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THE VIRGINIA REGISTER INFORMATION PAGE

THE VIRGINIA REGISTER is an official state publication issued every other week throughout the year. Indexes are published quarterly, and the last index of the year is cumulative. THE VIRGINIA REGISTER has several functions. The 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) file the Notice of Intended Regulatory Action with the Registrar within 60 days of the effective date of the emergency regulation; and (ii) file the proposed regulation with the Registrar 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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Symbol Key

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

TITLE 12. HEALTH

STATE BOARD OF HEALTH

† 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 Health intends to consider **repealing 12 VAC 5-420-10 et seq. Rules and Regulations Governing Restaurants** and **promulgating 12 VAC 5-421-10 et seq. Regulations Governing Restaurants**. The purpose of the proposed action is to promulgate regulations to replace the existing regulations which are being repealed. The new regulations will better reflect current food service. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 35.1-11 of the Code of Virginia.

Public comments may be submitted until April 30, 1998.

Contact: Gary L. Hagy, Division Director, Department of Health, Division of Food and Environmental Services, P.O. Box 2448, Room 115, Richmond, VA 23218, telephone (804) 225-4022 or FAX (804) 225-4003.

VA.R. Doc. No. R98-216; Filed March 11, 1998, 11: 51 a.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.

TITLE 8. EDUCATION

STATE BOARD OF EDUCATION

Reproposed

April 7, 1998 - 6:30 p.m. -- Public Hearing
L. Douglas Wilder Middle School, 6900 Wilkinson Road,
Richmond, Virginia.

April 30, 1998 - 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 Education intends to adopt regulations entitled: **8 VAC 20-21-10 et seq. Licensure Regulations for School Personnel.** During the January 8, 1998, meeting of the Board of Education, approval was granted to the Licensure Regulations for School Personnel in all areas except 8 VAC 20-21-430, Special education: mild-moderate disabilities K-12 and 8 VAC 20-21-440, Special education: moderate-severe disabilities K-12. On February 26, 1998, the Board of Education approved a substitute proposal in the endorsement areas of Special education: learning disabilities K-12, special education-mental retardation K-12, Special education: emotionally disturbed K-12, and Special education: severe disabilities K-12. The Board of Education will hold a public hearing on the proposal. Registration for those wishing to speak begins at 6 p.m. Speakers are requested to limit their remarks to three minutes each. In the event a large number of persons request to speak, the hearing chairman may request that the time limit for each speaker be shortened to less than three minutes. A written copy of remarks is requested. Written comments may also be submitted directly to Dr. Thomas A. Elliott.

Statutory Authority: § 22.1-298 of the Code of Virginia.

Public comments may be submitted until April 30, 1998.

Contact: Dr. Thomas A. Elliott, Assistant Superintendent for Compliance, Department of Education, P.O. Box 2120, Richmond, VA 23218-2120, telephone (804) 371-2522.

TITLE 11. GAMING

VIRGINIA RACING COMMISSION

May 20, 1998 - 9:30 a.m. -- Public Hearing
Administrative Building, 12007 Courthouse Circle, New Kent,
Virginia.

May 30, 1998 - 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 Racing Commission intends to amend regulations entitled: **11 VAC 10-180-10 et seq. Regulations Pertaining to Horse Racing with Pari-Mutuel Wagering: Medication.** The proposed regulations provide for the use of furosemide and adjunct therapies in racehorses on race day.

Statutory Authority: § 59.1-369 of the Code of Virginia.

Contact: William H. Anderson, Policy Analyst, Virginia Racing Commission, 10700 Horsemen's Rd., New Kent, VA 23124, telephone (804) 966-4200 or FAX (804) 966-8906.

TITLE 22. SOCIAL SERVICES

CHILD DAY-CARE COUNCIL

Reproposed

April 29, 1998 - 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 Child Day-Care Council intends to amend regulations entitled: **22 VAC 15-30-10 et seq. Minimum Standards for Licensed Child Day Centers**. This regulation lists the standards that child day centers serving children of preschool age or younger must meet to be licensed by the Department of Social Services. The school age requirements from 22 VAC 15-40-10 et seq. will be incorporated into this regulation.

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

Public comments may be submitted until April 29, 1998, to Sharon Jones, Chair, Child Day-Care Council, 730 East Broad Street, Richmond, VA 23219-1849.

Contact: Arlene Kasper, Program Development Supervisor, Department of Social Services, Division of Licensing Programs, 730 E. Broad St., Richmond, VA 23219-1849, telephone (804) 692-1791 or FAX (804) 692-2370.



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.

TITLE 2. AGRICULTURE

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

REGISTRAR'S NOTICE: The Commissioner of Agriculture and Consumer Services is exempt from the Administrative Process Act pursuant to § 9-6.14:4.1 A 17 of the Code of Virginia when promulgating regulations pursuant to § 3.1-271.1 of the Code of Virginia; however, under the provisions of § 9-6.14:22, the commissioner is required to publish all proposed and final regulations.

Title of Regulation: 2 VAC 5-390-10 et seq. **Rules and Regulations for the Enforcement of the Virginia Seed Law (amending 2 VAC 5-390-180).**

Statutory Authority: § 3.1-271.1 of the Code of Virginia.

Summary:

Due to unfavorable weather conditions during the 1997 growing and harvesting season, peanuts produced for seed were adversely affected. At the completion of the harvest, the peanuts were shelled and cleaned and samples were submitted to the Virginia Department of Agriculture and Consumer Services, Seed Laboratory for analysis. It was not until February 16, 1998, that sufficient numbers of tests were completed to make an evaluation of the quantity of seed available for 1998. The amount of seed failing to meet the minimum germination standard established by regulation will result in insufficient seed of certain varieties of Virginia grown peanuts to plant the 1998 Virginia peanut crop. Approximately 10 million pounds of seed are required to plant an estimated 77,000 acres of Virginia peanuts. Best available estimates are that approximately eight million pounds of seed meet the minimum germination standard. An additional two million pounds would be available if the minimum germination standard is suspended to increase seed available for planting.

The Virginia Certified Seed Board met on February 19, 1998. During this meeting the members of the board established that there are insufficient quantities of certified peanut seed to plant the 77,000 acres of peanuts in 1998. All peanut seed sold in Virginia is certified. The board has authority to issue substandard certified seed labels if the Virginia Seed Law regulation requiring a minimum 75% germination is suspended. The board requested that the commissioner suspend the enforcement of 2 VAC 5-390-180, which requires a minimum 75% germination for peanut seed.

This request is supported by the Board of Directors of the Virginia Crop Improvement Association, the Virginia Peanut Growers, the Virginia Peanut Seedsmen, and the Peanut Specialist of the Cooperative Extension Service. There is no known opposition.

This is not the first time it has been necessary to suspend the enforcement of this regulation. Poor weather conditions during previous growing seasons resulted in an inadequate seed supply and required the suspension of this regulation during the 1980 and 1994 plantings. Such a situation now exists. Virginia and North Carolina are the primary suppliers of the Virginia type seed peanuts. Seed peanuts of this type cannot be obtained from other sources.

The planting season will begin in mid-April which is the reason for this action at this time. Suspension of 2 VAC 5-390-180, effective March 1, 1998, will allow providers of seed peanuts sufficient time to label and market peanut seed for 1998 planting. The Commissioner of Agriculture and Consumer Services, after receiving a request for intervention from the Virginia Certified Seed Board, is taking action to suspend the enforcement of 2 VAC 5-390-180 effective March 1, 1998. This suspension will remain in effect until July 1, 1998.

Agency Contact: Direct questions on the regulation to J. Alan Rogers, Department of Agriculture and Consumer Services, P.O. Box 1163, Richmond, VA 23218, telephone (804) 786-2476.

2 VAC 5-390-180. Minimum germination standard for peanut seed.

Peanuts for agricultural seed as defined in § 3.1-263 of the Code of Virginia shall have a 75% minimum total germination. The enforcement of this section is suspended effective March 1, 1998. This section shall remain in suspension until July 1, 1998.

VA.R. Doc. No. R98-208; Filed March 10, 1998, 9:22 a.m.

TITLE 8. EDUCATION

STATE BOARD OF EDUCATION

Reproposed

REGISTRAR'S NOTICE: During its January 8, 1998 meeting, the State Board of Education approved final regulations entitled "Licensure Regulations for School Personnel" (8 VAC 20-21-10 et seq.), except for 8 VAC 20-21-430, Special education: mild-moderate disabilities K-12 and 8 VAC 20-21-440, Special education: moderate-severe disabilities K-12, which were proposed in 13:25 VA.R. 3323-3325 September 1, 1997. The board deferred action on the two sections listed above because, during the comment period, concerns were expressed relative to discontinuing the endorsement in special education-learning disabilities. On February 26, 1998, the Board of Education approved a substitute proposal in the endorsement areas of special education-learning disabilities K-12, special education-mental retardation K-12, special education-emotionally disturbed K-12, and special education-severe disabilities K-12. The regulations proposed to replace 8 VAC 20-21-430 and 8 VAC 20-21-440 are printed below. The agency is soliciting comments on the reproposed regulations until April 30, 1998.

Title of Regulation: 8 VAC 20-21-10 et seq. Licensure Regulations for School Personnel (adding 8 VAC 20-21-425, 8 VAC 20-21-430, 8 VAC 20-21-435, 8 VAC 20-21-440, and 8 VAC 20-21-445).

Statutory Authority: § 22.1-298 of the Code of Virginia.

Public Hearing Date: April 7, 1998 - 6:30 p.m.

Public comments may be submitted until April 30, 1998.
(See Calendar of Events section for additional information)

Agency Contact: Dr. Thomas A. Elliott, Assistant Superintendent for Compliance, Department of Education, P.O. Box 2120, Richmond, VA 23218-2120, telephone (804) 371-2522.

8 VAC 20-21-425. Core competencies for special education: emotional disturbance K-12, learning disabilities K-12, mental retardation K-12, and severe disabilities K-12.

The program in special education is designed to ensure through course work and field experiences in a variety of settings that the candidate has demonstrated the following core competencies to prepare children and youth for participation in the general education curriculum and within the community to the maximum extent possible. The candidate must also complete the competencies in at least one endorsement area of special education and those required under professional studies, including reading and language acquisition.

1. Knowledge of the foundation for educating students with disabilities, including:

a. Historical perspectives, models, theories, philosophies, and trends that provide the basis for special education practice;

b. Characteristics of children and youth with disabilities relative to age, varying levels of severity, and developmental differences manifested in cognitive, linguistic, physical, psychomotor, social, or emotional functioning;

c. Normal patterns of development (i.e., physical, psychomotor, cognitive, linguistic, social, emotional development and their relationship to the various disabilities);

d. Medical aspects of disabilities;

e. The dynamic influence of the family system and cultural/environmental milieu and related issues pertinent to the education of students with disabilities;

f. Educational implications of the various disabilities; and

g. Understanding of ethical issues and the practice of accepted standards of professional behavior.

2. An understanding and application of the legal aspects and regulatory requirements associated with identification, education, and evaluation of students with disabilities, including:

a. Legislative and judicial mandates related to education and special education (e.g., the Individuals with Disabilities Education Act (IDEA), § 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act);

b. Current regulations governing special education (e.g., individualized education program (IEP) development; disciplinary practices, policies, and procedures; and alternative placements/programs in schools); and

c. "Rights and responsibilities" of parents, students, teachers, and schools as they relate to individuals with disabilities and disability issues.

3. An understanding and application of the foundation of assessment and evaluation related to best special education practice, including:

a. Ethical issues and responsibilities in the assessment of individuals with disabilities;

b. Procedures for screening, prereferral, referral, and eligibility determinations;

c. Factors that may influence assessment findings such as cultural, behavioral, and learning diversity;

d. Administration, scoring, and interpretation of commonly used individual and group instruments,

Proposed Regulations

including norm-referenced, criterion-referenced, and curriculum-based measures as well as task analysis, observation, portfolio, and environmental assessments; and

e. Synthesis and interpretation of assessment findings for eligibility, program planning, and program evaluation decisions.

4. *An understanding and application of service delivery, curriculum, and instruction of students with disabilities including:*

a. Classroom organization and curriculum development;

b. Scope and sequence of the general education curriculum;

c. Complex nature of language acquisition and reading (see reading competencies in 8 VAC 20-21-170 4 b, Professional studies requirements);

d. Alternative ways to teach content material including curriculum adaptation and curriculum modifications;

e. Procedures to develop, provide, and evaluate instruction consistent with students' individual needs;

f. Strategies to promote successful integration of students with disabilities with their nondisabled peers;

g. Use of technology to promote student learning; and

h. Structure and organization of general education classrooms and other instructional settings representing the continuum of special education services (to include field experiences).

5. *An understanding and application of classroom management techniques and individual interventions, including techniques which:*

a. Promote emotional well-being and teach and maintain behavioral conduct and skills consistent with norms, standards, and rules of the educational environment;

b. Address diverse approaches based upon behavioral, cognitive, affective, social and ecological theory and practice;

c. Provide positive behavioral supports; and

d. Are based on functional analysis of behavior.

6. *The ability to prepare students and work with families to promote successful student transitions throughout the educational experience to include post-secondary training, employment, and independent living which addresses an understanding of long-term planning, career development, life skills, community experiences and resources, self-advocacy and self-determination, guardianship, and legal considerations.*

7. *Skills in consultation, case management, and collaboration, including:*

a. Coordination of service delivery with related service providers, general educators, and other professions in collaborative work environments;

b. Preparing, managing, and monitoring paraprofessionals;

c. Involvement of families in the education of their children with disabilities; and

d. Cooperating with community agencies and other resource providers.

8 VAC 20-21-430. Special education: emotional disturbance K-12.

A. The program in emotional disturbance K-12 will ensure through course work and field experiences in a variety of settings that the candidate seeking endorsement in emotional disturbance has demonstrated the special education core competencies specified in 8 VAC 20-21-425 and the specific competency requirements for emotional disturbance specified in this section.

The candidate must demonstrate the following competencies:

1. *Knowledge and understanding of the characteristics and needs of individuals with emotional disturbance. The characteristics should be considered in light of specific age-span/developmental issues and definitions related to cognitive functioning, multicultural influences, emotional adjustment, social development (e.g., the definitions in IDEA and the National Mental Health/Special Education Coalition definition).*

2. *Use of assessment, evaluation and other information to develop and implement individual educational programs and group instruction for individuals with emotional disturbance to facilitate integration of these students into the continuum of services, including the ability to:*

a. Integrate academic instruction, affective education, and behavior management for individual students or groups of students to prevent inappropriate behavior;

b. Write and implement individualized education plans (IEP) to include positive behavioral interventions plans;

c. Delineate and apply the goals and intervention strategies and procedures related to a variety of theoretical approaches, including social learning theory;

d. Use a variety of positive strategies for the purpose of controlling targeted behaviors;

e. Develop and implement systematic behavior management plans for students using a variety of behavioral principles, including the ability to use appropriate and effective nonabusive, nonphysical, nonviolent punishment procedures in the context of a predominantly positive program;

f. Define and use skills in problem solving and conflict resolution to manage student behavior and social interaction skills;

g. Identify and apply instructional and remedial methodologies; and

h. Use self-protective strategies.

3. Completion of supervised classroom experiences with students with emotional disturbance K-12.

B. Endorsement requirements. The candidate must:

1. Have graduated from an approved program in special education: emotional disturbance;

2. Have completed a major in special education: emotional disturbance K-12 or 27 semester hours in the education of students with emotional disturbance with course work in the following: foundations/legal/ethical aspects of special education, psychoeducational assessment, reading/language acquisition, structure and organization of the continuum of services including the general education classroom, scope and sequence of the general education curriculum, behavior management, transition, consultation, characteristics of individuals with emotional disturbance, instructional programming and methods for students with emotional disturbance consistent with the above competencies. In addition the candidate must have completed supervised classroom experience with students with emotional disturbance. One year of successful, full-time teaching experience with students with emotional disturbance in an accredited public or nonpublic school may be accepted in lieu of student teaching; or

3. Possess a valid Virginia teaching license with an endorsement in at least one area of special education and complete course work and field experiences in a variety of settings, demonstrating the specific competency requirements in special education: emotional disturbance K-12. One year of successful, full-time teaching experience with students with emotional disturbance in an accredited public or nonpublic school may be accepted in lieu of student teaching.

8 VAC 20-21-435. Special education: learning disabilities K-12.

A. The program in learning disabilities K-12 will ensure through course work and field experiences in a variety of settings, that the candidate seeking endorsement in learning disabilities has demonstrated the special education core competencies specified in 8 VAC 20-21-425 and the specific competency requirements for learning disabilities specified in this section.

The candidate must demonstrate the following competencies:

1. Knowledge and understanding of the theories, characteristics, etiology and needs of students with specific learning disabilities. These include:

a. Related disabilities, such as attention deficit disorders;

b. Specific age-span/developmental issues;

c. Cognitive functioning, including intelligence, perception, neurobiology, linguistics, memory and thinking;

d. Levels of severity;

e. Multicultural influences;

f. Social/emotional aspects, including social imperceptiveness, juvenile delinquency, and personal control attributes; and

g. Medical aspects, including medication, nutrition, genetics, and neurology.

2. Knowledge of a wide range of assessment procedures for students with learning disabilities to assist in instruction and life planning. These include:

a. Use of assessment procedures to identify individual instructional needs in areas including reading, receptive and expressive language, written language and mathematics; and

b. Ability to interpret educational assessment results to parents, students, and other professionals.

3. Use of assessment, evaluation, and other information to develop and implement individualized educational programs (IEP) and group instruction for individuals with learning disabilities within the continuum of services. This includes the ability to:

a. Teach and remediate skills in reading, receptive and expressive language, pragmatic language, written language, social skills, and mathematics;

b. Provide explicit instruction of reading and spelling in a systematic and cumulative manner based upon understanding the structure and development of the English language at the sound, syllable, word and sentence levels; and understanding the relationship between spoken and written language, including the understanding and the application of phonology, phonological awareness, sound-symbol association, syllable patterns, morphology English orthography, and grammatical structures and the relationship between teaching written expression and reading comprehension;

c. Apply developmental and remedial methodologies, including systematic instruction, multisensory approaches, cognitive learning strategies, study skills, accommodations for diverse learning styles, and technology; and

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d. Design alternative ways to teach content material to students with learning disabilities, including adapting and modifying the curriculum, and the selection of specialized instructional materials appropriate to the needs of the student with learning disabilities.

4. Completion of supervised classroom experiences with students with learning disabilities in grades K-12.

B. Endorsement requirements. The candidate must:

1. Have graduated from an approved teacher preparation program in special education: learning disabilities;

2. Have completed a major in special education: learning disabilities or 27 semester hours in the education of students with learning disabilities with course work in each of the following: foundations/legal/ethical aspects of special education, psychoeducational assessment, reading/language acquisition, structure and organization of the continuum of special education services including the general education classroom, scope and sequence of the general education curriculum, behavior management, transition, consultation, characteristics of individuals with learning disabilities, and instructional and remedial programs and methods for learning disabilities consistent with the above competencies. In addition a candidate must have completed a supervised classroom experience with students with learning disabilities. One year of successful, full-time teaching experience with students with learning disabilities in an accredited public or nonpublic school may be accepted in lieu of student teaching; or

3. Possess a valid Virginia teaching license with an endorsement in at least one area of special education and complete course work and field experiences in a variety of settings, demonstrating the specific competency requirements in learning disabilities K-12. One year of successful, full-time teaching experience with students with learning disabilities in an accredited public or nonpublic school may be accepted in lieu of student teaching.

8 VAC 20-21-440. Special education: mental retardation K-12.

A. The program in mental retardation K-12 will ensure through course work and field experiences in a variety of settings that the candidate seeking endorsement in mental retardation has the special education core competencies specified in 8 VAC 20-21-425 and the specific competency requirements for mental retardation specified in this section.

The candidate must demonstrate the following competencies:

1. Knowledge and understanding of the definition, characteristics and needs of students with mental retardation. These include:

a. Cognitive functioning;

b. Multicultural influences;

c. Emotional adjustment;

d. Social development;

e. Language development;

f. Adaptive behavior; and

g. Medical/health issues.

2. Use of alternative assessment, evaluation, and other information to develop and implement individual educational programs and group instruction for individuals with mental retardation to facilitate integration of these students into the continuum of services. This includes:

a. Proficiency in adapting age-appropriate curriculum to facilitate instruction within the general education setting, to include partial participation of students in tasks;

b. Ability to teach skills in academic areas including reading, receptive and expressive language, and mathematics and to facilitate the transfer and generalization to functional context;

c. Ability to utilize research-supported instructional strategies and practices, including functional embedded skills approach, community-based instruction, task analysis, multisensory, study skills, diverse learning styles, and concrete/manipulative techniques;

d. Ability to teach culturally responsive functional skills relevant to independence in the community, personal living, employment, self-advocacy and self determination; and

e. Ability to evaluate and use assistive technology for communication, independent living, and the assessment of student needs.

3. Completion of supervised classroom experiences with students with mental retardation K-12.

B. Endorsement requirements. The candidate must:

1. Have graduated from an approved program in special education: mental retardation;

2. Have completed a major in special education: mental retardation K-12 or 27 semester hours in the education of students with mental retardation with course work in the following: foundations/legal/ethical aspects of special education, psychoeducational assessment, reading/language acquisition, structure and organization of the continuum of services including the general education classroom, scope and sequence of the general education curriculum, behavior management, transition, consultation, characteristics of individuals with mental retardation, instructional programming and methods for students with mental retardation consistent with the above competencies. In addition the candidate

must have completed a supervised classroom experience with students with mental retardation. One year of successful, full-time teaching experience with students with mental retardation in an accredited public or nonpublic school may be accepted in lieu of student teaching; or

3. Possess a valid Virginia teaching license with an endorsement in at least one area of special education and complete course work and field experiences in a variety of settings, demonstrating the specific competency requirements in special education: mental retardation K-12. One year of successful, full-time teaching experience with students with mental retardation in an accredited public or nonpublic school may be accepted in lieu of student teaching.

8 VAC 20-21-445. Special education: severe disabilities K-12.

A. The program in severe disabilities K-12 will ensure through course work and field experience in a variety of settings that the candidate seeking endorsement in severe disabilities has demonstrated the special education core competencies specified in 8 VAC 20-21-425 and the specific competency requirements for severe disabilities K-12 specified in this section.

The candidate must demonstrate the following competencies:

1. Knowledge and understanding of the characteristics and needs of individuals with severe disabilities. This includes the emotional, social, neurobiological, linguistic, medical and educational aspects of severe disabilities based upon current research, best practice and legal considerations.

2. The use of alternative assessment, evaluation and other information to develop and implement individual educational programs and group instruction for individuals with severe disabilities, including:

a. The ability to develop, plan, and teach a functional and age-appropriate curriculum including skills in self-care, independent living, leisure/recreation, school and community use, functional academics, and vocational planning;

b. Knowledge and proficiency in implementing direct and systematic instruction;

c. Knowledge of unique physical needs, including positioning and handling, medical considerations, seizures, etc.;

d. Proficiency in adapting age-appropriate curriculum to facilitate instruction within the general education setting, to include partial participation of students in tasks and skills facilitating collaboration and support from peers with and without disabilities;

e. The ability to select and use augmentative and alternative communication methods and systems;

f. The ability to select and use assistive technology to facilitate learning and independent living; and

g. An understanding of the impact of speech-language development on behavior and social interactions.

3. The ability to implement and evaluate group management techniques and individual interventions that maintain emotional, behavioral, and social skills consistent with the norms, standards, and rules of the educational environment. These techniques and interventions include:

a. Identifying the origin and function of the behavior;

b. Identifying and teaching alternative behaviors;

c. Developing positive behavior support plans;

d. Developing schedules and routines;

e. Applying behavioral research; and

f. Providing positive behavioral support.

4. Complete supervised classroom experience with students with severe disabilities K-12.

B. Endorsement requirements. The candidate must:

1. Have graduated from an approved program in special education severe disabilities;

2. Have completed a major in special education: severe disabilities K-12 or 27 semester hours in the education of students with severe disabilities with course work in the following: foundations/legal/ethical aspects of special education, psychoeducational assessment, reading/language acquisition, structure and organization of the continuum of special education services including the general education classroom, scope and sequence of the general education curriculum, behavior management, transition, consultation, characteristics of individuals with severe disabilities, instructional programming and methods for severe disabilities consistent with the above competencies. In addition the candidate must have completed a supervised classroom experience with students with severe disabilities. One year of successful, full-time teaching experience with students with severe disabilities in an accredited public or nonpublic school may be accepted in lieu of student teaching; or

3. Possess a valid Virginia teaching license with an endorsement in at least one area of special education and complete course work and field experiences in a variety of settings, demonstrating the specific requirements in severe disabilities K-12. One year of successful, full-time teaching experience with students with severe disabilities in an accredited public or nonpublic school may be accepted in lieu of student teaching.

VA.R. Doc. No. R97-729; Filed March 11, 1998, 11:55 a.m.

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TITLE 9. ENVIRONMENT

VIRGINIA WASTE MANAGEMENT BOARD

Extension of Public Comment Period

Title of Regulation: 9 VAC 20-60-10 et seq. Virginia Hazardous Waste Management Regulations.

The Virginia Waste Management Board noticed a public comment period on proposed Amendment 14 to the Hazardous Waste Management Regulations in the February 2, 1998, Virginia Register (14:10 VA.R. 1459-1465 February 2, 1998). The public comment period on the proposed amendments was to have closed on April 15, 1998. However, due to the length of the regulation and requests received at the public hearing, the Department of Environmental Quality, on behalf of the Virginia Waste Management Board, has extended the comment period until 5 p.m. on Monday, May 18, 1998.

Comments and questions on the proposal should be directed to Robert Wickline, Office of Program Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4213.

VA.R. Doc. No. R97-433; Filed March 9, 1998, 2:58 p.m.

TITLE 10. FINANCE AND FINANCIAL INSTITUTIONS

STATE CORPORATION COMMISSION

REGISTRAR'S NOTICE: The State Corporation Commission is exempt 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: 10 VAC 5-60-20 et seq. Consumer Finance Companies (amending 10 VAC 5-60-40 and 10 VAC 5-60-50).

Title of Regulation: 10 VAC 5-70-10 et seq. Sale of Noncredit-Related Life Insurance in Consumer Finance Offices (amending 10 VAC 5-70-20, 10 VAC 5-70-30 and 10 VAC 5-70-50).

Statutory Authority: §§ 6.1-302 and 12.1-13 of the Code of Virginia.

NOTE: The order directing notice for this case, BF1970075, was printed in the January 19, 1998, issue of the *Virginia Register* on pages 1420 and 1421.

Summary:

Present regulations prohibit the sale of noncredit-related life insurance (ordinary life insurance) in connection with the conduct of open-end lending and real estate lending in licensed consumer finance (small loan) offices in Virginia, unless the commission permits it. Present regulations permitting the sale of ordinary life insurance in such offices prohibit, when a customer seeks a loan for another purpose, the solicitation or sale of ordinary life insurance until after the loan sought is made, and prohibit the lender from lending money to the customer to pay the premium for such insurance.

The amended regulations would permit the sale of ordinary life insurance in small loan offices no matter what type of loan the customer seeks, permit the lender to finance the premium, and permit the solicitation of sale of such insurance prior to loan consummation, subject to various conditions, to wit: Solicitation may not begin until a credit decision has been made, communicated to the borrower, and noted in the lender's records. Neither the credit decision nor credit terms can be conditioned upon the purchase of such insurance. Such insurance may not be solicited or sold in connection with loans not exceeding \$1,000. The total of all premiums for insurance sold contemporaneously with a loan may not exceed 45% of the loan. The customer's right to cancel the insurance purchase is fortified. Consummation of the insurance purchase must be preceded by the making of written disclosure to the customer of various rights and other matters on a commission-approved form. Finally, certain documents which must be retained in the small loan office relating to ordinary life insurance sales are specified.

10 VAC 5-60-40. Rules governing open-end credit business in licensed consumer finance offices.

A. The business of extending open-end credit shall be conducted by a separate legal entity, and not by the consumer finance licensee. The separate, open-end credit entity ("separate entity") shall comply with all applicable state and federal laws.

B. Separate books and records shall be maintained by the licensee and the separate entity, and the books and records of the licensee shall not be commingled with those of the separate entity, but shall be kept in a different location within the office. The Bureau of Financial Institutions shall be given access to the books and records of the separate entity, and shall be furnished such information as it may require in order to assure compliance with this section.

C. The expenses of the two entities will be accounted for separately and so reported to the Bureau of Financial Institutions as of the end of each calendar year.

D. Advertising or other information published by the licensee or the separate entity shall not contain any false, misleading or deceptive statement or representation concerning the rates, terms or conditions for loans or credit

made or extended by either of them. The separate entity shall not make or cause to be made any misrepresentation as to its being a licensed lender, or as to the extent to which it is subject to supervision or regulation.

E. The licensee and the separate entity shall not make both a consumer finance loan and an extension of open-end credit to the same borrower or borrowers as part of the same transaction.

F. Except as authorized by the Commissioner of Financial Institutions, or by order of the State Corporation Commission, insurance, other than credit life insurance, credit accident and sickness insurance ~~and~~, credit involuntary unemployment insurance, *and noncredit-related life insurance sold pursuant to 10 VAC 5-70-10 et seq.* shall not be sold in licensed consumer finance offices in connection with any extension of open-end credit by the separate entity.

G. When the balance owed under an open-end credit agreement is paid, finance charges will be assessed only to the date of payment.

10 VAC 5-60-50. Rules governing real estate mortgage business in licensed consumer finance offices.

A. The business of making or purchasing loans secured by liens on real estate shall be conducted by a separate legal entity, and not by the consumer finance licensee. This separate, mortgage entity ("separate entity") shall comply with all applicable state and federal laws.

B. Separate books and records shall be maintained by the consumer finance licensee and the separate entity, and the books and records of the consumer finance licensee shall not be commingled with those of the separate entity, but shall be kept in a different location within the office. The Bureau of Financial Institutions shall be given access to the books and records of the separate entity, and shall be furnished such information as it may require in order to assure compliance with this section.

C. The expenses of the two entities shall be accounted for separately and so reported to the Bureau of Financial Institutions as of the end of each calendar year.

D. Advertising or other information published by the consumer finance licensee or the separate entity shall not contain any false, misleading or deceptive statement or representation concerning the rates, terms or conditions for loans made by either of them. The separate entity shall not make or cause to be made any misrepresentation as to its being a licensed lender, or as to the extent to which it is subject to supervision or regulation.

E. The consumer finance licensee and the separate entity shall not make both a consumer finance loan and a real estate mortgage loan to the same borrower or borrowers as part of the same transaction.

F. Any compensation paid by the separate entity to any other party for the referral of loans, pursuant to an agreement or understanding between the separate entity and such other

party, shall be an expense borne entirely by the separate entity. Such expense shall not be charged directly or indirectly to the borrower.

G. Except as authorized by the Commissioner of Financial Institutions, or by order of the State Corporation Commission, insurance, other than credit life insurance, credit accident and sickness insurance ~~and~~, credit involuntary unemployment insurance, *and noncredit-related life insurance sold pursuant to 10 VAC 5-70-10 et seq.* shall not be sold in licensed consumer finance offices in connection with any mortgage loan made or purchased by the separate entity.

H. No interest in collateral other than real estate shall be taken in connection with any real estate mortgage loan made or purchased by the separate entity.

10 VAC 5-70-20. Separation of lending and insurance sales.

No loan or extension of credit by the consumer finance licensee, or any affiliate conducting business in the licensee's office, shall be conditioned upon the purchase of noncredit-related life insurance. If a person expresses an interest in obtaining a loan or extension of credit from the consumer finance licensee, or from any affiliate conducting business in the licensee's office, the sale of noncredit-related life insurance to such person shall not be solicited until ~~after the loan or extension of credit transaction is consummated.~~ *Neither the consumer finance licensee, nor any affiliate conducting business in the licensee's office, shall make a loan or extension of credit in order to enable a person to purchase noncredit-related life insurance solicited or sold under this chapter a credit decision is made, the customer is informed of that decision, and an entry showing such decision is made in the lender's books. Interest rates and other charges may not be conditioned upon the purchase of such insurance. The customer shall be given the option of paying the premium for such insurance with his own funds, or with a portion of a loan or extension of credit made to the customer. Such insurance may not be solicited or sold unless the loan or extension of credit made contemporaneously therewith exceeds \$1,000 exclusive of premiums for such insurance. The total of the premium for such insurance plus the premiums for all other insurance connected with the loan or credit transaction shall not exceed 45% of the principal amount of the loan or credit transaction excluding insurance purchased by the creditor after the loan or credit transaction is closed because of the customer's failure to maintain lawfully required insurance on collateral.*

10 VAC 5-70-30. Purchaser's right to cancel insurance.

Any person who purchases noncredit-related life insurance solicited in a consumer finance office shall have a right to cancel such purchase and receive a full *premium* refund until midnight of the ~~20th~~ *30th* day following consummation of the purchase ~~after receipt of a policy~~ or the effective date of coverage, whichever is later. ~~The consumer finance licensee person soliciting the sale of such insurance shall clearly and conspicuously disclose to the individual customer, prior to the consummation of the insurance purchase, his right to cancel,~~

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and shall provide the individual customer at the that time of consummation of the purchase with a form in duplicate by which the right to cancel may be exercised by mailing or delivering the form and policy to the consumer finance licensee or to the insurance company. Such form shall be subject to prior commission approval and shall clearly and conspicuously set forth state:

~~4. The cost of the insurance;~~

1. That purchase of such insurance is not a condition of any loan or extension of credit.

2. That interest rates and charges do not depend upon the purchase of such insurance.

3. That the customer has the option to pay the insurance premium from his own funds, or to pay the premium with a portion of loan proceeds.

4. That if the customer elects to finance the premium, interest will be charged on the financed premium at the same rate as applies to the loan.

5. If the insurer and creditor are affiliated, that they are affiliated and each expects to profit from the sale of such insurance.

6. The face amount, premium and policy term of such insurance.

7. A comparison of monthly payment, finance charge and total of payments with and without such insurance.

8. That the customer may cancel such insurance by mailing a copy of the notice, together with the policy, to the consumer finance licensee or the insurance company within 30 days after receipt of the policy.

9. That in the event of cancellation, the customer will be promptly refunded the entire premium for such insurance.

~~2- 10. The name and address of the consumer finance licensee;~~

~~3. The actions necessary for the individual to cancel the insurance; and~~

~~4. The individual's right to receive a full refund of the insurance premium upon cancellation.~~

11. The name and address of the insurance company.

12. The name, address and telephone number for making complaints to the Bureau of Financial Institutions.

10 VAC 5-70-50. Examination of records.

The Bureau of Financial Institutions shall be given access to the books and records of the consumer finance business and the insurance sales business conducted under this chapter and be furnished such information as it may need in order to ensure that these conditions are being observed. Noncredit-related life insurance sales records shall be maintained for a period of three years after sale. Such records shall include, but not be limited to, worksheets or the

like containing factors and/or calculations used to determine how much life insurance the customer may need or want, disclosure documents and specimens of policies sold.

VA.R. Doc. No. R98-213; Filed March 5, 1998, 4:45 p.m.

TITLE 11. GAMING

VIRGINIA RACING COMMISSION

Title of Regulation: 11 VAC 10-180-10 et seq. Regulations Pertaining to Horse Racing with Pari-Mutuel Wagering: Medication (amending 11 VAC 10-180-10, 11 VAC 10-180-20, 11 VAC 10-180-50, 11 VAC 10-180-60, 11 VAC 10-180-70, 11 VAC 10-180-80, and 11 VAC 10-180-90).

Statutory Authority: § 59.1-369 of the Code of Virginia.

Public Hearing Date: May 20, 1998 - 9:30 a.m.

Public comments may be submitted until May 30, 1998.

(See Calendar of Events section for additional information)

Basis: The Virginia Racing Commission derives its statutory authority to promulgate regulations from the provisions of § 59.1-369 of the Code of Virginia, which states, in part in subdivision 3: "The Commission shall promulgate regulations and conditions under which horse racing with pari-mutuel wagering shall be conducted in the Commonwealth and all such other regulations it deems necessary and appropriate to effect the purposes of this chapter."

Purpose: The commission has promulgated this regulation to replace an emergency regulation with a permanent regulation as well as for the purpose of maintaining horse racing in the Commonwealth of the highest quality. The proposed regulation relating to medication in racehorses places Virginia racing in accord with procedures in the major racing states on the eastern seaboard, namely, Maryland, New Jersey and New York, and would allow for jurisdictional parity in the application of horse racing regulations. The commission drafted this regulation to protect the public health, safety and welfare as well as the racehorses and participants in horse racing.

The regulation will allow for the treatment of racehorses on race day only with furosemide and adjunct therapies. These medications are administered only to the horse for its benefit and welfare. These medications allow for the normalization of horses suffering from the condition known as exercise-induced pulmonary hemorrhage. Furthermore, these medications enhance the health of horses suffering from this condition and allow them to take part in Virginia horse racing. Without these medications, the horse supply for races in Virginia will be very drastically reduced.

Substance: The regulation provides for the use of the medication furosemide and adjunct therapies in racehorses as provided in the emergency regulation adopted in

September of 1997. These medications will be administered to horses suffering from the condition of exercise-induced pulmonary hemorrhage, a common condition among racehorses that causes horses to bleed from the nostrils and severely hampers the functioning of their lungs.

This regulation also reduces by half the permissible amount of phenylbutazone permitted in post-race samples taken from racehorses. This places Virginia in accord with most major states on the east coast, primarily Maryland. Furthermore, this regulation brings Virginia into accord with other major racing states in the tolerance levels for bicarbonate testing. Finally, this regulation brings Virginia into parity with Maryland in sanctions for overages of furosemide, phenylbutazone and other medications for which racehorses are commonly treated.

Issues: The proposed regulation was developed under the auspices of the commission's racing safety and medication committee along with the input of the commission's veterinarian and chief racing chemist. In addition to the committee, the commission received input from horsemen and private practitioners from Virginia as well as Maryland. Further, the development of the permanent regulation was based upon the commission's experience during the first thoroughbred race meeting at Colonial Downs during the late summer and early autumn. This regulation creates no disadvantages for the Commonwealth or the public.

Estimated Impact: The owners of the racehorses and veterinarians will be directly impacted by this regulation; however, this impact will be at their discretion. If the owner authorizes the treatment of his racehorses with furosemide and adjunct therapies on race day, then the medication must be administered by a veterinarian who will generally charge the owner a fee ranging from \$10 to \$20. These regulations will likely affect in excess of a half-dozen veterinarians in private practice in the stable area and the owners of the racehorses so treated.

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 § 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, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. The proposed regulation will allow for the treatment of racehorses on race day with furosemide and adjunct therapies. It also changes the allowable dosage of phenylbutazone permitted in post-

race samples taken from racehorses and changes the tolerance levels for bicarbonate testing.

Estimated economic impact. The furosemide portion of this regulation is permissive and, hence, has no costs associated with it. The phenylbutazone portion of the proposal does restrict further the allowable dose of this drug but does so in order to bring Virginia regulations in line with those of other regional racing authorities. The bicarbonate provision has the same function.

These changes are needed to place Virginia regulations in accord with those of the other racing states in the eastern half of the United States. Doing so enhances the potential for income in the Virginia horse racing industry. Without these regulations, Virginia would not be able to participate fully in the regional racing industry. Consequently, we conclude that the probable benefits of these changes greatly outweigh any foreseeable costs. Although it is not possible to measure the impact at this time, the gain to Virginians from participation in the regional racehorse industry could easily be significant.

Businesses and entities affected. The primary Virginia businesses affected are those that participate in the racehorse industry. The magnitude of the economic benefit cannot readily be estimated at this time.

Localities particularly affected. A significant share of the benefits of this proposal will accrue to the area around the Colonial Downs racetrack and to areas where racehorses are bred and trained.

Projected impact on employment. Not promulgating this regulation would reduce employment in the horse racing industry and in the industries that provide input to that industry.

Effects on the use and value of private property. Not to promulgate this regulation could have a negative impact on the value of the businesses associated with the horse racing industry in Virginia. This would tend to reduce the value of those properties that have some additional market value due to their use in the horse racing industry.

Summary of analysis. By placing Virginia regulations on a parity with those of neighboring states, this proposal will enhance the potential for earning income from the racehorse industry. This regulation should have a significant net benefit for the Virginia economy.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The Virginia Racing Commission has reviewed the economic impact analysis prepared by the Department of Planning and Budget, and the commission finds that it is in general agreement with the analysis.

Summary:

The proposed regulations provide for the use of furosemide and adjunct therapies in racehorses on race day. The regulations also set forth (i) applicable definitions, (ii) procedures for the collection of test

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samples, (iii) determination of positive tests, and (iv) rights of testing split samples.

CHAPTER 180.

REGULATIONS PERTAINING TO HORSE RACING WITH PARI-MUTUEL WAGERING: MEDICATION.

11 VAC 10-180-10. Definitions.

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

"*Bleeder*" means a horse which has been diagnosed as suffering from exercise-induced pulmonary hemorrhage based on external or endoscopic examination by the commission veterinarian, licensee's veterinarian or private practitioner who is a permit holder.

"*Bleeder list*" means a tabulation of all bleeders to be maintained by the stewards.

"*Commission*" means the Virginia Racing Commission.

"*Controlled substance*" means any substance included in the five classification schedules of the U.S. Controlled Substances Act of 1970 (21 USC § 801 et seq.).

"*Injectable substance*" means a liquid or solid substance, which may require the addition of a liquid via a needle and syringe to change it from a solid into a liquid, contained in a vial with a rubber top which can be accessed and administered only via a needle and syringe.

"*Permitted race day substances*" means nonperformance altering and administered only for the benefit and welfare of the horse.

"*Prescription substance*" means any substance which is administered or dispensed by or on the order of a private practitioner, who is a permit holder, for the purpose of medical treatment of an animal patient when a bona fide doctor-patient relationship has been established.

"*Primary laboratory*" means a facility designated by the commission for the testing of test samples.

"*Prohibited substance*" means any drug, medication or chemical foreign to the natural horse, whether natural or synthetic, or a metabolite or analog thereof, the use of which is not expressly permitted by the regulations of the commission.

"*Race day*" means ~~a 24-hour~~ the period beginning at between midnight before a race and post-time for the race in which the horse is entered to start.

"*Reference laboratory*" means a facility designated by the commission for the testing of split samples.

"*Substance*" means any drug, medication or chemical foreign to the natural horse or human being, whether natural or synthetic, or a metabolite or analog thereof.

"*Test sample*" means any sample of blood, urine, saliva or tissue obtained from a horse or person for the purpose of laboratory testing for the presence of substances.

"*Tubing*" means the administration to a horse of any substance via a naso-gastric tube.

11 VAC 10-180-20. Generally.

A. ~~Administration on race day prohibited~~ *Race day prohibitions*. No person shall administer any substance to a horse on race day other than furosemide, and then only under the procedures set forth in this chapter those substances expressly permitted by the commission. Substances permitted by the commission shall be nonperformance altering and administered only for the benefit and welfare of the horse.

B. Tubing of horses prohibited. The tubing or dosing of any horse for any reason on race day is prohibited, unless administered for medical emergency purposes by a private practitioner who is a permit holder, in which case the horse shall be scratched. The practice of administration of any substance, via a tube or dose syringe, into a horse's stomach on race day is considered a violation of this chapter.

C. Possession of needles prohibited. No permit holder, except a veterinarian or an assistant under his immediate supervision, shall have in his possession within the enclosure any hypodermic syringe or needle or any instrument capable of being used for the injection of any substance.

D. Possession of injectables prohibited. No permit holder, except a veterinarian or an assistant under his immediate supervision, shall have in his possession within the enclosure any injectable substance.

E. Prescription substances for animal use. No permit holder, except a veterinarian or an assistant under his immediate supervision, shall have in his possession within the enclosure of a horse racing facility any prescription substance for animal use unless:

1. The permit holder actually possesses, within the enclosure of the horse racing facility, documentary evidence that a prescription has been issued to him for the substance by a private practitioner who is a permit holder;
2. The prescription substance is labelled with a dosage for the horse or horses to be treated with the prescription substance; and
3. The horse or horses named in the prescription are then under the care and supervision of the permit holder and are then stabled within the enclosure of the horse racing facility.

F. Possession of substances. No veterinarian or permit holder shall possess or administer any substance to a horse stabled within the enclosure:

1. That has not been approved by the U.S. Food and Drug Administration, pursuant to the Federal Food, Drug and Cosmetic Act (21 USC § 30 et seq.); or

2. That is on the U.S. Drug Enforcement Agency's Schedule I or Schedule II of controlled substances as prepared by the Attorney General of the United States pursuant to 21 USC §§ 811 and 812.

G. Human use of needles and substances. Notwithstanding these regulations, a permit holder or veterinarian may possess within the enclosure of a horse racing facility a substance for use on his person, providing the permit holder or veterinarian possesses documentary evidence that a valid medical prescription has been issued to the permit holder or veterinarian.

Notwithstanding these regulations, a permit holder or veterinarian may possess within the enclosure of a horse racing facility a hypodermic syringe or needle for the purpose of administering to himself a substance, provided that the permit holder has documentary evidence that the substance can only be administered by injection and that the substance to be administered by injection has been prescribed for him.

11 VAC 10-180-50. Laboratory findings and reports.

A. Primary testing laboratory. The commission shall designate a primary testing laboratory for the analysis of test samples collected under the supervision of the commission veterinarian. The commission shall designate a chief racing chemist within the primary testing laboratory who shall have the authority to report his findings to the executive secretary of the commission, the stewards and the commission veterinarian.

B. Reference laboratories. The commission shall designate one or more laboratories, other than the primary testing laboratory, as reference laboratories. These laboratories will conduct confirmatory analysis of split samples as shipped by the commission veterinarian. Any reference laboratory must be accredited by the Association of Racing Commissioners International and be willing to accept split samples for confirmatory testing. Any reference laboratory shall send results to both the person requesting the testing and the commission.

C. Chief racing chemist's responsibilities. The chief racing chemist shall be responsible for safeguarding and analyzing the test samples delivered to the primary testing laboratory. It shall be the chief racing chemist's responsibility to maintain proper equipment, adequate staffing and acceptable procedures to thoroughly and accurately analyze test samples submitted to the primary testing laboratory.

D. Reporting procedures. The chief racing chemist shall submit to the executive secretary of the commission, the stewards and the commission veterinarian a written report as to each test sample analyzed, indicating by identification tag number, whether the test sample was negative or there was a chemical identification.

E. Chemical identifications. If the chief racing chemist determines that there is present in the test sample a substance or metabolites of a substance foreign to the natural horse, except those specifically permitted by the regulations of the commission, he shall submit a report of chemical identification to the executive secretary of the commission, the stewards and the commission veterinarian. In a report of chemical identification, the chief racing chemist shall submit evidence acceptable in the scientific community and admissible in court in support of his determination.

F. Review of chemical identifications. Upon receipt of a report of a chemical identification from the chief racing chemist, the stewards shall conduct a review of the chemical identification which shall include but not be limited to the chief racing chemist, the commission veterinarian and the commission's veterinary-pharmacological consultant. During the review, the following procedures shall apply:

1. All references to the report of a chemical identification shall be only by the identification tag number of the sample collected from the horse;
2. The chief racing chemist shall submit his written report of the chemical identification and the evidence supporting his finding;
3. The commission's veterinary-pharmacological consultant shall submit a written statement to the stewards including but not limited to the classification of the substance, its probable effect on a racehorse, and the efficacy of the substance at the levels found in the test sample;
4. The stewards may ask questions at any time and request further documentation as they deem necessary;
5. If the chemical identification involves a Class 1 or Class 2 substance, as specified by this regulation, then the stewards shall determine that the chemical identification constitutes a violation of the regulations of the commission and it is deemed a positive test result;
6. If the chemical identification and quantification involves a Class 3, Class 4 or Class 5 substance, as specified by this regulation, then the stewards shall determine whether the chemical identification does or does not constitute a violation of the regulations of the commission and whether it should be deemed a positive test result;
7. In the event of a positive test result, the stewards shall notify the trainer of the horse, in writing, of his right to send the split sample collected from the horse to one of the reference laboratories, designated by the commission, for confirmatory testing;
8. The stewards shall take no disciplinary action against any permit holder until the results of confirmatory testing are received, and the findings shall be a part of the record of any subsequent informal fact-finding conference; and

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9. The chief racing chemist's report of a chemical identification, the commission's veterinary-pharmacological consultant's written statement, the results of confirmatory testing and any other documentation submitted to the stewards shall become part of the record of any subsequent proceedings.

G. Barred from racing. No horse from which a positive test sample was collected shall be permitted to race until the stewards have made a final determination in the matter. Such a horse shall not be immune from resulting disciplinary action by the stewards or the commission.

H. Frozen samples. Unconsumed portions of all test samples tested by the primary testing laboratory will be maintained in a frozen state ~~for a period of six months until the last sample of the race meeting is cleared by the chief racing chemist.~~ In the event of a positive test result involving a Class 1, Class 2 or Class 3 substance, the commission or stewards shall direct that the stored frozen samples collected from the horses raced by the trainer shall be tested for the presence of the identified substance. The results of this testing may be considered by the stewards or commission in assessing any disciplinary actions.

I. Split samples. The commission veterinarian shall determine a minimum test sample requirement for the primary testing laboratory. If the test sample collected is less than the minimum requirement, then the entire test sample shall be sent to the primary laboratory.

If the sample collected is greater than the minimum sample requirement but less than twice that amount, the portion of the test sample that is greater than the minimum test sample requirement shall be secured as the split sample.

If the test sample collected is greater than twice the minimum test sample requirement, a portion of the sample approximately equal to the test sample shipped to the primary testing laboratory shall be secured as the split sample.

J. Storage of split samples. Split samples shall be stored in a secured location inside a locked freezer in accordance with the following procedures:

1. Split samples shall be secured in the test barn in the same manner as the portion of the test sample acquired for shipment to the primary laboratory until such time as test samples are packed and secured for shipment to the primary laboratory.
2. Upon shipment of the test samples to the primary laboratory, the split samples shall be transferred to the locked freezer by the commission veterinarian who shall be responsible for securing possession of the keys.
3. The freezer for storage of split samples shall be opened only for depositing or removing split samples, for inventory, or for checking the condition of split samples.
4. Whenever the freezer used for storage of split samples is opened, it shall be attended by the

commission veterinarian or his designee and a representative of the horsemen.

5. A log shall be maintained each time the freezer used for storage of split samples is opened to specify each person in attendance, the purpose for opening the freezer, identification of split samples deposited or removed, the date and time the freezer was opened, and the time the freezer was locked.

6. Any evidence of a malfunction of the freezer used for storage of split samples or evidence that split samples are not in a frozen condition shall be documented in the log and immediately reported to the stewards.

K. Shipment of split samples. The trainer or owner of the horse shall have 48 hours from receipt of the written notice of a positive test result to request that the split sample be shipped to one of the reference laboratories designated by the commission and the split sample shall be shipped to the requested reference laboratory within an additional 48 hours. The cost of shipment and additional testing shall be paid by the permit holder requesting the testing of the split sample.

L. Chain of custody form. The commission veterinarian, or his designee, shall be responsible for the completion of a chain of custody verification form that shall provide a place for recording the following information:

1. Date and time the split sample is removed from the freezer;
2. The test sample number;
3. The address of the reference laboratory;
4. The name and address where the split sample package is to be taken for shipment to the reference laboratory;
5. Verification of retrieval of the split sample from the freezer;
6. Verification that each specific step of the split sample packaging procedure is in accordance with the recommended procedure;
7. Verification of the address of the reference laboratory on the split sample package;
8. Verification of the condition of the split sample package immediately prior to the transfer of custody to the carrier for shipment to the reference laboratory;
9. The date and time custody of the split sample package was transferred to the carrier; and
10. The commission veterinarian, or his designee, and the trainer or owner of the horse, or his designee, shall witness, attest and sign the form, and a copy of the form shall be supplied to the trainer or owner.

M. Packaging the split sample. The following procedures shall apply to the packaging of the split sample:

1. The split sample shall be removed from the freezer by the commission veterinarian, or his designee, in the presence of the trainer or owner, or his designee.

2. The trainer or owner, or his designee, shall pack the split sample, in the presence of the commission veterinarian or his designee, in accordance with the instructions supplied by the reference laboratory.

3. The exterior of the package shall be secured and identified with initialed tape, evidence tape or other means to prevent tampering with the package.

4. The package containing the split sample shall be transported in the presence of the commission veterinarian, or his designee, and the trainer or owner, or his designee, to the location where custody is transferred to the delivery carrier for shipment to the reference laboratory.

5. The commission veterinarian, or his designee, and the trainer or owner, or his designee, shall inspect the package containing the split sample immediately prior to transfer to the delivery carrier to verify that the package is intact and has not been tampered with.

6. The commission veterinarian, or his designee, and the trainer or owner, or his designee, shall complete the chain of custody verification form.

11 VAC 10-180-60. Medications and substances.

A. Disciplinary actions. The stewards may, at their discretion, refer to the following guidelines in imposing a disciplinary action upon a permit holder for a positive test result for one of the five classifications listed in subsection B of this section. However, the stewards may, at their discretion and in consideration of the circumstances, impose a greater or lesser disciplinary action. The guidelines are:

1. Class 1. One to five years suspension and at least \$5,000 fine and loss of purse;

2. Class 2. Six months to one year suspension and \$1,500 to \$2,500 fine and loss of purse;

3. Class 3. Sixty days to six months suspension and up to \$1,500 fine and loss of purse;

4. Class 4. Fifteen to 60 days suspension and up to \$1,000 fine and loss of purse; and

5. Class 5. Zero to 15 days suspension with a possible loss of purse or fine or both.

6. For *cimetidine*, *dicoumerol*, *griseofulvin*, *isoxsuprine*, *ranitidine*, *sulfa* and *tetramisole*--first offense: \$500 fine; second offense: 15-day suspension and disqualification.

7. For *procaine*, *o-desmethyl pyrilamine*--if the stewards determine that the drug was administered more than 48 hours before race day, first offense: \$500 fine; second offense: 15-day suspension and disqualification.

8. For *procaine*, *o-desmethyl pyrilamine*--if the stewards determine that the drug was administered within 48

hours of race day, first offense: 15-day suspension and disqualification; second offense: more stringent disciplinary action.

9. For *methylprednisolone*--first offense, if found in urine only: \$250 fine, or if found in urine and blood: 15-day suspension and disqualification; second offense: 15-day suspension and disqualification.

B. Classes of prohibited substances. The classes of prohibited substances are:

1. Class 1. Drugs found in this class are substances which are potent stimulants of the nervous system and included in this class are opiates, opium derivatives, synthetic opioids, psychoactive drugs, amphetamines and U.S. Drug Enforcement Agency (DEA) Scheduled I and II drugs. Drugs in this class have no generally accepted medical use in the racehorse and their pharmacological potential for altering the performance of a racehorse is very high.

2. Class 2. Drugs found in this class have a high potential for affecting the outcome of a race. Most drugs in this class are generally not accepted therapeutic agents in the racehorse. Many drugs in this class are products intended to alter consciousness or the psychic state of humans, and have no approved or indicated use in the horse. Some drugs in this class, such as injectable local anesthetics, have legitimate use in equine medicine, but should not be found in a racehorse. The following groups of drugs are in this class:

a. Opiate partial agonists, or agonist-antagonists;

b. Nonopiate psychotropic drugs, which may have stimulant, depressant, analgesic or neuroleptic effects;

c. Miscellaneous drugs which might have a stimulant effect on the central nervous system (CNS);

d. Drugs with prominent CNS depressant action;

e. Antidepressant and antipsychotic drugs, with or without prominent CNS stimulatory or depressant effects;

f. Muscle blocking drugs which have a direct neuromuscular blocking action;

g. Local anesthetics which have a reasonable potential for use as nerve blocking agents (except procaine); and

h. Snake venoms and other biological substances which may be used as nerve blocking agents.

3. Class 3. Drugs found in this class may or may not have an accepted therapeutic use in the horse. Many are drugs that affect the cardiovascular, pulmonary and autonomic nervous systems. They all have the potential of affecting the performance of a racehorse. The following groups of drugs are in this class:

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a. Drugs affecting the autonomic nervous system which do not have prominent CNS effects, but which do have prominent cardiovascular or respiratory system effects (bronchodilators are included in this class);

b. A local anesthetic which has nerve blocking potential but also a high potential for producing urine residue levels from a method of use not related to the anesthetic effect of the drug (procaine);

c. Miscellaneous drugs with mild sedative action, such as the sleep inducing antihistamines;

d. Primary vasodilating/hypotensive agents; and

e. Potent diuretics affecting renal function and body fluid composition.

4. Class 4. This class of drugs is comprised primarily of therapeutic medications routinely used in racehorses. These drugs may influence performance but generally have a more limited ability to do so. The following groups of drugs are in this class:

a. Nonopiate drugs which have a mild central analgesic effect;

b. Drugs affecting the autonomic nervous system which do not have prominent CNS, cardiovascular or respiratory effects:

(1) Drugs used solely as topical vasoconstrictors or decongestants;

(2) Drugs used as gastrointestinal antispasmodics;

(3) Drugs used to void the urinary bladder; and

(4) Drugs with a major effect on CNS vasculature or smooth muscle of visceral organs;

c. Antihistamines which do not have a significant CNS depressant effect (This does not include H1 blocking agents, which are listed in Class 5);

d. Mineralocorticoid drugs;

e. Skeletal muscle relaxants;

f. Anti-inflammatory drugs--those that may reduce pain as a consequence of their anti-inflammatory actions, which include:

(1) Nonsteroidal Anti-inflammatory Drugs (NSAIDs)--aspirin-like drugs;

(2) Corticosteroids (glucocorticoids); and

(3) Miscellaneous anti-inflammatory agents;

g. Anabolic or androgenic steroids, or both, and other drugs;

h. Less potent diuretics;

i. Cardiac glycosides and antiarrhythmics including:

(1) Cardiac glycosides;

(2) Antirhythmic agents (exclusive of lidocaine, bretylium and propranolol);

(3) Miscellaneous cardiotoxic drugs;

j. Topical anesthetics--agents not available in injectable formulations;

k. Antidiarrheal agents; and

l. Miscellaneous drugs including:

(1) Expectorants with little or no other pharmacologic action;

(2) Stomachics; and

(3) Mucolytic agents.

