
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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Members of the Virginia Code Commission: **Joseph V. Gartlan, Jr.**, Chairman; **W. Tayloe Murphy, Jr.**, Vice Chairman; **Robert L. Calhoun;** **Bernard S. Cohen;** **Jay W. DeBoer;** **Frank S. Ferguson;** **J. Randy Forbes;** **James E. Kulp;** **E.M. Miller, Jr.;** **James B. Wilkinson.**

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PUBLICATION SCHEDULE AND DEADLINES

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

July 1999 through June 2000

<u>Volume:Issue</u>	<u>Material Submitted By Noon*</u>	<u>Will Be Published On</u>
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
16:1	September 8, 1999	September 27, 1999
16:2	September 22, 1999	October 11, 1999
16:3	October 6, 1999	October 25, 1999
16:4	October 20, 1999	November 8, 1999
16:5	November 3, 1999	November 22, 1999
16:6	November 16, 1999 (Tuesday)	December 6, 1999
16:7	December 1, 1999	December 20, 1999
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16:8	December 14, 1999 (Tuesday)	January 3, 2000
16:9	December 28, 1999 (Tuesday)	January 17, 2000
16:10	January 12, 2000	January 31, 2000
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16:13	February 23, 2000	March 13, 2000
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16:15	March 22, 2000	April 10, 2000
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16:17	April 19, 2000	May 8, 2000
16:18	May 3, 2000	May 22, 2000
16:19	May 17, 2000	June 5, 2000
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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
Title 2. Agriculture			
2 VAC 20-50-10 et seq.	Repealed	15:11 VA.R. 1692	3/17/99
2 VAC 20-51-10 through 2 VAC 20-51-210	Added	15:11 VA.R. 1693-1700	3/17/99
Title 4. Conservation and Natural Resources			
4 VAC 15-40-240	Amended	15:19 VA.R. 2454	7/7/99
4 VAC 15-40-280	Amended	15:19 VA.R. 2454	7/7/99
4 VAC 15-40-281	Added	15:19 VA.R. 2454	7/7/99
4 VAC 15-50-120	Amended	15:19 VA.R. 2455	7/7/99
4 VAC 15-90-20	Amended	15:20 VA.R. 2586	7/7/99
4 VAC 15-90-70	Amended	15:20 VA.R. 2586	7/7/99
4 VAC 15-90-80	Amended	15:20 VA.R. 2587	7/7/99
4 VAC 15-90-90	Amended	15:20 VA.R. 2588	7/7/99
4 VAC 15-90-100	Amended	15:20 VA.R. 2588	7/7/99
4 VAC 15-90-110	Amended	15:20 VA.R. 2588	7/7/99
4 VAC 15-90-120	Amended	15:20 VA.R. 2588	7/7/99
4 VAC 15-90-130	Repealed	15:20 VA.R. 2589	7/7/99
4 VAC 15-90-141	Added	15:20 VA.R. 2589	7/7/99
4 VAC 15-90-160	Amended	15:20 VA.R. 2589	7/7/99
4 VAC 15-90-170	Amended	15:20 VA.R. 2589	7/7/99
4 VAC 15-90-190	Amended	15:20 VA.R. 2589	7/7/99
4 VAC 15-90-195	Amended	15:20 VA.R. 2589	7/7/99
4 VAC 15-90-200	Amended	15:20 VA.R. 2590	7/7/99
4 VAC 15-90-210	Amended	15:20 VA.R. 2590	7/7/99
4 VAC 15-90-220	Amended	15:20 VA.R. 2590	7/7/99
4 VAC 15-90-250	Repealed	15:20 VA.R. 2590	7/7/99
4 VAC 15-110-30	Amended	15:19 VA.R. 2455	7/7/99
4 VAC 15-110-60	Amended	15:19 VA.R. 2455	7/7/99
4 VAC 15-240-10	Amended	15:19 VA.R. 2455	7/7/99
4 VAC 15-240-20	Amended	15:19 VA.R. 2455	7/7/99
4 VAC 15-240-31	Added	15:19 VA.R. 2455	7/7/99
4 VAC 15-240-40	Amended	15:19 VA.R. 2455	7/7/99
4 VAC 15-240-50	Amended	15:19 VA.R. 2455	7/7/99
4 VAC 15-240-70	Amended	15:19 VA.R. 2455	7/7/99
4 VAC 15-270-60	Amended	15:19 VA.R. 2466	7/7/99
4 VAC 20-20-35	Amended	15:14 VA.R. 2044	3/1/99
4 VAC 20-150-70	Amended	15:19 VA.R. 2456	5/4/99
4 VAC 20-252-60	Amended	15:18 VA.R. 2392	5/1/99
4 VAC 20-252-80	Amended	15:18 VA.R. 2392	5/1/99
4 VAC 20-252-120	Amended	15:18 VA.R. 2393	5/1/99
4 VAC 20-252-130	Amended	15:18 VA.R. 2393	5/1/99
4 VAC 20-252-140	Amended	15:18 VA.R. 2393	5/1/99
4 VAC 20-252-150	Amended	15:18 VA.R. 2394	5/1/99
4 VAC 20-252-160	Amended	15:18 VA.R. 2394	5/1/99
4 VAC 20-430-15	Added	15:19 VA.R. 2456	5/5/99

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
4 VAC 20-430-60	Amended	15:19 VA.R. 2456	5/5/99
4 VAC 20-620-50	Amended	15:14 VA.R. 2044	3/1/99
4 VAC 20-620-70	Amended	15:14 VA.R. 2045	3/1/99
4 VAC 20-720-40	Amended	15:20 VA.R. 2590	6/1/99
4 VAC 20-720-45 emer	Added	15:19 VA.R. 2474	5/5/99-5/31/99
4 VAC 20-720-50	Amended	15:20 VA.R. 2590	6/1/99
4 VAC 20-720-80	Amended	15:12 VA.R. 1790	2/1/99
4 VAC 20-720-90	Amended	15:19 VA.R. 2457	5/10/99
4 VAC 20-720-106 emer	Added	15:12 VA.R. 1845	2/1/99-2/12/99
4 VAC 20-751-20	Amended	15:18 VA.R. 2395	5/1/99
4 VAC 20-880-10	Amended	15:20 VA.R. 2591	5/26/99
4 VAC 20-880-40	Repealed	15:20 VA.R. 2591	5/26/99
4 VAC 20-880-50	Repealed	15:20 VA.R. 2592	5/26/99
4 VAC 20-900-10	Amended	15:14 VA.R. 2045	3/1/99
4 VAC 20-900-10	Amended	15:19 VA.R. 2457	5/4/99
4 VAC 20-900-20	Amended	15:19 VA.R. 2457	5/4/99
4 VAC 20-900-25	Added	15:14 VA.R. 2045	3/1/99
4 VAC 20-900-25	Amended	15:19 VA.R. 2457	5/4/99
4 VAC 20-900-35	Added	15:14 VA.R. 2045	3/1/99
4 VAC 20-995-20	Amended	15:18 VA.R. 2395	5/1/99
4 VAC 20-995-30	Amended	15:18 VA.R. 2395	5/1/99
4 VAC 20-1020-10 through 4 VAC 20-1020-40	Added	15:12 VA.R. 1790	2/2/99
4 VAC 20-1030-10 through 4 VAC 20-1030-40	Added	15:15 VA.R. 2126-2135	3/15/99
4 VAC 20-1040-10 through 4 VAC 20-1040-40	Added	15:20 VA.R. 2592-2593	5/26/99
4 VAC 25-35 (Forms)	Amended	15:14 VA.R. 2075-2077	--
4 VAC 25-130 (Forms)	Amended	15:11 VA.R. 1736	--
4 VAC 25-150 (Forms)	Amended	15:14 VA.R. 2077-2078	--
Title 8. Education			
8 VAC 35-30-30	Amended	15:11 VA.R. 1706	1/18/99
8 VAC 35-30-50	Amended	15:11 VA.R. 1707	1/18/99
8 VAC 35-30-160	Amended	15:11 VA.R. 1707	1/18/99
8 VAC 35-30-200	Amended	15:11 VA.R. 1707	1/18/99
8 VAC 35-30-210	Amended	15:11 VA.R. 1707	1/18/99
8 VAC 35-30-220	Amended	15:11 VA.R. 1708	1/18/99
8 VAC 35-30-230	Amended	15:11 VA.R. 1708	1/18/99
8 VAC 35-30-240	Amended	15:11 VA.R. 1709	1/18/99
Title 9. Environment			
9 VAC 5-20-21	Amended	15:12 VA.R. 1799	4/1/99
9 VAC 5-30-20	Repealed	15:12 VA.R. 1791	4/1/99
9 VAC 5-40-880	Amended	15:12 VA.R. 1794	4/1/99
9 VAC 5-40-890	Amended	15:12 VA.R. 1794	4/1/99
9 VAC 5-40-900	Amended	15:12 VA.R. 1795	4/1/99
9 VAC 5-40-940	Amended	15:12 VA.R. 1795	4/1/99
9 VAC 5-40-1040	Amended	15:12 VA.R. 1796	4/1/99
9 VAC 5-40-1660	Amended	15:12 VA.R. 1796	4/1/99
9 VAC 5-40-1670	Amended	15:12 VA.R. 1796	4/1/99
9 VAC 5-40-1690	Amended	15:12 VA.R. 1797	4/1/99
9 VAC 5-40-1750	Amended	15:12 VA.R. 1798	4/1/99
9 VAC 5-40-1770	Amended	15:12 VA.R. 1798	4/1/99
9 VAC 5-40-1780	Amended	15:12 VA.R. 1798	4/1/99
9 VAC 5-40-1810	Amended	15:12 VA.R. 1799	4/1/99
9 VAC 5-40-5350 through 9 VAC 5-40-5480	Repealed	15:12 VA.R. 1793-1794	4/1/99
9 VAC 5-40-5800	Amended	15:12 VA.R. 1801	4/1/99
9 VAC 5-40-5810	Amended	15:12 VA.R. 1802	4/1/99
9 VAC 5-40-5820	Amended	15:12 VA.R. 1804	4/1/99

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9 VAC 5-40-5822	Added	15:12 VA.R. 1806	4/1/99
9 VAC 5-40-5824	Added	15:12 VA.R. 1807	4/1/99
9 VAC 5-40-5850	Amended	15:12 VA.R. 1808	4/1/99
9 VAC 5-40-5855	Added	15:12 VA.R. 1811	4/1/99
9 VAC 5-40-5860	Amended	15:12 VA.R. 1812	4/1/99
9 VAC 5-40-5870	Amended	15:12 VA.R. 1815	4/1/99
9 VAC 5-40-5880	Amended	15:12 VA.R. 1816	4/1/99
9 VAC 5-40-5890	Amended	15:12 VA.R. 1820	4/1/99
9 VAC 5-40-5920	Amended	15:12 VA.R. 1822	4/1/99
9 VAC 5-40-5930	Repealed	15:12 VA.R. 1822	4/1/99
9 VAC 5-50-400	Amended	15:12 VA.R. 1822	4/1/99
9 VAC 5-50-400	Amended	15:13 VA.R. 1918	4/14/99
9 VAC 5-50-410	Amended	15:12 VA.R. 1823	4/1/99
9 VAC 5-50-410	Amended	15:13 VA.R. 1918	4/14/99
9 VAC 5-50-420	Amended	15:12 VA.R. 1828	4/1/99
9 VAC 5-50-420	Amended	15:13 VA.R. 1924	4/14/99
9 VAC 5-60-60	Amended	15:13 VA.R. 1924	4/14/99
9 VAC 5-60-70	Amended	15:13 VA.R. 1925	4/14/99
9 VAC 5-60-80	Amended	15:13 VA.R. 1926	4/14/99
9 VAC 5-60-90	Amended	15:13 VA.R. 1927	4/14/99
9 VAC 5-60-100	Amended	15:13 VA.R. 1927	4/14/99
9 VAC 5-70-40	Amended	15:12 VA.R. 1791	4/1/99
9 VAC 5-80-30	Repealed	15:11 VA.R. 1717	4/1/99
9 VAC 5-80-2000 through 9 VAC 5-80-2190	Added	15:11 VA.R. 1717-1728	4/1/99
9 VAC 5-80-2010	Erratum	15:13 VA.R. 1955	--
9 VAC 5-200-10	Added	15:13 VA.R. 1931	4/14/99
9 VAC 5-200-20	Added	15:13 VA.R. 1931	4/14/99
9 VAC 5-200-30	Added	15:13 VA.R. 1931	4/14/99
9 VAC 25-190-10	Amended	15:16 VA.R. 2187	6/30/99
9 VAC 25-190-20	Amended	15:16 VA.R. 2188	6/30/99
9 VAC 25-190-30	Repealed	15:16 VA.R. 2189	6/30/99
9 VAC 25-190-40	Repealed	15:16 VA.R. 2189	6/30/99
9 VAC 25-190-50	Amended	15:16 VA.R. 2189	6/30/99
9 VAC 25-190-60	Amended	15:16 VA.R. 2189	6/30/99
9 VAC 25-190-70	Amended	15:16 VA.R. 2191	6/30/99
9 VAC 25-192 (Forms)	Amended	15:12 VA.R. 1854	--
Title 12. Health			
12 VAC 5-100-10 et seq.	Repealed	15:18 VA.R. 2396	6/23/99
12 VAC 5-405-10 through 12 VAC 5-405-120	Amended	15:20 VA.R. 2593-2597	7/21/99
12 VAC 5-470-10 et seq.	Repealed	15:20 VA.R. 2597	7/21/99
12 VAC 5-600-50	Amended	15:20 VA.R. 2598	7/21/99
12 VAC 5-600-60	Amended	15:20 VA.R. 2598	7/21/99
12 VAC 30-10-140 emer	Amended	15:13 VA.R. 1942	7/1/99-6/30/00
12 VAC 30-10-150 emer	Amended	15:13 VA.R. 1943	7/1/99-6/30/00
12 VAC 30-40-290	Amended	15:18 VA.R. 2396	7/1/99
12 VAC 30-50-30 emer	Amended	15:13 VA.R. 1943	7/1/99-6/30/00
12 VAC 30-50-70 emer	Amended	15:13 VA.R. 1944	7/1/99-6/30/00
12 VAC 30-50-229.1	Amended	15:17 VA.R. 2326	6/9/99
12 VAC 30-50-229.1	Erratum	15:18 VA.R. 2411	--
12 VAC 30-50-320 emer	Added	15:13 VA.R. 1944	7/1/99-6/30/00
12 VAC 30-50-570	Amended	15:18 VA.R. 2398	7/1/99
12 VAC 30-80-170	Amended	15:18 VA.R. 2399	7/1/99
12 VAC 30-120-61 through 12 VAC 30-120-69 emer	Added	15:13 VA.R. 1944-1947	7/1/99-6/30/00
12 VAC 30-120-360	Amended	15:18 VA.R. 2400	7/1/99
12 VAC 30-120-370	Amended	15:18 VA.R. 2401	7/1/99

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 30-120-370	Erratum	15:19 VA.R. 2502	--
Title 13. Housing			
13 VAC 5-51-20 emer	Amended	15:14 VA.R. 2069	3/10/99-3/9/00
13 VAC 5-51-130 emer	Amended	15:14 VA.R. 2070	3/10/99-3/9/00
13 VAC 5-51-135 emer	Added	15:14 VA.R. 2070	3/10/99-3/9/00
13 VAC 5-51-136 emer	Added	15:14 VA.R. 2070	3/10/99-3/9/00
13 VAC 5-61-200 emer	Amended	15:14 VA.R. 2071	3/10/99-3/9/00
13 VAC 5-61-440 emer	Amended	15:14 VA.R. 2072	3/10/99-3/9/00
13 VAC 10-40-20	Amended	15:12 VA.R. 1829	1/28/99
13 VAC 10-40-130	Amended	15:12 VA.R. 1832	1/28/99
13 VAC 10-40-160	Amended	15:12 VA.R. 1834	1/28/99
13 VAC 10-40-210	Amended	15:12 VA.R. 1835	1/28/99
13 VAC 10-40-220	Amended	15:12 VA.R. 1835	1/28/99
13 VAC 10-40-230	Amended	15:12 VA.R. 1835	1/28/99
13 VAC 10-60-10 et seq.	Repealed	15:18 VA.R. 2403	5/1/99
13 VAC 10-100-10 et seq.	Repealed	15:18 VA.R. 2403	5/1/99
13 VAC 10-110-10 et seq.	Repealed	15:18 VA.R. 2403	5/1/99
13 VAC 10-170-10 et seq.	Repealed	15:18 VA.R. 2404	5/1/99
13 VAC 10-180-10	Amended	15:14 VA.R. 2050	3/10/99
13 VAC 10-180-50	Amended	15:14 VA.R. 2051	3/10/99
13 VAC 10-180-60	Amended	15:14 VA.R. 2053	3/10/99
13 VAC 10-180-70	Amended	15:14 VA.R. 2061	3/10/99
13 VAC 10-180-90	Amended	15:14 VA.R. 2063	3/10/99
Title 14. Insurance			
14 VAC 5-170-20	Amended	15:15 VA.R. 2136	4/26/99
14 VAC 5-170-30	Amended	15:15 VA.R. 2136	4/26/99
14 VAC 5-170-40	Amended	15:15 VA.R. 2136	4/26/99
14 VAC 5-170-50	Amended	15:15 VA.R. 2136	4/26/99
14 VAC 5-170-60	Amended	15:15 VA.R. 2136	4/26/99
14 VAC 5-170-70	Amended	15:15 VA.R. 2136	4/26/99
14 VAC 5-170-80	Amended	15:15 VA.R. 2136	4/26/99
14 VAC 5-170-90	Amended	15:15 VA.R. 2136	4/26/99
14 VAC 5-170-100	Amended	15:15 VA.R. 2136	4/26/99
14 VAC 5-170-105	Added	15:15 VA.R. 2136	4/26/99
14 VAC 5-170-110	Amended	15:15 VA.R. 2136	4/26/99
14 VAC 5-170-120	Amended	15:15 VA.R. 2136	4/26/99
14 VAC 5-170-130	Amended	15:15 VA.R. 2136	4/26/99
14 VAC 5-170-140	Amended	15:15 VA.R. 2136	4/26/99
14 VAC 5-170-150	Amended	15:15 VA.R. 2136	4/26/99
14 VAC 5-170-160	Amended	15:15 VA.R. 2136	4/26/99
14 VAC 5-170-170	Amended	15:15 VA.R. 2136	4/26/99
14 VAC 5-170-180	Amended	15:15 VA.R. 2136	4/26/99
14 VAC 5-170 Appendix A	Amended	15:15 VA.R. 2136	4/26/99
14 VAC 5-170 Appendix B	Amended	15:15 VA.R. 2136	4/26/99
14 VAC 5-170 Appendix C	Amended	15:15 VA.R. 2136	4/26/99
Title 16. Labor and Employment			
16 VAC 15-20-10 et seq.	Repealed	15:17 VA.R. 2330	6/15/99
16 VAC 15-21-10 through 16 VAC 15-21-30	Added	15:17 VA.R. 2330	6/15/99
Title 18. Professional and Occupational Licensing			
18 VAC 50-22-100	Amended	15:12 VA.R. 1837	5/1/99
18 VAC 50-22-140	Amended	15:12 VA.R. 1837	5/1/99
18 VAC 50-30-10	Amended	15:19 VA.R. 2458	7/9/99
18 VAC 50-30-20	Amended	15:19 VA.R. 2460	7/9/99
18 VAC 50-30-30	Amended	15:19 VA.R. 2460	7/9/99
18 VAC 50-30-40	Amended	15:19 VA.R. 2461	7/9/99

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 50-30-50	Amended	15:19 VA.R. 2461	7/9/99
18 VAC 50-30-60	Amended	15:19 VA.R. 2462	7/9/99
18 VAC 50-30-70	Amended	15:19 VA.R. 2463	7/9/99
18 VAC 50-30-80	Amended	15:19 VA.R. 2463	7/9/99
18 VAC 50-30-90	Amended	15:12 VA.R. 1838	5/1/99
18 VAC 50-30-90	Amended	15:19 VA.R. 2463	7/9/99
18 VAC 50-30-100	Amended	15:19 VA.R. 2464	7/9/99
18 VAC 50-30-120	Amended	15:19 VA.R. 2464	7/9/99
18 VAC 50-30-130	Amended	15:19 VA.R. 2464	7/9/99
18 VAC 50-30-140	Amended	15:19 VA.R. 2465	7/9/99
18 VAC 50-30-150	Amended	15:19 VA.R. 2465	7/9/99
18 VAC 50-30-170	Amended	15:19 VA.R. 2465	7/9/99
18 VAC 50-30-190	Amended	15:19 VA.R. 2465	7/9/99
18 VAC 50-30-200	Amended	15:19 VA.R. 2466	7/9/99
18 VAC 60-20-20 emer	Amended	15:11 VA.R. 1729	1/21/99-1/20/00
18 VAC 60-20-30 emer	Amended	15:11 VA.R. 1729	1/21/99-1/20/00
18 VAC 65-20-70 emer	Amended	15:12 VA.R. 1846	2/2/99-2/1/00
18 VAC 65-20-120 emer	Amended	15:12 VA.R. 1846	2/2/99-2/1/00
18 VAC 65-20-130 emer	Amended	15:12 VA.R. 1846	2/2/99-2/1/00
18 VAC 65-20-435 emer	Added	15:12 VA.R. 1846	2/2/99-2/1/00
18 VAC 70-20-30	Amended	15:18 VA.R. 2404	7/1/99
18 VAC 75-20-10	Amended	15:18 VA.R. 2405	6/23/99
18 VAC 75-20-30	Repealed	15:18 VA.R. 2405	6/23/99
18 VAC 75-20-40	Repealed	15:18 VA.R. 2405	6/23/99
18 VAC 75-20-50	Repealed	15:18 VA.R. 2405	6/23/99
18 VAC 75-20-60	Amended	15:18 VA.R. 2405	6/23/99
18 VAC 75-20-70	Amended	15:18 VA.R. 2406	6/23/99
18 VAC 75-20-90	Amended	15:18 VA.R. 2406	6/23/99
18 VAC 76-10-30	Amended	15:17 VA.R. 2331	4/15/99
18 VAC 85-40-10 emer	Amended	15:11 VA.R. 1730	1/21/99-1/20/00
18 VAC 85-40-25 emer	Added	15:11 VA.R. 1731	1/21/99-1/20/00
18 VAC 85-40-40 emer	Amended	15:11 VA.R. 1731	1/21/99-1/20/00
18 VAC 85-40-45 emer	Added	15:11 VA.R. 1731	1/21/99-1/20/00
18 VAC 85-40-50 emer	Amended	15:11 VA.R. 1731	1/21/99-1/20/00
18 VAC 85-40-60 emer	Amended	15:11 VA.R. 1731	1/21/99-1/20/00
18 VAC 85-40-65 emer	Added	15:11 VA.R. 1731	1/21/99-1/20/00
18 VAC 85-40-70 emer	Amended	15:11 VA.R. 1731	1/21/99-1/20/00
18 VAC 85-40-80 emer	Amended	15:11 VA.R. 1732	1/21/99-1/20/00
18 VAC 85-80-10 emer	Amended	15:12 VA.R. 1847	1/29/99-1/28/00
18 VAC 85-80-11 emer	Added	15:12 VA.R. 1848	1/29/99-1/28/00
18 VAC 85-80-12 emer	Added	15:12 VA.R. 1848	1/29/99-1/28/00
18 VAC 85-80-35 emer	Added	15:12 VA.R. 1848	1/29/99-1/28/00
18 VAC 85-80-40 through 18 VAC 85-80-90 emer	Amended	15:12 VA.R. 1848-1849	1/29/99-1/28/00
18 VAC 90-20-300 emer	Amended	15:11 VA.R. 1733	1/26/99-1/25/00
18 VAC 90-20-330	Amended	15:19 VA.R. 2467	7/7/99
18 VAC 90-20-420 through 18 VAC 90-20-460 emer	Added	15:11 VA.R. 1733-1735	1/26/99-1/25/00
18 VAC 105-30-10	Amended	15:12 VA.R. 1839	3/31/99
18 VAC 105-30-20	Amended	15:12 VA.R. 1839	3/31/99
18 VAC 105-30-30	Amended	15:12 VA.R. 1839	3/31/99
18 VAC 105-30-35	Added	15:12 VA.R. 1839	3/31/99
18 VAC 105-30-40	Amended	15:12 VA.R. 1840	3/31/99
18 VAC 105-30-50	Repealed	15:12 VA.R. 1840	3/31/99
18 VAC 105-30-60	Amended	15:12 VA.R. 1840	3/31/99
18 VAC 105-30-70	Amended	15:12 VA.R. 1840	3/31/99
18 VAC 105-30-90	Amended	15:12 VA.R. 1841	3/31/99

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 105-30-100	Amended	15:12 VA.R. 1841	3/31/99
18 VAC 105-30-110	Repealed	15:12 VA.R. 1841	3/31/99
18 VAC 105-30-120	Amended	15:12 VA.R. 1841	3/31/99
18 VAC 110-20-130	Erratum	15:12 VA.R. 1865	--
18 VAC 130-20-130	Amended	15:14 VA.R. 2066	5/1/99
18 VAC 135-20-80	Amended	15:18 VA.R. 2408	7/1/99
18 VAC 135-20-120	Amended	15:18 VA.R. 2408	7/1/99
18 VAC 135-20-140	Amended	15:18 VA.R. 2408	7/1/99
18 VAC 135-20-370	Amended	15:18 VA.R. 2408	7/1/99
18 VAC 155-20-40	Amended	15:13 VA.R. 1938	5/1/99
Title 19. Public Safety			
19 VAC 30-20 (Forms)	Added	15:14 VA.R. 2078-2079	--
Title 20. Public Utilities and Telecommunications			
20 VAC 5-400-151	Added	15:14 VA.R. 2068	7/1/99
20 VAC 5-400-151	Added	15:19 VA.R. 2473	10/1/99
Title 21. Securities and Retail Franchising			
21 VAC 5-120 (Forms)	Amended	15:17 VA.R. 2333-2334	--
Title 22. Social Services			
22 VAC 40-35-10 emer	Amended	15:19 VA.R. 2474	5/19/99-5/18/00
22 VAC 40-35-126 emer	Added	15:19 VA.R. 2477	5/19/99-5/18/00
22 VAC 40-35-127 emer	Added	15:19 VA.R. 2477	5/19/99-5/18/00
22 VAC 40-35-128 emer	Added	15:19 VA.R. 2477	5/19/99-5/18/00
22 VAC 40-190-10 emer	Amended	15:19 VA.R. 2480	5/19/99-5/18/00
22 VAC 40-190-20 emer	Amended	15:19 VA.R. 2482	5/19/99-5/18/00
22 VAC 40-190-25 emer	Added	15:19 VA.R. 2482	5/19/99-5/18/00
22 VAC 40-190-30 emer	Amended	15:19 VA.R. 2483	5/19/99-5/18/00
22 VAC 40-190-40 emer	Amended	15:19 VA.R. 2483	5/19/99-5/18/00
22 VAC 40-190-50 emer	Amended	15:19 VA.R. 2484	5/19/99-5/18/00
22 VAC 40-190-60 emer	Amended	15:19 VA.R. 2485	5/19/99-5/18/00
22 VAC 40-190-70 emer	Amended	15:19 VA.R. 2485	5/19/99-5/18/00
22 VAC 40-190-80 emer	Added	15:19 VA.R. 2486	5/19/99-5/18/00
22 VAC 40-190-90 emer	Added	15:19 VA.R. 2487	5/19/99-5/18/00
22 VAC 40-190-100 emer	Added	15:19 VA.R. 2487	5/19/99-5/18/00
22 VAC 40-190-110 emer	Added	15:19 VA.R. 2487	5/19/99-5/18/00
22 VAC 40-190-120 emer	Added	15:19 VA.R. 2488	5/19/99-5/18/00
22 VAC 40-190-130 emer	Added	15:19 VA.R. 2488	5/19/99-5/18/00
22 VAC 40-190-140 emer	Added	15:19 VA.R. 2489	5/19/99-5/18/00
22 VAC 40-190-150 emer	Added	15:19 VA.R. 2489	5/19/99-5/18/00
22 VAC 40-325-10 and 22 VAC 40-325-20 emer	Added	15:12 VA.R. 1849-1850	4/1/99-3/31/00
22 VAC 40-680-65	Repealed	15:17 VA.R. 2331	6/9/99
22 VAC 40-680-66	Repealed	15:17 VA.R. 2332	6/9/99
Title 23. Taxation			
23 VAC 10-110-225 through 23 VAC 10-110-229 emer	Added	15:12 VA.R. 1851-1853	2/4/99-2/3/00
23 VAC 10-110-228	Erratum	15:14 VA.R. 2081	--
Title 24. Transportation and Motor Vehicles			
24 VAC 30-350-10	Amended	15:13 VA.R. 1939	2/22/99

NOTICES OF INTENDED REGULATORY ACTION

Symbol Key

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

TITLE 8. EDUCATION

STATE BOARD OF EDUCATION

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Education intends to consider amending regulations entitled: **8 VAC 20-21-10 et seq. Licensure Regulations for School Personnel.** The purpose of the proposed action is to amend the regulations to establish an alternative route to licensure for experienced military personnel. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 22.1-16 and 22.1-298 of the Code of Virginia.

Public comments may be submitted until August 5, 1999.

Contact: Thomas A. Elliott, Assistant Superintendent of Teacher Education and Licensure, Department of Education, P.O. Box 2120, Richmond, VA 23218-2120, telephone (804) 371-2522 or FAX (804) 786-6759.

VA.R. Doc. No. R99-197; Filed June 9, 1999, 12:18 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 State Board of Education intends to consider amending regulations entitled: **8 VAC 20-21-10 et seq. Licensure Regulations for School Personnel.** The purpose of the proposed action is to establish an endorsement (teaching) area in American Sign Language (ASL). The Board of Education has approved the provision of three years of instruction in ASL for foreign language credit toward an advanced studies diploma. The board also requested licensure requirements of teachers of ASL. Requirements need to be incorporated into the current licensure regulations for school personnel. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 22.1-16 and 22.1-298 of the Code of Virginia.

Public comments may be submitted until August 5, 1999.

Contact: Thomas A. Elliott, Assistant Superintendent of Teacher Education and Licensure, Department of Education, P.O. Box 2120, Richmond, VA 23218-2120, telephone (804) 371-2522 or FAX (804) 786-6759.

VA.R. Doc. No. R99-196; Filed June 9, 1999, 12:18 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 State Board of Education intends to consider amending regulations entitled: **8 VAC 20-160-10 et seq. Secondary School Transcript.** The purpose of the proposed action is to review the Secondary School Transcript regulations. Revisions to the Board of Education's Regulations Establishing Standards for Accrediting Public Schools in Virginia, October 1997, established new graduation requirements for students earning high school diplomas in Virginia. Beginning with the ninth-grade class of 2000-2001 (graduating class of 2003-2004), students will be required to earn a prescribed number of verified units. This requirement for verified units affects students who are currently taking high school credit bearing courses in grade seven or earlier. To keep with the changes in the SOA, a review of the board's Secondary School Transcript regulations is necessary. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 22.1-16 of the Code of Virginia.

Public comments may be submitted until July 22, 1999.

Contact: Vernon L. Wildy, Associate Director for Secondary Instructional Services, Department of Education, P.O. Box 2120, Richmond, VA 23218, telephone (804) 225-2877 or FAX (804) 692-3163.

VA.R. Doc. No. R99-185; Filed June 2, 1999, 10:12 a.m.

TITLE 9. ENVIRONMENT

STATE AIR POLLUTION CONTROL BOARD

† Withdrawal of Notice of Intended Regulatory Action

Notice is hereby given that the Department of Environmental Quality has WITHDRAWN the Notice of Intended Regulatory Action to repeal **9 VAC 5-150-10 et seq. Regulation for Transportation Conformity** and to promulgate **9 VAC 5-151-10 et seq. (Rev. U-97) Regulation for Transportation Conformity**, which was initially published in 14:22 VA.R. 3037 July 20, 1998.

Contact: Cindy M. Berndt, Department of Environmental Quality, 629 East Main Street, Richmond, Virginia 23219, telephone (804) 698-4378.

VA.R. Doc. No. R98-268; Filed June 9, 1999, 4:10 p.m.

Notices of Intended Regulatory Action

TITLE 12. HEALTH

STATE BOARD OF HEALTH

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Health intends to consider promulgating regulations entitled: **12 VAC 5-185-10 et seq. Procedures and Policies for Administering the Commonwealth Neurotrauma Initiative Trust Fund.** The purpose of the proposed regulation is to carry out the law by developing procedures and policies for soliciting and receiving applications for grants from the CNI Trust Fund, and criteria for reviewing and ranking such applications. The fund exists to prevent and treat traumatic spinal cord and brain injuries. The agency does not intend to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 32.1-12 and 32.1-73.4 of the Code of Virginia.

Public comments may be submitted until July 23, 1999.

Contact: Douglas R. Harris, Advisor to the Commissioner, Department of Health, 1500 E. Main St., Suite 2214, Richmond, VA 23219, telephone (804) 786-3561, FAX (804) 786-4616 or toll-free 1-800-828-1120/TTY ☎

VA.R. Doc. No. R99-182; Filed June 2, 1999, 8:42 a.m.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

† Withdrawal of Notice of Intended Regulatory Action

Notice is hereby given that the Department of Medical Assistance Services has WITHDRAWN the Notice of Intended Regulatory Action for **12 VAC 30-50-10 et seq. Amount, Duration and Scope of Medical and Remedial Care Services and 12 VAC 30-80-10 et seq. Methods and Standards for Establishing Payment Rates; Other Types of Care**, which was initially published in 15:1 VA.R. 4371 September 28, 1998.

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

VA.R. Doc. No. R99-3; Filed June 9, 1999, 7:52 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to consider amending regulations entitled: **Program for All-Inclusive Care for the Elderly (PACE):**

12 VAC 30-10-10 et seq. State Plan under Title XIX of the Social Security Act Medical Assistance Program; General Provisions, 12 VAC 30-50-10 et seq. Amount, Duration and Scope of Medical and Remedial Care Services, and 12 VAC 30-120-10 et seq. Waivered Services. The purpose of the proposed action is to promulgate permanent regulations, essentially like the existing emergency regulations, that provide for the administration of the Program of All-Inclusive Care for the Elderly (PACE). 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 July 7, 1999, to Diana Thorpe, Appeals Division, 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.

VA.R. Doc. No. R99-167; Filed May 6, 1999, 4:04 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 amending regulations entitled: **12 VAC 30-50-10 et seq. Amount, Duration, and Scope of Medical and Remedial Care Services; and 12 VAC 30-130-10 et seq. Amount, Duration and Scope of Selected Services.** The purpose of the proposed action is to establish parameters for Medicaid's coverage of residential treatment services under the Early and Periodic Screening, Diagnosis and Treatment program to include, but not necessarily be limited to, the eligibility requirements for children referred for residential care, provider qualifications, and the rate setting methodology. 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 July 7, 1999, to Anita Cordill, Policy Division, 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.

VA.R. Doc. No. R99-168; Filed May 14, 1999, 10:55 a.m.



TITLE 16. LABOR AND EMPLOYMENT

VIRGINIA WORKERS' COMPENSATION COMMISSION

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Workers' Compensation Commission intends to consider promulgating regulations entitled: **16 VAC 30-10-10 et seq. Public Participation Guidelines.** The purpose of the proposed regulation is to promulgate public participation guidelines pursuant to § 9-6.14:7.1 of the Code of Virginia. The agency does not intend to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 9-6.14:7.1 of the Code of Virginia.

Public comments may be submitted until August 9, 1999.

Contact: Sam Lupica, Staff Attorney, Virginia Workers' Compensation Commission, 1000 DMV Dr., Richmond, VA 23220, telephone (804) 367-0438, (804) 367-9740, toll-free 1-877-664-2566 or (804) 367-8600/TTY ☎

VA.R. Doc. No. R99-198; Filed June 9, 1999, 3:30 p.m.



TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

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 Audiology and Speech-Language Pathology intends to consider amending regulations entitled: **18 VAC 30-20-10 et seq. Regulations of the Board of Audiology and Speech-Language Pathology.** The purpose of the proposed action is to amend regulations for the establishment of an application process and fee and a renewal fee for the licensure of school speech-language pathologists as mandated by Chapters 967 and 1005 of the 1999 Acts of Assembly. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 54.1-2400 and 54.1-2603 of the Code of Virginia.

Public comments may be submitted until July 21, 1999.

Contact: Elizabeth Young Tisdale, Executive Director, Board of Audiology and Speech-Language Pathology, 6606

W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9111 or FAX (804) 662-9943.

VA.R. Doc. No. R99-187; Filed June 2, 1999; 11:36 a.m.

BOARD FOR BRANCH PILOTS

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 Branch Pilots intends to consider amending regulations entitled: **18 VAC 45-20-10 et seq. Board for Branch Pilots Regulations.** The purpose of the proposed action is to clarify and amend the board's rules and regulations relating to chemical and physical impairments and testing for such impairments, and to propose other amendments which may be necessary pursuant to the board's periodic review of regulations. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 54.1-902 of the Code of Virginia.

Public comments may be submitted until July 7, 1999.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475 or (804) 367-9753/TTY ☎

VA.R. Doc. No. R99-175; Filed May 18, 1999, 12:47 p.m.

BOARD OF PSYCHOLOGY

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 Psychology intends to consider amending regulations entitled: **18 VAC 125-20-10 et seq. Regulations Governing the Practice of Psychology.** The purpose of the proposed action is to amend regulations for the establishment of an application process and fee and a renewal fee for the licensure of school psychologists-limited as mandated by Chapters 967 and 1005 of the 1999 Acts of Assembly. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 54.1-2400 and 54.1-3606 of the Code of Virginia.

Public comments may be submitted until July 21, 1999.

Contact: Evelyn B. Brown, Executive Director, Board of Psychology, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9913 or FAX (804) 662-9943.

VA.R. Doc. No. R99-186; Filed June 2, 1999; 11:36 a.m.



Notices of Intended Regulatory Action

TITLE 22. SOCIAL SERVICES

STATE BOARD OF SOCIAL 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 State Board of Social Services intends to consider amending regulations entitled: **22 VAC 40-35-5 et seq. Virginia Independence Program.** The purpose of the proposed action is to implement the provisions of Chapter 486, the Virginia Employer Tax Credit, enacted by the 1998 Session of the General Assembly. The legislation mandates the State Board of Social Services to establish procedures for claiming tax credits and to establish guidelines. The agency does not intend to hold a public hearing on the proposed regulation after publication.

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

Public comments may be submitted until July 7, 1999.

Contact: Thomas J. Steinhauser, Assistant Director, Department of Social Services, Division of Temporary Assistance Programs, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1703 or FAX (804) 692-1704.

VA.R. Doc. No. R99-177; Filed May 19, 1999, 11:32 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Social Services intends to consider amending regulations entitled: **22 VAC 40-190-10 et seq. Regulation for Criminal Record Checks for Child Welfare Agencies.** The purpose of the proposed action is to make technical and clarifying amendments and to incorporate changes in the Code of Virginia resulting from the 1998 Session of the General Assembly. The agency does not intend to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 63.1-25 and 63.1-202 of the Code of Virginia.

Public comments may be submitted until July 7, 1999.

Contact: Judith McGreal, Program Development Supervisor, Department of Social Services, Division of Temporary Assistance Programs, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1792 or FAX (804) 692-2370.

VA.R. Doc. No. R99-176; Filed May 19, 1999, 11:32 a.m.

† Withdrawal of Notice of Intended Regulatory Action

Notice is hereby given that the State Board of Social Services has WITHDRAWN the Notice of Intended Regulatory Action for **22 VAC 40-670-10 et seq., Degree**

Requirements for Social Work/Social Work Supervision Classification Series, which was initially published in 14:26 VA.R. 4180 September 14, 1998.

Contact: L. Richard Martin, Jr., Regulatory Coordinator, Department of Social Services, 730 E. Broad St., Richmond, VA 23219-1849, telephone (804) 692-1825.

VA.R. Doc. No. R98-316; Filed June 3, 1999, 12:11 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 State Board of Social Services intends to consider amending 22 VAC 40-680-10 and 22 VAC 40-680-20 of regulations entitled: **22 VAC 40-680-10 et seq. Virginia Energy Assistance Program.** The goal of the federal Low Income Home Energy Assistance Act is to assist low-income households, particularly those with the lowest incomes, that pay a high proportion of household income for home energy, primarily in meeting their immediate home energy needs. Federal law does not impose a resource limit. The Virginia Energy Assistance Program is a short-term seasonal program with limited administrative funds. The current regulation denies benefits to applicants with resources exceeding levels set by the current Virginia program. The proposed amendments to the definitions and resources sections will eliminate the resource limit and thus reduce the need for time-consuming verification of resources and ease applicant access to benefits. The agency intends to hold a public hearing on the proposed regulation after publication.

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

Public comments may be submitted until July 21, 1999.

Contact: Patricia Snead, Human Services Program Consultant, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1752 or FAX (804) 692-1709.

VA.R. Doc. No. R99-180; Filed May 27, 1999, 11:50 a.m.

TITLE 24. TRANSPORTATION AND MOTOR VEHICLES

COMMISSION ON VIRGINIA ALCOHOL SAFETY ACTION PROGRAM

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Commission on Virginia Alcohol Safety Action Program intends to consider amending regulations entitled: **24 VAC 35-10-10 et seq. Public Participation Guidelines.** The purpose of the proposed action is to revise and bring the commission's manual for

Notices of Intended Regulatory Action

minimum standards and criteria for program operations into conformance with the current statutes. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 9-6.14:7.1 and 18.2-271.2 of the Code of Virginia.

Public comments may be submitted until July 9, 1999.

Contact: Joan W. Smith, Regulatory Consultant, Commission on VASAP, 700 E. Franklin St., Suite 1110, Richmond, VA 23219, telephone (804) 786-5895, FAX (804) 786-6286 or e-mail jsmith1714@aol.com.

VA.R. Doc. No. R99-170; Filed May 17, 1999, 12:44 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 Commission on Virginia Alcohol Safety Action Program intends to consider amending regulations entitled: **24 VAC 35-20-10 et seq. Policy and Procedure Manual.** The purpose of the proposed action is to revise and bring the commission's manual for minimum standards and criteria for program operations into conformance with the current statutes. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 18.2-271.1 and 18.2-271.2 of the Code of Virginia.

Public comments may be submitted until July 9, 1999.

Contact: Joan W. Smith, Regulatory Consultant, Commission on VASAP, 700 E. Franklin St., Suite 1110, Richmond, VA 23219, telephone (804) 786-5895, FAX (804) 786-6286 or e-mail jsmith1714@aol.com.

VA.R. Doc. No. R99-171; Filed May 17, 1999, 12:44 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 Commission on Virginia Alcohol Safety Action Program intends to consider amending regulations entitled: **24 VAC 35-30-10 et seq. VASAP Case Management Policy and Procedure Manual.** The purpose of the proposed action is to revise and bring the commission's manual for minimum standards and criteria for program operations into conformance with the current statutes. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 18.2-271.1 and 18.2-271.2 of the Code of Virginia.

Public comments may be submitted until July 9, 1999.

Contact: Joan W. Smith, Regulatory Consultant, Commission on VASAP, 700 E. Franklin St., Suite 1110, Richmond, VA 23219, telephone (804) 786-5895, FAX (804) 786-6286 or e-mail jsmith1714@aol.com.

VA.R. Doc. No. R99-172; Filed May 17, 1999, 12:44 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 Commission on Virginia Alcohol Safety Action Program intends to consider amending regulations entitled: **24 VAC 35-40-10 et seq. Certification Requirements Manual.** The purpose of the proposed action is to revise and bring the commission's manual for minimum standards and criteria for program operations into conformance with the current statutes. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 18.2-271.1 and 18.2-271.2 of the Code of Virginia.

Public comments may be submitted until July 9, 1999.

Contact: Joan W. Smith, Regulatory Consultant, Commission on VASAP, 700 E. Franklin St., Suite 1110, Richmond, VA 23219, telephone (804) 786-5895, FAX (804) 786-6286 or e-mail jsmith1714@aol.com.

VA.R. Doc. No. R99-173; Filed May 17, 1999, 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 Commission on Virginia Alcohol Safety Action Program intends to consider promulgating regulations entitled: **24 VAC 35-50-10 et seq. Training and Credentialing Manual.** The purpose of the proposed action is to develop a training and credentialing manual. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 18.2-271.1 and 18.2-271.2 of the Code of Virginia.

Public comments may be submitted until July 9, 1999.

Contact: Joan W. Smith, Regulatory Consultant, Commission on VASAP, 700 E. Franklin St., Suite 1110, Richmond, VA 23219, telephone (804) 786-5895, FAX (804) 786-6286 or e-mail jsmith1714@aol.com.

VA.R. Doc. No. R99-174; Filed May 17, 1999, 12:45 p.m.



PUBLIC COMMENT PERIODS - PROPOSED REGULATIONS



PUBLIC COMMENT PERIODS REGARDING STATE AGENCY REGULATIONS

This section gives notice of public comment periods and public hearings to be held on proposed regulations. The notice will be published once at the same time the proposed regulation is published in the Proposed Regulations section of the *Virginia Register*. The notice will continue to be carried in the Calendar of Events section of the *Virginia Register* until the public comment period and public hearing date have passed.

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

TITLE 18. PROFESSIONAL AND OCCUPATIONAL REGULATION

BOARD OF NURSING

July 20, 1999 - 1:30 p.m. – Public Hearing
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 2, Richmond, Virginia.

September 3, 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 Nursing intends to amend regulations entitled: **18 VAC 90-20-10 et seq. Regulations Governing the Practice of Nursing.** The purpose of the proposed amendments is to set forth criteria for the delegation of certain nursing tasks and procedures to unlicensed persons. Proposed regulations would replace emergency regulations which became effective January 26, 1999.

Statutory Authority: §§ 54.1-2400 and 54.1-3005 of the Code of Virginia.

Contact: Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909 or FAX (804) 662-9943.

BOARD OF PSYCHOLOGY

July 9, 1999 - 9 a.m. – Public Hearing
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 1, Richmond, Virginia.

September 3, 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 Psychology intends to amend regulations entitled: **18 VAC 125-20-10 et seq. Regulations Governing the Practice of Psychology.** The purpose of the proposed amendments is to update the education and experience requirements for all three licensure categories based on changes to the scope of practice definitions enacted in

1996, current national degree program standards, and recent changes in internship oversight by degree programs; to clarify and reformat the regulations and include an endorsement provision to expedite the licensure of applicants with lengthy experience who are licensed in other jurisdictions; and to simplify the process for reinstatement of a lapsed license.

Statutory Authority: §§ 54.1-103, 54.1-2400, and 54.1-2940; and Chapter 36 (§ 54.1-3600 et seq.) of Title 54.1 of the Code of Virginia.

Contact: Janet Delorme, Deputy Executive Director, Board of Licensed Professional Counselors, Marriage and Family Therapists and Substance Abuse Treatment Professionals, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9575, FAX (804) 662-9943 or (804) 662-7197/TTY ☎

TITLE 22. SOCIAL SERVICES

STATE BOARD OF SOCIAL SERVICES

September 3, 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 Board of Social Services intends to amend regulations entitled: **22 VAC 40-880-10 et seq. Child Support Enforcement Program.** The purpose of the proposed amendments is to provide for payment of egregiously delinquent child support debts through seizure and sale of assets, including "booting" of automobiles.

Statutory Authority: §§ 63.1-25 and 63.1-261 of the Code of Virginia.

Contact: Bill Brownfield, Manager, Department of Social Services, 730 E. Broad St., Richmond, VA 23218, telephone (804) 692-2401 or FAX (804) 692-2410.

PROPOSED REGULATIONS

For information concerning Proposed Regulations, see Information Page.

Symbol Key

Roman type indicates existing text of regulations. *Italic type* indicates proposed new text.

Language which has been stricken indicates proposed text for deletion.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL REGULATION

BOARD OF NURSING

Title of Regulation: 18 VAC 90-20-10 et seq. Regulations Governing the Practice of Nursing (amending 18 VAC 90-20-300; adding 18 VAC 90-20-420 through 18 VAC 90-20-460).

Statutory Authority: §§ 54.1-2400 and 54.1-3005 of the Code of Virginia.

Public Hearing Date: July 20, 1999 - 1:30 p.m.

Public comments may be submitted until September 3, 1999.

(See Calendar of Events section for additional information)

Basis: Chapter 24 (§ 54.1-2400 et seq.) of Title 54.1 of the Code of Virginia establishes the general powers and duties of health regulatory boards including the power to establish qualifications for licensure and responsibility to promulgate regulations.

Section 54.1-3005 of the Code of Virginia establishes the powers and duties of the Board of Nursing, including the duty to "promulgate regulations for the delegation of certain nursing tasks and procedures not involving assessment, evaluation or nursing judgment to an appropriately trained unlicensed person by and under the supervision of a registered nurse, who retains responsibility and accountability for such delegation."

