treatment/partial hospitalization services for adults shall be provided in sessions of two or more consecutive hours per day, which may be scheduled multiple times per week, to groups of individuals in a nonresidential setting. These services, limited annually to 780 units, include the major diagnostic, medical, psychiatric, psychosocial and psychoeducational treatment modalities designed for individuals with serious mental disorders who require coordinated, intensive, comprehensive, and multidisciplinary treatment.

(4) Psychosocial rehabilitation for adults shall be provided in sessions of two or more consecutive hours per day to groups of individuals in a nonresidential setting. These services, limited annually to 936 units, include assessment, medication education, psychoeducation, opportunities to learn and use independent living skills and to enhance social and interpersonal skills, family support, and education within a supportive and normalizing program structure and environment.

(5) Crisis intervention shall provide immediate mental health care, available 24 hours a day, seven days per week, to assist individuals who are experiencing acute mental dysfunction requiring immediate clinical attention. This service's objectives shall be to prevent exacerbation of a condition, to prevent injury to the client or others, and to provide treatment in the context of the least restrictive setting. Crisis intervention activities,

limited annually to 180 hours, shall include assessing the crisis situation, providing short-term counseling designed to stabilize the individual or the family unit or both, providing access to further immediate assessment and follow-up, and linking the individual and family with ongoing care to prevent future crises. Crisis intervention services may include, but are not limited to, office visits, home visits, preadmission screenings, telephone contacts, and other client-related activities for the prevention of institutionalization.

b. Mental retardation services/related conditions. Day health and rehabilitation services shall be covered for persons with MR or related conditions and the following definitions shall apply:

Day health and rehabilitation services (limited to 780 units per year) shall provide individualized activities, supports, training, supervision, and transportation based on a written physician's order/plan of care to eligible persons for two or more hours per day scheduled multiple times per week. These services are intended to improve the recipient's condition or to maintain an optimal level of functioning, as well as to ameliorate the recipient's disabilities or deficits by reducing the degree of impairment or dependency. Therapeutic consultation to service providers, family, and friends of the client around implementation of the physician's order/plan of care may be included as part of the services provided by the day health and rehabilitation program. The provider shall be licensed by DMHMRSAS as a Day Support Program. Specific components of day health and rehabilitation services include the following as needed:

- (1) Self-care and hygiene skills;
- (2) Eating and toilet training skills;
- (3) Task learning skills;
- (4) Community resource utilization skills (e.g., training in time, telephone, basic computations with money, warning sign recognition, and personal identifications, etc.);
- (5) Environmental and behavior skills (e.g., training in punctuality, self-discipline, care of personal belongings and respect for property and in wearing proper clothing for the weather, etc.);
- (6) Medication management;
- (7) Travel and related training to and from the training sites and service and support activities;
- (8) Skills related to the above areas, as appropriate that will enhance or retain the recipient's functioning.

3. Coverage shall be provided for investigations by local health departments to determine the source of lead contamination in the home as part of the management and treatment of Medicaid-eligible children who have been diagnosed with elevated blood lead levels. Only costs that are eligible for federal funding participation in accordance with current federal regulations shall be

covered. Payments for environmental investigations under this section shall be limited to no more than two visits per residence.

12 VAC 30-80-30. Fee-for-service providers.

A. Payment for the following services, except for physician services, shall be the lower of the state agency fee schedule (12 VAC 30-80-190 has information about the state agency fee schedule) or actual charge (charge to the general public):

1. Physicians' services (12 VAC 30-80-160 has obstetric/pediatric fees). Payment for physician services shall be the lower of the state agency fee schedule or actual charge (charge to the general public), except that reimbursement rates for designated physician services when performed in hospital outpatient settings shall be 50% of the reimbursement rate established for those services when performed in a physician's office. The following limitations shall apply to emergency physician services.

a. Definitions. The following words and terms, when used in this regulation, shall have the following meanings when applied to emergency services unless the context clearly indicates otherwise:

"All-inclusive" means all emergency service and ancillary service charges claimed in association with the emergency department visit, with the exception of laboratory services.

"DMAS" means the Department of Medical Assistance Services consistent with Chapter 10 (§ 32.1-323 et seq.) of Title 32.1 of the Code of Virginia.

"Emergency physician services" means services that are necessary to prevent the death or serious impairment of the health of the recipient. The threat to the life or health of the recipient necessitates the use of the most accessible hospital available that is equipped to furnish the services.

"Recent injury" means an injury which has occurred less than 72 hours prior to the emergency department visit.

b. Scope. DMAS shall differentiate, as determined by the attending physician's diagnosis, the kinds of care routinely rendered in emergency departments and reimburse physicians for nonemergency care rendered in emergency departments at a reduced rate.

(1) DMAS shall reimburse at a reduced and all-inclusive reimbursement rate for all physician services, including those obstetric and pediatric procedures contained in 12 VAC 30-80-160, rendered in emergency departments which DMAS determines are nonemergency care.

(2) Services determined by the attending physician to be emergencies shall be reimbursed under the existing methodologies and at the existing rates.

(3) Services determined by the attending physician which may be emergencies shall be manually reviewed. If such services meet certain criteria, they

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shall be paid under the methodology for (2) above. Services not meeting certain criteria shall be paid under the methodology of (1) above. Such criteria shall include, but not be limited to:

(a) The initial treatment following a recent obvious injury.

(b) Treatment related to an injury sustained more than 72 hours prior to the visit with the deterioration of the symptoms to the point of requiring medical treatment for stabilization.

(c) The initial treatment for medical emergencies including indications of severe chest pain, dyspnea, gastrointestinal hemorrhage, spontaneous abortion, loss of consciousness, status epilepticus, or other conditions considered life threatening.

(d) A visit in which the recipient's condition requires immediate hospital admission or the transfer to another facility for further treatment or a visit in which the recipient dies.

(e) Services provided for acute vital sign changes as specified in the provider manual.

(f) Services provided for severe pain when combined with one or more of the other guidelines.

(4) Payment shall be determined based on ICD-9-CM diagnosis codes and necessary supporting documentation.

(5) DMAS shall review on an ongoing basis the effectiveness of this program in achieving its objectives and for its effect on recipients, physicians, and hospitals. Program components may be revised subject to achieving program intent objectives, the accuracy and effectiveness of the ICD-9-CM code designations, and the impact on recipients and providers.

2. Dentists' services

3. Mental health services including:

Community mental health services

Services of a licensed clinical psychologist

Mental health services provided by a physician

4. Podiatry

5. Nurse-midwife services

6. Durable medical equipment

a. The rate paid for all items of durable medical equipment except nutritional supplements shall be the lower of the state agency fee schedule that existed prior to July 1, 1996, less 4.5%, or the actual charge.

b. The rate paid for nutritional supplements shall be the lower of the state agency fee schedule or the actual charge.

7. Local health services

8. Laboratory services (Other than inpatient hospital)

9. Payments to physicians who handle laboratory specimens, but do not perform laboratory analysis (limited to payment for handling)

10. X-Ray services

11. Optometry services

12. Medical supplies and equipment.

13. Home health services. Effective June 30, 1991, cost reimbursement for home health services is eliminated. A rate per visit by discipline shall be established as set forth by 12 VAC 30-80-180.

14. Physical therapy; occupational therapy; and speech, hearing, language disorders services when rendered to noninstitutionalized recipients.

B. Hospice services payments must be no lower than the amounts using the same methodology used under Part A of Title XVIII, and adjusted to disregard offsets attributable to Medicare coinsurance amounts.

VA.R. Doc. No. R96-360; Filed May 8, 1996, 10:59 a.m.

REGISTRAR'S NOTICE: The following regulatory action is exempt from the Administrative Process Act in accordance with § 9-6.14:4.1 C 4 (b) of the Code of Virginia, which excludes regulations that are required by order of any state or federal court of competent jurisdiction where no agency discretion is involved. The Department of Medical Assistance Services will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: State Plan for Medical Assistance Relating to Direct Reimbursement for Payment of Full Medicare Rate for Dual/QMB Eligibles. 12 VAC 30-80-170. Payment of Title XVIII Medicare Part A and Part B Deductible/Coinsurance.

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

Effective Date: July 1, 1996.

Summary:

The purpose of this action is to amend the Plan for Medical Assistance regarding the amount of payment of Medicare coinsurance and deductibles for all provider types. The section of the State Plan affected by this action is Attachment 4.19-B, Supplement 2, Methods and Standards for Establishing Payment Rates -- Payment of Medicare Part A and Part B Deductible/Coinsurance (12 VAC 30-80-170).

On June 7, 1993, the Rehabilitation Association of Virginia (the Plaintiff) brought suit against the then-Director of DMAS, Bruce U. Kozlowski and Donna E. Shalala, Secretary, U.S. Department of Health and Human Services, charging that the 1988 and 1990

DMAS policies prohibiting direct reimbursement and the policy regarding dual Medicare/Medicaid claims payment violated federal law. The Plaintiff charged in its case that DMAS had violated federal law on several issues: by prohibiting therapy providers from submitting separate claims for Medicaid payment and illegally [providing] that the costs of physical therapy services be included in the calculation of the nursing facility's Medicaid per diem rate. Also, [the] Plaintiff [argued] that [the] Plan ... unlawfully [limited] the Commonwealth's "cost sharing" in Medicare "Part B" services for "Qualified Medicare Beneficiaries" to the reimbursement level established by Medicaid. The Plaintiff [maintained] that Virginia [was] legally obligated to pay the entire difference for services to QMBs rather than the often lesser amount established by Medicaid.

DMAS replied to these charges that, since the therapy services were already covered in the Nursing Home Payment System, the rehabilitation providers' issue was really a contractual one between themselves and nursing facilities. The 1988 and early 1990 Plan changes only eliminated the possibility of the rehabilitation providers being paid twice for the same service when rendered to nursing facility patients. By virtue of HCFA's approval of these Plan amendments, the federal government affirmed the Commonwealth's exercise of its right to determine the payment methodology for a particular service, i.e., an institutional provider methodology rather than the alternative fee-for-service methodology. In addition, DMAS placement of the payment policy for Medicare crossover claims in the Plan did not represent a policy change but merely the fact that the policy had never before appeared in the Plan. DMAS amended the State Plan in a previous regulatory action to address the direct payment of rehabilitative providers.

The U.S. Court of Appeals for the Fourth Circuit ruled in favor of the Rehabilitation Association of Virginia. The Court stated that State Plan Amendment 90-29 was unlawful, unconstitutional, and invalid to the extent that it reduces or eliminates payment by the Commonwealth of the full Medicare cost-sharing amounts of Part B services furnished to all QMBs. Therefore, DMAS is amending the State Plan to revise the Medicare payment policies in conformance to the order of the Court.

This regulatory action by DMAS is necessary in order to accurately comply with the order of the Fourth Circuit Court of Appeals in the restoring of full payment for Medicare Part A and Part B coinsurance. There are no disadvantages to providers in this change in that they will receive greater reimbursement for Medicare coinsurance and deductibles for services provided to dual Medicare/Medicaid eligible persons. The effect of these changes to Medicaid recipients will be transparent as they should experience no difference in the services they receive. The agency projects no negative issues involved in implementing this regulatory change.

The 1996 General Assembly appropriated funds for the payment of the full Medicare rate (Part A and Part B) for coinsurance and deductibles for dual eligible persons to whom they provide services. [FY 1997 \$23,195,000

(\$11,266,000 GF)(\$11,929,000 NGF)] Approximately 100,000 dual eligible recipients in Virginia will be indirectly affected by this regulation. For these persons, the Commonwealth buys the individual Medicare Part A and Part B coinsurance by paying the premiums for Part A and Part B coinsurance as well as the annual deductible. When the recipient incurs costs for services covered by Medicare above the deductible, the federal government pays 80% of the reasonable costs of the Medicare service received. The remaining 20%, known as the coinsurance, represents the difference between the federal government's payment and the total amount allowed by Medicare. The coinsurance usually would be paid by the recipient but for the fact that he is Medicaid eligible. This is the amount that DMAS, effective July 1, 1996, will pay for these recipients.

12 VAC 30-80-170. Payment of Medicare Part A and Part B Deductible/Coinsurance.

Except for a nominal recipient copayment (as specified in 12 VAC 30-20-150 and 12 VAC 30-20-160), if applicable, the Medicaid agency uses the following general method for payment:

1. Payments are limited to state plan rates and payment methodologies for the groups and payments listed below and designated with the letters "SP."

For specific Medicare services which are not otherwise covered by this state plan, the Medicaid agency uses Medicare payment rates unless a special rate or method is set out.

Not applicable. There are no special rates or methods used for specific Medicare services which are not otherwise covered by this state plan.

2. Payments are up to the full amount of the Medicare rate for the groups and payments listed below, and designated with the letters "MR."

~~Dual eligibles and qualified Medicare beneficiaries only for physical therapy, occupational therapy, and services for individuals with speech, hearing, and language disorders. Dual eligibles and QMBs for all state plan covered services.~~

3. Payments are up to the amount of a special rate, or according to a special method for the groups and payments listed below and designated with the letters "NR."

4. Any exceptions to the general methods used for a particular group or payment are specified.

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Payment of Medicare Part A and Part B Deductible/Coinsurance					
QMBs	Part A	MR	Deductibles	MR	Coinsurance
	Part B	MR	Deductibles	SP ² MR	Coinsurance
Other Medicaid Recipients (other Dual Eligibles)	Part A	MR	Deductibles	MR	Coinsurance
	Part B	MR	Deductibles	SP ² MR	Coinsurance
Dual Eligible (QMB Plus)	Part A	MR	Deductibles	MR	Coinsurance
	Part B	MR	Deductibles	SP ² MR	Coinsurance

NOTE: The payment of Title XIX state plan rates shall apply to all covered services with the exception of covered physical therapy, occupational therapy, and services for individuals with speech, hearing, and language disorders. These services (pursuant to 42 CFR 440.110) shall be paid at the full Medicare rate consistent with the order of the court.

VA.R. Doc. No. R96-359; Filed May 8, 1996, 11:01 a.m.

REGISTRAR'S NOTICE: The Department of Medical Assistance Services has claimed an exemption from 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 or the appropriation act where no agency discretion is involved. The Department of Medical Assistance Services will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 12 VAC 30-100-70 through 12 VAC 30-100-200. Part II, State/Local Hospitalization Program (amending 12 VAC 30-100-70, 12 VAC 30-100-120 and 12 VAC 30-100-150; and adding 12 VAC 30-100-155).

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

Effective Date: July 1, 1996.

Summary:

The purpose of this action is to amend the regulation concerning the State and Local Hospitalization Program due to action taken by the 1996 General Assembly. The legislation allows DMAS to establish an alternate State/Local Hospitalization Program (SLH) Program allocation and payment method to eliminate unnecessary local department of social services, provider, and state administrative requirements. The changes to the application process will also eliminate the potential misrepresentation of the availability of SLH coverage for qualified applicants. The regulatory change is also needed to implement new SLH reimbursement systems effective July 1, 1996, which are tied to the Virginia Medicaid Program.

Agency Contact: Copies of the regulation may be obtained from Victoria P. Simmons or Roberta J. Jonas, Regulatory

Coordinators, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 371-8850.

12 VAC 30-100-70. Definitions.

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

"Allocation process" means the process described in § 32.1-345 B of the Code of Virginia, which is used annually to allocate funds appropriated by the General Assembly for this program to counties and cities of the Commonwealth.

"Board of Medical Assistance Services" or "BMAS" means that board established by § 32.1-324 et seq. of the Code of Virginia.

"Bona fide resident" means an individual who has been determined by the local department of social services to be residing in the city or county where making application at the time of or immediately prior to medical treatment with the intent of remaining permanently in that locality and who did not establish residency for the purposes of obtaining benefits.

"Covered ambulatory surgical center services" means those services which are provided by any distinct licensed and certified entity, established by 42 CFR 416.2, that operates exclusively for the purpose of providing surgical services to patients not requiring hospitalization, which do not exceed in amount, duration, and scope those available to recipients of medical assistance services as provided in the State Plan for Medical Assistance established by Chapter 10 (§ 32.1-323 et seq.) of Title 32.1 of the Code of Virginia; and which are rendered by providers who have signed agreements to participate in the SLH program and who are enrolled providers in the MAP.

"Covered inpatient services" means inpatient services that do not exceed in amount, duration, and scope those available to recipients of medical assistance services as provided in the State Plan for Medical Assistance established by Chapter 10 (§ 32.1-323 et seq.) of Title 32.1 of the Code of Virginia and that are rendered by providers who have signed agreements to participate in the SLH program and who are enrolled providers in the MAP.

"Covered local public health services" means services provided by local health departments that do not exceed in amount, duration and scope those available to recipients of medical assistance services as provided in the State Plan for Medical Assistance established by Chapter 10 of Title 32.1 of the Code of Virginia and that are rendered by providers who have signed agreements to participate in the SLH program and who are enrolled providers in the MAP.

"Covered outpatient services" means outpatient services, as performed in an outpatient hospital setting, that do not exceed in amount, duration and scope those available to recipients of medical assistance services as provided in the State Plan for Medical Assistance established by Chapter 10 of Title 32.1 of the Code of Virginia and that are rendered by providers who have signed agreements to participate in the SLH program and who are enrolled providers in the MAP.

"*Current population*" means the most recent population of a city or county as shown by the last preceding United States census or as estimated by the Center for Public Service of the University of Virginia, whichever is more current.

"*Claim*" means a request for payment for services rendered.

"*Department*" or "*DMAS*" means the Department of Medical Assistance Services established by § 32.1-323 of the Code of Virginia.

"*Director*" means the Director of the Department of Medical Assistance Services established by § 32.1-323 of the Code of Virginia.

"*DRG*" means *diagnostic related group of codes to define the severity or intensity of illness*.

"*Enrolled provider*" or "*providers*" means inpatient or outpatient hospitals, free-standing ambulatory surgical centers and local public health departments which have signed agreements to participate in the SLH program and are enrolled providers in the MAP.

"*Indigent person*" means a person who is a bona fide resident of the county or city, whether gainfully employed or not and who, either by himself or by those upon whom he is dependent, is unable to pay for required hospitalization or treatment. Residence shall not be established for the purpose of obtaining the benefits of this program. Aliens illegally living in the United States and migrant workers shall not be considered bona fide residents of the county or city for purposes of the SLH program.

"*Locality*" means any city or county which is required by law to participate in the SLH program.

"*MAP*" or "*Medicaid*" means the Medical Assistance Program as administered by the Department of Medical Assistance Services.

"*Medical emergency*" means that a delay in obtaining treatment may cause death or serious impairment of the health of the patient. See 42 CFR 440.170(e).

"*Net countable income*" means the value of income using the current budget methodology of the Virginia Aid to Families with Dependent Children Program.

"*Net countable resources*" means the countable value of an applicant's resources using the current budget methodology of the Virginia Aid to Families with Dependent Children Program.

"*Payable claim*" means a claim for a covered service rendered to an eligible individual with a date of service in the current SLH payment year provided that the claim is submitted for payment before the last payment processing cycle in June and provided there are funds available in the allocation for the locality of residence of the eligible individual.

"*SLH payment year*" means a year beginning May 1 of any year and ending April 30 of the following year.

"*SLH program*" means the State/Local Hospitalization Program.

"*State Plan*" means the State Plan for Medical Assistance for the Commonwealth.

12 VAC 30-100-120. Inpatient hospital reimbursement rate.

The inpatient hospital reimbursement rate shall be consistent with the Medicaid inpatient rate methodology. However, no disproportionate share or medical education adjustment for SLH inpatient hospital reimbursement shall be provided. For the two-year DRG phase-in period beginning July 1, 1996, the daily inpatient hospital reimbursement rate shall be the same as that per diem rate established and in effect on June 30 July 1 of each year by DMAS for the specific hospital established by § 32.1-346 B 2 of the Code of Virginia. Inpatient hospital reimbursement rates for SLH services shall not be subject to readjustment through the year-end cost reporting process.

12 VAC 30-100-150. Eligibility criteria.

An individual is eligible to receive SLH program services if he:

1. Has filed an application with the locality where he resides within 30 days of discharge, in the case of inpatient services, or within 30 days of the date of service, in the case of outpatient services;
2. Is a bona fide resident of the locality to which he has applied;
3. Has a net countable income, using the current budget methodology of the Virginia Aid to Families with Dependent Children Program, equal to or less than 100% of the federal nonfarm poverty income guidelines as published for the then current year in the United States Code of Federal Regulations (CFR), except that localities which in fiscal year 1989 used a higher income level may continue to use the 1989 income level in subsequent years; and
4. Has net countable resources, using the current budget methodology of the Virginia Aid to Families with Dependent Children Program, equal to or less than the then current resource standards of the federal Supplemental Security Income Program (SSI).

12 VAC 30-100-155. Application not required.

The locality where the applicant resides is not required to accept an application to receive SLH program services from an individual after SLH locality funds have been exhausted for the fiscal year.

VA.R. Doc. No. R96-361; Filed May 8, 1996, 10:59 a.m.

VIRGINIA WORKERS' COMPENSATION COMMISSION

REGISTRAR'S NOTICE: The Virginia Worker's Compensation Commission is claiming an exemption from the Administrative Process Act in accordance with § 9-6.14:4.1 A 2 of the Code of Virginia, which exempts courts, any agency of the Supreme Court, and any agency which by the Constitution is expressly granted any of the powers of a court of record.

Title of Regulation: 16 VAC 30-90-10 et seq. **Procedural Regulations for Filing First Reports under the Virginia Workers' Compensation Act.**

Statutory Authority: § 65.2-900 of the Code of Virginia.

Effective Date: July 1, 1996.

Summary:

The regulation establishes standard procedures for the filing of first reports by insurance carriers, self-insured employers, and their authorized representatives.

Agency Contact: Copies of the regulation may be obtained from Aljuana C. Brown, Virginia Workers' Compensation Commission, 1000 DMV Drive, Richmond, VA 23220, telephone (804) 367-2067.

Title of Regulation: 16 VAC 30-50-10 et seq. **Rules of the Virginia Workers' Compensation Commission (adding 16 VAC 30-50-150).**

Statutory Authority: § 65.2-201 of the Code of Virginia.

Effective Date: July 1, 1996.

Summary:

The addition to these rules defines the "community" as it pertains to the determination of appropriate medical costs under § 65.2-605 of the Virginia Workers' Compensation Act. The commission's rule is based on groups of one or two planning districts.

Agency Contact: Copies of the regulation may be obtained from Aljuana C. Brown, Virginia Workers' Compensation Commission, 1000 DMV Drive, Richmond, VA 23220, telephone (804) 367-2067.

CHAPTER 90.

PROCEDURAL REGULATIONS FOR FILING FIRST REPORTS UNDER THE VIRGINIA WORKERS' COMPENSATION ACT.

16 VAC 30-90-10. Authority for regulations.

Section 65.2-900 of the Virginia Workers' Compensation Act vests authority in the Virginia Workers' Compensation Commission for the development of regulations for the correct filing of first reports.

16 VAC 30-90-20. Definitions.

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

"Commission" or "VWC" means the Virginia Workers' Compensation Commission.

"First report" means a complete injury report provided to the commission when the injury meets any of the following seven criteria:

1. *Lost time or partial disability exceeding seven days.*
2. *Medical expenses exceeding \$1,000.*
3. *Any denial of compensability.*
4. *Any disputed issues.*
5. *An accident that results in death.*
6. *Any permanent disability or disfigurement.*
7. *Any specific request made by the commission.*

"Insurer" means a company licensed to write workers' compensation coverage in Virginia.

"Minor injury" means an injury that meets none of the seven criteria for filing a first report.

"Self-insurer" means an entity providing workers' compensation coverage directly to its employees based on

16 VAC 30-50-150. Rule 14. Definition of community.

For the purpose of § 65.2-605 of the Code of Virginia, the word "community" shall mean one or more planning districts as set forth below.

Community	Planning District(s)
1	Districts 1 and 2
2	District 3
3	District 4
4	District 5
5	Districts 11 and 13
6	District 12
7	District 6
8	District 7
9	District 16
10	Districts 9 and 10
11	District 8
12	Districts 17 and 18
13	Districts 22 and 23
14	Districts 14 and 15
15	District 19

Whenever an employee receives treatment outside of the Commonwealth, the commission will determine the appropriate community in the state or territory where the treatment is rendered upon application of either the employee, employer (or its representative), or medical provider.

When the commission deems appropriate, it may consider additional data to determine the prevailing community rate.

formal approval by either the Virginia Workers' Compensation Commission or the State Corporation Commission.

"USPS" means the United States Postal Service.

16 VAC 30-90-30. Procedures for filing written reports.

A. Written first reports must be submitted on the commission's form No. 3 within 10 days of the injury.

B. If an injury first reported as minor subsequently meets one of the seven criteria for filing a first report, that report must be filed immediately.

C. The commission will issue notification letters to all parties based on the information provided in the first reports.

D. The filing of first reports is a separate procedure from the reporting of minor injuries and medical costs. Injuries not meeting the criteria for filing of a first report must be provided separately according to the existing guidelines for reporting of minor injuries and medical costs.

E. It is essential that all data requested be provided. The only exceptions are that:

1. A VWC file number will usually not be available.
2. Certain other information that applies only to specific kinds of injuries or situations may not be applicable in all cases (e.g., return to work dates).
3. Certain supporting information may not be necessary if adequate summary information is provided (e.g., miscellaneous information on hours worked may not be needed if there is a certified average weekly wage).

16 VAC 30-90-40. Overview of electronic filing.

A. Electronic first reports must be filed weekly and according to the specified record format. Test transmissions and formal approval by the commission are required before moving into production.

B. If an injury first reported as minor subsequently meets one of the seven criteria for filing a first report, that report must be filed immediately.

C. Transmission of the data may be on a 3½-inch diskette or through deposit in the commission's electronic mail box.

D. The commission will issue notification letters to all parties based on the information provided on the first reports. An electronic "error report" will also be provided to the submitting insurer or self-insurer on request.

E. The electronic reporting of first reports is a separate procedure from the electronic reporting of minor injuries and medical costs. Injuries not meeting the criteria for filing of a first report must be reported separately according to the existing guidelines for electronic reporting of minor injuries and medical costs.

F. It is essential that all data requested be provided. The only exceptions are that:

1. A VWC file number will usually not be available.

2. Certain other information that applies only to specific kinds of injuries or situations may not be applicable in all cases (e.g., return-to-work dates).

3. Certain supporting information may not be necessary if adequate summary information is provided (e.g., miscellaneous information on hours worked may not be needed if there is a certified average weekly wage).

16 VAC 30-90-50. Record format for electronic filing.

Information should be arranged by record, delimited by commas within the records, and with records separated by the equivalent of hard carriage returns. A normal DOS end-of-file character should appear at the end of the report. All character data (including null values) must be enclosed in double quotation marks, and neither single nor double quotation marks may be used for any other purpose. Note that there are specific record requirements for the following:

1. Dates must be in a MM/DD/YY format, must include the indicated slashes, and may never be null.
2. Times must be in a 24-hour HH:MM format.
3. Social security number must include the hyphens.
4. Federal tax identification number must include the single hyphen after the first two digits.
5. Employee name must be in a LAST, FIRST MIDDLE format.
6. Phone numbers must include the area code and be in the format "(888) 777-6666."
7. Zip codes must have trailing zeros to fill out the full nine digits if only the five-digit form is being provided.
8. Miscellaneous letter codes must be "Y" and "N" for yes and no, "M" and "F" for sex, and "S" for single, "M" for married, "D" for divorced, and "W" for widowed.
- [9. VWC codes for nature of injury, the type of accident, and body parts affected may be substituted for equivalent text fields.
10. Standard 3-digit SIC codes may be substituted for the equivalent nature of business text field.]

To the extent possible, abbreviations in titles, addresses, and other [test text] fields should follow the commission's one-page summary of abbreviations which are, for the most part, a subset of the far more extensive USPS abbreviations.

16 VAC 30-90-60. Alternate formats for electronic filing.

Alternate formats will be considered and may be approved on a case-by-case basis by the commission if they meet the four conditions listed below:

1. The alternate format must include all information required by the standard electronic and manual formats.
2. The information provided by the alternate format must be convertible to the specific data specifications of the standard format.

Final Regulations

3. The alternate format must be based on an open, nonproprietary standard of wide use and demonstrated industry support (e.g., ANSI certified).

4. Those proposing the alternate format must be willing to provide all hardware and software necessary for converting the alternate format to one compatible with the commission's data system.

16 VAC 30-90-70. Detailed record format.

On VWC
Form #3

Form #3	Description	Type
	VWC File Number (7 digits)	chr-7
	Reason for filing	chr-1
	Insurer code	chr-5
	Insurer location	chr-3
	Insurer claim number	chr-20
	Date insurer claim file created	date
Employer		
01	Name	chr-35
02	FEIN (include hyphen)	chr-10
03	[reserved]	chr-10
04A	Address (Number, Street)	chr-30
04B	Address (City [and State])	chr- [30 26]
[04C	Address (State)	chr-2]
04 [G D]	Zip code	chr-9
05A	Alternate address (Number, Street)	chr-30
05B	Alternate address (City and State)	chr-30
05C	Alternate zip code	chr-9
06	Parent corporation [Insured name]	chr-35
07	Nature of business	chr-30
08	Insurer name	chr-35
09	Policy number	chr-20
10	Effective date (MM/DD/YY)	date
Time and Place of Accident		
11	City/county where accident occurred	chr-20
12	On employer's premises?	chr-1
13	On state property?	chr-1
14	Date of injury (MM/DD/YY)	date
15	Hour of injury (HH:MM)	chr-5
16	Date of incapacity (MM/DD/YY)	date
17	Hour of incapacity (HH:MM)	chr-5
18	Employee paid in full for day of injury?	chr-1
19	Employee paid in full for day incapacity began?	chr-1
20	Date injury/illness reported (MM/DD/YY)	date
21	Person to whom reported	chr-18
22	Name of other witness	chr-18
23	If fatal: date of death (MM/DD/YY)	date
Employee		
24	Name (LAST, FIRST MIDDLE)	chr-35
25	Phone number	chr-13
26	Sex	chr-1
27A	Address (Number, Street, Apt)	chr-30

27B	Address (City [and State])	chr- [30 26]
[27C	Address (State)	chr-2]
27 [G D]	Zip code	chr-9
28	Date of birth (MM/DD/YY)	date
29	Marital status	chr-1
30	SSN (include hyphens)	chr-11
31	Occupation at time of injury/illness	chr-35
32	Department	chr-18
33	Number of dependent children	chr-1
34	Date started current job	date
35	Date of employment	date
36	Piecework or hourly payment basis	chr-1
37	Hours worked per day	#
38	Days worked per week	#
39	Value of perquisites per week	#
40	Wages per hour	#
41	Earnings per week (gross)	#

Nature and Cause of Accident

42	Machine/tool/object causing injury/illness	chr-25
43	Specify part of machine, etc.	chr-20
44	Safeguard/safety equipment provided?	chr-1
45	Safeguard/safety equipment utilized?	chr-1
46 [A]	Describe how injury/illness occurred	chr-75
[46 B]	Injury/illness cont.	chr-75
47 [A]	Describe nature of injury/illness [including	chr-75
47 B	Describe] parts of body affected	chr-35
48	Physician (name and address)	chr-35
49	Hospital (name and address)	chr-35
50	Probable months of disability	#
51	Has employee returned to work?	chr-1
52	At what wage?	#
53	On what date? (MM/DD/YY)	date
54	Employer: prepared by	chr-35
55	Date (MM/DD/YY)	date
56	Phone number	chr-13
57	Insurer: processed by	chr-35
58	Date (MM/DD/YY)	date
59	Phone number	chr-13

Commission Fields

Date received	date
Date processed	date
Processor	chr-5

16 VAC 30-90-80. List of abbreviations.

(Do not use an abbreviation for the first word in a company title.)

A. Business abbreviations

ADJUSTOR	ADJ
ADMINISTRATOR	ADMIN
AMERICAN	AMER
AND	&
ASSISTANT	ASST
ASSOCIATION	ASSOC
BOARD	BD

BROTHERS	BROS
COMPANY	CO
COMPENSATION	COMP
CONSTRUCTION	CONST
COORDINATOR	COORD
CORPORATION	CORP
DEPARTMENT	DEPT
DIRECTOR	DIR
DISTRIBUTOR	DISTR
DIVISION	DIV
ESQUIRE	ESQ
GENERAL	GEN
GUARANTY	GUAR
INCORPORATED	INC
INDEMNITY	INDEMN
INDUSTRIES	IND
INSURANCE	INS
INTERNATIONAL	INTL
LIMITED	LTD
MANAGEMENT	MGMT
MANAGER	MGR
MANUFACTURER	MFR
MERCHANDISE	MDSE
METROPOLITAN	METRO
NATIONAL	NATL
NO.	#
PERSONNEL	PERS
PRESIDENT	PRES
REPRESENTATIVE	REP
SERVICES	SERV
SPECIALIST	SPEC
SUITE NO.	#
SUPERINTENDENT	SUPT
SUPERVISOR	SUPVR
UNIVERSITY	UNIV
VICE PRESIDENT	VP

B. Address abbreviations

APARTMENT	APT
AVENUE	AVE
BUILDING	BLDG
BOULEVARD	BLVD
CENTER	CTR
CIRCLE	CIR
COURT	CT
CREEK	CRK
DRIVE	DR
FLOOR	FL
HIGHWAY	HWY
LANE	LN
PARK	PK
PARKWAY	PKWY
PLACE	PL
POST OFFICE BOX	PO BOX
ROAD	RD
RURAL ROUTE	RR
ROUTE	RT
SQUARE	SQ
STREET	ST
TERRACE	TER
TURNPIKE	TPKE

C. Never use

1. "County of," "city of" (except at end of name);
2. Extra spaces [~~—except use two spaces before state, "FL," and "STE" if these are not on a separate line~~];
3. Punctuation (single quote, double quote, comma, period, colon, semicolon), except a comma between claimant's last and first name;
4. "The," "a," or "an" at the beginning of a company name;
5. Hyphen, except in hyphenated words, between name and title, or in SSNs and FEINs.

D. State and territory abbreviations

ALABAMA	AL
ALASKA	AK
ARKANSAS	AR
ARIZONA	AZ
AMERICAN SAMOA	AS
CALIFORNIA	CA
COLORADO	CO
CONNECTICUT	CT
DELAWARE	DE
DISTRICT OF COLUMBIA	DC
FLORIDA	FL
GEORGIA	GA
GUAM	GU
HAWAII	HI
IDAHO	ID
ILLINOIS	IL
INDIANA	IN
IOWA	IA
KANSAS	KS
KENTUCKY	KY
LOUISIANA	LA
MAINE	ME
MARYLAND	MD
MASSACHUSETTS	MA
MICHIGAN	MI
MINNESOTA	MN
MISSISSIPPI	MS
MISSOURI	MO
MONTANA	MT
NEBRASKA	NE
NEVADA	NV
NEW HAMPSHIRE	NH
NEW JERSEY	NJ
NEW MEXICO	NM
NEW YORK	NY
NORTH CAROLINA	NC
NORTH DAKOTA	ND
NORTHERN MARIANAS	CM
OHIO	OH
OKLAHOMA	OK
OREGON	OR
PENNSYLVANIA	PA
PUERTO RICO	PR
RHODE ISLAND	RI
SOUTH CAROLINA	SC
SOUTH DAKOTA	SD

Final Regulations

TENNESSEE	TN
TRUST TERRITORIES	TT
TEXAS	TX
UTAH	UT
VERMONT	VT
VIRGINIA	VA
VIRGIN ISLANDS	VI
WASHINGTON	WA
WEST VIRGINIA	WV
WISCONSIN	WI
WYOMING	WY

Employer's First Report of Accident

Virginia Workers' Compensation Commission
 1000 DMV Drive Richmond VA 23220
 See instructions on the reverse of this form

The boxes to the right are for the use of the insurer.		Reason for filing	
VWC file number		Insurer's case number	
Insurer code		Insurer claim number	
Insurer claim number			
1. Name of employer		2. Federal Tax Identification Number	
3. Mailing address		4. Employer's Case No. (if applicable)	
5. Location (if different from mailing address)			
6. Parent corporation (if applicable)		7. Nature of business	
8. Insurer (name and location)		9. Policy number	
10. Effective date			
Time and Place of Accident			
11. City or county where accident occurred		12. Employer's premises? Yes <input type="checkbox"/> No <input type="checkbox"/>	
13. Date of injury		14. Hour of injury	
15. Was employee paid in full for day of injury? Yes <input type="checkbox"/> No <input type="checkbox"/>		16. Date of incapacity	
17. Person to whom reported		18. Was employee paid in full for day incapacity began? Yes <input type="checkbox"/> No <input type="checkbox"/>	
19. Date injury or illness reported		20. Name of other witness	
21. Name of employee (Last, First, Middle)		22. Sex <input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/>	
23. Address		24. Marital status <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed <input type="checkbox"/>	
25. Occupation at time of injury or illness		26. Number of dependents <input type="checkbox"/> children <input type="checkbox"/>	
27. How long in current job? <input type="checkbox"/> How long with current employer?		28. Was employee paid on a piece work or hourly basis? <input type="checkbox"/> Piece work <input type="checkbox"/> Hourly <input type="checkbox"/>	
29. Hours worked per day		30. Value of perquisite per week (Food/meals, Lodging, etc.)	
31. Wage per hour		32. Earnings per week (inc. overtime)	
33. Nature and Cause of Accident		34. Specify part of machine, etc.	
35. Machine, tool, or object causing injury or illness		36. Was employee returned to work? Yes <input type="checkbox"/> No <input type="checkbox"/>	
37. Describe nature of injury or illness, including parts of body affected		38. Date	
39. Physician (name and address)		40. Hospital (name and address)	
41. Probable length of disability to work? Yes <input type="checkbox"/> No <input type="checkbox"/>		42. At what wage? \$	
43. EMPLOYEE, prepared by (name, signature, title)		44. Date	
45. INSURER, processed by		46. Phone number	
47. Date		48. Phone number	

This report is required by the Virginia Workers' Compensation Act
 First Report of Accident
 VWC Form No. 1 (rev. 10/1/91)

INSTRUCTIONS

**Employer's First Report of Accident
 VWC Form No. 3**

Employer

- Fill out this form whenever one of your employees is injured. Provide all the information requested, except the information in the top right corner. Please type or print all information in black ink. Your signature is required at the bottom of the form.
 - Send the original beige form to your insurance carrier or claims servicing agency for processing. If you are self-insured, send it to your organization's designated office for handling workers' compensation claims.
 - If you are an employer subject to OSHA record-keeping requirements, you may retain a copy of this completed form as a supplementary record of occupational injury or illness. Use block #3 (Employer's Case No.) to cross-reference your master log of accidents and illnesses.
 - If you need additional copies of this form, please request them from your insurance carrier or claims servicing agency.
- Insurance carriers, self-insured employers, and authorized representatives**
- For accidents meeting one of the seven criteria for establishing a Commission Case File,* submit the original beige form and one copy to the Virginia Workers' Compensation Commission at 1000 DMV Drive, Richmond VA 23220. The code for the reason for filing should be written at the top right of the form.
 - When processing these forms prior to transmittal to the Commission, please include the information requested at the top right of the form, verify that the carrier name and policy number given by the employer are accurate, and enter your name and phone number, and the date of processing at the bottom of the form.
 - Insurer code at the top right of the form refers to the five-digit code assigned by NCCI. If you are self-insured, it refers to a similar five-digit number assigned by the Virginia Workers' Compensation Commission.