5. Class 5. Drugs found in this class are therapeutic medications for which concentration limits have been established as well as certain miscellaneous agents. Included specifically in this class of drugs are agents with very localized action only, such as anti-ulcer drugs and certain antiallergic drugs. The anticoagulant drugs are also included.

C. *Permitted race day substances. The following substances have been determined to be nonperformance altering and administered only for the benefit and welfare of the horse. These substances may be administered to a horse on race day by a permit holder when administered under veterinary supervision within the limits of this chapter:*

1. *Intravenous commercially available electrolyte solutions including calcium and magnesium, but not including bicarbonate.*

2. *Conjugated estrogens, not to exceed 25 milligrams.*

3. *Aminocaproic acid, not to exceed 2.5 grams.*

4. *Tranexamic acid, not to exceed 1 gram.*

11 VAC 10-180-70. Phenylbutazone.

A. Generally. By this regulation, the Virginia Racing Commission specifically permits the use of phenylbutazone in racehorses in the quantities provided for in this chapter.

B. Quantitative testing. Any horse to which phenylbutazone has been administered shall be subject to having test samples taken at the direction of the commission veterinarian to determine the quantitative level of phenylbutazone or the presence of other substances which may be present.

C. Disciplinary actions. The stewards shall take the following disciplinary actions for reports of quantitative testing by the primary testing laboratory for levels of phenylbutazone quantified at levels above 5.0 2.0 micrograms per milliliter of serum plasma:

~~1. A written reprimand shall be issued to the trainer for the first violation of this chapter;~~

~~2. A fine of \$500 shall be issued to the trainer for the second violation of this chapter;~~

~~3. A 15 day suspension shall be issued to the trainer and the horse shall be disqualified for the third violation of this chapter; and~~

1. The stewards shall verbally warn a trainer of a horse with a post-race test above 2.0 to below 2.6 micrograms per milliliter of plasma;

2. The stewards shall fine a trainer \$500, but not more than any purse, for the first offense with a post-race test above 2.6 micrograms per milliliter to below 5.0 micrograms per milliliter of plasma;

3. The stewards shall suspend a trainer for 15 days and disqualify the horse for a second offense with a post-race test from above 2.6 micrograms per milliliter of plasma and below 5.0 micrograms per milliliter of plasma; and

4. The stewards shall suspend a trainer for 15 days and disqualify the horse for a post-race test of 5.0 micrograms per milliliter of plasma or above.

4. 5. The stewards, in their discretion, may impose other more stringent disciplinary actions against trainers or other permit holders who violate the provisions under which phenylbutazone is permitted by the commission; regardless of whether or not the same horse is involved.

VAC 10-180-80. Furosemide Bleeder medications.

A. Generally. By this regulation, the Virginia Racing Commission specifically permits the use of furosemide in only those horses that have been placed on the bleeder list by the stewards.

B. Furosemide.

~~B. 1. Procedures for usage. The use of furosemide shall be permitted by the commission only on horses already on the bleeder list and under the following circumstances:~~

~~1. a. Furosemide shall be administered intravenously, within the enclosure of the horse race facility, no less than four hours prior to post time for which the horse is entered to race of the race in which the horse is entered to start.~~

~~2. b. The furosemide dosage administered shall not exceed 10 ml (500 mg) and shall not be less than 3 ml (150 mg). Dosage levels between each race shall not vary by more than 3 ml (150 mg).~~

~~3. c. The private practitioner, who is a permit holder, administering the furosemide shall deliver to the commission's office at the racetrack no later than one hour prior to post time for the race in which the horse is entered a furosemide treatment form containing the following:~~

~~a. (1) The trainer's name, date, horse's name, and horse's identification number;~~

~~b. (2) The time furosemide was administered to the horse;~~

~~c. (3) The prior dosage level of furosemide administered to the horse and the dosage level administered for this race;~~

~~d. (4) The barn and stall number; and~~

~~e. (5) The signature of the private practitioner, who is a permit holder.~~

~~C. 2. Furosemide quantification. Furosemide levels must not exceed 100 nanograms per milliliter (ng/ml) of plasma in horses administered furosemide and with urine specific gravity measuring 1.010 or lower. Furosemide must be present in the plasma of any horse racing in Virginia which has been designated in the program as being treated with the substance.~~

~~D. C. Disciplinary actions.~~

~~1. For the first violation of the regulation pertaining to furosemide quantification (subsection C subdivision B 2 of this section), the stewards shall issue a written reprimand to the trainer.~~

~~2. For the second violation of the regulation pertaining to furosemide quantification (subsection C subdivision B 2 of this section), the stewards shall fine the trainer an amount not to exceed \$500;~~

~~3. For the third violation of the regulation pertaining to furosemide quantification (subsection C subdivision B 2 of this section) within a 12-month period, the stewards shall suspend or fine the trainer or both; and~~

~~4. The stewards, in their discretion, may impose other more stringent disciplinary actions against trainers or other permit holders who violate the provisions under which furosemide is permitted by the commission, regardless of whether or not the same horse is involved.~~

~~E. D. Program designation. The licensee shall be responsible for designating in the program those horses racing on furosemide. The designation shall also include those horses making their first or second starts while racing on furosemide. In the event there is an error, the licensee shall be responsible for making an announcement to be made over the public address system and taking other means to correct the information published in the program.~~

~~F. E. Removal from the bleeder list. A trainer or owner may remove his horse from the bleeder list with the permission of the stewards prior to entering the horse in a race.~~

11 VAC 10-180-90. Bicarbonate testing.

A. Generally. By this regulation, the Virginia Racing Commission prohibits the use of any bicarbonate containing substance or any substance which effectively alters the

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serum or plasma pH or concentration of bicarbonates or carbon dioxide in the horse.

B. Test values. For a test sample collected from a horse one hour following a race in the test barn, the serum total carbon dioxide concentration shall not exceed ~~36~~ 37 millimoles per liter for horses not administered furosemide prior to racing or shall not exceed ~~38~~ 39 millimoles per liter for horses administered furosemide prior to racing. A serum total carbon dioxide level exceeding these values constitutes a positive test.

C. Testing procedure. The stewards or commission veterinarian may, at their discretion and at any time, order the collection of test samples from any horses present within the enclosure for determination of serum or plasma pH or concentration of bicarbonate, carbon dioxide, or electrolytes. A sample shall be taken from the horse one hour after racing to determine the serum total carbon dioxide concentration. The procedures for split samples do not apply to bicarbonate testing procedures.

D. Positive test results. Upon receipt of a positive test report, the stewards shall inform the trainer of the horse from which the sample was collected of the result. The stewards shall inform the trainer that he has two options:

1. The trainer shall pay a \$1,000 fine and serve a 45-day suspension, and in addition, the horse will lose any purse money earned; or
2. The trainer shall make arrangements with the stewards to have the horse quarantined within the enclosure of the racetrack for a period of 24 hours under conditions acceptable to the stewards and at the expense of the trainer. At the conclusion of the quarantine period, the horse shall have a workout before and acceptable to the stewards with a post-quarantine test sample collected from the horse one hour after the workout. In addition, the feed and water supplied by the trainer shall be subjected to testing.
3. If the post-quarantine serum total carbon dioxide value exceeds ~~36/38~~ 37/39 mm/L, then there is no positive test and the trainer is not subject to disciplinary action. However, if the post-quarantine total carbon dioxide value does not exceed ~~36/38~~ 37/39 mm/L, then the post-race total carbon dioxide constitutes a positive test and the trainer is subject to disciplinary actions beyond those specified in subdivision 1 of this subsection.

NOTICE: The forms used in administering 11 VAC 10-180-10 et seq., Regulations Pertaining to Horse Racing with Pari-Mutuel Wagering: Medication, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.

FORMS

Universal Bleeder Certificate - Examination for Exercise Induced Pulmonary Hemorrhage, 3/98.

Furosemide Administration Report, 3/98.

Split Sample Freezer Log, 3/98.

Chain of Custody Form, 3/98.

Test Barn Daily Log, 3/98.

VIRGINIA RACING COMMISSION
10700 HORSEMEN'S ROAD
NEW KENT, VA
(804) 966-4200

3198

DONALD R. PRICE
EXECUTIVE SECRETARY

UNIVERSAL BLEEDER CERTIFICATE
EXAMINATION FOR EXERCISE INDUCED PULMONARY HEMMORRHAGE

NAME OF HORSE: _____ TATTOO: _____

YEAR FOALED: _____ COLOR: _____ SEX: _____

ON _____ THE ABOVE HORSE WAS OBSERVED BLEEDING

- From the nostrils
- By endoscopic examination
- From the nostrils and by endoscopic examination

THE OBSERVED BLEEDING OCCURRED _____ DURING _____ FOLLOWING

- A training exercise
- The race _____ at _____ in Virginia

THE ENDOSCOPIC EXAM WAS PERFORMED BY _____

THE BLEEDING WAS OBSERVED BY _____

- Commission Veterinarian
- Licensee's Veterinarian
- Private Practitioner (Permit Holder)

THIS HORSE WILL NOT BE ALLOWED TO RACE IN VIRGINIA UNTIL _____

SIGNATURE: _____
(Commission Veterinarian)

3/98

VIRGINIA RACING COMMISSION
Furosemide Administration Report

Trainer: _____

Date: _____ Race: _____

Horse: _____ Horse ID#: _____

Prior Today

Time of Administration: _____ Dosage: _____

Barn: _____ Stall#: _____

Veterinarian: _____

Signature

Notice: A Furosemide administration report on a horse shall be delivered to the office of the Virginia Racing Commission not less than one hour before the scheduled post time of the race in which the horse is to participate.

Original - Commission Pink - Veterinarian Yellow - Trainer

VIRGINIA RACING COMMISSION
TEST BARN DAILY LOG

3/98

Track: _____ Date: _____

Race: _____ Time In: _____

Horse: _____ Time Out: _____

Permit Holder: _____
(Signature)

Permit Number: _____

Race: _____ Time In: _____

Horse: _____ Time Out: _____

Permit Holder: _____
(Signature)

Permit Number: _____

Race: _____ Time In: _____

Horse: _____ Time Out: _____

Permit Holder: _____
(Signature)

Permit Number: _____

Race: _____ Time In: _____

Horse: _____ Time Out: _____

Permit Holder: _____
(Signature)

Permit Number: _____

Race: _____ Time In: _____

Horse: _____ Time Out: _____

Permit Holder: _____
(Signature)

Permit Number: _____

VA.R. Doc. No. R98-36; Filed March 10, 1998 3:47 p.m.

Proposed Regulations

TITLE 22. SOCIAL SERVICES

CHILD DAY-CARE COUNCIL

Reproposed

EDITOR'S NOTICE: The Child Day-Care Council has proposed additional changes to the following regulations from the amendments published in 14:1 VA.R. 42-99 September 29, 1997. Differences between the proposed and reproposed regulations are shown in brackets. The initial public comment period ended November 29, 1997; however, the agency is soliciting comments on the reproposed regulations for an additional 30-day period beginning March 30, 1998, and ending April 29, 1998.

Title of Regulation: 22 VAC 15-30-10 et seq. **Minimum Standards for Licensed Child Day Centers (amending 22 VAC 15-30-10, 22 VAC 15-30-20, 22 VAC 15-30-30, 22 VAC 15-30-50, 22 VAC 15-30-70, 22 VAC 15-30-80, 22 VAC 15-30-90, 22 VAC 15-30-100, 22 VAC 15-30-110, 22 VAC 15-30-120, 22 VAC 15-30-130, 22 VAC 15-30-140, 22 VAC 15-30-150, 22 VAC 15-30-160, 22 VAC 15-30-170, 22 VAC 15-30-180, 22 VAC 15-30-190, 22 VAC 15-30-200, 22 VAC 15-30-230, 22 VAC 15-30-250, 22 VAC 15-30-260, 22 VAC 15-30-280, 22 VAC 15-30-290, 22 VAC 15-30-310, 22 VAC 15-30-320, 22 VAC 15-30-330, 22 VAC 15-30-340, 22 VAC 15-30-350, 22 VAC 15-30-360, 22 VAC 15-30-370, 22 VAC 15-30-380, 22 VAC 15-30-390, 22 VAC 15-30-410, 22 VAC 15-30-430, 22 VAC 15-30-440, 22 VAC 15-30-490, 22 VAC 15-30-500, 22 VAC 15-30-510, 22 VAC 15-30-520, 22 VAC 15-30-540, 22 VAC 15-30-550, 22 VAC 15-30-560, 22 VAC 15-30-570, 22 VAC 15-30-580, 22 VAC 15-30-590, 22 VAC 15-30-600, 22 VAC 15-30-610, 22 VAC 15-30-620, 22 VAC 15-30-630, 22 VAC 15-30-640, 22 VAC 15-30-650, 22 VAC 15-30-660, 22 VAC 15-30-670; adding 22 VAC 15-30-451, 22 VAC 15-30-461, 22 VAC 15-30-471, 22 VAC 15-30-481, 22 VAC 15-30-484, 22 VAC 15-30-487, 22 VAC 15-30-575; repealing 22 VAC 15-30-40, 22 VAC 15-30-60, 22 VAC 15-30-210, 22 VAC 15-30-220, 22 VAC 15-30-240, 22 VAC 15-30-270, 22 VAC 15-30-300, 22 VAC 15-30-400, 22 VAC 15-30-420, 22 VAC 15-30-450, 22 VAC 15-30-460, 22 VAC 15-30-470, 22 VAC 15-30-480, 22 VAC 15-30-530, 22 VAC 15-30-680, 22 VAC 15-30-690, 22 VAC 15-30-700, 22 VAC 15-30-710, 22 VAC 15-30-720, and 22 VAC 15-30-730).**

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

Public Hearing Date: N/A -- Public comments may be submitted until April 29, 1998.

(See Calendar of Events section for additional information)

Basis: Section 63.1-202 of the Code of Virginia provides the statutory basis for the Child Day-Care Council to promulgate regulations for child day centers. It states "The State Board or in the case of child day centers, the Child Day-Care Council shall promulgate regulations for the activities, services and facilities to be employed by persons and agencies required to be licensed under this chapter, which

shall be designed to ensure that such activities, services and facilities are conducive to the welfare of the children under the custody or control of such persons or agencies." On October 10, 1996, the Child Day-Care Council approved the proposed regulation entitled Minimum Standards for Licensed Child Day Centers (22 VAC 15-30-10 et seq.) for a 60-day public comment period contingent upon approval from the Department of Planning and Budget and the Secretary of Health and Human Resources. On January 17, 1997, March 13, 1997, and May 8, 1997, the Child Day-Care Council made several amendments to this proposed regulation. The 60-day public comment period occurred September 29, 1997, to November 29, 1997. On February 12, 1998, the Child Day-Care Council approved this proposed regulation for an additional 30 days of public comment.

Purpose: The purpose of the proposed regulation is to provide protective oversight of children in child day centers. More specifically the purpose is to ensure that the activities, services, and facilities of the centers are conducive to the well-being of these children and that the risks in the environment of the centers are reduced for these children.

Substance: Changes made to the regulation in response to the 60-day public comment period are enumerated below. Additionally, the council restored numerous requirements that are required by the current child day center regulations but were not included in the first proposed regulation dated September 29, 1997. These revisions do not represent a substantial change from the current center regulation and include the following:

1. Requires centers to provide to parents before the child's first day of attendance the center's philosophy and any religious affiliation, the phone number where a message can be given to staff and termination policies (22 VAC 15-30-490 A 1). This also means that centers are required to provide this information to staff according to 22 VAC 15-30-310 B;
2. Specifies that the eight hours of annual training be related to child safety and development (22 VAC 15-30-310 C);
3. Requires a written agreement between the center and parent that the parent will arrange to have his child picked up as soon as possible upon notification that his child is ill and upon request of the center to pick up his child (22 VAC 15-30-110 A 2);
4. Requires centers to inform parents of the reasons for termination of services (22 VAC 15-30-490 E 4);
5. Requires that when there is evidence that the safety of children may be jeopardized by contact with a staff member because of the physical or mental health of such staff member or volunteer, that staff member shall not have contact with children or participate in the food service program until an exam confirms that any risk has been eliminated or can be reduced to an acceptable level by reasonable accommodations (22 VAC 15-30-190);

6. Prohibits the staff member who meets director or child care supervisor qualifications and who is regularly present in a group of children from supervising more than two aides (22 VAC 15-30-430 D);
7. Requires centers to allow school age children to sleep or rest as individually needed (22 VAC 15-30-451 C). This was already required by the proposed regulation for younger children;
8. Requires centers to offer sensory experiences to toddlers and preschool age children (22 VAC 15-30-471 A 4);
9. Requires the space for children's personal belongings to be "individual" space (22 VAC 15-30-500 G);
10. Requires at least two staff members to supervise swimming activities of school age children (22 VAC 15-30-540 A). This was already required by the proposed regulation for younger children;
11. Requires the center to record the name(s) of staff present during a "serious" or "significant" injury (22 VAC 15-30-610 G 4);
12. Prohibits preschoolers and school age children from drinking or eating while walking around (22 VAC 15-30-620 K). This was already required by the proposed regulation for younger children;
13. Requires staff members to sit with toddlers and preschool age children during meals (22 VAC 15-30-620 K); and
14. Requires centers to allow breastfeeding (22 VAC 15-30-630 H).

Issues: This regulation protects children in care at licensed child day centers. These standards also support families by helping them to locate safe and appropriate child care, which may support parents' striving to become more self-sufficient. According to recent research, most child care is mediocre in quality and sufficiently poor to interfere with children's emotional and intellectual development; additionally, states with more demanding licensing standards have fewer poor-quality centers (cost, quality, and child outcomes in child care centers, January 1995). The advantage of this regulation for the Department of Social Services is that it allows the department to comply with statutory intent.

Some providers and parents expressed concern about the safety of children with the proposed regulation dated September 29, 1997, due to a perceived decrease in staff qualifications, less restrictive staff-to-children ratios, and decreased information to parents. The council responded to these issues in the amended proposed regulation. There are no disadvantages of this regulation for the Department of Social Services.

Summary:

Changes made to the regulation in response to the 60-day public comment period are enumerated below.

Additionally, the council restored numerous requirements that are required by the current child day center regulations but were not included in the first proposed regulation dated September 29, 1997. These revisions do not represent a substantial change from the current center regulation and include the following:

1. *Requires centers to provide to parents before the child's first day of attendance the center's philosophy and any religious affiliation, the phone number where a message can be given to staff and termination policies (22 VAC 15-30-490 A 1). This also means that centers are required to provide this information to staff according to 22 VAC 15-30-310 B;*
2. *Specifies that the eight hours of annual training be related to child safety and development (22 VAC 15-30-310 C);*
3. *Requires a written agreement between the center and parent that the parent will arrange to have his child picked up as soon as possible upon notification that his child is ill and upon request of the center to pick up his child (22 VAC 15-30-110 A 2);*
4. *Requires centers to inform parents of the reasons for termination of services (22 VAC 15-30-490 E 4);*
5. *Requires that when there is evidence that the safety of children may be jeopardized by contact with a staff member because of the physical or mental health of such staff member or volunteer, that staff member shall not have contact with children or participate in the food service program until an exam confirms that any risk has been eliminated or can be reduced to an acceptable level by reasonable accommodations (22 VAC 15-30-190);*
6. *Prohibits the staff member who meets director or child care supervisor qualifications and who is regularly present in a group of children from supervising more than two aides (22 VAC 15-30-430 D);*
7. *Requires centers to allow school age children to sleep or rest as individually needed (22 VAC 15-30-451 C). This was already required by the proposed regulation for younger children;*
8. *Requires centers to offer sensory experiences to toddlers and preschool age children (22 VAC 15-30-471 A 4);*
9. *Requires the space for children's personal belongings to be "individual" space (22 VAC 15-30-500 G);*
10. *Requires at least two staff members to supervise swimming activities of school age children (22 VAC 15-30-540 A). This was already required by the proposed regulation for younger children;*
11. *Requires the center to record the name(s) of staff present during a "serious" or "significant" injury (22 VAC 15-30-610 G 4);*

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12. Prohibits preschoolers and school age children from drinking or eating while walking around (22 VAC 15-30-620 K). This was already required by the proposed regulation for younger children;

13. Requires staff members to sit with toddlers and preschool age children during meals (22 VAC 15-30-620 K); and

14. Requires centers to allow breastfeeding (22 VAC 15-30-630 H).

CHAPTER 30. MINIMUM STANDARDS FOR LICENSED CHILD DAY CENTERS SERVING CHILDREN OF PRESCHOOL AGE OR YOUNGER.

PART I. INTRODUCTION.

22 VAC 15-30-10. Definitions.

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

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

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

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

~~"Age and stage appropriate" means a philosophy which (i) applies a knowledge of child development to the curriculum, the environment, adult-child interactions, and staff-parent interactions, and (ii) recognizes the age span of the children within the group, as well as the needs of the individual child. The curriculum, environment, equipment, and adult-child interactions are suitable for the ages of the children within a group and the individual needs of any child.~~

"Age groups"

"Infant" means children from birth to 16 months.

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

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

~~"School age" means children from the age of eligibility eligible to attend public school and older, age five or older by September 30 of that same year. Four- or five-year-old children included in a group of school age children may be considered school age during the summer months if the children will be entering kindergarten that year.~~

"Attendance" means the actual presence of an enrolled child.

~~"Balanced mixed-age grouping" means a program planned for three- through [six-year-old five-year-old] children in~~

~~which the enrollment in the group is comprised of 1/3 of each of three ages and is designed for children and staff to remain [for three years together with turnover planned only for the replacement of graduating older children with incoming younger children].~~

"Camp" means a child day camp.

"Center" means a child day center.

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

~~"Child day camp" means a child day center for school age children that operates during the summer vacation months only. Four-year-old children who will be five by September 30 of that same year may be included in a camp for school age children.~~

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

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

1. A child day center that has obtained an exemption pursuant to § 63.1-196.3 of the Code of Virginia;

2. A program where, by written policy given to and signed by a parent or guardian, children are free to enter and leave the premises without permission or supervision. A program that would qualify for this exemption except that it assumes responsibility for the supervision, protection and well-being of several children with disabilities who are mainstreamed shall not be subject to licensure;

3. A program of instructional experience in a single focus, such as, but not limited to, computer science, archaeology, sport clinics, or music, if children under the age of six do not attend at all and if no child is allowed to attend for more than 25 days in any three-month period commencing with enrollment. This exemption does not apply if children merely change their enrollment to a different focus area at a site offering a variety of activities and such children's attendance exceeds 25 days in a three-month period;

4. Programs of instructional or recreational activities wherein no child under age six attends for more than six hours weekly with no class or activity period to exceed 1½ hours, and no child six years of age or above attends for more than six hours weekly when school is in session or 12 hours weekly when school is not in session. Competition, performances and exhibitions related to the instructional or recreational activity shall be excluded when determining the hours of program operation;

5. A program that operates no more than a total of 20 program days in the course of a calendar year provided that programs serving children under age six operate no more than two consecutive weeks without a break of at least a week;

6. Instructional programs offered by public and private schools that satisfy compulsory attendance laws or the Individuals with Disabilities Education Act (20 USC § 1470 et seq.), and programs of school-sponsored extracurricular activities that are focused on single interests such as, but not limited to, music, sports, drama, civic service, or foreign language;

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

8. Early intervention programs for children eligible under Part H of the Individuals with Disabilities Education Act (20 USC § 1470 et seq.), wherein no child attends for more than a total of six hours per week;

9. Practice or competition in organized *competitive* sports leagues;

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

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

12. A certified preschool or nursery school program operated by a private school which is accredited by a statewide accrediting organization recognized by the State Board of Education or accredited by the National Association for the Education of Young Children's National Academy of Early Childhood Programs and which ~~shall comply~~ *complies* with the provisions of § 63.1-196.3:1 of the Code of Virginia; or

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

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

Note: This does not include programs such as drop-in playgrounds or clubs for children when there is no service arrangement with the child's parent.

"Children with disabilities" means those children evaluated as having autism, deaf-blindness, a developmental delay, a hearing impairment which may include deafness, mental retardation, multiple disabilities, an orthopedic impairment, a serious emotional disturbance, a severe or profound disability, a specific learning disorder, a speech or language impairment, a traumatic brain injury, or a visual impairment which may include blindness.

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

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

"Department" means the Virginia Department of Social Services.

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

~~*"Enrollment"* means the actual attendance of a child as a member of the center.~~

"Evening care" means care provided in a center ~~between the hours of after 7 p.m. and 1 a.m., inclusively~~ but not through the night.

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

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

"Independent contractor" means an individual who enters into an agreement to provide specialized services for a specified period of time.

"Individual service, education or treatment plan" means a plan identifying the child's strengths, needs, general functioning and plan for providing services to the child. The service plan includes specific goals and objectives for services, accommodations and intervention strategies. The service, education or treatment plan clearly ~~indicates~~ *shows* documentation and reassessment/evaluation strategies.

"Intervention strategies" means a plan for staff action that outlines methods, techniques, cues, programs, or tasks that enable the child to successfully complete a specific goal.

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

["Minor injury" means a wound or other specific damage to the body such as, but not limited to, a small scratch, cut or scrape, minor bruise or discoloration of the skin.]

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

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

"Overnight care" means care provided in a center between the hours of 1 a.m. and 5 a.m., inclusively after 7 p.m. and through the night.

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

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

"Primitive camp" means a camp where places of abode, water supply system, permanent toilet and cooking facilities are not usually provided.

"Programmatic experience in the group care of children" means time spent working directly with children in a group, in a child [~~care situation which is located away from the child's home (e.g., Sunday school, vacation Bible school, scouts, etc.)~~ day center or family day home regulated by the state Department of Social Services, the state Department of Mental Health, Mental Retardation and Substance Abuse Services, or the state Department of Education; provided that "regulated" shall specifically include, without limitation, day care centers qualifying for exemption from licensure under §§ 63.1-196.3 and 63.1-196.3:1 of the Code of Virginia. Work time shall be computed on the basis of full-time work experience during the period prescribed or equivalent work time over a longer period] .

"Resilient surfacing" means (i) for outdoor use underneath and surrounding equipment, mats manufactured for such use that meet the guidelines of the Consumer Product Safety Commission and the standards of the American Society for Testing Materials or at least six inches of materials, such as, but not limited to, loose sand, wood chips, wood mulch, or pea gravel, and (ii) for indoor use underneath and surrounding equipment, padding of two or more inches. Natural grass and compacted materials do not qualify as resilient surfacing.

"Sanitized" means washed [to reduce the amount of filth and harmful micro-organisms through the use of (i) hot water] with soap, detergent or abrasive cleaners [~~to remove filth or soil and small amounts of certain bacteria or~~ (ii) a chemical sanitizing solution] .

["Serious injury" means a wound or other specific damage to the body such as, but not limited to, unconsciousness; broken bones; deep cut requiring stitches; concussion; foreign object lodged in eye, nose, ear, or other body orifice.]

"Short-term program" means a child day center that operates less than 12 weeks a year.

["Significant injury" means a wound or other specific damage to the body such as, but not limited to, head injuries, dislocations, sprains.]

"Special needs child day program" means a program exclusively serving children with disabilities.

"Specialty camps" means those centers which have an educational or recreational focus on one subject such as dance, drama, music, or sports.

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

"Staff" means administrative, activity, and service, ~~and volunteer~~ personnel including the licensee when the licensee is an individual who works in the ~~facility~~ center, and any persons counted in the staff-to-children ratios or any persons working with a child without sight and sound supervision of a staff member.

"Staff positions" are defined as follows:

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

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

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

EXCEPTION: The administrator may perform staff orientation or training or program development functions if the administrator meets the qualifications of ~~22 VAC 15-30-220~~ 22 VAC 15-30-230 and a written delegation of responsibility specifies the duties of the program director.

"Administrator" means a manager or coordinator designated to be in charge of the total operation and

management of one or more centers. The administrator may be responsible for supervising the program director or, if appropriately qualified, may concurrently serve as the program director.

"Therapeutic child development day program" means a specialized program, including but not limited to therapeutic recreation programs, exclusively serving children with disabilities when an individual service, education or treatment plan is developed and implemented with the goal of improving the functional abilities of the children in care.

"Universal precautions" means an approach to infection control. According to the concept of universal precautions, all human blood and certain human body fluids are treated as if known to be infectious for human immunodeficiency virus (HIV), hepatitis B virus (HBV), and other bloodborne pathogens.

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

"Volunteer personnel" means persons who work at the center once a week or more often or who are counted in the required ratio of staff to children. Parent volunteers, such as parents helping in the classroom of a parent cooperative preschool, are considered volunteer personnel if they are counted in the staff to children ratio or if they volunteer once a week or more often.

"Volunteer" means a person who works at the center and:

1. Is not paid;
2. Is not counted in the staff-to-children ratios; and
3. Is in sight and sound supervision of a staff member when working with a child.

Any unpaid person not meeting this definition shall be considered "staff."

22 VAC 15-30-20. Legal base.

A. Chapter 10 (§ 63.1-195 et seq.) of Title 63.1 of the Code of Virginia describes the responsibility of the Department of Social Services for the regulation of residential and day programs for children, including child day centers.

B. Section 63.1-202 of the Code of Virginia requires the Child Day-Care Council to prescribe standards for certain activities, services, and facilities for child day centers.

C. Nothing in this chapter shall be construed to contradict or to negate any provisions of the Code of Virginia which may apply to child day centers.

22 VAC 15-30-30. Purpose and applicability.

A. The purpose of these minimum standards is to protect children of preschool-age ages 12 years or younger who are separated from their parents during a part of the day by:

1. Ensuring that the activities, services, and facilities of centers are conducive to the well-being of children; and

2. Reducing risks in the environment.

~~22 VAC 15-30-40. Applicability.~~

~~B. The minimum standards in Part I through VIII (22 VAC 15-30-10 et seq. through 22 VAC 15-30-2160 et seq.) and the Montessori Module in Part IX of this chapter (22 VAC 15-30-2630 et seq.) for Montessori preschools wanting to meet alternative standards, in this chapter apply to child day centers serving children of preschool-age ages 12 years or younger as defined in 22 VAC 15-30-10.~~

PART II.
ADMINISTRATION.

22 VAC 15-30-50. Sponsorship; Operational responsibilities.

~~A. Each center shall have a sponsor which shall be identified by its legal name in accordance with state requirements.~~

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

~~A. Applications for licensure shall conform with Chapter 10 (§ 63.1-195 et seq.) of Title 63.1 of the Code of Virginia.~~

~~C. B. Pursuant to §§ 63.1-198 and 63.1-198.1 of the Code of Virginia, the sponsor, who may be represented by the individual proprietor, partners, officers, and managers delegated authority to act for the sponsor, shall be of good character and reputation and shall not have been convicted of a felony or a misdemeanor related to abuse, neglect, or exploitation of children or adults.~~

~~D. As required in § 63.1-198 of the Code of Virginia, C. The sponsor shall afford the commissioner or his agents the right at all reasonable times to inspect facilities, all of his financial books and records, and to interview his agents, employees, and any child or other person within his custody or control, provided that no private interviews may be conducted with any child without prior notice to the parent of such child.~~

~~E. D. The license shall be posted in a place conspicuous to the public, near the main entrance of the building or the main office (§ 63.1-196 of the Code of Virginia).~~

~~F. E. The operational responsibilities of the licensee shall include, but not be limited to, the following: 1. To develop a written statement of the purpose, scope, and philosophy of the services to be provided by the center and written policies under which the center will operate; 2. To ensure ensuring that the center's activities, services, and facilities are maintained in compliance with: these minimum standards; and the terms of the current license issued by the department; other relevant federal, state, and local laws and regulations including the Americans with Disabilities Act and state law regarding disabilities; and the center's own policies and procedures. These minimum standards are not intended to prevent reasonable accommodations for children with~~

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disabilities. If a variance is necessary to attain reasonable accommodation, contact your licensing specialist.

~~2. To identify in writing the individuals responsible for the day-to-day operations and implementation of both these regulations and the facility's policies.~~

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

~~F. Every center shall ensure that any advertising is not misleading or deceptive as required by § 63.1-201.1 of the Code of Virginia.~~

~~H. G. The sponsor shall maintain public liability insurance for bodily injury for each center site with a minimum limit of at least \$500,000 each occurrence and with a minimum limit of \$500,000 aggregate. A public sponsor may have equivalent self-insurance which is in compliance with the Code of Virginia. Evidence of insurance coverage shall be made available to the department's representative upon request.~~

~~I. A plan of accident or school insurance shall be available to the parent. The center may designate whether the parent's participation in the plan is optional or mandatory.~~

~~J. H. The center shall develop written procedures for injury prevention. These procedures shall be based on documentation of injuries and a review of the activities and services.~~

~~K. I. The center shall develop written playground safety procedures which shall include:~~

- ~~1. Provision for active supervision by staff; and~~
- ~~2. Positioning of staff on the playground to help meet the safety needs of children; and~~
- ~~3. 2. Method of maintaining resilient surface.~~

~~L. J. Hospital operated centers may temporarily exceed their licensed capacity during a natural disaster or other catastrophe if, or emergency situation. Such centers shall develop a written plan for emergency operations, for submission to and approval by the Department of Social Services.~~

- ~~1. The center has developed a plan with defined limits for its emergency operation, and~~
- ~~2. The center has received prior approval of the plan by the department.~~

~~M. If K. When children 13 years or older are enrolled in the program and receive supervision in the licensed program, they shall be counted in the number of children receiving care and the center shall comply with the standards for these children.~~

22 VAC 15-30-60. Policies and procedures. (Repealed.)

~~A. Before a child's enrollment, parents shall be provided in writing the following:~~

~~1. Operating information:~~

- ~~a. The center's purpose, scope, philosophy, and any religious affiliations;~~
- ~~b. The hours and days of operation and holidays or other times closed;~~
- ~~c. The forms or other written instruments for admission and registration of children;~~
- ~~d. Fees and tuition including whether participation in the accident or school insurance is mandatory;~~
- ~~e. The phone number of the center where a message can be given to center staff;~~
- ~~f. The program and services provided and the ages of children accepted;~~
- ~~g. Organizational chart or other description of established lines of authority for persons responsible for center management within the organization;~~
- ~~h. Reasons and procedures for removal of children from rolls including the amount of notice required for the parent and center before removal from the program; and~~
- ~~i. Licensing information found in Appendix I.~~

~~2. Arrival and departure for children:~~

- ~~a. Policy governing a parent picking up a child after closing hours and procedures if the child is not picked up;~~
- ~~b. Policy for release of children from the center only to responsible persons for whom the center has written authorization; and~~
- ~~c. Procedures for protecting children from traffic and other hazards during arrival and departure and when crossing streets.~~

~~3. Program and activities:~~

- ~~a. Discipline policies including acceptable and unacceptable discipline measures;~~
- ~~b. Food policies; and~~
- ~~c. Transportation safety policies and procedures when provided.~~

~~4. Health and emergencies:~~

- ~~a. Procedures for storing and giving children's medications which shall include:
 - ~~(1) Any general restrictions of the center;~~
 - ~~(2) Duration of the parent's authorization for medication, provided that it shall expire or be~~~~

~~renewed after 10 working days. Long-term prescription drug use may be excepted if a form such as the one in Appendix II is completed and on file; and~~

~~(3) Methods to prevent use of outdated medication.~~

~~b. Policy for center staff to report suspected child abuse (Note: Section 63.1-248.3 of the Code of Virginia requires any person providing full or part time child care for pay on a regularly planned basis to report suspected child abuse or neglect).~~

~~B. Before staff are allowed to supervise children, staff shall be provided in writing with the information listed in subsection A of this section and the following:~~

- ~~1. Procedures for supervising a child who may arrive after scheduled classes or activities, including field trips, have begun;~~
- ~~2. Procedures to confirm absence of a child from the center when the child attends more than one care or educational arrangement a day;~~
- ~~3. Procedures for identifying where attending children are at all times including procedures to assure that all children are accounted for before leaving a field trip site and upon return to center;~~
- ~~4. Procedures for action in case of lost or missing children, ill or injured children, and medical emergencies; and~~
- ~~5. Procedures for natural disasters, including but not limited to fire, flood, or other severe weather.~~

22 VAC 15-30-70. General recordkeeping; reports

~~A. All Staff and children's records and personnel records shall be treated confidentially. EXCEPTION: Children's records shall be made available to the custodial parent upon request.~~

~~B. All Records and reports on children and staff required by this chapter shall be maintained and made accessible for two years after termination of enrollment services or separation from employment unless specified otherwise. Records may be kept at a central location except as indicated stated otherwise in these standards.~~

22 VAC 15-30-80. Children's records.

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

1. Name, nickname (if any), sex, and birth date of the child;
2. Name, home address, and home phone number of each parent who has custody;
3. When applicable, work phone number and place of employment of each parent who has custody;
4. Name and phone number of child's physician;

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

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

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

8. Chronic physical problems and pertinent developmental information and any special accommodations needed;

9. Health information as required by 22 VAC 15-30-150 through 22 VAC 15-30-170;

Exception: When a center is located on the same premises where a child attends school and the child's record has a statement verifying the school's possession of the health record, the center is not required to maintain duplicates of the school's health record for that child provided the school's records are accessible during the center's hours of operation.

10. Written agreements between the parent and the center as required by 22 VAC 15-30-110 A and B;

[11. Any blanket permission slips and opt out requests;]

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

[12. 13.] Enrollment and termination First and last dates of attendance.

22 VAC 15-30-90. Staff records.

The following staff records shall be kept for paid each staff and volunteer personnel which shall include the following person:

1. Name, address, verification of age requirement, job title, and date of employment or volunteering; and name, address and telephone number of a person to be notified in an emergency which shall be kept at the center.

2. For staff hired after March 1, 1996, documentation that two or more references as to character and reputation as well as competency were checked before employment or volunteering. If a reference check is taken over the phone, documentation shall include dates of contact, names of persons contacted, the firms contacted, results, and signature of person making call.

EXCEPTIONS: Reference checks are not required for:

- a. Staff hired before April 1, 1986, in centers initially licensed before July 1, 1993;

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

~~c. Parents who are volunteer personnel at a cooperative preschool if the parent was referred to the school by another parent or if the board of the preschool documents in writing each year that it agrees not to obtain reference checks on families not referred by other members.~~

3. A criminal record check as required by the Regulation for Criminal Record Checks for Child Welfare Agencies (22 VAC 15-55-10 et seq.);

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

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

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

7. 6. Health information as required by 22 VAC 15-30-180 and 22 VAC 15-30-190;

8. 7. Information, to be kept at the center, about any health problems which may interfere with fulfilling the job responsibilities; and

9. 8. ~~Date of termination when applicable separation from employment.~~

NOTE: ~~Staff records on parents who are volunteer personnel at a cooperative preschool may be combined with the children's records if the parent agrees to this arrangement.~~

22 VAC 15-30-100. Attendance records; reports.

A. The center shall keep a written record of children in attendance each day.

B. Reports shall be filed and maintained as follows:

1. The center shall inform the commissioner's representative as soon as practicable but not to exceed one working day of the circumstances surrounding the following incidences *incidents*:

a. Death of a child while under the center's supervision; and

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

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

22 VAC 15-30-110. Enrollment and termination procedures *Parental agreements*.

A. A written agreement between the parent and the center shall be in each child's record ~~at the time by the first day of the child's enrollment attendance~~. The agreement shall be signed by the parent and include:

1. An authorization for emergency medical care should an emergency occur when the parent cannot be located immediately, *unless the parent states an objection to the provision of such care on religious or other grounds; and*

2. A statement that the center will notify the parent when the child becomes ill ~~and that the parent will arrange to have the child picked up as soon as possible [and that the parent will arrange to have the child picked up as soon as possible if so requested by the center]~~.

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

~~C. Reserved.~~

~~D. When a center decides to terminate the enrollment of a child, the center shall provide the parent the reasons for termination.~~

~~E. Before the admission of a preschool or younger child, there shall be personal communication among a staff person, the parent, and the child unless there are unusual circumstances which do not allow the child to be present for the communication. The purpose of the communication shall be to provide the opportunity for the parent and staff to share information and agree about the admission of the child.~~

~~Exception: Programs, where children attend two or fewer weeks, are not required to involve the child during this communication.~~

~~B. If a parent wishes a school age child to leave the center unaccompanied, written permission from the parent authorizing the child to leave the center shall be secured and the center shall maintain a record of the child leaving unaccompanied.~~

22 VAC 15-30-120. Enrollment procedures of therapeutic child development day programs and special needs child day programs.

A. ~~Before admission of a child the child's first day of attendance~~, there shall be personal communication between the director, or his designee, and the parent to determine the child's:

1. Level of general functioning as related to physical, affective/emotional, cognitive and social skills required for participation; and

2. ~~Activities for daily living; and~~

3. 2. Any special medical procedures needed.

~~B. The information required in subsection A of this section shall be documented and retained in the child's record.~~

~~C. Based upon the results of the personal communication required in subsection A of this section, the director, or his designee, shall determine the initial placement of the child.~~

22 VAC 15-30-130. Individual assessment for therapeutic child development day programs.

~~A. An individual assessment for each newly enrolled child shall be obtained or completed within six months before enrollment the child's attendance or 30 days after enrollment the first day of attendance shall be maintained for each child.~~

~~B. The assessment shall include:~~

- ~~1. Documentation of disability;~~
- ~~2. Current functional levels and skills capabilities in the areas of activities of daily living, affective/communicative, perceptual-motor, physical and social development;~~
- ~~3. Recommendations for program placement;~~
- ~~4. Recommendations for accommodations for program participation;~~
- ~~5. Recommendations for program adjustments and special services; and~~
- ~~6. A description of physical adaptations and equipment needed.~~

~~G. B. An individual assessment shall be reviewed and updated for each child no less than once every 12 months.~~

~~D. Each child's record shall contain copies of the required individual assessment plans.~~

~~E. For therapeutic child development programs, upon obtaining or completing the individual assessment for a newly enrolled child, the director or his designee, in a meeting with the child's parent and other professionals as deemed necessary, shall evaluate program placement and program accommodations for the child.~~

22 VAC 15-30-140. Individual service, education or treatment plan for therapeutic child development day programs.

~~A. An individual service, education or treatment plan for each newly enrolled child shall be developed and for each child by the director or his designee and primary staff responsible for plan implementation. Implementation of the plan shall begin within 60 days after enrollment the first day of the child's attendance.~~

~~B. The individual service, education or treatment plan shall be based on an analysis of the child's individual assessment and developed by the director or his designee, and staff persons who supervise the child. The plan shall include the following:~~

- ~~1. An assessment of the child's general functioning;~~
- ~~2. Specific program accommodations and intervention strategies necessary for participation;~~
- ~~3. Monthly documentation of the child's progress; and~~

~~4. Evaluation criteria goals and goal attainment measures.~~

~~C. The initial and subsequent service, education or treatment plans and any changes made to the plans shall be reviewed and approved in writing by the staff person who supervises the child and the administrator or director of the facility prior to implementation.~~

~~D. The individual service, education or treatment plan shall be reviewed and revised every three months and rewritten annually.~~

~~E. B. The child's individual service, education or treatment plan shall be developed and, reviewed, and revised every three months and rewritten annually by the director or his designee and primary staff responsible for plan implementation. This shall be done in partnership with the parent, residential care provider or advocate.~~

~~F. C. A copy of the initial plan and subsequent or amended service, education or treatment plans shall be maintained in the child's record and a copy given to the child's parent.~~

~~G. Each child's record shall contain copies of the required individual service, education or treatment plans.~~

22 VAC 15-30-150. Immunizations for children.

~~A. The center shall obtain documentation before each child's enrollment in the center that the each child has received all the immunizations required by the State Board of Health before the child can attend the center.~~

~~Exemptions (subsection C of § 22.1-271.2 of the Code of Virginia and 12 VAC 5-110-110 of the Regulations for the Immunizations of School Children): Documentation of immunizations is not required for any child whose (i) parent submits an affidavit to the center, on the form entitled "Certification of Religious Exemption," stating that the administration of immunizing agents conflicts with the parent's or child's religious tenets or practices, or (ii) physician or a local health department states on a MCH 213B or MCH 213C Form that one or more of the required immunizations may be detrimental to the child's health.~~

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

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

22 VAC 15-30-160. Physical examinations for children.

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

- ~~1. Within two months prior to enrollment for children six months of age and younger;~~

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2. Within three months prior to enrollment for children aged seven months through 18 months;
3. Within six months prior to enrollment for children aged 19 months through 24 months; and
4. Within 12 months prior to enrollment for children two years of age through five years of age.

EXCEPTIONS:

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

- a. If the initial report or a copy of the initial report of immunizations is available to the admitting facility, no additional examination is required.
- b. If the initial report or a copy of the initial report is not available, a report of physical examination and immunization is required in accordance with 22 VAC 15-30-150 and this section.

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

22 VAC 15-30-170. Form and content of immunizations and physical examination reports for children.

A. The current form required by the Virginia Department of Health or a physician's form shall be used to report immunizations received and the results of the required physical examination. See Appendix III for a copy of this form.

~~EXCEPTION: When the current Health Department form has not been used such as, but not limited to, when a child transfers from another state, other documentary proof of the child having received the required examination and immunization shall be accepted. Documentary proof may include, but not be limited to, an International Certificate of Immunization, another state's immunization form, or a physician's letterhead.~~

B. Each report shall include the date of the physical examination and dates immunizations were received. ~~C. Each report and shall be signed by a physician, his designee, or an official of a local health department.~~

22 VAC 15-30-180. Tuberculosis examination screening for staff [and independent contractors] .

~~A. Each staff member, including the licensee, administrator, and volunteer personnel, shall obtain and~~

~~submit a statement that he is free of tuberculosis in a communicable form. The statement shall be submitted no later than 21 days after employment or volunteering and shall:~~

- ~~1. Be dated within two years before or 21 days after employment of the individual;~~

~~Exception: Staff hired before November 1, 1993, in centers newly subject to licensure effective July 1, 1993, shall submit a tuberculosis statement by March 1, 1996, that is dated no more than two years before March 1, 1996.~~

- ~~2. Include the types of tests used and the results; and~~

~~3. Include the signature of the physician, the physician's designee, or an official of a local health department.~~

~~B. The tuberculosis examination shall be repeated before the date on the statement is two years old and as required by a licensed physician or the local health department.~~

A. Each staff member [and independent contractor] shall obtain a screening for tuberculosis and submit documentation of a negative Purified Protein Derivative (PPD) screening conducted within the last two years. The screening shall be submitted no later than 21 days after employment or volunteering.

Exceptions: For staff who have a contraindication to a Purified Protein Derivative screening, [as in the case of those who have received a TB vaccination,] documentation of the contraindication and a determination of noncommunicable tuberculosis status from a physician, his designee, or an official of a local health department shall be obtained and submitted every two years to the center. Staff who test positive to the Purified Protein Derivative screening shall meet the requirements of subsection D of this section.

B. Documentation of tuberculosis screenings shall include:

1. Negative results of the Purified Protein Derivative screening;
2. The signature of the physician, the physician's designee, or an official of the local health department; and
3. The date the screening was evaluated.

C. Each staff member shall obtain and submit a negative Purified Protein Derivative screening in accordance with subsections A and B of this section at least every two years from the date of the first screening or more frequently as recommended by a licensed physician or the local health department.

D. Any staff member who comes in contact with a known case of tuberculosis or, who develops chronic progressive respiratory symptoms shall within one month after exposure or development receive an evaluation in accordance with subsections A and B of this section or who tests positive to the tuberculosis screening shall, regardless of the date of the last screening, obtain and submit within one

month of such incident, a determination of noncontagious by physician or a local health department official. Until such determination is made, that staff member shall not have direct contact with children or food served to the children.

22 VAC 15-30-190. Physical and mental health of staff [and volunteers] .

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

B. ~~If a staff member's or volunteer's examination or test results indicate that his physical or mental condition may jeopardize the safety of children or prevent his performance of duties and no reasonable accommodation can be made to eliminate the risk, the staff member shall not be allowed contact with children or food served to children. The staff member may return when the physician or clinical psychologist confirms that the risk has been eliminated or substantially reduced such that reasonable accommodations may be made. Such confirmation shall include a signed, dated statement from the physician or clinical psychologist.~~

When there is evidence that the safety of children may be jeopardized by [contact with a staff member or volunteer cause of] the physical health or mental health of [a such] aff member or volunteer, the licensee shall, at a minimum, prohibit the employee or volunteer from engaging in [unsupervised] contact with the children or participation in the food service program until a physician or a clinical psychologist skilled in the diagnosis and treatment of mental illness confirms that any risk has been eliminated or can be reduced to an acceptable level by reasonable accommodations. This requirement should not be construed as a mandatory precondition to any other employment action that an employer may otherwise take.

PART III.

PERSONNEL STAFF QUALIFICATIONS AND TRAINING.

22 VAC 15-30-200. General qualifications.

A. No staff shall have been convicted of a felony or a misdemeanor related to abuse, neglect, or exploitation of children or adults.

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

C. All B. Staff shall be:

1. Of good character and reputation;
2. Capable of carrying out assigned responsibilities;
3. ~~Willing and able to accept~~ *Capable of accepting* training and supervision; and

4. ~~Able to communicate. Capable of communicating~~ effectively both orally and in writing as applicable to the job responsibility; and

5. ~~Able to understand and apply the minimum standards in this booklet which relate to their respective responsibilities.~~

D. All C. Staff who work directly with children shall have the ability to: 1. ~~Communicate~~ *be capable of communicating* with emergency personnel and understand ~~understanding~~ instructions on a prescription bottle;

2. ~~Communicate effectively and appropriately with the age group to which the staff person is assigned;~~

3. ~~Communicate effectively with parents;~~

4. ~~Provide a stimulating and safe environment for the age group to which the staff person is assigned; and~~

5. ~~Use materials, activities, and experiences to encourage children's growth and development.~~

E. D. For therapeutic child development day programs and special needs child day programs, staff who work with children shall have knowledge of the groups being served and skills specific to the disabilities of the children in care including, but not limited to, functional abilities, accommodations, assessment techniques, behavior management, and medical and health concerns.

F. ~~For therapeutic child development programs and special needs child day programs:~~

1. ~~Staff who work with children shall adapt or modify activities based on the assessment of the children's needs and functional abilities, and~~

2. ~~Each child shall always be supervised by staff appropriately trained in the form of communication needed.~~

22 VAC 15-30-210. Qualifications by job responsibility. (Repealed.)

All staff who work in multiple positions within the center shall meet the qualifications for each position.

Note: ~~Personnel titles used in the standards are descriptive only. Centers are not required to use the same titles. The administrator or program director may have responsibilities for several centers at one site.~~

22 VAC 15-30-220. Administrator qualifications. (Repealed.)

A. ~~There shall be an administrator designated to be in charge of the total operation of the center. Administrators who assume the administrator responsibilities on or after November 1, 1993, who also perform responsibilities of the program director shall be at least 21 years of age and meet one of the program director qualification options listed in 22 VAC 15-30-230 C.1 through 4.~~

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

~~B. In addition to the requirements under subsection A of this section, the administrator of a therapeutic child development program or a special needs child day program, who also performs responsibilities of the program director, shall have completed at least 15 semester hours or 21 quarter hours from an accredited college or university in areas related to special needs children, or 60 hours of training and education in areas related to special needs children.~~

22 VAC 15-30-230. Program director qualifications for centers with children of preschool age or younger.

~~A. There shall be a program director designated to be responsible for developing and implementing the activities and services offered to children. There may be one program director for a center offering care to both school age and preschool children at one site or there may be two directors, according to the age of the children, for a center serving school age and preschool children. If a program director is responsible for a center with school age children and a center with children of preschool age or younger, the qualifications applicable to both school age and preschool age and younger shall apply.~~

~~B. Program directors hired or promoted before November 1, 1993, shall have until July 1, 1996, to meet the qualifications of subsection C of this section. Program directors hired or promoted on or after November 1, 1993, shall meet one of the qualifications of subsection C of this section immediately.~~

~~C. A. Program directors shall be at least 21 years of age and shall possess one of the following have:~~

- ~~1. A graduate degree [in a child related field] from an accredited college or university and [six ~~three~~] months of age appropriate, programmatic experience in the group care of children; [or]~~
- ~~2. An endorsement or bachelor's degree [in a child related field] from an accredited college or university and [one year ~~six months~~] of age appropriate, programmatic experience in the group care of children; [or]~~
- ~~3. Forty-eight semester hours or 72 quarter hours of college credit [in a child related field] from an accredited college or university of which 12 semester hours or 18 quarter hours are in subjects relating to group care of children and [one year ~~nine months~~] of age appropriate, programmatic experience in the group care of children; [or]~~
- ~~4. [Two years ~~One year~~] of age appropriate, programmatic experience in the group care of children; [of which one year ~~that~~] shall be in a staff supervisory capacity, and [at least one of the following educational backgrounds:] a. ~~Forty eight semester hours or 72~~~~

~~quarter hours of college credit from an accredited college or university; b.~~

~~[a.] A one-year early childhood certificate from an accredited college or university that consists of at least 30 semester hours; [or]~~

~~[b. A child development credential by an organization approved by the department; or~~

~~c. A certification of qualification from an internationally or nationally recognized Montessori organization; or]~~

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

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

~~EXCEPTION: Montessori preschools may meet the alternative requirements in the Montessori Module.~~

~~5. Three years of programmatic experience in the group care of children with one year in a staff supervisory capacity and a high school diploma or G.E.D. or verification of completion of a home school program approved by the state. [Programmatic experience shall be obtained in a child day center that offers a staff training program that includes the subject areas of first aid, human growth and development birth to age 12 years, and behavioral management of children. Such training shall be completed by the employee and documented by the center.]~~

~~B. For program directors of therapeutic child day programs and special needs child day programs, [education and] programmatic experience shall be in the group care of children with disabilities.~~

~~C. Notwithstanding subsection A of this section, a person between 19 and 21 years of age may serve as a program director at a short-term program serving only school age children if the program director has daily supervisory contact by a person at least 21 years of age who meets one of the program director qualification options.~~

22 VAC 15-30-240. Program directors for therapeutic child development programs and special needs child day programs. (Repealed.)

~~A. Program directors hired or promoted before March 1, 1996, shall have until June 1, 1998, to meet the qualifications of subsection B of this section. Program directors hired or promoted on or after March 1, 1996, shall meet the qualifications of subsection B of this section immediately.~~

~~B. Program directors shall be at least 21 years of age and possess one of the following:~~

- ~~1. A graduate degree in a special needs related field from an accredited college or university and six months~~

~~of programmatic experience in the group care of children with disabilities; or~~

~~2. An endorsement, or bachelor's degree in a special needs related field from an accredited college or university and one year of programmatic experience in the group care of children with disabilities; or~~

~~3. Forty eight semester hours or 72 quarter hours of college credit from an accredited college or university of which 12 semester hours or 18 quarter hours are in subjects relating to group care of children with disabilities and one year of programmatic experience in the group care of children with disabilities; or~~

~~4. Two years of programmatic experience in the group care of children with disabilities of which one year of this experience shall be in a staff supervisory capacity, and at least one of the following education backgrounds:~~

~~a. Forty eight semester hours or 72 quarter hours of college credit from an accredited college or university;~~

~~b. One year early childhood certificate from an accredited college or university that consists of at least 30 semester hours; or~~

~~c. A Child Development Associate credential or equivalent as determined by the department based on documentation supplied by those claiming equivalency. The requirements in this standard are in lieu of the requirements specified in 22 VAC 15-30-230-B and C.~~

22 VAC 15-30-250. Back-up for program directors.

~~A. For centers operating eight hours or more per day, if the program director is regularly present in the facility fewer than four hours per day, there shall be an officially designated person who shall assume the responsibility in the absence of the program director and meet 22 VAC 15-30-230 or for therapeutic child development programs or special needs child day programs, 22 VAC 15-30-240. In addition, if the program operates multiple shifts for working parents, a program director shall be regularly present for at least four hours of each shift or have a back-up program director who shall assume responsibility in the absence of the director and meet 22 VAC 15-30-230 or for therapeutic child development programs or special needs child day programs, 22 VAC 15-30-240.~~

~~B. For centers operating eight hours or less per day, if the program director is regularly present in the facility less than 50% of the hours of operation, there shall be an officially designated person who shall assume responsibility in the absence of the program director and meet 22 VAC 15-30-230 or for therapeutic child development programs or special needs child day programs, 22 VAC 15-30-240.~~

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

~~The qualified program director or a back-up program director who meets one of the director qualifications shall~~

~~regularly be on site at least 50% of the center's hours of operation [, provided that if the program employs one or more program leaders or child care supervisors who are qualified under subsection C of 22 VAC 15-30-260 but not under subsection A of that section, the program director or back-up program director shall be on site at least 75% of the center's hours of operation] .~~

22 VAC 15-30-260. Program leader and child care supervisor qualifications.

~~A. Program leaders and child care supervisors shall be at least 18 years of age and have a high school diploma or G.E.D. In addition, program leaders and child care supervisors who are hired or promoted on or after November 1, 1993, shall meet one of the program director qualifications in 22 VAC 15-30-230 G or possess one of the following have:~~

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

~~2. Forty eight semester hours or 72 quarter hours of college credit from an accredited college or university of which 12 semester hours or 18 quarter hours are in subjects relating to group care of children and six months of age appropriate, programmatic experience in the group care of children; or~~

~~3. 1. [Three months of programmatic experience in the group care of children and at least one of the following educational backgrounds:]~~

~~[a.] A one year early childhood certificate from an accredited college or university that consists of at least 30 semester hours [and] six [*three months of*] age appropriate, [programmatic experience in the group care of children] ; [or~~

~~b. A child development credential by an organization approved by the department; or~~

~~c. A teaching diploma from an internationally or nationally recognized Montessori organization; or]~~

~~4. A Child Development Associate credential or equivalent as determined by the department based on documentation supplied by those claiming equivalency; or~~

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

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

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

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2. A high school diploma or G.E.D. or verification of completion of a home school program approved by the state, and six months of supervised programmatic experience in the group care of children. Within one month after being promoted or beginning work, a minimum of 12 hours of training related to the care of children, including child development, playground safety, and health and safety issues, including child abuse and neglect shall be received. Such training may take place on site while not supervising children.