Purpose: The purpose is to amend regulations pursuant to changes in the Code of Virginia made in Chapter 458 of the 1998 Acts of Assembly which required the board to promulgate regulations for the delegation of certain nursing tasks and procedures to unlicensed persons. In accordance with the second enactment clause, the board promulgated emergency regulations that became effective on January 26, 1999. These proposed regulations replace the emergency regulations and are intended to establish those criteria which are necessary to protect the public health and safety in the delegation of some patient care to unlicensed persons.

Substance:

18 VAC 90-20-300. Disciplinary provisions. The proposed amendment adds "delegating nursing tasks to an unlicensed person in violation of the provisions of Part IX (18 VAC 90-20-420 et seq.) of this chapter" to the list of actions constituting unprofessional conduct.

18 VAC 90-20-420. Definitions. Amendments provide the definitions for words and terms used in this part of the

regulations as necessary for clarity and compliance. They are "delegation," "supervision," and "unlicensed person."

The definition of "unlicensed person" is modified from the emergency regulation in response to public comment. Several persons and facilities interpreted the term to include licensed practical nurses, which was not the intent of the board. To clarify the definition, another sentence was added to specify that, with the exception of a certified nurse aide, an "unlicensed person" does not include anyone licensed or certified by a board within the Department of Health Professions who is practicing within his recognized scope of practice.

18 VAC 90-20-430. Criteria for delegation. The proposed amendments establish requirements for a plan for delegation to be adopted by the entity responsible for client care, set certain criteria which must be met in order for a nurse to delegate, state that the unlicensed person may not reassign the task or procedure, and establish that delegation may occur only after an assessment has been performed.

Comments on the emergency regulations requested that the board consider specifying in regulation the various levels of supervision that must be incorporated into the institutional plan for delegation. The board chose to allow each health care facility to develop its own plan for supervision provided it complies with the provisions of this section. It also amended subdivision 3 in subsection A to emphasize that the supervision must be sufficient to assure safe nursing care to meet the needs of the clients in their specific settings.

18 VAC 90-20-440. Assessment required prior to delegation. This section establishes the requirements for an assessment and specifies those types of tasks which may be delegated to unlicensed persons.

18 VAC 90-20-450. Supervision of delegated tasks. The proposed regulation establishes the factors by which the nurse determines the method and frequency of supervision required, sets conditions under which another registered nurse may supervise the nursing tasks if the delegating nurse is not present, specifies what such supervision shall include, and establishes that an ongoing assessment is necessary to determine if delegation continues to be appropriate.

Comment on the emergency regulation noted concern and confusion over the appropriate transfer of delegation from one registered nurse to another. To clarify the intent of the board, the proposed amendment states that when the delegating nurse is not available, the delegation is either terminated or the authority to delegate is transferred to another registered nurse, who then becomes the delegating nurse with responsibility for the delegation.

Proposed Regulations

18 VAC 90-20-460. Nursing tasks which shall not be delegated. The proposed regulation establishes that nursing tasks that shall not be delegated are those which are inappropriate for a specific, unlicensed person to perform on a specific patient after an assessment is conducted, and it sets out certain nursing tasks which may not be delegated to any unlicensed person.

In response to public comment, the board has changed the “may” to a “shall” in subsection B to read, “Nursing tasks that shall not be delegated to any unlicensed person are:...”

Issues:

ISSUE 1: Responsibility for making decisions on delegation.

An issue that precipitated the need for statutory authority to promulgate regulations on delegation was the question of a line of authority and who is responsible for making a decision to delegate certain tasks to unlicensed persons. Without regulations, there was no guidance for employers or for registered nurses who were occasionally asked to take responsibility for a delegation which they felt was inappropriate or dangerous to the patient. These regulations permit registered nurses, who are qualified by education and experience to supervise and coordinate the delivery of nursing care, to make decisions about the appropriate delegation of such care to others within the plan for delegation developed by the institution.

The plan for delegation must comply with provisions of the regulations and must provide for certain assessments, resources, and safeguards to be in place before delegation to unlicensed persons can occur within the institution. Therefore, the plan should include an assessment of the client population the institution serves, an analysis and identification of the nursing needs and priorities, organizational standards for sufficient supervision to ensure safe care in each specific setting, communication of the plan to staff, documentation of the training and competencies of unlicensed persons, and provisions for resources necessary to support safe delegation. Within that framework, it is also clearly stated that the delegation can only occur when, in the judgment of the registered nurse, it is appropriate and safe for the patient.

In developing a plan for delegation, some institutions questioned the definition of an “unlicensed person” and had determined that it included a licensed practical nurse. In the adoption of proposed regulations to replace the emergency regulations, the board clarified the definition.

ISSUE 2: Criteria for delegation.

The proposed regulations establish standards for the safe delegation of nursing care. The regulations describe the procedures for determining what task can be delegated and to whom and under what circumstances in order to adequately protect the public. In the concept paper by the National Council of States Boards of Nursing, the Five Rights of Delegation are described as: the right task, under the right circumstances, by the right person to the right person, with the right direction or communication, under the right

supervision. Those five rights became the basis for the board in establishing the criteria for delegation.

Foremost of the criteria is the responsibility and accountability of the registered nurse for the nursing care of the client. Regardless of an institutional plan, the delegating nurse must determine that the task or procedure can be properly and safely performed by an unlicensed person and that the delegation does not jeopardize the patient. Delegation can only occur on a client-specific basis with clear instructions for performance of the tasks with expected outcomes. Delegation can also only occur when the unlicensed person has been clearly identified as such to the patient by name tag or in person by the delegating nurse.

ISSUE 3: Supervision of the unlicensed person to whom a task is delegated.

Questions were raised about whether regulations should stipulate the levels of supervision as “immediate supervision,” “direct supervision,” and “indirect supervision” with specific parameters and practice settings described. The Delegation Advisory Committee reviewed regulations from other states and discussed at length the advantages and disadvantages of specifying levels of supervision. It recommended against adopting such a regulation. While it will be necessary and appropriate for an entity to include the level and degree of supervision required for delegation in each practice setting within that institution, the board determined that it was not appropriate or necessary to so specify by regulation. Instead, the board adopted regulations to provide those general requirements that are necessary for patient safety, and it directed the institutions to develop a plan that is suited to its patient population and their needs. An amendment was added to definitely state that the delegation plan shall provide “establishment of organizational standards to provide for sufficient supervision which assures safe nursing care to meet the needs of the clients in their specific settings.”

Criteria for supervision are clearly articulated by the proposed regulations, which state the factors that determine the method and frequency of supervision. Rather than prescribing supervision for every situation or every patient setting, the determination on the level and type of supervision is to be based on the stability and condition of the patient, the experience and competency of the unlicensed person, the nature of the tasks or procedures, and the proximity and availability of the registered nurse when the tasks are being performed. Proposed regulations also provide that delegation should either be terminated or the authority to delegate transferred to another registered nurse when the delegating nurse is no longer going to be available to supervise. Delegation then becomes the decision and responsibility of the new supervising nurse as the delegating nurse.

In addition to the factors that determine the method and frequency of supervision, the regulations also specify what constitutes appropriate supervision.

ISSUE 4: Tasks which may or may not be delegated.

As the National Council's position paper states, nursing is a knowledge-based process and cannot be reduced to a list of tasks. Therefore, the board did not attempt to specify what tasks or procedures may be delegated – such delegation is dependent on the factors stated in the Five Rights of Delegation and set forth in these regulations. However, the board has specified the assessment of the patient and the unlicensed person that must be performed prior to a delegation. The delegating nurse must assess the clinical status and stability of the patient's condition, determine the type, complexity and frequency of the nursing care needed and delegate only those tasks which meet the criteria set forth in regulation.

The delegating nurse must also assess the training, skills and experience of the unlicensed person to determine which tasks are appropriate and the level of supervision that is needed.

In addition, there are types of nursing tasks which are always inappropriate and unsafe to be delegated, and those are prohibited by these regulations to be delegated to any unlicensed person.

Advantages or disadvantages. For the clients or patients in Virginia, there are clear advantages to a plan and criteria for delegation that establishes institutional standards and responsibility for delegation of unlicensed persons. In a changing health care system, there is a need for competent, appropriately supervised, unlicensed assistive personnel to enable institutions to deliver affordable, quality health care. Consumers are benefited by regulations which empower registered nurses to delegate certain tasks that are appropriate to a patient at a given time in a given setting and that are within the abilities of the unlicensed person and within the scope of the nurse's practice.

For the entities that need to employ such persons, these regulations provide requirements for a delegation plan which are sufficiently prescriptive to provide the necessary framework but flexible enough to allow the institution to craft a plan which meets the particular needs of its clients in the settings in which they receive nursing care.

For registered nurses and unlicensed persons, provisions for a delegation provide some assurance that the appropriate assessments have been made at the institutional level, the organization has provided for sufficient supervision, the necessary training and competencies have been identified and addressed, and the resources are available for appropriate delegation. With a plan and certain criteria in place, there is some structure and guideline for delegation for both the delegating nurse and the person to whom the task has been delegated.

For the agency, there are no advantages or disadvantages to the proposal other than the clarity the proposed regulations provide on the issue of appropriate delegation to unlicensed persons.

Estimated Fiscal Impact:

Number of entities affected by this regulation.

These regulations could potentially affect the 77,116 registered nurses licensed in Virginia. In addition, every facility, institution, agency, school system or any other entity that employs registered nurses and unlicensed persons could be affected by these regulations. The number of unlicensed persons to whom registered nurses would delegate certain tasks is unknown.

Projected cost to the agency.

The agency will incur some costs (less than \$5,000) for mailings to the 1,000 people on the board's Public Participation Guidelines mailing list, conducting a public hearing, and sending copies of final regulations. Every effort will be made to incorporate these into anticipated mailings and board meetings already scheduled.

It is also expected that a small number of licensees will be investigated for a reported violation, and some of those will result in a disciplinary case being opened. In those cases, costs would be charged back to the board from the Investigative and Administrative Proceedings Division (APD) of the department. Costs for cases that do result in an informal conference committee proceeding (estimated to be less than 10 per year) would include travel expenses and per diem for board members as well as costs for the services of APD and Investigations. Informal conference committees typically hear several cases in a day, so the costs per case would be minimized.

Cost estimates for disciplinary cases related to the failure to comply with these regulations range from \$100 for cases resulting in pre-hearing consent orders to \$500 per case for those that result in an informal conference committee or a formal hearing. All expenses relating to enforcement of these regulations can be absorbed in the projected budget and existing employment level of the Board of Nursing and the Department of Health Professions.

Projected costs to the affected entities.

There would be no additional costs for compliance with these regulations for nurses or entities in the Commonwealth. The regulations provide guidance for an activity which is commonly practiced in various settings, that is the delegation of nursing tasks to unlicensed persons.

Citizen input in development of regulation.

In the development of the emergency regulations, a Delegation Advisory Committee was formed to solicit input from a number of individuals in addition to the members of the board. The committee met on three occasions and considered comments received on the draft regulations, which were put on the board's web site and distributed to interested parties. With various parts of the Commonwealth, diverse nursing practices, and affected constituencies represented, the committee brought an informed, balanced approach to rule-making and was able to achieve consensus on the regulations it recommended to the board. The board also held a public hearing on the draft emergency regulations and accepted and considered written comments prior to adoption.

Proposed Regulations

A Notice of Intended Regulatory Action was published on February 15, 1999, and was sent to persons on the board's Public Participation Guidelines mailing list. Resulting comments were distributed to board members and were considered in the adoption of proposed amendments to the regulation. Public comments were also received at each meeting of the board.

Localities affected.

There are no localities in the Commonwealth particularly affected by these regulations.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 9-6.14:7.1 G of the Administrative Process Act and Executive Order Number 25 (98). Section 9-6.14:7.1 G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. The Board of Nursing proposes to amend its Regulations Governing the Practice of Nursing to include requirements and criteria for the delegation of certain nursing tasks to unlicensed persons. The proposed regulation includes:

1. Definitions of additional terms;
2. Criteria for delegation of tasks and specifications of the assessment that must be undertaken prior to any delegation;
3. Guidelines regarding the supervision of delegated tasks;
4. A list of nursing tasks that shall not be delegated; and
5. A provision that delegating nursing tasks to an unlicensed person in violation of the regulations shall constitute unprofessional conduct.

Estimated economic impact. The delegation of some nursing tasks to unlicensed persons is a common practice in today's health care settings and, to date, there have been no governmental guidelines in this area in Virginia. While procedures differ between settings, it is not uncommon for decisions about the delivery of nursing care to be made at administrative levels without involving any input from registered nurses. The Board of Nursing has concluded that the increased use of unlicensed personnel by health care providers requires that a registered nurse be involved in decisions about the delivery of nursing care to protect the health, safety, and welfare of the public. The proposed regulations place authority for delegating certain nursing

tasks with a registered nurse and ensure that the nurse retains the responsibility and accountability for delegating appropriately.

Promulgation of this regulation is intended to prevent hospitals and other health care providers from overriding the advice and opinions of registered nurses regarding the appropriate delegation of nursing tasks to unlicensed persons. However, if inappropriate care were common in this industry and the current situation were leading to undesirable health outcomes, one would expect litigation to occur and force those health care providers to undertake reasonable measures to correct the problems. If market forces work properly, this regulation would be expected to provide little if any economic or social benefits and may even increase costs by limiting the flexibility of health care providers. On the other hand, if the prospect of litigation is not providing an adequate incentive for health care providers to follow appropriate guidelines in the delegation of nursing tasks to unlicensed persons, then this regulation can be expected to provide a net economic benefit in terms of improved health outcomes for patients. While it cannot readily be determined which of these cases is true, the magnitude of the net economic impact is likely to be quite small.

Businesses and entities affected. There are 77,116 registered nurses currently licensed in Virginia who could potentially be affected by the proposed regulations. In addition, all facilities that employ registered nurses and unlicensed personnel may also be affected by these regulations.

Localities particularly affected. The proposed regulation is not expected to uniquely affect any particular localities in Virginia.

Projected impact on employment. The proposed regulation is not expected to have any significant impact on employment in Virginia since the delegation of certain nursing tasks to unlicensed personnel is already common practice and the proposed regulations provide guidelines rather than restrict or expand the activity.

Effects on the use and value of private property. The proposed regulation is not expected to have any significant impact on the use and value of private property in Virginia.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The board concurs with the economic impact analysis prepared by the Department of Planning and Budget.

Summary:

The proposed amendments add requirements and criteria for the delegation of certain nursing tasks to unlicensed persons, and include:

1. *Definitions of additional terms;*
2. *Criteria for delegation of tasks and specification of the assessment that must be undertaken prior to any delegation;*

3. *Guidelines regarding the supervision of delegated tasks;*
4. *A list of nursing tasks that shall not be delegated; and*
5. *A provision that delegating nursing tasks to an unlicensed person in violation of the regulations shall constitute unprofessional conduct.*

18 VAC 90-20-300. Disciplinary provisions.

A. The board has the authority to deny, revoke or suspend a license issued, or to otherwise discipline a licensee, upon proof that the licensee has violated any of the provisions of § 54.1-3007 of the Code of Virginia. For the purpose of establishing allegations to be included in the notice of hearing, the board has adopted the following definitions:

1. Fraud or deceit means, but shall not be limited to:
 - a. Filing false credentials;
 - b. Falsely representing facts on an application for initial license, reinstatement or renewal of a license; or
 - c. Giving or receiving assistance in the taking of the licensing examination.
2. Unprofessional conduct means, but shall not be limited to:
 - a. Performing acts beyond the limits of the practice of professional or practical nursing as defined in Chapter 30 (§ 54.1-3000 et seq.) of Title 54.1 of the Code of Virginia, or as provided by §§ 54.1-2901 and 54.1-2957 of the Code of Virginia;
 - b. Assuming duties and responsibilities within the practice of nursing without adequate training or when competency has not been maintained;
 - c. Obtaining supplies, equipment or drugs for personal or other unauthorized use;
 - d. Employing or assigning unqualified persons to perform functions that require a licensed practitioner of nursing;
 - e. Falsifying or otherwise altering patient or employer records;
 - f. Abusing, neglecting or abandoning patients or clients;
 - g. Practice of a clinical nurse specialist beyond that defined in 18 VAC 90-20-290; ~~or~~
 - h. Representing oneself as or performing acts constituting the practice of a clinical nurse specialist unless so registered by the board; ~~or~~
 - i. *Delegating nursing tasks to an unlicensed person in violation of the provisions of Part IX (18 VAC 90-20-420 et seq.) of this chapter.*

B. Any sanction imposed on the registered nurse license of a clinical nurse specialist shall have the same effect on the clinical nurse specialist registration.

PART IX.

DELEGATION OF NURSING TASKS AND PROCEDURES.

18 VAC 90-20-420. Definitions.

"Delegation" means the authorization by a registered nurse to an unlicensed person to perform selected nursing tasks and procedures in accordance with this part.

"Supervision" means guidance or direction of a delegated nursing task or procedure by a qualified, registered nurse who provides periodic observation and evaluation of the performance of the task and who is accessible to the unlicensed person.

"Unlicensed person" means an appropriately trained individual, regardless of title, who receives compensation, who functions in a complementary or assistive role to the registered nurse in providing direct patient care or carrying out common nursing tasks and procedures, and who is responsible and accountable for the performance of such tasks and procedures. With the exception of certified nurse aides, this shall not include anyone licensed or certified by a health regulatory board who is practicing within his recognized scope of practice.

18 VAC 90-20-430. Criteria for delegation.

A. *Delegation of nursing tasks and procedures shall only occur in accordance with the plan for delegation adopted by the entity responsible for client care. The delegation plan shall comply with provisions of this chapter and shall provide:*

1. *An assessment of the client population to be served;*
2. *Analysis and identification of nursing care needs and priorities;*
3. *Establishment of organizational standards to provide for sufficient supervision which assures safe nursing care to meet the needs of the clients in their specific settings;*
4. *Communication of the delegation plan to the staff;*
5. *Identification of the educational and training requirements for unlicensed persons and documentation of their competencies; and*
6. *Provision of resources for appropriate delegation in accordance with this part.*

B. *Delegation shall be made only if all of the following criteria are met:*

1. *In the judgment of the delegating nurse, the task or procedure can be properly and safely performed by the unlicensed person and the delegation does not jeopardize the health, safety and welfare of the client.*
2. *The delegating nurse retains responsibility and accountability for nursing care of the client, including*

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nursing assessment, planning, evaluation, documentation and supervision.

3. Delegated tasks and procedures are within the knowledge, area of responsibility and skills of the delegating nurse.

4. Delegated tasks and procedures are communicated on a client-specific basis to an unlicensed person with clear, specific instructions for performance of activities, potential complications, and expected results.

5. The person to whom a nursing task has been delegated is clearly identified to the client as an unlicensed person by a name tag worn while giving client care and by personal communication by the delegating nurse when necessary.

C. Delegated tasks and procedures may not be reassigned by unlicensed personnel.

D. Nursing tasks shall only be delegated after an assessment is performed according to the provisions of 18 VAC 90-20-440.

18 VAC 90-20-440. Assessment required prior to delegation.

Prior to delegation of nursing tasks and procedures, the delegating nurse shall make an assessment of the client and unlicensed person as follows:

1. The delegating nurse shall assess the clinical status and stability of the client's condition, shall determine the type, complexity and frequency of the nursing care needed and shall delegate only those tasks which:

- a. Do not require the exercise of independent nursing judgment;
- b. Do not require complex observations or critical decisions with respect to the nursing task or procedure;
- c. Frequently recur in the routine care of the client or group of clients;
- d. Do not require repeated performance of nursing assessments;
- e. Utilize a standard procedure in which the tasks or procedures can be performed according to exact, unchanging directions; and
- f. Have predictable results and for which the consequences of performing the task or procedures improperly are minimal and not life threatening.

2. The delegating nurse shall also assess the training, skills and experience of the unlicensed person and shall verify the competency of the unlicensed person in order to determine which tasks are appropriate for that unlicensed person and the method of supervision required.

18 VAC 90-20-450. Supervision of delegated tasks.

A. The delegating nurse shall determine the method and frequency of supervision based on factors which include, but are not limited to:

1. The stability and condition of the client;
2. The experience and competency of the unlicensed person;
3. The nature of the tasks or procedures being delegated; and
4. The proximity and availability of the registered nurse to the unlicensed person when the nursing tasks will be performed.

B. In the event that the delegating nurse is not available, the delegation shall either be terminated or delegation authority shall be transferred by the delegating nurse to another registered nurse who shall supervise all nursing tasks delegated to the unlicensed person, provided the registered nurse meets the requirements of 18 VAC 90-20-430 B 3.

C. Supervision shall include but not be limited to:

1. Monitoring the performance of delegated tasks;
2. Evaluating the outcome for the client;
3. Ensuring appropriate documentation; and
4. Being accessible for consultation and intervention.

D. Based on an ongoing assessment as described in 18 VAC 90-20-440, the delegating nurse may determine that delegation of some or all of the tasks and procedures is no longer appropriate.

18 VAC 90-20-460. Nursing tasks that shall not be delegated.

A. Nursing tasks that shall not be delegated are those which are inappropriate for a specific, unlicensed person to perform on a specific patient after an assessment is conducted as provided in 18 VAC 90-20-440.

B. Nursing tasks that shall not be delegated to any unlicensed person are:

1. Activities involving nursing assessment, problem identification, and outcome evaluation which require independent nursing judgment;
2. Counseling or teaching except for activities related to promoting independence in personal care and daily living;
3. Coordination and management of care involving collaboration, consultation and referral;
4. Emergency and nonemergency triage; and
5. Administration of medications except as specifically permitted by the Virginia Drug Control Act (§ 54.1-3400 et seq. of the Code of Virginia).

BOARD OF PSYCHOLOGY

Title of Regulation: 18 VAC 125-20-10 et seq. Regulations Governing the Practice of Psychology (amending 18 VAC 125-20-10, 18 VAC 125-20-30, 18 VAC 125-20-40, 18 VAC 125-20-80, 18 VAC 125-20-120, 18 VAC 125-20-130, 18 VAC 125-20-150, 18 VAC 125-20-160, and 18 VAC 125-20-170; adding 18 VAC 125-20-41, 18 VAC 125-20-42, 18 VAC 125-20-54, 18 VAC 125-20-55, 18 VAC 125-20-56, and 18 VAC 125-20-65; repealing 18 VAC 125-20-50, 18 VAC 125-20-51, 18 VAC 125-20-52, 18 VAC 125-20-53, 18 VAC 125-20-60, 18 VAC 125-20-70, 18 VAC 125-20-90, 18 VAC 125-20-100, and 18 VAC 125-20-140).

Statutory Authority: §§ 54.1-103, 54.1-2400 and 54.1-2940; and Chapter 36 (§ 54.1-3600 et seq.) of Title 54.1 of the Code of Virginia.

Public Hearing Date: July 9, 1999 - 9 a.m.

Public comments may be submitted until September 3, 1999.

(See Calendar of Events section for additional information)

Basis: Chapters 24 (§ 54.1-2400 et seq.) and 36 (§ 54.1-3600 et seq.) of Title 54.1 of the Code of Virginia provide the basis for these regulations.

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

Chapter 36 establishes the Board of Psychology and authorizes that board to administer the licensure of applied psychologists, clinical psychologists and school psychologists.

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

In addition, § 54.1-2940 directs the board to develop regulations establishing the requirements for licensure of clinical psychologists with appropriate emphasis and experience in the diagnosis and treatment of persons with moderate and severe mental disorders, and to collaborate with the Board of Medicine's Committee on the Certification of Clinical Psychologists.

Purpose: In response to Governor Allen's Executive Order 15 (94), the board conducted a comprehensive review of its regulations to ensure that the only regulations that remain in effect are those that are essential to protect the health, safety and welfare of the public. The board is proposing amendments to the regulations in areas where it has determined that the public may not be adequately protected by the current language.

One of the mandates of the executive order was that the regulations be clearly written and easily understandable. In compliance with this mandate, the board is proposing

reformatting its regulations, eliminating obsolete and unnecessary language, and including new language where needed to clarify requirements.

The executive order also mandated that no regulation should remain in effect if there are less burdensome or intrusive alternatives available to achieve the purpose of the regulations. To reduce the burden of its regulations on applicants, the board is proposing an endorsement provision to expedite licensure of applicants with lengthy experience licensed in other jurisdictions.

Substance: The key amendments for the regulation are summarized as follows:

Part I. General Provisions. The board is proposing adding definitions for the acronyms of four professional associations that are referenced in the regulations as board-approved accrediting bodies for educational and internship programs. The board also proposes adding a definition for "residency" which is used extensively in the regulations, but not currently defined, and amending the current definition for "internship" to reflect the current trend for internships to operate independently of school programs.

Minor changes are proposed to more accurately describe the purpose of certain fees.

Part II. Requirements for Licensure. The board proposes two new sections (18 VAC 125-20-41 and 18 VAC 125-20-42) to set forth existing requirements for licensure by examination with clarifications and new requirements for licensure by endorsement for experienced psychologists licensed in other jurisdictions.

The board proposes the repeal of 18 VAC 125-20-50, as the language in this section has been moved to proposed sections 18 VAC 125-20-41 and 18 VAC 125-20-42.

Due to extensive reformatting of the education and experience requirements for the three practice specialties, the board proposes the repeal of 18 VAC 125-20-51, 18 VAC 125-20-52, 18 VAC 125-20-53, to be replaced by new sections (18 VAC 125-20-54, 18 VAC 125-20-55, 18 VAC 125-20-56 and 18 VAC 125-20-65) which set forth the educational and experience requirements separately. Because the majority of applicants (approximately 90%) are interested in the clinical license, the education requirements for this license are listed first in the proposed regulations.

In addition to the formatting changes, the board proposes updating the education and experience requirements based on the review of current statutes, changes in internship program oversight, and current national degree program standards (the American Psychological Association's "Guidelines and Principles for Accreditation of Programs in Professional Psychology"; the Association of State and Provincial Psychology Boards/National Register "Guidelines for Defining a Doctoral Degree in Psychology," the National Council for Accreditation of Teacher Education's Approved Curriculum Guidelines, and the Association of Psychology Postdoctoral and Internship Centers Doctoral Membership Criteria).

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In the proposed core curriculum which is common to applied and clinical psychologist licensure, the History and Systems course is no longer a requirement, as it is not essential to ensure minimal competency and has been a difficult course for a number of applicants to obtain. The Statistics and Research Design course has been split into two core areas to conform with the contemporary psychology curriculum: one in research methodology and one in techniques of data analysis. Because the core of all psychology practice involves measuring some aspect of behavior, the board is recommending moving the Psychological Measurement course from the clinical specialty listing to the core curriculum listing. A new core area in consultation and supervision is recommended to address the increasing demand for contracted administrative supervision by licensed psychologists due to the proliferation of nondoctoral psychologists practicing in agencies exempt from the licensure requirement.

Under the clinical specialty, the course in Behavioral Assessment has been split into two content areas of intellectual assessment and personality assessment to conform with the contemporary clinical psychology curriculum. The board determined that Study of the Individual applies specifically to the clinical specialty and has proposed moving it under the clinical specialty core area of human development.

The board is also recommending expanding the content areas for practicums for clinical psychologists to ensure that the treatment of moderate to severe disorders is included.

The board proposes language that will make the school psychologist license attainable by individuals holding other degree titles, including programs approved by the National Association of School Psychologists (NASP). To provide guidelines for individuals whose programs are not approved by one of the professional associations, the board has developed a core curriculum and practicum requirements in school psychology based on the National Council for Accreditation of Teacher Education's Approved Curriculum Guidelines.

Because internships will no longer be governed by the graduate programs, the board is proposing language to require that clinical and school psychologist internships meet national standards.

The board is proposing new language under the residency requirement to provide clarification of the prohibitions on resident billing and solicitation. The board is also proposing a clock hour equivalency to the one-year residency requirement to guide candidates who are in part-time residencies. To ensure compliance with § 54.1-2907, the board is recommending language to specify that the residency must include experience in the treatment of moderate to severe emotional disorders.

Instructions for graduates of foreign institutions set forth in 18 VAC 125-20-60 have been incorporated into the program requirements for each practice specialty. The board proposes to repeal this section which is no longer necessary.

The board also proposes the repeal of 18 VAC 125-20-70 which duplicates the statutory mandate to obtain a Virginia license to practice psychology in Virginia.

Part III. Examinations. The board proposes streamlining the examination requirements by removing unnecessary language from 18 VAC 125-20-80, 18 VAC 125-20-90 and 18 VAC 125-20-100, and combining the retained language into one section. These formatting changes do not represent changes in the actual examination requirements.

Part IV. Licensure Renewal; Reinstatement. Minor changes are proposed to make 18 VAC 125-20-120 clearer and more concise.

Part V. Advisory Committees. The board proposes the repeal of this part of the regulation, as the board's authority to establish advisory committees is set forth in statute, and the structure of the committees is set forth in the board's Public Participation Guidelines.

Part VI. Standards of Practice; Unprofessional Conduct; Disciplinary Actions; Reinstatement. The board is recommending amendments to the standards of practice set forth in 18 VAC 125-20-150 to clarify the regulations and improve their enforceability. Language that duplicates statute was struck and related subdivisions were combined where appropriate. Because the majority of disciplinary actions taken against psychologists are due to dual relationships of a sexual nature, the board determined that the current language in subdivision B 7 which states "avoid dual relationships" can be interpreted as either interminable, or as somewhat permissive, and is not adequate to protect the public. The board is recommending a new subsection to address the prohibition on sexual relationships separately, and provide a definite span.

The board also proposes deleting 18 VAC 125-20-160 B which is set forth in statute and provided to respondents at the time the consent order is presented for signature.

Other minor changes are proposed for 18 VAC 125-20-160 and 18 VAC 125-20-170 to make these sections clearer and more concise.

Issues:

ISSUE 1: Definitions.

A significant change has taken place recently in the position of the American Psychological Association (APA) which formerly required internships to be an integral part of the graduate program. In an effort to pattern psychologist training after the medical model, the APA is encouraging the establishment of internships independently from the graduate programs. As a result, graduate programs are increasingly relinquishing their internship programs, and the internship as defined in the current regulations will soon be unattainable. Considering the loss of direct oversight of internships by the graduate programs, the board discussed the importance of including language in the regulations to provide for denial of internships that do not meet adequate standards to ensure the competency of candidates for licensure. The board is recommending a new definition to require internships to

meet national standards. The board is also proposing a new definition of residency to maintain the appropriate training progression as required under the current regulations.

Advantages and Disadvantages: Proposed changes to this section allow for acceptance of internships independent of graduate programs, help to ensure that the quality of acceptable internships will be maintained, and preserve the current requirement for completing the internship requirement prior to beginning the residency. This is an advantage to individuals who may have completed an internship independent of a graduate program, which would not be acceptable under the current regulations. The proposed changes present no disadvantages to the general public, applicants, licensees, the board or the agency.

ISSUE 2: General Requirements for Licensure.

Currently, applicants with lengthy experience as licensed practitioners in other jurisdictions must document the same information as new practitioners, which includes official documentation of supervised practice that may have taken place long ago and is therefore difficult or impossible to verify. In addition, experienced practitioners are required to sit for the board's practice examinations, which may be superfluous to the original examination taken for licensure in the other jurisdiction. The board determined that a provision should be developed for licensure of experienced practitioners by endorsement, and is proposing language that provides several avenues for endorsement. The board is also proposing amendments to clarify the current requirements and the documentation necessary for licensure by examination.

Advantages and Disadvantages: Endorsement of experienced practitioners will expedite the licensure process for these applicants by as many as 10 months, reducing delays in the ability to obtain employment, open private practices and bill for services. Amendments to the requirements for licensure by examination present a more complete listing of the requirements and the documentation required in the application package. The proposed changes present no disadvantages to the general public, applicants, licensees, the board or the agency.

ISSUE 3: Education and Experience Requirements.

Although the trend of the national accrediting associations is to set standards for a general core in professional psychology and not specialty training areas, the board must develop its regulations in conformance with Virginia law which recognizes three distinct practice specialties. The board is responsible for ensuring the competency of licensees to practice under the license titles that it issues.

Requirements for clinical psychologist licensure: The current education and experience requirements have been in effect since 1988. Since that time, there have been changes in the statutes setting forth new licensure titles and scopes of practice for practice specialties, changes in internship program oversight as explained previously, and changes in the national degree program standards. The board identified the need to update the requirements and reorganize the

sections to reduce the levels of subdivision and make them easier to follow.

Advantages and Disadvantages: The proposed education and experience requirements for clinical psychologists include appropriate emphasis in the diagnosis and treatment of persons with moderate to severe mental disorders as mandated under § 54.1-2940 enacted in July 1996. The proposed general core area listings provide guidance to applicants regarding the types of courses that will be acceptable, and provide greater flexibility than the listings in the current regulations for acceptance of courses with various titles within each content area. Elimination of the course requirement History and Systems, which is the requirement most often lacking from applicant transcripts, will expedite the licensure process for many applicants.

Moving the experience requirements to a new section reduces the levels of subdivision and makes the regulations easier to follow. Because the internships are moving out of the graduate programs, new language is being proposed to ensure that only those internships that meet national standards will be accepted.

With the loss of program oversight of internships, the need to ensure the quality of practicum experience has increased. Establishing content areas for the practicum ensures that APA-approved programs have the essential elements in clinical training.

Guidance on billing procedures for resident services will provide clarification of the prohibitions on resident billing and solicitation, which is a frequent subject of inquiry at the board office. The proposed clock hour equivalency to the one-year residency requirement will be helpful to residents who complete the residency on a part-time basis. Proposed language requiring experience in the treatment of moderate to severe emotional disorders emphasizes the significance of this training in preparing competent clinical practitioners in compliance with § 54.1-2907 of the Code of Virginia.

Applicants will have to document additional hours in the practicum requirement. However, the board members agreed that most graduates of Ph.D. clinical programs obtain more than nine semester hours, since internship programs will not accept applicants who do not have a sufficient variety of practicum experience.

The proposed changes present no disadvantages to current licensees, the board or the agency.

Requirements for applied psychologist licensure: Prior to 1996, the generic title "psychologist" encompassed Ph.D.-level psychologists with or without clinical training. When the statute changed, the new title "applied psychologist" was established for Ph.D.-level psychologists without clinical training. The core curriculum exposes students to basic foundations of psychology obtained in the first two years of the Ph.D. program, but does not confer expertise in any specialty area. To ensure that individuals holding the applied psychologist license are qualified to practice applied psychology as set forth in the new statute, the board is proposing that, in addition to the core course requirements,

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applicants document an additional 18 semester hours in one of several concentrated programs of applied psychology study.

Advantages and Disadvantages: The board can ensure the competency of applied psychologist applicants to provide services within an area of applied psychology set forth in the current scope of practice, while providing enough flexibility to accept many different areas of applied psychology training that may be documented.

Applicants for the applied psychologist license will have to document 18 semester hours of coursework in addition to the core requirements. This does not exceed the number of semester hours acquired in the Ph.D. program and it ensures that the program provides comprehensive education in some area of applied psychology.

The proposed changes present no disadvantages to the general public, current licensees, the board or the agency.

Requirements for school psychologist licensure: Under the current regulations, only master's degrees in school psychology received in programs approved by the APA or the National Council of Accreditation of Teacher Education (NCATE) are acceptable. The board proposes language that will make this license attainable by individuals holding other degree titles whose programs are approved by the APA, NCATE or the National Association of School Psychologists (NASP) or equivalent. To provide guidelines for individuals whose programs are not approved by one of the professional associations, the board developed a core curriculum and practicum requirements in school psychology based on the NCATE-Approved Curriculum Guidelines.

Advantages and Disadvantages: The proposed language will make the school psychologist license available to individuals who may not have graduated from an approved programs with the specific title of "school psychology," whose program met requirements equivalent to those set forth in the regulations.

The proposed changes present no disadvantages to the general public, applicants, licensees, the board or the agency.

ISSUE 4: Examination Requirements.

Examination requirements under the current regulations are set forth under three sections which can be reduced and consolidated by eliminating language that is unnecessary.

Advantages and Disadvantages: Elimination of unnecessary language makes the regulations more concise.

The proposed changes present no disadvantages to the general public, applicants, licensees, the board or the agency.

ISSUE 5: Standards of Practice.

The board's Disciplinary Committee identified standards of practice that have been confusing or unclear to licensees, or that need clearer language to improve enforceability. The board was particularly concerned with vague language pertaining to the prohibition on sexual relationships, which

are the most common violations to come before the board in disciplinary proceedings. Additionally, the board determined that this section could be improved by eliminating subsections duplicating statute, and combining subsections covering common content areas. The board also determined that the time for keeping records was excessive, and amended it to five years based on the Association of State and Provincial Psychology Board's (ASPPB) Code of Conduct.

Advantages and Disadvantages: The amendments clarify the standards of practice for licensees and their clients and improve their enforceability. The proposed changes present no disadvantages to the general public, applicants, licensees, the board or the agency.

ISSUE 6: Grounds for Disciplinary Action/Reinstatement Following Disciplinary Action.

Both 18 VAC 125-20-170 and 18 VAC 125-20-170 contain language that is unnecessary and can be eliminated.

Advantages and Disadvantages. The proposed changes clarify the regulations and present no disadvantages to the general public, applicants, licensees, the board or the agency.

Estimated Fiscal Impact:

Projected number of persons affected and their cost of compliance.

The number of licensees affected by these regulations are as follows (as of December 1997):

Clinical Psychologists	1,702
School Psychologists	102
Applied Psychologists	75

The endorsement provision should expedite processing of applicants who have been licensed in other states by about 10 months. These applicants constitute approximately 25% of the 100 individuals that become licensed in Virginia each year. Assuming earnings of \$4,000 to \$7,000 per month, the potential earnings that might otherwise be lost could be \$40,000 to \$70,000. More significantly, endorsement applicants will be less likely to miss employment opportunities if issuance of the license is expedited, and psychological services will be more readily available to the public.

Costs to the agency for implementation.

Approximately \$2,000 will be incurred for printing and mailing public notices and amended regulations.

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

Costs to local governments.

The proposed amendments will not fiscally impact local governments.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed

regulation in accordance with § 9-6.14:7.1 G of the Administrative Process Act and Executive Order Number 25 (98). Section 9-6.14:7.1 G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. These regulations set forth the criteria for the licensure of psychologists in Virginia. The majority of the proposed changes clarify the wording, intent, and organization of the rules. The more substantive changes include updating the education and experience requirements, clarifying the standards of practice, and including an endorsement provision to expedite the licensure of applicants licensed in other jurisdictions.

Estimated economic impact.

Updated Education and Experience Requirements

The proposed regulation revises the core curriculum and specialty course requirements to reflect contemporary academic programs, and amends the definition for "internship" in response to the current trend for internships to operate independently of school programs. These changes can be expected to have a modest positive economic impact for the regulated community by making the regulations consistent with current standards and trends in the field of psychology.

Applied psychologists are required by the proposed regulation to document 18 semester hours in a specific concentration of applied psychology study. This requirement is intended to refine the board's implementation of the new definition of the practice of applied psychology in the Code of Virginia.

Under the current regulations, only individuals with a master's degree in school psychology are eligible for licensure. Language in this proposal will make the school psychologist license available to individuals who have equivalent qualifications but may not have graduated from an approved program with the specific title of "school psychology." The number of providers of school psychology services will likely increase as a result of this change. Since there are no costs associated with this proposal, it can be expected to result in a net economic gain, especially for consumers of school psychology services.

Licensure by Endorsement

The current regulations require all applicants to sit for the licensure examination, even those who are already licensed and practicing in another state. A new provision is added to the regulation to allow for licensure by endorsement for experienced psychologists licensed in other jurisdictions. The Board of Psychology expects this amendment to

expedite the processing of such applicants by about 10 months. This substantially reduces barriers to entry for out-of-state practitioners. Assuming earnings of \$4,000 to \$7,000 per month, this change could save applicants from other states from \$40,000 to \$70,000. Currently, approximately 25% of the 100 individuals that become licensed each year are from out-of-state. This new provision could potentially increase that percentage as well as the total number of practitioners. These changes are not expected to have any negative effects on the quality of psychological services offered in Virginia.

Standards of Practice

The proposed regulation specifies a two-year prohibition on sexual relationships with former clients, provided there is no exploitation. Currently there is a life-long prohibition on such relationships. The board felt that the current rule is unnecessarily, and for some situations unreasonably, stringent and noted that it exceeds the ethical standards for counselors established by the national associations. For example, the Code of Ethics of the American Counseling Association includes only a two-year prohibition on sexual intimacies with clients.

The five-year criteria proposed in these regulations is based solely on the judgement of the board that two years is not long enough to prohibit practitioners from engaging in intimate relationships with former clients. While there is no empirical evidence available to assess the costs and benefits of alternative time lengths, the five-year prohibition is much closer to the national standards than the current rule and will be easier to enforce and, therefore, is likely to result in a net benefit for practitioners and the board without causing any undue risk to the public.

Miscellaneous Changes

The retention period for patient records is currently seven years for adult clients and 10 years for minors. The board determined those time lengths were excessive and proposes to decrease the retention period to five years for all patients. Language is added to the regulation to clarify the standards of practice, particularly those pertaining to inappropriate personal relationships with clients, former clients, and supervisors; and improve enforceability of this section. The remaining changes to the regulation clarify and reorganize the existing rules. By reducing the cost of complying with the regulations and by making them easier to follow and understand, these miscellaneous changes can be expected to have a small, net economic benefit.

Businesses and entities affected. According to the Board of Psychology, there are currently 1,702 clinical psychologists, 102 school psychologists, and 75 applied psychologists licensed in Virginia. The proposed changes to this regulation will affect those individuals along with all new applicants, currently approximately 100 per year.

Localities particularly affected. The proposed changes to this regulation are not expected to disproportionately affect any particular localities.

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Projected impact on employment. The proposed changes to this regulation are not expected to have a significant impact on employment in Virginia.

Effects on the use and value of private property. The proposed changes to this regulation are not expected to have any significant effects on the use and value of private property.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The board concurs with the analysis of the Department of Planning and Budget.

Summary:

The proposed amendments update the education and experience requirements for all three licensure categories based changes to the scope of practice definitions enacted in 1996, current national degree program standards and recent changes in internship oversight by degree programs. The board also proposes extensive reformatting of the regulations to accommodate the new requirements, eliminate obsolete language, and add new language for clarification where needed.

To expedite the licensure process for applicants with lengthy experience licensed in other jurisdictions, the board is proposing a waiver of the state examination requirement for individuals meeting certain criteria.

18 VAC 125-20-10. Definitions.

The following words and terms, in addition to the words and terms defined in § 54.1-3600 of the Code of Virginia, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

"APA" means the American Psychological Association.

"APPIC" means the Association of Psychology Postdoctoral and Internship Centers.

"Applicant" means a person who submits a complete application for licensure with the appropriate fees.

"Board" means the Virginia Board of Psychology.

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

"Demonstrable areas of competence" means those therapeutic and assessment methods and techniques, and populations served, for which one can document adequate graduate training, workshops, or appropriate supervised experience.

"Internship" means a an ongoing, supervised and planned organized practical experience obtained in an integrated training program in a setting included as an integral and required part of the applicant's program of study identified as a psychology internship. Other supervised experience or on-the-job training does not constitute an internship.

"NASP" means the National Association of School Psychologists.

"NCATE" means the National Council for the Accreditation of Teacher Education.

"Professional psychology program" means an integrated program of doctoral study designed to train professional psychologists to deliver services in psychology.

"Regional accrediting agency" means one of the six regional accrediting agencies recognized by the United States Secretary of Education established to accredit senior institutions of higher education.

"Residency" means a post-internship, post-terminal degree, supervised experience approved by the board.

"Supervision" means the ongoing process performed by a supervisor who monitors the performance of the person supervised and provides regular, documented individual consultation, guidance and instruction with respect to the skills and competencies of the person supervised.

"Supervisor" means an individual who assumes full responsibility for the education and training activities of a person and provides the supervision required by such a person.

18 VAC 125-20-30. Fees required by the board.

A. The board has established fees for the following:

1. Registration of residency (per residency request)	\$100
2. Application processing	\$150
3. Biennial renewal of license	\$200
4. Late renewal	\$10
5. Endorsement Verification of license to another jurisdiction	\$10
6. Additional or replacement license or wall certificate	\$15
7. Returned check	\$15
8. Rereview fee	\$25

B. Fees shall be paid by check or money order made payable to the Treasurer of Virginia and forwarded to the board. All fees are nonrefundable.

C. Examination fees shall be paid directly to the examination service according to its requirements.

18 VAC 125-20-40. General requirements for licensure.

~~A. No person shall practice psychology in the Commonwealth of Virginia except as provided in the Code of Virginia and this chapter.~~

~~B. Licensure of all applicants shall be by examination by this board.~~

~~C. An applied psychologist, a clinical psychologist or a school psychologist who desires to practice in other areas of psychology shall obtain a license from this board. Individuals licensed in one licensure category who wish to practice in another licensure category shall submit an application for the~~

additional ~~area~~ licensure category in which the licensee seeks to practice.

D. 18 VAC 125-20-41. Requirements for licensure by examination.

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

1. Meet the education and ~~experience~~ requirements prescribed in ~~18 VAC 125-20-50 or 18 VAC 125-20-60, whichever is 18 VAC 125-20-54, 18 VAC 125-20-55, or 18 VAC 125-20-56 and the experience requirement prescribed in 18 VAC 125-20-65~~ as applicable for the particular license sought; and

2. Submit to the ~~executive director of the board~~, in one package not less than 90 days prior to the date of the written examination:

a. A completed application; on forms provided by the board;

b. A completed residency agreement or documentation of having fulfilled the experience requirements of ~~18 VAC 125-20-50 or 18 VAC 125-20-60 where applicable. 18 VAC 125-20-65;~~

c. The application processing fee prescribed by the board; and

~~3. Have the institution that awarded the graduate degrees submit directly to the executive director of the board, at least 90 days prior to the date of the written examination, official transcripts documenting:~~

~~a. The graduate work completed; and~~

~~b. The degrees awarded.~~

~~d. Official transcripts documenting the graduate work completed and the degree awarded. Applicants who are graduates of institutions that are not regionally accredited shall submit documentation from an accrediting agency acceptable to the board that their education meets the requirements set forth in 18 VAC 125-20-54, 18 VAC 125-20-55 or 18 VAC 125-20-56; and~~

~~e. Verification of any other professional license or certificate ever held in another jurisdiction.~~

B. In addition to fulfillment of the education and experience requirements, each applicant for licensure by examination must achieve a passing score on the required examinations for each category of licensure sought:

1. Clinical psychologist: State Practice Examination for Clinical Psychology, Jurisprudence and Examination for Professional Practice in Psychology;

2. School psychologist: State Practice Examination for School Psychology, Jurisprudence and Examination for Professional Practice in Psychology; or

3. Applied psychologist: State Practice Examination in Applied Psychology, Jurisprudence and Examination for Professional Practice in Psychology.

18 VAC 125-20-42. Prerequisites for licensure by endorsement.

A. Every applicant for licensure by endorsement shall submit in one package:

1. A completed application;

2. The application processing fee prescribed by the board;

3. An affidavit of having read and agreed to comply with the current Standards of Practice and laws governing the practice of psychology in Virginia;

4. Verification of all other professional licenses or certificates ever held in any jurisdiction. In order to qualify for endorsement, the applicant shall have no history of disciplinary action, shall not have surrendered a license or certificate while under investigation and shall have no unresolved action against a license or certificate; and

5. Further documentation of one of the following:

a. A current listing in the National Register of Health Services Providers in Psychology;

b. Current diplomate status in good standing with the American Board of Professional Psychology in a category comparable to the one in which licensure is sought;

c. Twenty years of active licensure in a category comparable to the one in which licensure is sought, with an appropriate degree as required in this chapter documented by an official transcript; or

d. If less than 20 years of active licensure, documentation of current psychologist licensure in good standing obtained by standards substantially equivalent to the education, experience and examination requirements set forth in this chapter for the category in which licensure is sought as verified by a certified copy of the original application submitted directly from the out-of-state licensing agency or a copy of the regulations in effect at the time of initial licensure and the following:

(1) Documentation of post-licensure active practice for at least five of the last six years immediately preceding licensure application;

(2) Verification of a passing score on the Examination for Professional Practice of Psychology as established in Virginia for the year of that administration;

(3) Verification of a passing score on other written and oral examinations or both as required by the jurisdiction which granted the license; and

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(4) Official transcripts documenting the graduate work completed and the degree awarded in the category in which licensure is sought.

B. Notwithstanding the provisions of this section, the board may issue a license to any individual who qualifies for such a license pursuant to an agreement of reciprocity entered into by this board with a board of another jurisdiction or multiple jurisdictions.

18 VAC 125-20-50. Education and experience requirements: Graduates of American institutions. (Repealed.)

A. A graduate of an American higher education institution who applies for examination for licensure shall meet the requirements of 18 VAC 125-20-51, 18 VAC 125-20-52, or 18 VAC 125-20-53, whichever is applicable.