Additional copies of this form are available without cost by writing to the Commission. Please note that color coding of the forms greatly increases the Commission's efficiency in processing claims, and that any alternate versions of this form you develop yourself require prior approval by the Commission. Write to *Forms* at the listed Virginia Workers' Compensation Commission address.

*The criteria are: (1) lost time exceeds seven days, (2) medical expenses exceed \$1,000.00, (3) compensability is denied, (4) issues are disputed, (5) accident resulted in death, (6) permanent disability or disfigurement may be involved, and (7) a specific request is made by the Virginia Workers' Compensation Commission.

Report of Minor Injuries

Submit to: Virginia Workers' Compensation Commission
 1000 DMV Drive Richmond VA 23220
 See instructions on the reverse of this form.

45 - A

INSTRUCTIONS

Report of Minor Injuries
 VWC Form No. 45A

1. This form is to be used to report minor injuries which do not: (a) result in lost time of more than seven days; (b) involve more than \$1,000 in medical costs; or (c) involve any fatality, permanent disability, or disfigurement. The information you provide is used both to report on medical costs and to provide proper notification to injured employees of their rights under the Virginia Workers' Compensation Act.
2. Please type or print all information in black ink. All the information listed is required. Please make sure that social security number and accident date are provided for all employees, that the federal tax identification number is provided for all employers, and that the box to the left of employee name is checked whenever an accident has already been reported to the Commission. If this is the first report for a particular case, and there has been no medical cost, place a zero (\$0) in the box for monthly medical cost. Be sure to include all the "insurer" information at the top of the form.
3. Additional copies of this form are available without cost by writing to the Commission. Please note that any alternate versions of the form you develop require prior approval. Write to "Forms" at the listed Virginia Workers' Compensation Commission address.
4. If you are interested in electronic transmission of this information, and have not previously discussed the issue with the Commission, please send a letter to "Data Processing Department" at the Virginia Workers' Compensation Commission. Please provide a brief indication of your current data processing and communication capabilities, and the name and phone number of the person in your organization who should be contacted about such issues.

More specifically, the seven situations in which you should NOT use this form, and should instead file an Employer's First Report of Accident are when: (1) lost time exceeds seven days, (2) medical expenses exceed \$1,000, (3) compensability is denied, (4) issues are disputed, (5) the accident resulted in death, (6) permanent disability or disfigurement may be involved, and (7) a specific request is made by the Virginia Workers' Compensation Commission.

Insurer			
Name of insurer or self-insurer		Period covered	
		From _____ 19__	To _____ 19__
Address	Insurer code	Insurer location	Date filed
	Contact person		Phone number
Payments			
NOTE: If this accident has been previously reported on Form 45A, place an "X" in the box by the entry.			
<input type="checkbox"/>	Name of employee	Social Security Number	Date of accident
<input type="checkbox"/>	Address of employee	Name of employer	
		Employer Tax Identification Number	Monthly medical cost
<input type="checkbox"/>	Name of employee	Social Security Number	Date of accident
<input type="checkbox"/>	Address of employee	Name of employer	
		Employer Tax Identification Number	Monthly medical cost
<input type="checkbox"/>	Name of employee	Social Security Number	Date of accident
<input type="checkbox"/>	Address of employee	Name of employer	
		Employer Tax Identification Number	Monthly medical cost
<input type="checkbox"/>	Name of employee	Social Security Number	Date of accident
<input type="checkbox"/>	Address of employee	Name of employer	
		Employer Tax Identification Number	Monthly medical cost
<input type="checkbox"/>	Name of employee	Social Security Number	Date of accident
<input type="checkbox"/>	Address of employee	Name of employer	
		Employer Tax Identification Number	Monthly medical cost
<input type="checkbox"/>	Name of employee	Social Security Number	Date of accident
<input type="checkbox"/>	Address of employee	Name of employer	
		Employer Tax Identification Number	Monthly medical cost

Report of Minor Injuries

V.A.R. Doc. No. R96-361: Filed May 8, 1996. 11:08 a.m.

PROCEDURES FOR AUTOMATED REPORTING

Report of Minor Injuries
(VWC Form No. 45A)

Report of Medical Costs
(VWC Form No. 45G)

October 1, 1991

Procedures

1. Electronic reporting for both minor injuries and for medical costs on established claims is to be provided on a monthly basis submitted within 10 days after the end of the month that is the subject of the report. (Note that this is a change from the six-month reporting period for the current paper Form No. 45G.)
2. Transmission of the data to the Commission may be on diskette, on magnetic tape, or through deposit in the insurer's or administrator's electronic mail box. A prior agreement with the Commission is needed before starting any of these procedures to ensure that format is accurate and access is workable.
3. It is essential that all data requested be provided, and be provided in the specified format. The only exceptions are that: (a) a phantom VWC file number (8888888) should be used for 45A reporting; (b) the employee's address is not required except for initial 45A reporting, and (c) only a five-digit zip code is required -- although the full nine digit form is preferable.

Record format

The format on the reverse side of this page is to be used for automated 45A/45G reporting. Even when separate automated reporting of 45A and 45G cases is approved by the Commission, the same format must be used.

This information should be arranged by record, delimited by commas within the records, and with records separated by the equivalent of hard carriage returns. A normal DOS end-of-file character should appear at the end of the report. All character data (including null values) must be enclosed in double quotation marks, and neither single nor double quotation marks can be used for any other purpose. Note that there are specific record requirements for:

- dates (which must be in a MM/DD/YY format, must include the indicated slashes, and may never be null),
- social security number (which must include the hyphens),
- federal tax identification number (which must include the hyphen), and
- employee name (which must be in a LAST, FIRST MIDDLE format).

Inquiries

Direct any questions to: Jim Sutton, Data Processing Manager
Virginia Workers' Compensation Commission
1000 DMV Drive, Richmond VA 23220

45A/45G Record Format

October 1, 1991

Item #	Description	Type	Maximum
01	VWC File Number (7 digits, 45G cases only)	char	7
Insurer or self-insurer:			
02	Insurer claim number	char	20
03	Date insurer claim file created (MM/DD/YY)	date	
04	5-digit identification code (NCCI or equivalent)	char	5
05	3-digit location code (FIPS)	char	3
Employee:			
06	Name (LAST, FIRST MIDDLE)	char	35
07	Address (Number, Street, and Apartment)	char	30
08	Address (City and State)	char	30
09	Zip code	char	9
10	Social Security Number (includes hyphens)	char	11
11	Date of accident (MM/DD/YY)	date	
Employer:			
12	Name	char	45
13	Federal Tax Identification Number (include hyphen)	char	10
Medical cost paid this month:			
14	Outside rehabilitative services	number	
15	Physician services	number	
16	Hospital services	number	
17	Miscellaneous costs	number	
18	Total medical costs (the sum of items #14-#17)	number	
Report:			
19	Type: (1) new 45A case; (2) old 45A case; (3) 45G case; (4) converted 45G case	char	1
20	Date report generated/sent by insurer (MM/DD/YY)	date	
21	Net medical costs paid to date on this claim	number	

Example of a 45A-type record

"8888888", "WC94256", "05/01/90", "12345", "123", "SMITH, JOE", "NUMBER AND STREET",
"CITY AND STATE", "555550000", "11-22-3333", "01/01/90", "EMPLOYERS NAME",
"12-3456789", "243.0.0.0.243", "1", "09/15/90, 243(RTRN)

Example of a 45G-type record

"1484554", "WC94256", "05/01/90", "12345", "123", "SMITH, JOE", "111-22-3333",
"01/01/90", "EMPLOYERS NAME", "12-3456789", "50.240, 112, 0.402, "3", "09/15/90, 1173(RTRN)

EMERGENCY REGULATIONS

DEPARTMENT OF LABOR AND INDUSTRY

Safety and Health Codes Board

Title of Regulation: VR 425-03-185. Emergency Regulation Concerning Certified Lead Contractor Notification, Lead Project Permits and Permit Fees.

Statutory Authority: § 40.1-51.20 of the Code of Virginia.

Effective Dates: June 26, 1996, through June 25, 1997.

Purpose:

The Safety and Health Codes Board (Board) has approved the promulgation of an emergency regulation regarding lead notifications in accordance with §§ 9-6.14:4.1.C.4 and 9-6.14:4.1.C.5. of the Code of Virginia.

The Board is approving the promulgation of this regulation in order to implement the lead project notification and permit requirements of § 40.1-51.20 of the Code of Virginia. The notification and permit requirements enable the Department of Labor and Industry to monitor lead contractors' compliance with state and federal requirements for the safe removal and disposal of lead through onsite inspection of lead projects.

During the 1995 session, the General Assembly amended § 40.1-51.20 of the Code of Virginia to require certified lead contractors to comply with the same notification and permitting requirements as those of licensed asbestos contractors. The amendment to the Code was in response to interim draft regulations of the U.S. Environmental Protection Agency (EPA) (40 CFR Part 745).

This emergency regulation is necessary to implement the statutory requirements of Code § 40.1-51.20 as soon as possible, by providing lead contractors with detailed instructions regarding notification of the Department and payment of lead project permit fees.

In compliance with the APA, this emergency regulation will remain in effect for no more than one year. The proposed effective date for the emergency regulation is 30 days after publication in the Virginia Register. This will allow lead contractors sufficient time to become familiar with the regulation and to notify the Department 20 days before the beginning of any lead project covered by the regulation. The Board has instructed the Department to begin the promulgation of a permanent regulation in accordance with the Administrative Process Act to replace this emergency regulation.

Summary:

This proposed emergency regulation requires all certified lead contractors who engage in lead abatement projects in Virginia with a contract value of \$2,000 or more to notify the Department in writing at least 20 days before the beginning of any such lead project. Such notification shall be provided on a Department form accompanied by payment of a lead project permit fee. The fee shall be

the greater of \$100 or 1% of the contract price, with a maximum of \$500. Upon a determination that the revenues from the Department's lead program will exceed related expenses by at least 15%, the Commissioner may reduce the minimum and maximum fees and contract percentage. The regulation also requires filing of amended notifications prior to changes in or cancellation of lead abatement projects. Finally, the regulation exempts lead abatement projects in certain residential buildings from the payment of the fee requirement, but notification would still have to be made to the Department.

Statement That the Emergency Regulation is Necessary with the Reason for the Emergency

The Acts 1995, cc. 543 and 585 (which are identical), signed by Governor Allen on March 24, 1995, require that the first set of regulations of the Virginia Board for Asbestos Licensing and Lead Certification to establish procedures and requirements pursuant to subdivision 7 of § 54.1-501 of the Code of Virginia be finally adopted no later than October 1, 1995. The Board has issued an emergency regulation (VR 137-01-03, Lead-based Paint Activities Regulations) with an effective date of October 1, 1995.

To protect the public health by implementing the lead project notification and permit requirements of § 40.1-51.20 of the Code of Virginia for the individuals and firms engaged in lead-based paint activities and certified under VR 137-01-03, it is necessary for the Safety and Health Codes Board to promulgate this emergency regulation.

VR 425-03-185. Emergency Regulation Concerning Certified Lead Contractor Notification, Lead Project Permits and Permit Fees.

§ 1. Definitions.

The following words and terms when used in this regulation shall have the following meaning unless the context clearly indicates otherwise:

"Certified lead contractor" means an individual, company, partnership, corporation, sole proprietorship, association, or other business entity that offers to perform lead-based paint activities which has been issued an authorization by the Department of Professional and Occupational Regulation permitting the individual or firm to enter into contracts to perform abatement activities.

"Commercial building" means any building used primarily for commercial or industrial activity, which is generally not open to the public, or occupied or visited by children, including but not limited to, warehouses, factories, storage facilities, aircraft hangars, garages, and wholesale distribution facilities.

"Demolition" means the act of pulling down or destroying any building or structure.

"Department" means the Department of Labor and Industry

"Encapsulation" means a process that makes lead-based paint inaccessible, by providing a barrier between the lead-based paint and the environment, with this barrier being formed using a liquid applied coating or an adhesively bonded material, and when the primary means of attachment is by the bonding of the product to the surface either by itself or through the use of an adhesive. This excludes painting unless abrasive surface preparation is performed.

"Facility" means a building or portion of a commercial building, or rooms in a residential dwelling or unit, or bare soil on residential real property that contains lead at or in excess of levels identified as hazardous under guidance issued by the United States Environmental Protection Agency pursuant to § 403 of the Toxic Substances Control Act.

"Lead abatement project" is a project in which any measure or set of measures designed to permanently eliminate lead-based paint hazards is employed. A lead abatement project includes, but is not limited to:

- (1) the removal of lead-based paint and lead-contaminated dust, the permanent containment or encapsulation of lead-based paint, the replacement of lead-painted surfaces or fixtures; and
- (2) all preparation, cleanup, disposal, and post-abatement clearance testing activities associated with such measures.

Lead abatement projects include, but are not limited to the following:

- (a) projects for which there is a written contract stating that an individual or firm will be conducting activities in or to a residential dwelling unit that will permanently eliminate lead-based paint hazards; or
 - (b) projects involving the permanent elimination of lead-based paint and conducted by firms or individuals certified in accordance with the regulations of the Department of Professional and Occupational Regulation; or
 - (c) projects involving the permanent elimination of lead-based paint and conducted by firms or individuals who, through their company name, promotional literature, or otherwise, advertise or hold themselves out to be a lead abatement professionals; or
 - (d) projects where abatement is conducted in response to state or local abatement orders.
- (3) Lead abatement projects do not include renovation and remodeling activities, whose primary intent is not to permanently eliminate lead-based paint hazards, but is instead to repair, restore or remodel a given structure or dwelling, even though these activities may incidentally result in a reduction in lead-based paint hazards.

Furthermore, lead abatement projects do not include interim controls, operations and maintenance or other measures and activities designed to temporarily reduce lead-based paint hazards.

"Lead supervisor" means a person who has met the requirements of and is certified as a lead supervisor by the

Virginia Department of Professional and Occupational Regulation.

"Residential building" means site-built homes, modular homes, condominium units, mobile homes, manufactured housing, and duplexes, or other multi-unit dwelling consisting of four units or less which are currently in use or intended for use only for residential purposes.

§ 2. Authority and application.

A. This regulation is established in accordance with § 40.1-51.20 of the Code of Virginia.

B. This regulation shall apply to all certified lead contractors who engage in lead abatement projects.

C. The application of this regulation to contractors who work on federal property will be decided by the Department based on a review of the facts in each case. The contractor shall contact the Department to determine the applicability of the regulation to a specific project.

D. This regulation shall not affect the reporting requirements under § 40.1-51.20.C or any other notices or inspection requirements under any other provision of the Code of Virginia.

§ 3. Notification and permit fee.

A. Written notification of any lead abatement project the contract price of which is \$2,000 or more shall be made to the Department on a Department form. Such notification shall be sent by facsimile transmission as set out in subsection 3.J., by certified mail, or hand-delivered to the Department. Notification shall be postmarked or made at least twenty (20) days before the beginning of any lead project.

B. The Department form shall include the following information:

1. Name, address, telephone number, and the certification number of each person intending to engage in a lead abatement project.
2. Name, address, and telephone number of the owner or operator of the facility in which the lead abatement project is to take place.
3. Type of notification: amended, emergency, renovation or demolition.
4. Description of facility in which the abatement or demolition is to take place, including present use(s), prior use(s), age, and address.
5. Estimate of amount of lead and method of estimation.
6. Amount of the lead project fee submitted.
7. Scheduled set-up date, removal date(s), and completion date of lead abatement work and times during which abatement will take place.
8. Name and certificate number of the lead supervisor on site.

Emergency Regulations

9. Name, address, telephone number, contact person, and landfill permit number of the waste disposal site(s) where the lead-containing material will be disposed.

10. Detailed description of the abatement methods to be used.

11. Procedures and equipment used to control the emission of lead-contaminated dust, to contain or encapsulate lead-based paint, and to replace lead-painted surfaces or fixtures in order to protect public health during abatement, removal, transit, loading and unloading.

12. If a facsimile transmission is to be made pursuant to subsection 3.J., the credit card number, expiration date, and signature of cardholder.

13. Any other information requested on the Department form.

C. A lead abatement project permit fee shall be submitted with the completed project notification. The fee shall be in accordance with the following schedule unless a blanket notification is granted under subsection D below:

1. The greater of \$100 or 1% of the contract price, with a maximum of \$500.

2. If, at any time, the Commissioner of Labor and Industry determines that projected revenues from lead project permit fees may exceed projected administrative expenses related to the lead program by at least 15%, the Commissioner may reduce the minimum and maximum fees and contract price percentage set forth above.

D. A blanket notification, valid for a period of one year, may be granted to a contractor who enters into a contract for lead abatement on a specific site which is expected to last for one year or longer.

1. The contractor shall submit the notification required in § 3.A. to the Department at least twenty (20) days prior to the start of the requested blanket notification period. The notification submitted shall contain the following additional information:

a. The dates of work required by subsection B.7 shall be every work day during the blanket notification period, excluding weekends and state holidays.

b. The estimate of lead to be removed required under subsection B.5 shall be signed by the owner and the owner's signature authenticated by a notary.

c. A copy of the contract shall be submitted with the notification.

2. The lead abatement project permit fee for blanket notifications shall be as set forth in subsection C above.

3. The contractor shall submit an amended notification at least one day prior to each time the contractor will not be present at the site. The fee for each amended notification will be \$15.

4. Cancellation of a blanket notification may be made at any time by submitting a notarized notice of cancellation signed by the owner. The notice of cancellation must include the actual amount of lead removed and the actual amount of payments made under the contract. The refund shall be the difference between the original lead permit fee paid and 1% of the actual amount of payments made under the contract.

E. Notification of fewer than twenty (20) days may be allowed in case of an emergency involving protection of life, health or property. In such cases, notification and the lead permit fee shall be submitted within five working days after the start of the emergency abatement. A description of the emergency situation shall be included when filing an emergency notification.

F. A notification shall not be effective unless a complete form is submitted and the proper permit fee is enclosed with the completed form. A notification made by facsimile transmission pursuant to subsection 3.J. shall not be effective if the accompanying credit card payment is not approved.

G. On the basis of the information submitted in the lead notification, the Department shall issue a permit to the contractor within seven working days of the receipt of a completed notification form and permit fee.

1. The permit shall be effective for the dates entered on the notification.

2. The permit or a copy of the permit shall be kept on site during work on the project.

H. Amended notifications may be submitted for modifications of subsections 3 through 11 of § 3.B. No amendments to subsections 1 or 2 of § 3.B. shall be allowed. A copy of the original notification form with the amended items circled and the permit number entered shall be submitted at any time prior to the removal on the original notification.

1. No amended notification shall be effective if an incomplete form is submitted or if the proper permit amendment fee is not enclosed with the completed notification.

2. A permit amendment fee shall be submitted with the amended notification form. The fee shall be in accordance with the following schedule:

a. For modifications to §§ 3.B.3, § 3.B.4, and 3.B.6 through 3.B.10: \$15.

b. For modifications to § 3.B.5, the difference between the permit fee in § 3.C. for the amended amount of lead and the original permit fee submitted, plus \$15.

3. Modifications to the completion date may be made at any time up to the completion date on the original notification.

4. If the amended notification is complete and the required fee is included, the Department will issue an amended permit if necessary.

I. The Department must be notified prior to any cancellation. A copy of the original notification form marked "canceled" must be received no later than the scheduled removal date. Cancellation of a project may also be done by facsimile transmission. Refunds of the lead project permit fee will be made for timely cancellations when a notarized notice of cancellation signed by the owner is submitted.

The following amounts will be deducted from the refund payment: \$15 for processing of the original notification; \$15 for each amendment filed, and \$15 for processing the refund payment.

J. Notification for any lead abatement project, emergency notification, or amendment to notification may be done by facsimile transmission if the required fees are paid by credit card.

§ 4. Exemption.

No lead abatement project fees will be required for residential buildings. Notification for lead projects shall otherwise be in accordance with applicable portions of this regulation.

APPROVED BY:

/s/ Charles B. Ashby, Chairman
Safety and Health Codes Board
Date: December 11, 1995

/s/ Theron J. Bell, Commissioner
Department of Labor and Industry
Date: December 21, 1995

/s/ Robert T. Skunda
Secretary of Commerce and Trade
Date: April 16, 1996

/s/ George Allen
Governor
Date: April 26, 1996

FILED WITH:

/s/ Jane D. Chaffin
Deputy Registrar of Regulations
Date: May 8, 1996

LEAD PERMIT APPLICATION AND NOTIFICATION FOR DEMOLITION/RENOVATION

8. PROCEDURE, INCLUDING ANALYTICAL METHOD, USED TO DETECT THE PRESENCE OF LEAD:

INSPECTOR: VA. CERTIFICATION #:

9. LEAD TO BE REMOVED	AMOUNT	10. % LEAD NOT REMOVED	
DESCRIPTION		PERCENT	
SURFACE AREA	X	X	%
SOIL ABATEMENT	X CUFT	X	%

11. DESCRIPTION OF PLANNED DEMOLITION OR RENOVATION WORK, AND METHOD(S) TO BE USED:

12. DESCRIPTION OF WORK PRACTICES AND ENGINEERING CONTROLS TO BE USED TO PREVENT EMISSIONS OF LEAD AT THE DEMOLITION OR RENOVATION SITE:

13. WASTE TRANSPORTER #1: NAME:
 ADDRESS:
 CITY: STATE: ZIP CODE:
 CONTACT: _____ TELEPHONE: _____

WASTE TRANSPORTER #2: NAME:
 ADDRESS:
 CITY: STATE: ZIP CODE:
 CONTACT: TELEPHONE:

14. WASTE DISPOSAL SITE: NAME:
 LOCATION:
 CITY: STATE: ZIP CODE:
 TELEPHONE: LANDFILL PERMIT #:

15. IF DEMOLITION ORDERED BY A GOVERNMENT AGENCY, IDENTIFY THE AGENCY BELOW:
 NAME: TITLE:
 AUTHORITY:
 DATE OF ORDER: XX/XX/XX DATE ORDERED TO BEGIN: XX/XX/XX

16. FOR EMERGENCY RENOVATIONS:
 DATE AND HOUR OF EMERGENCY: XX:XX:XX TIME: X
 DESCRIPTION OF THE SUDDEN, UNEXPECTED EVENT: _____

EXPLANATION OF HOW THE EVENT CAUSED UNSAFE CONDITIONS OR WOULD CAUSE EQUIPMENT DAMAGE:

Emergency Regulations

LEAD PERMIT APPLICATION AND NOTIFICATION FOR DEMOLITION/RENOVATION

17. DESCRIPTION OF PROCEDURES TO BE FOLLOWED IN THE EVENT THAT UNEXPECTED LEAD IS FOUND. _____

18. I CERTIFY THAT AN INDIVIDUAL TRAINED IN THE PROVISIONS OF THE NESHAP REGULATIONS WILL BE ON-SITE DURING THE DEMOLITION OR RENOVATION AND EVIDENCE THAT THE REQUIRED TRAINING HAS BEEN ACCOMPLISHED BY THIS PERSON WILL BE AVAILABLE AT THE PROJECT SITE FOR INSPECTION. (40 CFR PART 61, SUBPART M, REQUIRED AFTER NOVEMBER 20, 1991)

SUPERVISOR:	X	LICENSE #:	X
PROJECT MONITOR:	X	LICENSE #:	X
PROJECT DESIGNER:	X	LICENSE #:	X
LABORATORY:	X	LICENSE #:	X

SIGNATURE OF OWNER/OPERATOR X DATE: / /

19. I CERTIFY THAT THE INFORMATION SUBMITTED IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND THAT ACCREDITED PERSONS ARE BEING USED ON THIS PROJECT.

NAME: X TITLE: X

SIGNATURE: X DATE: / /

20. AMOUNT OF LEAD FEE SUBMITTED: \$ X

CONTRACT PRICE \$ X

A LEAD project permit fee shall be submitted with the completed project notification. The fee shall be in accordance with the following schedule:

1. The greater of \$100 or 1% of the contract price, with a maximum of \$ 500.
2. \$15 for each amended notification.

Address all notifications as described below:

LEAD PROGRAM
DEPARTMENT OF LABOR AND INDUSTRY
POWERS-TAYLOR BUILDING
13 SOUTH THIRTEENTH STREET
RICHMOND, VA 23219
FAX (804) 371-7634

CREDIT CARD TYPE: (CHECK ONE)

VISA CARD # X EXP DATE: X X / X X / X X

MASTER CARD AUTHORIZED SIGNATURE: _____

STATE CORPORATION COMMISSION

AT RICHMOND, APRIL 15, 1996

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. PUC870004

Ex Parte: Investigation of
deregulation of telephone company
billing and collection services

ORDER INVITING ADDITIONAL COMMENTS

On February 18, 1987, the Virginia Telephone Association (now named the Virginia Telecommunications Industry Association ("VTIA")), on behalf of all of the Virginia Local Exchange Companies ("LECs"), filed an application asking the State Corporation Commission ("Commission") to initiate a generic investigation concerning the deregulation of billing and collection services the LECs offer to interexchange carriers ("IXCs").

By order entered April 17, 1987, the Commission invited comments from Virginia's LECs, IXCs, and the public concerning possible deregulation of billing and collection services. Comments were timely filed by interested parties, and a report was submitted by the Division of Communications on June 26, 1987.

On January 28, 1988, the Commission issued an Interim Order which, among other things, retained billing and collection service as a regulated activity, allowed LECs to file individually negotiated billing agreements with IXCs under tariffs, and allowed the LECs to continue to terminate service to subscribers who failed to pay for long distance services provided by a certificated IXC and billed by the LEC.

Beginning in 1989, regulatory alternatives became available for the five large LECs -- Central Telephone Company of Virginia, the Chesapeake and Potomac Telephone Company of Virginia, Contel of Virginia, Inc., GTE South, Inc., and United Inter-Mountain Telephone Company. Under the Experimental Plan for Alternative Regulation of Virginia Telephone Companies, 1988 SCC Ann. Rept. 249, the processing, rendering, and inquiry functions of billing and collection were treated as competitive. This effectively deregulated those components. The only billing and collection services retained as regulated were disconnect for non-payment, ANI and recording, security functions, and special billing numbers. By the time subsequent alternative regulatory plans were adopted, 1994 Ann. Rept. 262, processing, rendering, inquiry, and recording had all been classified as competitive; security functions were discretionary; and only disconnect for non-payment remained basic. These have not been altered since the Plans took effect January 1, 1995.

The Commission is considering making the Interim Order a final order and affected parties are invited to submit comments. Parties should also comment on any effects the Telecommunications Act of 1996, Public Law 104-104, has upon billing and collection services. Accordingly,

IT IS ORDERED THAT interested parties may comment on the deregulation of LEC billing and collection services on or before June 14, 1996.

Judge Moore did not participate in this matter.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to each local exchange company subject to the jurisdiction of the Commission as set out in Appendix A attached hereto; each interexchange carrier certificated in Virginia as set out in Appendix B attached hereto; to the Office of Attorney General, Division of Consumer Counsel, 900 East Main Street, Richmond, Virginia 23219; to Andrew D. Lipman, Esquire, and Jean L. Kiddo, Esquire, Swidler & Berlin, 3000 K Street, N.W., Washington, D.C. 20007-5116; Operator Service Providers, Mr. Paul Gamberg, 6611 Valjean Avenue #201, Van Nuys, California 91406; the Commission's Office of General Counsel and the Commission's Divisions of Communications, Public Utility Accounting, and Economics and Finance.

Appendix A

TELEPHONE COMPANIES IN VIRGINIA

Amelia Telephone Corporation
Mr. Bruce H. Mottern, Director
State Regulatory Affairs
P.O. Box 22995
Knoxville, Tennessee 37933-0995

Amelia Telephone Corporation
Ms. Joy Brown, Manager
P. O. Box 76
Amelia, Virginia 23002

Buggs Island Telephone Cooperative
Mr. M. Dale Tetterton, Jr., Manager
P. O. Box 129
Bracey, Virginia 23919

Burke's Garden Telephone Exchange
Ms. Sue B. Moss, President
P. O. Box 428
Burke's Garden, Virginia 24608

Central Telephone Company of Virginia
Mr. Martin H. Bocock
Vice President and General Manager
P. O. Box 6788
Charlottesville, Virginia 22906

Bell Atlantic - Virginia
Mr. Hugh R. Stallard, President and Chief Executive Officer
600 East Main Street
P.O. Box 27241
Richmond, Virginia 23261

Citizens Telephone Cooperative
Mr. James R. Newell, Manager
Oxford Street
P. O. Box 137
Floyd, Virginia 24091

State Corporation Commission

Clifton Forge-Waynesboro Telephone Company
Mr. David R. Maccarelli, President
P. O. Box 1990
Waynesboro, Virginia 22980-1990

Contel of Virginia, Inc.
Stephen C. Spencer, Reg. Director
External Affairs
One James Center
901 East Cary Street
Richmond, Virginia 23219

GTE South
Stephen C. Spencer, Reg. Director
External Affairs
One James Center
901 East Cary Street
Richmond, Virginia 23219

GTE
Joe W. Foster, Esquire
Law Department
P.O. Box 110 - FLTC0007
Tampa, Florida 33601-0110

Highland Telephone Cooperative
Mr. Elmer E. Halterman, General Manager
P.O. Box 340
Monterey, Virginia 24465

Mountain Grove-Williamsville Telephone Company
Mr. L. Ronald Smith
President/General Manager
P. O. Box 105
Williamsville, Virginia 24487

New Castle Telephone Company
Mr. Bruce H. Mottern, Director
State Regulatory Affairs
P.O. Box 22995
Knoxville, Tennessee 37933-0995

New Hope Telephone Company
Mr. K. L. Chapman, Jr., President
P. O. Box 38
New Hope, Virginia 24469

North River Telephone Cooperative
C. Douglas Wine, Manager
P. O. Box 236, Route 257
Mt. Crawford, Virginia 22841-0236

Pembroke Telephone Cooperative
Mr. Stanley G. Cumbee, General Manager
P. O. Box 549
Pembroke, Virginia 24136-0549

Peoples Mutual Telephone Company, Inc.
Mr. E. B. Fitzgerald, Jr.
President & General Manager
P. O. Box 367
Gretna, Virginia 24557

Roanoke & Botetourt Telephone Company
Mr. Allen Layman, President
1000 Roanoke Road
P.O. Box 174
Daleville, Virginia 24083

Scott County Telephone Cooperative
Mr. William J. Franklin
Executive Vice President
P. O. Box 487
Gate City, Virginia 24251

Shenandoah Telephone Company
Mr. Christopher E. French
President
P. O. Box 459
Edinburg, Virginia 22824

United Telephone-Southeast, Inc.
Mr. H. John Brooks
Vice President & General Manager
112 Sixth Street, P. O. Box 699
Bristol, Tennessee 37620

Virginia Telephone Company
Mr. Bruce H. Mottern, Director
State Regulatory Affairs
P.O. Box 22995
Knoxville, Tennessee 37933-0995

Appendix B

INTER-EXCHANGE CARRIERS

AlterNet of Virginia
Mr. Steven F. Morris, Counsel
Dow, Lohnes & Albertson
1200 New Hampshire Avenue, Suite 800
Washington, D.C. 20036

AT&T Communications of Virginia
Ms. Wilma R. McCarey, General Attorney
3033 Chain Bridge Road, Third Floor
Oakton, Virginia 22185-0001

CF-W Network Inc.
Mr. James S. Quarforth
Chairman and CEO
P. O. Box 1990
Waynesboro, Virginia 22980-1990

Central Telephone Company of Virginia
Mr. James W. Spradlin, III
Government & Industry Relations
1108 East Main Street, Suite 1200
Richmond, Virginia 23219-3535

Citizens Telephone Cooperative
Mr. James R. Newell, Manager
Oxford Street
P.O. Box 137
Floyd, Virginia 24091

GTE South, Inc.
Mr. Stephen Spencer
One James Center
901 East Cary Street
Richmond, Virginia 23219

State Corporation Commission

Hyperion Telecommunications of Virginia, Inc.
Steven F. Morris
Dow, Lohnes & Albertson
1200 New Hampshire Avenue, Suite 800
Washington, D.C. 20036

Institutional Communications Company - Virginia
Ms. Anne LaLena
8100 Boone Boulevard, Suite 500
Vienna, Virginia 22182

MCI Telecommunications Corp. of Virginia
Robert C. Lopardo
Senior Attorney
1133 19th Street, N.W., 11th Floor
Washington, D.C. 20036

MCImetro Access Transmission Services of Virginia, Inc.
Robert C. Lopardo
1133 19th Street, N.W., 11th Floor
Washington, D.C. 20036

Metromedia Communications Corporation
d/b/a LDDSMetromedia Communications
Mr. Brian Sulmonetti
Regulatory Affairs
1515 South Federal Highway
Boca Raton, Florida 33432

R&B Network, Inc.
Mr. Allen Layman, Executive Vice President
P. O. Box 174
Daleville, Virginia 24083

Scott County Telephone Cooperative
Mr. William J. Franklin, Executive VP & Manager
P.O. Box 487
Gate City, Virginia 24251

Shenandoah Telephone Company
Mr. Christopher E. French
President & General Manager
P. O. Box 459
Edinburg, Virginia 22824

SouthernNet of Va., Inc.
Peter H. Reynolds, Director
780 Douglas Road, Suite 800
Atlanta, Georgia 30342

TDX Systems, Inc.
d/b/a Cable and Wireless, Inc.
Mr. Charles A. Tievsky
Regulatory Attorney
1919 Gallows Road
Vienna, Virginia 22182

Sprint Communications of Virginia, Inc.
Mr. Kenneth Prohoniak
Staff Director, Regulatory Affairs
1850 "M" Street, N.W. Suite 110
Washington, DC 20036

Virginia MetroTel, Inc.
Mr. Richard D. Gary
Hunton & Williams
Riverfront Plaza, East Tower
951 East Byrd Street
Richmond, Virginia 23219-4074

Virginia WorldCom, Inc.
Brian K. Sulmonetti, Director
Regulatory Affairs - Virginia
1515 South Federal Highway, Suite 400
Boca Raton, Florida 33432

VA.R. Doc. No. R96-327; Filed May 1, 1996, 11:20 a.m.

STATE LOTTERY DEPARTMENT

DIRECTOR'S ORDER NUMBER SEVEN (96)

VIRGINIA'S FIFTH ON-LINE LOTTERY; "KICKER," FINAL RULES FOR GAME OPERATION.

In accordance with the authority granted by Sections 9-6.14:4.1B(15) and 58.1-4006A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's fifth on-line game lottery, "Kicker." These rules amplify and conform to the duly adopted State Lottery Board regulations for the conduct of instant game lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Public Affairs Division, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ Penelope W. Kyle
Director
Date: March 8, 1996

VA.R. Doc. No. R96-349; Filed May 7, 1996, 1:42 p.m.

DIRECTOR'S ORDER NUMBER EIGHT (96)

"VIRGINIA GOLD CUP LOTTERY"; FINAL RULES FOR GAME OPERATION.

In accordance with the authority granted by Sections 9-6.14:4.1B(15) and 58.1-4006A of the Code of Virginia, I hereby promulgate the final rules for game operation in "Virginia Gold Cup Lottery." These rules amplify and conform to the duly adopted State Lottery Board regulations for the conduct of instant game lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Public Affairs Division, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ Penelope W. Kyle
Director
Date: March 25, 1996

VA.R. Doc. No. R96-350; Filed May 7, 1996, 1:42 p.m.

DIRECTOR'S ORDER NUMBER NINE (96)

VIRGINIA'S FIFTY-SIXTH INSTANT GAME LOTTERY; "MONTE CARLO," FINAL RULES FOR GAME OPERATION.

In accordance with the authority granted by Sections 9-6.14:4.1B(15) and 58.1-4006A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's fifty-sixth instant game lottery, "Monte Carlo." These rules amplify and conform to the duly adopted State Lottery Board regulations for the conduct of instant game lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Public Affairs Division, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ Penelope W. Kyle
Director
Date: April 1, 1996

VA.R. Doc. No. R96-351; Filed May 7, 1996, 1:42 p.m.

DIRECTOR'S ORDER NUMBER TEN (96)

VIRGINIA'S INSTANT GAME LOTTERY 304; "DOUBLE BONUS BINGO," FINAL RULES FOR GAME OPERATION.

In accordance with the authority granted by Sections 9-6.14:4.1B(15) and 58.1-4006A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's instant game lottery (Number 0304), "Double Bonus Bingo." These rules amplify and conform to the duly adopted State Lottery Board regulations for the conduct of instant game lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Public Affairs Division, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ Penelope W. Kyle
Director
Date: April 1, 1996

VA.R. Doc. No. R96-352; Filed May 7, 1996, 1:42 p.m.

DIRECTOR'S ORDER NUMBER ELEVEN (96)

"PICK 3," VIRGINIA LOTTERY RETAILER SALES AND CASHING PROMOTIONAL PROGRAM RULES.

In accordance with the authority granted by Sections 9-6.14:4.1B(15) and 58.1-4006A of the Code of Virginia, I hereby promulgate the "Pick 3," Virginia Lottery Retailer Sales and Cashing Promotional Program Rules for the lottery retailer incentive program which will be conducted from Monday, May 6, 1996 through Sunday, June 30, 1996. These rules amplify and conform to the duly adopted State Lottery Board regulations.

These rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Public Affairs Division, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect until July 31, 1996, unless otherwise extended by the Director.

/s/ Penelope W. Kyle
Director
Date: May 5, 1996

VA.R. Doc. No. R96-353; Filed May 7, 1996, 2:23 p.m.

DIRECTOR'S ORDER NUMBER TWELVE (96)

VIRGINIA'S FIFTY-SEVENTH INSTANT GAME LOTTERY; "INSTANT CASH," FINAL RULES FOR GAME OPERATION.

In accordance with the authority granted by Sections 9-6.14:4.1B(15) and 58.1-4006A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's fifty-seventh instant game lottery, "Instant Cash." These rules amplify and conform to the duly adopted State Lottery Board regulations for the conduct of instant game lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Public Affairs Division, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ Penelope W. Kyle
Director
Date: May 5, 1996

VA.R. Doc. No. R96-354; Filed May 7, 1996, 2:23 p.m.