B. For program leaders and child care supervisors of therapeutic child day programs and special needs child day programs, at least three months of programmatic experience shall be in the group care of children with disabilities.

C. Notwithstanding subsection A. of this section, program leaders at short-term programs may have only one season of programmatic [or general] experience in the group care of children [, provided that this experience shall include at least 250 hours, of which up to 24 hours can be formal training, working directly with children in a group] .

~~22 VAC 15-30-270. Program leaders and child care supervisors of therapeutic child development programs and special needs child day programs. (Repealed.)~~

~~Program leaders and child care supervisors shall be at least 18 years of age and have a high school diploma or G.E.D. In addition, program leaders and child care supervisors who are hired or promoted on or after March 1, 1996, shall meet one of the program director qualifications in 22 VAC 15-30-240 B or possess one of the following:~~

- ~~1. An endorsement or bachelor's degree in a special needs related field from an accredited college or university; or~~
- ~~2. Forty eight semester hours or 72 quarter hours of college credit from an accredited college or university of which 12 semester hours or 18 quarter hours are in subjects relating to group care of children, and six months of programmatic experience in the group care of individuals with disabilities; or~~
- ~~3. One year of programmatic experience in the group care of children, of which at least six months shall be with children with disabilities. The requirements in this standard are in lieu of the requirements specified in 22 VAC 15-30-260.~~

~~22 VAC 15-30-280. Aides.~~

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

~~22 VAC 15-30-290. Contract staff Independent contractors; volunteers.~~

~~Contract staff working with children shall meet the personnel, health, and orientation training requirements for the applicable position.~~

A. Independent contractors shall not be counted in the staff-to-children ratios unless they meet the qualifications for the applicable position.

B. Independent contractors who do not meet staff qualifications shall, when in the presence of children, be within sight and sound supervision of a staff member.

~~22 VAC 15-30-300. Volunteer personnel; volunteers.~~

~~A. Volunteer personnel shall meet the qualifications for the applicable position.~~

~~Exception: Volunteer personnel only need to meet the health requirements of 22 VAC 15-30-180 and 22 VAC 15-30-190 and any applicable Code of Virginia requirements if they (i) are family members 14 years of age or older; (ii) are eight supervised when with children; and (iii) are not counted in the staff to children ratios.~~

~~B. The duties of volunteers shall be clearly defined.~~

~~C. Volunteers who work with children shall be at least 14 13 years of age.~~

~~22 VAC 15-30-310. Staff orientation training and development.~~

~~A. All Staff shall receive the following training by the end of their first day of assuming job responsibilities:~~

- ~~1. Job responsibilities and to whom they report;~~
- ~~2. The policies and procedures listed in 22 VAC 15-30-60 subsection B of this section and 22 VAC 15-30-490 A that relate to the staff member's responsibilities;~~
- ~~3. The center's playground safety procedures unless the staff member will have no responsibility for playground activities or equipment;~~
- ~~4. Confidential treatment of personal information about children in care and their families; and~~
- ~~5. The minimum standards in this booklet chapter which relate to the staff member's responsibilities.~~

~~B. The center shall have a written plan for staff development.~~

~~B. By the end of the first day of supervising children, staff shall be provided in writing with the information listed in 22 VAC 15-30-490 A and the following:~~

- ~~1. Procedures for supervising a child who may arrive after scheduled classes or activities including field trips have begun;~~
- ~~2. Procedures to confirm absence of a child when the child is scheduled to arrive from another program or from an agency responsible for transporting the child to the center;~~
- ~~3. Procedures for identifying where attending children are at all times, including procedures to ensure that all children are accounted for before leaving a field trip site and upon return to the center;~~

4. *Procedures for action in case of lost or missing children, ill or injured children, [and] medical emergencies [and general emergency procedures] ;*

5. *Policy for any administration of medication; and*

6. *Procedures for response to natural and man-made disasters.*

C. In addition to first aid and orientation training required elsewhere in ~~these regulations, employed this chapter,~~ staff who work directly with children shall annually attend eight hours of staff development activities that shall: ~~4,~~ be related to [*children child safety and development*] and the function of the center;

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

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

4. ~~Include annually the topics of safety for children, child development and discipline, and playground and outdoor supervision for staff.~~

Exception: ~~Montessori preschools may meet the alternative requirements in the Montessori Module as long as the criteria in subdivisions C 1 through 4 of this section are met.~~

D. There *always* shall be at least one staff member on duty ~~at all times~~ who has obtained instruction in performing the daily health observation of children. This instruction shall be obtained from a physician, registered nurse, or health department medical personnel at a three-year ~~interval intervals~~. Staff with this training shall observe daily each child for signs and symptoms of illness.

E. In addition to the topics required elsewhere in ~~these standards,~~ Before assuming job responsibilities, *staff who work with children in therapeutic child development day programs and special needs child day staff working directly with children programs* shall also receive training in:

1. Universal precautions procedures;
2. Activity adaptations;
3. Medication administration ~~and medical procedures;~~
4. Disabilities precautions and health issues; and
5. *Appropriate* intervention strategies.

F. For therapeutic child ~~development day~~ programs and special needs child day programs, employed staff who work directly with children shall annually attend ~~46~~ 24 hours of staff development activities. In addition to the requirements of 22 VAC 15-30-310 C, staff shall attend At least eight hours of *this training shall be* on topics related to the *care of children with disabilities of the children in care.*

PART IV. PHYSICAL PLANT.

22 VAC 15-30-320. Approval from other agencies; requirements prior to initial licensure.

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

1. ~~Inspection and~~ Approval from the appropriate authority that the buildings meet building *and fire* codes or that ~~the center has an approved~~ a plan of correction *has been approved;* and

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

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

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

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

B. If a building was under construction *For buildings built* before 1978, a written statement from a *person licensed in Virginia licensed as an* asbestos inspector and management planner shall be submitted before ~~initial licensure in order to the first license is issued.~~ *The statement shall comply with § 63.1-198.01 of the Code of Virginia. The statement shall include: and the requirements of the Asbestos Hazard Emergency Response Act (15 USC § 2641 et seq.).*

1. ~~Verification that the building in which the child day center is located was inspected for asbestos according to the requirements of the Asbestos Hazard Emergency Response Act 40 CFR 763 Asbestos Containing Materials in Schools;~~

2. ~~The dates of the inspection;~~

3. ~~Whether asbestos was found or assumed in the building;~~

4. ~~Signature of the licensed asbestos inspector and management planner, including the Virginia license numbers and a copy of the asbestos inspector license~~

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and management planner license valid at the time of the inspection; and

5. ~~If asbestos is found or assumed, the statement shall include:~~

- a. ~~The location of any friable asbestos;~~
- b. ~~Verification of completion of the management plan; and~~
- c. ~~Response actions recommended by the inspector.~~

~~Exception: Private, nonprofit schools providing educational instruction to children five years of age or older are also subject to the federal requirements of the Asbestos Hazard Emergency Response Act (AHERA). Private, nonprofit schools which are also subject to licensure and have had an asbestos inspection completed prior to July 1, 1993, may submit the letter of completion they have received from the Department of Education, in lieu of the requirements of this subsection.~~

~~Private, nonprofit schools subject to the federal AHERA requirements, but which have not already received an asbestos inspection must comply with this subsection.~~

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

1. ~~Submit to the department a signed, written statement that:~~
 - a. ~~Response actions to remove all asbestos containing materials have been completed; or~~
 - b. ~~The recommendations of the management plan will be followed, appropriate staff will receive the necessary training and documentation of required inspections will be completed.~~
2. ~~Maintain documentation provided by a Virginia licensed asbestos abatement contractor of:~~
 - a. ~~Removal, where applicable, at the center for review by the department's representative; and~~
 - b. ~~Response actions to encapsulate, enclose or repair the asbestos material have been completed, where applicable.~~
3. ~~The center shall post a notice about the presence and location of the asbestos containing material as well as the advisement that the asbestos inspection report and management plan are available for review. A copy of this notice shall be submitted to the department.~~

~~Note: The department may request that the complete asbestos inspection report and management plan be submitted for review.~~

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

~~center administrator shall become familiar with the location of any asbestos containing material in the building in which the center is located and any applicable management plan.~~

~~C. The administrator shall post a notice regarding the presence and location of asbestos containing materials and advising that the asbestos inspection report and management plan are available for review.~~

~~Exception: The provisions of subsections B and C of this section do not apply to centers located in buildings required to be inspected according to Article 5.2 (§ 2.1-526.12 et seq.) of Chapter 32 of Title 2.1 of the Code of Virginia.~~

~~D. Before the first license is issued, camps shall notify the closest fire department and the closest rescue squad or similar emergency service organization of the camp location.~~

22 VAC 15-30-330. Approval from other agencies; requirements subsequent to initial licensure.

~~A. Every 12 months, written documentation An annual fire inspection report shall be obtained and provided to the licensing representative of inspection and approval from the appropriate fire prevention official that the center's facility complies with the Statewide Fire Prevention Code (13 VAC 5-50-10 et seq.).~~

~~Exception: If a center is located in a building currently housing a public or private school during the school year, the school's annual fire inspection report may shall be accepted in lieu instead of the requirements of subsection A of this section if the inspection was completed within the past 12 months subsection.~~

~~B. Subsequent to initial licensure, and as required by the local health department, written documentation After the first license, [annual] approval from the health department shall be provided of any additional inspections and approvals, or approvals of a plan of correction, for meeting requirements for:~~

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

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

1. ~~The administrator or a designated staff member shall take the required asbestos training as specified in the management plan for the facility;~~
2. ~~The administrator or a designated staff member who has received the required asbestos training shall conduct visual inspections of all asbestos containing materials according to the schedule recommended in the management plan and document the date and the findings of these inspections;~~
3. ~~The center shall post a notice about the presence and location of the asbestos containing material as well as the advisement that the asbestos inspection report and~~

~~management plan are available for review. A posted notice shall be maintained at the center; and~~

~~4. The administrator shall submit to the department a signed, written statement that the center is following the recommendations of the management plan.~~

~~D. For those buildings where asbestos containing materials have been found or assumed and asbestos has been removed, the center shall maintain at the center documentation provided by a Virginia licensed asbestos contractor, where applicable, indicating specific locations where asbestos containing material was removed or stating that all asbestos material was removed. Unless all asbestos containing materials have been removed, the management plan shall be followed for any remaining asbestos material.~~

~~Exception: Subsections C and D of this section do not apply to child day centers located in a currently operating public school building or a state owned building since the asbestos requirements of these buildings are regulated by other agencies. However, the center administrator shall become familiar with the location of any asbestos containing material in the building in which the center is located and any applicable management plan.~~

~~C. For those buildings where asbestos containing materials are detected and not removed, the administrator shall:~~

- ~~1. Submit to the department a signed, written statement that the center is following the recommendations of the management plan; and~~
- ~~2. Post a notice regarding the presence and location of asbestos containing materials and advising that the asbestos inspection report and management plan are available for review.~~

~~Exception: The provisions of this subsection do not apply to child day centers located in buildings required to be inspected according to Article 5.2 (§ 2.1-526.12 et seq.) of Chapter 32 of Title 2.1 of the Code of Virginia.~~

~~**22 VAC 15-30-340. General requirements; heating and cooling equipment Building maintenance.**~~

~~A. The facility's Areas and equipment of the center, inside and outside, shall be: maintained in a clean, safe and operable condition.~~

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

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

~~3. Maintained in operable condition.~~

~~B. Heat shall be supplied from an officially approved heating system except for camps. The heating system shall:~~

1. Be installed to prevent accessibility of children to the system; and

2. Have appropriate barriers to prevent children from being burned, shocked, or injured from heating equipment. In addition, proper supervision shall be available to prevent injury.

Exception: In case of emergency, portable heaters may be used in accordance with the manufacturer's instructions.

C. In *inside* areas used occupied by children, the temperature shall be maintained no lower than 68°F.

D. Fans or other cooling systems shall be used when the temperature of *inside* areas used occupied by children exceeds 80°F.

E. Drinking water fountains or individual disposable cups, or both, shall be provided. with safe drinking water shall be available and accessible at all times.

~~F. Reserved.~~

~~G. Reserved.~~

~~H. Reserved.~~

† F. Equipment shall include, but not be limited to, the following:

1. Outside lighting provided at entrances and exits used by children before sunrise or after sundown; and
2. A working An in-service, nonpay telephone.

22 VAC 15-30-350. Hazardous substances and other harmful agents.

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

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

C. Pesticides or insecticides shall not be stored in areas used by children or in areas used for food preparation or storage.

D. Cleaning materials shall not be located above food, food equipment, utensils or single-service articles and shall be stored in areas physically separate from food.

E. Cleaning materials (e.g., detergents, sanitizers and polishes) and insecticides/pesticides shall be stored in areas physically separate from each other.

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

G. If hazardous substances are not kept in original containers, the substitute containers shall clearly indicate

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their contents and shall not resemble food or beverage containers.

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

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

J. ~~Smoking shall be prohibited [inside the center in areas in the interior of a center that is] not used for residential purposes [and shall be prohibited outside the center in the presence of children] . [In residential areas of the center and outside the center, smoking shall be prohibited in the presence of children.]~~

22 VAC 15-30-360. General physical plant requirements for centers serving children of preschool age or younger.

In areas used by children of preschool age and younger, the following shall apply:

1. Steps with three or more risers and a total height of more than 20 inches shall have: a guardrail or barrier and a handrail having a minimum and maximum height of 30 inches and 38 inches respectively. The distance between any posts shall be no greater than 3½ inches.

~~a. Handrails within the normal handgrasp of the children; or~~

~~b. A banister with vertical posts, between the handrail and each step, which can be safely grasped by the children. The distance between the posts shall be no greater than three and one-half inches.~~

2. Fans, when used, shall be secured and out of reach of children [and cords shall be secured so as not to create a tripping hazard] .

3. All Electrical outlets shall have protective caps or other equivalent, approved, protective devices and be covers that are of a size that cannot be swallowed by children.

22 VAC 15-30-370. ~~[Reserved Section].~~ General physical plant requirements for centers serving school age children.

A. Any building which is currently approved for school occupancy and which houses a school during the school year shall be considered to have met the building requirements in this regulation when housing a center only serving school age children.

B. Portable camping equipment for heating or cooking that is not required to be approved by the building official shall bear the label of a recognized inspection agency, except for charcoal and wood burning cooking equipment.

C. No cooking or heating shall occur in tents.

22 VAC 15-30-380. Indoor Areas.

A. There shall be 25 square feet of indoor space available to each per child where activities are conducted.

~~Exception: Centers newly subject to licensure effective July 1, 1993, which were in operation before November 1, 1993, may have until July 1, 1996, to meet this requirement.~~

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

1. Areas not routinely used for children's activities shall not be calculated as available space. Space not calculated shall include, but not be limited to, offices, hallways, restrooms, kitchens, storage rooms or closets.

2. Space in areas used by infants shall be calculated separately from space for older children. There shall be a minimum of 25 square feet of space per infant excluding space occupied by cribs and changing tables or a minimum of 35 square feet of available space per infant including space occupied by cribs and changing tables.

3. Camps for school age children are not required to meet this space requirement. However, when weather prevents outdoor activities, 25 square feet of indoor space per child shall be provided either at the program site or at a predesignated, approved location off site.

B. When children are on the outdoor play area, at least 75 square feet of space per child shall be provided at any one time.

C. Centers licensed for the care of infants and toddlers shall provide a separate playground area for these children which has at least 25 square feet of unpaved surface per infant/toddler on the outdoor area at any one time. This space may be counted as part of the 75 square feet required in subsection B of this section.

~~G. D. A place away from the children's activity area separate space shall be designated for children who are ill [+ or] injured [+] tired, [or emotionally upset] .~~

~~D. Smoking shall be prohibited inside the center and outside the center in the presence of children.~~

~~Exception: Smoking may be allowed inside the building if it occurs in a room with a separate air circulation system from the one used for children's areas and the circulation system is vented directly to the outdoors.~~

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

~~F. Space in areas used by infants shall be calculated separately from space for older children. One of the following~~

~~methods to calculate available activity space for infants shall be used:~~

- ~~1. Centers shall have a minimum of 25 square feet of available activity space per infant when space occupied by cribs and changing tables is deducted from the calculation of available activity space; or~~
- ~~2. Centers shall have a minimum of 35 square feet of available activity space per infant when space occupied by cribs and changing tables is included in the calculation of available activity space.~~

~~G. Therapeutic child development programs and special needs child day programs serving children who use wheelchairs shall have an area equipped with vinyl covered floor mats available to use when activities call for children to be out of their wheelchairs.~~

22 VAC 15-30-390. Restroom areas and furnishings.

A. Centers shall ~~have~~ *be provided with* at least two toilets and two sinks.

B. Each restroom area provided for children shall:

- ~~1. Be within a confined contained area;~~ *2. Be accessible, readily available and within the building used by the children (Exception: Restrooms used by school age children at camps are not required to be located within the building);*
- ~~3. 2. Have toilets that are all flushable;~~
- ~~4. 3. Have sinks near the toilets and that are all equipped supplied with running water which does not exceed 120°F; and~~
- ~~5. 4. Be equipped with soap, toilet paper, and disposable towels or an air dryer within reach of children.~~

C. For restrooms available to ~~boys males~~, urinals ~~may shall not~~ be substituted for ~~not~~ more than one-half the required number of toilets, ~~provided at least one toilet is available to boys.~~

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

Exception: Primitive camps are not required to have a toilet with privacy for staff.

E. ~~Restroom areas~~ Centers shall ~~have~~ *be provided with* at least one toilet and one sink ~~for every 15 per 20 preschool children [or and] at least one standard size toilet and one sink per 30 school age children.~~ When sharing restroom areas with other programs, the children in ~~the other those~~ programs shall be included in the toilet and sink ratio calculations. The toilet and sink ratio appropriate to the younger age group shall apply.

~~Exceptions: Centers newly subject to licensure effective July 1, 1993, which were in operation before November 1, 1993, may have until July 1, 1996, to meet this requirement~~

~~and Montessori preschools may meet the alternative requirements in the Montessori Module.~~

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

G. ~~Reserved. School age children of the opposite sex shall not use the same restroom at the same time.~~

H. ~~Reserved. A restroom used for school age children that contains more than one toilet shall have at least one toilet enclosed.~~

I. ~~Reserved. Restrooms used by school age children at primitive camps are not required to have:~~

- ~~1. Sinks, if adequate water, supplies, and equipment for hand washing are available [;] and~~
- ~~2. Flushable toilets, if the number of sanitary privies or portable toilets constructed and operated in accordance with the applicable law and regulations of the Virginia Department of Health meets the toilet ratio stated in subsection E of this section. No privy or outdoor toilet shall be located within 75 feet of other buildings or camp activities.~~

22 VAC 15-30-400. Requirements for centers with children who are not toilet trained. (Repealed.)

~~A. Centers that serve children who are not toilet trained shall provide a diapering area which allows for sight and sound supervision of children in the classroom or is accessible and within the building used by children if the staff to children ratios required by subdivisions 1 through 4 of 22 VAC 15-30-440 E are maintained in the classroom. The diapering area shall have at least the following:~~

- ~~1. A sink with running warm water not to exceed 120°F;~~
- ~~2. A changing table or counter equipped with a nonabsorbent surface for changing diapers of children below the age of three;~~
- ~~3. A nonabsorbent surface for changing diapers of children three years of age or older;~~
- ~~4. A leakproof storage system for diapers that is not hand-generated;~~
- ~~5. A covered receptacle for soiled bed linens; and~~
- ~~6. Soap and disposable towels.~~

~~B. For every 10 children in the process of being toilet trained there shall be at least one toilet chair, or one child-sized toilet, or at least one adult sized toilet with a platform or steps and an available adapter seat. The location of these items shall allow for sight and sound supervision of children in the classroom or be accessible and within the building used by children if the staff to children ratios required by subdivisions 1 through 4 of 22 VAC 15-30-440 E are~~

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~~maintained in the classroom while other children are being escorted to toileting locations.~~

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

22 VAC 15-30-410. Outdoor Play areas.

~~A. Centers newly subject to licensure effective July 1, 1993, which were in operation before November 1, 1993, may have until July 1, 1996, to meet the requirements of subsections B through J of this section.~~

~~B. The outdoor play area shall provide a minimum of 75 square feet of space per child in the area at any one time.~~

~~C. A. Playgrounds shall be located and designed in a way to protect children from hazards.~~

~~D. While 22 VAC 15-30-500 B addresses the variety and amount of materials and equipment available for children, the specific playground equipment the center shall have is not designated. If B. Where playground equipment is provided, resilient surfacing that helps absorb the shock if a child falls off the equipment shall be placed under all fixed playground equipment with moving parts or climbing apparatus to create a fall zone free of hazardous obstacles. Fall zones are defined as the area underneath and surrounding equipment that requires a resilient surface. A fall zone shall encompass sufficient area to include the child's trajectory in the event of a fall while the equipment is in use. For recommendations concerning resilient surfacing, see Appendix V.~~

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

~~E. C. Ground supports shall be covered with materials which would that protect children from injury.~~

~~F. Equipment used by children shall meet the following requirements:~~

~~1. All bounded openings which allow a 3½ inch by 6 1/4 inch rectangle to fit through shall also allow a nine inch circle to fit through to avoid head entrapment. See Appendix VI for additional information.~~

~~2. Have closed S hooks when provided; and~~

~~3. Have no protrusions, sharp points, shearing points, or pinch points.~~

~~G. All D. Swing seats shall be made of constructed with flexible material. Molded swing seats may be used only in a separate infant or toddler play area.~~

~~H. E. Sandboxes with bottoms which prevent drainage shall be covered when not in use.~~

~~I. For activity areas, both inside and outside, that are used by toddlers and preschool children, the climbing portion of slides and climbing equipment shall not be more than seven feet high.~~

~~J. Centers licensed for the care of infants and toddlers shall provide a separate playground area for those children which has at least 25 square feet of unpaved surface per infant/toddler on the outdoor area at any one time. This unpaved surface shall be suitable for crawling infants and for toddlers learning to walk. This space may be counted as part of the 75 square feet required in subsection B of this section.~~

PART V.

STAFFING AND SUPERVISION.

22 VAC 15-30-420. Supervision of staff and volunteers. (Repealed.)

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

~~B. Each person serving in the position of a program director, back up program director, program leader or child care supervisor shall not be responsible for the individual supervision of more than two aides at any one time.~~

~~Exception: In a training environment, aides used beyond the required staff to children ratio of subdivisions 1 through 4 of 22 VAC 15-30-440 E shall not be included in the above requirement.~~

22 VAC 15-30-430. Supervision of children.

~~A. All staff assigned responsibility for supervision of children When staff are supervising children, they shall always ensure their care, protection, and guidance at all times.~~

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

~~C. During the stated hours of operation, there always shall be in each building of the center on the premises and on field trips at all times when one or more children are present: 1. At least two staff, one of whom meets the qualifications of a program leader, child care supervisor, or program director; or 2. one staff member who meets the qualifications of a program leader, child care supervisor, or program director and a readily an immediately available designated support person staff member, volunteer or other employee who is at least 16 years of age, with direct means for communication between the two of them. The volunteer or other employee shall have received instruction in how to contact appropriate authorities if there is an emergency.~~

~~D. In each grouping of children at least one staff member who meets the qualifications of a program leader, child care supervisor, or program director shall be regularly present. [Such staff member shall supervise no more than two aides.]~~

~~E. Children under 10 years of age always shall be within actual sight and sound supervision of staff at all times, except~~

that staff need only be able to hear a child who is using the restroom provided that:

1. There is a system to assure that individuals who are not staff members or persons allowed to pick up a child in care do not enter the restroom area while in use by children [;] and
2. Staff check on a child who has not returned from the restroom after five minutes.

F. ~~Reserved.~~ Children 10 years of age and older shall be within actual sight and sound supervision of staff except when the following requirements are met:

1. Staff can hear or see the children (video equipment, intercom systems, or other technological device shall not substitute for staff being able to directly see or hear children);
2. Staff are nearby so they can provide immediate intervention if needed;
3. There is a system to ensure that staff know where the children are and what they are doing;
4. There is a system to ensure that individuals who are not staff members or persons allowed to pick up children in care do not enter the areas where children are not under sight supervision; and
5. Staff provide sight and sound supervision of the children at variable and unpredictable intervals not to exceed 15 minutes.

G. When the outdoor activity area is not adjacent to the center, there shall be at least two staff members on the outdoor activity area whenever one or more children are present.

H. Staff shall greet each child upon arrival at the center and oversee each child's departure from the center.

~~I. Staff shall ensure the immediate safety of a child during diapering.~~

22 VAC 15-30-440. Staff-to-children ratio requirements.

A. Staff shall be counted in the required staff-to-children ratios only when they are directly supervising children.

B. A child volunteer 44 13 years of age or older not enrolled in the program shall not be counted as a child in the staff-to-children ratio requirements.

C. When children are regularly in ongoing mixed age groups, the staff-to-children ratio applicable to the youngest child in the group shall apply to the entire group.

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

D. During the designated rest period, the ratio of staff to children may be double the number of children to each staff required by subdivisions E 2 through 4 and 6 of this section if:

1. A staff person is within sight and sound of the resting/sleeping children;

2. All Staff counted in the overall rest period ratio are within the facility building and available to assure ensure safe evacuation in an emergency; and

3. An additional person is present at the center to help, if necessary.

E. The following ratios of staff to children are required wherever children are in care:

1. For children from birth to the age of 16 months: one staff member for every four children;

2. For children 16 months old to two years: one staff member for every five children;

3. For children from two years to four years: one staff member for every 10 children; and

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

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

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

5. For school-age children, one staff member for every 20 children; and

6. Notwithstanding subdivisions 3 through 5 of this subsection and subsection C of this section, the ratio for balanced mixed-age groupings of children ages three through six years of age shall be one staff member for every 15 children, provided:

a. If the program leader or child care supervisor has an extended absence, there shall be sufficient substitute staff to meet a ratio of one staff member for every 12 children;

b. The center shall have readily accessible and in close classroom proximity auxiliary persons sufficient to maintain a 1:10 adult-to-child ratio for all three-year-olds who are included in balanced mixed-age groups to be available in the event of emergencies.

c. The program leader or child care supervisor has received training in classroom management of balanced mixed-age groupings [of at least eight hours].

~~F. Reserved.~~

~~G. F.~~ With a parent's written permission and a written assessment by the program director and child care supervisor or program leader, a center may choose to assign a child to a different age group if such age group is more appropriate for the child's developmental level and the staff-to-children ratio shall be for the established age group. If such developmental placement is made for a child with a

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disability, a written assessment by a recognized agency or professional shall be required at least annually.

H. G. For therapeutic child development day programs, in each grouping of children of preschool age or younger, the following ratios of staff to children are required according to the disabilities of the children in care:

1. For children with severe and profound disabilities, multiple disabilities, or serious emotional disturbance: one staff member to three children.
2. For children diagnosed as trainable mentally retarded (TMR), or with physical and sensory disabilities, or with autism: one staff member to four children.
3. For children diagnosed as educable mentally retarded (EMR); or developmentally delayed or diagnosed with attention deficit/hyperactivity disorder (AD/HD): one staff member to five children.
4. For children diagnosed with attention deficit/hyperactivity disorder (AD/HD): one staff member to five children.
5. 4. For children diagnosed with specific learning disabilities: one staff member to six children.
6. 5. When children with varied disabilities are regularly in ongoing groups, the ratios indicated in subdivisions 4 through 5 of this subsection shall be maintained for each level the staff-to-children ratio applicable to the child with the most significant disability in the group shall apply to the entire group.

Note: Whenever 22 VAC 15-30-440 E requires more staff than 22 VAC 15-30-440 H G because of the children's ages, 22 VAC 15-30-440 E shall take precedence over 22 VAC 15-30-440 H G.

H. For therapeutic child day programs, in each grouping of school age children, the following ratios of staff to children are required according to the disabilities of the children in care:

1. For children with severe and profound disabilities, autism, multiple disabilities, or serious emotional disturbance: one staff member to four children.
2. For children diagnosed as trainable mentally retarded (TMR), or with physical and sensory disabilities; attention deficit/hyperactivity disorder (AD/HD), or other health impairments: one staff member to five children.
3. For children diagnosed as educable mentally retarded (EMR), or developmentally delayed: one staff member to six children.
4. For children diagnosed with specific learning disabilities, or speech or language impairments: one staff member to eight children.
5. When children with varied disabilities are regularly in ongoing groups, the staff-to-children ratio applicable to

the child with the most significant disability in the group shall apply to the entire group.

PART VI. PROGRAMS.

22 VAC 15-30-450. Daily schedule. (Repealed.)

~~A. There shall be a predictable sequence to the day for children 16 months or older but the schedule shall be flexible, based on children's needs.~~

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

~~1. If the center operates between two and five and one half hours per day or per session, there shall be at least 30 minutes of outdoor activity per day or per session.~~

~~2. If the center operates more than five and one half hours per day or per session, there shall be at least one hour of outdoor activity per day or per session.~~

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

~~C. Staff shall provide opportunities for children to engage in self chosen tasks and activities.~~

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

~~E. There shall be a flexible schedule for infants based on their individual needs.~~

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

~~G. For centers operating five or more hours per day or per session, the following requirements for preschool children and toddlers during the designated rest period shall apply:~~

~~1. The rest period shall be at least one hour but no more than two hours unless children are actually sleeping;~~

~~2. Cots, beds, or rest mats shall be used during the rest period; and~~

~~3. After the first 30 minutes of a rest period, nonsleeping children shall be allowed to participate in quiet activities, which may include, but not be limited to, books, records, puzzles, coloring, or manipulatives.~~

22 VAC 15-30-460. Activities. (Repealed.)

~~A. The daily activities shall be age and stage appropriate and promote the individual child's physical, intellectual, emotional, and social well being and growth as well as promoting curiosity and exploration.~~

~~B. To promote emotional development, the center shall provide for:~~

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

~~C. To promote social development, the center shall provide:~~

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

~~D. The center shall provide for the self direction of the children by:~~

- ~~1. Encouraging children to do things independently and to help with daily routines as appropriate to the child's developmental level but to be available to comfort and help when needed; and~~
- ~~2. Supporting children's friendships and providing children opportunities to be involved in decision making about group and individual activities.~~

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

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

~~G. The center shall provide a balance of active and quiet activities.~~

~~H. Children of all ages shall be allowed to rest or sleep as needed on cribs, cots, mats, or beds, as appropriate.~~

~~I. Reserved.~~

~~22 VAC 15-30-470. Activities for preschool age children. (Repealed.)~~

~~Daily activities and experiences for preschool children, which are explained in Appendix VII, shall include, but not be limited to:~~

- ~~1. Art activities;~~
- ~~2. Rhythm, movement, and music;~~

~~3. Language and communication experiences;~~

~~4. Sensory experiences and exploration of the environment;~~

~~5. Construction;~~

~~6. Social living;~~

~~7. Water and sand play;~~

~~8. Small motor activities; and~~

~~9. Large motor activities.~~

~~EXCEPTION: Montessori preschools may meet the alternative requirements in the Montessori Module.~~

~~22 VAC 15-30-480. Activities for infants and toddlers. (Repealed.)~~

~~A. For toddlers, the center shall provide daily equipment and opportunities for sensory and perceptual experiences, large and small motor development, and language development.~~

~~B. Daily activities and experiences for toddlers, which are explained in Appendix VIII, shall include, but not be limited to:~~

~~1. Art activities;~~

~~2. Rhythm, movement, and music;~~

~~3. Language and communication experiences;~~

~~4. Sensory experiences and exploration of the environment;~~

~~5. Construction;~~

~~6. Social living;~~

~~7. Water and sand play;~~

~~8. Small motor activities; and~~

~~9. Large motor activities.~~

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

~~D. Staff shall express affection, support toddler's growing independence such as dressing and eating, and making choices in activities and routines.~~

~~E. Staff shall support toddler's developing self control by expressing feelings with words, giving positively worded directions, and modeling and redirecting behavior.~~

~~F. Parents of toddlers shall receive daily verbal feedback about:~~

~~1. Daily activities;~~

~~2. Physical well being; and~~

~~3. Developmental milestones.~~

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~~G. For infants, the center shall provide daily equipment and opportunities for sensory and perceptual experiences, large and small motor development, and language development.~~

~~H. Staff shall promptly respond to infants' needs for food and comfort.~~

~~I. Infant play spaces shall:~~

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

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

~~J. An awake infant not playing on the floor or ground shall be provided a change in play space at least every 30 minutes, and more often as determined by the needs and demands of the individual infant. For awake infants playing on the floor or ground, staff shall change the position of the infant and selection of toys available to the infant every 30 minutes or more often as determined by the needs and demands of the individual infant.~~

~~K. An infant or toddler who falls asleep in a play space other than his own crib, cot, mat, or bed shall be moved promptly to his own crib, cot, mat, or bed if he is uncomfortable or unsafe.~~

~~L. Stimulation shall be regularly provided for infants in a variety of ways including being held, cuddled, talked to, and played with by staff.~~

~~M. For each infant, the center shall post a daily record which can be easily seen by both the parent and by the staff working with the children. The record shall include the following information:~~

- ~~1. The amount of time the infant slept;~~
- ~~2. The amount of food consumed and the time;~~
- ~~3. A description and the time of bowel movements; and~~
- ~~4. Developmental milestones.~~

~~N. Resting or sleeping infants and toddlers shall be individually checked at least every 30 minutes.~~

22 VAC 15-30-451. Daily activities.

A. The variety of daily activities for all age groups shall be age and stage appropriate and provide opportunities for teacher-directed, self-directed, and self-chosen tasks and activities; a balance of active and quiet activities; individual and group activities; and curiosity and exploration.

Exception: Specialty camps do not need to provide opportunities for self-chosen tasks and curiosity and exploration.

B. For a child who cannot move without help, staff shall offer to change the places and position of the child at least every 30 minutes or more frequently depending on the child's individual needs.

[C. Children shall be allowed to sleep or rest as individually needed.]

22 VAC 15-30-461. Daily activities for infants.

There shall be a flexible daily schedule for infants based on their individual needs. During the day, infants shall be provided with:

1. Sleep as needed.

[a. When an infant is placed in his crib, he shall be placed on his back (supine). When an infant is able to easily turn over from the back (supine) to the belly (prone) position and he is placed in his crib, he shall still be put on his back (supine) but allowed to adopt whatever position he prefers. This applies unless otherwise directed by the infant's physician. However, if the side position is used, caregivers shall bring the dependent arm forward to lessen the likelihood of the infant rolling into a belly (prone) position.]

[a- b.] Resting or sleeping infants shall be individually checked every 30 minutes [~~and~~.]

[b- c.] An infant who falls asleep in a play space not his crib, cot, mat, or bed shall be moved to his own crib, cot, mat or bed if he is uncomfortable or unsafe.

2. Food as specified in 22 VAC 15-30-620 and 22 VAC 15-30-630.

3. Comfort as needed.

4. Play spaces.

a. Play spaces may include, but are not limited to, cribs, infant seats, play yards, exercise chairs or saucers (but not walkers), infant swings, high chairs, and floor space.

b. The variety of play spaces shall cumulatively offer:

(1) Room for extensive movement (rolling, crawling, or walking) and exploration;

(2) A diversity of sensory and perceptual experiences; and

(3) Equipment and toys that support large and small motor development.

c. Staff shall provide frequent opportunities for infants to creep, crawl, toddle and walk.

d. Infants shall be protected from older children.

e. Staff shall provide awake infants not playing on the floor or ground a change in play space at least every 30 minutes or more often as determined by the individual infant's needs.

f. Staff shall change the position of an awake infant playing on the floor or ground and the selection of toys available to the infant every 30 minutes or more often as determined by the individual infant's needs.

5. Stimulation and language development activities, including but not limited to staff reading, talking to, cuddling, [making eye contact,] and playing with infants.

22 VAC 15-30-471. Daily activities for toddlers and preschoolers.

A. There shall be a posted daily schedule that allows for flexibility as children's needs require. The daily schedule need not apply on days occupied a majority of the time by a field trip or other special event. The daily schedule shall include opportunities for:

1. Outdoor activity, weather allowing, for at least:
 - [a. Fifteen minutes per day or session if the center operates up to three hours per day or session;]
 - [~~a~~ b.] Thirty minutes per day or session if the center operates between [~~two~~ three] and five hours per day or session; or
 - [~~b~~ c.] One hour per day or session if the center operates more than five hours per day or session.
2. Sleep or rest.
 - a. Centers operating five or more hours per day shall have a designated rest period for at least one hour but no more than two hours. Cots, beds, or mats shall be used. After the first 30 minutes, children not sleeping may engage in quiet activities.
 - [~~b. Children shall be allowed to sleep or rest at other times as individually needed.]~~
 - [~~e~~ b.] A child who falls asleep in a place other than his designated sleeping location shall be moved to such location if uncomfortable or unsafe.
 - [~~d~~ c.] Sleeping toddlers shall be individually checked every 30 minutes.
3. Meals and snacks as specified in 22 VAC 15-30-620 and 22 VAC 15-30-630.
4. Small and large motor activities, language and communication experiences, [sensory experiences,] art or music activities, and play acting [{ or } social living [}].

B. Staff shall encourage language development by personal conversations giving children time to initiate and respond, labeling and describing objects and events, and expanding their language.

22 VAC 15-30-481. Daily activities for school age children.

A. Before or after school, the center shall provide an opportunity for children to do homework or projects or

hobbies in a suitable area. In the afternoon, there shall be an opportunity for large motor activities at least 25% of the time.

B. On nonschool days, the daily activity shall include opportunities for large motor activities at least 25% of the time; small motor activities; projects, hobbies, or homework in a suitable place; art or music activities; [outdoor activity in accordance with 22 VAC 15-30-471 A 1] and food as specified in 22 VAC 15-30-620 and 22 VAC 15-30-630.

Exception: Specialty camps are not required to meet [the requirements of] this subsection.

22 VAC 15-30-484. Behavioral guidance.

A. In order to promote the child's physical, intellectual, emotional, and social well-being and growth, staff shall interact with the child and one another to provide needed help, comfort, support and:

1. Respect personal privacy;
2. Respect differences in cultural, ethnic, and family backgrounds;
3. Encourage decision-making abilities;
4. Promote ways of getting along;
5. Encourage independence and self-direction; and
6. Use consistency in applying expectations.

B. Behavioral guidance shall be constructive in nature, age and stage appropriate, and shall be intended to redirect children to appropriate behavior and resolve conflicts.

22 VAC 15-30-487. Forbidden actions.

The following actions [or threats thereof] are forbidden:

1. Physical punishment, striking a child, roughly handling or shaking a child, restricting movement through binding or tying, forcing a child to assume an uncomfortable position, or exercise as punishment;
2. Enclosure in a small confined space or any space that the child cannot freely exit himself; however, this does not apply to the use of equipment such as cribs, play yards, high chairs, and safety gates when used with children preschool age or younger for their intended purpose;
3. Punishment by another child;
4. Separation from the group so that the child is away from the hearing and vision of a staff member;
5. Withholding or forcing of food or rest;
6. Verbal remarks which are demeaning to the child;
7. Punishment for toileting accidents; and
8. Punishment by applying unpleasant or harmful substances.

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22 VAC 15-30-490. Parental involvement.

~~A. The center shall be open for parents to visit and observe their children at any time as stated in § 63.1-210.1 of the Code of Virginia.~~

A. Before the child's first day of attending, parents shall be provided in writing the following:

[1. The center's philosophy and any religious affiliation;]

[~~2.~~ 2.] Operating information, including the hours and days of operation and holidays or other times closed [, and the phone number where a message can be given to staff] ;

[~~3.~~ 3.] Transportation safety policies and those for the arrival and departure of children. Such policies shall include procedures for picking up children after closing, for when a child is not picked up, for release of children only to those who have been authorized in writing, and street safety;

[~~4.~~ 4.] The center's policy regarding any medication or medical procedures that will be given;

[4. 5.] Description of established lines of authority for [~~persons responsible for center management staff~~] ;

[~~5.~~ 6.] Policy for paid staff to report suspected child abuse as required by § 63.1-248.3 of the Code of Virginia;

[~~6.~~ 7.] Policy for communicating an emergency situation with parents;

[~~7.~~ 8.] The appropriate general daily schedule for the age of the enrolling child;

[~~8.~~ 9.] Food policies; [and]

[~~9.~~ 10.] Discipline policies including acceptable and unacceptable discipline measures [; and]

[11. Termination policies.]

B. Staff shall promptly inform parents when persistent behavioral problems are identified; such notification shall include any disciplinary steps taken in response.

C. A custodial parent shall be admitted to any child day program. Such right of admission shall apply only while the child is in the child day program (§ 63.1-210.1 of the Code of Virginia).

~~B. D.~~ The center shall encourage provide opportunities for parental involvement on a volunteer basis in appropriate center activities.

~~C.~~ Staff shall frequently and in person share information with parents about their child's health, development, behavior, adjustment, and needs.

E. Communication.

1. For each infant, the center shall post a daily record which can be easily accessed by both the parent and the staff working with the child. The record shall contain the following information:

- a. The amount of time the infant slept;
- b. The amount of food consumed and the time;
- c. A description and time of bowel movements; and
- d. Developmental milestones.

2. [If asked by parents,] staff shall provide [daily] feedback about daily activities, physical well-being, and developmental milestones [to those parents who pick up their toddlers and preschool children] .

3. Parents shall be provided at least semiannually, either orally or in writing, information on their child's development, behavior, adjustment, and needs.

[4. Parents shall be informed of reasons for termination of services.]

22 VAC 15-30-500. Equipment and materials.

A. All Furnishings, equipment, and materials shall be of an appropriate size for the child using it.

B. ~~The amount and variety of Materials and equipment available and the arrangement and use of the materials and equipment shall be age and stage appropriate for the children and shall include equipment and materials which: an adequate supply as appropriate for each age group of arts and crafts materials, texture materials, construction materials, music and sound materials, books, social living equipment, and manipulative equipment.~~

~~1. Are in sufficient supply to avoid excessive competition among the children and to avoid long waits for use of the materials and equipment;~~

~~2. Provide for a variety of experiences and appeal to the individual interests and abilities of children;~~

~~3. Are accessible to children for the activities required by these standards; and~~

~~4. Allow children to use small and large muscles for imaginative play and creative activities.~~

~~C. Indoor slides and climbing equipment shall not be over bare flooring constructed of wood, masonry or vinyl.~~

~~D. Storage space for play materials and equipment used by the children shall be accessible to children either independently or with help.~~

C. Play equipment used by children shall meet the following requirements:

1. Openings above the ground or floor which allow a 3½-inch by 6¼-inch rectangle to fit through shall also allow a nine-inch circle to fit through;

2. Have closed S-hooks where provided; and

3. Have no protrusions, sharp points, shearing points, or pinch points.

D. The climbing portion of slides and climbing equipment used by toddlers and preschool children shall not be more than seven feet high where outdoors and shall not be more than five feet high where indoors. The climbing portions of indoor slides and climbing equipment over 18 inches shall not be over bare flooring [~~constructed of wood, masonry or vinyl~~]. The climbing portions of indoor slides and climbing equipment 36 inches or more shall be located over a resilient surface.

E. If combs, toothbrushes, or other personal articles are used, they shall be individually assigned.

F. All Disposable products shall be used once and discarded.

G. ~~Disposable dishes and utensils shall be sturdy enough to contain food without leakage and to prevent harm and injury to children.~~

H. ~~Individualized space such as, but not limited to, lockers or cubbies for each preschool and younger child's clothing and personal items shall be provided.~~

I. ~~In each classroom grouping of children of preschool age or younger, at least one area, shelf, or cupboard space where materials can be readily and freely chosen by children during active play periods shall be available.~~

J. ~~Equipment and play materials for infants shall include, but not be limited to balls, busy boards, books, rattles, dolls, play mats, soft blocks, nesting and stacking toys, squeeze toys, music boxes, and mirrors placed where infants can see themselves.~~

G. Provision shall be made for [a an individual] place for each child's personal belongings.

K. ~~Playpens and~~ H. Infant walkers shall not be used.

I. Play yards where used shall:

1. Meet the Juvenile Products Manufacturers Association (JPMA) and the American Society for Testing and Materials (ASTM) requirements;

2. Not use any pillows or filled comforters;

3. Not be used for sleeping areas; [and]

4. Not be occupied by more than one child [; and]

[5. Be cleaned each day of use with an antibacterial agent or more often as needed.]

J. Where portable water coolers are used, they shall be of cleanable construction, maintained in a sanitary condition, kept securely closed and so designed that water may be withdrawn from the container only by water tap or faucet.

K. Drinking water which is transported to camp sites shall be in closed containers.

L. Therapeutic child day programs and special needs child day programs serving children who use wheelchairs shall provide cushioned vinyl-covered floor mats for use when activities require children to be out of their wheelchairs.

22 VAC 15-30-510. Cribs, cots, rest mats, and beds.

A. Cribs, cots, rest mats or beds shall be provided to for children present during the designated rest period and no more than one child at a time shall occupy a crib, cot, rest mat, or bed.

B. Cribs, cots, rest mats, and beds shall be ~~marked or~~ identified in ~~some way~~ for use by a specific child.

C. Double decker cribs, cots, or beds, or other sleeping equipment when stacked shall not be used ~~permitted~~.

D. Occupied cribs, cots, rest mats, and beds shall be at least 2½ feet from any heat source in use producing appliance.

E. There shall be at least 45 12 inches of space between sides and ends of occupied cots, beds, and rest mats.

Exception: ~~Fifteen~~ Twelve inches of space are not required where cots, beds, or rest mats touch the are located adjacent to a wall or where screens are placed between cots or beds a screen as long as one side is open at all times to allow for passage.

F. If rest mats are used, they shall have comfortable cushioning and be sanitized between each use.

G. Cribs shall be used for children under 12 months of age and for children over 12 months of age who are not developmentally ready to sleep on a cot or mat.

H. Cribs shall meet the following requirements:

1. They shall meet the Consumer Product Safety Commission Standards at the time they were made;

2. There shall be no more than six centimeters or 2-3/8 inches of space between slats;

3. ~~Mattresses shall fit snugly next to~~ There shall be no more than [1½ inches one inch] between the mattress and the crib; and

4. End panel cut-outs in cribs shall be of a size not to cause head entrapment.

I. ~~No~~ Cribs shall be placed where objects outside the crib such as cords from blinds or curtains are in not within reach of infants or toddlers.

J. There shall be at least:

1. Twelve inches of space between the sides and ends of occupied cribs except where they touch the wall [;] and

2. Thirty inches of space between service sides of occupied cribs and other furniture when where that space is the walkway for staff to gain access to any child in any occupied crib.

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K. Crib sides shall always be up and the fastenings secured when a child is in the crib, except when staff is giving the child immediate attention.

L. Pillows and filled comforters shall not be used by children under two years of age.

22 VAC 15-30-520. Linens.

A. ~~Linens for Crib, cots, rest mats, or and beds used by children shall consist have linens consisting of a top cover and a bottom cover or a one-piece covering which is open on three edges.~~

B. Linens shall be assigned for individual use.

C. Linens shall be ~~maintained in~~ clean and sanitary condition and shall be washed at least weekly ~~except for~~. Crib sheets which shall be cleaned and sanitized daily.

D. ~~When pillows are~~ Pillows when used, they shall be assigned for individual use and covered with pillow cases.

E. Mattresses when used shall be covered with a waterproof material which can be easily sanitized.

22 VAC 15-30-530. Behavior guidance. (Repealed.)

A. ~~Discipline shall be constructive in nature and include techniques such as:~~

- ~~1. Using limits that are fair, consistently applied, and appropriate and understandable for the child's level;~~
- ~~2. Providing children with reasons for limits;~~
- ~~3. Giving positively worded directions;~~
- ~~4. Modeling and redirecting children to acceptable behavior;~~
- ~~5. Helping children to constructively express their feelings and frustrations to resolve conflict; and~~
- ~~6. Arranging equipment, materials, activities, and schedules in a way that promotes desirable behavior.~~

B. ~~There shall be no physical punishment or disciplinary action administered to the body such as, but not limited to, spanking; roughly handling a child; forcing a child to assume an uncomfortable position (e.g., standing on one foot; keeping arms raised above or horizontal to the body); restraining to restrict movement through binding or tying; enclosing in a confined space, box, or similar cubicle; or using exercise as punishment.~~

C. ~~A child shall not be shaken at any time.~~

D. ~~Staff shall not be verbally abusive which would include, but not be limited to, threats, belittling remarks about any child, his family, his race, his religion, or his cultural background, or other statements that are frightening or humiliating to the child.~~

E. ~~When disciplining a child, staff shall not:~~

- ~~1. Force, withhold, or substitute food;~~

~~2. Force or withhold naps; or~~

~~3. Punish a child for toileting accidents.~~

~~F. When separation is used as a discipline technique, it shall be brief and appropriate to the child's developmental level and circumstances. The child who is separated from the group shall be in a safe, lighted, well ventilated place and shall be within hearing and vision of a staff member.~~

~~G. No child, for punishment or any other reason, shall ever be confined in any space that the child cannot open, such as but not limited to closets, locked rooms, latched pantries, or containers. This does not apply to safety equipment such as cribs, high chairs and safety gates when used for the intended purpose.~~

~~H. Staff shall not give a child authority to punish another child nor shall staff consent to a child punishing another child.~~

~~I. Staff shall follow the center's policy on acceptable and unacceptable discipline methods.~~

~~J. Behavior problems of children of preschool age and younger shall be dealt with promptly.~~

22 VAC 15-30-540. Swimming and wading activities; staff and supervision.

A. ~~The staff-child staff-to-children ratios required by subdivisions 1 through 4 of 22 VAC 15-30-440 E, G and H shall be maintained while children are participating in swimming or wading activities. [Notwithstanding the staff-to-children ratios already indicated, at no time shall there be fewer than two staff members supervising the activity.] The designated water safety instructor or senior lifesaver shall not be counted in the staff-to-children ratios.~~

B. ~~If a pool, lake, or other swimming area has a water depth of more than two feet, a water safety instructor or senior lifesaver holding a current certificate shall be on duty supervising the children participating in swimming or wading activities at all times when one or more children are in the water. The certification shall be obtained from an organization such as, but not limited to, the American Red Cross, the YMCA, or the Boy Scouts.~~

~~[C. A minimum of two staff members of the center shall be on duty supervising the children of preschool age or younger during swimming or wading activities when one or more children are in the water.]~~

22 VAC 15-30-550. Pools and equipment.

A. ~~When permanent swimming or wading pools are located on the premises of the center, the following shall apply:~~

- ~~1. The manufacturer's specifications for operating the pool shall be followed as well as any local ordinances and any Department of Health requirements for swimming pools;~~
- ~~2. All Pools constructed, renovated, or remodeled after April 1, 1986, shall have a statement in writing of their~~

inspection and approval from the local building official when such ~~appraisal~~ approval is required;

3. Outdoor swimming pools shall be enclosed by safety fences and gates which [~~shall meet the BOCA National Building Code of 1993~~ are in compliance with the applicable edition of the Virginia Uniform Statewide Building Code (13 VAC 5-61-10 et seq.)] and shall be kept locked when the pool is not in use;

4. Entrances to indoor swimming pools shall be locked when the pool is not in use; and

5. A whistle or other audible signaling device, a buoy or a lemon line, a reach pole, and a backboard shall be available at the swimming or wading site.

B. If children are allowed to swim in a lake or other place other than a pool, safe swimming areas shall be clearly marked and there shall be appropriate water safety equipment.

C. All Piers, floats, and platforms shall be in good repair and where used for diving, the minimum water depth shall be indicated stated on the deck or planking.

~~D. If children are allowed to swim at a lake or other body of water larger than a pool, there shall be a rescue boat available at all times which is equipped with a reach pole and a lemon line or buoy.~~

~~E. D.~~ If portable wading pools are used, they shall be emptied of dirty water and filled with clean water for each day's use and more frequently as necessary.

22 VAC 15-30-560. Swimming and wading; general.

A. The center shall have emergency procedures and written safety rules for swimming or wading that are:

1. Posted in the swimming area when the pool is located on the premises of the center; and
- ~~2. Given to staff involved in swimming or wading activities;~~
- ~~3. Given to parents of children participating in swimming or wading activities; and~~
4. 2. Explained to children participating in swimming or wading activities.

B. The center shall maintain written, signed permission from the parent of each child who participates in swimming or wading, which shall include a statement advising of a child's swimming skills before the child is allowed in water above the child's shoulder height.

C. Staff shall have a system for accounting for all children in the water.

~~D. Each child's swimming skills shall be determined before the child is allowed in water above the child's shoulder height.~~

~~E. D.~~ Outdoor swimming activities shall occur only during daylight hours unless underwater and deck lighting is provided.

~~F. E.~~ Children who are not toilet trained shall not use portable wading pools.

PART VII.

SPECIAL CARE PROVISIONS AND EMERGENCIES.

22 VAC 15-30-570. Preventing the spread of disease.

A. If a child arrives at the center with the signs or symptoms listed in subsection B of this section, the child shall not be allowed to attend for that day.

B. Unless otherwise instructed by the child's health care provider, that child shall be excluded if he has:

1. If he has a temperature over 100°F; or;
2. If he has recurrent vomiting or diarrhea; or
3. As recommended in the Virginia Department of Health's current communicable disease chart.

C. If a child needs to be excluded according to subsection B of this section, the following shall apply:

1. Arrangements shall be made for the child to leave the center as soon as possible after the signs or symptoms are noticed; and
2. The child shall remain in the designated quiet area until leaving the center.

D. When a child at the center has been exposed to a reportable communicable disease listed in the Department of Health's current communicable disease chart, the parent shall be informed unless forbidden by law.

22 VAC 15-30-575. Hand washing and toileting procedures.

A. Hand washing.

~~E. 1.~~ Children's hands shall be washed with soap and water [or disposable wipes] before [and after] eating meals or snacks, after toileting, and after any contact with body fluids.

~~F. 2.~~ Staff shall wash their hands with soap or germicidal cleansing agent and water before and after helping a child with toileting use the toilet or a diaper change, after the staff member uses the toilet, after any contact with body fluids, and before feeding or helping children with feeding.

~~G. When a child's clothing or diaper becomes wet or soiled, it shall be changed immediately.~~

H. Children not toilet trained.

~~1. The child's soiled area shall be thoroughly cleaned with a disposable wipe during each diapering.~~

~~2. Staff shall wash their hands with soap or germicidal cleansing agent and water after each diaper change.~~

~~3. Disposable diapers shall be used for children in diapers unless the child's skin reacts adversely to disposable diapers. If cloth diapers are used, there shall~~

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~~be separate step-on diaper pails for the cloth and disposable diapers.~~

~~4. Toilet chairs shall be emptied promptly and sanitized after each use.~~

~~5. Surfaces for changing diapers shall be used only for changing diapers or cleaning children.~~

~~6. Diapers shall be changed on a nonabsorbent surface which shall be washed with soap and warm water or a germicidal cleansing agent after each use.~~

B. Diapering; soiled clothing.

1. The diapering area shall allow for sight and sound supervision of other children in the classroom or be accessible and within the building used by children if the required staff-to-children ratios are maintained while children are being diapered.

2. The diapering area shall be provided with the following:

a. A sink with running [warm] water not to exceed 120°F;

b. Soap or germicidal cleaning agent, disposable gloves, and disposable towels;

c. A nonabsorbent surface for diapering which, for children younger than three years, shall be a changing table or countertop;

d. The appropriate disposal container as required by subdivision 5 of this subsection; and

e. A covered receptacle for soiled linens.

3. When a child's clothing or diaper becomes wet or soiled, it shall be changed immediately. The child's soiled area shall be thoroughly cleaned with a disposable wipe or [sanitized] washcloth [~~sanitized~~] for each [use child].

4. Disposable diapers shall be used unless the child's skin reacts adversely to disposable diapers.

5. Disposable diapers shall be disposed in a leakproof or plastic-lined storage system that is not hand operated. When cloth diapers are used, a separate leakproof storage system that is not hand operated shall be used.

6. The diapering surface shall only be used for diapering or cleaning children, and it shall be washed with soap and warm water or a germicidal cleansing agent after each use. ~~7. Tables used for children's activities or meals shall not be used for changing diapers.~~

7. Staff shall ensure the immediate safety of a child during diapering.

C. Toilet training. For every 10 children in the process of being toilet trained, there shall be at least one toilet chair or one child-sized toilet, or at least one adult sized toilet with a platform or steps and adaptor seat. The location of these items shall allow for sight and sound supervision of children

in the classroom if necessary for the required staff-to-children ratios to be maintained. Toilet chairs shall be emptied promptly and sanitized after each use.

22 VAC 15-30-580. Medication.

A. Prescription and nonprescription medication shall be given to a child according to the center's written medication policies and only with written authorization from the parent.

B. The center's procedures for administering medication shall include:

1. Any general restrictions of the center;

2. Duration of the parent's authorization for medication, provided that it shall expire or be renewed after 10 work days. Long-term prescription drug use may be allowed with written authorization from the child's physician and parent.

3. Methods to prevent use of outdated medication.

~~B. C.~~ The medication authorization shall be available to staff during the entire time it is effective.

~~C. D.~~ All Medication shall be labeled with the child's name, the name of the medication, the dosage amount, and the time or times to be given.

~~D. E.~~ All Medication shall be in the original container with the prescription label or direction label attached.