B. Applicants for additional licenses. To obtain additional licenses, all requirements shall be met as prescribed by the board. Applicants shall complete a new application and submit new application fees. A complete new application process may be initiated at the board's discretion.

18 VAC 125-20-51. Education and experience requirements for applied psychologists. (Repealed.)

A. Program of study. The applicant shall hold a doctorate in psychology from an institution accredited by a regional accrediting agency. Further, the applicant's program must conform to the following criteria for doctoral programs in psychology:

1. The program, wherever it may be administratively housed, shall be clearly identified and labeled as a psychology program. Such a program shall specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists.
2. The psychology program must stand as a recognizable, coherent organizational entity within the institution.
3. There shall be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines.
4. The program must be an integrated, organized sequence of study.
5. There shall be an identifiable psychology faculty and a psychologist responsible for the program.
6. The program shall have an identifiable body of students who are matriculated in that program for a degree.

B. Education. The applicant's program shall have included at least one three-semester credit hour course in each of the following areas of study:

1. Statistics and research design;
2. Physiological psychology or sensation and perception;

3. Learning/cognition;
4. Social psychology;
5. Study of the individual;
6. History and systems; and
7. Scientific and professional ethics and standards.

C. Experience. No supervised experience is required for licensure as an applied psychologist.

18 VAC 125-20-52. Education and experience requirements for clinical psychologists. (Repealed.)

A. The applicant shall hold a doctorate from a professional psychology program in a regionally accredited university, which:

1. Was accredited by the American Psychological Association (APA) prior to the applicant's graduation from the program;
2. Was accredited by the APA within four years after the applicant graduated from the program; or
3. If not APA accredited, was a program which met the criteria outlined in 18 VAC 125-20-51 A. Further, the program must have required successful completion by the applicant of all the following:

a. At least one three-semester credit hour course in each of the areas of study prescribed in 18 VAC 125-20-51 B for an applied psychologist;

b. At least one three-semester credit hour course in each of the following additional areas of study:

- (1) Personality theory;
- (2) Diagnostic interviewing and behavioral assessment;
- (3) Psychometric, psychodiagnostic, and projective testing;
- (4) Psychopathology;
- (5) Psychotherapy, both individual and group; and
- (6) Practicum: Supervision and assessment/diagnosis and psychotherapy; and

c. A one-year, full-time internship approved by the American Psychological Association (APA) or consistent with the requirements for APA approval and approved by the applicant's doctoral program.

B. Experience. Applicants shall possess post-doctoral experience as defined in this subsection and shall inform the board, when they apply, how they propose to meet this experience requirement. This requirement may be met in one of two ways:

1. By waiver based on lengthy experience. Applicants possessing many years of relevant post-doctoral experience in another jurisdiction may obtain a waiver of residency requirements by demonstrating to the board

that they have received the substantial equivalent of the supervised experience required in subdivision 2 of this subsection; or

2. Residency requirements. The applicant under this provision shall show documentation of the successful completion of a one-year, full-time post-doctoral residency, or its equivalent in part-time experience for a period not to exceed three years, consisting of supervised experience in the delivery of clinical services acceptable to the board; or the applicant may request approval to begin a residency with the following conditions:

a. Applicants shall apply for licensure and residency concurrently.

b. Prior to initiating the proposed residency training, the applicant shall:

(1) Register with the board;

(2) Pay the registration fee;

(3) Submit an agreement signed by the applicant and proposed Virginia licensed supervisor(s) stating the nature of the services to be rendered, the number of hours of supervision, and the nature of the supervision; and

(4) Receive approval from the board to begin the residency training. (Applicants who do not apply before beginning residency training, cannot be guaranteed the residency will be approved.)

c. Supervision shall be provided by a licensed applied psychologist, clinical psychologist, or school psychologist.

d. The supervisor shall not provide supervision for activities beyond the supervisor's demonstrable areas of competence, nor for activities for which the applicant has not had appropriate education and training.

e. There shall be a minimum of two hours of individual supervision per week. Group supervision of up to five residents may be substituted for one of the two hours per week on the basis that two hours of group supervision equals one hour of individual supervision, but in no case shall the resident receive less than one hour of individual supervision per week.

f. Residents may not call themselves applied psychologists, clinical psychologists, or school psychologists; solicit clients; bill for services; or in any way represent themselves as professional psychologists. During the residency period they shall use their names, the initials of their degree, and the title, "Resident in Psychology."

g. At the end of the residency training period, the supervisors shall submit to the board, a written evaluation of the applicant's performance.

18 VAC 125-20-53. ~~Education and experience requirements for school psychologists. (Repealed.)~~

A. ~~Education.~~ The applicant shall hold at least a master's degree in school psychology, with a minimum of at least 60 semester credit hours, from a college or university accredited by a regional accrediting agency. The program requirements shall:

1. ~~Reflect a planned, integrated, and supervised program of graduate study as outlined for programs approved by the American Psychological Association (APA) or by the National Council for the Accreditation of Teacher Education (NCATE); and~~

2. ~~Include an internship approved by the applicant's training program.~~

B. ~~Experience.~~ Applicants shall possess post-master's degree experience as defined in this section and shall inform the board when they apply as to how they propose to meet this experience requirement. This requirement may be met in one of two ways:

1. ~~By waiver based on lengthy experience.~~ Applicants possessing many years of relevant post-master's degree experience in another jurisdiction may obtain a waiver of residency requirements by demonstrating to the board that they have received the substantial equivalent of the supervised experience required in subdivision 2 of this subsection; or

2. ~~By residency.~~ The applicant shall show documentation of a previous full-time residency of at least one school year, or the equivalent in part-time experience or request approval to begin a current residency with the following conditions:

a. Applicants shall apply for licensure and residency concurrently.

b. Prior to the proposed residency training, the applicant shall:

(1) Register with the board;

(2) Pay the registration fee;

(3) Submit an agreement signed by the applicant and proposed Virginia licensed supervisor(s) stating the nature of the services to be rendered, the number of hours of supervision, and the nature of the supervision; and

(4) Receive approval from the board to begin the residency training. (Applicants who do not apply before beginning residency training cannot be guaranteed the residency will be approved.)

c. Supervision shall be provided by a licensed school psychologist, licensed applied psychologist, or licensed clinical psychologist.

d. The supervisor shall not provide supervision for activities beyond the supervisor's demonstrable areas of competence, nor for activities for which the

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~~applicant has not had appropriate education and training.~~

~~e. There shall be a minimum of two hours of individual supervision per week. Group supervision of up to five residents may be substituted for one of the two hours per week on the basis that two hours of group supervision equals one hour of individual supervision, but in no case shall the resident receive less than one hour of individual supervision per week.~~

~~f. Residents may not call themselves applied psychologists, clinical psychologists, or school psychologists; solicit clients; bill for services; or in any way represent themselves as professional psychologists. During the residency period they shall use their names, the initials of their degree, and the title, "Resident in School Psychology."~~

~~g. At the end of the residency training period, the supervisor(s) shall submit to the board a written evaluation of the applicant's performance.~~

~~h. The applicant shall not continue in residency status for more than three years.~~

18 VAC 125-20-54. Education requirements for clinical psychologists.

A. The applicant shall hold a doctorate from a professional psychology program in a regionally accredited university, which was accredited by the APA within four years after the applicant graduated from the program, or shall meet the requirements of subsection B of this section.

B. If the applicant does not hold a doctorate from an APA accredited program, the applicant shall hold a doctorate from a professional psychology program which documents that it offers education and training which prepares individuals for the practice of clinical psychology as defined in § 54.1-3600 of the Code of Virginia and which meets the following criteria:

1. The program is within an institution of higher education accredited by an accrediting agency recognized by the United States Department of Education or publicly recognized by the Association of Universities and Colleges of Canada as a member in good standing. Graduates of programs that are not within the United States or Canada must provide documentation from an acceptable credential evaluation service which provides information that allows the board to determine if the program meets the requirements set forth in this chapter.

2. The program shall be recognizable as an organized entity within the institution.

3. The program shall be an integrated, organized sequence of study with an identifiable psychology faculty and a psychologist directly responsible for the program, and shall have an identifiable body of students who are matriculated in that program for a degree. The faculty shall be accessible to students and provide them with guidance and supervision. The faculty shall provide

appropriate professional role models and engage in actions that promote the student's acquisition of knowledge, skills and competencies consistent with the program's training goals.

4. The program shall encompass a minimum of three academic years of full-time graduate study or the equivalent thereof.

5. The program shall include a general core curriculum containing a minimum of three or more graduate semester hours or five or more graduate quarter hours in each of the following substantive content areas.

a. Biological bases of behavior (e.g., physiological psychology, comparative psychology, neuropsychology, sensation and perception, health psychology, pharmacology, neuroanatomy).

b. Cognitive-affective bases of behavior (e.g., learning theory, cognition, motivation, emotion).

c. Social bases of behavior (e.g., social psychology, group processes, organizational and systems theory, community and preventive psychology, multicultural issues).

d. Psychological measurement.

e. Research methodology.

f. Techniques of data analysis.

g. Professional standards and ethics.

6. The program shall include a minimum of at least three or more graduate semester credit hours or five or more graduate quarter hours in each of the following clinical psychology content areas:

a. Individual differences in behavior (e.g., personality theory, cultural difference and diversity).

b. Human development (e.g., child, adolescent, geriatric psychology).

c. Dysfunctional behavior, abnormal behavior or psychopathology.

d. Theories and methods of intellectual assessment and diagnosis.

e. Theories and methods of personality assessment and diagnosis including its practical application.

f. Effective interventions and evaluating the efficacy of interventions.

g. Consultation and supervision (e.g., community mental health, organizational behavior, consultation liaison).

C. Applicants who graduated from programs which meet the criteria set forth under subsection A or B of this section shall submit documentation of having successfully completed practicum experiences in assessment and diagnosis, psychotherapy, consultation and supervision. The practicum

shall include a minimum of nine graduate semester hours or 15 or more graduate quarter hours or equivalent in appropriate settings to ensure a wide range of supervised training and educational experiences.

18 VAC 125-20-55. Education requirements for applied psychologists.

A. The applicant shall hold a doctorate from professional psychology program from a regionally accredited university which meets the following criteria:

1. The program is within an institution of higher education accredited by an accrediting agency recognized by the United States Department of Education, or publicly recognized by the Association of Universities and Colleges of Canada as a member in good standing. Graduates of programs that are not within the United States or Canada must provide documentation from a credential evaluation service acceptable to the board which demonstrates that the program meets the requirements set forth in this chapter.
2. The program shall be recognizable as an organized entity within the institution.
3. The program shall be an integrated, organized sequence of study with an identifiable psychology faculty and a psychologist directly responsible for the program, and shall have an identifiable body of students who are matriculated in that program for a degree. The faculty shall be accessible to students and provide them with guidance and supervision. The faculty shall provide appropriate professional role models and engage in actions that promote the student's acquisition of knowledge, skills and competencies consistent with the programs training goals.
4. The program shall encompass a minimum of three academic years of full-time graduate study or the equivalent thereof.
5. The program shall include a general core curriculum containing a minimum of three or more graduate semester hours or five or more graduate quarter hours in each of the following substantive content areas.

- a. Biological bases of behavior (e.g., physiological psychology, comparative psychology, neuropsychology, sensation and perception, health psychology, pharmacology, neuroanatomy).
- b. Cognitive-affective bases of behavior (e.g., learning theory, cognition, motivation, emotion).
- c. Social bases of behavior (e.g., social psychology, group processes, organizational and systems theory, community and preventive psychology, multicultural issues).
- d. Psychological measurement.
- e. Research methodology.

f. Techniques of data analysis.

g. Professional standards and ethics.

B. Demonstration of competence in applied psychology shall be met by including a minimum of at least 18 semester hours or 30 quarter hours in a concentrated program of study in an identified area of psychology, e.g., developmental, social, cognitive, motivation, applied behavioral analysis, industrial/organizational, human factors, personnel selection and evaluation, program planning and evaluation, teaching, research or consultation.

18 VAC 125-20-56. Education requirements for school psychologists.

A. The applicant shall hold at least a master's degree in school psychology, with a minimum of at least 60 semester credit hours or 90 quarter hours, from a college or university accredited by a regional accrediting agency, which was accredited by the APA, NCATE or NASP, or shall meet the requirements of subsection B of this section.

B. If the applicant does not hold a master's degree in school psychology from a program accredited by the APA, NCATE or NASP, the applicant shall have a master's degree from a psychology program which offers education and training to prepare individuals for the practice of school psychology as defined in § 54.1-3600 of the Code of Virginia and which meets the following criteria:

1. The program is within an institution of higher education accredited by an accrediting agency recognized by the United States Department of Education, or publicly recognized by the Association of Universities and Colleges of Canada as a member in good standing. Graduates of programs that are not within the United States or Canada must provide documentation from a credential evaluation service acceptable to the board which demonstrates that the program meets the requirements set forth in this chapter.
2. The program shall be recognizable as an organized entity within the institution.
3. The program shall be an integrated, organized sequence of study with an identifiable psychology faculty and a psychologist directly responsible for the program, and shall have an identifiable body of students who are matriculated in that program for a degree. The faculty shall be accessible to students and provide them with guidance and supervision. The faculty shall provide appropriate professional role models and engage in actions that promote the student's acquisition of knowledge, skills and competencies consistent with the programs training goals.
4. The program shall encompass a minimum of two academic years of full-time graduate study or the equivalent thereof.
5. The program shall include a general core curriculum containing a minimum of three or more graduate

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semester hours or five or more graduate quarter hours in each of the following substantive content areas.

- a. Psychological foundations (e.g., biological bases of behavior, human learning, social and cultural bases of behavior, child and adolescent development, individual differences).
 - b. Educational foundations (e.g., instructional design, organization and operation of schools).
 - c. Interventions/problem-solving (e.g., assessment, direct interventions, both individual and group, indirect interventions).
 - d. Statistics and research methodologies (e.g., research and evaluation methods, statistics, measurement).
 - e. Professional school psychology (e.g., history and foundations of school psychology, legal and ethical issues, professional issues and standards, alternative models for the delivery of school psychological services, emergent technologies, roles and functions of the school psychologist).
6. The program shall be committed to practicum experiences which shall include:
- a. Orientation to the educational process;
 - b. Assessment for intervention;
 - c. Direct intervention, including counseling and behavior management; and
 - d. Indirect intervention, including consultation.

18 VAC 125-20-60. ~~Graduates of foreign institutions.~~ (Repealed.)

~~A graduate of a foreign higher education institution who applies for examination for licensure as a psychologist or clinical psychologist shall:~~

- ~~1. Hold a doctorate in psychology;~~
- ~~2. Present documentation that the degree is from a planned, integrated, and supervised program of graduate study that meets requirements judged by the board to be equivalent with the requirements for approval by the American Psychological Association (APA) or equivalent with those requirements prescribed by the board and met by approved domestic institutions;~~
- ~~3. Meet the course and practicum requirements outlined in 18 VAC 125-20-50; and~~
- ~~4. Pay the application processing fee prescribed in 18 VAC 125-20-30 for graduates of foreign institutions.~~

18 VAC 125-20-65. Supervised experience.

A. Internship requirement.

1. Candidates for clinical psychologist licensure shall have successfully completed an internship that is either accredited by APA, APPIC or the National Register of

Health Service Providers in Psychology, or one that meets equivalent standards.

2. Candidates for school psychologist licensure shall have successfully completed an internship accredited by the APA, APPIC or NASP or one that meets equivalent standards.

B. Residency requirement.

1. Candidates for clinical or school psychologist licensure shall have successfully completed a one-year, full-time residency, or its equivalent in part-time experience for a period not to exceed three years, consisting of a minimum of 1,500 hours of supervised experience in the delivery of clinical or school psychology services acceptable to the board, or the applicant may request approval to begin a residency.

2. Supervised experience obtained in Virginia without prior written board approval will not be accepted toward licensure. Candidates shall not begin the residency until after completion of the required degree as set forth in 18 VAC 125-20-54 or 18 VAC 125-20-56. An individual who proposes to obtain supervised post-degree experience in Virginia shall, prior to the onset of such supervision, submit a supervisory contract along with the application package and pay the registration of supervision fee set forth in 18 VAC 125-20-30.

3. There shall be a minimum of two hours of individual supervision per week. Group supervision of up to five residents may be substituted for one of the two hours per week on the basis that two hours of group supervision equals one hour of individual supervision, but in no case shall the resident receive less than one hour of individual supervision per week.

4. Residents may not refer to or identify themselves as applied psychologists, clinical psychologists, or school psychologists; independently solicit clients; bill for services; or in any way represent themselves as licensed psychologists. Notwithstanding the above, this does not preclude supervisors or employing institutions for billing for the services of an appropriately identified resident. During the residency period they shall use their names, the initials of their degree, and the title, "Resident in Psychology," in the licensure category in which licensure is sought.

5. Supervision shall be provided by a psychologist licensed to practice in the licensure category in which the resident is seeking licensure.

6. The supervisor shall not provide supervision for activities beyond the supervisor's demonstrable areas of competence, nor for activities for which the applicant has not had appropriate education and training.

7. At the end of the residency training period, the supervisor or supervisors shall submit to the board a written evaluation of the applicant's performance.

C. *Candidates for clinical psychologist licensure shall provide documentation that the internship and residency included appropriate emphasis and experience in the diagnosis and treatment of persons with moderate to severe mental disorders.*

18 VAC 125-20-70. Out-of-state applicants with lengthy experience. (Repealed.)

An applicant who is licensed in another state may practice in Virginia in accordance with the provisions of this section.

1. ~~Until such time as the applicant receives a Virginia license, the applicant may practice only under the supervision of a Virginia licensee.~~
2. ~~The supervised practice of the applicant shall be performed in accordance with all of the provisions prescribed in this chapter for a residency. After a Virginia license is granted, the applicant may terminate residency status and begin independent practice.~~
3. ~~The applicant shall take the examinations deemed appropriate by the board within one year of board approval of application.~~
4. ~~The applicant may not practice independently until the Virginia license is granted.~~

18 VAC 125-20-80. General examination requirements.

A. ~~In order to be licensed, each candidate shall take and pass the examinations determined by the board to be required according to the candidate's individual qualifications under the general provisions of this section. The complete examination process consists of two components:~~

1. ~~A nationally normed standardized examination in the practice of psychology;~~
2. ~~The Board of Psychology written examinations.~~

B. A. ~~An applicant for clinical or school psychologist licensure enrolled in an approved residency training program required in 18 VAC 125-20-50 18 VAC 125-20-65 who has met all requirements for licensure except completion of that program shall be eligible to take both the national and state written examinations.~~

C. ~~Waivers; modifications.~~

1. ~~Diplomate applicant. The board may waive the written examinations, except for the state jurisprudence examination, for an applicant who has been awarded a diploma by the American Board of Professional Psychology in either clinical, counseling, or school psychology.~~
2. ~~Endorsement. The board may waive only the national written examination for an applicant licensed or certified in another jurisdiction by standards and procedures equivalent to those of the board and meeting the educational requirements set forth in this chapter. The state written examinations cannot be waived.~~

D. ~~Notice.~~

1. ~~At least 30 days prior to the date of examinations, the executive director will notify all candidates in writing of the time and place of examinations.~~

2. ~~The candidate shall then submit the applicable fees.~~

3. ~~If the candidate fails to appear for the examination without providing written notice at least two weeks before the examination, the examination fee shall be forfeited.~~

E. ~~Deferrals by candidate; time limit.~~

A candidate licensed in another jurisdiction shall follow the requirements in 18 VAC 125-20-50.

B. A candidate approved by the board to sit for an examination and who has never been licensed in any jurisdiction shall take that examination within two years of the date of the initial board approval. If the candidate has not taken the examination by the end of the two-year period here prescribed, *the applicant shall reapply according to the requirements of the regulations in effect at that time.*

1. ~~The initial board approval to sit for the examination shall then become invalid; and~~

2. ~~In order to be considered for the examination later, the applicant shall file a complete new application with the board and pay the applicable fee.~~

C. ~~The board shall establish passing scores on the examinations.~~

D. ~~Candidates who fail an examination may be reexamined once within a 12-month period without reapplying.~~

E. ~~Candidates who fail any examination twice shall wait at least one year between the second failure and the next reexamination.~~

18 VAC 125-20-90. Written examinations. (Repealed.)

A. ~~The nationally normed standardized examination in the practice of psychology.~~

1. ~~This examination shall consist of multiple-choice questions that sample a broad range of psychology content areas.~~

2. ~~A passing grade shall be a score that is determined by the board for all doctoral-level examinees.~~

B. ~~The Board of Psychology written examination.~~

1. ~~These examinations may consist of essay or multiple choice questions or both related to:~~

a. ~~The practice of psychology; and~~

b. ~~Virginia laws and board regulations governing the practice of psychology.~~

2. ~~A passing score shall be determined by the board.~~

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18 VAC 125-20-100. ~~Reexamination. (Repealed.)~~

~~Reexamination of candidates will be required only on the examinations failed.~~

~~1. After paying the reexamination fee, a candidate may be reexamined once within a 12-month period after the failed examinations without filing a formal reapplication and without presenting evidence of additional education or experience.~~

~~2. A candidate who fails any examination twice shall wait at least one year between the second failure and the next reexamination. Such candidate shall submit to the board:~~

- ~~a. An updated application;~~
- ~~b. Documentation of additional education or experience gained since the last failure; and~~
- ~~c. New application and examination fees as prescribed by the board.~~

18 VAC 125-20-120. Biennial renewal of licensure.

Every license issued by the board shall expire on the last day of the licensee's birth month of each even-numbered year.

1. Every licensee who intends to continue to practice shall, on or before the expiration date of the license, submit to the board: *a license renewal application on forms supplied by the board and the renewal fee prescribed in 18 VAC 125-20-30.*

- ~~a. A license renewal application on forms supplied by the board; and~~
- ~~b. The renewal fees prescribed in 18 VAC 125-20-30.~~

2. *Licensees shall notify the board office in writing of any change of address. Failure of a licensee to receive a renewal notice and application forms from the board shall not excuse the licensee from the renewal requirement.*

18 VAC 125-20-130. Late renewal; reinstatement.

A. A person whose license has expired may renew it within two years after its expiration date by paying the penalty fee prescribed in 18 VAC 125-20-30 and the license renewal fee for the biennium the license was not renewed.

B. A person whose license has not been renewed for two years or more and who wishes to resume practice shall:

1. Present evidence satisfactory to the board regarding continued competency to perform the duties regulated by the board; ~~and~~
2. Upon approval for reinstatement, pay the penalty fee and the license fee for the renewal period the license was not renewed, as prescribed by the board and pay a rereview fee as prescribed in 18 VAC 125-20-30; ~~and~~

3. *Submit verification of any professional certification or licensure obtained in any other jurisdiction subsequent to the initial application for licensure.*

PART VI. ADVISORY COMMITTEES.

18 VAC 125-20-140. ~~Advisory and examining committees. (Repealed.)~~

~~A. The board may establish examining and advisory committees to assist it in evaluating the professional qualifications of applicants and candidates for licensure and in other matters.~~

~~B. The board may establish an advisory committee to evaluate the mental or emotional competence of any licensee or candidate for licensure when such competence is at issue before the board.~~

~~C. The chair of all advisory and examining committees shall be a member of the Board of Psychology or board designee who will moderate the proceedings and report the results to the full board.~~

PART VII. VI. STANDARDS OF PRACTICE; UNPROFESSIONAL CONDUCT; DISCIPLINARY ACTIONS; REINSTATEMENT.

18 VAC 125-20-150. Standards of practice.

A. The protection of the public health, safety, and welfare and the best interest of the public shall be the primary guide in determining the appropriate professional conduct of all persons whose activities are regulated by the board. *Psychologists respect the rights, dignity and worth of all people, and are mindful of individual differences.*

B. Persons licensed by the board shall:

1. Provide *and supervise* only those services and use only *those* techniques for which they are qualified by training and *appropriate* experience. *Delegate to their employees, supervisees, residents and research assistants only those responsibilities such persons can be expected to perform competently by education, training and experience. Take ongoing steps to maintain competence in the skills they use;*

2. When ~~advertising services to the~~ *making public statements regarding credentials, published findings, directory listings, curriculum vitae, etc., ensure that such advertising is statements are neither fraudulent nor misleading;*

~~3. Represent accurately their competency, education, training and experience;~~

4. ~~3.~~ Neither accept nor give commissions, rebates or other forms of remuneration for referral of clients for professional services. *Make appropriate consultations and referrals consistent with the law and based on the interest of patients or clients;*

~~5. Make advance financial arrangements that safeguard the best interests of and are clearly understood by their clients;~~

~~6. 4. Refrain from undertaking any activity in which their personal problems are likely to lead to inadequate or harmful services;~~

~~5. Avoid harming patients or clients, research participants, students and others for whom they provide professional services and minimize harm when it is foreseeable and unavoidable. Not exploit or mislead people for whom they provide professional services. Be alert to and guard against misuse of influence;~~

~~7. 6. Avoid dual relationships with patients, clients, residents or supervisees that could impair professional judgment or compromise the client's well-being (to include but not limited to treatment of close friends, relatives, employees and sexual intimacies with clients; bartering services; romantic or sexualized relationships with any current supervisee);~~

~~8. Avoid any action that will violate or diminish the legal and civil rights of clients or of others who may be affected by the action;~~

~~7. Withdraw from, adjust or clarify conflicting roles with due regard for the best interest of the affected party or parties and maximal compliance with these standards;~~

~~8. Not engage in sexual intimacies with a student, supervisee, resident, therapy patient, client, or those included in collateral therapeutic services (such as a parent, spouse, or significant other) while providing professional services. For at least two years after cessation or termination of professional services, not engage in sexual intimacies with a therapy patient, client, or those included in collateral therapeutic services. Consent to, initiation of, or participation in sexual behavior or romantic involvement with a psychologist does not change the exploitative nature of the conduct nor lift the prohibition. Since sexual or romantic relationships are potentially exploitative, psychologists shall bear the burden of demonstrating that there has been no exploitation;~~

~~9. Keep confidential their professional relationships with patients or clients, including their records and reports, and disclose client records to others only with written consent except: (i) when a patient or client is a danger to self or others, or when the licensee is under a court order to disclose such information (ii) as required under § 32.1-127.1:03 of the Code of Virginia, or (iii) as permitted by law for a valid purpose;~~

~~10. Terminate a professional psychological relationship when it is clear that services are not benefiting the client;~~

~~11. Ensure that the welfare of clients is not compromised in any experimentation or research involving those clients;~~

~~12. Report to the board known violations of the laws and regulations governing the practice of psychology;~~

~~13. Represent oneself as a licensed psychologist only when licensed by the board as a psychologist;~~

~~14. Not represent oneself as "board certified" without specifying the complete name of the specialty board; and~~

~~10. Make reasonable efforts to provide for continuity of care when services must be interrupted or terminated;~~

~~11. Inform clients of professional services, fees, billing arrangements and limits of confidentiality before rendering services. Inform the consumer prior to the use of collection agencies or legal measures to collect fees and provide opportunity for prompt payment. Avoid bartering goods and services. Participate in bartering only if it is not clinically contraindicated and is not exploitative;~~

~~12. Construct, maintain, administer, interpret and report testing and diagnostic services in a manner and for purposes which are appropriate;~~

~~45. 13. Keep pertinent, confidential records for at least seven years with adults and organizations and 10 five years with minors after termination of services to any consumer;~~

~~14. Design, conduct and report research in accordance with recognized standards of scientific competence and research ethics; and~~

~~15. Report to the board known or suspected violations of the laws and regulations governing the practice of psychology.~~

18 VAC 125-20-160. Grounds for revocation, suspension, or denial of renewal of license disciplinary action or denial of licensure.

~~A. In accordance with § 54.1-2400 of the Code of Virginia, the board may, after a hearing, revoke, suspend or decline to renew a license for just cause.~~

~~B. Action by the board to revoke, suspend or decline to renew a license shall be taken in accord with the following conduct:~~

~~The board may take disciplinary action or deny a license for any of the following causes:~~

- ~~1. Conviction of a felony, or a misdemeanor involving moral turpitude;~~
- ~~2. Procuring of a license by fraud or misrepresentation;~~
- ~~3. Misuse of drugs or alcohol to the extent that it interferes with professional functioning;~~
- ~~4. Negligence in professional conduct or violation of practice standards including but not limited to this chapter;~~
- ~~5. Performing functions outside areas of competency;~~

Proposed Regulations

6. Mental, emotional, or physical incompetence to practice the profession; or

7. Violating or aiding and abetting another to violate any provision of Chapter 36 of Title 54.1 of the Code of Virginia; any other statute applicable to the practice of the profession regulated; or any provision of this chapter.

~~C. Appeal of decision. An appeal may be made to the board for reinstatement upon good cause or as a result of substantial new evidence being obtained that would alter the determination reached in subsection B of this section.~~

18 VAC 125-20-170. Reinstatement following disciplinary action.

A. Any person whose license has been ~~suspended, revoked, or not renewed~~ by the board under the provisions of 18 VAC 125-20-160 may, two years subsequent to such board action, submit a new application to the board for licensure.

B. The board in its discretion may, after a hearing, grant the reinstatement sought in subsection A of this section.

C. ~~The applicant for such reinstatement, if approved, shall be licensed upon payment of the appropriate fees applicable at the time of reinstatement, as prescribed by the board.~~

NOTICE: The forms used in administering 18 VAC 125-20-10 et seq., Regulations Governing the Practice of Psychology, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.

FORMS

Psychologist Licensure Application, Form 1, Application for Licensure by Examination, PSYEX1 (rev. 4/97 6/99).

Registration of Residency--Post-Graduate Degree Supervised Experience, Form 2, rev. 6/97 PSY2 (rev. 6/99).

Psychologist Application for Licensure by Endorsement, PSYEN1 (eff. 6/99).

Verification of Post-Degree Supervision, Form 3, PSY3 (rev. 6/97 6/99).

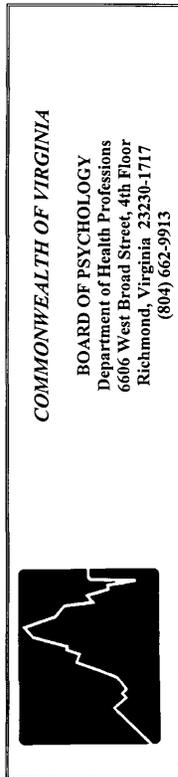
Internship Verification, Form 4, PSY4 (rev. 6/97 6/99).

Doctoral Program Approval of Internship, Form 5, rev. 6/97.

Licensure/Certification Verification, Form 6, PSY5 (rev. 4/97 6/99).

Areas of Graduate Study, Form 7, PSY6 (rev. 6/97 6/99).

Renewal Notice and Application, C-45128 (rev. 8/97).



COMMONWEALTH OF VIRGINIA
BOARD OF PSYCHOLOGY
 Department of Health Professions
 6606 West Broad Street, 4th Floor
 Richmond, Virginia 23230-1717
 (804) 662-9913

PSYCHOLOGIST APPLICATION FOR LICENSURE BY EXAMINATION

I hereby make application for licensure to practice as a
 Clinical Psychologist School Psychologist Applied Psychologist
 in the Commonwealth of Virginia. The following evidence of my qualifications is submitted with a check or money order in the amount of \$150.00 made payable to the Treasurer of Virginia. I understand that the application fee is non-refundable.

INSTRUCTIONS		PLEASE TYPE OR PRINT		USE BLACK INK
1. Applications lacking a Social Security Number or Virginia Department of Motor Vehicles control number will not be processed.				
2. Applications lacking all supporting documentation (including official transcripts) will not be processed.				
3. Completed application should be received no less than 90 days prior to the date of the written examination.				
I. GENERAL INFORMATION				
Full Name (Last, First, Middle, Suffix, Maiden Name)		Degree		Social Security/Virginia DMY Control Number <input type="checkbox"/>
Date of Birth				
Print Your Name As You Would Like It To Appear On Your Mail Certificate				
Licensure Address (Street and/or Box Number, City, State, ZIP Code)*		Home Telephone Number		
Alternate Mailing Address (if different from above)*		Business Telephone Number		
Fax Number		E-Mail Address		
LICENSURE/CERTIFICATION - List all the states in which you now hold or have ever held an occupational license or certificate to practice as a psychologist or other mental health care practitioner. A verification form must be completed for each of the listings below.				
STATE	LICENSURE/CERTIFICATE NUMBER	ISSUE DATE	TYPE OF LICENSE/CERTIFICATE	

In accordance with Section 54.1-116 of the Code of Virginia you are required to submit your Social Security Number or your Virginia control number. Refer to instruction sheet.
 *The licensure address is public information under the Freedom of Information Act. The Alternate Mailing address and phone numbers will not be provided as public information.

PSY 2



COMMONWEALTH OF VIRGINIA
BOARD OF PSYCHOLOGY
 Department of Health Professions
 6606 West Broad Street, 4th Floor
 Richmond, Virginia 23230-1717
 (804) 662-9913

REGISTRATION OF RESIDENCY
POST-GRADUATE DEGREE SUPERVISED EXPERIENCE

FEES: \$100.00 Initial Registration (one supervisor)
 \$100.00 Each Additional Registration
 Make all checks payable to THE TREASURER OF VIRGINIA - Registration fees are NON-REFUNDABLE

THIS FORM IS TO BE COMPLETED BY THE RESIDENT AND THE SUPERVISOR PRIOR TO INITIATING SUPERVISION

CHECK ONE: Initial Registration Add Supervisor Change Supervisor (Contact Board Office)*
 *Indicate Name of Former Supervisor and Submit Verification of Supervision:
CHECK ONE: Full-time Part-time

RESIDENT INFORMATION (Please type or print)	
Name (Last, First, Middle, Suffix, Maiden Name)	Social Security/Virginia DMV Control Number <input type="checkbox"/>
Business Name and Address	Business Telephone Number
SUPERVISOR INFORMATION	
Name (Last, First, Middle, Suffix, Maiden Name)	Telephone Number
Business Name and Address	E-Mail address
Fax Number	License Number
Type/Title of License	Expiration Date
SUPERVISION TO BE PROVIDED RESIDENT - A one-year, full-time residency is defined as a minimum of two hours of individual, face-to-face supervision per week. Part-time supervision must include at least one hour per week of face-to-face supervision. Two hours of group supervision may be substituted for one of the hours of individual face-to-face supervision.	
Number of hours per week of individual, face-to-face supervision to be rendered _____	
Number of hours per week of group supervision to be rendered _____	

In accordance with Section 54-1-116 of the Code of Virginia you are required to submit your Social Security Number or your Virginia control number. Refer to instruction sheet.

ANSWER THE FOLLOWING QUESTIONS:

1. What do you consider to be your specialty in psychology?	YES	NO
2. Have you ever been denied the privilege of taking an occupational licensure or certification examination? If yes, state what type of occupational examination and where:	[]	[]
3. Have you ever taken the National (EPPP) Examination? If yes, be sure to include the LPDS score report.	[]	[]
4. Have you ever had any disciplinary action taken against an occupational license to practice or are any such actions pending? *If yes, see below.	[]	[]
5. Have you ever been convicted of a violation of or pled nolo contendere to any federal, state, or local statute, regulation or ordinance or entered into any plea bargaining relating to a felony or misdemeanor? (Excluding traffic violations, except for driving under the influence.) *If yes, see below.	[]	[]
6. Have you ever been censured, warned, or requested to withdraw from your employment, terminated from any health care facility, agency, or practice? *If yes, see below.	[]	[]

*If you answered "YES", please provide an explanation on a separate sheet of paper and any supporting documentation.

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

AFFIDAVIT
(To be completed before a notary public)

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

Subscribed to and sworn to before me this _____ day of _____, 19____.

My commission expires on _____.

Signature of Applicant

Signature of Notary Public

PSYEX1 rev. 6/99



COMMONWEALTH OF VIRGINIA
BOARD OF PSYCHOLOGY
 Department of Health Professions
 6606 West Broad Street, 4th Floor
 Richmond, Virginia 23230-1717
 (804) 662-9913

**PSYCHOLOGIST
 APPLICATION FOR LICENSURE BY ENDORSEMENT**

I hereby make application for licensure to practice as a
 Clinical Psychologist School Psychologist Applied Psychologist
 in the Commonwealth of Virginia. The following evidence of my qualifications is submitted with a check
 or money order in the amount of \$150.00 made payable to the Treasurer of Virginia. I understand that
 the application fee is non-refundable.

Check the appropriate endorsement provision:
 National Register ABPP 20 Years Of Active Licensure Five of the past six years active licensure

INSTRUCTIONS		PLEASE TYPE OR PRINT		USE BLACK INK
1. Applications lacking a Social Security Number or Virginia Department of Motor Vehicles control number will not be processed.				
2. Applications lacking all supporting documentation (including official transcripts) will not be processed.				
I. GENERAL INFORMATION				
Full Name (Last, First, Middle, Suffix, Maiden Name)		Degree	Social Security/Virginia DMV Control Number <input type="checkbox"/>	Date of Birth
Print Your Name As You Would Like It To Appear On Your Wall Certificate				
Mailing Address (Street and/or Box Number, City, State, ZIP Code)			Home Telephone Number	
Business Name and Address (if different from above)			Business Telephone Number	
Fax Number		E-Mail Address		
LICENSURE/CERTIFICATION - List all the states in which you now hold or have ever held an occupational license or certificate to practice as a psychologist or other mental health care practitioner. A verification form must be completed for each of the listings below.				
STATE	LICENSE/CERTIFICATE NUMBER	ISSUE DATE	TYPE OF LICENSE/CERTIFICATE	

In accordance with Section 54.1-116 of the Code of Virginia you are required to submit your Social Security Number or your Virginia control number. Refer to instruction sheet.

SERVICES TO BE RENDERED BY THE RESIDENT WHILE IN SUPERVISION - Include population of clients to receive service, assessments to be used, and techniques to be used. Residences in clinical psychology must include appropriate emphasis and experience in the diagnosis and treatment of persons with moderate to severe mental disorders.

I, _____, declare under penalty of perjury under the laws of the Commonwealth of Virginia that I will not provide supervision to _____ in areas outside of the _____ (Resident) competencies of my license to practice as a _____ (License of Supervisor). As supervisor, I assume responsibility for the clinical activities of the individual registered under my supervision. We hereby agree to this supervision contract which is being registered with the Board of Psychology. I further attest that I have read and understand the regulations pertaining to residents in Virginia.

Signature of Supervisor: _____ Date: _____
 Signature of Resident: _____ Date: _____
 Signature of Authorized Representative of Sponsoring Agency (if applicable) _____ Date: _____

rev. 6/99

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

AFRIDAVIT
(To be completed before a notary public)

State of _____ County/City of _____

Name _____, being duly sworn, attests that he/she has read and agrees to comply with the Standards of Practice and laws governing the practice of psychology in Virginia and says that he/she is the person who is referred to in the foregoing application for licensure as a psychologist in the Commonwealth of Virginia; that the statements herein contained are true in every respect, that he/she has complied with all requirements of the law; and that he/she has read and understands this affidavit.

Signature of Applicant

Subscribed to and sworn to before me this _____ day of _____, 19____.

My commission expires on _____.

Signature of Notary Public

SEAL

PSYENT rev. 6/99

ANSWER THE FOLLOWING QUESTIONS:

1. What do you consider to be your specialty in psychology? _____ YES NO

2. Have you ever been denied the privilege of taking an occupational licensure or certification examination? If yes, state what type of occupational examination and where: _____ YES NO

3. Have you ever had any disciplinary action taken against an occupational license to practice or are any such actions pending? *If yes, see below. _____ YES NO

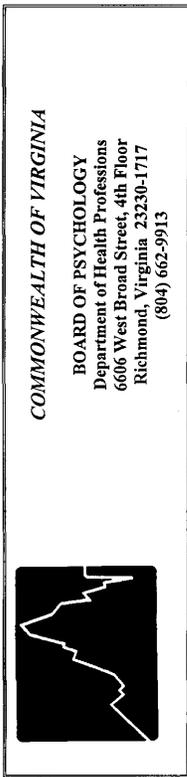
4. Have you ever been convicted of a violation of or pled nolo contendere to any federal, state, or local statute, regulation or ordinance or entered into any plea bargaining relating to a felony or misdemeanor? (Excluding traffic violations, except for driving under the influence.) *If yes, see below. _____ YES NO

5. Have you ever been censured, warned, or requested to withdraw from your employment, terminated from any health care facility, agency, or practice? *If yes, see below. _____ YES NO

*If you answered "YES", please provide an explanation on a separate sheet of paper and any supporting documentation.

V. OTHER PROFESSIONAL EXPERIENCE (Practicum, Externship, Employment)
List your entire professional employment experiences (a resume may be submitted to support what is listed below).

Dates of Employment	Employer	Address	Hours per week	Supervisor	Duties



VERIFICATION OF POST DEGREE SUPERVISION

This form is to be filled out when supervision is completed.

Applicant's Name		Social Security/Virginia DMV Control Number <input type="checkbox"/>	
THE FOLLOWING SECTION IS TO BE COMPLETED BY THE SUPERVISOR			
Supervisor's Name	Professional Title		
Is supervisor licensed as a mental health professional? Yes [] No []	If yes, in which jurisdiction(s)?		
License Title(s)	License number(s) and expiration date(s)		
Clinical experience? Yes [] No []	If yes, number of years		
Fax Number	E-Mail Address		
Business Name and Address			
Employment Position			
Applicant's position under your supervision	Length of time under your supervision: _____ Month/Year to _____ Month/year		
Total number of residency hours:			
Number of hours per week of individual, face-to-face supervision this applicant received in clinical practice:			
Total number of hours of individual, face-to-face supervision received by this applicant:			
Number of hours per week of group supervision this applicant received in clinical practice:			
Total number of hours of group supervision received by this applicant:			

In accordance with Section 54.1-116 of the Code of Virginia you are required to submit your Social Security Number or your Virginia control number. Refer to instruction sheet.

Duties performed by applicant under your supervision. For clinical psychology residencies, describe the applicant's experience in the diagnosis and treatment of persons with moderate to severe mental disorders.

In your opinion, is the applicant competent to practice under the license for which he or she has applied? Yes [] No []

If no, please explain:

Additional comments:

Supervisor's Signature

Date



COMMONWEALTH OF VIRGINIA
BOARD OF PSYCHOLOGY
 Department of Health Professions
 6606 West Broad Street, 4th Floor
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 (804) 662-9913



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 (804) 662-9913

LICENSURE/CERTIFICATION VERIFICATION

Applicants for psychology licensure in the Commonwealth of Virginia are required to send a licensure/certification verification form to every jurisdiction in which they currently hold, or have held, a licensure/certification to practice as a psychologist or any other health practitioner.

Name: _____ License Number: _____
 Address: _____

TO BE COMPLETED BY STATE LICENSING/CERTIFYING BOARD
 Please complete this form and return it directly to the applicant in a sealed envelope.

Title of License: _____ License Number: _____
 Issue Date: _____ Expiration Date: _____
 By Examination _____ By Endorsement _____ By Waiver _____ By Reciprocity _____
 Type of Examination: _____
 EPPP _____ Date of Examination: _____ Cut-Off Score _____ Applicant's Score _____
 State Exam _____ Date: _____ Cut-Off Score _____ Applicant's Score _____
 State Exam _____ Date: _____ Cut-Off Score _____ Applicant's Score _____

Has there ever been any disciplinary action taken against the licensee? [] Yes [] No If yes, give full particulars on a separate sheet.

Certification by the authorized Licensure Official of the State Board of _____
 State of _____ Telephone Number () _____

I certify that the information is correct.

Authorized Licensure Official _____
 Title _____
 Jurisdiction/State _____
 Date _____

SEAL

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INTERNSHIP VERIFICATION

Applicant's Name _____ Social Security/Virginia DMV Control Number

TO THE DIRECTOR/CHAIR OF THE APPLICANT'S INTERNSHIP PROGRAM: The following information is required in order to determine the eligibility of the above-named applicant for licensure as a Clinical Psychologist or School Psychologist

Name and location of internship program: _____
 Which of the following criteria does your internship meet?
 The American Psychological Association? _____ Accredited _____ Meets Equivalent Standards _____
 The National Register of Health Service Providers in Psychology? _____
 The National Association of School Psychologists? _____
 The Association of Psychology Postdoctoral and Internship Centers? _____

Describe the nature of the internship program. If this was an internship in clinical psychology, describe the emphasis and experience in the diagnosis and treatment of persons with moderate to severe mental disorders.

I attest that the information provided above is correct.

Signature _____ Name of Institution _____
 Name and Title (please print) _____ Date _____

In accordance with Section 54.1-116 of the Code of Virginia you are required to submit your Social Security Number or your Virginia control number. Refer to instruction sheet.

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Proposed Regulations

AREAS OF GRADUATE STUDY

	<p>COMMONWEALTH OF VIRGINIA</p> <p>BOARD OF PSYCHOLOGY Department of Health Professions 6606 West Broad Street, 4th Floor Richmond, Virginia 23230-1717 (804) 662-9913</p>		
<p>Applicant's Name _____ Social Security/Virginia DMV Control Number <input type="checkbox"/></p> <p>Please list in the spaces provided below graduate coursework completed which corresponds to the courses listed below. Indicate course title, course number and number of credit hours received as shown on your graduate transcript. Also indicate on this form any area of study where you cannot specify that coursework was completed, or where it may be unclear from the title of a course that the course content was covered. Catalogue descriptions may be submitted for clarification. If more space is needed, please attach additional sheets. You are only required to complete the numbers listed below, as applies to the licensure you are seeking: Applied Psychologist applicants complete items 1 - 8 only Clinical Psychologist applicants complete items 2 - 17 only School Psychologist applicants complete items 18-26 only</p>			
Required Content	Course Title and Number	Number of Credits	Name of Institution
1. Concentration in _____ <i>(must have a total of 18 semester hours)</i>			
2. Biological bases of behavior			
3. Cognitive-affective bases of behavior			
4. Social bases of behavior			

In accordance with Section 54.1-116 of the *Code of Virginia* you are required to submit your Social Security Number or your *Virginia* control number. Refer to instruction sheet.

5. Psychological Measurement			
6. Research Methodology			
7. Techniques of data analysis			
8. Professional Ethics and Standards			
9. Individual differences in behavior			
10. Human Development			
11. Dysfunctional behavior, abnormal behavior or psychopathology			
12. Theories and methods of intellectual assessment and diagnosis			
13. Theories and methods of personality assessment and diagnosis including its practical application.			

14. Effective interventions and evaluating the efficacy of interventions.			
15. Practicum: Assessment and Diagnosis			
16. Practicum: Psychotherapy			
17. Practicum: Consultation and supervision			
18. Psychological foundations			
19. Educational foundations			
20. Interventions/problem solving			
21. Statistics and research methodologies			
22. Professional school psychology			

23. Practicum in orientation to the educational process			
24. Practicum in assessment for intervention			
25. Practicum in direct intervention			
26. Practicum in indirect intervention			

PSY 6 rev. 6/99

Proposed Regulations

Department of Health Professions
COMMONWEALTH OF VIRGINIA

RENEWAL NOTICE AND APPLICATION

Telephone:
License, certificate or registration number:

TYPE OF RENEWAL	CURRENT EXPIRATION DATE	CURRENT AMOUNT DUE \$	FROM	RENEWAL PERIOD	TO	AMOUNT DUE IF RECEIVED AFTER \$
-----------------	-------------------------	--------------------------	------	----------------	----	------------------------------------

CASHIER

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

<p>DISCLOSURE OF SOCIAL SECURITY OR VIRGINIA DMV CONTROL NUMBER In accordance with § 54.1-116 of the Code of Virginia, you are required to submit your Social Security Number or your control number issued by the Virginia Department of Motor Vehicles. If you fail to do so, the processing of your application will be suspended and fees will not be refunded. This number will be used by the Department of Health Professions for identification and will not be disclosed for other purposes except as provided for by law. Federal and state law requires that this number be shared with other agencies for child support enforcement activities. If the boxes below are empty, write in your Social Security or Virginia DMV Control Number. If the boxes do contain numbers, please verify that they are correct and make any necessary changes.</p> <p>NO LICENSE, CERTIFICATION OR REGISTRATION WILL BE ISSUED TO ANY INDIVIDUAL WHO HAS FAILED TO DISCLOSE ONE OF THESE NUMBERS.</p> <p>□ □ □ □ - □ □ □ □ - □ □ □ □ □ □</p> <p><small>*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.</small></p>	<p>INSTRUCTIONS</p> <ol style="list-style-type: none">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 name 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. <p>A. <input type="checkbox"/> Check here if you <u>do not</u> wish to renew, and sign below.</p> <p>_____ Signature</p>
--	--

THIS BOTTOM PORTION MUST BE RETURNED IN ORDER TO RENEW

Department of Health Professions
Type of renewal:
License, certificate or registration number:

VA.R. Doc. No. R97-358; Filed June 14, 1999, 9:44 a.m.

TITLE 22. SOCIAL SERVICES

STATE BOARD OF SOCIAL SERVICES

Title of Regulation: 22 VAC 40-880-10 et seq. Child Support Enforcement Program (amending 22 VAC 40-880-350).