DIRECTOR'S ORDER NUMBER THIRTEEN (96)

VIRGINIA'S INSTANT GAME LOTTERY 405; "MONEY FOR LIFE," FINAL RULES FOR GAME OPERATION.

In accordance with the authority granted by Sections 9-6.14:4.1B(15) and 58.1-4006A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's instant game lottery (Number 0405), "Money For Life." These rules amplify and conform to the duly adopted State Lottery Board regulations for the conduct of instant game lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Public Affairs Division, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ Penelope W. Kyle
Director
Date: May 5, 1996

VA.R. Doc. No. R96-355; Filed May 7, 1996, 2:23 p.m.

PROPOSED REGULATIONS

STATE LOTTERY BOARD

Title of Regulation: 11 VAC 5-20-10 et seq. Administration Regulations (amending 11 VAC 5-20-60, 11 VAC 5-20-70, 11 VAC 5-20-80, 11 VAC 5-20-110 through 11 VAC 5-20-180, 11 VAC 5-20-200, 11 VAC 5-20-240 through 11 VAC 5-20-270, 11 VAC 5-20-400, 11 VAC 5-20-410, 11 VAC 5-20-420, and 11 VAC 5-20-450 through 11 VAC 5-20-520; and repealing 11 VAC 5-20-20 through 11 VAC 5-20-50, and 11 VAC 5-20-190).

Statutory Authority: § 58.1-4007 of the Code of Virginia.

Public Hearing Date: August 28, 1996 - 9:30 a.m.

Public comments may be submitted until July 26, 1996.
(See Calendar of Events section
for additional information)

Basis: Section 58.1-4006 of the Code of Virginia provides that the director "shall supervise and administer the operation of the lottery in accordance with the provision of this chapter and with the rules and regulations promulgated hereunder."

Section 58.1-4007 authorizes the State Lottery Board "to adopt regulations governing the establishment and operation of a lottery." This authority includes "all matters necessary or desirable for the efficient, honest and economical operations and administration of the lottery." The section further provides that the regulations may be amended, repealed or supplemented as necessary.

Purpose: The purpose of the amendments is to clarify the requirement for meetings of the State Lottery Board; to clarify

State Lottery Department

sole source and emergency procurement exemptions and restrictions; to simplify regulations by removing provisions which duplicate those contained in, but which are not mandated by, the Code of Virginia; and to incorporate technical and housekeeping revisions required as a result of preparation for the new Virginia Administrative Code. The proposed regulations will have no effect on the public's health or safety, but will simplify and clarify the language for ease of understanding and enhanced customer service.

Substance: The key amendments to these regulations are as follows:

1. 11 VAC 5-20-130 provides that the board will hold "regular," instead of monthly, meetings. This removes the regulatory requirement that the board must hold a monthly meeting whether or not it has business to conduct.
2. 11 VAC 5-20-160, 11 VAC 5-20-170 and 11 VAC 5-20-470 eliminate the unnecessary information of the specific street address for Lottery headquarters contained in the body of the regulations.
3. 11 VAC 5-20-20 through 11 VAC 5-20-50, 11 VAC 5-20-70 and 11 VAC 5-20-190 eliminate sections which duplicate provisions contained in, but which are not mandated by, the Code of Virginia. This will simplify the regulations and will have no adverse effect on lottery operations.
4. 11 VAC 5-20-250 and 11 VAC 5-20-260 clarify exemptions and restrictions for sole source and emergency procurement by specifying the dollar amounts for goods (\$2,000) and services (\$5,000) that apply. These amounts conform to those contained elsewhere in current department regulations and do not change current policy or procedures.
5. Numerous sections incorporate technical and housekeeping revisions required as a result of preparation for the Virginia Administrative Code, including reference to regulations as "chapters" and deletion of subsection catchlines.

Issues: The proposed amendments made to the Administration Regulations simplify and clarify the language. The revisions represent no actual policy or procedural change to department operations. No controversial amendments have been proposed; therefore, the Lottery does not anticipate any negative response to these regulatory revisions. The primary advantage to the public and to the department of the proposed regulations is that the language is simplified and clarified which will enhance customer service. There are no disadvantages anticipated for either the public or the department.

Economic Impact: Because there are no policy or procedural revisions made to department operations, no economic impact is projected. These regulations, however, apply to all lottery game players and vendors, approximately 5,500 lottery retailers, the five members of the State Lottery Board and employees of the State Lottery Department. There is no family impact.

Department of Planning and Budget's Economic Impact Analysis:

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 9-6.14:7.1 G of the Administrative Process Act and Executive Order Number 13 (94). Section 9-6.14:7.1 G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply; the identity of any localities and types of businesses or other entities particularly affected; the projected number of persons and employment positions to be affected; and the projected costs to affected businesses or entities to implement or comply with the regulation. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the Proposed Regulation

The proposed amendments modify the current State Lottery Administrative Regulations so as to:

1. Replace the requirement that the State Lottery Board meet monthly with the requirement that the board meet regularly;
2. Delete that portion of the regulation which addresses ineligible players of the lottery;
3. Delete that portion of the regulation which addresses State Lottery Department hiring practices;
4. Delete that portion of the regulation which addresses the procedures followed by the State Lottery Department in promulgating regulations; and
5. Make a distinction between "goods" and "services" in sole source and emergency procurement procedures such that the threshold exemption for goods is \$2,000 and the threshold exemption for services is \$5,000.

Estimated Economic Impact

Item 1

It is the opinion of DPB that, the proposed relaxation of the requirement that the State Lottery Board meet monthly will have no economic consequences and, therefore, no economic impact.

Items 2 through 4

The proposed amendments contained in Items 2 through 4 delete portions of the current regulation that repeat various statutory provisions found elsewhere. As such, these deletions will not substantively alter State Lottery Department (SLD) obligations or required procedures, and will have no economic impact.

Item 5

The proposed distinction between "goods" and "services" in sole source and emergency procurement procedures effectively increases the threshold exemption for services from \$2,000 to \$5,000. This change would have two economic effects. First, it removes the element of competition from SLD purchases of services where the total contract price is \$5,000 or less. The noncompetitive award of

such contracts is likely to push up the contract price from that which could have been expected in a competitive environment.

It is important to remember, however, that the contract price is not the only cost incurred by the Commonwealth in acquiring these services. In addition, one must include the cost of the time spent by state procurement personnel. The second economic effect of the proposed change is that it will likely reduce this cost from what it is currently for contracts between \$2,000 and \$5,000.

The economic impact of the proposed change is the net of these two effects. Although quantification of the exact magnitude of this impact would be cost-prohibitive, it is the opinion of DPB that it is unlikely to be significant.

Projected Number of Businesses or Other Entities to Whom the Regulation will Apply

The proposed regulation would apply to all lottery game players and vendors, and the approximately 5,500 lottery retailers.

Localities and Types of Businesses Particularly Affected

No localities are particularly affected. The proposed regulation does affect lottery vendors and retailers.

Projected Employment Effects

The proposed regulation is not anticipated to have a significant effect on employment.

Agency's Response to Department of Planning and Budget's Economic Impact Analysis:

The State Lottery Department disagrees with the economic impact analysis prepared by the Department of Planning and Budget (DPB) relating to sole source and emergency procurement procedures. DPB indicates that the revision will likely increase the contract price from that which could be expected in a competitive environment. Lottery regulations currently provide that any purchase of services of \$5,000 or less and goods of \$2,000 or less is already exempt from competitive procurement. The proposed revision to the regulations eliminates an inconsistency contained in sole source and emergency procurement only. Because these purchases are made when only one source is practicably available or in unexpected or urgent situations, a competitive environment does not exist. The department, therefore, believes that the proposed regulation will not increase resulting prices.

Summary:

The proposed amendments (i) specify that the State Lottery Board must hold regular, but not necessarily monthly, meetings; (ii) clarify the dollar amount for sole source and emergency procurement exemptions and restrictions which already exist in the current regulations; (iii) simplify regulations by removing provisions which duplicate those contained in, but which are not mandated by, the Code of Virginia; and (iv) incorporate numerous technical and housekeeping revisions required as a result of preparation for the new Virginia Administrative Code.

11 VAC 5-20-20. Generally. (Repealed.)

~~The purpose of the state lottery is to produce revenue consistent with the integrity of the Commonwealth and the general welfare of its people. The operations of the State Lottery Board and the State Lottery Department will be conducted efficiently, honestly and economically.~~

11 VAC 5-20-30. State Lottery Board. (Repealed.)

~~A. Monthly meetings. The board will hold monthly public meetings to receive information and recommendations from the director on the operation and administration of the lottery and to take official action. It may also request information from the public. The board may have additional meetings as needed. (See Part III, Board Procedures.)~~

~~B. Inspection of department records. At the board's request, the department shall produce for review and inspection the department's books, records, files and other information and documents.~~

11 VAC 5-20-40. Director. (Repealed.)

~~The director shall administer the operations of the State Lottery Department following the authority of the Code of Virginia and these regulations.~~

11 VAC 5-20-50. Ineligible players of the lottery. (Repealed.)

~~Board members, officers, or employees of the lottery, or any board member, officer or employee of any vendor to the lottery of lottery on-line or instant ticket goods or services working directly with the department on a contract for such goods or services, or any person residing in the same household as any such board member, officer, employee, or any person under 18 years of age may not purchase tickets or receive prizes of the lottery.~~

11 VAC 5-20-60. Advertising.

A. **Generally.** Advertising may include but is not limited to print advertisements, radio and television advertisements, billboards, point of purchase and point of sale display materials. The department will not use funds for advertising which is for the primary purpose of inducing people to play the lottery.

B. **Lottery retailer advertising.** Any lottery retailer may use his own advertising materials if the department has approved its use in writing before it is shown to the public. The department shall develop written guidelines for giving such approval.

C. **Information provided by department.** The department may provide information displays or other material to the retailer. The retailer shall position the material so it can be seen easily by the general public.

D. **Special advertising.** The department may produce special posters, brochures or flyers describing various aspects of the lottery and provide these to lottery retailers to post or distribute.

E. **Winner advertising.** The department may use interviews, pictures or statements from people who have won lottery prizes to show that prizes are won and awarded;

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however, in no case shall the use of interviews, pictures or statements be for the primary purpose of inducing persons to participate in the lottery.

~~F. Other advertising.~~ The department may use other informational and advertising items which may include any materials deemed appropriate advertising, informational, and educational media which are not for the primary purpose of inducing people to play the lottery.

11 VAC 5-20-70. Operations of the department.

~~A. Generally.~~ The department shall be operated in a manner which considers the needs of the Commonwealth, lottery retailers, the public, the convenience of the ticket purchasers, and winners of lottery prizes.

~~B. Employment.~~ The department shall hire people without regard to race, sex, color, national origin, religion, age, handicap, or political affiliation.

~~1. All employees shall be recruited and selected in a manner consistent with the policies which apply to classified positions.~~

~~2. Sales and marketing employees are exempt from the Virginia Personnel Act.~~

~~C. Internal operations.~~ A. The department will operate under the internal administrative, accounting and financial controls specifically developed for the State Lottery Department under the applicable policies required by the Departments of Accounts, Planning and Budget, Treasury, State Internal Auditor and by the Auditor of Public Accounts.

1. Internal operations include, but are not limited to, ticket controls, money receipts and payouts, payroll and leave, budgeting, accounting, revenue forecasting, purchasing and leasing, petty cash, bank account reconciliation and fiscal report preparation.

2. Internal operations apply to automated and manual systems.

~~D. External operations.~~ B. The department will conduct business with the public, lottery retailers, vendors and others with integrity and honesty.

~~E. Apportionment of lottery revenue.~~ C. Moneys received from lottery sales will be divided approximately as follows:

- | | |
|------|--|
| 50% | Prizes |
| 45% | State Lottery Fund Account
(On and after July 1, 1989, administrative costs of the lottery shall not exceed 10% of total annual estimated gross revenues to be generated from lottery sales.) |
| 5.0% | Lottery retailer compensation |

~~F. State Lottery Fund Account.~~ D. The State Lottery Fund will be established as an account in the Commonwealth's accounting system. The account will be established following usual procedures and will be under regulations and controls as other state accounts. Funding will be from gross sales.

1. Within the State Lottery Fund, there shall be a "Lottery Prize Special Reserve Fund" subaccount created in the

State Lottery Fund account which will be used when lottery prize payouts exceed department cash on hand. Five percent of monthly gross sales shall be transferred to the Lottery Prize Special Reserve Fund until the amount of the Lottery Prize Special Reserve Fund reaches 5.0% of the gross lottery revenue from the previous year's annual sales or \$5 million dollars, whichever is less.

a. The calculation of the 5.0% will be made for each instant or on-line game.

b. The funding of this subaccount may be adjusted at any time by the board.

~~2. Reserved.~~

~~3. 2.~~ Other subaccounts may be established in the State Lottery Fund account as needed at the direction of the board upon the request of the director with concurrence of the State Comptroller and the Auditor of Public Accounts.

~~4. 3.~~ In accordance with the Appropriation Act, the State Comptroller provides an interest-free line of credit not to exceed \$25,000,000 to the department. This line of credit is in lieu of the Operations Special Reserve Fund required to be established by the Comptroller in accordance with § 58.1-4022 B of the Code of Virginia. Draw-downs against this line of credit are available immediately upon request of the department.

~~G. Administrative and operations costs.~~ E. Lottery expenses include, but are not limited to, ticket costs, vendor fees, consultant fees, advertising costs, salaries, rents, utilities, and telecommunications costs.

~~H. Audit of lottery revenues.~~ F. The cost of any audit shall be paid from the State Lottery Fund.

1. The Auditor of Public Accounts or his designee shall conduct a monthly post-audit of all accounts and transactions of the department. When, in the opinion of the Auditor of Public Accounts, monthly post-audits are no longer necessary to ensure the integrity of the lottery, the Auditor of Public Accounts shall notify the board in writing of his opinion and fix a schedule of less frequent post-audits. The schedule of post-audits may, in turn, be further adjusted by the same procedure to require either more or less frequent audits in the future.

2. Annually, the Auditor of Public Accounts shall conduct a fiscal and compliance audit of the department's accounts and transactions.

~~I. Other matters.~~ G. The board and director may address other matters not mentioned in this chapter *Chapters 20 (11 VAC 5-20-10 et seq.), 30 (11 VAC 5-30-10 et seq.), and 40 (11 VAC 5-40-10 et seq.)* which are needed or desired for the efficient and economical operation and administration of the lottery.

11 VAC 5-20-80. Approval of banks.

A. The State Treasurer, with the concurrence of the director, and in accordance with applicable Treasury

directives, shall approve a bank or banks to provide services to the department.

B. A bank or banks shall serve as agents for electronic funds transfers between the department and lottery retailers as required by these regulations Chapters 20 (11 VAC 5-20-10 et seq.), 30 (11 VAC 5-30-10 et seq.), and 40 (11 VAC 5-40-10 et seq.) and by contracts between the department, the State Treasury, retailers, and the banks.

C. In selecting the bank or banks to provide these services, the State Treasurer and the director shall consider quality of services offered, the ability of the banks to guarantee the safekeeping of department accounts and related materials, the cost of services provided and the sophistication of bank systems and products.

D. There shall be no limit on the number of banks approved under this section.

11 VAC 5-20-110. Depository for transfer of tickets.

A. The department may designate one or more depositories to transfer lottery tickets, lottery materials, and related documents between the department and lottery retailers.

~~B. Reserved.~~

~~C. B.~~ In determining whether to use depositories for transferring tickets, materials and documents between the department and lottery retailers, the department may consider any relevant factor including, but not limited to, cost, security, timeliness of delivery, marketing concerns, sales objectives and privatization of governmental services.

ARTICLE 1.

~~Board Procedures for the Conduct of Business.~~

11 VAC 5-20-120. Officers of the board.

~~A. Chairman and vice chairman.~~ The board shall have a chairman and a vice chairman who shall be elected by the board members.

~~B. Term of officers.~~ The board will elect its officers annually at its January meeting to serve for the calendar year.

11 VAC 5-20-130. Board meetings.

~~A. Monthly meetings.~~ The board will hold monthly regular public meetings to receive information and recommendations from the director on the operation and administration of the lottery and to take official action. The board may also request information from the public.

~~B. Special meetings.~~ The board may hold additional meetings as may be necessary to carry out its work. The chairman may call a special meeting at any time and shall call a special meeting when requested to do so by at least two board members or at the request of the director. Notice of special meetings shall be given to all board members at least two calendar days before the meeting. Written notice is preferred but telephonic notice may be accepted by any board member in lieu of written notice.

~~C. Quorum.~~ Three or more board members shall constitute a quorum for the conduct of business at both regular and

special meetings of the board. A simple majority vote at a regular meeting is sufficient to take official action but official action at a special meeting requires three affirmative votes. The chairman is eligible to vote at all meetings.

~~D. Conflict of interest.~~ If any board member determines that he has a conflict of interest or potential conflict relating to a matter to be considered, that board member shall not take part in such deliberations.

11 VAC 5-20-140. Committees of the board.

~~A. Ad hoc committees.~~ The board chairman may at his discretion appoint such ad hoc committees as he deems necessary to assist the board in its work.

~~B. Purpose of committees.~~ An ad hoc committee may be established to advise the board on a matter referred to it or to act on a matter on behalf of the board if so designated.

1. A committee established to act on a matter on behalf of the board shall be composed entirely of board members and shall have at least three members.

a. Three members shall constitute a quorum.

b. Official action of such a committee shall require not fewer than three affirmative votes with each member including the chairman having one vote.

c. If a committee's vote results in an affirmative vote of only two members, the committee shall present a recommendation to the board and the board shall then take action on the matter.

2. A committee established to act in an advisory capacity to the board may include members of the general public. At least two members shall be board members and the chairman shall be a board member appointed by the board chairman.

a. A majority of the members appointed to an advisory committee constitutes a quorum.

b. Recommendations of an advisory committee may be adopted by a majority vote of those present and voting. The chairman of an advisory committee shall be eligible to vote on all recommendations.

c. All actions of advisory committees shall be presented to the board in the form of recommendations.

ARTICLE 2.

~~Procedures for Appeals on Licensing Actions.~~

11 VAC 5-20-150. Conferences on denial, suspension or revocation of a retailer's license.

~~A. Generally.~~ An instant lottery retailer applicant or an instant lottery retailer surveyed for an on-line license who is denied a license or a retailer whose license is denied for renewal or is suspended or revoked or any retailer that believes it is eligible for placement of an instant ticket vending machine (ITVM) or self-service terminal (SST) based on criteria established by the department but which has been denied such placement may appeal the licensing decision and request a conference on the licensing action.

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~~B. Conferences to conform to Administrative Process Act provisions.~~ The conduct of license appeal conferences will conform to the provisions of Article 3 (§ 9-6.14:11 et seq.) of Chapter 1.1:1 of Title 9 of the Code of Virginia relating to case decisions.

1. An initial conference consisting of an informal fact finding process will be conducted by the director or the appointed conference officer in private to attempt to resolve the issue to the satisfaction of the parties involved.

2. If an appeal is not resolved through the informal fact finding process, a formal hearing will be conducted by the board in public. The board will then issue its decision on the case.

3. Upon receipt of the board's decision on the case, the appellant may elect to pursue court action in accordance with the provisions of the Administrative Process Act (APA) relating to court review.

11 VAC 5-20-160. Procedure for appealing a licensing decision.

~~A. Form for appeal.~~ Upon receiving a notice that (i) an application for an instant game license, or the survey of an instant retailer for licensing as an on-line retailer, or the renewal of a license, has been denied by the director, or (ii) the director intends to or has already taken action to suspend or revoke a current license, or (iii) any retailer that believes it is eligible for placement of an instant ticket vending machine (ITVM) or self-service terminal (SST) based on criteria established by the department, the applicant or licensed retailer may appeal in writing for a conference on the licensing action. The appeal shall be submitted within 30 days of receipt of the notice of the licensing action.

1. Receipt is presumed to have taken place not later than the third day following mailing of the notice to the last known address of the applicant or licensed retailer. If the third day falls upon a day on which mail is not delivered by the United States Postal Service, the notice is presumed to have been received on the next business day. The "last known address" means the address shown on the application of an applicant or licensed retailer.

2. The appeal will be timely if it bears a United States Postal Service postmark showing mailing on or before the 30th day prescribed in 11 VAC 5-20-160 A.

~~B. Where to file appeal.~~ An appeal to *may* be mailed shall be addressed or hand delivered to: the director at the State Lottery Department headquarters office.

State Lottery Director
State Lottery Department
Post Office Box 4689
Richmond, Virginia 23220

An appeal to be hand delivered shall be delivered to:

State Lottery Director
State Lottery Department
900 East Main Street
Richmond, Virginia 23219

1. An appeal delivered by hand will be timely only if received at the headquarters of the State Lottery Department within the time allowed by ~~11 VAC 5-20-160 subsection A of this section.~~

2. Delivery to State Lottery Department regional offices or to lottery sales personnel by hand or by mail is not effective.

3. The appellant assumes full responsibility for the method chosen to file the notice of appeal.

~~C. Content of appeal.~~ The appeal shall state:

1. The decision of the director which is being appealed;

2. The basis for the appeal;

3. The retailer's license number or the Retailer License Application Control Number; and

4. Any additional information the appellant may wish to include concerning the appeal.

11 VAC 5-20-170. Procedures for conducting informal fact finding licensing conferences.

~~A. Conference officer to conduct informal conference.~~ The conference officer will conduct an informal fact finding conference with the appellant for the purpose of resolving the licensing action at issue.

~~B. Conference date and notice.~~ The conference officer will hold the conference as soon as possible but not later than 30 days after the appeal is filed. A notice setting out the conference date, time and location will be sent to the appellant, by certified mail, return receipt requested, at least 10 days before the day set for the conference.

~~C. Place of conferences.~~ All informal conferences shall be held in Richmond, Virginia, unless the conference officer decides otherwise.

~~D. Conduct of conferences.~~ The conferences shall be informal. They shall not be open to the public.

1. The conferences will be electronically recorded. The recordings will be kept until any time limits for any subsequent appeals have expired.

2. A court reporter may be used. The court reporter shall be paid by the person who requested him. If the appellant elects to have a court reporter, a transcript shall be provided to the department. The transcript shall become part of the department's records.

3. The appellant may appear in person or may be represented by counsel to present his facts, argument or proof in the matter to be heard and may request other parties to appear to present testimony.

4. The department will present its facts in the case and may request other parties to appear to present testimony.

5. Questions may be asked by any of the parties at any time during the presentation of information subject to the conference officer's prerogative to regulate the order of presentation in a manner which serves the interest of fairly developing the factual background of the appeal.

6. The conference officer may exclude information at any time which he believes is not germane or which repeats information already received.

7. The conference officer shall declare the conference completed when both parties have finished presenting their information.

~~E. Conference officer to issue written decision.~~ Normally, the conference officer shall issue his decision within 15 days after the conclusion of an informal conference. However, for a conference with a court reporter, the conference officer shall issue his decision within 15 days after receipt of the transcript of the conference. The decision will be in the form of a letter to the appellant summarizing the case and setting out his decision on the matter. The decision will be sent to the appellant by certified mail, return receipt requested.

~~F. Appeal to board for hearing.~~ After receiving the conference officer's decision on the informal conference, the appellant may elect to appeal to the board for a formal hearing on the licensing action. The appeal shall be:

1. Submitted in writing within 15 days of receipt of the conference officer's decision on the informal conference;
2. Mailed or hand delivered to: the headquarters of the State Lottery Department.

Chairman, State Lottery Board
State Lottery Department
Post Office Box 4689
Richmond, Virginia 23220

OR

Hand delivered to:

Chairman, State Lottery Board
State Lottery Department
900 East Main Street
Richmond, Virginia 23219

3. The same procedures in 11 VAC 5-20-160 B for filing the original notice of appeal govern the filing of the notice of appeal of the conference officer's decision to the board.

4. The appeal shall state:

- a. The decision of the conference officer which is being appealed;
- b. The basis for the appeal;
- c. The retailer's license number or the Retailer License Application Control Number; and
- d. Any additional information the appellant may wish to include concerning the appeal.

11 VAC 5-20-180. Procedures for conducting formal licensing hearings.

~~A. Board to conduct formal hearing.~~ The board will conduct a formal hearing within 45 days of receipt of an appeal on a licensing action.

~~B. Number of board members hearing appeal.~~ Three or more members of the board are sufficient to hear an appeal.

If the chairman of the board is not present, the members present shall choose one from among them to preside over the hearing.

~~C. Board chairman may designate an ad hoc committee to hear appeals.~~ The board chairman at his discretion may designate an ad hoc committee of the board to hear licensing appeals and act on its behalf. Such committee shall have at least three members who will hear the appeal on behalf of the board. If the chairman of the board is not present, the members of the ad hoc committee shall choose one from among them to preside over the hearing.

~~D. Conflict of interest.~~ If any board member determines that he has a conflict of interest or potential conflict, that board member shall not take part in the hearing. In the event of such a disqualification on a subcommittee, the board chairman shall appoint an ad hoc substitute for the hearing.

~~E. Notice, time and place of hearing.~~ A notice setting the hearing date, time and location will be sent to the appellant by certified mail, return receipt requested, at least 10 days before the day set for the hearing. All hearings will be held in Richmond, Virginia, unless the board decides otherwise.

~~F. Conduct of hearings.~~ The hearings shall be conducted in accordance with the provisions of the Virginia Administrative Process Act (APA) (§ 9-6.14:1 et seq.). The hearings shall be open to the public.

1. The hearings will be electronically recorded and the recordings will be kept until any time limits for any subsequent court appeals have expired.

2. A court reporter may be used. The court reporter shall be paid by the person who requested him. If the appellant elects to have a court reporter, a transcript shall be provided to the department. The transcript shall become part of the department's records.

3. The provisions of §§ 9-6.14:12 through 9-1.14:14 of the APA shall apply with respect to the rights and responsibilities of the appellant and of the department.

~~G. Board's decision.~~ Normally, the board will issue its written decision within 21 days of the conclusion of the hearing. However, for a hearing with a court reporter, the board will issue its written decision within 21 days of receipt of the transcript of the hearing.

1. A copy of the board's written decision will be sent to the appellant by certified mail, return receipt requested. The original written decision shall be retained in the department and become a part of the case file.

2. The written decision will contain:

a. A statement of the facts to be called "Findings of Facts";

b. A statement of conclusions to be called "Conclusions" and to include as much detail as the board feels is necessary to set out the reasons and basis for its decision; and

c. A statement, to be called "Decision and Order," which sets out the board's decision and order in the case.

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H. ~~Court review.~~ After receiving the board's decision on the case, the appellant may elect to pursue court review as provided for in the Administrative Process Act.

ARTICLE 3.

~~Procedures for Promulgating Regulations.~~

11 VAC 5-20-190. ~~Board procedures for promulgating regulations. (Repealed.)~~

~~The board shall promulgate regulations, in consultation with the director, in accordance with the provisions of the Administrative Process Act (Chapter 1.1:1 of Title 9 of the Code of Virginia).~~

~~1. The board will provide for a public participation process to be set out in "Guidelines for Public Participation in Regulation Development and Promulgation."~~

~~2. Public hearings may be held if the subject matter of a proposed regulation and the level of interest generated through the public participation process warrant them.~~

11 VAC 5-20-200. Procurement in general.

A. To promote the free enterprise system in Virginia, the State Lottery Department will purchase goods or services by using competitive methods whenever possible. In its operations and to ensure efficiency, effectiveness and economy, the department will consider using goods and services offered by private enterprise.

~~B. Reserved.~~

~~C. B.~~ The department may purchase goods or services which are under state term contracts established by the Department of General Services, Division of Purchases and Supply, when in the best interest of the State Lottery Department.

~~D. C.~~ When time permits, the department may publish notice of procurement actions in "Virginia Business Opportunities," published by the Department of General Services, Division of Purchases and Supply.

11 VAC 5-20-240. Invitations for Bids.

A. A written Invitation for Bids (IFB) may be used by the department to describe in detail the specifications, contractual terms and conditions which apply to a purchase of goods or services.

B. The IFB will list special qualifications needed by a vendor. It will describe the contract requirements and set the due date for bid responses.

1. The IFB may contain inspection, testing, quality, and other terms essential to the contract.

2. It may contain other optional data.

C. Public notice of the IFB shall be given.

1. The IFB may be mailed to potential bidders and to the Department of Minority Business Enterprise. In addition, it may be published in summary form stating where a full copy may be obtained in general circulation newspapers in areas where the contract will be performed. The IFB

shall be posted for not less than five working days at the department's ~~central office headquarters~~ in a public area used to post purchase notices, and shall be given to any other interested vendor.

2. The publication of the IFB notice will consider the means which will best serve the department's procurement needs and competition in the private sector.

~~D. Receiving IFB's.~~ 1. Bids shall be received until the date and time set forth in the IFB. 2. Late bids shall not be considered.

~~E. Opening IFB's.~~ The IFB may provide that bids shall be publicly opened. If bids are publicly opened, the following items shall be read aloud:

1. Name of bidder;

2. Unit or lot price, as applicable; and

3. Terms: discount terms offered, if applicable, and brand name and model number, if requested by attendees.

~~F. Evaluating IFB's.~~ The department shall evaluate each vendor bid.

1. The evaluation shall consider whether the bid responds to the factors in the IFB.

2. All bids which respond completely to the IFB shall be evaluated to determine which bid presents the lowest dollar price.

3. The vendor presenting the lowest price bid shall be evaluated to determine whether he is a responsible bidder.

~~G. Award of IFB contract.~~ The department shall award the contract to the lowest responsive and responsible bidder.

11 VAC 5-20-250. Sole source procurements.

A. A sole source procurement shall be made when there is only one source practicably available for goods or services. Because there is only one source practicably available, a sole source contract may be made without the use of an RFI, RFP, IFB or other competitive procurement process.

B. For a sole source procurement of *goods* of more than \$2,000 and *services* of \$5,000 but not more than \$15,000, the department will state in writing for the file that only one source was determined to be practicably available, the vendor selected, the goods or services procured, the date of the procurement and factors leading to the determination of sole source.

C. For a sole source procurement greater than \$15,000, on the day the director awards the procurement, he will post for not less than five working days a written statement in a public area used to post purchase notices at the department's ~~central office headquarters~~. The director will state in writing for the file that only one source was determined to be practicably available, the vendor selected, the goods and services procured for, the factors leading to the determination of sole source, and the date of the procurement.

11 VAC 5-20-260. Emergency purchase procurement.

A. An emergency purchase procurement shall be made when an unexpected, sudden, serious, or urgent situation demands immediate action. An emergency purchase may be used only to purchase goods or services necessary to meet the emergency; subsequent purchases must be obtained through normal purchasing procedures. Competitive procedures are not required to make an emergency purchase procurement.

B. For an emergency purchase of *goods* of more than \$2,000 and *services* of \$5,000 but not more than \$15,000, the department will state in writing the nature of the emergency, the vendor selected, the goods or services procured, the date of the procurement and factors leading to a determination of the emergency purchase.

C. For an emergency purchase greater than \$15,000, on the day the director awards the procurement, a written statement shall be posted for not less than five working days in a public area used to post purchase notices at the department's ~~central office~~ *headquarters*. The director will state in writing for the file the nature of the emergency, the vendor selected, the goods and services procured, the date of the procurement and factors leading to a determination of the emergency purchase.

11 VAC 5-20-270. Procedures for small purchases.

A. ~~Generally~~. Small purchases are those where the estimated one-time or annual contract for cost of goods or services does not exceed \$15,000.

B. ~~Price quotations~~. Price quotations may be obtained through oral quotations in person or by telephone without the use of an RFI, RFP or IFB.

C. ~~Written confirmation~~. If the contract is \$2,000 or less, no written confirmation is needed. Written price confirmation from the vendor is needed for small purchases over \$2,000.

D. Except in the case of an emergency under 11 VAC 5-20-260 or for purchases of goods of \$2,000 or less or services of \$5,000 or less, the department will attempt to obtain at least three quotations.

E. In letting small purchase contracts, the department may consider factors in addition to price.

11 VAC 5-20-400. Administration of contracts.

A. ~~Generally~~. The department will follow procedures in administering its contracts that will ensure that the vendor is complying with all terms and conditions of the contract.

B. ~~Records~~. The department shall keep all records relating to a contract for three years after the end of a contract.

1. The records shall include the requirements, a list of the vendors bidding, methods of evaluation, a signed copy of the contract, comments on vendor performance, and any other information necessary.
2. Records shall be open to the public except for proprietary information for which protection has been properly requested.

~~C. Change orders~~—1. Contracts may need to be adjusted for minor changes. The department may change the contract to correct errors, to add or delete small quantities of goods, or to make other minor changes.

2. 1. The department shall send the changes in writing to the vendor. Vendors who deviate from the contract without receiving the written changes from the department do so at their own risk.

3. 2. Modifications shall require the signature of the director or the signature of the designee granted authority to sign for the amount amended, except a contract may be modified for payment purposes by an amount not to exceed 10% of the total contract without a written change order or amendment. In no event shall a contract be modified for an amount of \$10,000 or 25%, whichever is greater, individually or cumulatively without approval and signature of the director. Modifications shall be effected by issuance of a letter in the form of a change order or amendment to the original agreement issued by the State Lottery Department and accepted by signature of the contractor. Such letter shall become part of the official contract.

4. ~~Reserved~~.

~~D. Cancellation orders~~. The department shall cancel orders in writing. Contracts may be cancelled if the vendor fails to fulfill his obligations as provided in 11 VAC 5-20-390 A and B.

~~E. Overshipments and overruns~~. The department may refuse to accept goods which exceed the number ordered. The goods may be returned to the vendor at the vendor's expense.

~~F. Inspection, acceptance and rejection of goods or services~~—1. The department shall be responsible for inspecting, accepting or rejecting goods or services under contract.

2. 1. In rejecting goods or services, the department will notify the vendor as soon as possible.

3. 2. The department will state the reasons for rejecting the goods or services and request prompt replacement.

4. 3. Replacement goods or services shall be made available at a date acceptable to the department.

~~G. Complaints~~. The department will report complaints in writing to the vendor as they occur. The reports will be part of the department's purchase records.

~~H. Invoice processing~~. To maintain good vendor relations and a competitive environment, the department will process invoices promptly. The department shall follow the requirements for prompt payment found in *Article 2.1 (§ 11-62.1 et seq.) of Chapter 7 of Title 11, Chapter 7, Article 2.1 of the Code of Virginia*. The department will use rules and regulations issued by the Department of Accounts to process invoices.

~~I. Default actions~~. Before the department finds a vendor in default of a contract, it will consider the specific reasons the vendor failed and the time needed to get goods or services from other vendors.

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~~J. Termination for convenience of the department.~~ 1. A purchase order or contract may be terminated for the convenience of the department by delivering to the vendor a notice of termination specifying the extent to which performance under the purchase order or contract is terminated, and the date of termination. After receipt of a notice of termination, the contractor must stop all work or deliveries under the purchase order or contract on the date and to the extent specified.

~~2. 1.~~ If the purchase order or contract is for commercial items sold in substantial quantities to the general public and no specific identifiable inventories were maintained exclusively for the department's use, no claims will be accepted by the department. Payment will be made for items shipped prior to receipt of the termination notice.

~~3. 2.~~ If the purchase order or contract is for items being produced exclusively for the use of the department, and raw materials or services must be secured by the vendor from other sources, the vendor shall order no additional materials or services except as may be necessary for completion of any portion of the work which was not terminated. The department may direct the delivery of the fabricated or unfabricated parts, work in process, completed work, supplies, and other material produced as a part of, or acquired in connection with the performance of the work, or direct the vendor to sell the same, subject to the department's approval as to price. The vendor may, with the approval of the department retain the same, and apply a credit to the claim. The vendor must complete performance on any part of the purchase order or contract which was not terminated.

4. 3. Within 120 days after receipt of the notice of termination, or such longer period as the department for good cause may allow, the vendor must submit any termination claims. This claim will be in a form and with certifications prescribed by the purchasing office that issued the purchase order. The claim will be reviewed and forwarded with appropriate recommendations to the requisitioning agency or the appropriate assistant attorney general, or both, for disposition in accordance with § 2.1-127 of the Code of Virginia.

11 VAC 5-20-410. Vendor background.

A. A vendor shall allow the department to check his background. The background check may extend to any on-line or instant ticket vendor employee working directly on a contract with the department, any parent or subsidiary corporation of the vendor and shareholders of 5.0% or more of the vendor, parent or subsidiary corporation. The check may include officers and directors of the vendor or parent or subsidiary corporation.

B. Before contracting with the department, the department may require a vendor to sign an agreement with the department to allow a criminal investigation of the entities and persons named in ~~11 VAC 5-20-410 subsection A of this section.~~

C. The vendor shall allow the department to audit, inspect, examine or photocopy the vendor's records related to the

State Lottery Department business during normal business hours.

11 VAC 5-20-420. Ethics in contracting.

A. ~~Generally.~~ Except for more stringent requirements set forth in this section, the department will follow the ethics in public contracting requirements of the Virginia Public Procurement Act, *Article 4 (§ 11-72 et seq.) of Chapter 7 of Title 11, Chapter 7, Article 4* of the Code of Virginia.

~~B. Employee role with vendors prohibited.~~ A department employee who has responsibility to buy from vendors may not:

1. Be employed by a vendor at the same time;

2. Have a business associate or a member of his household be an officer, director, trustee, partner or hold a similar position with a vendor or play a role in soliciting contracts for vendors;

3. Himself or his business associate or a member of his household own or control an interest in a vendor of at least 5.0%;

4. Himself or his business associate or a member of his household have a personal interest in a contract procured for the department; or

5. Himself or his business associate or a member of his household negotiate or have an arrangement about prospective employment with a vendor.

~~C. Offers, requests, or acceptance of gifts.~~ No vendor or employee of the department involved in purchasing will offer, request or accept, at the present or in the future, any payment, loan, advance, deposit of money, services or anything of more than nominal value for which nothing of comparable value is exchanged.

D. Kickbacks. No vendor will demand or receive from any of his suppliers or subcontractors, as an incentive for a contract, any kickback.

~~E. Vendors to give certified statement on ethics in contracting.~~ Each vendor shall give the department a certified statement that the proposal, bid, or contract or any claim is not the result of, or affected by, collusion with another vendor. The statement will also state that no act of fraud has been involved in negotiating, signing and meeting the contract.

~~F. Department employees to give notice of subsequent employment with vendors.~~ Any department employee or former employee who dealt in an official capacity with vendors on procurement actions who intends to accept employment from any such vendor within one year of terminating his employment with the department shall give notice to the director of his intention prior to his first day of employment with the vendor.

