
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

The *Virginia Register* is cited by volume, issue, page number, and date. **12:8 VA.R. 1096-1106 January 8, 1996**, refers to Volume 12, Issue 8, pages 1096 through 1106 of the *Virginia Register* issued on January 8, 1996.

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PUBLICATION DEADLINES AND SCHEDULES

This schedule is available on the *Register's* Internet home page (<http://legis.state.va.us/codecomm/register/regindex.htm>).

December 1998 through September 1999

<u>Volume:Issue</u>	<u>Material Submitted By Noon*</u>	<u>Will Be Published On</u>
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INDEX 1 - Volume 15		January 1999
15:8	December 15, 1998 (Tuesday)	January 4, 1999
15:9	December 29, 1998 (Tuesday)	January 18, 1999
15:10	January 13, 1999	February 1, 1999
15:11	January 27, 1999	February 15, 1999
15:12	February 10, 1999	March 1, 1999
15:13	February 24, 1999	March 15, 1999
15:14	March 10, 1999	March 29, 1999
INDEX 2 - Volume 15		April 1999
15:15	March 24, 1999	April 12, 1999
15:16	April 7, 1999	April 26, 1999
15:17	April 21, 1999	May 10, 1999
15:18	May 5, 1999	May 24, 1999
15:19	May 19, 1999	June 7, 1999
15:20	June 2, 1999	June 21, 1999
INDEX 3 - Volume 15		July 1999
15:21	June 16, 1999	July 5, 1999
15:22	June 30, 1999	July 19, 1999
15:23	July 14, 1999	August 2, 1999
15:24	July 28, 1999	August 16, 1999
15:25	August 11, 1999	August 30, 1999
15:26	August 25, 1999	September 13, 1999
FINAL INDEX - Volume 15		October 1999

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The table printed below lists regulation sections, by Virginia Administrative Code (VAC) title, that have been amended, added or repealed in the *Virginia Register* since the regulations were originally published or last supplemented in VAC (the Fall 1998 VAC Supplement includes final regulations published through *Virginia Register* Volume 14, Issue 25, dated August 31, 1998). Emergency regulations, if any, are listed, followed by the designation "emer," and errata pertaining to final regulations are listed. Proposed regulations are not listed here. The table lists the sections in numerical order and shows action taken, the volume, issue and page number where the section appeared, and the effective date of the section.

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
Title 1. Administration			
1 VAC 30-130-10	Amended	15:1 VA.R. 44 (4390)	9/15/98
Title 4. Conservation and Natural Resources			
4 VAC 15-320-20	Amended	15:5 VA.R. 574	1/1/99
4 VAC 15-320-30	Amended	15:5 VA.R. 575	1/1/99
4 VAC 15-320-100	Amended	15:5 VA.R. 575	1/1/99
4 VAC 15-320-120	Amended	15:5 VA.R. 576	1/1/99
4 VAC 15-320-160	Added	15:5 VA.R. 576	1/1/99
4 VAC 15-330-110	Amended	15:5 VA.R. 577	1/1/99
4 VAC 15-330-120	Amended	15:5 VA.R. 577	1/1/99
4 VAC 15-330-140	Amended	15:5 VA.R. 577	1/1/99
4 VAC 15-330-150	Amended	15:5 VA.R. 578	1/1/99
4 VAC 15-330-160	Amended	15:5 VA.R. 578	1/1/99
4 VAC 15-340-60	Amended	15:5 VA.R. 578	1/1/99
4 VAC 15-360-10	Amended	15:5 VA.R. 579	1/1/99
4 VAC 20-20-10	Amended	15:5 VA.R. 579	10/28/98
4 VAC 20-20-35	Added	15:5 VA.R. 579	10/28/98
4 VAC 20-260-30	Amended	15:3 VA.R. 320	10/1/98
4 VAC 20-260-40	Amended	15:3 VA.R. 320	10/1/98
4 VAC 20-620-40	Amended	15:5 VA.R. 580	10/28/98
4 VAC 20-620-42 emer	Added	15:5 VA.R. 718	10/30/98-11/17/98
4 VAC 20-720-40	Amended	15:3 VA.R. 321	10/1/98
4 VAC 20-720-50	Amended	15:3 VA.R. 321	10/1/98
4 VAC 20-720-60	Amended	15:3 VA.R. 321	10/1/98
4 VAC 20-720-70	Amended	15:3 VA.R. 322	10/1/98
4 VAC 20-720-80	Amended	15:3 VA.R. 322	10/1/98
4 VAC 20-720-90	Amended	15:3 VA.R. 322	10/1/98
4 VAC 25-35 (Forms)	Amended	15:1 VA.R. 46 (4392)	--
4 VAC 25-130-700.5	Amended	15:6 VA.R. 811	1/6/99
4 VAC 25-130-779.22	Repealed	15:6 VA.R. 823	1/6/99
4 VAC 25-130-779.25	Amended	15:6 VA.R. 824	1/6/99
4 VAC 25-130-780.23	Amended	15:6 VA.R. 824	1/6/99
4 VAC 25-130-780.25	Amended	15:6 VA.R. 825	1/6/99
4 VAC 25-130-780.35	Amended	15:6 VA.R. 826	1/6/99
4 VAC 25-130-783.25	Amended	15:6 VA.R. 827	1/6/99
4 VAC 25-130-784.15	Amended	15:6 VA.R. 827	1/6/99
4 VAC 25-130-784.16	Amended	15:6 VA.R. 828	1/6/99
4 VAC 25-130-784.23	Amended	15:6 VA.R. 830	1/6/99
4 VAC 25-130-800.40	Amended	15:6 VA.R. 830	1/6/99
4 VAC 25-130-816.46	Amended	15:6 VA.R. 832	1/6/99
4 VAC 25-130-816.49	Amended	15:6 VA.R. 834	1/6/99
4 VAC 25-130-816.74	Amended	15:6 VA.R. 836	1/6/99

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
4 VAC 25-130-816.81	Amended	15:6 VA.R. 837	1/6/99
4 VAC 25-130-816.89	Amended	15:6 VA.R. 837	1/6/99
4 VAC 25-130-816.104	Amended	15:6 VA.R. 838	1/6/99
4 VAC 25-130-816.105	Amended	15:6 VA.R. 838	1/6/99
4 VAC 25-130-817.46	Amended	15:6 VA.R. 838	1/6/99
4 VAC 25-130-817.49	Amended	15:6 VA.R. 840	1/6/99
4 VAC 25-130-817.74	Amended	15:6 VA.R. 842	1/6/99
4 VAC 25-130-817.81	Amended	15:6 VA.R. 843	1/6/99
4 VAC 25-130-817.89	Amended	15:6 VA.R. 844	1/6/99
4 VAC 25-130-840.11	Amended	15:6 VA.R. 844	1/6/99
4 VAC 25-130-843.14	Amended	15:6 VA.R. 845	1/6/99
4 VAC 25-130-845.17	Amended	15:6 VA.R. 846	1/6/99
4 VAC 25-130-845.18	Amended	15:6 VA.R. 846	1/6/99
4 VAC 25-130-845.19	Amended	15:6 VA.R. 847	1/6/99
4 VAC 25-130-846.17	Amended	15:6 VA.R. 847	1/6/99
4 VAC 25-150-10	Amended	15:2 VA.R. 135	11/11/98
4 VAC 25-150-50	Amended	15:2 VA.R. 138	11/11/98
4 VAC 25-150-60	Amended	15:2 VA.R. 138	11/11/98
4 VAC 25-150-70	Repealed	15:2 VA.R. 139	11/11/98
4 VAC 25-150-80 through 4 VAC 25-150-130	Amended	15:2 VA.R. 139- 143	11/11/98
4 VAC 25-150-90	Erratum	15:6 VA.R. 938	--
4 VAC 25-150-135	Added	15:2 VA.R. 143	11/11/98
4 VAC 25-150-160 through 4 VAC 25-150-360	Amended	15:2 VA.R. 143- 156	11/11/98
4 VAC 25-150-380 through 4 VAC 25-150-430	Amended	15:2 VA.R. 156- 159	11/11/98
4 VAC 25-150-435	Added	15:2 VA.R. 159	11/11/98
4 VAC 25-150-440 through 4 VAC 25-150-460	Amended	15:2 VA.R. 161- 162	11/11/98
4 VAC 25-150-500 through 4 VAC 25-150-530	Amended	15:2 VA.R. 162- 163	11/11/98
4 VAC 25-150-500	Erratum	15:6 VA.R. 938	--
4 VAC 25-150-540	Repealed	15:2 VA.R. 165	11/11/98
4 VAC 25-150-560	Amended	15:2 VA.R. 167	11/11/98
4 VAC 25-150-560	Erratum	15:6 VA.R. 938	--
4 VAC 25-150-570	Repealed	15:2 VA.R. 167	11/11/98
4 VAC 25-150-580 through 4 VAC 25-150-610	Amended	15:2 VA.R. 168- 169	11/11/98
4 VAC 25-150-610	Erratum	15:6 VA.R. 938	--
4 VAC 25-150-640	Repealed	15:2 VA.R. 171	11/11/98
4 VAC 25-150-650 through 4 VAC 25-150-700	Amended	15:2 VA.R. 171- 172	11/11/98
4 VAC 25-150-690	Erratum	15:6 VA.R. 938	--
4 VAC 25-150-710	Repealed	15:2 VA.R. 172	11/11/98
4 VAC 25-150-711	Added	15:2 VA.R. 172	11/11/98
4 VAC 25-150-720 through 4 VAC 25-150-740	Amended	15:2 VA.R. 173	11/11/98
4 VAC 25-150 (Forms)	Erratum	15:6 VA.R. 938	--
Title 9. Environment			
9 VAC 5-20-204	Amended	15:2 VA.R. 174	1/1/99
9 VAC 5-20-205	Amended	15:2 VA.R. 175	1/1/99
9 VAC 25-192 (Forms)	Added	15:3 VA.R. 331	--
9 VAC 25-192-40	Amended	15:3 VA.R. 323	12/1/98
9 VAC 25-192-50	Amended	15:3 VA.R. 323	12/1/98

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 25-192-60	Amended	15:3 VA.R. 323	12/1/98
9 VAC 25-192-70	Amended	15:3 VA.R. 324	12/1/98
9 VAC 25-193-70	Erratum	15:2 VA.R. 241	--
9 VAC 25-430-20	Amended	15:6 VA.R. 849	1/6/99
9 VAC 25-430-30	Amended	15:6 VA.R. 853	1/6/99
9 VAC 25-430-40	Amended	15:6 VA.R. 861	1/6/99
9 VAC 25-430-60	Amended	15:6 VA.R. 864	1/6/99
9 VAC 25-440-150	Amended	15:6 VA.R. 872	1/6/99
9 VAC 25-440-151	Added	15:6 VA.R. 880	1/6/99
9 VAC 25-610-10	Amended	15:5 VA.R. 581	1/1/99
9 VAC 25-610-30	Repealed	15:5 VA.R. 582	1/1/99
9 VAC 25-610-90	Amended	15:5 VA.R. 582	1/1/99
9 VAC 25-610-110	Amended	15:5 VA.R. 586	1/1/99
9 VAC 25-610-130	Amended	15:5 VA.R. 589	1/1/99
9 VAC 25-610-140	Amended	15:5 VA.R. 590	1/1/99
9 VAC 25-610-160	Amended	15:5 VA.R. 591	1/1/99
9 VAC 25-610-250	Amended	15:5 VA.R. 591	1/1/99
9 VAC 25-610-330	Amended	15:5 VA.R. 592	1/1/99
9 VAC 25-610-400	Added	15:5 VA.R. 592	1/1/99
Title 12. Health			
12 VAC 5-90-10	Amended	15:6 VA.R. 880	1/6/99
12 VAC 5-90-40	Amended	15:6 VA.R. 882	1/6/99
12 VAC 5-90-50	Amended	15:6 VA.R. 883	1/6/99
12 VAC 5-90-60	Repealed	15:6 VA.R. 883	1/6/99
12 VAC 5-90-70	Amended	15:6 VA.R. 883	1/6/99
12 VAC 5-90-80	Amended	15:6 VA.R. 883	1/6/99
12 VAC 5-90-90	Amended	15:6 VA.R. 885	1/6/99
12 VAC 5-90-100	Amended	15:6 VA.R. 888	1/6/99
12 VAC 5-90-110	Amended	15:6 VA.R. 888	1/6/99
12 VAC 5-90-120	Repealed	15:6 VA.R. 888	1/6/99
12 VAC 5-90-130	Amended	15:6 VA.R. 888	1/6/99
12 VAC 5-90-150	Amended	15:6 VA.R. 888	1/6/99
12 VAC 5-90-160	Amended	15:6 VA.R. 888	1/6/99
12 VAC 5-90-170	Amended	15:6 VA.R. 888	1/6/99
12 VAC 5-90-180	Amended	15:6 VA.R. 889	1/6/99
12 VAC 5-90-190	Repealed	15:6 VA.R. 889	1/6/99
12 VAC 5-90-210	Repealed	15:6 VA.R. 889	1/6/99
12 VAC 5-90-220	Repealed	15:6 VA.R. 889	1/6/99
12 VAC 5-90-230	Added	14:26 VA.R. 4250	10/14/98
12 VAC 5-90-240	Added	14:26 VA.R. 4250	10/14/98
12 VAC 5-90-250	Added	14:26 VA.R. 4251	10/14/98
12 VAC 5-90-260	Added	14:26 VA.R. 4251	10/14/98
12 VAC 5-90-270	Added	14:26 VA.R. 4251	10/14/98
12 VAC 30-20-170	Amended	14:26 VA.R. 4252	1/1/99
12 VAC 30-50-110	Amended	15:5 VA.R. 593	1/1/99
12 VAC 30-50-140	Amended	15:5 VA.R. 593	1/1/99
12 VAC 30-50-140	Amended	15:6 VA.R. 893	1/6/99
12 VAC 30-50-150	Amended	15:6 VA.R. 894	1/6/99
12 VAC 30-50-160	Amended	14:26 VA.R. 4252	1/1/99
12 VAC 30-50-210	Amended	15:5 VA.R. 595	1/1/99
12 VAC 30-60-40	Amended	14:26 VA.R. 4254	1/1/99
12 VAC 30-60-40	Amended	15:6 VA.R. 895	1/6/99
12 VAC 30-60-120	Amended	15:6 VA.R. 896	1/6/99
12 VAC 30-60-320	Amended	14:26 VA.R. 4257	1/1/99
12 VAC 30-60-340	Amended	14:26 VA.R. 4259	1/1/99

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 30-80-30	Amended	15:6 VA.R. 900	1/6/99
12 VAC 30-90-264	Amended	14:26 VA.R. 4261	1/1/99
12 VAC 30-90-290	Amended	14:26 VA.R. 4264	1/1/99
12 VAC 30-140-10 emer	Added	15:4 VA.R. 478	10/23/98-10/22/99
12 VAC 30-140-20 emer	Added	15:4 VA.R. 479	10/23/98-10/22/99
12 VAC 30-140-30 emer	Added	15:4 VA.R. 479	10/23/98-10/22/99
12 VAC 30-140-40 emer	Added	15:4 VA.R. 479	10/23/98-10/22/99
12 VAC 30-140-50 emer	Added	15:4 VA.R. 480	10/23/98-10/22/99
12 VAC 30-150-10 emer	Added	15:4 VA.R. 481	10/23/98-10/22/99
12 VAC 30-150-20 emer	Added	15:4 VA.R. 483	10/23/98-10/22/99
12 VAC 30-160-00 emer	Added	15:4 VA.R. 483	10/23/98-10/22/99
12 VAC 30-160-10 emer	Added	15:4 VA.R. 483	10/23/98-10/22/99
12 VAC 30-160-20 emer	Added	15:4 VA.R. 483	10/23/98-10/22/99
12 VAC 30-160-30 emer	Added	15:4 VA.R. 483	10/23/98-10/22/99
12 VAC 30-160-40 emer	Added	15:4 VA.R. 483	10/23/98-10/22/99
12 VAC 30-160-50 emer	Added	15:4 VA.R. 483	10/23/98-10/22/99
12 VAC 30-160-60 emer	Added	15:4 VA.R. 484	10/23/98-10/22/99
12 VAC 30-160-60 emer	Added	15:4 VA.R. 484	10/23/98-10/22/99
12 VAC 30-160-70 emer	Added	15:4 VA.R. 484	10/23/98-10/22/99
12 VAC 30-160-80 emer	Added	15:4 VA.R. 484	10/23/98-10/22/99
12 VAC 30-160-90 emer	Added	15:4 VA.R. 484	10/23/98-10/22/99
12 VAC 30-160-100 emer	Added	15:4 VA.R. 484	10/23/98-10/22/99
12 VAC 30-160-110 emer	Added	15:4 VA.R. 484	10/23/98-10/22/99
12 VAC 30-160-120 emer	Added	15:4 VA.R. 484	10/23/98-10/22/99
12 VAC 30-160-130 emer	Added	15:4 VA.R. 484	10/23/98-10/22/99
12 VAC 30-160-140 emer	Added	15:4 VA.R. 485	10/23/98-10/22/99
12 VAC 30-160-150 emer	Added	15:4 VA.R. 485	10/23/98-10/22/99
12 VAC 30-160-160 emer	Added	15:4 VA.R. 485	10/23/98-10/22/99
12 VAC 30-160-170 emer	Added	15:4 VA.R. 485	10/23/98-10/22/99
12 VAC 30-160-180 emer	Added	15:4 VA.R. 485	10/23/98-10/22/99
12 VAC 30-160-190 emer	Added	15:4 VA.R. 485	10/23/98-10/22/99
12 VAC 30-160-200 emer	Added	15:4 VA.R. 485	10/23/98-10/22/99
12 VAC 30-160-210 emer	Added	15:4 VA.R. 485	10/23/98-10/22/99
12 VAC 30-160-220 emer	Added	15:4 VA.R. 486	10/23/98-10/22/99
12 VAC 30-160-230 emer	Added	15:4 VA.R. 486	10/23/98-10/22/99
12 VAC 30-160-240 emer	Added	15:4 VA.R. 486	10/23/98-10/22/99
12 VAC 30-160-241 through 12 VAC 30-160-298 emer	Added	15:4 VA.R. 486	10/23/98-10/22/99
12 VAC 30-160-299 emer	Added	15:4 VA.R. 486	10/23/98-10/22/99
12 VAC 30-170-10 emer	Added	15:4 VA.R. 487	10/23/98-10/22/99
12 VAC 30-170-20 emer	Added	15:4 VA.R. 487	10/23/98-10/22/99
Title 13. Housing			
13 VAC 10-40-230	Amended	15:4 VA.R. 424	10/21/98
Title 14. Insurance			
14 VAC 5-395-10	Amended	14:26 VA.R. 4266	8/20/98
14 VAC 5-395-30	Amended	14:26 VA.R. 4266	8/20/98
14 VAC 5-395-50	Amended	14:26 VA.R. 4267	8/20/98
Title 16. Labor and Employment			
16 VAC 25-50-10	Amended	15:5 VA.R. 600	1/1/99
16 VAC 25-50-15	Added	15:5 VA.R. 603	1/1/99
16 VAC 25-50-20	Amended	15:5 VA.R. 603	1/1/99
16 VAC 25-50-50	Amended	15:5 VA.R. 604	1/1/99
16 VAC 25-50-70	Amended	15:5 VA.R. 605	1/1/99
16 VAC 25-50-80	Amended	15:5 VA.R. 606	1/1/99
16 VAC 25-50-90	Amended	15:5 VA.R. 606	1/1/99

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
16 VAC 25-50-120	Amended	15:5 VA.R. 606	1/1/99
16 VAC 25-50-150	Amended	15:5 VA.R. 607	1/1/99
16 VAC 25-50-190	Amended	15:5 VA.R. 608	1/1/99
16 VAC 25-50-240	Amended	15:5 VA.R. 608	1/1/99
16 VAC 25-50-250	Amended	15:5 VA.R. 608	1/1/99
16 VAC 25-50-270	Amended	15:5 VA.R. 608	1/1/99
16 VAC 25-50-290	Amended	15:5 VA.R. 608	1/1/99
16 VAC 25-50-350	Amended	15:5 VA.R. 608	1/1/99
16 VAC 25-50-360	Amended	15:5 VA.R. 608	1/1/99
16 VAC 25-50-370	Amended	15:5 VA.R. 612	1/1/99
16 VAC 25-50-380	Amended	15:5 VA.R. 615	1/1/99
16 VAC 25-50-390	Amended	15:5 VA.R. 616	1/1/99
16 VAC 25-50-430	Amended	15:5 VA.R. 616	1/1/99
16 VAC 25-50-440	Amended	15:5 VA.R. 617	1/1/99
16 VAC 25-50-480	Amended	15:5 VA.R. 617	1/1/99
16 VAC 25-90-1910.109	Amended	15:5 VA.R. 631	1/1/99
16 VAC 25-90-1910.110	Amended	15:5 VA.R. 631	1/1/99
16 VAC 25-90-1910.111	Amended	15:5 VA.R. 631	1/1/99
16 VAC 25-90-1910.141	Amended	15:5 VA.R. 631	1/1/99
16 VAC 25-90-1910.142	Amended	15:5 VA.R. 631	1/1/99
16 VAC 25-90-1910.151	Amended	15:5 VA.R. 631	1/1/99
16 VAC 25-90-1910.156	Amended	15:5 VA.R. 631	1/1/99
16 VAC 25-90-1910.183	Amended	15:5 VA.R. 631	1/1/99
16 VAC 25-90-1910.261	Amended	15:5 VA.R. 631	1/1/99
16 VAC 25-90-1910.262	Amended	15:5 VA.R. 631	1/1/99
16 VAC 25-90-1910.265	Amended	15:5 VA.R. 631	1/1/99
16 VAC 25-90-1910.267	Repealed	15:5 VA.R. 631	1/1/99
16 VAC 25-90-1910.268	Amended	15:5 VA.R. 631	1/1/99
16 VAC 25-90-1910.1017	Amended	15:5 VA.R. 631	1/1/99
16 VAC 25-90-1910.1018	Amended	15:5 VA.R. 631	1/1/99
16 VAC 25-90-1910.1029	Amended	15:5 VA.R. 631	1/1/99
16 VAC 25-90-1910.1052	Amended	15:5 VA.R. 628	1/1/99
16 VAC 25-100-1915.1001	Amended	15:5 VA.R. 633	1/1/99
16 VAC 25-175-1926.31	Amended	15:5 VA.R. 631	1/1/99
16 VAC 25-175-1926.50	Amended	15:5 VA.R. 631	1/1/99
16 VAC 25-175-1926.152	Amended	15:5 VA.R. 631	1/1/99
16 VAC 25-175-1926.906	Amended	15:5 VA.R. 631	1/1/99
16 VAC 25-175-1926.1101	Amended	15:5 VA.R. 633	1/1/99
Title 18. Professional and Occupational Licensing			
18 VAC 60-20-10	Amended	15:5 VA.R. 636	12/23/98
18 VAC 60-20-15	Added	15:5 VA.R. 637	12/23/98
18 VAC 60-20-16	Added	15:5 VA.R. 637	12/23/98
18 VAC 60-20-20	Amended	15:5 VA.R. 637	12/23/98
18 VAC 60-20-20	Amended	15:5 VA.R. 646	12/23/98
18 VAC 60-20-30	Amended	15:5 VA.R. 638	12/23/98
18 VAC 60-20-30	Amended	15:5 VA.R. 647	12/23/98
18 VAC 60-20-50	Amended	15:5 VA.R. 638	12/23/98
18 VAC 60-20-60	Amended	15:5 VA.R. 639	12/23/98
18 VAC 60-20-70	Amended	15:5 VA.R. 639	12/23/98
18 VAC 60-20-80	Amended	15:5 VA.R. 640	12/23/98
18 VAC 60-20-90	Amended	15:5 VA.R. 640	12/23/98
18 VAC 60-20-110	Amended	15:5 VA.R. 641	12/23/98
18 VAC 60-20-120	Amended	15:5 VA.R. 641	12/23/98
18 VAC 60-20-130	Amended	15:5 VA.R. 641	12/23/98
18 VAC 60-20-140	Amended	15:5 VA.R. 641	12/23/98

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 60-20-150	Repealed	15:5 VA.R. 642	12/23/98
18 VAC 60-20-160	Repealed	15:5 VA.R. 642	12/23/98
18 VAC 60-20-170	Amended	15:5 VA.R. 642	12/23/98
18 VAC 60-20-180	Amended	15:5 VA.R. 642	12/23/98
18 VAC 60-20-190	Amended	15:5 VA.R. 643	12/23/98
18 VAC 60-20-195	Added	15:5 VA.R. 644	12/23/98
18 VAC 60-20-220	Amended	15:5 VA.R. 644	12/23/98
18 VAC 60-20-230	Amended	15:5 VA.R. 644	12/23/98
18 VAC 60-20-240	Amended	15:5 VA.R. 645	12/23/98
18 VAC 65-20-70	Amended	15:4 VA.R. 426	12/9/98
18 VAC 65-20-80	Repealed	15:4 VA.R. 426	12/9/98
18 VAC 65-20-90	Repealed	15:4 VA.R. 427	12/9/98
18 VAC 65-20-100	Repealed	15:4 VA.R. 427	12/9/98
18 VAC 65-40-40	Amended	15:4 VA.R. 433	12/9/98
18 VAC 65-40-50	Repealed	15:4 VA.R. 433	12/9/98
18 VAC 65-40-60	Repealed	15:4 VA.R. 433	12/9/98
18 VAC 65-40-70	Repealed	15:4 VA.R. 433	12/9/98
18 VAC 65-40-80	Repealed	15:4 VA.R. 433	12/9/98
18 VAC 85-110-10	Amended	15:4 VA.R. 436	12/9/98
18 VAC 85-110-20	Amended	15:4 VA.R. 437	12/9/98
18 VAC 85-110-30	Amended	15:4 VA.R. 437	12/9/98
18 VAC 85-110-35	Added	15:4 VA.R. 437	12/9/98
18 VAC 85-110-40	Repealed	15:4 VA.R. 438	12/9/98
18 VAC 85-110-50	Amended	15:4 VA.R. 438	12/9/98
18 VAC 85-110-60	Amended	15:4 VA.R. 438	12/9/98
18 VAC 85-110-70	Amended	15:4 VA.R. 439	12/9/98
18 VAC 85-110-80	Amended	15:4 VA.R. 439	12/9/98
18 VAC 85-110-90	Amended	15:4 VA.R. 439	12/9/98
18 VAC 85-110-100	Amended	15:4 VA.R. 439	12/9/98
18 VAC 85-110-120	Repealed	15:4 VA.R. 439	12/9/98
18 VAC 85-110-150	Amended	15:4 VA.R. 439	12/9/98
18 VAC 85-110-160	Amended	15:4 VA.R. 439	12/9/98
18 VAC 85-110-170	Repealed	15:4 VA.R. 440	12/9/98
18 VAC 90-20-10	Amended	15:3 VA.R. 333	12/3/98
18 VAC 90-20-20	Amended	15:3 VA.R. 334	12/3/98
18 VAC 90-20-35	Added	15:3 VA.R. 334	12/3/98
18 VAC 90-20-40	Amended	15:3 VA.R. 334	12/3/98
18 VAC 90-20-50	Amended	15:3 VA.R. 335	12/3/98
18 VAC 90-20-60	Amended	15:3 VA.R. 335	12/3/98
18 VAC 90-20-70	Amended	15:3 VA.R. 335	12/3/98
18 VAC 90-20-80	Amended	15:3 VA.R. 335	12/3/98
18 VAC 90-20-90	Amended	15:3 VA.R. 336	12/3/98
18 VAC 90-20-95	Added	15:3 VA.R. 337	12/3/98
18 VAC 90-20-100	Amended	15:3 VA.R. 337	12/3/98
18 VAC 90-20-110	Amended	15:3 VA.R. 337	12/3/98
18 VAC 90-20-120	Amended	15:3 VA.R. 338	12/3/98
18 VAC 90-20-130	Amended	15:3 VA.R. 338	12/3/98
18 VAC 90-20-140	Amended	15:3 VA.R. 339	12/3/98
18 VAC 90-20-150	Repealed	15:3 VA.R. 339	12/3/98
18 VAC 90-20-160	Amended	15:3 VA.R. 339	12/3/98
18 VAC 90-20-170	Amended	15:3 VA.R. 339	12/3/98
18 VAC 90-20-180	Repealed	15:3 VA.R. 340	12/3/98
18 VAC 90-20-190	Amended	15:3 VA.R. 340	12/3/98
18 VAC 90-20-210	Amended	15:3 VA.R. 341	12/3/98
18 VAC 90-20-250	Repealed	15:3 VA.R. 341	12/3/98

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 90-20-260	Repealed	15:3 VA.R. 341	12/3/98
18 VAC 90-20-275	Added	15:3 VA.R. 341	12/3/98
18 VAC 90-20-280	Amended	15:3 VA.R. 341	12/3/98
18 VAC 90-20-290	Amended	15:3 VA.R. 342	12/3/98
18 VAC 90-20-300	Amended	15:3 VA.R. 342	12/3/98
18 VAC 90-20-310	Amended	15:3 VA.R. 342	12/3/98
18 VAC 90-20-330	Amended	15:3 VA.R. 342	12/3/98
18 VAC 90-20-340	Amended	15:3 VA.R. 346	12/3/98
18 VAC 90-20-350	Amended	15:3 VA.R. 346	12/3/98
18 VAC 90-20-400	Added	15:3 VA.R. 347	12/3/98
18 VAC 90-20-410	Added	15:3 VA.R. 347	12/3/98
18 VAC 95-20-10	Amended	15:4 VA.R. 452	12/9/98
18 VAC 95-20-20	Repealed	15:4 VA.R. 453	12/9/98
18 VAC 95-20-30	Repealed	15:4 VA.R. 453	12/9/98
18 VAC 95-20-40	Repealed	15:4 VA.R. 453	12/9/98
18 VAC 95-20-50	Repealed	15:4 VA.R. 453	12/9/98
18 VAC 95-20-70	Amended	15:4 VA.R. 454	12/9/98
18 VAC 95-20-80	Amended	15:4 VA.R. 454	12/9/98
18 VAC 95-20-90	Repealed	15:4 VA.R. 454	12/9/98
18 VAC 95-20-100	Repealed	15:4 VA.R. 454	12/9/98
18 VAC 95-20-110	Repealed	15:4 VA.R. 454	12/9/98
18 VAC 95-20-120	Repealed	15:4 VA.R. 454	12/9/98
18 VAC 95-20-130	Amended	15:4 VA.R. 454	12/9/98
18 VAC 95-20-140	Repealed	15:4 VA.R. 455	12/9/98
18 VAC 95-20-150	Repealed	15:4 VA.R. 455	12/9/98
18 VAC 95-20-160	Repealed	15:4 VA.R. 455	12/9/98
18 VAC 95-20-170	Amended	15:4 VA.R. 455	12/9/98
18 VAC 95-20-175	Added	15:4 VA.R. 455	12/9/98
18 VAC 95-20-180	Amended	15:4 VA.R. 455	12/9/98
18 VAC 95-20-190	Repealed	15:4 VA.R. 456	12/9/98
18 VAC 95-20-200	Amended	15:4 VA.R. 456	12/9/98
18 VAC 95-20-210	Repealed	15:4 VA.R. 456	12/9/98
18 VAC 95-20-220	Amended	15:4 VA.R. 456	12/9/98
18 VAC 95-20-225	Added	15:4 VA.R. 457	12/9/98
18 VAC 95-20-230	Amended	15:4 VA.R. 457	12/9/98
18 VAC 95-20-240	Repealed	15:4 VA.R. 457	12/9/98
18 VAC 95-20-250	Repealed	15:4 VA.R. 457	12/9/98
18 VAC 95-20-260	Repealed	15:4 VA.R. 457	12/9/98
18 VAC 95-20-270	Repealed	15:4 VA.R. 458	12/9/98
18 VAC 95-20-280	Repealed	15:4 VA.R. 458	12/9/98
18 VAC 95-20-290	Amended	15:4 VA.R. 458	12/9/98
18 VAC 95-20-300	Amended	15:4 VA.R. 458	12/9/98
18 VAC 95-20-310	Amended	15:4 VA.R. 458	12/9/98
18 VAC 95-20-320	Repealed	15:4 VA.R. 458	12/9/98
18 VAC 95-20-330	Amended	15:4 VA.R. 459	12/9/98
18 VAC 95-20-340	Amended	15:4 VA.R. 459	12/9/98
18 VAC 95-20-350	Repealed	15:4 VA.R. 459	12/9/98
18 VAC 95-20-360	Repealed	15:4 VA.R. 459	12/9/98
18 VAC 95-20-370	Repealed	15:4 VA.R. 459	12/9/98
18 VAC 95-20-380	Amended	15:4 VA.R. 459	12/9/98
18 VAC 95-20-390	Amended	15:4 VA.R. 459	12/9/98
18 VAC 95-20-400	Amended	15:4 VA.R. 459	12/9/98
18 VAC 95-20-410	Repealed	15:4 VA.R. 460	12/9/98
18 VAC 95-20-420	Repealed	15:4 VA.R. 460	12/9/98
18 VAC 95-20-430	Amended	15:4 VA.R. 460	12/9/98

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 95-20-440	Amended	15:4 VA.R. 460	12/9/98
18 VAC 95-20-450	Repealed	15:4 VA.R. 460	12/9/98
18 VAC 95-20-460	Repealed	15:4 VA.R. 460	12/9/98
18 VAC 95-20-470	Amended	15:4 VA.R. 460	12/9/98
18 VAC 95-20-480 through 18 VAC 95-20-740	Repealed	15:4 VA.R. 460- 463	12/9/98
Appendices I, II and III of 18 VAC 95-20	Repealed	15:4 VA.R. 463- 464	12/9/98
18 VAC 105-20-10	Amended	15:6 VA.R. 902	1/6/99
18 VAC 105-20-15	Added	15:6 VA.R. 902	1/6/99
18 VAC 105-20-20	Amended	15:6 VA.R. 903	1/6/99
18 VAC 105-20-30	Repealed	15:6 VA.R. 903	1/6/99
18 VAC 105-20-40	Amended	15:6 VA.R. 903	1/6/99
18 VAC 105-20-45	Added	15:6 VA.R. 904	1/6/99
18 VAC 105-20-50	Amended	15:6 VA.R. 905	1/6/99
18 VAC 105-20-60	Amended	15:6 VA.R. 906	1/6/99
18 VAC 105-20-70	Amended	15:6 VA.R. 906	1/6/99
18 VAC 110-20-10 emer	Amended	15:6 VA.R. 926	11/5/98-11/4/99
18 VAC 110-20-130 emer	Amended	15:6 VA.R. 928	11/5/98-11/4/99
18 VAC 110-20-135 emer	Added	15:6 VA.R. 928	11/5/98-11/4/99
18 VAC 110-20-140 emer	Amended	15:6 VA.R. 929	11/5/98-11/4/99
18 VAC 110-20-690 emer	Added	15:6 VA.R. 929	11/5/98-11/4/99
18 VAC 110-20-700 emer	Added	15:6 VA.R. 929	11/5/98-11/4/99
18 VAC 110-20-710 emer	Added	15:6 VA.R. 930	11/5/98-11/4/99
18 VAC 110-20-720 emer	Added	15:6 VA.R. 930	11/5/98-11/4/99
18 VAC 135-20-10	Amended	15:5 VA.R. 648	1/1/99
18 VAC 135-20-20	Amended	15:5 VA.R. 649	1/1/99
18 VAC 135-20-30	Amended	15:5 VA.R. 650	1/1/99
18 VAC 135-20-40	Amended	15:5 VA.R. 650	1/1/99
18 VAC 135-20-45	Added	15:5 VA.R. 650	1/1/99
18 VAC 135-20-50	Amended	15:5 VA.R. 651	1/1/99
18 VAC 135-20-60	Amended	15:5 VA.R. 651	1/1/99
18 VAC 135-20-80	Amended	15:5 VA.R. 652	1/1/99
18 VAC 135-20-90	Amended	15:5 VA.R. 652	1/1/99
18 VAC 135-20-100	Amended	15:5 VA.R. 652	1/1/99
18 VAC 135-20-110	Amended	15:5 VA.R. 653	1/1/99
18 VAC 135-20-120	Amended	15:5 VA.R. 654	1/1/99
18 VAC 135-20-150	Amended	15:5 VA.R. 654	1/1/99
18 VAC 135-20-160	Amended	15:5 VA.R. 654	1/1/99
18 VAC 135-20-170	Amended	15:5 VA.R. 654	1/1/99
18 VAC 135-20-180	Amended	15:5 VA.R. 655	1/1/99
18 VAC 135-20-190	Amended	15:5 VA.R. 656	1/1/99
18 VAC 135-20-200	Amended	15:5 VA.R. 657	1/1/99
18 VAC 135-20-210	Amended	15:5 VA.R. 657	1/1/99
18 VAC 135-20-220	Amended	15:5 VA.R. 657	1/1/99
18 VAC 135-20-240	Amended	15:5 VA.R. 658	1/1/99
18 VAC 135-20-250	Amended	15:5 VA.R. 658	1/1/99
18 VAC 135-20-260	Amended	15:5 VA.R. 658	1/1/99
18 VAC 135-20-270	Amended	15:5 VA.R. 658	1/1/99
18 VAC 135-20-280	Amended	15:5 VA.R. 658	1/1/99
18 VAC 135-20-290	Amended	15:5 VA.R. 659	1/1/99
18 VAC 135-20-300	Amended	15:5 VA.R. 659	1/1/99
18 VAC 135-20-310	Amended	15:5 VA.R. 660	1/1/99
18 VAC 135-20-320	Amended	15:5 VA.R. 660	1/1/99
18 VAC 135-20-350	Amended	15:5 VA.R. 660	1/1/99