Statutory Authority: §§ 63.1-25 and 63.1-261 of the Code of Virginia.

Public Hearing Date: N/A - Public comments may be submitted until September 3, 1999.
(See Calendar of Events section for additional information)

Basis: Section 63.1-261 of the Code of Virginia states that the "Commissioner may collect the support debt... by distraint, seizure and sale."

Purpose: 22 VAC 40-880-350 relates to the seizure and sale of assets to provide for the payment of egregiously delinquent child support debts. The revision to this regulation will enhance the Division of Child Support Enforcement's ability to collect child support debt from legally obligated parents, using a new technique of seizure and sale of the individuals automobile via the use of a "boot." This change to the current regulation benefits the public welfare. Primarily, collection of delinquent child support protects the most vulnerable citizens of the Commonwealth, its children. In addition, collection of delinquent support in public assistance cases results in legal debts to the state being reduced, thus contributing to the general fund.

Substance: The regulation provides that a "boot" may be applied to the vehicle of a legally obligated parent who is at least \$1,000 in arrears for a case with a current support obligation, or at least \$500 past due in an arrears-only case. A "boot" is defined as a device that, following proper due process notification, is applied to the wheel of a vehicle by a sheriff or police officer, thus disabling the vehicle. The boot is removed after the individual has completed payment on the outstanding child support debt, or has reached a payment agreement plus the payment of \$500 or 5.0% of the outstanding balance.

Issues: There are no disadvantages to the to the public in promulgating this regulation. With a child support debt in the Commonwealth of over \$1 billion, all effective means of support enforcement must be utilized. Booting the automobile of a parent delinquent in legally owed child support has proven effective in a pilot program. This revision to the current regulation will allow this successful enforcement measure to be employed statewide. There are no disadvantages to the department. This revision will have no impact on the department's staff workloads. The cost of this regulation is minimal to the department. The \$11,530 paid for the actual boots is easily absorbed by the Division of Child Support Enforcement's \$69 million budget. Although the payments which result from the boot are not considered revenue, but are disbursed immediately to the custodial parent, the amount collected versus the amount spent demonstrates the cost effectiveness of the program. Since October 1997, \$78,000 in overdue child support has been collected as a result of booting delinquent parents' vehicles. In addition, collection of delinquent child support in public assistance cases results in legal debts to the Commonwealth being reduced, thus contributing to the general fund.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 9-6.14:7.1 G of the Administrative Process Act and Executive Order Number 25 (98). Section 9-6.14:7.1 G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. The proposed regulation clarifies the procedures used by the Department of Social Services (DSS) for distraint, seizure, and sale of assets, authorized under § 63.1-261 of the Code of Virginia, in the collection of delinquent child support payments. In addition, the proposed regulation specifically provides for the booting of vehicles as a method of distraint. A "boot" is a device that is applied to the wheel of a vehicle, by a sheriff or police officer, disabling the vehicle from moving until the boot is removed.

Estimated economic impact. DSS practice, under § 63.1-261, is to use seizure and sale of assets to collect outstanding child support debt from delinquent parents. There are drawbacks to this method, however. Seizure of a vehicle results in towing and storage costs that must be deducted from any debt collected. The proposed mechanism of "booting" avoids both of these drawbacks. There are no towing and storage costs with the placement of a boot. Local sheriffs and police officers place them for DSS at no charge, though this does require time on the part of the law-enforcement personnel during which they could have been performing other duties.

"Booting" is a cost-effective enforcement tool. Not only is it less expensive to undertake and results in a larger net payment to the custodial parent, it also serves as a credible threat to prevent future cases of delinquency. DSS conducted a pilot program in Fairfax County. As of February 4, 1999, \$102,000 in past due child support payments had been collected from the placement of 17 boots. This equals average revenue of \$6,000 per boot. Each boot costs approximately \$398, which includes the initial cost of the boot plus painting and lettering. To date, not one of the 17 cases has missed a payment indicating that not only did the technique serve to recover past due debts, but that it also provides a strong incentive to make timely payments in the future.

It is clear from the evidence from the Fairfax County pilot program that this technique is cost effective and will provide a net economic benefit for the Commonwealth.

Businesses and entities affected. The proposed regulation will affect local police and sheriffs, who place the boots for DSS, as well as all legally obligated parents who are at least

\$1,000 in arrears for a case with a current support obligation, or at least \$500 past due in an arrears-only case. DSS estimates this population at approximately 1,800 individuals.

Localities particularly affected. This regulation will not particularly affect any localities as it applies statewide.

Projected impact on employment. This regulation is not anticipated to have any impact on employment in Virginia.

Effects on the use and value of private property. This regulation is not anticipated to have any effects on the use and value of private property in Virginia.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The Department of Social Services concurs with the Department of Planning and Budget's economic impact analysis.

Summary:

The proposed amendments enhance, on a statewide basis, the division's ability to collect child support debt from legally obligated parents using a new technique of seizure and sale of the individual's automobile via the use of a "boot." The boot is a device, following proper due process notification, applied to the wheel of the vehicle by a sheriff or police officer, thus disabling the vehicle from moving until the boot is removed. Removal results from the individual completing full payment of the outstanding child support debt, or reaching a payment agreement plus the payment of at least \$500 or 5.0% of the outstanding balance, whichever is greater.

22 VAC 40-880-350. Distraint, seizure, and sale.

A. The department may use distraint, *including booting of vehicle*, seizure, and sale against the real or personal property of ~~an absent~~ a noncustodial parent when ~~there is past due support~~:

1. *There are arrears of at least \$1,000 for a case with a current support obligation and at least \$500 for an arrears-only case;*
2. *Conventional enforcement remedies have failed or are not appropriate; and*
3. *A lien has been filed pursuant to § 63.1-254 of the Code of Virginia.*

B. ~~The director of the division shall give final approval for the use of distraint, seizure, and sale.~~ Assets targeted for distraint, including booting of vehicle, seizure and sale are:

1. *Solely owned by the noncustodial parent.*
2. *Co-owned by the noncustodial parent and current spouse.*
3. *Owned by a business in which the noncustodial parent is the sole proprietor. Assets owned by business partnerships or corporations which are co-owned with someone other than a noncustodial parent's current spouse do not qualify for booting of vehicle, or seizure and sale.*

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C. *The Director of the Division of Child Support Enforcement or his designee shall give final approval for the use of distraint, seizure and sale. This includes immobilizing a vehicle using vehicle boots.*

D. *When initiating booting, or seizure and sale of vehicle, the department shall check with the Department of Motor Vehicles for vehicles registered in the noncustodial parent's name, the address on the vehicle registration, and the name of any lien holder on the vehicle.*

E. *Once a lien has been filed pursuant to § 63.1-254 of the Code of Virginia, the department shall send a notice of intent to the noncustodial parent before initiating distraint, including booting of vehicle, seizure and sale action. If there is reason to believe that the noncustodial parent will leave town or hide the asset, the asset can be seized without sending the notice and with proper documentation.*

F. *The department shall negotiate a settlement if the noncustodial parent contacts the department in response to the intent notice. An acceptable settlement is 5.0% of the arrearage owed or \$500, whichever is greater, with additional monthly payments towards the arrears that will satisfy the arrearage within 10 years. The department may initiate distraint, including booting of vehicle, seizure and sale without further notice to the noncustodial parent if the noncustodial parent defaults on the payments as agreed.*

G. *The department shall send a fieri facias request to each county or city where a lien is filed and a levy is being executed if the noncustodial parent does not contact the department in response to the intent notice.*

H. *The department shall set a target date for seizure or booting and have the sheriff levy the property or boot the vehicle.*

I. *Once property has been seized or booted by the sheriff, the department must (i) reach a payment agreement with the noncustodial parent of 5.0% of the arrearage owed or \$500, whichever is greater, with additional monthly payments towards the arrears that will satisfy the arrearage within 10 years and release the vehicle to the owner; (ii) proceed with the sale of the vehicle pursuant to § 63.1-261 of the Code of Virginia; or (iii) at the end of 90 days from the issuance of the writ of fieri facias, release the vehicle to the owner.*

J. *The department shall send a cancellation notice to the sheriff if a decision is made to terminate the seizure action before the asset is actually seized.*

K. *If the department sells an asset and it is a motor vehicle, the department shall notify the Department of Motor Vehicles to issue clear title to the new owner of the vehicle.*

VA.R. Doc. No. R99-20; Filed June 11, 1999, 2:22 p.m.



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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 9. ENVIRONMENT

STATE AIR POLLUTION CONTROL BOARD

Title of Regulation: **Regulations for the Control and Abatement of Air Pollution (Rev. GG).**

9 VAC 5-20-10 et seq. General Provisions (amending 9 VAC 5-20-21).

9 VAC 5-40-10 et seq. General Provisions (adding 9 VAC 5-40-7950 through 9 VAC 5-40-8190).

Statutory Authority: § 10.1-1308 of the Code of Virginia.

Effective Date: August 4, 1999.

Summary:

The regulations concern municipal waste combustors (MWCs). The regulation applies to each MWC unit with a combustion capacity greater than 250 tons per day of municipal solid waste for which construction was commenced on or before September 20, 1994.

Emissions limitations are established for particulate matter, carbon monoxide, cadmium, lead, mercury, sulfur dioxide, hydrogen chloride, dioxin/furan, nitrogen oxides, opacity, and fugitive dust. Compliance provisions cover startup, shutdown, and malfunction. Procedures for calculating unit capacity are specified. Nitrogen oxides emissions averaging, which may be used at the source's discretion, is described.

Compliance schedules are specified. Operating practices are delineated and include the regulation of particulate matter control device inlet temperature. The operator training and certification provisions describe procedures and programs for assuring operator qualifications. Test methods and procedures to be used for determining compliance with each emission standard are described. Monitoring systems are specified, including specific performance specifications and averaging methods. Also included are reporting and recordkeeping requirements regarding how all of the above information is to be gathered, stored, and reported.

The following substantive changes were made to the final regulation:

- 1. Definitions relevant to 40 CFR Part 60 are added to 9 VAC 5-40-7960.*
- 2. The Virginia Board for Waste Management Facility Operator training and licensing requirements are incorporated as Virginia's alternate to EPA's operator training and certification program in 9 VAC 5-40-8130.*

- 3. An initial performance test report is required; 9 VAC 5-40-8160 J is added to outline the report's contents.*

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 Alma Jenkins, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4070.

9 VAC 5-20-21. Documents incorporated by reference.

A. The Administrative Process Act and Virginia Register Act provide that state regulations may incorporate documents by reference. Throughout these regulations, documents of the types specified below have been incorporated by reference.

1. United States Code.
2. Code of Virginia.
3. Code of Federal Regulations.
4. Federal Register.
5. Technical and scientific reference documents.

Additional information on key federal regulations and nonstatutory documents incorporated by reference and their availability may be found in subsection E of this section.

B. Any reference in these regulations to any provision of the Code of Federal Regulations (CFR) shall be considered as the adoption by reference of that provision. The specific version of the provision adopted by reference shall be that contained in the CFR (1998) in effect July 1, 1998. In making reference to the Code of Federal Regulations, 40 CFR Part 35 means Part 35 of Title 40 of the Code of Federal Regulations; 40 CFR 35.20 means § 35.20 in Part 35 of Title 40 of the Code of Federal Regulations.

C. Failure to include in this section any document referenced in the regulations shall not invalidate the applicability of the referenced document.

D. Copies of materials incorporated by reference in this section may be examined by the public at the headquarters office of the Department of Environmental Quality, Eighth Floor, 629 East Main Street, Richmond, Virginia, between 8:30 a.m. and 4:30 p.m. of each business day.

E. Information on federal regulations and nonstatutory documents incorporated by reference and their availability may be found below in this subsection.

1. Code of Federal Regulations.

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a. The provisions specified below from the Code of Federal Regulations (CFR) [~~in effect as of July 1, 1994~~ [~~1997~~,] are incorporated herein by reference.

(1) 40 CFR Part 50 - National Primary and Secondary Ambient Air Quality Standards.

(a) Appendix A - Reference Method for the Determination of Sulfur Dioxide in the Atmosphere (Pararosaniline Method).

(b) Appendix B - Reference Method for the Determination of Suspended Particulate Matter in the Atmosphere (High-Volume Method).

(c) Appendix C - Measurement Principle and Calibration Procedure for the Continuous Measurement of Carbon Monoxide in the Atmosphere (Non-Dispersive Infrared Photometry).

(d) Appendix D - Measurement Principle and Calibration Procedure for the Measurement of Ozone in the Atmosphere.

(e) Appendix E - Reference Method for Determination of Hydrocarbons Corrected for Methane.

(f) Appendix F - Measurement Principle and Calibration Procedure for the Measurement of Nitrogen Dioxide in the Atmosphere (Gas Phase Chemiluminescence).

(g) Appendix G - Reference Method for the Determination of Lead in Suspended Particulate Matter Collected from Ambient Air.

(h) Appendix H - Interpretation of the National Ambient Air Quality Standards for Ozone.

(i) Appendix I - Reserved.

(j) Appendix J - Reference Method for the Determination of Particulate Matter as PM₁₀ in the Atmosphere.

(k) Appendix K - Interpretation of the National Ambient Air Quality Standards for Particulate Matter.

(2) 40 CFR Part 51 - Requirements for Preparation, Adoption, and Submittal of Implementation Plans.

Appendix M - Recommended Test Methods for State Implementation Plans.

Appendix S - Emission Offset Interpretive Ruling.

Appendix W - Guideline on Air Quality Models (Revised).

(3) 40 CFR Part 58 - Ambient Air Quality Surveillance.

Appendix B - Quality Assurance Requirements for Prevention of Significant Deterioration (PSD) Air Monitoring.

(4) 40 CFR Part 60 - Standards of Performance for New Stationary Sources.

The specific provisions of 40 CFR Part 60 incorporated by reference are found in Article 5 (9 VAC 5-50-400 et seq.) of Part II of Chapter 50, Rule 5-5, Environmental Protection Agency Standards of Performance for New Stationary Sources.

(5) 40 CFR Part 61 - National Emission Standards for Hazardous Air Pollutants.

The specific provisions of 40 CFR Part 61 incorporated by reference are found in Article 1 (9 VAC 5-60-60 et seq.) of Part II of Chapter 60, Rule 6-1, Environmental Protection Agency National Emission Standards for Hazardous Air Pollutants.

(6) 40 CFR Part 63 - National Emission Standards for Hazardous Air Pollutants for Source Categories.

The specific provisions of 40 CFR Part 63 incorporated by reference are found in Article 2 (9 VAC 5-60-90 et seq.) of Part II of Chapter 60, Rule 6-2, Environmental Protection Agency National Emission Standards for Hazardous Air Pollutants for Source Categories.

b. Copies may be obtained from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402; phone (202) 783-3238.

2. U.S. Environmental Protection Agency.

a. The following documents from the U.S. Environmental Protection Agency are incorporated herein by reference.

(1) Reich Test, Atmospheric Emissions from Sulfuric Acid Manufacturing Processes, Public Health Service Publication No. PB82250721, 1980.

(2) Compilation of Air Pollutant Emission Factors (AP-42). Volume I: Stationary and Area Sources, Publication No. PB95196028, 1995; Volume II: Supplement A, Publication No. PB96192497, 1996.

b. Copies may be obtained from: U.S. Department of Commerce, National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161; phone (703) 487-4650.

3. U.S. government.

a. The following document from the U.S. government is incorporated herein by reference: Standard Industrial Classification Manual, 1987 (U.S. Government Printing Office stock number 041-001-00-314-2).

b. Copies may be obtained from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402; phone (202) 512-1800.

4. American Society for Testing and Materials (ASTM).

a. The documents specified below from the American Society for Testing and Materials are incorporated herein by reference.

(1) D323-94, "Standard Test Method for Vapor Pressure of Petroleum Products (Reid Method)" from Section 5, Volume 05.01 of the 1985 Annual Book of ASTM Standards.

(2) D97-93, "Standard Test Method for Pour Point of Petroleum Oils" from Section 5, Volume 05.01 of the 1989 Annual Book of ASTM Standards.

(3) D129-91, "Standard Test Method for Sulfur in Petroleum Products (General Bomb Method)," 1991.

(4) D388-95, "Standard Classification of Coals by Rank," 1995.

(5) D396-92, "Standard Specification for Fuel Oils," 1992.

(6) D975-94, "Standard Specification for Diesel Fuel Oils," 1994.

(7) D1072-90, "Standard Test Method for Total Sulfur in Fuel Gases," 1990, reapproved 1994.

(8) D1265-92, "Standard Practice for Sampling Liquefied Petroleum (LP) Gases (Manual Method)," 1992.

(9) D2622-94, "Standard Test Method for Sulfur in Petroleum Products by X-Ray Spectrometry," 1994.

(10) D4057-88, "Standard Practice for Manual Sampling of Petroleum and Petroleum Products," 1988.

(11) D4294-90, "Standard Test Method for Sulfur in Petroleum Products by Energy-Dispersive X-Ray Fluorescence Spectroscopy," 1990.

b. Copies may be obtained from: American Society for Testing Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103; phone (610) 832-9585.

5. American Petroleum Institute (API).

a. The following document from the American Petroleum Institute is incorporated herein by reference: API Publication 2517, Evaporation Loss from External Floating Roof Tanks, Third Edition, 1989.

b. Copies may be obtained from: American Petroleum Institute, 2101 L Street, Northwest, Washington, D.C. 20037; phone (202) 682-8000.

6. American Conference of Governmental Industrial Hygienists (ACGIH).

a. The following document from the ACGIH is incorporated herein by reference: Threshold Limit Values for Chemical Substances 1991-1992 and Physical Agents and Biological Exposure Indices (ACGIH Handbook).

b. Copies may be obtained from: ACGIH, 6500 Glenway Avenue, Building D-7, Cincinnati, Ohio 45211-4438; phone (513) 742-2020.

7. National Fire Prevention Association (NFPA).

a. The documents specified below from the National Fire Prevention Association are incorporated herein by reference.

(1) NFPA 385, Standard for Tank Vehicles for Flammable and Combustible Liquids, 1990 Edition.

(2) NFPA 30, Flammable and Combustible Liquids Code, 1993 Edition.

(3) NFPA 30A, Automotive and Marine Service Station Code, 1993 Edition.

b. Copies may be obtained from the National Fire Prevention Association, Batterymarch Park, Quincy, Massachusetts 02269; phone (617) 770-3000.

8. American Society of Mechanical Engineers (ASME).

a. The documents specified below from the American Society of Mechanical Engineers are incorporated herein by reference.

(1) ASME Power Test Codes: Test Code for Steam Generating Units, Power Test Code 4.1--1964 (R1991).

(2) ASME Interim Supplement 19.5 on Instruments and Apparatus: Application, Part II of Fluid Meters, 6th edition (1971).

[(3) Standard for the Qualification and Certification of Resource Recovery Facility Operators, ASME QRO-1-1994.]

b. Copies may be obtained from the American Society of Mechanical Engineers, 22 Law Drive, Fairfield, New Jersey 07004.

PART II. EMISSION STANDARDS.

Article 46.

Standards of Performance for Municipal Waste Combustors (Rule 4-46).

9 VAC 5-40-7950. Applicability and designation of affected facility.

A. *Except as provided in subsections D and E of this section, the affected facility to which the provisions of this article apply is each municipal waste combustor unit with a combustion capacity greater than 250 tons per day of municipal solid waste for which construction was commenced on or before September 20, 1994.*

B. *The provisions of this article apply throughout the Commonwealth of Virginia.*

C. *Air curtain incinerators that meet the capacity specifications in subsection A of this section and that*

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combust municipal solid waste other than yard waste are subject to all provisions of this article.

D. Exempted from the provisions of this article are the following:

1. Any waste combustion unit that is capable of combusting more than 250 tons per day of municipal solid waste and is subject to a federally enforceable permit limiting the maximum amount of municipal solid waste that may be combusted in the unit to less than or equal to 11 tons per day is not subject to this article if the owner:

- a. Notifies the board of an exemption claim;
- b. Provides a copy of the federally enforceable permit that limits the firing of municipal solid waste to less than 11 tons per day; and
- c. Keeps records of the amount of municipal solid waste fired on a daily basis.

2. Physical or operational changes made to an existing municipal waste combustor unit primarily for the purpose of complying with this article are not considered in determining whether the unit is a modified or reconstructed facility under subpart Ea or subpart Eb of 40 CFR Part 60.

3. A qualifying small power production facility, as defined in § 3(17)(C) of the Federal Power Act (16 USC § 796(17)(C)), that burns homogeneous waste (such as automotive tires or used oil, but not including refuse-derived fuel) for the production of electric energy is not subject to this article if the owner of the facility notifies the board of this exemption and provides data documenting that the facility qualifies for this exemption.

4. A qualifying cogeneration facility, as defined in § 3(18)(B) of the Federal Power Act (16 USC § 796(18)(B)), that burns homogeneous waste (such as automotive tires or used oil, but not including refuse-derived fuel) for the production of electric energy and steam or forms of useful energy (such as heat) that are used for industrial, commercial, heating, or cooling purposes, is not subject to this article if the owner of the facility notifies the board of this exemption and provides data documenting that the facility qualifies for this exemption.

5. Any unit combusting a single-item waste stream of tires is not subject to this article if the owner of the unit notifies the board of an exemption claim, and provides data documenting that the unit qualifies for this exemption.

6. Any cofired combustor located at a plant that meets the capacity specifications in subsection A of this section is not subject to this article if the owner of the cofired combustor:

- a. Notifies the board of an exemption claim;

b. Provides a copy of the federally enforceable permit (specified in the definition of cofired combustor in 9 VAC 5-40-7960); and

c. Keeps a record on a calendar quarter basis of the weight of municipal solid waste combusted at the cofired combustor and the weight of all other fuels combusted at the cofired combustor.

7. Air curtain incinerators that meet the capacity specifications in subsection A of this section and that combust a fuel stream composed of 100% yard waste are exempt from all provisions of this article except the opacity limit under 9 VAC 5-40-8060 C, the testing procedures under 9 VAC 5-40-8140, and the reporting and recordkeeping provisions under 9 VAC 5-40-8160.

8. Pyrolysis/combustion units that are an integrated part of a plastics/rubber recycling unit are not subject to this article if the owner of the plastics/rubber recycling unit keeps records of:

a. The weight of plastics, rubber, and rubber tires, or a combination thereof, processed on a calendar quarter basis;

b. The weight of chemical plant feedstocks and petroleum refinery feedstocks produced and marketed on a calendar quarter basis; and

c. The name and address of the purchaser of the feedstocks. The combustion of gasoline, diesel fuel, jet fuel, fuel oils, residual oil, refinery gas, petroleum coke, liquefied petroleum gas, propane, or butane produced by chemical plants or petroleum refineries that use feedstocks produced by plastics/rubber recycling units are not subject to this article.

E. The provisions of this article do not apply to the following:

1. Any unit required to have a permit under § 3005 of the Solid Waste Disposal Act.

2. Any materials recovery facility (including primary or secondary smelters) that combusts waste for the primary purpose of recovering metals.

3. Any cement kiln firing municipal solid waste.

9 VAC 5-40-7960. Definitions.

A. For the purpose of the Regulations for the Control and Abatement of Air Pollution and subsequent amendments or any orders issued by the board, the words or terms shall have the meaning given them in subsection C of this section.

B. As used in this article, all terms not defined herein shall have the meaning given them in 9 VAC 5 Chapter 10 (9 VAC 5-10-10 et seq.), unless otherwise required by context.

C. Terms defined.

"Air curtain incinerator" means an incinerator that operates by forcefully projecting a curtain of air across an open chamber or pit in which burning occurs. Incinerators of this

type can be constructed above or below ground and with or without refractory walls and floor.

"Batch municipal waste combustor" means a municipal waste combustor unit designed so that it cannot combust municipal solid waste continuously 24 hours per day because the design does not allow waste to be fed to the unit or ash to be removed while combustion is occurring.

"Bubbling fluidized bed combustor" means a fluidized bed combustor in which the majority of the bed material remains in a fluidized state in the primary combustion zone.

"Calendar quarter" means a consecutive three-month period (nonoverlapping) beginning on January 1, April 1, July 1, and October 1.

"Calendar year" means the period including 365 days starting January 1 and ending on December 31.

"Chief facility operator" means the person in direct charge and control of the operation of a municipal waste combustor and who is responsible for daily onsite supervision, technical direction, management, and overall performance of the facility.

"Circulating fluidized bed combustor" means a fluidized bed combustor in which the majority of the fluidized bed material is carried out of the primary combustion zone and is transported back to the primary zone through a recirculation loop.

"Clean wood" means untreated wood or untreated wood products including clean untreated lumber, tree stumps (whole or chipped), and tree limbs (whole or chipped). Clean wood does not include yard waste, which is defined elsewhere in this section, or construction, renovation, and demolition wastes (including but not limited to railroad ties and telephone poles), which are exempt from the definition of municipal solid waste in this section.

"Cofired combustor" means a unit combusting municipal solid waste with nonmunicipal solid waste fuel (e.g., coal, industrial process waste) and subject to a federally enforceable permit limiting the unit to combusting a fuel feed stream, 30% or less of the weight of which is comprised, in aggregate, of municipal solid waste as measured on a calendar quarter basis.

["Commenced" means that an owner has undertaken a continuous program of construction or modification or that an owner has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

"Compliance schedule" means a legally enforceable schedule specifying a date or dates by which a source or category of sources must comply with specific emission standards contained in a plan or with any increments of progress to achieve such compliance.

"Construction" means fabrication, erection, or installation of an affected facility.]

"Continuous emission monitoring system" means a monitoring system for continuously measuring the emissions of a pollutant from an affected facility.

"Dioxin/furan" means tetra- through octa- chlorinated dibenzo-p-dioxins and dibenzofurans.

"Federally enforceable" means all limitations and conditions that are enforceable by the administrator including the requirements of 40 CFR Parts 60, 61, and 63, requirements within any applicable state implementation plan, and any permit requirements established under 40 CFR [~~Part~~] 52.21 or under 40 CFR [~~Part~~] 51.18 and 40 CFR [~~Part~~] 51.24.

"First calendar half" means the period starting on January 1 and ending on June 30 in any year.

"Four-hour block average" means the average of all hourly emission concentrations when the affected facility is operating and combusting municipal solid waste measured over four-hour periods of time from midnight to 4 a.m., 4 a.m. to 8 a.m., 8 a.m. to noon, noon to 4 p.m., 4 p.m. to 8 p.m., and 8 p.m. to midnight.

["Increments of process" means steps to achieve compliance which must be taken by an owner of an affected facility, including:

1. Submittal of a final control plan for the affected facility to the board;
2. Awarding of contracts for emission control systems or for process modifications or issuance of orders for the purchase of component parts to accomplish emission control or process modification;
3. Initiation of on-site construction or installation of emission control equipment or process change;
4. Completion of on-site construction or installation of emission control equipment or process change; and
5. Final compliance.]

"Mass burn refractory municipal waste combustor" means a field-erected combustor that combusts municipal solid waste in a refractory wall furnace. Unless otherwise specified, this includes combustors with a cylindrical rotary refractory wall furnace.

"Mass burn rotary waterwall municipal waste combustor" means a field-erected combustor that combusts municipal solid waste in a cylindrical rotary waterwall furnace.

"Mass burn waterwall municipal waste combustor" means a field-erected combustor that combusts municipal solid waste in a waterwall furnace.

"Materials separation plan" means a plan that identifies both a goal and an approach to separate certain components of municipal solid waste for a given service area in order to make the separated materials available for recycling. A materials separation plan may include elements such as dropoff facilities, buy-back or deposit-return incentives, curbside pickup programs, or centralized mechanical

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separation systems. A materials separation plan may include different goals or approaches for different subareas in the service area, and may include no materials separation activities for certain subareas or, if warranted, an entire service area.

"Maximum demonstrated municipal waste combustor unit load" means the highest four-hour arithmetic average municipal waste combustor unit load achieved during four consecutive hours during the most recent dioxin/furan performance test demonstrating compliance with the applicable limit for municipal waste combustor organics specified under 9 VAC 5-40-8040.

"Maximum demonstrated particulate matter control device temperature" means the highest four-hour arithmetic average flue gas temperature measured at the particulate matter control device inlet during four consecutive hours during the most recent dioxin/furan performance test demonstrating compliance with the applicable limit for municipal waste combustor organics specified under 9 VAC 5-40-8040.

"Modification" or "modified municipal waste combustor unit" means a municipal waste combustor unit to which changes have been made after June 19, 1996, if (i) the cumulative cost of the changes, over the life of the unit, exceed 50% of the original cost of construction and installation of the unit (not including the cost of any land purchased in connection with such construction or installation) updated to current costs or (ii) any physical change in the municipal waste combustor unit or change in the method of operation of the municipal waste combustor unit increases the amount of any air pollutant emitted by the unit for which standards have been established under § 129 or § 111 of the federal Clean Air Act. Increases in the amount of any air pollutant emitted by the municipal waste combustor unit are determined at 100% physical load capability and downstream of all air pollution control devices, with no consideration given for load restrictions based on permits or other nonphysical operational restrictions.

"Modular excess-air municipal waste combustor" means a combustor that combusts municipal solid waste and that is not field-erected and has multiple combustion chambers, all of which are designed to operate at conditions with combustion air amounts in excess of theoretical air requirements.

"Modular starved-air municipal waste combustor" means a combustor that combusts municipal solid waste and that is not field-erected and has multiple combustion chambers in which the primary combustion chamber is designed to operate at substoichiometric conditions.

"Municipal solid waste" or "municipal-type solid waste" means household, commercial/retail, and institutional waste, or a combination thereof. Household waste includes material discarded by single and multiple residential dwellings, hotels, motels, and other similar permanent or temporary housing establishments or facilities. Commercial/retail waste includes material discarded by stores, offices, restaurants, warehouses, nonmanufacturing activities at industrial

facilities, and other similar establishments or facilities. Institutional waste includes material discarded by schools, nonmedical waste discarded by hospitals, material discarded by nonmanufacturing activities at prisons and government facilities, and material discarded by other similar establishments or facilities. Household, commercial/retail, and institutional waste does not include used oil; sewage sludge; wood pallets; construction, renovation, and demolition wastes (which includes but is not limited to railroad ties and telephone poles); clean wood; industrial process or manufacturing wastes; medical waste; or motor vehicles (including motor vehicle parts or vehicle fluff). Household, commercial/retail, and institutional wastes include (i) yard waste, (ii) refuse-derived fuel, and (iii) motor vehicle maintenance materials limited to vehicle batteries and tires except as specified in 9 VAC 5-40-7950 D 5.

"Municipal waste combustor" or "municipal waste combustor unit" means any setting or equipment that combusts solid, liquid, or gasified municipal solid waste including, but not limited to, field-erected incinerators (with or without heat recovery), modular incinerators (starved-air or excess-air), boilers (i.e., steam generating units), furnaces (whether suspension-fired, grate-fired, mass-fired, air curtain incinerators, or fluidized bed-fired), and pyrolysis/combustion units. Municipal waste combustors do not include pyrolysis/combustion units located at a plastics/rubber recycling unit (as specified in 9 VAC 5-40-7950 D 8). Municipal waste combustors do not include cement kilns firing municipal solid waste (as specified in 9 VAC 5-40-7950 E 3). Municipal waste combustors do not include internal combustion engines, gas turbines, or other combustion devices that combust landfill gases collected by landfill gas collection systems.

The boundaries of a municipal solid waste combustor are defined as follows. The municipal waste combustor unit includes, but is not limited to, the municipal solid waste fuel feed system, grate system, flue gas system, bottom ash system, and the combustor water system. The municipal waste combustor boundary starts at the municipal solid waste waste pit or hopper and extends through:

1. The combustor flue gas system, which ends immediately following the heat recovery equipment or, if there is no heat recovery equipment, immediately following the combustion chamber;
2. The combustor bottom ash system, which ends at the truck loading station or similar ash handling equipment that transfer the ash to final disposal, including all ash handling systems that are connected to the bottom ash handling system; and
3. The combustor water system, which starts at the feed water pump and ends at the piping exiting the steam drum or superheater.

The municipal waste combustor unit does not include air pollution control equipment, the stack, water treatment equipment, or the turbine-generator set.

"Municipal waste combustor acid gases" means all acid gases emitted in the exhaust gases from municipal waste combustor units including, but not limited to, sulfur dioxide and hydrogen chloride gases.

"Municipal waste combustor metals" means metals and metal compounds emitted in the exhaust gases from municipal waste combustor units.

"Municipal waste combustor organics" means organic compounds emitted in the exhaust gases from municipal waste combustor units and includes tetra- through octa-chlorinated dibenzo-p-dioxins and dibenzofurans.

"Municipal waste combustor plant" means one or more affected facilities (as specified in 9 VAC 5-40-7950) at the same location.

"Municipal waste combustor unit capacity" means the maximum charging rate of a municipal waste combustor unit expressed in tons per day of municipal solid waste combusted, calculated according to the procedures under 9 VAC 5-40-8100 C. [Subsection] 9 VAC 5-40-8100 C includes procedures for determining municipal waste combustor unit capacity for continuous and batch feed municipal waste combustors.

"Municipal waste combustor unit load" means the steam load of the municipal waste combustor unit measured as specified in 9 VAC 5-40-8150 C [6] .

"Particulate matter" means total particulate matter emitted from municipal waste combustor units as measured by Reference Method 5 (see 9 VAC 5-40-8140 B).

"Plastics/rubber recycling unit" means an integrated processing unit where plastics, rubber, and rubber tires, or a combination thereof, are the only feed materials (incidental contaminants may be included in the feed materials) and they are processed into a chemical plant feedstock or petroleum refinery feedstock, where the feedstock is marketed to and used by a chemical plant or petroleum refinery as input feedstock. The combined weight of the chemical plant feedstock and petroleum refinery feedstock produced by the plastics/rubber recycling unit on a calendar quarter basis shall be more than 70% of the combined weight of the plastics, rubber, and rubber tires processed by the plastics/rubber recycling unit on a calendar quarter basis. The plastics, rubber, or rubber tire feed materials to the plastics/rubber recycling unit may originate from the separation or diversion of plastics, rubber, or rubber tires from MSW or industrial solid waste, and may include manufacturing scraps, trimmings, and off-specification plastics, rubber, and rubber tire discards. The plastics, rubber, and rubber tire feed materials to the plastics/rubber recycling unit may contain incidental contaminants (e.g., paper labels on plastic bottles, metal rings on plastic bottle caps, etc.).

"Potential hydrogen chloride emission concentration" means the hydrogen chloride emission concentration that would occur from combustion of municipal solid waste in the absence of any emission controls for municipal waste combustor acid gases.

"Potential mercury emission concentration" means the mercury emission concentration that would occur from combustion of municipal solid waste in the absence of any mercury emissions control.

"Potential sulfur dioxide emissions" means the sulfur dioxide emission concentration that would occur from combustion of municipal solid waste in the absence of any emission controls for municipal waste combustor acid gases.

"Pulverized coal/refuse-derived fuel mixed fuel-fired combustor" means a combustor that fires coal and refuse-derived fuel simultaneously, in which pulverized coal is introduced into an air stream that carries the coal to the combustion chamber of the unit where it is fired in suspension. This includes both conventional pulverized coal and micropulverized coal.

"Pyrolysis/combustion unit" means a unit that produces gases, liquids, or solids through the heating of municipal solid waste, and the gases, liquids, or solids produced are combusted and emissions vented to the atmosphere.

"Reconstruction" means rebuilding a municipal waste combustor unit for which the reconstruction commenced after June 19, 1996, and the cumulative costs of the construction over the life of the unit exceed 50% of the original cost of construction and installation of the unit (not including any cost of land purchased in connection with such construction or installation) updated to current costs (current dollars).

"Refractory unit" or "refractory wall furnace" means a combustion unit having no energy recovery (e.g., via a waterwall) in the furnace (i.e., radiant heat transfer section) of the combustor.

"Refuse-derived fuel" means a type of municipal solid waste produced by processing municipal solid waste through shredding and size classification. This includes all classes of refuse-derived fuel including low-density fluff refuse-derived fuel through densified refuse-derived fuel and pelletized refuse-derived fuel.

"Refuse-derived fuel stoker" means a steam generating unit that combusts refuse-derived fuel in a semisuspension firing mode using air-fed distributors.

"Same location" means the same or contiguous property that is under common ownership or control including properties that are separated only by a street, road, highway, or other public right-of-way. Common ownership or control includes properties that are owned, leased, or operated by the same entity, parent entity, subsidiary, subdivision, or any combination thereof including any municipality or other governmental unit, or any quasi-governmental authority (e.g., a public utility district or regional waste disposal authority).

"Second calendar half" means the period starting July 1 and ending on December 31 in any year.

"Shift supervisor" means the person who is in direct charge and control of the operation of a municipal waste combustor and who is responsible for onsite supervision, technical

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direction, management, and overall performance of the facility during an assigned shift.

"Spreader stoker coal/refuse-derived fuel mixed fuel-fired combustor" means a combustor that fires coal and refuse-derived fuel simultaneously, in which coal is introduced to the combustion zone by a mechanism that throws the fuel onto a grate from above. Combustion takes place both in suspension and on the grate.

"Standard conditions" means a temperature of 20°C and a pressure of 101.3 kilopascals.

"Total mass dioxin/furan" or "total mass" means the total mass of tetra- through octa- chlorinated dibenzo-p-dioxins and dibenzofurans, as determined using Reference Method 23 and the procedures specified under 9 VAC 5-40-8140 F.

"Twenty-four-hour daily average" means either the arithmetic mean or geometric mean (as specified) of all hourly emission concentrations when the affected facility is operating and combusting municipal solid waste measured over a 24-hour period between midnight and the following midnight.

"Untreated lumber" means wood or wood products that have been cut or shaped and include wet, air-dried, and kiln-dried wood products. Untreated lumber does not include wood products that have been painted, pigment-stained, or "pressure-treated." Pressure-treating compounds include, but are not limited to, chromate copper arsenate, pentachlorophenol, and creosote.

"Waterwall furnace" means a combustion unit having energy (heat) recovery in the furnace (i.e., radiant heat transfer section) of the combustor.

"Yard waste" means grass, grass clippings, bushes, shrubs, and clippings from bushes and shrubs that are generated by residential, commercial/retail, institutional, and industrial sources, or combination thereof, as part of maintenance activities associated with yards or other private or public lands. Yard waste does not include construction, renovation, and demolition wastes, which are exempt from the definition of municipal solid waste in this section. Yard waste does not include clean wood, which is exempt from the definition of municipal solid waste in this section.

9 VAC 5-40-7970. Standard for particulate matter.

No owner or other person shall cause or permit to be discharged into the atmosphere from any affected facility any gases that contain particulate matter in excess of 27 milligrams per dry standard cubic meter, corrected to 7.0% oxygen.

9 VAC 5-40-7980. Standard for carbon monoxide.

No owner or other person shall cause or permit to be discharged into the atmosphere from any affected facility any gases that contain carbon monoxide in excess of the following limits:

1. For mass burn waterwall units: 100 parts per million by volume, corrected to 7.0% oxygen, dry basis, calculated as an arithmetic average (four-hour average).
2. For mass burn refractory units: 100 parts per million by volume, corrected to 7.0% oxygen, dry basis, calculated as an arithmetic average (four-hour average).
3. For mass burn rotary refractory units: 100 parts per million by volume, corrected to 7.0% oxygen, dry basis, calculated as an arithmetic average (24-hour average).
4. For mass burn rotary waterwall units: 250 parts per million by volume, corrected to 7.0% oxygen, dry basis, calculated as an arithmetic average (24-hour average).
5. For modular starved air units: 50 parts per million by volume, corrected to 7.0% oxygen, dry basis, calculated as an arithmetic average (four-hour average).
6. For modular excess air units: 50 parts per million by volume, corrected to 7.0% oxygen, dry basis, calculated as an arithmetic average (four-hour average).
7. For refuse-derived fuel stokers: 200 parts per million by volume, corrected to 7.0% oxygen, dry basis, calculated as an arithmetic average (24-hour average).
8. For bubbling fluidized bed combustors: 100 parts per million by volume, corrected to 7.0% oxygen, dry basis, calculated as an arithmetic average (four-hour average).
9. For circulating fluidized bed combustors: 100 parts per million by volume, corrected to 7.0% oxygen, dry basis, calculated as an arithmetic average (four-hour average).
10. For pulverized coal/refuse-derived fuel mixed fuel-fired combustors: 150 parts per million by volume, corrected to 7.0% oxygen, dry basis, calculated as an arithmetic average (four-hour average).
11. For spreader stoker coal/refuse-derived fuel mixed fuel-fired combustors: 200 parts per million by volume, corrected to 7.0% oxygen, dry basis, calculated as an arithmetic average (24-hour average).

9 VAC 5-40-7990. Standard for cadmium.

No owner or other person shall cause or permit to be discharged into the atmosphere from any affected facility any gases that contain cadmium in excess of 0.040 milligrams per dry standard cubic meter, corrected to 7.0% oxygen.

9 VAC 5-40-8000. Standard for lead.

No owner or other person shall cause or permit to be discharged into the atmosphere from any affected facility any gases that contain lead in excess of 0.44 milligrams per dry standard cubic meter, corrected to 7.0% oxygen.

9 VAC 5-40-8010. Standard for mercury.

No owner or other person shall cause or permit to be discharged into the atmosphere from any affected facility any gases that contain mercury in excess of 0.080 milligrams per

dry standard cubic meter or 15% of the potential mercury emission concentration (85% reduction by weight), corrected to 7.0% oxygen, whichever is less stringent.

9 VAC 5-40-8020. Standard for sulfur dioxide.

No owner or other person shall cause or permit to be discharged into the atmosphere from any affected facility any gases that contain sulfur dioxide in excess of 29 parts per million by volume or 25% of the potential sulfur dioxide emission concentration (75% reduction by weight or volume), corrected to 7.0% oxygen (dry basis), whichever is less stringent. Compliance with this emission limit is based on a 24-hour daily geometric mean.

9 VAC 5-40-8030. Standard for hydrogen chloride.

No owner or other person shall cause or permit to be discharged into the atmosphere from any affected facility any gases that contain hydrogen chloride in excess of 29 parts per million by volume or 5.0% of the potential hydrogen chloride emission concentration (95% reduction by weight or volume), corrected to 7.0% oxygen (dry basis), whichever is less stringent.

9 VAC 5-40-8040. Standard for dioxin/furan.

No owner or other person shall cause or permit to be discharged into the atmosphere from any affected facility any gases that contain municipal waste combustor organics, expressed as total mass dioxins/furans, in excess of the following limits:

1. For facilities that employ an electrostatic precipitator-based emission control system, 60 nanograms per dry standard cubic meter (total mass), corrected to 7.0% oxygen.
2. For facilities that do not employ an electrostatic precipitator-based emission control system, 30 nanograms per dry standard cubic meter (total mass), corrected to 7.0% oxygen.

9 VAC 5-40-8050. Standard for nitrogen oxides.

No owner or other person shall cause or permit to be discharged into the atmosphere from any affected facility any gases that contain nitrogen oxides in excess of the following limits:

1. For facilities not engaged in an emissions averaging plan as described in 9 VAC 5-40-8100 D:
 - a. For mass burn waterwall units: 205 parts per million by volume corrected to 7.0% oxygen, dry basis.
 - b. For mass burn rotary waterwall units: 250 parts per million by volume corrected to 7.0% oxygen, dry basis.
 - c. For refuse-derived fuel combustors: 250 parts per million by volume corrected to 7.0% oxygen, dry basis.
 - d. For fluidized bed combustors: 180 parts per million by volume corrected to 7.0% oxygen, dry basis.

e. For mass burn refractory combustors: no limit.

2. For facilities engaged in an emissions averaging plan as described in 9 VAC 5-40-8100 D:

- a. For mass burn waterwall units: 185 parts per million by volume, corrected to 7.0% oxygen, dry basis.
- b. For mass burn rotary waterwall units: 220 parts per million by volume, corrected to 7.0% oxygen, dry basis.
- c. For refuse-derived fuel combustors: 230 parts per million by volume, corrected to 7.0% oxygen, dry basis.
- d. For fluidized bed combustors: 165 parts per million by volume, corrected to 7.0% oxygen, dry basis.

9 VAC 5-40-8060. Standard for visible emissions.

A. The provisions of Article 1 (9 VAC 5-40-60 et seq.) of 9 VAC 5 Chapter 40 (Emission Standards for Visible Emissions and Fugitive Dust/Emissions, Rule 4-1) apply except that the provisions in subsections B and C of this section apply instead of 9 VAC 5-40-80.

B. No owner or other person shall cause or permit to be discharged into the atmosphere from any affected facility any gases that exhibit greater than 10% opacity (6-minute average).

C. The owner of an air curtain incinerator with the capacity to combust greater than 250 tons per day of municipal solid waste and that combusts a fuel feed stream composed of 100% yard waste and no other municipal solid waste materials shall at no time cause to be discharged into the atmosphere from that incinerator any gases that exhibit greater than 10% opacity (6-minute average), except that an opacity level of up to 35% (6-minute average) is permitted during startup periods during the first 30 minutes of operation of the unit.

9 VAC 5-40-8070. Standard for fugitive dust/emissions.

A. The provisions of Article 1 (9 VAC 5-40-60 et seq.) of 9 VAC 5 Chapter 40 (Emission Standards for Visible Emissions and Fugitive Dust/Emissions, Rule 4-1) apply except as provided in subsections B through D of this section.

B. No owner or other person shall cause to be discharged to the atmosphere visible emissions of combustion ash from an ash conveying system (including conveyor transfer points) in excess of 5.0% of the observation period (i.e., 9 minutes per 3-hour period), as determined by Reference Method 22 observations as specified in 9 VAC 5-40-8140 H, except as provided in subsections C and D of this section.

C. The emission limit specified in subsection B of this section shall not cover visible emissions discharged inside buildings or enclosures of ash conveying systems; however, the emission limit specified in subsection B of this section

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shall cover visible emissions discharged to the atmosphere from buildings or enclosures of ash conveying systems.

D. The provisions specified in subsection B of this section shall not apply during maintenance and repair of ash conveying systems.

9 VAC 5-40-8080. Standard for odor.

The provisions of Article 2 (9 VAC 5-40-130 et seq.) of 9 VAC 5 Chapter 40 (Emission Standards for Odor, Rule 4-2) apply.

9 VAC 5-40-8090. Standard for toxic pollutants.

The provisions of Article 3 (9 VAC 5-40-160 et seq.) of 9 VAC 5 Chapter 40 (Emission Standards for Toxic Pollutants, Rule 4-3) apply.

9 VAC 5-40-8100. Compliance.

A. The provisions of 9 VAC 5-40-20 (Compliance) apply except as provided in this section.

B. The provisions for startup, shutdown, and malfunction in subdivisions 1 and 2 of this subsection apply. Test methods and procedures for determining compliance shall be performed as specified in 9 VAC 5-40-8140.

1. Except as provided by 9 VAC 5-40-8060 C, the standards under this article apply at all times except during periods of startup, shutdown, or malfunction. Duration of startup, shutdown, or malfunction periods are limited to 3 hours per occurrence.

a. The startup period commences when the affected facility begins the continuous burning of municipal solid waste and does not include any warmup period when the affected facility is combusting fossil fuel or other nonmunicipal solid waste fuel, and no municipal solid waste is being fed to the combustor.

b. Continuous burning is the continuous, semicontinuous, or batch feeding of municipal solid waste for purposes of waste disposal, energy production, or providing heat to the combustion system in preparation for waste disposal or energy production. The use of municipal solid waste solely to provide thermal protection of the grate or hearth during the startup period when municipal solid waste is not being fed to the grate is not considered to be continuous burning.

2. The opacity limits for air curtain incinerators specified in 9 VAC 5-40-8060 apply at all times as specified under 9 VAC 5-40-8060 except during periods of malfunction. Duration of malfunction periods are limited to 3 hours per occurrence.

C. The procedures specified in subdivisions 1 and 2 of this subsection shall be used for calculating municipal waste combustor unit capacity.

1. For municipal waste combustor units capable of combusting municipal solid waste continuously for a

24-hour period, municipal waste combustor unit capacity shall be calculated based on 24 hours of operation at the maximum charging rate. The maximum charging rate shall be determined as specified in subdivisions 1 a and 1 b of this subsection as applicable.

a. For combustors that are designed based on heat capacity, the maximum charging rate shall be calculated based on the maximum design heat input capacity of the unit and a heating value of 12,800 kilojoules per kilogram for combustors firing refuse-derived fuel and a heating value of 10,500 kilojoules per kilogram for combustors firing municipal solid waste that is not refuse-derived fuel.

b. For combustors that are not designed based on heat capacity, the maximum charging rate shall be the maximum design charging rate.