~~E. F.~~ When needed, medication shall be refrigerated. When medication is stored in a refrigerator used for food, the medications shall be stored together in a container or in a clearly defined area away from food.

~~F. G.~~ All Medication, including refrigerated medication and staff's personal medication, shall be kept in a locked place using a safe locking method that prevents access by children. If a key is used, the key shall not be accessible to the children.

~~G. H.~~ Centers shall keep a record of medication given children which shall include the following:

1. Child to whom medication was administered;

2. Amount and type of medication administered to the child;

3. The day and time the medication was administered to the child; ~~and~~

4. Staff member administering the medication;

5. Any adverse reactions; and

6. Any medication error.

I. Staff shall inform parents immediately of any adverse reactions to medication administered and any medication error.

H. J. Medication shall be returned to the parent as soon as the medication is no longer being administered.

22 VAC 15-30-590. First aid training, cardiopulmonary resuscitation (CPR) and rescue breathing.

A. There shall be at least one staff member ~~who is trained~~ in first aid [, cardiopulmonary resuscitation,] ~~and rescue breathing as appropriate to the age of the children in care who is on the premises during the center's hours of operation and also one person on all field trips and wherever children are in care. This person shall be available to children and meet one of the following qualifications for first aid training:~~

- ~~1. Has a current first aid certificate by the American Red Cross; Has a current certification by the American Red Cross, American Heart Association, National Safety Council, or other designated program approved by the Department of Social Services; or~~
- ~~2. Has a current first aid certificate by the National Safety Council;~~
- ~~3. Has successfully completed, within the past three years, a competency based first aid course which meets the criteria described in Appendix IX; or~~
- ~~4. Be 2. Is a R.N. or L.P.N. with a current license from the Board of Nursing.~~

B. Primitive camps shall have a staff member on the premises during the hours of operation who has successfully completed at least first responder training within the past three years.

~~[C. For therapeutic child day programs and special needs child day programs, when a child in care has a known seizure disorder or neurological, genetic or physiological disability causing increased medical risk, there shall be at least one staff member with a current cardiopulmonary resuscitation (CPR) certificate as appropriate to the age of the child in care. This staff member shall be on the premises during the center's hours of operation or wherever the child is in care.]~~

22 VAC 15-30-600. First aid and emergency supplies.

A. A first aid kit shall be:

1. On each floor of each building used by children;
2. Accessible to outdoor play areas;
3. On all field trips; and
4. Wherever children are in care.

B. The required first aid kits shall include at a minimum:

1. Scissors;
2. Tweezers;
3. Gauze pads;
4. Adhesive tape;
5. Band-aids, assorted types;
6. An antiseptic cleansing solution;
7. Thermometer;

8. ~~Two or more~~ Triangular bandages;

9. ~~Disposable~~ Single use gloves such as surgical or examination gloves; and

10. The first aid instructional manual.

C. Each first aid kit shall be stored so that it is not ~~available~~ accessible to children but is easily available accessible to staff.

D. The following emergency supplies shall be required at the center and be available on field trips:

1. Syrup of ipecac or activated charcoal preparation (to be used only ~~upon~~ on the advice of ~~the~~ a physician or the Poison Control Center); and
2. ~~Chemical~~ An ice pack or cooling agents, zip-lock bags, and sponges readily available for icing down contusions, sprains, and breaks agent.

E. The following emergency supplies shall be required:

1. A working, battery-operated flashlight on each floor of each building ~~of the facility~~ that is used by children; and
2. One working, battery-operated radio in each building ~~of the facility~~ used by children and any camp location without a building.

22 VAC 15-30-610. Procedures for emergencies.

A. The center shall have an emergency evacuation plan that addresses staff responsibility with respect to:

1. Sounding of fire alarms and notification of local authorities;
2. Evacuation procedures including assembly points, head counts, primary and secondary means of egress, and checking to ensure complete evacuation of the buildings;
3. Fire containment procedures, e.g., closing of fire doors or other barriers; and
4. Other special procedures developed with local authorities.

B. Emergency evacuation procedures shall be posted in a location conspicuous to staff and children on each floor of each building ~~of the center~~.

C. The center shall implement these emergency evacuation procedures through monthly practice drills and shall maintain a record of the dates of the monthly drills for one year. For centers offering multiple shifts, the evacuation procedures shall be divided evenly among the various shifts.

D. A generic emergency number such as 911 shall be posted in a conspicuous place near each telephone. If a generic number is not available, the following numbers shall be posted near each phone:

1. A physician or hospital;
2. An ambulance or rescue squad service;

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3. The local fire department; and
4. The local police department.

E. The number of a regional poison control center shall be posted in a conspicuous place near each phone.

F. If an ambulance service is not readily available within 10 to 15 minutes, other transportation, *such as a private automobile*, shall be available ~~at all times~~ in case of emergency.

G. The center or other appropriate official shall notify the parent immediately if a child is lost, ~~experiences~~ *has* a serious ~~accident~~ *injury*, needs emergency medical care, or dies. The center shall notify the parent at the end of the day of any known [~~minor~~ *significant*] ~~accidents or injuries~~. [NOTE: ~~Examples of a serious~~] ~~accident~~ [~~injury~~ *might include unconsciousness; broken bones; deep cut requiring stitches; concussion; foreign object lodged in eye, nose, ear, or other body orifice. Examples of a minor*] ~~accident~~ [~~injury~~ *might include a small scratch, cut or scrape; minor bruise or discoloration of the skin. H.*] The center shall maintain a written record of children's *serious* [*and significant*] injuries in which entries are made the day of occurrence. The record shall include the following:

1. Date and time of injury;
2. Name of injured child;
3. Type *and circumstance* of the injury;
4. ~~Circumstances of the injury;~~
5. ~~Names of staff present during the injury;~~
6. 4. [*Staff present and*] treatment; ~~and~~
7. 5. ~~Method of notifying~~ *When parents were notified;* ~~and~~
6. *Any future action to prevent recurrence of the injury.*

[*H.*] *The camp shall have a warning system. Staff and campers shall be trained in this warning system.*

PART VIII. SPECIAL SERVICES.

22 VAC 15-30-620. Nutrition and food services.

A. Centers shall schedule appropriate times for snacks or meals, or both, based on the hours of operation and time of the day; e.g., a center open only for after school care shall ~~serve~~ *schedule* an afternoon snack; a center open from 7 a.m. to 1 p.m. shall ~~serve~~ *schedule* a morning snack and midday meal.

B. The center shall ensure that children arriving from a half-day, morning kindergarten program who have not yet eaten lunch receive a lunch.

C. The center shall schedule snacks or meals so there is a period of at least 1½ hours but no more than three hours between each meal or snack unless there is a scheduled rest or sleep period for children between the meals and snacks.

D. Drinking water or other beverage not containing caffeine shall be offered at regular intervals to nonverbal children.

E. In environments of 80°F or above, ~~constant~~ attention shall be given to the fluid needs of ~~all~~ children *at regular intervals*. Children in such environments shall be encouraged to drink fluids.

F. When centers choose to provide meals or snacks, the following shall apply:

1. Centers shall ~~comply with~~ *follow* the *most recent* nutritional requirements of a recognized authority such as the Child and Adult Care Food Program of the United States Department of Agriculture (USDA) ~~or the meal patterns in Appendix X.~~

2. Centers offering both meals and snacks shall serve a variety of nutritious foods and shall serve at least three sources of vitamin A and at least three sources of vitamin C on various days each week. ~~Appendix XI lists sources of vitamin A and vitamin C.~~

3. A menu listing ~~all~~ foods to be served for ~~all~~ meals and snacks during the current one-week period shall ~~be~~:

- a. *Be* dated;
- b. *Be* posted in a location conspicuous to parents or given to parents;
- c. ~~Indicate~~ *List* any substituted food; and
- d. *Be* kept on file for ~~six weeks~~ *one week* at the center.

4. Powdered milk shall not be used except for cooking.

G. When food is brought from home, the following shall apply:

1. The food *container* shall be clearly labeled in a way that identifies the owner;

2. The center shall have extra food or shall have ~~a plan~~ *available provisions* to obtain food to serve to children so they can have an appropriate snack or meal if they forget to bring food from home, bring an inadequate meal or snack, or bring perishable food; and

3. ~~All~~ Unused portions of food shall be discarded by the end of the day or returned to the parent.

H. If a catering service is used, it shall be approved by the local health department.

- I. ~~All food during cookouts~~ *Food* shall be prepared in a clean and sanitary manner.

- J. ~~Unused, perishable food during cookouts shall be discarded and not served again. Contaminated or spoiled food shall not be served to children.~~

- K. Children of ~~preschool age and younger~~ shall be encouraged to feed themselves. [~~Infants and toddlers~~ *Staff*

~~shall sit with children during meal times. No child] shall [not] be allowed to drink or eat while walking around.~~

~~L. During meal and snack times with preschoolers and toddlers, staff shall sit with these children when not serving food to them.~~

22 VAC 15-30-630. Feeding of infants; Special feeding needs.

A. High chairs, infant carrier seats, or feeding tables shall be used for children under 12 months who are not held while being fed. *Children using infant seats or high chairs shall be supervised during snacks and meals. When a child is placed in an infant seat or high chair, the protective belt shall be fastened securely.*

B. *Bottle fed infants who cannot hold their own bottles shall be held when fed. Bottles shall not be propped.*

B. C. The record of each child on formula shall contain:

1. The brand of formula; and
2. The child's feeding schedule.

~~C. D. Infants shall be fed on demand or in accordance with parental instructions.~~

~~D. E. Prepared infant formula shall be refrigerated and clearly labeled in a way that identifies the child. See Appendix XII for recommendations about the safe use of microwaves to heat infant formula labeled with the child's name. Heated formula and baby food shall be stirred or shaken and tested for temperature before serving to children.~~

~~E. Bottle fed infants who cannot hold their own bottles shall be picked up and held when fed. Bottles shall not be propped.~~

~~F. No child shall be allowed to drink or eat while walking around.~~

G. F. Formula, bottled breast milk, and prepared baby food not consumed by an infant may be used by that same infant later in the same day, if dated and stored in the refrigerator; otherwise, it shall be discarded or returned to the parent at the end of the day.

H. G. A one-day's emergency supply of disposable bottles, nipples, and commercial formulas appropriate for the children in care shall be maintained at the facility center.

~~I. Mothers shall be allowed to breastfeed their infants at the facility. [H. Breastfeeding shall be permitted.]~~

~~J. Unless written instructions from a physician indicate differently, [H. I.] Staff shall feed semisolid food with a spoon unless written instructions from a physician state differently.~~

~~K. Children using infant seats or high chairs shall be carefully supervised during snacks or meals. When a child is placed in an infant seat or high chair the protective belt shall be fastened securely.~~

~~L. [I. J.] For therapeutic child development day programs and special needs child day programs, the consistency of food shall be appropriate to a child's special feeding needs. Necessary and adaptive feeding equipment and feeding techniques shall be used for children with special feeding needs.~~

22 VAC 15-30-640. Transportation and field trips.

~~A. If the center transports children to the site of the center, the center shall assume responsibility for the child between the place where the child boards the vehicle and the center site, while at the center and on any center field trips, and from the time the child leaves the center site until the child is delivered to a designated location or to a responsible person designated by his parent if the center provides transportation, the center shall be responsible from the time the child boards the vehicle until returned to the parents or person designated by the parent.~~

B. Any vehicle used by the center for the transportation of children shall meet the following requirements:

1. The vehicle shall be manufactured for the purpose of transporting human beings people seated in an enclosed area;
2. The vehicle's seats shall be attached to the floor;
3. The vehicle shall be insured with at least the minimum limits established by Virginia state statutes; and
4. The vehicle shall meet the safety standards set by the Department of Motor Vehicles and shall be kept in satisfactory condition to assure the safety of children; and
5. If volunteers supply personal vehicles, the center is responsible for ~~ascertaining~~ ensuring that the requirements of this subsection are met.

C. The center shall ensure that during transportation of children:

1. Virginia state statutes about safety belts and child restraints are followed;
2. The children remain seated and each child's arms, legs, and head remain inside the vehicle;
3. Doors are closed properly and locked unless locks were not installed by the manufacturer of the vehicle;
4. At least one staff member or the driver always remain in the vehicle when children are present;
5. The telephone numbers for obtaining emergency help as stated in 22 VAC 15-30-610 D and E are in the vehicle and available to staff;
6. The name, address, and phone number of the center and an additional emergency contact number is in the vehicle and available to staff; and 5. The following information is in transportation vehicles:

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a. ~~Emergency numbers as specified in 22 VAC 15-30-610 D and E;~~

b. ~~The center's name, address, and phone number; and~~

~~7. c. A list of the names of the children being transported is kept in the vehicle.~~

D. When entering and leaving vehicles, children shall enter and leave the vehicle from the curb side of the vehicle or in a protected parking area or driveway.

E. ~~When necessary to cross streets,~~ Children shall cross streets at corners or crosswalks or other designated safe crossing point if no corner or crosswalk is available.

F. The staff-to-children ratios of ~~subdivisions 1 through 4 of 22 VAC 15-30-440 E, G and H~~ shall be followed on all field trips ~~but not necessarily in each vehicle~~. The staff-to-children ratios ~~may need~~ not be followed during transportation of children to and from the center.

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

G. The center shall make provisions for providing children on field trips with adequate food and water.

H. If perishable food is taken on field trips, the food shall be stored in insulated containers with ice packs to keep the food cold.

I. Before leaving on a field trip, a schedule of the trip's events and locations shall be posted and visible at the center site.

J. There shall be an ~~established a communication plan of communication between center staff at the center site and staff who are away from the center site~~ transporting children on a field trip.

K. Parental permission for transportation and field trips shall be secured ~~at least 24 hours~~ before the scheduled activity. If a blanket permission is used instead of a separate written permission, the following shall apply:

1. Parents shall be notified of the field trip; and
2. Parents shall be given the opportunity to withdraw their children from the field trip.

22 VAC 15-30-650. Transportation for nonambulatory children.

A. For therapeutic child ~~development~~ day programs and special needs child day programs providing transportation, nonambulatory children shall be transported in a vehicle which is equipped with a ramp or hydraulic lift to allow entry and exit.

B. Wheelchairs shall be equipped with seat belts and shall be securely fastened to the floor when used to seat children in a vehicle.

C. Arrangements of wheelchairs in a vehicle shall not impede access to exits.

D. For therapeutic child ~~development~~ day programs and special needs child day programs, when the center is responsible for providing transportation, the center shall develop a plan based on the needs of the children in care to assure their safe supervision during on-loading, off-loading and transporting and when 16 or more children are being transported, there shall be at least one center aide or adult besides the driver, for each group of 16.

E. For therapeutic child ~~development~~ day programs and special needs child day programs, if a child has a known seizure disorder or neurological, genetic or physiological disability causing increased medical risk and that child is being transported, one center aide or adult who is not the driver and who is trained in CPR shall be present in the vehicle.

22 VAC 15-30-660. Animals and pets.

A. Animals that are kept on the premises of the center shall be vaccinated, if applicable, against diseases which present a hazard to the health of children.

B. Animals which are, or are suspected of being, ill or infested with external lice, fleas and ticks or internal worms shall be removed from contact with children.

C. If a ~~child~~ child is bitten by an animal, an attempt shall be made to confine the animal for observation or laboratory analysis for evidence of rabies. The site of the bite shall be washed with soap and water immediately, and the child's physician or local health department shall be contacted as soon as possible for medical advice. The center shall report the animal bite incident to the local health department.

D. *Manure shall be removed from barns, stables and corrals at least once a day and stored and disposed of in a manner to prevent the breeding of flies.*

22 VAC 15-30-670. Evening and overnight care.

A. For evening care, beds with mattresses or cots with at least one inch of dense padding shall be used by children who sleep longer than two hours and are not required to sleep in cribs.

Exception: Camps providing evening or overnight care to school age children on an occasional basis are not required to meet the requirements of this subsection if sleeping bags or cots are used.

B. For overnight care, beds with mattresses or cots with at least two inches of dense padding shall be used by children who are not required to sleep in cribs.

Exception: Camps providing evening or overnight care to school age children on an occasional basis are not required to meet the requirements of this subsection if sleeping bags or cots are used.

C. For overnight care which occurs for a child on a weekly or more frequent basis, beds with mattresses shall be used.

D. In addition to 22 VAC 15-30-520 about linens, bedding appropriate to the temperature and other conditions of the rest area shall be provided.

E. ~~Reserved. For evening and overnight care, separate sleeping areas shall be provided for children of the opposite sex eight years of age or older.~~

F. ~~Reserved. If sleeping bags are used, 22 VAC 15-30-510 A through E about rest furnishings shall also apply to the use of sleeping bags.~~

G. ~~Reserved. Camps may use bunk beds if children are at least eight years of age.~~

H. In centers providing overnight care, an operational tub or shower with heated and cold water shall be provided.

Exception: Primitive camps are not required to have a tub or shower.

I. When bath towels are used, they shall be assigned for individual use.

J. Activities for children in evening or overnight care shall include, as time allows, age-appropriate activities as described in 22 VAC 15-30-470 through 22 VAC 15-30-480 E and 22 VAC 15-30-480 G through L 22 VAC 15-30-451 through 22 VAC 15-30-481.

K. Quiet activities and experiences shall be available immediately before bedtime.

L. For children receiving evening and overnight care, the provider shall offer a regularly scheduled an evening meal and snack.

PART IX.
MONTESSORI MODULE.

22 VAC 15-30-680. Qualifications of a Montessori preschool. (Repealed.)

A. ~~Montessori preschools are educational programs wherein the teacher training and subsequent pedagogy are approved by either American Montessori Society, Association Montessori Internationale, National Center of Montessori Education, or Saint Nicholas Montessori, thus verifying that the school meets the Montessori standards as outlined in the Montessori Module.~~

B. ~~Meeting these Montessori standards shall afford the Montessori preschool a waiver from specific minimum standards that conflict with the Montessori educational philosophy as referenced in the regulations. Only preschools which meet the Montessori criteria as outlined in the module are eligible to comply with the modified licensing standards contained in the Montessori Module.~~

C. ~~Programs operated by a Montessori preschool which go outside the scope of the regular Montessori preschool classes shall comply with the minimum standards for licensed child day centers without the benefit of the Montessori Module for the extended care portion of the day. Programs going beyond four hours per day for children ages 2½~~

~~through four and beyond 6½ hours per day for children five through six years of age, exclusive of the allowable two hour additional enrichment program once a week, shall comply with the minimum standards for licensed child day centers without the benefit of the Montessori Module for the extended care portion of the day. Regular Montessori preschool classes within an all day program shall meet the minimum standards for licensed child day centers with the option of meeting the Montessori Module to obtain waivers from specified standards that conflict with the Montessori philosophy for the regular day portion of their program only.~~

22 VAC 15-30-690. Specific alternatives for qualifying Montessori preschools. (Repealed.)

A. ~~The administrator of a Montessori preschool shall be at least 21 years of age and shall have or meet one of the following:~~

- ~~1. An endorsement or bachelor's degree in a child related field from an accredited college or university and one year of programmatic experience in the group care of children;~~
- ~~2. An associate degree in a child related field from an accredited college or university and one year of programmatic experience in the group care of children;~~
- ~~3. The teacher qualification standards of American Montessori Society, Association Montessori Internationale, National Center of Montessori Education, or Saint Nicholas Montessori; or~~
- ~~4. Five years of Montessori programmatic experience if the program director meets one of the qualifications of subdivisions 1 through 3 of this subsection.~~

B. ~~The program director and back up program director at a Montessori preschool shall be at least 21 years of age and shall have or meet one of the following:~~

- ~~1. An endorsement or bachelor's degree in a child related field from an accredited college or university and one year of programmatic experience in the group care of children;~~
- ~~2. An associate degree in a child related field from an accredited college or university and one year of programmatic experience in the group care of children;~~
- ~~3. The Montessori teacher qualification standards of American Montessori Society, Association Montessori Internationale, National Center of Montessori Education, or Saint Nicholas Montessori; or~~
- ~~4. Five years of Montessori programmatic experience.~~

C. ~~Montessori teachers at a Montessori preschool shall:~~

- ~~1. Be at least 21 years of age, and~~
- ~~2. Hold a teaching diploma recognized by American Montessori Society, Association Montessori Internationale, National Center of Montessori Education,~~

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or Saint Nicholas Montessori for the level the teacher is teaching.

D. In addition to first aid and orientation training required elsewhere in these regulations, employed staff who work directly with a single group of children for more than three hours daily at a Montessori preschool shall:

1. Take advantage of formal and informal opportunities for personal and professional growth, including methodology and specific subject matter, as recognized by Montessori standards for a minimum of eight hours annually; or

2. In the event of a staff member's participation in a credit course or a seminar longer than eight hours, these hours may be prorated over a period of no more than five years at the rate of 12 hours annually.

E. Specialty staff at a Montessori preschool providing enrichment activities to a single group of children less than three hours a week shall take advantage of opportunities for professional growth to remain current in their field of expertise.

F. The facilities of a Montessori preschool, inside and outside, shall be maintained in conditions that are safe and free of hazards, protruding points or sharp corners, splinters, protruding nails, and loose rusty parts.

G. The Montessori materials at a Montessori preschool shall be maintained in an attractive, accessible, and safe manner, so as to afford the children complete and appropriate opportunity to develop individual and group skills according the Montessori curriculum standard.

H. A Montessori preschool shall have restrooms that are easily accessible with a ratio of one toilet and one sink for every 20 children.

I. A Montessori preschool shall have a safe outdoor play area which allows for exploration of nature and provides a resilient surface in fall zones.

J. A Montessori preschool shall maintain a balanced multi-age grouping, with a ratio of one staff member for every 15 children.

K. Teachers at a Montessori preschool shall be, at all times during the Montessori program, responsible for the development and activities of the children in his Montessori class. In the event of the teacher's extended absence, there shall be sufficient substitute staff to comply with a ratio of one staff member for every 12 children.

L. A Montessori preschool shall have readily accessible, and in close classroom proximity, auxiliary persons sufficient to maintain a 1:10 adult to child ratio for 2½ to four year olds or 1:15 for balanced mixed age groupings of 2½ to six year olds, to be available in the event of emergency evacuation.

M. A Montessori preschool shall offer outdoor and indoor space affording the children complete opportunity to develop

individual and group skills, including large and small motor development.

N. In a Montessori preschool program operating between five and 6½ hours per day there shall be at least one half hour of outdoor activity per day.

O. A Montessori preschool shall abide by the pedagogy and curriculum guidelines in the Montessori Module.

P. During transportation of children and on all field trips, the staff to children ratio for a multi-age grouping of students in a Montessori preschool shall be no more than one to 20.

22 VAC 15-30-700. Hours and scope of operation. (Repealed.)

A. A Montessori preschool shall operate, at a minimum, nine months a year, five days a week, allowing for holidays, teacher in service days, and parent teacher conferences, as deemed necessary by the preschool in accordance with Montessori standards.

B. The hours of operation for a Montessori preschool program for children, ages 2½ through four years, shall be at least three hours a day, but not more than four hours a day.

C. The hours of operation for a Montessori preschool program for children five through six years of age shall be at least five hours a day but no more than 6½ hours a day.

D. Enrichment programs, compatible with Montessori standards shall be acceptable when operated, in keeping with the Montessori curriculum; physical, emotional, and developmental welfare of the child; and available to the individual child not more than an additional two hours once a week.

E. Any program operated beyond these specified school hours and ages of children shall comply with the minimum standards for licensed child day centers without the benefit of the Montessori Module for the extended care portion of the day. Regular Montessori preschool classes within an all day program shall meet the minimum standards for licensed child day centers with the option of meeting the Montessori Module to obtain waivers from specified standards that conflict with the Montessori philosophy for the regular day portion of their program only.

22 VAC 15-30-710. Montessori class structure and supervision. (Repealed.)

A. A class shall be deemed a group of children under the direct and continuous supervision of a fully qualified Montessori teacher.

B. Teachers at a Montessori preschool shall maintain a safe Montessori environment for the class.

C. Teachers at a Montessori preschool shall give the appropriate, individual or group lessons and supervise the ongoing work of the children in accordance with all Montessori pedagogical standards, included herein.

~~D. Teachers at a Montessori preschool shall be observant of the needs of the children in the class at all times and, accordingly, shall provide age and stage appropriate materials and class designation regardless of age.~~

~~E. Teachers at a Montessori preschool shall be aware of the family backgrounds and individual needs and development of the children within the Montessori program.~~

~~F. Teachers at a Montessori preschool shall maintain appropriate and confidential communication and records with other school personnel and parents as necessary for the development of the child.~~

~~G. Children enrolled in a Montessori class at a Montessori preschool shall demonstrate to the teacher an adequate level of development indicating a readiness for formal Montessori education.~~

~~H. Children enrolled in the Montessori class at a Montessori preschool shall be toilet trained and demonstrate a level of large and small motor development acceptable to working in a positive manner within the Montessori classroom environment.~~

~~I. Children enrolled in the Montessori class at a Montessori preschool shall demonstrate adequate communication skills and the ability to function with appropriate independence outside the home or away from a day care provider.~~

~~J. Children are initially accepted into a Montessori program at a Montessori preschool on an observational basis, and shall be given adequate, but limited, time to demonstrate individual readiness for the Montessori program.~~

~~K. A newly established Montessori class at a Montessori preschool shall be comprised of no more than 12 to 15 children between the ages of 2½ and six years and shall not increase enrollment to more than 25 children during its first year.~~

~~L. As the children and the class develop at a Montessori preschool, the class structure may gradually build to the recommended Montessori size of 25 to 30 children between the ages of 2½ and six years of age.~~

~~M. The class and the children at a Montessori preschool shall function at all times during the Montessori program according to the Montessori standards as outlined herein.~~

22 VAC 15-30-720. Classroom materials. (Repealed.)

~~A. Classrooms at a Montessori preschool shall contain the necessary and appropriately approved Montessori materials for each age level in the class. These Montessori materials may be complemented by appropriate, teacher approved materials, but shall not displace or detract from the implementation of the Montessori materials.~~

~~B. The children at a Montessori preschool shall have continuous access to these materials as deemed appropriate by the Montessori teacher.~~

~~C. These materials at a Montessori preschool shall be organized in the classroom and used by the children in work~~

~~areas that afford safe and ample working space under the direction of the Montessori teacher.~~

~~D. Use of Montessori materials in a Montessori preschool shall be presented by the Montessori teacher in accordance with the Montessori curriculum standards as included herein.~~

22 VAC 15-30-730. Curriculum. (Repealed.)

~~Curriculum guidelines, including appropriate materials for children from two years to six years, as stated below, shall be followed in a Montessori preschool.~~

~~These requirements are based on guidelines used by American Montessori Society, Association Montessori Internationale, National Center of Montessori Education, and Saint Nicholas Montessori teacher training.~~

PRACTICAL LIFE

~~Preliminary Exercises Purpose:
Spooning; To teach the child muscular control;
Pouring rice; care, exactness, how to pour.
Pouring water~~

~~Age: 2 1/2 - 3 1/2~~

~~Napkin folding Purpose:
To teach muscular control, exactness.
Indirect preparation for geometry.~~

~~Age: 2 1/2 - 4~~

~~Care of the Environment Purpose:
Table washing; Dusting; To teach the child how to
Polishing wood; Polishing care for his environment so
metal; Arranging that he might adapt to his
flowers; environment and gain
independence.~~

~~Sweeping To teach control of action,
acquisition of movement,
order and sequence, conscious
awareness, development of
large and small muscles,
left to right movement,
increased concentration
through repetition.
Preparation for life and
future learning.~~

~~Age: 2 1/2 - 4 and up~~

~~Care of the Person Purpose
Pressing frames; To teach the child to care
Polishing shoes; for himself, to take pride
Washing hands in his person, to gain
independence and self worth~~

~~Age: 2 1/2 - 4 and up~~

~~Grace and Courtesy Purpose
How to interrupt, To help the child develop~~

Proposed Regulations

listen, make way, _____ understanding or rules of
 pass _____ grace and courtesy, to adapt
 How to greet, _____ and be accepted into a
 introduce oneself, _____ social group.
 offer a chair, take
 a cookie, serve others,
 carry scissors, etc.

Age: 2 1/2 and up

Movement	Purpose
How to walk, move	To learn
around the room	control of movement,
move furniture, stop,	self awareness of ones self,
when hear bell, walk	purposeful activity order,
on line, carry a chair,	respect for persons and
sit properly, carry	property, attention to details,
mats & materials, roll	and environment.
a mat, where to place	
mat, open & close a	
door, play silence games,	
respect silence, etc.	

Age: 2 1/2 and up

SENSORIAL

Visual Discrimination	Purpose:
Pink Tower	Aid to child's processes
Broad Stair	of classification.
Long Stair	To teach visual discrimination
Solid Cylinders	of dimension (length, width,
Color tablets	height).
Geometric Cabinet	Indirect preparation
Biology Cabinet	for number work, algebra and
Binomial & trinomial	proof of formulas, geometry,
cube	art, biology.
Constructive triangles	Indirect preparation for writing.
Super imposed geometric	Development of vocabulary.
figures	
Knobless Cylinders	
Solid Geometric shapes	
Mystery bag	
Progressive Exercises	

Age: Progressive from
 2 1/2 to 4 1/4 *

Auditory discrimination	Purpose:
Sound boxes, Bells,	Training of auditory sense,
Listening exercises	discrimination of sounds,
_____	development of listening skills,
_____	discrimination of tones.

Age: 2 1/2 and up

Tactile Sense	Purpose:
Rough and smooth boards,	Development of tactile sense,
Rough and smooth	control of muscular action
tablest, Fabrics	and lightness touch.
_____	Indirect preparation for writing.

Age: 2 1/2 3 1/2

Baric, Thermic,	Purpose:
Olfactory Senses	
Baric tablet, Thermic	Further develop senses. Help
bottles, Scent boxes,	one to be aware of one's
and bottles	environment.

Age: 2 1/2 and 3 1/2

LANGUAGE

Oral Vocabulary	Purpose
Enrichment of	Through giving the names of
vocabulary;	objects in the environment, the
Language training	sensorial materials and their
_____	relations, picture card
_____	materials, stories, poems, etc,
_____	help the child develop a
_____	fluent vocabulary so that he
_____	might express himself both
_____	orally and in written form.
_____	Preparation for reading, writing,
_____	self expression, research in
_____	cultural areas.

Age: 0 and up

Writing	Purpose:
Sand paper letters	To make the child aware of the
(sound game); Moveable	sounds in words and to unite
Alphabet; Metal insets;	these sounds by muscular and
Perfection of writing	visual memory.
_____	To help him explore and
_____	analyze his vocabulary.
_____	To acquire mastery of the hand
_____	in wielding a writing
_____	instrument.

Age: Progressive 2 1/2 - 4

Reading	Purpose
Phonetic object game;	To give facility to phonetic
Phonograms; Puzzle/	reading.
Secret words	To give the keys to further
_____	reading and exploration of
_____	language.

Age: 4 1/2 - 5

Reading Classification	Purpose:
Social cards, cultural	To further the child's reading
cards; Definition	and knowledge by introducing
booklets; Labels for	him to the written symbols for
environment, etc.	words he knows.
_____	To enable him to classify his
_____	knowledge.

Age: 4 1/2 on

Function of Words	Purpose:
Article; Adjective	To make the child aware of the
Logical Adjective	individual function of words
game; Conjunction,	in his reading and writing.
Preposition, Verb,	To give him further keys to
Adverb, Commands	the perfection of reading,

writing, and self-expression.

Age: 4 1/2 - 5

Reading Analysis Purpose
 Simple sentence (first stage, second stage and extensions, attributes, and appositives) To give the child the keys to total reading, full awareness of the intent feeling and style of the writer.
 Help the child in his own reading and writing.

Age: 5 1/2 and up

Word Study Purpose:
 To allow the child to explore words on a more advanced level.

Punctuation Purpose:
 To help the child communicate more effectively in his written work.

Reading & Writing of Music Purpose:
 Green boards with notes; Green manuscript board; White music charts; Summary exercises; Learning song; Musical instruments; etc. To recognize and create the language of musical composition through notation and lyrics.

Age: 4 1/2 and up

MATHEMATICS

Numbers (1 to 10) Purpose:
 Number rods; Sandpaper cards; Spindle boxes; To give the keys to the world of written numbers.
 Cards and counters; To understand that each number is an entity unto itself.
 Memory game To teach the quantity, the symbol of sequence of numbers.
 Preparation for addition math.

Age: 4

Decimal system (Golden Bead Exercises) Purpose:
 Introduction of beads To teach the concepts of the decimal system through 1000s.
 Introduction of cards To give the child the overall picture of the workings of
 Processes of Addition, Subtraction, Multiplication, division the decimal system and all its processes.

Age: 4 1/2 to 5 1/2 +

Further Exercises in Math Purpose:
 near and skip counting To give the child opportunity

Teen board, Tens board, Stamp game, Dot game, Snake game, Addition strip board, Negative snake game, Negative strip board, Bead bar layouts, Multiplication bead board, Division unit board, Charts, Small bead frame, Hierarchical materials, Large bead frame, Racks and tubes, Fractions for further exploration with numbers, the opportunity for repetition and perfection in executing the processes in math.
 The opportunity to commit to memory the math facts.
 Steps to total abstraction.

Age: 5 - 6 1/2 and up

GEOGRAPHY Purpose:
 Sandpaper globe; Land and water forms; Painted globe; Puzzle maps; Pictures; Definition cards; Stories; Simple reference books To introduce the child to the concepts of physical-political, economic geography, interdependence of man and related language.

Age: 2 1/2 +

HISTORY Purpose:
 Artifacts, Pictures To introduce the child to world cultures, physical and spiritual
 Definition cards, needs of man throughout history,
 Simple reference books, famous persons, holidays, etc.

Age: 2 1/2 +

MUSIC Purpose
 Songs, records, tapes, To give the child a variety of
 Rhythm and movement, musical experiences, including
 Tone bells, Tone charts pitch, tone, rhythm, movement,
 Composers/famous music auditory comparisons, related symbols and language.

Age: 2 1/2 +

CREATIVITY Purpose
 Appropriate media, To introduce the child to
 Pictures, Stories, concepts of color, tone, light,
 Reference books, form, history and art
 Practical life, appreciation, and, afford the
 Sensorial lessons child appropriate opportunities for self-expression.

Age: 3 +

BOTANY/BIOLOGY Purpose
 Botany leaf cabinet, To introduce the child to nature,
 Plants, Pictures/ the vast variety of plants and
 plants and animals, animals, the characteristics
 Definition cards, and functions; simple
 Classifications classification of the plant
 materials, Stories, and animal kingdom;
 Simple reference books, interdependence and ecology.

Proposed Regulations

Opportunities to explore nature

Age: 2 1/2 +

~~* All work in the areas of science, history, culture, music and creativity are interrelated and presented to give the child an age appropriate understanding of these areas, factual information, the tools and ability to work with the materials, and the opportunity to share this knowledge.~~

~~** Important prerequisites are practical life lessons and skills, sensorial and related language lessons and skills, and an understanding of reality and factual concepts.~~

DOCUMENTS INCORPORATED BY REFERENCE

~~Licensing Information for Parents about Child Day Programs, Appendix I (10/95)~~

~~Medication Authorization, Appendix II~~

~~School Entrance Physical Examination and Immunization Certification, Appendix III (8/94)~~

~~Art Materials: Recommendations for Children Under 12, Appendix IV~~

~~Critical Heights for Various Types and Depths of Resilient Material: Information from Handbook for Public Playground Safety, U.S. Consumer Product Safety Commission, Appendix V~~

~~Head Entrapment: Information from Handbook for Public Playground Safety, U.S. Consumer Product Safety Commission, Appendix VI~~

~~Preschool Activities, Appendix VII~~

~~Toddler Activities, Appendix VIII~~

~~First Aid Training, Appendix IX~~

~~Child Care Food Program Meal Patterns, Appendix X~~

~~Some Foods with Vitamin A and Vitamin C, Appendix XI~~

~~Protocols for Microwave Heating of Refrigerated Infant Formula, Appendix XII (9/92)~~

~~Communicable Disease Reference Chart for School Personnel, Virginia Department of Health, rev. 2/92.~~

~~Standard Consumer Safety Specification for Play Yards, American Society for Testing and Materials, ASTM designation: F 406-89, January 1990.~~

~~[The BOCA National Building Code/1993, 12th Edition, Building Officials and Code Administrators International, Inc.]~~

FORMS

Initial Application for a License to Operate a Child Day Center (032-05-512/10, 6/94 3/96)

Renewal Application for a License to Operate a Child Day Center (032-05-225/9, 6/94 3/96)

DIVISION OF LICENSING PROGRAMS
VIRGINIA DEPARTMENT OF SOCIAL SERVICES
INITIAL APPLICATION FOR A LICENSE TO OPERATE A CHILD DAY CENTER

This application shall be signed by the individual responsible for operation of the child day center(s) or, if the center(s) is/are to be operated by a board, by an officer of the board or person designated authority by the board. It shall be filed 60 days before opening date. The licensing study will begin when a completed application is received.

Application is hereby made for one or more licenses to operate one or more child day centers pursuant to Section 63.1-195 of the Code of Virginia. (If there is more than one center location to be licensed by this application, please copy and complete Sections II and III of this form as many times as needed.)

Name of Center: _____

Type of Center (please check all that apply):

- Child Day Center for Preschool or Younger
- Child Day Center for School Age Children
- Therapeutic Child Development Program for:
 - Preschool Age or Younger Children
 - School Age Children
- Special Needs Child Day Program:
 - Preschool Age or Younger Children
 - School Age Children

Center Location: _____
Street or Route No. City State Zip

Mailing Address: _____
Street or Route No. City State Zip

In making this application, the applicant:

1. Is in receipt of and has read a copy of the minimum standards applicable to the type of center to be operated.
2. Certifies that it is his intent to comply with the aforementioned minimum standards and statutes and to remain in compliance with them if he is so licensed.
3. Grants permission to the Department of Social Services and its authorized agents to make all necessary investigation of the circumstances surrounding this application and any statement made herein, including financial status, inspection of the facility(ies), review of records, and interviewing his agents, employees, and any child or other person within his custody or control. The applicant understands that, following licensure, authorized agents of the department will make announced and unannounced visits to the center(s) to determine its compliance with standards and to investigate any complaints received.
4. Understands that he will be requested to supply reports from the local health department and appropriate fire prevention officials and he may be requested to supply a Certificate of Occupancy from the local building official.
5. Understands that an application for a license is subject to either issuance or denial. In the event of denial, it is understood that the applicant has appeal rights which are explained in the General Procedures regulation.

032-05-512/10 (3/96)

Proposed Regulations

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1. Understands that a license is required for each center site and the application fee is calculated according to the capacity at each site.
2. Is aware that it is a misdemeanor for any person to operate a child day center defined in Section 63.1-195 of the Code of Virginia without a license.
3. Has to the best of his knowledge and belief, given to the Department of Social Services and its authorized agents on this form and during any pre-application conference information which is true and correct. The applicant agrees to supply true and correct information requested during all subsequent investigations.

(Date)

(Name of Applicant (Individual or Organization))

(Signature)

(Applicant's Mailing Address
if different from the center)

(Name and Title)

(City, State, Zip Code)

(Business Telephone)

Proposed Regulations

DIVISION OF LICENSING PROGRAMS
DEPARTMENT OF SOCIAL SERVICES

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INITIAL APPLICATION
CHILD DAY CENTER

Directions: Please provide all requested information. If completing this form for centers located at different sites, please copy and complete Sections II and III of this form as many times as needed.

I. SPONSORSHIP AND GENERAL INFORMATION

A. Center(s) is/are to be operated by _____ Individual _____ Corporation _____ Public Agency
_____ Partnership _____ Association

B. Name of sponsor if not an individual proprietorship: _____

Address: _____

Telephone: (____) _____

Name and title of contact person (if applicable) _____

C. For centers sponsored by either corporations, partnerships, unincorporated associations, or public agencies, list the names and addresses of individuals who hold primary financial control and officers of the sponsoring/governing body:

President or Chairperson: _____ Telephone Number: (____) _____

Address: _____ (City) _____ (State) _____ (Zip Code)

<u>Office</u>	<u>Name</u>	<u>Address</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

D. References

List the names and addresses of three persons who are not related to the applicant(s) and who can knowledgeably and objectively certify to the applicant's(s') character and reputation. For center(s) sponsored by corporations, partnerships, unincorporated associations, or public agencies provide three references for each individual who holds primary financial control and each officer of the sponsoring/governing body.

Proposed Regulations

DIVISION OF LICENSING PROGRAMS
DEPARTMENT OF SOCIAL SERVICES

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INITIAL APPLICATION
CHILD DAY CENTER

Name of Individual Owner, Partner, or Officer _____

<u>References</u>	<u>Phone Numbers</u>	<u>Addresses</u>
_____	_____	(Street Address) (City) (State) (Zip)
_____	_____	(Street Address) (City) (State) (Zip)
_____	_____	(Street Address) (City) (State) (Zip)

Name of Individual Owner, Partner, or Officer _____

<u>References</u>	<u>Phone Numbers</u>	<u>Addresses</u>
_____	_____	(Street Address) (City) (State) (Zip)
_____	_____	(Street Address) (City) (State) (Zip)
_____	_____	(Street Address) (City) (State) (Zip)

Name of Individual Owner, Partner, or Officer _____

<u>References</u>	<u>Phone Numbers</u>	<u>Addresses</u>
_____	_____	(Street Address) (City) (State) (Zip)
_____	_____	(Street Address) (City) (State) (Zip)
_____	_____	(Street Address) (City) (State) (Zip)

Name of Individual Owner, Partner, or Officer _____

<u>References</u>	<u>Phone Numbers</u>	<u>Addresses</u>
_____	_____	(Street Address) (City) (State) (Zip)
_____	_____	(Street Address) (City) (State) (Zip)
_____	_____	(Street Address) (City) (State) (Zip)

How many center sites do you want licensed by this application? _____

Proposed Regulations

DIVISION OF LICENSING PROGRAMS
DEPARTMENT OF SOCIAL SERVICES

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INITIAL APPLICATION
CHILD DAY CENTER

II. INFORMATION FOR EACH CENTER SITE

Directions: As necessary, please make copies of this section of the form and complete for each center site.

A. Name of Center	B. Phone Number of Center (Area Code) ()
C. Name of Administrator	D. Name of Center Director

E. Directions to the Center:

F. Asbestos

Section 63.1-198.01 of the Code of Virginia, requires asbestos inspections in child day centers based on the date of construction of the building(s) housing your center(s). Written statements required by the minimum standards applicable to your center must be submitted before a license can be issued.

- When was your center built? Before 1978 (requires asbestos inspection)
- In 1978 or after (does not require DSS asbestos review.)

Is your center located in a currently operating public school building or state owned building?

- Yes (does not require DSS asbestos review.)
- No (DSS asbestos review required.)

Do you operate (plan to operate) a nonprofit school for children five years of age and older on site?

- Yes (the complete asbestos inspection report must be submitted to the Department of Education - (804) 225-2035. If the building was constructed before 1978, written statements as required by minimum standards must be submitted to your licensing representative before a license can be issued.)
- No

Note: Please provide this information for each separate building of your child day center.

Proposed Regulations

DIVISION OF LICENSING PROGRAMS
DEPARTMENT OF SOCIAL SERVICES

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INITIAL APPLICATION
CHILD DAY CENTER

B. Hours of Operation and Requested, Licensed Capacity

Child Day Center	Hours of Operation (days and times)	Months Operated During the Year	Requested Licensed Capacity	Age Range
Preschool or Younger				
School Age				

H. What is your total, requested licensed capacity (the number of children that can be present at any one time)? _____

I. Does the program operate fewer than four months in a 12 month period? ____ Yes ____ No

J. Proposed Enrollment by Age Groups and Type of Care Offered. Please indicate if multiple sessions during a one week time period are offered (i.e. morning session and afternoon session).

Infants and Toddlers (birth to 16 mo.)	Infants and Toddlers (16 mos. to 2 yrs.)	Preschool (2 and 3 yr. olds)	Preschool (4 to age of eligibility to attend school)	School Age

K. State the purpose and scope of your services (EXAMPLES: What will be the major goal of your center(s)? What will be the emphasis and philosophy of your center(s) to carry out this goal? What are the specific services to be provided as part of your center(s) and how do these services vary according to the age group in care?):

Proposed Regulations

DIVISION OF LICENSING PROGRAMS
DEPARTMENT OF SOCIAL SERVICES

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INITIAL APPLICATION
CHILD DAY CENTER

IV. ATTACHMENTS

Required Attachments

1. Attach the appropriate fee(s) for application processing.
2. For each site, floor plans indicating exact dimensions of rooms to be used, including:
 - a) room length and width;
 - b) functions of each room;
 - c) toilet facilities, including number of basins and toilets; and
 - d) position of any fixed equipment and furniture.
3. For each site, a site plan or sketch showing the following:
 - a) outdoor play areas, including dimensions;
 - b) location of the building on the site;
 - c) adjacent streets and parking areas;
 - d) all fences, fixed equipment and secondary buildings or structures.

Note: Floor plans and sketch of available outdoor play areas are not required if plans have previously been submitted for functional design approval and no changes have been made to the plans.

- | | | | | |
|----|----|---|--------------------------|--------------------------|
| 4. | a) | For centers operated by a partnership | Attached | Not Applicable |
| | | Articles of Partnership | <input type="checkbox"/> | <input type="checkbox"/> |
| | b) | For centers operated by an association: | | |
| | | 1) Copy of Constitution, or | <input type="checkbox"/> | <input type="checkbox"/> |
| | | 2) Copy of By-Laws | <input type="checkbox"/> | <input type="checkbox"/> |
| | c) | For centers operated by a corporation: | | |
| | | Copy of Charter or certificate of authority to transact business in the Commonwealth | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. | | Budget plans for the operation of the center (a copy of your proposed budget for the first year's operation is preferred since technical assistance can be provided on this topic). | | |
| 6. | | A written statement regarding the sponsorship and organization of the center(s), with information showing who is responsible for policy making, operation and management decisions. | | |
| 7. | | Samples of all forms developed, such as application form, agreement form, etc., if different from the model forms provided by the Department of Social Services. | | |

DIVISION OF LICENSING PROGRAMS
DEPARTMENT OF SOCIAL SERVICES

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INITIAL APPLICATION
CHILD DAY CENTER

8. Sample menu for one month if food is provided by the center.
9. A list of indoor and outdoor play equipment available to children.
10. A copy of the daily activity schedule(s) for the center(s).
11. A copy of all brochures and policies required by the minimum standards applicable to your center.

B. Additional Attachments

Attachments requested in this section may be provided with this application or at a later date in the review period prior to licensure. Review of these documents is required before a license can be issued and early submission may shorten the amount of time needed for the visit.

1. Evidence of required insurance coverage.
2. Documentation that the building meets applicable building codes.
3. Required asbestos statements (if building built before 1978).

Proposed Regulations

DIVISION OF LICENSING PROGRAMS
VIRGINIA DEPARTMENT OF SOCIAL SERVICES
RENEWAL APPLICATION FOR A LICENSE TO OPERATE A CHILD DAY CENTER

This application shall be signed by the individual responsible for operation of the child day center(s) or, if the center(s) is/are to be operated by a board, by an officer of the board or person designated authority by the board. It shall be filed 60 days before the expiration of the current license. The licensing study will begin when a completed application is received. Application is hereby made for one or more licenses to operate one or more child day centers pursuant to Section 63.1-195 of the Code of Virginia. (If there is more than one center location to be licensed by this application, please copy and complete Sections II and III of this form as many times as needed.)

Name of Center: _____

Type of Center (please check all that apply):

- | | |
|--|---|
| <input type="checkbox"/> Child Day Center for Preschool or Younger | <input type="checkbox"/> Therapeutic Child Development Program for:
<input type="checkbox"/> Preschool Age or Younger Children
<input type="checkbox"/> School Age Children |
| <input type="checkbox"/> Child Day Center for School Age Children | <input type="checkbox"/> Special Needs Child Day Program:
<input type="checkbox"/> Preschool Age or Younger Children
<input type="checkbox"/> School Age Children |

Center Location: _____
Street or Route No. City State Zip

Mailing Address: _____
Street or Route No. City State Zip

In making this application, the applicant:

1. Is in receipt of and has read a copy of the minimum standards applicable to the type of center to be operated.
2. Certifies that it is his intent to comply with the aforementioned minimum standards and statutes and to remain in compliance with them if he is so licensed.
3. Grants permission to the Department of Social Services and its authorized agents to make all necessary investigation of the circumstances surrounding this application and any statement made herein, including financial status, inspection of the facility(ies), review of records, and interviewing his agents, employees, and any child or other person within his custody or control. The applicant understands that, following licensure, authorized department will make announced and unannounced visits to the center(s) to determine its compliance with standards and to investigate any complaints received.
4. Understands that he will be requested to supply reports from the local health department and appropriate fire prevention officials.
5. Understands that an application for a license is subject to either issuance or denial. In the event of denial, it is understood that the applicant has appeal rights which are explained in the General Procedures regulation.

032-05-225/9 (3/96)

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Understands that a license is required for each center site and the application fee is calculated according to the capacity at each site.

Is aware that it is a misdemeanor for any person to operate a child day center defined in Section 63.1-195 of the Code of Virginia without a license.

Has to the best of his knowledge and belief, given to the Department of Social Services and its authorized agents on this form and during any pre-application conference information which is true and correct. The applicant agrees to supply true and correct information requested during all subsequent investigations.

(Date)

(Name of Applicant (Individual or Organization))

(Signature)

(Applicant's Mailing Address
if different from the center)

(Name and Title)

(City, State, Zip Code)

()

(Business Telephone)

Proposed Regulations

DIVISION OF LICENSING PROGRAMS
DEPARTMENT OF SOCIAL SERVICES

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RENEWAL APPLICATION
CHILD DAY CENTER

Directions: Please provide all requested information. If completing this form for centers located at different sites, please copy and complete Sections II and III of this form as many times as needed.

I. SPONSORSHIP AND GENERAL INFORMATION

A. Center(s) is to be operated by _____ Individual _____ Corporation _____ Public Agency
_____ Partnership _____ Association

B. Name of sponsor if not an individual proprietorship: _____
Address: _____
Telephone: (____) _____

C. For centers sponsored by either corporations, partnerships, unincorporated associations, or public agencies, list the names and addresses of individuals who hold primary financial control and officers of the sponsoring/governing body:

President or Chairperson: _____ Telephone Number: (____) _____
Address: _____ (City) (State) (Zip Code)

<u>Office</u>	<u>Name</u>	<u>Address</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

D. How many center sites do you want licensed by this application? _____

Proposed Regulations

DIVISION OF LICENSING PROGRAMS
DEPARTMENT OF SOCIAL SERVICES

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RENEWAL APPLICATION
CHILD DAY CENTER

II. INFORMATION FOR EACH CENTER SITE

As necessary, please make copies of this section of the form and complete for each center site.

A. Name of Center	B. Phone Number of Center (Area Code) ()
C. Name of Administrator	D. Name of Center Director

Hours of Operation and Requested, Licensed Capacity

Child Day Center	Hours of Operation (days and times)	Months Operated During the Year	Requested Licensed Capacity	Age Range
Preschool or Younger				
School Age				

- What is your total, requested licensed capacity (the number of children that can be present at any one time)? _____
- Does the program operate fewer than four months in a 12 month period? ___Yes ___No
- Current Enrollment By Age Groups. Please indicate if multiple sessions during a one week time period are offered (i.e. morning session and afternoon session).

Infants and Toddlers (birth to 16 mos.)	Infants and Toddlers (16 mos. to 2 yrs.)	Preschool (2 and 3 yr. olds)	Preschool (4 to age of eligibility to attend school)	School Age

DIVISION OF LICENSING PROGRAMS
DEPARTMENT OF SOCIAL SERVICES

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RENEWAL APPLICATION
CHILD DAY CENTER

Directions: As necessary, please make copies of this section of the form and complete for each center site. List all employees and volunteers. Place an asterisk (*) by the names of the employees and volunteers who have received training in first-aid.

III. STAFF INFORMATION

Name of Center: _____

Location of Center: _____

Staff Member	Date of Employment	Position	Education/Related Experience (Indicate highest grade, diploma or degree and related experience)	Weekly Work Schedule (Specify actual hours worked each day)	Age Group For Which Responsible

DIVISION OF LICENSING PROGRAMS
DEPARTMENT OF SOCIAL SERVICES

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RENEWAL APPLICATION
CHILD DAY CENTER

IV. ATTACHMENTS

1. A list of indoor and outdoor play equipment available to children, if it has changed since the last licensing study.
 no change has changed

2. A copy of the daily activity schedule(s) for the center(s), if it has changed since the last licensing study.
 no change has changed

3. A copy of all brochures and policies required by the minimum standards if they have changed since the last licensing study.
 no change has changed

VA.R. Doc. No. R97-670; Filed March 11, 1998, 11:22 a.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 change from the proposed text of the regulation.

TITLE 1. AGRICULTURE

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

REGISTRAR'S NOTICE: The Commissioner of Agriculture and Consumer Services is exempt from the Administrative Process Act pursuant to § 9-6.14:4.1 A 17 of the Code of Virginia when promulgating regulations pursuant to § 3.1-271.1 of the Code of Virginia; however, under the provisions of § 9-6.14:22, the commissioner is required to publish all proposed and final regulations.

Title of Regulation: 2 VAC 5-390-10 et seq. Rules and Regulations for the Enforcement of the Virginia Seed Law (amending 2 VAC 5-390-180).

Statutory Authority: § 3.1-271.1 of the Code of Virginia.

Effective Date: March 1, 1998.

Summary:

Due to unfavorable weather conditions during the 1997 growing and harvesting season, peanuts produced for seed were adversely affected. At the completion of the harvest, the peanuts were shelled and cleaned and samples were submitted to the Virginia Department of Agriculture and Consumer Services, Seed Laboratory for analysis. It was not until February 16, 1998, that sufficient numbers of tests were completed to make an evaluation of the quantity of seed available for 1998. The amount of seed failing to meet the minimum germination standard established by regulation will result in insufficient seed of certain varieties of Virginia grown peanuts to plant the 1998 Virginia peanut crop. Approximately 10 million pounds of seed are required to plant an estimated 77,000 acres of Virginia peanuts. Best available estimates are that approximately eight million pounds of seed meet the minimum germination standard. An additional two million pounds would be available if the minimum germination standard is suspended to increase seed available for planting.

The Virginia Certified Seed Board met on February 19, 1998. During this meeting the members of the board established that there are insufficient quantities of certified peanut seed to plant the 77,000 acres of peanuts in 1998. All peanut seed sold in Virginia is certified. The board has authority to issue substandard certified seed labels if the Virginia Seed Law regulation requiring a minimum 75% germination is suspended. The board requested that the commissioner suspend the

enforcement of 2 VAC 5-390-180, which requires a minimum 75% germination for peanut seed.

This request is supported by the Board of Directors of the Virginia Crop Improvement Association, the Virginia Peanut Growers, the Virginia Peanut Seedsmen, and the Peanut Specialist of the Cooperative Extension Service. There is no known opposition.

This is not the first time it has been necessary to suspend the enforcement of this regulation. Poor weather conditions during previous growing seasons resulted in an inadequate seed supply and required the suspension of this regulation during the 1980 and 1994 plantings. Such a situation now exists. Virginia and North Carolina are the primary suppliers of the Virginia type seed peanuts. Seed peanuts of this type cannot be obtained from other sources.

The planting season will begin in mid-April which is the reason for this action at this time. Suspension of 2 VAC 5-390-180, effective March 1, 1998, will allow providers of seed peanuts sufficient time to label and market peanut seed for 1998 planting.

Agency Contact: Copies of the regulation may be obtained from J. Alan Rogers, Department of Agriculture and Consumer Services, P.O. Box 1163, Room 402, Richmond, VA 23218, telephone (804) 786-2476.

2 VAC 5-390-180. Minimum germination standard for peanut seed.

Peanuts for agricultural seed as defined in § 3.1-263 of the Code of Virginia shall have a 75% minimum total germination. The enforcement of this section is suspended effective March 1, 1998. This section shall remain in suspension until July 1, 1998.

VA.R. Doc. No. R98-208; Filed February 27, 1998, 9:32 a.m.



TITLE 4. CONSERVATION AND NATURAL RESOURCES

MARINE RESOURCES COMMISSION

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

Title of Regulation: 4 VAC 20-500-10 et seq. Pertaining to the Catching of Eels (amending 4 VAC 20-500-40).

Statutory Authority: § 28.2-201 of the Code of Virginia.

Effective Date: March 1, 1998.

Summary:

This regulation establishes a minimum mesh size and escape panels for eel pots and prohibits the taking of elvers except for research and aquaculture purposes. The amendment clarifies that possession of elvers is unlawful regardless of the location of harvest of the elvers.

Agency Contact: Copies of the regulation may be obtained from Deborah Cawthon, Regulatory Coordinator, Marine Resources Commission, P.O. Box 756, Newport News, VA 23607, telephone (757) 247-2248.

4 VAC 20-500-40. Elvers.

It shall be unlawful for any person to ~~take, catch, or possess elvers from any of the waters of Virginia~~; provided, however, that elvers may be taken (i) for research only by duly appointed representatives of any institution of higher education in Virginia and by other parties when specifically authorized in writing by the Commissioner of Marine Resources; or (ii) by those persons who are approved for a permit for eel aquaculture by the commission.

VA.R. Doc. No. R98-211; Filed February 27, 1998, 3:20 p.m.

Title of Regulation: 4 VAC 20-880-10 et seq. Pertaining to Hard Crab and Peeler Pot License Sales (amending 4 VAC 20-880-40 and 4 VAC 20-880-50).

Statutory Authority: §§ 28.2-201 and 28.2-204.1 of the Code of Virginia.

Effective Date: March 1, 1998.