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 135-20-360	Amended	15:5 VA.R. 661	1/1/99
18 VAC 135-20-370	Amended	15:5 VA.R. 662	1/1/99
18 VAC 135-20-380	Amended	15:5 VA.R. 662	1/1/99
18 VAC 135-20-390	Amended	15:5 VA.R. 662	1/1/99
18 VAC 135-20-400	Amended	15:5 VA.R. 662	1/1/99
18 VAC 135-20-410	Amended	15:5 VA.R. 662	1/1/99
18 VAC 135-20-420	Repealed	15:5 VA.R. 663	1/1/99
18 VAC 135-20-430	Repealed	15:5 VA.R. 663	1/1/99
18 VAC 135-20-440	Repealed	15:5 VA.R. 663	1/1/99
18 VAC 140-20-10	Amended	15:5 VA.R. 663	12/23/98
18 VAC 140-20-30	Amended	15:5 VA.R. 664	12/23/98
18 VAC 140-20-35	Added	15:5 VA.R. 664	12/23/98
18 VAC 140-20-37	Added	15:5 VA.R. 664	12/23/98
18 VAC 140-20-40	Amended	15:5 VA.R. 664	12/23/98
18 VAC 140-20-45	Added	15:5 VA.R. 665	12/23/98
18 VAC 140-20-50	Amended	15:5 VA.R. 665	12/23/98
18 VAC 140-20-60	Amended	15:5 VA.R. 667	12/23/98
18 VAC 140-20-70	Amended	15:5 VA.R. 668	12/23/98
18 VAC 140-20-80	Repealed	15:5 VA.R. 668	12/23/98
18 VAC 140-20-90	Repealed	15:5 VA.R. 668	12/23/98
18 VAC 140-20-110	Amended	15:5 VA.R. 668	12/23/98
18 VAC 140-20-150	Amended	15:5 VA.R. 669	12/23/98
18 VAC 150-20-10	Amended	15:5 VA.R. 687	12/23/98
18 VAC 150-20-30	Amended	15:5 VA.R. 688	12/23/98
18 VAC 150-20-40	Repealed	15:5 VA.R. 688	12/23/98
18 VAC 150-20-50	Repealed	15:5 VA.R. 688	12/23/98
18 VAC 150-20-60	Repealed	15:5 VA.R. 688	12/23/98
18 VAC 150-20-70	Amended	15:5 VA.R. 688	12/23/98
18 VAC 150-20-75	Added	15:5 VA.R. 690	12/23/98
18 VAC 150-20-80	Repealed	15:5 VA.R. 690	12/23/98
18 VAC 150-20-90	Repealed	15:5 VA.R. 690	12/23/98
18 VAC 150-20-100	Amended	15:5 VA.R. 690	12/23/98
18 VAC 150-20-110	Amended	15:5 VA.R. 691	12/23/98
18 VAC 150-20-115	Added	15:5 VA.R. 691	12/23/98
18 VAC 150-20-120	Amended	15:5 VA.R. 692	12/23/98
18 VAC 150-20-130	Amended	15:5 VA.R. 692	12/23/98
18 VAC 150-20-140	Amended	15:5 VA.R. 692	12/23/98
18 VAC 150-20-150	Repealed	15:5 VA.R. 693	12/23/98
18 VAC 150-20-160	Repealed	15:5 VA.R. 693	12/23/98
18 VAC 150-20-170	Repealed	15:5 VA.R. 693	12/23/98
18 VAC 150-20-180	Amended	15:5 VA.R. 694	12/23/98
18 VAC 150-20-185	Added	15:5 VA.R. 694	12/23/98
18 VAC 150-20-190	Amended	15:5 VA.R. 694	12/23/98
18 VAC 150-20-195	Added	15:5 VA.R. 696	12/23/98
18 VAC 150-20-200	Amended	15:5 VA.R. 696	12/23/98
18 VAC 150-20-205	Added	15:5 VA.R. 701	12/23/98
18 VAC 150-20-210	Amended	15:5 VA.R. 701	12/23/98
Title 19. Public Safety			
19 VAC 30-70-5	Amended	15:2 VA.R. 177	11/11/98
19 VAC 30-70-7	Amended	15:2 VA.R. 178	11/11/98
19 VAC 30-70-10	Amended	15:2 VA.R. 178	11/11/98
19 VAC 30-70-50	Amended	15:2 VA.R. 180	11/11/98
19 VAC 30-70-70 through 19 VAC 30-70-100	Amended	15:2 VA.R. 181- 184	11/11/98
19 VAC 30-70-140	Amended	15:2 VA.R. 185	11/11/98

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
19 VAC 30-70-160	Amended	15:2 VA.R. 187	11/11/98
19 VAC 30-70-180	Amended	15:2 VA.R. 190	11/11/98
19 VAC 30-70-200	Amended	15:2 VA.R. 192	11/11/98
19 VAC 30-70-440 through 19 VAC 30-70-500	Amended	15:2 VA.R. 192- 203	11/11/98
19 VAC 30-70-550	Amended	15:2 VA.R. 207	11/11/98
19 VAC 30-70-570	Amended	15:2 VA.R. 208	11/11/98
19 VAC 30-70-580	Amended	15:2 VA.R. 209	11/11/98
19 VAC 30-70-680	Amended	15:2 VA.R. 211	11/11/98
Title 22. Social Services			
22 VAC 40-35-10	Amended	15:6 VA.R. 922	1/6/99
22 VAC 40-35-125	Added	15:6 VA.R. 924	1/6/99
Title 24. Transportation and Motor Vehicles			
24 VAC 30-200-10	Amended	14:26 VA.R. 4267	10/14/98
24 VAC 30-200-10	Erratum	15:1 VA.R. 50 (4396)	--
24 VAC 30-200-20	Amended	14:26 VA.R. 4268	10/14/98
24 VAC 30-200-30	Amended	14:26 VA.R. 4269	10/14/98
24 VAC 30-200-40	Added	14:26 VA.R. 4270	10/14/98
24 VAC 30-200-40	Erratum	15:1 VA.R. 50	--

NOTICES OF INTENDED REGULATORY ACTION

Symbol Key

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

TITLE 1. ADMINISTRATION

DEPARTMENT OF GENERAL SERVICES

Division of Consolidated Laboratory Services

† Supplemental Notice of Intended Regulatory Action

The Division of Consolidated Laboratory Services is providing a supplemental notice of intended regulatory action on its intention to consider promulgating regulations entitled: **1 VAC 30-45-10 et seq. Environmental Laboratory Certification Program.** In addition to laboratories performing tests and analyses required by the Virginia Waste Management Act and the State Water Control Law, § 2.1-429.01 of the Code of Virginia requires that laboratories performing tests and analyses under § 10.1-1300 et seq. (the Air Pollution Control Law) also be covered. This supplemental notice relates only to the coverage by an environmental laboratory certification program of laboratories performing tests and analyses under § 10.1-1300 et seq. (the Air Pollution Control Law). This supplemental notice provides an additional 30-day comment period on the inclusion of these laboratories in the program, including a public meeting. In addition, the notice provides an opportunity for additional volunteers to join the currently formed ad hoc group. Specific information on submitting comments, attending the public meeting, and volunteering for the ad hoc group is set out below.

The division has previously provided notice of its intention to propose for adoption a regulation for environmental laboratory certification (14:25 VA.R. 4032 August 31, 1998). This regulation will establish procedures, standards and requirements for the certification of laboratories performing tests and analyses required by the Virginia Air Pollution Control Law, the Virginia Waste Management Act and the State Water Control Law. The program established by the regulation will ensure that these laboratories provide accurate and consistent tests, analyses, measurements and monitoring. Commercial, private, industrial and municipal laboratories conducting tests, analyses, measurements or monitoring pursuant to the Virginia Air Pollution Control Law (§ 10.1-1300 et seq.), the Virginia Waste Management Act (§ 10.1-1400 et seq.), or the State Water Control Law (§ 62.1-44.2 et seq.) would be affected by the program.

Request for Comments: The purpose of this notice is to solicit comments on the inclusion of laboratories performing tests and analyses under the Virginia Air Pollution Control Law (§ 10.1-1300 et seq.). THERE ARE NO REGULATION AMENDMENTS AVAILABLE FOR PUBLIC COMMENT AT THIS TIME. All comments must be received by the agency

contact by 4:30 p.m. on Wednesday, January 20, 1999, in order to be considered. It is preferred that all comments be provided in writing, along with any supporting documents or exhibits; however, oral comments will be accepted at the meeting. Comments may be submitted by mail, by facsimile transmission (fax number: 804/371-7973), or by personal appearance at the meeting mentioned below. See "Agency Contact" below for the mailing address. Facsimile copies will be accepted only if followed by receipt of the original within one week. All comments, exhibits and documents received are a matter of public record.

Public Meeting: A public meeting will be held by the division in the First Floor Conference Room, Division of Consolidated Laboratory Services, 1 North 14th Street, Richmond, Virginia 23219, at 10 a.m. on Thursday, January 14, 1999, to discuss the intended action. Unlike a public hearing, which is intended only to receive testimony, this meeting is being held to discuss and exchange ideas and information relative to regulation development.

Ad Hoc Advisory Group: The department has formed an ad hoc advisory group to assist in the development of the regulation. However, the group has not yet had its first meeting. If you believe that your interests relate directly to those of laboratories performing tests and analyses under the Virginia Air Pollution Control Law and you desire to be part of the group, notify the agency contact in writing or by facsimile transmission (FAX number: 804/371-7973) by 4:30 p.m., January 20, 1999, and provide your name, address, phone number and the organization you represent (if any). See "Agency Contact" below for the mailing address. Two additional places on the currently formed ad hoc group will be made available for volunteers. Notification of the selection of the new, additional ad hoc advisory group members will be sent to all applicants. The primary function of the group is to develop recommended regulation amendments for department consideration through the collaborative approach of regulatory negotiation and consensus.

Public Hearing Plans: After publication in the Virginia Register of Regulations, the department will hold at least one public hearing to provide opportunity for public comment on any regulation amendments drafted pursuant to this notice.

Need: The contemplated regulation is essential (i) to protect the health, safety or welfare of citizens and (ii) for the efficient and economic performance of an important governmental function. The reasoning for this conclusion is set forth below.

Compliance with the State Water Control Law, the Air Pollution Control Law and the Virginia Waste Management Act is determined, to a great extent, by the analysis of samples and other measurements taken of Virginia's water, air and terrain. Accurate and consistent analysis of these

Notices of Intended Regulatory Action

samples ensures that the determination of compliance with Virginia's water quality, air quality and waste management laws is also accurate and consistent. In turn, the health and welfare of the people of the Commonwealth are protected. In addition, samples from those parties whose compliance is being determined are analyzed in an equally consistent and accurate fashion.

Certifying laboratories that do consistent and accurate analyses ensure efficient and economic implementation of the state's water, air and waste laws. The state agency responsible for carrying out the laws will be assured that they can rely upon the analytical results of certified laboratories in determining compliance with these laws.

In addition, the state law requires the use of nationally accepted accreditation standards. Virginia's water quality, air quality and waste management laws and regulations are mandated in part by federal statute and regulation. Because the federal government funds the implementation of these laws in the state to some extent, it also determines whether the state agency carrying out these federal mandates is doing an acceptable job. An accurate, consistent and verifiable analysis in certified laboratories of samples taken to determine compliance provides assurance of the state's competency in implementing federal mandates on water quality, air quality and waste management.

Alternatives: Alternatives to the proposed regulation amendments being considered by the department are discussed below.

1. Develop the regulation to satisfy the provisions of the law and federal standards and policies. This option is being selected because it meets the stated purpose of the regulatory action: to ensure that laboratories perform accurate and consistent tests, analyses, measurements and monitoring required by the Virginia Waste Management Act, Virginia Air Pollution Control Law and the State Water Control Law.
2. Make alternative regulatory changes to those required by the provisions of the law and federal standards and policies. This option is not being selected because it does not meet the stated purpose of the regulation and may not be consistent with state law and federal standards and policies.
3. Take no action to develop the regulation. This option is not being selected because state law requires that a regulation be developed.

Applicable Statutory Requirements: The contemplated regulation is mandated by state law. A succinct statement of the source (including legal citation) and scope of the mandate may be found below.

Section 2.1-429.01 of the Code of Virginia requires that the Division of Consolidated Laboratory Services establish a program by regulation that will certify laboratories conducting tests, analyses, measurements, or monitoring pursuant to the Virginia Air Pollution Control Law (§ 10.1-1300 et seq.), the Virginia Waste Management Act (§ 10.1-1400 et seq.) or the State Water Control Law (§ 62.1-44.2 et seq.). The

program is to be based on standards adopted by the National Environmental Laboratory Accreditation Conference sponsored by the U.S. Environmental Protection Agency to ensure accurate and consistent testing and analysis by the certified laboratories.

The state law requires that the program include minimum criteria for the following: (i) laboratory procedures; (ii) performance evaluations; (iii) supervisory and personnel requirements; (iv) facilities and equipment; (v) analytical quality control and quality assurance; (vi) certificate issuance and maintenance; (vii) recertification and decertification; and (viii) granting full and partial exemptions from the program based on compliance and performance. The law also requires that a fee system be established to pay for the costs of certifying laboratories under this program. Procedures for determining the qualifications of laboratories outside of Virginia used to conduct tests and analyses for use in Virginia must also be developed under § 2.1-429.01 of the Code of Virginia. In addition, the law allows other components to be added to the program.

Statutory Authority: §§ 2.1-424 and 2.1-429.01 of the Code of Virginia.

Public comments may be submitted until 4:30 p.m., January 20, 1999, to the Director, Bureau of Customer Services, Division of Consolidated Laboratory Services, 1 North 14th Street, Richmond, Virginia 23219.

Contact: Nancy S. Saylor, Consultant to Division of Consolidated Laboratory Services, Department of General Services, 1 N. 14th St., Richmond, VA 23219, telephone (804) 231-7980 or FAX (804) 231-7980.

VA.R. Doc. No. R98-312; Filed November 25, 1998, 11:30 a.m.



TITLE 6. CRIMINAL JUSTICE AND CORRECTIONS

CRIMINAL JUSTICE SERVICES BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Criminal Justice Services Board intends to consider repealing regulations entitled: **6 VAC 20-170-10 et seq. Regulations Relating to Private Security Services.** The purpose of the proposed action is to repeal the current regulations and promulgate new regulations (6 VAC 20-171-10 et seq.) for the purpose of substantive format changes. The agency does not intend to hold a public hearing on the proposed repeal of this regulation after publication.

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

Public comments may be submitted until January 6, 1999.

Notices of Intended Regulatory Action

Contact: Leon D. Baker, Jr., Section Chief, Department of Criminal Justice Services, Private Security Services Section, P. O. Box 10110, Richmond, VA 23240-9998, telephone (804) 786-0460.

VA.R. Doc. No. R99-55; Filed November 13, 1998, 3:16 p.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Criminal Justice Services Board intends to consider promulgating regulations entitled: **6 VAC 20-171-10 et seq. Regulations Relating to Private Security Services.** The purpose of the proposed action is to ensure the efficiency of the regulations by preventing misleading or deceptive practices by unqualified or incompetent persons in the private security industry in the least burdensome fashion. These regulations will replace 6 VAC 2-170-10 et seq., being repealed due to the substantive format changes. The agency does not intend to hold a public hearing on the proposed regulation after publication.

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

Public comments may be submitted until January 6, 1999.

Contact: Leon D. Baker, Jr., Section Chief, Department of Criminal Justice Services, Private Security Services Section, P. O. Box 10110, Richmond, VA 23240-9998, telephone (804) 786-0460.

VA.R. Doc. No. R99-56; Filed November 13, 1998, 3:17 p.m.

TITLE 9. ENVIRONMENT

STATE WATER CONTROL BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to consider promulgating regulations entitled: **9 VAC 25-215-10 et seq. General Virginia Water Protection Permit for the Discharge of Dredge and Fill Materials to Surface Waters for Specified Land Development, Shoreline Protection and Dredging Materials.** The intent of this proposed regulatory action is to establish for several similar activities a general permit that contains appropriate and necessary permitting requirements for discharges of dredge and fill material in surface waters. State Water Control Law requires that a Virginia Water Protection Permit provide Section 401 Water Quality Certification in accordance with the Clean Water Act and protect instream beneficial uses. Instream beneficial uses include but are not limited to the protection of fish and wildlife habitat, maintenance of waste assimilation, recreation, navigation and cultural and aesthetic values.

A technical advisory committee will be formed to assist in the development of the regulation. The primary function of the committee will be to develop recommendations to the board for the content of the general permit through a process of negotiation and consensus. Persons who desire to be on the committee should notify the agency contact person in writing by 4:30 p.m. on Wednesday, January 6, 1999, and provide your name, address, telephone number and the organization you represent (if any). Notification of the composition of the committee will be sent to all applicants. Following the publication of the draft general permit the board will hold at least one public hearing to provide opportunity for public comment.

Statutory Authority: §§ 62.1-44.15 and 62.1-44.15:5 et seq. of the Code of Virginia.

Public comments are solicited on the content of the draft general permit regulation. Comments may be submitted until 4:30 p.m. on Wednesday, January 6, 1999, to Mr. Joseph Hassell, Department of Environmental Quality, P. O. Box 10009, Richmond, Virginia 23240-0009.

Contact: Joseph Hassell, Office of Water Permit Programs, P.O. Box 10009, Richmond, VA 23240-0009, e-mail jphassell@deq.state.va.us, telephone (804) 698-4072, FAX (804) 698-4032.

VA.R. Doc. No. R99-58; Filed November 17, 1998, 10:06 a.m.

TITLE 12. HEALTH

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to consider amending regulations entitled: **12 VAC 30-50-10 et seq. Amount, Duration, and Scope of Medical and Remedial Care Services: Clinic Services.** The purpose of the proposed action is to establish criteria that the staff of mental health clinics must meet in order to be reimbursed by DMAS for therapy services which they provide. The agency does not intend to hold a public hearing on the proposed regulation after publication.

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

Public comments may be submitted until December 23, 1998, to Dr. Marlene Eisenberg, Policy and Research, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8850 or FAX (804) 371-4981.

Notices of Intended Regulatory Action

VA.R. Doc. No. R99-52; Filed November 2, 1998, 12:45 p.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to consider promulgating regulations entitled: **12 VAC 30-140-10 et seq. Virginia Children's Health Insurance Program (VCMSIP)**. The purpose of the proposed action is promulgate permanent regulations for the Virginia Children's Health Insurance Program which establish the program, the eligible groups and requirements for eligibility, the covered benefits and benefit limits, and quality assurance and utilization control measures to be used. The agency does not intend to hold a public hearing on the proposed regulation after publication.

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

Public comments may be submitted until January 6, 1999, to Kathryn Kotula, Director of Policy, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8850 or FAX (804) 371-4981.

VA.R. Doc. No. R99-59; Filed November 17, 1998, 10:03 a.m.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD FOR CONTRACTORS

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board for Contractors intends to consider amending regulations entitled: **18 VAC 50-30-10 et seq. Tradesman Rules and Regulations**. The purpose of the proposed action is to amend the current regulations to include the liquefied petroleum gas fitter as a stand-alone category in the trades regulated by this program as required by Chapter 403 of the Acts of the 1997 Session of the General Assembly. The agency intends to hold a public hearing on the proposed regulation after publication.

There are no changes proposed in the current fee structure.

In addition, any review usually uncovers awkward sentence construction and/or errors in the existing regulations. Any such discovery will be amended in keeping with the purposes of the program.

Statutory Authority: §§ 54.1-201 and 54.1-1102 of the Code of Virginia.

Public comments may be submitted until December 23, 1998.

Contact: George O. Bridewell, Administrator, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-2785 or FAX (804) 367-2474.

VA.R. Doc. No. R99-48; Filed October 27, 1998, 11:02 a.m.

BOARD OF PHARMACY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Pharmacy intends to consider amending regulations entitled: **18 VAC 110-20-10 et seq. Virginia Board of Pharmacy Regulations**. The purpose of the proposed action is to replace emergency regulations establishing requirements for the closing or acquisition of a pharmacy, for a change of hours, and for the issuance of a control substance registration to persons or entities maintaining large amounts of Schedule II through VI drugs, which were adopted pursuant to Chapters 470 and 490 of the 1998 Acts of Assembly. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 54.1-2400, 54.1-3307 and 54.1-3400 et seq. of the Code of Virginia.

Public comments may be submitted until January 6, 1999.

Contact: Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9911 or FAX (804) 662-9943.

VA.R. Doc. No. R99-53; Filed November 5, 1998, 12:06 p.m.

REAL ESTATE BOARD

† Withdrawal of Notice of Intended Regulatory Action

Notice is hereby given that the Real Estate Board has **WITHDRAWN** the Notice of Intended Regulatory Action for **18 VAC 135-20-10 et seq., Virginia Real Estate Board Licensing Regulations**, which was published in 14:1 VA.R. 20 September 29, 1997. The Real Estate Board has determined that the regulations are not necessary to implement the provisions of the Consumer Real Estate Settlement Protection Act (CRESPA).

Contact: Karen W. O'Neal, Assistant Director, Real Estate Board, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8500 or (804) 367-9753/TTY ☎

VA.R. Doc. No. R98-2; Filed December 1, 1998, 12:28 p.m.

TITLE 23. TAXATION

DEPARTMENT OF TAXATION

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Taxation intends to consider amending regulations entitled: **23 VAC 10-210-2032, Retail Sales and Use Tax: Penalties and interest; audits.** The purpose of the proposed action is to review and amend the regulation to set forth the department's calculation and use of a compliance ratio to determine if audit penalty is applicable to the purchased portion of audits. The department also intends to incorporate an alternative method for calculating the use tax compliance ratio. The regulation will also set forth acceptable exceptions for avoiding audit penalty. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Public comments may be submitted until January 8, 1999, to Howard Macrae, Office of Tax Policy, P.O. Box 1880, Richmond, VA 23218-1880.

Contact: Bland Sutton, Tax Policy Analyst, Department of Taxation, P.O. Box 1880, Richmond, VA 23218-1880, telephone (804) 367-6358 or FAX (804) 367-0045.

VA.R. Doc. No. R99-60; Filed November 17, 1998, 9:12 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. ADMINISTRATION

DEPARTMENT OF GENERAL SERVICES

Division of Purchases and Supply

VA.R. Doc. No. R99-64; Filed December 1, 1998, 10:38 a.m.



TITLE 4. CONSERVATION AND NATURAL RESOURCES

MARINE RESOURCES COMMISSION

REGISTRAR'S NOTICE: The following regulation was filed by description with the Registrar of Regulations in accordance with § 2.3 of the Virginia Code Commission Regulations Implementing the Virginia Register Act. Section 2.3 of the Virginia Code Commission regulations allows the Registrar to authorize the filing of a regulatory document by description in lieu of filing the entire text pursuant to criteria identified in that section.

REGISTRAR'S NOTICE: The following regulation filed by the Marine Resources Commission is exempt from the Administrative Process Act in accordance with § 9-6.14:4.1 F of the Code of Virginia; however, the commission is required to publish the full text of final regulations.

Title of Regulation: **1 VAC 30-140-10. Vendors Manual.**

Statutory Authority: § 2.1-442 of the Code of Virginia.

Effective Date: December 1, 1998.

Exemptions Claimed:

This regulation is exempt from the Administrative Process Act pursuant to § 9-6.14:4.1 B 2 of the Code of Virginia, which exempts agency action involving regulations for the award or denial of state contracts, as well as decisions regarding compliance therewith. Subdivision 2 f of § 2.3 of the Virginia Code Commission Regulations allows regulations concerning public contracts to be filed by description subject to the authorization of the Registrar of Regulations.

Summary:

The Vendors Manual is published under the authority of § 2.1-442 of the Code of Virginia. Its purpose is to set forth rules and regulations applicable to the purchase of goods and nonprofessional services by the Commonwealth of Virginia. Any vendor providing goods or nonprofessional services to the Commonwealth should be familiar with the content of this manual. It generally applies to all state procurements except construction that is subject to the procedures of the Construction and Professional Services Manual and the procurement of professional services. The December 1, 1998, edition supersedes all previous editions.

The document is available for inspection at the following location:

*Department of General Services
Division of Purchases and Supply
805 East Broad Street
Richmond, VA 23219*

Title of Regulation: **4 VAC 20-560-10 et seq. Pertaining to Shellfish Management Areas (amending 4 VAC 20-560-40 and 4 VAC 20-560-50).**

Statutory Authority: §§ 28.2-201 and 28.2-503 of the Code of Virginia.

Effective Date: December 1, 1998.

Summary:

The amendments modify measures applying to the harvest of hard clams from the Newport News Shellfish Management Area. Specifically, the minimum size limit of clams is increased from 1¼ inches to 1-3/8 inches and the closing date of the season is changed from March 31 to March 15. The daily period for the lawful use of patent tongs is established as sunrise to 1 p.m.

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 20-560-40. Patent tong season.

A. The lawful season for the harvest of clams by patent tong from the York River, Poquoson River and Back River Shellfish Management Areas shall be January 1 through March 31.

B. It shall be unlawful for any person to harvest clams by patent tong from either the York River, Poquoson River, or Back River Shellfish Management Area from April 1 through December 31.

C. Shell planting area 115 in Back River will be closed at the end of the 1994 season for evaluation by the VMRC Fisheries Management Division.

D. The lawful season for the harvest of clams by patent tong from the Newport News Shellfish Management Area shall be December 1 through ~~May 31~~ *March 15*.

E. It shall be unlawful for any person to harvest clams by patent tong from the Newport News Shellfish Management Area from April 1 through November 30.

4 VAC 20-560-50. Time of day and harvest restrictions.

A. It shall be unlawful for any person to harvest clams by patent tong from either the York River or Poquoson River Shellfish Management Area before sunrise or after 2 p.m.

B. It shall be unlawful for any person to harvest clams by patent tong from the Back River Shellfish Management Area before sunrise or after 4 p.m.

C. It shall be unlawful for any person to harvest clams by patent tong from either the York River, Poquoson River, Newport News or Back River Shellfish Management Area on Saturday or Sunday.

D. It shall be unlawful for any person to harvest any shellfish from the James River, Back River Reef, Middle Ground Light, or York River Broodstock Management Area at any time.

E. It shall be unlawful for any person to harvest clams by patent tong from the Newport News Shellfish Management Area before sunrise or after ~~2~~ *1* p.m.

F. It shall be unlawful for any person to possess any amount of hard clams from the Newport News Shellfish Management Area or the Hampton Roads Shellfish Relay Area which consists of more than 2.0% by number of clams, which can be passed through a ~~4-1/4-inch~~ *1-3/8 inch* inside diameter culling ring. The 2.0% allowance shall be measured by the marine patrol officer from each container or pile of clams.

VA.R. Doc. No. R99-61; Filed November 30, 1998, 11:57 a.m.

Title of Regulation: 4 VAC 20-720-10 et seq. Pertaining to Restrictions on Oyster Harvests (amending 4 VAC 20-720-70 and 4 VAC 20-720-105).

Statutory Authority: §§ 28.2-201 and 28.2-507 of the Code of Virginia.

Effective Date: December 1, 1998.

Summary:

The amendments establish a 1998 broodstock project and a public oyster harvest season for the Pocomoke and Tangier Sounds.

Agency Contact: Copies of the regulation may be obtained from K.V. Leonard, Conservation/Replenishment Division, Marine Resources Commission, P.O. Box 756, Newport News, VA 23607, telephone (757) 247-2201.

4 VAC 20-720-70. Gear restrictions.

A. It shall be unlawful for any person to harvest oysters from public oyster grounds or unassigned grounds in the James River, that area of the Rappahannock River west of the Route 3 bridge, including the Corrotoman River, and that area of the Nomini and Lower Machodoc Rivers to the Virginia-Maryland state line (Nomini PRV6A to PRV6B; Lower Machodoc PRV5A to PRV5C) and that area of the Coan River to the Virginia-Maryland state line (Coan PRV1A to PRV1B) except for above a line from Walnut Point (Survey Station Walnut) to Stephens Point (Survey Station Arthur), and that area of the Yeocomico River inside Public Grounds 107, 112 and 113 with shaft tongs longer than 18 feet in total overall length, except shaft tongs may exceed 18 feet in total overall length from Morattico Bar to the Route 3 bridge in the Rappahannock River.

B. It shall be unlawful for any person to harvest shellfish with a dredge from the public oyster grounds who has not first obtained a current gear license to use said dredge, and only at times and in areas as established by the commission can this dredge be used for harvesting on public oyster grounds. In order to be allowed to operate a dredge for harvesting oysters from any public oyster grounds, a harvester must have a current dredge gear license and the cost of this license shall be \$50.

4 VAC 20-720-105. Special Pocomoke and Tangier Sound broodstock restoration project and Pocomoke and Tangier Sound harvest season.

A. Broodstock restoration project:

~~A-~~ 1. This project will begin December 1, ~~1997~~ *1998*, and will continue until the quota has been caught, or until the project has been terminated by the commissioner, whichever occurs first.

~~B-~~ 2. In this project there will be a quota of 2,500 bushels of clean cull oysters. *Approximately 1,000 bushels of oysters will be harvested from Public Ground 17 (Parker's Rock) and Public Ground 18 (Onancock Rock). Approximately 1,500 bushels of oysters will be harvested from the area east of Gwynn's Island (Public Ground 6) called Beverlys and Deep Rocks and/or from the area off the mouth of the Rappahannock River in Public Ground 1. Areas for harvest will be designated and marked by the Marine Resources Commission personnel. It shall be unlawful to harvest oysters in this area these areas after the 2,500 bushel quota has quotas have been reached or after the project has been terminated.*

~~C-~~ 3. All clean cull oysters harvested in the ~~Pocomoke and Tangier Sound Management Areas from Public Grounds 17 and 18 in Pocomoke Sound and in the area near the mouth of the Rappahannock River and east of Gwynn's Island~~ shall be sold to the Marine Resources Commission for an oyster broodstock restoration project on the Great Wicomico, ~~Pungeteague, or~~ and Piankatank Reef sites. It shall be unlawful to sell any oysters from Pocomoke and Tangier Sound

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Management Areas and in the areas near the mouth of the Rappahannock River and east of Gwynn's Island except to the Marine Resources Commission.

~~D.~~ 4. Price will be set by the commission at a fair market value.

~~E.~~ 5. The commissioner may terminate the project at any time if the project is not economically feasible.

~~F.~~ 6. Only standard oyster dredges (maximum weight 100 pounds with attachment, maximum width of 50 inches, maximum tooth length four inches, minimum teeth spacing three inches) or ~~standard oyster patent tongs (maximum weight 100 pounds, maximum tooth length four inches)~~ may be used in the project.

~~G.~~ 7. No hard clam bycatch is allowed.

~~H.~~ 8. No blue crab bycatch is allowed.

~~I.~~ 9. Harvesting activity shall terminate by 2 p.m. daily so that all oysters can be loaded on the commission buyboat or planted on a program reef site prior to sunset.

~~J.~~ 10. Oysters shall be offloaded daily.

~~K.~~ 11. Permits to harvest oysters in Pocomoke and Tangier Sounds, and in the area near the mouth of the Rappahannock River and east of Gwynn's Island for this project shall be required for all participants.

~~L.~~ 12. Participants who violate any part of this chapter or other applicable Marine Resources Commission regulations will forfeit all harvested oysters to this project and receive no compensation.

B. Special Tangier and Pocomoke Sound harvest season:

1. At the completion of the broodstock restoration project described in subsection A of this section, there will be an open season for the harvest of clean cull oysters in that area in Tangier Sound west of the Tangier channel from Tangier light north to the Maryland-Virginia line and in Pocomoke Sound northeast from a line from Beach Island light to the house on the Great Fox Island. It shall be unlawful to harvest oysters outside of these two areas.

2. There will be a catch limit of 15 bushels per boat on the dredge rocks within these areas and a five bushel per man limit for the designated hand tong rocks described in subdivisions 8 and 9 of this subsection.

3. This special season shall terminate on December 31, 1998.

4. All other restrictions for the broodstock restoration project set forth in subsection A of this section shall apply.

5. Permits shall be required to harvest oysters in these areas of Tangier and Pocomoke Sound for all participants.

6. Clean cull oysters shall be greater than three inches.

7. Harvest shall be reported for each day of harvest. Failure to report oyster harvest or violation of any other requirements for this special season will result in the forfeiture of all harvested oysters and revocation of the permit to harvest oysters for this season.