2. For batch feed municipal waste combustor units, municipal waste combustor unit capacity shall be calculated as the maximum design amount of municipal solid waste that can be charged per batch multiplied by the maximum number of batches that could be processed in a 24-hour period. The maximum number of batches that could be processed in a 24-hour period is calculated as 24 hours divided by the design number of hours required to process one batch of municipal solid waste, and may include fractional batches (e.g., if one batch requires 16 hours, then 24/16, or 1.5 batches, could be combusted in a 24-hour period). For batch combustors that are designed based on heat capacity, the design heating value of 12,800 kilojoules per kilogram for combustors firing refuse-derived fuel and a heating value of 10,500 kilojoules per kilogram for combustors firing municipal solid waste that is not refuse-derived fuel.

D. Nitrogen oxides emissions averaging is allowed as specified in this subsection.

1. The owner of a municipal waste combustor plant may elect to implement a nitrogen oxides emissions averaging plan for the affected facilities that are located at that plant and that are subject to this article, except as specified in subdivisions 1 a and 1 b of this subsection.

a. Municipal waste combustor units subject to subpart Ea or subpart Eb of 40 CFR Part 60 [~~and other municipal waste combustion technologies not listed in 9 VAC 5-40-8050 B~~] cannot be included in the emissions averaging plan.

b. Mass burn refractory municipal waste combustor units [~~and other municipal waste combustion technologies not listed in 9 VAC 5-40-8050 B~~] cannot be included in the emissions averaging plan.

2. The affected facilities included in the nitrogen oxides emissions averaging plan must be identified in the initial compliance report specified in [~~this subdivision 2~~ 9 VAC 5-40-8160 J or in the annual report specified in 9 VAC 5-40-8160 D, as applicable,] prior to implementing the

averaging plan. The affected facilities being included in the averaging plan may be redesignated each calendar year. Partial year redesignation is allowable with board approval.

3. To implement the emissions averaging plan, the average daily (24-hour) nitrogen oxides emission concentration level for gases discharged from the affected facilities being included in the emissions averaging plan must be no greater than the levels specified in 9 VAC 5-40-8050 [B] .

4. Under the emissions averaging plan, the average daily nitrogen oxides emissions specified in 9 VAC 5-40-8050 [B] shall be calculated using [the following] equation [3]. Affected facilities that are offline shall not be included in calculating the average daily nitrogen oxides emission level.

$$NO_{x24-hr} = \frac{\sum_{i=1}^h (NO_{x_i}) (S_i)}{\sum_{i=1}^h (S_i)} \quad [3]$$

where:

NO_{x24-hr} = 24-hr daily average nitrogen oxides emission concentration level for the emissions averaging plan (parts per million by volume corrected to 7.0% oxygen).

NO_{x_i} = 24-hr daily average nitrogen oxides emission concentration level for affected facility i (parts per million by volume, corrected to 7.0% oxygen), calculated according to the procedures in subsection [4 G] of this section.

S_i = maximum demonstrated municipal waste combustor unit load for affected facility i (pounds per hour steam or feedwater flow as determined in the most recent dioxin/furan performance test).

h = total number of affected facilities being included in the daily emissions average.

5. For any day in which any affected facility included in the emissions averaging plan is offline, the owner of the municipal waste combustor plant must demonstrate compliance according to either subdivision 5 a of this subsection or both subdivisions 5 b and 5 c of this subsection.

a. Compliance with the applicable limits specified in 9 VAC 5-40-8050 [B] shall be demonstrated using the averaging procedure specified in [~~subsection D~~ subdivision] 4 of this [~~section~~ subsection] for the affected facilities that are online.

b. For each of the affected facilities included in the emissions averaging plan, the nitrogen oxides

emissions on a daily average basis shall be calculated and shall be equal to or less than the maximum daily nitrogen oxides emission level achieved by that affected facility on any of the days during which the emissions averaging plan was achieved with all affected facilities online during the most recent calendar quarter. The requirements of this subsection do not apply during the first quarter of operation under the emissions averaging plan.

c. The average nitrogen oxides emissions (kilograms per day) calculated according to subdivision 5 c (2) of this subsection shall not exceed the average nitrogen oxides emissions (kilograms per day) calculated according to subdivision 5 c (1) of this subsection.

(1) For all days during which the emissions averaging plan was implemented and achieved and during which all affected facilities were online, the average nitrogen oxides emissions shall be calculated. The average nitrogen oxides emissions (kilograms per day) shall be calculated on a calendar year basis according to subdivisions 5 c (1) (a) through 5 c (1) (c) of this subsection.

(a) For each affected facility included in the emissions averaging plan, the daily amount of nitrogen oxides emitted (kilograms per day) shall be calculated based on the hourly nitrogen oxides data specified under subdivision 5 c (1) (a) of this subsection, the flue gas flow rate determined using Table 19-1 of Reference Method 19 or a board-approved method, and the hourly average steam or feedwater flow rate.

(b) The daily total nitrogen oxides emissions shall be calculated as the sum of the daily nitrogen oxides emissions from each affected facility calculated under subdivision 5 c (1) (a) of this subsection.

(c) The average nitrogen oxides emissions (kilograms per day) on a calendar year basis shall be calculated as the sum of all daily total nitrogen oxides emissions calculated under subdivision 5 c (1) (b) of this subsection divided by the number of calendar days for which a daily total was calculated.

(2) For all days during which one or more of the affected facilities under the emissions averaging plan was offline, the average nitrogen oxides emissions shall be calculated. The average nitrogen oxides emissions (kilograms per day) shall be calculated on a calendar year basis according to subdivisions 5 c (2) (a) through [D] 5 c (2) (c) of this subsection.

(a) For each affected facility included in the emissions averaging plan, the daily amount of nitrogen oxides emitted (kilograms per day) shall be calculated based on the hourly nitrogen oxides

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data specified under subdivision 5 c (1) (a) of this subsection, the flue gas flow rate determined using Table 19-1 of Reference Method 19, and the hourly average steam or feedwater flow rate.

(b) The daily total nitrogen oxides emissions shall be calculated as the sum of the daily nitrogen oxides emissions from each affected facility calculated under subdivision 5 c (2) (a) of this subsection.

(c) The average nitrogen oxides emissions (kilograms per day) on a calendar year basis shall be calculated as the sum of all daily total nitrogen oxides emissions calculated under subdivision 5 c (2) (b) of this subsection divided by the number of calendar days for which a daily total was calculated.

E. Owners of municipal waste combustor plants may engage in trading of nitrogen oxides emission credits. A trading program must be approved by the board before implementation.

F. The provisions of 40 CFR 62.14109 [~~63 FR 3509, January 23, 1998~~] (63 FR 63191, November 12, 1998)] apply to the extent they do not conflict with this article.

9 VAC 5-40-8110. Compliance schedules.

A. The [compliance schedule] provisions of 40 CFR 62.14108 [~~63 FR 3509, January 23, 1998~~] (63 FR 63191, November 12, 1998)] apply to the extent they do not conflict with this article.

B. All affected sources shall comply with the municipal waste combustor operator training and certification requirements under 9 VAC 5-40-8130 according to the schedule specified in subdivisions 1 and 2 of this subsection.

1. Affected facilities shall comply with the municipal waste combustor operator training and certification requirements specified in 9 VAC 5-40-8130 A through [~~G D~~] by [~~12 months after the effective date of this article~~ August 4, 2000].

2. Affected facilities shall comply with the requirements specified in 9 VAC 5-40-8130 [~~D E~~] through [~~G H~~] no later than [~~12 months after the effective date of this article~~] August 4, 2000].

a. The requirement specified in 9 VAC 5-40-8130 [~~D E~~] does not apply to chief facility operators, shift supervisors, and control room operators who have obtained full certification from the American Society of Mechanical Engineers on or before the effective date of this article.

b. The owner of an affected facility may request that the board waive the requirement specified in 9 VAC 5-40-8130 [~~D E~~] for chief facility operators, shift supervisors, and control room operators who have obtained provisional certification from the American

Society of Mechanical Engineers on or before the effective date of this article.

c. The initial training requirements specified in 9 VAC 5-40-8130 [~~F G~~] 1 shall be completed no later than the date specified in [~~subsection B~~ subdivision] 2 c (1) or [~~B~~] 2 c (2) of this [~~section~~ subsection,] whichever is later.

(1) [~~Twelve months after the effective date of this article~~ August 4, 2000] ; or

(2) The date prior to the day when the person assumes responsibilities affecting municipal waste combustor unit operation.

9 VAC 5-40-8120. Operating practices.

A. No owner of an affected facility shall cause such facility to operate at a load level greater than 110% of the maximum demonstrated municipal waste combustor unit load, except as specified in subdivisions 1 and 2 of this subsection. The averaging time is specified under 9 VAC 5-40-8150 C.

1. During the annual dioxin/furan performance test and the two weeks preceding the annual dioxin/furan performance test, no municipal waste combustor unit load limit is applicable.

2. The municipal waste combustor unit load limit may be waived in accordance with permission granted by the board for the purpose of evaluating system performance, testing new technology or control technologies, diagnostic testing, or related activities for the purpose of improving facility performance or advancing the state-of-the-art for controlling facility emissions.

B. No owner of an affected facility shall cause such facility to operate at a temperature, measured at the particulate matter control device inlet, exceeding 17°C above the maximum demonstrated particulate matter control device temperature as defined in 9 VAC 5-40-7960, except as specified in subdivisions 1 and 2 of this subsection. The averaging time is specified under 9 VAC 5-40-8150 C. The requirements specified in this subsection apply to each particulate matter control device utilized at the affected facility.

1. During the annual dioxin/furan performance test and the two weeks preceding the annual dioxin/furan performance test, no particulate matter control device temperature limitations are applicable.

2. The particulate matter control device temperature limits may be waived in accordance with permission granted by the board for the purpose of evaluating system performance, testing new technology or control technologies, diagnostic testing, or related activities for the purpose of improving facility performance or advancing the state-of-the-art for controlling facility emissions.

9 VAC 5-40-8130. Operator training and certification.

A. Each chief facility operator and shift supervisor of an affected facility shall obtain and maintain ~~[a current provisional operator certification from either the American Society of Mechanical Engineers (QRO-1-1994) or a board-approved certification program~~ one of the following:

1. A current provisional operator training certification from the American Society of Mechanical Engineers (QRO-1-1994) in conjunction with licensing requirements of the Board for Waste Management Facility Operators as required by 18 VAC 155 Chapter 20 (18 VAC 155-20-10 et seq.); or
2. A license from the Board for Waste Management Facility Operators as required by 18 VAC 155 Chapter 20 (18 VAC 155-20-10 et seq.).

B. Each chief facility operator and shift supervisor of an affected facility shall have [:

1.] Completed full certification or ~~[shall have]~~ scheduled a full certification exam with either the American Society of Mechanical Engineers (QRO-1-1994) or a board-approved certification program in conjunction with the Board for Waste Management Facility Operators as required by 18 VAC 155 Chapter 20 (18 VAC 155-20-10 et seq.); or
2. Obtained a license from the Board for Waste Management Facility Operators as required by 18 VAC 155 Chapter 20 (18 VAC 155-20-10 et seq.).

C. No owner of an affected facility shall allow the facility to be operated at any time unless a person is on duty who is responsible for the proper operation of the facility and has a license from the Board for Waste Management Facility Operators in the correct classification] .

~~[C. D.]~~ No owner of an affected facility shall allow the facility to be operated at any time unless one of the following persons is on duty and at the affected facility: a fully certified chief facility operator, a provisionally certified chief facility operator who is scheduled to take the full certification exam according to the schedule specified in ~~[subsection B of this section~~ 9 VAC 5-40-8110 B 1] , a fully certified shift supervisor, or a provisionally certified shift supervisor who is scheduled to take the full certification exam according to the schedule specified in ~~[subsection B of this section~~ 9 VAC 5-40-8110 B 1] .

~~[1. The requirement specified in subsection C of this section shall take effect six months after the date of startup of the affected facility or on December 19, 1996, whichever is later.~~

~~2.]~~ If one of the persons listed in [this] subsection ~~[C of this section]~~ must leave the affected facility during ~~[their his]~~ operating shift, a provisionally certified control room operator who is onsite at the affected facility may fulfill the requirement in [this] subsection ~~[C of this section]~~ .

~~[D. E.]~~ All chief facility operators, shift supervisors, and control room operators at affected facilities must complete the board-approved municipal waste combustor operator training course.

[E. F.] The owner of an affected facility shall develop and update on a yearly basis a site-specific operating manual that shall, at a minimum, address the elements of municipal waste combustor unit operation specified in this subsection.

1. A summary of the applicable standards under this article;
2. A description of basic combustion theory applicable to a municipal waste combustor unit;
3. Procedures for receiving, handling, and feeding municipal solid waste;
4. Municipal waste combustor unit startup, shutdown, and malfunction procedures;
5. Procedures for maintaining proper combustion air supply levels;
6. Procedures for operating the municipal waste combustor unit within the standards established under this article;
7. Procedures for responding to periodic upset or off-specification conditions;
8. Procedures for minimizing particulate matter carryover;
9. Procedures for handling ash;
10. Procedures for monitoring municipal waste combustor unit emissions; and
11. Reporting and recordkeeping procedures.

[F. G.] The owner of an affected facility shall establish a training program to review the operating manual according to the schedule specified in this subsection with each person who has responsibilities affecting the operation of an affected facility including, but not limited to, chief facility operators, shift supervisors, control room operators, ash handlers, maintenance personnel, and crane/load handlers.

1. Each person specified in this subsection shall undergo initial training no later than the date specified in subdivision 1 a or 1 b of this subsection, whichever is later.
 - a. The date prior to the day the person assumes responsibilities affecting municipal waste combustor unit operation; or
 - b. The date specified in 9 VAC 5-40-8110 B 2.

2. Each person specified in [this] subsection ~~[F of this section]~~ shall undergo initial training annually, following the initial review required by subdivision 1 of this subsection.

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[~~G~~ H.] The operating manual required by subsection [~~E~~ F] of this section shall be kept in a readily accessible location for all persons required to undergo training under subsection [~~F~~ G] of this section. The operating manual and records of training shall be available for inspection by the board upon request.

[I. All training and licensing shall be in accordance with § 54.1-1212 of the Code of Virginia.]

9 VAC 5-40-8140. Test methods and procedures.

A. The provisions of 9 VAC 5-40-30 (Emission testing) apply except as provided in this [~~subsection~~ section] .

B. The procedures and test methods specified in [~~subsections B 1 through B 10 of this section~~ this subsection] shall be used to determine compliance with the emission limits for particulate matter and opacity under 9 VAC 5-40-7970 and 9 VAC 5-40-8060.

1. Reference Method 1 shall be used to select sampling site and number of traverse points.
2. Reference Method 3, 3A, or 3B, as applicable, shall be used for gas analysis.
3. Reference Method 5 shall be used for determining compliance with the particulate matter emission limit. The minimum sample volume shall be 1.7 cubic meters. The probe and filter holder heating systems in the sample train shall be set to provide a gas temperature no greater than 160 + 14°C. An oxygen or carbon dioxide measurement shall be obtained simultaneously with each Reference Method 5 run.
4. The owner of an affected facility may request that compliance with the particulate matter emission limit be determined using carbon dioxide measurements corrected to an equivalent of 7.0% oxygen. The relationship between oxygen and carbon dioxide levels for the affected facility shall be established as specified in 9 VAC 5-40-8150 B 6.
5. As specified in 9 VAC 5-40-30, all performance tests shall consist of three test runs. The average of the particulate matter emission concentrations from the three test runs is used to determine compliance.
6. In accordance with subdivisions 7 and 10 of this subsection, Reference Method 9 shall be used for determining compliance with the opacity limit except as provided in 9 VAC 5-40-20.
7. The owner of an affected facility shall conduct an initial performance test for particulate matter emissions and opacity as required in 9 VAC 5-40-8100.
8. The owner of an affected facility shall install, calibrate, maintain, and operate a continuous opacity monitoring system for measuring opacity and shall follow the methods and procedures specified in subdivisions 8 a through 8 d of this subsection.

a. The output of the continuous opacity monitoring system shall be recorded on a 6-minute average basis.

b. The continuous opacity monitoring system shall be installed, evaluated, and operated in accordance with 9 VAC 5-40-40 and 9 VAC 5-40-41.

c. The continuous opacity monitoring system shall conform to Performance Specification 1 in Appendix B of 40 CFR Part 60.

d. The initial performance evaluation shall be completed as specified in 9 VAC 5-40-8100.

9. Following the date that the initial performance test for particulate matter is completed or is required to be completed in 9 VAC 5-40-8100 for an affected facility, the owner shall conduct a performance test for particulate matter on an annual basis (no more than 12 calendar months following the previous performance test).

10. Following the date that the initial performance test for opacity is completed or is required to be completed in 9 VAC 5-40-8100 for an affected facility, the owner shall conduct a performance test for opacity on an annual basis (no more than 12 calendar months following the previous performance test) using the test method specified in [~~subsection~~ subdivision] B 6 of this [~~section~~ subsection] .

C. The procedures and test methods specified in this subsection shall be used to determine compliance with the emission limits for cadmium, lead, and mercury under 9 VAC 5-40-7990, 9 VAC 5-40-8000, and 9 VAC 5-40-8010.

1. The procedures and test methods specified in subdivisions 1 a through 1 g of this subsection shall be used to determine compliance with the emission limits for cadmium and lead under 9 VAC 5-40-7990 and 9 VAC 5-40-8000.

a. Reference Method 1 shall be used for determining the location and number of sampling points.

b. Reference Method 3, 3A, or 3B, as applicable, shall be used for flue gas analysis.

c. Reference Method 29 shall be used for determining compliance with the cadmium and lead emission limits.

d. An oxygen or carbon dioxide measurement shall be obtained simultaneously with each Reference Method 29 test run for cadmium and lead required under subdivision 1 c of this subsection.

e. The owner of an affected facility may request that compliance with the cadmium or lead emission limit be determined using carbon dioxide measurements corrected to an equivalent of 7.0% oxygen. The relationship between oxygen and carbon dioxide levels for the affected facility shall be established as specified in 9 VAC 5-40-8150 B 6.

f. All performance tests shall consist of a minimum of three test runs conducted under representative full load operating conditions. The average of the cadmium or lead emission concentrations from three test runs or more shall be used to determine compliance.

g. Following the date of the initial performance test or the date on which the initial performance test is required to be completed in 9 VAC 5-40-8100, the owner of an affected facility shall conduct a performance test for compliance with the emission limits for cadmium and lead on an annual basis (no more than 12 calendar months following the previous performance test).

2. The procedures and test methods specified in subdivisions 2 a through 2 j of this subsection shall be used to determine compliance with the mercury emission limit under 9 VAC 5-40-8010.

a. Reference Method 1 shall be used for determining the location and number of sampling points.

b. Reference Method 3, 3A, or 3B, as applicable, shall be used for flue gas analysis.

c. Reference Method 29 shall be used to determine the mercury emission concentration. The minimum sample volume when using Reference Method 29 for mercury shall be 1.7 cubic meters.

d. An oxygen (or carbon dioxide) measurement shall be obtained simultaneously with each Reference Method 29 test run for mercury required under subdivision 2 c of this subsection.

e. The percent reduction in the potential mercury emissions (%P_{Hg}) is computed using [the following] equation [4]:

$$(\%P_{Hg}) = \frac{E_i - E_o}{E_i} \times 100 \quad [4]$$

where:

%P_{Hg} = percent reduction of the potential mercury emissions achieved.

E_i = potential mercury emission concentration measured at the control device inlet, corrected to 7.0% oxygen (dry basis).

E_o = controlled mercury emission concentration measured at the mercury control device outlet, corrected to 7.0% oxygen (dry basis).

f. All performance tests shall consist of a minimum of three test runs conducted under representative full load operating conditions. The average of the mercury emission concentrations or percent reductions from three test runs or more is used to determine compliance.

g. The owner of an affected facility may request that compliance with the mercury emission limit be determined using carbon dioxide measurements corrected to an equivalent of 7.0% oxygen. The relationship between oxygen and carbon dioxide levels for the affected facility shall be established as specified in 9 VAC 5-40-8150 B 6.

h. The owner of an affected facility shall conduct an initial performance test for mercury emissions as required in 9 VAC 5-40-8100.

i. Following the date that the initial performance test for mercury is completed or is required to be completed in 9 VAC 5-40-8100, the owner of an affected facility shall conduct a performance test for mercury emissions on an annual basis (no more than 12 calendar months from the previous performance test).

j. The owner of an affected facility where activated carbon injection is used to comply with the mercury emission limit shall follow the procedures specified in [~~9 VAC 5-40-8140~~ subsection] J [of this section] for measuring and calculating carbon usage.

D. The procedures and test methods specified in this subsection shall be used for determining compliance with the sulfur dioxide emission limit under 9 VAC 5-40-8020.

1. Reference Method 19, section 4.3, shall be used to calculate the daily geometric average sulfur dioxide emission concentration.

2. Reference Method 19, section 5.4, shall be used to determine the daily geometric average percent reduction in the potential sulfur dioxide emission concentration.

3. The owner of an affected facility may request that compliance with the sulfur dioxide emission limit be determined using carbon dioxide measurements corrected to an equivalent of 7.0% oxygen. The relationship between oxygen and carbon dioxide levels for the affected facility shall be established as specified in 9 VAC 5-40-8150 B 6.

4. The owner of an affected facility shall conduct an initial performance test for sulfur dioxide emissions as required in 9 VAC 5-40-8100. Compliance with the sulfur dioxide emission limit (concentration or percent reduction) shall be determined by using the continuous emission monitoring system specified in subdivision 5 of this subsection to measure sulfur dioxide and calculating a 24-hour daily geometric average emission concentration or a 24-hour daily geometric average percent reduction using Reference Method 19, sections 4.3 and 5.4, as applicable.

5. The owner of an affected facility shall install, calibrate, maintain, and operate a continuous emission monitoring system for measuring sulfur dioxide emissions discharged to the atmosphere and record the output of the system.

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6. Following the date that the initial performance test for sulfur dioxide is completed or is required to be completed in 9 VAC 5-40-8100, compliance with the sulfur dioxide emission limit shall be determined based on the 24-hour daily geometric average of the hourly arithmetic average emission concentrations using continuous emission monitoring system outlet data if compliance is based on an emission concentration, or continuous emission monitoring system inlet and outlet data if compliance is based on a percent reduction.

7. At a minimum, valid continuous monitoring system hourly averages shall be obtained as specified in subdivisions 7 a and 7 b of this subsection for 75% of the operating hours per day for 90% of the operating days per calendar quarter that the affected facility is combusting municipal solid waste.

a. At least two data points per hour shall be used to calculate each one-hour arithmetic average.

b. Each sulfur dioxide one-hour arithmetic average shall be corrected to 7.0% oxygen on an hourly basis using the one-hour arithmetic average of the oxygen (or carbon dioxide) continuous emission monitoring system data.

8. The one-hour arithmetic averages required under subdivision 6 of this subsection shall be expressed in parts per million corrected to 7.0% oxygen (dry basis) and used to calculate the 24-hour daily geometric average emission concentrations and daily geometric average emission percent reductions. The one-hour arithmetic averages shall be calculated using the data points required in 9 VAC 5-40-41 B 3.

9. All valid continuous emission monitoring system data shall be used in calculating average emission concentrations and percent reductions even if the minimum continuous emission monitoring system data requirements of [~~subsection D~~ subdivision] 7 of this [~~section~~ subsection] are not met.

10. The procedures in 9 VAC 5-40-40 and 9 VAC 5-40-41 shall be followed for installation, evaluation, and operation of the continuous emission monitoring system.

11. The initial performance evaluation shall be completed as specified in 9 VAC 5-40-8100.

12. The continuous emission monitoring system shall be operated according to Performance Specification 2 in Appendix B of 40 CFR Part 60.

a. During each relative accuracy test run of the continuous emission monitoring system required by Performance Specification 2 in Appendix B of 40 CFR Part 60, sulfur dioxide and oxygen (or carbon dioxide) data shall be collected concurrently (or within a 30- to 60-minute period) by both the continuous emission monitors and the test methods specified in subdivisions 12 a (1) and 12 a (2) of this subsection.

(1) For sulfur dioxide, Reference Method 6, 6A, or 6C shall be used.

(2) For oxygen (or carbon dioxide), Reference Method 3, 3A, or 3B, as applicable, shall be used.

b. The span value of the continuous emissions monitoring system at the inlet to the sulfur dioxide control device shall be 125% of the maximum estimated hourly potential sulfur dioxide emissions of the municipal waste combustor unit. The span value of the continuous emission monitoring system at the outlet of the sulfur dioxide control device shall be 50% of the maximum estimated hourly potential sulfur dioxide emissions of the municipal waste combustor unit.

13. Quarterly accuracy determinations and daily calibration drift tests shall be performed in accordance with procedure 1 in Appendix F of 40 CFR Part 60.

14. When sulfur dioxide emissions data are not obtained because of continuous emission monitoring system breakdowns, repairs, calibration checks, and zero and span adjustments, emissions data shall be obtained by using other monitoring systems as approved by the board or Reference Method 19 to provide, as necessary, valid emissions data for a minimum of 75% of the hours per day that the affected facility is operated and combusting municipal solid waste for 90% of the days per calendar quarter that the affected facility is operated and combusting municipal solid waste.

E. The procedures and test methods specified in this subsection shall be used for determining compliance with the hydrogen chloride emission limit under 9 VAC 5-40-8030.

1. Reference Method 26 or 26A, as applicable, shall be used to determine the hydrogen chloride emission concentration. The minimum sampling time for Reference Method 26 shall be one hour.

2. An oxygen (or carbon dioxide) measurement shall be obtained simultaneously with each Reference Method 26 test run for hydrogen chloride required by subdivision 1 of this subsection.

3. The percent reduction in potential hydrogen chloride emissions (%P_{HCl}) is computed using [the following] equation [2]:

$$(\%P_{HCl}) = \frac{E_i - E_o}{E_i} \times 100 \quad [(2)]$$

where:

%P_{HCl} = percent reduction of the potential hydrogen chloride emissions achieved.

E_i = potential hydrogen chloride emission concentration measured at the control device inlet, corrected to 7.0% oxygen (dry basis).

E_o = controlled hydrogen chloride emission concentration measured at the control device outlet, corrected to 7.0% oxygen (dry basis).

4. The owner of an affected facility may request that compliance with the hydrogen chloride emission limit be determined using carbon dioxide measurements corrected to an equivalent of 7.0% oxygen. The relationship between oxygen and carbon dioxide levels for the affected facility shall be established as specified in 9 VAC 5-40-8150 B 6.

5. As specified in 9 VAC 5-40-30, all performance tests shall consist of three test runs. The average of the hydrogen chloride emission concentrations or percent reductions from the three test runs is used to determine compliance.

6. The owner of an affected facility shall conduct an initial performance test for hydrogen chloride as required in 9 VAC 5-40-8100.

7. Following the date that the initial performance test for hydrogen chloride is completed or is required to be completed in 9 VAC 5-40-8100, the owner of an affected facility shall conduct a performance test for hydrogen chloride emissions on an annual basis (no more than 12 calendar months following the previous performance test).

F. The procedures and test methods specified in this subsection shall be used to determine compliance with the limits for dioxin/furan emissions under 9 VAC 5-40-8040.

1. Reference Method 1 shall be used for determining the location and number of sampling points.

2. Reference Method 3, 3A, or 3B, as applicable, shall be used for flue gas analysis.

3. Reference Method 23 shall be used for determining the dioxin/furan emission concentration.

a. The minimum sample time shall be four hours per test run.

b. An oxygen (or carbon dioxide) measurement shall be obtained simultaneously with each Reference Method 23 test run for dioxins/furans.

4. The owner of an affected facility shall conduct an initial performance test for dioxin/furan emissions in accordance with subdivision 3 of this subsection, as required in 9 VAC 5-40-8100.

5. Following the date that the initial performance test for dioxins/furans is completed or is required to be completed in 9 VAC 5-40-8100, the owner of an affected facility shall conduct performance tests for dioxin/furan emissions in accordance with subdivision 3 of this subsection, according to one of the schedules specified in subdivision 5 a or 5 b of this subsection.

a. For affected facilities, performance tests shall be conducted on an annual basis (no more than 12

calendar months following the previous performance test).

b. Where all performance tests over a two-year period indicate that dioxin/furan emissions are less than or equal to 15 nanograms per dry standard cubic meter (total mass) for all affected facilities located within a municipal waste combustor plant, the owner of the municipal waste combustor plant may elect to conduct annual performance tests for one affected facility (i.e., unit) per year at the municipal waste combustor plant. At a minimum, a performance test for dioxin/furan emissions shall be conducted annually (no more than 12 months following the previous performance test) for one affected facility at the municipal waste combustor plant. Each year a different affected facility at the municipal waste combustor plant shall be tested, and the affected facilities at the plant shall be tested in sequence (e.g., unit 1, unit 2, unit 3, as applicable). If each annual performance test continues to indicate a dioxin/furan emission level less than or equal to 15 nanograms per dry standard cubic meter (total mass), the owner may continue conducting a performance test on only one affected facility per year. If any annual performance test indicates a dioxin/furan emission level greater than 15 nanograms per dry standard cubic meter (total mass), performance tests thereafter shall be conducted annually on all affected facilities at the plant until and unless all annual performance tests for all affected facilities at the plant over a two-year period indicate a dioxin/furan emission level less than or equal to 15 nanograms per dry standard cubic meter (total mass).

6. The owner of an affected facility that selects to follow the performance testing schedule specified in subdivision 5 a or [F] 5 b of this subsection shall follow the procedures specified in 9 VAC 5-40-8160 D 4 for reporting the selection of this schedule.

7. The owner of an affected facility where activated carbon is used to comply with the dioxin/furan emission limits specified in 9 VAC 5-40-8040 or the dioxin/furan emission level specified in subdivision 5 a or [F] 5 b of this subsection shall follow the procedures specified in [9 VAC 5-40-8140 subsection] J [of this section] for measuring and calculating the carbon usage rate.

8. The owner may request that compliance with the dioxin/furan emission limit be determined using carbon dioxide measurements corrected to an equivalent of 7.0% oxygen. The relationship between oxygen and carbon dioxide levels for the affected facility shall be established as specified in 9 VAC 5-40-8150 B 6.

9. As specified in 9 VAC 5-40-30, all performance tests shall consist of three test runs. The average of the dioxin/furan emission concentrations from the three test runs is used to determine compliance.

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G. The procedures and test methods specified in this subsection shall be used to determine compliance with the nitrogen oxides emission limit for affected facilities under 9 VAC 5-40-8050.

1. Reference Method 19, section 4.1, shall be used for determining the daily arithmetic average nitrogen oxides emission concentration.
2. The owner of an affected facility may request that compliance with the nitrogen oxides emission limit be determined using carbon dioxide measurements corrected to an equivalent of 7.0% oxygen. The relationship between oxygen and carbon dioxide levels for the affected facility shall be established as specified in 9 VAC 5-40-8150 B 6.
3. The owner of an affected facility subject to the nitrogen oxides limit under 9 VAC 5-40-8050 shall conduct an initial performance test for nitrogen oxides as required in 9 VAC 5-40-8100. Compliance with the nitrogen oxides emission limit shall be determined by using the continuous emission monitoring system specified in subdivision 4 of this subsection for measuring nitrogen oxides and calculating a 24-hour daily arithmetic average emission concentration using Reference Method 19, section 4.1.
4. The owner of an affected facility subject to the nitrogen oxides emission limit under 9 VAC 5-40-8050 shall install, calibrate, maintain, and operate a continuous emission monitoring system for measuring nitrogen oxides discharged to the atmosphere, and record the output of the system.
5. Following the date that the initial performance test for nitrogen oxides is completed or is required to be completed in 9 VAC 5-40-8100, compliance with the emission limit for nitrogen oxides required under 9 VAC 5-40-8050 shall be determined based on the 24-hour daily arithmetic average of the hourly emission concentrations using continuous emission monitoring system outlet data.
6. At a minimum, valid continuous emission monitoring system hourly averages shall be obtained as specified in subdivisions 6 a and 6 b of this subsection for 75% of the operating hours per day for 90% of the operating days per calendar quarter that the affected facility is combusting municipal solid waste.
 - a. At least two data points per hour shall be used to calculate each one-hour arithmetic average.
 - b. Each nitrogen oxides one-hour arithmetic average shall be corrected to 7.0% oxygen on an hourly basis using the one-hour arithmetic average of the oxygen (or carbon dioxide) continuous emission monitoring system data.
7. The one-hour arithmetic averages required by subdivision 5 of this subsection shall be expressed in parts per million by volume (dry basis) and used to

calculate the 24-hour daily arithmetic average concentrations. The one-hour arithmetic averages shall be calculated using the data points required in 9 VAC 5-40-41 B 3.

8. All valid continuous emission monitoring system data must be used in calculating emission averages even if the minimum continuous emission monitoring system data requirements of subdivision 6 of this subsection are not met.
 9. The procedures in 9 VAC 5-40-40 and 9 VAC 5-40-41 shall be followed for installation, evaluation, and operation of the continuous emission monitoring system. The initial performance evaluation shall be completed as specified in 9 VAC 5-40-8100.
 10. The owner of an affected facility shall operate the continuous emission monitoring system according to Performance Specification 2 in Appendix B of 40 CFR Part 60 and shall follow the procedures and methods specified in subdivisions 10 a and 10 b of this subsection.
 - a. During each relative accuracy test run of the continuous emission monitoring system required by Performance Specification 2 of Appendix B of 40 CFR Part 60, nitrogen oxides and oxygen (or carbon dioxide) data shall be collected concurrently (or within a 30- to 60-minute period) by both the continuous emission monitors and the test methods specified in subdivisions 10 a (1) and 10 a (2) of this subsection.
 - (1) For nitrogen oxides, Reference Method 7, 7A, 7C, 7D, or 7E shall be used.
 - (2) For oxygen (or carbon dioxide), Reference Method 3, 3A, or 3B, as applicable, shall be used.
 - b. The span value of the continuous emission monitoring system shall be 125% of the maximum estimated hourly potential nitrogen oxide emissions of the municipal waste combustor unit.
 11. Quarterly accuracy determinations and daily calibration drift tests shall be performed in accordance with procedure 1 in Appendix F of 40 CFR Part 60.
 12. When nitrogen oxides continuous emissions data are not obtained because of continuous emission monitoring system breakdowns, repairs, calibration checks, and zero and span adjustments, emissions data shall be obtained using other monitoring systems as approved by the board or Reference Method 19 to provide, as necessary, valid emissions data for a minimum of 75% of the hours per day for 90% of the days per calendar quarter the unit is operated and combusting municipal solid waste.
- H. The procedures specified in this subsection shall be used for determining compliance with the fugitive ash emission limit under 9 VAC 5-40-8070.

1. Reference Method 22 shall be used for determining compliance with the fugitive ash emission limit under 9 VAC 5-40-8070. The minimum observation time shall be a series of three one-hour observations. The observation period shall include times when the facility is transferring ash from the municipal waste combustor unit to the area where ash is stored or loaded into containers or trucks.

2. The average duration of visible emissions per hour shall be calculated from the three one-hour observations. The average shall be used to determine compliance with 9 VAC 5-40-8070.

3. The owner of an affected facility shall conduct an initial performance test for fugitive ash emissions as required in 9 VAC 5-40-8100.

4. Following the date that the initial performance test for fugitive ash emissions is completed or is required to be completed in 9 VAC 5-40-8100 for an affected facility, the owner shall conduct a performance test for fugitive ash emissions on an annual basis (no more than 12 calendar months following the previous performance test).

I. The procedures specified in this subsection shall be used to determine compliance with the opacity limit for air curtain incinerators under 9 VAC 5-40-8060 C.

1. Reference Method 9 shall be used for determining compliance with the opacity limit.

2. The owner of the air curtain incinerator shall conduct an initial performance test for opacity as required in 9 VAC 5-40-8100.

3. Following the date that the initial performance test is completed or is required to be completed in 9 VAC 5-40-8100, the owner of the air curtain incinerator shall conduct a performance test for opacity on an annual basis (no more than 12 calendar months following the previous performance test).

J. The owner of an affected facility where activated carbon injection is used to comply with the mercury emission limit under 9 VAC 5-40-8010, or the dioxin/furan emission limits under 9 VAC 5-40-8040, or the dioxin/furan emission level specified in [~~9 VAC 5-40-8140~~ subdivision] F 5 b [of this section] shall follow the procedures specified in this subsection.

1. During the performance tests for dioxins/furans and mercury, as applicable, the owner shall estimate an average carbon mass feed rate based on carbon injection system operating parameters such as the screw feeder speed, hopper volume, hopper refill frequency, or other parameters appropriate to the feed system being employed, as specified in subdivisions 1 a and 1 b of this subsection.

a. An average carbon mass feed rate in kilograms per hour or pounds per hour shall be estimated during the initial performance test for mercury emissions and

each subsequent performance test for mercury emissions.

b. An average carbon mass feed rate in kilograms per hour or pounds per hour shall be estimated during the initial performance test for dioxin/furan emissions and each subsequent performance test for dioxin/furan emissions.

2. During operation of the affected facility, the carbon injection system operating parameter(s) that are the primary indicator(s) of the carbon mass feed rate (e.g., screw feeder setting) must equal or exceed the level(s) documented during the performance tests specified under subdivisions 1 a and 1 b of this subsection.

3. The owner of an affected facility shall estimate the total carbon usage of the plant (kilograms or pounds) for each calendar quarter by two independent methods, according to the procedures in subdivisions 3 a and 3 b of this subsection.

a. The weight of carbon delivered to the plant.

b. Estimate the average carbon mass feed rate in kilograms per hour or pounds per hour for each hour of operation for each affected facility based on the parameters specified under subdivision 1 of this subsection, and sum the results for all affected facilities at the plant for the total number of hours of operation during the calendar quarter.

9 VAC 5-40-8150. Monitoring.

A. The provisions of 9 VAC 5-40-40 (Monitoring) apply except as provided in this section.

B. The owner of an affected facility shall install, calibrate, maintain, and operate a continuous emission monitoring system and record the output of the system for measuring the oxygen or carbon dioxide content of the flue gas at each location where carbon monoxide, sulfur dioxide, or nitrogen oxides emissions are monitored and shall comply with the test procedures and test methods specified in this subsection.

1. The span value of the oxygen (or carbon dioxide) monitor shall be 25% oxygen (or carbon dioxide).

2. The monitor shall be installed, evaluated, and operated in accordance with 9 VAC 5-40-40 and 9 VAC 5-40-41.

3. The initial performance evaluation shall be completed as specified in 9 VAC 5-40-8100.

4. The monitor shall conform to Performance Specification 3 in Appendix B of 40 CFR Part 60 except for section 2.3 (relative accuracy requirement).

5. The quality assurance procedures of Appendix F of 40 CFR Part 60 except for section 5.1.1 (relative accuracy test audit) shall apply to the monitor.

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6. If carbon dioxide is selected for use in diluent corrections, the relationship between oxygen and carbon dioxide levels shall be established during the initial performance test according to the procedures and methods specified in subdivisions 6 a through 6 d of this subsection. This relationship may be reestablished during performance compliance tests.

a. The fuel factor equation in Reference Method 3B shall be used to determine the relationship between oxygen and carbon dioxide at a sampling location. Reference method 3, 3A, or 3B, as applicable, shall be used to determine the oxygen concentration at the same location as the carbon dioxide monitor.

b. Samples shall be taken for at least 30 minutes in each hour.

c. Each sample shall represent a one-hour average.

d. A minimum of three runs shall be performed.

7. The relationship between carbon dioxide and oxygen concentrations that is established in accordance with [~~subsection—B~~ subdivision] 6 of this [~~section~~ subsection] shall be submitted to the board as part of the initial performance test report and, if applicable, as part of the annual test report if the relationship is reestablished during the annual performance test.

C. The procedures specified in this subsection shall be used for determining compliance with the operating requirements under 9 VAC 5-40-8120.

1. Compliance with the carbon monoxide emission limits in 9 VAC 5-40-7980 shall be determined using a four-hour block arithmetic average for all types of affected facilities except mass burn rotary waterwall municipal waste combustors and refuse-derived fuel stokers.

2. For affected mass burn rotary waterwall municipal waste combustors and refuse-derived fuel stokers, compliance with the carbon monoxide emission limits in 9 VAC 5-40-7980 shall be determined using a 24-hour daily arithmetic average.

3. The owner of an affected facility shall install, calibrate, maintain, and operate a continuous emission monitoring system for measuring carbon monoxide at the combustor outlet and record the output of the system and shall follow the procedures and methods specified in subdivisions 3 a through 3 c of this subsection.

a. The continuous emission monitoring system shall be operated according to Performance Specification 4A in Appendix B of 40 CFR Part 60.

b. During each relative accuracy test run of the continuous emission monitoring system required by Performance Specification 4A in Appendix B of 40 CFR Part 60, carbon monoxide and oxygen (or carbon dioxide) data shall be collected concurrently (or within a 30- to 60-minute period) by both the continuous

emission monitors and the test methods specified in subdivisions 3 b (1) and 3 b (2) of this subsection.

(1) For carbon monoxide, Reference Method 10, 10A, or 10B shall be used.

(2) For oxygen (or carbon dioxide), Reference Method 3, 3A, or 3B, as applicable, shall be used.

c. The span value of the continuous emission monitoring system shall be 125% of the maximum estimated hourly potential carbon monoxide emissions of the municipal waste combustor unit.

4. The four-hour block and 24-hour daily arithmetic averages specified in subdivisions 1 and 2 of this subsection shall be calculated from one-hour arithmetic averages expressed in parts per million by volume corrected to 7.0% oxygen (dry basis). The one-hour arithmetic averages shall be calculated using the data points generated by the continuous emission monitoring system. At least two data points shall be used to calculate each one-hour arithmetic average.

5. The owner of an affected facility may request that compliance with the carbon monoxide emission limit be determined using carbon dioxide measurements corrected to an equivalent of 7.0% oxygen. The relationship between oxygen and carbon dioxide levels for the affected facility shall be established as specified in [~~subsection~~ subdivision] B 6 of this section.

6. The procedures specified in subdivisions 6 a through 6 d of this subsection shall be used to determine compliance with load level requirements under 9 VAC 5-40-8120 A.

a. The owner of an affected facility with steam generation capability shall install, calibrate, maintain, and operate a steam flow meter or a feedwater flow meter; measure steam (or feedwater) flow in kilograms per hour (or pounds per hour) on a continuous basis; and record the output of the monitor. Steam (or feedwater) flow shall be calculated in four-hour block arithmetic averages.

b. The method included in the "American Society of Mechanical Engineers Power Test Codes: Test Code for Steam Generating Units, Power Test Code 4.1 -- 1964 (R1991)," section 4, shall be used for calculating the steam (or feedwater) flow required under subdivision 6 a of this subsection. The recommendations in "American Society of Mechanical Engineers Interim Supplement 19.5 on Instruments and Apparatus: Application, Part II of Fluid Meters, 6th Edition (1971)," Chapter 4, shall be followed for design, construction, installation, calibration, and use of nozzles and orifices except as specified in subdivision 6 c of this subsection.

c. Measurement devices such as flow nozzles and orifices are not required to be recalibrated after they are installed.

d. All signal conversion elements associated with steam (or feedwater flow) measurements must be calibrated according to the manufacturer's instructions before each dioxin/furan performance test, and at least once per year.

7. To determine compliance with the maximum particulate matter control device temperature requirements under 9 VAC 5-40-8120 B, the owner of an affected facility shall install, calibrate, maintain, and operate a device for measuring on a continuous basis the temperature of the flue gas stream at the inlet to each particulate matter control device utilized by the affected facility. Temperature shall be calculated in four-hour block arithmetic averages.

8. The maximum demonstrated municipal waste combustor unit load shall be determined during the initial performance test for dioxins/furans and each subsequent performance test during which compliance with the dioxin/furan emission limit specified in 9 VAC 5-40-8040 is achieved. The maximum demonstrated municipal waste combustor unit load shall be the highest four-hour arithmetic average load achieved during four consecutive hours during the most recent test during which compliance with the dioxin/furan emission limit was achieved.

9. For each particulate matter control device employed at the affected facility, the maximum demonstrated particulate matter control device temperature shall be determined during the initial performance test for dioxins/furans and each subsequent performance test during which compliance with the dioxin/furan emission limit specified in 9 VAC 5-40-8040 is achieved. The maximum demonstrated particulate matter control device temperature shall be the highest four-hour arithmetic average temperature achieved at the particulate matter control device inlet during four consecutive hours during the most recent test during which compliance with the dioxin/furan limit was achieved.

10. At a minimum, valid continuous emission monitoring system hourly averages shall be obtained as specified in subdivisions 10 a and 10 b of this subsection for 75% of the operating hours per day for 90% of the operating days per calendar quarter that the affected facility is combusting municipal solid waste.

a. At least two data points per hour shall be used to calculate each one-hour arithmetic average.

b. At a minimum, each carbon monoxide one-hour arithmetic average shall be corrected to 7.0% oxygen on an hourly basis using the one-hour arithmetic average of the oxygen (or carbon dioxide) continuous emission monitoring system data.

11. All valid continuous emission monitoring system data must be used in calculating the parameters specified under this section even if the minimum data requirements of subdivision 10 of this subsection are not

met. When carbon monoxide continuous emission data are not obtained because of continuous emission monitoring system breakdowns, repairs, calibration checks, and zero and span adjustments, emissions data shall be obtained using other monitoring systems as approved by the board or Reference Method 10 to provide, as necessary, the minimum valid emission data.

12. Quarterly accuracy determinations and daily calibration drift tests for the carbon monoxide continuous emission monitoring system shall be performed in accordance with procedure 1 in Appendix F of 40 CFR Part 60.

9 VAC 5-40-8160. Notification, records and reporting.

A. The provisions of 9 VAC 5-40-50 (Notification, records and reporting) apply except as provided in this [~~subsection~~ section] .

B. The owner of an affected facility shall maintain records of the information specified in this subsection, as applicable, for each affected facility for a period of at least five years.

1. The calendar date of each record.

2. The emission concentrations and parameters measured using continuous monitoring systems as specified under subdivisions 2 a and 2 b of this subsection.

a. The measurements specified in subdivisions 2 a (1) through 2 a (4) of this subsection shall be recorded and be available for submittal to the board or review onsite by an inspector.

(1) All six-minute average opacity levels as specified under 9 VAC 5-40-8140 B.

(2) All one-hour average sulfur dioxide emission concentrations as specified under 9 VAC 5-40-8140 D.

(3) All one-hour average nitrogen oxides emission concentrations as specified under 9 VAC 5-40-8140 G.

(4) All one-hour average carbon monoxide emission concentrations, municipal waste combustor unit load measurements, and particulate matter control device inlet temperatures as specified under 9 VAC 5-40-8150 C.

b. The average concentrations and percent reductions, as applicable, specified in subdivisions 2 b (1) through 2 b (4) of this subsection shall be computed and recorded, and shall be available for submittal to the board or review on-site by an inspector.

(1) All 24-hour daily geometric average sulfur dioxide emission concentrations and all 24-hour daily geometric average percent reductions in sulfur dioxide emissions as specified under 9 VAC 5-40-8140 D.

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- (2) All 24-hour daily arithmetic average nitrogen oxides emission concentrations as specified under 9 VAC 5-40-8140 G.
- (3) All four-hour block or 24-hour daily arithmetic average carbon monoxide emission concentrations, as applicable, as specified under 9 VAC 5-40-8150 C.
- (4) All four-hour block arithmetic average municipal waste combustor unit load levels and particulate matter control device inlet temperatures as specified under 9 VAC 5-40-8150 C.
3. Identification of the calendar dates when any of the average emission concentrations, percent reductions, or operating parameters recorded under subdivisions 2 b (1) through 2 b (4) of this subsection, or the opacity levels recorded under subdivision 2 a (1) of this subsection are above the applicable limits, with reasons for such exceedances and a description of corrective actions taken.
4. For affected facilities that apply activated carbon for mercury or dioxin/furan control, the records specified in subdivisions 4 a through 4 e of this subsection.
- a. The average carbon mass feed rate (in kilograms per hour or pounds per hour) estimated as required under 9 VAC 5-40-8140 J 1 a during all annual performance tests for mercury emissions, with supporting calculations.
- b. The average carbon mass feed rate (in kilograms per hour or pounds per hour) estimated as required under 9 VAC 5-40-8140 J 1 b during all annual performance tests for dioxin/furan, with supporting calculations.
- c. The average carbon mass feed rate (in kilograms per hour or pounds per hour) estimated for each hour of operation as required under 9 VAC 5-40-8140 J 3 b, with supporting calculations.
- d. The total carbon usage for each calendar quarter estimated as specified by 9 VAC 5-40-8140 J 3, with supporting calculations.
- e. Carbon injection system operating parameter data for the parameter(s) that are the primary indicator(s) of carbon feed rate (e.g., screw feeder speed).
5. Identification of the calendar dates for which the minimum number of hours of any of the data specified in subdivisions 5 a through 5 e of this subsection have not been obtained including reasons for not obtaining sufficient data and a description of corrective actions taken.
- a. Sulfur dioxide emissions data;
- b. Nitrogen oxides emissions data;
- c. Carbon monoxide emissions data;
- d. Municipal waste combustor unit load data; and
- e. Particulate matter control device temperature data.
6. Identification of each occurrence that sulfur dioxide emissions data, nitrogen oxides emissions data, or operational data (i.e., carbon monoxide emissions, unit load, and particulate matter control device temperature) have been excluded from the calculation of average emission concentrations or parameters, and the reasons for excluding the data.
7. The results of daily drift tests and quarterly accuracy determinations for sulfur dioxide, nitrogen oxides (large municipal waste combustors only), and carbon monoxide continuous emission monitoring systems, as required under Appendix F of 40 CFR Part 60, procedure 1.
8. The test reports documenting the results of all annual performance tests listed in subdivisions 8 a and 8 b of this subsection shall be recorded along with supporting calculations.
- a. The results of all annual performance tests conducted to determine compliance with the particulate matter, opacity, cadmium, lead, mercury, dioxins/furans, hydrogen chloride, and fugitive ash emission limits.
- b. For all dioxin/furan performance tests recorded under subdivision 8 a of this subsection, the maximum demonstrated municipal waste combustor unit load and maximum demonstrated particulate matter control device temperature (for each particulate matter control device).
9. The records specified in subdivisions 9 a through 9 c of this subsection.
- a. Records showing the names of the municipal waste combustor chief facility operator, shift supervisors, and control room operators who have been provisionally certified by the American Society of Mechanical Engineers or an equivalent board-approved certification program as required by 9 VAC 5-40-8130 A, including the dates of initial and renewal certifications and documentation of current certification.
- b. Records showing the names of the municipal waste combustor chief facility operator, shift supervisors, and control room operators who have been fully certified by the American Society of Mechanical Engineers or an equivalent board-approved certification program as required by 9 VAC 5-40-8130 B, including the dates of initial and renewal certifications and documentation of current certification.
- c. Records showing the names of the municipal waste combustor chief facility operator, shift supervisors, and control room operators who have completed the EPA municipal waste combustor operator training course or a board-approved equivalent course as required by

9 VAC 5-40-8130 [~~D E~~], including documentation of training completion.

10. Records showing the names of persons who have completed a review of the operating manual as required by 9 VAC 5-40-8130 [~~F G~~], including the date of the initial review and subsequent annual reviews.