G. Any contract which violates the contracting ethics in the Code of Virginia and these regulations ~~this chapter~~ may be voided and rescinded immediately by the department.

11 VAC 5-20-450. Appeals, protests, time frames and remedies related to solicitation and award of contracts.

A. If a vendor is considered ineligible or disqualified, the vendor may appeal the department's decision.

1. The written appeal shall be filed within 10 days after the vendor receives the department's decision.
2. If appealed and the department's decision is reversed, the sole relief will be to consider the vendor eligible for the particular contract.

B. If a vendor is not allowed to withdraw a bid in certain circumstances, the vendor may appeal the department's decision.

1. The written appeal shall be filed within 10 days after the vendor receives the department's decision.
2. If no bond has been posted by the vendor, then before appealing the department's decision the vendor shall provide to the department a certified check or cash bond for the amount of the difference between the bid sought to be withdrawn and the next lowest bid.
 - a. The certified check shall be payable to the State Lottery Department.
 - b. The cash bond shall name the State Lottery Department as obligor.
 - c. The security shall be released if the vendor is allowed to withdraw the bid or if the vendor withdraws the appeal and agrees to accept the bid or if the department's decision is reversed.
 - d. The security shall go to the State Lottery Department if the vendor loses all appeals and fails to accept the contract.

3. If appealed and the department's decision is reversed, the sole relief shall be to allow the vendor to withdraw the bid.

C. If a vendor is considered not responsible for certain contracts, Any vendor, despite being the low bidder, may be determined not to be responsible for a particular contract.

1. The vendor may appeal the department's decision. The written appeal shall be filed within 10 days after the vendor receives the department's decision.
2. If appealed and the department's decision is reversed, the sole relief shall be that the vendor is a responsible vendor for the particular contract under appeal.
3. A vendor protesting the department's decision that he is not responsible, shall appeal under this section and shall not protest the award or proposed award under subsection D of this section.
4. Nothing contained in this subsection shall be construed to require the department to furnish a statement of the reasons why a particular proposal was not deemed acceptable.

D. If a vendor protests an award or decision. Any vendor or potential vendor may protest the award or the department's decision to award a contract.

1. The written protest shall be filed within 10 days after the award on the announcement of the decision to award is posted or published, whichever occurs first.

2. If the protest depends upon information contained in public records pertaining to the purchase, then a 10-day time limit for a protest begins to run after the records are made available to the vendor for inspection, so long as the vendor's request to inspect the records is made within 10 days after the award or the announcement of the decision to award is posted or published, whichever occurs first.

3. No protest can be made that the selected vendor is not a responsible vendor. The only grounds for filing a protest are (i) that a procurement action was not based upon competitive principles, or (ii) that a procurement action violated the standards of ethics promulgated by the board.

4. If, prior to an award, it is determined by the director that the department's decision to award the contract is erroneous, the only relief will be that the director will cancel the proposed award or revise it.

5. No protest shall delay the award of a contract.

6. Where the award has been made, but the work has not begun, the director may stop the contract. Where the award has been made and the work begun, the director may decide that the contract is void if voiding the contract is in the best interest of the public. Where a contract is declared void, the performing vendor will be paid for the cost of work up to the time when the contract was voided. In no event shall the performing vendor be paid for lost profits.

11 VAC 5-20-460. Appeals, time frames and remedies related to contract disputes and claims.

A. Generally. In the event a vendor has a dispute with the department over a contract awarded to him, he may file a written claim with the director.

B. Contract-claims. Claims for money or other relief, shall be submitted in writing to the director, and shall state the reasons for the action.

1. All vendor's claims shall be filed no later than 30 days after final payment is made by the department.

2. If a claim arises while a contract is still being fulfilled, a vendor shall give a written notice of the vendor's intention to file a claim. The notice shall be given to the director at the time the vendor begins the disputed work or within 10 days after the dispute occurs.

3. Nothing in this chapter shall keep a vendor from submitting an invoice to the department for final payment after the work is completed and accepted.

4. Pending claims shall not delay payment from the department to the vendor for undisputed amounts.

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5. The director's decision will state the reasons for the action.

C. ~~Claims relief.~~ Relief from administrative procedures, liquidated damages, or informalities may be given by the director. The circumstances allowing relief usually result from acts of God, sabotage, and accidents, fire or explosion not caused by negligence.

11 VAC 5-20-470. Form and content of appeal to the director.

A. ~~Form for appeal.~~ The vendor shall make the appeal to the director in writing. The appeal shall be mailed *or hand delivered* to the State Lottery Director, *at the headquarters of the State Lottery Department, P.O. Box 4680, Richmond, Virginia 23220 or hand delivered to the department's central office at 900 East Main Street, Richmond, Virginia 23219.*

B. ~~Content of appeal.~~ The appeal shall state the:

1. Decision of the department which is being appealed;
2. Basis for the appeal;
3. Contract number;
4. Other information which identifies the contract; and
5. Reasons for the action.

C. ~~Vendor notification.~~ The director's decision on an appeal will be sent to the vendor by certified mail, return receipt requested.

1. The director shall follow the time limits in ~~the regulations this chapter~~ and shall not make exceptions to the filing periods for the vendor's appeal and rendering the director's decision.
2. The director's decision will state the reasons for the action.

11 VAC 5-20-480. State Lottery Department appeal hearing procedures.

A. ~~Generally.~~ The director or the appointed hearing officer will conduct a hearing on every appeal within 45 days after the appeal is filed with the director. The hearings before the State Lottery Department are not trials and shall not be conducted like a trial.

1. The Administrative Process Act does not apply to the hearings.
2. The hearings shall be informal. The vendor and the department will be given a reasonable time to present their position.
3. Legal counsel may represent the vendor or the department. Counsel is not required.
4. The director may exclude evidence which he determines is repetitive or not relevant to the dispute under consideration.
5. The director may limit the number of witnesses, testimony and oral presentation in order to hear the appeal in a reasonable amount of time.

6. Witnesses may be asked to testify. The director does not have subpoena power. No oath will be given.

7. The director may ask questions at any time. The director may not question the vendor in closed session.

B. ~~Public hearings for appeals.~~ 1. Hearings shall be open to the public.

1. The director may adjourn the public hearing to discuss and reach his decision in private.

2. The hearings shall be electronically recorded. The department will keep the recordings for 60 days.

3. A court reporter may be used. The court reporter shall be paid by the person who requested him.

a. The court reporter's transcript shall be given to the director at no expense, unless the director requests the use of a court reporter.

b. The transcript shall become part of the department's records.

C. ~~Order during the hearing.~~ Unless the director determines otherwise, hearings will be in the following order:

1. The vendor will explain his reasons for appealing and the desired relief.

2. The vendor will present his witnesses and evidence. The director and the department will be able to ask questions of each witness.

3. The department will present its witnesses and evidence. The appellant may ask questions of each party and witness.

4. After all evidence has been presented, the director shall reach his decision in private.

11 VAC 5-20-490. Notice, time and place of hearings.

A. ~~Notice and setting the time.~~ All people involved in the hearing will be given at least 10 days notice of the time and place of the appeal hearing.

1. Appeals may be heard sooner if everyone agrees.

2. In scheduling hearings, the director may consider the desires of the people involved in the hearing.

B. ~~Place of hearings.~~ All hearings shall be held in Richmond, Virginia, unless the director decides otherwise.

11 VAC 5-20-500. Who may take part in the appeal hearing.

A. ~~Generally.~~ The director may request specific people to take part in the hearing.

B. ~~Hearings on ineligibility, disqualification, responsibility or denial of a request to withdraw a bid.~~ The protesting vendor and the department shall participate *in hearings on ineligibility, disqualification, responsibility, or denial of a request to withdraw a bid.*

C. ~~Hearings on claims or disputes.~~ The protesting vendor and the department shall participate *in hearings on claims or disputes.*

11 VAC 5-20-510. Director's decision.

A. Generally. The director will issue a written decision within 30 days after the hearing date except for hearings with a court reporter.

B. Hearings with court reporter. For hearings with a court reporter, the director's decision will be issued within 30 days after a transcript of the hearing is received by the director if a transcript is prepared. There is no requirement that a transcript be made, even if services of a court reporter are used for the hearing.

C. Format of decision: shall include:

1. The director's decision will include a brief statement of the facts. This will be called "Findings of Fact."
2. The director will give his decision. The decision will include as much detail as the director feels is necessary to set out reasons for his decision.
3. The decision will be signed by the director.

D. Copies of the decision. Copies will be mailed to the appealing vendor, all other vendors who participated in the appeal and the department. The director will give copies of the decision to other people who request it.

11 VAC 5-20-520. Appeal to courts.

A. The department is not subject to the Virginia Public Procurement Act. Thus, a vendor has no automatic right of appeal of a decision to award, an award, a contract dispute, or a claim with the department.

B. Nothing in these regulations this chapter shall prevent the director from taking legal action against a vendor.

NOTICE: The forms used in administering 11 VAC 5-20-10 et seq., Administration Regulations, are not being published; however, the name of each form is listed below. The forms are available for public inspection at the State Lottery Department, 900 East Main Street, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 910 Capitol Square, 2nd Floor, Richmond, Virginia.

Informal Conference Request. (rev. 7/93).

Formal Administrative Hearing Request.

State Lottery Department Agency Purchase Order.

VA.R. Doc No. R96-346; Filed May 7, 1996; 1:40 p.m

Title of Regulation: 11 VAC 5-30-10 et seq. Instant Game Regulations (amending 11 VAC 5-30-10 through 11 VAC 5-30-90, 11 VAC 5-30-110, 11 VAC 5-30-130, 11 VAC 5-30-150, 11 VAC 5-30-180, 11 VAC 5-30-290, 11 VAC 5-30-300, 11 VAC 5-30-330, 11 VAC 5-30-380, 11 VAC 5-30-390, 11 VAC 5-30-490, 11 VAC 5-30-530, 11 VAC 5-30-540, 11 VAC 5-30-580, 11 VAC 5-30-590, and 11 VAC 5-30-610 through 11 VAC 5-30-640; and repealing 11 VAC 5-30-240, 11 VAC 5-30-360, 11 VAC 5-30-400, and 11 VAC 5-30-480).

Statutory Authority: § 58.1-4007 of the Code of Virginia.

Public Hearing Date: August 28, 1996 - 9:30 a.m.

Public comments may be submitted until July 26, 1996. (See Calendar of Events section for additional information)

Basis: Section 58.1-4007 of the Code of Virginia authorizes the State Lottery Board "to adopt and promulgate regulations governing the establishment and operation of the lottery." The section further states that these regulations may be amended and shall include, but are not limited to, the licensing of agents to sell tickets and the manner of payment of prizes.

Section 58.1-4012 provides that the director may suspend, revoke or refuse to renew a lottery retailer's license based upon enumerated factors, including those established by department regulation.

Purpose: The purpose of the amendments is to clarify the grounds which currently exist for revoking a lottery retailer's license; to specify the disposition of invalid free ticket prizes; to eliminate the use of claim forms, except under unusual circumstances; to authorize players to cash winning tickets at Lottery headquarters, previously prohibited; to simplify regulations by removing provisions which duplicate those contained in, but which are not mandated by, the Code of Virginia; and to incorporate technical and housekeeping revisions discovered as a result of preparation for the new Virginia Administrative Code. The proposed regulations will have no effect on the public's health or safety, but will simplify and clarify the language for ease of understanding and enhanced customer service.

Substance: The key amendments to these regulations are as follows:

1. 11 VAC 5-30-110 clarifies that the grounds for revoking or suspending a lottery retailer's license include failure to maintain sufficient funds in his lottery account for ticket sales. No change is made to current Lottery operational practice because the current regulations provide penalties for failure to properly account for the proceeds and discuss details of deposit of receipts.
2. 11 VAC 5-30-380 clarifies that invalid free ticket prizes revert to the State Lottery Fund. Invalid tickets are those purchased by individuals who are ineligible to play the lottery games. Disposition of invalid free ticket prizes was inadvertently omitted when the regulation was first promulgated; only cash prizes were addressed. Free ticket prizes have a minimal cash value which will revert, as do invalid cash prizes, to the State Lottery Fund.
3. 11 VAC 5-30-390, 11 VAC 5-30-490, 11 VAC 5-30-540, 11 VAC 5-30-590 and 11 VAC 5-30-620 eliminate the requirement for a claim form to redeem prizes, except under unusual circumstances. This will simplify the process for cashing prizes and will eliminate unnecessary paperwork for both the player and the Lottery.
4. 11 VAC 5-30-590 authorizes players to cash winning tickets at Lottery headquarters. Currently, regulations permit winning tickets to be cashed only at lottery retail locations, lottery regional offices or by mail.

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5. 11 VAC 5-30-130, 11 VAC 5-30-240, 11 VAC 5-30-360, 11 VAC 5-30-400 and 11 VAC 5-30-480 eliminate sections which duplicate provisions contained in, but which are not mandated by, the Code of Virginia.

6. Numerous sections incorporate technical and housekeeping changes, including reference to regulations as "chapters" and deletion of subsection catchlines.

Issues: The proposed amendments made to the Instant Game Regulations simplify and clarify the language. Proposed amendments that eliminate use of claim forms and permit cashing of prizes at Lottery headquarters will provide better service to players and will result in less paperwork for players, retailers and the department. There are no other changes to Lottery policies or procedures; therefore, no negative response to these regulatory amendments is anticipated. The primary advantage to the public and to the department of the proposed regulations is that the language is simplified and clarified which will enhance customer service. There are no disadvantages anticipated for either the public or the department.

Economic Impact: The elimination of use of claim forms will result in a savings in the printing costs of the documents, estimated at \$20,000 to \$30,000 per year. Because the remainder of the revisions are primarily technical in nature, no further economic impact is projected. These regulations, however, apply to all lottery game players, approximately 5,500 lottery retailers and employees of the State Lottery Department. There is no family impact.

Department of Planning and Budget's Economic Impact Analysis:

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 9-6.14:7.1 G of the Administrative Process Act and Executive Order Number 13 (94). Section 9-6.14:7.1 G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply; the identity of any localities and types of businesses or other entities particularly affected; the projected number of persons and employment positions to be affected; and the projected costs to affected businesses or entities to implement or comply with the regulation. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the Proposed Regulation

The proposed amendments modify the current State Lottery Instant Game Regulations so as to:

1. Specify that failure to properly deposit the proceeds of the sale of lottery tickets constitutes grounds for revoking or suspending a lottery retailer's license;
2. Clarify that invalid free ticket prizes revert to the State Lottery Fund;
3. Change the stipulation that a claim form "shall be required" to claim any prize from a State Lottery Department (SLD) office to "may be required";

4. Permit players, under certain circumstances, to cash winning tickets at any SLD office rather than only regional offices and the central office;

5. Delete language stating that it is a misdemeanor to fraudulently provide information on a lottery retailer application form;

6. Delete that portion of the regulation which prohibits sales of lottery tickets to minors;

7. Delete that portion of the regulation which prohibits payment of lottery prizes to minors;

8. Delete that portion of the regulation which prohibits assignment of right to prize; and

9. Delete that portion of the regulation addressing penalties for counterfeiting or altering lottery tickets;

Estimated Economic Impact

Items 1 and 2

The proposed amendments contained in Items 1 and 2 are essentially clarifications of the current regulation and are not anticipated to have a substantial economic impact.

Item 3

According to estimates provided by SLD, the proposed elimination of claim forms in most circumstances would reduce the printing costs incurred by SLD by approximately \$20,000 to \$30,000 annually. In addition, this proposed change would simplify procedures for claiming prizes and reduce the expenditure of time and effort required of winning lottery players.

Item 4

Although increasing the number of SLD locations at which lottery players can cash winning tickets reduces the costs associated with claiming prizes, it is not anticipated to have economic consequences and, therefore, not anticipated to have an economic impact.

Items 5 through 9

The proposed amendments contained in Items 5 through 9 delete portions of the current regulation that repeat various statutory provisions found elsewhere. As such, these deletions will not alter current statutory proscriptions against these actions, and will have no economic impact.

Projected Number of Businesses or Other Entities to Whom the Regulation will Apply

The proposed regulation would apply to all lottery game players and vendors, and the approximately 5,500 lottery retailers.

Localities and Types of Businesses Particularly Affected

No localities are particularly affected. The proposed regulation does affect lottery vendors and retailers.

Projected Employment Effects

The proposed regulation is not anticipated to have a significant effect on employment.

Agency's Response to Department of Planning and Budget's Economic Impact Analysis:

The State Lottery Department agrees with the economic impact analysis prepared by the Department of Planning and Budget.

Summary:

The proposed amendments (i) clarify that the grounds for revoking a lottery retailer's license include failure to maintain sufficient funds to pay for lottery tickets; (ii) specify the disposition of invalid free ticket prizes; (iii) eliminate the use of claim forms, except in certain unusual circumstances; (iv) authorize players to cash winning tickets at Lottery headquarters in addition to cashing tickets at lottery regional offices and lottery retail locations; (v) simplify regulations by removing provisions which duplicate those contained in, but which are not mandated by, the Code of Virginia; and (vi) incorporate numerous technical and housekeeping revisions required as a result of preparation for the new Virginia Administrative Code.

11 VAC 5-30-10. Definitions; licensing.

A. The words and terms, when used in any of the department's regulations, shall have the same meaning as defined in this chapter, unless the context clearly indicates otherwise.

A. B. Definitions for instant games: are as follows:

"Altered ticket" means a lottery ticket which has been forged, counterfeited or altered.

"Bearer instrument" means a lottery ticket which has not been signed by or on behalf of a person or a legal entity. Any prize won on an unsigned ticket is payable to the holder, or bearer, of that ticket.

"Book" or "ticket book" means the same thing as "pack."

"Damaged ticket" means a lottery ticket pulled from distribution by the department due to poor quality, e.g., bent, torn or defaced, thereby rendering it unfit to play.

"Erroneous ticket" means a lottery ticket which contains an unintentional manufacturing or printing defect. A player holding such a lottery ticket is entitled to a replacement ticket of equal value.

"Game" means any individual or particular type of lottery authorized by the board.

"Instant game" means a game that uses preprinted tickets with a latex covering over a portion of the ticket. The covering is scratched off by the player to reveal immediately whether the player has won a prize or entry into a prize drawing. An instant game may include other types of non-on-line lottery games.

"Instant ticket" means an instant game ticket with a latex covering the game symbols located in the play area. Each ticket has a unique validation number and ticket number.

"License approval notice" means the form sent to the retailer by the lottery department notifying him that his

application for a license has been approved and giving him instructions for obtaining the required surety bond and setting up his lottery bank account.

"Lottery retailer" or "lottery sales retailer" or "retailer" means a person licensed by the director to sell and dispense lottery tickets, materials or lottery games for instant lottery games or for both instant and on-line lottery games.

"Low-tier winner" or "low-tier winning ticket" means an instant game ticket which carries a cash prize of \$25 or less or a prize of additional unplayed instant tickets.

"Manufactured omitted tickets" means those tickets pulled from distribution due to poor quality by the manufacturer prior to distribution to the department.

"Omitted tickets" means those tickets pulled from distribution by the department for testing purposes and quality assurance.

"Pack" generally means a set quantity of individually wrapped unbroken, consecutively numbered, fanfolded instant game tickets which all bear an identical book or pack number which is unique to that book or pack among all the tickets printed for a particular game.

"Player" means a person who is a lottery customer who has purchased or intends to purchase any lottery ticket or tickets for a specific lottery game or drawing, or an agent or representative of such person. Licensed lottery retailers and their employees may be a lottery customer; however, they may not act as agents or representatives of a player.

"Prize" means any cash or noncash award to holders of winning instant or on-line tickets.

"Retailer," as used in this chapter, means a licensed instant lottery retailer, unless the context clearly requires otherwise.

"Ticket" or "tickets" means a lottery instant game preprinted ticket which is identifiable to a particular game or drawing.

"Ticket number" means the preprinted unique number or combination of letters and numbers which identifies that particular ticket as one within a particular game or drawing.

"Validation" means the process of determining whether a lottery ticket is a winning ticket.

"Validation number" means the unique number or number-and-letter code printed on the front of an instant ticket sometimes under a latex covering bearing the words "Do not remove," "Void if removed" or similarly worded label, or the unique number assigned by the on-line central computer and printed on the front of each on-line ticket.

~~B. Licensing of retailers for instant games.~~ C. The director may license as lottery retailers for instant games persons who will best serve the public convenience and promote the sale of tickets and who meet the eligibility criteria and standards for licensing.

For purposes of this part on licensing, "person" means an individual, association, partnership, corporation, club, trust, estate, society, company, joint stock company, receiver,

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trustee, assignee, referee, or any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of individuals. "Person" also means all departments, commissions, agencies and instrumentalities of the Commonwealth, including its counties, cities, and towns.

11 VAC 5-30-20. Eligibility.

~~A. Eighteen years of age and bondable.~~ Any person who is 18 years of age or older and who is bondable may submit an application for licensure, except no person may submit an application for licensure:

1. Who will be engaged primarily in the business of selling lottery tickets;
2. Who is a board member, officer or employee of the State Lottery Department or who resides in the same household as a board member, officer or employee of the department; or
3. Who is a vendor of lottery tickets or material or data processing services, or whose business is owned by, controlled by, or affiliated with a vendor of lottery tickets or materials or data processing services.

~~B. Application not an entitlement to license.~~ The submission of an application for licensure does not in any way entitle any person to receive a license to act as a lottery retailer.

11 VAC 5-30-30. Application procedure.

Any eligible person shall first file an application with the department on forms supplied for that purpose, along with the required fees as specified elsewhere in ~~these regulations~~ *this chapter*. The applicant shall complete all information on the application forms in order to be considered for licensing. The forms to be submitted include:

1. Retailer License Application;
2. Personal Data Form(s); and
3. Retailer Location Form.

~~State Lottery Law makes falsification, concealment or misrepresentation of a material fact, or making a false, fictitious or fraudulent statement or representation in an application for a license a misdemeanor.~~

11 VAC 5-30-40. General standards for licensing.

~~A. Selection factors for licensing.~~ The director may license those persons who, in his opinion, will best serve the public interest and public trust in the lottery and promote the sale of lottery tickets. The director will consider the following factors before issuing or renewing a license:

1. The financial responsibility and security of the applicant, to include:
 - a. A credit and criminal background investigation;
 - b. Outstanding delinquent state tax liability;
 - c. Required business licenses, tax and business permits; and

- d. Physical security at the place of business, including insurance coverage.

2. The accessibility of his place of business to the public, to include:

- a. The hours of operation;
- b. The availability of parking and transit routes, where applicable;
- c. The location in relation to major employers, schools, or retail centers;
- d. The population level and rate of growth in the market area; and
- e. The traffic density, including levels of congestion in the market area.

3. The sufficiency of existing lottery retailers to serve the public convenience, to include:

- a. The number of and proximity to other lottery retailers in the market area;
- b. The expected sales volume and profitability of potentially competing lottery retailers; and
- c. The adequacy of coverage of all regions of the Commonwealth with lottery retailers.

4. The volume of expected lottery ticket sales, to include:

- a. Type and volume of the products and services sold by the retailer;
- b. Dollar sales volume of business;
- c. Sales history of business and market area; and
- d. Volume of customer traffic in place of business.

5. The ability to offer high levels of customer service to instant lottery players, to include:

- a. Ability to display point of sale material;
- b. A favorable image consistent with lottery standards;
- c. Ability to pay prizes during maximum selling hours; and
- d. Commitment to authorize employee participation in all required instant lottery training.

~~B. Additional factors for selection.~~ The director may develop and, by administrative order, publish additional criteria which, in his judgment, are necessary to serve the public interest and public trust in the lottery.

11 VAC 5-30-50. Bonding of lottery retailers.

~~A. Approved retailer to secure bond.~~ A lottery retailer approved for licensing shall obtain a surety bond from a surety company entitled to do business in Virginia. The purpose of the surety bond is to protect the Commonwealth from a potential loss in the event the retailer fails to perform his responsibilities.

1. Unless otherwise provided under subsection C of this section, the surety bond shall be in the amount and

penalty of \$5,000 and shall be payable to the State Lottery Department and conditioned upon the faithful performance of the lottery retailer's duties.

2. Within 15 calendar days of receipt of the "License Approval Notice," the lottery retailer shall return the properly executed "Bonding Requirement" portion of the "License Approval Notice" to the State Lottery Department to be filed with his record.

B. Continuation of surety bond on annual license review. A lottery retailer whose license is being reviewed shall:

1. Obtain a letter or certificate from the surety company to verify that the surety bond is being continued for the annual license review period; and

2. Submit the surety company's letter or certificate with the required annual license fee to the State Lottery Department.

C. Sliding scale for surety bond amounts. The department may establish a sliding scale for surety bonding requirements based on the average volume of lottery ticket sales by a retailer to ensure that the Commonwealth's interest in tickets to be sold by a licensed lottery retailer is adequately safeguarded.

D. Effective date for sliding scale. The sliding scale for surety bonding requirements will become effective when the director determines that sufficient data on lottery retailer ticket sales volume activity are available. Any changes in a retailer's surety bonding requirements that result from instituting the sliding scale will become effective only at the time of the retailer's next annual license review action.

11 VAC 5-30-60. Lottery bank accounts and electronic funds transfer (EFT) authorization.

A. Approved retailer to establish lottery bank account. A lottery retailer approved for licensing shall establish a separate bank account to be used exclusively for lottery business in a bank participating in the Automatic Clearing House (ACH) system.

B. Retailer's use of lottery account. The lottery account will be used by the retailer to make funds available to permit withdrawals and deposits initiated by the department through the electronic funds transfer (EFT) process to settle a retailer's account for funds owed or due from the purchase of tickets and the payment of prizes. All retailers shall make payments to the department through the electronic funds transfer (EFT) process unless the director designates another form of payment and settlement under terms and conditions he deems appropriate.

C. Retailer responsible for bank charges. The retailer shall be responsible for payment of any fees or service charges assessed by the bank for maintaining the required account.

D. Retailer to authorize electronic funds transfer. Within 15 calendar days of receipt of the "License Approval Notice," the lottery retailer shall return the properly executed "Electronic Funds Transfer Authorization" portion of the "License Approval Notice" to the department to record establishment of his account.

E. Change in retailer's bank account. If a retailer finds it necessary to change his bank account from one bank to another, he must submit a newly executed "Electronic Funds Transfer Authorization" form for the new bank account. The retailer may not discontinue use of his previously approved bank account until he receives notice from the department that the new account is approved for use.

F. Director to establish EFT account settlement schedule. The director will establish a schedule for processing the EFT transactions against retailers' lottery bank accounts and issue instructions to retailers on how settlement of accounts will be made.

11 VAC 5-30-70. License term and annual review.

A. License term. A general license for an approved lottery retailer shall be issued on a perpetual basis subject to an annual determination of continued retailer eligibility and the payment of an annual fee fixed by the board.

B. Annual license review. The annual fee shall be collected within the 30 days preceding a retailer's anniversary date. Upon receipt of the annual fee, the general license shall be continued so long as all eligibility requirements are met. The director may implement a staggered, monthly basis for annual license reviews and allow for the proration of annual license fees. This section shall not be deemed to allow for a refund of license fees when a license is terminated, revoked or suspended for any other reason.

C. Reserved.

D. Amended license term. C. The annual fee for an amended license issued under the requirements of 11 VAC 5-30-90 will be due on the same date as the fee for the license it replaced.

E. Special license. D. The director may issue special licenses to persons for specific events and activities. Special licenses shall be for a limited duration and under terms and conditions that he determines appropriate to serve the public interest. Instant game lottery retailers currently licensed by the department are not required to obtain an additional surety bond for the purposes of obtaining a special event license.

F. Surrender of license certificate. E. If the license of a lottery retailer is suspended, revoked or not continued from year to year, the lottery retailer shall surrender the license certificate upon demand.

11 VAC 5-30-80. License fees.

A. License application fee. The fee for a license application for a lottery retailer general license to sell instant game tickets shall be \$25, unless otherwise determined by the board. The general license fee to sell instant game tickets shall be paid for each location to be licensed. This fee is nonrefundable.

B. License fee. The annual fee for a lottery retailer general license to sell instant game tickets shall be an amount fixed by the board at its November meeting for all annual license reviews occurring in the next calendar year. The fee shall be designed to recover all or a portion of the annual costs of the department in providing services to the retailer. The fee shall be paid for each location for which a license is reviewed.

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This fee is nonrefundable. The fee shall be submitted within the 30 days preceding a retailer's anniversary date.

~~C. Amended license application fee.~~ The fee for processing an amended license application for a lottery retailer general license shall be an amount as approved by the board at its November meeting for all amendments occurring in the next calendar year. The amended license fee shall be paid for each location affected. This fee is nonrefundable. An amended license application shall be submitted in cases where a business change occurs as specified in 11 VAC 5-30-90 B.

11 VAC 5-30-90. Transfer of license prohibited; invalidation of license.

~~A. License not transferrable.~~ A license issued by the director authorizes a specified person to act as a lottery retailer at a specified location as set out in the license. The license is not transferrable to any other person or location.

~~B. License invalidated.~~ A license shall become invalid for any of the following reasons:

1. Change in business location;
2. Change in business structure (e.g., from a partnership to a sole proprietorship); or
3. Change in the business owners listed in the original application form for which submission of a Personal Data Form is required under the license application procedure.

~~C. Amended application required.~~ A licensed lottery retailer who anticipates a change as listed in subsection B of *this section* shall notify the department of the anticipated change at least 30 calendar days before it takes place and submit an amended application. The director shall review the changed factors in the same manner that would be required for a review of an original application.

11 VAC 5-30-110. Denial, suspension, revocation or noncontinuation of license.

~~A. Grounds for refusal to license.~~ The director may refuse to issue a license to a person if the person does not meet the eligibility criteria and standards for licensing as set out in this chapter or if:

1. The person has been convicted of a felony;
2. The person has been convicted of a crime involving moral turpitude;
3. The person has been convicted of any fraud or misrepresentation in any connection;
4. The person has been convicted of bookmaking or other forms of illegal gambling;
5. The person has been convicted of knowingly and willfully falsifying, or misrepresenting, or concealing a material fact or makes a false, fictitious, or fraudulent statement or misrepresentation;
6. The person's place of business caters to or is frequented predominantly by persons under 18 years of age, but excluding family-oriented businesses;

7. The nature of the person's business constitutes a threat to the health or safety of prospective lottery patrons;

8. The nature of the person's business is not consonant with the probity of the Commonwealth;

9. The person has committed any act of fraud, deceit, misrepresentation, or conduct prejudicial to public confidence in the state lottery; or

10. The person has been suspended permanently from a federal or state program and that person has exhausted all administrative actions pursuant to the respective agency's regulations.

~~B. Grounds for refusal to license partnership or corporation.~~ The director may refuse to issue a license to any partnership or corporation if he finds that any general or limited partner or officer or director of the partnership or corporation does not meet the eligibility criteria and standards for licensing as set out in this chapter or if any general or limited partner or officer or director of the partnership or corporation has been convicted of any of the offenses cited in subsection A of *this section*.

~~C. Appeals of refusal to license.~~ Any person refused a license under subsection A or B of *this section* may appeal the director's decision in the manner provided by 11 VAC 5-20-150.

~~D. Grounds for suspension, revocation or refusal to continue license.~~ The director may suspend, revoke, or refuse to continue a license for any of the following reasons:

1. Failure to properly *deposit the proceeds of the sale of lottery tickets or to properly account for lottery tickets received*, or for prizes claimed and paid ~~or for the proceeds of the sale of lottery tickets~~;
2. Failure to file or maintain the required bond or the required lottery bank account;
3. Failure to comply with applicable laws, instructions, terms and conditions of the license, or rules and regulations of the department concerning the licensed activity, especially with regard to the prompt payment of claims;
4. Conviction, following the approval of the license, of any of the offenses cited in subsection A of *this section*;
5. Failure to file any return or report or to keep records or to pay any fees or other charges as required by the state lottery law or the rules and regulations of the department;
6. Commission of any act of fraud, deceit, misrepresentation, or conduct prejudicial to public confidence in the state lottery;
7. Failure to maintain lottery ticket sales at a level sufficient to meet the department's administrative costs for servicing the retailer, provided that the public convenience is adequately served by other retailers;
8. Failure to notify the department of a material change, after the license is issued, of any matter required to be

considered by the director in the licensing application process;

9. Failure to comply with lottery game rules;

10. Failure to meet minimum point of sale standards;

11. The person's place of business caters to or is frequented predominantly by persons under 18 years of age, but excluding family-oriented businesses;

12. The nature of the person's business constitutes a threat to the health or safety of prospective lottery patrons;

13. The nature of the person's business is not consonant with the probity of the Commonwealth; or

14. Permanent revocation or suspension from any federal or state program whereby all administrative procedures pursuant to the respective agency's regulations were exhausted.

~~E. Notice of intent to suspend, revoke or deny continuation of license.~~ Before taking action under subsection D of this section, the director will notify the retailer in writing of his intent to suspend, revoke or deny continuation of the license. The notification will include the reason or reasons for the proposed action and will provide the retailer with the procedures for requesting a hearing before the board. Such notice shall be given to the retailer at least 14 calendar days prior to the effective date of suspension, revocation or denial.

~~F. Temporary suspension without notice.~~ If the director deems it necessary in order to serve the public interest and maintain public trust in the lottery, he may temporarily suspend a license without first notifying the retailer. Such suspension will be in effect until any prosecution, hearing or investigation into possible violations is concluded.

~~G. Surrender of license and lottery property upon revocation or suspension.~~ A retailer shall surrender his license to the director by the date specified in the notice of revocation or suspension. The retailer shall also surrender the lottery property in his possession and give a final lottery accounting of his lottery activities by the date specified by the director.

11 VAC 5-30-130. Display of material.

~~A. Material in general view.~~ Lottery retailers shall display lottery point-of-sale material provided by the director in a manner which is readily seen by and available to the public.

~~B. Prior approval for retailer-sponsored material.~~ A lottery retailer may use or display his own promotional and point-of-sale material, provided it has been submitted to and approved for use by the department in accordance with instructions issued by the director.

~~C. Removal of unapproved material.~~ The director may require removal of any retailer's lottery material that has not been approved for use by the department.

11 VAC 5-30-150. Examination of records: seizure of records.

~~A. Inspection, auditing or copying of records.~~ Each lottery retailer shall make all books and records pertaining to his

lottery activities available for inspection, auditing or copying as required by the director between the hours of 8 a.m. and 5 p.m., Mondays through Fridays and during the normal business hours of the licensed retailer.

~~B. Records subject to seizure.~~ All books and records pertaining to the licensed retailer's lottery activities may be seized with good cause by the director without prior notice.

11 VAC 5-30-180. Deposit of lottery receipts; interest and penalty for late payment; dishonored electronic funds transfer (EFT) transfers or checks.

~~A. Forms of payment for tickets; deposit of lottery receipts.~~ Each lottery retailer shall purchase the tickets distributed to him. The moneys for payment of these tickets shall be deposited to the credit of the State Lottery Fund by the department. The retailer shall make payments to the department by Electronic Funds Transfers (EFT); however, the director reserves the right to specify one or more of the following alternative forms of payment under such conditions as he deems appropriate:

1. Cash;
2. Cashier's check;
3. Certified check;
4. Money order; or
5. Business check.

~~B. Payment due date.~~ Payments shall be due as specified by the director in the instructions to retailers regarding the purchasing and payment of tickets and the settlement of accounts.

~~C. Penalty and interest charge for late payment.~~ Any retailer who fails to make payment when payment is due will be assessed an interest charge on the moneys due plus a \$25 penalty. The interest charge will be equal to the "Underpayment Rate" established pursuant to 6621(a)(2) of the Internal Revenue Code of 1954 (26 USC § 6621(a)(2)), as amended. The interest charge will be calculated beginning the date following the retailer's due date for payment through the day preceding receipt of the late payment by the department for deposit.

~~D. Service charge for dishonored EFT transfer or bad check.~~ The director will assess a service charge of \$25 against any retailer whose payment through electronic funds transfer (EFT) or by check is dishonored.

~~E. Service charge for debts referred for collection.~~ If the department refers a debt of any retailer to the Attorney General, the Department of Taxation or any other central collection unit of the Commonwealth, the retailer owing the debt shall be liable for an additional service charge which shall be in the amount of the administrative costs associated with the collection of the debt that are incurred by the department and the agencies to which the debt is referred.

~~F. Service charge, interest and penalty waived.~~ The service charge, interest and penalty charges may be waived when the event which would otherwise cause a service charge, interest or penalty to be assessed is not in any way

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the fault of the lottery retailer. For example, a waiver may be granted in the event of a bank error or lottery error.

11 VAC 5-30-240. Sales or gift of tickets to minors prohibited. (Repealed.)

~~An instant game ticket shall not be sold to, purchased by, redeemed from or given as a gift to any individual under 18 years of age. No prize shall be paid on a ticket purchased by or transferred to any person under 18 years of age. The transferee of any ticket by any person ineligible to purchase a ticket is ineligible to receive any prize. Any cash prize or free ticket resulting from a ticket which is purchased by or claimed by a person ineligible to play the lottery game is invalid and reverts to the State Lottery Fund.~~

11 VAC 5-30-290. Price for ticket packs.

For each pack, retailers shall pay the retail value, less the 5.0% retailer compensation and less the value of the low-tier winning tickets in the pack. For example, for a pack of tickets with a retail value of \$300, and guaranteed low end prize structure of \$154, the retailer would pay \$131: \$300 (the pack value) minus \$154 for low tier winners, less the retailer's \$15 compensation.

11 VAC 5-30-300. Purchase of instant tickets.

A. Retailers shall purchase packs of tickets directly from the department or through designated depositories.

B. Retailers shall pay for tickets via an electronic funds transfer (EFT) initiated by the department.

1. The department will initiate the EFT after tickets are delivered to the retailer. The schedule will be determined by the director.

2. If an electronic funds transfer is refused, the retailer shall be assessed service charge, interest and penalty charges as provided for in this chapter. The service charge, interest and penalty charges may be waived under 11 VAC 5-30-180 F of this chapter.

3. The director may approve another form of payment for designated retailers under conditions to be determined by the director.

4. If the director permits payment by check and if payment on any check is denied, the retailer shall be assessed service charge, interest and penalty charges as provided for in this chapter.

C. Once tickets are accepted by a retailer, the department will not replace mutilated or damaged tickets, unless specifically authorized by the director.

D. Ticket sales to retailers are final.

1. The department will not accept returned tickets except as provided for elsewhere in this chapter or with the director's advance approval.

2. The retailer is responsible for lost, stolen or destroyed tickets unless otherwise approved by the director.

11 VAC 5-30-330. Prize-winning tickets.

Prize-winning instant tickets are those that have been validated and determined in accordance with the rules and regulations of the department to be official prize winners. Consistent with ~~these regulations~~ *this chapter*, criteria and specific rules for winning prizes shall be published and posted by the director for each instant game and made available for all players. Final validation and determination of prize-winning tickets remains with the department.