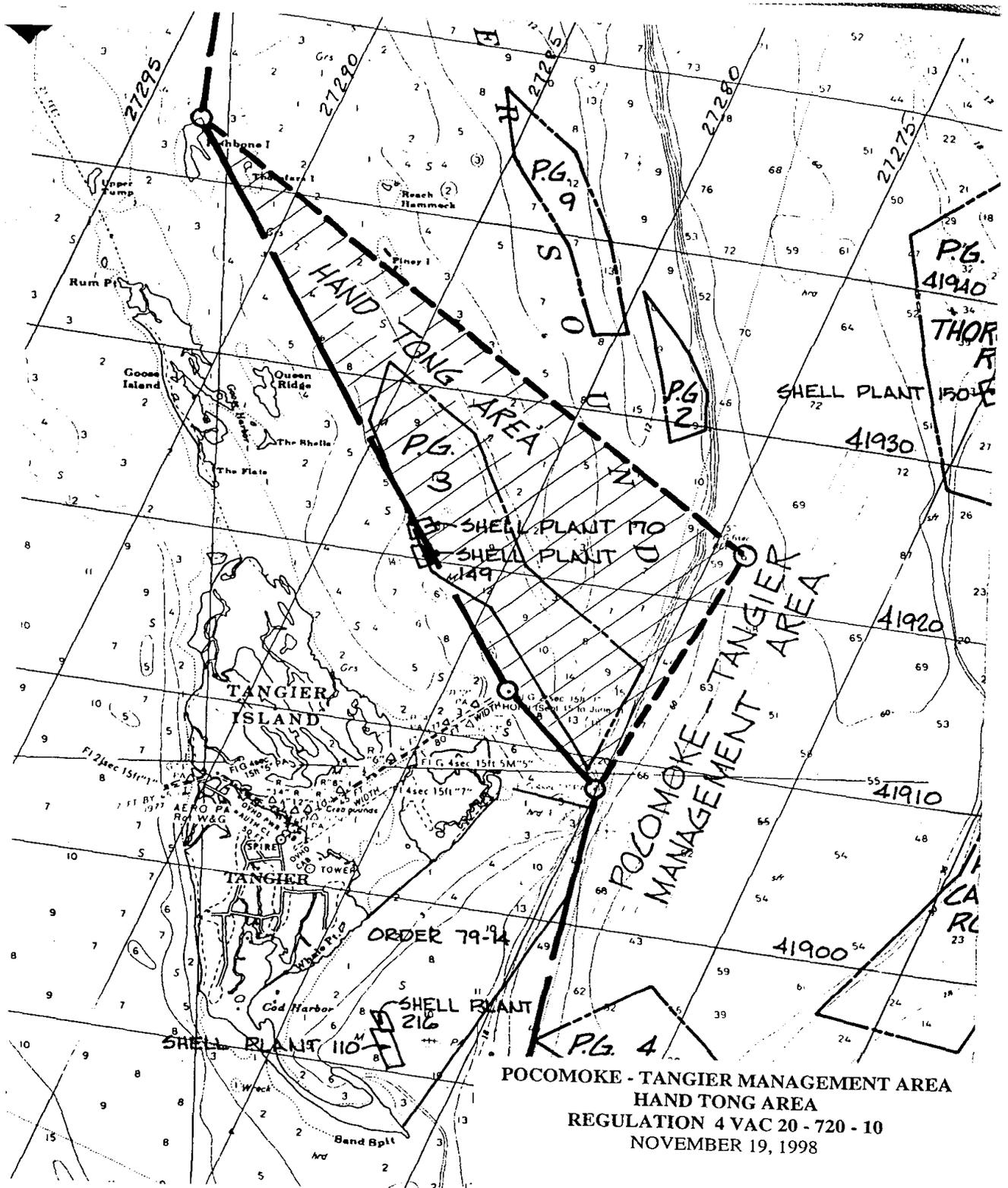
8. All of the management area as set forth in § 28.2-524 of the Code of Virginia shall be open to harvest by hand tong, patent tong or dredge, except that area south and west of a line from Fishbone Island thence southeast to bell buoy #5, thence south-southwest to buoy #3 (such area to include all of Public Ground 3 and Flat Rock) shall be excluded and shall be a hand tong area only. (See map)

9. Additional hand tong areas:

a. Cod Harbor (approximately 1,124 acres), described as follows: Beginning at a point of East Point Marsh, said point having the Virginia state coordinates, south section, coordinates of north 555,414.89, east 2,730,388.85; thence, south 79° 59', east 2,260 feet to a line designating the western extent of the Pocomoke Tangier Sounds Management Area as described in § 28.2-524 of the Code of Virginia; thence, south 10° 16', west 2,800 feet; thence, south 28° 46', west 8,500 feet to a point on Sand Spit, position north 545,131.78, east 2,728,014.94; thence, along the mean low water line of Cod Harbor in a west, north and northeast direction crossing Canton Creek and Mailboat Harbor from headland to headland to the point of beginning.

b. Pocomoke Sound hand tong areas, described as follows: Those areas of Public Ground 9, 10, 11, 12, and 13, north of the Pocomoke Tangier Sounds Management Area.

10. It shall be unlawful to harvest shellfish from the hand tong areas as described in subdivisions 8 and 9 of this subsection with any other gear, except the hand tong.



VA.R. Doc. No. R99-63; Filed November 30, 1998, Noon

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Title of Regulation: **4 VAC 20-960-10 et seq. Pertaining to Tautog (amending 4 VAC 20-960-45).**

Statutory Authority: § 28.2-201 of the Code of Virginia.

Effective Date: January 1, 1999.

Summary:

The amendment reduces the possession limit of tautog for recreational fishermen from 10 fish to seven fish and repeals the closed fishing season of May 1 through June 30.

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 20-960-45. Recreational fishing season and possession limits.

A. It shall be unlawful for any person fishing with hook and line, rod and reel, spear, gig or other recreational gear to possess more than ~~40~~ seven tautog. When fishing is from a boat or vessel where the entire catch is held in a common hold or container, the possession limit shall be for the boat or vessel and shall be equal to the number of persons on board legally eligible to fish multiplied by ~~40~~ seven. The captain or operator of the boat or vessel shall be responsible for any boat or vessel possession limit. Any tautog taken after the possession limit has been reached shall be returned to the water immediately.

B. Possession of any quantity of tautog which exceeds the possession limit described in subsection A of this section shall be presumed to be for commercial purposes.

C. The recreational fishing season shall be ~~closed from May 1 through June 30, and it shall be unlawful for any person to possess tautog for recreational purposes during this period open throughout the year.~~

VA.R. Doc. No. R99-62; Filed November 30, 1998, 11:57 a.m.

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TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

Title of Regulation: **18 VAC 65-20-10 et seq. Regulations of the Board of Funeral Directors and Embalmers (amending 18 VAC 65-20-10, 18 VAC 65-20-50, 18 VAC 65-20-60, [18 VAC 65-20-70,] 18 VAC 65-20-110 through 18 VAC 65-20-150, 18 VAC 65-20-170, 18 VAC 65-20-240, 18 VAC 65-20-350, 18 VAC 65-20-400, 18 VAC 65-20-440, 18 VAC 65-20-500, 18 VAC 65-20-510, 18 VAC 65-20-530,**

18 VAC 65-20-540, 18 VAC 65-20-550, 18 VAC 65-20-560, 18 VAC 65-20-580, 18 VAC 65-20-590, 18 VAC 65-20-630, and 18 VAC 65-20-700; adding 18 VAC 65-20-235; repealing 18 VAC 65-20-20, 18 VAC 65-20-30, 18 VAC 65-20-40, [18 VAC 65-20-80, 18 VAC 65-20-90, 18 VAC 65-20-400,] 18 VAC 65-20-160, 18 VAC 65-20-180 through 18 VAC 65-20-230, 18 VAC 65-20-250 through 18 VAC 65-20-340, 18 VAC 65-20-360 through 18 VAC 65-20-390, 18 VAC 65-20-410, 18 VAC 65-20-430, 18 VAC 65-20-450 through 18 VAC 65-20-490, 18 VAC 65-20-520, 18 VAC 65-20-600, 18 VAC 65-20-610, 18 VAC 65-20-620, and 18 VAC 65-20-640 through 18 VAC 65-20-690).

Statutory Authority: § 54.1-2400 and Chapter 28 (§ 54.1-2800 et seq.) of Title 54.1 of the Code of Virginia.

Effective Date: January 20, 1999.

Summary:

In response to the comprehensive review conducted pursuant to Executive Order 15 (94), the amendments repeal unnecessary or duplicative regulations (such as those which restate provisions of the Code of Virginia or the Funeral Industry Practices rules of the Federal Trade Commission), simplify current requirements (such as rules for funeral establishment), and reduce certain regulatory burdens (such as the requirements for notification of a change of address or for the name of the establishment manager to appear on every advertisement).

Summary of Public Comments and Agency's 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: 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 1.

~~Definitions, Legal Base, Purpose, Applicability.~~

18 VAC 65-20-10. Definitions.

Words and terms used in this chapter shall have the definitions ascribed in § 54.1-2800 of the Code of Virginia or in 16 CFR Part 453, Funeral Industry Practices of the Federal Trade Commission, which is incorporated by reference in this chapter. In addition, the following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

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

~~"Alternate care" means the preparation of a dead human body, exclusive of embalming, to include bathing and surface disinfection.~~

~~"Alternative container" means a nonmetal receptacle or enclosure, without ornamentation or a fixed interior lining, which is designed for the encasement of human remains and which is made of fiberboard, pressed wood, composition materials (with or without an outside covering), or like materials.~~

~~"Applicant" means a person applying for examination licensure traineeship, or registration, by the board.~~

~~"At need" means when death has occurred.~~

~~"Board" means the Board of Funeral Directors and Embalmers.~~

~~"Burial garment" means clothing designed specifically for use on dead human remains.~~

~~"Cash advance item" means any item of service or merchandise described to a purchaser as a cash advance, accommodation, cash disbursement, or similar term. A cash advance item is also any item obtained from a third party and paid for by the funeral provider on the purchaser's behalf. Cash advance items may include, but are not limited to, cemetery or crematory services, pallbearers, public transportation, clergy honoraria, flowers, musicians or singers, nurses, obituary notices, gratuities, and death certificates.~~

~~"Casket" means a rigid container which is designed for the encasement of human remains and which is usually constructed of wood, metal, fiberglass, plastic or like material, and ornamented and lined with fabric.~~

~~"Conduct" means to carry out and perform.~~

~~"Courtesy card" means the card issued by the board which grants limited and restricted funeral service privileges in the Commonwealth to out-of-state funeral service licensees, funeral directors, and embalmers.~~

~~"Cremation" means a heating process which incinerates human remains.~~

~~"Cremation urn" means a wood, metal, stone, plastic, or composition container or a container of other material, which is designed for encasing cremated ashes.~~

~~"Cremation vault" or "cremation outer burial container" means any container which is designed for encasement of an inner container or urn containing cremated ashes. Also known as a cremation box.~~

~~"Crematory" means any person, partnership, or corporation that performs cremation.~~

~~"Department" means the Department of Health Professions.~~

~~"Direct cremation" means a disposition of human remains by cremation, without formal viewing, visitation, or ceremony with the body present.~~

~~"Embalmer" means any person engaged in the practice of embalming.~~

~~"Embalming" means the preservation and disinfection of the human dead by external or internal application of chemicals.~~

~~"Establishment manager" means a funeral service licensee or licensed funeral director licensed by the board, designated as the manager of record who is responsible for the direct supervision and management of a funeral service establishment or branch facility.~~

~~"Executive director" means the board administrator for the Board of Funeral Directors and Embalmers.~~

~~"Full-time employment" means employment at the establishment for 40 hours per week.~~

~~"Funeral ceremony" means a service commemorating the deceased with the body present.~~

~~"Funeral directing" means the for-profit profession of directing or supervising funerals, or preparing human dead for burial by means other than embalming.~~

~~"Funeral director" means any person engaged in the practice of funeral service.~~

~~"Funeral goods" means the goods which are sold or offered for sale directly to the public for use in connection with funeral services. Also known as funeral merchandise.~~

~~"Funeral provider" means any person, partnership, or corporation that sells or offers to sell funeral goods and funeral services to the public.~~

~~"Funeral service" means any service which may be used to (i) care for and prepare the deceased human bodies for burial, cremation, or other final disposition; and (ii) arrange, supervise, or conduct the funeral ceremony or the final disposition of deceased human bodies.~~

~~"Funeral service establishment" means any main establishment, branch, or chapel where any part of the profession of funeral directing or the act of embalming is performed.~~

~~"Funeral service licensee" means a person who is licensed in the practice of funeral service.~~

~~"Immediate burial" means a disposition of human remains by burial, without formal viewing, visitation or ceremony with the body present, except for a graveside service.~~

~~"Outer burial container" means any container which is designed for placement in the grave around the casket including, but not limited to, containers commonly known as burial vaults, grave boxes, and grave liners.~~

~~"Person" means any individual, partnership, corporation, association, government, or governmental subdivision or agency or other entity.~~

~~"Practice of funeral services" means engaging in the care and disposition of the human dead, the preparation of the human dead for the funeral service, burial, or cremation, the making of arrangements for the funeral service or for the financing of the funeral service and the selling or making of~~

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financial arrangements for the sale of funeral supplies to the public.

~~"Proneed" means any time other than at need.~~

~~"Proneed funeral financing" means the arranging of funding for funeral services prior to death.~~

~~"Proneed funeral planning" means the making of funeral arrangements or selecting of funeral merchandise prior to death.~~

~~"Registration" means the process of applying to the board to seek approval to serve as a trainee, trainer, or to operate a surface transportation and removal service.~~

~~"Resident trainee" means a person who is preparing to be licensed for the practice of funeral services under the direct supervision of a practitioner licensed by the board.~~

~~"Services of funeral director and staff" means the basic services that are furnished by a funeral provider in arranging any funeral, such as conducting the arrangements conference, planning the funeral, obtaining necessary permits, and placing obituary notices.~~

~~"Solicitation" means initiating contact with consumers with the intent of influencing their selection of a funeral plan or a funeral service provider.~~

~~"Surface transportation and removal service" means any person, private business, or funeral service establishment, except a common carrier engaged in interstate commerce, the Commonwealth and its agencies, engaged in the business of surface transportation or removal of dead human bodies in the Commonwealth.~~

~~"FTC" means the Federal Trade Commission.~~

18 VAC 65-20-20. Legal base. (Repealed.)

The following legal base describes the responsibility of the Board of Funeral Directors and Embalmers regulations governing funeral service in the Commonwealth:

Title 54.1, Chapter 1 (§ 54.1-100 et seq.);

Title 54.1, Chapter 24 (§ 54.1-2400 et seq.);

Title 54.1, Chapter 25 (§ 54.1-2500 et seq.);

Title 54.1, Chapter 28 (§ 54.1-2800 et seq.);

Title 32.1, Chapter 7, Article 4 (§ 32.1-263 et seq.);

Title 32.1, Chapter 7, § 32.1-274;

Title 32.1, Chapter 8 (§ 32.1-277 et seq.); and

Title 11, Chapter 5 (§§ 11-24 et seq.) of the Code of Virginia; and § 453.1 (b) (d), (f), (g) (j), (k), (m) (p) through § 453.9 of the Federal Trade Commission's Funeral Industry Rule.

18 VAC 65-20-30. Purpose. (Repealed.)

This chapter establish the standards for qualifications, training, examination, licensure, and practice of persons as funeral service licensees; funeral directors; embalmers;

funeral establishments; funeral service trainees; and surface transportation and removal services operating in the Commonwealth.

18 VAC 65-20-40. Applicability. (Repealed.)

Individuals and establishments subject to this chapter are (i) funeral directors, (ii) embalmers, (iii) funeral service licensees, (iv) funeral establishments, (v) transportation and removal services, and (vi) resident trainees.

~~EXEMPTIONS: The provisions of this chapter shall not apply to any officer of local or state institutions or to the burial of the bodies of inmates of state institutions when buried at the expense of the Commonwealth or any of its political subdivisions.~~

Any person holding a license as a funeral director or embalmer or an equivalent in another state, having substantially similar requirements as the board, may apply to the board for courtesy card privileges to remove bodies from and to arrange funerals or embalm bodies in this Commonwealth. However, these privileges shall not include the right to establish or engage generally in the business of funeral directing and embalming in Virginia.

PART II. OPERATIONAL RESPONSIBILITIES.

Article 1. Posting of License.

18 VAC 65-20-50. Posting of license.

A. Each licensee shall post his *an original or photocopy of his license, photocopy of his original license, or a duplicate license obtained from the board in a main entrance or place conspicuous to the public [, such as the arrangement office,]* in each establishment or branch where he is employed.

B. The establishment license shall be posted in a *main entrance of the establishment or place conspicuous to the public [, such as the arrangement office]*.

C. ~~Each licensee shall be able to produce his wallet license upon request.~~

Article 2. Records.

18 VAC 65-20-60. Accuracy of information.

A. All changes of mailing address, name, place of employment, or change in establishment ownership, manager, 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 and shall not relieve the licensee, trainee, establishment, or firm of obligation to comply.

18 VAC 65-20-110. Additional fee information.

A. There shall be a fee of \$25 for returned checks.

B. Fees shall not be refunded once submitted.

C. *The fee for the Virginia State Board Examination shall be paid directly to the examination service contracted by the board for its administration.*

PART ~~IV~~ II.
RENEWALS AND REINSTATEMENT.

18 VAC 65-20-120. Expiration dates.

~~A. For resident trainee expiration dates see regulations entitled Resident Trainee Program for Funeral Service (18 VAC 65-40-10 et seq.).~~

~~B. The following~~ A. A funeral service establishment license or surface transportation and removal service registration shall expire on January 31 of each calendar year:

- ~~1. Funeral service establishment license; and~~
- ~~2. Surface transportation and removal service registration.~~

~~C. B.~~ The following funeral service license, funeral director license, or embalmer license shall expire on March 31 of each calendar year:

- ~~1. Funeral service license;~~
- ~~2. Funeral director license; and~~
- ~~3. Embalmer license.~~

~~D. C.~~ Courtesy cards expire on December 31 of each calendar year.

~~E. A person who or establishment which fails to renew a license, registration, or courtesy card by the expiration dates prescribed in this section shall be deemed to have an invalid license, registration, or courtesy card.~~

18 VAC 65-20-130. Renewal of license; registration.

A. A person, establishment, [*courtesy card holder*] or surface transportation and removal service who desires to renew his license or registration for the next year shall, not later than the expiration date [*as provided in 18 VAC 65-20-120*] ~~shall~~ , *submit the renewal application and applicable fee.*

- ~~1. Return the renewal notice;~~
- ~~2. Submit the applicable fee prescribed in 18 VAC 65-20-80; and~~
- ~~3. Notify the board of any changes in name, address, employment, managers, or ownership.~~

B. A person who or establishment which fails to renew a license, registration, or courtesy card by the expiration dates prescribed in 18 VAC 65-20-120 shall be deemed to have an invalid license, registration, or courtesy card and continued practice may subject the licensee to disciplinary action by the board.

18 VAC 65-20-140. Reinstatement of expired license or registration.

The board may consider reinstatement of an expired license or registration for up to three years following expiration. A written application request for reinstatement shall be submitted to the board and shall include payment of all applicable delinquent renewal fees ~~prescribed in 18 VAC 65-20-80~~ plus and the additional reinstatement fee prescribed in ~~18 VAC 65-20-90~~ 18 VAC 65-20-70.

18 VAC 65-20-150. Reapplication of license.

When a license is not reinstated within three years of its expiration date, an applicant for licensure shall: *reapply for licensure and pass the state examination.*

- ~~1. Reapply for licensure; and~~
- ~~2. Reapply for state examination.~~

PART ~~V~~ III.
REQUIREMENTS FOR LICENSURE.

Article 1.
Establishments: General Qualifications.

18 VAC 65-20-160. General qualifications of establishments. (Repealed.)

~~All places of business in the Commonwealth, including main establishments, branches or chapels, where any part of the profession or business of funeral directing or any act of embalming, either or both, is carried on, conducted, or performed, is permitted to be carried on, conducted, or performed, and where preneed funeral arrangements are conducted, shall be:~~

- ~~1. Subject to regulation and inspection by the board;~~
- ~~2. Operated in accordance with law; and~~
- ~~3. Maintained in compliance with this chapter.~~

18 VAC 65-20-170. Requirements for an establishment license required.

A. No person shall maintain, manage, or operate a funeral service establishment in the Commonwealth, unless such establishment holds a license issued by the board [~~in~~ .] *The name of the funeral service licensee or licensed funeral director designated by the ownership to be manager of the establishment [shall be included on the license]*.

B. *Except as provided in § 54.1-2810 of the Code of Virginia, every funeral service establishment and every branch or chapel of such establishment, regardless of how owned, shall have a separate establishment manager who is employed full time by the establishment for at least 40 hours a week.*

C. [*At least 45 days*] *prior to opening an establishment, an owner or licensed manager seeking an establishment license shall submit simultaneously a completed application, any additional documentation as may be required by the board to determine eligibility, and the applicable fee. An incomplete package will be returned to the licensee. A*

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license shall not be issued until an inspection of the establishment has been completed and approved.

D. Within 30 days following a change of ownership, the owner or licensed manager shall notify the board, request a reinspection of the establishment, submit an application for a new establishment license, and pay the licensure and reinspection fees as required by 18 VAC 65-20-70.

18 VAC 65-20-180. Current license requirements. (Repealed.)

The license shall be:

1. For the current calendar year; and
2. In the name of the funeral service licensee or licensed funeral director designated by the ownership to be manager of the establishment.

18 VAC 65-20-190. Manager of record required. (Repealed.)

Every funeral service establishment and every branch or chapel of such establishment in the Commonwealth, regardless of how owned, shall have a separate funeral service licensee or funeral director licensed by the board who is employed full time at the establishment and is designated as manager of the establishment.

18 VAC 65-20-200. Expiration of establishment licenses. (Repealed.)

Establishment licenses shall expire January 31 of each calendar year (see subsections B and E of 18 VAC 65-20-120 and 18 VAC 65-20-130 through 18 VAC 65-20-150 for renewal information).

Article 2.

Funeral Service, Funeral Directors, and Embalmers:
General Qualifications.

18 VAC 65-20-210. License required; exception. (Repealed.)

No person shall engage in the practice of funeral service, or practice as a funeral director or embalmer in the Commonwealth without having the required license issued by the board.

EXCEPTION: A registered trainee may perform such acts only in strict conformity with the provisions of this chapter and the chapter entitled Resident Trainee Program for Funeral Service (18 VAC 65-40-10 et seq.).

18 VAC 65-20-220. Expiration of licenses. (Repealed.)

With the exception of trainees, licenses shall expire on March 31 of each calendar year (see subsections C and E of 18 VAC 65-20-120 and 18 VAC 65-20-130 through 18 VAC 65-20-150 for renewal information). (See chapter entitled Resident Trainee Program for Funeral Service, 18 VAC 65-40-10 et seq.)

18 VAC 65-20-230. Requirement for license. (Repealed.)

To be licensed for the practice of funeral service, a person shall:

1. Be at least 18 years of age;
2. Be a graduate of a high school or the equivalent;
3. Have completed traineeship and be a graduate from a school of mortuary science or funeral service approved by the board;
4. Pass the required state and national examinations; and
5. Not have been convicted of a felony. The board, in its discretion, may license an individual convicted of a felony if he has been pardoned or has had his civil rights restored.

Article 3.

Application Process.

18 VAC 65-20-235. Approval of educational programs.

All applicants for funeral service licensure are required to have graduated from a funeral service program offered by a school of mortuary science or funeral service accredited by the American Board of Funeral Service Education, Incorporated.

18 VAC 65-20-240. Requirements for funeral service applicants licensure by examination.

An individual seeking licensure for funeral service or seeking examination/reexamination shall submit simultaneously:

1. Completed and signed application;
2. Additional documentation as may be required by the board to determine eligibility of the applicant; and
3. The applicable fee or fees prescribed in subdivision 4 of 18 VAC 65-20-70.

A. Application requirements.

1. With the exception of school transcripts and national examination board scores, all parts of an application package, including the required fee and any additional documentation as may be required to determine eligibility, shall be submitted simultaneously.
2. An individual applying for the state examination shall submit the application package within six months and not less than 45 days prior to an examination date. The board may, for good cause shown by the applicant, waive the time for the filing of any application.

B. National examination requirements. Prior to applying for licensure by examination, every applicant shall pass the National Board Examination of the Conference of Funeral Service Examining Boards of the United States, Inc., administered in accredited schools of embalming or mortuary science.

C. State examination requirements. All applicants shall pass the Virginia State Board Examination.

18 VAC 65-20-250. Application package; exception. (Repealed.)

All required parts of the application package shall be submitted at the same time. An incomplete package will be returned to the licensee.

EXCEPTION: Some schools require that certified transcripts be sent directly to the licensing authority. That policy is acceptable to the board. National examination scores will also be accepted from the examining authority.

18 VAC 65-20-260. Date of submission of application package. (Repealed.)

An individual applying for examination shall submit the application package within six months and not less than 45 days prior to an examination date.

18 VAC 65-20-270. Establishment applicants. (Repealed.)

Not less than 45 days prior to opening of an establishment, an owner or licensed manager seeking an establishment license shall submit simultaneously:

- 1. Completed and signed application;*
- 2. Additional documentation as may be required by the board to determine eligibility for licensure; and*
- 3. The applicable fee prescribed in subdivision 3 of 18 VAC 65-20-70.*

18 VAC 65-20-280. Incomplete application package. (Repealed.)

All required parts of the application package shall be submitted at the same time. An incomplete package will be returned to the licensee.

18 VAC 65-20-290. Waiver of time limits. (Repealed.)

The board may for good cause, waive the time requirement in 18 VAC 65-20-260 and 18 VAC 65-20-270 for the filing of any application. The burden of proof which demonstrates good cause rests with the applicant.

Article 4.

General Examination Requirements.

18 VAC 65-20-300. National Board examination required. (Repealed.)

Prior to applying for state examination for licensure, every applicant for initial licensure by the board shall pass the National Board Examination of the Conference of Funeral Service Examining Boards of the United States, Inc., administered in accredited schools of embalming or mortuary science.

18 VAC 65-20-310. Virginia State Board examination. (Repealed.)

All applicants shall pass the Virginia State Board Examination.

18 VAC 65-20-320. Failure to appear. (Repealed.)

The applicant shall forfeit the Virginia State Board Examination fee if he is unable to sit for the examination for any reason.

18 VAC 65-20-330. Reexamination. (Repealed.)

Any person failing the Virginia State Board Examination shall reapply for a subsequent examination, and shall pay the examination fee prescribed in subdivision 1 of 18 VAC 65-20-70 for each application filed.

18 VAC 65-20-340. Scheduling examinations. (Repealed.)

A. An applicant may request to take the scheduled Virginia State Board Examination most closely preceding the expected completion of the mortuary school, if traineeship has also been completed, or traineeship, if mortuary school has been completed. Successful completion of all requirements shall mean that the applicant can provide documentation of completion of the qualifications within the month following the examination date. Examination scores shall not be released until documentation of successful completion is received in the board office. Failure to submit documentation of successful completion within the month following the examination date for any reason shall require that the applicant retake the examination and resubmit the examination fee. The previous examination shall be considered void.

B. All such requests to take the scheduled Virginia State Board Examination early shall be in writing and the written request shall be accompanied by the complete application package (18 VAC 65-20-240 through 18 VAC 65-20-250) and shall comply with the deadline requirement in 18 VAC 65-20-260.

Article 5.

Licensure of Out-of-State Applicants.

18 VAC 65-20-350. Out-of-state applicants Requirements for licensure by reciprocity or endorsement.

A. Licenses for the practice of funeral service or its equivalent issued by other states, territories, or the District of Columbia may be recognized by the board and the holder of such license or licenses may be granted a license to practice funeral service within the Commonwealth, as follows:

- 1. Reciprocity. Licenses may be granted by reciprocity provided that the same privileges are granted by the other jurisdiction to Virginia funeral service licensees by the establishment of substantially similar licensure requirements and reciprocity agreements between the two jurisdictions; or*
- 2. Endorsement. Licenses may be granted to applicants by the board on a case-by-case basis [,] if*

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the applicant holds a valid license for the practice of funeral service or its equivalent in another state, territory, or the District of Columbia and possesses credentials which are substantially similar to [7] or more stringent than required by the Commonwealth for initial licensure and the examinations and passing grades received by the applicant are equivalent to those required by the board.

B. An applicant for licensure by reciprocity or endorsement shall pass the Virginia State Board Examination.

18 VAC 65-20-360. State examination required. (Repealed.)

An out-of-state applicant for board licensure shall pass the Virginia State Board Examination (See 18 VAC 65-20-310).

PART VI. TRAINEE PROGRAM REQUIREMENTS.

18 VAC 65-20-370. Resident trainee requirements and application. (Repealed.)

To be approved for registration as a resident trainee, a person shall comply with the board's regulations entitled Resident Trainee Program for Funeral Service (18 VAC 65-40-10 et seq.).

18 VAC 65-20-380. Apprenticeship training, training sites, and supervision. (Repealed.)

Applicants, training sites, and training supervisors shall comply with the board's regulations entitled Resident Trainee Program for Funeral Service (18 VAC 65-40-10 et seq.).

18 VAC 65-20-390. Curriculum compliance. (Repealed.)

An approved supervisor and resident trainee shall comply with the training program developed by the board for the traineeship and shall provide supervision and training as prescribed by the regulations of the board entitled Resident Trainee Program for Funeral Services (18 VAC 65-40-10 et seq.).

PART VII IV. REGISTRATION.

Article 1. Surface Transportation and Removal Services.

18 VAC 65-20-400. Registration of surface transportation and removal services.

A. Every surface transportation and removal service not licensed under an establishment license issued by the board shall be registered with the board.

B. All persons proposing applying to own or operate and each owner of a surface transportation and removal service, according to requirements of § 54.1-2819 of the Code of Virginia, shall submit an application package for registration which shall include:

1. Completed and signed application;

2. Fee prescribed in [subdivision] 4 [3-of] 18 VAC 65-20-70 [A 3]; and

3. Additional documentation as may be required by the board to determine eligibility of the applicant.

18 VAC 65-20-410. Exclusion from jurisdiction. (Repealed.)

The following shall not be within the jurisdiction of surface transportation and removal services:

1. *Arranging or conducting funerals;*
2. *Offering to or providing for the care or preparation, including embalming, of dead human bodies; and*
3. *Selling or providing funeral related goods and services.*

18 VAC 65-20-430. Expiration of registration. (Repealed.)

The registration shall expire on January 31 of each calendar year (see subsections B and E of 18 VAC 65-20-120 and 18 VAC 65-20-130 through 18 VAC 65-20-150 for renewal information).

PART VIII V. ISSUANCE OF COURTESY CARDS.

18 VAC 65-20-440. Courtesy cards.

A. An out-of-state person applying for a courtesy card pursuant to § 54.1-2801 B of the Code of Virginia shall hold a valid license for funeral service, funeral directing, or embalming in another state, territory, or the District of Columbia.

B. The other state shall have requirements for licensure substantially similar to those existing in the Commonwealth of Virginia.

B. An applicant for a courtesy card shall submit:

1. *A completed application and prescribed fee; and*
2. *Verification of a current license in good standing from the applicant's licensing authority.*

18 VAC 65-20-450. Application for courtesy card. (Repealed.)

An application to this board for a courtesy card shall be:

1. *Submitted for approval to the licensing authority having jurisdiction at the applicant's place of employment; and*
2. *Forwarded by the designated official of such authority, to the board. The certificate of approval and the fee prescribed in subdivision 5 of 18 VAC 65-20-70 shall be included.*

18 VAC 65-20-460. Courtesy card privileges. (Repealed.)

A courtesy card permits the holder to:

1. *Remove bodies from Virginia;*
2. *Arrange funerals in Virginia; and*

~~3. Embalm bodies in Virginia.~~

18 VAC 65-20-470. Exceptions to privileges. (Repealed.)

~~The privileges of a courtesy card do not include:~~

- ~~1. The right to establish or engage generally in the business of funeral directing and embalming in the Commonwealth; and~~
- ~~2. The right of the recipient to be continuously employed professionally by a funeral establishment in the Commonwealth.~~

18 VAC 65-20-480. Expiration of courtesy card. (Repealed.)

~~A courtesy card shall expire on December 31 of the year of issuance.~~

~~PART IX.
SCHOOLS OF EMBALMING AND MORTUARY SCIENCE.~~

18 VAC 65-20-490. Approval. (Repealed.)

~~The board hereby adopts as its approved school list those mortuary science or funeral service schools which are accredited by the American Board of Funeral Service Education, Incorporated. All applicants for licensure are required to have graduated from a funeral service program offered by an approved school of mortuary science or funeral service.~~

~~PART X VI.
REFUSAL, SUSPENSION, REVOCATION, AND
DISCIPLINARY ACTION.~~

18 VAC 65-20-500. Disciplinary action.

~~The board may refuse to admit a candidate to any exam; refuse to issue or renew a license, registration, or approval to any applicant; and may suspend for a stated period of time or indefinitely, or revoke any license or approval, or reprimand any person, or place his license on probation with such terms and conditions and for such time as it may designate, or impose a monetary penalty for any of the following causes. In accordance with the provisions of § 54.1-2806 of the Code of Virginia, the following practices are considered unprofessional conduct and may subject the licensee to disciplinary action by the board.~~

- ~~1. Breach of confidence. Licensees and registrants are necessarily brought within the privacy of those whom they serve and are often placed in positions where they receive confidences and learn intimate details of domestic life and family secrets. The unnecessary or unwarranted disclosure of such confidences by the funeral licensee in the course of practice shall be determined to be an act of unprofessional conduct.~~
- ~~2. Unfair competition.~~
 - ~~a. Interference by a funeral service licensee, funeral director, or registered surface transportation and removal service shall not interfere when another has been called to take charge of a dead human body and~~

the caller or agent of the caller has the legal right to the body's disposition.

~~b. Consent by a funeral service licensee or funeral director shall not consent to take charge of a body unless authorized by the person or his agent having the legal right to disposition.~~

3. False advertising.

~~a. No licensee or registrant 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.~~

~~b. The following practices, both written and verbal, shall constitute false, deceptive, or misleading advertisement within the meaning of subdivision 4 of § 54.1-2806-4 of the Code of Virginia:~~

- ~~(1) Advertising containing inaccurate statements; and~~
- ~~(2) Aired or published advertisements which do not disclose the name of the establishment manager or licensed owner when the owner is a licensee; and~~
- ~~(3) (2) Advertisement which gives a false impression as to ability, care, and cost of conducting a funeral, or that creates an impression of things not likely to be true.~~

~~c. The following practices are among those which shall constitute an untrue, deceptive, and misleading representation or statement of fact:~~

- ~~(1) Representing that funeral goods or services will delay the natural decomposition of human remains for a long term or indefinite time; and~~
- ~~(2) Representing that funeral goods have protective features or will protect the body from gravesite substances over or beyond that offered by the written warranty of the manufacturer.~~

4. Inappropriate handling of dead human bodies.

~~a. At all times human bodies are to be handled with proper dignity and respect in conformity with the customs of the community being served.~~

~~b. During the removal of a dead human body, proper care shall be given to prevent the spread of infectious and contagious diseases.~~

~~c. All dead human bodies shall be properly wrapped and placed on a cot or stretcher which is self-contained and covered so that no part of the human body is visible to the public.~~

~~d. Transportation and removal vehicles shall be of such nature as to eliminate exposure of the deceased to the public during transportation.~~

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e. During the transporting of a human body, consideration shall be taken to avoid unnecessary delays or stops during travel.

~~5. Obtaining a license or registration by fraud, either in the application for the license or in passing the examination.~~

~~6. Conviction of a felony.~~

~~7. Failure to comply with any regulations of the board.~~

~~8. Failure to comply with federal, state, or local laws and regulations governing the operation of a funeral establishment.~~

5. Failure to furnish price information disclosing the cost to the purchaser for each of the specific funeral goods and funeral services used in connection with the disposition of deceased human bodies.

9. 6. Conducting the practice of funeral services in such a manner as to constitute a danger to the health, safety, and well-being of the staff or the public.

40. 7. Inability to practice with skill or safety because of physical, mental, or emotional illness, or substance abuse.

~~11. Unprofessional conduct.~~

[8. Failure to register as a supervisor for a resident trainee or failure to provide reports to the board as required by the Code of Virginia and 18 VAC 65-40-10 et seq.]

PART ~~XI~~ VII. STANDARDS FOR EMBALMING.

Article 1. General.

18 VAC 65-20-510. Embalming report.

Every funeral establishment shall record and maintain a separate, identifiable report *on a form as prescribed in Appendix IV* for each embalming procedure conducted (~~see 18 VAC 65-20-700 and Appendix IV~~).

18 VAC 65-20-520. Contents of embalming report. (Repealed.)

~~The report shall contain the following (see example in Appendix IV):~~

- ~~1. Name of deceased;~~
- ~~2. Date of death;~~
- ~~3. Date of embalming;~~
- ~~4. Name of embalmer and license number;~~
- ~~5. Autopsy information where applicable;~~
- ~~6. Preembalming condition of body;~~
- ~~7. Description of preembalming preparation;~~
- ~~8. Description of fluids used;~~

~~9. Type and point of injection;~~

~~10. Quality of fluid distribution;~~

~~11. Type and amount of cavity fluid;~~

~~12. Body cavity treatment;~~

~~13. Restoration techniques; and~~

~~14. Other conditions and treatments.~~

18 VAC 65-20-530. Documentation of embalming.

A licensee who proceeds with an embalming without prior approval from a family member or other person shall: ~~1. document the reasons for proceeding in writing; 2. Document the reasons for the proceeding,~~ the efforts made to contact the family or authorized person; ~~3. Document and the licensee authorizing the embalming; and 4. Obtain subsequent.~~ *Subsequently, approval for the embalming shall be obtained from a family member or other authorized person.*

Article 2. Preparation Room.

18 VAC 65-20-540. Preparation room required requirements.

A. Every funeral service establishment at which embalming of dead human bodies is performed shall have at least one room used exclusively for embalming or preparation of the body.