11. For affected facilities that apply activated carbon for mercury or dioxin/furan control, identification of the calendar dates when the average carbon mass feed rates recorded under subdivision 4 c of this subsection were less than either of the hourly carbon feed rates estimated during performance tests for mercury or dioxin/furan emissions and recorded under subdivisions 4 a and 4 b of this subsection, respectively, with reasons for such feed rates and a description of corrective actions taken.

12. For affected facilities that apply activated carbon for mercury or dioxin/furan control, identification of the calendar dates when the carbon injection system operating parameter(s) that are the primary indicator(s) of carbon mass feed rate (e.g., screw feeder speed) recorded under subdivision 4 d of this subsection are below the level(s) estimated during the performance tests as specified in 9 VAC 5-40-8140 J 1 a and 9 VAC 5-40-8140 J 1 b [~~of this section~~], with reasons for such occurrences and a description of corrective actions taken.

C. The owner of an air curtain incinerator subject to the opacity limit under 9 VAC 5-40-8060 shall maintain records of results of the opacity performance tests required by 9 VAC 5-40-8140 I for a period of at least five years.

D. The owner of an affected facility shall submit an annual report including the information specified in this subsection, as applicable, no later than February 1 of each year following the calendar year in which the data were collected (once the unit is subject to permitting requirements in a federal operating permit, the owner of an affected facility must submit these reports semiannually).

1. A summary of data collected for all pollutants and parameters regulated under this article, which includes the information specified in subdivisions 1 a through 1 e of this subsection.

a. A list of the particulate matter, opacity, cadmium, lead, mercury, dioxins/furans, hydrogen chloride, and fugitive ash emission levels achieved during the performance tests recorded under subdivision B [~~9 8~~] of this section.

b. A list of the highest emission level recorded for sulfur dioxide, nitrogen oxides, carbon monoxide, municipal waste combustor unit load level, and particulate matter control device inlet temperature based on the data recorded under subdivisions B 2 b (1) through B 2 b ([~~5 4~~]) of this section.

c. List the highest opacity level measured, based on the data recorded under subdivision B 2 a (1) of this section.

d. The total number of days that the minimum number of hours of data for sulfur dioxide, nitrogen oxides, carbon monoxide, municipal waste combustor unit load, and particulate matter control device temperature data were not obtained based on the data recorded under subdivision B [~~6 5~~] of this section.

e. The total number of hours that data for sulfur dioxide, nitrogen oxides, carbon monoxide, municipal waste combustor unit load, and particulate matter control device temperature were excluded from the calculation of average emission concentrations or parameters based on the data recorded under subdivision B [~~7 6~~] of this section.

2. The summary of data reported under subdivision [~~B 3 1~~] of this [~~section~~ subsection] shall also provide the types of data specified in subdivision [~~E~~]1 of this [~~section~~ subsection] for the calendar year preceding the year being reported, in order to provide the board with a summary of the performance of the affected facility over a two-year period.

3. The summary of data including the information specified in subdivisions 1 and 2 of this subsection shall highlight any emission or parameter levels that did not achieve the emission or parameter limits specified under this article.

4. A notification of intent to begin the reduced dioxin/furan performance testing schedule specified in 9 VAC 5-40-8140 F 5 [~~e b~~] during the following calendar year.

E. The owner of an affected facility shall submit a semiannual report that includes the information specified in subdivisions 1 through 5 of this subsection for any recorded pollutant or parameter that does not comply with the pollutant or parameter limit specified under this article, according to the schedule specified under subdivision 6 of this subsection.

1. The semiannual report shall include information recorded under subdivision B 3 of this section for sulfur dioxide, nitrogen oxides, carbon monoxide, municipal waste combustor unit load level, particulate matter control device inlet temperature, and opacity.

2. For each date recorded as required by subdivision B 3 of this section and reported as required by subdivision 1 of this subsection, the semiannual report shall include the sulfur dioxide, nitrogen oxides, carbon monoxide, municipal waste combustor unit load level, particulate matter control device inlet temperature, or opacity data, as applicable, recorded under subdivisions B 2 b (1) through B 2 b (4) and B 2 a (1) of this section, as applicable.

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3. If the test reports recorded under subdivision B [9 8] of this section document any particulate matter, opacity, cadmium, lead, mercury, dioxins/furans, hydrogen chloride, and fugitive ash emission levels that were above the applicable pollutant limits, the semiannual report shall include a copy of the test report documenting the emission levels and the corrective actions taken.

4. The semiannual report shall include the information recorded under subdivision B [43 12] of this section for the carbon injection system operating parameter(s) that are the primary indicator(s) of carbon mass feed rate.

5. For each operating date reported as required by subdivision 4 of this subsection, the semiannual report shall include the carbon feed rate data recorded under subdivision B 4 c of this section.

6. Semiannual reports required by this subsection shall be submitted according to the schedule specified in subdivisions 6 a and 6 b of this subsection.

a. If the data reported in accordance with subdivisions 1 through 5 of this subsection were collected during the first calendar half, then the report shall be submitted by August 1 following the first calendar half.

b. If the data reported in accordance with subdivisions 1 through 5 of this subsection were collected during the second calendar half, then the report shall be submitted by February 1 following the second calendar half.

F. The owner of an air curtain incinerator subject to the opacity limit under 9 VAC 5-40-8060 shall submit the results of all annual performance tests for opacity recorded under subsection C of this section. Annual performance tests shall be submitted by February 1 of the year following the year of the performance test.

G. All reports specified under subsections D, E, and F of this section shall be submitted as a paper copy, postmarked on or before the submittal dates specified under these subsections, and maintained onsite as a paper copy for a period of five years.

H. All records specified under subsections B and C of this section shall be maintained onsite in either paper copy or computer-readable format, unless an alternative format is approved by the board.

I. If the owner of an affected facility would prefer to select a different annual or semiannual date for submitting the periodic reports required by subsections D, E, and F of this section, then the dates may be changed by mutual agreement between the owner and the board.

[J. The owner of an affected facility shall submit the information specified in subdivisions 1 through 6 of this subsection in the initial performance test report.

1. The initial performance test data as recorded under subdivisions B 2 b (1) through (4) of this section for the initial performance test for sulfur dioxide, nitrogen oxides,

carbon monoxide, MWC combustor unit load level, and particulate matter control device inlet temperature.

2. The test report documenting the initial performance test recorded under subdivision B 8 of this section for particulate matter, opacity, cadmium, lead, mercury, dioxins/furans, hydrogen chloride, and fugitive ash emissions.

3. The performance evaluation of the continuous emission monitoring system using the applicable performance specifications in Appendix B of 40 CFR Part 60.

4. The maximum demonstrated MWC unit load and maximum demonstrated particulate matter control device inlet temperatures established during the initial dioxin/furan performance test as recorded in subdivision B 8 of this section.

5. For affected facilities that apply activated carbon injection for mercury control, the owner shall submit the average carbon mass feed rate recorded under subdivision B 4 a of this section.

6. For affected facilities that apply activated carbon injection for dioxin/furan control, the owner shall submit the average carbon mass feed rate recorded under subdivision B 4 b of this section.]

9 VAC 5-40-8170. Registration.

The provisions of 9 VAC 5-20-160 (Registration) apply.

9 VAC 5-40-8180. Facility and control equipment maintenance or malfunction.

The provisions of 9 VAC 5-20-180 (Facility and control equipment maintenance or malfunction) apply.

9 VAC 5-40-8190. Permits.

A permit may be required prior to beginning any of the activities specified below if the provisions of 9 VAC 5 Chapter 50 (9 VAC 5-50-10 et seq.) and 9 VAC 5 Chapter 80 (9 VAC 5-80-10 et seq.) apply. Owners contemplating such action should review those provisions and contact the appropriate regional office for guidance on whether those provisions apply.

1. Construction of a facility.
2. Reconstruction (replacement of more than half) of a facility.
3. Modification (any physical change to equipment) of a facility.
4. Relocation of a facility.
5. Reactivation (restart-up) of a facility.
6. Operation of a facility.

VA.R. Doc. No. R99-189; Filed June 15, 1999, 4:28 p.m.

STATE WATER CONTROL BOARD

Title of Regulation: **9 VAC 25-260-5 et seq. Water Quality Standards (amending 9 VAC 25-260-430).**

Statutory Authority: § 62.1-44.15 of the Code of Virginia.

Effective Date: August 4, 1999.

Summary:

The amendment alters the downstream limits of a stocked trout stream classification for the Jackson River near Covington, Virginia. The amendment changes 1.7 miles of stream from a stocked trout designation to mountainous zone waters.

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 Eleanore Daub, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4111.

9 VAC 25-260-430. James River Basin (Upper).

SEC.	CLASS	SP. STDS.	SECTION DESCRIPTION		
11	III		James River and its tributaries from, but not including, the Rockfish River to, but not including, the Maury River, unless otherwise designated in this chapter.	ii	Big Branch from its confluence with the Pedlar River upstream including all named and unnamed tributaries.
	V		Stockable Trout Waters in Section 11		
	vi		Dancing Creek from the junction of Routes 610 and 641 to its headwaters.	ii	Bluff Creek from its confluence with Enchanted Creek upstream including all named and unnamed tributaries.
	vi		North Fork Buffalo River from its confluence with the Buffalo River 1.8 miles upstream.	ii	Browns Creek from its confluence with the Pedlar River upstream including all named and unnamed tributaries.
	vi		Pedlar River from the confluence of Enchanted Creek to Lynchburg's raw water intake.	ii	Campbell Creek (Nelson County) from its confluence with the Tye River upstream including all named and unnamed tributaries.
	vi		Terrapin Creek from its confluence with Otter Creek to its headwaters.	ii	Cove Creek from its confluence with the North Fork Buffalo River upstream including all named and unnamed tributaries.
	***		Tye River from Tyro upstream to its confluence with the South and North Fork Tye Rivers.	ii	Coxs Creek from its confluence with the Tye River upstream including all named and unnamed tributaries.
	VI		Natural Trout Waters in Section 11	ii	Crabtree Creek (Nelson County) from its confluence with the South Fork Tye River upstream including all named and unnamed tributaries.
					Crawleys Creek from its confluence with the Piney River upstream including all named and unnamed tributaries.
					Cub Creek (Nelson County) from 1.4 miles above its confluence with the Tye River (in the vicinity of Route 699), upstream including all named and unnamed tributaries.
					Davis Mill Creek from its confluence with the Pedlar River upstream including all named and unnamed tributaries.
					Durham Run from its confluence with the North Fork Tye River upstream

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	including all named and unnamed tributaries.		upstream.
ii	Elk Pond Branch from its confluence with the North Fork Piney River upstream including all named and unnamed tributaries.	ii	Maidenhead Branch from its confluence with the South Fork Tye River upstream including all named and unnamed tributaries.
ii	Enchanted Creek from its confluence with the Pedlar River upstream upstream including all named and unnamed tributaries.	ii	Meadow Creek (Nelson County) from its confluence with the South Fork Tye River upstream including all named and unnamed tributaries.
ii	Georges Creek from its confluence with the Little Piney River upstream including all named and unnamed tributaries.	ii	Mill Creek (Nelson County) from its confluence with the North Fork Tye River upstream including all named and unnamed tributaries.
ii	Greasy Spring Branch from its confluence with the South Fork Piney River upstream including all named and unnamed tributaries.	ii	Mill Creek (Nelson County) from its confluence with the South Fork Tye River upstream including all named and unnamed tributaries.
ii	Harpers Creek from its confluence with the Tye River upstream including all named and unnamed tributaries.	ii	Nicholson Run from its confluence with Lady Slipper Run upstream including all named and unnamed tributaries.
ii	King Creek from its confluence with the Little Piney River upstream including all named and unnamed tributaries.	ii	North Fork Buffalo River from 1.8 miles above its confluence with the Buffalo River upstream including all named and unnamed tributaries.
ii	Lady Slipper Run from its confluence with the Pedlar River upstream including all named and unnamed tributaries.	i	North Fork Piney River from its confluence with the Piney River upstream including all named and unnamed tributaries.
ii	Little Cove Creek from its confluence with the North Fork Buffalo River upstream including all named and unnamed tributaries.	iii	North Fork Thrashers Creek from its confluence with Thrashers Creek upstream including all named and unnamed tributaries.
iii	Little Irish Creek from its confluence with the Pedlar River upstream including all named and unnamed tributaries.		North Fork Tye River from its confluence with the Tye River upstream including all named and unnamed tributaries.
ii	Little Piney River from its confluence with the Piney River upstream including all named and unnamed tributaries.	iii	(North Fork Tye River from its confluence with the Tye River 1.6 miles upstream.)
i	Louisa Spring Branch from its confluence with the North Fork Piney River 1.6 miles	ii	(North Fork Tye River from 1.6 miles above its confluence with the Tye River 8.3 miles upstream.)

iii	Pedlar River from 5 miles above Lynchburg's raw water intake upstream including all named and unnamed tributaries.	ii			named and unnamed tributaries.
ii	Piney River from river mile 13.3 upstream including all named and unnamed tributaries.	ii			White Rock Creek (Nelson County) from its confluence with the North Fork Tye River upstream including all named and unnamed tributaries.
ii	Pompey Creek from its confluence with the Little Piney River upstream including all named and unnamed tributaries.	11a	III	PWS	Wiggins Branch from its confluence with Statons Creek upstream including all named and unnamed tributaries.
ii	Reed Creek from the junction of Routes 764 and 638 upstream including all named and unnamed tributaries.	11b	III	PWS	Unnamed tributary to Williams Creek from Sweet Briar College's raw water intake to its headwaters.
ii	Rocky Branch from its confluence with the North Fork Buffalo River upstream including all named and unnamed tributaries.	11c			Buffalo River and its tributaries from Amherst's raw water intake to a point 5 miles upstream.
ii	Rocky Run (Nelson County) from 1.6 miles above its confluence with the Tye River upstream including all named and unnamed tributaries.	11d	III		(Deleted)
i	Shoe Creek (Nelson County) from its confluence with Piney River upstream including all named and unnamed tributaries.	11e	III		James River and its tributaries from a point 0.25 mile above the confluence of the Tye River to Six Mile Bridge.
iii	Silver Creek from its confluence with the Tye River upstream including all named and unnamed tributaries.	11f			James River and its tributaries, excluding Blackwater Creek, from Six Mile Bridge to the Business Route 29 Bridge in Lynchburg.
ii	South Fork Piney River from its confluence with the Piney River upstream including all named and unnamed tributaries.	11g	III	PWS	(Deleted)
ii	South Fork Tye River from its confluence with the Tye River upstream including all named and unnamed tributaries.	11h	III	PWS	James River and its tributaries from the Business Route 29 bridge in Lynchburg to Reusens Dam to include the City of Lynchburg's alternate raw water intake at the Route 29 bridge and the Amherst County Service Authority's intake on Harris and Graham Creeks.
ii	Statons Creek from its confluence with the Pedlar River upstream including all named and unnamed tributaries.				James River and its tributaries, excluding the Pedlar River, from Reusens Dam to Coleman Dam, including the Eagle Eyrie raw water intake on an unnamed tributary to Judith Creek 1.0 mile from the confluence with Judith Creek, to its headwaters, and also the City of Lynchburg's raw water intake on the James River at
iii	Wheelers Run from its confluence with the Pedlar River upstream including all				

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			Abert.			upstream including all named and unnamed tributaries.
11i	III	PWS	Pedlar River and its tributaries from Lynchburg's raw water intake to a point 5 miles upstream.		iii	Otter Creek from 4.9 miles above its confluence with the James River upstream including all named and unnamed tributaries.
	V		Stockable Trout Waters in Section 11i			
	vi		Pedlar River from Lynchburg's raw water intake to a point 5 miles upstream.		ii	Peters Creek from a point 0.2 mile above its confluence with the James River upstream including all named and unnamed tributaries.
	VI		Natural Trout Waters in Section 11i			
	ii		Brown Mountain Creek from its confluence with the Pedlar River upstream including all named and unnamed tributaries.	11k		(Deleted)
				12	IV	James River and its tributaries from the Maury River to their headwaters, unless otherwise designated in this chapter. (The Maury River and its tributaries to their headwaters have a special pH standard of 6.5-9.5 due to natural conditions.)
	iii		Roberts Creek from its confluence with the Pedlar River upstream including all named and unnamed tributaries.			
11j	III		James River and its tributaries from the Owens-Illinois raw water intake near Big Island to, but not including, the Maury River.		V	Stockable Trout Waters in Section 12
					vi	Alum Creek from its confluence with Brattons Creek 1.7 miles upstream.
	V		Stockable Trout Waters in Section 11j		vi	Back Creek (Highland County) from 37.1 miles above its confluence with the Jackson River 3.2 miles upstream.
	vi		Battery Creek from its confluence with the James River to its headwaters.		vi	Back Run from its confluence with the James River 2.1 miles upstream.
	vi		Cashaw Creek from its confluence with the James River to its headwaters.		vi	Borden Creek from its confluence with Catawba Creek to a point 1.7 miles upstream.
	vi		Otter Creek from its confluence with the James River to a point 4.9 miles upstream.		v	pH-6.5-9.5 Buffalo Creek (Rockbridge County) from the confluence with Colliers Creek 3 miles upstream.
	vi		Rocky Row Run from its confluence with the James River to its headwaters.		v	Bullpasture River from the junction of the Cowpasture River and Route 678 to its headwaters.
	VI		Natural Trout Waters in Section 11j			
	iii		Falling Rock Creek from its confluence with Peters Creek upstream including all named and unnamed tributaries.		vi	Cowpasture River (Highland County) from 75.4 miles above its confluence with the James River 2.7 miles upstream.
	ii		Hunting Creek from a point 3.7 miles from its confluence with the James River			

vi	Craig Creek from the confluence of Muddy Branch to its headwaters.	vi	Mill Creek (Bath County) from 2.2 miles above its confluence with the Calfpasture River to its headwaters.
vi	Crush Run from its confluence with Catawba Creek to a point 2.8 miles upstream.	vi	Mill Creek from its confluence with Craig Creek to a point 2.1 miles upstream (Craig County).
vi	Elk Creek from its mouth to 0.6 mile upstream.	vi	Miller Branch from its confluence with Tygers Creek to its headwaters.
vi	Elk Creek from 1.9 miles above its confluence with the James River 1.2 miles upstream.	vi	pH-6.5-9.5 North Buffalo Creek from its confluence with Buffalo Creek 2.8 miles upstream.
vi	Ellis Run from its confluence with Back Creek in Botetourt County to a point 1.6 miles upstream.	viii	Pads Creek from river mile 2.2 - 8.2 (6 miles), unless otherwise designated in this chapter.
v	Falling Spring Creek from its confluence with the Jackson River to its headwaters. <i>Jackson River from 5 miles above the city of Covington's raw water intake to the Gathright Dam.</i>	vi	Pheasanty Run (Spring Run) from its confluence with the Cowpasture River 0.7 mile upstream.
v	Jackson River from 1.8 miles above Route 39 (river mile 65.4) 12.2 miles upstream.	v	Potts Creek from the junction of Route 614 upstream to Boiling Spring.
vi	Jackson River from 77.6 miles above its confluence with the James River to river mile 85.4.	***	Potts Creek from the Craig County line to its headwaters.
***	Jackson River from river mile 89.2 to headwaters.	v	Roaring Run from Route 615 to its headwaters.
vi	Jennings Creek from the Norfolk and Western Railroad to the confluence of Yellowstone Branch.	vi	South Fork Pads Creek from its confluence with Pads Creek approximately to its headwaters.
viii	Jerrys Run from its confluence with Dunlap Creek to its junction with Routes 60 and 782.	vi	Spreading Spring Branch from its confluence with the James River to the intersection of Routes 635 and 630.
***	Johns Creek (Craig County) from the junction of Routes 632 and 658 to Eliber Springs Branch.	v	Sweet Springs Creek from its confluence with Dunlap Creek to the West Virginia state line.
vi	Lees Creek from its confluence with Catawba Creek to a point 2 miles upstream.	vi	Trout Creek and all of its tributaries (except Pickles Branch) from its confluence with Craig Creek to their headwaters (including the tributaries' headwaters).
vi	McFalls Creek from its confluence with Jennings Creek to its headwaters.	vii	Tygers Creek from its confluence with Dunlap

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		Creek to its headwaters.		confluence with Little Back Creek upstream including all named and unnamed tributaries.
VI		Natural Trout Waters in Section 12		
iv		Als Run from its confluence with Jerrys Run upstream including all named and unnamed tributaries.	iii	Big Run from its confluence with Little Back Creek upstream including all named and unnamed tributaries.
ii		Back Creek from its confluence with the James River near Buchanan upstream including all named and unnamed tributaries.	iv	Black Run (Augusta County) from its confluence with Smith Creek upstream including all named and unnamed tributaries.
ii		Barbours Creek from its confluence with Craig Creek upstream including all named and unnamed tributaries.	ii	Blue Spring Run from its confluence with Potts Creek upstream including all named and unnamed tributaries.
ii		Barney Run from its confluence with Mare Run upstream including all named and unnamed tributaries.	iii	Blue Suck Branch from its confluence with Simpson Creek upstream including all named and unnamed tributaries.
ii		Bear Hole Run from its confluence with Dry Run upstream including all named and unnamed tributaries.	ii	Brattons Run from the confluence of Alum Creek upstream including all named and unnamed tributaries.
ii		Bear Loop Branch from its confluence with Wilson Creek upstream including all named and unnamed tributaries.	***	Broad Run from its junction with Routes 311 and 618 upstream including all named and unnamed tributaries.
ii		Beaver Run (Bath County) from its confluence with Back Creek upstream including all named and unnamed tributaries.	ii	Cascades Creek from its confluence with Cedar Creek (Bath County) upstream including all named and unnamed tributaries.
ii	pH-6.5-9.5	Bennetts Run (Rockbridge County) from its confluence with the Maury River upstream including all named and unnamed tributaries.	ii	Castle Run from its confluence with the Jackson River upstream including all named and unnamed tributaries.
iv		Benson Run from its confluence with the Cowpasture River upstream including all named and unnamed tributaries.	ii	Cast Steel Run from its confluence with Potts Creek upstream including all named and unnamed tributaries.
iii		Biggs Run from its confluence with Craig Creek upstream including all named and unnamed tributaries.	***	Cedar Creek from its confluence with the Jackson River to its confluence with Hot Springs Run.
ii		Big Laurel Branch from its confluence with Johns Creek upstream including all named and unnamed tributaries.	ii	Cedar Creek (Rockbridge County) from 6.4 miles above its confluence with the James River upstream including all named and unnamed tributaries.
ii		Big Lick Run from its		

ii		Chestnut Run from its confluence with Jennings Creek upstream including all named and unnamed tributaries.	ii	unnamed tributaries. East Fork Elk Creek from 0.8 mile above its confluence with Elk Creek upstream including all named and unnamed tributaries.
iii		Christleys Run from its confluence with Kempers Run upstream including all named and unnamed tributaries.	ii	Eliber Springs Branch from its confluence with Johns Creek upstream including all named and unnamed tributaries.
ii	pH-6.5-9.5	Clayton Mill Creek from its confluence with the Calfpasture River upstream including all named and unnamed tributaries.	ii	Ewin Run from its confluence with Potts Creek to the West Virginia state line.
ii		Cornelius Creek from its confluence with North Creek upstream including all named and unnamed tributaries.	ii	Fallingwater Creek from its confluence with Jennings Creek upstream including all named and unnamed tributaries.
ii		Cove Branch from its confluence with Barbours Creek upstream including all named and unnamed tributaries.	iv	Ferrol Creek from its confluence with the Little Calfpasture River upstream including all named and unnamed tributaries.
ii		Cowardin Run from its confluence with Rowan Run upstream including all named and unnamed tributaries.	ii	Ford Run (Bath County) from its confluence with Back Creek upstream including all named and unnamed tributaries.
ii		Crab Run from its confluence with the Bullpasture River upstream including all named and unnamed tributaries.	***	Fridleys Branch from its confluence with the Calfpasture River upstream including all named and unnamed tributaries.
ii		Crow Run from its confluence with Dunlap Creek upstream including all named and unnamed tributaries.	iii	Furnace Branch from its confluence with Craig Creek upstream including all named and unnamed tributaries.
ii		Cub Run (Bath County) from its confluence with Dry Run upstream including all named and unnamed tributaries.	ii	Gochenour Branch from its confluence with Brattons Run upstream including all named and unnamed tributaries.
ii		Davis Run from Route 678 upstream including all named and unnamed tributaries.	ii	Grannys Creek from its confluence with Johns Creek upstream including all named and unnamed tributaries.
iii		Downey Branch from its confluence with Blue Suck Branch upstream including all named and unnamed tributaries.	***	Guys Run (Bath County) from its confluence with the Cowpasture River upstream including all named and unnamed tributaries.
ii		Dry Run (Bath County) from 1.5 miles above its confluence with the Cowpasture River upstream including all named and	ii	Guys Run (Rockbridge County) from its confluence with the Calfpasture River (at

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	Camp Virginia, Route 39) upstream including all named and unnamed tributaries.	ii	Kelly Run (Bath County) from its confluence with the Jackson River upstream including all named and unnamed tributaries.
iii	Hays Creek from its confluence with Potts Creek upstream including all named and unnamed tributaries.	ii	Kelso Spring Branch from its confluence with the Little Calfpasture River 1.3 miles upstream.
ii	Hidden Valley Spring from its confluence with the Jackson River 1.1 miles upstream.	ii	Laurel Run (Bath County) from its confluence with Dry Run upstream including all named and unnamed tributaries.
ii	Hipes Branch from its confluence with Craig Creek upstream including all named and unnamed tributaries.	ii	Laurel Run (Bath County) from its confluence with Dry Run upstream including all named and unnamed tributaries.
***	Hypes Creek from Route 696 upstream including all named and unnamed tributaries.	iv	Left Prong Ramseys Draft from its confluence with Ramseys Draft upstream including all named and unnamed tributaries.
ii	Jackson River from river mile 85.4 to river mile 89.2.	ii	Left Prong Wilson Creek from its confluence with Wilson Creek upstream including all named and unnamed tributaries.
ii	Jennings Creek from the confluence of Yellowstone Branch upstream including all named and unnamed tributaries.	ii	Left Prong Wilson Creek from its confluence with Wilson Creek upstream including all named and unnamed tributaries.
iv	Jerkemtight Branch from its confluence with the Calfpasture River upstream including all named and unnamed tributaries.	ii	Lick Block Run from its confluence with the Left Prong Wilson Creek upstream including all named and unnamed tributaries.
***	Jerrys Run from its junction with Routes 60 and 782 upstream including all named and unnamed tributaries.	***	Lick Branch from its confluence with Craig Creek upstream including all named and unnamed tributaries.
iv	Jerrys Run (Augusta County) from its confluence with Ramseys Draft upstream including all named and unnamed tributaries.	ii	Lick Run (Bath County) from 3.3 miles above its confluence with Stuart Run 3.3 miles upstream.
ii	Johns Creek from the confluence of Eliber Springs Branch upstream including all named and unnamed tributaries.	ii	Little Back Creek (Bath County) from Route 600 upstream including all named and unnamed tributaries.
ii	Jordan Run (Bath County) from its confluence with Thompson Creek upstream including all named and unnamed tributaries.	iv	Little Calfpasture River from 17.2 miles above its confluence with the Maury River upstream including all named and unnamed tributaries.
ii	Karnes Creek from a point 1.4 miles upstream of its confluence with the Jackson River upstream including all named and unnamed tributaries.	ii	Little Crow Run from its confluence with Crow Run upstream including all named and unnamed tributaries.
ii	Karnes Creek from a point 1.4 miles upstream of its confluence with the Jackson River upstream including all named and unnamed tributaries.	ii	Little Mill Creek (Bath County) from its confluence with Mill Creek upstream

	including all named and unnamed tributaries.		Jackson River (Lake Moomaw) upstream including all named and unnamed tributaries.
ii	Little Wilson Creek (from 1 mile above its confluence with Mill Creek) upstream including all named and unnamed tributaries.	ii	Mill Run (Highland County) from its confluence with the Bullpasture River 0.5 mile upstream.
ii	Long Spring Run from its confluence with Little Back Creek upstream including all named and unnamed tributaries.	ii	Muddy Run (Bath County) from its confluence with the Jackson River upstream including all named and unnamed tributaries.
iii	Lowry Run from 0.2 mile above its confluence with the Maury River upstream including all named and unnamed tributaries.	ii	Nelse Branch from its confluence with Mill Branch upstream including all named and unnamed tributaries.
ii	Madison Creek from Route 682 upstream including all named and unnamed tributaries.	ii	North Branch Simpson Creek from its confluence with Simpson Creek upstream including all named and unnamed tributaries.
ii	Mare Run from its junction with Route 39 at Bath Alum upstream including all named and unnamed tributaries.	ii	North Creek from its confluence with Jennings Creek upstream including all named and unnamed tributaries.
ii	Meadow Creek from its confluence with Craig Creek upstream including all named and unnamed tributaries.	ii	Paint Bank Branch from its confluence with Potts Creek upstream including all named and unnamed tributaries.
iii	Middle Creek from its confluence with Jennings Creek upstream including all named and unnamed tributaries.	ii	Panther Run from its confluence with Mare Run upstream including all named and unnamed tributaries.
ii	Mill Branch from its confluence with Potts Creek upstream including all named and unnamed tributaries.	ii	Paxton Branch from its confluence with Johns Creek upstream including all named and unnamed tributaries.
i	Mill Creek (Bath County) from its confluence with the Cowpasture River 3.2 miles upstream.	iii	Pedlar Gap Run from 1 mile above its confluence with the Maury River upstream including all named and unnamed tributaries.
iii	Mill Creek from Rebecca Furnace upstream including all named and unnamed tributaries.	ii	Pickles Branch (a tributary to Trout Creek) from its mouth upstream including all named and unnamed tributaries.
ii	Mill Creek from its confluence with Craig Creek near Webbs Mill in Craig County upstream including all named and unnamed tributaries.	ii	Piney Branch (Rockbridge County) from its confluence with Guys Run upstream including all named and unnamed tributaries.
ii	Mill Creek (Bath County) from its confluence with the	iii	Poplar Cove Run from its

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	confluence with Lowry Run upstream including all named and unnamed tributaries.	ii	and unnamed tributaries.
iii	Porters Mill Creek from its confluence with Mill Creek upstream including all named and unnamed tributaries.	ii	Simpson Creek from the junction of Route 776 and U. S. Route 60 upstream including all named and unnamed tributaries.
ii	Pounding Mill Creek from its confluence with the Jackson River upstream including all named and unnamed tributaries.	ii	Sinking Creek from Route 697 upstream including all named and unnamed tributaries.
ii	Purgatory Creek from its confluence with the James River upstream including all named and unnamed tributaries.	iii	Smith Branch from its confluence with Mill Creek upstream including all named and unnamed tributaries.
iv	Ramseys Draft from its confluence with the Calfpasture River upstream including all named and unnamed tributaries.	iii	Smith Creek (Alleghany-Clifton Forge City) from Interstate 64, 2.4 miles upstream.
ii	Reservoir Hollow from 0.7 mile above its confluence with Indian Gap Run upstream including all named and unnamed tributaries.	ii	Snake Run from its confluence with Dunlap Creek upstream including all named and unnamed tributaries.
iv	Right Prong Ramseys Draft from its confluence with Ramseys Draft upstream including all named and unnamed tributaries.	ii	South Buffalo Creek from its confluence with Buffalo Creek upstream including all named and unnamed tributaries.
ii	Rocky Creek from its confluence with Ramseys Draft upstream including all named and unnamed tributaries.	ii	Spring Branch (Bath County) from its confluence with Mill Creek 0.8 mile upstream.
ii	Rocky Run (Bath County) from its confluence with the Jackson River upstream including all named and unnamed tributaries.	ii	Spring Run (Bath County) from its confluence with Back Creek upstream including all named and unnamed tributaries.
ii	Rowan Run from its confluence with the Jackson River to the confluence with Cowardin Run.	iv	Still Run from its confluence with the Calfpasture River upstream including all named and unnamed tributaries.
ii	Sawmill Run (Bath County) from its confluence with Back Creek upstream including all named and unnamed tributaries.	iii	Stony Run from its confluence with Craig Creek upstream including all named and unnamed tributaries.
ii	Shawvers Run from its confluence with Potts Creek upstream including all named	ii	Trout Run from its confluence with Sinking Creek upstream including all named and unnamed tributaries.
			Unnamed tributary to Brattons Run 0.7 mile above the confluence of Gochenour Branch from its mouth upstream including all named

			and unnamed tributaries.			tributaries.
	ii		Valley Branch from its confluence with Potts Creek upstream including all named and unnamed tributaries.	iii		Irish Creek from river mile 8.9 upstream including all named and unnamed tributaries.
	iii		Wildcat Hollow from its confluence with Little Back Creek upstream including all named and unnamed tributaries.	i		Laurel Run from its confluence with the Maury River upstream including all named and unnamed tributaries.
	ii		Wilson Creek (Bath County) within Douthat State Park Lake upstream including all named and unnamed tributaries.	ii		Little Marys Creek from its confluence with the South River upstream including all named and unnamed tributaries.
12a	IV	pH-6.5-9.5	Maury River and its tributaries, unless otherwise designated in this chapter, from U.S. Route 60 bridge to its confluence with the Little Calfpasture River.	***		Mill Creek from its confluence with the Maury River at Lexington upstream including all named and unnamed tributaries.
	V	pH-6.5-9.5	Stockable Trout Waters in Section 12a	ii		Mine Bank Creek from its confluence with Saint Marys River upstream including all named and unnamed tributaries.
	***		Hays Creek from its confluence with the Maury River to Brownsburg (9.5 miles).	ii		Nettle Creek from its confluence with Irish Creek upstream including all named and unnamed tributaries.
	***		Irish Creek from its confluence with the South River to river mile 8.9.	ii		Nettle Spring Branch from its confluence with Nettle Creek upstream including all named and unnamed tributaries.
	v		Marlbrook Creek from its confluence with the South River 2.2 miles upstream.	ii		North Fork Spy Run from its confluence with Spy Run upstream including all named and unnamed tributaries.
	VI	pH-6.5-9.5	Natural Trout Waters in Section 12a	ii		Rock Branch from its confluence with Irish Creek upstream including all named and unnamed tributaries.
	iv		Big Bend Creek from its confluence with Irish Creek upstream including all named and unnamed tributaries.	iv		Saint Marys River from its confluence with the South River upstream including all named and unnamed tributaries.
	ii		Big Marys Creek from its confluence with the South River upstream including all named and unnamed tributaries.	ii		Saint Marys River from its confluence with the South River 3.6 miles upstream.
	ii		Chimney Branch from its confluence with Saint Marys River upstream including all named and unnamed tributaries.	ii		Saint Marys River from 3.6 miles above its confluence with the South River upstream including all named and unnamed tributaries.
	ii		Hogback Creek from its confluence with Saint Marys River upstream including all named and unnamed	i		

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	ii		Spy Run from its confluence with the South River upstream including all named and unnamed tributaries.	12j	IV	PWS	Covington Boys Home raw water intake to a point 5 miles upstream.
	ii		Sugartree Branch from its confluence with Saint Marys River upstream including all named and unnamed tributaries.		V		Jackson River and its tributaries from Covington's raw water intake to a point 5 miles upstream. Stockable Trout Waters in Section 12j
	ii		Wigwam Creek from its confluence with Nettle Creek upstream including all named and unnamed tributaries.				Jackson River from the confluence of Dunlap Creek to the Gathright Dam Covington's raw water intake to a point 5 miles upstream.
12b	IV	PWS pH-6.5-9.5	Maury River and its tributaries from Lexington's raw water intake to a point 5 miles upstream.	12k	IV	PWS	Roaring Run above Clearwater Park's raw water intake to its headwaters.
12c	IV	PWS	Black Run from Craigsville's raw water intake to its headwaters.	12l	IV	PWS	Catawba Creek and its tributaries from the City of Roanoke's raw water intake 0.1 mile upstream from its confluence with Buchanan Branch to a point 5 miles upstream.
12d	IV	PWS	Moore's Creek located on Brushy Mountain.				
12e	IV		Cowpasture River from the Alleghany-Botetourt County line upstream to U.S. Route 60 bridge.	12m	IV	PWS	Unnamed tributary to Catawba Creek from the Catawba State Hospital's raw water intake (approximately 1,000 feet north of the Hospital's main building), upstream to its headwaters.
12f	IV	PWS	Smith Creek and Clifton Forge Reservoir from Clifton Forge's raw water intake to their headwaters.				
	VI	PWS	Natural Trout Waters in Section 12f				
	ii		Piney Branch from its confluence with Smith Creek upstream including all named and unnamed tributaries.				
	ii		Smith Creek (Alleghany County) from 4 miles north of Clifton Forge near Route 606 (at the stream gage upstream of the filtration plant) upstream including all named and unnamed tributaries.				
12g	IV	PWS	Mill Branch and its tributaries located on Horse Mountain.				
12h	IV	PWS	Potts Creek and its tributaries from Hercules, Inc.'s raw water intake to a point 5 miles upstream.				
12i	IV	PWS	Dunlap Creek and its tributaries from the				

VA.R. Doc. No. R98-322; Filed June 16, 1999, 10:54 a.m.



TITLE 16. LABOR AND EMPLOYMENT

DEPARTMENT OF LABOR AND INDUSTRY

Safety and Health Codes Board

REGISTRAR'S NOTICE: The following regulations are exempt from the Administrative Process Act in accordance with § 9-6.14:4.1 C 4 (c) of the Code of Virginia, which excludes regulations that are necessary to meet the requirements of federal law or regulations, provided such regulations do not differ materially from those required by federal law or regulation. The Safety and Health Codes Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 16 VAC 25-90-1910 et seq. Federal Identical General Industry Standards (amending 16 VAC

25-90-1910.6; adding 16 VAC 25-90-1910.122, 16 VAC 25-90-1910.123, 16 VAC 25-90-1910.124, 16 VAC 25-90-1910.125, and 16 VAC 25-90-1910.126).

Statutory Authority: § 40.1-22(5) of the Code of Virginia.

Effective Date: August 15, 1999.

Summary:

The revisions in this standard, Dipping and Coating Operations, General Industry, cover paint dipping, electroplating, degreasing, stripping, and other similar operations, and include updated requirements for ventilation and the personal protective equipment used by employees around dipping tanks. The standard does not cover operations that use only a molten material, such as molten metal or salt.

The revised "plain language" regulations include a new question and answer format designed to help employers better understand and comply with rules governing dipping and coating operations.

The revised requirements include several other changes to the existing standard, including new performance-oriented language that requires employers to ensure that vapor concentrations do not exceed 25% of the lower flammable limit, or LFL, of any flammable material. Employers who install or upgrade ventilation systems would be required to comply with more recently updated consensus standards governing those operations.

The revised standard also requires employers to provide: (i) locker space or other storage space to prevent contamination of employee's street clothes; (ii) emergency shower and eye-wash stations close to the dipping or coating operations; and (iii) physician's approval before any employee with a sore, burn, or other skin lesion requiring medical attention is returned to work in the area surrounding the dip tank.

The final standard does not change the technical substance of the former standard.

In addition to the revised final rule for Dipping and Coating Operations, 29 CFR 1910.6, Incorporation by reference, was amended. In paragraphs (b), (e), and (q), of 29 CFR 1910.6, outdated references were replaced with updated references to 29 CFR 1910.124, General requirements for dipping and coating operations.

Agency Contact: Copies of the regulation may be obtained from Bonnie R. Hopkins, Department of Labor and Industry, 13 South 13th Street, Richmond, VA 23219, telephone (804) 371-2631.

are available for inspection at the Department of Labor and Industry, 13 South 13th Street, Richmond, Virginia 23219, and in the office of the Registrar of Regulations, General Assembly Building, 9th and Broad Streets, Richmond, Virginia 23219.

On May 17, 1999, the Safety and Health Codes Board adopted an identical version of federal OSHA's final rule for Dipping and Coating Operations, General Industry, 29 CFR 1910.122 through 1910.126, which was published in 64 FR 13909 on March 23, 1999. Also published along with this final rule was an amendment to 29 CFR 1910.6, Incorporation by Reference, General Industry, which the Safety and Health Codes Board adopted at the same meeting. Federal OSHA also removed paragraph (d) of 29 CFR 1910.94, Ventilation, General Industry, and 29 CFR 1910.108, Dip tanks containing flammable or combustible liquids, as a result of the revisions for dipping and coating operations.

When the regulations, as set forth in the revised final rule for 16 VAC 25-90-1910.122 through 16 VAC 25-90-1910.126, Dipping and Coating Operations, General Industry, and a related amendment to 16 VAC 25-90-1910.6, Incorporation by Reference, General Industry, are applied to the Commissioner of the Department of Labor and Industry or to Virginia employers, the following federal terms shall be considered to read as follows:

<u>Federal Terms</u>	<u>VOSH Equivalent</u>
29 CFR	VOSH Standard
Assistant Secretary	Commissioner of Labor and Industry
Agency	Department
April 22, 1999	August 15, 1999

Note on Incorporation by Reference

Pursuant to § 9-6.18 of the Code of Virginia, Dipping and Coating Operations, General Industry (29 CFR 1910.122 through 1910.126) and Incorporation by Reference, General Industry (29 CFR 1910.6) are declared documents generally available to the public and appropriate for incorporation by reference. For this reason the documents will not be printed in the Virginia Register of Regulations. Copies of the documents



COMMONWEALTH of VIRGINIA

VIRGINIA CODE COMMISSION

General Assembly Building

JANE D. CHAFFIN
REGISTRAR OF REGULATIONS

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(804) 786-3591
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June 24, 1999

Mr. Bobby J. Sasser, Chairman
Virginia Safety and Health Codes Board
Department of Labor and Industry
13 South Thirteenth Street
Richmond, VA 23219

Attention: Bonnie R. Hopkins, Regulatory Coordinator

Dear Mr. Sasser:

This office has received the Dipping and Coating Operations, General Industry (29 CFR 1910.122 through 1910.126) standards and related amendments filed by the Department of Labor and Industry on June 7, 1999.

As required by § 9-6.14:4.1 C 4(c) of the Code of Virginia, I have determined that these regulations are exempt from the operation of Article 2 of the Administrative Process Act since they do not differ materially from those required by federal law.

Sincerely,

A handwritten signature in cursive script that reads "Jane D. Chaffin".

Jane D. Chaffin
Registrar of Regulations

VA.R. Doc. No. R99-192; Filed June 7, 1999, 1:02 p.m.

an amendment to 29 CFR 1910.6, Incorporation by Reference, General Industry.

Title of Regulation: 16 VAC 25-90-1910 et seq. Federal Identical General Industry Standards (amending 16 VAC 25-90-1910.94; repealing 16 VAC 25-90-1910.108).

Statutory Authority: § 40.1-22(5) of the Code of Virginia.

Effective Date: August 15, 1999.

Summary:

As part of the clarification and consolidation of the standards on Dipping and Coating Operations, the federal Occupational Safety and Health Administration removed paragraph (d) of 29 CFR 1910.94 (Ventilation, General Industry) from Subpart G-Occupational Health and Environmental Control, and 29 CFR 1910.108 (Dip Tanks Containing Flammable or Combustible Liquids, General Industry) from Subpart H-Hazardous Materials. These regulations were replaced by the revised final rule for Dipping and Coating Operations, General Industry, 29 CFR 1910.122 through 1910.126. By this action, the regulations for dipping and coating operations are consolidated in sequential sections, rewritten in plain language and updated to increase the compliance options available to employers.

As a result, these two federal identical VOSH regulations were repealed as a part of the adoption by the Safety and Health Codes Board of the revised federal OSHA rule on Dipping and Coating Operations.

Agency Contact: Copies of the regulation may be obtained from Bonnie R. Hopkins, Department of Labor and Industry, 13 South 13th Street, Richmond, VA 23219, telephone (804) 371-2631.

Note on Incorporation by Reference

Pursuant to § 9-6.18 of the Code of Virginia, Ventilation, General Industry (29 CFR 1910.94) and Dip Tanks Containing Flammable or Combustible Liquids, General Industry (29 CFR 1910.108) are declared documents generally available to the public and appropriate for incorporation by reference. Copies of the documents are available for inspection at the Department of Labor and Industry, 13 South 13th Street, Richmond, Virginia 23219, and in the office of the Registrar of Regulations, General Assembly Building, 9th and Broad Streets, Richmond, Virginia 23219. For this reason the document will not be printed in the Virginia Register of Regulations.

On May 17, 1999, the Safety and Health Codes Board repealed paragraph (d) of 16 VAC 25-90-1910.94, Ventilation, General Industry, and 16 VAC 25-90-1910.108, Dip Tanks Containing Flammable or Combustible Liquids, which were identical to their federal counterparts. Federal OSHA removed paragraph (d) of 29 CFR 1910.94 from Subpart G, Occupational Health and Environmental Control, and 29 CFR 1910.108 from Subpart H, Hazardous Materials, as part of the clarification and consolidation of standards on dipping and coating operations. These regulations were published in 64 FR 13909 on March 23, 1999, along with the revised final rule for Dipping and Coating Operations, General Industry, 29 CFR 1910.122 through 1910.126, and



COMMONWEALTH of VIRGINIA

VIRGINIA CODE COMMISSION

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June 24, 1999

Mr. Bobby J. Sasser, Chairman
Virginia Safety and Health Codes Board
Department of Labor and Industry
13 South Thirteenth Street
Richmond, VA 23219

Attention: Bonnie R. Hopkins, Regulatory Coordinator

Dear Mr. Sasser:

This office has received the regulatory package entitled, "Ventilation, General Industry (29 CFR 1910.94) and Dip Tanks Containing Flammable or Combustible Liquids, General Industry (29 CFR 1910.108)" filed by the Department of Labor and Industry on June 7, 1999.

As required by § 9-6.14:4.1 C 4(c) of the Code of Virginia, I have determined that these regulations are exempt from the operation of Article 2 of the Administrative Process Act since they do not differ materially from those required by federal law.

Sincerely,

A handwritten signature in cursive script that reads "Jane D. Chaffin".

Jane D. Chaffin
Registrar of Regulations

VA.R. Doc. No. R99-191; Filed June 7, 1999, 1:02 p.m.

Title of Regulation: 16 VAC 25-90-1910 et seq. Federal Identical General Industry Standards (amending 16 VAC 25-90-1910.146).

Statutory Authority: § 40.1-22(5) of the Code of Virginia.

Effective Date: August 15, 1999.

Summary:

This amendment provides for enhanced employee participation in the employer's permit space program, provides authorized permit space entrants or their authorized representatives (hereinafter referred to as "employee representatives") with the opportunity to observe any testing or monitoring of permit spaces, and strengthens and clarifies the criteria employers must satisfy when preparing for the timely rescue of incapacitated permit space entrants. The revisions will substantially enhance the protections being provided to permit space entrants and will additionally clarify a number of issues that have arisen since promulgation of the final Permit-Required Confined Spaces rule in 1993.