11 VAC 5-30-360. No prize paid to people under 18 years of age. (Repealed.)

~~No prize shall be claimed by, redeemed from or paid to any individual under 18 years of age and no prize shall be paid on a ticket purchased by or transferred to any person under 18 years of age. The transferee of any ticket by any person ineligible to purchase a ticket is ineligible to receive any prize. Any cash prize or free ticket resulting from a ticket which is purchased by or claimed by a person ineligible to play the lottery game is invalid and reverts to the State Lottery Fund.~~

11 VAC 5-30-380. Validating winning tickets.

A. Winning tickets shall be validated by the retailer or the department as set out in this chapter or in any other manner which the director may determine.

B. Any instant lottery cash prize or free ticket (at its equivalent value) resulting from a ticket which is purchased by or claimed by a person ineligible to play the lottery game is invalid and reverts to the State Lottery Fund.

11 VAC 5-30-390. How prize claim entered.

A. A prize claim shall be entered in the name of an individual person or legal entity. If the prize claimed is \$601 or greater, the person or entity also shall furnish a tax identification number.

A. B. An individual shall provide his social security number if a claim form is required by this chapter.

B. C. A claim may be entered in the name of an organization only if the organization is a legal entity and possesses a federal employer's identification number (FEIN) issued by the Internal Revenue Service.

1. If the department, a retailer or this chapter ~~require~~ *requires* that a claim form be filed, the FEIN shall be shown on the claim form.

2. A group, family unit, club or other organization which is not a legal entity or which does not possess a FEIN may file Internal Revenue Service (IRS) Form 5754, "Statement by Person(s) Receiving Gambling Winnings," with the department. This form designates to whom winnings are to be paid and the person(s) to whom winnings are taxable.

3. A group, family unit, club or other organization which is not a legal entity or which does not possess a FEIN and which does not file IRS Form 5754 with the department shall designate one individual in whose name the claim shall be entered and that person's social security number shall be furnished.

4. A group, family unit, club or other organization wishing to divide a jackpot prize shall complete an "Agreement to Share Ownership and Proceeds of Lottery Ticket" form. The filing of this form is an irrevocable election which may only be changed by an appropriate judicial order.

11 VAC 5-30-400. Right to prize not assignable. (Repealed.)

~~No right of any person to a prize shall be assignable, except that:~~

~~1. The director may pay any prize according to the terms of a deceased prize winner's beneficiary designation or similar form filed with the department or to the estate of a deceased prize winner who has not completed such a form, and~~

~~2. The prize to which a winner is entitled may be paid to another person pursuant to an appropriate judicial order.~~

11 VAC 5-30-480. Penalty for counterfeit or altered ticket. (Repealed.)

~~Forging, altering or fraudulently making any lottery ticket or knowingly presenting a forged, counterfeit or altered ticket for prize payment or transferring such a ticket to another person to be presented for prize payment is a Class 6 felony in accordance with the state lottery law.~~

11 VAC 5-30-490. Lost, stolen, destroyed tickets.

The department is not liable for lost, stolen or destroyed tickets.

The director may honor a prize claim of an apparent winner who does not possess the original ticket if the claimant is in possession of information which demonstrates that the original ticket meets the following criteria and can be validated through other means. The exception does not apply to an instant game ticket the prize for which is a free ticket or is \$25 or less.

1. The claim form, *if required*, and a photocopy of the ticket, or photocopy of the original claim form, *if required*, and ticket, are timely filed with the department;

2. The prize for which the claim is filed is an unclaimed winning prize as verified in the department's records;

3. The prize has not been claimed within the required redemption period; and

4. The claim is filed within 180 days of the drawing or within the redemption period, as established by game rules.

11 VAC 5-30-530. Retailer to validate winning ticket.

Before paying a prize claim, the retailer should validate the winning ticket. The retailer should follow validation procedures listed in these regulations *this chapter* or obtained from the department. Retailers who pay claims without validating the ticket do so at their own financial risk.

11 VAC 5-30-540. When retailer cannot validate ticket.

If, for any reason, a retailer is unable to validate a prize-winning ticket, the retailer shall provide the ticket holder with

~~a department claim form and instruct the ticket holder on how to file a claim with the department.~~

11 VAC 5-30-580. Additional validation requirements.

Before paying any prize from \$26 to and including \$600, the retailer or the department should:

~~1. Reserved.~~

~~2. 1. Inspect the ticket to assure that it conforms to each validation criterion listed in these regulations and to any additional criteria the director may specify;~~

~~3. 2. Report to the department the ticket number, validation code and validation number of the ticket; and~~

~~4. 3. Obtain an authorization number for prize payment from the department.~~

11 VAC 5-30-590. When prize shall be claimed from the department.

The department will pay prizes in any of the following circumstances:

1. If a retailer cannot validate a claim which the retailer otherwise would pay, the ticket holder shall present a completed claim form and the signed ticket at any department regional office or mail both the completed claim form and the signed ticket to the department central office headquarters.

2. If a ticket holder is unable to return to the retailer from which the ticket was purchased to claim a prize which the retailer otherwise would pay, the ticket holder may present the signed ticket at any department regional office or mail both a completed claim form and the signed ticket to the department central office headquarters.

3. If the prize amount is over the limit paid by the retailer from which the ticket was purchased, the ticket holder may present a completed claim form, if required, and the signed ticket to any department regional office or mail both a completed claim form and the signed ticket to the department central office headquarters.

4. The department may request a claim form as provided in 11 VAC 5-30-620.

11 VAC 5-30-610. Prizes of more than \$25,000.

Unless otherwise determined by the department, prizes of more than \$25,000 and noncash prizes other than free lottery tickets may be claimed from the department's central office headquarters in Richmond. The central office headquarters will pay cash prizes by check, after tickets are validated and after any other applicable requirements contained in this chapter are met.

11 VAC 5-30-620. When claim form required.

A claim form for a winning ticket may be obtained from any department office or any lottery sales retailer.

A claim forms shall *may* be required to claim any prize from the department's central office offices.

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~~B. Claim forms shall be required to claim any prize of \$ 601 or more from the department's regional offices.~~

~~C. Reserved.~~

~~D. The director may, at his discretion, require claim forms to be filed to claim prizes.~~

11 VAC 5-30-630. Department action on claims for prizes submitted to department.

A. The department shall validate the winning ticket claim according to procedures contained in this chapter.

~~A. B. If the claim is not valid, the department will notify the ticket holder promptly.~~

~~B. C. If the claim is mailed to the department and the department validates the claim, a check for the prize amount will be mailed to the winner.~~

~~C. D. If an individual presents a claim to the department in person and the department validates the claim, a check for the prize amount will be presented to the bearer.~~

11 VAC 5-30-640. Withholding, notification of prize payments.

A. When paying any prize of \$601 or more, the department shall:

1. File the appropriate income reporting form(s) with the state Department of Taxation and the federal Internal Revenue Service; and
2. Withhold any federal and state taxes from any winning ticket in excess of \$5,001.

B. Additionally, when paying any prize of \$101 or more, the department shall withhold any moneys due for delinquent debts listed with the Commonwealth's Setoff Debt Collection Act, *Article 21* (§ 58.1-520 et seq.) of Chapter 3 of Title 58.1 of the Code of Virginia.

NOTICE: The forms used in administering 11 VAC 5-30-10 et seq., Instant Game Regulations, are not being published due to the number of forms; however, the name of each form is listed below. The forms are available for public inspection at the State Lottery Department, 900 East Main Street, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 910 Capitol Square, 2nd Floor, Richmond, Virginia.

Retailer License Application (SLD-0062, 9-89).

Retailer Location Form (SLD-0055, rev. 1/95).

Personal Data Form; (SLD-0061 (rev. 40/93 5/95).

~~Retailer Data Collection.~~

~~Virginia Lottery Retailer License Certificate (rev. 9/94).~~

Commonwealth of Virginia Lottery Bond Application.

~~Special Notice on Bonding for Lottery Retailers (Renewal) Bond Expiration (letter).~~

Authorization Agreement for Preauthorized Payments; (SLD-0035A).

Winner Claim Form (SLD-0007, 6/93).

~~Accounts Receivable Transaction Form (Returned Item Debits).~~

Accounting Transaction Form (SLD-0053).

~~Virginia Lottery Retailer Advertising Approval Form.~~

~~Virginia Lottery Agreement to Pay Mid-Tier Prizes (SLD-0054, 1/90).~~

~~Virginia Lottery Ticket Dispenser Agreement In-Counter Dispenser Agreement/Order Form.~~

~~Virginia Lottery Returned Ticket Receipt, Full Pack Returns.~~

~~Virginia Lottery Returned Ticket Receipt, Partial Pack Returns.~~

Ticket Invoice (SLD-0070, rev. 1/93).

~~Virginia Lottery Stolen Ticket Report (SLD-0022, rev. 1/89).~~

Winner Gram (SLD-0016).

We're Sorry But... (SLD-0015, rev. 11/93).

Agreement to Share Ownership and Proceeds of Lottery Ticket.

Statement of by Person(s) Receiving Gambling Winnings, Internal Revenue Service Form 5754.

Instant Ticket Vending Machine Form; (SLD-0043 (eff. rev. 7/93).

Split Winning Verification Form.

Prize-Winner Designation of Beneficiary(ies)

VA.R. Doc. No. R96-347; Filed May 7, 1996, 1:40 p.m.

Title of Regulation: 11 VAC 5-40-10 et seq. On-Line Game Regulations (amending 11 VAC 5-40-10, 11 VAC 5-40-90, 11 VAC 5-40-120 through 11 VAC 5-40-210, 11 VAC 5-40-240, 11 VAC 5-40-260, 11 VAC 5-40-310, 11 VAC 5-40-360, 11 VAC 5-40-370, 11 VAC 5-40-390, 11 VAC 5-40-420, 11 VAC 5-40-460, 11 VAC 5-40-520, 11 VAC 5-40-550, 11 VAC 5-40-590, 11 VAC 5-40-600, 11 VAC 5-40-610, 11 VAC 5-40-660, and 11 VAC 5-40-700; and repealing 11 VAC 5-40-430, and 11 VAC 5-40-710 through 11 VAC 5-40-860).

Statutory Authority: § 58.1-4007 of the Code of Virginia.

Public Hearing Date: August 28, 1996 - 9:30 a.m.

Public comments may be submitted until July 26, 1996.

(See Calendar of Events section for additional information)

Basis: Section 58.1-4007 of the Code of Virginia authorizes the State Lottery Board "to adopt and promulgate regulations governing the establishment and operation of the lottery." The section further states that these regulations may be amended and shall include, but are not limited to, the licensing of agents to sell tickets and the manner of payment of prizes.

Section 58.1-4012 provides that the director may suspend, revoke or refuse to renew a lottery retailer's license based upon enumerated factors, including those established by department regulation.

Section 9-6.14:4.1(B)(15) exempts from the Administrative Process Act agency action related to "any rules for the conduct of specific lottery games, so long as such rules are not inconsistent with duly adopted regulations of the State Lottery Board, and provided that such regulations are published and posted."

Purpose: The purpose of the amendments is to clarify the grounds which currently exist for revoking a lottery retailer's license; to specify the disposition of invalid free ticket prizes; to eliminate the use of claim forms, except under unusual circumstances; to authorize players to cash winning tickets at Lottery headquarters, previously prohibited; to simplify regulations by removing provisions which duplicate those contained in, but are not mandated by, the Code of Virginia; to eliminate regulations that govern the subscription program, which is considered a lottery game; and to incorporate technical and housekeeping changes required as a result of preparation for the new Virginia Administrative Code. The proposed regulations will have no effect on the public's health or safety, but will simplify and clarify the language for ease of understanding and enhanced customer service.

Substance: The key provisions of these amendments are as follows:

1. 11 VAC 5-40-210 clarifies that the grounds for revoking or suspending a lottery retailer's license include failure to maintain sufficient funds in his lottery account for ticket sales. No change is made to current Lottery operational practice because the current regulations provide penalties for failure to properly account for the proceeds and discuss details of deposit of receipts.
2. 11 VAC 5-40-90, 11 VAC 5-40-520, 11 VAC 5-40-550, 11 VAC 5-40-590 and 11 VAC 5-40-660 eliminate the requirement for a claim form to redeem prizes, except under unusual circumstances. This will simplify the process for cashing prizes and will eliminate unnecessary paperwork for both the player and the Lottery.
3. 11 VAC 5-40-590 and 11 VAC 5-40-600 authorize players to cash winning tickets at Lottery headquarters. Currently, regulations permit winning tickets to be cashed only at lottery retail locations, lottery regional offices or by mail.
4. 11 VAC 5-40-90, 11 VAC 5-40-390 and 11 VAC 5-40-430 eliminate sections which duplicate provisions contained in, but which are not mandated by, the Code of Virginia.
5. 11 VAC 5-40-10 and 11 VAC 5-40-710 through 11 VAC 5-40-860 eliminate regulations that govern the subscription program. The regulations will be promulgated as game rules by administrative order as an exemption to the Administrative Process Act.
6. Numerous sections incorporate technical and housekeeping changes, including reference to

regulations as "chapters" and deletion of subsection catchlines.

Issues: The proposed amendments made to the On-Line Game Regulations simplify and clarify the language. Proposed amendments which eliminate use of claim forms and permit cashing of prizes at Lottery headquarters will provide better service to players and will result in less paperwork for players, retailers and the department. Subscription game rules will be eliminated from regulations and will be published as game rules, similar to other lottery products. There are no other changes to Lottery policies or procedures; therefore, no negative response to these regulatory changes is anticipated. The primary advantage to the public and to the department of the proposed regulations is that the language is simplified and clarified which will enhance customer service. There are no disadvantages anticipated for either the public or the department.

Economic Impact: The elimination of use of claim forms will result in a savings in the printing costs of the documents, estimated at \$20,000-\$30,000 per year. Because the remainder of the revisions are primarily technical in nature, no further economic impact is projected. These regulations, however, apply to all lottery game players, approximately 5,500 lottery retailers and employees of the State Lottery Department. There is no family impact.

Department of Planning and Budget's Economic Impact Analysis:

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 9-6.14:7.1 G of the Administrative Process Act and Executive Order Number 13 (94). Section 9-6.14:7.1 G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply; the identity of any localities and types of businesses or other entities particularly affected; the projected number of persons and employment positions to be affected; and the projected costs to affected businesses or entities to implement or comply with the regulation. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the Proposed Regulation

The proposed amendments modify the current State Lottery On-Line Game Regulations so as to:

1. Specify that failure to properly deposit the proceeds of the sale of lottery tickets constitutes grounds for revoking or suspending a lottery retailer's license;
2. Change the stipulation that a claim form "shall be required" to claim any prize from a State Lottery Department (SLD) office to "may be required";
3. Permit players, under certain circumstances, to cash winning tickets at any SLD office rather than only regional offices and the central office;
4. Delete that section of the regulation pertaining to the subscription program;

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5. Delete that portion of the regulation which prohibits sales of lottery tickets to minors;
6. Delete that portion of the regulation which prohibits the sale of lottery tickets by unsupervised retailer employees who are minors; and
7. Delete that portion of the regulation which prohibits assignment of right to prize.

Estimated Economic Impact

Item 1

Specifying that grounds for revoking or suspending a lottery retailer's license include failure to properly deposit lottery ticket sales proceeds is essentially a clarification of the current regulation and is not anticipated to have an economic impact.

Item 2

According to estimates provided by SLD, the proposed elimination of claim forms in most circumstances would reduce the printing costs incurred by SLD by approximately \$20,000 to \$30,000 annually. In addition, this proposed change would simplify procedures for claiming prizes and reduce the expenditure of time and effort required of winning lottery players.

Item 3

Although increasing the number of SLD locations at which lottery players can cash winning tickets reduces the costs associated with claiming prizes, it is not anticipated to have economic consequences and, therefore, not anticipated to have an economic impact.

Item 4

The section of the regulation pertaining to the subscription program will be promulgated by SLD as game rules by administrative order. As such, the proposed deletion of this section will ultimately not change lottery operational procedures and will have no economic impact.

Items 5 through 7

The proposed amendments contained in Items 5 through 7 delete portions of the current regulation that repeat various statutory provisions found elsewhere. As such, these deletions will not alter current statutory proscriptions against these actions, and will have no economic impact.

Projected Number of Businesses or Other Entities to Whom the Regulation will Apply

The proposed regulation would apply to all lottery game players and vendors, and the approximately 5,500 lottery retailers.

Localities and Types of Businesses Particularly Affected

No localities are particularly affected. The proposed regulation does affect lottery vendors and retailers.

Projected Employment Effects

The proposed regulation is not anticipated to have a significant effect on employment.

Agency's Response to Department of Planning and Budget's Economic Impact Analysis:

The State Lottery Department agrees with the economic impact analysis prepared by the Department of Planning and Budget.

Summary:

The proposed amendments (i) clarify that the grounds for revoking a lottery retailer's license include failure to maintain sufficient funds to pay for lottery tickets; (ii) eliminate the use of claim forms, except in certain unusual circumstances; (iii) authorize players to cash winning tickets at Lottery headquarters in addition to cashing tickets at lottery regional offices and lottery retail locations; (iv) eliminate regulations governing the subscription program, which will be promulgated by administrative order as lottery game rules and as an exemption to the Administrative Process Act; (v) simplify regulations by removing provisions which duplicate those contained in, but which are not mandated by, the Code of Virginia; and (vi) incorporate technical and housekeeping changes required as a result of preparation for the new Virginia Administrative Code.

11 VAC 5-40-10. General definitions for on-line games.

The words and terms, when used in any of the department's regulations, shall have the same meaning, as defined in this chapter, unless the context clearly indicates otherwise. Definitions that relate to instant games are incorporated by reference in the On-Line Game Regulations (11 VAC 5-40-10 et seq.).

"Auto pick" means the same as "easy pick."

"Breakage" means the fraction of a dollar not paid out due to rounding down and shall be used exclusively to fund prizes.

"Cancelled ticket" means a ticket that (i) has been placed into the terminal, whereupon the terminal must read the information from the ticket and cancel the transaction or (ii) whose validation number has been manually entered into the terminal via the keyboard and cancelled.

"Certified drawing" means a drawing in which a lottery official and an independent certified public accountant attest that the drawing equipment functioned properly and that a random selection of a winning combination has occurred.

"Confirmation (or registration) notice" means the subscription notification letter or card mailed to the subscriber which confirms the game numbers for the game panel played, and the plan start date and number of draws.

"Drawing" means a procedure by which the lottery randomly selects numbers or items in accordance with the specific game rules for those games requiring random selection of number(s) or item(s).

"Duplicate ticket" means a ticket produced by any means other than by an on-line terminal with intent to imitate the original ticket.

"Easy pick" means computer generated numbers or items.

"*Game panel*" means the play(s) entered on a playslip by the player or by the subscriber on the subscription application.

"*Game numbers*" means the numbers designated by the player on the playslip or subscription application or the computer-generated numbers if easy pick is selected.

"*Group-designated agent*" means the individual listed on the back of a ticket or on the subscription application who is elected by the group of players to act as the representative or subscriber on the group's behalf in handling all correspondence and payment disbursements resulting from the group's activity.

"*Number of draws*" means the actual number of draws for which a multiple play or subscription is valid.

"*On-line game*" means a lottery game, the play of which is dependent upon the use of an on-line terminal in direct communication with an on-line game main frame operated by or at the direction of the department.

"*On-line lottery retailer*" means a licensed lottery retailer who has entered an agreement with the department to sell on-line tickets at a specific location.

"*On-line system*" means the department's on-line computer system consisting of on-line terminals, central processing equipment, and a communication network.

"*On-line terminal*" means the department's computer hardware through which a combination of numbers or items is selected or generated and through which on-line tickets are generated and claims may be validated.

"*On-line ticket*" means a computer-generated ticket issued by an on-line lottery retailer to a player as a receipt for the number, numbers, or items or combination of numbers or items the player has selected.

"*Person*" means a natural person and may extend and be applied to groups of persons as well as corporations, companies, partnerships, and associations, unless the context indicates otherwise.

~~"*Plan*" means the duration of the subscription as determined by the number of draws designated by the subscriber on the subscription application or renewal notice.~~

"*Play*" means a wager on a single set of selected numbers.

"*Player-selected item*" means a number or item or group of numbers or items selected by a player in connection with an on-line game. Player-selected items include selections of items randomly generated by the computer on-line system. Such computer-generated numbers or items are also known as "auto picks," "easy picks" or "quick picks."

"*Playslip*" means an optically readable card issued by the department, used in marking a player's game plays.

"*Present at the terminal*" means that a player remains physically present at the on-line lottery terminal from the time the player's order for the purchase of on-line lottery tickets is paid for and accepted by the lottery retailer until the processing of the order is completed and the tickets are

delivered to the player at the licensed on-line retailer terminal location.

~~"*Quick pick*" means the same as "easy pick."~~

~~"*Registration*" means the process of entering subscription information concerning the subscriber, plan and selected numbers into the central computer system.~~

"*Retailer*," as used in this chapter, means a licensed on-line lottery retailer, unless the context clearly requires otherwise.

"*Roll stock*" or "*ticket stock*" means the paper roll placed into the lottery retailer terminals from which a unique lottery ticket is generated by the computer, displaying the player selected item(s) or number(s).

"*Share*" means a percentage of ownership in a winning ticket or subscription plan.

"*Start date*" means the first draw date for which a multiple play or subscription is effective.

~~"*Subscriber*" means the individual designated on the subscription application whose entry has been entered into the department's central computer system and who has received confirmation from the department of his designated numbers and includes the group-designated agent for a group, organization, family unit, or club.~~

"*Subscription*" means a method to play a lottery on-line game by purchasing subscription plays, using a designated set of numbers, for a specific period of time, and for which the player is automatically entered in each drawing or game during the period for which the subscription is effective.

~~"*Subscription application*" means the form(s) used by an individual or group-designated agent to play lottery games by subscription.~~

~~"*Subscription renewal*" means the process by which a subscription plan is renewed by the subscriber in accordance with procedures established by the department.~~

"*Ticket*" or "*tickets*" means an on-line lottery game ticket produced by a terminal on ticket stock issued by the department, the front of which contains the applicable game caption, information identifying the drawing or drawings for which the ticket is valid, one or more lettered game plays, the total price of the ticket, a bar code representation of the ticket serial number, a ticket validation number, an alphabetic dual security characterization, and the time the ticket was issued. The front of the ticket may also contain a message to the player. On the back of the ticket must be a ticket stock sequential number preceded or followed by two letters and a synopsis of lottery rules. The front of the ticket may, in lieu of game information, bear information designating the ticket as a coupon which is redeemable for some designated benefit.

"*Winning combination*" means two or more items or numbers selected by a drawing.

11 VAC 5-40-90. Retailers' conduct.

A. Retailers shall sell on-line tickets at the price fixed by the board, unless the board allows reduced prices or ticket give-aways.

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B. All ticket sales shall be for cash, check, cashier's check, traveler's check or money order at the discretion of and in accordance with the licensed retailer's policy for accepting payment by such means. A ticket shall not be purchased with credit cards, food stamps or food coupons.

C. All ticket sales shall be final. Retailers shall not accept ticket returns except as allowed by department regulations or policies, or with the department's specific approval.

D. Tickets shall be sold during all normal business hours of the lottery retailer when the on-line terminal is available unless the director approves otherwise. Retailers shall give prompt service to lottery customers present and waiting at the terminal to purchase tickets for on-line games. Prompt service includes interrupting processing of on-line ticket orders for which the customer is not present at the terminal. Failure to render prompt service to lottery customers may result in administrative action by the director including but not limited to license suspension or revocation or disabling the on-line terminal so that it will not process transactions.

E. Tickets shall be sold only at the location listed on each retailer's license from the department. For purposes of this section, the sale of an on-line lottery ticket at the licensed location means a lottery transaction in which all elements of the sale between the licensee and the player shall take place on site at the lottery terminal including the exchange of consideration, the exchange of the playslip if one is used, and the exchange of the ticket. No part of the sale may take place away from the lottery terminal.

F. On-line retailers must offer for sale all lottery products offered by the department.

~~G. An on-line game ticket shall not be sold to, purchased by, given as a gift to or redeemed from any individual under 18 years of age, and no prize shall be paid on a ticket purchased by or transferred to any person under 18 years of age. The transferee of any ticket by any person ineligible to purchase a ticket is ineligible to receive any prize. Any cash prize or free ticket resulting from a ticket which is purchased by or claimed by a person ineligible to play the lottery game is invalid and cash prizes greater than \$25 revert to the State Lottery Fund.~~

H. G. On-line retailers shall furnish players with proper claim forms provided if required by the department.

I. H. On-line retailers shall post winning numbers prominently.

J. I. On-line retailers and employees who will operate on-line equipment shall attend training provided by the department and allow only trained personnel to operate terminals.

~~K. Unsupervised retailer employees who sell or otherwise vend lottery tickets must be at least 18 years of age. Employees not yet 18 but at least 16 years of age may sell or vend lottery tickets so long as they are supervised by the manager or supervisor in charge at the location where the tickets are being sold.~~

L. J. Federal Internal Revenue Code, 26 USC § 60501 requires lottery retailers who receive more than \$10,000 in cash in one transaction, two or more related transactions in

the aggregate, or a series of connected transactions exceeding \$10,000 in the aggregate, from a single player or his agent, to file a Form 8300 with the Internal Revenue Service. IRS encourages retailers to report all suspicious transactions, even if they do not meet the \$10,000 threshold. "Cash" includes coin and currency only and does not include bank checks or drafts, traveler's checks, wire transfers, or other negotiable or monetary instruments not customarily accepted as money.

11 VAC 5-40-120. Eligibility.

~~A. Eighteen years of age and bondable.~~ Any person who is 18 years of age or older and who is bondable may be considered for licensure, except no person may be considered for licensure:

1. Who will be engaged primarily in the business of selling lottery tickets;
2. Who is a board member, officer or employee of the State Lottery Department or who resides in the same household as board member, officer or employee of the department; or
3. Who is a vendor to the department of instant or on-line lottery tickets or goods or data processing services, whose tickets, goods or services are provided directly to the lottery department, or whose business is owned by, controlled by, or affiliated with a vendor of instant or on-line lottery tickets or goods or data processing services whose tickets, goods or services are provided directly to the lottery department.

~~B. Form submission.~~ The submission of forms or data for licensure does not in any way entitle any person to receive a license to act as an on-line lottery retailer.

11 VAC 5-40-130. General standards for licensing.

~~A. Selection factors for licensing.~~ The director may license those persons who, in his opinion, will best serve the public interest and public trust in the lottery and promote the sale of lottery tickets. The director will consider the following factors before issuing or renewing a license:

1. The financial responsibility and integrity of the retailer, to include:
 - a. A credit and criminal record history search or when deemed necessary a full investigation of the retailer;
 - b. A check for outstanding delinquent state tax liability;
 - c. A check for required business licenses, tax and business permits; and
 - d. An evaluation of physical security at the place of business, including insurance coverage.
2. The accessibility of his place of business to public, to include:
 - a. The hours of operation compared to the on-line system selling hours;
 - b. The availability of parking including ease of ingress and egress to parking;

- c. Public transportation stops and passenger traffic volume;
 - d. The vehicle traffic density, including levels of congestion in the market area;
 - e. Customer transaction count within the place of business;
 - f. Other factors indicating high public accessibility and public convenience when compared with other retailers; and
 - g. Adequate space and physical layout to sell a high volume of lottery tickets efficiently.
3. The sufficiency of existing lottery retailers to serve the public convenience, to include:
- a. The number of and proximity to other lottery retailers in the market area;
 - b. The expected impact on sales volume of potentially competing lottery retailers;
 - c. The adequacy of coverage of all regions of the Commonwealth with lottery retailers; and
 - d. The population to terminal ratio, compared to other geographical market areas.
4. The volume of expected lottery ticket sales, to include:
- a. Type and volume of the products and services sold by the retailer;
 - b. Dollar sales volume of the business;
 - c. Sales history of the market area;
 - d. Sales history for instant tickets, if already licensed as an instant retailer;
 - e. Volume of customer traffic in place of business; and
 - f. Market area potential, compared to other market areas.
5. The ability to offer high levels of customer service to on-line lottery players, including:
- a. A history demonstrating successful use of lottery product related promotions;
 - b. Volume and quality of point of sale display;
 - c. A history of compliance with lottery directives;
 - d. Ability to display jackpot prize amounts to pedestrians and vehicles passing by;
 - e. A favorable image consistent with lottery standards;
 - f. Ability to pay prizes of \$600 or less during maximum selling hours, compared to other area retailers;
 - g. Commitment to authorize employee participation in all required on-line lottery training; and
 - h. Commitment and opportunity to post jackpot levels near the point of sale.

~~B. Additional factors for selection.~~ The director may develop and, by director's order, publish additional criteria which, in the director's judgment, are necessary to serve the public interest and public trust in the lottery.

~~C. Filing of forms with the department.~~ After notification of selection as an on-line lottery retailer, the retailer shall file required forms with the department. The retailer must submit all information required to be considered for licensing. Failure to submit required forms and information within the times specified in this chapter may result in the loss of the opportunity to become or remain a licensed on-line retailer. The forms to be submitted shall include:

1. Signed retailer agreement;
2. Signed EFT Authorization form with a voided check or deposit slip from the specified account; and
3. Executed bond requirement.

11 VAC 5-40-140. Bonding of lottery retailers.

~~A. Approved retailer to secure bond.~~ A lottery retailer approved for licensing shall obtain a surety bond in the amount of \$10,000 from a surety company entitled to do business in Virginia. If the retailer is already bonded for instant games, a second bond will not be required. However, the amount of the original bond must be increased to \$10,000. The purpose of the surety bond is to protect the Commonwealth from a potential loss in the event the retailer fails to perform his responsibilities.

1. Unless otherwise provided under subsection C of this section, the surety bond shall be in the amount and penalty of \$10,000 and shall be payable to the State Lottery Department and conditioned upon the faithful performance of the lottery retailer's duties.
2. Within 15 calendar days of receipt of the "On-Line License Approval Notice," the lottery retailer shall return the properly executed "Bonding Requirement" portion of the "On-Line License Approval Notice" to the State Lottery Department to be filed with his record.

~~B. Continuation of surety bond on annual license review.~~ A lottery retailer whose license is being reviewed shall:

1. Obtain a letter or certificate from the surety company to verify that the surety bond is being continued for the annual license review period; and
2. Submit the surety company's letter or certificate with the required annual license review fee to the State Lottery Department.

~~C. Sliding scale for surety bond amounts.~~ The department may establish a sliding scale for surety bonding requirements based on the average volume of lottery ticket sales by a retailer to ensure that the Commonwealth's interest in tickets to be sold by a licensed lottery retailer is adequately safeguarded. Such sliding scale may require a surety bond amount either greater or lesser than the amount fixed by subsection A of this section.

~~D. Effective date for sliding scale.~~ The sliding scale for surety bonding requirements will become effective when the director determines that sufficient data on lottery retailer

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ticket sales volume activity are available. Any changes in a retailer's surety bonding requirements that result from instituting the sliding scale will become effective only at the time of the retailer's next renewal action.

~~E. Limit on sales in excess of bond.~~ Under no circumstances shall the retailer allow total, weekly, net on-line and instant sales from a single location for the seven-day period ending at the close of the lottery fiscal week (normally Tuesday night) to exceed five times the amount of the bond for that licensed location, unless such retailer has first obtained written permission from the director. The director, in his sole discretion, may require additional bond or other security as a condition for continued sales, may accelerate the collection from the retailer of the net proceeds from the sale of lottery tickets, or may temporarily suspend the requirement that no retailer may sell lottery tickets in excess of five times the amount of the bond for that licensed location for all on-line lottery retailers or for individual retailers on a case-by-case basis.

11 VAC 5-40-150. Lottery bank accounts and electronic funds transfer (EFT) authorization.

~~A. Approved retailer to establish lottery bank account.~~ A lottery retailer approved for licensing shall establish a separate bank account to be used exclusively for lottery business in a bank participating in the automatic clearing house (ACH) system. A single bank account may be used for both on-line and instant lottery business.

~~B. Retailer's use of lottery account.~~ The lottery account will be used by the retailer to make funds available to permit withdrawals and deposits initiated by the department through the electronic funds transfer (EFT) process to settle a retailer's account for funds owed by or due to the retailer from the sale of tickets and the payment of prizes. All retailers shall make payments to the department through the electronic funds transfer (EFT) process unless the director designates another form of payment and settlement under terms and conditions he deems appropriate.

~~C. Retailer responsible for bank charges.~~ The retailer shall be responsible for payment of any fees or service charges assessed by the bank for maintaining the required account.

~~D. Retailer to authorize electronic funds transfer.~~ Within 15 calendar days of receipt of the "On-Line License Approval Notice," the lottery retailer shall return the properly executed "On-Line Electronic Funds Transfer Authorization" portion of the "License Approval Notice" to the department recording the establishment of his account.

~~E. Change in retailer's bank account.~~ If a retailer finds it necessary to change his bank account from one bank account to another, he must submit a newly executed "Electronic Funds Transfer Authorization" form for the new bank account. The retailer may not discontinue use of his previously approved bank account until he receives notice from the department that the new account is approved for use.

~~F. Director to establish EFT account settlement schedule.~~ The director will establish a schedule for processing the EFT transactions against retailers' lottery bank accounts and issue

instructions to retailers on how settlement of accounts will be made.

11 VAC 5-40-160. Deposit of lottery receipts; interest and penalty for late payment; dishonored electronic funds transfer (EFT) transfers or checks.

~~A. Payment due date.~~ Payments shall be due as specified by the director in the instructions to retailers regarding the settlement of accounts.

~~B. Penalty and interest charge for late payment.~~ Any retailer who fails to make payment when payment is due will be contacted by the department and instructed to make immediate deposit. If the retailer is not able to deposit the necessary funds or if the item is returned to the department unpaid for a second time, the retailer's on-line terminal will be inactivated. The retailer will not be reactivated until payment is made by cashier's check, certified check or wire transfer, and if deemed a continuing credit risk by the department, not until an informal hearing is held to determine if the licensee is able and willing to meet the terms of his license agreement. Additionally, interest will be charged on the moneys due plus a \$25 penalty. The interest charge will be equal to the "Underpayment Rate" established pursuant to § 6621(a)(2) of the Internal Revenue Code of 1954 (26 USC § 6621(a)(2)), as amended. The interest charge will be calculated beginning the date following the retailer's due date for payment through the day preceding receipt of the late payment by the department for deposit.

~~C. Service charge for dishonored EFT transfer or bad check.~~ In addition to the penalty authorized by subsection B of this section, the director will assess a service charge of \$25 against any retailer whose payment through electronic funds transfer (EFT) or by check is dishonored.

~~D. Service charge for debts referred for collection.~~ If the department refers a debt of any retailer to the Attorney General, the Department of Taxation or any other central collection unit of the Commonwealth, the retailer owing the debt shall be liable for an additional service charge which shall be in the amount of the administrative costs associated with the collection of the debt incurred by the department and the agencies to which the debt is referred.

~~E. Service charge, interest and penalty waived.~~ The service charge, interest and penalty charges may be waived when the event which would otherwise cause a service charge, interest or penalty to be assessed is not in any way the fault of the lottery retailer. For example, a waiver may be granted in the event of a bank error or lottery error.

11 VAC 5-40-170. License term and annual review.

~~A. License term.~~ A general on-line license for an approved lottery retailer shall be issued on a perpetual basis subject to an annual determination of continued retailer eligibility and the payment of an annual fee fixed by the board. A general on-line license requires the retailer to sell both on-line and instant lottery tickets.

~~B. Annual license review.~~ The annual fee shall be collected within the 30 days preceding a retailer's anniversary date. Upon receipt of the annual fee, the general license shall be continued so long as all eligibility requirements are

met. The director may implement a staggered, monthly basis for annual license reviews and allow for the proration of annual license fees. This section shall not be deemed to allow for a refund of license fees when a license is terminated, revoked or suspended for any other reason.

~~C. Amended license term.~~ The annual fee for an amended license will be due on the same date as the fee for the license it replaced.

~~D. Special license.~~ The director may issue special licenses. Special licenses shall be for a limited duration and under terms and conditions that he determines appropriate to serve the public interest. On-line game lottery retailers currently licensed by the department are not required to obtain an additional surety bond for the purposes of obtaining a special event license.

~~E. Surrender of license certificate.~~ If the license of a lottery retailer is suspended, revoked or not continued from year to year, the lottery retailer shall surrender the license certificate upon demand.

11 VAC 5-40-180. License fees.

~~A. License fee.~~ Unless otherwise determined by the board, the fee for a lottery retailer general license to sell on-line game tickets shall be \$25. Payment of this fee shall entitle the retailer to sell both on-line and instant game tickets. The general license fee to sell on-line game tickets shall be paid for each location to be licensed. This fee is nonrefundable.

~~B. Annual license fee.~~ The annual fee for a lottery retailer general license to sell on-line game tickets shall be an amount determined by the board at its November meeting or as soon thereafter as practicable for all reviews occurring in the next calendar year. The fee shall be designed to recover all or a portion of the annual costs of the department in providing services to the retailer. The fee shall be paid for each location for which a license is. This fee is nonrefundable. The fee shall be submitted within the 30 days preceding a retailer's anniversary date.

~~C. Amended license fee.~~ The fee for processing an amended license for a lottery retailer general license shall be an amount as determined by the board at its November meeting or as soon thereafter as practicable for all amendments occurring in the next calendar year. The amended license fee shall be paid for each location affected. This fee is nonrefundable. An amended license shall be submitted in cases where a business change has occurred.

11 VAC 5-40-190. Fees for operational costs.

~~A. Installation fee.~~ The fee for initial terminal telecommunications installation for the on-line terminal shall be \$275 unless otherwise determined by the director. Additionally, the installation fee for a self-service terminal shall be \$275 for existing on-line retailers and \$395 for new retailers. All fees may be subject to change based upon an annual cost review by the department.

1. If the retailer has purchased a business where a terminal is presently installed or telecommunication service is available, a fee of \$25 per year shall be charged upon issuance of a new license.

2. No installation fee will be charged if interruption of service to the terminal has not occurred.

~~B. Weekly on-line telecommunications line charge.~~ Each retailer shall be assessed a weekly charge of \$15 per week. This fee may be subject to change based upon an annual cost review by the department.

11 VAC 5-40-200. Transfer of license prohibited; invalidation of license.

~~A. License not transferrable.~~ A license issued by the director authorizes a specified person to act as a lottery retailer at a specified location as set out in the license. The license is not transferrable to any other person or location.