18 VAC 65-20-550. Size of preparation room.

~~The preparation room shall be of a size to accommodate the average number of embalmings being performed simultaneously at the facility.~~

18 VAC 65-20-560. Preparation room requirements.

B. The following are required of the preparation room or rooms:

[1. The walls shall extend floor to ceiling;]

[2. ~~4.~~] The floor and wall surfaces shall be of a material or covered by a material impervious to water; *and*

[3. ~~2.~~] The material shall extend from wall to wall with all joints tight and sanitary; *and*.

~~4. No other room shall be used for the performance of any function.~~ C. *All functions* connected with embalming *shall be performed within the preparation room.*

Article 3. Equipment.

18 VAC 65-20-580. Preparation room equipment.

[~~A.~~] The preparation room or rooms shall be equipped with:

1. A ventilation system which operates and is appropriate to the size and function of the room;

2. Running hot and cold water;
3. Flush or slop sink connected with public sewer or with septic tank where no public sewer is available;
4. Metal or porcelain morgue table;
5. Covered waste container;
6. Instruments and apparatus for the embalming process;
7. A means or method for the sterilization of reusable instruments by: ~~a.~~ chemical bath or soak; ~~b.~~ autoclave (steam); or ~~c.~~ ultraviolet light;
8. Disinfectants and antiseptic solutions;
9. Clean gowns or aprons, preferably impervious to water;
10. Rubber gloves for each embalmer or trainee using the room;
11. A hydroaspirator or hydroaspirators equipped with a vacuum breaker; and
12. An eye wash station; and
13. A standard first aid kit which is immediately accessible [outside the door to the preparation room].

[Article 4.
Prevention of Spread of Disease.]

18 VAC 65-20-590. Disposal of waste materials.

~~At the completion of each embalming operation all used cotton, bandages, and other~~ Disposal of all waste materials shall be disposed of properly in conformity with local, state, and federal law to avoid contagion and the possible spread of disease.

18 VAC 65-20-600. Separate restroom facility required. (Repealed.)

~~Every funeral service establishment or branch facility shall be equipped with a sanitary restroom facility which operates and is separate from the preparation room.~~

18 VAC 65-20-610. First aid kit required. (Repealed.)

~~A standard first aid kit shall be immediately accessible outside the door to the preparation room.~~

PART XII VIII.
PRICING STANDARDS AND FORMS.

Article 1.
General.

18 VAC 65-20-620. Disclosure of price of funeral goods and services. (Repealed.)

~~In selling or offering to sell funeral goods or funeral services to the public, it is an unfair or deceptive act or practice for a funeral provider to fail to furnish price information disclosing the cost to the purchaser for each of~~

~~the specific funeral goods and funeral services used in connection with the disposition of deceased human bodies.~~

18 VAC 65-20-630. Disclosures.

~~Funeral providers must shall make all required disclosures in a clear and conspicuous manner as follows: and provide accurate information from price lists pursuant to the rules of the Federal Trade Commission. Price lists shall comply with requirements of FTC and shall contain the information included in Appendices I, II, and III.~~

~~1. Telephone price disclosures. Persons who ask by telephone about the funeral provider's offerings and prices shall be given accurate information over the telephone from the price lists (described in Articles 2 and 3 of this part) which reasonably answers the questions and which is readily available.~~

~~2. In person price disclosures.~~

~~a. General price list.~~

~~(1) Persons who inquire in person about funeral arrangements or the prices of funeral goods or funeral services shall be given a printed or typewritten general price list to retain if they choose.~~

~~(2) The funeral provider shall offer a typewritten or printed general price list upon beginning discussion either of funeral goods and services, the overall type of funeral goods and services, or specific funeral goods and services.~~

~~b. Itemized statement.~~

~~(1) Licensees shall furnish to each person who arranges a funeral or other disposition of human remains, a copy of a typewritten or printed itemized written statement of the funeral goods and services selected by that person and the prices to be paid for each item.~~

~~(2) The itemized statement of funeral goods and services shall be given no later than the conclusion of the arrangement discussion.~~

~~c. Casket price list and outer burial container price lists.~~

~~(1) A typewritten or printed casket price list and an outer burial container price list shall be shown to consumers who inquire in person about the offerings or prices of caskets and outer burial containers.~~

~~EXCEPTION: If the complete casket price list and outer burial container price list are a part of the general price list, a separate casket price list and outer burial container price list do not have to be available.~~

~~(2) The casket price list and outer burial container price list shall be offered or shown upon beginning the discussion of caskets and outer burial~~

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containers and before showing the containers to the consumer.

Article 2. General Price List.

18 VAC 65-20-640. Identifying information. *(Repealed.)*

The general price list shall contain at least the following:

- ~~1. The name, address, and telephone number of the funeral provider's place of business;~~
- ~~2. A caption describing the list as a "general price list"; and~~
- ~~3. The effective date for the price list.~~

18 VAC 65-20-650. Prices. *(Repealed.)*

A. ~~Funeral service establishments shall include on the general price list, in any order, the retail prices, expressed either as the flat fee, or as the price per hour, mile, or other unit of computation, for all services and supplies offered for sale.~~

B. ~~A funeral service establishment shall charge fees only for services of funeral director and staff, other funeral goods and services selected by the purchaser and other funeral goods and services required to be purchased by law or by a cemetery or crematory.~~

C. ~~The following 16 items are required to be on the general price list with a charge if the funeral home offers these particular funeral goods and services:~~

- ~~1. Basic professional services of funeral director and staff;~~
- ~~2. Use of facilities and staff for viewing and visitation;~~
- ~~3. Use of facilities and staff for funeral ceremony;~~
- ~~4. Staff and facilities for memorial service;~~
- ~~5. Equipment and staff for graveside services;~~
- ~~6. Embalming;~~
- ~~7. Transfer of remains to funeral home;~~
- ~~8. Forwarding of remains to another funeral home;~~
- ~~9. Receiving of remains from another funeral home;~~
- ~~10. Direct cremation;~~
- ~~11. Immediate burial;~~
- ~~12. Hearse;~~
- ~~13. Limousine;~~
- ~~14. Other automotive equipment;~~
- ~~15. Casket price range; and~~
- ~~16. Outer burial container price range.~~

D. ~~If a funeral service establishment offers funeral goods and services in addition to the 16 required items, each shall be listed with a charge on the general price list.~~

E. ~~Casket, outer burial container, cremation urn, and cremation vault handling fees shall not be charged to the consumer who provides a container.~~

F. ~~A funeral service establishment shall not condition the furnishing of any funeral merchandise or service to a person arranging a funeral upon the purchase of any other item of service or merchandise.~~

18 VAC 65-20-660. Disclosures. *(Repealed.)*

The following general disclosures shall be placed on the first page of the general price list. ~~Note: subdivision 2 of this section is optional.~~

1. ~~"The goods and services shown below are those we can provide to our customers. You may choose only the items you desire. However, any funeral arrangements you select will include a charge for our basic services and overhead. If legal or other requirements mean you must buy any items you did not specifically ask for, we will explain the reason in writing on the statement we provide describing the funeral goods and services you selected."~~

2. ~~OPTIONAL: "This list does not include prices for certain items that you may ask us to buy for you such as cemetery or crematory services, flowers, and newspaper notices. The prices for these items will be shown on your bill or the statement describing the funeral goods and services you selected."~~

18 VAC 65-20-670. Required items. *(Repealed.)*

The required items in subsection C of 18 VAC 65-20-650 shall be itemized with appropriate disclosures as follows if the funeral service establishment offers these items to the public:

1. ~~Basic professional services of funeral director and staff.~~

a. ~~Basic services of funeral director and staff is the only item on the general price list which may be a nondeclinable charge to the consumer. This fee shall be listed as a separate fee or may be included in the cost of caskets or disbursed throughout the other items on the general price list.~~

b. ~~Basic services of funeral director and staff shall include, but not be limited to, basic overhead, administrative fees, and use of basic facilities.~~

c. ~~A complete description of the funeral goods and services included under basic services of funeral director and staff shall be listed.~~

d. ~~Disclosures. If the charges above are mandatory and cannot be declined by the purchaser, one of the following statements shall be included on the price list:~~

(1) ~~"This fee for our basic services and overhead will be added to the total cost of the funeral arrangements you select. This fee is already included in our charges for direct cremations,~~

immediate burials, and forwarding or receiving remains;" or

(2) "Please note that a fee of \$ for the use of our basic services and overhead is included in the price of our caskets. This same fee shall be added to the total cost of your funeral arrangements if you provide the casket. Our services include:"

2. Funeral home facilities.

- a. Facilities and staff for visitation and viewing.
- b. Facilities and staff for funeral ceremony.
- c. Facilities and staff for memorial service.
- d. If the funeral service establishment has a separate charge for manhours for viewing/visitation at a church or home, the charge shall be added as a separate line item.
- e. If the funeral service establishment has a fee for extra staff over and above the usual number for a viewing/visitation or service, the charge shall be added as a separate line item.

3. Embalming services.

- a. Separate prices shall be listed for embalming normal remains versus autopsied remains if the charges are different.
- b. Disclosures. The following disclosures shall be placed in immediate conjunction with the embalming section on the general price list:

"Embalming is not required by law. Embalming may be necessary, however, if you select certain funeral arrangements, such as a funeral with viewing. If you do not want embalming, you usually have the right to choose an arrangement which does not require you to pay for it, such as direct cremation or immediate burial."

4. Immediate burials.

- a. A price range shall be listed for immediate burial.
- b. A complete description of the funeral goods and services offered under this category shall be listed.
- c. A list of the following immediate burial services shall be placed on the general price list:
 - (1) Immediate burial with container provided by the purchaser; and
 - (2) Immediate burial with alternative container.

5. Direct cremations.

- a. A price range shall be listed for direct cremation.
- b. A complete description of the funeral goods and services offered under this category shall be listed.
- c. A list of the following direct cremation services shall be placed on the general price list:

(1) Direct cremation with container provided by purchaser; and

(2) Direct cremation with alternative container.

d. Disclosures. The following disclosure shall be placed on the general price list in immediate conjunction with the direct cremation category: "State and local laws do not require a casket for direct cremation. If you want to arrange a direct cremation, you can use an alternative container. Alternative containers encase the body and can be made of materials like fiberboard or composition materials (with or without an outside covering). The containers we provide are (blank) containers."

Note: The funeral services establishment shall fill in the blank with the specific types of alternative containers offered.

6. Transfer of remains to funeral home. A complete description of the funeral goods and services offered under this category shall be listed.

7. Forwarding remains to another funeral establishment. A complete description of the funeral goods and services offered under this category shall be listed.

8. Receiving remains from another funeral home. A complete description of the funeral goods and services offered under this category shall be listed.

9. Automotive services.

a. A list of the following automotive services shall be placed on the general price list if owned by the facility:

- (1) Hearse;
- (2) Limousine; and
- (3) Other automotive equipment.

b. Any of these items that are obtained through a third party shall be shown under cash advance items on the itemized statement of goods and services.

10. Funeral merchandise.

- a. Casket with a price range.
- b. Outer burial containers with a price range.
- c. Disclosures. The following disclosure shall be placed on the general price list under caskets and outer burial containers:

"A complete price list will be provided at the funeral home."

Article 3.

Outer Burial Container and Casket Price List.

18 VAC 65-20-680. Containers; exceptions. (Repealed.)

A. Funeral providers who sell or offer to sell caskets, alternative containers, or outer burial containers must have available an outer burial container and casket price list.

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~~EXCEPTION: If the complete outer burial container and casket price list or lists are a part of the general price list, separate outer burial container and casket prices list or lists do not have to be available.~~

~~B. The casket and outer burial container price lists shall disclose at least the following information:~~

- ~~1. The name, address, and telephone number of the funeral provider's place of business;~~
- ~~2. A caption describing the list or lists as a casket or outer burial container price list;~~
- ~~3. The retail prices of all caskets, alternative containers, and outer burial containers which do not require special ordering;~~
- ~~4. The effective date or dates of the price list or lists; and~~
- ~~5. Sufficient information to identify the units available for sale.~~

~~C. When other formats, such as notebooks, brochures, or charts, are used they shall contain the same information as prescribed in subsection D of this section and shall be displayed in a clear and conspicuous manner.~~

~~D. A funeral establishment which has a casket selection room shall have available a means for indicating the price of each casket within the room.~~

~~E. If a licensee arranges direct cremations, he shall make an alternative container available and shall list the alternative container on the casket price list.~~

~~F. The following disclosure shall be placed on the outer burial container price list:~~

~~"In most areas of the country, state or local law does not require that you buy a container to surround the casket in the grave. However, many cemeteries require that you have such a container so that the grave will not sink in. Either a grave liner or a burial vault will satisfy these requirements."~~

~~Article 4.~~

~~Itemized Statement of Funeral Goods and Services.~~

18 VAC 65-20-690. Itemized statements of funeral goods and services. (Repealed.)

~~A. Itemized statements shall be completed:~~

- ~~1. At the time such arrangements are made if the party is present; or~~
- ~~2. If the party is not present, not later than the time of the final disposition of the body.~~

~~B. The itemized statement shall be signed by the funeral service licensee or funeral director and the party contracting for the funeral arrangements.~~

~~C. The itemized statement shall include:~~

- ~~1. A list of all funeral goods and services that are offered on the general price list;~~

~~2. Space to describe the casket and outer burial container purchased;~~

~~3. Space to describe any legal, cemetery, or crematory requirements that may be necessary;~~

~~4. If package pricing is offered, the package shall be listed on the itemized statement of funeral goods and services and shall list each individual item included in the package. The individual items do not have to be priced separately. One price shall be listed for the total package;~~

~~5. A space to explain why the funeral service establishment proceeded with embalming without authorization or approval;~~

~~6. Any and all anticipated or actual cash advances and expenditures requested by the party contracting for the funeral arrangements;~~

~~7. The total costs of the funeral goods and funeral services selected; and~~

~~8. Disclosures. The following disclosures shall be on the itemized statement of goods and services:~~

~~a. "Charges are only for those items that you selected or that are required. If we are required by law or by a cemetery or crematory to use any items, we will explain the reasons in writing below."~~

~~b. "The only warranty on the casket or outer burial container, or both, sold in connection with this service is the express written warranty, if any, granted by the manufacturer. This funeral home makes no warranty, express or implied, with respect to the casket or outer burial container, or both."~~

~~c. "If you selected a funeral that may require embalming, such as a funeral with viewing, you may have to pay for embalming. You do not have to pay for embalming that you did not approve if you selected arrangements, such as a direct cremation, or immediate burial. If we charged for embalming we will explain why below."~~

~~d. If the funeral home charges for its services in arranging cash advance items, the following disclosure shall be placed on the itemized statement of goods and services: "We charge you for our services in obtaining _____." The funeral home shall specify in the blank space which cash advance items the funeral home makes a charge upon or receives and retains a rebate, commission or trade, or volume discount.~~

~~PART XIII.~~

~~RETENTION OF DOCUMENTS.~~

18 VAC 65-20-700. Retention of documents.

The following shall apply to retention of embalming reports, price lists, and itemized statements:

1. Price lists shall be retained for ~~three years~~ one year after the [effective] date [on which they are no longer effective];
2. Itemized statements shall be retained for ~~three years~~ one year from the date on which the arrangements were made;
3. Embalming reports shall be retained for ~~three years~~ one year after the date of the embalming;
4. Documents shall be maintained on the premises of the funeral establishment and made available for inspection; and
5. In instances where the funeral establishment is sold, documents shall be transferred to the new owner, unless the existing firm is relocating to a new facility.

NOTICE: The forms used in administering the Regulations of the Board of Funeral Directors and Embalmers, 18 VAC 65-20-10 et seq., are not being published due to the large number; however, the name of each form is listed below. The forms are available for public inspection at the Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

FORMS

- ~~Application for Establishment Licensure/Change of Licensure.~~
- ~~Application for Surface Transportation and Removal Service Registration.~~
- ~~Application for Courtesy Card.~~
- ~~Application for Individual Licensure.~~
- ~~Licensure Verification Form.~~
- Application for Funeral Service Licensure (rev. 7/1/98).*
- Application for Courtesy Card (rev. 7/1/98).*
- Application for Establishment Licensure/Change of Address (rev. 7/1/98).*
- Application for Waiver of Full-time Manager Requirements (rev. 7/1/98).*
- Renewal Application for Waiver of Full-time Manager Requirements (rev. [7/97 12/1/98]).*
- Licensure Verification Form (rev. 7/97).*
- Application for Surface Transportation and Removal Service Registration (rev. 7/1/98).*
- Renewal Notice and Application [, C-45128] (rev. 7/97).*
- Appendix I: General Price List [(rev. 11/17/98)].*
- Appendix II: Casket Price List; Outer Burial Container Price List [(rev. 11/17/98)].*

Appendix III: Itemized Statement of Funeral Goods and Services Selected [(rev. 11/17/98)].

Appendix IV: Embalming Record [(rev. 11/17/98)].

V.A.R. Doc. No. R97-356; Filed November 23, 1998, 12:12 p.m.

* * * * *

Title of Regulation: 18 VAC 65-30-10 et seq. Regulations for Preneed Funeral Planning (amending 18 VAC 65-30-10, 18 VAC 65-30-50, 18 VAC 65-30-60, 18 VAC 65-30-70, 18 VAC 65-30-80, 18 VAC 65-30-90, 18 VAC 65-30-110, [18 VAC 65-30-120,] 18 VAC 65-30-140, 18 VAC 65-30-170, 18 VAC 65-30-180, and 18 VAC 65-30-200; adding 18 VAC 65-30-220 and 18 VAC 65-30-230; repealing 18 VAC 65-30-20, 18 VAC 65-30-30, 18 VAC 65-30-40, 18 VAC 65-30-150, 18 VAC 65-30-160, 18 VAC 65-30-190, and 18 VAC 65-30-210).

Statutory Authority: §§ 54.1-2400, 54.1-2803 and 54.1-2820 of the Code of Virginia.

Effective Date: January 20, 1999.

Summary:

In response to the comprehensive review conducted pursuant to Executive Order 15 (94), the amendments repeal unnecessary or duplicative regulations, simplify current requirements, and eliminate the requirement for prior approval by the board of any preneed contract and disclosure statements.

Summary of Public Comments and Agency's 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, Board of Funeral Directors and Embalmers, 6606 West Broad Street, 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9111.

18 VAC 65-30-10. Definitions.

In addition to those defined in § 54.1-2800 of the Code of Virginia, the following words and terms, when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise:

~~"At need" means at the time of death or while death is imminent.~~

~~"Board" means the Board of Funeral Directors and Embalmers.~~

~~"Capper," "steerer," or "shill" means a person who serves as a lure or decoy to entice another to purchase a product or to direct the course of action and choice of the buyer in a preneed funeral contract sale. A shill.~~

~~"Cash advance item" means any item of service or merchandise described to a purchaser as a "cash advance," "accommodation," "cash disbursement," or similar term. A~~

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cash advance item is also any item obtained from a third party and paid for by the funeral provider on the behalf of the contract buyer. Cash advance items may include, but are not limited to, cemetery or crematory services, pallbearers, public transportation, clergy honoraria, flowers, musicians or singers, nurses, obituary notices, gratuities, and death certificates.

"*Consideration*," "*contract price*," or "*funds*" means money, property, or any other thing of value provided to be compensation to a contract seller or contract provider for the funeral services and funeral goods to be performed or furnished under a preneed funeral contract. Consideration does not include late payment penalties and payments required to be made to a governmental agency at the time the contract is entered into.

"*Contract*" means a written, preneed funeral contract, and all documents pertinent to the terms of the contract under which, for consideration paid to a contract seller or a contract provider by or on behalf of a contract buyer prior to the death of the contract beneficiary, a person promises to furnish, make available, or provide funeral services or funeral goods after the death of a contract beneficiary.

"*Contract beneficiary*" means the individual for whom the funeral services and supplies are being arranged.

"*Contract buyer*" means the purchaser of the preneed contract.

"*Contract provider*" means the funeral establishment designated by the contract buyer and contracting with the contract buyer to provide for funeral services and supplies in the preneed funeral contract.

"*Contract seller*" means the funeral service licensee who makes the preneed arrangements with the contract buyer for the funeral service and who makes the financial arrangements for the service and the goods and supplies to be provided.

~~"*Contract price*" means the same as consideration.~~

~~"*Department*" means the Department of Health Professions.~~

"*Designee*" means the individual selected by the contract beneficiary to arrange a preneed funeral plan on behalf of the contract beneficiary.

~~"*Executive director*" means the administrator of the Board of Funeral Directors and Embalmers.~~

"*Funding source*" means the trust agreement, insurance policy, annuity, personal property, or real estate used to fund the preneed plan.

~~"*Funds*" means the same as "*consideration*."~~

"*Funeral supplies and services*" means the items of merchandise sold or offered for sale or lease to consumers which will be used in connection with a funeral or an alternative to a funeral or final disposition of human remains including caskets, combination units, and catafalques. Funeral goods does not mean land or interests in land,

crypts, lawn crypts, mausoleum crypts, or niches that are sold by a cemetery which complies with § 57-35.11 et seq. of the Code of Virginia. In addition, "funeral supplies and services" does not mean cemetery burial vaults or other outside containers, markers, monuments, urns, and merchandise items used for the purpose of memorializing a decedent and placed on or in proximity to a place of interment or entombment of a casket, catafalque, or vault or to a place of inurnment which are sold by a cemetery operating in accordance with § 57-35.11 et seq. of the Code of Virginia.

~~"*Funeral service establishment*" means any main establishment, branch, or chapel where any part of the profession of funeral directing or the act of embalming is performed.~~

~~"*General advertising*" means advertisement directed to a mass market including, but not limited to, direct mailings; advertisements in magazines, flyers, trade journals, newspapers; advertisements on television and radio; bulk mailings; and direct mailing to a mass population.~~

"*Guaranteed contract price*" means (i) the amount paid by the contract buyer on a preneed funeral contract, and income derived from that amount, or (ii) the amount paid by a contract buyer for a life insurance policy or annuity as the funding source and its increasing death benefit. These amounts shall be accepted as payment in full for the preselected funeral goods and services.

"*Income*" means the amount of gain received in a period of time from investment of consideration paid for a preneed contract.

~~"*In-person communication*" means face-to-face communication and telephonic communication.~~

"*Nonguaranteed contract price*" means the costs of items on a preneed funeral contract that are not fixed for the specified funeral goods or funeral services selected and nonguaranteed costs may increase from the date of the contract to the death of the contract beneficiary and the family or estate will be responsible for paying at the time of need for the services and supplies that were nonguaranteed. Cash advance items are not guaranteed.

~~"*Preneed*" means at any time other than at need.~~

~~"*Preneed funeral contract*" means any agreement where payment is made by the contract buyer prior to the receipt of services or supplies contracted for, which evidences arrangements prior to death for: (i) the providing of funeral services or (ii) the sale of funeral supplies.~~

~~"*Preneed funeral planning*" means the making of arrangements prior to death for: (i) the providing of funeral services; or (ii) the sale of funeral supplies.~~

~~"*Solicitation*" means initiating contact with consumers with the intent of influencing their selection of a funeral plan or a funeral service provider.~~

~~"Steerer" means an individual used to direct the course of action and choice of the buyer in a preneed funeral contract sale.~~

18 VAC 65-30-20. Purpose. (Repealed.)

~~This chapter establishes the standards to regulate preneed funeral contracts and preneed funeral trust accounts as prescribed in Chapter 28 (§ 54.1-2800 et seq.) of Title 54.1 of the Code of Virginia.~~

18 VAC 65-30-30. Applicability. (Repealed.)

~~Subject to this chapter are (i) funeral service licensees, (ii) funeral establishments, and (iii) resident trainees assisting the licensee in the preneed arrangement. All of the above shall be operating in the Commonwealth of Virginia in order to qualify to sell preneed.~~

~~EXEMPTIONS: This chapter does not apply to the preneed sale of cemetery services or supplies regulated under Article 3.2 (§ 57-35.11 et seq.) of Chapter 3 of Title 57 of the Code of Virginia.~~

18 VAC 65-30-40. Qualifications of seller. (Repealed.)

~~A. A person shall not engage in or hold himself out as engaging in the business of preneed funeral planning unless he is licensed for funeral service by the Board of Funeral Directors and Embalmers.~~

~~B. All individuals selling preneed funeral plans shall comply also with the Regulations of the Funeral Directors and Embalmers (18 VAC 65-20-10 et seq.) promulgated by the board.~~

18 VAC 65-30-50. Solicitation.

A. *In accordance with provisions of § 54.1-2806 of the Code of Virginia*, a licensee shall not initiate any preneed solicitation using in-person communication by the licensee, his agents, assistants, or employees.

~~Exception: General advertising and solicitation other than in-person communication is acceptable.~~

B. After a request to discuss preneed planning is initiated by the contract buyer or interested consumer, any contact and in-person communication shall take place only with a funeral service licensee.

~~C. A licensee shall not employ persons known as "cappers" or "steerers," or "solicitors," or other such persons to participate in preneed sales.~~

~~D. A licensee shall not employ directly or indirectly any agent, employee, or other person, part or full time, or on a commission, for the purpose of calling upon individuals to influence, secure, or otherwise promote preneed sales.~~

~~E. Direct or indirect payment or offer of payment of a commission to others by the licensee, his agents, or employees for the purpose of securing preneed sales is prohibited.~~

F. C. No licensee engaged in the business of preneed funeral planning or any of his agents shall *advertise*

~~discounts; accept, advertise, or offer enticements, bonuses, or rebates, discounts, restrictions to, ; or otherwise interfere with the freedom of choice of the general public in making preneed funeral plans.~~

18 VAC 65-30-60. Records; general.

A. A licensee shall keep accurate accounts, books, and records of all transactions required by this chapter.

B. Preneed contracts *and reporting documents* shall be retained on the premises of the establishment for ~~three years~~ *one year* after the death of the contract beneficiary.

~~C. Required preneed reporting documents shall be retained on the premises of the establishment for three years. (See subsection A of 18 VAC 65-30-70 and subsection D of 18 VAC 65-30-190.)~~

~~D. C. A funeral home shall keep on file a written verification from the insurance company that the insurance or annuity contract complies with § 54.1-2820 B of the Code of Virginia. (See subdivision 6 of 18 VAC 65-30-180.)~~

~~E. D. All preneed records shall be available for inspection by the Department of Health Professions.~~

18 VAC 65-30-70. Record reporting.

A. A contract provider shall keep a chronological listing of all preneed contracts. The listing shall include the following:

1. Name of contract buyer;
- [2. *Name of contract beneficiary;*]
- [~~2.~~ 3.] Date of contract;
- [~~3.~~ 4.] How contract was funded; [~~and~~]
- [~~4. If funeral goods and supplies are stored for the contract buyer, it shall be stated~~ 5.] Whether up to 10% of funds are retained by the contract provider for contracts funded through trust [; and -]
- [~~5.~~ 6.] Whether funeral goods and supplies are stored for the contract buyer.]

B. A contract provider who discontinues its business operations shall notify the board and each existing contract buyer in writing.

18 VAC 65-30-80. Content and format.

A. A person residing or doing business within the Commonwealth shall not make, either directly or indirectly by any means, a preneed contract unless the contract: [~~is made in writing on forms containing buyer has been given in writing~~] *all information and disclosures required by law and regulation* [~~as prescribed in 18 VAC 65-30-220 and 18 VAC 65-30-230~~].

- ~~1. Is made on forms prescribed by the board (see Appendix I); or~~
- ~~2. Is made on forms approved by the board prior to use (see subsection B of this section).~~

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~~B. Prior to use, contracts or disclosures which are not identical in format, wording, and content to that prescribed in Appendices I and II shall be approved by the board.~~

~~C. Contracts and disclosure forms prescribed in Appendices I and II shall be received in the board office no later than 10 days prior to a regularly scheduled meeting of the board to be considered for approval by the board at that meeting.~~

~~D. All preneed contracts shall be in writing.~~

~~E. All information on a preneed contract and disclosure statement shall be printed in a clear and easy-to-read type, style, and in a type size not smaller than 10 points.~~

~~F. Preneed contracts and disclosure statements shall be written in clear, understandable language.~~

~~G. B. In addition to requirements of § 54.1-2820 of the Code of Virginia, the contract shall identify contain the following:~~

- ~~1. The contract seller;~~
- ~~2. Funeral license number of the contract seller;~~
- ~~3. The contract buyer;~~
- ~~4. The contract beneficiary;~~
- ~~5. The date of the contract;~~
- ~~6. The contract number;~~
- ~~7. A complete description of the supplies or services purchased;~~
- ~~8. Whether the price of the supplies and services purchased is guaranteed;~~
- ~~9. Whether the price of the supplies and services purchased is not guaranteed;~~
- ~~10. Any penalties or restrictions:
 - ~~a. Geographic restrictions including maximum number of miles traveled without charging an extra fee;~~
 - ~~b. Geographic restrictions including maximum number of miles the establishment is willing to travel; and~~
 - ~~c. The inability of the provider to perform the request of the buyer on merchandise, services, or prearrangement guarantees.~~~~
- ~~11. All disclosure requirements imposed by the board (see Appendix II); and~~
- ~~12. The designee agreement when applicable.~~

~~H. The contract or the disclosure statement as a part of the contract shall contain the name, address, and telephone number of the board and list the board as the regulatory agency which handles consumer complaints.~~

~~I. All preneed contracts shall be signed by the contract seller and the contract buyer.~~

- 1. The date and number of the contract;*
- 2. Whether or not the price of the supplies and services purchased is guaranteed;*
- 3. The [~~designee~~ appointee] agreement when applicable; and*
- 4. Signatures of the contract seller and the contract buyer.*

~~[C. The contract buyer shall have the right to change the contract provider and the trustee at any time prior to the furnishing of the services or supplies contracted for under the preneed contract.~~

~~D. C.] If [a ~~designee~~ an appointee] agreement has been signed, it shall be attached to the preneed contract as a valid part of the contract. [At need, the next of kin shall have the final authority regarding contract beneficiary, final disposition and arrangements.]~~

18 VAC 65-30-90. Disclosures.

A. *At the time of the inquiry*, licensees shall furnish to each person inquiring about preneed arrangements a copy of the: ~~1.~~ general price list; and ~~2.~~ preneed disclosure questions and answers.

~~The licensee shall furnish such information at the time of the inquiry.~~

B. *Immediately upon concluding the arrangement conference*, licensees shall furnish to each person who makes a preneed arrangement a copy of the: ~~1.~~ preneed contract; and ~~2.~~ funding contract.

~~The licensee shall furnish such documents immediately upon concluding the arrangement conference.~~

C. An itemized statement of funeral goods and services shall be given at the time of need even if the arrangements were made through a preneed contract.

18 VAC 65-30-110. Cancellation [or transfer] of contract.

A. Any person who makes payment under this contract may terminate the agreement at any time prior to the time for which the services or supplies are furnished.

B. If the contract buyer terminates the contract within 30 days of the execution of the contract, the contract buyer shall be refunded: ~~1.~~ all consideration paid or delivered; and ~~2.~~ any interest or income accrued on it.

C. If the [~~purchaser~~ contract buyer] uses a *revocable trust as the funding source other than an insurance or annuity policy* and terminates the contract after 30 days of the execution of the contract, the contract buyer shall be refunded:

1. All consideration paid or delivered on nonguaranteed items;
2. At least 90% of all consideration paid for guaranteed items; and

3. All interest or income accrued on it.

D. If the [purchaser contract buyer] uses an irrevocable trust as the funding source and terminates the contract after 30 days of its execution, the contract buyer may [not] be eligible for a refund [only with the agreement of the contract buyer, the contract beneficiary, and the trustee] .

[E. The contract buyer shall have the right to change the contract provider and the trustee at any time prior to the furnishing of the services or supplies contracted for under the preneed contract.]

[18 VAC 65-30-120. Escrow account.

Within ~~two~~ five banking days after the day of receipt of any money from the contract buyer and until the time the money is invested in a trust, life insurance, or annuity policy, the contract seller or the contract provider shall deposit the money into an escrow account in a bank or savings institution approved to do business in the Commonwealth.]

18 VAC 65-30-140. Personal property.

When the consideration consists in whole or in part of any personal property, the following shall occur:

1. Personal property shall be transferred by:
 - a. Actual delivery of the personal property; or
 - b. Transfer of the title to the personal property.
2. Within 30 days of receiving the personal property or the title to the personal property, the licensee or person delivering the property shall:
 - a. Execute a written declaration of trust setting forth the terms, conditions, and considerations upon which the personal property is delivered; and
 - b. Record the trust agreement in the clerk's office of the circuit court of the locality in which the person delivering the property is living; or
 - c. Record the preneed contract in the clerk's office of the circuit court of the locality in which the person delivering the property or trust agreement is living provided that the *preneed contract sets forth the terms, conditions, and considerations in subdivision 2 of 18 VAC 65-30-130 are included in the preneed contract of the trust.*

18 VAC 65-30-150. Right to change contract provider. (Repealed.)

~~The contract buyer shall have the right to change the contract provider and the trustee at any time prior to the furnishing of the services or supplies contracted for under the preneed contract.~~

18 VAC 65-30-160. Exemption from levy, garnishment, or distress. (Repealed.)

~~Any money, personal property, or real estate paid, delivered, or conveyed subject to §§ 54.1-2822 through~~

~~54.1-2823 shall be exempt from levy, garnishment, or distress.~~

18 VAC 65-30-170. Trust accounts.

A. If funds are to be trusted, the trust account is to be established according to provisions of §§ 54.1-2822 and 54.1-2824 of the Code of Virginia and the following information shall be disclosed in writing to the contract buyer:

1. The amount to be trusted;
2. The name of the trustee;
3. The disposition of the interest;
4. The fees, expenses, and taxes which may be deducted from the interest;
5. Whether up to 10% is retained by the contract provider; and
6. A statement of the contract buyer's responsibility for taxes owed on the interest.

~~*B. If the contract buyer chooses a trust account as the funding source, within 30 days following the date of the receipt of any money paid for a trust-funded preneed contract or interest or income accrued (see 18 VAC 65-30-120), the licensee shall transfer the money from the escrow account and deposit the following amount in a trust account in a bank or saving institution doing business in Virginia:*~~

- ~~1. Nonguaranteed prices. All consideration shall be deposited for a preneed funeral contract in which prices of supplies and services are not guaranteed.~~
- ~~2. Guaranteed prices. At least 90% of all consideration shall be deposited for a preneed contract in which the prices of goods and services are guaranteed.~~

~~*C. The trust funds shall be deposited in separate, identifiable accounts setting forth:*~~

- ~~1. Name of depositor;~~
- ~~2. Contract beneficiary;~~
- ~~3. Trustee for contract beneficiary; and~~
- ~~4. Name of establishment which will provide the goods and services.~~

18 VAC 65-30-180. Life insurance or annuity.

If a life insurance or annuity policy is used to fund the preneed funeral contract, *the contract shall be in compliance with provisions of § 54.1-2820 B of the Code of Virginia and shall contain the following shall be disclosed in writing information:*

- ~~1. The fact that a life insurance policy or annuity contract is involved or is being used to fund the preneed contract;~~
- ~~2. The following information:~~

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- a. ~~Name of the contract provider;~~
 - b. ~~Name of contract seller;~~
 - c. ~~Funeral license number of contract seller;~~
 - d. ~~Place of employment of contract seller;~~
 - e. ~~Name of insurance agent;~~
 - f. ~~Identification as to whether the insurance agent is a funeral service licensee, and if so, license number;~~
 - g. ~~Insurance agent's insurance license number;~~
 - h. ~~Insurance agent's employer; and~~
 - i. ~~Insurance company represented by insurance agent.~~
3. ~~The relationship of the life insurance policy or annuity contract to the funding of the preneed contract;~~
4. ~~The nature and existence of any guarantees relating to the preneed contract from the policy or annuity;~~
5. ~~The impact on the preneed contract of:~~
- a. ~~Any changes in the life insurance policy or annuity contract including changes in the assignment, contract provider, or use of the proceeds;~~
 - b. ~~Any penalties to be incurred by the policy holder as a result of failure to make premium payments;~~
 - c. ~~Any penalties to be incurred or moneys to be received as a result of cancellation or surrender of the life insurance policy or annuity contract; and~~
 - d. ~~All relevant information concerning what occurs and whether any entitlements or obligations arise if there is a difference between the proceeds of the life insurance policy or annuity contract and the amount actually needed to fund the preneed contract.~~
6. ~~The fact that the life insurance or annuity contract complies with § 54.1-2820 B of the Code of Virginia which states that the life insurance or annuity contract shall provide that either:~~
- a. ~~The face value thereof shall be adjusted annually by a factor equal to the Consumer Price Index as published by the Office of Management and Budget of the United States; or~~
 - b. ~~A benefit payable at death under such contract that will equal or exceed the sum of all premiums paid for such contract plus interest on it at the annual rate of at least 5.0% compounded annually.~~
1. *Name of the contract provider;*
 2. *Name and funeral license number of contract seller;*
 3. *Place of employment of contract seller;*
 4. *Name of insurance agent and agent's insurance license number;*

5. *Insurance agent's employer and insurance company represented by insurance agent; and*
6. *Identification as to whether the insurance agent is a funeral service licensee and, if so, funeral service license number.*

PART VII. BONDING.