Specifically, OSHA has clarified and strengthened the requirements in revised paragraphs (c), General requirements, (d), Permit-required confined space program, and (e) Permit system, to allow for greater employee participation in the permit-space program and for employee access to program information developed under the standard. OSHA revised paragraphs (c), General requirements, and (d), Permit-required confined space program, to specify that employers must provide those employees who are authorized permit space entrants, or their personal representatives, an opportunity to observe any testing of the space that is conducted prior to entry or subsequent to such entry.

Additionally, OSHA revised paragraph (k), Rescue and emergency services, to clarify the criteria employers must satisfy when selecting a rescue team or service to rescue incapacitated permit space entrants. A new paragraph (l), Employee participation, was added to ensure employee involvement in permit space program development and implementation. A nonmandatory appendix was added to assist employers in selecting appropriately trained and equipped rescuers.

A correction to this amendment was made because a nonsubstantive error was discovered in the first column of the federal publication containing the revised final rule for Permit-Required Confined Spaces, 63 FR 66038 (December 1, 1998). The heading "§1950.141 [Amended]" was removed.

Agency Contact: Copies of the regulation may be obtained from Bonnie R. Hopkins, Department of Labor and Industry, 13 South 13th Street, Richmond, VA 23219, telephone (804) 371-2631.

Note on Incorporation by Reference

Pursuant to § 9-6.18 of the Code of Virginia, Permit-Required Confined Spaces for General Industry (29 CFR 1910.146) is declared a document generally available to the public and appropriate for incorporation by reference. For this reason the document will not be printed in the Virginia Register of Regulations. Copies of the document is available for inspection at the Department of Labor and Industry, 13 South 13th Street, Richmond, Virginia 23219, and in the office of the Registrar of Regulations, General Assembly Building, 9th and Broad Streets, Richmond, Virginia 23219.

On May 17, 1999, the Safety and Health Codes Board adopted an identical version of federal OSHA's amendment and correction to Permit-Required Confined Spaces for General Industry, 29 CFR 1910.146, which was published in 63 FR 66038 on December 1, 1998, and corrected in 64 FR 204 on January 4, 1999, respectively.

When the regulations, as set forth in the revised final standard and correction to 16 VAC 25-90-1910.146, Permit-Required Confined Spaces for General Industry, are applied to the Commissioner of the Department of Labor and Industry or to Virginia employers, the following federal terms shall be considered to read as follows:

<u>Federal Terms</u>	<u>VOSH Equivalent</u>
29 CFR	VOSH Standard
Assistant Secretary	Commissioner of Labor and Industry
Agency	Department
"Authorized representative"	"Employee representative" means a person specified by employees to serve as their representative. (See 16 VAC 25-60-10, Definitions, Administrative Regulation for the Virginia Occupational Safety and Health Program)
February 1, 1999	August 15, 1999



COMMONWEALTH of VIRGINIA

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June 24, 1999

Mr. Bobby J. Sasser, Chairman
Virginia Safety and Health Codes Board
Department of Labor and Industry
13 South Thirteenth Street
Richmond, VA 23219

Attention: Bonnie R. Hopkins, Regulatory Coordinator

Dear Mr. Sasser:

This office has received the amendments to Permit-Required Confined Spaces for General Industry (29 CFR 1910.146) filed by the Department of Labor and Industry on June 7, 1999.

As required by § 9-6.14:4.1 C 4(c) of the Code of Virginia, I have determined that these regulations are exempt from the operation of Article 2 of the Administrative Process Act since they do not differ materially from those required by federal law.

Sincerely,

A handwritten signature in cursive script that reads "Jane D. Chaffin".

Jane D. Chaffin
Registrar of Regulations

VA.R. Doc. No. R99-190; Filed June 7, 1999, 1:01 p.m.

Title of Regulation: 16 VAC 25-90-1910 et seq. Federal Identical General Industry Standards (amending 16 VAC 25-90-1910.16 and 16 VAC 25-90-1910.178).

16 VAC 25-100-1915 et seq. Federal Identical Shipyard Employment Standards (adding 16 VAC 25-100-1915.120).

16 VAC 25-120-1917 et seq. Federal Identical Marine Terminals Standards (amending 16 VAC 25-120-1917.1).

16 VAC 25-130-1918 et seq. Federal Identical Longshoring Standards (amending 16 VAC 25-130-1918.1).

16 VAC 25-175-1926 et seq. Federal Identical Construction Industry Standards (amending 16 VAC 25-175-1926.602).

Statutory Authority: § 40.1-22(5) of the Code of Virginia.

Effective Date: August 15, 1999.

Summary:

The federal Occupational Safety and Health Administration (OSHA) revised its existing requirements for powered industrial truck operator training (codified at 29 CFR 1910.178(l)) and issued new requirements to improve the training of these operators. This final rule requires employers to develop training programs or hire an outside consultant to provide the required training. Once trained, truck operators must be certified and documentation must be retained for potential review by OSHA compliance officers.

Because of the high incidence of job-related deaths and injury for operators of all vehicle types, the final rule covers virtually all industries that use powered industrial vehicles, including maritime, construction, and general industry, but not agricultural operations.

The final rule covers a variety of powered industrial trucks used to carry, push, pull, lift, stack, or tier material. Vehicles used for earth-moving or over-the-road hauling are not covered. To be most effective, training must address the unique characteristics of the type of vehicle(s) the employee is being trained to operate.

A nonmandatory attachment, Appendix A, provides assistance to employers in understanding the specific requirements of the final rule.

The correction, published in 64 FR 22552 (April 27, 1999), addresses the compliance dates by which powered industrial truck operators must be trained and evaluated. The correction clarifies confusion about the phase-in schedule and the employer's obligation between the effective date of the new standard and the completion of training and evaluation dates contained in that standard. In the final rule, if the employee was hired before December 1, 1999, initial training and evaluation of that employee had to be completed by December 1,

1999. If the employee was hired after December 1, 1999, initial training and evaluation of that employee had to be completed before the employee was assigned to operate a powered industrial truck. The correction clarifies that employers must remain in compliance with the prior training standards through November 30, 1999. Employers do not have to be in compliance with the new training standard until December 1, 1999, and will not be cited for violating the new standard prior to December 1, 1999.

In paragraphs (a)(2)(x) and (b)(2)(xiv) of 29 CFR 1910.16, Longshoring and Marine Terminals, General Industry, 29 CFR 1910.16, references to powered industrial truck operator training, Subpart N, 29 CFR 1910.178(l), were added.

A new 29 CFR 1915.120 entitled, Powered Industrial Truck Operator Training, was added to Subpart G, Occupational Health and Environmental Control, to note that the requirements applicable to shipyard employment are identical to those in 29 CFR 1910.178(l).

A new paragraph (a)(2)(xiv) was added to 29 CFR 1917.1, Scope and applicability, to reference powered industrial truck operator training, Subpart N, 29 CFR 1910.178(l).

A new paragraph (b)(10) was added to 29 CFR 1918.1, Scope and Application, to reference powered industrial truck operator training, Subpart N, 29 CFR 1910.178(l).

A new paragraph (d) was added to 29 CFR 1926.602, Material Handling Equipment, Construction Industry, to note that the requirements applicable to construction work are identical to those in 29 CFR 1910.178(l).

Agency Contact: Copies of the regulation may be obtained from Bonnie R. Hopkins, Department of Labor and Industry, 13 South 13th Street, Richmond, VA 23219, telephone (804) 371-2631.

Note on Incorporation by Reference

Pursuant to § 9-6.18 of the Code of Virginia, 29 CFR Parts 1910, 1915, 1917, 1918, and 1926 are declared documents generally available to the public and appropriate for incorporation by reference. For this reason the documents will not be printed in the Virginia Register of Regulations. Copies of the documents are available for inspection at the Department of Labor and Industry, 13 South 13th Street, Richmond, Virginia 23219, and in the office of the Registrar of Regulations, General Assembly Building, 9th and Broad Streets, Richmond, Virginia 23219.

On May 17, 1999, the Safety and Health Codes Board adopted an identical version of federal OSHA's revised final rule and correction to Powered Industrial Trucks, General Industry Standards, 29 CFR 1910.178, which were published in 63 FR 66238-66274 on December 1, 1998, and in 64 FR 22552 on April 27, 1999, respectively. Also published along with this final rule were amendments to the following regulations: Longshoring and Marine Terminals, General Industry Standards, 29 CFR 1910.16; Powered Industrial Truck Operator Training, Shipyard Employment Standards, 29 CFR 1915.120; Marine Terminals Standards, Public

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Sector Only, 29 CFR 1917.1; Scope and Application, Longshoring, 29 CFR 1918.1; and Material Handling Equipment, Construction Industry, 29 CFR 1926.602. These amendments were also adopted by the Safety and Health Codes Board at the same meeting.

When the regulations, as set forth in the final rule for and correction to 16 VAC 25-90-1910.178, Powered Industrial Trucks, General Industry Standards, and related amendments to 16 VAC 25-90-1910.16, 16 VAC 25-100-1915.120, 16 VAC 25-120-1917.1, 16 VAC 25-130-1918.1, and 16 VAC 25-175-1926.602 are applied to the Commissioner of the Department of Labor and Industry or to Virginia employers, the following federal terms shall be considered to read as follows:

<u>Federal Terms</u>	<u>VOSH Equivalent</u>
29 CFR	VOSH Standard
Assistant Secretary	Commissioner of Labor and Industry
Agency	Department
March 1, 1999	August 15, 1999
April 27, 1999	August 15, 1999



COMMONWEALTH of VIRGINIA

VIRGINIA CODE COMMISSION

General Assembly Building

JANE D. CHAFFIN
REGISTRAR OF REGULATIONS

910 CAPITOL STREET
RICHMOND, VIRGINIA 23219
(804) 786-3591
FAX (804) 692-0625

June 24, 1999

Mr. Bobby J. Sasser, Chairman
Virginia Safety and Health Codes Board
Department of Labor and Industry
13 South Thirteenth Street
Richmond, VA 23219

Attention: Bonnie R. Hopkins, Regulatory Coordinator

Dear Mr. Sasser:

This office has received the amendments to Powered Industrial Trucks, General Industry (29 CFR 1910.178) and related amendments filed by the Department of Labor and Industry on June 7, 1999.

As required by § 9-6.14:4.1 C 4(c) of the Code of Virginia, I have determined that these regulations are exempt from the operation of Article 2 of the Administrative Process Act since they do not differ materially from those required by federal law.

Sincerely,

A handwritten signature in cursive script that reads "Jane D. Chaffin".

Jane D. Chaffin
Registrar of Regulations

VA.R. Doc. No. R99-193; Filed June 7, 1999, 1:01 p.m.

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TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF DENTISTRY

REGISTRAR'S NOTICE: The Board of Dentistry is claiming an exemption from the Administrative Process Act in accordance with § 9-6.14:4.1 C 3 of the Code of Virginia, which excludes regulations that consist only of changes in style or form or corrections of technical errors. The Board of Dentistry will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 18 VAC 60-20-10 et seq. Regulations Governing the Practice of Dentistry and Dental Hygiene (amending 18 VAC 60-20-20).

Statutory Authority: §§ 54.1-2400, 54.1-2713 and 54.1-2715 of the Code of Virginia.

Effective Date: August 5, 1999.

Summary:

The Board of Dentistry amended this regulation to correct an error made in the promulgation of regulations which became effective on December 23, 1998. Sections 54.1-2713 and 54.1-2715 of the Code of Virginia specify that a license to teach dentistry or a temporary permit to practice dentistry expires on the second June 30 after issuance. When regulations were amended in 1998, those two categories of licensure were inadvertently included with other licenses or permits that expire on March 31 of each year. The regulation is amended to remain in compliance with the law.

Agency Contact: Copies of the regulation may be obtained from Marcia J. Miller, Executive Director, Board of Dentistry, 6606 West Broad Street, 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9906.

18 VAC 60-20-20. License renewal and reinstatement.

A. Renewal fees. Every person holding an active or inactive license, or a ~~teacher's license~~, full-time faculty license or a ~~temporary permit~~ to practice dentistry or dental hygiene shall, on or before March 31, renew his license. *Every person holding a teacher's license or a temporary permit to practice dentistry or dental hygiene shall, on or before June 30, renew his license.*

1. The fee for renewal of an active license or permit shall be \$100 for dentists and \$40 for dental hygienists.

2. The fee for renewal of an inactive license shall be \$65 for dentists and \$25 for dental hygienists.

B. Penalty fees. Any person who does not return the completed form and fee by ~~March 31~~ the deadline required in subsection A of this section shall be required to pay an additional penalty fee of \$50 for dentists and \$35 for dental

hygienists. The board shall renew a license if the renewal form, renewal fee, and penalty fee are received by ~~the following April 30~~ within 30 days of the deadline required in subsection A of this section.

C. Reinstatement fees and procedures. The license of any person who does not return the completed renewal form and fees by ~~April 30~~ within 30 days of the deadline required in subsection A of this section shall automatically expire and become invalid and his practice of dentistry/dental hygiene shall be illegal. Upon such expiration, the board shall immediately notify the affected person of the expiration and the reinstatement procedures.

1. Any person whose license has expired who wishes to reinstate such license shall submit to the board a reinstatement application, the renewal fee and the penalty fee of \$50 for dentists and \$35 for dental hygienists per month for each month or part of a month the license has been expired for a maximum amount of \$600 for dentists and \$420 for dental hygienists.

2. Practicing in Virginia with an expired license may subject the licensee to disciplinary action and additional fines by the board.

3. The executive director shall reinstate such expired license provided that the applicant can demonstrate continuing competence, that no grounds exist pursuant to § 54.1-2706 of the Code of Virginia and 18 VAC 60-20-170 to deny said reinstatement, and that the applicant has paid all unpaid renewal fees and assessments.

D. Reinstatement of a license previously revoked or indefinitely suspended. Any person whose license has been revoked shall submit to the board for its approval a reinstatement application and fee of \$750 for dentists and \$500 for dental hygienists. Any person whose license has been indefinitely suspended shall submit to the board for its approval a reinstatement application and fee of \$350 for dentists and \$250 for dental hygienists.

VA.R. Doc. No. R99-194; Filed June 10, 1999, 11:54 a.m.

BOARD OF MEDICINE

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

Title of Regulation: 18 VAC 85-110-10 et seq. Regulations Governing the Practice of Licensed Acupuncturists (amending 18 VAC 85-110-100, 18 VAC 85-110-110, and 18 VAC 85-110-130).

Statutory Authority: §§ 54.1-2400, 54.1-2903 and 54.1-2956.9 of the Code of Virginia.

Effective Date: August 5, 1999.

Summary:

The Board of Medicine adopted amendments to 18 VAC 85-110-20-100 and 18 VAC 110-20-130 to conform regulations to Chapter 779 of the 1999 Acts of the Assembly, which eliminates the statutory mandate for a licensed acupuncturist to obtain a referral from a licensed practitioner of medicine, osteopathy, podiatry or chiropractic prior to performing acupuncture on a patient. The statute deletes the authority of the Board of Medicine to promulgate regulations requiring periodic review by the physician of the diagnosis and treatment progress and for referral and rereferral of patients.

An amendment to 18 VAC 85-20-110 conforms regulations to § 54.1-2903 of the Code of Virginia and incorporates specific language from the statute, which clarifies that a licensed acupuncturist may use the title "doctor" provided he simultaneously uses a clarifying title, initials, abbreviation or designation or language that identifies the type of practice for which he is licensed.

Agency Contact: Warren W. Koontz, M.D., Executive Director, Board of Medicine, 6606 West Broad Street, 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908.

18 VAC 85-110-100. General requirements.

~~A. An initial request for Prior to performing acupuncture services, a licensed acupuncturist shall be accompanied by a obtain written referral from documentation that the patient has received a diagnostic examination within the past six months by a licensed doctor of medicine, osteopathy, chiropractic, podiatry, or dentistry and shall be acting within the scope of his practice and based on his examination of the patient within the past six months.~~

~~B. Treatment provided by the acupuncturist shall be periodically reviewed as determined by the referring physician.~~

~~C. The licensed acupuncturist shall report the patient's condition back to the referring physician after three months or 10 treatments, whichever occurs first.~~

18 VAC 85-110-110. Limitation of titles.

A person practicing as a licensed acupuncturist is restricted to the use of the titles "Lic.Ac." or "L.Ac." and shall not use the terms "physician" or "doctor" in his name or practice *unless he simultaneously uses a clarifying title, initials, abbreviation or designation or language.*

18 VAC 85-110-130. Maintenance of patient records.

A licensed acupuncturist shall maintain records of the ~~referral,~~ his diagnosis, and treatment, and ~~patient the~~ patient's response to acupuncture and shall submit records to the board upon request, unless release of subject records is otherwise prohibited by law. Failure to maintain patient records of those patients treated with acupuncture or failure to respond to the board's request for patient records within

30 days shall be grounds for suspension or revocation of a license to practice acupuncture.

VA.R. Doc. No. R99-195; Filed June 10, 1999, 11:55 a.m.

BOARD OF PHARMACY

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

Title of Regulation: **18 VAC 110-20-10 et seq. Regulations Governing the Practice of Pharmacy (amending 18 VAC 110-20-490).**

Statutory Authority: § 54.1-2400 of the Code of Virginia.

Effective Date: August 4, 1999.

Summary:

The amendments conform the regulations to Chapter 750 of the 1999 Acts of Assembly, which sets forth the requirements for filling and stocking automated drug dispensing systems in licensed hospitals and for the withdrawal of drugs from automated drug dispensing systems in licensed hospitals.

Agency Contact: Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6606 West Broad Street, 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9911.

18 VAC 110-20-490. Automated devices for dispensing and administration of drugs.

A hospital may use automated devices for the dispensing and administration of drugs pursuant to § 54.1-3301 of the Code of Virginia and §§ 54.3401 and 54.1-3434.02 of the Drug Control Act and in accordance with 18 VAC 110-20-270, 18 VAC 110-20-420 or 18 VAC 110-20-460 as applicable. The following conditions shall apply:

~~1. Drugs placed in automated dispensing devices shall be in manufacturer's sealed original packaging or in repackaged containers in compliance with the requirements of 18 VAC 110-20-260 relating to repackaging, labeling, and records.~~

~~2. If an automated dispensing device is only used in place of a manual floor-stock system and if only persons who are licensed to administer drugs are using the device, nonpharmacist personnel may load drugs into the device provided a pharmacist checks the drugs to be loaded and the pharmacy distribution records prior to the drugs being removed from the pharmacy.~~

~~3. If an automated dispensing device is used in place of a patient-specific drug dispensing system, a pharmacist shall either load or check the loading of drugs into the device in accordance with the provisions of 18 VAC 110-~~

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~~20-270 B prior to drugs being removed for administration to a patient.~~

~~4- 1.~~ Prior to removal of drugs from the pharmacy, a delivery record shall be generated for all drugs to be placed in an automated dispensing device which shall include the date; drug name, dosage form, and strength; quantity; hospital unit and a unique identifier for the specific device receiving the drug; initials of the person loading the automated dispensing device; and initials of the pharmacist reviewing the transaction.

~~5- 2.~~ At the time of loading, the delivery record for all Schedule II through V drugs shall be signed by a nurse or other person authorized to administer drugs from that specific device, and the record returned to the pharmacy and maintained in chronological order for a period of two years from date of delivery. The delivery record and required signatures may be generated or maintained electronically provided the system being used has the capability of recording an electronic signature which is a unique identifier and restricted to the individual receiving the drugs and provided that this record is maintained in a read-only format which cannot be altered after the information is recorded. The electronic record shall be readily retrievable, maintained for a period of two years, and the system used shall be capable of producing a hard-copy printout of the record upon request.

~~6- 3.~~ At the time of loading any Schedule II through V drug, the person loading will verify that the count of that drug in the automated dispensing device is correct. Any discrepancy noted shall be recorded on the delivery record and immediately reported to the pharmacist in charge, who shall be responsible for reconciliation of the discrepancy or properly reporting of a loss.

~~7- 4.~~ Automated dispensing devices in hospitals shall be capable of producing a hard-copy record of distribution which shall show patient name, drug name and strength, dose withdrawn, dose to be administered, date and time of withdrawal from the device, and identity of person withdrawing the drug.

~~8- 5.~~ The pharmacist-in-charge or his designee shall conduct at least a monthly audit and review of all distribution and administration of Schedule II through V drugs from each automated dispensing device. The audit shall reconcile the quantities loaded into the device and still on hand with the quantities removed from the device for administration. This audit shall also check for compliance with written procedures for security and use of the automated dispensing devices, accuracy of distribution from the device, and proper recordkeeping. Random checks shall be made to ensure that a valid order exists for each dose administered. The hard-copy distribution records printed out and reviewed in the audit shall be initialed and dated by the person conducting the audit and maintained in the pharmacy for a period of two years. If nonpharmacist personnel conduct the audit, a pharmacist shall review the record and shall initial and date the record. These distribution records reviewed in

conducting the audit may be maintained electronically provided they can be readily retrieved upon request; provided they are maintained in a read-only format which does not allow alteration of the records; and provided a log is maintained for a period of two years showing dates of audit and review, the identity of the automated dispensing device being audited, the time period covered by the audit and review, and the initials of all reviewers.

~~9- Except for urgent administration, a pharmacist shall, in accordance with 18 VAC 110-20-270 B, review and release a drug order for a patient prior to administration from an automated dispensing device which is being used in place of a patient specific dispensing system.~~

~~10- 6.~~ If an automated dispensing device is used to obtain drugs for dispensing from an emergency room, a separate dispensing record is not required provided the automated record distinguishes dispensing from administration and records the identity of the physician who is dispensing.

~~11- 7.~~ Automated dispensing devices shall be inspected monthly by pharmacy personnel to verify proper storage, proper location of drugs within the device, expiration dates, the security of drugs and validity of access codes.

~~12- 8.~~ Personnel allowed access to an automated dispensing device shall have a specific access code which records the identity of the person accessing the device.

~~13- 9.~~ Proper use of the automated dispensing devices and means of compliance with requirements shall be set forth in the pharmacy's policy and procedure manual.

FORMS

<p>NOTICE: The forms used in administering 18 VAC 110-20-10 et seq., Regulations Governing the Practice of Pharmacy, 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, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 9th and Broad Streets, 2nd Floor, Richmond, Virginia.</p>
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Application for Registration as a Pharmacy Intern (rev. 12/98).

Application for Licensure as a Pharmacist by Examination (rev. 12/98).

Application to Reactivate Pharmacist License (rev. 12/98).

Application for Approval of a Continuing Education Program (rev. ~~6/97~~ 3/99).

Application for License to Dispense Drugs (*permitted physician*) (rev. ~~6/97~~ 11/98).

Application for a Pharmacy Permit (rev. ~~40/98~~ 3/99).

Application for a Non-Resident Pharmacy Registration (rev. ~~6/97~~ 12/98).

Application for a Permit as a Medical Equipment Supplier (rev. ~~11/98~~ 3/99).

Application for Permit as a Restricted Manufacturer (rev. ~~12/98~~ 3/99).

Application for Permit as a Non-Restricted Manufacturer (rev. ~~12/98~~ 3/99).

Application for a Permit as a Warehouser (rev. ~~11/98~~ 3/99).

Application for License as a Wholesale Distributor (rev. ~~12/98~~ 3/99).

Application for Non-Resident Wholesale Distributor Registration (~~12/98~~ 3/99).

~~Application for Reinstatement of Controlled Substance Registration Certificate for Non-Practitioners (rev. 6/97)~~

Renewal Notice and Application; ~~C-45128~~ C-47005 (rev. 7/97).

Renewal Notice and Application; ~~C-46214~~ C-47533 (rev. 7/97).

Renewal Notice and Application; ~~C-46216~~ C-48130 (rev. 7/97).

Application for a Controlled Substances Registration Certificate ~~for Nonpractitioners~~ (rev. ~~6/97~~-1/99).

Application to Reinstate a Pharmacist License (rev. ~~12/98~~ 3/99).

~~Application for Reinstatement of a Permit (rev. 12/98)~~

Application for a Permit as a Humane Society (rev. ~~11/98~~ 3/99)

Application for Registration as a Pharmacy Intern for Graduates of a Foreign College of Pharmacy (rev. 12/98)

~~Instructions for Graduates of Foreign Schools of Pharmacy (rev. 6/97)~~

Closing of a Pharmacy (rev. ~~6/97~~ 3/99)

Affidavit of Practical Experience, Pharmacy Intern (rev. 12/98)

Application for Controlled Substances Registration Certificate for Optometrists (eff. 12/98)

Application for Approval of ACPE Pharmacy School Course(s) for Continuing Education Credit (rev. 3/99)

VA.R. Doc. No. R99-199; Filed June 16, 1999, 11:46 a.m.

DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

Title of Regulation: 18 VAC 120-40-10 et seq. Virginia Professional Boxing and Wrestling Events Regulations.

Statutory Authority: § 54.1-831 of the Code of Virginia.

Effective Date: August 5, 1999.

Summary:

The regulations establish application and licensure requirements for individual boxers and wrestlers who participate in professional boxing and wrestling events and for individuals and firms that promote or conduct professional boxing and wrestling events. Separate eligibility standards are established for boxers and wrestlers. Standards are established for the conduct of events as well as for the conduct of regulated individuals participating in events. In addition, standards for the assignment of boxing event officials to licensed events and the duties the assigned officials must perform are established as well as procedures for the reporting, verification and payment of the gate fees required by statute to be paid to the Commonwealth following every event.

The final regulations are in substance identical to the current emergency regulations that they replace. The following four amendments have been made since the document was published as a proposed regulation:

18 VAC 120-40-40 is amended to remove the requirement that the department or its vendor mail a renewal notice to each licensee and specify the procedure to be used by licensees who desire to renew their license.

18 VAC 120-40-280 B is amended to allow boxers who have participated in a bout of six or fewer rounds to participate in another bout after a recovery period of seven days rather than 15 days.

18 VAC 120-40-400 A is amended to allow wrestling exhibitions to take place inside of areas other than the ring as long as those areas are adequately secure to prevent contact between the wrestlers and the audience.

18 VAC 120-40-430 is amended to make clear that the department is empowered to take action to deny an application for a license for the same reasons for which it may revoke or suspend a license.

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 David E. Dick, Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-8595.

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CHAPTER 40.
VIRGINIA PROFESSIONAL BOXING AND WRESTLING
EVENTS REGULATIONS.

PART I.
SCOPE.

18 VAC 120-40-10. Scope.

These regulations contain procedures and requirements for the licensure of individuals and firms to engage in the conduct of professional boxing and wrestling events as provided for in Chapter 8.1 (§ 54.1-828 et seq.) of Title 54.1 of the Code of Virginia.

Amateur boxing and wrestling contests, where the participants receive no money, compensation, or reward other than a suitably inscribed memento are exempt from the provisions of Chapter 8.1 of Title 54.1 of the Code of Virginia and from the provisions of these regulations.

The director of the department is empowered to (i) promulgate these regulations, (ii) issue licenses, (iii) investigate to determine compliance with these regulations, and (iv) take disciplinary action, in accordance with the Virginia Administrative Process Act, against those who fail to comply with these regulations. Furthermore, to the extent applicable, these regulations shall be construed in accordance with and governed by Virginia's Administrative Process Act. The director is also empowered to contract with a vendor to perform certain tasks on the director's behalf. These tasks include examining and recommending licensure, investigating and ensuring that events are conducted in compliance with statutes and regulations, performing clerical duties, collecting fees, maintaining records, developing proposed regulations, and recommending enforcement actions.

The director is empowered by Chapter 8.1 of Title 54.1 of the Code of Virginia to conduct investigations as to whether monopolies, combinations, or other circumstances exist to restrain matches or exhibitions of professional boxing or wrestling.

PART II.
GENERAL PROVISIONS.

18 VAC 120-40-20. Definitions.

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

"Boxer" means a person competing in the sport of boxing.

"Boxer registry" means an entity that maintains records and identification of boxers.

"Boxing" means the contact sport of attack or defense using fists, feet, or both, including professional kick boxing, boxing, or any similar contest.

"Cable television system" means any facility consisting of a set of closed transmission paths and associated equipment designed to provide video programming to multiple

subscribers when subscriber interaction is required to select a specific video program for an access fee established by the cable television system for that specific video program.

"Contest," "bout," or "match" means the portion of an event wherein specific individuals (two boxers, or two or more wrestlers) engage in boxing or wrestling which ends when a decision is reached.

"Contractor" means any person who has entered into a contract with the department to provide services to assist the Commonwealth in complying with the provisions of this chapter.

"Department" means the Department of Professional and Occupational Regulation or its successor.

"Director" means the Director of the Department of Professional and Occupational Regulation.

"Event" means any professional boxing or wrestling show that includes one or more contests or matches.

["~~Event officials" means those individuals assigned to carry out the duties of an event inspector, inspector, referee, timekeeper, judge, or ringside physician as established by this chapter.]~~

"Event inspector" means the individual assigned to be in overall charge of the conduct of an event to assure compliance with this chapter.

"Event license" means a method of regulation whereby any promoter arranging or conducting a boxing or wrestling event is required to obtain a prior authorization from the department.

["~~Event officials" means those individuals assigned to carry out the duties of an event inspector, inspector, referee, timekeeper, judge, or ringside physician as established by this chapter.]~~

"Inspector" means the individual assigned to assist the event inspector as provided for in this chapter.

"Judge" means an individual assigned to score a boxing contest as provided for in this chapter.

"License" means a method of regulation whereby any person arranging, conducting, or participating in boxing or wrestling activities is required to obtain a prior authorization from the department.

"Licensed event" means an event that has been issued a license from the department in accordance with this chapter.

"Manager" means any person who receives compensation for services as a representative or agent of a boxer or wrestler to arrange for his participation in an event.

"Matchmaker" means any person who selects, arranges for, or in any manner procures specific individuals to be contestants in an event or match.

“Person” means a natural person, corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, or any other entity.

“Promote” or “promotion” means to organize, arrange, publicize, or conduct an event in the Commonwealth.

“Promoter” means any person who undertakes to promote an event.

“Rabbit punch” means a blow delivered by a boxer against his opponent that strikes the back of the opponent’s neck with a chopping motion.

“Referee” means the event official assigned to a boxing contest to assure the proper conduct of the contest and the safety of the contestants or the licensed wrestler assigned to a wrestling contest to assure the safety of the spectators as provided for in this chapter.

“Responsible management” means the following individuals:

1. The sole proprietor of a sole proprietorship;
2. The partners of a general partnership;
3. The managing partners of a limited partnership;
4. The officers of a corporation;
5. The managers of a limited liability company; or
6. The officers and directors of an association.

“Ringside physician” means the medical doctor assigned to assure the medical health and safety of each boxer as provided for in this chapter.

“Task force” means the professional boxing and wrestling task force.

“Timekeeper” means the individual assigned to time each round and the interval between rounds, and to count for knockdowns as provided for in this chapter.

“Trainer,” “second,” or “cutman” means an individual who undertakes to assure the well-being of a boxer by providing instruction or advice concerning techniques or strategies of boxing, and who may work in the corner with a boxer between the rounds of a match to assure his well-being and provide necessary equipment and advice concerning match participation.

“Wrestler” means any person competing or participating as an opponent in wrestling.

“Wrestling” means any contact sport or exhibition in which individuals attempt to subdue or unbalance an opponent.

18 VAC 120-40-30. License required.

A. No individual shall engage or offer to engage in the activities of a boxer, manager, matchmaker, promoter, trainer, second, cutman, or wrestler, as defined in Chapter 8.1 (§ 54.1-828 et seq.) of Title 54.1 of the Code of Virginia, without first possessing a valid license therefor.

B. No person shall promote or conduct a boxing or wrestling event without first having obtained a license for such event.

18 VAC 120-40-40. License expiration and renewal.

A. Except as set out in subsection B of this section, each license issued to an individual or to a firm shall expire on December 31 of the year in which the license was issued, except that licenses issued during the last 45 days of any calendar year shall expire on December 31 of the following calendar year.

B. Each license to conduct a boxing or wrestling event issued to a licensed promoter shall be valid only for the duration of the event described in the application for licensure.

~~[C. The department or its contractor will mail a renewal notice to the licensee at the last known address. The notice shall outline the procedures for renewal and the renewal fee amount. Failure to receive the notice shall not relieve the licensee of the obligation to renew.~~

~~D. C.] Prior to the expiration date shown on the license, each licensee desiring to renew the license shall [return to cause] the department or its contractor [the renewal notice to receive a photocopy of his license] and the fee specified in 18 VAC 120-40-50. [Should the licensee fail to receive the renewal notice, a copy of the current license may be submitted with the required fee.]~~

18 VAC 120-40-50. Fees.

A. Each applicant shall submit the following fee along with the application for licensure:

Boxer	\$20
Wrestler	\$20
Manager	\$30
Promoter	\$300
Trainer, second, and cutman	\$20
Matchmaker	\$50

B. Each application for a boxing event license shall be accompanied by the following fee:

1. Events of 42 rounds or fewer, with no more than one nontitle 10- or 12-round bout - \$850.
2. Events exceeding 42 rounds, with more than one nontitle 10- or 12-round bout or with a title bout - \$2,000.

C. Each application for a wrestling event license shall be accompanied by a fee of \$50.

18 VAC 120-40-60. Professional boxing and wrestling task force.

A. The director may appoint a professional boxing and wrestling task force, consisting of four members, which shall advise the director on any matters relating to professional boxing and wrestling events in the Commonwealth.

B. The task force shall be composed of two representatives of the sports of boxing or wrestling, and two

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citizen members as defined in §§ 54.1-107 and 54.1-200 of the Code of Virginia. All members shall be residents of the Commonwealth.

C. Each task force member shall serve a four-year term, except that of the initial appointments, one shall be for two years and one shall be for three years. No member shall serve more than two consecutive four-year terms.

PART III.

INDIVIDUAL AND EVENT LICENSING STANDARDS.

18 VAC 120-40-70. Application requirements.

A. Individuals and firms desiring to be issued a license shall apply on forms supplied by the department or its contractor.

B. Individual applicants shall be at least 18 years of age.

C. The application shall be completed according to the instructions provided with the application. Incomplete applications will be returned to the applicant. Fees shall remain valid for 90 days and shall not be refunded.

D. The applicant shall disclose the following information about himself, in the case of an individual, or about the firm and every member of the responsible management of the firm, in the case of a firm:

1. Any guilty finding by the department, or by a court of any competent jurisdiction, of any material misrepresentation while engaged in boxing, wrestling, or other athletic activities, or any conviction, guilty plea or finding of guilty, regardless of adjudication or deferred adjudication, of any felony or misdemeanor which, in the judgment of the department, adversely affects the applicant's ability while engaged in boxing, wrestling, or other athletic activities;

2. Any disciplinary action taken by the department or another jurisdiction in connection with the applicant's participation in or promotion of professional athletic contests or activities including, but not limited to, monetary penalty, fine, suspension, revocation, or surrender of a license in connection with a disciplinary action; and

3. Any currently or previously held boxing or wrestling licenses issued by this Commonwealth or any other jurisdiction.

Any plea of *nolo contendere* shall be considered a conviction for the purposes of this subsection. A certified copy of a final order, decree or case decision by a court or regulatory agency with the lawful authority to issue such order, decree or case decision shall be admissible as *prima facie* evidence of such conviction or discipline.

E. Each individual applicant shall disclose his physical address and each firm applying for licensure shall disclose the physical addresses of the firm and the firm's responsible management. A post office box shall not be accepted in lieu of a physical address.

F. The fee established by 18 VAC 120-40-50 A shall accompany the application and shall not be refunded.

G. The receipt of an application and the deposit of fees in no way indicates approval by the department.

18 VAC 120-40-80. Entry requirements for boxer.

A. Each applicant for a license as a boxer shall submit a completed application as described in 18 VAC 120-40-70 and the following:

1. A satisfactory record of professional boxing or, in the case of applicants who have participated in fewer than 10 professional boxing bouts, evidence of competency in the elements of offense and defense. Such evidence may take the form of signed statements from individuals who have provided training to the applicant or records of the applicant's conduct in amateur as well as professional boxing competition and shall be sufficient to satisfy the department that the applicant has the ability to compete; and

2. A list of all ring names under which the applicant has competed as a boxer in this Commonwealth or elsewhere.

B. All licenses issued by the department shall conform with the standards established by the federal Professional Boxing Safety Act of 1996 (15 USC § 6301 et seq.).

18 VAC 120-40-90. Entry requirements for wrestler.

A. Each applicant for a license as a wrestler shall submit a completed application as described in 18 VAC 120-40-70 and a signed statement from a licensed physician that the applicant is in good physical health and has no abnormalities or deficiencies which would prevent his participation in a wrestling event or endanger the applicant's health when engaging in a wrestling exhibition.

B. The department may deny the application for a license as a wrestler to any applicant who has suffered a serious head injury or other serious physical injury, and may, in any case, require an additional, specific medical examination to determine the applicant's suitability before approving the applicant for licensure as a wrestler.

C. The department may deny the application for a license as a wrestler of any applicant, or suspend or revoke the license as a wrestler of any licensee who has been subject to the following actions by agencies in other jurisdictions that regulate wrestling:

1. Denial or suspension of a license as a wrestler for reasons of medical safety when it has been determined by competent medical examination that participation in a wrestling event by the applicant may pose a risk to the applicant's health; or

2. A violation of a law or regulation governing wrestling which is substantially the same as that found in Chapter 8.1 (§ 54.1-828 et seq.) of Title 54.1 of the Code of Virginia or in this chapter.

18 VAC 120-40-100. Entry requirements for manager.

Each applicant for a license as a manager shall submit a completed application as described in 18 VAC 120-40-70 and a statement that the applicant possesses a knowledge of this chapter.

18 VAC 120-40-110. Entry requirements for matchmaker.

Each applicant for a license as a matchmaker shall submit a completed application as described in 18 VAC 120-40-70 and a statement that the applicant does not employ and does not otherwise have a financial interest in or commercial connection with any wrestler, boxer, manager, trainer, or second, except that which may be necessary to arrange a wrestler's or boxer's participation in a specific event.

18 VAC 120-40-120. Entry requirements for promoter.

Each applicant for a license as a promoter shall submit a completed application as described in 18 VAC 120-40-70 and a statement that the applicant possesses a knowledge of this chapter.

18 VAC 120-40-130. Entry requirements for trainer, second, or cutman.

Each applicant for a license as a trainer, second, or cutman shall submit a completed application as described in 18 VAC 120-40-70 and evidence of a knowledge of:

1. This chapter;
2. The treatment of injuries;
3. Physical conditioning, health care, nutrition, training, first aid, and the effects of alcohol as it relates to boxing; and
4. The bandaging of a boxer's hand.

The required evidence may take the form of the applicant's official record from a state regulatory agency, signed statements from current or former clients, or other documentary evidence that establishes that the applicant is competent.

PART IV.

OFFICIAL APPROVAL AND CONDUCT STANDARDS FOR EVENTS.

18 VAC 120-40-140. Requirements for approval to act as a boxing event inspector, inspector, referee, judge, or timekeeper.

To qualify to act on the department's behalf as an event inspector, inspector, referee, judge, or timekeeper of boxing contests, a person must:

1. Be at least 18 years of age;
2. Not have been convicted or found guilty, regardless of adjudication, of any felony or other crime involving lying, cheating or stealing, or involving illegal drugs or other acts involving the sport of boxing. Any plea of nolo contendere shall be considered a conviction for the purposes of this chapter. The record of conviction,

authenticated in such form as to be admissible as evidence under the laws of the jurisdiction where convicted, shall be admissible as prima facie evidence of such conviction; and

3. Submit verifications from three persons of his proficiency as an event inspector, inspector, referee, judge, or timekeeper, whichever is appropriate. Evidence of approval by the department, its contractor, or another jurisdiction with a regulatory program substantially equivalent to this chapter, may be submitted in lieu of the verifications from three persons.

18 VAC 120-40-150. Requirements for approval of boxing ringside physicians.

To qualify to act on the department's behalf as a boxing ringside physician, an applicant must provide evidence of (i) licensure by the Virginia Board of Medicine as a physician for a period of at least five years and (ii) a current certification in cardiopulmonary resuscitation.

18 VAC 120-40-160. Assignment to boxing event [and payment for services of event officials] .

A. The department or its contractor shall assign a sufficient number of event officials to each licensed boxing event who shall discharge the duties established in this chapter and to assure compliance with Chapter 8.1 (§ 54.1-828 et seq.) of Title 54.1 of the Code of Virginia and this chapter.

B. Event officials not assigned to a licensed event shall be present at the event only upon payment of admission as a spectator.

18 VAC 120-40-170. Duties of boxing event inspectors.

A. An event inspector shall be assigned by the department or its contractor to each boxing event and shall be in overall charge of the conduct of the event and shall assure that all assigned inspectors, referees, timekeepers, judges, and ringside physicians are present and perform their duties.

B. The event inspector shall officiate at weigh-in to assure that all boxers are properly weighed and licensed, and shall assure that the boxers have no weights or other objects which could influence the accuracy of the weighing.

C. The assigned event inspector shall assure compliance with Chapter 8.1 (§ 54.1-828 et seq.) of Title 54.1 of the Code of Virginia and this chapter.

18 VAC 120-40-180. Duties of boxing inspectors.

A. Inspectors shall be assigned to each event to assist the event inspector in the discharge of his duties.

B. Inspectors shall be assigned by the event inspector to be in charge of the dressing room and the corners and shall accompany the boxers to the corner. An inspector shall remain in each corner and assure compliance with this chapter.

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C. An inspector shall assist the event inspector during the weigh-in and the ringside physician during the physical examination.

D. Inspectors shall perform other duties as assigned to assure compliance with this chapter.

18 VAC 120-40-190. Duties of boxing referees.

An assigned referee shall perform the following duties before, during, and after each assigned contest:

1. Provide the prefight instructions to boxers;
2. Assure that each boxer is properly gloved and wearing the required safety equipment;
3. Exercise supervision over the conduct of the contest to assure compliance with this chapter and to take immediate corrective action when a failure to comply is observed;
4. Immediately stop any contest when, in his judgment, one of the boxers is outclassed by the other, injured, or otherwise unable to safely continue to participate in the contest;
5. Endeavor to perform his duties in a manner which does not impede the fair participation of either boxer;
6. Consult, when he feels it appropriate, with the ringside physician on the advisability of stopping the contest if either boxer appears injured or unable to continue;
7. Count for knockdowns and knockouts as provided for in 18 VAC 120-40-340;
8. Determine fouls and stop contests as provided in 18 VAC 120-40-350;
9. Immediately stop any contest and notify the department's representative or contractor present at the event if one or both of the boxers is not putting forth his best effort; and
10. Assure the health and well-being of the boxers to the greatest extent possible.

18 VAC 120-40-200. Duties of boxing judges.

An assigned boxing judge shall perform the following duties before, during, and after each assigned contest:

1. Score each contest on the 10-point system. The better boxer of each round shall receive 10 points and the opponent proportionately less. If the round is even, assign each boxer 10 points. No fractional points shall be given. Points shall be awarded immediately after the end of the round;
2. Be present and attentive during the entire contest;
3. Provide his scorecards to the event inspector or his designee at the end of each round; and
4. Report to the event inspector or his designee promptly at the time directed.

18 VAC 120-40-210. Duties of boxing timekeepers.

An assigned boxing timekeeper shall perform the following duties before, during, and after each assigned contest:

1. Provide a chronometer of a type suitable for timing the rounds of a boxing contest;
2. Assure that a warning is sounded 10 seconds before the start of each round by blowing a whistle or other sound easily heard by the boxers and distinct from the sound signaling the beginning and end of each round;
3. Assure that each round and the interval between each round is correctly and uniformly timed and that a bell or gong with a distinctive tone which is easily heard by the boxers is sounded at the beginning and end of each round;
4. Assist the referee in the counting for a knockdown to assure the downed boxer receives the correct amount of time allowed by this chapter to return to the contest; and
5. Report to the event inspector or his designee promptly at the time directed.

18 VAC 120-40-220. Duties of ringside physicians.

The assigned ringside physician shall perform the following duties before, during, and after each assigned contest:

1. Conduct a physical examination of each boxer immediately before the contest to assure his fitness to compete. In addition, for female boxers, examine the breasts and note any masses, determine whether she is experiencing her menstrual period, and obtain her verbal assurance that she is not pregnant. A pregnancy test may be conducted if the ringside physician determines it is necessary to assure the health and safety of the boxer;
2. Report to the event inspector or his designee promptly at the time directed and remain at ringside during the entire duration of all contests assigned;
3. Signal the referee immediately in the event an injury is observed which the referee has not observed and enter the ring only after the referee has stopped or suspended the contest;
4. Render immediate medical aid to any boxer injured during a contest and, where appropriate, accompany the boxer to the hospital or other place where competent medical aid may be delivered. In no case shall the assigned ringside physician cease the direct application of his skills as a physician to an injured boxer until such time as the ringside physician, in his best medical judgment, determines that his services are no longer necessary or the injured boxer is under the care of other medically competent individuals;
5. Assure all substances in the possession of seconds, trainers, or cutmen are appropriate for use on boxers during the course of the contest; and

6. Report immediately to the department or its contractor his determination of the fitness of each boxer to participate in the boxing contest. A written report summarizing the results of his examination of each boxer shall be provided to the department or its contractor within 24 hours after the date of the licensed boxing event.

PART V.
EVENT LICENSING AND CONDUCT STANDARDS.

18 VAC 120-40-230. Application for a license to conduct a boxing or wrestling event.

A. At least 14 days before the date of any boxing or wrestling event in the Commonwealth, the licensed promoter desiring to conduct the event shall deliver an application for a license to conduct a boxing or wrestling event to the department or its contractor. The application shall be on forms provided by the department and shall [include] :

1. [~~Contain~~] The card of boxing or wrestling contests to be exhibited, including the name of each contestant, and, in the case of a boxing contest, the number of rounds each is scheduled to compete. The promoter may modify the card at any time up to the day of the event by providing the required documents for the additions to and notice of the deletions from the card which accompanied the application;
2. The date, location, and time of the event for which a license is sought;
3. Evidence that all boxers scheduled to compete are covered by a health insurance policy to cover medical expenses for injuries incurred during the boxing event which shall have a minimum of coverage of \$5,000;
4. [~~File Evidence of~~] a surety bond [filed] with the department or its contractor conditioned on the payment of gate fees and penalties imposed by Chapter 8.1 (§ 54.1-828 et seq.) of Title 54.1 of the Code of Virginia and on the fulfillment of contracts made with boxers and wrestlers. The bond shall be in form and substance satisfactory to the department and in an amount equal to the sum of (i) the total gate fee required by this chapter if all seats were to be sold and (ii) the total amount due to all boxers and wrestlers for their appearance in the event, but shall not exceed \$100,000. The bond shall be executed by a surety authorized to do business in the Commonwealth.
5. Acknowledgment that the boxing promoter will provide a copy of the contract between the promoter applying for an event license and each licensed boxer at weigh-in. No contract shall be required from wrestling promoters;
6. A copy of each contract by the promoter for the sale of rights to distribute in any manner such event by any video, telephonic, or other communication method involving the control of electrons or other charge carriers; and

7. A statement that the applicant has read and understands this chapter and will conduct the event in full compliance with same.

B. In no case shall the applicant for an event license announce or advertise, either directly or indirectly, the event to the public until the department has approved the application and issued the event license.

18 VAC 120-40-240. Equipment to be provided by boxing promoters.

The promoter shall assure that each event shall have the following:

1. A boxing ring which shall be in the shape of a square not less than 16 feet nor more than 24 feet on each side within the ropes. The ring floor must extend at least 18 inches beyond the ropes and shall be padded with ensolite or another similar closed-cell foam. Padding must extend beyond the ring ropes and over the edge of the platform with a top covering of canvas, duck, or similar material tightly stretched and laced to the ring platform. Material that tends to gather in lumps or ridges shall not be used. The ring platform shall not be more than five feet above the floor of the building and shall be provided with suitable steps for use by contestants. Ring posts shall be of metal, not more than three inches in diameter, extending from the floor of the building to a height of 58 inches above the ring floor. The ring posts must be at least 18 inches away from the ropes. There shall be four ring ropes not less than one inch in diameter and wrapped in soft material. The lower rope shall be 18 inches above the ring floor;
2. A bell or gong located at the ring no higher than the floor level of the ring. The bell or gong must produce a clear tone easily heard by the contestants;
3. Dressing rooms adequate in number and equipment to reasonably facilitate the boxer's [~~or wrestler's~~] activities before and after the contest. Separate dressing rooms shall be provided when both male and female boxers [~~or wrestlers~~] are scheduled to compete;
4. A fully equipped ambulance with a currently trained ambulance crew at the site of any boxing event for the entire duration of the event;
5. A notice to the nearest hospital and the persons in charge of its emergency room of the date, time, and location of the boxing event;
6. Boxing gloves of at least 10 ounces for all contestants, except that during all championship bouts, boxers weighing under 147 pounds shall wear at least eight-ounce gloves; and
7. Boxing gloves having the distal portion of the thumb attached to the body of the glove so as to minimize the possibility of injury to the opponent's eye and shall, if not new, be whole, clean and in sanitary condition with no displacement or lumping of the padding material. Gloves shall be inspected by the event inspector or his designee

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before each contest and those found defective shall be replaced before the contest begins.