~~B. License invalidated.~~ A license shall become invalid in the event of any of the following circumstances:

1. Change in business location;
2. Change in business structure (e.g., from a partnership to a sole proprietorship); or
3. Change in the business owners listed on the original personal data forms for which submission of a personal data form is required under the license procedure.

~~C. Amended personal data form required.~~ A licensed lottery retailer who anticipates any change listed in subsection B must notify the department of the anticipated change at least 30 calendar days before it takes place and submit an amended personal data form. The director shall review the changed factors in the same manner that would be required for a review of an original personal data form.

11 VAC 5-40-210. Denial, suspension, revocation or noncontinuation of license.

~~A. Grounds for refusal to license.~~ The director may refuse to issue a license to a person if the person does not meet the eligibility criteria and standards for licensing as set out in this chapter or if:

1. The person has been convicted of a felony;
2. The person has been convicted of a crime involving moral turpitude;
3. The person has been convicted of any fraud or misrepresentation in any connection;
4. The person has been convicted of bookmaking or other forms of illegal gambling;
5. The person has been convicted of knowingly and willfully falsifying, or misrepresenting, or concealing a material fact or makes a false, fictitious, or fraudulent statement or misrepresentation;
6. The person's place of business caters to or is frequented predominantly by persons under 18 years of age, but excluding family-oriented businesses;
7. The nature of the person's business constitutes a threat to the health or safety of prospective lottery patrons;
8. The nature of the person's business is not consonant with the probity of the Commonwealth;

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9. The person has committed any act of fraud, deceit, misrepresentation, or conduct prejudicial to public confidence in the state lottery; or

10. The person has been suspended permanently from a federal or state licensing or authorization program and that person has exhausted all administrative remedies pursuant to the respective agency's regulations.

~~B. Grounds for refusal to license partnership or corporation.~~ In addition to refusing a license to a partnership or corporation under subsection A of this section, the director may also refuse to issue a license to any partnership or corporation if he finds that any general or limited partner or officer or director of the partnership or corporation has been convicted of any of the offenses cited in subsection A of this section.

~~C. Appeals of refusal to license.~~ Any person refused a license under subsection A or B of this section may appeal the director's decision in the manner provided by 11 VAC 5-20-150.

~~D. Grounds for suspension, revocation or refusal to continue license.~~ The director may suspend, revoke, or refuse to continue a license for any of the following reasons:

1. Failure to properly deposit the proceeds of the sale of lottery tickets or to properly account for on-line terminal ticket roll stock, for cancelled ticket tickets, or for prizes claimed and paid, or for the proceeds of the sale of lottery tickets;

2. Failure to file or maintain the required bond or the required lottery bank account;

3. Failure to comply with applicable laws, instructions, terms or conditions of the license, or rules and regulations of the department concerning the licensed activity, especially with regard to the prompt payment of claims;

4. Conviction, following the approval of the license, of any of the offenses cited in subsection A of this section;

5. Failure to file any return or report or to keep records or to pay any fees or other charges as required by the state lottery law or the rules or regulations of the department or board;

6. Commission of any act of fraud, deceit, misrepresentation, or conduct prejudicial to public confidence in the state lottery;

7. Failure to maintain lottery ticket sales at a level sufficient to meet the department's administrative costs for servicing the retailer, provided that the public convenience is adequately served by other retailers. This failure may be determined by comparison of the retailer's sales to a sales quota established by the director;

8. Failure to notify the department of a material change, after the license is issued, of any matter required to be considered by the director in the licensing process;

9. Failure to comply with lottery game rules;

10. Failure to meet minimum point of sale standards;

11. The person's place of business caters to or is frequented predominantly by persons under 18 years of age, but excluding family-oriented businesses;

12. The nature of the person's business constitutes a threat to the health or safety of prospective lottery patrons;

13. The nature of the person's business is not consonant with the probity of the Commonwealth; or

14. Permanent revocation or suspension from any federal or state program whereby all administrative remedies pursuant to the respective agency's regulations have been exhausted.

~~E. Notice of intent to suspend, revoke or deny continuation of license.~~ Before taking action under subsection D of this section, the director will notify the retailer in writing of his intent to suspend, revoke or deny continuation of the license. The notification will include the reason or reasons for the proposed action and will provide the retailer with the procedures for requesting a hearing before the board. Such notice shall be given to the retailer at least 14 calendar days prior to the effective date of suspension, revocation or denial.

~~F. Temporary suspension without notice.~~ If the director deems it necessary in order to serve the public interest and maintain public trust in the lottery, he may temporarily suspend a license without first notifying the retailer. Such suspension will be in effect until any prosecution, hearing or investigation into possible violations is concluded.

~~G. Surrender of license and lottery property upon revocation or suspension.~~ A retailer shall surrender his license to the director by the date specified in the notice of revocation or suspension. The retailer shall also surrender the lottery property in his possession and give a final accounting of his lottery activities by the date specified by the director.

11 VAC 5-40-240. Display of material.

~~A. Material in general view.~~ Lottery retailers shall display lottery point-of-sale material provided by the director in a manner which is readily seen by and available to the public.

~~B. Prior approval for retailer sponsored material.~~ A lottery retailer may use or display his own promotional and point-of-sale material, provided it has been submitted to and approved for use by the department in accordance with instructions issued by the director.

~~C. Removal of unapproved material.~~ The director may require removal of any licensed retailer's lottery promotional material that has not been approved for use by the department.

11 VAC 5-40-260. Examination of records; seizure of records.

~~A. Inspection, auditing or copying of records.~~ Each lottery retailer shall make all books and records pertaining to his lottery activities available for inspection, auditing or copying as required by the director between the hours of 8 a.m. and 5

p.m., Mondays through Fridays and during the normal business hours of the licensed retailer.

~~B. Records subject to seizure.~~ All books and records pertaining to the licensed retailer's lottery activities may be seized with good cause by the director without prior notice.

11 VAC 5-40-310. Validation requirements.

To be valid, a Virginia lottery on-line game ticket shall meet all of the validation requirements listed here:

1. The original ticket must be presented for validation.
2. The ticket validation number shall be presented in its entirety and shall correspond using the computer validation file to the selected numbers printed on the ticket.
3. The ticket shall not be mutilated, altered, or tampered with in any manner. (see 11 VAC 5-40-340)
4. The ticket shall not be counterfeited, forged, fraudulently made or a duplicate of another winning ticket.
5. The ticket shall have been issued by the department through a licensed on-line lottery retailer in an authorized manner.
6. The ticket shall not have been cancelled.
7. The ticket shall be validated in accordance with procedures for claiming and paying prizes. (see 11 VAC 5-40-400 and 11 VAC 5-40-420)
8. The ticket data shall have been recorded in the central computer system before the drawing, and the ticket data shall match this computer record in every respect.
9. The player-selected items, the validation data, and the drawing date of an apparent winning ticket must appear on the official file of winning tickets and a ticket with that exact data must not have been previously paid.
10. The ticket may not be misregistered or defectively printed to an extent that it cannot be processed by the department.
11. The ticket shall pass any validation requirement contained in the rules published and posted by the director for the on-line game for which the ticket was issued.
12. The ticket shall pass all other confidential security checks of the department.
13. Any on-line lottery cash prize resulting from a ticket which is purchased by or claimed by a person ineligible to play the lottery game is invalid and reverts to the State Lottery Fund.
14. Playslips may be used to select a player's number or numbers to be played in an on-line game. If a playslip is used to select the player's number or numbers for an on-line game, the playslip number selections shall be manually marked and not marked by any electro-mechanical, electronic printing or other automated device. Any playslip marked by methods other than those authorized by this chapter is invalid and subject to

seizure by the department if presented for play at any lottery terminal. Any tickets produced from the use of invalid playslips are also invalid and subject to seizure by the department. Nothing in this regulation ~~chapter~~ shall be deemed to prevent a person with a physical handicap who would otherwise be unable to mark a playslip manually from using any device intended to permit such person to make such a mark for his sole personal use or benefit.

11 VAC 5-40-360. Prize-winning tickets.

~~A. Validation of prize-winning ticket.~~ Prize-winning on-line tickets are those that have been validated in accordance with this chapter and the rules of the department and determined to be official prize winners. Criteria and specific rules for winning prizes shall be published for each on-line game and available for all players. Final validation and determination of prize winning tickets remain with the department.

~~B. Cancellation of prize-winning ticket.~~ In cancelling on-line lottery tickets, retailers must comply with 11 VAC 5-40-60 of this chapter. The department shall not redeem prizes for tickets which would have been prize-winning tickets but for the fact that they have been cancelled by the retailer.

11 VAC 5-40-370. Unclaimed prizes.

A. Except for free ticket prizes, all claims for on-line game winning tickets must be mailed in an envelope bearing a United States Postal Service postmark or received for payment as prescribed in this chapter within 180 days after the date of the drawing for which the ticket was purchased. In the event that the 180th day falls on a Saturday, Sunday or legal holiday, a claimant may redeem his prize-winning ticket on the next business day only at a *any* lottery regional office.

B. Any on-line lottery cash prize which remains unclaimed after 180 days following the drawing which determined the prize shall revert to the State Literary Fund. Cash prizes do not include free ticket prizes or other noncash prizes such as merchandise, vacations, admissions to events and the like.

C. All claims for on-line game winning tickets for which the prize is a free ticket must be mailed in an envelope bearing a United States Postal Service postmark or received for redemption as prescribed in this chapter within 60 days after the date of the drawing for which the ticket was purchased. In the event that the 60th day falls on a Saturday, Sunday or legal holiday, a claimant may only redeem his prize-winning ticket for a free ticket at an on-line lottery retailer on or before the 60th day. Except for claims for free ticket prizes mailed to lottery headquarters and postmarked on or before the 60th day, claims for such prizes will not be accepted at lottery regional offices or headquarters after the 60th day. This section does not apply to the redemption of free tickets awarded through the subscription program. (see 11 VAC 5-40-830)

D. In accordance with the provisions of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 USCA Appx § 525), any person while in active military service may claim exemption from the 180-day ticket redemption requirement. Such person, however, must claim his winning ticket or share as soon as practicable and in no event later than 180 days after discharge from active military service.

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11 VAC 5-40-390. No prize paid to people under 18 years of age persons ineligible to play.

~~No prize shall be claimed by, redeemed from or paid to any individual under 18 years of age, and no prize shall be paid on a ticket purchased by or transferred to any person under 18 years of age. The transferee of any ticket to any person ineligible to purchase a ticket is ineligible to receive any prize. Any cash prize or free ticket resulting from a ticket which is purchased by or claimed by a person ineligible to play the lottery game is invalid and cash prizes greater than \$25 revert to the State Lottery Fund.~~

11 VAC 5-40-420. How prize claim entered.

A prize claim shall be entered in the name of an individual person or legal entity. If the prize claimed is \$601 or greater, the person or entity also shall furnish a tax identification number.

~~A. 1. An individual shall provide his social security number if a claim form is required by this chapter. A nonresident alien shall furnish their *his* Immigration and Naturalization Service (INS) Number. This INS number begins with an A and is followed by numerical data.~~

~~B. 2. A claim may be entered in the name of an organization only if the organization is a legal entity and possesses a federal employer's identification number (FEIN) issued by the Internal Revenue Service. If the department or this chapter require that a claim form be filed, the FEIN must be shown on the claim form.~~

~~C. 3. A group, family unit, club or other organization which is not a legal entity or which does not possess a FEIN may file Internal Revenue Service (IRS) Form 5754, "Statement by Person(s) Receiving Gambling Winnings," with the department. This form designates to whom winnings are to be paid and the person(s) to whom winnings are taxable.~~

~~D. 4. A group, family unit, club or other organization which is not a legal entity or which does not possess a FEIN and which does not file IRS Form 5754 with the department shall designate the individuals in whose names the claim shall be entered and those persons' social security numbers shall be furnished.~~

~~E. 5. A group, family unit, club or other organization wishing to divide a jackpot prize shall complete an "Agreement to Share Ownership and Proceeds of Lottery Ticket" form. The filing of this form is an irrevocable election which may only be changed by an appropriate judicial order.~~

11 VAC 5-40-430. Right to prize not assignable. (Repealed.)

~~No right of any person to a prize shall be assignable, except that:~~

~~1. The director may pay any prize according to the terms of a deceased prize winner's beneficiary designation or similar form filed with the department or to the estate of a deceased prize winner who has not completed such a form, and~~

~~2. The prize to which a winner is entitled may be paid to another person pursuant to an appropriate judicial order.~~

11 VAC 5-40-460. Delay of payment allowed.

The director may refrain from making payment of the prize pending a final determination by the director, under any of the following circumstances:

1. If a dispute occurs or it appears that a dispute may occur relative to any prize;

2. If there is any question regarding the identity of the claimant;

3. If there is any question regarding the validity of any ticket presented for payment; or

4. If the claim is subject to any set-off for delinquent debts owed to any agency eligible to participate in the Setoff Debt Collection Act (*Article 21 (§ 58.1-520 et seq.) of Chapter 3 of Title 58.1 of the Code of Virginia*) if the agency has registered such debt with the Virginia Department of Taxation and timely notice of the debt has been furnished by the Virginia Department of Taxation to the State Lottery Department.

No liability for interest for any such delay shall accrue to the benefit of the claimant pending payment of the claim. The department is neither liable for nor has it any responsibility to resolve disputes between competing claimants.

11 VAC 5-40-520. Lost, stolen, destroyed tickets.

The department is not liable for lost, stolen or destroyed tickets.

The director may honor a prize claim of an apparent winner who does not possess the original ticket if the claimant is in possession of information which demonstrates that the original ticket meets the following criteria and can be validated through other means. The exception does not apply to an on-line game ticket the prize for which is a free ticket.

1. The claim form, *if required*, and a photocopy of the ticket, or photocopy of the original claim form, *if required*, and ticket, are timely filed with the department;

2. The prize for which the claim is filed is an unclaimed winning prize as verified in the department's records;

3. The prize has not been claimed within the required redemption period; and

4. The claim is filed within 180 days of the drawing or within the redemption period, as established by game rules.

11 VAC 5-40-550. When retailer cannot validate ticket.

If, for any reason, a retailer is unable to validate a prize winning ticket, the retailer shall provide the ticket holder with a department claim form and instruct the ticket holder on how to file a claim with the department.

11 VAC 5-40-590. When prize shall be claimed from the department.

The department will process claims for payment of prizes in any of the following circumstances:

1. If a retailer cannot validate a claim which the retailer otherwise would pay, the ticket holder shall present the signed ticket and a completed claim form to the any department regional office or mail both the signed ticket and a completed claim form to the department central office headquarters.
2. If a ticket holder is unable to return to any on-line retailer to claim a prize which the retailer otherwise would pay, the ticket holder may present the signed ticket at any department regional office or mail both the signed ticket and a completed claim form to the department central office headquarters.
3. If the prize amount is \$601 or more, the ticket holder may present the signed ticket and a completed claim form, *if required*, at any department regional office or mail both the signed ticket and a completed claim form, *if required*, to the department central office.
4. *The department may require a claim form.*

11 VAC 5-40-600. Prizes of \$25,000 or less.

Unless otherwise determined by the board, prizes of \$25,000 or less may be claimed from any of the department's regional offices. Regional offices will pay prizes by check after tickets are validated and after any other applicable requirements contained in this chapter are met.

11 VAC 5-40-610. Prizes of more than \$25,000.

Prizes of more than \$25,000 and noncash prizes other than free lottery tickets may be claimed from the department's central office headquarters in Richmond. The central office headquarters will pay cash prizes by check, after tickets are validated and after any other applicable requirements contained in this chapter are met.

11 VAC 5-40-660. When claim form required.

A claim form for a winning ticket may be obtained from any department office or any licensed lottery retailer. A claim form shall *may* be required to claim any prize from the department's central office offices. A claim form shall be required to claim any prize of \$601 or more from the department's regional offices. This section may not apply to the redemption of prizes awarded through a subscription plan as identified in 11 VAC 5-40-830.

PART IV. SUBSCRIPTION PLAN.

11 VAC 5-40-700. Development of subscription.

In addition to regulations set forth in this part chapter, the conduct of subscriptions is subject to all applicable rules and regulations of the department.

11 VAC 5-40-710. Subscriptions. (Repealed.)

~~Subscriptions may be purchased for periods specified by the department in rules applicable to the lottery game to which the subscription applies.~~

11 VAC 5-40-720. Subscription price. (Repealed.)

~~The sale price of a subscription shall be determined by the board.~~

11 VAC 5-40-730. Subscription cancellation. (Repealed.)

~~A. A subscription entered into the department's central computer system cannot be cancelled by a subscriber or group designated agent except when a subscriber or group designated agent becomes employed by the lottery as an employee, board member, officer or employee of any vendor to the lottery of lottery on-line or instant ticket goods or services working directly with the department on a contract for such goods or services, or any person residing in the same household as any such board member, officer or employee during the subscription period.~~

~~B. A subscription cannot be assigned by a subscriber or group designated agent to another person.~~

~~C. Funds remitted to the department as payment for the subscription are not refundable to the subscriber or group designated agent unless provisions identified in subsection A of this section are present.~~

11 VAC 5-40-740. Effective date. (Repealed.)

~~The subscription shall be effective on the start date indicated in the confirmation notice for that subscription.~~

11 VAC 5-40-750. Retailer compensation. (Repealed.)

~~Unless otherwise determined by the board, active licensed lottery retailers shall receive 5.0% compensation on sales of subscriptions. The compensation shall be based on all subscriptions purchased at any active licensed lottery retailer location as well as on all subscription applications mailed or delivered to the department's central office with payment and bearing a valid licensed lottery retailer number. In addition, active licensed lottery retailers shall be compensated for renewals of subscriptions which originated at their retailer location. Retailer compensation for a subscription shall be cancelled in the event the tender for the subscription payment is not honored by the payor institution or if the licensed lottery retailer does not provide the retailer number.~~

11 VAC 5-40-760. Validation requirements. (Repealed.)

~~Only those subscriptions entered into the department's central computer system and which are confirmed are valid entries eligible for prizes. Otherwise, game numbers selected on a subscription application are not eligible to win a prize in any drawing.~~

11 VAC 5-40-770. Purchase of subscription. (Repealed.)

~~A. Subscription applications may be distributed through the department's central office, any department regional office, any licensed lottery retailer, or any other means as determined by the department.~~

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~~B. An individual, group, family unit, club, or other organization otherwise eligible to purchase lottery tickets may purchase a subscription by mail from the department's central office or from other locations as determined by the department.~~

~~C. In order to purchase a subscription, an individual, group, family unit, club, or other organization must furnish a valid Virginia street address or Virginia post office box, as required by U.S. postal regulations.~~

~~D. After receipt of the subscription at the department's central office, the subsequent entry of data into the central computer system, and the bank clearance of the subscriber's method of payment, the department shall mail a confirmation notice to the subscriber or group-designated agent at the address provided on the subscription application.~~

11 VAC 5-40-780. Subscription application requirements. (Repealed.)

~~A. A subscription application must meet the following requirements in order to be accepted for entry:~~

~~1. The numbers selected by the player must contain the prescribed number of unduplicated game numbers from numbers available for play in the game. If permitted by the rules of the game, numbers may be duplicated;~~

~~2. The subscription application must contain a valid Virginia street address or Virginia post office box, as required by U.S. postal regulations;~~

~~3. If a subscription is entered for a group, corporation, family unit or club, one individual must be designated as the group agent;~~

~~4. The subscription application must be an official department application; and~~

~~5. The designated numbers selected by the player or group-designated agent for a subscription shall remain unchanged for the duration of the subscription once the designated numbers are entered into the department's central computer system and confirmed by the player. If any easy pick option is selected by the player, the randomly-selected numbers shall remain unchanged for the duration of the subscription.~~

~~B. A subscription application will be rejected for any of the following reasons:~~

~~1. If a subscription application is received by the department on an unofficial subscription form;~~

~~2. If no numbers are designated in a selected game panel and an available easy-pick option is not selected;~~

~~3. If more or fewer than the prescribed set of numbers are selected;~~

~~4. If numbers are duplicated within the game panel, unless permitted by game rules;~~

~~5. If both a prescribed set of numbers and easy pick is designated in the same game panel;~~

~~6. If payment is not for the correct amount and is not made payable to the "Virginia Lottery," if a check or~~

~~money order is returned unpaid, if a third-party check is remitted for payment, or if remittance is dishonored, the registration and the confirmation notice are void automatically for all drawings including those which may have occurred prior to the remittance being dishonored;~~

~~7. If the application contains an out-of-state address;~~

~~8. If the application is not signed;~~

~~9. If an individual (subscriber, group-designated agent or recipient) is under the age of 18, according to birth date recorded on the application; or~~

~~10. If an individual is found to be a Virginia Lottery Department employee, vendor employee, or household member, otherwise prohibited from playing any lottery game.~~

~~C. If the subscription is rejected by the department, both the subscription application and subscription payment will be returned to the subscriber or group-designated agent with a letter of explanation and no prize will be paid on any play appearing on the rejected subscription application for any drawing deriving from that subscription application.~~

~~These regulations assume that an easy pick option is available. If not available in a subscription plan, the criteria for accepting or rejecting a subscription application is modified accordingly.~~

11 VAC 5-40-790. Subscription gifts. (Repealed.)

~~A. Any recipient of a subscription gift must have a valid Virginia address or Virginia post office box.~~

~~B. Numbers selected by the subscriber for the recipient cannot be cancelled or reselected.~~

~~C. All other provisions of this chapter shall apply to subscription gifts, subscription purchasers and subscription recipients.~~

11 VAC 5-40-800. Subscription renewals. (Repealed.)

~~A. Approximately six weeks prior to the end of a subscription, a renewal notice will be mailed to a subscriber or group-designated agent at the address on file with the department. Subscribers or group-designated agents may renew the subscription by returning the renewal notice with payment to the department's central office. Renewal notices may be obtained from the department's central office or other locations as determined by the lottery. Renewal notices shall not be mailed to subscribers or group-designated agents who no longer have a valid Virginia address or Virginia post office box.~~

~~B. Renewals will not be accepted unless the individual subscriber or group-designated agent furnishes a valid Virginia address or Virginia post office box.~~

11 VAC 5-40-810. Change of name. (Repealed.)

~~In the event a subscriber or group-designated agent's name changes during the subscription period, he may notify the department in writing of such change. Proof of name change may be required by the department at any time. The department reserves the right to refuse to change a name registered as a subscriber.~~

11 VAC 5-40-820. Change of address. (Repealed.)

In the event a subscriber or group designated agent moves out of state during the subscription period and notifies the department of the change of address, the subscription will remain in effect until the number of draws for that subscription plan has expired. The subscriber or group designated agent will not be eligible to receive a subscription renewal notice.

11 VAC 5-40-830. Payment of prizes. (Repealed.)

A. Before any prize of \$601 or greater can be paid, the department must be provided with the subscriber's taxpayer identification number, if it has not already been provided on the subscription application. The department will make reasonable efforts to obtain the missing taxpayer identification number. Payment will be delayed until the number is provided. Prizes for which no taxpayer identification number has been furnished within 180 days of the date of the drawing in which the prize was won will be forfeited.

B. Unless otherwise determined by the board, the department will monitor subscriptions and mail nonannuitized prize payments to subscription winners without the necessity of a claim form being filed by the subscription winners. Prizes shall be subject to payment of any taxes and Setoff Debt Collection Act amounts due and the department shall deduct applicable taxes and set-off debt amounts prior to mailing prize payments.

C. Subscribers winning a free play will receive a check as payment of free ticket prize(s) from the department at the end of their subscription(s). In lieu of awarding free tickets to a subscriber or group designated agent, the check will pay the cumulative value of all free tickets won during the subscription plan. The value of free play tickets won on a subscription shall be the same as the purchase price for a single play, on-line ticket in the same game as determined by the board.

D. The department will notify subscription winners of annuitized prizes by certified mail or telephone, at the address or telephone number shown on the subscription application on file with the department, and request that they come to the department's central office to receive the first prize payment. Subsequent checks will be mailed to subscription winners. Claim forms for annuitized prizes will not be required.

E. Prize payments will be processed in the name of an individual or group designated agent according to information furnished on the subscription application.

1. A group, family unit, club or other organization which is not a legal entity or which does not possess a Federal Employer's Identification Number (FEIN) may file Internal Revenue Service (IRS) Form 5754, "Statement by Person(s) Receiving Gambling Winnings," with the department. This form designates to whom winnings are to be paid and are taxable.

2. If the prize winner does not furnish a social security number or taxpayer identification number, the prize will be deemed unclaimed and the department will not pay

the prize. Failure to furnish the social security number or taxpayer identification number may expose the prize winner(s) to the risk that the prize will remain unclaimed after 180 days from the date of the drawing and will be forfeited.

F. If for any reason a payment is returned by the U.S. Postal Service and a new address cannot be located, such payments will be held by the department under the state's unclaimed property laws and transferred to the state if not claimed within 180 days following the drawing. Thereafter the department shall not be liable for payment and winners who make claims after this time period will be referred to the Unclaimed Property Division, Virginia Department of the Treasury.

G. Any subscription cash prize which remains unclaimed for any reason other than the preceding subsection after 180 days following the drawing which determined the prize shall revert to the State Literary Fund. This includes, but is not limited to, failure or refusal to furnish a taxpayer identification number to complete the claim for a prize won.

11 VAC 5-40-840. Player responsibility. (Repealed.)

A. The department is not liable for department or licensed lottery retailer employee errors.

B. The player(s) assumes responsibility for any delays resulting from the choice of method of forwarding a subscription application to the department.

C. The subscriber or group designated agent is responsible for verifying the accuracy of the lottery game data as recorded on the confirmation notice mailed to the subscriber or group designated agent by the department.

D. The player shall notify the department if an error has been made. Notification shall be postmarked within 10 business days of date of the confirmation notice.

E. Player requested corrections are not effective until entry of the corrected data into the department's central computer system and a corrected confirmation notice is mailed to the subscriber by the department. Such corrections are not retroactive. Any errors in lottery game data remain valid for all drawings occurring while the erroneous data remains effective but such erroneous game data is no longer valid for drawings occurring after the erroneous data is corrected and a corrected confirmation notice is issued.

11 VAC 5-40-850. Department responsibility. (Repealed.)

A. The department is responsible for entering the subscription data, including authorized corrections, on the department's central computer system within a reasonable period of time from receipt of the subscription application and clearance of remittance or receipt of the Request for Corrections notice.

B. If for any reason a subscription play is not accepted, the liability of the department and its retailers is limited to a refund of the purchase price for that play.

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11 VAC 5-40-860. Disputes. (Repealed.)

A. ~~The department is neither liable for nor has it any responsibility to resolve disputes among group members for group subscriptions.~~

B. ~~The decision of the director shall be final.~~

NOTICE: The forms used in administering 11 VAC 5-40-10 et seq., On-Line Game Regulations, are not being published; however, the name of each form is listed below. The forms are available for public inspection at the State Lottery Department, 900 East Main Street, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 910 Capitol Square, 2nd Floor, Richmond, Virginia.

On-Line Game Survey, SLD-120 (SLD-0120).

Retailer Data Collection.

Lottery Retailer Surety Bond.

Retailer Agreement - Lion III or Self-Serve Terminal(s), SLD-0064 (eff. 10/92 6/93).

Virginia Lottery Licensed Retailer License Certificate, (eff. 4/90 rev. 9/94).

Things to Do. On-Line Retailer.

Commonwealth of Virginia Lottery Bond Application.

Special Notice on Bonding for Lottery Retailers Bond Expiration (letter).

Virginia Lottery On-Line Play Center; Agreement/Order Form, SLD-0136 (eff. 4/89 rev. 7/93).

Authorization Agreement for Preauthorized Payments, SLD-0035A.

On-Line Ticket Stock Return, X-0120 (eff. 6/89).

On-Line Weekly Settlement Envelope. SLD-0127.

Weekly Settlement Form (SLD-0128, 2/89).

A/R Online Accounting Transaction Form, X-0105 (eff. 6/89).

Cash Tickets Envelope/Cancelled Tickets Envelope (SLD-0125).

Cancelled Tickets Envelope (SLD-0124).

Ticket Problem Report (SLD-0017, 9/92).

Winner Claim Form, SLD-0007 (eff. 3/89 rev. 6/93).

Winner Gram.

We're Sorry But...

Subscription Playslip.

Subscription Application.

Confirmation Letter.

Statement by of Person(s) Receiving Gambling Winnings, Internal Revenue Service Form 5754.

Report of Cash Payments Over \$10,000 Received in a Trade or Business. Form 8300 (eff. 3/92).

Agreement to Share Ownership and Proceeds of Lottery Ticket.

Pick 3, Pick 4, Cash 5, Lotto Playslips.

Target Area O/L Expansion (Form No. X-0038, 1/89).

On-Line License Approval Notice (letter).

Personal Data Form.

Sign-On Slips (SLD-0126).

Prize Winner Designation of Beneficiary(ies).

VA.R. Doc. No. R96-348; Filed May 7, 1996, 1:41 p.m.

MARINE RESOURCES COMMISSION

MARINE RESOURCES COMMISSION

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: 4 VAC 20-380-10 et seq. (amending 4 VAC 20-380-10, 4 VAC 20-380-20, and 4 VAC 20-380-50).
Pertaining to Grey Trout.

Statutory Authority: § 28.2-201 of the Code of Virginia.

Effective Date: May 1, 1996.

Summary:

This regulation establishes limitations on the commercial and recreational harvest of grey trout in order to reduce the fishing mortality rate and to rebuild the severely depleted stock of grey trout. The limitations include minimum size limits, gear restrictions and season limits for the commercial fishery and minimum size and possession limits for the recreational fishery. This regulation is promulgated pursuant to authority contained in § 28.2-201 of the Code of Virginia. This regulation amends previous 4 VAC 20-380-10 et seq. which was adopted by the Marine Resources Commission on September 26, 1995, and made effective September 27, 1995. The effective date of this regulation is May 1, 1996.

Agency Contact: Copies of the regulation may be obtained from Deborah R. Cawthon, Marine Resources Commission, P.O. Box 756, Newport News, VA 23607, telephone (804) 247-2248.

4 VAC 20-380-10. Purpose.

The purpose of this chapter is to achieve at least a 33% reduction in the grey trout fishing mortality rate during the April 1, 1995 1996, through March 31, 1996 1997, period, thereby reducing the probability of recruitment failure and stock collapse and to allow allowing for a rebuilding of the spawning stock. This chapter is designed to be consistent with federal and interstate management measures.

4 VAC 20-380-20. Definitions.

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

"Closed season" means an interval of time, in days, when it shall be unlawful for any fisherman licensed in accordance with the provisions of 4 VAC 20-610-10 et seq. and § 28.2-301 of the Code of Virginia to possess any grey trout.

"Grey Trout" means any fish of the species *Cynoscion regalis*.

4 VAC 20-380-50. Commercial fishing season.

A. It shall be unlawful for any person fishing with pound net to possess any grey trout during the closed seasons of May 1 through May 22, 1995 1996, and September 13, 1995

1996, through March 31, 1996 1997, except as provided in subsections B and D subdivision 1 of this section subsection.

B. 1. Any pound net fisherman who held holds 2 or 3 pound net licenses as of August 5, 1994, and forfeits in accordance with the provisions of 4 VAC 20-600-10 et seq. may forfeit only one of those licenses shall to be eligible to possess grey trout during the closed season seasons as established in this subsection A of this section. Any pound net fisherman who held holds 4, 5, or 6 pound net licenses as of August 5, 1994 and forfeits, in accordance with the provisions of 4 VAC 20-600-10 et seq. may forfeit only two of those licenses shall to be eligible to possess grey trout during the closed season established in this subsection A of this section. Any pound net fisherman who held holds 7, 8, or 9 pound net licenses as of August 5, 1994, and forfeits in accordance with the provisions of 4 VAC 20-600-10 et seq. may forfeit only three of those licenses shall to be eligible to possess grey trout during the closed season as established in this subsection A of this section. Forfeiture shall be through March 31, 1996 1997, and shall occur prior to May 1, 1996.

G. 2. Any pound net licensee who forfeits a license pursuant to subsection B subdivision 1 of this section subsection shall retain his priority rights to such locations for future licensing until April 1, 1996 1997. Any pound net fisherman who forfeits one or more pound net licenses may reclaim such licenses during the March 15 through April 1, 1997 period, but shall not set or fish any pound nets attached to such licenses prior to April 1, 1997.

D. 3. Those pound net licensees who hold multiple gear licenses and satisfy the requirement of subsection A or B subdivision 1 of this section subsection may transfer an unused license to a licensee who holds a single pound net license.

E. B. The closed seasons on grey trout harvested by gill net shall be May 14 through October 7, 1995 1996, and December 18, 1995 1996, through March 31, 1996 1997.

F. C. The closed seasons on grey trout harvested by haul seine shall be April 1 through April 15, 1995 1996; June 11 through August 20, 1995 1996; September 20 through September 26, 1995 1996; and October 3, 1995 1996, through March 31, 1996 1997.

G. D. The closed season on landing grey trout harvested by trawl shall be September 26 through March 31, 1996 1997.

/s/ William A. Pruitt
Commissioner

VA.R. Doc. No. R96-326; Filed April 26, 1996, 3:41 p.m.

Title of Regulation: 4 VAC 20-620-10 et seq. Pertaining to Summer Flounder (amending 4 VAC 20-620-30 and 4 VAC 20-620-40).

Statutory Authority: § 28.2-201 of the Code of Virginia.

Marine Resources Commission

Effective Date: May 1, 1996.

Preamble:

This regulation establishes limitations on the commercial and recreational harvest of Summer Flounder in order to reduce the fishing mortality rate and to rebuild the severely depleted stock of Summer Flounder. The limitations include a commercial harvest quota and trip limits, minimum size limits, and a recreational possession and season limit.

The amendments to this regulation are promulgated pursuant to the authority contained in § 28.2-201 of the Code of Virginia and amends 4 VAC 20-620-10 et seq., which was promulgated by the Marine Resources Commission and made effective January 30, 1996. The effective date of these amendments is May 1, 1996.

Agency Contact: Copies of this regulation may be obtained from Deborah R. Cawthon, Regulatory Coordinator, Marine Resources Commission, P. O. Box 756, Newport News, VA 23607, telephone (804) 247-2248.

4 VAC 20-620-30. Commercial harvest quotas.

A. ~~4.~~ During each calendar year, commercial landings of Summer Flounder shall be limited to the total pounds calculated pursuant to the joint Mid-Atlantic Fishery Management Council/Atlantic States Marine Fisheries Commission Summer Flounder Fishery Management Plan, as approved by the National Marine Fisheries Service on August 6, 1992; and shall be distributed as described in ~~subdivision-2 subsections B through 8 H~~ of this section:

2. B. The commercial harvest of Summer Flounder from Virginia tidal waters for each calendar year shall be limited to 300,000 pounds.

3. C. During the period of January 1 through March 31 of each calendar year, landings of Summer Flounder harvested outside of Virginia shall be limited to an amount of pounds equal to 64.3% of the total specified in ~~subdivision-4 subsection A~~ of this section after deducting the amount specified in ~~subsection-2 subsection B~~ of this section.

4. D. During the period of April 1 through June 30 of each calendar year, landings of Summer Flounder harvested outside of Virginia shall be limited to an amount of pounds equal to 6.4% of the total specified in ~~subdivision-4 subsection A~~ of this section after deducting the amount specified in ~~subdivision-2 subsection B~~.

5. E. During the period of July 1 through September 30 of each calendar year, landings of Summer Flounder harvested outside of Virginia shall be limited to an amount of pounds equal to ~~6.4% of the total specified in subdivision 1 of this section after deducting the amount specified in subdivision-2 prohibited.~~

6. F. During the period of October 1 through December 31 of each calendar year, landings of Summer Flounder harvested outside of Virginia shall be limited to an amount of pounds equal to ~~22.9%~~ 29.3% of the total specified in ~~subdivision-4 subsection A~~ of this section after deducting the amount specified in ~~subdivision-2 subsection B~~ of this section

and as may be further modified by ~~subdivision-7 subsection G.~~

7. ~~a.~~ G. During the periods set forth in ~~subdivisions-3, 4 subsections C, D, and 5 E~~ of this section, should landings exceed or fall short of the quota specified for that period any such excess shall be deducted from, and any such shortage shall be added to, the quota for the period set forth in ~~subdivision-6 subsection F~~ of this section. ~~b.~~ During the period specified in ~~subdivision-2 subsection B~~ of this section, should landings be projected to fall short of the quota specified for that period, any such shortage shall be added to the quota for the period set forth in ~~subdivision-6 subsection E~~ of this section. A projection of harvest under this subsection will be made on or about November 1.

8. H. For each of the time periods and quotas set forth in ~~subdivisions-3, 4, 5, 6 subsections C, D, E, F and 7 G~~ of this section, the Marine Resources Commission will give timely notice to the industry of the calculated poundages and any adjustments thereto. B. It shall be unlawful for any person to harvest for commercial purposes or to land Summer Flounder for sale after the commercial harvest or landing quota as described in this section has been attained and announced as such.

4 VAC 20-620-40. Commercial trip limitation.

A. During the period of January 1 through March 31 of each calendar year, it shall be unlawful for any person harvesting Summer Flounder outside of Virginia's waters to land in Virginia any amount of Summer Flounder in excess of 9,000 pounds per vessel per trip except that when it is projected and announced that 80% of the quota for this period has been taken, it shall be unlawful for any person harvesting Summer Flounder outside of Virginia's waters to land in Virginia any amount of Summer Flounder in excess of 5,000 pounds per vessel per trip.

B. During the period of April 1 through ~~September-30 June~~ 30 of each calendar year, it shall be unlawful for any person harvesting Summer Flounder outside of Virginia's waters to land in Virginia any amount of Summer Flounder in excess of 2,500 pounds per vessel trip.

C. During the period October 1 through December 31 of each calendar year, it shall be unlawful for any person harvesting Summer Flounder outside of Virginia's waters to land in Virginia any amount of Summer Flounder in excess of 5,000 pounds per vessel per trip, except that when it is projected and announced that 85% of the quota for this period has been taken, it shall be unlawful for any person harvesting Summer Flounder outside of Virginia's waters to land in Virginia any amount of Summer Flounder in excess of 2,500 pounds per vessel per trip.

D. For each of the time periods and trip limits set forth in subsections A and C of this section, the Marine Resources Commission will give timely notice of any changes in trip limits.

/s/ Robert D. Craft
for William A. Pruitt, Commissioner

VA.R. Doc. No. R96-325; Filed April 26, 1996, 3:41 p.m.

Title of Regulation: 4 VAC 20-890-10 et seq. Pertaining to Channeled Whelk.

Statutory Authority: § 28.2-201 of the Code of Virginia.

Effective Date: April 30, 1996.