18 VAC 65-30-190. Bonding. (Repealed.)

- A. ~~A performance bond shall be required on the following:~~
1. ~~The contract provider which retains up to 10% of the consideration invested in a trust account; or~~
 2. ~~The retail price of funeral goods and supplies which are stored by the contract provider for the contract beneficiary prior to the death of the contract beneficiary.~~
- B. ~~The establishments described in subsection A of this section shall arrange for their own bonding.~~
- C. ~~The amount of bond required shall be based upon the risk of loss determined by the bonding company.~~
- D. ~~The following information concerning the bond shall be maintained at the funeral establishment: (See subsections A, C, and D of 18 VAC 65-30-60.)~~
1. ~~Amount of the bond;~~
 2. ~~Company holding the bond;~~
 3. ~~Documentation that company holding the bond is duly authorized to issue such bond in the Commonwealth; and~~
 4. ~~Renewal requirements of the bond.~~

PART VIII VII. SUPPLIES AND SERVICES.

18 VAC 65-30-200. Supplies and services.

- A. If the contract seller will not be responsible for furnishing the supplies and services to the contract buyer, the contract seller shall attach to the preneed funeral contract a copy of the contract seller's agreement with the contract provider.
- B. If any funeral supplies are sold and delivered [*to the contract provider*] prior to the death of the contract beneficiary, [~~and the contract seller, contract provider, or any legal entity in which the contract provider or a member of his family has an interest thereafter stores these supplies;~~] the risk of loss or damage shall be upon the [~~contract seller or~~] contract provider during such period of storage.
- C. If the particular supplies and services specified in the contract are unavailable at the time of delivery, the contract provider shall be required to furnish supplies and services similar in style and at least equal in quality of material and workmanship. ~~D.~~ The representative of the deceased shall have the right to choose the supplies or services to be substituted ~~in subsection C of this section.~~

PART IX.
~~DESIGNEE AGREEMENT REQUIRED CONTENT OF
 CONTRACTS AND DISCLOSURES.~~

18 VAC 65-30-210. Designee. (Repealed.)

~~A. A designee agreement shall be used only when the contract beneficiary is mentally alert and capable of appointing his own designee.~~

~~B. Any person may designate through the use of the designee agreement a designee who shall make arrangements for the contract beneficiary's burial or the disposition of his body for burial.~~

~~C. The designee agreement shall be:~~

- ~~1. In writing;~~
- ~~2. Accepted in writing by designee and the designee's signature notarized; and~~
- ~~3. Attached to the preneed contract as a valid part of the contract.~~

~~Appendix I.
 Preneed Funeral Contract Prescribed by the Board.~~

18 VAC 65-30-220. Content of preneed contracts [as prescribed by the board] .

The following information shall be contained in any contract for preneed funeral planning.

Date: _____

Contract: _____

PRENEED FUNERAL CONTRACT

for

(Name of Recipient of Services)

 _____ (Zip)_____

I. SUPPLIES AND SERVICES PURCHASED

~~[The prices of goods and services below MAY BE GUARANTEED provided the total is paid in full and all interest earned is allowed to accumulate in your account.] If [any of] the prices [of goods and services] are guaranteed, no additional cost will incur for your family or estate even though the actual prices of goods and services may increase between the date of this contract and the time of need. (Please see the disclosure document).~~

Charges are only for those items that you selected or that are required. If we are required by law or by a cemetery or crematory to use an item, we will explain the reasons in writing below. If you selected a funeral that may require embalming, such as a funeral with a viewing, you may have to pay for embalming. You do not have to pay for embalming you did not select if you select arrangements such as a direct cremation or immediate burial.

Guaranteed Services Purchased

I. BASIC SERVICES OF FUNERAL DIRECTOR AND STAFF \$ _____

II. FUNERAL HOME FACILITIES

A. Facilities and Staff for visitation/viewing \$ _____

B. Facilities and Staff for funeral ceremony \$ _____

C. Facilities and Staff for memorial service \$ _____

D. Equipment and Staff for graveside service \$ _____

(NOTE TO FUNERAL HOME: If you have additional charges such as facilities and staff for home/church viewing, or a charge for additional staff person or through calculation of manhours, etc., add here as extra items. If you have a charge for equipment for interment, add here.)

III. EMBALMING

A. Normal remains \$ _____

B. Autopsy remains \$ _____

IV. OTHER PREPARATION OF THE BODY \$ _____

(NOTE: List all items that you placed under Other Preparation on your General Price List.)

V. IMMEDIATE BURIAL \$ _____

VI. DIRECT CREMATION \$ _____

VII. TRANSFER OF REMAINS TO FUNERAL ESTABLISHMENT \$ _____

VIII. FORWARDING REMAINS TO ANOTHER FUNERAL HOME \$ _____

IX. RECEIVING REMAINS FROM ANOTHER FUNERAL HOME \$ _____

X. AUTOMOTIVE EQUIPMENT

A. Hearse \$ _____

B. Limousine \$ _____

(NOTE: List all others that you placed on General Price List.)

XI. FUNERAL MERCHANDISE

A. Casket (*describe)
 _____ \$ _____

B. Outer Burial Container (*describe)
 _____ \$ _____

C. List any others
 _____ \$ _____

Supplies Purchased

Clothing \$ _____

Temporary marker \$ _____

Acknowledgment cards \$ _____

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Register/attendance books \$ _____
Memorial folders \$ _____
Other \$ _____

SUBTOTAL COSTS OF (GUARANTEED)
SUPPLIES PURCHASED: \$ _____

XII. PACKAGE PRICES

(NOTE: List all package prices by name)

SUBTOTAL COST OF (GUARANTEED)
SUPPLIES PURCHASED: \$ _____

Nonguaranteed Goods and Services Purchased

The actual prices of goods and services below are NOT GUARANTEED. These items may include, but not be limited to, obituary notices, death certificates, cemetery fees, flowers, sales tax, etc. The prices are estimated and the estimates will be included in the Grand Total Contract Price. The differences between the estimated prices below and the actual cost will be settled with your family or estate at the time of need:

SUBTOTAL ESTIMATED COST OF NONGUARANTEED
ITEMS:

GRAND TOTAL FOR PRENEED ARRANGEMENTS

1. Total cost of (guaranteed) services purchased \$ _____
2. Total cost of (guaranteed) supplies purchased \$ _____
3. Total estimated cost of nonguaranteed items \$ _____

GRAND TOTAL \$ _____

The only warranties, express or implied, granted in connection with the goods sold in this preneed funeral contract, are the express written warranties, if any, extended by the manufacturers thereof. No other warranties and no warranties of MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE are extended by the (funeral home) _____.

II. GENERAL INFORMATION

In order that the Buyer may understand the relationship of all parties involved in this preneed arrangement and contract, the following is provided:

A. Buyer:

B. Funeral Home Providing Services:

C. [~~Preneed Arranger~~ Contract seller] :

Employed by: (Funeral Home)

[Licensed Funeral Director in Virginia: ___yes___no]

[Virginia] Funeral Director License Number:

Method of Funding

A. Insurance

B. Trust

1. Amount to be trusted:

2. Name of trustee:

3. Disposition of Interest:

4. Fees, expenses, taxes deducted from earned interest:

5. Buyer's responsibility for taxes owned on interest:

The following information will be given if an insurance policy or annuity contract is used to fund this agreement:

A. Buyer:

B. Insurance Company:

C. Insurance Agent:

Employed by: (Insurance Company)

Licensed Funeral Director in Virginia: ___yes___no

Funeral Director License Number

(If Applicable):

Employed by *Funeral Home* (If Applicable):

(~~Funeral Home~~) _____

D. The life insurance or annuity contract provides either that:

_____ The face value thereof shall be adjusted annually by a factor equal to the Consumer Price Index as published by the Office of Management and Budget of the United States; or

_____ A benefit payable at death under such contract that will be equal or exceed the sum of all premiums paid for such contract plus thereon at the annual rate of at least 5.0%, compounded annually.

III. CONSUMER INFORMATION

The Board of Funeral Directors and Embalmers is authorized by § 54.1-2800 et seq. of the Code of Virginia to regulate the practice of preneed funeral planning. Consumer complaints should be directed to:

The Board of Funeral Directors and Embalmers

6606 West Broad Street, 4th Floor

Richmond, Virginia 23230-1717

Telephone Number 804-662-9907

Toll Free Number 1-800-533-1560

IV. DISCLOSURES

The disclosure statements will be available for your review. The General Price List shall be furnished to you by the [~~preneed arranger~~ contract seller]. These contain information that you must receive by law and/or the authority of the Board of Funeral Directors and Embalmers. You are entitled to receive all information in clear and simple language including the language of the funding agreement for this preneed arrangement.

If any law, cemetery, or crematory requires the purchase of any of those items listed in Part I, the requirements will be explained in writing.

By signing this contract, buyer acknowledges availability of and opportunity to read a copy of all of the required documents.

V. TERMINATION OF CONTRACT

This person who funds this contract through a trust agreement may terminate this preneed contract at any time prior to the furnishing of the services or supplies contracted for:

Within 30 days

If you terminate this preneed contract within 30 days of the date of this contract, you will be refunded all payments of whatever type you have made, plus any interest or income you may have earned.

More than 30 days

If you terminate this preneed contract more than 30 days after the date on this contract, you will be refunded whatever amount was required to be placed in a revocable trust fund, plus any interest or income it has earned.

Any person who funds this contract through a trust fund which is irrevocable or through an insurance/annuity policy or through the transfer of real estate/personal property may not be eligible for a refund.

VI. STATEMENT OF GUARANTEE

By signing this contract, (Funeral Home) _____ agrees to the statement checked below (check one):

_____ Prefinancing guarantees that no additional payment will be required from the family or estate for guaranteed services and supplies provided the Grand Total of these arrangements is paid in full and the interest is allowed to accumulate in your account (see page [4 -----] for Grand Total amount). Payment of the difference will be required for the nonguaranteed estimated items if they increase in price.

_____ The prices for items under supplies and services are not guaranteed.

VII. AGREEMENT

In witness whereof, the Buyer and the Funeral Home have executed this contract, intending its terms to be in accordance with the Code of Virginia and any regulations implementing the Code. By signing this contract you acknowledge that you have been provided access to and the opportunity to read the Disclosure Statements.

(Designee of Funeral Home) (Buyer)

(Funeral Home) (Contract Date)

VIII. PENALTIES OR RESTRICTIONS

The (funeral home) _____, has the following penalties or restrictions on the provisions of this contract.

1. (Insert geographic restrictions);

2. (Insert an explanation of the Funeral Home's inability to perform the request(s) of the Buyer);

3. (Insert a description of any other circumstances which apply);

4. (Insert information that if particular goods and services specified in the contract are unavailable at the time of need):

A. The funeral home shall be required to furnish supplies and services similar in style and at least equal in quality of material and workmanship; and

B. The representative of the deceased shall have the right to choose the supplies or services to be substituted.

Addendum to Preneed Contract

[~~DESIGNEE APPOINTEE~~] AGREEMENT

I [~~designate appoint~~] _____ of (address) _____ to assist with the preneed arrangements in my behalf. [~~This individual is also authorized to work with the funeral home after my death to ensure that these arrangements are fulfilled.~~] The relationship of my [~~designee appointee~~] to me is _____ .

[~~Buyer Contract Beneficiary~~]: _____
Date: _____

I accept the request of ([~~buyer contract beneficiary~~]) _____ to assist with his/her preneed arrangements [~~and to work with the funeral home after his/her death to ensure that these arrangements are fulfilled~~] .

[~~Designee Appointee~~]: _____
Date: _____

The foregoing was acknowledged before me this _____ day of _____, 19____

Notary: _____

Date Commission Expires: _____

APPENDIX II.
DISCLOSURE STATEMENTS PRESCRIBED BY THE BOARD.

DISCLOSURES

18 VAC 65-30-230. Content of disclosure statements [~~prescribed by the board~~] .

The following disclosure statements shall be provided as a part of any contract used for preneed funeral planning:

We are required by law and/or the Virginia Board of Funeral Directors and Embalmers to provide access to and the opportunity for you to read the following information to assist you in preplanning. A question and answer format is used for clarity and includes the most commonly asked questions.

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PRENEED CONTRACTS

-- Is there more than one type of preneed agreement?

Yes. Guaranteed contracts mean that the costs of certain individual items or the cost of the total package will never be more to your family or estate. Nonguaranteed means just the opposite. (See the section entitled "General Funding Information" for more information on guaranteed and nonguaranteed costs.)

Contracts may be funded by insurance/annuity policies, trusts, or transfer of real estate/personal property.

-- What are my protections?

You should take your completed preneed contract home before you sign it and review it with your family or your legal advisor. You have a right to this review before you sign the contract or pay any money.

You should also read carefully the information in this disclosure statement. If you have any questions, contact the seller for more information or contact your legal advisor.

CANCELLATION

-- Can I cancel my preneed agreement if I change my mind? Will I get my money back?

You may cancel payment for supplies or services within 30 days after signing the agreement. If you funded your preneed arrangement through a trust, the [~~preneed arranger~~ *contract seller*] will refund all the money you have paid plus any interest or income you have earned.

If you funded your preneed arrangement through a revocable trust and you cancel the preneed contract AFTER the 30 day deadline, you will be refunded all of your money on the items that are not guaranteed and 90% of all your money on the items that are guaranteed. You will also receive any interest or income on that amount. A revocable trust is a trust that you can cancel.

There may be a penalty to withdraw money from a revocable trust account which has already been established in your name. If there is, your contract will give you this information. (See the first question under the section entitled "Payment" below.)

If you have funded your preneed arrangement through an irrevocable trust you will not be able to cancel the trust agreement or receive a refund. An irrevocable trust is one that cannot be cancelled.

If you funded your preneed arrangement through an insurance policy/annuity contract which will be used at the time of your death to purchase the supplies and services you have selected, you will need to pay careful attention to the cancellation terms and conditions of the policy. You may not be eligible for a refund.

PAYMENT

-- What happens to my money after the contract is signed?

Your money will be handled in one of several ways. It may be deposited in a separate trust account in your name. The trust account will list a trustee who will be responsible for handling your account. The funeral home you have selected as your beneficiary will also be listed. You have the right to change the funeral home and the trustee of your account prior to receiving the supplies and services under the preneed contract.

Your money may be used to purchase a preneed life insurance policy which may be used to pay for your arrangements upon your death. The proceeds of the policy will be assigned to the funeral home of your choice. You may change the funeral home assignment at any time prior to receiving the supplies and services under the preneed contract.

You may decide to choose a life insurance policy or a trust account that requires regular premium payments and not have to make an up-front, lump sum payment.

-- May I pay for goods and services with real estate or personal property?

Yes. When you pay for these supplies and services in whole or in part with any real estate you may own, the preneed contract that you sign will be attached to the deed on the real estate and the deed will be recorded in the clerk's office of the circuit court in the city or county where the real estate is located.

If you pay for goods and services with personal property other than cash or real estate, the [~~preneed arranger~~ *contract seller*], will declare in writing that the property will be placed in a trust until the time of your death and will give you written information on all the terms, conditions, and considerations surrounding the trust. The [~~preneed arranger~~ *contract seller*] will confirm in writing that he has received property.

You may decide not to transfer the title of the personal property to the [~~preneed arranger~~ *contract seller*] of your preneed contract. In this situation, you will have to submit information to the [~~preneed arranger~~ *contract seller*] in writing that you are giving him the property without a title, and describe the property and where it will be kept until the time of your death.

In either case, the written statements will be recorded in the clerk's office of the circuit court of the city or county in which you live. The written statement does not have to be separate document.

GENERAL FUNDING INFORMATION

-- If the prices of the goods and services are affected by inflation between now and my death, will the funding I choose be adjusted accordingly?

There is a possibility that the funding may fail to keep up with inflation. This could mean that the funding you choose could have insufficient value to cover all expenses.

-- What happens if my funding is not enough to cover the full cost of these arrangements?

If the entire funeral or specific items in the agreement are guaranteed by the [~~preneed arranger~~ *contract seller*], your family or estate will not have to pay any more for those items provided that you have paid the grand total in full and all interest earned is allowed to accumulate in your account. However, if you have not paid the account in full and have not allowed the interest to accumulate in the account and any items increase in price, your family or estate would be responsible for the extra amount if the funds are not sufficient. In some situations where you pay toward your funding with regular premiums rather than in one lump sum, your account may not be enough at the time of your death to cover everything.

-- What happens to the extra money if my funding is more than what is needed to pay for these arrangements?

Sometimes, as explained in the answer above, your funding account may not have had the time to grow sufficiently before your death to cover items which are guaranteed in price to you, yet have increased in price for the funeral home.

After funeral expenses are paid, there may be money left over. Because of the on-going risk that a funeral home takes in guaranteeing prices for you, the funeral home may not be required to return this excess money.

Some funding agreements and funeral homes, however, require that extra money be returned to the estate or family. Others do not. You should obtain information concerning this in writing before signing the preneed contract.

The answers to the following questions will depend upon the terms and conditions of the individual's funding and preneed agreements.

Please review your preneed contract and/or funding agreement for answers to these questions.

-- What happens to my preneed contract if I change my assignment from one funeral home to another?

(Funeral home shall place answer here)

-- What happens to my preneed contract if I change the beneficiary of my funding or the use of my proceeds from the funding.

If you make such changes, it could void your contract. You should request specific information from the [~~preneed arranger~~ *contract seller*] and the funding arrangement.

-- What will happen to my preneed contract if I fail to make agreed to premium payments to my funding source?

(Funeral home shall place answer here)

-- Do I get any money back if I surrender or cancel my funding arrangements?

(Funeral home shall place answer here)

TRUST ACCOUNT

-- If my money goes into a trust account, what information will I receive about that account?

If you want your money to go into a trust fund, the trust agreement must furnish you with information about the amount to be deposited into the account, the name of the trustee, information about what happens to the interest your trust account will earn, and information about your responsibility to file and pay taxes on that interest.

If there are filing expenses connected with your trust account, you will be notified what the expenses are and whether you or the [~~preneed arranger~~ *contract seller*] is the responsible party for paying those.

-- What happens to the interest earned by the trust?

The interest earned by the trust may be handled in different ways by different trust arrangements. The interest may have to go back into your account if items on your contract are guaranteed. You may be responsible for reporting that interest to the Internal Revenue Service and paying taxes on it. You will be responsible to pay any taxes on the interest earned even if you cancel your trust account.

Some trust accounts cannot be cancelled.

There may be special fees deducted from your interest. However, you may still be responsible for paying taxes on the entire amount of interest earned before the fees were deducted. Please ask your [~~preneed arranger~~ *contract seller*] for a written list of any fees so you will have a clear understanding about them before you sign the contract.

-- If I pay my trust in premium payments, what happens if I die before the grand total of the funeral has been placed in trust?

(Funeral home shall place answer here)

CLAIMS AGAINST THIS CONTRACT

-- Can someone to whom I owe money make a claim against the money, personal property, or real estate that I have used to pay for this contract?

No. This money or property cannot be used to settle a debt, a bankruptcy, or resolve a claim. These funds cannot be garnished.

-- Can the money or property be taxed?

No. Currently, interest earned on the money you deposit in a trust, savings account, or the value of the property you used for payment can be taxed but not the original amount which you invested. Interest earned on annuities is generally deferred until withdrawal.

GENERAL GOODS AND SERVICES

-- If I choose goods and services that might not be available at the time of my death, what is the provider required to do?

The funeral home which you select is required to furnish supplies and services that are similar in style and equal in value and quality if what you choose is no longer made or is not available at the time of your death.

Your representative or next-of-kin will have the right to choose the supplies or services to be substituted. However,

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if the substitute is more expensive than the item originally selected by you, your designee or next-of-kin would be responsible for paying the difference. Under no circumstances will the funeral establishment be allowed to substitute lesser goods and services than the ones you chose.

If, before your death, the funeral home goes out of business or is otherwise unable to fulfill their obligation to you under the preneed contract, you have the right to use the proceeds at the funeral home of your choice.

If the inability to provide services does not become apparent until the time of your death, the individual that you named as your designee could use the funds for services at another funeral home.

-- May I choose the exact item I want now and have the funeral home store it until my death?

If the funeral home or supplier has a storage policy you may ask for this service. If the funeral home or [~~preneed arranger~~ *contract seller*] agrees to store these items, the risk of loss or damage shall be upon the funeral home during the storage period.

For example, what would happen if you select a casket which is in-stock at the time you make these arrangements and the funeral home or supplier agrees to store it for you in their warehouse and: (i) damage occurs, (ii) the funeral home or supplier goes out of business (iii) the funeral home or supplier is sold, etc.? You need to be assured in writing of protection in these types of situations.

-- What happens if I choose to have a unique service that is not customary or routine in my community? Must the funeral home comply with my wishes?

The funeral home which you have chosen to conduct your service may be able to only provide certain types of services. They may not be able to fulfill your request. If there is a restriction on what they can provide, you will be notified in writing before you sign the preneed contract.

If the funeral home agrees in writing before you sign the contract to perform such services, the funeral home shall provide you a written, itemized statement of fees which you will be charged.

-- Will the funeral home agree to transport my body to another area for burial?

Again, the funeral home may have restrictions on the distance they are willing to travel to conduct a burial. If restrictions apply, you will be notified in writing.

If the funeral home agrees in writing before you sign the contract to honor your wishes, the funeral home shall provide you a written, itemized statement of any penalties (fees) which you will be charged.

-- I may die and be buried in a city other than one where the funeral home that I select for my goods and services is located. Will the funeral home that I select under this contract deliver my merchandise to the city where I die and am to be buried?

This is entirely up to the funeral home to decide. If the funeral home has restrictions on this, they will notify you in writing. If they agree to ship merchandise to another area for your funeral, you will be notified before signing this contract of the fees involved if they can be determined and guaranteed at this time.

However, the preneed contract arrangements and funding is considered portable. This means that they are available for transfer from one locality to another. It is unusual for actual goods and merchandise to be transferred.

PRICING

-- How will I know that the prices of items which I select are the same for everyone?

The funeral home maintains a general price list and a casket and outer burial container price list. Your [~~preneed arranger~~ *contract seller*] will give this to you before you begin talking about arrangements. After your discussion is finished, you will be given a copy of your preneed contract on which charges will be listed. Charges will only be made for the items you select. If there are any legal or other requirements that mandate that you must buy any items you did not specifically ask for, the [~~preneed arranger~~ *contract seller*] will explain the reason for the charges to you in writing.

You may ask a funeral home to purchase certain items or make special arrangements for you. If the funeral home charges you for these services, you will receive an explanation in writing. The charges to you for these services may be higher than if you or your family purchased them directly.

At the time of your death, your family or estate will be given an itemized statement which will list all of the specific charges. This is a requirement of the Federal Trade Commission. Although not required to do so, some funeral homes may also choose to give you an itemized statement when you make these arrangements.

-- What is meant by guaranteed and nonguaranteed prices?

Some [~~preneed arrangers~~ *contract sellers*] may agree that certain prices are guaranteed. Some may guarantee the price of the total package. Other funeral homes may not guarantee any prices.

Guaranteed prices are those that will not increase for your family or estate at the time of your death. Basically, this means that your funeral arrangement for those items will be covered by and will not exceed your funding and the interest it earns. Nonguaranteed prices are those which might increase or decrease. The nonguaranteed prices may be written in at the time of this contract with you understanding that the price is an estimate only and may increase or decrease. A settlement to that effect may have to be made with your family or representative after your death.

-- Can the [~~preneed arranger~~ *contract seller*] and I negotiate a projected charge for the nonguaranteed items based on the rate of inflation?

It is entirely up to the [~~preneed arranger~~ *contract seller*] to inform you of the funeral home policy in that regard.

CASKETS AND CONTAINERS

-- Do I have to buy a vault or a container to surround the casket in the grave?

In most areas of the country, state and local laws do not require that you buy a container to surround the casket in the grave. However, many cemeteries ask that you have such a container to support the earth above the grave. Either a burial vault or a grave liner will satisfy if such requirements exist.

-- Is a casket required?

A casket is not required for direct cremation. If you want to arrange a direct cremation, you may use an unfinished wood box or an alternative container made of heavy cardboard or composition materials. You may choose a canvas pouch.

-- Do certain cemeteries and crematoriums have special requirements?

Particular cemeteries and crematoriums may have policies requiring that certain goods and services be purchased. If you decide not to purchase goods and services required by a particular cemetery or crematorium, you have the right to select another location that has no such policy.

EMBALMING

-- Is embalming always required?

Except in certain special cases, embalming is not required by law. Embalming may be necessary, however, if you select certain funeral arrangements such as viewing or visitation with an open casket. You do not have to pay for embalming you did not approve if you select arrangements such as a direct cremation or immediate burial. If the funeral home must charge to conduct an embalming, your designee will be notified of the reasons in writing.

ASSISTANCE

-- This is all very confusing to me. May I pick someone close to me to help with all of this? May this person also work with the funeral home to ensure that my wishes as written in the preneed contract are carried out?

You may designate in writing a person of your choice to work with the funeral home and [~~preneed arranger~~ *contract seller*] either before or after your death to ensure that your wishes are fulfilled. You must sign the statement and have it notarized. The person that you designate must agree to this in writing. Under the laws governing preneed contracts, the individual whom you designate has final authority at the time of your death.

-- Where can I complain if I have a problem concerning my preneed contract, the [~~preneed arranger~~ *contract seller*] , or the funeral home?

You may direct your complaints or concerns to:

The Board of Funeral Directors and Embalmers

Department of Health Professions
6606 West Broad Street, 4th Floor
Richmond, Virginia 23230-1717
Telephone Number (804) 662-9907
Toll Free Number 1-800-533-1560
Fax: (804) 662-9943

VA.R. Doc. No. R97-355; Filed November 23, 1998, 12:13 p.m.

* * * * *

Title of Regulation: **18 VAC 65-40-10 et seq. Resident Trainee Program for Funeral Service (amending 18 VAC 65-40-10, [~~18 VAC 65-40-40,~~] 18 VAC 65-40-90, 18 VAC 65-40-110, 18 VAC 65-40-130, 18 VAC 65-40-160, 18 VAC 65-40-180, 18 VAC 65-40-200, 18 VAC 65-40-210, 18 VAC 65-40-220, 18 VAC 65-40-250, 18 VAC 65-40-280, 18 VAC 65-40-300, 18 VAC 65-40-320, 18 VAC 65-40-330, 18 VAC 65-40-340 [, and 18 VAC 65-40-640] ; adding 18 VAC 65-40-170, 18 VAC 65-40-201; repealing 18 VAC 65-40-20, 18 VAC 65-40-30, [~~18 VAC 65-40-50, 18 VAC 65-40-60, 18 VAC 65-40-70, 18 VAC 65-40-80,~~] 18 VAC 65-40-100, 18 VAC 65-40-120, 18 VAC 65-40-140, 18 VAC 65-40-150, 18 VAC 65-40-170, 18 VAC 65-40-190, 18 VAC 65-40-200, 18 VAC 65-40-230, 18 VAC 65-40-240, 18 VAC 65-40-260, 18 VAC 65-40-270, 18 VAC 65-40-290, 18 VAC 65-40-310, and 18 VAC 65-40-350 through 18 VAC 65-40-630).**

Statutory Authority: § 54.1-2400 and Chapter 28 (§ 54.1-2800 et seq.) of Title 54.1 of the Code of Virginia.

Effective Date: January 20, 1999.

Summary:

In response to the comprehensive review conducted pursuant to Executive Order 15 (94), the amendments repeal unnecessary or duplicative regulations (such as those which restate provisions of the Code of Virginia), simplify current requirements (such as requirements for the application for supervision), and reduce certain regulatory burdens (such as the requirement for a certain number of funerals and embalmings in one calendar year in one funeral establishment).

Summary of Public Comments and Agency's 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, Board of Funeral Directors and Embalmers, 6606 West Broad Street, 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9111.

Final Regulations

PART I.
GENERAL PROVISIONS.

Article 1.
Definitions, Purpose, Applicability.

18 VAC 65-40-10. Definitions.

In addition to words and terms defined in § 54.1-2800 of the Code of Virginia, the following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

~~"Applicant" means a person applying for registration by the board.~~

~~"Board" means the Board of Funeral Directors and Embalmers.~~

~~"Conduct" means to carry out and perform.~~

~~"Direct supervision" means that a licensed funeral service professional is present and on the premises of the facility with the trainee.~~

~~"Full-time school attendance" means that the individual attending mortuary science school is enrolled in 12 or more semester hours of coursework per semester.~~

~~"Full-time work schedule" means that the resident trainee works at least 40 hours per week.~~

~~"Part-time school attendance" means that the individual attending mortuary science school is enrolled in 11 or fewer semester hours of coursework per semester.~~

~~"Registration" means the process of applying to the board to seek approval to serve as a trainee or supervisor.~~

~~"Resident trainee" means a person who is preparing to be licensed for the practice of funeral services under the direct supervision of a practitioner licensed by the board.~~

~~"Supervisor" means a licensed employee of the establishment which is at the training site. The employee is licensed as an embalmer, funeral director, or funeral service licensee and has agreed to supervise the training program of the resident trainee and who has been approved by the board to provide supervision for the resident trainee.~~

~~"Training site" means the licensed funeral establishment which has agreed to serve as the location for resident training and has been approved by the board for the training.~~

18 VAC 65-40-20. Purpose. (Repealed.)

~~This chapter establishes the standards for qualifications, training and practice of persons as resident trainees; sites of training; and supervisors of training in the Commonwealth of Virginia.~~

18 VAC 65-40-30. Applicability. (Repealed.)

~~Individuals and establishments subject to this chapter are (i) funeral service resident trainees; (ii) licensed funeral homes serving as training sites; and (iii) funeral service licensees, funeral directors, and embalmers serving as training supervisors.~~

Article 2.
Fees.

[Article 3.
Other Fees.]

Article 4.
Renewals.

18 VAC 65-40-90. Expiration date Renewal of registration.

A. The resident trainee registration shall expire on January 31 of each calendar year and may be renewed by submission of the renewal notice and prescribed fee.

B. A person who fails to renew a registration by the expiration date shall be deemed to have an invalid registration. ~~C.~~ No credit will be allowed for a traineeship period served under an expired registration.

~~C. The resident trainee is responsible for notifying the board of any changes in name, address, employment, or supervisor. Any notices shall be validly given when mailed to the address on record with the board.~~

18 VAC 65-40-100. Renewal of registration. (Repealed.)

~~A person who desires to renew his registration for the next year shall, not later than the expiration date:~~

- ~~1. Return the renewal notice;~~
- ~~2. Submit the applicable fee; and~~
- ~~3. Notify the board of any changes in name, address, employment, or supervisor.~~

18 VAC 65-40-110. Reinstatement of expired registration.

A. The board may consider reinstatement of an expired registration for up to three years following expiration. A written application request for reinstatement shall be submitted to the board and shall include payment of all applicable delinquent renewal fees prescribed in 18 VAC 65-40-50 plus the additional reinstatement fee prescribed in 18 VAC 65-40-60.

~~B. When a registration is not reinstated within three years of its expiration date, a new application for registration shall be filed and a new training program begun.~~

18 VAC 65-40-120. Reapplication for registration. (Repealed.)

~~When a registration is not reinstated within three years of its expiration date, an applicant for registration shall restart the training program and reapply for traineeship.~~

PART II.
TRAINEE PROGRAM REQUIREMENTS.

~~Article 1.
Training Program: General.~~

18 VAC 65-40-130. Resident training.

A. The trainee program shall consist of at least 18 months of resident training.

B. An individual may hold an active traineeship registration for a maximum of 48 months from the date of initial registration for the traineeship program. The board, in its discretion, may grant an extension of the traineeship registration.

C. A resident trainee shall not attend school full time while serving his traineeship (see 18 VAC 65-40-10).

18 VAC 65-40-140. Number of trainees limited. (Repealed.)

~~When more than two trainees are requested by a licensed funeral establishment, not more than two trainees will be registered per licensed supervisor at any time.~~

18 VAC 65-40-150. Approval of funeral training. (Repealed.)

~~The approval shall apply to and be valid only to:~~

- ~~1. The resident trainee;~~
- ~~2. The licensed person or persons under whom the training is to be given; and~~
- ~~3. The funeral service establishment or establishments named in the approval statement.~~

18 VAC 65-40-160. Trainee work schedule.

Every resident trainee shall be assigned a *full-time* work schedule of at least 40 hours each week in order to obtain credit for such training. The trainee shall be required to receive training in all areas of funeral service. Additional and further hours may be at the discretion of the supervisor or may be a requirement of the facility.

~~Article 2.~~

~~Resident Trainees: Requirements and Application Process for Registration.~~

18 VAC 65-40-170. Resident trainee requirements. (Repealed.)

~~To be approved for registration as a resident trainee, a person shall:~~

- ~~1. Be a graduate of an accredited high school or the equivalent;~~
- ~~2. Obtain a supervisor approved by the board to provide training;~~
- ~~3. Have not been convicted of a felony. The board, in its discretion, may approve an individual convicted of a felony if he has been pardoned or has had his civil rights restored.~~

18 VAC 65-40-180. Trainee application package.

~~Every qualified A. Any person seeking who meets the qualifications of § 54.1-2817 of the Code of Virginia may seek registration with the board as a trainee under the Program for Training of Resident Trainees shall submit by submission of an application package, which shall include: documentation of the qualifications and signatures of any supervising licensees.~~

~~B. With the exception of school transcripts, all parts of an application package, including the required fee and any additional documentation as may be required to determine eligibility, shall be submitted simultaneously.~~

- ~~1. Completed and signed application;~~
- ~~2. Fee proscribed in 18 VAC 65-40-40;~~
- ~~3. Additional documentation as may be required by the board to determine eligibility of the applicant.~~

18 VAC 65-40-190. Submission of incomplete application package; exception. (Repealed.)

~~All required parts of the application package shall be submitted at the same time. An incomplete package will be returned to the applicant.~~

~~Exception: Some schools require that certified transcripts be sent directly to the licensing authority. That policy is acceptable to the board. National examination scores where applicable will also be accepted from the examining authority.~~

18 VAC 65-40-200. Resumption of traineeship application. (Repealed.)

~~When a traineeship is interrupted, the trainee shall submit a resumption of traineeship application to the board prior to resuming his traineeship.~~

18 VAC 65-40-201. Failure to register.

If the resident traineeship is not approved by the board prior to initiation of training, no credit shall be allowed for the length of time served.

~~Article 3.~~

~~Establishment Application Requirements.~~

18 VAC 65-40-210. Training sites.

A. Funeral training shall be given at the ~~main office of the~~ licensed funeral service establishment ~~approved for training~~ or at any branch of such establishment that complies with the provisions of this chapter and is approved by the board as a training site.

B. *An individual, firm, or corporation owning or operating any funeral service establishment shall apply to and be approved by the board prior to permitting funeral training to be given or conducted in the establishment.*

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18 VAC 65-40-220. Qualifications of training site.