Summary:

This regulation establishes limits on commercial hard crab pot and peeler pot licenses and also establishes daily hard crab and peeler pot limits. The amendments

extend the 1997 licensing provision for crab pots and peeler pots to future years and provide upgrades from a 100 pot license to a 300 pot license for persons meeting certain criteria.

Agency Contact: Copies of the regulation may be obtained from Deborah Cawthon, Regulatory Coordinator, Marine Resources Commission, P.O. Box 756, Newport News, VA 23607, telephone (757) 247-2248.

4 VAC 20-880-40. Limit on sale of licenses.

A. Sale of hard crab pot or peeler pot licenses for the calendar year ~~1997~~ 1998 and each year thereafter shall be limited to the following individuals:

1. Any registered commercial fisherman who held a ~~1995 or 1996~~ Virginia hard crab pot license in any calendar year since 1995 shall be eligible for a ~~1997~~ hard crab pot license during the current calendar year. Any registered commercial fisherman who held a ~~1995 or 1996~~ Virginia peeler pot license in any calendar year since 1995 shall be eligible for a ~~1997~~ peeler pot license during the current calendar year. Registered commercial fishermen who held both a Virginia hard crab pot license and a Virginia peeler pot license in ~~1995 or 1996~~ any calendar year since 1995 shall be eligible for both types of licenses ~~in 1997 during the current calendar year.~~
2. Any registered commercial fisherman who held one or more of the following licenses, crab pot, peeler pot or hard crab pot, during at least two years during the calendar years 1990 through 1994, and who is in compliance with all provisions of 4 VAC 20-610-10 et seq., "Pertaining to Commercial Fishing and Mandatory Harvest Reporting."
3. Any registered commercial fisherman who can document to the satisfaction of the commissioner that he was regularly employed as a mate or crew member on a vessel engaged in Virginia's commercial hard crab pot or peeler pot fisheries in 1995.

Exceptions to the above conditions may be granted by the commissioner to a commercially registered fisherman if he finds significant hardship exists for the license applicant. Any applicant denied an exception may appeal the decision to the commission. The applicant shall provide a request to appeal to the commissioner 30 days in advance of the meeting at which the commission will hear the request.

Under no circumstances shall an exception be granted solely on the basis of economic hardship.

B. Individuals shall be limited to the ~~1996~~ previous calendar year's hard crab pot license category in which they held a license, except as provided in subdivision 4 of this subsection.

1. Hard crab pot licensees who held a ~~1996~~ hard crab pot license in Virginia in the previous calendar year for up to 100 pots shall be limited to a maximum of 100 hard crab pots in ~~1997~~ the current calendar year. It shall be

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unlawful for any person so licensed to place, set or fish more than 100 hard crab pots ~~in 1997 during the current calendar year.~~

2. Hard crab pot licensees who held a ~~1996~~ hard crab pot license in Virginia *in the previous calendar year* for up to 300 pots shall be limited to a maximum of 300 hard crab pots ~~in 1997 the current calendar year.~~ It shall be unlawful for any person so licensed to place, set or fish more than 300 hard crab pots ~~in 1997 during the current calendar year.~~

3. Hard crab pot licensees who held a ~~1996~~ hard crab pot license in Virginia *in the previous calendar year* for up to 500 pots shall be limited to a maximum of 500 hard crab pots ~~in 1997 the current calendar year.~~ It shall be unlawful for any person so licensed to place, set or fish more than 500 hard crab pots ~~in 1997 during the current calendar year.~~

4. Hard crab pot licensees who held a 1995 hard crab pot license in Virginia for up to 100, 300 or 500 pots, but who did not hold a ~~1996~~ hard crab license in Virginia *in subsequent years*, shall be limited to the same maximum amount of crab pots ~~in 1997 the current calendar year~~ as established for those who held a ~~1996~~ hard crab pot license *in the previous calendar year* as described by subdivisions 1, 2 and 3 of this subsection. In addition, hard crab pot licensees who held a 1995 hard crab pot license in Virginia for over 500 pots shall be limited to a maximum of 500 hard crab pots ~~in 1997 the current calendar year.~~ It shall be unlawful for any person so licensed to place, set or fish more than 500 hard crab pots ~~in 1997 during the current calendar year.~~

C. Individuals who did not hold a ~~1995 or 1996~~ hard crab pot license in Virginia *during any previous calendar year since 1995* and who are licensed ~~in 1997 the current calendar year~~ under the provisions of subsection A of this section shall be limited to 100 hard crab pots ~~in 1997 during the current calendar year.~~ However, any person eligible under the provisions of this chapter for a hard crab pot license for up to 100 pots may receive a license for up to 300 hard crab pots provided that person held a hard crab pot license for crab pots with one or more assistants ~~each year from 1987 through 1993 and also held a hard crab pot license for at least up to 300 pots in 1994 or a 300 hard crab pot license, for at least six years, from 1987 through 1994.~~

4 VAC 20-880-50. Transfers of hard crab pot and peeler pot licenses.

A ~~1997 current~~ commercial hard crab or peeler pot licensee may transfer his license to a member of his immediate family provided that the family member holds a current commercial registration license. A member of the immediate family shall mean a father, mother, daughter, son, brother, sister, or spouse. A ~~current~~ hard crab or peeler pot licensee also may transfer his license to the buyer of his boat and crab pot or peeler pot gear provided that the buyer holds a current commercial registration license. Any transfer of a

hard crab pot or peeler pot license shall be in writing and shall be validated by a marine patrol officer.

VA.R. Doc. No. R98-212; Filed March 4, 1998, 2:34 p.m.

TITLE 10. FINANCE AND FINANCIAL INSTITUTIONS

STATE CORPORATION COMMISSION

REGISTRAR'S NOTICE: The State Corporation Commission is exempt 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: 10 VAC 5-60-20 et seq. Consumer Finance Companies (amending 10 VAC 5-60-40 and 10 VAC 5-60-50).

Title of Regulation: 10 VAC 5-70-10 et seq. Sale of Noncredit-Related Life Insurance in Consumer Finance Offices (amending 10 VAC 5-70-20, 10 VAC 5-70-30 and 10 VAC 5-70-50).

Statutory Authority: §§ 6.1-302 and 12.1-13 of the Code of Virginia.

Effective Date: March 10, 1998.

AT RICHMOND, MARCH 9, 1998

IN RE PETITION OF
AMERICAN GENERAL FINANCE
OF AMERICA, INC.

CASE NO. BFI970075

For modification of 10 VAC 5-60-40,
10 VAC 5-60-50 and 10 VAC 5-70-10
et seq.

ORDER ADOPTING REGULATIONS

ON A FORMER DAY American General Finance of America, Inc. ("AGFA") filed with the Clerk a Petition commencing this case. In its Petition, AGFA sought amendment of the Commission's rules governing the sale of non-credit-related life insurance in consumer finance offices, 10 VAC 5-70-10 et seq., and of the Commission's rules relating to the conduct of open-end lending and mortgage lending businesses in consumer finance offices, 10 VAC 5-60-40 F and 10 VAC 5-60-60 G. By order herein dated December 19, 1997, the Commission directed that notice of a proposed amendment be transmitted to the Virginia Register and also given to all licensees under the Consumer Finance Act ("the Act") and others. Interested parties were afforded an opportunity to file written comments in favor of or against

The proposal, and written requests for a hearing, on or before February 19, 1998.

Several persons filed written comments opposing and supporting the proposed amendment. No request for a hearing was made. Thereafter, certain additional amendments to the regulation were proposed by the Bureau of Financial Institutions.

The Commission, having considered the proposed amendments and all submissions made in this case, concludes that the proposed amendments, with certain modifications, should be adopted.

THEREFORE, IT IS ORDERED THAT:

(1) The amendments, attached hereto, are adopted effective March 10, 1998.

(2) The amended regulations shall be transmitted for publication in the Virginia Register.

(3) There being nothing further to be done in this matter, this case is dismissed and the papers herein shall be placed among the ended cases.

AN ATTESTED COPY hereof shall be sent to the Commissioner of Financial Institutions who shall mail a copy of this order and the attached amended regulations (without editing marks) to all licensees under the Act and all other persons who filed written comments in this case.

10 VAC 5-60-40. Rules governing open-end credit in licensed consumer finance offices.

A. The business of extending open-end credit shall be conducted by a separate legal entity, and not by the consumer finance licensee. The separate, open-end credit entity ("separate entity") shall comply with all applicable state and federal laws.

B. Separate books and records shall be maintained by the licensee and the separate entity, and the books and records of the licensee shall not be commingled with those of the separate entity, but shall be kept in a different location within the office. The Bureau of Financial Institutions shall be given access to the books and records of the separate entity, and shall be furnished such information as it may require in order to assure compliance with this section.

C. The expenses of the two entities will be accounted for separately and so reported to the Bureau of Financial Institutions as of the end of each calendar year.

D. Advertising or other information published by the licensee or the separate entity shall not contain any false, misleading or deceptive statement or representation concerning the rates, terms or conditions for loans or credit made or extended by either of them. The separate entity shall not make or cause to be made any misrepresentation as to its being a licensed lender, or as to the extent to which it is subject to supervision or regulation.

The licensee and the separate entity shall not make a consumer finance loan and an extension of open-end

credit to the same borrower or borrowers as part of the same transaction.

F. Except as authorized by the Commissioner of Financial Institutions, or by order of the State Corporation Commission, insurance, other than credit life insurance, credit accident and sickness insurance and, credit involuntary unemployment insurance, and noncredit-related life insurance sold pursuant to 10 VAC 5-70-10 et seq. shall not be sold in licensed consumer finance offices in connection with any extension of open-end credit by the separate entity.

G. When the balance owed under an open-end credit agreement is paid, finance charges will be assessed only to the date of payment.

10 VAC 5-60-50. Rules governing real estate mortgage business in licensed consumer finance offices.

A. The business of making or purchasing loans secured by liens on real estate shall be conducted by a separate legal entity, and not by the consumer finance licensee. This separate, mortgage entity ("separate entity") shall comply with all applicable state and federal laws.

B. Separate books and records shall be maintained by the consumer finance licensee and the separate entity, and the books and records of the consumer finance licensee shall not be commingled with those of the separate entity, but shall be kept in a different location within the office. The Bureau of Financial Institutions shall be given access to the books and records of the separate entity, and shall be furnished such information as it may require in order to assure compliance with this section.

C. The expenses of the two entities shall be accounted for separately and so reported to the Bureau of Financial Institutions as of the end of each calendar year.

D. Advertising or other information published by the consumer finance licensee or the separate entity shall not contain any false, misleading or deceptive statement or representation concerning the rates, terms or conditions for loans made by either of them. The separate entity shall not make or cause to be made any misrepresentation as to its being a licensed lender, or as to the extent to which it is subject to supervision or regulation.

E. The consumer finance licensee and the separate entity shall not make both a consumer finance loan and a real estate mortgage loan to the same borrower or borrowers as part of the same transaction.

F. Any compensation paid by the separate entity to any other party for the referral of loans, pursuant to an agreement or understanding between the separate entity and such other party, shall be an expense borne entirely by the separate entity. Such expense shall not be charged directly or indirectly to the borrower.

G. Except as authorized by the Commissioner of Financial Institutions, or by order of the State Corporation Commission, insurance, other than credit life insurance, credit accident and

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sickness insurance ~~and~~, credit involuntary unemployment insurance, and noncredit-related life insurance sold pursuant to 10 VAC 5-70-10 et seq. shall not be sold in licensed consumer finance offices in connection with any mortgage loan made or purchased by the separate entity.

H. No interest in collateral other than real estate shall be taken in connection with any real estate mortgage loan made or purchased by the separate entity.

10 VAC 5-70-20. Separation of lending and insurance sales.

No loan or extension of credit by the consumer finance licensee, or any affiliate conducting business in the licensee's office, shall be conditioned upon the purchase of noncredit-related life insurance. If a person expresses an interest in obtaining a loan or extension of credit from the consumer finance licensee, or from any affiliate conducting business in the licensee's office, the sale of noncredit-related life insurance to such person shall not be solicited until ~~after the loan or extension of credit transaction is consummated.~~ Neither the consumer finance licensee, nor any affiliate conducting business in the licensee's office, shall make a loan or extension of credit in order to enable a person to purchase noncredit-related life insurance solicited or sold under this chapter a credit decision is made, the customer is informed of that decision, and an entry showing such decision is made in the lender's books. Interest rates and other charges may not be conditioned upon the purchase of such insurance. The customer shall be given the option of paying the premium for such insurance with his own funds, or with a portion of a loan or extension of credit made to the customer. Such insurance may not be solicited or sold unless the loan or extension of credit made contemporaneously therewith exceeds \$1,000 exclusive of premiums for such insurance. The total of the premium for such insurance plus the premiums for all other insurance connected with the loan or credit transaction shall not exceed 45% of the principal amount of the loan or credit transaction excluding insurance purchased by the creditor after the loan or credit transaction is closed because of the customer's failure to maintain lawfully required insurance on collateral.

10 VAC 5-70-30. Purchaser's right to cancel insurance.

Any person who purchases noncredit-related life insurance solicited in a consumer finance office shall have a right to cancel such purchase and receive a full premium refund until midnight of the ~~20th~~ 30th day following consummation of the purchase after receipt of a policy or the effective date of coverage, whichever is later. The consumer finance licensee person soliciting the sale of such insurance shall clearly and conspicuously disclose to the individual customer, prior to the consummation of the insurance purchase, his right to cancel, and shall provide the individual customer at the that time of consummation of the purchase with a form in duplicate by which the right to cancel may be exercised by mailing or delivering the form and policy to the consumer finance licensee or to the insurance company. Such form [shall be

signed by the borrower,] shall be subject to prior commission approval and shall clearly and conspicuously set forth state:

~~1. The cost of the insurance;~~

1. That purchase of such insurance is not a condition of any loan or extension of credit.

2. That interest rates and charges do not depend upon the purchase of such insurance.

3. That the customer has the option to pay the insurance premium from his own funds, or to pay the premium with a portion of loan proceeds.

4. That if the customer elects to finance the premium, interest will be charged on the financed premium at the same rate as applies to the loan.

5. If the insurer and creditor are affiliated, that they are affiliated and each expects to profit from the sale of such insurance.

6. The face amount, premium and policy term of such insurance.

7. A comparison of monthly payment, finance charge and total of payments with and without such insurance.

8. That the customer may cancel such insurance by mailing a copy of the notice, together with the policy, to the consumer finance licensee or the insurance company within 30 days after receipt of the policy.

9. That in the event of cancellation, the customer will be promptly refunded the entire premium for such insurance.

~~2-10. The name and address of the consumer finance licensee;~~

~~3. The actions necessary for the individual to cancel the insurance; and~~

~~4. The individual's right to receive a full refund of the insurance premium upon cancellation.~~

11. The name and address of the insurance company.

12. The name, address and telephone number for making complaints to the Bureau of Financial Institutions.

10 VAC 5-70-50. Examination of records.

The Bureau of Financial Institutions shall be given access to the books and records of ~~the consumer finance business~~ and the insurance sales business conducted under this chapter and be furnished such information as it may need in order to ensure that these conditions are being observed. Noncredit-related life insurance sales records shall be maintained for a period of three years after sale. Such records shall include, but not be limited to, worksheets or the like containing factors and/or calculations used to determine how much life insurance the customer may need or want, disclosure documents [containing the customer's acknowledgment of receipt] and specimens of policies sold.

TITLE 13. HOUSING

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

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

Title of Regulation: 13 VAC 10-180-10 et seq. Rules and Regulations for the Allocation of Low-Income Housing Tax Credits (amending 13 VAC 10-180-50 and 13 VAC 10-180-60).

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

Effective Date: March 4, 1998.

Summary:

The amendments to the authority's rules and regulations for the allocation of low-income housing tax credits (i) allow applicants with acquisition and rehabilitation financing from Rural Development of the U.S. Department of Agriculture to satisfy the site control requirement without the approval of all partners of the seller of the development; (ii) authorize the executive director to treat two or more applications as a single application; (iii) authorize the executive director to extend the deadline for the submission of certain mandatory attachments to the application, subject to a ten-point scoring penalty per item; (iv) exclude local housing authority sponsored developments from competing in the nonprofit pools; (v) add a scoring category for preparing documentation to be sent by the authority to the locality in which the proposed development is to be located; (vi) limit the number of rehabilitation points and new construction points on proposed developments involving both rehabilitation and new construction; (vii) effective in 1999, award points for rehabilitation and new construction based upon the percentage of low income households residing in the census tract in which the proposed development is to be located; (viii) increase the points awarded for applications seeking fewer credits; (ix) authorize the executive director to consider the proposed development to be part of a larger development in determining the feasible credit amount for the proposed development; (x) eliminate the limit on the number of credits that may be reserved to any one general partner or principal; and (xi) make other technical and clarification changes.

Agency Contact: Copies of the regulation may be obtained from J. Judson McKellar, Jr., Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, VA 23220, phone (804) 343-5540.

13 VAC 10-180-50. Application.

Application for a reservation of credits shall be commenced by filing with the authority an application, on such form or forms as the executive director may from time to time prescribe or approve, together with such documents and additional information as may be requested by the authority in order to comply with the IRC and this chapter and to make the reservation and allocation of the credits in accordance with this chapter. The executive director may reject any application from consideration for a reservation or allocation of credits if in such application the applicant does not provide the proper documentation or information on the forms prescribed by the executive director.

The application should include a breakdown of sources and uses of funds sufficiently detailed to enable the authority to ascertain what costs will be incurred and what will comprise the total financing package, including the various subsidies and the anticipated syndication or placement proceeds that will be raised. The following cost information, if applicable, needs to be included in the application: site acquisition costs, site preparation costs, construction costs, construction contingency, general contractor's overhead and profit, architect and engineer's fees, permit and survey fees, insurance premiums, real estate taxes during construction, title and recording fees, construction period interest, financing fees, organizational costs, rent-up and marketing costs, accounting and auditing costs, working capital and operating deficit reserves, syndication and legal fees, development fees, and other cost and fees. All applications seeking credits for rehabilitation of existing units must provide for construction costs of at least \$5,000 per unit.

Each application shall include evidence of (i) sole fee simple ownership of the site of the proposed development by the applicant, (ii) lease of such site by the applicant for a term exceeding the compliance period (as defined in the IRC) or for such longer period as the applicant represents in the application that the development will be held for occupancy by low-income persons or families or (iii) right to acquire or lease such site pursuant to a valid and binding written option or contract between the applicant and the fee simple owner of such site for a period extending at least four months beyond any application deadline established by the executive director, provided that such option or contract shall have no conditions within the discretion or control of such owner of such site. A contract that permits the owner to continue to market the property, even if the applicant has a right of first refusal, does not constitute the requisite site control required in clause (iii) above. No application shall be considered for a reservation or allocation of credits unless such evidence is submitted with the application and the authority determines that the applicant owns, leases or has the right to acquire or lease the site of the proposed development as described in the preceding sentence. *In the case of acquisition and rehabilitation of developments funded by Rural Development of the U.S. Department of Agriculture, the site control document does not need to be approved by all partners of the seller if the general partner of the seller executing the site*

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control document provides (i) an attorney's opinion that such general partner has the authority to enter into the site control document and such document is binding on the seller or (ii) a letter from the existing syndicator indicating a willingness to secure the necessary partner approvals upon the reservation of credits.

Each application shall include, in a form or forms required by the executive director, a certification of previous participation listing all residential real estate developments in which the general partner(s) or their affiliates has or had an ownership or participation interest, the location of such developments, the number of residential units and low-income housing units in such developments and such other information as more fully specified by the executive director. Furthermore, the applicant must indicate, for developments receiving an allocation of tax credits under § 42 of the IRC, whether any such development has ever been determined to be out of compliance with the requirements of the IRC by the appropriate state housing credit agency, and if so, an explanation of such noncompliance and whether it has been corrected. The executive director may reject any application from consideration for a reservation or allocation of credits unless the above information is submitted with the application. If, after reviewing the above information or any other information available to the authority, the executive director determines that the general partner(s) do not have the experience, financial capacity and predisposition to regulatory compliance necessary to carry out the responsibilities for the acquisition, construction, ownership, operation, marketing, maintenance and management of the proposed development or the ability to fully perform all the duties and obligations relating to the proposed development under law, regulation and the reservation and allocation documents of the authority or if an applicant is in substantial noncompliance with the requirements of the IRC, the executive director, in his sole discretion, may reject applications by the applicant.

The application should include pro forma financial statements setting forth the anticipated cash flows during the credit period as defined in the IRC. The application shall include a certification by the applicant as to the full extent of all federal, state and local subsidies which apply (or which the applicant expects to apply) with respect to each building or development. The executive director may also require the submission of a legal opinion or other assurances satisfactory to the executive director as to, among other things, compliance of the proposed development with the IRC and a certification, together with an opinion of an independent certified public accountant or other assurances satisfactory to the executive director, setting forth the calculation of the amount of credits requested by the application and certifying, among other things, that under the existing facts and circumstances the applicant will be eligible for the amount of credits requested.

If an applicant submits an application for reservation or allocation of credits that contains a material misrepresentation or fails to include information regarding

developments involving the applicant that have been determined to be out of compliance with the requirements of the IRC, the executive director may reject the application or stop processing such application upon discovery of such misrepresentation or noncompliance and may prohibit such applicant from submitting applications for credits to the authority in the future.

In any situation in which the executive director deems it appropriate, he may treat two or more applications as a single application.

The executive director may establish criteria and assumptions to be used by the applicant in the calculation of amounts in the application, and any such criteria and assumptions may be indicated on the application form, instructions or other communication available to the public.

The executive director may prescribe such deadlines for submission of applications for reservation and allocation of credits for any calendar year as he shall deem necessary or desirable to allow sufficient processing time for the authority to make such reservations and allocations. *If the executive director determines that an applicant for a reservation of credits has failed to submit one or more mandatory attachments to the application by the reservation application deadline, he may allow such applicant an opportunity to submit such attachments within a certain time established by the executive director with a ten-point scoring penalty per item.*

After receipt of the applications, the authority shall notify the chief executive officers (or the equivalent) of the local jurisdictions in which the developments are to be located and shall provide such officers a reasonable opportunity to comment on the developments.

The development for which an application is submitted may be, but shall not be required to be, financed by the authority. If any such development is to be financed by the authority, the application for such financing shall be submitted to and received by the authority in accordance with its applicable rules and regulations.

The authority may consider and approve, in accordance herewith, both the reservation and the allocation of credits to buildings or developments which the authority may own or may intend to acquire, construct and/or rehabilitate.

13 VAC 10-180-60. Review and selection of applications; reservation of credits.

The executive director may divide the amount of credits into separate pools. The division of such pools may be based upon one or more of the following factors: geographical areas of the state; types or characteristics of housing, construction, financing, owners, occupants, or source of credits; or any other factors deemed appropriate by him to best meet the housing needs of the Commonwealth. In any situation in which the executive director deems appropriate, he may treat two or more applications as a single application.

An amount, as determined by the executive director, not less than 10% of the Commonwealth's annual state housing credit ceiling for credits, shall be available for reservation and allocation to buildings or developments with respect to which the following requirements are met:

1. A "qualified nonprofit organization" (as described in § 42(h)(5)(C) of the IRC) which is authorized to do business in Virginia and is determined by the executive director, on the basis of such relevant factors as he shall consider appropriate, to be substantially based or active in the community of the development is to materially participate (regular, continuous and substantial involvement as determined by the executive director) in the development and operation of the development throughout the "compliance period" (as defined in § 42(i)(1) of the IRC); and

2. (i) The "qualified nonprofit organization" described in the preceding subdivision 1 is to own (directly or through a partnership), prior to the reservation of credits to the buildings or development, all of the general partnership interests of the ownership entity thereof; (ii) the executive director of the authority shall have determined that such qualified nonprofit organization is not affiliated with or controlled by a for-profit organization; (iii) the executive director of the authority shall have determined that the qualified nonprofit organization was not formed by one or more individuals or for-profit entities for the principal purpose of being included in any nonprofit pools (as defined below) established by the executive director, and (iv) the executive director of the authority shall have determined that no staff member, officer or member of the board of directors of such qualified nonprofit organization will materially participate, directly or indirectly, in the proposed development as a for-profit entity.

In making the determinations required by subdivision 1 and clauses (ii), (iii) and (iv) of subdivision 2, the executive director may apply such factors as he deems relevant, including, without limitation, the past experience and anticipated future activities of the qualified nonprofit organization, the sources and manner of funding of the qualified nonprofit organization, the date of formation and expected life of the qualified nonprofit organization, the number of paid staff members and volunteers of the qualified nonprofit organization, the nature and extent of the qualified nonprofit organization's proposed involvement in the construction or rehabilitation and the operation of the proposed development, the relationship of the staff, directors or other principals involved in the formation or operation of the qualified nonprofit organization with any persons or entities to be involved in the proposed development on a for-profit basis, and the proposed involvement in the construction or rehabilitation and operation of the proposed development by any persons or entities involved in the proposed development on a for-profit basis. The executive director may include in the application of the foregoing factors any other nonprofit organizations which, in his determination, are

related (by shared directors, staff or otherwise) to the qualified nonprofit organization for which such determination is to be made.

For purposes of the foregoing requirements, a qualified nonprofit organization shall be treated as satisfying such requirements if any qualified corporation (as defined in § 42(h)(5)(D)(ii) of the IRC) in which such organization (by itself or in combination with one or more qualified nonprofit organizations) holds 100% of the stock satisfies such requirements.

The applications shall include such representations and warranties and such information as the executive director may require in order to determine that the foregoing requirements have been satisfied. In no event shall more than 90% of the Commonwealth's annual state housing credit ceiling for credits be available for developments other than those satisfying the preceding requirements. The executive director may establish such pools ("nonprofit pools") of credits as he may deem appropriate to satisfy the foregoing requirement. If any such nonprofit pools are so established, the executive director may rank the applications therein and reserve credits to such applications before ranking applications and reserving credits in other pools, and any such applications in such nonprofit pools not receiving any reservations of credits or receiving such reservations in amounts less than the full amount permissible hereunder (because there are not enough credits then available in such nonprofit pools to make such reservations) shall be assigned to such other pool as shall be appropriate hereunder; provided, however, that if credits are later made available (pursuant to the IRC or as a result of either a termination or reduction of a reservation of credits made from any nonprofit pools or a rescission in whole or in part of an allocation of credits made from such nonprofit pools or otherwise) for reservation and allocation by the authority during the same calendar year as that in which applications in the nonprofit pools have been so assigned to other pools as described above, the executive director may, in such situations, designate all or any portion of such additional credits for the nonprofit pools (or for any other pools as he shall determine) and may, if additional credits have been so designated for the nonprofit pools, reassign such applications to such nonprofit pools, rank the applications therein and reserve credits to such applications in accordance with the IRC and this chapter. In the event that during any round (as authorized hereinbelow) of application review and ranking the amount of credits reserved within such nonprofit pools is less than the total amount of credits made available therein, the executive director may either (i) leave such unreserved credits in such nonprofit pools for reservation and allocation in any subsequent round or rounds or (ii) redistribute, to the extent permissible under the IRC, such unreserved credits to such other pool or pools as the executive director shall designate reservations therefor in the full amount permissible hereunder (which applications shall hereinafter be referred to as "excess qualified applications") or (iii) carry over such unreserved credits to the next succeeding calendar year for inclusion in the state housing credit ceiling (as defined in § 42(h)(3)(C) of

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the IRC) for such year. Notwithstanding anything to the contrary herein, no reservation of credits shall be made from any nonprofit pools to any application with respect to which the qualified nonprofit organization has not yet been legally formed in accordance with the requirements of the IRC. In addition, no application for credits from any nonprofit pools or any combination of pools may receive a reservation or allocation of annual credits in an amount greater than \$500,000 unless credits remain available in such nonprofit pools after all eligible applications for credits from such nonprofit pools receive a reservation of credits. ~~For the purposes of implementing this limitation, the executive director may determine that more than one application for more than one development which he deems to be a single development shall be considered as a single application.~~

Notwithstanding anything to the contrary herein, applicants relying on the experience of a local housing authority for developer experience points described hereinbelow and/or using Hope VI funds from the U.S. Department of Housing and Urban Development in connection with the proposed development shall not be eligible to receive a reservation of credits from any nonprofit pools.

The authority shall review each application, and, based on the application and other information available to the authority, shall assign points to each application as follows:

1. Readiness.

a. Written evidence satisfactory to the authority (i) of approval by local authorities of the plan of development or site plan for the proposed development or (ii) that such approval is not required. (20 points)

b. Written evidence satisfactory to the authority of preliminary approval by local authorities of the plan of development. (10 points)

c. Written evidence satisfactory to the authority (i) of approval by local authorities of proper zoning or special use permit for such site or (ii) that no zoning requirements or special use permits are applicable. (30 points)

d. Valid building permit(s) or letter dated within three months prior to the application deadline stating that all approvals are in place and building permits will be issued upon receipt of all fees. (35 points)

e. Submission of plans and specifications or, in the case of rehabilitation for which plans will not be used, a unit-by-unit work write-up for such rehabilitation with certification in such form and from such person satisfactory to the executive director as to the completion of such plans or specifications or work write-up. (20 points multiplied by the quotient calculated by dividing the percentage of completion of such plans and specifications or such work write-up by 75% not to exceed 20 points.)

2. Housing needs characteristics.

a. (1) A letter dated within three months prior to the application deadline addressed to the authority and signed by the chief executive officer of the locality in which the proposed development is to be located stating, without qualification or limitation, the following:

"The construction or rehabilitation of (name of development) and the allocation of federal housing tax credits available under IRC Section 42 for that development will help meet the housing needs and priorities of (name of locality). Accordingly, (name of locality) supports the allocation of federal housing tax credits requested by (name of applicant) for that development." (50 points)

(2) No letter from the chief executive officer of the locality in which the proposed development is to be located, or a letter addressed to the authority and signed by such chief executive officer stating neither support (as described in subdivision a (1) above) nor opposition (as described in subdivision a (3) below) as to the allocation of credits to the applicant for the development. (25 points)

(3) A letter in response to its notification to the chief executive officer of the locality in which the proposed development is to be located opposing the allocation of credits to the applicant for the development. In any such letter, the chief executive officer must certify that the proposed developer is not consistent with current zoning or other applicable land use regulations. (0 points)

b. Documentation from the local authorities that the proposed development is located in a Qualified Census Tract (QCT) or determination by the authority that the proposed development is located in a Difficult Development Area as defined by the U.S. Department of Housing and Urban Development or in an Enterprise Zone designated by the state. (20 points)

c. Commitment by the applicant to give leasing preference to individuals and families on public housing waiting lists maintained by the local housing authority operating in the locality in which the proposed development is to be located and notification of the availability of such units to the local housing authority by the applicant. (10 points)

d. Commitment by the applicant to give leasing preference to individuals and families on section 8 (as defined in 13 VAC 10-180-90) waiting lists maintained by the local or nearest section 8 administrator for the locality in which the proposed development is to be located and notification of the availability of such units to the local section 8 administrator by the applicant. (10 points)

e. Any of the following: (i) firm financing commitment(s) from the local government, housin

authority or the Rural Development of the U.S. Department of Agriculture or (ii) a resolution passed by the locality in which the proposed development is to be located committing a grant or below-market rate loan to the development or (iii) evidence from Rural Development that the development will remain subject to existing financing from Rural Development. In the case of (iii) above, if the applicant is, or has any common interests with, the current owner, directly or indirectly, the application will only qualify for these points if the applicant waives all rights to any developer's fee and any other fees associated with the acquisition and rehabilitation (or rehabilitation only) of the development. (The amount of such financing will be divided by the total development sources of funds and the proposed development receives two points for each percentage point up to a maximum of 40 points.)

f. A letter in the form prescribed by the authority with the necessary attachments, addressed to the current chief executive officer of the locality in which the proposed development is located, soliciting input on the proposed development from the locality within the deadline established by the executive director. (5 points)

3. Development characteristics.

a. The average unit size. (100 points multiplied by the sum of the products calculated by multiplying, for each unit type as defined by the number of bedrooms per unit, (i) the quotient of the number of units of a given unit type divided by the total number of units in the proposed development, times (ii) the quotient of the average actual gross square footage per unit for a given unit type minus the estimated lowest gross square footage per unit for a given unit type divided by the estimated highest gross square footage per unit for a given unit type minus the estimated lowest gross square footage per unit for a given unit type.)

b. (1) Increase in the housing stock attributable to new construction or adaptive reuse of units or to the rehabilitation of units determined by the applicable local governmental unit to be uninhabitable and so documented in the application. (80 points multiplied by the percentage of such units in the proposed development, *provided, however, if combined with points from subdivision b (2) below, the total points from b (1) and b (2) may not exceed 80 points.*)

(2) Rehabilitation of existing housing stock. (25 points if hard construction costs, as determined by the executive director, equal or exceed \$15,000 per unit; 15 points if such hard construction costs equal or exceed \$5,000 up to \$14,999 per unit, *provided, however, if combined with points from subdivision b (1) above, the total points from b (1) and b (2) may not exceed 80 points.*)

Effective January 1, 1999, subdivisions b (1) and b (2) will be replaced by the following provision:

b. Rehabilitation of existing housing stock and adaptive reuse developments (points equal to (percentage of households at or below 60% of the Area Median Income (AMI) in the proposed development's census tract (not less than 10% and not to exceed 90%) times 100) minus 10). Increase of housing stock attributable to new construction (points equal to 90 minus (percentage of households at or below 60% of the AMI in the proposed development's census tract (not less than 10% and not to exceed 90%) times 100)). Developments involving both rehabilitation and new construction will be scored on a weighted average of the point calculations above. Notwithstanding the above, the applicant shall receive the maximum 80 points in this subdivision if the applicant provides a letter signed by the chief executive officer of the locality in which the proposed development is located requesting VHDA to override the point calculations and provide the maximum points under this subdivision.

c. Lower amount of credit request. (30 Fifty points multiplied by the percentage by which the total amount of the annual tax credits requested is less than \$1,000,000, *including negative points using the percentage in which the total amount of annual credits requested is greater than \$1,000,000.*)

d. Evidence satisfactory to the authority documenting the quality of the proposed development's amenities as determined by the following:

(1) The following points are available for any application:

(a) If all 2-bedroom units have 1.5 bathrooms and all 3-bedroom units have 2 bathrooms. (15 points)

(b) If all units have a washer and dryer. (7 points)

(c) If all units have a balcony or patio. (5 points)

(d) If all units have a washer and dryer hook-up only. (3 points)

(e) If all units have a dishwasher. (2 points)

(f) If all units have a garbage disposal. (1 point)

(g) If the development has a laundry room. (1 point)

(h) If a community/meeting room with a minimum of 800 square feet is provided. (5 points)

(i) If all units have a range hood above the stove. (1 point)

(j) If all metal windows have thermal breaks, and if insulating glass for windows and sliding glass doors have a 10-year warranty against breakage of the seal from date of delivery. (1 point)

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(k) If all insulation complies with Virginia Power Energy Efficient Home Requirements, with a minimum R=30 insulation for roofs. (2 points)

(l) If all refrigerators are frost free, a minimum size of 14 cubic feet, and provide separate doors for freezer and refrigerator compartments. (1 point)

(m) If all exterior doors exposed to weather are metal. (1 point)

(2) The following points are available to applications electing to serve elderly and/or handicapped tenants as elected in subdivision 4 (a) of this section:

(a) If all cooking ranges have front controls. (1 point)

(b) If all units are adaptable for the handicapped in buildings with elevators. (2 points)

(c) If all units have an emergency call system. (3 points)

(d) If all bathrooms have grab bars and slip-resistant bottoms for bathtubs. (1 point)

(e) If all bathrooms have an independent or supplemental heat source. (1 point)

(f) If all corridors have a handrail on one side. (1 point)

(3) The following points are available to projects which rehabilitate or adaptively reuse an existing structure:

(a) If all bathrooms, including ones with windows, have exhaust fans ducted out. (1 point)

(b) If all existing, single-glazed windows in good condition have storm windows, and all windows in poor condition are replaced with new windows with integral storm sash or insulating glass. The insulating glass metal windows must have a thermal break. The insulated glass must have a 10-year warranty against breakage of the seal. (2 points)

(c) If all apartments have a minimum of one electric smoke detector with battery backup. (1 point)

(d) If all bathrooms have ground fault interrupter electrical receptacles. (1 point)

(e) If the structure is historic, by virtue of being listed individually in the National Register of Historic Places, or due to its location in a registered historic district and certified by the Secretary of the Interior as being of historical significance to the district, and the rehabilitation will be completed in such a manner as to be eligible for historic rehabilitation tax credits. (5 points)

(f) All buildings have a minimum insulation of R=30 for attics and R=19 for crawl spaces. (2 points)

(g) All public areas, such as community rooms, laundry rooms, and rental office are accessible to persons in wheelchairs. (1 point)

The maximum number of points that may be awarded under any combination of the scoring categories under subdivision 3 d of this section is 30 points.

e. Location of the proposed development in a geographic market (as defined by the executive director) that minimizes the overlap with the markets of existing tax credit developments. (0 to 60 points, as determined by the executive director on the basis of such factors as he deems relevant, which may include, but not be limited to, distance from other tax credit developments, population density, jurisdictional boundaries, the size of existing tax credit developments in the geographic area and the size of the proposed development.)

4. Tenant population characteristics.

a. Commitment by the applicant to lease low-income housing units in the proposed development only to one or more of the following: (i) persons 55 years or older, (ii) homeless persons or families, or (iii) physically or mentally disabled persons. Applicants committing to serve physically disabled persons must meet the requirements of the Americans with Disabilities Act (42 USC § 12101 et seq.). Applicants receiving points under this subdivision a may not receive points under subdivision b below. (30 points)

b. Commitment by the applicant to creating a development in which 20% or more of the low-income units have three or more bedrooms. Applicants receiving points under this subdivision b may not receive points under subdivision a above. (30 points)

c. Commitment by the applicant to provide relocation assistance to displaced households at such level required by the authority. (30 points)

5. Sponsor characteristics.

a. Evidence that the development team for the proposed development has the demonstrated experience, qualifications and ability to perform. In comparison with the proposed development, the controlling general partner or partners, or principals of the controlling general partner or partners acting in the capacity of controlling general partner or partners, has placed in service one or more developments which, in the aggregate, would result in the highest number of points under one of the following: (i) at least an equal number of low-income housing units (60 points); or (ii) two or more times as many low-income housing units (90 points). For purposes of this subdivision 5 a of this section, each low-income housing tax credit unit

developed in Virginia, as evidenced by the issuance of IRS forms 8609, shall count as a full low-income housing unit; each low-income housing tax credit unit developed out of Virginia shall count as 75% of a low-income housing unit; any other developed residential units (either for sale or rental) shall count as 50% of a low-income unit. In implementing the scoring of this subdivision a, (i) only existing units will be counted, (ii) the units of the proposed development will not be counted, and (iii) the executive director may determine that multiple applications for which he deems to be a single development shall be considered a single application.

b. Participation by a qualified nonprofit organization authorized to do business in Virginia and substantially based or active in the community of the development that (i) acts as a managing general partner under the partnership agreement (20 points); or (ii) materially participates in the development and the operation of the development and owns at least a 10% ownership interest in the general partnership interest of the partnership (10 points). No staff member, officer or member of the board of directors of such qualified nonprofit organization may materially participate, directly or indirectly, in the proposed development as a for-profit entity. Points awarded under clause (ii) of this subdivision b may not be combined with any points awarded under clause (i).

6. Efficient use of resources.

a. The percentage by which the total of the amount of credits per low-income housing unit (the "per unit credit amount") of the proposed development is less than the weighted average of the estimated highest per unit credit amount for new construction units and the estimated highest per unit credit amount for rehabilitation units based upon the number of new construction units and rehabilitation units in the proposed development. (If the per unit credit amount of the proposed development equals or exceeds such weighted average, the proposed development is assigned no points; if the per unit credit amount of the proposed development is less than such weighted average, the difference is calculated as a percentage of such weighted average, and then multiplied by 120 points.)

b. The percentage by which the total of the amount of credits per bedroom in such low-income housing units (the "per bedroom credit amount") of the proposed development is less than the weighted average of the estimated highest per bedroom credit amount for new construction units and the estimated highest per bedroom credit amount for rehabilitation units based upon the number of new construction units and rehabilitation units in the proposed development. (If the per bedroom credit amount of the proposed development equals or exceeds such weighted average, the proposed development is assigned no

points; if the per bedroom credit amount of the proposed development is less than such weighted average, the difference is calculated as a percentage of such weighted average, and then multiplied by 120 points.)

c. The percentage by which the cost per low-income housing unit (the "per unit cost"), adjusted by the authority for location, of the proposed development is less than the weighted average of the estimated highest per unit cost for new construction units and the estimated highest per unit cost for rehabilitation units based upon the number of new construction units and rehabilitation units in the proposed development. (If the per unit cost of the proposed development equals or exceeds such weighted average, the proposed development is assigned no points; if the per unit cost of the proposed development is less than such weighted average, the difference is calculated as a percentage of such weighted average, and then multiplied by 55 points.)

d. The percentage by which the total of the cost per bedroom in such low-income housing units (the "per bedroom cost"), adjusted by the authority for location, of the proposed development is less than the weighted average of the estimated highest per bedroom cost for new construction units and the estimated highest per bedroom cost for rehabilitation units based upon the number of new construction units and rehabilitation units in the proposed development. (If the per bedroom cost of the proposed development equals or exceeds such weighted average, the proposed development is assigned no points; if the per bedroom cost of the proposed development is less than such weighted average, the difference is calculated as a percentage of such weighted average, and then multiplied by 55 points.)

With respect to this subdivision 6 only, the term "new construction units" shall be deemed to include adaptive reuse units and units determined by the applicable local governmental unit to be uninhabitable which are intended to be rehabilitated. Also, for the purpose of calculating the points to be assigned pursuant to such subdivision 6 above, all credit amounts shall be those requested in the applicable application, and the per unit credit amount and per bedroom credit amount for any building *documented by the applicant to be located* in a qualified census tract or difficult development area (such tract or area being as defined in the IRC) shall be determined based upon 100% of the eligible basis of such building, in the case of new construction, or 100% of the rehabilitation expenditures, in the case of rehabilitation of an existing building, notwithstanding any use by the applicant of 130% of such eligible basis or rehabilitation expenditures in determining the amount of credits as provided in the IRC.

After points have been assigned to each application in the manner described above, the executive director shall

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compute the total number of points assigned to each such application. Notwithstanding any other provisions herein, any application which is assigned a total number of points less than a threshold amount of 500 points for rehabilitation developments, or 525 points for new construction developments, or, if both rehabilitation and new construction, the weighted average of the foregoing threshold amount of points based upon the number of units to be rehabilitated and the number of units to be newly constructed shall be rejected from further consideration hereunder and shall not be eligible for any reservation or allocation of credits.

7. Bonus points. For each application to which the total number of points assigned is equal to or more than the above-described threshold amount of points, bonus points shall be assigned as follows:

a. Commitment by the applicant to impose income limits on the low-income housing units throughout the extended use period (as defined in the IRC) below those required by the IRC in order for the development to be a qualified low-income development. (The product of (i) 50 points multiplied by (ii) the percentage of low-income housing units restricted for occupancy to households at or below 50% of the area median gross income.)

b. Commitment by the applicant to maintain the low-income housing units in the development as a qualified low-income housing development beyond the 15-year compliance period as defined in the IRC; such commitment beyond the end of the 15-year compliance period and prior to the end of the 30-year extended use period (as defined in the IRC) being deemed to represent a waiver of the applicant's right under the IRC to cause a termination of the extended use period in the event the authority is unable to present during the period specified in the IRC a qualified contract (as defined in the IRC) for the acquisition of the building by any person who will continue to operate the low-income portion thereof as a qualified low-income building. Applicants receiving points under this subdivision b may not receive bonus points under subdivision c below. (40 points for a 15-year commitment beyond the 15-year compliance period or 50 points for a 25-year commitment beyond the 15-year compliance period.)

c. Commitment by the applicant to sell the proposed development by option or right of first refusal to a qualified nonprofit organization authorized to do business in Virginia and substantially based or active in the community of the development, at the end of the 15-year compliance period, as defined by IRC, for a price not to exceed the outstanding debt and exit taxes of the for profit entity. The applicant must record such option or right of first refusal as an exhibit to the low-income housing commitment described in 13 VAC 10-180-70 and give the qualified nonprofit veto power over any refinancings of the development. Applicants

receiving points under this subdivision c may not receive bonus points under subdivision b above. (50 points)

The executive director may exclude and disregard any application which he determines is not submitted in good faith or which he determines would not be financially feasible.

Upon assignment of points to all of the applications, the executive director shall rank the applications based on the number of points so assigned. If any pools shall have been established, each application shall be assigned to a pool and shall be ranked within such pool. Those applications assigned more points shall be ranked higher than those applications assigned fewer points.

In the event of a tie in the number of points assigned to two or more applications within the same pool, or, if none, within the state, and in the event that the amount of credits available for reservation to such applications is determined by the executive director to be insufficient for the financial feasibility of all of the developments described therein, the authority shall, to the extent necessary to fully utilize the amount of credits available for reservation within such pool or, if none, within the Commonwealth, select one or more of the applications with the most bonus points as described above, and each application so selected shall receive (in order based upon the number of such bonus points, beginning with the application with the most bonus points) a reservation of credits in the lesser of the full amount determined by the executive director to be permissible hereunder or the amount of credits remaining therefor in such pool or, if none, in the Commonwealth. If two or more of the tied applications receive the same number of bonus points and if the amount of credits available for reservation to such tied applications is determined by the executive director to be insufficient for the financial feasibility of all the developments described therein, the executive director shall select one or more of such applications by lot, and each application so selected by lot shall receive (in order of such selection by lot) the lesser of the full amount determined by the executive director to be permissible hereunder or the amount of credits remaining therefor in such pool or, if none, in the Commonwealth.

For each application which may receive a reservation of credits, the executive director shall determine the amount, as of the date of the deadline for submission of applications for reservation of credits, to be necessary for the financial feasibility of the development and its viability as a qualified low-income development throughout the credit period under the IRC. In making this determination, the executive director shall consider the sources and uses of the funds, the available federal, state and local subsidies committed to the development, the total financing planned for the development as well as the investment proceeds or receipts expected by the authority to be generated with respect to the development, and the percentage of the credit dollar amount used for development costs other than the costs of intermediaries. He shall also examine the development's costs, including developer's fees and other amounts in the

application, for reasonableness and, if he determines that such costs or other amounts are unreasonably high, he shall reduce them to amounts that he determines, in his sole discretion, to be reasonable. The executive director shall review the applicant's projected rental income, operating expenses and debt service for the credit period. The executive director may establish such criteria and assumptions as he shall deem reasonable for the purpose of making such determination, including, without limitation, criteria as to the reasonableness of fees and profits and assumptions as to the amount of net syndication proceeds to be received (based upon such percentage of the credit dollar amount used for development costs, other than the costs of intermediaries, as the executive director shall determine to be reasonable for the proposed development), increases in the market value of the development, and increases in operating expenses, rental income and, in the case of applications without firm financing commitments (as defined hereinabove) at fixed interest rates, debt service on the proposed mortgage loan. *The executive director may, if he deems it appropriate, consider the development to be a part of a larger development. In such a case, the executive director may consider, examine, review and establish any or all of the foregoing items as to the larger development in making such determination for the development.*

At such time or times during each calendar year as the executive director shall designate, the executive director shall reserve credits to applications in descending order of ranking within each pool, if applicable, until either substantially all credits therein are reserved or all qualified applications therein have received reservations. (For the purpose of the preceding sentence, if there is not more than a de minimis amount, as determined by the executive director, of credits remaining in a pool after reservations have been made, "substantially all" of the credits in such pool shall be deemed to have been reserved.) The executive director may rank the applications within pools at different times for different pools and may reserve credits, based on such rankings, one or more times with respect to each pool. The executive director may also establish more than one round of review and ranking of applications and reservation of credits based on such rankings, and he shall designate the amount of credits to be made available for reservation within each pool during each such round. The amount reserved to each such application shall be equal to the lesser of (i) the amount requested in the application or (ii) an amount determined by the executive director, as of the date of application, to be necessary for the financial feasibility of the development and its viability as a qualified low-income development throughout the credit period under the IRC; provided, however, that in no event shall the amount of credits so reserved exceed the maximum amount permissible under the IRC.

If the amount of credits available in any pool is determined by the executive director to be insufficient for the financial feasibility of the proposed development to which such available credits are to be reserved, the executive director may (i) permit the applicant to modify such proposed development and his application so as to achieve financial

feasibility based upon the amount of such available credits, if the credits available equal to or exceed 75% of the credits needed for the financial feasibility of the proposed development, (ii) move the proposed development and the credits available to another pool, or (iii), for developments which meet the requirements of § 42(h)(1)(E) of the IRC only, reserve additional credits from the Commonwealth's annual state housing credit ceiling for the following year in such an amount necessary for the financial feasibility of the proposed development. Any modifications shall be subject to the approval of the executive director; provided, however, that in no event shall such modifications result in a material reduction in the number of points assigned to the application pursuant to 13 VAC 10-180-60. The reservation of credits from the Commonwealth's annual state housing credit ceiling for the following year shall be made only to proposed developments that rank high enough to receive some credits from the state housing credit ceiling for the current year. However, any such reservation shall be in the sole discretion of the executive director if he determines it to be in the best interest of the plan. In the event a reservation or an allocation of credits from the current year or a prior year is reduced, terminated or cancelled, the executive director may substitute such credits for any credits reserved from the following year's annual state housing credit ceiling.

In the event that during any round of application review and ranking the amount of credits reserved within any pools is less than the total amount of credits made available therein during such round, the executive director may either (i) leave such unreserved credits in such pools for reservation and allocation in any subsequent round or rounds or (ii) redistribute such unreserved credits to such other pool or pools as the executive director may designate or (iii) carry over such unreserved credits to the next succeeding calendar year for inclusion in the state housing credit ceiling (as defined in § 42(h)(3)(C) of the IRC) for such year.

~~Notwithstanding anything contained herein, the executive director shall not reserve more than \$1,200,000 of credits to any general partner(s) or principal(s) of such general partner(s), directly or indirectly, in any credit year.~~

Within a reasonable time after credits are reserved to any applicants' applications, the executive director shall notify each applicant for such reservations of credits either of the amount of credits reserved to such applicant's application (by issuing to such applicant a written binding commitment to allocate such reserved credits subject to such terms and conditions as may be imposed by the executive director therein, by the IRC and by this chapter) or, as applicable, that the applicant's application has been rejected or excluded or has otherwise not been reserved credits in accordance herewith. The written binding commitment shall prohibit any transfer, direct or indirect, of partnership interests (except those involving the admission of limited partners) prior to the placed-in-service date of the proposed development unless the transfer is consented to by the executive director in his sole discretion.

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The authority's board shall review and consider the analysis and recommendation of the executive director for the reservation of credits to an applicant, and, if it concurs with such recommendation, it shall by resolution ratify the reservation by the executive director of the credits to the applicant, subject to such terms and conditions as it shall deem necessary or appropriate to assure compliance with the aforementioned binding commitment issued or to be issued to the applicant, the IRC and this chapter. If the board determines not to ratify a reservation of credits or to establish any such terms and conditions, the executive director shall so notify the applicant.

Subsequent to such ratification of the reservation of credits, the executive director may, in his discretion and without ratification or approval by the board, increase the amount of such reservation by an amount not to exceed 10% of the initial reservation amount. The executive director may require the applicant to make a good faith deposit or to execute such contractual agreements providing for monetary or other remedies as it may require, or both, to assure that the applicant will comply with all requirements under the IRC, this chapter and the binding commitment (including, without limitation, any requirement to conform to all of the representations, commitments and information contained in the application for which points were assigned pursuant to 13 VAC 10-180-60). Upon satisfaction of all such aforementioned requirements (including any post-allocation requirements), such deposit shall be refunded to the applicant or such contractual agreements shall terminate, or both, as applicable.

If, as of the date the application is approved by the executive director, the applicant is entitled to an allocation of the credits under the IRC, this chapter and the terms of any binding commitment that the authority would have otherwise issued to such applicant, the executive director may at that time allocate the credits to such qualified low-income buildings or development without first providing a reservation of such credits. This provision in no way limits the authority of the executive director to require a good faith deposit or contractual agreement, or both, as described in the preceding paragraph, nor to relieve the applicant from any other requirements hereunder for eligibility for an allocation of credits. Any such allocation shall be subject to ratification by the board in the same manner as provided above with respect to reservations.

The executive director may require that applicants to whom credits have been reserved shall submit from time to time or at such specified times as he shall require, written confirmation and documentation as to the status of the proposed development and its compliance with the application, the binding commitment and any contractual agreements between the applicant and the authority. If on the basis of such written confirmation and documentation as the executive director shall have received in response to such a request, or on the basis of such other available information, or both, the executive director determines any or all of the buildings in the development which were to become

qualified low-income buildings will not do so within the time period required by the IRC or will not otherwise qualify for such credits under the IRC, this chapter or the binding commitment, then the executive director may terminate the reservation of such credits and draw on any good faith deposit. If, in lieu of or in addition to the foregoing determination, the executive director determines that any contractual agreements between the applicant and the authority have been breached by the applicant, whether before or after allocation of the credits, he may seek to enforce any and all remedies to which the authority may then be entitled under such contractual agreements.

The executive director may establish such deadlines for determining the ability of the applicant to qualify for an allocation of credits as he shall deem necessary or desirable to allow the authority sufficient time, in the event of a reduction or termination of the applicant's reservation, to reserve such credits to other eligible applications and to allocate such credits pursuant thereto.

Any material changes to the development, as proposed in the application, occurring subsequent to the submission of the application for the credits therefor shall be subject to the prior written approval of the executive director. As a condition to any such approval, the executive director may, as necessary to comply with this chapter, the IRC, the binding commitment and any other contractual agreement between the authority and the applicant, reduce the amount of credits applied for or reserved or impose additional terms and conditions with respect thereto. If such changes are made without the prior written approval of the executive director, he may terminate or reduce the reservation of such credits, impose additional terms and conditions with respect thereto, seek to enforce any contractual remedies to which the authority may then be entitled, draw on any good faith deposit, or any combination of the foregoing.

In the event that any reservation of credits is terminated or reduced by the executive director under this section, he may reserve, allocate or carry over, as applicable, such credits in such manner as he shall determine consistent with the requirements of the IRC and this chapter.

VA.R. Doc. No. R98-81; Filed March 4, 1998, 9:06 a.m.



TITLE 16. LABOR AND EMPLOYMENT

DEPARTMENT OF LABOR AND INDUSTRY

Safety and Health Codes Board

REGISTRAR'S NOTICE: The following regulatory action is exempt from the Administrative Process Act in accordance with § 9-6.14:4.1 C 4 (c) of the Code of Virginia, which excludes regulations that are necessary to meet the requirements of federal law or regulations, provided such regulations do not differ materially from those required by federal law or regulation. The Safety and Health Codes Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 16 VAC 25-90-1910.1052. Occupational Exposure to Methylene Chloride, General Industry (29 CFR 1910.1052).

Statutory Authority: § 40.1-22(5) of the Code of Virginia.

Effective Date: May 1, 1998 for partial stay.

Summary:

For the second time, federal OSHA has allowed large employers additional time to come into compliance before certain provisions of the Methylene Chloride standard takes effect. OSHA has extended the federal start-up date for most provisions of the Methylene Chloride (MC) standard for larger employers by 45 days to December 21, 1997. In Virginia, compliance for larger employers has been extended to March 27, 1998.

Larger employers, who are subject to the federal regulation, were required to commence initial monitoring by September 7, 1997, and that date is unchanged. In Virginia, the compliance date for initial monitoring remains unchanged at December 15, 1997.

OSHA has also extended the start-up date for initial monitoring for foam manufacturers with 20 to 99 employees by 45 days to December 21, 1997; in Virginia, the start-up date for initial monitoring for this category of employers has been extended to March 27, 1998. Employers with fewer than 20 employees have later start-up dates which are not changed.

The federal start-up date for all provisions of the MC standard except initial monitoring and engineering controls for employers specified in 29 CFR 1910.1052(n)(2)(iii)(C) is extended to December 21, 1997 (255 days after the effective date of the standard); in Virginia, the start-up dates for this category of employers was extended to March 27, 1998. The federal start-up date for the initial monitoring provision of the MC standard is extended to December 21, 1997 (255 days after the effective date of the standard) for employers

specified in 29 CFR 1910.1052(n)(2)(i)(B), and in Virginia, the start-up date was extended to March 27, 1998.

The third and latest extension came in the granting of a partial stay of compliance deadlines requested on November 24, 1997, by labor and industry groups (62 FR 66275, December 18, 1997). For those employers subject to the motion who would otherwise need to use respiratory protection (29 CFR 1910.1052(g)(1)) on or before April 10, 1998, federal OSHA and the Virginia Occupational Safety and Health (VOSH) Program are delaying until August 31, 1998, the requirement to use respiratory protection to achieve the 8-hour TWA PEL. Federal OSHA and VOSH have delayed until December 10, 1998, employers' requirement to comply with the installation of engineering controls (29 CFR 1910.1052(f)(1)) to maintain exposures below those limits. (See note to paragraph 1910.1052(o).)

The MC standard for general industry, 29 CFR 1910.1052, also applies to all occupational exposures to MC in construction and shipyard employment. The above-referenced changes also apply to construction employment, 29 CFR 1926.1152, and shipyard employment, 29 CFR 1915.1052.

Agency Contact: Copies of the regulation may be obtained from Bonnie H. Robinson, Regulatory Coordinator, Department of Labor and Industry, 13 South 13th Street, Richmond, VA 23219, telephone (804) 371-2631.

Note on Incorporation by Reference

Pursuant to § 9-6.18 of the Code of Virginia, Occupational Exposure to Methylene Chloride, General Industry (29 CFR 1910.1052) is declared a document generally available to the public and appropriate for incorporation by reference. For this reason the entire document will not be printed in the Virginia Register of Regulations. Copies of the document are available for inspection at the Department of Labor and Industry, 13 South 13th Street, Richmond, Virginia 23219, and in the office of the Registrar of Regulations, General Assembly Building, Capitol Square, Richmond, Virginia 23219.