Summary:

This regulation establishes limitations on the commercial harvest and possession of channeled whelk in order to conserve this resource and provide for continued recruitment of channeled whelk to the fishery. The limitations include a minimum size and restrictions on the type of gear which can be used to harvest channeled whelk from Virginia waters. This regulation is promulgated pursuant to authority contained in § 28.2-201 of the Code of Virginia. The effective date of this regulation is April 30, 1996.

Agency Contact: Copies of the regulation may be obtained from Deborah Cawthon, Marine Resources Commission, 2600 Washington Avenue, Newport News, VA 23607, telephone (804) 247-2248.

CHAPTER 890.
PERTAINING TO CHANNELED WHELK.

4 VAC 20-890-10. Purpose.

The purpose of this regulation is to conserve the channeled whelk resource and provide for sustainable recruitment of channeled whelk to the fishery. As the channeled whelk are a slow-growing, long-lived species, limitations on the size and the types of gear which may harvest and possess channeled whelk from Virginia waters are necessary for the prevention of a stock decline.

4 VAC 20-890-20. Definitions.

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

*"Channeled whelk" means any whelk of the species *Busycotypus canaliculatus*.*

"Length" means the total length of a channeled whelk, measured from the tip of the apex to the outer tip of the shell opening.

4 VAC 20-890-30. Minimum size limits.

A. *It shall be unlawful for any person to possess channeled whelk less than five inches in length.*

B. *It shall be unlawful for any person to land channeled whelk harvested outside of Virginia waters that are less than five inches in length.*

4 VAC 20-890-40. Gear restrictions.

It shall be unlawful for any person to possess channeled whelk harvested from Virginia waters by any means other than by hand, licensed conch dredge, licensed crab dredge, or permitted conch pot.

4 VAC 20-890-50. Bycatch exemption.

It shall be unlawful for any crab pot fisherman, licensed in accordance with the provisions of 4 VAC 20-610-10 et seq. and 4 VAC 20-880-10 et seq. and § 28.2-702 of the Code of Virginia, to possess more than five bushels of channeled whelk.

4 VAC 20-890-60. 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.

/s/ William A. Pruitt
Commissioner

VA.R. Doc. No. R96-324; Filed April 26, 1996, 3:42 p.m.

Title of Regulation: 4 VAC 20-900-10 et seq. Pertaining to Horseshoe Crab.

Statutory Authority: § 28.2-201 of the Code of Virginia.

Effective Date: May 1, 1996.

Summary:

This regulation establishes licensing requirements for the harvesting of horseshoe crabs by hand and exemptions from these requirements. This regulation is promulgated pursuant to the authority contained in § 28.2-201 of the Code of Virginia. The effective date of this regulation is May 1, 1996.

Agency Contact: Copies of the regulation may be obtained from Deborah Cawthon, Marine Resources Commission, 2600 Washington Avenue, Newport News, VA 23607, telephone (804) 247-2248.

CHAPTER 900.
PERTAINING TO HORSESHOE CRAB.

4 VAC 20-900-10. Purpose.

The purpose of this regulation is to license and identify for fishery management data gathering purposes those persons harvesting horseshoe crabs by hand.

4 VAC 20-900-20. Definition.

The following words or terms, when used in chapter, shall have the following meaning unless the context clearly indicates otherwise:

*"Horseshoe crab" means any crab of the species *Limulus polyphemus*.*

4 VAC 20-900-30. License requirement and exemption.

A. *It shall be unlawful for any person to harvest horseshoe crabs by hand for commercial purposes without first obtaining a commercial fisherman registration license and a horseshoe crab hand harvester license. The fee for the horseshoe crab hand harvester license shall be \$15.*

Marine Resources Commission

B. The taking by hand of as many as five horseshoe crabs in any one day for personal use only shall be exempt from the above licensing requirement.

4 VAC 20-900-40. *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.

/s/ William A. Pruitt
Commissioner

VA.R. Doc. No. R96-323; Filed April 26, 1996, 3:42 p.m.

FORMS

DEPARTMENT OF MINES, MINERALS AND ENERGY

Board of Mineral Mining Examiners

Title of Regulation: 4 VAC 25-35-10 et seq. Certification Requirements for Mineral Miners.

The following forms used in administering the regulation, 4 VAC 25-35-10 et seq., Certification Requirements for Mineral Miners, have been amended:

Application for Certification Examination, DMM-BMME-1 (Rev. 4/29/96).

Verification of Work Experience Form, DMM-BMME-2 (Rev. 4/29/96)

Application for Renewal, DMM-BMME-3 (Revised 4/29/96)

Verification of Training Completed for General Mineral Miner Certification, DMM-BMME-4 (Revised 4/29/96)

Copies of the forms may be obtained from the Department of Mines, Minerals and Energy, Ninth Street Office Building, 8th Floor, 202 North Ninth Street, Richmond, VA 23219, telephone (804) 692-3200.

GOVERNOR

GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

STATE AIR POLLUTION CONTROL BOARD

Title of Regulation: 9 VAC 5-160-10 et seq. Regulation for General Conformity.

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: January 2, 1996

VA.R. Doc. No. R96-335; Filed May 6, 1996, 11:09 a.m.

BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

Title of Regulation: 18 VAC 30-20-10 et seq. Regulations of the Board of Audiology and Speech-Language Pathology.

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: March 25, 1996

VA.R. Doc. No. R96-345; Filed May 6, 1996, 1:31 p.m.

DEPARTMENT OF HEALTH (STATE BOARD OF)

Title of Regulation: 12 VAC 5-610-10 et seq. Sewage Handling and Disposal Regulations.

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: February 13, 1996

VA.R. Doc. No. R96-337; Filed May 6, 1996, 11:09 a.m.

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

Title of Regulation: 12 VAC 25-20-10 et seq. Rules and Regulations of the Virginia Health Services Cost Review Council.

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: March 25, 1996

VA.R. Doc. No. R96-338; Filed May 6, 1996, 11:09 a.m.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (BOARD OF)

Title of Regulation: 13 VAC 5-70-10 et seq. Virginia Uniform Statewide Building Code, Volume II - Building Maintenance Code/1993.

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: March 25, 1996

VA.R. Doc. No. R96-341; Filed May 6, 1996, 11:08 a.m.

Title of Regulation: 13 VAC 5-110-10 et seq. Virginia Enterprise Zone Program Regulations (REPEALING).

Title of Regulation: 13 VAC 5-111-10 et seq. Virginia Enterprise Zone Program Regulations.

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: February 21, 1996

VA.R. Doc. No. R96-342; Filed May 6, 1996, 11:08 a.m.

**DEPARTMENT OF MEDICAL ASSISTANCE
SERVICES**

Title of Regulation: State Plan for Medical Assistance Relating to the Home Tomorrow Program.

12 VAC 30-50-100. Inpatient Hospital Services.

12 VAC 30-50-140. Physician's Services.

12 VAC 30-70-50. Hospital Reimbursement System.

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: February 22, 1996

VA.R. Doc. No. R96-340; Filed May 6, 1996, 11:08 a.m.

BOARD OF MEDICINE

Title of Regulation: 18 VAC 85-20-10 et seq. Regulations Governing the Practice of Medicine, Osteopathy, Podiatry, Chiropractic, Clinical Psychology and Acupuncture.

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 2, 1996

VA.R. Doc. No. R96-344; Filed May 6, 1996, 1:31 p.m.

BOARD OF NURSING

Title of Regulation: 18 VAC 90-20-10 et seq. Board of Nursing Regulations.

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 2, 1996

VA.R. Doc. No. R96-343; Filed May 6, 1996, 1:31 p.m.

BOARD OF PHARMACY

Title of Regulation: 18 VAC 110-20-10 et seq. 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: February 13, 1996

VA.R. Doc. No. R96-339; Filed May 6, 1996, 11:09 a.m.

STATE WATER CONTROL BOARD

Title of Regulation: 9 VAC 25-110-10 et seq. Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Domestic Sewage Discharges of Less Than or Equal to 1,000 Gallons Per Day.

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: February 27, 1996

VA.R. Doc. No. R96-336; Filed May 6, 1996, 11:09 a.m.

GENERAL NOTICES/ERRATA

Symbol Key

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

SECRETARY OF THE COMMONWEALTH

Notice to Counties, Cities, Towns, Authorities, Commissions, Districts and Political Subdivisions of the Commonwealth

Notice is hereby given that pursuant to § 2.1-71 of the Code of Virginia, each county, city and town and each authority, commission, district or other political subdivision of the Commonwealth to which any money is appropriated by the Commonwealth or any of the above which levies any taxes or collects any fees or charges for the performance of public services or issues bonds, notes or other obligations, shall annually file with the Secretary of the Commonwealth a list of all bond obligations, the date and amount of the obligation and the outstanding balance therein, on or before June 30 of each year. The following form for use herein described may be obtained from the contact person identified below.

Contact: Tanya Stevens, Conflict of Interest and Appointments Specialist, P. O. Box 2454, Richmond, VA 23218, or Old Finance Building, Capitol Square, Richmond, VA 23219, telephone (804) 786-2441.

Filing form per §2.1-71 of the *Code of Virginia-1996*
Office of the Secretary of the Commonwealth

OFFICIAL TITLE OF POLITICAL SUBDIVISION: _____

ADDRESS: _____

<u>Type of Obligation</u>	<u>Date Issued</u>	<u>Amount of Issue</u>	<u>Balance Outstanding</u>	<u>Type of Project Financed</u>
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DEPARTMENT OF HEALTH (STATE BOARD OF)

**Maternal and Child Health Block Grant Application
Fiscal Year 1997**

The Virginia Department of Health will transmit to the federal Secretary of Health and Human Services by July 15, 1996, the Maternal and Child Health Services Block Grant Application for the period October 1, 1996, through September 30, 1997, in order to be entitled to receive payments for the purpose of providing maternal and child health services on a statewide basis. These services include:

- Preventive and primary care services for pregnant women, mothers and infants up to age one
- Preventive and primary care services for children and adolescents
- Family-centered, community-based coordinated care and the development of community-based systems of services for children with special health care needs

The Maternal and Child Health Services Block Grant Application makes assurance to the Secretary of Health and Human Services that the Virginia Department of Health will adhere to all the requirements of § 505, Title V, Maternal and Child Health Services Block Grant of the Social Security Act, as amended. To facilitate public comment, this notice is to announce a period from May 20 through June 19, 1996, for review and public comment on the block grant application. Copies of the document will be available as of May 20, 1996, in the office of the director of each county and city health department. Individual copies of the document may be obtained by contacting Janice M. Hicks at the address below. Written comments must be received by June 19, 1996, at the following address: Virginia Department of Health, Office of Family Health Services, 1500 East Main Street, Room 104-B, Richmond, VA 23219-2448, telephone (804) 371-0478 or FAX (804) 692-0184.

MOTOR VEHICLE DEALER BOARD

Delegation of Authority

The 1995 General Assembly established the Motor Vehicle Dealer Board to assume the administrative oversight responsibility of the franchised (new) and the independent (used) automobile dealer industries. Previous to this legislative initiative, the Commissioner of the Department of Motor Vehicles was responsible for licensing motor vehicle dealers, dealer-operators and salespersons. The commissioner was also responsible for regulating and enforcing advertising practices of motor vehicle dealers.

At its January 1996 meeting, the board voted to delegate to its executive director the authority to administer and enforce the advertising regulations. At its March 1996 meeting, the board voted to delegate to its executive director the authority to make the initial determination for applications as well as for renewal of motor vehicle dealers, dealer-operators and

salespersons licenses and certificates of qualification, including the authority to conduct informal fact finding pursuant to § 9-6.14:11 of the Code of Virginia.

For further information contact Daniel B. Wilkins, Executive Director, Motor Vehicle Dealer Board, 2201 W. Broad St, Suite 104, Richmond, VA 23230, telephone (804) 367-1100.

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Virginia State Apple Board

† June 12, 1996 - 9 a.m. -- Open Meeting
Holiday Inn, 301 Foxcroft Avenue, Martinsburg, West Virginia. ♿

The board will discuss routine business including budget, tax collections, and the use of funds for FY 96-97. 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 Nancy Israel at least five days before the meeting date so that suitable arrangements can be made.

Contact: Nancy Israel, Program Director, Virginia State Apple Board, 1100 Bank St., Suite 1008, Richmond, VA 23219, telephone (804) 371-6104.

Virginia Small Grains Board

† July 17, 1996 - 8:30 a.m. -- Open Meeting
Airport Hilton, 5501 Eubank Road, Sandston, Virginia. ♿

The board will meet in regular session to discuss issues related to the small grains industry and to hear project reports and proposals. 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 Phil Hickman at least five days before the meeting date so that suitable arrangements can be made.

Contact: Phil Hickman, Program Director, Virginia Small Grains Board, 1100 Bank St., Suite 1005, Richmond, VA 23219, telephone (804) 371-6157 or FAX (804) 371-7786.

Virginia Soybean Board

† August 2, 1996 - Noon -- Open Meeting
4899 White Marsh Road, Wakefield, Virginia. ♿

The board will meet in regular session to discuss issues related to the soybean industry and the status of the 1996 crop and how it will reflect checkoff collections for 1996. 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 Phil Hickman at least five days before the meeting date so that suitable arrangements can be made.

Contact: Phil Hickman, Program Director, Virginia Small Grains Board, 1100 Bank St., Suite 1005, Richmond, VA 23219, telephone (804) 371-6157 or FAX (804) 371-7786.

Virginia Sweet Potato Board

June 6, 1996 - 8 p.m. -- Open Meeting
Eastern Shore Agricultural and Extension Center, Research Drive, Painter, Virginia. ♿

A meeting to include discussion of programs regarding promotion, research and education, the annual budget, and other business that may come before the board. 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 J. William Mapp at least five days before the meeting date so that suitable arrangements can be made.

Contact: J. William Mapp, Program Director, Virginia Sweet Potato Board, P.O. Box 26, Onley, VA 23418, telephone (804) 787-5867.

Virginia Winegrowers Advisory Board

July 25, 1996 - 10 a.m. -- Open Meeting
State Capitol, Capitol Square, House Room 1, Richmond, Virginia. ♿

An annual meeting to induct new board members and elect officers for the upcoming year. 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 Mary E. Davis-Barton at least 10 days before the meeting date so that suitable arrangements can be made.

Contact: Mary E. Davis-Barton, Secretary, Virginia Winegrowers Advisory Board, 1100 Bank St., Room 1010, Richmond, VA 23219, telephone (804) 786-0481.

STATE AIR POLLUTION CONTROL BOARD

June 14, 1996 -- 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 State Air Pollution Control Board intends to amend regulations entitled: **9 VAC 5-80-50 et seq. Part II: Federal Operating Permits and Permit Program Fees for Stationary Sources (Rules 8-5 and 8-6.)**. The regulation amendments concern provisions covering federal operating permits for stationary sources and permit program fees for stationary sources and are summarized as follows: (1) source applicability has been cited directly to federal law; (2) a definition of "Title I modification" has been added; (3) the definition of state regulations considered federally enforceable has been clarified; (4) the fee calculation formula has been changed to specify a fee of \$25; and (5) certain provisions pertaining to insignificant activities have been modified.

Request for Comments: The purpose of this notice is to provide the public with the opportunity to comment on the proposed regulation and the costs and benefits of the proposal.

Localities Affected: There is no locality which will bear any identified disproportionate material air quality impact due to the proposed regulation which would not be experienced by other localities.

Location of Proposal: The proposal, an analysis conducted by the department (including a statement of purpose, a statement of estimated impact and benefits of the proposed regulation, an explanation of need for the proposed regulation, an estimate of the impact of the proposed regulation upon small businesses, identification of and comparison with federal requirements, and a discussion of alternative approaches) and any other supporting documents may be examined by the public at the department's Office of Air Program Development (Eighth Floor), 629 East Main Street, Richmond, Virginia, and the department's regional offices (listed below) between 8:30 a.m. and 4:30 p.m. of each business day until the close of the public comment period.

Southwest Regional Office
Department of Environmental Quality
355 Deadmore Street
Abingdon, Virginia
Ph: (540) 676-4800

West Central Regional Office
Department of Environmental Quality
Executive Office Park, Suite D
5338 Peters Creek Road
Roanoke, Virginia
Ph: (540) 561-7000

Lynchburg Satellite Office
Department of Environmental Quality
7701-03 Timberlake Road
Lynchburg, Virginia
Ph: (804) 582-5120

Valley Regional Office
Department of Environmental Quality
116 North Main Street
Bridgewater, Virginia 22812
Ph: (540) 828-2595

Fredericksburg Satellite Office
Department of Environmental Quality
300 Central Road, Suite B
Fredericksburg, Virginia
Ph: (540) 899-4600

Piedmont Regional Office
Department of Environmental Quality
4949-A Cox Road
Innsbrook Corporate Center
Glen Allen, Virginia
Ph: (804) 527-5020

Tidewater Regional Office
Department of Environmental Quality
Old Greenbrier Village, Suite A
2010 Old Greenbrier Road
Chesapeake, Virginia
Ph: (804) 424-6707

Springfield Satellite Office
Department of Environmental Quality
Springfield Corporate Center, Suite 310
6225 Brandon Avenue
Springfield, Virginia
Ph: (703) 644-0311

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

Public comments may be submitted until 4:30 p.m. June 14, 1996, to the Director, Office of Air Program Development, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240.

Contact: Dr. Kathleen Sands, Policy Analyst, Air Program Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4413.

June 4, 1996 - 10 a.m. -- Public Hearing
State Capitol, Capitol Square, House Room 1, Richmond, Virginia.

June 28, 1996 -- Public comments may be submitted until this date.

Calendar of Events

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Air Pollution Control Board intends to amend regulations entitled: **9 VAC 5-20-10 et seq. General Provisions; and 9 VAC 5-80-360 et seq. Article 3, Acid Rain Operating Permits (Rule 8-7)**. The proposed regulation establishes an acid rain operating permit program that has as its goal the issuance of comprehensive permits which will specify for the permit holder, the department and the public all applicable state and federal requirements for pertinent emissions units in the facility covered. The result should be a permit that clearly states the air program requirements for the permit holder and provides a mechanism for the department to use in enforcing the regulations.

Request for Comments: The purpose of this notice is to provide the public with the opportunity to comment on the proposed regulation and the costs and benefits of the proposal.

Localities Affected: There is no locality which will bear any identified disproportionate material air quality impact due to the proposed regulation which would not be experienced by other localities.

Location of Proposal: The proposal, an analysis conducted by the department (including a statement of purpose, a statement of estimated impact and benefits of the proposed regulation, an explanation of need for the proposed regulation, an estimate of the impact of the proposed regulation upon small businesses, identification of and comparison with federal requirements, and a discussion of alternative approaches) and any other supporting documents may be examined by the public at the Office of Air Program Development, Department of Environmental Quality (Eighth Floor), 629 East Main Street, Richmond, Virginia, and the department's regional offices (listed below) between 8:30 a.m. and 4:30 p.m. of each business day until the close of the public comment period.

Southwest Regional Office
Department of Environmental Quality
355 Deadmore Street
Abingdon, Virginia
Ph: (540) 676-4800

West Central Regional Office
Department of Environmental Quality
Executive Office Park, Suite D
5338 Peters Creek Road
Roanoke, Virginia
Ph: (540) 561-7000

Lynchburg Satellite Office
Department of Environmental Quality
7701-03 Timberlake Road
Lynchburg, Virginia
Ph: (804) 582-5120

Valley Regional Office
Department of Environmental Quality
116 North Main Street
Bridgewater, Virginia 22812
Ph: (540) 828-2595

Fredericksburg Satellite Office
Department of Environmental Quality
300 Central Road, Suite B
Fredericksburg, Virginia
Ph: (540) 899-4600

Piedmont Regional Office
Department of Environmental Quality
4949-A Cox Road
Innsbrook Corporate Center
Glen Allen, Virginia
Ph: (804) 527-5020

Tidewater Regional Office
Department of Environmental Quality
Old Greenbrier Village, Suite A
2010 Old Greenbrier Road
Chesapeake, Virginia
Ph: (804) 424-6707

Springfield Satellite Office
Department of Environmental Quality
Springfield Corporate Center, Suite 310
6225 Brandon Avenue
Springfield, Virginia
Ph: (703) 644-0311

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

Contact: Robert A. Mann, Office Director, Air Program Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4419.

ALCOHOLIC BEVERAGE CONTROL BOARD

May 29, 1996 - 9:30 a.m. -- Open Meeting
† June 10, 1996 - 9:30 a.m. -- Open Meeting
† June 24, 1996 - 9:30 a.m. -- Open Meeting
† July 29, 1996 - 9:30 a.m. -- Open Meeting
† August 12, 1996 - 9:30 a.m. -- Open Meeting
† August 26, 1996 - 9:30 a.m. -- Open Meeting
Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, Virginia. 

A meeting to receive and discuss reports from and activities of staff members. Other matters have not yet been determined.

Contact: W. Curtis Coleburn, Secretary to the Board, Department of Alcoholic Beverage Control, 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 21, 1996 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 

A meeting to conduct board business. Persons desiring to participate in the meeting and requiring special

accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. 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 Interior Designers

† **June 14, 1996 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ☎

A meeting to conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. 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 13, 1996 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ☎

A meeting to conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. 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 Land Surveyors

† **June 6, 1996 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ☎

A meeting to conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. 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 ☎

VIRGINIA COMMISSION FOR THE ARTS

June 5, 1996 - 10 a.m. -- Open Meeting
J. Sargeant Reynolds Corporate Center, North Run Business Park, 1630 East Parham Road, Lecture Room, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A quarterly board meeting.

Contact: Lorraine Lacy, Executive Secretary, Virginia Commission for the Arts, 223 Governor St., 2nd Floor, Richmond, VA 23219, telephone (804) 225-3132, FAX (804) 225-4327, or (804) 225-3132/TDD ☎

BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

June 1, 1996 -- 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 Audiology and Speech-Language Pathology intends to amend regulations entitled: **18 VAC 30-20-10 et seq. Regulations of the Board of Audiology and Speech-Language Pathology.** The board proposes to lower its fees for initial applications for licensure, verifications and renewal of licensure.

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

Contact: Lisa J. Russell Hahn, Executive Director, Board of Audiology and Speech-Language Pathology, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9111, FAX (804) 662-9943, or (804) 662-7197/TDD ☎

VIRGINIA AVIATION BOARD

† **June 18, 1996 - 3 p.m.** -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A workshop for the board. No formal actions will be taken. Individuals requiring special accommodations or interpreter services should contact Cindy Waddell 10 days prior to the meeting so that suitable arrangements can be made.

Contact: Cindy Waddell, Department of Aviation, 5702 Gulfstream Rd., Sandston, VA 23150, telephone (804) 236-3625 or (804) 236-3624/TDD ☎

† **June 19, 1996 - 9 a.m.** -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

Calendar of Events

A regular bimonthly 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. Individuals requiring special accommodations or interpreter services should contact Cindy Waddell 10 days prior to the meeting so that suitable arrangements can be made.

Contact: Cindy Waddell, Department of Aviation, 5702 Gulfstream Rd., Sandston, VA 23150, telephone (804) 236-3625 or (804) 236-3624/TDD ☎

COUNCIL ON CHILD DAY CARE AND EARLY CHILDHOOD PROGRAMS

† **June 10, 1996 - 10 a.m.** -- Public Hearing
General Assembly Building, 910 Capitol Square, Senate Room B, Richmond, Virginia. ☎

In accordance with 42 USC § 9858b, the council will conduct a public hearing to provide the public an opportunity to comment on the provision of child care services under the Child Care Development Block Grant proposed state plan for FY 1996. Copies of the proposed plan may be obtained by contacting the council.

Contact: Vaughn Murphy, Policy Analyst, Council on Child Day Care and Early Childhood Programs, 730 E. Broad St., 9th Floor, Richmond, VA 23219, telephone (804) 371-8603 or FAX (804) 371-6570.

VIRGINIA STATE CHILD FATALITY REVIEW TEAM

† **June 28, 1996 - 10 a.m.** -- Open Meeting
State Corporation Commission Building, 1300 East Main Street, 3rd Floor Conference Room, Richmond, Virginia. ☎

A meeting to (i) discuss the status of funding and recent legislative actions; (ii) update the status of educational endeavors; and (iii) receive preliminary data on one class of violent deaths of children that will be studied this year. The second part of this meeting will be closed for specific case discussion.

Contact: Marcella F. Fierro, M.D., Chief Medical Examiner, 9 N. 14th St., Richmond, VA 23219, telephone (804) 786-1033, FAX (804) 371-8595, or toll-free 1-800-447-1706.

DEPARTMENT OF CONSERVATION AND RECREATION

Falls of the James Scenic River Advisory Board

June 6, 1996 - Noon -- Open Meeting
City Hall, Planning Commission Conference Room, 5th Floor, Richmond, Virginia.

A meeting to discuss 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 on Conservation and Development of Public Beaches

June 10, 1996 - 10 a.m. -- Open Meeting
Virginia Marine Resources Commission, 2600 Washington Avenue, Meeting Room, Newport News, Virginia. ☎

A meeting to discuss proposals from localities requesting matching grant funds from the board.

Contact: Carlton Lee Hill, Chief Shoreline Engineer, Department of Conservation and Recreation, Division of Soil and Water Conservation, 203 Governor St., Suite 206, Richmond, VA 23219, telephone (804) 786-3998.

BOARD FOR CONTRACTORS

Recovery Fund Committee

June 11, 1996 - 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 at least two weeks in advance.

Contact: Holly Erickson, Assistant Administrator, Board for Contractors, 3600 W. Broad St., Richmond, VA 23219, telephone (804) 367-8561.

BOARD OF CORRECTIONAL EDUCATION

† **June 21, 1996 - 10 a.m.** -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Richmond, Virginia.

A monthly meeting to discuss general business.

Contact: Patty Ennis, Board Clerk, Board of Correctional Education, James Monroe Bldg., 101 N. 14th Street, Richmond, VA 23219, telephone (804) 225-3314.

BOARD OF DENTISTRY

† **June 7, 1996 - 9 a.m.** -- Open Meeting
Department of Rehabilitative Services, 8004 Franklin Farms Drive, Rooms 103 and 105, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

The informal conference committee will hear informal cases. This is a public meeting; however, no public comment will be taken.

Contact: Marcia J. Miller, Executive Director, Board of Dentistry, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9906 or (804) 662-7197/TDD ☎

† **June 14, 1996 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

The informal conference committee will hold informal conferences from 9 a.m. to 1 p.m. with a formal hearing to follow at 1 p.m. This is a public meeting; however, no public comment will be taken.

Contact: Marcia J. Miller, Executive Director, Board of Dentistry, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9906 or (804) 662-7197/TDD ☎

† **June 21, 1996 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

The informal conference committee will hold informal conferences. This is a public meeting; however, no public comment will be taken.

Contact: Marcia J. Miller, Executive Director, Board of Dentistry, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9906 or (804) 662-7197/TDD ☎

VIRGINIA ECONOMIC DEVELOPMENT PARTNERSHIP

Board of Directors

June 11, 1996 - 2 p.m. -- Open Meeting
Riverfront Plaza, West Tower, 901 East Byrd Street, 19th Floor Boardroom, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A regular quarterly meeting to discuss the implementation of certain policies and procedures in preparation for the start up of the partnership as an agency on July 1, 1996.

Contact: Julie Gibbons, Executive Assistant, Virginia Economic Development Partnership, 901 E. Byrd St., 19th Floor, Richmond, VA 23219, telephone (804) 371-8100 or FAX (804) 371-8112.

LOCAL EMERGENCY PLANNING COMMITTEE - ARLINGTON COUNTY/CITY OF FALLS CHURCH/WASHINGTON NATIONAL AIRPORT

† **June 11, 1996 - 5:30 p.m.** -- Open Meeting
Arlington County Fire Station #1, 500 South Glebe Road, Training Room, Arlington, Virginia. ☎ (Interpreter for the deaf provided upon request)

A regular meeting of the planning committee to take public comments on the Hazardous Materials Response Plan. For more information contact Captain Michael Kilby.

Contact: Captain Michael Kilby, Arlington County Hazardous Materials Coordinator, 1020 N. Hudson St., Arlington, VA 22201, telephone (703) 358-4652 or (703) 358-4644, FAX (703) 358-4655, or (703) 662-5645/TDD ☎

LOCAL EMERGENCY PLANNING COMMITTEE - WINCHESTER

† **June 5, 1996 - 3 p.m.** -- Open Meeting
Shawnee Fire Company, 2333 Roosevelt Boulevard, Winchester, Virginia.

A meeting to vote on proposed bylaws amendments.

Contact: L. A. Miller, Fire Chief, Winchester Fire and Rescue Dept., 126 N. Cameron St., Winchester, VA 22601, telephone (540) 662-2298 or (540) 665-5645/TDD ☎

DEPARTMENT OF EMERGENCY SERVICES

Virginia Emergency Response Council and the State Hazardous Materials Response Advisory Council

May 28, 1996 - 10 a.m. -- Open Meeting
NOTE: CHANGE IN MEETING LOCATION
Holiday Inn, Koger Center, Midlothian Turnpike, Richmond, Virginia. ☎

A program update from the Virginia Emergency Response Council and the State Hazardous Materials Response Advisory Council. Individuals with a disability, as defined in the Americans with Disabilities Act of 1990, desiring to attend this meeting should contact the Department of Emergency Services 10 days prior to the meeting to ensure appropriate accommodations are provided.

Contact: Ronald R. Hargrave, Department of Emergency Services, 310 Turner Road, Richmond, VA 23225, telephone (804) 674-2452.

Calendar of Events

DEPARTMENT OF ENVIRONMENTAL QUALITY

† **May 30, 1996 - 7:30 p.m.** -- Public Hearing
Robert H. Comb Board Room, Revercomb Administration Building, 10459 Courthouse Drive, King George, Virginia.

A public hearing to receive comments on the proposed issuance of a state operating permit for Garnet of Virginia, located near Sealston, Virginia, under State Air Pollution Control Board Regulations.

Contact: Terry H. Carton, Department of Environmental Quality, 300 Central Road, Suite B, Fredericksburg, VA 22401, telephone (540) 899-4600.

† **June 13, 1996 - 9 a.m.** -- Open Meeting
J. Sargeant Reynolds Community College Corporate Center, 1630 East Parham Road, Auditorium, Richmond, Virginia.

A meeting of representatives of the Virginia Waste Management Board, State Air Pollution Control Board, and State Water Control Board. A public comment session will be held at 11 a.m. to receive comments from the public on the environment.

Contact: Cindy M. Berndt, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4378.

Virginia Coastal Resources Management Program

NOTE: CHANGE IN MEETING DATE

† **June 6, 1996 - 7 p.m.** -- Public Hearing
Hampton Roads Planning District Commission, 723 Woodlake Drive, Chesapeake, Virginia. ♿

Pursuant to the federal Coastal Zone Management Act, a public hearing will be conducted as part of the federal performance evaluation of the Virginia Coastal Resources Management Program. Virginia's coastal resources are managed by a network of state agencies coordinated by the Virginia Department of Environmental Quality. The purpose of the hearing is to receive public comment regarding the operation of the Virginia Coastal Resources Management Program. Written or oral comments will be accepted until June 12, 1996, and may be forwarded to Cheryl Graham, Virginia Evaluation Team Leader, 1305 East-West Highway, N/ORM4, Silver Spring, MD 20910.

Contact: Laura McKay, Coastal Program Manager, Department of Environmental Quality, 629 E. Main St., Richmond, VA 23219, telephone (804) 698-4323 or (804) 698-4320, or FAX (804) 698-4319.

Technical Advisory Committee for Solid Waste Management Regulations

May 31, 1996 - 10 a.m. -- Open Meeting
Department of Environmental Quality, 629 East Main Street, First Floor Training Room, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to discuss desirable amendments to the current Virginia Solid Waste Management Regulations (VR 672-20-10) [9 VAC 20-80-10 et seq.]

Contact: Dr. Wladimir Gulevich, Office of Technical Assistance, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240-0009, telephone (804) 698-4218, FAX (804) 698-4327 or (804) 698-4021/TDD ♿

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

June 13, 1996 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, Richmond, Virginia. ♿

Informal confererices will be conducted. No public comment will be received.

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 or (804) 662-7197/TDD ♿

CHARITABLE GAMING COMMISSION

† **June 6, 1996 - 10 a.m.** -- Open Meeting
General Assembly Building, 910 Capitol Square, Senate Room B, Richmond, Virginia. ♿

A regular meeting.

Contact: Kari Walter, Policy Analyst, Charitable Gaming Commission, 200 N. 9th St., Room 1030, Richmond, VA 23219, telephone (804) 786-0293 or FAX (804) 786-1079.

DEPARTMENT OF HEALTH (STATE BOARD OF)

May 28, 1996 - 7 p.m. -- Public Hearing
Board of Supervisors Room, Richmond, Virginia.
For more information contact: Mike Campbell (804) 672-4530

May 29, 1996 - 7 p.m. -- Public Hearing
Farmville Area Bus Station, Farmville, Virginia.
For more information contact: Wayne Lynhart (804) 392-3984

May 29, 1996 - 7 p.m. -- Public Hearing
Blacksburg Municipal Building, 300 South Main Street, Blacksburg, Virginia.
For more information contact: Bruce Hicks (540) 676-5520

May 30, 1996 - 7 p.m. -- Public Hearing
Washington County Library, Oak Hill and Valley Street, Abingdon, Virginia.
For more information contact: Bruce Hicks (540) 676-5520

May 31, 1996 -- 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 State Board of Health intends to amend regulations entitled: **12 VAC 5-610-10**

et seq. Sewage Handling and Disposal Regulations.

The purpose of the proposed amendments is to (i) increase the separation distance to a water table below a drainfield from two to 20 inches to 18 or 24 inches; (ii) increase the separation distance to bedrock below a drainfield from 12 inches to 18 inches; (iii) encourage the use of new and innovative onsite wastewater technologies by granting provisional approval to promising new systems; (iv) increase ground water protection standards for large onsite systems (mass drainfields); (v) reduce the installation depth for conventional systems from 18 inches to six to 12 inches; (vi) add provisions that will make it easier for homeowners to know when to pump their septic tank; and (vii) make administrative changes designed to revise cumbersome portions of the regulations and make it easier for the public to comply with the regulations (i.e., reduced "red tape").

Statutory Authority: §§ 32.1-12 and 32.1-164 of the Code of Virginia.

Contact: Donald J. Alexander, Director, Division of Onsite Sewage and Water Services, P.O. Box 2448, Suite 117, Richmond, VA 23218, telephone (804) 786-1750 or FAX (804) 225-4003.

Biosolids Use Information Committee

† June 12, 1996 - 1 p.m. -- Open Meeting
UVA Richmond Center, 7740 Shrader Road, Suite E, Richmond, Virginia. ♿

A meeting immediately following the 9 a.m. Regulations Advisory Committee meeting to discuss specific concerns relating to the 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, Director, Division of Wastewater Engineering, 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 Regulations Advisory Committee

† June 12, 1996 - 9 a.m. -- Open Meeting
UVA Richmond Center, 7740 Shrader Road, Suite E, Richmond, Virginia. ♿

A meeting to discuss issues concerning the implementation of the Biosolids Use Regulations involving land application, distribution, or marketing of biosolids.

Contact: C. M. Sawyer, Director, Division of Wastewater Engineering, Department of Health, Office of Water Programs, P.O. Box 2448, Richmond, VA 23218, telephone (804) 786-1755 or FAX (804) 371-2891.

Hemophilia Advisory Board

May 30, 1996 - 10 a.m. -- Open Meeting
Medical College of Virginia Hospital, 12th and Marshall Streets, Main Hospital, Room 422-423, Richmond, Virginia. ♿
(Interpreter for the deaf provided upon request)

An annual meeting of the board to continue the work of this body in advising the State Board of Health in the implementation of a program to provide health services for persons with hemophilia and related diseases. The agenda will include a discussion of recent developments in hemophilia treatment and their implications for the program. A time for public comment will also be provided.

Contact: Jan Kuhn, Hemophilia Nurse Coordinator, Medical College of Virginia, P.O. Box 980461, Richmond, VA 23298-0461, telephone (804) 786-3306.

Virginia Hiv Prevention Community Planning Committee

† June 6, 1996 - 8:30 a.m. -- Open Meeting
Sheraton Inn-Richmond Airport, 4700 South Laburnum Avenue, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to conclude regional assessments and to conduct other HIV prevention community planning.

Contact: Elaine G. Martin, Coordinator, STD/AIDS Education, Information and Training, Bureau of STD/AIDS, Department of Health, P.O. Box 2448, Room 112, Richmond, VA 23218, telephone (804) 786-0877 or toll-free 1-800-533-4148.

† July 19, 1996 - 8:30 a.m. -- Open Meeting
Sheraton Inn-Richmond Airport, 4700 South Laburnum Avenue, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to continue HIV prevention community planning.

Contact: Elaine G. Martin, Coordinator, STD/AIDS Education, Information and Training, Bureau of STD/AIDS, Department of Health, P.O. Box 2448, Room 112, Richmond, VA 23218, telephone (804) 786-0877 or toll-free 1-800-533-4148.

BOARD OF HEALTH PROFESSIONS

Compliance and Discipline Committee

† June 12, 1996 - 7:30 p.m. -- Public Hearing
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. ♿
(Interpreter for the deaf provided upon request)

Calendar of Events

† **June 13, 1996 - 7:30 p.m.** -- Public Hearing
Hotel Roanoke, 110 Shenandoah Avenue, Pocahontas B Room, Roanoke, Virginia. (Interpreter for the deaf provided upon request)

A public hearing to receive comments regarding the issue of disclosure of disciplinary information against health care providers.

Contact: Carol Stamey, Administrative Assistant, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9910 or (804) 662-7197/TDD

Practitioner Self-Referral Committee

June 4, 1996 - 2 p.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to continue informal conferences to review a request for exception. Brief public comment will be received at the beginning of the meeting.

Contact: Robert A. Nebiker, Executive Director, Board of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9919, FAX (804) 662-9943 or (804) 662-7197/TDD

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

June 28, 1996 -- 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 Virginia Health Services Cost Review Council intends to amend regulations entitled: **12 VAC 25-20-10 et seq. Rules and Regulations of the Virginia Health Services Cost Review Council.** The purpose of the proposed amendments is to eliminate requirements for nursing homes and hospitals to submit budget filings, for nursing homes to submit commercial diversification surveys, and for hospitals to submit quarterly filings to the Virginia Health Services Cost Review Council. A method for assessing fees, not related to budget filings, is provided.

Statutory Authority: §§ 9-158 and 9-160 of the Code of Virginia.

Public comments may be submitted until June 28, 1996, to Ann Y. McGee, Virginia Health Services Cost Review Council, 805 East Broad Street, Richmond, Virginia 23219.

Contact: Marsha Mucha, Executive Secretary Senior, Virginia Health Services Cost Review Council, 805 E. Broad St., 6th Floor, Richmond, VA 23219, telephone (804) 786-6371 or FAX (804) 371-0284.