The board shall approve only an establishment or two combined establishments to serve as the training site or sites which:

1. Have a full and unrestricted Virginia license;
2. Have complied in all respects with the provisions of the regulations of the Board of Funeral Directors and Embalmers; and
3. Have 35 or more funerals and 35 or more bodies for embalming ~~per calendar year~~ *over a 12-month period* for each person to be trained. This total must be maintained throughout the period of training. *If the establishment does not meet the required number of funerals or embalmings, the resident trainee may seek approval for an additional training site.*

18 VAC 65-40-230. Approval of training site. (Repealed.)

~~An individual, firm, or corporation owning or operating any funeral service establishment shall apply to and be approved by the board prior to permitting funeral training to be given or conducted in the establishment.~~

18 VAC 65-40-240. Establishment application package. (Repealed.)

~~Every qualified establishment or combined establishments seeking approval as a training site or sites shall submit an application package which shall include:~~

- ~~1. Completed and signed application; and~~
- ~~2. Additional documentation as may be required by the board to determine eligibility of the establishment.~~

~~Article 4.~~

~~Supervisor Application Requirements.~~

18 VAC 65-40-250. Training Requirements for supervision.

A. Training shall be conducted under the direct supervision of a licensee or licensees approved by the board.

~~18 VAC 65-40-260. Qualifications of supervisor.~~

~~B. The board shall approve only funeral service licensees, licensed funeral directors, or licensed embalmers to give funeral training who: 1. have a full and unrestricted Virginia funeral license; 2. Have complied in all respects with the provisions of the regulations of the Board of Funeral Directors and Embalmers; and 3. are employed full time in the establishment where training occurs.~~

~~C. A supervisor licensed as an embalmer or a funeral director shall provide supervision only in the areas of funeral practice for which he is licensed.~~

~~D. Failure to register as a supervisor may subject the licensee to disciplinary action by the board.~~

18 VAC 65-40-270. Supervisor approval. (Repealed.)

~~An individual shall apply to and be approved by the board prior to serving as a supervisor.~~

18 VAC 65-40-280. Supervisor application package.

~~Every qualified person seeking approval of the board as a supervisor shall submit an application package which shall include:~~

- ~~1. Completed and signed application; and~~
- ~~2. Additional documentation as may be required by the board to determine eligibility of the applicant.~~

~~A. A licensee seeking approval by the board as a supervisor shall submit a completed application and any additional documentation as may be required to determine eligibility.~~

~~B. The application for supervision of a resident trainee shall be signed by the establishment manager and by the persons who will be providing supervision for embalming and for the funeral services.~~

18 VAC 65-40-290. Curriculum compliance. (Repealed.)

~~An approved supervisor shall comply with and shall provide supervision and training as prescribed by this chapter.~~

~~Article 5.~~

~~Program Requirements.~~

18 VAC 65-40-300. Selection of new supervisor Interruption and reinstatement.

A. If the program is interrupted, the trainee shall obtain a new supervisor *and submit a new application for approval.*

~~18 VAC 65-40-310. Resumption of training.~~

~~B. Credit shall only be allowed for training under direct supervision. Credit for training shall resume when a new supervisor is approved by the board and the applicant has been reinstated.~~

~~Article 6.~~

~~Reporting Requirements.~~

18 VAC 65-40-320. Report to the board: six-month report; partial report; final report.

A. The trainee, the supervisor or supervisors, and the establishment shall submit a written report to the board at the end of every six months of training. The report shall:

1. Verify that the trainee has actually served in the required capacity during the preceding six months; and
2. Be received in the board office no later than 10 days following the end of the six-month period. ~~A late report automatically will have credit deducted in two week increments from the completed training time. Late reports may result in additional time being added to the traineeship.~~

B. If the training program is terminated or interrupted prior to completion of a six-month period, the trainee and the supervisor shall submit a partial report to the board *with a written explanation of the cause of program termination or interruption.*

1. The partial report shall provide the amount of time served and the dates since the last reporting period. Credit for partial reports shall be given in increments of one month.

~~Written explanation of the causes of program termination or interruption shall be provided by the trainee and the supervisor.~~

2. Partial reports shall be received in the board office no later than 10 days after the interruption or termination of the trainee program. Credit may be deducted for late reports.

~~[C. The trainee, the supervisor or supervisors and the establishment manager shall submit written final reports to the board at the end of the] apprenticeship period [*resident traineeship* as follows:~~

1. ~~A Final Trainee Report, which certifies that the trainee has conducted 25 funerals and 25 embalmings, shall be submitted.~~
2. ~~A trainee, his supervisor and the establishment manager shall submit a notarized affidavit to the board at the end of the trainee program that] full compliance has been met with the trainee curriculum [*the trainee has fully complied with requirements of the trainee program.*]~~
3. ~~A trainee shall submit a completed checklist showing a chronological history of training to the board at the end of the trainee program.~~

~~[All final reports shall be received in the board office no later than 10 days after the completion of the traineeship.] Late reports may result in additional time being added to the traineeship.~~

18 VAC 65-40-330. Failure to submit training report.

If the trainee, supervisor, or establishment manager fails to submit the reports required in 18 VAC 65-40-320, the trainee shall *may* forfeit all [*or partial*] credit for training or disciplinary action may be taken against the trainee, supervisor and establishment manager. ~~The board may waive such forfeiture.~~

PART III.

TRAINING PROGRAM: FUNERAL SUPERVISORS' RESPONSIBILITIES.

Article 1.

Regulations and Forms.

18 VAC 65-40-340. Regulations Supervisors' responsibilities.

A. The supervisor shall provide the trainee with *all applicable laws and regulations* or sections of regulations relating to the funeral industry ~~as follows:~~

1. ~~Regulations of the Board of Funeral Directors and Embalmers;~~
2. ~~Preneed regulations of the Board of Funeral Directors and Embalmers;~~
3. ~~Virginia Department of Health regulations governing:~~
 - a. ~~Vital statistics reporting;~~
 - b. ~~Responsibilities of the medical examiner;~~
 - c. ~~Cremations and burial at sea;~~
 - d. ~~Disinterments and reinterments;~~
 - e. ~~Shipping bodies to another country;~~
 - f. ~~Shipping bodies by public transport; and~~
 - g. ~~Filing of death certificates;~~
4. ~~Occupational Safety and Health Administration (OSHA) regulations;~~
5. ~~Regulations governing the filing of Veteran's Administration and Social Security claims;~~
6. ~~Federal Trade Commission's Funeral Rule on funeral industry practices.~~

B. The supervisor shall provide the trainee with copies of and instruction in the use of all forms and price lists employed by the funeral establishment.

C. The supervisor shall provide the trainee with instruction in all aspects of funeral services and shall allow the trainee under direct supervision to conduct all necessary arrangements for a minimum of 25 funerals.

D. The embalming supervisor shall provide instruction on all necessary precautions, embalming functions, and reporting forms and shall allow the trainee under direct supervision to perform a minimum of 25 embalmings.

18 VAC 65-40-350. Forms. (Repealed.)

~~The supervisor shall provide the trainee with copies of and explanations for the use of:~~

1. ~~General price list;~~
2. ~~Itemized statement of funeral goods and services;~~
3. ~~Casket price list;~~
4. ~~Outer burial container price list; and~~
5. ~~Preneed contract.~~

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18 VAC 65-40-360. Forms completion. (Repealed.)

The supervisor shall instruct the trainee in how to complete, and allow the trainee to complete, final forms for business as follows:

1. Itemized statements of funeral goods and services;
2. Preneed contracts;
3. Death certificates;
4. Veteran and Social Security Administration forms;
5. Cremation forms; and
6. Vital statistic reports.

18 VAC 65-40-370. Preneed funding forms. (Repealed.)

The supervisor shall instruct the trainee on the requirements and use of forms used by funding companies for the investment of preneed funds.

Article 2.

Knowledge of the Community and Others.

18 VAC 65-40-380. Community resources. (Repealed.)

The supervisor shall provide the trainee with a contact at each of the following:

1. Area hospitals;
2. Area nursing homes;
3. Regional medical examiner;
4. City or county morgue;
5. Police department;
6. Cemeteries and crematoriums; and
7. Churches, mosques, synagogues.

18 VAC 65-40-390. Community funeral customs. (Repealed.)

The supervisor shall instruct the trainee on the funeral customs of the following:

1. Nationalities served by the funeral home;
2. Religious rites;
3. Fraternal rites; and
4. Military rites.

Article 3.

Merchandising.

18 VAC 65-40-400. Merchandising. (Repealed.)

The supervisor shall instruct the trainee on:

1. The features and prices of merchandise offered by the establishment, both special order and in-stock merchandise;
2. How to display merchandise and stock the selection room;

3. How to complete information cards to be displayed on caskets; and
4. How to order merchandise.

Article 4.

Initial Arrangements and Meeting with the Family.

18 VAC 65-40-410. Initial contact. (Repealed.)

The supervisor shall allow the trainee to observe and then conduct the following:

1. Taking a death call;
2. Removing a body and transporting it to the funeral home;
3. Placing the body in the preparation or holding room;
4. Obtaining permission for embalming;
5. Documenting verbal permission for embalming; and
6. Documenting the reason for proceeding with an embalming when the next-of-kin cannot be contacted.

18 VAC 65-40-420. Confidentiality and dignity. (Repealed.)

The supervisor shall instruct the trainee in the meaning of, and ensure that the trainee adheres to, the funeral home policy for:

1. Honoring the confidentiality of every family and family member; and
2. Honoring the dignity of the dead and the families of the dead at all times.

18 VAC 65-40-430. Initial arrangements. (Repealed.)

The supervisor shall allow the trainee to observe and then to practice with the supervisor the following:

1. Giving prices over the telephone;
2. The required time to offer the general price list, casket price list, outer burial container price list, and presenting the itemized statement of funeral goods and services to the family;
3. Meeting with the family and discussing prices and disclosures;
4. Taking vital statistics information;
5. Taking information for obituary notices and filing the notices with the newspaper;
6. Showing the family the merchandise in the selection room;
7. Making cash advance arrangements with a third party; and
8. Arranging with and completing the paperwork for cremations and cemetery burials.

18 VAC 65-40-440. Meeting with the family. (Repealed.)

With the supervisor present and in the same room, the supervisor shall allow the trainee to:

1. Meet with families to discuss prices, disclosures, and making arrangements for at need services;
2. Complete itemized statements of funeral goods and services for presentation to the families;
3. Complete preneed arrangements with families;
4. Explain the features and prices of merchandise to families; and
5. Assist families in choosing at need substitute merchandise when merchandise that is chosen during a preneed arrangement is not available at need.

Article 5.
The Service.

18 VAC 65-40-450. Disposition. (Repealed.)

The supervisor shall allow the trainee to observe and then conduct the following arrangement for disposition of the body:

1. Making cemetery and crematory arrangements;
2. Taking a body to the crematorium; and
3. Disposing of cremains as requested by the family.

18 VAC 65-40-460. Services. (Repealed.)

The supervisor shall allow the trainee to observe and then conduct with the supervisor present, the following arrangements:

1. Visitation or viewing or both;
2. Chapel, church, and graveside services;
3. Services for disposition of cremains;
4. Funeral processions;
5. Multiple services taking place simultaneously;
6. Direct cremations;
7. Immediate burials;
8. Receiving bodies from another funeral home;
9. Shipping bodies to another funeral home; and
10. Preparing information sheet on services for receptionist to use in answering questions from the public.

PART IV.
RESPONSIBILITIES OF EMBALMING SUPERVISOR.

Article 1.
Preparation Room.

18 VAC 65-40-470. Preparation room. (Repealed.)

The supervisor shall instruct the trainee on the following:

1. Stocking the preparation room to meet compliance with regulations;
2. Purpose and use of protective clothing and gear during the preparation of a body;
3. Cleanliness, disinfection, and sanitation requirements for the preparation room;
4. Hazardous and infectious waste management; and
5. Cleaning and sterilizing reusable instruments.

Article 2.
The Embalming.

18 VAC 65-40-480. Embalming: general. (Repealed.)

The supervisor shall instruct the trainee on the following:

1. Use and purpose of the embalming instruments;
2. Use and purpose of the embalming fluids; and
3. Use and purpose of the embalming report.

18 VAC 65-40-490. Embalming. (Repealed.)

The supervisor shall allow the trainee to observe, and then conduct with the supervisor present and in the same room, the following:

1. External disinfection of bodies;
2. Cleaning bodies after the embalming;
3. Using precautions in an embalming of bodies harboring an infectious disease;
4. Preparing bodies with tissue gas;
5. Setting the features on bodies;
6. Using restorative techniques on damaged bodies;
7. Using cosmetology on bodies;
8. Clothing bodies;
9. Casketing bodies; and
10. Embalming bodies.

18 VAC 65-40-500. Embalming reports. (Repealed.)

The supervisor shall have the trainee observe and then complete embalming reports.

PART V.
THE TRAINEE'S RESPONSIBILITIES.

Article 1.
Regulations and Forms.

18 VAC 65-40-510. Regulatory agencies. (Repealed.)

The trainee shall be able to list the state and federal agencies that regulate the funeral industry and be able to describe the roles and functions of each agency as it relates to the funeral industry.

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18 VAC 65-40-520. ~~Regulations. (Repealed.)~~

~~The trainee shall be knowledgeable of the contents of the regulations prescribed in 18 VAC 65-40-340 and be able to explain to the supervisor and the board those regulations and how they apply to the funeral industry.~~

18 VAC 65-40-530. ~~Forms. (Repealed.)~~

~~The trainee shall complete the forms prescribed in 18 VAC 65-40-360 and be able to explain to the supervisor and the board the use and content requirements of the forms.~~

18 VAC 65-40-540. ~~Prereed. (Repealed.)~~

~~The trainee shall be able to explain to the supervisor and the board prereed funding requirements.~~

~~Article 2.~~

~~Knowledge of the Community and Others.~~

18 VAC 65-40-550. ~~Community resources. (Repealed.)~~

~~The trainee shall contact at a time of need the funeral home's resource person at each of the facilities prescribed in 18 VAC 65-40-380 and make arrangements as pertinent for transporting, removing, services, or disposition of the dead.~~

18 VAC 65-40-560. ~~Funeral customs. (Repealed.)~~

~~The trainee shall be knowledgeable of and be able to explain to the supervisor and the board the funeral customs prescribed in 18 VAC 65-40-390.~~

~~Article 3.~~

~~Merchandising.~~

18 VAC 65-40-570. ~~Merchandising. (Repealed.)~~

~~The trainee shall:~~

- ~~1. Display merchandise and learn to stock the selection room;~~
- ~~2. Prepare pricing and information cards to be displayed on the caskets;~~
- ~~3. Be able to explain to the supervisor the features and prices of merchandise; and~~
- ~~4. Place an order for merchandise.~~

~~Article 4.~~

~~Initial Arrangements and Meeting with the Family.~~

18 VAC 65-40-580. ~~Initial contact. (Repealed.)~~

~~The trainee shall conduct the activities prescribed in 18 VAC 65-40-410 under the supervision of the supervisor.~~

18 VAC 65-40-590. ~~Meeting with the family. (Repealed.)~~

~~The trainee shall conduct arrangements with families in the presence of and in the same room with the supervisor as prescribed in 18 VAC 65-40-430 and 18 VAC 65-40-440.~~

~~Article 5.
The Service.~~

18 VAC 65-40-600. ~~Disposition and services. (Repealed.)~~

~~The trainee shall plan and conduct 25 funerals during the traineeship as prescribed in 18 VAC 65-40-450 and 18 VAC 65-40-460.~~

~~Article 6.
Embalming.~~

18 VAC 65-40-610. ~~Embalming. (Repealed.)~~

~~The trainee shall conduct 25 embalmings in the room with and under the supervision of the embalming supervisor. The trainee will conduct all procedures prescribed in 18 VAC 65-40-490.~~

18 VAC 65-40-620. ~~Embalming preparation. (Repealed.)~~

~~The trainee shall have a knowledge of and be able to explain to the supervisor and the board the purpose and procedures as prescribed in 18 VAC 65-40-470 and 18 VAC 65-40-480.~~

18 VAC 65-40-630. ~~Embalming reports. (Repealed.)~~

~~The trainee shall complete embalming reports on the 25 embalmings the trainee conducts.~~

~~PART VI IV.~~

~~REFUSAL, SUSPENSION, REVOCATION, AND
DISCIPLINARY ACTION.~~

18 VAC 65-40-640. ~~Disciplinary action.~~

~~The board may refuse to issue or renew a license, registration, or approval to any applicant; and may suspend for a stated period of time or indefinitely, or revoke any license, registration, or approval, or reprimand any person, or place his license or registration on probation with such terms and conditions and for such time as it may designate or impose a monetary penalty for failure to comply with the regulations of the [training program or the Regulations of the] Board of Funeral Directors and Embalmers.~~

~~VA.R. Doc. No. R97-354; Filed November 23, 1998, 12:14 p.m.~~

BOARDS OF NURSING AND MEDICINE

Title of Regulation: **18 VAC 90-30-10 et seq. Regulations Governing the Licensure of Nurse Practitioners (amending 18 VAC 90-30-10, 18 VAC 90-30-30, 18 VAC 90-30-70, 18 VAC 90-30-80, 18 VAC 90-30-90, 18 VAC 90-30-120 and 18 VAC 90-30-160; and repealing 18 VAC 90-30-40, 18 VAC 90-30-140, 18 VAC 90-30-150 and 18 VAC 90-30-170 through 18 VAC 90-30-210).**

Statutory Authority: §§ 54.1-2400 and 54.1-2957 of the Code of Virginia.

Effective Date: January 20, 1999.

Summary:

The amendments are the boards' response to the review of regulations pursuant to Executive Order 15 (94). The amendments clarify several definitions, add a requirement for guidelines on availability in the protocol between the nurse practitioner and supervising physician, and eliminate the process for board approval of a nurse practitioner education program.

In response to public comment, the boards adopted an amendment to the definition of "approved program" to reflect the current name of accrediting body for nurse practitioner educational programs.

No other amendments to the proposed regulations were adopted.

Summary of Public Comment's and Agency's 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: Nancy K. Durrett, Board of Nursing, 6606 West Broad Street, 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909.

18 VAC 90-30-10. Definitions.

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

~~"Accredited program" means a nurse practitioner education program accredited by the Council on Accreditation of Nurse Anesthesia Educational Programs/Schools, American College of Nurse Midwives, American Nurses' Association or National League for Nursing.~~

"Approved program" means a nurse practitioner education program that ~~meets the criteria set forth in this chapter~~ is accredited by the Council on Accreditation of Nurse Anesthesia Educational Programs/Schools, American College of Nurse Midwives, American [Nurses'] Association [of Colleges of Nursing] or [the] National League for Nursing or is offered by a school of nursing or jointly offered by a school of medicine and a school of nursing which grant a master's degree in nursing and which hold a national accreditation acceptable to the board.

"Boards" means the Virginia Board of Nursing and the Virginia Board of Medicine.

"Collaboration" means the process by which a nurse practitioner, in association with a physician, delivers health care services within the scope of practice of the nurse practitioner's professional ~~expertise~~ education and experience and with medical direction and supervision, consistent with this chapter.

"Committee" means the Committee of the Joint Boards of Nursing and Medicine.

"Controlling institution" means the college or university offering a nurse practitioner education program.

~~"Licensed nurse practitioner" means a registered nurse who has met the requirements for licensure as stated in Part II (18 VAC 90-30-60 et seq.) of this chapter and who practices in the category of either a nurse practitioner, certified registered nurse anesthetist or certified nurse-midwife.~~

"Licensed physician" means a person licensed by the Board of Medicine to practice medicine or osteopathy.

"Medical direction and supervision" means participation in the development of a written protocol including provision for periodic review and revision; development of guidelines for availability and ongoing communications which provide for and define consultation among the collaborating parties and the patient; and periodic joint evaluation of services provided, e.g., chart review, and review of patient care outcomes. Guidelines for availability shall address at a minimum the availability of the collaborating physician proportionate to such factors as practice setting, acuity, and geography.

"National certifying body" means a national organization that has as one of its purposes the certification of nurse anesthetists, nurse midwives or nurse practitioners, referred to in this chapter as professional certification, and whose certification of such persons by examination is accepted by the committee.

"Preceptor" means a physician or a licensed nurse practitioner who supervises and evaluates the nurse practitioner student.

"Protocol" means a written statement, jointly developed by the collaborating physician(s) and the licensed nurse practitioner(s), that directs and describes the procedures to be followed and the delegated medical acts appropriate to the specialty practice area to be performed by the licensed nurse practitioner(s) in the care and management of patients.

18 VAC 90-30-30. Committee of the Joint Boards of Nursing and Medicine.

A. The presidents of the Boards of Nursing and Medicine respectively shall each appoint three members from their boards to the Committee of the Joint Boards of Nursing and Medicine. The purpose of this committee shall be to administer the Regulations Governing the Licensure of Nurse Practitioners, 18 VAC 90-30-10 et seq.

~~18 VAC 90-30-40. Advisory Committee.~~

B. The committee, in its discretion, may appoint an advisory committee. Such an advisory committee shall be comprised of four licensed physicians and four licensed nurse practitioners, of whom one shall be a certified nurse midwife, one shall be a certified registered nurse anesthetist and two shall be nurse practitioners from other categories. Appointment to the advisory committee shall be for four years, ~~with one physician and one licensed nurse practitioner~~

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~~appointed annually~~; members may be appointed for one additional four-year period.

18 VAC 90-30-70. Categories of licensed nurse practitioners.

A. The boards shall license nurse practitioners in the following categories (*a two-digit suffix appears on licenses to designate category*):

- ~~1. Certified nurse midwife~~
- ~~2. Certified registered nurse anesthetist~~
- ~~3. Nurse practitioner~~
- a. 1. Adult nurse practitioner (01);
- b. 2. Family nurse practitioner (02);
- c. 3. Pediatric nurse practitioner (03);
- d. 4. Family planning nurse practitioner (04);
- e. 5. Obstetric/gynecologic nurse practitioner (05);
- f. 6. Emergency room nurse practitioner (06);
- g. 7. Geriatric nurse practitioner (07);
8. *Certified registered nurse anesthetist (08)*;
9. *Certified nurse midwife (09)*;
- ~~h. 10. School nurse practitioner (10);~~
- ~~i. 11. Medical nurse practitioner (11);~~
- ~~j. 12. Maternal child health nurse practitioner (12);~~
- ~~k. 13. Neonatal nurse practitioner (13);~~
- ~~l. 14. Women's health nurse practitioner (14); and~~
15. *Acute care nurse practitioner (16)*.

B. Other categories of licensed nurse practitioners shall be licensed if the Committee of the Joint Boards of Nursing and Medicine determines that the category meets the requirements of this chapter.

18 VAC 90-30-80. Qualifications for initial licensure.

A. An applicant for initial licensure as a nurse practitioner shall:

1. Be currently licensed as a registered nurse in Virginia; ~~and~~
2. Submit evidence of completion of an educational program designed to prepare ~~nurse anesthetists, nurse midwives or~~ nurse practitioners that is ~~either~~ an approved program as defined in 18 VAC 90-30-10;
 - ~~a. Approved by the boards as provided in 18 VAC 90-30-170 through 18 VAC 90-30-200; or~~
 - ~~b. Accredited by an agency identified in 18 VAC 90-30-10; and~~

3. Submit evidence of professional certification by an agency identified in 18 VAC 90-30-90 ~~of this chapter~~ as an agency accepted by the boards; ~~and~~

4. File the required application; and

5. Pay the application fee prescribed in 18 VAC 90-30-50.

B. Provisional licensure may be granted to an applicant who satisfies all requirements of this section with the exception of subdivision A 3 of this section only until the release of the results of the first national certifying examination for which he is eligible following his application.

18 VAC 90-30-90. Certifying agencies.

A. The boards shall accept the professional certification by examination of the following:

1. American College of Nurse Midwives Certification Council;
2. American Nurses' Credentialing Center;
3. Council on Certification of Nurse Anesthetists;
4. National Certification Board of Pediatric Nurse Practitioners and Nurses;
5. National Certification Corporation for the Obstetric, Gynecologic and Neonatal Nursing Specialties; and
6. American Academy of Nurse Practitioners.

B. The boards may accept professional certification from other certifying agencies on recommendation of the Committee of the Joint Boards of Nursing and Medicine provided that the professional certification is awarded on the basis of:

1. Completion of an *approved* educational program ~~that meets the criteria of Part IV as defined in 18 VAC 90-30-10~~; and
2. Achievement of a passing score on an examination.

18 VAC 90-30-120. Practice of licensed nurse practitioners.

A. A licensed nurse practitioner shall be authorized to engage in practices constituting the practice of medicine in collaboration with and under the medical direction and supervision of a licensed physician.

B. The practice of licensed nurse practitioners shall be based on specialty education preparation as ~~outlined in Part IV~~ a *nurse practitioner* in accordance with *standards of the applicable certifying organization and written protocols* as defined in 18 VAC 90-30-10.

18 VAC 90-30-140. Certified registered nurse category.

C. A certified registered nurse anesthetist shall practice in accordance with the functions and standards defined by the American Association of Nurse Anesthetists (Guidelines and Standards for Nurse Anesthesia Practice, Revised 1992) and under the medical direction and supervision of a doctor of

medicine or a doctor of osteopathy or *the medical direction and supervision* of a dentist in accordance with rules and regulations promulgated by the Board of Dentistry.

~~**18 VAC 90-30-150. Certified nurse midwife category.**~~

~~D. A certified nurse midwife shall practice in accordance with the Standards for the Practice of Nurse-Midwifery (Revised 1993) defined by the American College of Nurse-Midwives.~~

18 VAC 90-30-160. Prohibited practice.

Practice as a licensed nurse practitioner shall be prohibited if:

1. The license has lapsed; or
2. The license as a *registered nurse* is revoked or suspended.

PART IV.

CRITERIA FOR APPROVAL OF NURSE PRACTITIONER EDUCATION PROGRAMS.

~~**18 VAC 90-30-170. Criteria for program approval. (Repealed.)**~~

~~The committee may delegate to the staff of the committee the authority to approve nurse practitioner education programs that meet the following criteria.~~

~~A. Administration.~~

- ~~1. The nurse practitioner education program shall be offered either:

 - ~~a. By a nationally accredited school of nursing that offers a master's degree in nursing; or~~
 - ~~b. Jointly by a nationally accredited school of medicine and a nationally accredited school of nursing that offers a master's degree in nursing.~~~~

~~2. The authority and responsibility for the conduct of the program shall be vested in a nurse educator or coadministered by a physician and a nurse educator who hold faculty appointments at the controlling institution.~~

~~3. The controlling institution shall provide each student who successfully completes the program a certificate of completion or equivalent official document.~~

~~B. Philosophy and objectives. There shall be clearly written statements of philosophy and objectives of the program that shall include a description of the category of nurse practitioner being prepared.~~

~~C. Faculty.~~

- ~~1. Nurse faculty shall include nurse practitioners each currently certified in the area of specialization in which he is teaching.~~
- ~~2. Medical faculty shall include currently licensed physicians each having preparation in his specialty area.~~

~~D. Curriculum.~~

~~1. The program shall be at least one academic year in length including planned clinical practice under the direction of a preceptor.~~

~~2. Course descriptions and objectives shall be available in writing.~~

~~3. The curriculum shall provide:~~

- ~~a. Instruction in the biological, behavioral, medical and nursing sciences relevant to practice as a nurse practitioner in the specialized field;~~
- ~~b. Instruction in legal, ethical and professional responsibilities of a nurse practitioner; and~~
- ~~c. Supervised clinical practice of those skills essential for a nurse practitioner in the specialized field.~~

~~**18 VAC 90-30-180. Denial of approval of programs. (Repealed.)**~~

~~Approval will be denied if the program does not meet the criteria set forth in 18 VAC 90-30-170. The controlling institution may request a hearing before the committee, and the provisions of the Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia) shall apply.~~

~~**18 VAC 90-30-190. Continued approval of programs. (Repealed.)**~~

~~Each program shall be subject to periodic review by the boards to determine whether standards for approval are being maintained.~~

~~**18 VAC 90-30-200. Withdrawal of approval. (Repealed.)**~~

~~A. If the boards determine that an approved program is not maintaining the standards set forth in this chapter, the controlling institution shall be given a reasonable period of time to correct the identified deficiencies.~~

~~B. If the controlling institution fails to correct the identified program deficiencies within the time specified, the boards shall withdraw the approval following proceedings held pursuant to the provisions of the Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia).~~

~~**18 VAC 90-30-210. Exemptions from program approval requirements. (Repealed.)**~~

~~Programs accredited by any agency listed in the definition of accredited program in 18 VAC 90-30-10 are exempt from the program approval requirements of this chapter.~~

**PART V. IV.
DISCIPLINARY PROVISIONS.**

NOTICE: The forms used in administering 18 VAC 90-30-10 et seq., Regulations Governing the Licensure of Nurse Practitioners, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.

FORMS

Instructions for Licensure - Nurse Practitioner (rev. 1/98).

Final Regulations

Application for Licensure as a Nurse Practitioner (rev. 1/98).

~~Nurse Practitioner Provisional License.~~

Renewal Notice and Application (rev. 7/97).

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF HEALTH PROFESSIONS
BOARD OF NURSING
6006 WEST BROAD STREET, 4TH FLOOR
RICHMOND, VIRGINIA 23230-1717
(804) 662-9909 - PHONE
(804) 662-9512 - FAX

INSTRUCTIONS FOR LICENSURE - NURSE PRACTITIONER

Virginia law and regulations require that nurse practitioners, certified nurse midwives and certified registered nurse anesthetists must be licensed as nurse practitioners by the Boards of Nursing and Medicine prior to beginning practice in the Commonwealth.

There is no authority in the law or regulations for practice pending licensure in Virginia, except, provisional licensure may be granted pending the results of the first national certifying examination for which the applicant is eligible following receipt of the application for licensure. Verification of professional certification must be sent as soon as it is available.

Application for licensure and a copy of the Regulations Governing the Licensure of Nurse Practitioners are enclosed. The completed application form and required fee is to be returned to the address shown above. The following is required to support the application:

FOR NURSE PRACTITIONERS

1. A transcript from your nurse practitioner program must be sent directly to this office from the school.
2. Request that verification of professional certification by one of the agencies listed in 18 VAC 90-30-90 of the enclosed regulations or evidence that you are scheduled to take the next available certifying examination be sent to the Board of Nursing office from the professional certification organization (copy of card or certificate will not be accepted).

FOR CERTIFIED NURSE MIDWIVES

1. A transcript from your nurse midwifery program must be sent directly to this office from the school.
2. Request that verification of professional certification by the American College of Nurse Midwives or evidence that you are scheduled to take the next available certifying examination be sent to the Board of Nursing office from the ACNM (copy of card or certificate will not be accepted).

FOR CERTIFIED REGISTERED NURSE ANESTHETISTS

1. A transcript from your nurse anesthesia program must be sent directly to this office from the school.
2. Request that verification of professional certification from the Council on Certification of Nurse Anesthetists or evidence that you are scheduled to take the next available certifying examination be sent to the Board of Nursing office from the Council (copy of card or certificate will not be accepted).

*** In accordance with §54.1-16 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.

COMMONWEALTH OF VIRGINIA

Board of Nursing
Department of Health Professions
6006 West Broad Street, 4th Floor
Richmond, Virginia 23230-1717
(804) 662-9909
(804) 662-9512 - FAX

APPLICATION FOR LICENSURE AS A NURSE PRACTITIONER

**1 hereby make application for licensure As a Nurse Practitioner in the category of _____
(See categories in the regulations.)
**The following evidence of my qualifications is submitted with a check or money order in the amount of \$50 made payable to the Treasurer of Virginia. The application fee is non-refundable.

APPLICANT - Please provide the information requested below and on the back of this page. (Print or Type)

Name: Last	Suffix	First	Middle	Maiden
Street Address		Area Code & Telephone Number		
City	State		Zip Code	
Date of Birth (M/D/Y)	Social Security Number or Virginia DMV Control Number	Virginia RN License Number & Expiration Date		
Nurse Practitioner, Nurse Anesthesia, or Nurse Midwife Program Name: _____				
Program Address:		City	State	
Program Completion Date:	Length of Program: _____			
Program Accredited/Approved by: (Accrediting Authority) _____				
Professional Certification held from: (Name of Organization) _____				
I (am) (am not) certified or registered with an equivalent title in another state.				
Title:	State:	Date Certified or Registered: _____ Current [] Lapsed []		
Prospective employer: _____				
Address: _____				
Date you expect to begin employment as a Licensed Nurse Practitioner in Virginia: _____				

Revised 1/98

AFFIDAVIT
(To be completed before a Notary Public)

State of _____ County/City of _____

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

Signature of Applicant _____

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

My commission expires on _____

Signature of Notary Public _____

SEAL

For Office Use Only

Computer File Pending # _____

Practitioner Type Code # _____

Practitioner _____

Date Issued _____

Approved by: _____
Board of Nursing

RENEWAL NOTICE AND APPLICATION

Department of Health Professions
COMMONWEALTH OF VIRGINIA

Telephone: _____
License, certificate or registration number: _____

TYPE OF RENEWAL	CURRENT EXPIRATION DATE	CURRENT AMOUNT DUE	RENEWAL PERIOD FROM _____ TO _____	AMOUNT DUE IF RECEIVED AFTER
		\$ _____		\$ _____

MAKE CHECKS PAYABLE TO THE "TREASURER OF VIRGINIA"
RETURN PAYMENT AND THE COMPLETED BOTTOM PORTION ONLY IN THE ENCLOSED ENVELOPE
KEEP TOP PORTION FOR YOUR RECORDS

DISCLOSURE OF SOCIAL SECURITY OR VIRGINIA DMV CONTROL NUMBER
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.

INSTRUCTIONS

1. Verify Social Security or Virginia DMV Control Number at left.
2. Complete item "A" below if you do not wish to renew.
3. Make any address changes on this application when renewing.
4. Make any rating changes on this application and enclose a copy of your marriage license or court order.
5. Note name and license, certificate or registration number on all enclosures.
6. Return the bottom portion of this application in the enclosed envelope.

A. Check here if you do not wish to renew, and sign below.

Signature _____

THIS BOTTOM PORTION MUST BE RETURNED IN ORDER TO RENEW

Department of Health Professions
Type of renewal: _____
License, certificate or registration number: _____





COMMONWEALTH OF VIRGINIA
DEPARTMENT OF MINES, MINERALS & ENERGY
DIVISION OF MINERAL MINING
P.O. BOX 3727
CHARLOTTESVILLE, VIRGINIA 22903
(804) 961-5000

PERMIT/LICENSE APPLICATION

APPLICATION TYPE:
 NEW MINE
 CHANGE OF OWNERSHIP

FOR OFFICE USE ONLY
PERMIT NO. _____
RECEIPT NO. _____
DATE ISSUED: _____

OWNERSHIP INFORMATION

- 1. Name of Applicant _____
- 2. Office Telephone Number () _____
- 3. Mailing Address _____
 Mine is located _____ miles _____ direction _____ of _____ town _____ County
 on Public Road No. _____

- 4. Type of Organization:
 Sole Proprietorship - Complete questions A,B,C,D,E,F,G,I
 Corporation - Complete questions A,B,C,D,E,F,G,J,K,L,M,N
 Partnership - Complete questions A,B,C,D,E,F,G,H,I
 Other - Complete questions A,B,C,D,E,F,G,H,I,J

Specify: _____

- (A) Name and address of the Mine _____
- (B) MSHA ID number of the Mine _____
- (C) Person with overall responsibility for operating decisions at the mine:
 Name/Title _____
 Address _____
 Phone _____
 Telephone _____

- (D) Person to be contacted in the event of an accident or emergency:
 Name _____
 Address _____
 Telephone _____

- (E) Person with overall responsibility for health and safety at the mine:
 Name _____
 Address _____
 Telephone _____

- (F) Person responsible for business operation of the mine:
 Name _____
 Address _____
 Telephone _____

- (G) Federal Tax ID Number of Applicant _____

- (H) List all individuals having any ownership interest in the organization.
 Name/Title _____ Address _____ Telephone _____

- (I) Trade name, address and telephone number for sole proprietors/partnerships:

- (J) Principal organization officials, corporate officers, directors and members:
 Name/Title _____ Address _____ Telephone _____

- (K) Corporation name, address and telephone number if different than applicant:

- (L) State of Incorporation _____

- (M) Registered Agent:
 Name _____ Address _____ Telephone _____

- (N) If a subsidiary, provide:
 Parent Organization Name: _____
 Address _____
 Telephone _____ State of Incorporation _____

- 5. Name, address and telephone number of person(s) authorized to sign permit/license documents:
 Name _____ Address _____ Telephone _____

- 6. (a) Have any of the above listed persons or companies owned, in whole or in part, by said persons, had a mining permit issued by Virginia or any other state revoked? () Yes () No
 (b) If yes, give a brief statement of action.