On February 9, 1998, the Safety and Health Codes Board adopted an identical version of federal OSHA's amendment extending the start-up dates for compliance for certain provisions of the final rule for Occupational Exposure to Methylene Chloride, General Industry, as published on October 20, 1997, at 62 FR 54382. Also on that date, the board adopted an identical version of federal OSHA's partial stay of start-up dates for compliance of certain provisions to the final rule for Occupational Exposure to Methylene Chloride, General Industry, as published on December 18, 1997, at 62 FR 66275.

The start-up date is extended to March 27, 1998, for compliance by certain designated employers on select provisions of the regulation. The effective date for the partial stay on compliance dates covering respiratory protection and installation of engineering controls by designated employers is May 1, 1998.

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When the regulations, as set forth in the amendment, the extensions of start-up dates of compliance and the partial stay of certain provisions of 16 VAC 25-90-1910.1052, Occupational Exposure to Methylene Chloride, General Industry, 29 CFR 1910.1052, are applied to the Commissioner of the Department of Labor and Industry or to Virginia employers, the following federal terms shall be considered to read as follows:

<u>Federal Terms</u>	<u>VOSH Equivalent</u>
29 CFR	VOSH Standard
Assistant Secretary	Commissioner of Labor and Industry
Agency	Department
October 20, 1997	May 1, 1998
December 18, 1997	May 1, 1998

Implementation Schedule

	<u>Virginia</u>
Adoption date	04/07/97
Effective date	07/15/97

Note: The following dates are based on the start-up dates listed in 29 CFR 1910.1052(n)(2).

Initial Monitoring (required by 29 CFR 1910.1052(d)(2))

For employers with fewer than 20 employees 1910.1052(n)(2)(i)(A)	within 300 days of 07/15/97 (05/11/98)
For polyurethane foam mfg'rs with 20 or more employees 1910.1052(n)(2)(i)(B)	within 255 days of 07/15/97 (03/27/98)
For employers with 20 or more employees not engaged in activities listed in note to 1910.1052(o) and not polyurethane foam mfg'rs 1910.1052(n)(2)(i)(C)	(12/15/97)
For other employers referenced in note to 1910.1052(o) such as "all other employers with 20 or more employees" unless polyurethane foam mfg'rs then 100 or more employees 1910.1052(n)(2)(i)(C)	within 150 days of 07/15/97 (12/15/97)

Engineering controls (required by 1910.1052(f)(1))

For employers with fewer than 20 employees 1910.1052(n)(2)(ii)(A)	within 3 years of 07/15/97 (07/15/00)
For polyurethane foam mfg'rs with 20 to 99 employees 1910.1052(n)(2)(ii)(B)	within 2 years of 07/15/97 (07/15/99)
For employers with 20 or more employees not engaged in activities listed in 1910.1052(o) and not polyurethane foam mfg'rs 1910.1052(n)(2)(ii)(C)	within 1 year of 07/15/97 (07/15/98) unless activity is one referenced in note to 1910.1052(o) then (12/10/98)
For employers referenced in note to 1910.1052(o) such as "All other employers with 20 or more employees" unless polyurethane foam mfg'rs then 100 or more employees	(12/10/98)
Respirators	
For 8-hour PEL (not STEL)	
For employers with fewer than 20 employees	(08/31/98)** (07/15/98 if not covered by note to 1910.1052(o))
For polyurethane foam mfg'rs with 20 to 99 employees	(08/31/98)
For employers with 20 or more employees not engaged in activities listed in note to 1910.1052(o) and not polyurethane foam mfg'rs	See "Other provisions" date: 03/27/98
For employers referenced in note to 1910.1052(o) such as "All other employers with 20 or more employees" unless polyurethane foam mfg'rs then 100 or more employees	(08/31/98)
All other requirements of 1910.1052 (Provisions including respiratory protection if not covered by note to 1910.1052(o))	
For employers with fewer than 20 employees 1910.1052 (n)(2)(iii)(A)	within 1 year of 07/15/97 (07/15/98)
For polyurethane foam mfg'rs with 20 to 99 employees 1910.1052(n)(2)(iii)(B)	within 270 days of 07/15/97 (04/11/98)
For all other employers with 20 or more employees	within 255 days of 07/15/97 (03/27/98)

not engaged in activities
listed in note to 1910.1052(o)
and not polyurethane
foam mfg'rs
1910.1052(n)(2)(iii)(C)

For employers referenced (03/27/98)
in note to 1910.1052(o)
such as "All other employers
with 20 or more employees"
unless polyurethane foam
mfg'rs then 100 or more
employees

Transitional dates: Exposure limits for MC specified in 29
CFR 1910.1000, Table Z-2, shall remain in effect until the
start-up dates for the exposure limits specified in 29 CFR
1910.1052(n), or if the exposure limits in this section are
stayed or vacated.

****Note to paragraph 1910.1052(o):** The requirement of 29
CFR 1910.1052(g)(1) to use respiratory protection whenever
an employee's exposure to MC exceeds or can reasonably
be expected to exceed the 8-hour TWA PEL is hereby stayed
until August 31, 1998, for employers engaged in
polyurethane foam manufacturing; foam fabrication; furniture
refinishing; general aviation aircraft stripping; formulation of
products containing MC; boat building and repair;
recreational vehicle manufacture; van conversion; upholstery;
and use of MC in construction work for restoration and
preservation of buildings, painting and paint removal, cabinet
making and/or floor refinishing and resurfacing.

The requirement of 29 CFR 1910.1052(f)(1) to implement
engineering controls to achieve the 8-hour TWA PEL and
STEL is hereby stayed until December 10, 1998, for
employers with more than 100 employees engaged in
polyurethane foam manufacturing and for employers with
more than 20 employees engaged in foam fabrication;
furniture refinishing; general aviation aircraft stripping;
formulation of products containing MC; boat building and
repair; recreational vehicle manufacture; van conversion;
upholstery; and use of MC in construction work for restoration
and preservation of buildings, painting and paint removal,
cabinet making and/or floor refinishing and resurfacing.



COMMONWEALTH of VIRGINIA

E. M. MILLER JR.
ACTING REGISTRAR OF REGULATIONS

JANE D. CHAFFIN
DEPUTY REGISTRAR

VIRGINIA CODE COMMISSION
General Assembly Building

910 CAPITOL STREET
RICHMOND, VIRGINIA 23219
(804) 786-3591
FAX (804) 692-0625

March 9, 1998

Mr. Linwood Saunders, Chairman
Virginia Safety and Health Codes Board
Department of Labor and Industry
13 South Thirteenth Street
Richmond, VA 23219

Attention: Bonnie H. Robinson
Regulatory Coordinator

Dear Mr. Saunders:

This letter acknowledges receipt of the amendments to 16 VAC 25-90-1910.1052, Occupational Exposure to Methylene Chloride, General Industry, submitted by the Department of Labor and Industry.

As required by § 9-6.14:4.1 C 4(c) of the Code of Virginia, I have determined that these regulations are exempt from the operation of Article 2 of the Administrative Process Act since they do not differ materially from those required by federal law.

Sincerely,

A handwritten signature in cursive script that reads "E. M. Miller, Jr." followed by a stylized initial "JH".

E. M. Miller, Jr.
Acting Registrar of Regulations

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

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 (amending 18 VAC 30-20-10, 18 VAC 30-20-50, 18 VAC 30-20-70, 18 VAC 30-20-80, 18 VAC 30-20-150, 18 VAC 30-20-160, 18 VAC 30-20-170, 18 VAC 30-20-180, 18 VAC 30-20-240 and 18 VAC 30-20-280; repealing 18 VAC 30-20-20, 18 VAC 30-20-30, 18 VAC 30-20-40, 18 VAC 30-20-60, 18 VAC 30-20-90, 18 VAC 30-20-100, 18 VAC 30-20-110, 18 VAC 30-20-120, 18 VAC 30-20-130, 18 VAC 30-20-140, 18 VAC 30-20-190, 18 VAC 30-20-200, 18 VAC 30-20-210, 18 VAC 30-20-220, 18 VAC 30-20-250, 18 VAC 30-20-260 [and ,] 18 VAC 30-20-270 [and Appendices I, II, and III]; adding 18 VAC 30-20-45).

Statutory Authority: § 54.1-2400 and Chapter 26 (54.1-2600 et seq.) of Title 54.1 of the Code of Virginia.

Effective Date: April 29, 1998.

Summary:

The amendments reduce the number and complexity of the regulations and simplify the requirements for licensure. Unnecessary or duplicative regulations have been repealed, and others have been clarified by amendment. Standards of conduct and requirements for licensure are set forth to ensure the competency of licensees for the health, safety, and welfare of the public.

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

1. 18 VAC 30-20-170 B was amended to (i) allow the applicant to qualify for licensure by obtaining a doctoral degree; (ii) delete reference to a branch of the credentialing body which no longer exists; and (iii) clarify that the applicant shall have passed the examination within three years of applying for licensure in Virginia or be actively practicing for 24 months immediately preceding application.
2. 18 VAC 30-20-240 was amended to relax the requirements for disclosure in the use of unlicensed assistants by eliminating the need for a written disclosure to be signed by the client or the client's representative.
3. 18 VAC 30-20-280 was amended to clarify that it is considered unprofessional conduct to misrepresent one's professional credentials.

Summary of Public Comment and Agency Response: A summary of comments made by the public and the agency's

response may be obtained from the promulgating agency or viewed at the office of the Registrar of Regulations.

Agency Contact: Copies of the regulation may be obtained from Elizabeth Young Tisdale, Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9111.

PART I.
GENERAL PROVISIONS.

Article 4.
Definitions.

18 VAC 30-20-10. Definitions.

The words and terms "audiologist," "board," "practice of audiology," "practice of speech-language pathology," "speech-language disorders," and "speech-language pathologist," when used in this chapter, shall have the meanings ascribed to them in § 54.1-2600 of the Code of Virginia.

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

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

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

~~"Audiologist" means any person who engages in the practice of audiology.~~

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

~~"Department" means the Department of Health Professions.~~

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

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

~~"Practice of audiology" means the practice of conducting measurement, testing and evaluation relating to hearing and vestibular systems, including audiologic and electrophysiological measures, and conducting programs of identification, hearing conservation, habilitation, and rehabilitation for the purpose of identifying disorders of the hearing and vestibular systems and modifying communicative disorders related to hearing loss including but not limited to vestibular evaluation, electrophysiological audiometry and cochlear implants. Any person offering services to the public under any descriptive name or title which would indicate that audiology services are being offered shall be deemed to be practicing audiology.~~

~~"Practice of speech language pathology" means the practice of facilitating development and maintenance of human communication through programs of screening,~~

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identifying, assessing and interpreting, diagnosing, habilitating and rehabilitating speech language disorders including, but not limited to:

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

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

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

"Speech language pathologist" means any person who engages in the practice of speech language pathology.

"Supervision" means that the audiologist or speech language pathologist is responsible for the entire service being rendered or activity being performed, is available for consultation, and is providing regular monitoring of clinical activities and competencies of the person being supervised.

Article 2. Legal base.

18 VAC 30-20-20. Legal base. (Repealed.)

The following legal base describes the responsibility of the Board of Audiology and Speech Language Pathology to promulgate regulations governing the licensure of audiologists and speech language pathologists in the Commonwealth of Virginia: Title 54.1:

- Chapter 1 (§§ 54.1-100 through 54.1-114);
- Chapter 24 (§§ 54.1-2400 through 54.1-2402.1);
- Chapter 25 (§§ 54.1-2500 through 54.1-2510); and
- Chapter 26 (§§ 54.1-2600 through 54.1-2603) of the Code of Virginia.

Article 3. Purpose.

18 VAC 30-20-30. Purpose. (Repealed.)

This chapter establishes the standards for training, examination, licensure, and practice of persons as audiologists and speech language pathologists in the Commonwealth.

Article 4. Applicability.

18 VAC 30-20-40. Applicability. (Repealed.)

Individuals subject to this chapter are (i) audiologists and (ii) speech language pathologists.

Exemptions: The provisions of this chapter shall not prevent (i) any persons employed by a federal, state, county or municipal agency, or an educational institution as a speech language or hearing specialist or therapist from performing the regular duties of his office or position; (ii) any student, intern, or trainee in audiology or speech language pathology, pursuing a course of study at an accredited university or college, or working in a recognized training center, under the direct supervision of a licensed or certified audiologist or speech language pathologist from performing services constituting a part of his supervised course of study; (iii) a licensed audiologist or speech language pathologist from employing or using the services of unlicensed persons as necessary to assist him in his practice.

PART II. OPERATIONAL RESPONSIBILITIES.

Article 1. Posting of License.

18 VAC 30-20-45. Required licenses.

There shall be separate licenses for the practices of audiology and speech language pathology. It is prohibited for any person to practice as an audiologist or a speech language pathologist unless the person has been issued the appropriate license.

18 VAC 30-20-50. Posting of license.

Each A licensee shall post his license in a main entrance or place conspicuous to the public in the each facility in which the licensee is practicing employed and holds himself out to practice.

18 VAC 30-20-60. Availability of license. (Repealed.)

A licensee shall be able to produce his wallet license upon request.

Article 2. Records.

18 VAC 30-20-70. Records; accuracy of information.

A. All changes of mailing address or name shall be furnished to the board within five 30 days after the change occurs.

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

~~PART III.
FEES.~~

~~Article 1.
Initial Fees.~~

18 VAC 30-20-80. Initial Fees.

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

- | | |
|---|-------|
| 1. Application for audiology or speech-language pathology license | \$100 |
| 2. Verification of licensure requests from other states | \$20 |
| 3. Biennial renewal | \$60 |
| 4. Reinstatement fee | \$50 |
| 5. Duplicate wall certificates | \$50 |
| 6. Duplicate license | \$10 |
| 7. Returned check | \$25 |

B. Fees shall be made payable to the Treasurer of Virginia and shall not be refunded once submitted.

~~Article 2.
Renewal Fees.~~

18 VAC 30-20-90. Renewal fees. (Repealed.)

~~The following annual fees shall be paid as applicable for renewal:~~

- ~~Audiology or speech language pathology license renewal~~
- | | |
|---|-----------------|
| By December 31, 1996 | \$20 |
| By December 31, 1997, and thereafter | \$30 |

~~Article 3.
Reinstatement Fee.~~

18 VAC 30-20-100. Reinstatement fee. (Repealed.)

~~In addition to all back renewal fees, the following fee shall be paid for reinstatement of license for each year up to three years following expiration (see 18 VAC 30-20-160):~~

- | | |
|---|-----------------|
| Reinstatement fee per year of expiration | \$50 |
|---|-----------------|

~~Article 4.
Other Fees.~~

18 VAC 30-20-110. Duplicates. (Repealed.)

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

- | | |
|--|------------------|
| Duplicate wall certificates | \$50. |
|--|------------------|

18 VAC 30-20-120. Other fee information. (Repealed.)

~~There shall be a fee of \$25 for returned checks.~~

~~B. Fees shall not be refunded once submitted.~~

~~PART IV II.
RENEWALS RENEWAL AND REINSTATEMENT.~~

~~Article 1.
Expiration Dates.~~

18 VAC 30-20-130. Expiration dates. (Repealed.)

~~The following licenses shall expire on December 31 of each calendar year:~~

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

18 VAC 30-20-140. Failure to renew. (Repealed.)

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

~~Article 2.
Renewal.~~

18 VAC 30-20-150. Renewal.

A. A person who desires to renew his license for the next year shall, not later than the expiration date: ~~1. December 31 of each odd-numbered year,~~ return the renewal notice and applicable renewal fee; ~~and~~

- ~~2. Notify the board of any changes in name and address.~~

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

~~Article 3.
Reinstatement.~~

18 VAC 30-20-160. Reinstatement.

A. When a license is not renewed by the expiration date, the board may consider reinstatement of a license up to three two years of expiration. ~~See 18 VAC 30-20-100. In addition to the back renewal fee, a reinstatement fee as prescribed in 18 VAC 30-20-80 shall be paid.~~

B. A licensee who does not reinstate within three two years as prescribed by subsection A of this section shall reapply for licensure as prescribed by Part ~~V III~~ (18 VAC 30-20-170 et seq.) of this chapter and meet the qualifications for licensure in effect at the time of the new application.

~~PART V III.
REQUIREMENTS FOR LICENSURE.~~

~~Article 1.
Licensure.~~

18 VAC 30-20-170. Requirements for licensure.

[A.] The board may grant a license to any an applicant who meets one of the following sets of requirements for licensure:

1. [a.] Holds a current and unrestricted Certificate of Clinical Competence in the area in which he seeks licensure issued by the American Speech-Language [-]

Final Regulations

Hearing Association. Verification of currency shall be in the form of a certified letter from the American Speech-Language [-] Hearing Association issued within six months prior to licensure; and

[~~b. 2.~~] Has passed the qualifying examination for the Certificate of Clinical Competence within three years preceding the date of licensure, or has held employment in the area for which he seeks licensure for one of the past three consecutive years or two of the past five consecutive years [~~;-or.~~]

[B. The board may grant a license to an applicant who:]

[~~2-a. 1.~~] Holds a master's [or doctoral] degree from a college or university whose audiology and speech-language program is accredited by the [~~Educational Standards Board of the~~] American Speech-Language [and -] Hearing Association or an equivalent accrediting body; and

[~~b. 2.~~] Has passed a qualifying examination approved by the board. The applicant shall have passed the examination within three years preceding the date of [applying for] licensure [in Virginia] or have been actively engaged in the respective profession during the 24 months immediately preceding the date of application.

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

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

b. Meets one combination of qualifications prescribed in subdivisions 1 b (1) and 1 b (2) of this section or subdivisions 1 b (3) and 1 b (4) of this section. If the applicant does not meet one of the combinations of qualifications prescribed in this subdivision, the applicant who is or has been licensed in another state or the District of Columbia shall qualify under subdivision 1 c of this section:

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

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

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

(4) Has passed a qualifying examination approved by the board that was taken and passed within three years preceding the date of licensure; or

e. Meets the requirements of the regulations of the board for licensure of audiologists and speech-language pathologists under subdivision 3 of 18 VAC 30-20-170.

2. Certificate or clinical competence. This subdivision applies to all applicants who are not currently licensed in another state or the District of Columbia or who have not previously been licensed in another state or the District of Columbia. The applicant shall meet one combination of qualifications prescribed in subdivisions 2 a and 2 b of this section or subdivisions 2 c and 2 d of this section. If the applicant does not meet one of the combinations of qualifications prescribed in this subdivision, the applicant shall qualify under subdivision 3 of 18 VAC 30-20-170. The board may grant a license if the applicant:

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

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

c. Holds a current and unrestricted Certificate of Clinical Competence in the area in which he seeks licensure issued by the American Speech-Language Hearing Association issued within six months prior to licensure; and

d. Has passed a qualifying examination approved by the board that was taken and passed within three years preceding the date of licensure; or

e. Meets the requirements of the board for licensure of audiologists and speech-language pathologists under subdivision 3 of 18 VAC 30-20-170.

3. Education and examination.

a. Examination. The applicant shall pass a qualifying examination approved by the board. The examination shall have been passed within three years preceding the date of licensure. Exception: No further examination will be required for applicants having passed the board approved examination at any time

prior to licensure if they have been actively engaged in the respective profession during the 24 months immediately preceding the date of application.

b. Degree and coursework equivalency.

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

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

(3) Supervised clinical experience (all candidates).

(a) The applicant shall complete 375 clock hours of supervised clinical observation and supervised clinical practicum combined. The clock hours of supervised clinical experience shall be provided by a college or university whose audiology and speech language pathology program is accredited by the Educational Standards Board of the American Speech Language and Hearing Association or an equivalent accreditation. See Appendix III.

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

4. Clinical observation. Twenty five of the 375 clock hours (see 18 VAC 30 20 170 3 b (3)) shall be in clinical observation prior to beginning clinical practicum.

5. Clinical practicum. Three hundred fifty of the 375 clock hours (see 18 VAC 30 20 170 3 b (3)) shall be in a clinical practicum. At least 250 of those 350 clock hours shall be in clinical hours at the graduate level in the area in which the license is sought. At least 50 of the 350 clock hours shall be in each of three types of clinical settings such as, but not limited to, public schools, private practice, free clinic, hospital setting.

For a specific breakdown of the clinical clock hours required for both speech language and audiology applicants, see Appendix III.

Article 2.
Application Process.

18 VAC 30-20-180. Application process.

A. Prior to seeking licensure as an audiologist or speech language pathologist, an applicant shall submit:

1. A completed and signed application;

2. The applicable fee prescribed in 18 VAC 30-20-80; and

3. Additional documentation as may be required by the board to determine eligibility of the applicant.

B. An incomplete application package shall be retained by the board for a period of one year.

18 VAC 30-20-190. Incomplete applications. (Repealed.)

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

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

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

PART VI IV.
STANDARDS OF PRACTICE.

Article 1.
General.

18 VAC 30-20-200. General. (Repealed.)

There shall be separate licenses for the practice of audiology and speech language pathology.

18 VAC 30-20-210. Unauthorized practice. (Repealed.)

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

18 VAC 30-20-220. Titles reserved. (Repealed.)

The titles of audiologist and speech language pathologist shall be reserved under law for the use by licensed practitioners only.

18 VAC 30-20-240. Core of knowledge Supervisory responsibilities; supervision of unlicensed assistants.

Every A. A licensed audiologist and speech language pathologist shall provide supervision to unlicensed assistants, shall be held fully responsible for the [his their] performance and activities of their unlicensed assistants, and shall ensure that [he performs they perform] only those activities which do not constitute the practice of audiology or speech language pathology and which are commensurate with [his their] level of training.

B. The identity of the unlicensed assistant shall be disclosed [in writing and provided] to the client prior to treatment [The disclosure and] shall be made a part of the client's file [and shall be signed by the client or the client's representative].

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Article 2. Core of Knowledge.

18 VAC 30-20-250. Demonstration of skills. (Repealed.)

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

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

18 VAC 30-20-260. Additional skill requirements; audiologist. (Repealed.)

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

1. Conducting evaluation of the function of the auditory and vestibular systems, including the use of electrophysiological techniques and the evaluation of tinnitus;
2. Evaluation of auditory processing; and
3. Principles, procedures, and techniques of organizing and administering industrial hearing conservation programs, including noise surveys, the use of hearing

protective devices, and the training and supervising of audiometric technicians.

18 VAC 30-20-270. Additional skill requirements; speech language pathologist. (Repealed.)

In addition, the speech language pathologist shall be able to demonstrate knowledge, skills, and abilities relevant to the specific practice in the following:

1. Evaluation and treatment of disorders of the oral and pharyngeal mechanism as they relate to communication, including but not limited to dysphagia; and
2. Use of alternative communication devices and appliances facilitating communication.

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

Article 1. Unprofessional conduct.

18 VAC 30-20-280. Unprofessional conduct.

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

1. Guaranteeing *Guarantee* of the results of any speech, voice, language, or hearing consultative or therapeutic procedure;
2. Diagnosis or treatment of speech, voice, language, and hearing disorders *solely* by *written* correspondence, provided this shall not preclude:
 - a. Follow-up *written* correspondence of *concerning* individuals previously seen; or
 - b. Providing the persons served professionally *patients* with general information of an educational nature.
3. Revealing to unauthorized persons *Disclosure* of confidential patient information obtained from the individual he serves professionally to *unauthorized persons* without the permission of the individual served *patient unless otherwise authorized by law*;
4. Exploitation of persons served professionally *patients* by accepting them for treatment when benefit cannot reasonably be expected to occur, or by continuing treatment unnecessarily;
5. Incompetence or negligence in the practice of the profession as well as failure to disclose use and identity of unlicensed assistants (see 18 VAC 30-20-250). The disclosure and the identity of the unlicensed assistant shall be in writing and provided to the client prior to treatment. The disclosure shall be made a part of the

client's file and shall be signed by the client or the client's representative;

6. ~~Failing to recommend a physician consultation and examination for any communicatively impaired person (before the fitting of a new or replacement prosthetic aid on such person) not referred or examined by a physician within the preceding six months~~ *Failure to comply with applicable state and federal statutes or regulations specifying the consultations and examinations required prior to the fitting of a new or replacement prosthetic aid for any communicatively impaired person;*

7. ~~Failing~~ *Failure to refer a client to a physician when there is evidence of an impairment that might respond to medical treatment. Exception: This would not include communicative disorders of nonorganic origin an appropriate health care practitioner when there is evidence of an impairment for which assessment, evaluation, care or treatment might be necessary;*

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

9. ~~Conviction of a felony related to the practice for which the license is granted or a misdemeanor involving moral turpitude;~~

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

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

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

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

14. ~~Exceeding the scope of practice; and [14. Misrepresentation of one's professional credentials;]~~

[15. 44.] ~~Aiding and abetting unlicensed activity; or~~

[45. 16.] ~~Revocation, suspension, restriction or any other discipline of a license or certificate to practice or surrender of license or certificate while investigation or administrative proceedings are pending in another state, the District of Columbia, a United States possession or territory, or a foreign jurisdiction.~~

APPENDIX I. Basic Science Coursework.

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

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

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

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

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

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

APPENDIX II. Professional Coursework.

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

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

~~A. Speech and language candidates-~~

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

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

(1) ~~Three semester hours in hearing disorders and hearing evaluation; and~~

(2) ~~Three semester hours in habilitative/rehabilitative procedures.~~

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

(1) ~~Six semester hours in speech disorders;~~

(2) ~~Six semester hours in language disorders; and~~

(3) ~~Nine semester hours in electives in speech and language.~~

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

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

~~B. Audiology candidates.~~

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

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

~~(1) Three semester hours in speech disorders; and~~

~~(2) Three semester hours in language disorders.~~

~~b. At least 24 of the 30 semester hours shall be in the professional area in which licensure is sought:~~

~~(1) Six semester hours in hearing disorders and hearing evaluation;~~

~~(2) Six semester hours in habilitative/rehabilitative procedures; and~~

~~(3) Nine semester hours in electives in audiology.~~

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

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

~~APPENDIX III. Clinical Practicum.~~

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

~~The applicant shall gain experience by working in at least three types of clinical settings such as, but not limited to, public schools, private practice, nursing homes, free clinics, hospital settings, etc. At least 50 hours shall be served in each of the three types of settings. (See subdivision 5 of 18 VAC 30-20-170)~~

~~A. Speech and language candidates.~~

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

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

~~(1) Twenty clock hours in evaluation: speech disorders in children;~~

~~(2) Twenty clock hours in evaluation: speech disorders in adults;~~

~~(3) Twenty clock hours in evaluation: language disorders in children;~~

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

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

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

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

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

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

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

~~(1) Fifteen clock hours in evaluation/screening.~~

~~(2) Fifteen clock hours in habilitation/rehabilitation.~~

~~(3) Five clock hours in audiology electives.~~

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

~~2. One hundred of the 350 graduate clock hours may be at the undergraduate level.~~

~~B. Audiology candidates.~~

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

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

~~(1) Forty clock hours in evaluation: hearing in children;~~

~~(2) Forty clock hours in evaluation: hearing in adults;~~

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

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

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

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

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

~~(1) Fifteen graduate clock hours in evaluation/screening;~~

~~(2) Fifteen graduate clock hours in treatment; and~~

~~(3) Five graduate clock hours in electives.~~

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

~~2. One hundred of the 350 clock hours may be at the undergraduate level.~~

FORMS

~~Application for Licensure for Audiologist and Speech Language Pathologists.~~

~~Endorsement Certification Form.~~

~~Renewal Notice.~~

~~Licensure Reinstatement.~~

~~Application for Licensure, 7/97.~~

~~Licensure Reinstatement Application, 7/97.~~

~~Endorsement Certification Form, 7/97.~~

~~Renewal Notice, 7/97.~~



COMMONWEALTH OF VIRGINIA
DEPARTMENT OF HEALTH PROFESSIONS
BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE
PATHOLOGY
6606 W. BROAD STREET, 4TH FLOOR
RICHMOND, VIRGINIA 23230-1717



APPLICATION FOR LICENSURE

(804) 662-7390

FEE: \$100 Check or money order must accompany this application. Applications received without the appropriate fees will be returned to applicant. Make check or money order payable to the Treasurer of Virginia. ALL FEES ARE NON-REFUNDABLE.
(Check the box that pertains to the type of license that you are seeking)
 Audiology Speech-Language Pathology

7/97

DISCLOSURE OF SOCIAL SECURITY OR VIRGINIA DMV CONTROL NUMBER. In accordance with a provision of the Code of Virginia, you are required to submit your Social Security Number or your control number issued by the Virginia Department of Motor Vehicles. If you fail to do so, the processing of your application will be suspended and fees will not be refunded. This number will be used by the Department of Health Professions for identification and will not be disclosed for other purposes except as provided for by law. Federal and state law requires that this number be shared with other agencies for child support enforcement activities. **NO LICENSE, CERTIFICATION OR REGISTRATION WILL BE ISSUED TO ANY INDIVIDUAL WHO HAS FAILED TO DISCLOSE ONE OF THESE NUMBERS.** In order to obtain a Virginia driver's license control number, it is necessary to appear in person at an office of the Department of Motor Vehicles in Virginia. A fee and disclosure of your Social Security Number will be required.

I. IDENTIFYING INFORMATION: Name in full (please type or print)

LAST	FIRST	MIDDLE INITIAL
HOME ADDRESS	CITY	STATE
DATE OF BIRTH	SOCIAL SECURITY NUMBER	AREA CODE & TELEPHONE NUMBER

II. HOW DO YOU QUALIFY FOR LICENSURE? (Check the way in which you are applying for licensure; Check only ONE even though you may qualify for more than one.)

ENDORSEMENT CERTIFICATE OF CLINICAL COMPETENCE EDUCATION

III. PROFESSIONAL LICENSURE IN ANOTHER JURISDICTION. If you are currently licensed or have been licensed in another jurisdiction, provide all the information below and complete the licensure verification form for each and forward to the jurisdiction you have licensed. Use each box once or as necessary to list all licenses.

JURISDICTION	DATE OF EXPIRATION	STATUS

SHOULD THE STATUS OF YOUR AUDIOLOGY OR SPEECH-LANGUAGE PATHOLOGY LICENSURE IN ANOTHER JURISDICTION CHANGE PENDING CONSIDERATION OF THIS APPLICATION, YOU ARE REQUIRED TO INFORM THIS BOARD IN DETAIL IMMEDIATELY. THE FAILURE TO DO SO MAY CONSTITUTE GROUNDS FOR DENIAL OF YOUR APPLICATION OR SUBSEQUENT DISCIPLINARY ACTION.

IV. CERTIFICATE OF CLINICAL COMPETENCE (If applicable provide the certified letter from ASHA.)

Yes I am currently certified with ASHA as having my certificate of clinical competence.

V. EDUCATION:

1. UNDERGRADUATE SCHOOL			
ADDRESS	CITY	STATE	ZIP CODE
DATE OF GRADUATION			
2. GRADUATE SCHOOL			
ADDRESS	CITY	STATE	ZIP CODE
DATE OF GRADUATION			

VI. REQUIRED DOCUMENTATION: The following documents must be on file or received in the office in order for the application will be processed. Please indicate as required below:

Transcript transcripts must state that the degree was conferred.	ATTACHED	NEEDS WITH BOARD JUDICE	OTHER, (SEE 2a)
Certified Certificate of Clinical Competence (ASHA)			
Certified Undergraduate and Graduate transcript			
Certified Clock-hour form indicating 175 hours			

VII. AFFIDAVIT

1. Have you ever been convicted of any criminal offense other than minor traffic violations? Yes No If yes, explain: _____

2. Have you ever had a license to practice audiology or speech-language pathology lawfully voluntarily surrendered, placed on probation, suspended, revoked, or have you been otherwise found in violation of laws of any Board that regulates audiology or speech-language pathology? Yes No If yes, explain: _____

VIII. AFFIDAVIT (To be completed in the presence of a Notary Public)

State of _____ County/City of _____

I, _____ am applying to be licensed to practice Audiology or Speech-Language Pathology in the Commonwealth of Virginia. I will, at all times, abide by the laws of the Commonwealth and Regulations of the Board of Audiology and Speech-Language Pathology governing such practice.

I understand that should I violate any of these laws or regulations, this action may be taken against my license by due process.

I hereby certify that all statements contained in this application, and all representations and documents presented by me in connection with this application are true and correct.

Signature of Applicant: _____

Subscribed and sworn to before me this _____ day of _____, 19____.

My Commission expires _____.

Notary Public: _____

SEAL

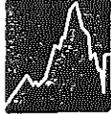
FOR OFFICE USE ONLY

APPROVED _____

DATE _____

LICENSE NUMBER _____

Virginia Register of Regulations
2164

	<p>COMMONWEALTH OF VIRGINIA DEPARTMENT OF HEALTH PROFESSIONS BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY 6606 W. BROAD STREET, 4TH FLOOR RICHMOND, VIRGINIA 23230-1717</p>	
LICENSURE REINSTATEMENT APPLICATION 7/97		(804) 662-7390

Check or money order must accompany this application. Applications received without the appropriate fees will be returned to applicant.
 May check or money order payable to the Treasurer of Virginia. ALL FEES ARE NON-REFUNDABLE.

DISCLOSURE OF SOCIAL SECURITY OR VIRGINIA DMV CONTROL NUMBER. In accordance with § 54.1-116 of the Code of Virginia, you are required to submit your Social Security Number or your control number* issued by the Virginia Department of Motor Vehicles. If you fail to do so, the processing of your application will be suspended and fees will not be refunded. This number will be used by the Department of Health Professions for identification and will not be disclosed for other purposes except as provided for by law. Federal and state law requires that this number be shared with other agencies for child support enforcement activities. **NO LICENSE, CERTIFICATION OR REGISTRATION WILL BE ISSUED TO ANY INDIVIDUAL WHO HAS FAILED TO DISCLOSE ONE OF THESE NUMBERS.*** In order to obtain a Virginia driver's license control number, it is necessary to appear in person at an office of the Department of Motor Vehicles in Virginia. A fee and disclosure of your Social Security Number will be required.

I. IDENTIFYING INFORMATION: Name in full (please type or print)

LAST	MIDDLE	FIRST	MIDDLE-MAIDEN
HOME ADDRESS	CITY	STATE	ZIP CODE
DATE OF BIRTH	SOCIAL SECURITY NUMBER	AREA CODE & TELEPHONE NUMBER	

II. APPLICATION INFORMATION: Check all that apply

Reinstatement of audiology license (\$50 per year of expiration, plus back renewal fees)

Reinstatement of speech-language pathology license (\$50 per year of expiration, plus back renewal fees)

III. LICENSE INFORMATION: Name at the time of initial licensure

LAST	MIDDLE	FIRST	MIDDLE-MAIDEN
FORMER LICENSE NUMBER	EXPIRATION DATE		

IV. EMPLOYMENT HISTORY: Please list all employment since expiration date. If more space is needed, please provide attachments.

FACILITY NAME	ADDRESS	CITY STATE ZIP CODE
JOB RESPONSIBILITIES	DATES OF EMPLOYMENT	
FACILITY NAME	ADDRESS	CITY STATE ZIP CODE
JOB RESPONSIBILITIES	DATES OF EMPLOYMENT	
FACILITY NAME	ADDRESS	CITY STATE ZIP CODE
JOB RESPONSIBILITIES	DATES OF EMPLOYMENT	

V. IMPAIRED PRACTICE:

A. Have you ever been convicted of any criminal offense other than minor traffic violations? Yes No. If yes, please explain _____

B. Have you ever had a license lapse, voluntarily surrendered, placed on probation, suspended, revoked, or have been otherwise disciplined, or ever been the subject of an investigation by any Board that regulates audiology and speech-language pathology? Yes No. If yes, please explain: _____

VI. AFFIDAVIT (To be completed in the presence of a Notary Public)

State of _____ County/City of _____

I, _____ am applying to be licensed to practice Audiology or Speech-Language Pathology in the Commonwealth of Virginia. I will, at all times, abide by the laws of the Commonwealth and Regulations of the Board of Audiology and Speech-Language Pathology governing such practice.

I understand that should I violate any of these laws or regulations, that action may be taken against my license by due process.

I hereby certify that all statements contained in this application, and all representations and documents presented by me in connection with this application are true and correct.

Signature of Applicant

Subscribed and sworn to before me this _____ day of _____, 19____.

My Commission expires _____

Notary Public

SEAL

FOR OFFICE USE ONLY
APPROVED _____
DATE _____
LICENSE NUMBER _____

Department of Health Professions
COMMONWEALTH OF VIRGINIA
RENEWAL NOTICE AND APPLICATION

Telephone: _____
License, certificate or registration number: _____

TYPE OF RENEWAL	QUANTITY PROVISIONAL	CURRENT AMOUNT DUE	TYPE RENEWAL PERIOD	TO	AMOUNT DUE BY 12/31/1998
		\$			\$

**MAKE CHECK PAYABLE TO THE TREASURY OF VIRGINIA.
RETURN PAYMENT AND THE COMPLETED BOTTOM PORTION ONLY IN THE ENCLOSED ENVELOPE.
KEEP TOP PORTION FOR YOUR RECORDS.**

INSTRUCTIONS

1. Verify Social Security or Virginia DMV Control Number at left.
2. Complete item 7, below if you do not wish to renew.
3. Make any address changes on this application when renewing.
4. Make any license or registration changes on this application and attach a copy of your license or registration certificate.
5. Note name and license, certificate or registration number on all enclosures.
6. Return the bottom portion of this application in the enclosed envelope.

Check here if you do not wish to renew, and sign below.

Signature _____

THIS BOTTOM PORTION MUST BE RETURNED IN ORDER TO RENEW

DISCLOSURE OF SOCIAL SECURITY OR VIRGINIA DMV CONTROL NUMBER
The number for your Social Security or Virginia DMV Control Number is required for the processing of your application. It should be typed on this application and will not be included in the processing of your application. It should be typed on this application and will not be included in the processing of your application. It should be typed on this application and will not be included in the processing of your application. It should be typed on this application and will not be included in the processing of your application.

NO LICENSE, CERTIFICATION OR REGISTRATION WILL BE ISSUED TO ANY INDIVIDUAL WHO HAS FAILED TO DISCLOSE ONE OF THESE NUMBERS.

To verify Social Security or Virginia DMV Control Number, licensees may report incorrect number of the Department of Motor Vehicles or Virginia Department of Health Professions. Licensees who report incorrect Social Security Number will be reported.



COMMONWEALTH OF VIRGINIA
DEPARTMENT OF HEALTH PROFESSIONS
BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE
PATHOLOGY

6606 W. BROAD STREET, 4TH FLOOR
RICHMOND, VIRGINIA 23230-1717

ENDORSEMENT CERTIFICATION FORM 7/97

(804) 662-7390



Sections I-II: To be completed by applicant.
Sections III-VI: To be completed by State Board and returned to the Virginia Board of Audiology and Speech-Language Pathology

I. IDENTIFYING INFORMATION: Name in full (please type or print)

LAST	SUFFIX	FIRST	MIDDLE/MAIDEN
HOME ADDRESS		CITY	STATE
DATE OF BIRTH	SOCIAL SECURITY NUMBER	OR	DMV CONTROL NUMBER
		AREA CODE & TELEPHONE NUMBER	

II. DISCLOSURE OF INFORMATION

I hereby authorize the release of the following information to the Virginia Board of Audiology and Speech-Language Pathology and authorize the Board to secure additional information concerning me or any statement in this application, from any person or source the Board may require. I, further agree to submit to questioning by the Board or any member or agent thereof, and to substantiate any statement to the Board or its agent as it deems necessary.

Signature of Applicant _____ Date _____ Name of State _____

STATE BOARD INFORMATION:
(To be completed by the office of the State Board where your license was obtained)

III. IDENTIFYING INFORMATION OF APPLICANT: Name in full (please type or print)

LAST	FIRST	MIDDLE	MAIDEN
TYPE OF LICENSE	INITIAL LICENSE DATE	EXPIRATION DATE	

IV. HOW DID THE APPLICANT QUALIFY FOR LICENSURE:
Reciprocity _____ Endorsement _____ or as a primary (original) license _____

V. STATUS OF LICENSE:
Current _____ Inactive _____ Expiration Date _____

VI. STANDING OF LICENSE
Has this license ever been suspended, revoked, or otherwise disciplined? Yes _____ No _____
Is there a probationary period in force? Yes _____ No _____ If yes, to any item, please attach an explanation.

I certify that the information contained in this Endorsement Certification Form is true in every respect in accordance with the records on file with: _____
State and Official Name of Board

Executive Officer _____
Title _____
Date _____

SEAL

VA R. Doc. No. R97-754; Filed March 3, 1998, 11:25 a.m.

GOVERNOR

EXECUTIVE ORDER NUMBER FOUR (98)

DECLARATION OF A STATE OF EMERGENCY THROUGHOUT THE COMMONWEALTH OF VIRGINIA ARISING FROM SEVERE WEATHER WITH HEAVY SNOWFALL IN THE WESTERN PORTION OF THE STATE AND INLAND AND COASTAL FLOODING

On January 28, 1998, I verbally declared a State of Emergency due to severe weather, accompanied by heavy snowfall in the western portion of the state, riverine flooding, coastal flooding and high winds for the purpose of (1) deploying key state agencies to render all possible assistance to citizens and localities and (2) activating the Virginia National Guard to facilitate evacuation and assistance to persons impacted by the storms. Furthermore, this declaration was extended to include a projected storm forecast to impact the state between February 2-6, 1998.

These storm systems have caused extremely hazardous conditions resulting in widespread power outages, fuel and other resource problems with serious effects on public health and safety. In addition, these storm systems have the potential to cause economic losses to affected businesses including the agricultural community.

The health and general welfare of the citizens of the affected jurisdictions required that state action be taken to help alleviate conditions that are caused by the severe weather, including heavy snowfall, cold temperatures, flooding, and high winds. Potential emergencies include inability to provide rescue services to stranded persons, blockage of critical roadways, interruption of fuel, food and water supplies, and other essentials including loss of power to residents and the business community. I found that these actual and predicted conditions and consequences constituted a natural disaster as contemplated by § 44-146.16 of the *Code of Virginia*.

Therefore, by virtue of the authority vested in me by § 44-146.17 of the *Code of Virginia*, as Governor and as Director of Emergency Services, and by virtue of the authority vested in me by Article V, Section 7 of the Constitution of Virginia and by § 44-75.1 of the *Code of Virginia*, as Governor and Commander-in-Chief of the armed forces of the Commonwealth and subject always to my continuing and ultimate authority and responsibility to act in such matters, I hereby declare a state of emergency exists in the Commonwealth and direct that appropriate assistance be rendered by agencies of both state and local governments to prepare for and alleviate any conditions arising from these major winter storms, and to implement recovery and mitigation operations and activities so as to return impacted areas to pre-disaster conditions insofar as possible. Pursuant to §§ 44-75.1 A 3 and 4 of the *Code of Virginia*, I also direct that the Virginia National Guard and the Virginia Defense Force be called forth to state duty to assist in providing such aid.

In order to marshal all public resources and appropriate preparedness measures to meet this threat, and in

accordance with my authority contained in § 44-146.17 of the Emergency Services and Disaster Law, I hereby order the following protective measures:

1. The full employment by agencies of the state and local governments of the Commonwealth of Virginia Emergency Operations Plan (COVEOP), revised July 1997;
2. The implementation by public agencies under my supervision and control of their emergency assignments as directed in the COVEOP without regard to normal procedures pertaining to performance of public work, entering into contracts, incurring of obligations, or other logistical and support measures, pursuant to § 44-146.28 (b) of the Emergency Services and Disaster Law. Section 44-146.24 of the *Code of Virginia* also applies to the disaster activities of state agencies;
3. The full utilization of services, equipment, supplies, and facilities of existing departments, offices, and agencies of the Commonwealth and the political subdivisions thereof to the maximum extent practical, and to cooperate with and extend such services and facilities to the Governor and to the Department of Emergency Services upon request, pursuant to § 44-146.24 of the *Code of Virginia*; and
4. The authorization of the Departments of State Police, Transportation, and Motor Vehicles to grant temporary overweight/registration/license exemptions to carriers transporting essential emergency relief supplies into and within the Commonwealth in order to support disaster response and recovery.

The axle and gross weights shown below are the maximum allowed, unless otherwise posted.

Axle Weights

Any One Axle	24,000 Pounds
Tandem Axles (more than 40 inches but not more than 96 inches spacing between axle centers)	44,000 Pounds
Three Axle Group	54,500 Pounds
Four Axle Group	64,500 Pounds

Gross Weights

Single Unit (2 Axles)	44,000 Pounds
Single Unit (3 Axles)	60,000 Pounds
Tractor-Semitrailer (4 Axles)	70,000 Pounds
Tractor-Semitrailer (5 or more Axles)	90,000 Pounds
Tractor-Twin Trailers (5 or more Axles)	90,000 Pounds
Other Combinations (5 or more Axles)	90,000 Pounds

No more than 850 pounds per inch of tire width in contact with road surface.

In addition to described overweight transportation privileges, carriers are also exempt from registration with the Department of Motor Vehicles (DMV). This includes the vehicles en route and returning to their home base.

Governor

The above-cited agencies shall communicate this information to all staff responsible for truck size, weight, and legalization enforcement.

This authorization shall apply to hours worked by any carrier when transporting passengers, property and equipment, food and fuel supplies to or from any portion of the Commonwealth for purpose of providing relief or assistance as a result of this disaster, pursuant to § 52-8.4 of the *Code of Virginia*.

The foregoing overweight transportation privileges and the regulatory exemption provided by § 52-8.4 A of the *Code of Virginia*, and implemented in Section 2.3.B of VR 545-01-1 [19 VAC 30-20-40], "Motor Carrier Safety Regulations," shall remain in effect through March 28, 1998, or until emergency relief is no longer necessary, whichever is earlier.

The following conditions apply to the employment of the Virginia National Guard and the Virginia Defense Force:

1. The Adjutant General of Virginia, after consultation with the State Coordinator of Emergency Services, shall make available on state active duty such units and members of the Virginia National Guard and Virginia Defense Force and such equipment as may be desirable to assist in emergency response and in alleviating the human suffering and damage to property as a result of these major winter storms.

2. In all instances, members of the Virginia Army National Guard and Virginia Defense Force shall remain subject to military command as prescribed by § 44-78.1 of the *Code of Virginia* and not subject to the civilian authorities of the state or local governments. This shall not be deemed to prohibit working in close cooperation with members of the Virginia Departments of State Police or Emergency Services or local law enforcement authorities or receiving guidance from them in the performance of their duties.

3. Should service under this Executive Order result in the injury or death of any member of the Virginia National Guard, the following will be provided to the member and the member's dependents or survivors:

(a) Workers' compensation benefits provided to members of the National Guard by the Virginia Workers' Compensation Act, subject to the requirements and limitations thereof; and, in addition,

(b) The same benefits, or their equivalent, for injury, disability and/or death, as would be provided by the federal government if the member were serving on federal active duty at the time of the injury or death. Any such federal-type benefits due to a member and his or her dependents or survivors during any calendar month shall be reduced by any payments due under the Virginia Workers' Compensation Act during the same month. If and when the time period for payment of workers' compensation benefits has elapsed, the member and his or her dependents or survivors shall

thereafter receive full federal-type benefits for as long as they would have received such benefits if the member had been serving on federal active duty at the time of injury or death. Any federal-type benefits due shall be computed on the basis of military pay grade E-5 or the member's military grade at the time of injury or death, whichever produces the greater benefit amount. Pursuant to § 44-14 of the *Code of Virginia*, and subject to the concurrence of the Board of Military Affairs, and subject to the availability of future appropriations which may lawfully be applied to this purpose, I now approve of future expenditures out of appropriations to the Department of Military Affairs for such federal-type benefits as being manifestly for the benefit of the military service.

4. The following conditions apply to service by the Virginia Defense Force:

(a) Compensation shall be at a daily rate that is equivalent of base pay only for a National Guard Unit Training Assembly, commensurate with the grade and years of service of the member, not to exceed 20 years of service;

(b) Lodging and meals shall be provided by the Adjutant General or reimbursed at standard state per diem rates;

(c) All damage or loss to privately-owned equipment, including but not limited to, vehicles, boats, and aircraft, will be reimbursed, minus reimbursement from personal insurance, if said equipment was authorized for use by the Adjutant General in accordance with § 44-54.12 of the *Code of Virginia*; and

(d) In the event of death or injury, benefits shall be provided in accordance with the Virginia Workers' Compensation Act.

5. The costs incurred by the Department of Military Affairs in performing these missions shall be paid out of the Sum Sufficient appropriation for Disaster Planning and Operations contained in Item 493 of Chapter 924 of the 1997 *Acts of Assembly*.

This Executive Order shall be retroactively effective to January 28, 1998, upon its signing and shall remain in full force and effect until June 30, 1998, unless sooner amended or rescinded by further executive order. That portion providing for benefits for members of the National Guard in the event of injury or death shall continue to remain in effect after termination of this Executive Order as a whole.

Given under my hand and under the Seal of the Commonwealth of Virginia this 28th day of February, 1998.

/s/ James S. Gilmore, Governor

VA.R. Doc. No. R98-215; Filed March 9, 1998, 9:50 a.m.

SCHEDULES FOR COMPREHENSIVE REVIEW OF REGULATIONS

Governor George Allen issued and made effective Executive Order Number Fifteen (94) on June 21, 1994. This Executive Order was published in *The Virginia Register of Regulations* on July 11, 1994 (10:21 VA.R. 5457-5461 July 11, 1994). The Executive Order directs state agencies to conduct a comprehensive review of all existing regulations to be completed by January 1, 1997, and requires a schedule for the review of regulations to be developed by the agency and published in *The Virginia Register of Regulations*. This section of the *Virginia Register* has been reserved for the publication of agencies' review schedules. Agencies will receive public comment on the following regulations listed for review.

DEPARTMENT OF SOCIAL SERVICES

Pursuant to Executive Order Number Fifteen (94), the Department of Social Services is currently reviewing the below listed regulations to determine if they should be terminated, amended, or retained in their current form. The review will be guided by the principles listed in Executive Order Number Fifteen (94) and in the department's Plan for Review of Existing Agency Regulations.

The department seeks public comment regarding the regulations' interference in private enterprise and life, essential need of the regulations, less burdensome and intrusive alternatives to the regulations, specific and measurable goals that the regulations are intended to achieve, and whether the regulations are clearly written and easily understandable.

The regulations are:

22 VAC 15-10-10 et seq., Public Participation Guidelines. Contact: Kathryn Thomas, Program Development Supervisor, Division of Licensing Programs, telephone (804) 692-1793 or FAX (804) 692-2370

22 VAC 15-50-10 et seq., Regulation for Criminal Record Checks for Child Welfare Agencies. Contact: Kathryn Thomas, Program Development Supervisor, Division of Licensing Programs, telephone (804) 692-1793 or FAX (804) 692-2370

22 VAC 40-90-10 et seq., Regulation for Criminal Record Checks for Homes for Adults and Adult Day-Care Centers. Contact: Kathryn Thomas, Program Development Supervisor, Division of Licensing Programs, telephone (804) 692-1793 or FAX (804) 692-2370

22 VAC 40-100-10 et seq., Minimum Standards for Licensed Child Caring Institutions. Contact: Doris Jenkins, Manager Child Placing/Residential Licensing Unit, Division of Licensing Programs, telephone (804) 692-1773 or FAX (804) 692-2370

22 VAC 40-160-10 et seq., Fee Requirements for Processing Applications. Contact: Kathryn Thomas, Program Development Supervisor, Division of Licensing Programs, telephone (804) 692-1793 or FAX (804) 692-2370

22 VAC 40-190-10 et seq., Regulation for Criminal Record Checks for Child Welfare Agencies. Contact: Kathryn Thomas, Program Development Supervisor, Division of Licensing Programs, telephone (804) 692-1793 or FAX (804) 692-2370

Written comments may be submitted until April 29, 1998, in care of the above listed contacts at 730 East Broad Street, Richmond, Virginia 23219-1849, or by facsimile to the above listed numbers.

GENERAL NOTICES/ERRATA

STATE CORPORATION COMMISSION

Bureau of Insurance

February 27, 1998

ADMINISTRATIVE LETTER 1998-2

TO: ALL INSURERS LICENSED TO WRITE ACCIDENT AND SICKNESS INSURANCE IN VIRGINIA, AND ALL HEALTH SERVICES PLANS AND HEALTH MAINTENANCE ORGANIZATIONS LICENSED IN VIRGINIA

RE: 14 VAC 5-190-10 et seq.: Rules Governing the Reporting of Cost and Utilization Data Relating to Mandated Benefits and Mandated Providers - 1997 Reporting Period

The attached instructions and forms are provided to assist companies in the preparation of the Annual Report of Cost and Utilization Data Relating to Mandated Benefits and Mandated Providers for the 1997 reporting period, pursuant to 14 VAC 5-190-10 et seq. and § 38.2-3419.1 of the Code of Virginia. The report must be in the format contained in Form MB-1, a copy of which is also attached to this letter. The completed Form MB-1 is due on or before May 1, 1998. Lack of notice, lack of information, lack of means of producing the required data, or other such excuses will not be accepted for not filing a complete and accurate report in a timely manner.

Companies should refer to 14 VAC 5-190-40 for an explanation of the circumstances under which a full or an abbreviated report must be filed. This section also describes the circumstances under which a company may be exempt from filing a report.

Companies are reminded that it is not acceptable to submit more than one Form MB-1 for a single company. It is also unacceptable to consolidate information from different companies on one form. Each licensed company must submit a separate Form MB-1.

The instructions attached explain the type of information required to complete the MB-1 form and serve to highlight frequent errors and omissions, but it should be noted that these instructions are not complete. All sources of information, including 14 VAC 5-190-10 et seq., §§ 38.2-3408 through 38.2-3418.1:1, and § 38.2-4221 should be consulted in the preparation of this report.

Correspondence regarding this reporting requirement, including Form MB-1 filings, should be directed to:

Althelia P. Battle
Senior Insurance Market Examiner
Forms and Rates Section
Bureau of Insurance - Life and Health Division
P.O. Box 1157
Richmond, VA 23218
Telephone: (804) 371-9495
FAX: (804) 371-9944

Companies are reminded that failure to submit a substantially complete and accurate report pursuant to the provisions of 14 VAC 5-190-10 et seq. by the due date may be considered a willful violation subject to a penalty as set forth in § 38.2-218 of the Code of Virginia.