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

May 29, 1996 - 1 p.m. -- Public Hearing
James Monroe Building, 101 North 14th Street, Ninth Floor Conference Room, Richmond, Virginia.

July 15, 1996 -- 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 State Council of Higher Education for Virginia intends to amend regulations entitled: **8 VAC 40-30-10 et seq. Regulations Governing the Approval of Certain Institutions to Confer Degrees, Diplomas and Certificates.** The purpose of the amendments is to address inefficiencies contained in current regulations, update regulations to reflect changing technologies, and address a gap in the state's quality assurance measures regarding the review and approval of certificate and diploma programs below the associate degree level. The proposed amendments will be beneficial to the public's welfare by reducing administrative burdens on institutions of higher education operating in Virginia while continuing to ensure that such institutions are offering quality degree programs.

Statutory Authority: § 23-268 of the Code of Virginia.

Public comments may be submitted until July 15, 1996, to M. Elizabeth Griffin, State Council of Higher Education for Virginia, James Monroe Building, 101 North 14th Street, Richmond, Virginia 23219.

Contact: Frances C. Bradford, Regulatory Coordinator, State Council of Higher Education for Virginia, James Monroe Bldg., 101 N. 14th St., Richmond, VA 23219, telephone (804) 225-2137.

NOTE: CHANGE IN MEETING TIME AND LOCATION

June 3, 1996 - 9 a.m. -- Open Meeting
James Monroe Building, 101 North 14th Street, Council Conference Room, 9th Floor, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A general business meeting. Contact the Council of Higher Education for additional information.

Contact: Michael McDowell, Public Information Director, State Council of Higher Education for Virginia, 101 N. 14th St., 9th Floor, Richmond, VA 23219, telephone (804) 225-2637 or FAX (804) 786-0572.

VIRGINIA HIGHER EDUCATION TUITION TRUST FUND

† **June 27, 1996 - 10 a.m.** -- Open Meeting
† **July 25, 1996 - 10 a.m.** -- Open Meeting
† **August 22, 1996 - 1 p.m.** -- Open Meeting
James Monroe Building, 101 North 14th Street, 3rd Floor, Richmond, Virginia.

A regular meeting.

Contact: Diana F. Cantor, Executive Director, Virginia Higher Education Tuition Trust Fund, James Monroe Building, 101 N. 14th St., 3rd Floor, Richmond, VA 23219, telephone (804) 746-3634.

BOARD OF HISTORIC RESOURCES AND STATE REVIEW BOARD

† **June 19, 1996 - 10 a.m.** -- Open Meeting
Rouss City Hall, 15 North Cameron Street, Winchester, Virginia. ☎ (Interpreter for the deaf provided upon request)

A joint meeting to consider the following properties for listing on the Virginia Landmarks Register and for nomination to the National Register of Historic Places:

1. Longmarsh Rural Historic District, Clarke County
2. Bermuda Hundred National Archaeological and Historic District, Chesterfield Co.
3. Church Hill North Historic District, City of Richmond
4. Travis Lake Historic District, Caroline County
5. Camp A. A. Humphrey's Pump Station and Filter Building, Fairfax Co.
6. Clermont, Loudoun County
7. Liberty Church, Caroline County
8. Rose Hill Farm, Frederick County
9. U. S. Army Package Power Reactor, Fairfax County
10. Walker-Grant School, Fredericksburg
11. Wood Park, Orange County
12. Archaeological Sites in the John H. Kerr Dam Area, Mecklenburg County
13. Sculptures in the City of Charlottesville:
 Lewis and Clark Sculpture
 Robert E. Lee Sculpture
 George Rogers Clark Sculpture
 Thomas J. Jackson Sculpture
14. Bill's Diner, Town of Chatham, Pittsylvania County
15. Burnett's Diner, Town of Chatham, Pittsylvania County
16. Jones Farm, Lunenburg County
17. Longwood, Albemarle County
18. Riverview, James City County
19. Clark Royster House, Mecklenburg County
20. Sunnyside, Mecklenburg County
21. Waverly, Franklin County
22. Jacobs House (boundary change), City of Richmond
23. York Village (boundary change), York County

Contact: Kathleen Kilpatrick, Deputy Director, Department of Historic Resources, 221 Governor St., Richmond, VA 23219, telephone (804) 786-6181, FAX (804) 225-4261, or (804) 786-1934/TDD ☎

HOPEWELL INDUSTRIAL SAFETY COUNCIL

June 4, 1996 - 9 a.m. -- Open Meeting
July 2, 1996 - 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 N. Main St., Hopewell, VA 23860, telephone (804) 541-2298.

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

June 3, 1996 - 10 a.m. -- Open Meeting
The Jackson Center, 501 North 2nd Street, 1st Floor Board Room, Richmond, Virginia. ☎

A regular monthly business meeting of the board. Public comment will be received.

Contact: Stephen W. Calhoun, CPA, Manager, Board of Housing and Community Development, The Jackson Center, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7015, FAX (804) 371-7092, or (804) 371-7089/TDD ☎

STATEWIDE INDEPENDENT LIVING COUNCIL

† **June 12, 1996 - 1 p.m.** -- Open Meeting
Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, Virginia. ☎

A regular business meeting of the council.

Contact: Jim Rothrock, Statewide Independent Living Council Staff, 1802 Marroit Rd., Richmond, VA 23229, telephone (804) 673-0119, FAX (804) 662-9040 or 1-800-552-5019/TDD ☎

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

June 10, 1996 - 1 p.m. -- Open Meeting
State Capitol, Capitol Square, House Room 1, Richmond, Virginia.

A regular meeting to discuss such matters as may be presented.

Contact: Adele MacLean, Secretary, Advisory Commission on Intergovernmental Relations, Eighth Street Office Bldg., Room 702, Richmond, VA 23219-1924, telephone (804) 786-6508, FAX (804) 371-7999, or (804) 786-1860/TDD ☎

Calendar of Events

VIRGINIA INTERAGENCY COORDINATING COUNCIL

June 12, 1996 - 9:30 a.m. -- Open Meeting
Henrico Area Mental Health and Mental Retardation Services,
10299 Woodman Road, Glen Allen, Virginia. ☎ (Interpreter for
the deaf provided upon request)

A quarterly meeting to advise and assist the Department of Mental Health, Mental Retardation and Substance Abuse Services as lead agency for Part H (of IDEA), Early Intervention for Infants and Toddlers with Disabilities and their families. Discussion focuses on issues related to Virginia's implementation of the Part H program.

Contact: Richard B. Corbett, Part H Program Support, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218, telephone (804) 786-3710 or FAX (804) 371-7959.

DEPARTMENT OF LABOR AND INDUSTRY

Migrant and Seasonal Farmworkers Board

June 12, 1996 - 10 a.m. -- Open Meeting
State Capitol, House Room 1, Richmond, 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 Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 225-3083, FAX (804) 371-6524 or (804) 786-2376/TDD ☎

Safety and Health Codes Board

June 17, 1996 - 10 a.m. -- Open Meeting
General Assembly Building, 910 Capitol Square, House Room C, Richmond, Virginia. ☎

The tentative agenda items for consideration by the board include:

1. Miscellaneous minor and technical amendments to 29 CFR Parts 1901, 1902, 1910, 1915, 1926, 1928, 1950 and 1951.
2. Grain Handling Facilities Standard, General Industry, § 1910.272, VR 425-02-37.
3. Regulatory review.

Contact: John J. Crisanti, Policy Analyst, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-2384, FAX (804) 786-8418 or (804) 786-2376/TDD ☎

LIBRARY BOARD

June 17, 1996 - Time to be announced -- Open Meeting
June 18, 1996 - Time to be announced -- Open Meeting
Location to be announced.

A meeting to discuss administrative matters of the library 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 Networking Users Advisory Board

June 26, 1996 - 10 a.m. -- Open Meeting
Jefferson-Madison Regional Library, 201 East Market Street, Madison Room, 3rd Floor Conference Room, Charlottesville, Virginia. ☎

A meeting to discuss administrative matters.

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.

COMMISSION ON LOCAL GOVERNMENT

June 3, 1996 - 10:30 a.m. -- Open Meeting
Caroline County General District Courtroom, 108 Courthouse Lane, Bowling Green, Virginia.

Oral presentations regarding the Town of Bowling Green - Caroline County Voluntary Settlement Agreement. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the commission.

Contact: Barbara Bingham, Administrative Assistant, Commission on Local Government, 702 8th Street Office Bldg., Richmond, VA 23219-1924, telephone (804) 786-6508, FAX (804) 371-7999 or (804) 786-1860/TDD ☎

June 3, 1996 - 7 p.m. -- Public Hearing
Caroline County General District Courtroom, 108 Courthouse Lane, Bowling Green, Virginia.

A public hearing regarding the Town of Bowling Green - Caroline County Voluntary Settlement Agreement. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the commission.

Contact: Barbara Bingham, Administrative Assistant, Commission on Local Government, 702 8th Street Office Bldg., Richmond, VA 23219-1924, telephone (804) 786-6508, FAX (804) 371-7999 or (804) 786-1860/TDD ☎

**STATE MANAGEMENT TEAM OF THE
COMPREHENSIVE SERVICES ACT FOR AT RISK
YOUTH AND THEIR FAMILIES**

† **June 6, 1996 - 10 a.m.** -- Open Meeting
St. Joseph's Villa, 8000 Brook Road, Richmond, Virginia ☎
(Interpreter for the deaf provided upon request)

A meeting to discuss policy and procedure to be recommended and discussed with the State Executive Council. Please contact Pamela Fitzgerald Cooper to be added to the agenda.

Contact: Gloria Jarrell or Pamela Fitzgerald Cooper, Secretary, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, 109 Governor St., Richmond, VA 23219, telephone (804) 371-2177 or FAX (804) 371-0091.

BOARD OF MEDICAL ASSISTANCE SERVICES

June 18, 1996 - 10 a.m. -- Open Meeting
Department of Medical Assistance Services, 600 East Broad Street, Suite 1300 (Board Room), Richmond, Virginia.

A meeting to discuss medical assistance service and to take action on issues pertinent to the board.

Contact: Cynthia Klisz, Board Liaison, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-8099.

BOARD OF MEDICINE

† **June 17, 1996 - 1 p.m.** -- Public Hearing
Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia ☎

Pursuant to House Joint Resolution No. 68, a meeting to study the need for requiring continuous medical education for physicians of medicine and osteopathy with special emphasis on medical ethics. Written comment may be sent to the board before June 10, 1996.

Contact: Warren W. Koontz, M.D., Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943, or (804) 662-7197/TDD ☎

June 28, 1996 - 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: **18 VAC 85-20-10 et seq. Regulations Governing the Practice of Medicine, Osteopathy, Podiatry, and Chiropractic.** The proposed amendment to 18 VAC 85-20-90 B permits the use of Schedule III and IV drugs in the treatment of obesity under specified conditions and a treatment plan.

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

Contact: Warren W. Koontz, M.D., Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-7423, FAX (804) 662-9943, or (804) 662-7197/TDD ☎

June 6, 1996 - 8 a.m. -- Open Meeting

June 7, 1996 - 8 a.m. -- Open Meeting

June 8, 1996 - 8 a.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Rooms 1, 2, 3, and 4, Richmond, Virginia.

A meeting to conduct general board business, receive committee and board reports, and discuss any other items which may come before the board. The board will also review reports, interview licensees, make decisions on disciplinary matters, and review any regulations that may come before it. The board will entertain public comment during the first 15 minutes on agenda items.

Contact: Warren W. Koontz, M.D., Executive Director, Department of Health Professions, 6606 W. Broad St., Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

Credentials Committee

June 8, 1996 - 8 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Rooms 3 and 4, Richmond, Virginia ☎

The committee will meet in open and closed session to (i) conduct general business, (ii) interview and review medical credentials of applicants applying for licensure in Virginia, and (iii) discuss any other items which may come before the committee. The committee will receive public comments of those persons appearing on behalf of candidates.

Contact: Warren W. Koontz, M.D., Executive Director, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

Informal Conference Committee

† **June 26, 1996 - 10 a.m.** -- Open Meeting
Roanoke Airport Marriott Hotel, 2801 Hershberger Road, Roanoke Virginia.

The Informal Conference Committee, composed of three members of the board, will inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine and other healing arts in Virginia. The committee will meet in open and closed sessions pursuant to § 2.1-344 A 7 and A 15 of the Code of Virginia. Public comment will not be received.

Contact: Karen W. Perrine, Deputy Executive Director, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-7693, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

Calendar of Events

DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

State Human Rights Committee

June 7, 1996 - 9 a.m. -- Open Meeting
Eastern State Hospital, Williamsburg, Virginia.

A regular meeting of the committee to discuss business and conduct hearings relating to human rights issues. Agenda items are listed for the meeting.

Contact: Theresa P. Evans, State Human Rights Director, Department of Mental Health, Mental Retardation and Substance Abuse Services, 109 Governor St., Richmond, VA 23219, telephone (804) 786-3988, FAX (804) 371-8977, toll-free 1-800-451-5544 or (804) 371-8977/TDD ☎

VIRGINIA MUSEUM OF FINE ARTS

Board of Trustees

June 4, 1996 - 8 a.m. -- Open Meeting
July 1, 1996 - 8 a.m. -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Director's Office, Richmond, Virginia. ♿

A meeting of the officers of the board to review with the director current and upcoming 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.

† June 5, 1996 - Noon -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Conference Room, Richmond, Virginia. ♿

The annual meeting of the Education and Programs Committee to review education and program activities from the previous season, and to discuss upcoming 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.

† June 11, 1996 - 12:30 p.m. -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Auditorium, Richmond, Virginia. ♿

The first meeting of the newly established Communications and Marketing Committee. 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.

† June 20, 1996 - 11 a.m. -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Conference Room, Richmond, Virginia. ♿

A meeting of the Finance Committee to review the 1996-97 budget to present to the Executive Committee. 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.

† June 20, 1996 - Noon -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Auditorium, Richmond, Virginia. ♿

A meeting of the Executive Committee to consider the 1996-97 budget presented by the Finance Committee. 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

† June 5, 1996 - 9 a.m. -- Open Meeting
† June 10, 1996 - 9 a.m. -- Open Meeting
† June 13, 1996 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A Special Conference Committee will conduct informal conferences with licensees and certificate holders to determine what, if any, action should be recommended to the Board of Nursing. Public comment will not be received.

Contact: Nancy K. Durrett, 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 ☎

BOARD OF NURSING HOME ADMINISTRATORS

May 29, 1996 - 9:30 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.

Contact: Lisa Russell Hahn, Executive Director, Board of Nursing Home Administrators, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9111, FAX (804) 662-9943, or (804) 662-7197/TDD ☎

† June 20, 1996 - 9:30 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. ♿

Informal conferences; however, no public comment will be received.

Contact: Lisa Russell Hahn, Executive Director, Board of Nursing Home Administrators, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9111, FAX (804) 662-9943, or (804) 662-7197/TDD ☎

BOARDS OF NURSING AND MEDICINE

Joint Committee

June 5, 1996 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia ☎ (Interpreter for the deaf provided upon request)

The Board of Nursing will conduct a meeting to adopt final regulations beginning at 9 a.m. The Committee of the Joint Boards of Medicine and Nursing will conduct a regular meeting at 9:30 a.m. The Committee of the Joint Boards of Medicine and Nursing, the Board of Nursing, and the Board of Medicine will hold informal conferences at 10:30 a.m. Public comment will not be received.

Contact: Nancy K. Durrett, 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 ☎

BOARD OF PHARMACY

† May 29, 1996 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia.

A task force meeting on pharmacists' workload. No public comment will be received.

Contact: Scotti W. Milley, Executive Director, Board of Pharmacy, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9911.

POLYGRAPH EXAMINERS ADVISORY BOARD

† June 25, 1996 - 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)

A meeting to discuss regulatory review and other matters requiring board action, and to 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 board at least 10 days prior to the meeting. The department fully complies with the Americans with Disabilities Act.

Contact: Nancy Taylor Feldman, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone

(804) 367-8590, FAX (804) 367-2474 or (804) 367-9753/TDD ☎

BOARD OF PROFESSIONAL COUNSELORS AND MARRIAGE AND FAMILY THERAPISTS

† June 6, 1996 - 2 p.m. -- Open Meeting
† June 7, 1996 - 8:30 a.m. -- Open Meeting
† June 8, 1996 - 8:30 a.m. -- Open Meeting
English Inn of Charlottesville, 1000 Morton Drive, Richmond, Virginia ☎

A meeting to plan, set goals and objectives for future activities of the board, and to conduct regulatory review. Public comment will not be heard.

Contact: Evelyn B. Brown, Executive Director, or Joyce D. Williams, Administrative Assistant, Board of Professional Counselors and Marriage and Family Therapists, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1771, telephone (804) 662-9912.

BOARD FOR PROFESSIONAL AND OCCUPATIONAL REGULATION

June 17, 1996 - 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 the board at least 10 days prior to the meeting. The department fully complies with the Americans with Disabilities Act.

Contact: Debra S. Vought, Agency Analyst, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8519, or (804) 367-9753/TDD ☎

June 17, 1996 - 2 p.m. -- Public Hearing
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia ☎

The board will conduct a public hearing as part of a study on the regulation of backflow prevention device workers. This study is a result of Senate Bill 412 and House Bill 1019 which passed in the 1996 General Assembly.

Contact: Debra S. Vought, Agency Analyst, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8519, or (804) 367-9753/TDD ☎

BOARD OF PSYCHOLOGY

† May 28, 1996 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia ☎

A meeting to discuss regulatory changes necessary to comply with recent changes in statute.

Calendar of Events

Contact: Janet Delorme, Deputy Executive Director, Board of Psychology, 6606 W. Broad Street, 4th Floor, Richmond, VA 23230, telephone (804) 662-9575, FAX (804) 662-9943, or (804) 662-7197/TDD ☎

Examination Committee

† **May 31, 1996 - 10 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. ☎

A meeting to conduct general committee business. No public comment will be received.

Contact: LaDonna Duncan, Administrative Assistant, Board of Psychology, 6606 W. Broad Street, 4th Floor, Richmond, VA 23230, telephone (804) 662-9913, FAX (804) 662-9943, or (804) 662-7197/TDD ☎

REAL ESTATE BOARD

† **June 6, 1996 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ☎

A general business meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least two weeks prior to the meeting. The department fully complies with the Americans with Disabilities Act.

Contact: Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475, or (804) 367-9753/TDD ☎

Continuing Education Committee

† **June 6, 1996 - 8 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 the board at least two weeks prior to the meeting. The department fully complies with the Americans with Disabilities Act.

Contact: Karen O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475, or (804) 367-9753/TDD ☎

VIRGINIA RECYCLING MARKETS DEVELOPMENT COUNCIL

Tire Subcommittee

† **May 29, 1996 - 10 a.m.** -- Open Meeting
Department of Environmental Quality, 629 East Main Street, Richmond, Virginia.

A meeting to review waste tire program and end-user reimbursements. The subcommittee will make formal recommendations to the full council. Please call Mike Murphy at (804) 698-4003 for details.

Contact: Paddy Katzen, Special Assistant to the Secretary of Natural Resources, Department of Environmental Quality, 629 E. Main St., Richmond, VA 23219, telephone (804) 698-4488.

VIRGINIA RESOURCES AUTHORITY

June 11, 1996 - 9:30 a.m. -- Open Meeting
Ramada Oceanfront Tower and Conference Center, 58th and Atlantic, Virginia Beach, Virginia.

The board will meet to approve minutes of the meeting of the prior month; to review the authority's operations for the prior months; and to consider other matters and take other actions as it may deem appropriate. The planned agenda of the meeting will be available at the offices of the authority one week prior to the date of the meeting. Public comments will be received at the beginning of the meeting.

Contact: Shockley D. Gardner, Jr., Virginia Resources Authority, 909 E. Main St., Suite 607, Mutual Building, Richmond, VA 23219, telephone (804) 644-3100 or FAX (804) 644-3109.

DEPARTMENT FOR RIGHTS OF VIRGINIANS WITH DISABILITIES

Protection and Advocacy for Individuals with Mental Illness Advisory Council

† **June 20, 1996 - 9 a.m.** -- Open Meeting
Department of Health Professions, Southern States Building, 6606 West Broad Street, 5th Floor, Conference Rooms 2 and 3, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A regularly scheduled bimonthly meeting with public comment at 11 a.m.

Contact: Jim Hobgood, Program Coordinator, Department for Rights of Virginians with Disabilities, 9th Street Office Bldg., 202 N. 9th St., 9th Floor, Richmond, VA 23219, telephone (804) 225-2042, FAX (804) 225-3221 or toll-free 1-800-552-3962 (Voice and TDD) ☎

SEWAGE HANDLING AND DISPOSAL APPEALS REVIEW BOARD

June 12, 1996 - 10 a.m. -- Open Meeting

June 13, 1996 - 10 a.m. -- Open Meeting

July 17, 1996 - 10 a.m. -- Open Meeting

July 18, 1996 - 10 a.m. -- Open Meeting

General Assembly Building, House Room D, Capitol Square,
Ninth and Broad Streets, Richmond, Virginia. ☎

The board will 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: Beth Bailey Dubis, 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) 786-1750.

STATE BOARD OF SOCIAL SERVICES

June 14, 1996 -- Written comments may be submitted through this date.

Notice is hereby given in accordance with §§ 9-6.14:7.1 and 9-6.14:9.1 of the Code of Virginia that the State Board of Social Services has adopted as final the regulation entitled: **22 VAC 40-35-5 et seq. [VR 615-01-57]. Virginia Independence Program.** No substantial changes were made to the proposed regulation other than the addition of 22 VAC 40-35-20 A 6, which provides for the repeal of 22 VAC 40-35-20 A 5 upon receipt of appropriate federal authorization. The intent of 22 VAC 40-35-20 A 6 is to clarify the circumstances under which an Aid to Families with Dependent Children (AFDC) recipient is deemed to have cooperated in the establishment of paternity. Because the board believes that this change may be considered substantial, it will accept additional public comment. Accordingly, additional written comment concerning 22 VAC 40-35-20 A 6 may be submitted until June 14, 1995, to Carolyn Ellis.

Contact: Carolyn Ellis, Department of Social Services, Division of Benefit Programs, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1738.

COMMONWEALTH TRANSPORTATION BOARD

† June 19, 1996 - 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 20, 1996 - 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 Department of Transportation 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.

DEPARTMENT OF TRANSPORTATION

† June 6, 1996 - 9 a.m. -- Open Meeting

Department of Transportation, Salem District Office, 731 Harrison Avenue, Salem, Virginia. ☎ (Interpreter for the deaf provided upon request)

A final hearing for the Western Districts to receive comments on (i) highway allocations for the upcoming year; (ii) updating the six-year improvement program for the interstate, primary, and urban systems; and (iii) mass transit for the Bristol, Salem, Lynchburg and Staunton 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 6, 1996 - 2 p.m. -- Open Meeting

Department of Transportation, 1221 East Broad Street, Auditorium, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A final hearing for the Eastern Districts to receive comments on (i) highway allocations for the upcoming year; (ii) updating the six-year improvement program for the interstate, primary, and urban systems; and (iii) mass transit for the Richmond, Fredericksburg, Suffolk, Culpeper, and Northern Virginia 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 ☎

Calendar of Events

TREASURY BOARD

† **June 20, 1996 - 9 a.m.** -- Open Meeting
† **July 17, 1996 - 9 a.m.** -- Open Meeting
† **August 21, 1996 - 9 a.m.** -- Open Meeting
James Monroe Building, 101 North 14th Street, Treasury Board Room, 3rd Floor, Richmond, Virginia. ☎

A regular meeting.

Contact: Gloria Hatchel, Administrative Assistant, Department of the Treasury, James Monroe Bldg., 101 N. 14th St., Richmond, VA 23219, telephone (804) 371-6011.

VIRGINIA VETERANS CARE CENTER

Board of Trustees

June 7, 1996 - 2 p.m. -- Open Meeting
Virginia Veterans Care Center, 4550 Shenandoah Avenue, Roanoke, Virginia. ☎

The fourth quarterly meeting of the board to review the operations of the Virginia Veterans Care Center.

Contact: Andrew J. Vinson, Executive Director, P.O. Box 6334, Roanoke, VA 24017-0334, telephone (540) 857-6974, FAX (540) 857-6954, toll-free 1-800-220-8387, or (540) 342-8810/TDD ☎

VIRGINIA RACING COMMISSION

June 14, 1996 -- Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Racing Commission intends to adopt regulations entitled: **11 VAC 10-180-10 et seq. Medication.** The purpose of the proposed regulation is to establish procedures regarding the medication of racehorses. The Virginia Racing Commission authorizes the use of one medication in racehorses on race day and establishes quantitative levels on two other medications.

Statutory Authority: § 59.1-369 of the Code of Virginia.

Contact: William H. Anderson, Policy Analyst, Virginia Racing Commission, P.O. Box 1123, Richmond, VA 23218, telephone (804) 371-7363 or FAX (804) 371-6127.

BOARD FOR THE VISUALLY HANDICAPPED

July 17, 1996 - 1:30 p.m. -- Open Meeting
Department for the Visually Handicapped, Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. ☎

The Board for the Visually Handicapped is an advisory board responsible for advising the Governor, the Secretary of Health and Human Resources, the

Commissioner, and the General Assembly on the delivery of public services to the blind and the protection of their rights. The board also reviews and comments on policies, budgets and requests for appropriations for the department. At this regular quarterly meeting, the board members will receive information regarding department activities and operations, review expenditures from the board's institutional fund, and discuss other issues raised by board members.

Contact: Katherine C. Proffitt, Executive Secretary Senior, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3140/TDD ☎ or toll-free 1-800-622-2155.

DEPARTMENT FOR THE VISUALLY HANDICAPPED

Vocational Rehabilitation Advisory Council

June 8, 1996 - 10 a.m. -- Open Meeting
Department for the Visually Handicapped, Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A quarterly meeting to advise the 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 Director, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3140/TDD ☎ or toll-free 1-800-622-2155.

Advisory Committee on Services

† **July 13, 1996 - 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 Visually Handicapped on matters related to services for blind and visually handicapped 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 ☎

GOVERNOR'S ADVISORY COMMISSION ON WELFARE REFORM

† **May 28, 1996 - 1 p.m.** -- Open Meeting
Department of Social Services, Theatre Row, 730 East Broad Street, Lower Level I and Lower Level II, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A monthly meeting of the commission to discuss issues related to welfare reform. Committees of the commission will meet from 11 a.m. until noon.

Contact: Fay Lohr, Director, OCS, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1895 or FAX (804) 692-1869.

VIRGINIA VOLUNTARY FORMULARY BOARD

June 27, 1996 - 10:30 a.m. -- Open Meeting
Washington Building, 1100 Bank Street, 2nd Floor Board Room, Richmond, Virginia.

A meeting to review product data for products being considered for inclusion in the Virginia Voluntary Formulary.

Contact: James K. Thomson, Director, Bureau of Pharmacy Services, Virginia Voluntary Formulary Board, Monroe Bldg., 101 N. 14th St., S-45, Richmond, VA 23219, telephone (804) 786-4326.

VIRGINIA WASTE MANAGEMENT BOARD

June 6, 1996 - 10 a.m. -- Open Meeting
Department of Environmental Quality, 629 East Main Street, Richmond, Virginia.

A meeting to obtain advice from interested parties on desirable features to be incorporated into the Virginia Voluntary Remediation Program. The public should contact the Department of Environmental Quality prior to attendance to confirm the meeting's concurrence, location and time.

Contact: Dr. Wladimir Gulevich, Assistant Division Director, Office of Technical Assistance, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240-0009, telephone (804) 698-4236. FAX (804) 698-4327, or (804) 698-4021/TDD ☎

BOARD OF YOUTH AND FAMILY SERVICES

June 12 1996 - 9 a.m. -- Open Meeting
Department of Youth and Family Services, 700 East Franklin Street, 4th Floor, Richmond, Virginia ☎

Beginning at 9 a.m., committees will meet to review secure and nonsecure programs and facilities; at 10 a.m. the full board will meet to consider certification issues, regulatory reforms, and such other matters that may come before the board.

Contact: Donald R. Carignan, Policy Analyst, Department of Youth and Family Services, 700 Centre, 700 E. Franklin St., P.O. Box 1110, Richmond, VA 23208-1110, telephone (804) 371-0743 or FAX (804) 371-0725.

INDEPENDENT

STATE LOTTERY BOARD

† **August 28, 1996 - 9:30 a.m.** -- Public Hearing
State Lottery Department, 900 East Main Street, Richmond, Virginia.

† **July 26, 1996** -- 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 State Lottery Board intends to amend regulations entitled: **11 VAC 5-20-10 et seq. Administration Regulations.** The purpose of the proposed amendments is to clarify procurement exemptions and restrictions, clarify board meeting requirements, remove sections that are duplicative of Code of Virginia provisions when practical, and incorporate housekeeping changes.

Statutory Authority: § 58.1-4007 of the Code of Virginia.

Contact: Barbara L. Robertson, Legislative, Regulatory and Board Administrator, State Lottery Department, 900 E. Main St., Richmond, VA 23219, telephone (804) 692-7774.

† **August 28, 1996 - 9:30 a.m.** -- Public Hearing
State Lottery Department, 900 East Main Street, Richmond, Virginia.

† **July 26, 1996** -- 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 State Lottery Board intends to amend regulations entitled: **11 VAC 5-30-10 et seq. Instant Game Regulations.** The purpose of the proposed amendments is to clarify revocation or suspension of a lottery retailer's license, authorize cashing at lottery headquarters, eliminate claim form requirements, delete sections that are unnecessary or duplicative, and make housekeeping changes.

Statutory Authority: § 58.1-4007 of the Code of Virginia.

Contact: Barbara L. Robertson, Legislative, Regulatory and Board Administrator, State Lottery Department, 900 E. Main St., Richmond, VA 23219, telephone (804) 692-7774.

† **August 28, 1996 - 9:30 a.m.** -- Public Hearing
State Lottery Department, 900 East Main Street, Richmond, Virginia.

† **July 26, 1996** -- 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 State Lottery Board intends to amend regulations entitled: **11 VAC 5-40-10 et seq.**

Calendar of Events

On-Line Game Regulations. The purpose of the proposed amendments is to clarify revocation or suspension of a lottery retailer's license, authorize cashing at lottery headquarters, eliminate claim form requirements, revise subscription plan, and make housekeeping changes.

Statutory Authority: § 58.1-4007 of the Code of Virginia.

Contact: Barbara L. Robertson, Legislative, Regulatory and Board Administrator, State Lottery Department, 900 E. Main St., Richmond, VA 23219, telephone (804) 692-7774.

JUDICIAL

VIRGINIA CRIMINAL SENTENCING COMMISSION

June 24, 1996 - 10 a.m. -- Open Meeting
Supreme Court Building, 100 North 9th Street, 3rd Floor, Judicial Conference Room, Richmond, Virginia. ☎

A regular quarterly meeting of the commission to review sentencing guidelines, compliance rates, and the work of commission subcommittees.

Contact: Dr. Richard Kern, Director, Virginia Criminal Sentencing Commission, 100 N. 9th St., 5th Floor, Richmond, VA 23219, telephone (804) 225-4565 or (804) 225-4398, or FAX (804) 786-3934.

LEGISLATIVE

VIRGINIA CODE COMMISSION

June 19, 1996 - 10 a.m. -- Open Meeting
June 20, 1996 - 10 a.m. -- Open Meeting
General Assembly Building, House Redistricting Conference Room, 2nd Floor, 910 Capitol Square, Richmond, Virginia. ☎

A regularly scheduled meeting to continue the recodification of Title 15.1.

Contact: E. M. Miller, Director, or Jane Chaffin, Deputy Registrar of Regulations, Division of Legislative Services, General Assembly Bldg., 910 Capitol Square, Richmond, VA 23219, telephone (804) 786-3591.

JOINT LEGISLATIVE AUDIT AND REVIEW COMMISSION

† **June 10, 1996 - 9:30 a.m.** -- Open Meeting
General Assembly Building, 910 Capitol Square, Senate Room A, Richmond, Virginia. ☎

A meeting to discuss House Joint Resolution No. 143, Medicaid Forecast Review, and to review the Department of Social Services' ADAPT system.

Contact: Philip A. Leone, Director, Joint Legislative Audit and Review Commission, General Assembly Bldg., 910 Capitol

Square, Suite 1100, Richmond, VA 23219, telephone (804) 786-1258.

CHRONOLOGICAL LIST

OPEN MEETINGS

May 28

Emergency Services, Department of
- Virginia Emergency Response Council and State Hazardous Materials Response Advisory Council
† Psychology, Board of
† Welfare Reform, Governor's Advisory Commission on

May 29

Alcoholic Beverage Control Board
Nursing Home Administrators, Board of
† Pharmacy, Board of
† Recycling Markets Development Council, Virginia
- Tire Subcommittee

May 30

Hemophilia Advisory Board

May 31

Environmental Quality, Department of
- Technical Advisory Committee for Solid Waste Management Regulations
† Psychology, Board of
- Examination Committee

June 3

Higher Education for Virginia, State Council of
Housing and Community Development, Board of
Local Government, Commission on

June 4

Health Professions, Board of
- Practitioner Self-Referral Committee
Hopewell Industrial Safety Council
Museum of Fine Arts, Virginia
- Board of Trustees

June 5

Arts, Commission for the
† Emergency Planning Committee, Local - Winchester
† Museum of Fine Arts, Virginia
- Board of Trustees
† Nursing, Board of
Nursing and Medicine, Boards of
- Joint Committee

June 6

Agriculture and Consumer Services, Department of
- Virginia Sweet Potato Board
† Architects, Professional Engineers, Land Surveyors and Landscape Architects, Board for
- Board for Land Surveyors
Conservation and Recreation, Department of
- Falls of the James Scenic River Advisory Board
† Gaming Commission, Charitable
† HIV Community Planning Committee, Virginia

Calendar of Events

† Management Team of the Comprehensive Services Act for At Risk Youth and their Families, State Medicine, Board of
† Professional Counselors and Marriage and Family Therapists, Board of
† Real Estate Board
- Continuing Education Committee
† Transportation, Department of
Waste Management Board, Virginia

June 7

† Dentistry, Board of
Medicine, Board of
Mental Health, Mental Retardation and Substance Abuse Services, Department of
- State Human Rights Committee
† Professional Counselors and Marriage and Family Therapists, Board of
Veterans Care Center, Virginia
- Board of Trustees

June 8

Medicine, Board of
- Credentials Committee
† Professional Counselors and Marriage and Family Therapists, Board of
Visually Handicapped, Department for the
- Vocational Rehabilitation Advisory Council

June 10

† Alcoholic Beverage Control Board
Conservation and Recreation, Department of
- Board on Conservation and Development of Public Beaches
Intergovernmental Relations, Advisory Commission on
† Legislative Audit and Review Commission, Joint
† Nursing, Board of

June 11

Contractors, Board for
- Recovery Fund Committee
Economic Development Partnership, Virginia
- Board of Directors
† Emergency Planning Committee, Local - Arlington County/City of Falls Church/Washington National Airport
† Museum of Fine Arts, Virginia
- Board of Trustees
Resources Authority, Virginia

June 12

† Agriculture and Consumer Services, Department of
- Virginia State Apple Board
† Health, Department of
- Biosolids Use Information Committee
- Biosolids Use Regulations Advisory Committee
† Independent Living Council, Statewide
Interagency Coordinating Council, Virginia
Labor and Industry, Department of
- Migrant and Seasonal Farmworkers Board
Sewage Handling and Disposal Appeals Review Board
Youth and Family Services, Board of

June 13

† Architects, Professional Engineers, Land Surveyors and Landscape Architects, Board for

- Board for Landscape Architects
† Environmental Quality, Department of
Funeral Directors and Embalmers, Board of
† Nursing, Board of
Sewage Handling and Disposal Appeals Review Board

June 14

† Architects, Professional Engineers, Land Surveyors and Landscape Architects, Board for
- Board for Interior Designers
† Dentistry, Board of

June 17

Labor and Industry, Department of
- Safety and Health Codes Board
Library Board
Professional and Occupational Regulation, Board for

June 18

† Aviation Board, Virginia
Library Board
Medical Assistance Services, Board of

June 19

† Aviation Board, Virginia
Virginia Code Commission
† Historic Resources, Board of and State Review Board
† Transportation Board, Commonwealth

June 20

Virginia Code Commission
† Museum of Fine Arts, Virginia
- Board of Trustees
† Nursing Home Administrators, Board of
† Rights of Virginians with Disabilities, Department for
- Protection and Advocacy for Individuals with Mental Illness Advisory Council
† Transportation Board, Commonwealth
† Treasury Board

June 21

† Architects, Professional Engineers, Land Surveyors and Landscape Architects, Board for
† Correctional Education, Board of
† Dentistry, Board of

June 24

† Alcoholic Beverage Control Board
Criminal Sentencing Commission, Virginia

June 25

† Polygraph Examiners Advisory Board

June 26

Library of Virginia
- State Networking Users Advisory Board
† Medicine, Board of

June 27

† Higher Education Tuition Trust Fund, Virginia
Voluntary Formulary Board, Virginia

June 28

† Child Fatality Review Team, Virginia State

Calendar of Events

July 1

Museum of Fine Arts, Virginia
- Board of Trustees

July 2

Hopewell Industrial Safety Council

July 13

† Visually Handicapped, Department for the
- Advisory Committee on Services

July 17

† Agriculture and Consumer Services, Department of
- Virginia Small Grains Board
Sewage Handling and Disposal Appeals Review Board
† Treasury Board
Visually Handicapped, Board for the

July 18

Sewage Handling and Disposal Appeals Review Board

July 19

† HIV Community Planning Committee, Virginia

July 25

Agriculture and Consumer Services, Department of
- Virginia Winegrowers Advisory Board
† Higher Education Tuition Trust Fund, Virginia

July 29

† Alcoholic Beverage Control Board, Virginia

August 2

† Agriculture and Consumer Services, Department of
- Virginia Soybean Board

August 12

† Alcoholic Beverage Control Board

August 21

† Treasury Board

August 22

† Higher Education Tuition Trust Fund, Virginia

August 26

† Alcoholic Beverage Control Board

June 10

† Child Day Care and Early Childhood Programs,
Council on

June 12

† Health Professions, Board of
- Compliance and Discipline Committee

June 13

† Health Professions, Board of
- Compliance and Discipline Committee

June 17

† Medicine, Board of
Professional and Occupational Regulation, Board for

August 28

† Lottery Board, State

PUBLIC HEARINGS

May 29

Higher Education for Virginia, State Council of

May 30

† Environmental Quality, Department of

June 3

Local Government, Commission on

June 4

Air Pollution Control Board, State

June 6

† Environmental Quality, Department of
- Virginia Coastal Resources Management Program