- 7. Have any of the persons listed above been convicted of violating any of the following sections: 45.1-161.292;33, 45.1-161.177, 45.1-161.178, and 45.1-161.233 as related to smoking in underground coal mines or tampering with methane detection equipment in underground coal mines? () Yes () No
 If yes, give name of person convicted _____

OPERATIONS INFORMATION

- 8. Latitude _____ Longitude _____
- 9. Mineral to be mined _____ Estimated annual production (in tons) _____
- 10. Type of Mine: () Open Pit () Quarry () Underground () Dredge
 () Dragline () Other (specify) _____

19. List rivers, streams, tributaries or water impoundments on or adjacent to permitted property.
NAME OF WATERWAY PH ADJACENT TO THE MINE TRIBUTARY TO

20. Specify how mine discharge and storm runoff water will be handled to minimize impact on any water courses. (Detail drainage plan attached):

21. Specify any chemicals or hazardous materials which will be used on the mine site and methods to be employed to prevent contamination of land and water resources on or adjoining permitted property.

OPERATION/RECLAMATION PLANS
 22. Specify the materials which will be generated by mining operations and the plans for handling and disposal during operations and reclamation.

TYPE OF MATERIAL	DISPOSAL METHOD
Overburden	
Spoil/Waste Minerals	
Scrap Metal	
Scrap Tires	
Used Oil and Lubricants	
Trash and Debris	
Hazardous Material	
Buildings/Structures	

PLANS: OPERATION/RECLAMATION/DRAINAGE PLAN
 23. Describe in detail the method of mining, procedures for handling drainage, regrading, and vegetation during active mining and upon completion (attach narrative).

CERTIFICATION/SIGNATURE
 I, _____, having been duly sworn do state that all their presentations contained in the foregoing application are true to the best of my knowledge, and that I am (an executive officer), (a general partner), (the sole proprietor), (a legal representative), of the applicant, duly authorized to make this application on its behalf.

On behalf of the applicant, I hereby authorize the Virginia Division of Mineral Mining to conduct such safety/reclamation inspections as it may deem necessary or as may be required by law on this mining operation.

Name _____ Title _____
 subscribed and sworn to, this _____ day of _____, 19____

Notary Public _____
 My commission expires _____

11. List any other mining permits or MSHA Federal Identification Numbers issued to the applicant, members of the organization, or any person having 20% or greater ownership interest in the organization.
 Issuing Authority _____ Permit No./Identification No. _____ Status _____

12. Will explosive storage and blasting be required? () Yes () No

13. Number of employees each shift 1 _____ 2 _____ 3 _____

14. Distance in feet to nearest inhabited building _____

15. Does the applicant have the personnel and facilities to provide safety training to its employees?
 () Yes () No

16. List any person with an ownership or leasehold interest in the surface land or minerals to be mined.
 NAME _____ ADDRESS _____
 Surface _____
 Mineral _____
 Mineral _____

17. Specify source of applicant's legal right to enter and conduct mining operations on land covered by the permit:
 Provide deed book number, page number, parties to the deed or lease, date of execution OR provide a copy of the deed or lease.

18. Please provide the following information for any contractors who will be working on the mine site (attach additional sheets as necessary).

Contractor's Trade Name _____
 Business Address _____
 Business Telephone _____ MSHA Identification Number _____
 Address of Record _____

Service to be Provided _____
 Where at the Mine Will the Work be Provided _____
 Persons with responsibility for operating decisions:

Name _____ Address _____

Persons with responsibility for the health and safety of employees:
 Name _____ Address _____



COMMONWEALTH OF VIRGINIA
DEPARTMENT OF MINES, MINERALS & ENERGY
DIVISION OF MINERAL MINING
P. O. Box 3727
Charlottesville, Virginia 22903
(804) 961-5000

LICENSE RENEWAL APPLICATION

Ownership Information

- Name of Applicant _____ Permit No. _____
- Mailing Address _____
- Office Telephone No. _____
- Attach to this License Renewal Application the following information on any contractors who will be working on the mine site in the next 12 months: Trade name, business address, business telephone number, MSHA identification number, address of record (if different than business address), service to be provided, where at the mine the work will be provided, person(s) with responsibility for operating decisions (name and address) and person(s) with responsibility for health and safety of employees (name and address). During the year any contractors on the mine site but not on the list must be reported individually. Contractors not shown on the attached list will no longer be associated with the mine permit.

PLEASE COMPLETE ANY INFORMATION THAT HAS CHANGED SINCE YOUR ORIGINAL LICENSE APPLICATION OR SINCE YOUR LAST RENEWAL (be sure to complete the certification statement on page 2, sign and date the form)

5. Type of Organization:

- () Sole Proprietorship - Complete questions A,B,C,D,E,F,G,I
- () Corporation - Complete questions A,B,C,D,E,F,G,J,K,L,M,N
- () Partnership - Complete questions A,B,C,D,E,F,G,H,I
- () Other - Complete questions A,B,C,D,E,F,G,H,J

- Specify:
- Mine name, address and telephone number _____
 - MSHA ID number of the mine _____
 - Person with overall responsibility for operating decisions at the mine
Name/Title _____ Telephone # _____
Address _____
 - Person to be contacted in the event of an accident or emergency
Name _____ Telephone # _____
Address _____
 - Person with overall responsibility for health and safety at the mine
Name _____ Telephone # _____
Address _____
 - Person responsible for business operation of the mine
Name _____ Telephone # _____
Address _____
 - Applicant's Federal Tax ID Number _____

- List all individuals having any ownership interest in the organization
Name/Title _____ Telephone # _____
Address _____

- Trade name, address and telephone number for sole proprietors/partnerships

- Principal organization officials, corporate officers, directors and members
Name/Title _____ Telephone # _____
Address _____

- Corporation name, address and telephone number if different than applicant

- State of Incorporation _____
- Registered Agent _____ Telephone # _____
Address _____

- If a subsidiary, provide:
Parent Organization Name _____
Address _____
Telephone No. _____ State of Incorporation _____
- Name, address and telephone number of person(s) authorized to sign Permit/License Documents

- Have any of the above listed persons or companies owned, in whole or in part, by said persons, had a mining permit issued by Virginia or any other state revoked?
() Yes () No
If yes, give a brief statement of action. _____
- Have any of the persons listed above been convicted of violating any of the following sections: 45.1-161.292:33, 45.1-161.177, 45.1-161.178, and 45.1-161.233 as related to smoking in underground coal mines or tampering with methane detection equipment in underground coal mines?
() Yes () No
If yes, give a brief statement of action. _____

- List any other mining permits or MSHA Federal Identification Numbers issued to the applicant, members of the organization, or any person having 20% or greater ownership interest in the organization.
Issuing Authority _____ Permit No./Identification No. _____ Status _____

I, _____ hereby certify that to the best of my knowledge, the information provided in this License Renewal Application is accurate and complete.

Operating Official _____ Date _____

GOVERNOR

EXECUTIVE ORDER NUMBER THIRTY-ONE (98)

CREATING THE GOVERNOR'S COMMISSION ON NATIONAL AND COMMUNITY SERVICE

By virtue of the authority vested in me as Governor under Article V of the *Constitution of Virginia* and under the laws of the Commonwealth, including but not limited to Section 2.1-51.36 of the *Code of Virginia*, and subject always to my continuing and ultimate authority and responsibility to act in such matters, I hereby create the Governor's Commission on National and Community Service.

The Commission is classified as a gubernatorial advisory commission in accordance with Section 2.1-51.35 and Section 9-6.25 of the *Code of Virginia*.

The Commission shall advise the Governor on matters related to promotion and development of all types of citizen service in the Commonwealth of Virginia, the application for federal funding for national service programs, and fostering a sense of civic duty in serving fellow Virginians. The Commission shall have the following specific duties:

1. To advise the Virginia Department of Social Services, Virginia AmeriCorps Office, which provides oversight for national service programs in Virginia, fulfilling the responsibilities and duties prescribed by the federal Corporation for National Service;
2. To advise regarding the development, implementation, and evaluation of Virginia's Unified State Plan which outlines strategies for supporting and expanding voluntary service through the Commonwealth;
3. To advise regarding the adaptation of the AmeriCorps program to meet Virginia's most pressing human, educational, environment, and public safety needs;
4. To serve as an advisory body to the Governor, the Secretary of Health and Human Resources, and to the Commissioner of the Department of Social Services for the purpose of strengthening national and community service in Virginia; and
5. To recognize and call attention to the significant voluntary contributions of Virginia citizens and organizations.

The Commission shall be comprised of 15 to 25 voting members appointed by the Governor and serving at his pleasure. No more than 25 percent of voting members may be state employees. Additional persons may be appointed by the Governor as ex-officio non-voting members. The Chairperson shall be elected by the voting members of the Commission. Commission voting membership shall include representatives for the categories as outlined in federal regulations issued by the Corporation for National Service.

An estimated 25 hours of staff time will be necessary to support the work of the Commission. Such staff support as is necessary for the conduct of the Commission's work

during the term of its existence shall be furnished by the Virginia Department of Social Services, Virginia AmeriCorps Office. Funding necessary to support the Commission's work shall be provided from federal funds, private contributions, and state funds appropriated for the same purposes as the Commission, authorized by Section 2.1-51.37 of the *Code of Virginia*. Direct expenditures for the Commission's work are estimated at \$11,500.

Members of the Commission shall serve without compensation and shall receive reimbursement for expenses incurred in the discharge of their official duties only upon the approval of the Commissioner of the Department of Social Services or his designee.

The Commission shall meet at least quarterly upon the call of the Chairperson. The Commission shall make an annual report to the Governor in December 1998 and shall issue such other reports and recommendations as it deems necessary or as requested by the Governor.

This Executive Order shall be effective upon its signing, and shall remain in full force until September 30, 1999, or unless amended or rescinded by further executive order.

Given under my hand and under the seal of the Commonwealth of Virginia this 25th day of September, 1998.

/s/ James S. Gilmore, III
Governor

VA.R. Doc. No. R99-65; Filed December 3, 1998, 11:14 a.m.

EXECUTIVE ORDER NUMBER THIRTY-TWO (98)

DELEGATION OF AUTHORITY TO THE SECRETARY OF ADMINISTRATION TO DELEGATE CERTAIN AUTHORITIES RELATED TO THE DECENTRALIZATION OF CAPITAL OUTLAY MANAGEMENT

Section 4-5.08 of the 1998 Amendments to the 1998 Appropriation Act (Chapter 1, 1998 Special Session) provides for the continuation of the pilot project to evaluate the potential reduction in the time and cost of developing and managing nongeneral fund capital outlay projects at certain institutions of higher education. This section also provides for the delegation of most of the authorities necessary to ensure the institutions have sufficient flexibility to manage their nongeneral fund capital projects. However, some of the Governor's related authorities are already delegated by separate executive order. In order to ensure that this pilot project on the decentralization of nongeneral fund capital project management provides a meaningful evaluation of the potential for saving time and money, these authorities should be further delegated.

By virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, including but not limited to § 2.1-39.1 of the *Code of Virginia*, and subject always to my continuing and ultimate authority and responsibility to act in such matters, I hereby affirm and delegate the following authorities to the Secretary of Administration and hereby

declare that he shall have the authority to delegate further these authorities to the boards of visitors of the participating institutions of higher education as follows:

- From § 2.1-488.4.B of the *Code of Virginia*, approval of the removal of buildings on state property, with the advice and counsel of the Art and Architectural Review Board, and consistent with the Department of General Services' DEB Directive Number 1, the review of the Department of Historic Resources;
- From § 2.1-504.2 of the *Code of Virginia*, approval of the acquisition of real estate; and
- From § 11-55 of the *Code of Virginia*, approval of construction and architectural and engineering contract change orders.

This Executive Order rescinds Executive Order Number Seventy-one (97), issued by Governor George Allen on January 17, 1997.

This Executive Order shall be effective September 1, 1998, and shall remain in full force and effect until August 31, 2002, unless amended or rescinded by further executive order or by legislation.

Given under my hand and under the Seal of the Commonwealth of Virginia this 25th day of September, 1998.

/s/ James S. Gilmore, III
Governor

VA.R. Doc. No. R99-66; Filed December 3, 1998, 11:14 a.m.

EXECUTIVE ORDER NUMBER THIRTY-THREE (98)

AMENDING THE RESPONSIBILITIES OF THE SECRETARY OF TECHNOLOGY AND MEMBERSHIP IN THE GOVERNOR'S COMMISSION ON INFORMATION TECHNOLOGY

By virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia, and under the laws of the Commonwealth including but not limited to Section 2.1-51.27 and Section 2.1-51.36 of the Code of Virginia, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby amend Executive Order Number Nine (98), *Creating the Office of the Secretary of Technology and Establishing a Blue-Ribbon Commission, the Governor's Commission on Information Technology*, issued on May 21, 1998, as follows:

Part 1: Office of the Secretary of Technology

In addition to other duties and responsibilities as set forth in Executive Order Number Nine (98), it shall be the responsibility of the Secretary of Technology to coordinate the activities of the Center for Innovative Technology (CIT) and the Century Date Change Initiative Project Office.

Part 2: The Governor's Commission on Information Technology

In addition to other duties set forth in Executive Order Number Nine (98), it shall be the duty of the Governor's Commission on Information Technology to advise the Governor on the implementation of a statewide information technology initiative. The initiative shall include critical issues of workforce training and education, business environment, and statewide technology investment strategy.

The Commission shall be composed of no more than 35 members, appointed by the Governor and serving at his pleasure. The Commission shall include a broad representation of business leaders from across the Commonwealth. It shall also include bipartisan representation from the Virginia General Assembly. Membership on the Commission shall consist of the Secretary of Technology, the Secretary of Education, the Secretary of Commerce and Trade, 26 business leaders, and six members of the General Assembly.

Part 3: Supervision of agencies by the Governor's secretaries

The Center for Innovative Technology (CIT), now reporting to the Secretary of Commerce and Trade, and the Century Date Change Initiative Project Office, now assigned to the Secretary of Administration, are hereby reassigned to the Secretary of Technology pursuant to my authority under Section 2.1-51.27 of the *Code of Virginia*.

Part 3 of this Executive Order amends Executive Order Thirty-One (94), *Authority and Responsibility of the Governor's Secretaries and Other Senior Executive Branch Officials*, issued by Governor George Allen on October 25, 1994.

The Governor will introduce legislation to the 1999 session of the General Assembly to codify these actions.

This Executive Order shall be effective upon its signing and shall remain in force and effect until June 30, 2002, unless amended or rescinded by further executive order.

Given under my hand and the seal of the Commonwealth of Virginia this 28th day of September, 1998.

/s/ James S. Gilmore, III
Governor

VA.R. Doc. No. R99-67; Filed December 3, 1998, 11:14 a.m.

THE LEGISLATIVE RECORD

[The Legislative Record is available on-line at <http://dls.state.va.us/legrec98.htm>]

GENERAL NOTICES/ERRATA

DEPARTMENT OF CONSERVATION AND RECREATION

Virginia Water Quality Improvement Fund FY 1999 Nonpoint Source Control Projects - Grant Awards

INTRODUCTION

The purpose of the Virginia Water Quality Improvement Act of 1997 (WQIA) is to restore and improve the quality of state waters and to protect them from impairment and destruction for the benefit of current and future citizens of the Commonwealth (§ 10.1-2118 of the Code of Virginia). Because this is a shared responsibility among state and local governments and individuals, the WQIA also created The Water Quality Improvement (Fund). The purpose of the Fund is to provide Water Quality Improvement Grants to local governments, soil and water conservation districts for point and nonpoint source pollution prevention, reduction and control programs (§ 10.1-2128 B of the Code of Virginia). The Department of Conservation and Recreation has the responsibility to provide technical and financial assistance to local governments, soil and water conservation districts, and individuals for nonpoint source pollution control.

The goal of the nonpoint source component of the WQIA is to achieve better water quality throughout the Commonwealth of Virginia and in the Chesapeake Bay by reducing nonpoint source pollution. Nonpoint source pollution is a significant cause of degradation of state waters and the Chesapeake Bay. Nonpoint source pollution is addressed in the 1998 Appropriations Act and in the Water Quality Improvement Fund Guidelines for FY 1999-2000 in three distinct regions: (i) Shenandoah-Potomac Basin, (ii) Lower Bay Tributaries Area (Rappahannock, York, and James rivers and the eastern and western coastal basins), and (iii) the Southern Rivers Area, including the eastern side of the Eastern Shore. Funds are to be made available in accordance with the guidelines to help stimulate nonpoint source pollution reduction through the Virginia Agricultural Best Management Practices Cost-Share Program and water quality improvement projects within these three regions.

GRANT APPLICATIONS

The Department of Conservation and Recreation is responsible for soliciting applications for grants from interested parties through the distribution of an application package for nonpoint source WQIA funds. A number of state agencies, as specified in the guidelines, participate in the effort to provide the necessary technical expertise and resources to solicit and review grant applications and administer grant agreements. Applications are reviewed by a Grant Review Committee, which is chaired by a staff member from the Department of Conservation and Recreation, and consists of staff representatives from the following agencies:

1. The Department of Conservation and Recreation;
2. The Department of Environmental Quality;
3. The Chesapeake Bay Local Assistance Department;
4. The Virginia Department of Agriculture & Consumer Services;
5. The Virginia Marine Resources Commission;
6. The Virginia Department of Forestry; and
7. The Virginia Department of Health

The Grant Review Committee meets to review, score, prioritize, and select grant applications for funding.

On August 21, 1998, the *FY 1999 Application Package for Water Quality Improvement Fund - Nonpoint Source Control Projects* was released by the Department of Conservation and Recreation. A total of 85 grant applications was received by the submission deadline of October 8. Of the 85 applications received, 11 were considered ineligible in accordance with the guidelines. A total of 74 grant applications requesting \$9,078,790 in funding was objectively scored by the Grant Review Committee utilizing the scoring criteria provided in the application package. All grant applications for each of the three regions were ranked in order of project scores. The committee recommended funding cuts for several of the projects in order not to exceed the funding levels.

The number of grant applications and funds requested for the Southern Rivers Area, Lower Bay Tributaries Area, and Shenandoah-Potomac River Basin was as follows:

Southern Rivers Area

12 grant applications	Funds requested = \$1,321,569
	Funds available = \$500,000

Lower Bay Tributaries Area

27 grant applications	Funds requested = \$4,166,449
	Funds available = \$975,857*

Shenandoah-Potomac River Basin

35 grant applications	Funds requested = \$3,590,772
	Funds available = \$1,850,000

*\$475,857 is interest on the WQIF funds for FY 1998 and the first quarter of FY 1999.

Based on the recommendations provided by the Grant Review Committee and the subsequent review and approval by the Director of the Department of Conservation and Recreation, the Department of Conservation and Recreation intends to sign grant agreements to fund 32 nonpoint source control projects totaling \$3,325,000 (see lists below).

Lower Bay Tributaries Area

Name	Sponsor	Recommended Funding
City of Lynchburg Stormwater, Streambank & Riparian Program	City of Lynchburg	\$ 354,385
Headwaters Riparian Partnership Project	Valley Conservation Council	50,000
Wetland Restoration - Lower Bay Tributaries Watershed Program	Ducks Unlimited, Inc.	86,288
SWCD Plan for the Reduction of Excess Nutrient Runoff	Eastern Shore SWCD	64,996
Innovative Cropping Systems Incentive Program - York River	Colonial SWCD	50,000
Innovative Cropping Systems Incentive Program - James River	Colonial SWCD	50,000
Lower Tributaries Riparian Restoration and Protection Project	Chesapeake Bay Foundation	105,544
Source Reduction of Phosphorus in Litter	Tyson Foods, Inc.	124,487
Urban Nutrient Management and Reduction	VPI & SU	89,300
SUBTOTALS:		\$ 975,000

Shenandoah - Potomac River Basin Area

Name	Sponsor	Recommended Funding
Spout Run Watershed	Clarke County	\$ 56,150
Site-Specific Nutrient Mgmt. Enhancement Program	Rockingham County P & Z	84,586
Potomac River Wetland Restoration	Ducks Unlimited, Inc.	61,640
Nutrient Management Plan Development	Houff's Feed & Fertilizer	133,085
Lower Potomac River Riparian Restoration & Protection	Chesapeake Bay Foundatio	36,433
Reduction of Fecal Coliforms in the Holman's Creek	N. Fork Shen/Holman's Creek	69,368
Nutrition & Herd Management Practices to Reduce Nutrients	VPI & SU	208,142
Urban Nutrient Management & Reduction	VPI & SU	150,000
Reduction of Nonpoint Source Pollution in Accotink Creek	VPI & SU	38,924
Headwaters Riparian Partnership Project	Valley Conservation Council	218,747
Neabsco Creek Water Quality Improvement	Prince Wm. Co. Public Works	60,000
Stormwater Wetlands Incorporation in Reston 913 SW Mgmt.	Fairfax Co. Public Works	51,625
Coan River Watershed Project	Tidewater RC&D	31,300
Urban SWM/BMP Pond & Stream Protection Broad Run	Loudoun Co. Dept. Of Bldg. & Dev.	50,000
Litter Phosphorous Reduction Through the Use of Phytase	Wampler Foods, Inc.	325,000
Non-Discharge Wastewater Treatment System for Catlett	Fauquier Co. Board of Supervisors	150,000
Non-Discharge Wastewater Treatment System for Calverton	Fauquier Co. Board of Supervisors	125,000
SUBTOTALS:		\$ 1,850,000

Southern Rivers Area

Name	Sponsor	Recommended Funding
Guest River Restoration Project	Lonesome Pine SWCD	\$ 104,008
Three Creek Strip Tillage Project	Holston River SWCD	9,755
Blackwater River Riparian NPS Pollution Control Project	Ferrum College	127,256
North Fork Holston River Pastureland & Riparian Protection Project	New River Highlands RC	60,410
Smith Mountain Lake Septic Tank Maintenance	Franklin County Administration	22,000
North Lake Holly Watershed	City of Virginia Beach	176,571
SUBTOTALS:		\$ 500,000

General Notices/Errata

In accordance with conditions set forth in § 10.1-2130 of the Code of Virginia, the Department of Conservation and Recreation will receive public comment on the intent to sign grant agreements for the projects listed above until January 22, 1999. Please forward written comments to Charles Lunsford, WQIA Program Manager, Department of Conservation and Recreation, 203 Governor Street, Richmond, Virginia 23219, telephone (804) 371-8984.

STATE CORPORATION COMMISSION

EDITOR'S NOTE: Appendices A and B which are referenced in the following order are not being published. However, these lists are available for public inspection at the State Corporation Commission, Document Control Center, Tyler Building, 1300 East Main Street, 1st Floor, Richmond, Virginia, from 8:15 a.m. to 5 p.m., Monday through Friday.

COMMONWEALTH OF VIRGINIA
At the relation of the
STATE CORPORATION COMMISSION

CASE NO. PUE980138

Ex Parte: In the matter of
requiring reports and actions
related to independent system
operators, regional power
exchanges and retail access
pilot programs

ORDER REQUIRING FILING OF MEMORANDUM

On March 20, 1998, the State Corporation Commission ("Commission") entered an Order establishing an investigation requiring various parties to perform activities and provide information to assist the Commission in moving forward in the evolving world of electric utility restructuring. Among other things, this Order required Virginia Electric and Power Company ("Virginia Power") and American Electric Power-Virginia ("AEP-VA") each to begin work toward implementing at least one retail access pilot program and study designed to address, at a minimum, the issues and concerns raised on pages 14 through 15 of the Staff's "Draft Working Model for Restructuring the Electric Utility Industry in Virginia," dated November 7, 1997. The Order mandated that Virginia Power and AEP-VA hold workshops with interested stakeholders to solicit input regarding the proper structure and characteristics of such pilot programs and to file the details, objectives and characteristics of the proposed pilot programs on or before August 1, 1998. The Order noted that any necessary public hearings would be scheduled after said date to consider such proposals.

At the request of Virginia Power and AEP-VA, by Commission Order dated July 16, 1998, the time for filing the details, objectives and characteristics of the proposed pilot programs was extended to November 2, 1998, and Virginia Power and AEP-VA filed reports of their proposed pilot programs ("Reports") accordingly. The Reports discuss, among other things, the pilot programs' objectives, customer participation parameters, pricing structures,

geographical scope, consumer and supplier education issues, supplier participation guidelines, metering and billing issues, pilot program cost recovery, and utility tariffs, terms and conditions. Additionally, its Report, Virginia Power states that General Assembly action "is required" on several issues before Virginia Power's pilot program can proceed. See page 6 of Virginia Power's November 2, 1998 Report.

UPON CONSIDERATION WHEREOF, the Commission is of the opinion and finds that Virginia Power's assertion that its proposed pilot program can not proceed without the passage of further legislation by the Virginia General Assembly is an issue that should be considered prior to the implementation of the procedural schedules for the Virginia Power and AEP-VA pilot programs, which schedules currently are being prepared. Accordingly,

IT IS THEREFORE ORDERED THAT:

(1) On or before November 23, 1998, Virginia Power shall file with the Clerk of the Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118, an original and five (5) copies of a memorandum in which it sets forth any and all justification for its assertion that its proposed pilot program cannot proceed without the passage of further legislation by the Virginia General Assembly. A copy of its memorandum simultaneously shall be served on Staff and all other parties.

(2) On or before December 7, 1998, an original and five (5) copies of any response to Virginia Power's memorandum by any other party and Staff shall be filed with the Clerk of the Commission at the address set forth above, and a copy simultaneously shall be served on counsel to Virginia Power, Pamela Johnson, Esquire, P.O. Box 26666, Richmond, Virginia 23261, on Staff and all other parties.

(3) This matter is continued generally.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to: all Virginia Electric Cooperatives and Electric Utilities as set out in Appendix A to this order; the additional service list attached as Appendix B to this Order; James R. Kibler, Jr., Esquire, Mezzullo & McCandlish, P.O. Box 796, Richmond, Virginia 23218; Susan G. George, Esquire, Consolidated Natural Gas Company, 625 Liberty Avenue, Pittsburgh, Pennsylvania 15222; Don W. Lovett, Hanover Technical Sales, Inc., P.O. Box 70, Battery Park, Virginia 22304; Rebecca Poe Henderson, CNG Transmission Corporation, P.O. Box 2450, Clarksburg, West Virginia 26302-2450; Judith W. Jagdmann, Deputy Attorney General, Division of Consumer Counsel, Office of Attorney General, 900 East Main Street, Second Floor, Richmond, Virginia 23219; John A. Pirko, Esquire, LeClair Ryan, 4201 Dominion Boulevard, Glen Allen, Virginia 23060; Joelle Ogg, Esquire, John & Hengerer, 1200 17th Street, N.W., Suite 600, Washington, D.C. 20036; Kris Erickson, Duke Energy Trading, Marketing, 10777 Westchase Center, #650, Houston, Texas 77042; Mr. K.N. Kappatos, Old Dominion Electric Cooperative, P.O. Box 2310, Glen Allen, Virginia 23058-2310; Marleen L. Brooks, Allegheny Power, 10435 Downsville Pike, Hagerstown, Maryland 21740-1766; Barry L. Thomas, Director/Regulation, American Electric & Power,

P.O. Box 2021, Roanoke, Virginia 24022-2121; Louis R. Monacell, Esquire, Christian & Barton, 909 East Main Street, Suite 1200, Richmond, Virginia 23219-3095; Carter Glass, Esquire, Mays & Valentine, P.O. Box 1122, Richmond, Virginia 23218-1122; Pamela Johnson, Esquire, Virginia Electric and Power Company, P.O. Box 26666, Richmond, Virginia 23261; JoAnne L. Nolte, Esquire, Durette, Irvin & Bradshaw, P.C., Twentieth Floor, Main Street Centre, 600 East Main Street, Richmond, Virginia 23219; John Canfield, Esquire, and John H. Bucy, II, Bucy/Canfield, 106 East 6th Street, Suite 900, Austin, Texas 78701-3638; Mary E. Tighe, V.P., Eastern Power Distribution, 2800 Eisenhower Avenue, Alexandria, Virginia 22314; Frann G. Francis, Esquire, AOBA of Metro Washington, 1050 17th Street, N.W., Suite 300, Washington, D.C. 20036; Gary L. Groner, Director, Energy Supply/Policy, AlliedSignal, Inc., 101 Columbia Road, P.O. Box 2006, Morristown, New Jersey 07962-2006; Guy T. Tripp, III, Esquire, Hunton & Williams, Riverfront Plaza, East Tower, 951 East Byrd Street, Richmond, Virginia 23219-4074; Mr. Mike A. Draper, C.F. Sauer Company, 2000 West Broad Street, Richmond, Virginia 23220-5786; Edward L. Petrini, Esquire, Christian & Barton, 909 East Main Street, Suite 1200, Richmond, Virginia 23219-3095; R. Peter Lalor, Commonwealth Power Corporation, 3 Koger Center, Suite 213, Norfolk, Virginia 23502; William S. Bilenky, Esquire, 8133 Forest Hill Avenue, Suite 101, Richmond, Virginia 23235; Kenneth G. Hurwitz, Venable, Baetjer, Howard & Civiletti, LLP, 1201 New York Avenue, N.W., Washington, D.C. 20005-3917; Jean Ann Fox, Vice President, Virginia Citizens Consumer Council, 114 Coachman Drive, Yorktown, Virginia 23693; Donald A. Fickenscher, Vice President, General Counsel and Corporate Secretary, Virginia Natural Gas, Inc., 5100 East Virginia Beach Boulevard, Norfolk, Virginia 23502-3488; Jeffrey M. Gleason, Esquire, Southern Environmental Law Center, 201 West Main Street, Suite 14, Charlottesville, Virginia 22902; Marc C. Hebert, Esquire, Enron Capital & Trade Resource, 2000 K Street, N.W., Suite 500, Washington, D.C. 20006-1872; Kerri L. Boyer, Esquire, Multitrade of Pittsylvania, 5301 Wisconsin Avenue, N.W., Washington, D.C. 20015; Dennis R. Bates, Esquire, Senior Assistant County Attorney, Fairfax County, 12000 Government Center Parkway, Suite 549, Fairfax, Virginia 22035-0064; Jon L. Praed, Esquire, Latham & Watkins, 1001 Pennsylvania Avenue, N.W., Washington, D.C. 20004; Robert L. Daileader, Jr., Esquire, Ogden Martin Systems of Alexandria, One Thomas Circle, Suite 700, Washington, D.C. 20005-5802; Johnson Kanady, III, Esquire, VMH, Inc., 100 Shockoe Slip, Richmond, Virginia 23219-4140; Frederick H. Ritts, Esquire, Philip Morris USA, 1025 Thomas Jefferson Street, Washington, D.C. 20007; Donald R. Hayes, Senior Attorney, Washington Gas Light Company, 1100 H Street, N.W., Washington, D.C. 20080; Kenworth E. Lion, Jr., Esquire, Lion Law Offices, 6501 Mechanicsville Turnpike, Suite 105, Mechanicsville, Virginia 23111; Michael Quinan, Esquire, and Anthony Gambardella, Esquire, Woods, Rogers & Hazlegrove, P.L.C., 823 East Main Street, Suite 1200, Richmond, Virginia 23219; David Boies, Esquire, Doswell Limited Partnership, 5301 Wisconsin Avenue, N.W., Washington, D.C. 20015; Archibald Wallace, III, Sands,

Anderson, Marks & Miller, P.O. Box 1998, Richmond, Virginia 23218-1998; Evans B. Brasfield, Esquire, Hunton & Williams, Riverfront Plaza, East Tower, 951 East Byrd Street, Richmond, Virginia 23219-4074; William G. Thomas, Esquire, 510 King Street, Suite 200, Alexandria, Virginia 22314; Michael L. Sarahan, Office of City Attorney, 900 East Broad Street, Suite 300, Richmond, Virginia 23219; Lisa Yoho, Enron Corporation, 1775 I Street, N.W., Suite 800, Washington, D.C. 20006; Mary A. Hamm, Northern Virginia Electric Cooperative, 10323 Lomond Drive, Manassas, Virginia 20109; James C. Roberts, Esquire, Mays & Valentine, P.O. Box 1122, Richmond, Virginia 23218-1122; and to the Commission's Division of Energy Regulation.

Bureau of Insurance

November 25, 1998

ADMINISTRATIVE LETTER 1998-16

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: Medicare HMOs and Medicare Supplement Coverages

This letter serves to notify Medicare HMO and Medicare Supplement carriers currently operating or marketing in Virginia that the Bureau of Insurance (the "Bureau") will implement any and all procedures necessary to ensure that Virginia consumers are properly protected during this transitional period under which a number of Medicare HMOs are exiting the Virginia market. Consumer complaints and inquiries, company notifications and advertisements, and company underwriting and issue procedures will be monitored carefully to ensure that affected consumers have been notified of their options in a timely manner, and that Medicare Supplement carriers are issuing Medicare Supplement Plans A, B, C or F on a guaranteed basis in accordance with applicable provisions of the Balanced Budget Act of 1997 (BBA). The Bureau will promptly report allegations of noncompliance with federal requirements to the Health Care Financing Administration (HCFA). Violations of Virginia laws or regulations will be addressed by my staff expeditiously.

Questions relating to the above may be directed IN WRITING to:

Althelia P. Battle
Senior Insurance Market Examiner
Forms and Rates Section
Life and Health Division
Bureau of Insurance
P.O. Box 1157
Richmond, VA 23218

General Notices/Errata

/s/ Alfred W. Gross
Commissioner of Insurance

DEPARTMENT OF SOCIAL SERVICES

Periodic Review of Regulations

Pursuant to Executive Order Number Twenty-five (98), the Department of Social Services is currently reviewing 22 VAC 40-720-10 et seq., *Child Protective Services Release of Information to Family Advocacy Representatives of the United States Armed Forces*, to determine if it should be terminated, amended, or retained in its current form. The review will be guided by the principles listed in Executive Order Number Twenty-five (98) and in the department's Plan for Review of Existing Agency Regulations.

The department seeks public comment regarding the regulation's interference in private enterprise and life, essential need of the regulation, less burdensome and intrusive alternatives to the regulation, specific and measurable goals that the regulation is intended to achieve, and whether the regulation is clearly written and easily understandable.

Written comments may be submitted until January 10, 1999, to Jesslyn Cobb, Program Consultant, Child Protective Services Unit, telephone (804) 692-1255; by mail to 730 East Broad Street, Richmond, Virginia 23219-1849; by facsimile to (804) 692-2215; or by e-mail to jxc3@dss.state.va.us.

Pursuant to Executive Order Number Twenty-five (98), the Department of Social Services is currently reviewing 22 VAC 40-900-10 et seq., *Community Service Block Grant Guidelines*, to determine if it should be terminated, amended, or retained in its current form. The review will be guided by the principles listed in Executive Order Number Twenty-five (98) and in the department's Plan for Review of Existing Agency Regulations.

The department seeks public comment regarding the regulation's interference in private enterprise and life, essential need of the regulation, less burdensome and intrusive alternatives to the regulation, specific and measurable goals that the regulation is intended to achieve, and whether the regulation is clearly written and easily understandable.

Written comments may be submitted until January 10, 1999, to Phyl Parrish, Human Services Program Consultant, Office of Community Services, telephone (804) 692-1895; by mail to 730 East Broad Street, Richmond, Virginia 23219-1849; by facsimile to (804) 692-1869; or by e-mail to psp2@dss.state.va.us.