/s/ Alfred W. Gross, Commissioner of Insurance



Form MB-1

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

Cover Sheet

NAIC #:

Group NAIC #:

Reporting Year:

Company Name:

Group Name:

Mailing Address:

Contact:

Title:

Direct Phone #:

Mailing Address:

Total Premium for all Accident and Sickness Lines:

Total Premiums on Applicable Policies and Contracts:

Report Type (Abbreviated or Complete):

Part A: Claim Information - Benefits

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

VA Code Section	Description	a Number of Visits	b Number of Days	c Total Claims Payments	d Number of Contracts/ Certificates	e Claim Cost Per Contract/ Certificate	f Annual Administrative Cost	g
INDIVIDUAL	TOTAL CLAIMS PD/INCURRED							
38.2-3409	Dependent Children (Handicapped)							
38.2-3410	Doctor to Include Dentist							
38.2-3411	Newborn Children							
38.2-3412.1	Mental / Emotional / Nervous							
	Inpatient							
	Partial Hospital							
	Outpatient							
38.2-3412.1	Alcohol and Drug Dependence							
	Inpatient							
	Partial Hospital							
	Outpatient							
38.2-3414.1	Postpartum Services							
38.2-3418	Pregnancy from Rape / Incest							
38.2-3418.1	Mammography							
38.2-3411.1	Child Health Supervision							
38.2-3418.1:1	Bone Marrow Transplants							
38.2-3418.1:2	Pap Smears							
38.2-3418.2	Bones and Joints							

Part A: Claim Information - Benefits

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

VA Code Section	Description	a Number of Visits	b Number of Days	c Total Claims Payments	d Number of Contracts/ Certificates	e Claim Cost Per Contract/ Certificate	f Annual Administrative Cost	g
GROUP	TOTAL CLAIMS PD/INCURRED							
38.2-3409	Dependent Children (Handicapped)							
38.2-3410	Doctor to Include Dentist							
38.2-3411	Newborn Children							
38.2-3412.1	Mental / Emotional / Nervous							
	Inpatient							
	Partial Hospital							
	Outpatient							
38.2-3412.1	Alcohol and Drug Dependence							
	Inpatient							
	Partial Hospital							
	Outpatient							
38.2-3414	Obstetrical Services							
	Normal Pregnancy							
	All Other							
38.2-3414.1	Postpartum Services							
38.2-3418	Pregnancy from Rape / Incest							
38.2-3418.1	Mammography							
38.2-3411.1	Child Health Supervision							
38.2-3418.1:1	Bone Marrow Transplants							
38.2-3418.1:2	Pap Smears							
38.2-3418.2	Bones and Joints							

Part B: Claim Information - Providers

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

Part B: Claim Information - Providers

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

Part C: Premium Information

	VA Code Section	Individual Policy		Group Certificates	
		Single	Family	Single	Family
Standard Policy:					
Deductible					
Co-Insurance Percentage Paid by Insurer					
Individual/Employee Out-of-Pocket Maximum					
Annual Premium					
Premium Attributable to Each Mandate:					
Dependent Children (Handicapped)	38.2-3409				
Doctor to Include Dentist	38.2-3410				
Newborn Children	38.2-3411				
Mental/Emotional/Nervous (Mental Disabilities)	38.2-3412.1				
Inpatient					
Partial Hospitalization					
Outpatient					
Alcohol and Drug Dependence	38.2-3412.1				
Inpatient					
Partial Hospitalization					
Outpatient					
Obstetrical Services	38.2-3414				
Normal Pregnancy					
All Other					
Postpartum Services	38.2-3414.1				
Pregnancy from Rape or Incest	38.2-3418				
Mammography	38.2-3418.1				
Bone Marrow Transplants	38.2-3418.1:1				
Pap Smears	38.2-3418.1:2				
Bones and Joints	38.2-3418.2				
Child Health Supervision	38.2-3411.1				
Chiropractor	38.2-3408/4221				
Optometrist	38.2-3408/4221				
Optician	38.2-3408/4221				
Psychologist	38.2-3408/4221				

Part C: Premium Information

	VA Code Section	Individual Policy		Group Certificates	
		Single	Family	Single	Family
Clinical Social Worker	38.2-3408/4221				
Podiatrist	38.2-3408/4221				
Professional Counselor	38.2-3408/4221				
Physical Therapist	38.2-3408/4221				
Clinical Nurse Specialist	38.2-3408/4221				
Audiologist	38.2-3408/4221				
Speech Pathologist	38.2-3408/4221				
Number of Contracts/Certificates:					
Issued or Renewed					
In Force					
Annual Premium for Individual Standard Policy (30 year old male in Richmond):					
Without Mandates					
With Mandates					
Average Dollar Amount for Converting Group to Individual:					
Covered in Policy or Certificate					
Onetime Charge					

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

Procedure Code / Provider Type	Number of Visits	Claims Payments	Cost Per Visit
1. 99203 - Office Visit, Intermediate Service to New Patient			
Chiropractor			
Clinical Social Worker			
Physical Therapist			
Podiatrist			
Professional Counselor			
Psychologist			
Physician			
2. 90844 - Medical Psychotherapy, 45 to 50 Minute Session			
Clinical Nurse Specialist			
Clinical Social Worker			
Professional Counselor			
Psychiatrist			
Psychologist			
Physician			
3. 90853 - Group Medical Psychotherapy			
Clinical Nurse Specialist			
Clinical Social Worker			
Professional Counselor			
Psychiatrist			
Psychologist			
Physician			

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

Procedure Code / Provider Type	Number of Visits	Claims Payments	Cost Per Visit
4. 92507 - Speech, Language or Hearing Therapy; Individual			
Audiologist			
Clinical Social Worker			
Physical Therapist			
Professional Counselor			
Speech Pathologist			
Physician			
5. 97110 - Physical Medicine Treatment, each 15 minutes, Therapeutic Exercise			
Chiropractor			
Physical Therapist			
Physician			
Podiatrist			
Speech Pathologist			
6. 97124 - Physical Medicine Treatment, Massage			
Chiropractor			
Physical Therapist			
Physician			
Podiatrist			

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

Procedure Code / Provider Type	Number of Visits	Claims Payments	Cost Per Visit
7. 97035 - Physical Medicine Treatment, Ultrasound, each 15 minutes			
Chiropractor			
Physical Therapist			
Physician			
Podiatrist			
8. 92352 - Fitting of Spectacle Prosthesis for Aphakia, monofocal			
Ophthalmologist			
Optician			
Optometrist			
Physician			
9. 11750 - Excision of Nail and Nail Matrix, Partial or Complete, for Permanent Removal			
Physician			
Podiatrist			

Form MB-1 Instructions

Form MB-1 Instructions and Information

COVER SHEET:

The figure entered for **Total Premium for all Accident and Sickness Lines** should be consistent with the total accident and sickness premium written in Virginia for all accident and sickness lines including credit accident and sickness, disability income, and all others, whether subject to §§ 38.2-3408 or 38.2-4221 and §§ 38.2-3409 through 38.2-3419 of the Code of Virginia or not, **as reported in the Company's Annual Statement for the reporting period.** This figure should not be adjusted.

The figure entered for **Total Premiums on Applicable Policies and Contracts** should be the total accident and sickness premiums written in Virginia on applicable policies and contracts, as defined in 14 VAC 5-190-30 that are subject to §§ 38.2-3408 or 38.2-4221 and §§ 38.2-3409 through 38.2-3419 for the reporting period. Written premium on applicable policies *only* should be included. Policies situated outside of Virginia, and policies situated in Virginia, but not subject to Mandated Benefits as provided in § 38.2-3408 or § 38.2-4221 and § 38.2-3409 through § 38.2-3419 are not considered applicable policies.

Report Type (Abbreviated or Complete) - the company must determine eligibility to file an abbreviated report under 14 VAC 5-190-40 C or a complete report for this reporting period. Companies submitting an abbreviated report must submit the cover sheet of Form MB-1 *as well as* the information required by 14 VAC 5-190-40 D.

Part A: Claim Information - Benefits

Part A requires disclosure of specific claim data for each mandated benefit and mandated offer for both individual and group business. Carriers are reminded that the basis on which claim data is presented, either "Paid" or "Incurred" must always be completed. This is entered at the top of the form, and the basis must be consistent throughout the report.

Total claims paid/incurred, (TOTAL CLAIMS PD/INCURRED) for individual contracts and group certificates refers to all claims paid or incurred under the types of policies subject to the reporting requirements. This figure should not be the total of claim payments entered in column c, rather a total of all claims paid or incurred under the applicable contracts or certificates. This number has been omitted by several carriers reporting previously. The Bureau can not compile the information reported without this number. **It is imperative that this number be entered.** Enter this figure on the corresponding line in Column g. This figure is the only information provided in column g, part A.

Columns a and b - "Number of Visits" or "Number of Days" refers to the number of provider and physician visits, and the number of inpatient or partial hospital days, as applicable. The numbers reported should be consistent with the type of service rendered. For example, number of days

(column b) should not be reported unless the claim dollars being reported were paid or incurred for inpatient or partial hospitalization.

Claims reported for § 38.2-3409, Handicapped Dependent Children should include only those claims paid or incurred as a result of a continuation of coverage because of the criteria provided in this section of the Code of Virginia.

Claims reported for § 38.2-3410, Doctor to Include Dentist, should include only claims for treatment normally provided by a physician, but which were provided by a dentist. Claims for normal or routine dental services should not be reported.

Column c -Total Claims Payments - companies should enter the total of claims paid or incurred for the mandate.

Column d - Number of Contracts

Individual business - companies should report the number of individual contracts in force in Virginia which contain the benefits and providers listed. The number of contracts should be consistent throughout column d, except in the case of mandated offers, which may be less.

Group business - companies should report the number of group certificates in force in Virginia which contain the benefits and providers listed, not the number of group contracts. This number should also be consistent except for mandated offers, which may be less.

Column e - Claim Cost Per Contract/Certificate. This figure is computed by dividing the amount entered in column c by the figure entered in column d. **It is no longer necessary for reporting companies to enter this figure.** The Bureau's software will compute this figure automatically.

Column f - Annual Administrative Cost should only include 1997 administrative costs (not start-up costs, unless those costs were incurred during the reporting period).

Column g - as noted above, the Percentage of Total Health Claims computed in column g will be computed automatically by the Bureau's software. The only information companies must report in column g is the Total claims paid or incurred, which is entered on the corresponding line in column g, and represents the dollar amount of all claims paid or incurred for individual or group policies, as applicable.

PART B: CLAIM INFORMATION - PROVIDERS

In determining the cost of each mandate, it is expected that claim and other actuarial data will be used. A listing of the CPT-4 and ICD-9CM Codes which should be used in collecting the required data is attached for your convenience.

Column a - Number of Visits is the number of visits to the provider group for which claims were paid or incurred.

Column b - Total Claims Payments is the total dollar amount of claims paid to the provider group.

General Notices/Errata

Column c - Cost Per Visit is computed by dividing the amount entered in column b by the figure entered in column a. **It is no longer necessary for reporting companies to enter this figure.** The Bureau's software will compute this figure automatically.

Column d - Number of Contracts

Individual business - report the number of individual contracts subject to this reporting requirement.

Group business - report the number of group certificates subject to this reporting requirement.

Column e - Claim Cost Per Contract/Certificate - (both group and individual business) is the amount entered in column b divided by the figure entered in column d. **It is no longer necessary for reporting companies to enter this figure.** The Bureau's software will compute this figure automatically.

Column f - Annual Administrative Cost should only include 1997 administrative costs (not start-up costs, unless those costs were incurred during the reporting period).

Column g - Percent of Total Health Claims is the claims paid or incurred for services administered by each provider type as a percentage of the total amount of health claims paid or incurred subject to this reporting requirement. **It is no longer necessary for reporting companies to enter this figure.** The Bureau's software will compute this figure automatically.

PART C: PREMIUM INFORMATION

Standard Policy

Use what you consider to be your standard individual policy and/or group certificate to complete the deductible amount, the coinsurance paid by the insurer, and the individual/employee out-of-pocket maximum. These amounts should be entered under the heading of Individual Policy and/or Group certificates, as applicable, in the **un-shaded** blocks.

For your standard health insurance policy in Virginia, provide the total **annual premium** that would be charged per unit of coverage assuming inclusion of all of the benefits and providers listed. A separate annual premium should be provided for Individual policies and Group certificates, both single and family.

Premium Attributable to Each Mandate

Provide the portion (dollar amount) of the annual premium for each policy that is attributable to each mandated benefit, offer and provider. If the company does not have a "Family" rating category, coverage for two adults and two children is to be used when calculating the required family premium figures.

Please indicate where coverage under your policy exceeds Virginia mandates. It is understood that companies do not usually rate each benefit and provider separately. However, **for the purpose of this report it is required that a dollar**

figure be assigned to each benefit and provider based on the company's actual claim experience, such as that disclosed in Parts A and B, and other relevant actuarial information.

Number of Contracts/Certificates

Provide the number of individual policies and/or group certificates *issued or renewed* by the Company in Virginia **during the reporting period** in the appropriate fields under each heading.

Provide the number of individual policies and/or group certificates *in force* for the company in Virginia as of the **last day of the reporting period** in the appropriate fields under each heading.

Annual Premium for Individual Standard Policy (30-year-old male in Richmond)

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

Average Dollar Amount for Converting Group to Individual

Companies should provide information concerning the cost of converting group coverage to an individual policy. Information should be provided only as relevant to your company's practices.

If the company adds an amount to the annual premium of a **group policy or certificate** to cover the cost of conversion to an individual policy, provide the average dollar amount per certificate under the "group certificate" heading in the fields for single and family coverages, as appropriate.

If the cost of conversion is instead covered in the annual premium of the **individual policy**, provide the average dollar amount attributable to the conversion requirement under the heading "Individual Policy" in the fields for single or family coverages, as appropriate.

If the cost of conversion is instead covered by a **one-time charge** made to the group policyholder for each conversion, provide the average dollar amount under the heading "Group Certificates" in the fields for single or family coverages, as appropriate.

PART D - UTILIZATION AND EXPENDITURES FOR SELECTED PROCEDURES BY PROVIDER TYPE

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

Claim data should be reported by procedure code and provider type. "Physician" refers to medical doctors.

Data should only reflect paid claims. Unpaid claims should not be included.

It is no longer necessary to report the Cost Per Visit. The Bureau's software will compute this figure automatically.

GENERAL

Information provided on Form MB-1 should only reflect the experience of policies or contracts delivered or issued for delivery in the Commonwealth of Virginia and subject to Virginia mandated benefit, mandated offer and provider statutes.

Note the addition of data to be reported in Part A: Claim Information - Benefits, **Coverage for Mental Health and Substance Abuse Services** for outpatient treatment with respect to individual policies, § 38.2-3412.1 C, **Obstetrical Benefits; Coverage for Postpartum Services**, § 38.2-3414.1, and **Coverage for Pap Smears**, § 38.2-3418.1:2. Also note that, with respect to individual policies, companies must report premium information relative to outpatient treatment for mental health and substance abuse services in Part C of Form MB-1. This is the first reporting year for this information. Refer to Administrative Letter 1997-11, dated October 10, 1997.

Companies should not enter information in the shaded fields.

A. CPT and ICD-9CM Codes

The codes provided are from the 1997 edition of *Physicians' Current Procedural Terminology*, and *International Classification of Diseases - Clinical Modification*. Companies are advised to refer to the complete listing of CPT and ICD-9CM codes to ensure compliance with all reporting requirements. It is the company's responsibility to keep abreast of changes that may appear in revised editions.

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

ICD Codes

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

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

ICD Codes

- 740-759 Congenital anomalies
- 760-763 Maternal causes of perinatal morbidity and mortality
- 764-779 Other conditions originating in the perinatal period

CPT Codes

- 99295 Initial NICU care, per day, for the evaluation and management of a critically ill neonate or infant
- 99296 Subsequent NICU care, per day, for the evaluation and management of a critically ill and unstable neonate or infant
- 99297 Subsequent NICU care, per day, for the evaluation and management of a critically ill though stable neonate or infant
- 99431 History and examination of the normal newborn infant, initiation of diagnostic and treatment programs and preparation of hospital records
- 99432 Normal newborn care in other than hospital or birthing room setting, including physical examination of baby and conference(s) with parent(s)
- 99433 Subsequent hospital care, for the evaluation and management of a normal newborn, per day
- 99440 Newborn resuscitation: provision of positive pressure ventilation and/or chest compressions in the presence of acute inadequate ventilation and/or cardiac output

Va. Code Section 38.2-3412.1: Mental/Emotional/Nervous Disorders

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

ICD Codes

- 290, 293-294 Organic Psychotic Conditions
- 295-299 Other psychoses
- 300-302, 306-316 Neurotic disorders, personality disorders, sexual deviations, other non-psychotic mental disorders
- 317-319 Mental retardation

CPT Codes

- 99221-99223 Initial hospital care, per day, for the evaluation and management of a patient
- 99231-99233 Subsequent hospital care, per day, for the evaluation and management of a patient

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99238	Hospital discharge day management; 30 minutes or less	90862	Pharmacologic management, including prescription, use, and review of medication with no more than minimal medical psychotherapy
99241-99255	Initial consultation for psychiatric evaluation of a patient includes examination of a patient and exchange of information with primary physician and other informants such as nurses or family members, and preparation of report.		Other Psychiatric Therapy
99261-99263	Follow up consultation for psychiatric evaluation of a patient	90870	Electroconvulsive therapy, single seizure
90801	Psychiatric diagnostic interview examination including history, mental status, or disposition	90871	Multiple seizures, per day
90820	Interactive medical psychiatric diagnostic interview examination	90880	Medical hypnotherapy
90825	Psychiatric evaluation of hospital records, other psychiatric reports, psychometric and/or projective tests, and other accumulated data for medical diagnostic purposes	90882	Environmental intervention for medical management purposes on a psychiatric patient's behalf with agencies, employers, or institutions
96100	Psychological testing (includes psychodiagnostic assessment of personality, psychopathology, emotionality, intellectual abilities, e.g. WAIS-R, Rorschach, MMPI) with interpretation and report, per hour	90887	Interpretation or explanation of results of psychiatric, other medical examinations and procedures, or other accumulated data to family or other responsible persons, or advising them how to assist patient
90835	Narcosynthesis for psychiatric diagnostic and therapeutic purposes	90889	Preparation of report of patient's psychiatric status, history, treatment, or progress (other than for legal or consultative purposes) for other physicians, agencies, or insurance carriers
90841	Individual medical psychotherapy by a physician, with continuing medical diagnostic evaluation, and drug management when indicated, including insight oriented, behavior modifying or supportive psychotherapy; (face to face with the patient); time unspecified		Other Procedures
90842	approximately 75 to 80 minutes (90841)	90899	Unlisted psychiatric service or procedure
90843	approximately 20 to 30 minutes (90841)		Va. Code Section 38.2-3412.1: Alcohol and Drug Dependence
90844	approximately 45 to 50 minutes (90841)		ICD Codes
90845	Medical psychoanalysis	291	Alcoholic Psychoses
90846	Family medical psychotherapy (without the patient present)	303	Alcohol dependence syndrome
90847	Family medical psychotherapy (conjoint psychotherapy) by a physician, with continuing medical diagnostic evaluation, and drug management when indicated	292	Drug Psychoses
90849	Multiple family group medical psychotherapy by a physician, with continuing medical diagnostic evaluation, and drug management when indicated	304	Drug dependence
90853	Group medical psychotherapy by a physician, with continuing medical diagnostic evaluation and drug management when indicated	305	Nondependent abuse of drugs
90855	Interactive individual medical psychotherapy		CPT Codes
90857	Interactive group medical psychotherapy		Same as listed above for Mental/Emotional/Nervous Disorders, but for above listed conditions.
			Va. Code Section 38.2-3414: Obstetrical Services and Va. Code Section 38.2-3414.1: Obstetrical Benefits; Coverage for Postpartum Services
			Normal Delivery, Care in Pregnancy, Labor and Delivery
			ICD Codes
		650	Delivery requiring minimal or no assistance, with or without episiotomy, without fetal manipulation (e.g., rotation version) or instrumentation (forceps) of spontaneous, cephalic, vaginal, full-term, single, live born infant. This code is for use as a single diagnosis code and is not to be used with any other code in the range 630 - 676
		V24	Postpartum care and examination

- V24.0 Immediately after delivery
- V24.1 Lactating mother
- V24.2 Routine postpartum follow-up

CPT Codes

Any codes in the maternity care and delivery range of 59000-59899 associated with ICD Codes 650 and V24 - V24.2 listed above

All Other Obstetrical Services

ICD Codes

- 630-677 Complications of pregnancy, childbirth, and the puerperium

CPT Codes

Incision, Excision, Introduction, and Repair

- 59000 Amniocentesis, any method
- 59012 Cordocentesis (intrauterine), any method
- 59015 Chorionic villus sampling, any method
- 59020 Fetal contraction stress test
- 59025 Fetal non-stress test
- 59030 Fetal scalp blood sampling
- 59050 Fetal monitoring during labor by consulting physician (i.e., non-attending physician) with written report (separate procedure); supervision and interpretation
- 59100 Hysterotomy, abdominal (e.g., for hydatidiform mole, abortion)
- 59120 Surgical treatment of ectopic pregnancy; tubal or ovarian, requiring salpingectomy and/or oophorectomy, abdominal or vaginal approach
 - 59121 tubal or ovarian, without salpingectomy and/or oophorectomy (59120)
 - 59130 abdominal pregnancy (59120)
 - 59135 interstitial, uterine pregnancy requiring total hysterectomy (59120)
 - 59136 interstitial, uterine pregnancy with partial resection of uterus (59120)
 - 59140 cervical, with evacuation (59120)
- 59150 Laparoscopic treatment of ectopic pregnancy; without salpingectomy and/or oophorectomy
 - 59151 with salpingectomy and/or oophorectomy (59150)
- 59160 Curettage, postpartum (separate procedure)
- 59200 Insertion of cervical dilator (e.g., laminaria, prostaglandin) (separate procedure)

- 59300 Episiotomy or vaginal repair, by other than attending physician
- 59320 Cerclage of cervix, during pregnancy; vaginal
- 59325 abdominal (59320)
- 59350 Hysterorrhaphy of ruptured uterus

Vaginal Delivery, Antepartum and Postpartum Care

- 59400 Routine obstetric care including antepartum care, vaginal delivery (with or without episiotomy, and/or forceps) and postpartum care
- 59409 Vaginal delivery only (with or without episiotomy and/or forceps)
 - 59410 including postpartum care (59409)
 - 59412 External cephalic version, with or without tocolysis
 - 59414 Delivery of placenta (separate procedure)
 - 59425 Antepartum care only; 4-6 visits
 - 59426 7 or more visits (59425)
 - 59430 Postpartum care only (separate procedure)

Cesarean Delivery

- 59510 Routine obstetric care including antepartum care, cesarean delivery, and postpartum care
- 59514 Cesarean delivery only
 - 59515 including postpartum care (59514)
 - 59525 Subtotal or total hysterectomy after cesarean delivery (list in addition to 59510 or 59515)

Delivery After Previous Cesarean Delivery

- 59610 Routine obstetric care and postpartum care, after previous cesarean delivery
 - 59614 including postpartum care (59612)
- 59618 Routine obstetric care including postpartum care, following attempted vaginal delivery after previous cesarean delivery
 - 59622 including postpartum care (59620)

Abortion

- 99201-99233 Medical treatment of spontaneous complete abortion, any trimester
- 59812 Treatment of incomplete abortion, any trimester, completed surgically
- 59820 Treatment of missed abortion, completed surgically; first trimester
 - 59821 second trimester (59820)
- 59830 Treatment of septic abortion, completed surgically
- 59840 Induced abortion, by dilation and curettage

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- 59841 Induced abortion, by dilation and evacuation
- 59850 Induced abortion, by one or more intra-amniotic injections (amniocentesis-injections), including hospital admission and visits, delivery of fetus and secundines;
- 59851 with dilation and curettage and/or evacuation (59850)
- 59852 with hysterotomy (failed intra-amniotic injection) (59850)

Other Procedures

- 59870 Uterine evacuation and curettage for hydatidiform mole
- 59899 Unlisted procedure, maternity care and delivery

Anesthesia

- 00850 Cesarean section
- 00855 Cesarean hysterectomy
- 00857 Continuous epidural analgesia, for labor and cesarean section

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

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

Va. Code Section 38.2-3418.1: Mammography

CPT Codes

- 76092 Screening Mammography, bilateral (two view film study of each breast)

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

CPT Codes

- 90700 Immunization, active; diphtheria, tetanus toxoids, and acellular pertussis vaccine (DTaP)
- 90701 Diphtheria and tetanus toxoids and pertussis vaccine (DTP)
- 90702 Diphtheria and tetanus toxoids (DT)
- 90703 Tetanus toxoid
- 90704 Mumps virus vaccine, live
- 90705 Measles virus vaccine, live, attenuated
- 90706 Rubella virus vaccine, live
- 90707 Measles, mumps and rubella virus vaccine, live
- 90708 Measles, and rubella virus vaccine, live
- 90709 Rubella and mumps virus vaccine, live
- 90710 Measles, mumps, rubella, and varicella vaccine

- 90711 Diphtheria, tetanus toxoids, and pertussis (DTP) and injectable poliomyelitis vaccine
- 90712 Poliovirus vaccine, live, oral (any type (s))
- 90716 Varicella (chicken pox) vaccine
- 90720 Diphtheria, tetanus toxoids, and pertussis (DTP) and Hemophilus influenza B (HIB) vaccine
- 90737 Hemophilus influenza B

New Patient

- 99381 Initial preventive medicine evaluation and management of an individual including a comprehensive history, a comprehensive examination, counseling/anticipatory guidance/risk factor reduction interventions, and the ordering of appropriate laboratory/diagnostic procedures, new patient; infant (age under 1 year)
- 99382 early childhood (age 1 through 4 years) (99381)
- 99383 late childhood (age 5 through 11 years) (99381)

Established Patient

- 99391 Periodic preventive medicine reevaluation and management of an individual including a comprehensive history, comprehensive examination, counseling/anticipatory guidance/risk factor reduction interventions, and the ordering of appropriate laboratory/diagnostic procedures, established patient; infant (age under 1 year)
- 99392 early childhood (age 1 through 4 years) (99391)
- 99393 late childhood (age 5 through 11 years) (99391)
- 96110 Developmental testing; limited (e.g. Developmental Screening Test II, Early Language Milestone Screen), with interpretation and report
- 81000 Urinalysis, by dip stick or tablet reagent for bilirubin, glucose, hemoglobin, ketones, leukocytes, nitrite, pH, protein, specific gravity, urobilinogen, any number of these constituents; non-automated, with microscopy
- 84030 Phenylalanine (PKU), blood
- 86580 Tuberculosis, intradermal
- 86585 Tuberculosis, tine test

Va. Code Section 38.2-3418.1:1: Bone Marrow Transplants (applies to Breast Cancer Only)

ICD Codes

- 174 through 174.9 - female breast
- 175 through 175.9 - male breast

CPT Codes

- 36520 Therapeutic apheresis (plasma and/or cell exchange)
- 38241 autologous
- 86950 Leukocyte transfusion

The Bureau is aware that because of the changing and unique nature of treatment involving this diagnosis and treatment procedures, reporting only those claim costs associated with these codes will lead to significant under reporting. Accordingly, if one of the ICD Codes and any of the CPT codes shown above are utilized, the insurer should report all claim costs incurred within thirty (30) days prior to the CPT Coded procedure as well as all claim costs incurred within ninety (90) days following the CPT Coded procedure.

Va. Code Section 38.2-3418.1:2: Coverage for Pap Smears

ICD Codes

- V72.3 Papanicolaou smear as part of general gynecological examination
- V76.2 Routine cervical Papanicolaou smear

CPT Codes

- 88150 Cytopathology, smears, cervical or vaginal, up to three smears; screening by technician under physician supervision
- 38151 requiring interpretation by physician
- 88155 with definitive hormonal evaluation (e.g., maturation index, karyopyknotic index, estrogenic index)

Va. Code Section 38.2-3418.2: Procedures Involving Bones and Joints

ICD Codes

- 524.6 - Temporomandibular Joint Disorders
- 524.69
- 719 - Other and Unspecified Disorders of Joint
- 719.6,
- 719.9
- 719.8 Other Specified Disorders of Joint

CPT Codes

- 20605 Intermediate joint, bursa or ganglion cyst (e.g., temporomandibular, acromioclavicular, wrist, elbow or ankle, olecranon bursa)
- 21010 Arthrotomy, temporomandibular joint
- 21050 Condylectomy, temporomandibular joint (separate procedure)
- 21060 Meniscectomy, partial or complete, temporomandibular joint (separate procedure)

- 21070 Coronoidectomy (separate procedure)
- 21116 Injection procedure for temporomandibular joint arthrography
- 21125 Augmentation, mandibular body or angle; prosthetic material
- 21127 With bond graft, onlay or interpositional (includes obtaining autograft)
- 21141 Reconstruction midface. LeFort I
- 21145 single piece, segment movement in any direction, requiring bone grafts
- 21146 two pieces, segment movement in any direction, requiring bone grafts
- 21147 three or more pieces, segment movement in any direction, requiring bone grafts
- 21150 Reconstruction midface, LeFort II; anterior intrusion
- 21151 any direction, requiring bone grafts
- 21193 Reconstruction of mandibular rami, horizontal, vertical, "C", or "L" osteotomy; without bone graft
- 21194 With bone graft (includes obtaining graft)
- 21195 Reconstruction of mandibular rami and/or body, sagittal split; without internal rigid fixation.
- 21196 With internal rigid fixation
- 21198 Osteotomy, mandible, segmental
- 21206 Osteotomy, maxilla, segmental (e.g., Wassmund or Schuchard)
- 21208 Osteoplasty, facial bones; augmentation (autograft, allograft, or prosthetic implant)
- 21209 Reduction
- 21210 Graft, bone; nasal, maxillary or malar areas (includes obtaining graft)
- 21215 Mandible (includes obtaining graft)
- 21240 Arthroplasty, temporomandibular joint, with or without autograft (includes obtaining graft)
- 21242 Arthroplasty, temporomandibular joint, with allograft
- 21243 Arthroplasty, temporomandibular joint, with prosthetic joint replacement
- 21244 Reconstruction of mandible, extraoral, with transosteal bone plate (e.g., mandibular staple bone plate)
- 21245 Reconstruction of mandible or maxilla, subperiosteal implant; partial
- 21246 Complete

General Notices/Errata

21247	Reconstruction of mandibular condyle with bone and cartilage autografts (includes obtaining grafts) (e.g. for hemifacial microsomia)	51	services)	
		52	Psychiatric facility, inpatient	Inpatient
21480	Closed treatment of temporomandibular dislocation; initial or subsequent	53	Psychiatric facility, outpatient	Outpatient
		54	Psychiatric day-care facility	Partial Hospitalization
21485	Complicated (e.g., recurrent requiring intermaxillary fixation or splinting), initial or subsequent	55	Psychiatric night-care facility	Partial Hospitalization
		56	Residential substance abuse treatment facility	Inpatient
21490	Open treatment of temporomandibular dislocation	56	Outpatient substance abuse treatment facility	Outpatient
29800	Arthroscopy, temporomandibular joint, diagnostic, with or without synovial biopsy (separate procedure)	60	Independent clinical laboratory	Outpatient
		70	Nursing home	Inpatient
29804	Arthroscopy, temporomandibular joint, surgical	80	Skilled nursing facility/extended care facility	Inpatient
69535	Resection temporal bone, external approach (For middle fossa approach, see 69950-69970)	90	Ambulance; ground	Outpatient
		9A	Ambulance; air	Outpatient
70100	Radiologic examination, mandible; partial, less than four views	9C	Ambulance; sea	Outpatient
		00	Other unlisted licensed facility	Outpatient
70110	Complete, minimum of four views			
70328	Radiologic examination, temporomandibular joint, open and closed mouth; unilateral			
70330	Bilateral			
70332	Temporomandibular joint arthrography, radiological supervision and interpretation			
70336	Magnetic resonance (e.g., proton) imaging, temporomandibular joint			
70486	Computerized axial tomography, maxillofacial area; without contrast material			
70487	With contrast material(s)			
70488	Without contrast material, followed by contrast material(s) and further sections			

VA.R. Doc. No. C98-880; Filed March 6, 1998, 3:28 p.m.

DEPARTMENT OF ENVIRONMENTAL QUALITY

Notice of Public Comment for Pagan River TMDL

The Department of Environmental Quality intends to submit to the Environmental Protection Agency, for their approval, the following dry weather Total Maximum Daily Load (TMDL):

Stream: Pagan River
 Parameter: Fecal Coliform Bacteria
 TMDL: Most Probable Number = 14 per 100 milliliters

The department is seeking written comments from interested persons. Comments shall include the name, address and telephone number of the writer and must be received no later than April 13, 1998.

This TMDL is being noticed solely for informational purposes and to solicit public comment. It is not regulatory in nature and does not contain mandatory requirements. It is subject to reevaluation and modification as conditions warrant. Public notice and opportunity for public comment for all such proposed reevaluations or modifications will be given.

Submit comments or requests for additional information, including a copy of the proposed TMDL, to M. D. Phillips, Department of Environmental Quality, Box 10009, Richmond, Virginia 23240, telephone (804) 698-4077.

B: UNIFORM BILLING CODE NUMBERS (UB-82)

PLACE OF SERVICE CODES

Field Values		Report As:
10	Hospital, inpatient	Inpatient
1S	Hospital, affiliated hospice	Inpatient
1Z	Rehabilitation hospital, inpatient	Inpatient
20	Hospital, outpatient	Outpatient
2F	Hospital-based ambulatory surgical facility	Outpatient
2S	Hospital, outpatient hospice services	Outpatient
2Z	Rehabilitation hospital, outpatient	Outpatient
30	Provider's office	Outpatient
3S	Hospital, office	Outpatient
40	Patient's home	Outpatient
4S	Hospice (Home hospice)	Outpatient

STATE WATER CONTROL BOARD

**Enforcement Action - Proposed Special Order
AlliedSignal Inc. - Hopewell Plant**

The State Water Control Board proposes to take an enforcement action against AlliedSignal Inc. The owner has agreed to settle the matter of alleged VPDES permit violations at its facility in Hopewell. The proposed order requires that the company take corrective measures, including piping replacement and enhanced piping inspections. It also requires a comprehensive reassessment of the facility's acutely toxic chemical spill readiness. The order requires that a \$50,000 civil charge be paid, as well as reimbursement to the department for \$408.81 in investigative costs and \$1,293.72 in fish replacement costs to the Department of Game and Inland Fisheries. The proposed order requires that the company pay \$35,000 to the Nature Conservancy as a Supplemental Environmental Project to aid in the establishment of a "protection zone" in Sussex County for the federally endangered red-cockaded woodpecker. The company is also to underwrite two SEPs for the United States Fish and Wildlife Service, including \$5,000 for the purchase of inholding property in the James River National Wildlife Refuge and \$60,000 for handicapped accessible upgrades in the Presquite National Wildlife Refuge.

On behalf of the State Water Control Board, the Department of Environmental Quality will receive for 30 days from the date of publication of this notice written comments relating to the Special Order. Comments should be addressed to Amy Thatcher Clarke, Piedmont Regional Office, Department of Environmental Quality, 4949-A Cox Road, Glen Allen, VA 23060, and should refer to the Consent Special Order.

The proposed order may be examined at the same address. A copy of the order may also be obtained in person or by mail from the Piedmont Regional Office.

**Enforcement Action - Proposed Special Order
Bacho Development Corporation
Double Kwik Store #12**

The State Water Control Board proposes to take an enforcement action against the above listed facility. Under the terms of the proposed special order, the owner of this facility has agreed to be bound by the terms and conditions of a schedule of compliance contained in the appendix of the order. The requirements contained in the order bring the facility into compliance with state law and protect water quality.

On behalf of the State Water Control Board, the Department of Environmental Quality will receive comments relating to the Special Order until April 30, 1998. Comments should be addressed to Dallas Sizemore, Department of Environmental Quality, Southwest Regional Office, P.O. Box 1688, Abingdon, VA 24212, and should refer to the Consent Special Order.

The proposed orders may be examined at the Department of Environmental Quality, 355 Deadmore Street, Abingdon, VA, at the same address.

A copy of the order may be obtained in person or by mail from the above office.

**Enforcement Action - Proposed Special Order
Boar's Head Provision Company, Inc.**

The State Water Control Board proposes to take an enforcement action against the Boar's Head Provision Company, Inc. The owner has agreed to settle the matter of alleged VPA permit violations at its Jarratt facility in Greensville County. The proposed order requires that the company undertake a ground water study to demonstrate attenuation levels of chlorides, continue efforts to reduce chloride concentrations in its process wastewater effluent, apply for a new permit on a timely basis, and meet all final permit requirements by its reissuance. The proposed order also requires that the company pay \$15,000 to the Nature Conservancy as a Supplemental Environmental Project to aid in the establishment of a "protection zone" in Sussex County for the federally endangered red-cockaded woodpecker. This SEP is offered in lieu of a \$15,000 civil charge.

On behalf of the State Water Control Board, the Department of Environmental Quality will receive for 30 days from the date of publication of this notice written comments relating to the Special Order. Comments should be addressed to Amy Thatcher Clarke, Piedmont Regional Office, Department of Environmental Quality, 4949-A Cox Road, Glen Allen, VA 23060, and should refer to the Consent Special Order.

The proposed order may be examined at the same address. A copy of the order may also be obtained in person or by mail from the Piedmont Regional Office.

**Enforcement Action - Proposed Special Order
The Little Oil Company, Inc.**

The State Water Control Board proposes to take an enforcement action against the Little Oil Company, inc. The owner has agreed to settle the matter of alleged oil spill violations of the State Water Control Law at its Richmond bulk oil storage facility on Commerce Road. The proposed order requires the company to submit a plan and schedule for environmental monitoring and sampling of the impacted area, and to bring the terminal facility into full compliance with all AST regulations. The proposed order also requires that the company pay \$80,400 to the James River Park Fund to underwrite various Supplemental Environmental Projects in the City of Richmond's James River Park to protect habitat and enhance park safety. The company is also to commit \$7,600 to develop and execute oil spill response and cleanup training for Virginia oil handling professionals and interested citizens. These SEPs are offered in lieu of an \$88,000 civil charge.

General Notices/Errata

On behalf of the State Water Control Board, the Department of Environmental Quality will receive for 30 days from the date of publication of this notice written comments relating to the Special Order. Comments should be addressed to Amy Thatcher Clarke, Piedmont Regional Office, Department of Environmental Quality, 4949-A Cox Road, Glen Allen, VA 23060, and should refer to the Consent Special Order.

The proposed order may be examined at the same address. A copy of the order may also be obtained in person or by mail from the Piedmont Regional Office.

VIRGINIA CODE COMMISSION

Notice to Subscribers

Beginning with Volume 14, Issue 1 of the Virginia Register (14:1 VA.R. September 29, 1997), the format of the Register changed slightly. Regulations and other information previously published in the State Corporation Commission, Marine Resources Commission, State Lottery Department, and Tax Bulletin sections have been merged into the Proposed Regulations, Final Regulations, Emergency Regulations, or General Notices sections as appropriate. In addition, regulations appear in order by Virginia Administrative Code (VAC) title order to correspond with the VAC.

Notice to State Agencies

Mailing Address: 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 may be obtained from: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591.

Internet: Forms and other *Virginia Register* resources may be printed or downloaded from the *Virginia Register* web page: <http://legis.state.va.us/codecomm/regindex.htm>

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) 698-1500 or Senate Information and Constituent Services at (804) 698-7410 or (804) 698-7419/TDD☎, or visit the General Assembly web site's Legislative Information System (<http://leg1.state.va.us/lis.htm>) and select "Meetings."

VIRGINIA CODE COMMISSION

EXECUTIVE

BOARD FOR ACCOUNTANCY

April 27, 1998 - 10 a.m. -- Open Meeting

April 28, 1998 - 8 a.m. -- Open Meeting

Department of Professional and Occupational Regulation,
3600 West Broad Street, 5th Floor, Richmond, Virginia.♿

An open meeting to discuss regulatory review, requests for proposals for privatization, committee reports, disciplinary cases and other matters requiring board action. All meetings are subject to cancellation. Time of meeting subject to change. Call board office at least 24 hours in advance. A public comment period will be held at the beginning of the meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Nancy Taylor Feldman, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590 or (804) 367-9753/TDD ☎

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Virginia Horse Industry Board

† April 7, 1998 - 9 a.m. -- Open Meeting

Southern States Cooperative Headquarters, 6606 West Broad Street, 1st Floor Training Room, Richmond, Virginia.♿

A meeting to review and discuss grant proposals submitted for the current fiscal 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 Andrea S. Heid at least five days before the meeting date so that suitable arrangements can be made.

Contact: Andrea S. Heid, Equine Marketing Specialist/Program Manager, Virginia Horse Industry Board, 1100 Bank St., Suite 1004, Richmond, VA 23219, telephone (804) 786-5842 or FAX (804) 371-7786.

Virginia Irish Potato Board

April 23, 1998 - 8 p.m. -- Open Meeting

Eastern Shore Agricultural Research and Extension Center, Research Drive, Painter, Virginia.♿

A meeting to discuss programs (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 Irish Potato Board, P.O. Box 26, Onley, VA 23418, telephone (757) 787-5867 or FAX (757) 787-1041.

Virginia Winegrowers Advisory Board

† April 28, 1998 - 10 a.m. -- Open Meeting

Department of Agriculture and Consumer Services, Washington Building, 1100 Bank Street, 2nd Floor Conference Room, Richmond, Virginia.♿

A regular meeting to discuss committee reports and other business, and to hear budget requests from individuals seeking grants for the 1998-99 fiscal year.

Calendar of Events

The board will entertain public comment after the grant proposals have been given before the board votes on the proposals. Any person who needs any accommodations in order to participate at the meeting should contact Mary E. Davis-Barton at least five days before the meeting date so that suitable arrangements can be made.

Contact: Mary E. Davis-Barton, Secretary, Virginia Winegrowers Advisory Board, Department of Agriculture and Consumer Services, 1100 Bank St., Room 1010, Richmond, VA 23219, telephone (804) 786-0481.

STATE ADVISORY BOARD ON AIR POLLUTION

† **April 8, 1998 - 9 a.m.** -- Open Meeting
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia.

A regular meeting.

Contact: Kathy Frahm, Senior Policy Analyst, Department of Environmental Quality, 629 E. Main St., Richmond, VA 23219, telephone (804) 698-4376 or FAX (804) 698-4346.

ALCOHOLIC BEVERAGE CONTROL BOARD

† **April 6, 1998 - 9:30 a.m.** -- Open Meeting
† **April 20, 1998 - 9:30 a.m.** -- Open Meeting
† **May 4, 1998 - 9:30 a.m.** -- Open Meeting
† **May 18, 1998 - 9:30 a.m.** -- Open Meeting
† **June 1, 1998 - 9:30 a.m.** -- Open Meeting
† **June 15, 1998 - 9:30 a.m.** -- Open Meeting
† **June 29, 1998 - 9:30 a.m.** -- Open Meeting
Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, Virginia. ♿

A meeting to receive reports from and discuss activities of staff members, and to discuss other matters not yet 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) 213-4409 or FAX (804) 213-4442.

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

† **April 10, 1998 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿

The APELSLA Board Committee will meet to conduct board business. 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 so that suitable arrangements

can be made. The board 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 ♿

† **April 29, 1998 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿

The Architect Section will meet to conduct board business. 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 so that suitable arrangements can be made. The board 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 ♿

COMPREHENSIVE SERVICES FOR AT RISK YOUTH AND THEIR FAMILIES

State Management Team

† **April 2, 1998 - 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 recommendations for policies and procedures regarding the Comprehensive Services Act.

Contact: Elisabeth Hutton, Secretary, Department of Health, P.O. Box 2448, Richmond, VA 23218, telephone (804) 371-4099.

AUCTIONEERS BOARD

† **April 7, 1998 - 10 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿

A meeting to conduct general board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at 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 23230-4917, telephone (804) 367-8514 or (804) 367-9753/TDD ♿

VIRGINIA AVIATION BOARD

† **April 28, 1998 - 3 p.m.** -- Open Meeting
 Department of Aviation, 5702 Gulfstream Road, Richmond International Airport, Virginia. (Interpreter for the deaf provided upon request)

A workshop for the board. No formal actions will be taken. Individuals with disabilities should contact Margaret Pugh at least 10 days prior to the meeting if assistance is needed.

Contact: Margaret Pugh, Department of Aviation, 5702 Gulfstream Road, Richmond International Airport, VA 23250-2422, telephone (804) 236-3632 or (804) 236-3624/TDD

† **April 29, 1998 - 9 a.m.** -- Open Meeting
 Department of Motor Vehicles, 2300 West Broad Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

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 with disabilities should contact Margaret Pugh at least 10 days prior to the meeting if assistance is needed.

Contact: Margaret Pugh, Department of Aviation, 5702 Gulfstream Road, Richmond International Airport, VA 23250-2422, telephone (804) 236-3632 or (804) 236-3624/TDD

BOARD FOR BARBERS

† **June 8, 1998 - 10 a.m.** -- Open Meeting
 Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A general business meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. 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) 367-0500, FAX (804) 367-2475 or (804) 367-9753/TDD

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

† **April 16, 1998 - 10 a.m.** -- Open Meeting
 Department of Social Services, 730 East Broad Street, Lower Level, Conference Room 3, Richmond, Virginia. (Interpreter for the deaf provided upon request)

The board will conduct general business, including review of local Chesapeake Bay Preservation Area programs, and review of the 1999 Competitive Grants Program Award recommendations by the Grants

Subcommittee. Public comment will be taken early in the meeting. A tentative agenda will be available April 1, 1998, from the Chesapeake Bay Local Assistance Department.

Contact: Carolyn J. Elliott, Executive Secretary, Chesapeake Bay Local Assistance Department, 805 E. Broad St., Suite 701, Richmond, VA 23219, telephone (804) 225-3440, FAX (804) 225-3447 or toll-free 1-800-243-7229/TDD

† **May 5, 1998 - 10 a.m.** -- Open Meeting
 Chesapeake Bay Local Assistance Department, 805 East Broad Street, Suite 701, Richmond, Virginia. (Interpreter for the deaf provided upon request)

The Northern Area Review Committee will review Chesapeake Bay Preservation Area programs for the northern area. Persons interested in observing should call the Chesapeake Bay Local Assistance Department to verify meeting time, location and schedule. No comments from the public will be entertained at the meeting; however, written comments are welcome.

Contact: Carolyn J. Elliott, Executive Secretary, Chesapeake Bay Local Assistance Department, 805 E. Broad St., Suite 701, Richmond, VA 23219, telephone (804) 225-3440, FAX (804) 225-3447 or toll-free 1-800-243-7229/TDD

† **May 5, 1998 - 2 p.m.** -- Open Meeting
 Chesapeake Bay Local Assistance Department, 805 East Broad Street, Suite 701, Richmond, Virginia. (Interpreter for the deaf provided upon request)

The Southern Area Review Committee will review Chesapeake Bay Preservation Area programs for the southern area. Persons interested in observing should call the Chesapeake Bay Local Assistance Department to verify meeting time, location and schedule. No comments from the public will be entertained at the meeting; however, written comments are welcome.

Contact: Carolyn J. Elliott, Executive Secretary, Chesapeake Bay Local Assistance Department, 805 E. Broad St., Suite 701, Richmond, VA 23219, telephone (804) 225-3440, FAX (804) 225-3447 or toll-free 1-800-243-7229/TDD

VIRGINIA COLLEGE BUILDING AUTHORITY

April 1, 1998 - 2 p.m. -- Open Meeting
 James Monroe Building, 101 North 14th Street, 3rd Floor, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to discuss approval of Equipment Leasing Bonds and 21st Century Bonds.

Contact: Evelyn Whitley, Debt Manager, Office of Debt Management, Department of the Treasury, 101 N. 14th St., Richmond, VA 23219, telephone (804) 371-6006.

Calendar of Events

COMPENSATION BOARD

April 23, 1998 - 11 a.m. -- Open Meeting
Ninth Street Office Building, 202 North Ninth Street, 10th Floor Conference Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

May 28, 1998 - 11 a.m. -- Open Meeting
Ninth Street Office Building, 202 North Ninth Street, 9th Floor, Room 913/913A, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A routine business meeting.

Contact: Bruce W. Haynes, Executive Secretary, P.O. Box 710, Richmond, VA 23218-0710, telephone (804) 786-0786, FAX (804) 371-0235, or (804) 786-0786/TDD 

DEPARTMENT OF CONSERVATION AND RECREATION

† March 31, 1998 - 9:30 a.m. -- Open Meeting
Chippokes Plantation State Park, Stewart Mansion House, 695 Chippokes Park Road, Surry, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to review park resources and programs and to establish preliminary park purpose, goals, and objective statements for the master plan.

Contact: Richard G. Gibbons, Environmental Program Manager, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-4132, FAX (804) 371-7899 or (804) 786-2121/TDD 

† April 7, 1998 - 7 p.m. -- Open Meeting
Surry General District Courtroom, Surry Government Center, Surry, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to (i) solicit input on natural, cultural, and historic resources; (ii) solicit input on park goals and objectives; and (iii) gain information on the public's need for programs and other park facilities for consideration in the development of the Chippokes master plan.

Contact: Richard G. Gibbons, Environmental Program Manager, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-4132, FAX (804) 371-7899 or (804) 786-2121/TDD 

† April 28, 1998 - 9:30 a.m. -- Open Meeting
Chippokes Plantation State Park, Stewart Mansion House, 695 Chippokes Park Road, Surry, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to review goals and objectives and prepare recommendations for development of park programs and facilities for consideration in the master plan.

Contact: Richard G. Gibbons, Environmental Program Manager, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-4132, FAX (804) 371-7899 or (804) 786-2121/TDD 

† May 27, 1998 - 9:30 a.m. -- Open Meeting
Chippokes Plantation State Park, Stewart Mansion House, 695 Chippokes Park Road, Surry, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to finalize goals and objectives and recommend developments and phasing programs to be included in the master plan.

Contact: Richard G. Gibbons, Environmental Program Manager, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-4132, FAX (804) 371-7899 or (804) 786-2121/TDD 

Chippokes Plantation Farm Foundation

† April 16, 1998 - 9:30 a.m. -- Open Meeting
Chippokes Plantation State Park, Stewart Mansion House, 695 Chippokes Park Road, Board Room, Surry, Virginia.  (Interpreter for the deaf provided upon request)

A general business meeting.

Contact: Katherine R. Wright, Executive Secretary, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-7950.

Rappahannock Scenic River Advisory Board

April 15, 1998 - 1 p.m. -- Open Meeting
Clare Brothers Outfitters, 5927 River Road, Fredericksburg, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to discuss river issues.

Contact: Richard G. Gibbons, Environmental Program Manager, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-4132, FAX (804) 371-7899 or (804) 786-2121/TDD 

Rivanna Scenic River Advisory Board

† April 9, 1998 - 5:30 p.m. -- Open Meeting
Albemarle County Office Building, 401 McIntire Road, Charlottesville, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to discuss river issues and organization of the advisory board.

Contact: Richard G. Gibbons, Environmental Program Manager, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone

(804) 786-4132, FAX (804) 371-7899 or (804) 786-2121/TDD
☎

Virginia State Parks Foundation

† April 2, 1998 - 10 a.m. -- Open Meeting
Department of Conservation and Recreation, 203 Governor Street, Suite 302, Richmond, Virginia.

A regular business meeting of the Board of Directors. There will be a public comment period following the business meeting.

Contact: Leon E. App, Regulatory Coordinator, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-4570 or FAX (804) 786-6141.

BOARD FOR CONTRACTORS

† April 8, 1998 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ☎

A regularly scheduled quarterly meeting of the board to (i) address policy and procedural issues; (ii) review and render decisions on applications for contractor licenses; (iii) review and render case decisions on matured complaints against licensees; and (iv) discuss other matters requiring board action. The 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 Geralde W. Morgan so that suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act.

Contact: Geralde W. Morgan, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785 or (804) 367-9753/TDD ☎

† April 28, 1998 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ☎

The Disciplinary Committee will meet to review board member reports and summaries from informal fact-finding conferences held pursuant to the Administrative Process Act and to review consent order offers in lieu of further disciplinary proceedings. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least two weeks prior to the meeting so that suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act.

Contact: Geralde W. Morgan, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad

St., Richmond, VA 23230-4917, telephone (804) 367-2785 or (804) 367-9753/TDD ☎

BOARD FOR COSMETOLOGY

† June 1, 1998 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ☎

A general business meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact Karen W. O'Neal. The department fully complies with the Americans with Disabilities Act. Please notify the department of your request at least 10 days in advance.

Contact: Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-0500, FAX (804) 367-2475 or (804) 367-9753/TDD ☎

DEPARTMENT FOR THE DEAF AND HARD-OF-HEARING

May 6, 1998 - 10 a.m. -- Open Meeting
Department for the Deaf and Hard-of-Hearing, Koger Center, 1602 Rolling Hills Drive, Suite 203, Richmond, Virginia. ☎

A regular quarterly meeting of the Virginia Department for the Deaf and Hard-of-Hearing Advisory Board. Public comments will be received with advance notice.

Contact: Beverly Dickinson, Executive Secretary, Department for the Deaf and Hard-of-Hearing, 1602 Rolling Hills Dr., Suite 203, Richmond, VA 23229, telephone (804) 662-9705/VTTY/TDD or toll-free 1-800-552-7917 (V/TTY).

BOARD OF DENTISTRY

April 3, 1998 -- 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 Dentistry intends to amend regulations entitled: **18 VAC 60-20-10 et seq. Regulations Governing the Practice of Dentistry and Dental Hygiene.** A new regulation is proposed to replace the emergency regulation which establishes an inactive license for dentists and dental hygienists who are retired or out-of-state and who do not wish to or need to comply with continuing education requirements.

Statutory Authority: §§ 54.1-2400 and 54.1-2709 of the Code of Virginia.

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) 662-9943.

Calendar of Events

STATE BOARD OF EDUCATION

† April 7, 1998 - 6:30 p.m. -- Public Hearing
L. Douglas Wilder Middle School, 6900 Wilkinson Road,
Richmond, Virginia. (Interpreter for the deaf provided upon
request)

April 30, 1998 - 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 Education
intends to adopt regulations entitled: **8 VAC 20-21-10 et
seq. Licensure of Regulations for School Personnel.**
During the January 8, 1998, meeting of the Board of
Education, approval was granted to the Licensure of
Regulations for School Personnel in all areas except 8
VAC 20-21-430 - special education: mild-moderate
disabilities K-12 and 8 VAC 20-21-440 - special
education: moderate-severe disabilities K-12. On
February 26, 1998, the Board of Education approved a
substitute proposal in the endorsement areas of special
education-learning disabilities K-12, special education-
mental retardation K-12, special education-emotionally
disturbed K-12, and special education-severe disabilities
K-12. The Board of Education will hold a public hearing
on the proposal. Registration for those wishing to speak
begins at 6 p.m. Speakers are requested to limit their
remarks to three minutes each. In the event a large
number of persons request to speak, the hearing
chairman may request that the time limit for each
speaker be shortened to less than three minutes. A
written copy of remarks is requested. Written comments
may also be submitted directly to Dr. Thomas A. Elliott.

Statutory Authority: §§ 22.1-298 and 22.1-299 of the Code of
Virginia.

Public comments may be submitted until April 30, 1998.

Contact: Dr. Thomas A. Elliott, Assistant Superintendent for
Compliance, Department of Education, P.O. Box 2120,
Richmond, VA 23218-2120, telephone (804) 371-2522.

LOCAL EMERGENCY PLANNING COMMITTEE - CHESTERFIELD COUNTY

April 2, 1998 - 5:30 p.m. -- Open Meeting
May 7, 1998 - 5:30 p.m. -- Open Meeting
June 4, 1998 - 5:30 p.m. -- Open Meeting
6610 Public Safety Way, Chesterfield, Virginia.

A regular meeting.

Contact: Lynda G. Furr, Emergency Services Coordinator,
Chesterfield Fire Department, P.O. Box 40, Chesterfield, VA
23832, telephone (804) 748-1236.

LOCAL EMERGENCY PLANNING COMMITTEE - ROANOKE VALLEY

April 22, 1998 - 9 a.m. -- Open Meeting
American Red Cross Building, 352 Church Avenue SW,
Roanoke, Virginia. ☎

A meeting to receive a report from community
coordinators and to receive reports from standing
committees. Public comment will be received.

Contact: Dan Hall, Fire Chief/Emergency Services
Coordinator, 105 S. Market St., Salem, VA 24153, telephone
(540) 375-3080.

DEPARTMENT OF ENVIRONMENTAL QUALITY

† April 22, 1998 - 9 a.m. -- Open Meeting
Department of Environmental Quality, 629 East Main Street,
1st Floor Training Room, Richmond, Virginia. ☎

The Virginia Coastal Program Grant Review Panel will
meet to review and discuss state agency and local
government competitive proposals for 1998 Virginia
Coastal Resources Management Program funding.
Proposals will be scored and ranked on topical priority,
technical merit, program fit/utility, project approach and
fiscal need. All grant applicants are invited to attend this
meeting or have a representative present.

Contact: Laura McKay, Virginia Coastal Program Manager,
Department of Environmental Quality, 629 E. Main St.,
Richmond, VA 23219, telephone (804) 698-4323 or FAX
(804) 698-4319.

† May 6, 1998 - 9 a.m. -- Open Meeting
Confederate Hills Recreation Center, 302 Lee Avenue,
Highland Springs, Virginia. ☎

The Virginia Coastal Program will hold a second meeting
to discuss development of its multi-year strategic plan.
The contractor for this work, the University of Virginia's
Institute for Environmental Negotiation, will present
research findings, draft options and focus group results.
The draft strategic plan is due in June and the plan will
be finalized by fall of 1998.

Contact: Laura McKay, Virginia Coastal Program Manager,
Department of Environmental Quality, 629 E. Main St.,
Richmond, VA 23219, telephone (804) 698-4323 or FAX
(804) 698-4319.

FAMILY AND CHILDREN'S TRUST FUND

† April 17, 1998 - 10 a.m. -- Open Meeting
Department of Social Services, 730 East Broad Street,
Richmond, Virginia.

A regular monthly meeting. Contact the Trust Fund for
more information or for a copy of the agenda.

Contact: Margaret Ross Schultze, Executive Director, Family and Children's Trust Fund, 730 E. Broad St., 8th Floor, Richmond, VA 23219, telephone (804) 692-1823 or FAX (804) 692-1869.

VIRGINIA FIRE SERVICES BOARD

† **April 24, 1998 - 8:30 a.m.** -- Open Meeting
Wallops Flight Facility, Wallops Island, Virginia.

The following committees will meet to discuss fire training and policies. The meetings are open to the public for input and comments:

Fire/EMS Education and Training Committee at 8:30 a.m.
Legislative/Liaison Committee at 10 a.m.
Fire Prevention and Control Committee at 1 p.m.

Contact: Troy H. Lapetina, Executive Director, Department of Fire Programs, James Monroe Bldg., 101 N. 14th St., 18th Floor, Richmond, VA 23219, telephone (804) 371-0220.

† **April 25, 1998 - 9 a.m.** -- Open Meeting
Wallops Flight Facility, Wallops Island, Virginia.

A business meeting to discuss fire training and policies. The meeting is open to the public for comments and input.

Contact: Troy H. Lapetina, Executive Director, Department of Fire Programs, James Monroe Bldg., 101 N. 14th St., 18th Floor, Richmond, VA 23219, telephone (804) 371-0220.

BOARD OF GAME AND INLAND FISHERIES

† **April 2, 1998 - 9 a.m.** -- Open Meeting

† **April 3, 1998 - 9 a.m.** -- Open Meeting

Department of Game and Inland Fisheries, 4000 West Broad Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

The board will meet and intends to address amendments to 4 VAC 15-290-140, Game: Permits; Possession and display of a validation card or permit to hunt, which were proposed at its January 8, 1998, meeting. The proposed amendments were published in the February 2, 1998, issue of the *Virginia Register* and would establish a new harvest information program registration number requirement for hunting any migratory game bird. A period for submitting written comments on the proposed amendments is currently open and remains open until April 2. The board will (i) solicit comments from the public during the public hearing portion of the April 2 meeting, at which time any interested citizen present shall be heard and (ii) determine whether the proposed regulation amendments will be adopted as final regulations. The board reserves the right to adopt final amendments which may be more liberal than, or more stringent than the regulations currently in effect, or the

regulations proposed at the January 8, 1998, board meeting, as necessary for the proper management of wildlife resources.

The board may also address and may propose amendments to 4 VAC 15-260-140, Game: Waterfowl and Waterfowl Blinds; Non-toxic shot required for waterfowl hunting, and may propose the creation of 4 VAC 15-260-170, pertaining to waterfowl hunting on the James River near Dutch Gap Conservation Area in Chesterfield and Henrico Counties.

The board will review the acts of the 1998 General Assembly as they pertain to wildlife and boating. General and administrative issues may be discussed by the board. The board may hold an executive session before the public session begins on April 2. Upon the completion of its announced agenda, the board may conduct a field trip. If the board completes its entire agenda on April 2, it may not convene on April 3, the second of the scheduled two days of the meeting.