STATE WATER CONTROL BOARD

Proposed Consent Special Order County of Alleghany, City of Clifton Forge, and Town of Iron Gate City of Bedford (AMENDMENT)

The State Water Control Board and the Department of Environmental Quality propose to issue consent special orders as follows:

1. County of Alleghany, City of Clifton Forge (VA0022772), and Town of Iron Gate, involving the Jackson River in the Upper James River Basin, an order requiring upgrade of existing STP, connectors, and pump stations within three years, and completion of new county STP and piping revisions within six years; and completion of I&I reduction by stages, to be finished within eight years. Decreasing numbers and volumes of overflows are expected each year, and the project is designed to virtually eliminate overflows by year eight. Supersedes Alleghany County's 1991 consent order and Clifton Forge's consent decree.
2. City of Bedford Sewage Treatment Plant (VA0022390), an amendment extending construction completion and FEL compliance dates for ammonia and whole effluent toxicity (WET) by five months to accommodate contracting delays in the spring of 1998.

On behalf of the State Water Control Board, the Department of Environmental Quality will receive written comments relating to the proposed action until January 20, 1999. Comments should be addressed to James F. Smith, West Central Regional Office, Department of Environmental Quality, 3019 Peters Creek Road, NW, Roanoke, VA 24019, or FAX (540) 562-6725, and should refer to the specific order being addressed. The proposed orders may be examined at the Department of Environmental Quality, West Central Regional Office, 3019 Peters Creek Road, NW, Roanoke, VA. Copies of the orders may be obtained in person or by mail.

Proposed Consent Special Order King George County Service Authority Dahlgren District Wastewater Treatment Plant

The State Water Control Board (board) proposes to issue a Consent Special Order (order) to King George County Service Authority (permittee) regarding the Dahlgren District Wastewater Treatment Plant (WWTP) located in King George County, Virginia.

The WWTP is subject to VPDES Permit No. VA0026514. The order provides, among other things, that the permittee submit a revised plan and schedule for the WWTP upgrade and a plan and schedule to meet ammonia and phosphorus effluent limits. The permittee has agreed to the issuance of the order.

On behalf of the board, the Department of Environmental Quality's Northern Virginia Regional Office will accept written

comments relating to the order through January 20, 1999. Please address comments to Vanessa Dao, Northern Virginia Regional Office, Department of Environmental Quality, 13901 Crown Court, Woodbridge, Virginia, 22193. Please write or visit the Woodbridge address or call (703) 583-3863 to examine or obtain a copy of the order.

**Proposed Amended Consent Special Order
County of Spotsylvania
Massaponax Wastewater Treatment Plant**

The State Water Control Board (board) proposes to issue an amended consent special order (order) to the County of Spotsylvania (permittee) regarding the Massaponax Wastewater Treatment Plant (WWTP) located in Spotsylvania County, Virginia.

The Massaponax WWTP is subject to VPDES Permit No. VA0025658. The amended order requires, among other things, that the permittee submit revised plans and specifications for the upgrade and expansion of the WWTP and complete the upgrade and expansion and comply with the WWTP's permit limits in accordance with the amendment's schedule. The order provides for interim effluent permit limitations until the project is complete.

On behalf of the board, the Department of Environmental Quality's Northern Virginia Regional Office will receive written comments relating to the order through January 20, 1999. Please address comments to Elizabeth Anne Crosier, Northern Virginia Regional Office, Department of Environmental Quality, 13901 Crown Court, Woodbridge, Virginia, 22193. Please write or visit the Woodbridge address or call (703) 583-3886 in order to examine or to obtain a copy of the order.

**Proposed Consent Special Order
Westmoreland County School Board
Washington Elementary School**

The State Water Control Board proposes to issue a consent special order to the Westmoreland County School Board, Washington Elementary School, to address inconsistency with meeting permit effluent limits at its wastewater treatment plant. The proposed order incorporates the approved corrective action plan and schedule submitted by Washington Elementary School. The corrective action plan identifies measures which the school will implement in order to achieve full and consistent compliance with their VPDES permit.

On behalf of the State Water Control Board, the Department of Environmental Quality will receive written comments relating to the proposed consent special order until January 20, 1999. Comments should be addressed to Christine Ryan, Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia 23060. A copy of the order may be obtained in person or by mail from the above office.

VIRGINIA CODE COMMISSION

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 for Publication in *The Virginia Register of Regulations*

All agencies are required to use the appropriate forms when furnishing material 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/register/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

 Teletype (TTY)/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/TTY , 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

January 19, 1999 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Conference Room 5W, Richmond,
Virginia. 

The board will conduct routine business. A public comment period will be held at the beginning of the meeting.

Contact: David E. Dick, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8505, FAX (804) 367-2475 or (804) 367-9753/TTY 

STATE AIR POLLUTION CONTROL BOARD

January 7, 1999 - 10 a.m. -- Open Meeting
State Capitol, Capitol Square, House Room 4, Richmond,
Virginia.

A regular meeting of the board.

Contact: Cindy M. Berndt, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4378.

* * * * *

January 20, 1999 - 9 a.m. – Public Hearing
Department of Environmental Quality, 629 East Main Street,
Training Room, First Floor, Richmond, Virginia.

February 5, 1999 – Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Air Pollution

Control Board intends to amend regulations entitled: **Regulations for the Control and Abatement of Air Pollution (G-97): 9 VAC 5-40-10 et seq. Existing Stationary Sources; 9 VAC 5-50-10 et seq., New and Modified Stationary Sources; and 9 VAC 5-60-10 et seq., Hazardous Air Pollutant Sources.** The regulation amendments concern provisions covering hazardous pollutants and are summarized below:

With certain exemptions, stationary sources which emit hazardous pollutants and which fall into specified applicability limits shall comply with the specified standard and shall employ a control strategy to achieve that standard. Unlike most other regulations, these contain no definitive emission limits in the emission standards themselves. These regulations do, however, provide significant ambient air concentration guidelines as a mechanism for the board to require the owner, on a case-by-case basis, to reduce emissions after analysis and review by the agency. Subject sources shall also observe the provisions governing the submittal of information, the determination of ambient air concentrations, the compliance options and schedules, and the public participation procedures.

Request for Comments: The purpose of this notice is to provide the public with the opportunity to comment on the proposed regulation and the costs and benefits of the proposal.

Localities Affected: There is no locality which will bear any identified disproportionate material air quality impact due to the proposed regulation which would not be experienced by other localities.

Location of Proposal: The proposal, an analysis conducted by the department (including a statement of purpose, a statement of estimated impact and benefits of the proposed regulation, an explanation of need for the proposed regulation, an estimate of the impact of the proposed regulation upon small businesses, identification of and comparison with federal requirements, and a discussion of alternative approaches) and any other supporting documents may be examined by the public at the department's Office of

Program Development (eighth floor), 629 East Main Street, Richmond, Virginia, and the department's regional offices (listed below) between 8:30 a.m. and 4:30 p.m. of each business day until the close of the public comment period.

Southwest Regional Office
Department of Environmental Quality
355 Deadmore Street
Abingdon, Virginia
Ph: (540) 676-4800

West Central Regional Office
Department of Environmental Quality
3019 Peters Creek Road
Roanoke, Virginia
Ph: (540) 562-6700

Lynchburg Satellite Office
Department of Environmental Quality
7705 Timberlake Road
Lynchburg, Virginia
Ph: (804) 582-5120

Valley Regional Office
Department of Environmental Quality
4411 Early Road
Harrisonburg, Virginia 22801
Ph: (540) 574-7800

Fredericksburg Satellite Office
Department of Environmental Quality
300 Central Road, Suite B
Fredericksburg, Virginia
Ph: (540) 899-4600

Northern Regional Office
Department of Environmental Quality
13901 Crown Court
Woodbridge, Virginia
Ph: (703) 583-3800

Piedmont Regional Office
Department of Environmental Quality
4949-A Cox Road
Glen Allen, Virginia
Ph: (804) 527-5020

Tidewater Regional Office
Department of Environmental Quality
5636 Southern Boulevard
Virginia Beach, Virginia
Ph: (757) 518-2000

Statutory Authority: § 10.1-1308 of the Code of Virginia.

Public comments may be submitted until 4:30 p.m., February 5, 1999, to the Director, Office of Program Development, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240.

Contact: Kathleen R. Sands, Policy Analyst, Office of Program Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4413 or FAX (804) 698-4510.

* * * * *

January 20, 1999 - 9 a.m. -- Public Hearing
Department of Environmental Quality, 629 East Main Street, Training Room, First Floor, Richmond, Virginia.

February 5, 1999 -- Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Air Pollution Control Board intends to amend regulations entitled: **Regulations for the Control and Abatement of Air Pollution (J-97): 9 VAC 5-80-10 et seq., Permits for Stationary Sources.** The regulation concerns new source review for sources of hazardous air pollutants (HAPs). The regulation applies to the construction or reconstruction of a major source of HAPs. Electric utility steam generating units and research and development activities are specifically exempt.

The regulation encompasses permitting for all potential major sources of HAPs in addition to those affected by § 112(g) of the federal Clean Air Act. Thus, a major source for this rule may be a § 112(g) source, a § 112(i) source, or a 40 CFR Part 61 source.

The regulation addresses the following subjects: applicability; general requirements; permit application requirements; application information required; action on permit applications; public participation; standards and conditions for granting permits; application review and analysis; compliance determination and verification by performance testing; permit invalidation, rescission, revocation and enforcement; existence of permit no defense; compliance with local zoning requirements; transfer of and changes to permits; administrative and minor permit amendments; significant amendment procedures; reopening for cause; requirements for constructed or reconstructed major sources subject to a subsequently promulgated MACT standard or MACT requirements

Request for Comments: The purpose of this notice is to provide the public with the opportunity to comment on the proposed regulation and the costs and benefits of the proposal.

Localities Affected: There is no locality which will bear any identified disproportionate material air quality impact due to the proposed regulation which would not be experienced by other localities.

Location of Proposal: The proposal, an analysis conducted by the department (including a statement of purpose, a statement of estimated impact and benefits of the proposed regulation, an explanation of need for the proposed regulation, an estimate of the impact of the proposed regulation upon small businesses, identification of and comparison with federal requirements, and a discussion of alternative approaches) and any other supporting documents may be examined by the public at the department's Office of Program Development (eighth floor), 629 East Main Street, Richmond, Virginia, and the department's regional offices

Calendar of Events

(listed below) between 8:30 a.m. and 4:30 p.m. of each business day until the close of the public comment period.

Southwest Regional Office
Department of Environmental Quality
355 Deadmore Street
Abingdon, Virginia
Ph: (540) 676-4800

West Central Regional Office
Department of Environmental Quality
3019 Peters Creek Road
Roanoke, Virginia
Ph: (540) 562-6700

Lynchburg Satellite Office
Department of Environmental Quality
7705 Timberlake Road
Lynchburg, Virginia
Ph: (804) 582-5120

Valley Regional Office
Department of Environmental Quality
4411 Early Road
Harrisonburg, Virginia 22801
Ph: (540) 574-7800

Fredericksburg Satellite Office
Department of Environmental Quality
300 Central Road, Suite B
Fredericksburg, Virginia
Ph: (540) 899-4600

Northern Regional Office
Department of Environmental Quality
13901 Crown Court
Woodbridge, Virginia
Ph: (703) 583-3800

Piedmont Regional Office
Department of Environmental Quality
4949-A Cox Road
Glen Allen, Virginia
Ph: (804) 527-5020

Tidewater Regional Office
Department of Environmental Quality
5636 Southern Boulevard
Virginia Beach, Virginia
Ph: (757) 518-2000

Statutory Authority: § 10.1-1308 of the Code of Virginia.

Public comments may be submitted until 4:30 p.m., February 5, 1999, to the Director, Office of Program Development, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240.

Contact: Kathleen R. Sands, Policy Analyst, Office of Program Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4413 or FAX (804) 698-4510.

ALCOHOLIC BEVERAGE CONTROL BOARD

December 28, 1998 - 9:30 a.m. -- Open Meeting
Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, Virginia. 

A meeting to receive and discuss reports and activities of staff members.

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 ASBESTOS AND LEAD

February 23, 1999 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 5W, Richmond, Virginia. 

A meeting to conduct routine business. Public comment will be received at the beginning of the meeting.

Contact: David E. Dick, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-2176, FAX (804) 367-2475 or (804) 367-9753/TTY 

BOARD FOR BARBERS

January 11, 1999 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Conference Room 4 West, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to discuss regulatory review and other matters requiring board action, including disciplinary cases.

Contact: Nancy Taylor Feldman, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-2474 or (804) 367-9753/TTY 

STATE BOARD FOR COMMUNITY COLLEGES

† **January 20, 1999 - 2:30 p.m.** -- Open Meeting
Virginia Community College System, James Monroe Building, 101 North 14th Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

The following committees will meet at 2:30 p.m. on the 15th and 16th floors via telephonic conference call:
Academic and Student Affairs Committee
Audit Committee
Budget and Finance Committee

The following committees will meet at 3:30 p.m. on the 16th floor via telephonic conference call:

Facilities Committee
Personnel Committee

Contact: Dr. Joy S. Graham, Assistant Chancellor, Public Affairs, State Board for Community Colleges, James Monroe Bldg., 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 225-2126, FAX (804) 371-0085, or (804) 371-8504/TTY ☎

† **January 21, 1999 - 9 a.m.** -- Open Meeting
Virginia Community College System, James Monroe Building, 101 North 14th Street, 16th Floor, Commonwealth Classroom, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

Central Virginia Community College, 3506 Wards Road, Lynchburg, Virginia. ♿ (Interpreter for the deaf provided upon request)

Northern Virginia Community College, 6901 Sudley Road, Manassas, Virginia. ♿ (Interpreter for the deaf provided upon request)

Southside Virginia Community College, 109 Campus Drive, Alberta, Virginia. ♿ (Interpreter for the deaf provided upon request)

Virginia Highlands Community College, Route 372 off Rt. 140, Abingdon, Virginia. ♿ (Interpreter for the deaf provided upon request)

Thomas Nelson Community College, 99 Thomas Nelson Drive, Hampton, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting via compressed video network.

Contact: Dr. Joy S. Graham, Assistant Chancellor, Public Affairs, State Board for Community Colleges, James Monroe Bldg., 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 225-2126, FAX (804) 371-0085, or (804) 371-8504/TTY ☎

COMPENSATION BOARD

NOTE: CHANGE IN MEETING DATE

† **December 22, 1998 - 11 a.m.** -- Open Meeting

† **January 12, 1999 - 2 p.m.** -- Open Meeting

202 North 9th Street, Ninth Street Office Building, 10th Floor, Richmond, VA. ♿ (Interpreter for the deaf provided upon request)

Monthly board meeting.

Contact: Cindy P. Waddell, Administrative Assistant, Compensation Board, 202 N. 9th St., Ninth Street Office Bldg., Richmond, VA 23219, telephone (804) 786-0786, FAX (804) 371-0235 or (804) 786-0786/TTY ☎

DEPARTMENT OF CONSERVATION AND RECREATION

Falls of the James Scenic River Advisory Board

† **January 7, 1999 - Noon** -- Open Meeting

† **February 4, 1999 - Noon** -- Open Meeting

City Hall, 900 East Broad Street, Planning Commission Conference Room, 5th Floor, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to discuss river issues. A public comment period will follow the business meeting.

Contact: Richard G. Gibbons, Environmental Program Manager, Department of Conservation and Recreation, Division of Planning and Recreation Resources, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-4132, FAX (804) 371-7899 or (804) 786-2121/TTY ☎

VIRGINIA ECONOMIC DEVELOPMENT PARTNERSHIP

Virginia Tourism Corporation

† **January 5, 1999 - 11 a.m.** -- Open Meeting

Virginia Economic Development Partnership, 901 East Byrd Street, Riverfront Plaza, West Tower, 19th Floor, Board Room, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting of the Board of Directors to discuss strategic planning and budgets related to the Virginia Tourism Corporation. The agenda is available upon request. Public comment will be taken at the beginning of the meeting.

Contact: Judy H. Bulls, Assistant to the President and CEO, Virginia Tourism Corporation, 901 East Byrd St., Richmond, VA 23219, telephone (804) 371-8174, FAX (804) 786-1919 or (804) 371-0327/TTY ☎

† **January 6, 1999 - 10 a.m.** -- Open Meeting

Virginia Economic Development Partnership, 901 East Byrd Street, Riverfront Plaza, West Tower, 19th Floor, Board Room, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting of the Motion Picture Development Committee of the Virginia Tourism Corporation Board to discuss and finalize the production incentive plan. The agenda is available upon request. Public comment will be taken at the beginning of the meeting.

Contact: Judy H. Bulls, Assistant to the President and CEO, Virginia Tourism Corporation, 901 East Byrd St., Richmond, VA 23219, telephone (804) 371-8174, FAX (804) 786-1919 or (804) 371-0327/TTY ☎

Calendar of Events

BOARD OF EDUCATION

† **January 7, 1999 - 8 a.m.** -- Open Meeting
Department of Education, James Monroe Building, 101 North 14th Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

The Board of Education and the Board of Vocational Education will hold a regularly scheduled meeting. The agenda is available upon request.

Contact: Dr. James E. Laws, Jr., Executive Assistant, Department of Education, Monroe Bldg., 101 N. 14th St., P.O. Box 2120, Richmond, VA 23218-2120, telephone (804) 225-2540, FAX (804) 225-2524 or toll-free 1-800-292-3820.

LOCAL EMERGENCY PLANNING COMMITTEE - CHESTERFIELD COUNTY

January 7, 1999 - 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.

DEPARTMENT OF ENVIRONMENTAL QUALITY

January 5, 1999 - 10 a.m. -- Open Meeting
Department of Environmental Quality, 629 East Main Street, 5th Floor, Conference Room, Richmond, Virginia. 

The department is establishing an ad hoc advisory group to assist DEQ staff in considering whether to propose amendments to the water quality standards to address four Environmental Protection Agency (EPA) issues of concern which were unresolved during the 1997 triennial review of the regulation: application of EPA dissolved conversion factors to numerical criteria for metals, provision of specific protection to endangered and threatened species in mixing zones, updates to the listing of endangered species, and application of the antidegradation policy to all state activities (including nonpoint source activities). Other meetings of the advisory group have been scheduled at the same location and meeting time on January 11, January 20, February 3, and February 9 and 10, 1999; however, these dates are not firm and are subject to change if weather conditions prevent travel on these dates. Persons interested in attending the meetings of this committee should confirm the dates with Jean W. Gregory.

Contact: Jean W. Gregory, Environmental Program Manager, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240-0009, telephone (804) 698-4113, FAX (804) 698-4522 or toll-free 1-800-592-5482.

VIRGINIA FIRE SERVICES BOARD

† **January 14, 1999 - 7 p.m.** -- Public Hearing
Salem Civic Center, 1001 Roanoke Boulevard, Parlor A, Salem, Virginia.

† **February 11, 1999 - 7:30 p.m.** -- Public Hearing
Virginia Air National Guard Base, Sandston, Virginia.

† **February 25, 1999 - 7:30 p.m.** -- Public Hearing
Doubletree Hotel, 1900 Pavilion Drive, Virginia Beach, Virginia.

A public hearing to discuss fire training and policies. The hearing is open to the public for comments and input. Comments will be heard at the beginning of the meeting.

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 FUNERAL DIRECTORS AND EMBALMERS

January 7, 1999 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. 

A general board meeting. Public comment will be received during the first 15 minutes of the meeting.

Contact: Cheri Emma-Leigh, Administrative Staff Assistant, Board of Funeral Directors and Embalmers, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9907, FAX (804) 662-9523 or (804) 662-7197/TTY 

† **January 25, 1999 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia. 

A meeting of the Special Conference Committee to hold informal hearings. Public comment will not be received.

Contact: Cheri Emma-Leigh, Administrative Staff Assistant, Board of Funeral Directors and Embalmers, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9907, FAX (804) 662-9523 or (804) 662-7197/TTY 

DEPARTMENT OF GENERAL SERVICES

Design-Build/Construction Management Review Board

December 21, 1998 - 11 a.m. -- Open Meeting

January 18, 1999 - 11 a.m. -- Open Meeting
The Library of Virginia, 800 East Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the board to review requests submitted by localities for the use of the design-build or construction management type of contract. Public comments will be

taken. The chairman may cancel the meeting if there is no business for the board's consideration. Please contact Sandra H. Williams at the Division of Engineering and Buildings to confirm meeting date and time.

Contact: Sandra H. Williams, Administrative Assistant, Department of General Services, Division of Engineering and Buildings, 805 E. Broad St., Room 101, Richmond, VA 23219, telephone (804) 786-3263, FAX (804) 371-7934 or (804) 786-6152/TTY ☎

DEPARTMENT OF HEALTH

January 22, 1999 - 10 a.m. -- Public Hearing
Department of Health, 1500 East Main Street, Main Street Station, Room 223, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A public hearing to review and receive comments on the Department of Health's 1999 Comprehensive Plan for HIV Care Grant moneys under Title II of the Ryan White Comprehensive AIDS Resource Emergency Act of 1990 (as amended in 1996). See the General Notices section of this issue of the Register for details.

Contact: Kathryn A. Hafford, R.N., MS, Assistant Director, Health Care Services, Department of Health, P.O. Box 2448, Room 112, Richmond, VA 23219, telephone (804) 225-4845, FAX (804) 225-3517 or toll-free 1-800-533-4148.

DEPARTMENT OF HEALTH PROFESSIONS

January 6, 1999 - 10 a.m. -- Public Hearing
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia.

January 22, 1999 -- 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 Health Professions intends to consider amending regulations entitled: **18 VAC 75-20-10 et seq. Regulations Governing Practitioner Self-Referral.** The purpose of the proposed amendments is to simplify the process for administration of the Practitioner Self-Referral Act (§ 54.1-2410 et seq. of the Code of Virginia) and to eliminate a standing committee of the board to consider applications for advisory opinions or exceptions to the Act.

Statutory Authority: § 54.1-2412 of the Code of Virginia.

Contact: Robert A. Nebiker, Executive Director, Board of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9910 or FAX (804) 662-9943.

BOARD FOR HEARING AID SPECIALISTS

† **January 26, 1999 - 8:30 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Conference Room 4 West, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to discuss regulatory review and other matter requiring board action, including disciplinary cases.

Contact: Nancy Taylor Feldman, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-2474 or (804) 367-9753/TTY ☎

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

† **January 19, 1999 - 8:30 a.m.** -- Open Meeting
State Council of Higher Education for Virginia, James Monroe Building, 101 North 14th Street, 9th Floor, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

† **February 16, 1999 - 8:30 a.m.** -- Open Meeting
Martha Washington College, Fredericksburg, Virginia. ♿ (Interpreter for the deaf provided upon request)

Committee meetings followed by the council meeting at 1 p.m.

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.

HOPEWELL INDUSTRIAL SAFETY COUNCIL

† **January 5, 1999 - 9 a.m.** -- Open Meeting
† **February 2, 1999 - 9 a.m.** -- Open Meeting
Hopewell Community Center, 100 West City Point Road, Hopewell, Virginia. ♿ (Interpreter for the deaf provided upon request)

Local Emergency Preparedness Committee meeting on emergency preparedness as required by SARA Title III.

Contact: Robert Brown, Emergency Services Coordinator, 300 N. Main St., Hopewell, VA 23860, telephone (804) 541-2298.

STATEWIDE INDEPENDENT LIVING COUNCIL

† **January 13, 1999 - 10 a.m.** -- Open Meeting
Department for the Visually Handicapped, 395 Azalea Avenue, Library and Resource Center, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A quarterly meeting.

Calendar of Events

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/Voice/TTY ☎, or e-mail jarothrock@aol.com.

VIRGINIA ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

† **January 12, 1999 - 9:30 a.m.** -- Open Meeting
The Library of Virginia, 800 East Broad Street, Meeting Room C, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to conduct regular business, including consideration of recommendations from the State Song Subcommittee and the Visual Quality Committee, and to decide on any legislative initiatives for 1999 that the commission may undertake.

Contact: Adele MacLean, Secretary, Virginia Advisory Commission on Intergovernmental Relations, 805 E. Broad St., Room 702, Richmond, VA 23219, telephone (804) 786-6508, FAX (804) 371-7999 or (804) 786-1860/TTY ☎

COMMISSION ON LOCAL GOVERNMENT

† **January 11, 1999 - 10 a.m.** -- Open Meeting
Commission on Local Government, Eighth Street Office Building, 805 East Broad Street, Room 702, Richmond, Virginia. ♿

A regular meeting of the commission.

Contact: Barbara Bingham, Administrative Assistant, Commission on Local Government, Eighth Street Office Bldg., 805 E. Broad St., Room 702, Richmond, VA 23219-1924, telephone (804) 786-6508, FAX (804) 371-7999 or (804) 786-1860/TTY ☎

MARINE RESOURCES COMMISSION

December 21, 1998 - 9:30 a.m. -- Open Meeting
† **January 26, 1999 - 9:30 a.m.** -- Open Meeting
† **February 23, 1999 - 9:30 a.m.** -- Open Meeting
† **March 23, 1999 - 9:30 a.m.** -- Open Meeting
Marine Resources Commission, 2600 Washington Avenue, Room 403, Newport News, Virginia. ♿ (Interpreter for the deaf provided upon request)

The commission will hear and decide the following marine environmental matters at 9:30 a.m.: permit applications for projects in wetlands, bottom lands, coastal primary sand dunes and beaches; appeals of local wetland board decisions; and policy and regulatory issues. The commission will hear and decide the following fishery management items at approximately noon: regulatory proposals and fishery management plans; fishery conservation issues; licensing; and shellfish leasing. Amendments to 4 VAC 20-720-10 et seq., Pertaining to Restrictions on Oyster Harvest, will

be considered at the December 21 meeting only. Meetings are open to the public. Testimony will be taken under oath from parties addressing agenda items on permits and licensing. Public comments will be taken on resource matters, regulatory issues and items scheduled for public hearing.

Contact: LaVerne Lewis, Secretary to the Commission, Marine Resources Commission, P.O. Box 756, Newport News, VA 23607-0756, telephone (757) 247-2261, toll-free 1-800-541-4646 or (757) 247-2292/TTY ☎

BOARD OF MEDICAL ASSISTANCE SERVICES

† **January 5, 1999 - 10 a.m.** -- Open Meeting
Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia.

A meeting to discuss medical assistance services policy and to take action on issues pertinent to the board.

Contact: Amy M. Atkinson, Board Liaison, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8854 or FAX (804) 371-4981.

BOARD OF MEDICINE

† **January 6, 1999 - 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 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) 662-9517 or (804) 662-7197/TTY ☎

† **January 6, 1999 - 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 review public comments and make recommendations to the board regarding 18 VAC 85-101-10 et seq., Regulations Governing the Licensure of Radiologic Technologists 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) 662-9517 or (804) 662-7197/TTY ☎

† **January 7, 1999 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

The Advisory Board on Occupational Therapy will 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) 662-9517 or (804) 662-7197/TTY ☎

† **January 7, 1999 - 1 p.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

The Advisory Board on Respiratory Care will 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.

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) 662-9517 or (804) 662-7197/TTY ☎

† **January 8, 1999 - 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 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) 662-9517 or (804) 662-7197/TTY ☎

† **January 8, 1999 - 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 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) 662-9517 or (804) 662-7197/TTY ☎

Informal Conference Committee

† **January 7, 1999 - 10 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, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-7332, FAX (804) 662-9517 or (804) 662-7197/TTY ☎

VIRGINIA MUSEUM OF FINE ARTS

† **January 5, 1999 - 8 a.m.** -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Main Lobby, Conference Room, Richmond, Virginia. ♿

A monthly work session of the Executive Committee.

Contact: Emily C. Robertson, Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221-2466, telephone (804) 367-0553 or FAX (804) 367-2633.

REAL ESTATE BOARD

† **January 14, 1999 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿

A general business meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least two weeks prior to the meeting. The department fully complies with the Americans with Disabilities Act.

Contact: Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad

Calendar of Events

St., Richmond, VA 23230, telephone (804) 367-8526, FAX (804) 367-2475, or (804) 367-9753/TTY ☎

† **January 14, 1999 - 2 p.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. ♿

A general business meeting of the Time-Share Advisory Committee. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least two weeks prior to the meeting. The department fully complies with the Americans with Disabilities Act.

Contact: Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8526, FAX (804) 367-2475, or (804) 367-9753/TTY ☎

BOARD OF REHABILITATIVE SERVICES

† **January 28, 1999 - 9:30 a.m.** -- Open Meeting
Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A quarterly business meeting.

Contact: Barbara G. Tyson, Administrative Staff Assistant, Department of Rehabilitative Services, 8004 Franklin Farms Dr., P.O. Box 300 K, Richmond, VA 23288-0300, telephone (804) 662-7010, toll-free 1-800-552-5019 or 1-800-662-7000/TTY ☎

TREASURY BOARD

January 21, 1999 - 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.

BOARD FOR THE VISUALLY HANDICAPPED

January 19, 1999 - 1 p.m. -- Open Meeting
Department for the Visually Handicapped, 397 Azalea Avenue, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A quarterly meeting to 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, Board for the Visually Handicapped, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3140, FAX (804)

371-3351, toll-free 1-800-622-2155, or (804) 371-3140/TTY ☎

VIRGINIA WAR MEMORIAL FOUNDATION

January 12, 1999 - Noon -- Open Meeting
Virginia War Memorial, 621 South Belvidere Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular business meeting of the Board of Trustees.

Contact: Sandra H. Williams, Administrative Assistant, Department of General Services, 805 E. Broad St., Room 101, Richmond, VA 23219, telephone (804) 786-3263, FAX (804) 371-7934 or (804) 786-6152/TTY ☎

BOARD FOR WASTE MANAGEMENT FACILITY OPERATORS

January 8, 1999 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 5W, Richmond, Virginia. ♿

The board will conduct routine business. A public comment period will be held at the beginning of the meeting.

Contact: David E. Dick, Assistant Director, Board for Waste Management Facility Operators, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595, FAX (804) 367-2475 or (804) 367-9753/TTY ☎

STATE WATER CONTROL BOARD

January 8, 1999 - 10 a.m. -- Public Hearing
Department of Environmental Quality, Piedmont Regional Office Training Room, 4949-A Cox Road, Glen Allen, Virginia.

January 25, 1999 -- 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 25-190-10 et seq. Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Nonmetallic Mineral Mining.** The purpose of the proposed amendment is to reissue a general VPDES permit for nonmetallic mineral mining for another five-year period. The current general permit expires on June 30, 1999. Minor modifications to the general permit have also been made.

Statutory Authority: § 62.1-44.15 (10) of the Code of Virginia.

Contact: Michael B. Gregory, Environmental Engineer Senior, Department of Environmental Quality, P.O. Box

10009, Richmond, VA 23240, telephone (804) 698-4065 or FAX (804) 698-4032.

BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

January 14, 1999 - 8:30 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 5W, Richmond, Virginia. 

A routine business meeting. A public comment period will be held at the beginning of the meeting.

Contact: David E. Dick, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA, telephone (804) 367-8505, FAX (804) 367-2475 or (804) 367-9753/TTY 

STATEWIDE WORKFORCE TRAINING COUNCIL

† **January 11, 1999 - 10 a.m.** -- Open Meeting
Virginia Community College System, James Monroe Building, 101 North 14th Street, 15th Floor, Godwin-Hamel Board Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

The first meeting of the Statewide Workforce Training Council.

Contact: Dr. Joy S. Graham, Assistant Chancellor, Public Affairs, State Board for Community Colleges, James Monroe Bldg., 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 225-2126, FAX (804) 371-0085, or (804) 371-8504/TTY 

LEGISLATIVE

COMMISSION ON THE CONDITION AND FUTURE OF VIRGINIA'S CITIES (HJR 432)

January 5, 1999 - 2 p.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting. Questions regarding the meeting should be directed to Jeff Sharp or Nikki Rovner, Division of Legislative Services, (804) 786-3591. Individuals requiring interpreter services or other special assistance should contact Barbara Regen at least 10 working days prior to the meeting.

Contact: Barbara L. Regen, House Committee Operations, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY 

COMMISSION ON EARLY CHILDHOOD AND CHILD DAY CARE PROGRAMS

December 22, 1998 - 2 p.m. -- Canceled
General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

This meeting has been canceled.

Contact: Brian B. Taylor, Senate Committee Operations, P.O. Box 396, Richmond, VA 23218, telephone (804) 698-7450 or (804) 698-7419/TTY 

JOINT SUBCOMMITTEE STUDYING THE VIRGINIA FREEDOM OF INFORMATION ACT (HJR 187, 1998)

December 21, 1998 - 10 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A work session of the subcommittee. Questions regarding the meeting should be addressed to Maria J. K. Everett, Senior Attorney, Division of Legislative Services, (804) 786-3591. Individuals requiring interpreter services or other special assistance should contact the committee operations office at least 10 working days prior to the meeting.

Contact: Anne R. Howard, House Committee Operations, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY 

JOINT COMMISSION ON TECHNOLOGY AND SCIENCE AND HOUSE COMMITTEE ON SCIENCE AND TECHNOLOGY

† **January 13, 1999 - 10 a.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

The full commission and House Committee will review, sign, and file the Joint Commission's legislative package for the 1999 Session. The proposed agenda will be posted on the commission's webpage at <http://legis.state.va.us/jcots/jcots.htm> one week before the meeting.

Contact: Diane E. Horvath, Director, Joint Commission on Technology and Science, General Assembly Bldg., 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 371-0169 or e-mail DHorvath@leg.state.va.us.

Calendar of Events

CHRONOLOGICAL LIST

OPEN MEETINGS

December 21

Freedom of Information Act, Joint Subcommittee
Studying the
General Services, Department of
- Design-Build/Construction Management Review
Board
Marine Resources Commission

December 22

† Compensation Board

December 28

Alcoholic Beverage Control Board

January 5, 1999

Cities, Commission on the Condition and Future of
Virginia's
† Economic Development Partnership, Virginia
- Virginia Tourism Corporation
Environmental Quality, Department of
- Ad Hoc Advisory Group
† Hopewell Industrial Safety Council
† Medical Assistance Services, Board of
† Museum of Fine Arts, Virginia
- Executive Committee

January 6

† Economic Development Partnership, Virginia
- Motion Picture Development Committee
† Medicine, Board of
- Advisory Committee on Acupuncturists
- Advisory Committee on Radiologic Technologists

January 7

Air Pollution Control Board, State
† Conservation and Recreation, Department of
- Falls of the James Scenic River Advisory Board
† Education, Board of
Emergency Planning Committee, Local - Chesterfield
County
Funeral Directors and Embalmers, Board of
† Medicine, Board of
- Informal Conference Committee
- Advisory Board on Occupational Therapy
- Advisory Board on Respiratory Care

January 8

† Medicine, Board of
- Advisory Board on Physical Therapy
- Advisory Committee on Physician Assistants
Waste Management Facility Operators, Board for

January 11

Barbers, Board for
† Workforce Training Council, Statewide
† Local Government, Commission on

January 12

† Compensation Board

† Intergovernmental Relations, Virginia Advisory
Commission on
War Memorial Foundation, Virginia
- Board of Trustees

January 13

† Independent Living Council, Statewide
† Technology and Science, Joint Commission on and
House Committee on Science and Technology

January 14

† Real Estate Board
- Time-Share Advisory Committee
Waterworks and Wastewater Works Operators, Board
for

January 18

General Services, Department of
- Design-Build/Construction Management Review
Board

January 19

Accountancy, Board for
† Higher Education for Virginia, State Council of
Visually Handicapped, Board for the

January 20

† Community Colleges, State Board for
- Academic and Student Affairs Committee
- Audit Committee
- Budget and Finance Committee
- Facilities Committee
- Personnel Committee

January 21

† Community Colleges, State Board for
Treasury Board

January 25

† Funeral Directors and Embalmers, Board of
- Special Conference Committee

January 26

† Hearing Aid Specialists, Board for
† Marine Resources Commission

January 28

† Rehabilitative Services, Board for

February 2

† Hopewell Industrial Safety Council

February 4

† Conservation and Recreation, Department of
- Falls of the James Scenic River Advisory Board

February 16

† Higher Education for Virginia, State Council of

February 23

Asbestos and Lead, Board for
† Marine Resources Commission

March 23

† Marine Resources Commission

PUBLIC HEARINGS

January 6, 1999

Health Professions, Department of

January 8

Water Control Board, State

January 14

† Fire Services Board, Virginia

January 20

Air Pollution Control Board, State

January 22

Health, Department of
- Division of STD/AIDS

February 11

† Fire Services Board, Virginia

February 25

† Fire Services Board, Virginia