Contact: Phil Smith, Policy Analyst, Department of Game and Inland Fisheries, 4010 W. Broad St., Richmond, VA 23230, telephone (804) 367-8341 or FAX (804) 367-2311.

VIRGINIA GEOGRAPHIC INFORMATION NETWORK ADVISORY BOARD

April 2, 1998 - 10 a.m. -- Open Meeting
1100 Bank Street, Suite 901, Richmond, Virginia.

A regular business meeting.

Contact: Linda Hening, Administrative Assistant, Council on Information Management, 1100 Bank Street, Suite 901, Richmond, VA 23219, telephone (804) 225-3622 or toll-free 1-800-828-1120/TDD

GEORGE MASON UNIVERSITY

Board of Visitors

May 13, 1998 - Time to be announced -- Open Meeting
George Mason University, Mason Hall, Room D23, Fairfax, Virginia.

A regular meeting to hear reports of the standing committees of the board and to act on those recommendations presented by the standing committees. An agenda will be available seven days prior to the board meeting for those individuals and organizations who request it.

Contact: Patricia E. Roney, Administrative Assistant, Office of the President, George Mason University, Fairfax, VA 22030-4444, telephone (703) 993-8700.

Calendar of Events

STATE BOARD OF HEALTH

April 30, 1998 - 1 p.m. -- Public Hearing
Virginia War Memorial, 621 South Belvidere Street,
Richmond, Virginia.

May 18, 1998 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Health intends to amend regulations entitled: **12 VAC 5-600-10 et seq. Waterworks Operation Fee.** These proposed amendments change the existing annual waterworks operation fee schedule from set fees to capped fees so owners of waterworks can be charged amounts lower than presently allowed in the regulation.

Statutory Authority: §§ 32.1-12, 32.1-170 and 32.1-171.1 of the Code of Virginia.

Contact: Thomas B. Gray, P.E., Special Projects Manager, Division of Water Supply Engineering, Department of Health, 1500 E. Main St., Room 109, Richmond, VA 23219, telephone (804) 786-1087, FAX (804) 786-5567 or toll-free 1-800-828-1120/TDD ☎

DEPARTMENT OF HEALTH

† **April 8, 1998 - 10:15 a.m.** -- Open Meeting
Department of Health, Main Street Station, 1500 East Main Street, Room 121, Richmond, Virginia. ♿

A quarterly meeting of the AIDS Drug Advisory Committee to discuss the state AIDS Drug Assistance Program and the state medication formulary.

Contact: Anne Elam, Public Health Nurse Supervisor, Department of Health, P.O. Box 2448, Room 112, Richmond, VA 23219, telephone (804) 371-8294 or toll-free 1-800-533-4148.

Biosolids Use Information Committee

April 16, 1998 - Noon -- Open Meeting
UVA Richmond Center, 7740 Shrader Road, Suite E,
Richmond, Virginia. ♿

A meeting immediately following the 10 a.m. Regulations Advisory Committee meeting to evaluate specific concerns relating to the land application and agricultural use of biosolids, including nutrient management issues related to the Biosolids Use Regulations.

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.

Biosolids Use Regulations Advisory Committee

April 16, 1998 - 10 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.

BOARD OF HEALTH PROFESSIONS

† **April 24, 1998 - 2 p.m.** -- Workshop
† **April 25, 1998 - 9 a.m.** -- Workshop and Open Meeting
Ft. Magruder Hotel and Conference Center, Williamsburg, Virginia. ♿ (Interpreter for the deaf provided upon request)

The board will hold a workshop on Friday and Saturday to discuss issues related to the regulation of health care professionals and to do strategic planning. Public comment will be received at a meeting of the board beginning at 2 p.m. on Saturday.

Contact: Elaine J. Yeatts, Senior Regulatory Analyst, 6606 W. Broad St., Richmond, VA 23230-1717, telephone (804) 662-9918 or FAX (804) 662-9114.

DEPARTMENT OF HEALTH PROFESSIONS

Intervention Program Committee

April 10, 1998 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting with the committee's contractor and representatives to review procedures and reports for the Health Practitioner's Intervention Program. The committee will meet in open session to discuss educational efforts, contracts for entry in the program, and the process for stayed disciplinary action. The committee may meet in executive sessions for the purpose of consideration of specific requests from applicants or participants in the program.

Contact: John W. Hasty, Director, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9424, FAX (804) 662-9114 or (804) 662-7197/TDD ☎

Practitioner Self-Referral Committee

March 30, 1998 - 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 consider two applications for advisory opinions pursuant to the Virginia Practitioner Self-Referral Act. Public comment will not be received.

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 

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

March 30, 1998 - 1 p.m. -- Open Meeting
State Council of Higher Education, James Monroe Building,
101 North 14th Street, 9th Floor Conference Room,
Richmond, Virginia. 

A meeting of the Search Committee. A portion of the meeting will be held in executive session to review applications.

Contact: Pamela H. Landrum, Administrative Staff Assistant, State Council of Higher Education, James Monroe Bldg., 101 N. 14th St., 9th Floor, Richmond, VA 23219, telephone (804) 225-2602 or FAX (804) 371-7911.

† April 8, 1998 - 4 p.m. -- Open Meeting
Camberloy's Martha Washington Hotel, Abingdon, Virginia. 

A brief session of the Search Committee to discuss procedures and then the committee will go into Executive Session to review applicants. The committee may need to discuss issues relating to the process and consultant following the Executive Session.

Contact: Pamela H. Landrum, Administrative Staff Assistant, State Council of Higher Education, James Monroe Bldg., 101 N. 14th St., 9th Floor, Richmond, VA 23219, telephone (804) 225-2602 or FAX (804) 371-7911.

† April 24, 1998 - 10 a.m. -- Open Meeting
State Council of Higher Education, James Monroe Building,
101 North 14th Street, 9th Floor Conference Room,
Richmond, Virginia. 

A general business meeting of the Executive Committee will be held from 10 a.m. until noon. A general business meeting and Executive Session of the Search Committee will begin at noon.

Contact: Pamela H. Landrum, Administrative Staff Assistant, State Council of Higher Education, James Monroe Bldg., 101 N. 14th St., 9th Floor, Richmond, VA 23219, telephone (804) 225-2602 or FAX (804) 371-7911.

DEPARTMENT OF HISTORIC RESOURCES

Board of Historic Resources and State Review Board

† April 22, 1998 - 10 a.m. -- Open Meeting
Virginia Historical Society, 428 North Boulevard, Richmond, Virginia. 

A quarterly meeting to consider completed and proposed reports for the Landmarks Register of Historic Places and the Virginia Landmarks Register, easements and highway markers.

Contact: Marc C. Wagner, National Register Manager, Department of Historic Resources, 2801 Kensington Ave., Richmond, VA 23219, telephone (804) 367-2323, ext. 115, FAX (804) 367-2391 or (804) 367-2386/TDD 

COUNCIL ON INFORMATION MANAGEMENT

April 3, 1998 - 10 a.m. -- Open Meeting
Council on Information Management, Washington Building,
1100 Bank Street, Suite 901, Richmond, Virginia. 

A regular bimonthly meeting.

Contact: Linda Hening, Administrative Assistant, Council on Information Management, Washington Bldg., 1100 Bank St., Suite 901, Richmond, VA 23219, telephone (804) 225-3622.

GOVERNOR'S JOB TRAINING COORDINATING COUNCIL

April 2, 1998 - 10 a.m. -- Open Meeting
Theater Row Building, 730 East Broad Street, Training Rooms 1 and 2, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular quarterly business meeting. Topics related to workforce training will be discussed.

Contact: Gail P. Robinson, Policy Analyst, Governor's Employment and Training Department, 730 E. Broad St., 9th Floor, Richmond, VA 23219, telephone (804) 786-2511, FAX (804) 786-2310 or (804) 786-2315/TDD 

STATE BOARD OF JUVENILE JUSTICE

April 8, 1998 - 9 a.m. -- Open Meeting
700 Centre, 700 East Franklin Street, 4th Floor, Richmond, Virginia. 

Committees of the board meet at 9 a.m. The full board meets at 10 a.m. to consider certification issues, policies, and such other matters as may come before the board.

Contact: Donald R. Carignan, Policy Analyst Senior, Department of Juvenile Justice, 700 E. Franklin St., P.O. Box

Calendar of Events

1110, Richmond, VA 23218-1110, telephone (804) 371-0743 or FAX (804) 371-0773.

† **May 13, 1998 - 9 a.m.** -- Open Meeting
700 Centre, 700 East Franklin Street, 4th Floor, Richmond, Virginia. ☎

The Secure and Nonsecure Services Committees will meet at 9 a.m. The full board will meet at 10 a.m. to consider certification of residential and nonresidential programs, to adopt policies implementing regulatory requirements, and to consider other matters that may come before the board.

Contact: Donald R. Carignan, Policy Analyst Senior, Department of Juvenile Justice, 700 E. Franklin St., P.O. Box 1110, Richmond, VA 23218-1110, telephone (804) 371-0743 or FAX (804) 371-0773.

LIBRARY BOARD

April 6, 1998 - 11:30 a.m. -- Open Meeting
The Library of Virginia, 800 East Broad Street, Richmond, Virginia. ☎

A meeting to discuss matters related to The Library of Virginia.

Committees of the board will meet as follows:
Archival and Information Services Committee, April 6, 1998 - 9:40 a.m.

Automation and Networking Committee, April 5, 1998 - 4 p.m.

Executive Committee, April 5, 1998 - 4:30 p.m.

Facilities Committee, April 6, 1998 - 8 a.m.

Legislative and Finance Committee, April 6, 1998 - 10:25 a.m.

Public Library Development Committee, April 5, 1998 - 3 p.m.

Publications and Educational Services Committee, April 6, 1998 - 8:55 a.m.

Records Management Committee, April 6, 1998 - 8:15 a.m.

Contact: Jean H. Taylor, Secretary to the State Librarian, The Library of Virginia, 800 E. Broad St., Richmond, VA 23219, telephone (804) 692-3535.

LITTER CONTROL AND RECYCLING FUND ADVISORY BOARD

† **April 20, 1998 - 10 a.m.** -- Open Meeting
701 East Franklin Street, Lower Level Conference Room, Richmond, Virginia.

A quarterly meeting to promote the control, prevention and elimination of litter from the Commonwealth, to encourage recycling, and to advise the Director of the Department of Environmental Quality on other litter control and recycling matters. For details, call Mike Murphy.

Contact: Michael P. Murphy, Director, Customer Service, Department of Environmental Quality, 629 E. Main St., Richmond, VA 23219, telephone (804) 698-4003 or (804) 698-4021/TDD ☎

VIRGINIA MANUFACTURED HOUSING BOARD

March 31, 1998 - 10 a.m. -- Open Meeting
Department of Housing and Community Development, The Jackson Center, 501 North 2nd Street, Richmond, Virginia. ☎
(Interpreter for the deaf provided upon request)

A regular monthly meeting.

Contact: Curtis L. McIver, Associate Director, Department of Housing and Community Development, Manufactured Housing Office, The Jackson Center, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7160 or (804) 371-7089/TDD ☎

BOARD OF MEDICAL ASSISTANCE SERVICES

April 14, 1998 - 10 a.m. -- Open Meeting
Department of Medical Assistance Services, Suite 1300 (Board Room), 600 East Broad Street, Richmond, Virginia.

A meeting to discuss medical assistance services policy and to take action on issues pertinent to the board. The board will elect new officers.

Contact: Cynthia K. Morton, Board Liaison, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-8099 or FAX (804) 371-4981.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

May 1, 1998 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to amend regulations entitled: **12 VAC 30-20-10 et seq. Administration of Medical Assistance and 12 VAC 30-60-10 et seq. Standards Established and Methods Used to Assure High Quality of Care.** These regulations amend the specialized care program to update the definitions of provider and recipient criteria, as required by legislation.

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

Public comments may be submitted until May 1, 1998, to Regina Anderson-Cloud, LTC Policy, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

Contact: Victoria P. Simmons or Roberta J. Jonas, Regulatory Coordinators, Department of Medical Assistance

Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8854 or FAX (804) 371-4981.

Pharmacy Liaison Committee

April 6, 1998 - 1 p.m. -- Open Meeting
Department of Medical Assistance Services, 600 East Broad Street, 13th Floor, Board Room, Richmond, Virginia. ☎

A meeting to conduct routine business.

Contact: David Shepherd, R.Ph., Supervisor, Pharmacy Unit, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 225-2773.

BOARD OF MEDICINE

† **April 3, 1998 - 8 a.m.** -- Public Hearing
Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

April 3, 1998 -- 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, Chiropractic, and Physician Acupuncture.** The purpose of the proposed action is to amend the regulations pursuant to Executive Order 15 (94), which called for clarification, simplification, and where possible, a reduction in the regulatory burden. Amendments will lower certain application fees, eliminate the confusion in terminology for licensure by endorsement or by examination, and repeal unnecessary regulations.

Statutory Authority: §§ 54.1-2400 and Chapter 29 (§ 54.1-2900 et seq.) of Title 54.1 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) 662-9908 or (804) 662-9943.

April 3, 1998 - 8 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Rooms 2 and 3, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

The Executive Committee will meet in open and closed session to (i) review disciplinary files requiring administrative action, (ii) adopt amendments for approval of promulgation of regulations as presented, (iii) interview applicants, and (iv) act on other issues that come before the board. The chairman will entertain public comments on agenda items for 15 minutes following adoption of the agenda.

Contact: Warren W. Koontz, M.D., Executive Director, Board of Medicine, Department of Health Professions, 6606 W. Broad St., Richmond, VA 23230-1717, telephone (804) 662-9960, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

April 4, 1998 - 8 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Rooms 3 and 4, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

The Credentials 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) act on other issues that 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, Board of Medicine, Department of Health Professions, 6606 W. Broad St., Richmond, VA 23230-1717, telephone (804) 662-9960, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

† **May 6, 1998 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

The Advisory Committee on Acupuncturists will meet to discuss regulatory review of 18 VAC 85-110-10 et seq., Licensed Acupuncturists, and such other issues which may be presented. The committee will entertain public comments during the first 15 minutes on agenda items.

Contact: Warren W. Koontz, M.D., Executive Director, Board of Medicine, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9960, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

† **May 6, 1998 - 1 p.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

The Advisory Committee on Radiologic Technologists will meet to review public comments and make recommendations to the board regarding 18 VAC 85-101-10 et seq., Regulations Governing the Licensure of Radiologic Technologist Practitioners and Radiologic Technologists-Limited, and such other issues which may be presented. The advisory committee will entertain public comments during the first 15 minutes on agenda items.

Contact: Warren W. Koontz, M.D., Executive Director, Board of Medicine, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9960, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

Calendar of Events

† **May 7, 1998 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Board Room 4, Richmond, Virginia. (Interpreter
for the deaf provided upon request)

The Advisory Board on Occupational Therapy will meet to review public comments and make recommendations to the board regarding the regulatory review of 18 VAC 85-80-10 et seq., Regulations for Certification of Occupational Therapists, and such other issues which may be presented. The advisory board will entertain public comments during the first 15 minutes on agenda items.

Contact: Warren W. Koontz, M.D., Executive Director, Board of Medicine, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9960, FAX (804) 662-9943 or (804) 662-7197/TDD

† **May 7, 1998 - 1 p.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Board Room 4, Richmond, Virginia. (Interpreter
for the deaf provided upon request)

The Advisory Board on Respiratory Therapy will meet to review public comments and make recommendations to the board regarding the regulatory review of 18 VAC 85-40-10 et seq., Regulations Governing the Practice of Respiratory Therapy Practitioners, and such other issues which may be presented. The advisory board will entertain public comments during the first 15 minutes on agenda items.

Contact: Warren W. Koontz, M.D., Executive Director, Board of Medicine, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9960, FAX (804) 662-9943 or (804) 662-7197/TDD

† **May 8, 1998 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Board Room 4, Richmond, Virginia. (Interpreter
for the deaf provided upon request)

The Advisory Board on Physical Therapy will meet to review public comments and make recommendations to the board regarding the regulatory review of 18 VAC 85-31-10 et seq., Regulations Governing the Practice of Physical Therapy, and such other issues which may be presented. The advisory board will entertain public comments during the first 15 minutes on agenda items.

Contact: Warren W. Koontz, M.D., Executive Director, Board of Medicine, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9960, FAX (804) 662-9943 or (804) 662-7197/TDD

† **May 8, 1998 - 1 p.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Board Room 4, Richmond, Virginia. (Interpreter
for the deaf provided upon request)

The Advisory Committee on Physician Assistants will meet to review public comments and make recommendations to the board regarding the regulatory review of 18 VAC 85-50-10 et seq., Regulations Governing the Practice of Physician Assistants, and such other issues which may be presented. The committee will entertain public comments during the first 15 minutes on agenda items.

Contact: Warren W. Koontz, M.D., Executive Director, Board of Medicine, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9960, FAX (804) 662-9943 or (804) 662-7197/TDD

† **May 15, 1998 - 1 p.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Board Room 2, Richmond, Virginia. (Interpreter
for the deaf provided upon request)

The Legislative Committee will meet to discuss legislative issues related to board activities and regulation, to review any pending regulations pursuant to regulatory review or legislative action, and to consider any other information that may come before the committee. The committee will entertain public comments during the first 15 minutes on agenda items.

Contact: Warren W. Koontz, M.D., Executive Director, Board of Medicine, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9960, FAX (804) 662-9943 or (804) 662-7197/TDD

† **May 22, 1998 - 10 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Board Room 2, Richmond, Virginia. (Interpreter
for the deaf provided upon request)

Pursuant to § 54.1-2912.1 of the Code of Virginia, the board shall prescribe by regulation such requirements as may be necessary to ensure continued practitioner competence.

Contact: Warren W. Koontz, M.D., Executive Director, Board of Medicine, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9960, FAX (804) 662-9943 or (804) 662-7197/TDD

Informal Conference Committee

April 8, 1998 - 9:30 a.m. -- Open Meeting
Sheraton Inn, 2801 Plank Road, Fredericksburg, Virginia.

May 14, 1998 - 10:30 a.m. -- Open Meeting
Roanoke Airport Marriott, 2801 Hershberger Road, Roanoke,
Virginia.

A meeting to 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, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-7332, FAX (804) 662-9517 or (804) 662-7197/TDD ☎

April 23, 1998 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia.

A meeting to inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine and other healing arts in Virginia. Additionally, a panel of the board will convene, pursuant to § 54.1-2400 of the Code of Virginia, to inquire into allegations that a practitioner may have violated laws governing the practice of medicine. The committee and panel 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, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-7332, FAX (804) 662-9517 or (804) 662-7197/TDD ☎

STATE MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

† April 16, 1998 - 1 p.m. -- Open Meeting
Roslyn Conference Center, 8727 River Road, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A regular meeting of the board. A public comment period will be held.

Contact: Marlene Butler, State Board Secretary, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23214, telephone (804) 786-7945 or FAX (804) 371-2308.

DEPARTMENT OF MOTOR VEHICLES

Medical Advisory Board

April 8, 1998 - 1 p.m. -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Richmond, Virginia. ☎

A regular business meeting.

Contact: Phyllis A. Dardenne, Program Manager, Department of Motor Vehicles, 2300 W. Broad St., Richmond, VA 23220, telephone (804) 367-2581.

VIRGINIA MUSEUM OF NATURAL HISTORY

† April 25, 1998 - 7:30 a.m. -- Open Meeting
Dutch Inn, 2360 Virginia Avenue, Collinsville, Virginia. ☎

The Research and Collections Committee will meet to discuss appointment/reappointment of research associates, the collections policy and the research policy.

Contact: Rhonda J. Knighton, Administrative Staff Assistant, Virginia Museum of Natural History, 1001 Douglas Ave., Martinsville, VA 24112, telephone (540) 666-8616 or (540) 666-8638/TDD ☎

† April 25, 1998 - 8 a.m. -- Open Meeting
Dutch Inn, 2360 Virginia Avenue, Collinsville, Virginia. ☎

The Outreach Committee will meet to discuss policy, publications plans, exhibits plans, and integrated fundraising (activity books and related kits to support exhibits).

Contact: Rhonda J. Knighton, Administrative Staff Assistant, Virginia Museum of Natural History, 1001 Douglas Ave., Martinsville, VA 24112, telephone (540) 666-8616 or (540) 666-8638/TDD ☎

† April 25, 1998 - 8 a.m. -- Open Meeting
Dutch Inn, 2360 Virginia Avenue, Collinsville, Virginia. ☎

The Development Committee will meet to discuss development issues.

Contact: Rhonda J. Knighton, Administrative Staff Assistant, Virginia Museum of Natural History, 1001 Douglas Ave., Martinsville, VA 24112, telephone (540) 666-8616 or (540) 666-8638/TDD ☎

† April 25, 1998 - Noon -- Open Meeting
Dutch Inn, 2360 Virginia Avenue, Collinsville, Virginia. ☎

The Marketing Committee will meet to discuss marketing issues.

Contact: Rhonda J. Knighton, Administrative Staff Assistant, Virginia Museum of Natural History, 1001 Douglas Ave., Martinsville, VA 24112, telephone (540) 666-8616 or (540) 666-8638/TDD ☎

BOARD OF NURSING HOME ADMINISTRATORS

† April 8, 1998 - 9:30 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. ☎

A regular meeting. Public comments will be heard for 15 minutes prior to the meeting. Following the meeting, a formal administrative hearing will be held. No public comment will be heard at that time.

Contact: Senita Booker, Administrative Staff Assistant, Board of Nursing Home Administrators, 6606 W. Broad St.,

Calendar of Events

4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9111, FAX (804) 662-9523, or (804) 662-7197/TDD ☎

† April 28, 1998 - 9 a.m. -- Open Meeting

† April 29, 1998 - 9 a.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. ♿

The Special Conference Committee will hold informal hearings. No public comments will be heard.

Contact: Senita Booker, Administrative Staff Assistant, Board of Nursing Home Administrators, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9111, FAX (804) 662-9523 or (804) 662-7197/TDD ☎

OLD DOMINION UNIVERSITY

† April 9, 1998 - 3 p.m. -- Open Meeting

Old Dominion University, Webb University Center, Board Room, Norfolk, Virginia. ♿ (Interpreter for the deaf provided upon request)

A quarterly meeting of the governing board to discuss business of the university brought forth as a result of meetings of its Academic Affairs, Administration and Finance, Institutional Advancement and Student Affairs Committees, and as determined by the Rector and the President.

Contact: Donna W. Meeks, Secretary to the Board of Visitors, Old Dominion University, Norfolk, VA 23529, telephone (757) 683-3072, FAX (757) 683-5041, or e-mail DMEEKS@ODU.EDU

BOARD OF OPTOMETRY

† April 10, 1998 - 1 p.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A public hearing to receive comment in response to the board's Notice of Intended Regulatory Action on guidance, conditions and provisions that would permit an optometrist to practice adjacent to a commercial or mercantile establishment. The agency now intends to hold a public hearing to receive comment prior to proposing amendments to the regulations.

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 ☎

† April 16, 1998 - 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 Professional Designation Committee will meet to review applications for professional designations and

discuss professional designation titling and the need for amendments to the regulations. Public comment will be received at the beginning of the meeting.

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 ☎

† April 16, 1998 - 10:30 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 Legislative/Regulatory Review Committee will meet to review and discuss legislative proposals for the 1999 Session of the General Assembly, CPT codes, supervision/delegation of employees' responsibilities, and public comment received in response to the board's Notice of Intended Regulatory Action regarding mercantile practice. Public comment will be received at the beginning of the meeting.

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 ☎

† April 16, 1998 - 1:30 p.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)

A meeting of the board to consider recommendations from the Legislative/Regulatory Review Committee and the Professional Designation Committee and to discuss the next issue of the newsletter. Public comment will be received at the beginning of the meeting.

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 ☎

† April 30, 1998 - 9 a.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

† May 15, 1998 - 8:30 a.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 conduct informal conferences. This is a public meeting; however, public comment will not be received.

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 ☎

VIRGINIA OUTDOORS FOUNDATION

April 1, 1998 - 9:30 a.m. -- Open Meeting
State Capitol, Capitol Square, Richmond, Virginia.

A regularly scheduled meeting of the Board of Trustees to discuss foundation business and accept conservation easements. Public input will be accepted after the regular business meeting.

Contact: Tamara Vance, Executive Director, Virginia Outdoors Foundation, 203 Governor St., Room 317, Richmond, VA 23219, telephone (804) 225-2147.

VIRGINIA BOARD FOR PEOPLE WITH DISABILITIES

March 30, 1998 - 10 a.m. -- Open Meeting
202 North Ninth Street, 9th Floor, Richmond, Virginia. (Interpreter for the deaf provided upon request)

The Education Committee Grant Review Team will meet to consider proposals submitted under the 1998 Developmental Disabilities Grant Program and to formulate recommendations for the full board.

Contact: Al Jones, Program Manager, Virginia Board for People with Disabilities, 202 N. Ninth St., 9th Floor, Richmond, VA 23219, telephone (804) 786-0016, FAX (804) 786-1118 or toll-free 1-800-846-4464/TDD

March 31, 1998 - 10 a.m. -- Open Meeting
202 North Ninth Street, 9th Floor Conference Room, Richmond, Virginia. (Interpreter for the deaf provided upon request)

The Community Living Committee Grant Review Team will meet to consider proposals submitted under the 1998 Developmental Disabilities Grant Program and to formulate recommendations for the full board.

Contact: Al Jones, Program Manager, Virginia Board for People with Disabilities, 202 N. Ninth St., 9th Floor, Richmond, VA 23219, telephone (804) 786-0016, FAX (804) 786-1118 or toll-free 1-800-846-4464/TDD

April 1, 1998 - 10 a.m. -- Open Meeting
202 North Ninth Street, 9th Floor, Richmond, Virginia. (Interpreter for the deaf provided upon request)

The Employment Committee Grant Review Team will meet to consider proposals submitted under the 1998 Developmental Disabilities Grant Program and to formulate recommendations for the full board.

Contact: Thomas Ariail, Business Manager, Virginia Board for People with Disabilities, 202 N. Ninth St., 9th Floor, Richmond, VA 23219, telephone (804) 786-0016, FAX (804) 786-1118 or toll-free 1-800-846-4464.

May 27, 1998 - 1 p.m. -- Open Meeting
202 North Ninth Street, 9th Floor Conference Room, Richmond, Virginia. (Interpreter for the deaf provided upon request)

The Executive Committee will meet to discuss business and prepare for the May 28, 1998, board meeting.

Contact: Thomas Ariail, Business Manager, Virginia Board for People with Disabilities, 202 N. Ninth St., 9th Floor, Richmond, VA 23219, telephone (804) 786-0016/TDD, FAX (804) 786-1118 or toll-free 1-800-846-4464.

May 28, 1998 - 9 a.m. -- Open Meeting
202 North Ninth Street, 9th Floor, Richmond, Virginia. (Interpreter for the deaf provided upon request)

The Education, Community Living and Employment Committees will meet from 9 a.m. to noon to discuss business and prepare for the afternoon business meeting. The board business meeting will be held from 1 p.m. to 4:30 p.m. A public comment period will begin before the board business meeting. Consumers, family members, and service providers are encouraged to comment on the needs and issues facing people with disabilities in Virginia.

Contact: Thomas Ariail, Business Manager, Virginia Board for People with Disabilities, 202 N. Ninth St., 9th Floor, Richmond, VA 23219, telephone (804) 786-0016, FAX (804) 786-1118 or toll-free 1-800-846-4464.

BOARD OF PHARMACY

April 7, 1998 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia.

A working meeting of the Regulation Committee to (i) develop a Notice of Intended Regulatory Action in response to the FDA Modernization Act of 1997 which gives state boards of pharmacy authority to regulate compounding; (ii) reconsider October 9, 1997, proposed regulation amendments to conform nursing home use of ADD's with final regulations for hospitals; (iii) develop a workplan for regulations mandated by 1998 legislation; (iv) consider petitions for rulemaking; and (v) consider any other matters referred by the full board. This is a working meeting of the committee and public comment will not be received.

Contact: Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9911, FAX (804) 662-9313 or (804) 662-7197/TDD

April 14, 1998 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia.

A general business meeting of the board. The board may reconsider amendments to 18 VAC 110-20-10 et seq., Virginia Board of Pharmacy Regulations, proposed by the board on October 9, 1997, and any proposals for Notices of Intended Regulatory Action if recommended by the regulation committee. The board may consider

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disciplinary matters and conduct disciplinary proceedings. Public comments will be received at the beginning of the meeting immediately following the approval of the agenda and the review and acceptance of minutes.

Contact: Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9911, FAX (804) 662-9313 or (804) 662-7197/TDD ☎

† **April 28, 1998 - 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)

A special conference committee will conduct informal conferences. Public comment will not be received.

Contact: Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9911, FAX (804) 662-9313 or (804) 662-7197/TDD ☎

BOARD OF LICENSED PROFESSIONAL COUNSELORS, MARRIAGE AND FAMILY THERAPISTS AND SUBSTANCE ABUSE TREATMENT PROFESSIONALS

† **April 6, 1998 - 8:30 a.m.** -- Open Meeting
† **April 8, 1998 - 8:30 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, Conference Room 4, Richmond, Virginia. ♿

Informal administrative hearings will be held pursuant to § 9-6.14:12 of the Code of Virginia. No public comment will be received.

Contact: Evelyn Brown, Executive Director, Board of Licensed Professional Counselors, Marriage and Family Therapists and Substance Abuse Treatment Professionals, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9967 or FAX (804) 662-9943.

VIRGINIA RACING COMMISSION

April 15, 1998 - 9:30 a.m. -- Open Meeting
Administrative Building, 12007 Courthouse Circle, New Kent, Virginia. ♿

The commission will hear a report on the opening of the harness racing meeting at Colonial Downs and review the facilities for the race meeting that will begin in April.

Contact: William H. Anderson, Policy Analyst, Virginia Racing Commission, 10700 Horsemen's Rd., New Kent, VA 23124, telephone (804) 966-4200 or FAX (804) 966-8906.

† **May 20, 1998 - 9:30 a.m.** -- Public Hearing
Administrative Building, 12007 Courthouse Circle, New Kent, Virginia.

May 30, 1998 - 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 Racing Commission intends to amend regulations entitled: **11 VAC 10-180-10 et seq. Medication.** The proposed regulations provided for the use of furosemide and adjunct therapies in racehorses on race day.

Statutory Authority: § 59.1-369 of the Code of Virginia.

Contact: William H. Anderson, Policy Analyst, Virginia Racing Commission, 10700 Horsemen's Rd., New Kent, VA 23124, telephone (804) 966-4200 or FAX (804) 966-8906.

REAL ESTATE APPRAISER BOARD

April 7, 1998 - 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: Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-0500, FAX (804) 367-2475, or (804) 367-9753/TDD ☎

REAL ESTATE BOARD

† **April 1, 1998 - 1 p.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿

A meeting of the Common Interest Community Management Information Fund Advisory Committee to develop recommendations for the Real Estate Board on uses of money collected pursuant to the Common Interest Community Management Fund for the benefit of common interest communities and their members.

Contact: Emily O. Wingfield, Property Registration Administrator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8510 or (804) 367-9753/TDD ☎

BOARD OF REHABILITATIVE SERVICES

† **May 7, 1998 - 10 a.m.** -- Open Meeting
Holiday Inn Executive Center, 5655 Greenwich Road, Virginia Beach, Virginia. (Interpreter for the deaf provided upon request)

A quarterly business meeting.

Contact: Sandra Prince, Administrative Staff Specialist, Department of Rehabilitative Services, 8004 Franklin Farms Dr., Richmond, VA 23230, telephone (804) 662-7010, (804) 662-9040/TDD or toll-free 1-800-552-5019/Voice and 1-800-464-9950/TDD

DEPARTMENT OF REHABILITATIVE SERVICES

Statewide Independent Living Council

† **May 6, 1998 - 10 a.m.** -- Open Meeting
Norfolk Airport Hilton, 1500 North Military Highway, James Room, Norfolk, Virginia. (Interpreter for the deaf provided upon request)

A regular business meeting.

Contact: Jim Rothrock, Statewide Independent Living Council Staff, 1802 Marriott Rd., Richmond, VA 23229, telephone (804) 673-0119, FAX (804) 282-7112, toll-free 1-800-552-5019/TDD and Voice, or e-mail rothrock@aol.com.

Statewide Rehabilitation Advisory Council And Statewide Independent Living Council

March 30, 1998 - 4 p.m. -- Public Hearing
Hampton Roads Planning District Commission, 723 Woodlake Drive, Regional Building, Chesapeake, Virginia. (Interpreter for the deaf provided upon request)

April 1, 1998 - 4 p.m. -- Public Hearing
Virginia Highlands Community College, Exit 14 off I-81 (use parking lot # 4), Room 220, Abingdon, Virginia. (Interpreter for the deaf provided upon request)

April 2, 1998 - 4 p.m. -- Public Hearing
Blue Ridge Independent Living Center, 1502-D Williamson Road, Roanoke, Virginia. (Interpreter for the deaf provided upon request)

A public hearing to provide the public with an opportunity to comment on vocational rehabilitation, supported employment, and independent living services. Public comments shall be considered in the Department of Rehabilitative Services' policy formation and in the development of the FY 1999 State Plan for Vocational Rehabilitation and Employment and the FY 1999-2002 State Plan for Independent Living. Special accommodations may be requested through Gloria O'Neal. If members of the public are unable to attend

the public hearing, comments may be received by (i) notifying Gloria O'Neal by March 1, 1998, that you wish to be contacted by telephone during the public hearing to provide a comment or (ii) submitting a comment to Gloria O'Neal by April 1, 1998.

Contact: Gloria O'Neal, Program Support Technician, Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, VA 23288-0300, telephone (804) 662-7611, FAX (804) 662-7696, toll-free 1-800-552-5019, ext. 7611, or 1-800-464-9950, ext. 7611/TDD, or e-mail onealgb@drsmail.state.va.us.

VIRGINIA RESOURCES AUTHORITY

† **April 14, 1998 - 9:30 a.m.** -- Open Meeting

† **May 12, 1998 - 9:30 a.m.** -- Open Meeting
The Mutual Building, 909 East Main Street, Suite 700, Richmond, Virginia.

† **June 9, 1998 - 9:30 a.m.** -- Open Meeting
Ramada Oceanfront Tower and Conference Center, 58th and Oceanfront, Virginia Beach, Virginia.

A meeting to approve minutes of the meeting of the prior month, to review the authority's operations for the prior month, and to consider other matters and take other actions as the authority 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., Executive Director, Virginia Resources Authority, P.O. Box 1300, Richmond, VA 23218, telephone (804) 644-3100 or FAX (804) 644-3109.

INTERAGENCY RIPARIAN BUFFERS TASK FORCE

March 30, 1998 - 7 p.m. -- Open Meeting
Samuels Library, 538 Villa Avenue, Front Royal, Virginia.

March 31, 1998 - 7 p.m. -- Open Meeting
Government Administrative Complex Center, 101-C Mounts Bay Road, Williamsburg, Virginia.

April 1, 1998 - 7 p.m. -- Open Meeting
Lynchburg Public Library, 2315 Memorial Avenue, Lynchburg, Virginia.

April 2, 1998 - 7 p.m. -- Open Meeting
Dick Cross Wildlife Center, Rural Route Highway 4, Boydton, Virginia.

NOTE: CHANGE IN MEETING DATE

† **April 7, 1998 - 7 p.m.** -- Open Meeting
Fredericksburg Park Recreation Center, 408 Canal Street, Fredericksburg, Virginia.

The Chesapeake Executive Council has adopted a goal of increasing forest cover adjacent to the Chesapeake

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Bay and adjacent to the streams and rivers that feed the Bay by 2,010 miles by the year 2010. To help achieve that goal, Virginia is developing a plan by which it seeks to increase forest buffers within its portion of the Chesapeake Bay watershed. At this meeting, a draft of Virginia's plan and general information regarding riparian buffer will be made available to the public. Any person who needs any accommodations in order to participate at the meeting should contact Sarah D. Pugh at least five days before the meeting date so that suitable arrangements can be made.

Contact: Sarah D. Pugh, Policy Analyst Senior, Department of Agriculture and Consumer Services, P.O. Box 1163, Suite 211, Richmond, VA 23218, telephone (804) 786-3535 or FAX (804) 371-7679.

STATE BOARD OF SOCIAL SERVICES

† **April 15, 1998 - 9 a.m.** -- Open Meeting
† **April 16, 1998 - 9 a.m.** -- Open Meeting (if necessary)
Ramada Plaza Hotel-Old Town, 901 North Fairfax Street, Alexandria, Virginia. 

A work session and business meeting.

Contact: Pat Rengnerth, Administrative Staff Specialist, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1826, FAX (804) 692-0319, toll-free 1-800-552-3431, or toll-free 1-800-552-7096/TDD 

BOARD OF SOCIAL WORK

† **April 3, 1998 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. 

A regular meeting to conduct board business, consider committee reports and correspondence, and consider any other matters under the authority of the board. Public comments will be received.

Contact: Rai Gilmore, Administrative Assistant, Board of Social Work, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9914 or (804) 662-7197/TDD 

COMMONWEALTH TRANSPORTATION BOARD

† **April 15, 1998 - 2 p.m.** -- Open Meeting
Shenandoah Crossing, 10 Shenandoah Crossing Drive, Gordonsville, Virginia.  (Interpreter for the deaf provided upon request)

A work session of the board and the Department of Transportation staff.

Contact: Shirley J. Ybarra, Secretary of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-6675.

† **April 16, 1998 - 10 a.m.** -- Open Meeting
Shenandoah Crossing, 10 Shenandoah Crossing Drive, Gordonsville, 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: Shirley J. Ybarra, Secretary of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-6675.

DEPARTMENT OF TRANSPORTATION

March 30, 1998 - 9:30 a.m. -- Public Hearing
Virginia Intermont College, 1013 Moore Street, Harrison-Jones Memorial Hall, Bristol, Virginia. (Interpreter for the deaf provided upon request)

A preallocation hearing to receive comments on highway allocations for the upcoming year and on updating the six-year improvement program for the interstate, primary, and urban systems, as well as mass transit for the **Bristol** district.

Contact: James W. Atwell, Assistant Commissioner - Finance, Virginia Department of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-5128, FAX (804) 371-8719 or toll-free 1-800-444-7832.

March 31, 1998 - 9 a.m. -- Public Hearing
Salem Civic Center, 1001 Roanoke Boulevard, Salem, Virginia. (Interpreter for the deaf provided upon request)

A preallocation hearing to receive comments on highway allocations for the upcoming year and on updating the six-year improvement program for the interstate, primary, and urban systems, as well as mass transit for the **Salem** district.

Contact: James W. Atwell, Assistant Commissioner - Finance, Virginia Department of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-5128, FAX (804) 371-8719 or toll-free 1-800-444-7832.

April 1, 1998 - 9 a.m. -- Public Hearing
Lynchburg District Office, 4219 Campbell Avenue, Lynchburg, Virginia. (Interpreter for the deaf provided upon request)

A preallocation hearing to receive comments on highway allocations for the upcoming year and on updating the six-year improvement program for the interstate, primary, and urban systems, as well as mass transit for the **Lynchburg** district.

Contact: James W. Atwell, Assistant Commissioner - Finance, Virginia Department of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-5128, FAX (804) 371-8719 or toll-free 1-800-444-7832.

April 2, 1998 - 9 a.m. -- Public Hearing
Culpeper District Office, 1601 Orange Road, Culpeper, Virginia. (Interpreter for the deaf provided upon request)

A preallocation hearing to receive comments on highway allocations for the upcoming year and on updating the six-year improvement program for the interstate, primary, and urban systems, as well as mass transit for the **Culpeper** district.

Contact: James W. Atwell, Assistant Commissioner - Finance, Virginia Department of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-5128, FAX (804) 371-8719 or toll-free 1-800-444-7832.

April 3, 1998 - 9 a.m. -- Public Hearing
Augusta County Government Center, Route 11, Verona, Virginia. (Interpreter for the deaf provided upon request)

A preallocation hearing to receive comments on highway allocations for the upcoming year and on updating the six-year improvement program for the interstate, primary, and urban systems, as well as mass transit for the **Staunton** district.

Contact: James W. Atwell, Assistant Commissioner - Finance, Virginia Department of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-5128, FAX (804) 371-8719 or toll-free 1-800-444-7832.

April 6, 1998 - 10 a.m. -- Public Hearing
Fairfax City Hall, 10455 Armstrong Street, Fairfax, Virginia. (Interpreter for the deaf provided upon request)

A preallocation hearing to receive comments on highway allocations for the upcoming year and on updating the six-year improvement program for the interstate, primary, and urban systems, as well as mass transit for the **Northern Virginia** district.

Contact: James W. Atwell, Assistant Commissioner - Finance, Virginia Department of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-5128, FAX (804) 371-8719 or toll-free 1-800-444-7832.

April 7, 1998 - 10 a.m. -- Public Hearing
Suffolk District Auditorium, 1700 North Main Street, Route 460, Suffolk, Virginia. (Interpreter for the deaf provided upon request)

A preallocation hearing to receive comments on highway allocations for the upcoming year and on updating the six-year improvement program for the interstate, primary,

and urban systems, as well as mass transit for the **Suffolk** district.

Contact: James W. Atwell, Assistant Commissioner - Finance, Virginia Department of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-5128, FAX (804) 371-8719 or toll-free 1-800-444-7832.

April 8, 1998 - 9:30 a.m. -- Public Hearing
John Tyler Community College, 13011 Jefferson Davis Highway, Nicholas Student Center, Room N-102, Chester, Virginia. (Interpreter for the deaf provided upon request)

A preallocation hearing to receive comments on highway allocations for the upcoming year and on updating the six-year improvement program for the interstate, primary, and urban systems, as well as mass transit for the **Richmond** district.

Contact: James W. Atwell, Assistant Commissioner - Finance, Virginia Department of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-5128, FAX (804) 371-8719 or toll-free 1-800-444-7832.

April 9, 1998 - 10 a.m. -- Public Hearing
George D. English Building, off Route 3 on Route 622, Montross, Virginia. (Interpreter for the deaf provided upon request)

A preallocation hearing to receive comments on highway allocations for the upcoming year and on updating the six-year improvement program for the interstate, primary, and urban systems, as well as mass transit for the **Fredericksburg** district.

Contact: James W. Atwell, Assistant Commissioner - Finance, Virginia Department of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-5128, FAX (804) 371-8719 or toll-free 1-800-444-7832.

TREASURY BOARD

April 15, 1998 - 9 a.m. -- Open Meeting
May 20, 1998 - 9 a.m. -- Open Meeting
James Monroe Building, 101 North 14th Street, Treasury Board Room, 3rd Floor, Richmond, Virginia. 

A regular business meeting.

Contact: Gloria J. Hatchel, Administrative Assistant, Department of the Treasury, James Monroe Bldg., 101 N. 14th St., Richmond, VA 23219, telephone (804) 371-6011.

VIRGINIA VETERANS CARE CENTER

† **April 3, 1998 - 1:30 p.m.** -- Open Meeting
Virginia Veterans Care Center, 4550 Shenandoah Avenue, Roanoke, Virginia. 

The third quarterly meeting of the Board of Trustees to review operations.

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Contact: Duane A. Kavka, Executive Director, Virginia Veterans Care Center, 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 ☎

BOARD OF VETERINARY MEDICINE

† **April 9, 1998 - 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)

A meeting to conduct informal conferences. Public comment will not be received.

Contact: Terri H. Behr, Administrative Assistant, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9915 or (804) 662-7197/TDD ☎

BOARD FOR THE VISUALLY HANDICAPPED

April 18, 1998 - 10 a.m. -- Open Meeting
Department for the Visually Handicapped, Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

The board is 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, toll-free 1-800-622-2155, or (804) 371-3140/TDD ☎

DEPARTMENT FOR THE VISUALLY HANDICAPPED

March 30, 1998 - 6 p.m. -- Open Meeting
Virginia Rehabilitation Center for the Blind, 401 Azalea Avenue, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

April 1, 1998 - 9:30 a.m. -- Open Meeting
Ghent Methodist Church, 531 Raleigh Avenue, Norfolk, Virginia. ☎ (Interpreter for the deaf provided upon request)

April 6, 1998 - 1 p.m. -- Open Meeting
Department for the Visually Handicapped, 111 Commonwealth Avenue, Bristol, Virginia. ☎ (Interpreter for the deaf provided upon request)

April 8, 1998 - 7:30 p.m. -- Open Meeting
Summers Restaurant, 1520 North Courthouse Road, Arlington, Virginia. ☎ (Interpreter for the deaf provided upon request)

April 14, 1998 - 3 p.m. -- Open Meeting
Winchester Medical Center, 1800 Amherst Street, Conference Room 3, Winchester, Virginia. ☎ (Interpreter for the deaf provided upon request)

April 15, 1998 - 5:30 p.m. -- Open Meeting
Lions Sight Foundation, 501 Elm Avenue, S.W., Roanoke, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to invite comments from the public regarding vocational rehabilitation services for persons with visual disabilities. All comments will be considered in developing the state plan for this program.

Contact: James G. Taylor, Vocational Rehabilitation Program Director, 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 ☎

VIRGINIA VOLUNTARY FORMULARY BOARD

April 2, 1998 - 10:30 a.m. -- Open Meeting
Washington Building, 1100 Bank Street, 2nd Floor, Board Room, Richmond, Virginia.

A meeting to review the public hearing record and 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, James Monroe Bldg., 101 N. 14th St., Room S-45, Richmond, VA 23219, telephone (804) 786-4326.

VIRGINIA WASTE MANAGEMENT BOARD

NOTE: EXTENSION OF PUBLIC COMMENT PERIOD

† **May 18, 1998** -- 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 Waste Management Board intends to amend regulations entitled: **9 VAC 20-60-10 et seq. Hazardous Waste Management Regulations.** The purpose of amendment 14 is to incorporate the changes made by the United States Environmental Protection Agency from July 1, 1991, through September 19, 1994, plus the Universal Waste Rule of May 11, 1995. The changes reflect EPA changes in the management of used oil, land disposal restrictions, corrective action management units, and other technical corrections for recordkeeping, exporting of hazardous waste, boilers and industrial furnaces, revised treatment standards for hazardous wastes, and universal treatment standards. New, simplified rules for

universal waste handlers are included. The corrections include other changes designed to correct inconsistencies between the Virginia regulation and that of EPA. The requirement for annual reports is reduced to a biennial report requirement to be consistent with EPA.

Statutory Authority: § 10.1-1402 of the Code of Virginia.

Public comments may be submitted until 5 p.m. on May 18, 1998.

Contact: Robert Wickline, Office of Air Program Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4213, FAX (804) 698-4510, toll-free 1-800-592-5482 or (804) 698-4021/TDD ☎

April 20, 1998 - 10 a.m. -- Public Hearing
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia.

May 21, 1998 - 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 Waste Management Board intends to amend regulations entitled: **9 VAC 20-80-10 et seq. Solid Waste Management Regulations.** Proposed Amendment 2 consists of 513 changes developed as a result of the regulatory review process and in response to a petition for rulemaking. The major changes are proposed in the ground water monitoring program, permit-by-rule for captive industrial landfills, addition of presumptive remedies in corrective action and changes in analytical requirements for contaminated soils.

Statutory Authority: § 10.1-1402 of the Code of Virginia.

Contact: Wladimir Gulevich, Assistant Division Director, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4218, FAX (804) 698-4266, toll-free 1-800-592-5482 or (804) 698-4021/TDD ☎

STATE WATER CONTROL BOARD

April 17, 1998 -- 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 Water Control Board intends to amend regulations entitled: **9 VAC 25-610-10 et seq. Ground Water Withdrawal Regulation.** The proposed amendments (i) establish ground water withdrawal requirements for agricultural ground water users; (ii) incorporate 1994 legislative amendments, and

(iii) require the Department of Environmental Quality to perform technical evaluations of proposed withdrawals.

Statutory Authority: § 62.1-256 of the Code of Virginia.

Contact: Terry D. Wagner, Environmental Program Manager, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4043 or FAX (804) 698-4032.

March 31, 1998 - 9 a.m. -- Open Meeting

April 1, 1998 - 9 a.m. -- Open Meeting
General Assembly Building, House Room D, Ninth and Broad Streets, Richmond, Virginia.

A regular meeting of the board. The second day is planned in the event the board's business is not concluded on March 31.

Contact: Cindy M. Berndt, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4378.

Technical Advisory Committee

May 5, 1998 - 9 a.m. -- Open Meeting

Department of Environmental Quality, 629 East Main Street, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to discuss reissuance of the board's general permit regulations for the discharge of industrial stormwater, 9 VAC 25-151-10 et seq. and 9 VAC 25-180-10 et seq. The meeting dates are subject to change. Please call to confirm that the date and time of the meetings have not changed.

Contact: Richard Ayers, Technical Services Administrator, Department of Environmental Quality, 629 E. Main St., Richmond, VA 23219, telephone (804) 698-4075 or FAX (804) 698-4032.

BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

April 9, 1998 - 8:30 a.m. -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia.

A meeting to discuss regulatory review, disciplinary cases and other matters requiring board action. All meetings are subject to cancellation. Time of meeting is subject to change. Call the board office at least 24 hours in advance. A public comment period will be held at the beginning of the meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department in advance so that suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act.

Calendar of Events

Contact: Nancy T. Feldman, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590 or (804) 367-9753/TDD ☎

LEGISLATIVE

VIRGINIA CODE COMMISSION

† April 29, 1998 - 10 a.m. -- Open Meeting
General Assembly Building, 910 Capitol Street, Speaker's Conference Room, 6th Floor, Richmond, Virginia ☎
(Interpreter for the deaf provided upon request)

A meeting to (i) develop a workplan for 1998, (ii) receive a report from the Administrative Law Advisory Committee, (iii) review Code Commission legislation from 1998 General Assembly Session, (iv) discuss codification of authorities, (v) discuss recommendations of the Boyd-Graves conference on codification of Virginia laws of evidence, and (vi) conduct any other business that may come before the commission.

Contact: Jane Chaffin, Deputy Registrar, General Assembly Bldg., 910 Capitol Street, 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 692-0625 or e-mail jchaffin@leg.state.va.us.

CHRONOLOGICAL LIST

OPEN MEETINGS

March 30

Health Professions, Board of
- Practitioner Self-Referral Committee
Higher Education, State Council of
- Search Committee
- People with Disabilities, Virginia Board for
Riparian Buffers Task Force, Interagency
Visually Handicapped, Department for the

March 31

† Conservation and Recreation, Department of
Manufactured Housing Board, Virginia
People with Disabilities, Virginia Board for
Riparian Buffers Task Force, Interagency
Water Control Board, State

April 1

College Building Authority, Virginia
Outdoors Foundation, Virginia
People with Disabilities, Virginia Board for
† Real Estate Board
- Common Interest Community Management
Information Fund Advisory Committee
Riparian Buffers Task Force, Interagency
Visually Handicapped, Department for the
Water Control Board, State

April 2

† At-Risk Youth and Their Families, Comprehensive Services for
- State Management Team
† Conservation and Recreation, Department of
- Virginia State Parks Foundation
Emergency Planning Committee, Local - Chesterfield County
† Game and Inland Fisheries, Board of
Information Management, Council on
- Virginia Geographic Information Network Advisory Board
Job Training Coordinating Council, Governor's
Riparian Buffers Task Force, Interagency
Voluntary Formulary Board, Virginia

April 3

† Game and Inland Fisheries, Board of
Information Management, Council on
Medicine, Board of
- Executive Committee
† Social Work, Board of
† Veterans Care Center, Virginia

April 4

Medicine, Board of
- Credentials Committee

April 5

Library Board
- Automation and Networking Committee
- Executive Committee
- Public Library Development Committee

April 6

† Alcoholic Beverage Control Board
Library Board
- Archival and Information Services Committee
- Facilities Committee
- Legislative and Finance Committee
- Publications and Educational Services Committee
- Records Management Committee
Medical Assistance Services, Department of
- Pharmacy Liaison Committee
† Professional Counselors, Marriage and Family
Therapists and Substance Abuse Treatment
Professionals, Board of Licensed
Visually Handicapped, Department for the

April 7

† Agriculture and Consumer Services, Department of
- Virginia Horse Industry Board
† Auctioneers Board
† Conservation and Recreation, Department of
† Education, Board of
† Pharmacy, Board of
Real Estate Appraiser Board
† Riparian Buffers Task Force, Interagency

April 8

† Air Pollution, State Advisory Board on
† Contractors, Board for

† Health, Department of
 - AIDS Drug Advisory Committee
 † Higher Education, State Council of
 Juvenile Justice, State Board of
 Medicine, Board of
 - Informal Conference Committee
 Motor Vehicles, Department of
 - Medical Advisory Board
 † Nursing Home Administrators, Board of
 † Professional Counselors, Marriage and Family
 Therapists and Substance Abuse Treatment
 Professionals, Board of Licensed
 Visually Handicapped, Department for the

April 9

† Conservation and Recreation, Department of
 - Rivanna Scenic River Advisory Board
 † Old Dominion University
 † Veterinary Medicine, Board of
 Waterworks and Wastewater Works Operators, Board for

April 10

† Architects, Professional Engineers, Land Surveyors
 and Landscape Architects, Board of
 Health Professions, Department of
 - Intervention Program Committee

April 14

Medical Assistance Services, Board of
 † Pharmacy, Board of
 † Resources Authority, Virginia
 Visually Handicapped, Department for the

April 15

Conservation and Recreation, Department of
 - Rappahannock Scenic River Advisory Board
 Racing Commission, Virginia
 † Social Services, Board of
 † Transportation Board, Commonwealth
 Treasury Board
 Visually Handicapped, Department for the

April 16

† Chesapeake Bay Local Assistance Board
 † Conservation and Recreation, Department of
 - Chippokes Plantation Farm Foundation
 Health, Department of
 - Biosolids Use Information Committee
 - Biosolids Use Regulations Advisory Committee
 † Mental Health, Mental Retardation and Substance
 Abuse Services Board, State
 † Optometry, Board of
 - Legislative/Regulatory Review Committee
 - Professional Designation Committee
 † Transportation Board, Commonwealth

April 17

† Family and Children's Trust Fund

April 18

Visually Handicapped, Board for the

April 20

† Alcoholic Beverage Control Board
 † Litter Control and Recycling Fund Advisory Board

April 22

Emergency Planning Committee, Local - Roanoke Valley
 † Environmental Quality, Department of
 † Historic Resources, Department of
 - State Review Board/Historic Resources Board

April 23

Agriculture and Consumer Services, Department of
 - Virginia Irish Potato Board
 Compensation Board
 Medicine, Board of
 - Informal Conference Committee

April 24

† Fire Services Board, Virginia
 - Fire/EMS Education and Training Committee
 - Fire Prevention and Control Committee
 - Legislative/Liaison Committee
 † Health Professions, Board of
 † Higher Education, State Council of

April 25

† Fire Services Board, Virginia
 † Health Professions, Board of
 † Museum of Natural History, Virginia

April 27

Accountancy, Board for

April 28

Accountancy, Board for
 † Agriculture and Consumer Services, Department of
 - Virginia Winegrowers Advisory Board
 † Aviation Board, Virginia
 † Conservation and Recreation, Department of
 † Contractors, Board for
 † Nursing Home Administrators, Board of
 † Pharmacy, Board of

April 29

† Architects, Professional Engineers, Land Surveyors
 and Landscape Architects, Board for
 † Aviation Board, Virginia
 † Code Commission, Virginia
 † Nursing Home Administrators, Board of

April 30

† Optometry, Board of

May 4

† Alcoholic Beverage Control Board

May 5

† Chesapeake Bay Local Assistance Board
 - Northern Area Review Committee
 - Southern Area Review Committee
 Water Control Board, State
 - Technical Advisory Committee

Calendar of Events

- May 6**
Deaf and Hard-of-Hearing, Department for the
† Environmental Quality, Department of
† Independent Living Council, Statewide
† Medicine, Board of
- May 7**
Emergency Planning Committee, Local - Chesterfield
County
† Medicine, Board of
† Rehabilitative Services, Board of
- May 8**
† Medicine, Board of
- May 12**
† Resources Authority, Virginia
- May 13**
George Mason University
- Board of Visitors
† Juvenile Justice, Board of
- May 14**
Medicine, Board of
- Informal Conference Committee
- May 15**
† Medicine, Board of
† Optometry, Board of
- May 18**
† Alcoholic Beverage Control Board
- May 20**
Treasury Board
- May 22**
† Medicine, Board of
- May 27**
† Conservation and Recreation, Department of
People with Disabilities, Virginia Board for
- Executive Committee
- May 28**
Compensation Board
People with Disabilities, Virginia Board for
- Community Living Committee
- Education Committee
- Employment Committee
- June 1**
† Alcoholic Beverage Control Board
† Cosmetology, Board for
- June 4**
Emergency Planning Committee, Local - Chesterfield
County
- June 8**
† Barbers, Board for
- June 9**
† Resources Authority, Virginia
- June 15**
† Alcoholic Beverage Control Board
- June 29**
† Alcoholic Beverage Control Board
- ### PUBLIC HEARINGS
- March 30**
Rehabilitative Services, Department of
- Statewide Rehabilitation Advisory Council and
Statewide Independent Living Council
Transportation, Department of
- March 31**
Transportation, Department of
- April 1**
Rehabilitative Services, Department of
- Statewide Rehabilitation Advisory Council and
Statewide Independent Living Council
Transportation, Department of
- April 2**
Rehabilitative Services, Department of
- Statewide Rehabilitation Advisory Council and
Statewide Independent Living Council
Transportation, Department of
- April 3**
† Medicine, Board of
Transportation, Department of
- April 6**
Transportation, Department of
- April 7**
† Education, Board of
Transportation, Department of
- April 8**
Transportation, Department of
- April 9**
Transportation, Department of
- April 10**
† Optometry, Board of
- April 20**
Waste Management Board, Virginia
- April 30**
Health, State Board of
- May 20**
† Racing Commission, Virginia