18 VAC 120-40-250. Promoter to provide copy of contract with boxer at weigh-in; penalty for noncompliance; contents of contract.

A. The promoter shall provide a copy of his contract with each boxer scheduled to compete in the event to the event inspector at the time of weigh-in for the event.

B. Failure to provide a copy of the contract for a boxer at weigh-in shall result in the boxer's disqualification to compete in the event.

C. Each contract shall contain the name of the promoter, the name of the boxer, and the amount of compensation to be paid to the boxer by the promoter.

18 VAC 120-40-260. Equipment to be provided by boxing seconds.

Each boxing second shall provide the following equipment for use at the event:

1. A clear plastic water bottle;
2. A bucket containing ice;
3. A solution of a kind approved by the ringside physician to stop hemorrhaging;
4. Adhesive tape;
5. Gauze;
6. Scissors; and
7. One extra mouthpiece.

18 VAC 120-40-270. Equipment to be provided by each boxer.

Each boxer shall provide the following equipment:

1. Trunks for male boxers, and trunks and upper body covering for female boxers;
2. Foul-proof groin protector (males) or foul-proof pelvic girdle and foul-proof breast protector as a binder (females);
3. A mouth piece properly fitted to each boxer's mouth;
4. Boxing shoes;
5. Foot pads - kick boxers only; and
6. Shin pads - kick boxers only.

18 VAC 120-40-280. Contest approval; request for reconsideration [; weight classifications] .

A. The event inspector assigned to an event shall obtain information on each boxer from a boxer registry and examine that information, the results of the ringside physician's examination, and any other pertinent information available to determine, to the extent possible, that both contestants are substantially equal in boxing skill and ability and are medically

fit to compete. No contest shall take place without the approval of the event inspector and the ringside physician assigned to the event by the department or its contractor.

B. No boxer shall participate in a boxing contest who has:

1. Been knocked out in the 60 days immediately preceding the date of the contest;
2. Been technically knocked out in the 30 days preceding the date of the contest;
3. Been a contestant in a boxing bout [of more than six rounds] during the 15 days preceding the date of the contest [or in a boxing bout of six or fewer rounds during the seven days preceding the date of the contest] ;
4. Suffered a cerebral hemorrhage;
5. Suffered a serious head injury or other serious physical injury. The department or its contractor may require an additional, specific medical examination to determine the boxer's suitability; or
6. Been found to be blind in one eye or whose vision in one eye is so poor that a physician recommends the boxer not participate in a boxing contest.

C. No boxer shall participate in a boxing contest while under a suspension from the boxing commission of another jurisdiction of the United States due to:

1. A recent knockout or series of consecutive losses;
2. An injury, requirement for a medical procedure, or physician denial of eligibility to box;
3. Failure of a test for drugs or controlled substances; or
4. The use of false aliases or falsifying, or attempting to falsify, official identification cards or documents.

D. Any promoter or boxer may request a reconsideration by the director of the event inspector's decision by immediately providing in writing additional information or contradictory evidence concerning the boxer's skill, ability, or medical fitness.

E. A boxer who is suspended by a boxing commission of another jurisdiction of the United States may be allowed to box if:

1. The boxer was suspended for a knockout, technical knockout, series of consecutive losses, an injury, a requirement of a medical procedure, or physician denial of certification and the time interval for knockouts and technical knockouts in subsection B of this section has been met and further proof of sufficiently improved medical or physical condition has been furnished;
2. The boxer was suspended for the failure of a drug test or the use of false aliases or falsifying, or attempting to falsify, official identification cards or documents and that a suspension was not, or is no longer, merited by the facts;

3. The boxer was suspended for any reason other than those mentioned in subdivisions 1 and 2 of this subsection and the department or the department's contractor notifies the suspending commission in writing and consults with the designated official of the suspending commission prior to the grant of approval for such boxer to participate in a boxing contest; or

4. The boxer was suspended for any reason other than those mentioned in subdivisions 1 and 2 of this subsection and the boxer's appeal to the Association of Boxing Commissions results in a determination that the suspension was without sufficient grounds, was for an improper purpose, or was not related to the health and safety of the boxer or the purposes of the federal Professional Boxing Safety Act of 1996 (15 USC § 6301 et seq.).

F. Each boxer shall compete only with a boxer within the same weight classification as specified in the following schedule:

Mini-Flyweight	up to 105 pounds
Light-Flyweight	over 105 to 108 pounds
Flyweight	over 108 to 112 pounds
Junior Bantamweight	over 112 to 115 pounds
Bantamweight	over 115 to 118 pounds
Junior Featherweight	over 118 to 122 pounds
Featherweight	over 122 to 126 pounds
Junior Lightweight	over 126 to 130 pounds
Lightweight	over 130 to 135 pounds
Junior Welterweight	over 135 to 140 pounds
Welterweight	over 140 to 147 pounds
Junior Middleweight	over 147 to 154 pounds
Middleweight	over 154 to 160 pounds
Super Middleweight	over 160 to 168 pounds
Light-Heavyweight	over 168 to 175 pounds
Cruiserweight	over 175 to 190 pounds
Heavyweight	over 190 pounds

G. No boxer may engage in a boxing contest without the approval of the department or the department's representative if the difference in weight between the contestants exceeds the allowance shown in the following schedule:

Up to 118 pounds, not more than 3 pounds
118 pounds - 126 pounds, not more than 5 pounds
126 pounds - 135 pounds, not more than 7 pounds
135 pounds - 147 pounds, not more than 9 pounds
147 pounds - 160 pounds, not more than 11 pounds
160 pounds - 175 pounds, not more than 12 pounds
175 pounds - 190 pounds, not more than 20 pounds
190 pounds and over, no limit.

18 VAC 120-40-290. Boxing event conduct standards.

A. Bandaging of each boxer's hands shall not exceed one winding of surgeon's adhesive tape, not over 1½ inches wide, placed directly on the hand to protect the part of the hand near the wrist. The tape may cross the back of the hand twice but may not extend within three-fourths of an inch

of the knuckles when the hand is clenched to make a fist. Soft surgical bandage, not over two inches wide, held in place by not more than six feet of surgeon's adhesive tape for each hand shall be used. Up to one 15-yard roll of bandage may be used to complete the wrappings for each hand. Strips of tape may be used between the fingers to hold down the bandages. Bandages shall be adjusted in the dressing room in the presence of the event inspector or his designee.

B. Any boxer who has signed a contract to box on a promoter's program shall be subject to be called by the department to appear at any time to be weighed or to be examined by a physician designated by the department when the department has reason to believe the boxer may not be qualified or may not be medically sound to participate in the contest.

C. Each boxer who signs a contract to box on a promoter's program shall appear at a time and place designated by the department or its contractor to be weighed on department-approved scales in the presence of each other and a representative designated by the department. Boxers shall have all weights removed from their bodies before the weigh-in but may wear shorts in the case of males, and shorts and shirts in the case of females.

D. Each boxer shall be examined immediately before the contest by a ringside physician assigned to the event and shall not participate in the contest unless pronounced medically able to compete by the ringside physician.

18 VAC 120-40-300. Access to boxer's dressing rooms.

On the day of a contest, only the following individuals are allowed in the dressing room of a boxer:

1. The boxer's manager;
2. The boxer's trainers, seconds, or cutmen;
3. The promoter's representatives;
4. Any representative of the department or its contractor in the conduct of his official duties; and
5. Any representative of a law-enforcement agency of competent jurisdiction while discharging his official duties.

18 VAC 120-40-310. Referee's instructions to boxing contestants.

The referee shall, before starting a contest, ascertain from each boxer the name of his chief second, and shall hold the chief second responsible for the conduct of the assistant seconds during the progress of the contest. The referee shall call contestants together before each bout for final instructions, at which time each contestant shall be accompanied by his chief second only.

18 VAC 120-40-320. Number and conduct of seconds.

A. No contestant may have more than four seconds, except that in a contest for a world title, the department or its contractor may authorize five seconds.

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B. Only one of the seconds may be inside the ring ropes between rounds.

C. Any excessive or undue spraying or throwing of water on any boxer by a second between rounds is prohibited.

D. Seconds shall not enter the ring until the bell signals the end of a round. Seconds shall leave the ring at the sound of the timekeeper's warning that 10 seconds [~~remains~~ remain] before the start of the next round, removing all buckets, stools and other equipment promptly.

E. Seconds shall not use during any contest Monsol's solution, alcoholic beverages, stimulants, or other substances not approved by the department or its contractor.

18 VAC 120-40-330. Duration of round.

Each round of boxing shall be three minutes in duration with a one-minute lapse between rounds, except that bouts between female boxers shall consist of two-minute rounds with a one-minute lapse between rounds.

18 VAC 120-40-340. Counting by referee during knockdowns and knockouts.

A. A boxer who is knocked from his feet by a blow from his opponent shall receive a count of 10 seconds from the referee. The referee shall begin his count when the boxer is down or is helpless on the ropes.

B. A boxer who leaves the ring during a round for any reason shall have a count of 20 seconds to reenter the ring unassisted.

C. The referee shall administer a "mandatory eight" count to a boxer who is knocked down.

D. The referee shall rule as a knockout any count of 10 where the boxer is unable or unwilling to reenter the contest before the count of 10 or, in the case of a boxer who has left the ring for any reason, before the count of 20. The opponent of the boxer so counted shall win the contest.

18 VAC 120-40-350. Boxing fouls, duties of referee, and deduction of points.

A. Any of the following acts committed by a boxer during a boxing contest shall constitute a foul:

1. Hitting below the belt.
2. Hitting an opponent who is down or is getting up after being down.
3. Holding an opponent with one hand and hitting with the other.
4. Holding or deliberately maintaining a clinch.
5. Wrestling or kicking.
6. Striking an opponent who is helpless as a result of previous blows and so supported by the ropes that he does not fall after being instructed by the referee to a neutral corner.
7. Butting with the head or shoulder or using the knee.

8. Hitting with the open glove, the butt of the hand, the wrist or the elbow, and all backhand blows.

9. Purposely going down without being hit.

10. Striking deliberately at that part of the body over the kidneys.

11. Deliberately using the rabbit punch.

12. Jabbing the opponent's eyes with the thumb of the glove.

13. Using abusive language in the ring.

14. Engaging in any unsportsmanlike trick or action which causes injury to an opponent.

15. Hitting on the break.

16. Hitting after the bell has sounded signaling the end of the round.

17. Hitting an opponent whose head is between or outside of the ropes.

18. Pushing an opponent about the ring or into the ropes.

B. Referees are responsible for enforcing the rules of the contest and shall not permit fouls or other unfair practices which may cause an injury to a boxer. Referees shall warn each boxer who commits a foul during a boxing contest.

C. Any boxer who commits any foul after being warned by the referee may have points deducted by the referee or may lose the contest by disqualification by the referee.

D. Boxers who commit fouls or any other infraction may be penalized by the referee through the deduction of points from his score. The number of points to be deducted shall be determined by the referee based on his determination of the severity of the foul and its adverse effect on the opponent and shall be reported to the judges and both contestants as soon as practical. The points shall be deducted from the score of the round in which the fouls were committed.

E. The referee shall stop a contest when he determines that a foul has occurred and determine whether the fouled boxer is able to continue. The referee may order the contest suspended for a reasonable period of time to allow the fouled boxer to recover if the referee determines the boxer's chance of winning has not been seriously jeopardized. The referee shall inform the event inspector or his designee of his determination that the foul was accidental.

F. The referee shall stop a contest when he determines that an injury resulting from an accidental foul is so severe as to adversely affect the fouled boxer's chances of winning. The contest shall be a draw if the accidental foul occurs during the first three rounds. The contest shall be determined by a tabulation of the scores of the completed rounds if the accidental foul occurs after the third round.

G. The referee shall stop a contest when he determines that an injury resulting from an accidental foul has been aggravated by fair blows. The outcome of the contest shall be determined by scoring the completed rounds.

18 VAC 120-40-360. Scoring of boxing contest, decisions, and announcement of decisions.

A. Each contest shall be scored by the judges assigned by the department or its contractor. At the end of each round, the score cards shall be presented to the event inspector or his designee who shall examine the score cards. The winner shall be the boxer who receives the highest score from the majority of the judges. The contest is a draw if neither boxer scores so as to obtain a majority.

B. When the event inspector has examined the score cards and checked them for accuracy, he shall inform the ring announcer of the decision. The announcer may inform the audience of the decision.

C. The department shall not change a decision rendered at the end of any boxing contest unless:

1. It is determined that there has been wrongful or illegal collusion affecting the result of the contest;
2. An error is found in the compilation of the scorecards which discloses an error which shows that the decision favored the wrong boxer; or
3. The department determines through investigation that there was a violation of this chapter which adversely impacted on the fairness of the contest or the decision.

18 VAC 120-40-370. Boxer conduct standards.

A. The administration of or use of any alcohol, controlled substance, or stimulant in any part of the body, either before or during a match, to or by any boxer shall be grounds for disciplinary action.

B. A boxer shall submit to a urinalysis or chemical test before or after a contest if the department or its contractor directs him to do so. Failure to submit to medical testing shall be grounds for disciplinary action.

C. A boxer found to be under the influence of alcohol or any controlled substance shall be subject to disciplinary action.

18 VAC 120-40-380. Full contact karate (kick boxing) event conduct standards.

The provisions of this chapter which apply to boxers shall also apply to full contact karate (kick boxing) with the following modifications:

1. Contests shall not exceed 12 two-minute rounds with a one-minute rest period between rounds.
2. Fouls may result in the deduction of one or more points based on the severity of the foul as determined by the referee. The referee shall base his decision as to the severity of the foul on the intent of the contestant committing the foul and the result of the foul on the

fouled contestant. At the time of the foul, the referee shall indicate to the judges the number of points to be subtracted from each judge's ballot. Fouls include:

- a. Head butting;
- b. Striking with the elbow;
- c. Striking to the groin;
- d. Attacking with the knee;
- e. Chopping to the back of the neck (rabbit punch);
- f. Striking to the face with any part of the arm other than the gloved hand (as in the spinning-back first attempt which lands with the forearm or elbow);
- g. Kicking to the legs;
- h. Punching or kicking a contestant when he is down (A contestant is knocked down when any part of his body, other than his feet, touches the floor. If a contestant is on his way to the floor, his opponent may continue to attack until he has touched the floor with any part of his body other than his feet.);
- i. Takedowns;
- j. Intentionally pushing, shoving, or wrestling an opponent out of the ring with any part of the body;
- k. Sweeping other than boot to boot;
- l. Attacking on the break when both contestants have been ordered to take one step back by the referee;
- m. Attacking after the bell has sounded to end the round;
- n. Holding and hitting, such as holding with one hand, especially behind the neck, and hitting with the other hand;
- o. Grabbing or holding onto an opponent's foot or leg, followed by a takedown;
- p. Holding the ropes with one hand while kicking, punching, or defending with the other hand or with the legs;
- q. Leg checking - extending the leg to check an opponent's leg to prevent him from kicking;
- r. Purposely going down without being hit, resulting in the referee automatically administering an 8 count;
- s. Using abusive language in the ring;
- t. Hitting or flicking with an open glove; and
- u. Refusing to compete.

18 VAC 120-40-390. Reporting the results of boxing contests.

Not later than two business days after the conclusion of a boxing match, the department or its contractor shall report the results of such boxing match and any related ineligibility

Final Regulations

to compete in boxing contests to each boxer registry as required by the federal Professional Boxing Safety Act of 1996 (15 USC § 6301 et seq.).

18 VAC 120-40-400. Wrestling event conduct standards.

A. Wrestling exhibitions shall be conducted inside the ring ropes [or inside of a securely barricaded area which positively prevents any direct contact between the wrestlers and the audience].

B. Each match shall be conducted under the supervision of a referee who shall be currently licensed as a wrestler and who shall be responsible for the safety of the spectators.

C. Each participant in each wrestling match shall be currently licensed as a wrestler.

D. In no case shall a wrestler intentionally cause a flow of blood or other bodily fluid from his body during the course of the exhibition.

E. In the event a visible flow of blood or other bodily fluid from any wrestler occurs during a contest, the referee shall immediately suspend the contest until medical treatment can be obtained. If the flow of blood or other bodily fluid cannot be stopped, the exhibition involving that wrestler shall not continue.

F. Neither referees nor promoters shall permit physically dangerous conduct or tactics by any wrestler.

G. Promoters shall maintain peace, order, and decency in the conduct of any wrestling exhibition.

18 VAC 120-40-410. Promoter to allow access to event and event facilities.

A. The department may assign one or more representatives to each event to evaluate the contractor's performance or to assure compliance with Chapter 8.1 (§ 54.1-828 et seq.) of Title 54.1 of the Code of Virginia and this chapter.

B. All event officials and representatives of the department assigned to an event, whether to monitor the contractor's performance or for any other authorized purpose, shall be granted immediate access by the promoter and the promoter's representatives to the licensed event and to any area or portion of the event facilities.

PART VI. GATE FEES.

18 VAC 120-40-420. Reporting, verification, and payment of gate fees.

A. Each promoter shall furnish to the department, within 24 hours after the completion of each boxing or wrestling event, a written and verified report on the form provided by the department showing the number of tickets sold, unsold, and given away and the amount of gross proceeds thereof for such events originating in the Commonwealth. The report shall also include the total gross proceeds from the sale of rights to distribute in any manner such event by any video,

telephonic, or other communication method involving the control of electrons or other charge carriers for such live events originating in the Commonwealth.

B. The promoter shall pay the department, within the same 24-hour period, a fee of (i) 5.0% of the first \$100,000 of its total gross receipts and (ii) [~~2.4%~~ 2.5%] of the remainder of its total gross proceeds.

C. The department or its contractor may examine or cause to be audited the records and accounts of the promoter.

PART VII.

STANDARDS OF CONDUCT AND PERFORMANCE.

18 VAC 120-40-430. Grounds for disciplinary action by the department.

A. The department shall have the authority to deny application for [a license or event license] and to deny renewal of a license [~~or event license~~] as well as to discipline a licensee through a fine, license suspension, or license revocation for the following reasons:

1. [~~The licensee violates~~ Violating] or [~~induces inducing~~] another person to violate any provisions of Chapters 1, 2, 3 or 8.1 of Title 54.1 of the Code of Virginia or of this chapter.

2. [~~The licensee obtained his license or event license through~~ Using] misrepresentation or fraud [to obtain or attempt to obtain a license or event license].

3. [~~The applicant or licensee is found to have~~ Having] a medical condition which makes participation in boxing or wrestling events a health hazard.

4. [~~The applicant or licensee has altered~~ Altering] a license issued by the department.

5. [~~The applicant or licensee has~~ Having] been convicted in any jurisdiction of any felony or of any misdemeanor involving lying, cheating or stealing, or of any misdemeanor for acts carried out while engaged in boxing, wrestling, or other athletic activities. Any plea of nolo contendere shall be considered a conviction for the purposes of this subsection. A certified copy of a final order, decree or case decision by a court or regulatory agency with the lawful authority to issue such order, decree or case decision shall be admissible as prima facie evidence of such conviction or discipline.

6. [~~The applicant or licensee has~~ Having] been the subject of disciplinary action taken by Virginia or another jurisdiction in connection with the [~~applicant's~~] participation in or promotion of professional athletic contests or activities, including but not limited to, monetary penalties, fines, suspension, revocation, or surrender of a license in connection with a disciplinary action.

7. [~~The applicant for a license as a boxer or licensed boxer failed~~ Failing] or [~~refused~~ refusing] to appear

when directed by the department or its contractor for the purposes of weighing or conducting a medical examination.

8. [~~The applicant or licensee fails~~ Failing] to furnish a valid reason or a doctor's certificate to explain any failure to appear at an event in which [~~he~~ an applicant or licensee] agreed to participate by signing a contract.

B. The department, or its contractor if the contractor's duties include the conduct of disciplinary proceedings, shall conduct disciplinary procedures in accordance with the Administrative Process Act (§ 9-6.14:4.1 et seq. of the Code of Virginia).

NOTICE: The forms used in administering 18 VAC 120-40-10 et seq., Virginia Professional Boxing and Wrestling Events Regulations, 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 Professional and Occupational Regulation, 3600 W. Broad Street, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 9th and Broad Streets, 2nd Floor, Richmond, Virginia.

FORMS

Boxing and Wrestling Non-Participant License Application, [~~B&WNPLIC, eff. 8/98~~ 41INPLIC (rev. 4/99)].

Boxing and Wrestling Promoter License Application, [~~B&WPPLIC, eff. 8/98~~ 41PRLIC (rev. 4/99)].

Boxing and Wrestling Event License Application, [~~B&WEVLIC, eff. 9/98~~ 41EVLIC (rev. 4/99)].

Boxing and Wrestling Event Card Additions and Deletions Form, [~~B&WEVCHG, eff. 8/98~~ 41VCHG (rev. 4/99)].

Boxing and Wrestling Approved Boxing and Wrestling Official Application, [~~B&WOFAPP, eff. 8/98~~ 41OFAPP (rev. 4/99)].

Boxing and Wrestling Event Surety Bond Form, [~~B&WBOND, eff. 8/98~~ 41EVBOND (rev. 4/99)].

Boxing and Wrestling Participant License Application, [~~B&WPLIC, eff. 8/98~~ 41PLIC (rev. 4/99)].

Boxing and Wrestling Deposit Verification, [~~eff. 8/98~~ 41DEPOSIT (rev. 6/99)].

Boxing and Wrestling Promoter's Fee Report, B&WPFR FIN, eff. 10/98.

VA.R. Doc. No. R98-252; Filed June 14, 1999, 4:17 p.m.

TITLE 24. TRANSPORTATION AND MOTOR VEHICLES

COMMONWEALTH TRANSPORTATION BOARD

Title of Regulation: **24 VAC 30-250-10. Guidelines for the Procurement and Management of Professional Services.**

Statutory Authority: § 33.1-12 of the Code of Virginia.

Effective Date: June 14, 1999.

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 decisions on award or denial of state contracts. 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 regulation specifies the steps involved in soliciting interest from bidders, evaluating proposals, making decisions to negotiate or award contracts, securing approvals, and monitoring performance and financial data. It undergoes periodic review and revision to ensure that consultant selection is consistent with sound business practices and pertinent agency policies and procedures. The revisions to the regulation deal with guidelines to Virginia Department of Transportation staff in using consultant performance reports in the selection.

Document available for inspection at the following location:

Virginia Department of Transportation
Administrative Services Division
Memorial Hospital Building, 1st Floor
1201 East Broad Street
Richmond, VA 23219

VA.R. Doc. No. R99-200, Filed June 14, 1999, 9:56 a.m.

FORMS

TITLE 4. CONSERVATION AND NATURAL RESOURCES

DEPARTMENT OF MINES, MINERALS AND ENERGY

EDITOR'S NOTICE: The following forms have been amended by the Department of Mines, Minerals and Energy. The forms are not being published due to the large number of pages; however, the name of each form is listed below. The forms are available for public inspection at the Department of Mines, Minerals and Energy, Ninth Street Office Building, 202 North 9th Street, Richmond, VA 23219, or at the department's Big Stone Gap office. Copies of the forms may be obtained from Cheryl Cashman, Department of Mines, Minerals and Energy, Ninth Street Office Building, 202 North 9th Street, Richmond, VA 23219, telephone (804) 692-3213.

Title of Regulation: 4 VAC 25-20-10 et seq. Board of Coal Mining Examiners Certification Requirements.

Application for Certification Examination, DM-BCME-1 (Issued 2/1/96 rev. 5/99).

Title of Regulation: 4 VAC 25-35-10 et seq. Certification Requirements for Mineral Miners.

Verification of Work Experience Form, DMM-BMME-2 (rev. 4/29/96 5/99).

Title of Regulation: 4 VAC 25-40-10 et seq. Safety and Health Regulations for Mineral Miners.

Notice of Operator Intent, DMM-156 (rev. 4/95 4/99).

Title of Regulation: 4 VAC 25-130-10 et seq. Coal Surface Mining Reclamation Regulations.

Application for Permit for Coal Surface Mining and Reclamation Operations and National Pollutant Discharge Elimination Systems (NPDES), DMLR-PT-034 (rev. 4/94 2/99).

Coal Exploration Notice, DMLR-PT-051 (rev. 4/96 11/98).

Affidavit (Permit Application Information: Ownership & and Control Information and Violation History Information), DMLR-PT-240 (rev. 4/96 12/98).

Affidavit (No Legal Change in a Company's Identity), DMLR-PT-250 (rev. 4/96 12/98).

◆ ————— ◆

TITLE 9. ENVIRONMENT

STATE WATER CONTROL BOARD

EDITOR'S NOTICE: The following forms have been amended by the State Water Control Board. The forms are not being published due to the large number of pages; however, the name of each form is listed below. The forms are available for public inspection at the State Water Control Board, Department of Environmental Quality, 629 East Main Street, Richmond, VA 23219. Copies of the forms may be obtained from Cindy Berndt, Department of Environmental Quality, 629 East Main Street, Richmond, VA 23219, telephone (804) 698-4378.

Title of Regulation: 9 VAC 25-610-10 et seq. Ground Water Withdrawal Regulations.

~~Department of Environmental Quality~~ Water Division Permit Application Fee.

Application for a ~~Groundwater~~ Ground Water Withdrawal Permit (*with instructions*) (eff. 9/93 rev. 6/99).

~~Agricultural Groundwater Withdrawal Application for Existing Users to Obtain a Groundwater Withdrawal Permit (eff. 10/93).~~

~~Preliminary Groundwater Withdrawal Application to Convert an Existing Certificate of Groundwater Right or Permit to Withdraw Groundwater to a Groundwater Withdrawal Permit.~~

~~Preliminary Groundwater Withdrawal Application to Convert an Existing Certificate of Groundwater Right or Permit to Withdraw Groundwater to a Groundwater Withdrawal Permit for Use by Political Subdivisions, etc.~~

~~Ground Water Withdrawal Permit Change of Ownership Agreement Form (eff. 6/99).~~

~~Revocation Agreement Form (eff. 6/99).~~

~~Water Well Completion Report, Form GW2, (eff. 1978 rev. 6/99).~~

~~Permit to Withdraw Ground Water (eff. 6/99).~~

~~Public Notice Authorization Form - Authorization for Public Notice Billing to Ground Water Withdrawal Permit Applicant (eff. 6/99).~~

~~Preapplication Meeting Application for a Ground Water Withdrawal Permit (eff. 6/99).~~

~~Local and Areawide Planning Requirements (eff. 5/99).~~

~~Quarterly Groundwater Withdrawal Report.~~

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GENERAL NOTICES/ERRATA

STATE CORPORATION COMMISSION

Bureau of Insurance

May 28, 1999

Administrative Letter 1999-4

TO: ALL COMPANIES LICENSED TO WRITE HOMEOWNERS INSURANCE IN VIRGINIA AND INTERESTED PARTIES

RE: WIND AND HURRICANE DEDUCTIBLES

The State Corporation Commission's Bureau of Insurance recently conducted a survey to determine how many companies write policies with wind or hurricane deductibles and how the companies advise their policyholders of these deductibles. The Bureau found that some companies do not send a special letter or notice advising their policyholders that their homeowners policy is subject to a special wind or hurricane deductible.

The Bureau is concerned that many Virginia policyholders whose policies are subject to special wind or hurricane deductibles are not aware of how these deductibles work. Some policyholders may not even be aware that their policy is subject to the deductible.

The Bureau, therefore, recommends that all companies which write policies with wind, hurricane, or tropical storm deductibles send a notice to their policyholders explaining how the deductible works, if they have not already done so. This should be written in plain language so that it may be easily understood by the average policyholder. The Bureau also recommends that the notice be sent prior to hurricane season this year.

/s/ Alfred W. Gross
Commissioner of Insurance

Agency Contact: Mary Tompkins, State Corporation Commission, Bureau of Insurance, Tyler Building, 6th Floor, P.O. Box 1157, Richmond, VA 23218, telephone (804) 371-9802.

June 7, 1999

Administrative Letter 1999-5

TO: ALL INSURERS LICENSED TO WRITE ACCIDENT AND SICKNESS INSURANCE, LIFE INSURANCE, VARIABLE LIFE INSURANCE, ANNUITIES, VARIABLE ANNUITIES, MODIFIED GUARANTEED ANNUITIES, CREDIT LIFE INSURANCE, OR CREDIT ACCIDENT AND SICKNESS INSURANCE IN VIRGINIA

ALL HEALTH SERVICES PLANS, FRATERNAL BENEFIT SOCIETIES, HEALTH MAINTENANCE ORGANIZATIONS, LEGAL SERVICES PLANS, OR DENTAL OR OPTOMETRIC SERVICES PLANS

RE: POLICY PROVISIONS LIMITING LIABILITY FOR DAMAGES

It has recently come to my staff's attention that many policy forms, evidences of coverage, and other related documents submitted to the Bureau of Insurance, ("Bureau") for approval contain provisions under which a carrier's liability would be limited in the event a lawsuit is initiated by a policyholder or his representative for recovery of direct or indirect damages. The purpose of this administrative letter is to notify carriers of the types of limitations which will or will not be accepted under such provisions, and to provide guidance concerning the Bureau's rationale in formulating approval guidelines relating to these types of provisions. The Bureau has identified and evaluated a number of specific limitations in these provisions, as follow:

Legal Fees

Section 38.2-209 of the Code of Virginia expressly permits an award of attorney fees in a suit brought by an insured to determine coverage where the court determines the insurer has not acted in good faith in failing to make payments to its insured under a policy. Thus, any provision barring the recovery of attorney fees will be disapproved as not conforming with the laws of this Commonwealth, in accordance with § 38.2-316 D 1 of the Code of Virginia.

Our review of §§ 38.2-4214, 38.2-4319, 38.2-4408 and 38.2-4509 indicates that these sections currently do not include references to § 38.2-209.

Punitive Damages

The Bureau believes there is ample authority in relevant case law to support its position that it is against the public policy of Virginia for a carrier to exempt itself from future liability for punitive damages when such an exemption would apply to any suit or any cause of action which might be brought against a carrier, including suits with counts in tort. Therefore, provisions which exempt a carrier's liability for punitive damages will be disapproved, in accordance with § 38.2-316 D 3 of the Code of Virginia. It should be noted, however, that the Bureau does not assert that a limitation on punitive damages conflicts with contract law since, as a general rule, damages for breach of contract are limited to the pecuniary loss sustained. Therefore, while the Bureau will not approve a provision under which the carrier is exempted from all liability for punitive damages, it will approve a provision under which it is clearly stated that such losses are not recoverable under the policy.

Indirect or Consequential Damages

Unlike punitive damages, consequential damages may be recovered in certain breach of contract actions. Provisional language which exempts a carrier from liability for indirect or consequential damages, or which seek to limit the full range of remedies to which an insured may be entitled as a result of the carrier's actions in breaching the insurance contract will considered to be impermissible as against the public policy of Virginia, and will be disapproved accordingly.

General Notices/Errata

While the Bureau will disapprove those specific limitations noted above, it will accept certain limitations placed on the amount of covered benefits under a policy, provided there is no reference to a limitation applicable to extra-contractual damages. Language similar or substantially similar to the following will be acceptable:

In the event you or your representative sue [carrier] or any of [carrier's] directors, officers or employees acting in his or her capacity as a director, officer, or employee, for a determination of what coverage, if any, exists under this policy, your damages shall be limited to the amount of your claim for benefits. The damages shall not exceed the amount of any claim not properly paid as of the time the lawsuit is filed. This policy does not provide coverage for punitive damages, or damages for emotional distress or mental anguish; provided, however, this provision is not intended, and shall not be construed, to affect in any manner any recovery by you or your representative of any non-contractual damages to which you or your representative may otherwise be entitled.

The Bureau will grant carriers a period of sixty (60) days from the date of this letter to identify any inappropriate language in forms currently in use and resubmit revisions or amendments for approval.

Revised submissions, as well as any questions relating to this matter, should be referred IN WRITING to Jacqueline K. Cunningham, Supervisor, Forms and Rates Section - Life and Health Division, State Corporation Commission, Bureau of Insurance, Tyler Building, 6th Floor, Post Office Box 1157, Richmond, Virginia 23218, telephone (804) 371-9110.

/s/ Alfred W. Gross
Commissioner of Insurance

Agency Contact: Jackie Cunningham, State Corporation Commission, Bureau of Insurance, Tyler Building, 6th Floor, P.O. Box 1157, Richmond, VA 23218, telephone (804) 371-9110.

* * *

June 7, 1999

Administrative Letter 1999-6

TO: ALL MANAGED CARE HEALTH INSURANCE PLAN
("MCHIP") LICENSEES

RE: BUREAU OF INSURANCE, OFFICE OF THE
MANAGED CARE OMBUDSMAN

IMMEDIATE ATTENTION REQUIRED. INFORMATION CONTAINED IN THIS LETTER IS NEEDED BY MCHIPs IN ORDER TO COMPLY WITH STATUTORY REQUIREMENTS EFFECTIVE JULY 1, 1999

As many of you are aware, the 1999 Virginia General Assembly enacted, and Governor Gilmore signed House Bill

871/Senate Bill 1235. This legislation becomes law on July 1, 1999.

Among other things, these bills created a new position within the Bureau of Insurance, to be called the "Managed Care Ombudsman." The specific duties of the Managed Care Ombudsman are stated in new § 38.2-5909, but the primary purposes of this new position, as we see it, are:

1. To assist Virginia consumers covered under MCHIP products in understanding and exercising their rights of appeal of adverse decisions by MCHIPs; and
2. To engage in expanded consumer outreach efforts throughout the Commonwealth so that more Virginians are aware both of the existence of the Bureau and its Managed Care Ombudsman and of their rights of appeal of adverse decisions by MCHIPs.

The same legislation also provides for creation and administration by the Bureau of a process for "independent external review of adverse utilization review decisions." However, the legislation provided for additional time for the State Corporation Commission to adopt regulations and put this process in place. This is not, therefore, the subject of this particular communication.

I am pleased to announce that the Bureau of Insurance has created within the Life and Health Division the Office of the Managed Care Ombudsman, and has put the initial staff of this office in place. I have named as Managed Care Ombudsman Mr. Thomas S. Bridenstine. Many of you may be familiar with Mr. Bridenstine, who was until recently the Supervisor, Managed Care Health Plans with the Virginia Department of Health's Center for Quality Health Care Services and Consumer Protection. Mr. Bridenstine comes to us with an impressive background in managed care and a strong working knowledge of the issues that will be addressed by his office. Additional professional staff has been moved from other areas of the Bureau's Life and Health Division, and will be ready to begin their duties when the new law takes effect on July 1, 1999.

I am sure that Mr. Bridenstine and members of his staff will be contacting many of you directly in an effort to obtain topical information. I ask that you provide him with the utmost cooperation.

In addition to introducing Mr. Bridenstine, the primary purpose of this administrative letter is to provide MCHIPs with the information they will be required to disseminate under the new law.

Section 32.1-137.6 will require that complaint forms and/or written procedures furnished to covered persons who wish to register written complaints include the mailing address, telephone number and e-mail address of the Managed Care Ombudsman.

[not required until the external review process is in place] § 32.1-137.15 will require that when an internal appeal results in a final adverse decision, the notification to the covered person of his or her right to appeal to the Bureau of Insurance must include the mailing address, telephone

number and e-mail address of the Managed Care Ombudsman.

Section 38.2-5804 will require that the forms and/or procedures that MCHIPs must provide to covered persons for registering written complaints include the mailing address, telephone number and e-mail address of the Managed Care Ombudsman.

The information you will need to comply with these requirements of law is contained in the box on the following page.

Mr. Bridenstine and his staff will officially assume their duties on July 1, 1999. We appreciate your patience during this transition period.

ADDRESS:	OFFICE OF THE MANAGED CARE OMBUDSMAN BUREAU OF INSURANCE P.O. BOX 1157 RICHMOND, VA 23218
TELEPHONE:	<u>TOLL-FREE:</u> 1-877-310-6560 (Note: This number is separate from the Bureau's existing toll-free number, and is exclusive to the Office of the Managed Care Ombudsman) <u>RICHMOND METROPOLITAN AREA:</u> 804-371-9032
E-MAIL:	ombudsman@scc.state.va.us
WEB PAGE:	INFORMATION REGARDING THE OMBUDSMAN MAY BE FOUND BY ACCESSING THE STATE CORPORATION COMMISSION'S WEB PAGE AT: http://www.state.va.us/scc

/s/ Alfred W. Gross
Commissioner of Insurance

Agency Contact: Mary Tompkins, State Corporation Commission, Bureau of Insurance, Tyler Building, 6th Floor, P.O. Box 1157, Richmond, VA 23218, telephone (804) 371-9802.

STATE WATER CONTROL BOARD

Proposed Consent Special Order Norfolk Southern Railway Company

The State Water Control Board proposes to take an enforcement action against the Norfolk Southern Railway Company, in regard to the Lambert's Point Railroad yard, located at 2200 Redgate Avenue in Norfolk, Virginia. The enforcement action will be a consent special order that will require the company to upgrade their stormwater collection and treatment system and come into compliance with appropriate Virginia laws and regulations.

The Department of Environmental Quality will receive written comments relating to the board's proposed consent special order from July 5, 1999, through August 3, 1999. Comments should be addressed to David S. Gussman, Department of Environmental Quality, Tidewater Regional Office, 5636 Southern Boulevard, Virginia Beach, Virginia 23462, and should refer to the Norfolk Southern Railway Company consent special order. The proposed order may be examined at the above address and copies of the order may be obtained in person or by mail.

Proposed Consent Special Order Northumberland County

The State Water Control Board proposes to issue a consent special order to Northumberland County for the Northumberland High School wastewater treatment facility in order to bring it into compliance with its VPDES permit. The proposed order addresses violations of the VPDES permit final ammonia effluent limits and requires the county to submit for funding through the Virginia Revolving Loan Fund to upgrade the high school wastewater treatment facility. The order places the high school on a schedule to comply with the effluent limits in the VPDES permit no later than February 1, 2001.

On behalf of the State Water Control Board, the Department of Environmental Quality will receive for 30 days from the date of publication of this notice written comments relating to the proposed consent special order. Comments should be addressed to Cynthia Akers, 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>

General Notices/Errata

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

ERRATA

STATE CORPORATION COMMISSION

Title of Regulation: 20 VAC 5-400-10 et seq.
Telecommunications.

Publication: 15:19 VA.R. 2471-2473 June 7, 1999.

Correction to Final Regulation:

Page 2473, column 2, 20 VAC 5-400-151 D, line 7,
replace "interchange" with "interexchange"

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 OF ACCOUNTANCY

July 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☎

COMMONWEALTH COUNCIL ON AGING

† **July 15, 1999 - 10 a.m.** -- Open Meeting

Department for the Aging, 1600 Forest Avenue, Suite 102, Richmond, Virginia.♿

A regular business meeting.

Contact: Ann Y. McGee, Ed.D., Commissioner, Department for the Aging, 1600 Forest Ave., Suite 102, Richmond, VA 23229, telephone (804) 662-9333.

BOARD OF AGRICULTURE AND CONSUMER SERVICES

July 27, 1999 - 9 a.m. -- Open Meeting

Four Points Hotels Sheraton, 1400 East Market Street, Madison/Jefferson Room, Harrisonburg, Virginia.♿

A regular meeting to discuss Virginia agriculture and consumer protection. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the

meeting should contact Roy E. Seward at least five days before the meeting date so that suitable arrangements can be made.

Contact: Roy E. Seward, Secretary to the Board, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Room 211, P.O. Box 1163, Richmond, VA 23218, telephone (804) 786-3535 or FAX (804) 371-2945.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Virginia Irish Potato Board

† **September 14, 1999 - 8 p.m.** -- Open Meeting

Brewers East Inn, 2484 North Landing Road, Virginia Beach, Virginia.♿

A meeting to (i) hear and approve minutes of the last meeting; (ii) receive the board's financial statement; (iii) discuss promotion, research and educational programs; and (iv) establish the board's annual budget. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any special accommodations in order to participate at the meeting should contact J. William Mapp at least five days before the meeting date so that suitable arrangements can be made.

Contact: J. William Mapp, Program Director, Virginia Irish Potato Board, P.O. Box 26, Onley, VA 23418, telephone (757) 787-5867 or FAX (757) 787-5973.

Calendar of Events

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Pesticide Control Board

July 15, 1999 - 9 a.m. -- Open Meeting
Department of Agriculture and Consumer Services,
Washington Building, 1100 Bank Street, Board Room, Room
204, Richmond, Virginia. 

A general business meeting. Portions of the meeting may be held in closed session pursuant to § 2.1-344 of the Code of Virginia. The public will have an opportunity to comment on any matter not on the board's agenda beginning at 9 a.m. Any person who needs any accommodations in order to participate at the meeting should contact Dr. Marvin A. Lawson at least seven days before the meeting date so that suitable arrangements can be made.

Contact: Dr. Marvin A. Lawson, Program Manager, Office of Pesticide Services, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Room 401, P.O. Box 1163, Richmond, VA 23218, telephone (804) 371-6558 or toll-free 1-800-552-9963.

Virginia Pork Industry Board

July 9, 1999 - 3:30 p.m. -- Open Meeting
Airport Marriott Hotel, 2801 Hershberger Road, Roanoke,
Virginia. 

A meeting to review past minutes, conduct general business, elect new officers, approve projects, and formulate the annual budget. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodations in order to participate at the meeting should contact John H. Parker at least five days before the meeting date so that suitable arrangements can be made.

Contact: John H. Parker, Executive Director, Virginia Pork Industry Board, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Suite 1012, Richmond, VA 23219, telephone (804) 786-7092 or FAX (804) 371-7786.

Virginia Small Grains Board

July 29, 1999 - 8 a.m. -- Open Meeting
Richmond Airport Hilton, 5501 Eubank Road, Sandston,
Virginia. 

A meeting to review FY 1998-99 projects reports and receive 1999-2000 project proposals. Minutes from the last board meeting and a current financial statement will be heard and approved. Additionally, action will be taken on any other new business that comes before the board. The board will entertain public comment at the conclusion of all other business for a period not to

exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact Philip T. Hickman at least five days before the meeting date so that suitable arrangements can be made.

Contact: Philip T. Hickman, Program Director, Virginia Small Grains Board, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Room 1005, Richmond, VA 23219, telephone (804) 371-6157 or FAX (804) 371-7786.

Virginia Winegrowers Advisory Board

July 21, 1999 - 10 a.m. -- Open Meeting
State Capitol, Capitol Square, House Room 1, Richmond,
Virginia. 

A meeting to conduct regular business, including hearing and potential approval of minutes from the prior meeting, committee reports, treasurer's report, and a report from the ABC Board. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodations in order to participate at the meeting should contact Mary E. Davis-Barton at least five days before the meeting date so that suitable arrangements can be made.

Contact: Mary E. Davis-Barton, Secretary, Virginia Winegrowers Advisory Board, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Room 1010, Richmond, VA 23219, telephone (804) 371-7685 or FAX (804) 786-3122.

ALCOHOLIC BEVERAGE CONTROL BOARD

† **July 12, 1999 - 9:30 a.m.** -- Open Meeting
† **July 26, 1999 - 9:30 a.m.** -- Open Meeting
† **August 9, 1999 - 9:30 a.m.** -- Open Meeting
† **August 23, 1999 - 9:30 a.m.** -- Open Meeting
† **September 8, 1999 - 9:30 a.m.** -- Open Meeting
† **September 20, 1999 - 9:30 a.m.** -- Open Meeting
Department of Alcoholic Beverage Control, 2901 Hermitage
Road, Richmond, Virginia. 

A meeting to receive reports from staff members, discuss activities, and discuss other matters not yet determined.

Contact: W. Curtis Coleburn, Secretary to the Board, Department of Alcoholic Beverage Control, 2901 Hermitage Rd., P.O. Box 27491, Richmond, VA 23261, telephone (804) 213-4409 or FAX (804) 213-4442.

ALZHEIMER'S DISEASE AND RELATED DISORDERS COMMISSION

† July 12, 1999 - 10 a.m. -- Open Meeting

† August 11, 1999 - 10 a.m. -- Open Meeting

Department of Social Services, Theater Row Building, 730 East Broad Street, Lower Level, Training Room 3, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to set priorities for the commission and develop a plan to be submitted to the Secretary of Health and Human Resources by September 1, 1999. There will be a 20-minute public comment period at the beginning of the meeting. Contact the commission by July 23, 1999, if interpreter services are needed for the August meeting.

Contact: Barbara A. Lenkey, Logistics Coordinator, P.O. Box 1797, Richmond, VA 23218, telephone (804) 786-3908, FAX (804) 786-9346 or (804) 371-8977/TTY 

BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS

July 22, 1999 - 10 a.m. -- Public Hearing

Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia.

August 23, 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 for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects intends to amend regulations entitled: **18 VAC 10-20-10 et seq. Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects Rules and Regulations.** The proposed changes are intended to make the regulations clearer and easier to understand and utilize by the regulants of the board. Almost all of the proposed changes are clarifying and less restrictive in nature.

Statutory Authority: §§ 54.1-404 and 54.1-411 C of the Code of Virginia.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475 or (804) 367-9753/TTY 

† August 8, 1999 - 9 a.m. -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

The Interior Designer Section will conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter

services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514, or (804) 367-9753/TTY 

† August 11, 1999 - 9 a.m. -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

The Architect Section will conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514, or (804) 367-9753/TTY 

† August 15, 1999 - 9 a.m. -- Open Meeting

† September 15, 1999 - 9 a.m. -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 

A meeting of the full board to conduct business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475 or (804) 367-9753/TTY 

† August 18, 1999 - 9 a.m. -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

The Professional Engineer Section will conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475 or (804) 367-9753/TTY 

Calendar of Events

† **August 25, 1999 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

The Land Surveyor Section will conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475 or (804) 367-9753/TTY 

† **September 1, 1999 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

The Landscape Architect Section will conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475 or (804) 367-9753/TTY 

ART AND ARCHITECTURAL REVIEW BOARD

July 9, 1999 - 10 a.m. -- Open Meeting
The Library of Virginia, 800 East Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to review projects submitted by state agencies.

Contact: Richard L. Ford, AIA, Chairman, Art and Architectural Review Board, 1011 E. Main St., Richmond, VA 23219, telephone (804) 643-1977, FAX (804) 643-1981 or (804) 786-6152//TTY 

VIRGINIA BOARD FOR ASBESTOS AND LEAD

August 17, 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 

AUCTIONEERS BOARD

† **July 13, 1999 - 10 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, 5th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least 10 days prior to the meeting so that suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475 or (804) 367-9753/TTY 

BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

† **July 8, 1999 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, 5th Floor, Conference Room 5W,
Richmond, Virginia.

† **July 29, 1999 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 3, Richmond, Virginia. 

A meeting of the Advisory Committee to the Board of Audiology and Speech-Language Pathology and the Board for Hearing Aid Specialists to draft a report on the advisability of merging the two boards pursuant to Senate Joint Resolution 362 and House Joint Resolution 669.

Contact: Senita Booker, Administrative Staff Assistant, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9111, FAX (804) 662-9523 or (804) 662-7197/TTY 

† **July 28, 1999 - 9:30 a.m.** -- Public Hearing
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 3, Richmond, Virginia. 

A public hearing to receive comments on draft legislation of Year 2000 General Assembly.

Contact: Elizabeth Y. Tisdale, Executive Director, Department of Health Professions, 6606 W. Broad St., Richmond, VA 23230-1717, telephone (804) 662-9111, FAX (804) 662-9523 or (804) 662-7197/TTY 

BOARD FOR BARBERS

July 26, 1999 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, 5th Floor, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)

A meeting to discuss regulatory review, comments from informational proceedings, and other matters requiring board action, including disciplinary cases. All meetings are subject to cancellation and the meeting time is subject to change. Contact the board at least three days prior to the meeting for possible changes. A public comment period will be held at the beginning of the meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Nancy Taylor Feldman, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., 4th Floor, Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-2474 or (804) 367-9753/TTY 

BOARD FOR BRANCH PILOTS

† August 2, 1999 - 9:30 a.m. -- Open Meeting
Virginia Port Authority, 600 World Trade Center, Norfolk, Virginia. 
(Interpreter for the deaf provided upon request)

A meeting to conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least 10 days prior to the meeting so that suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475, or (804) 367-9753/TTY 

CEMETERY BOARD

July 14, 1999 - 8:30 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)

A general business meeting of the Delivery Committee will begin at 8:30 a.m. followed by a meeting of the full board at 9:30 a.m. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact Karen O'Neal at least two weeks prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8552, FAX (804) 367-2475 or (804) 367-9753/TTY 

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

July 27, 1999 - 2 p.m. -- Open Meeting
Chesapeake Bay Local Assistance Department, 805 East Broad Street, Suite 701, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)

A meeting of the Southern Area Review Committee to review Chesapeake Bay Preservation Area programs for the southern area. Persons interested in observing should call the department to verify meeting time, location and schedule. No public comments will be heard at the meeting; however, written comments are welcome.

Contact: Carolyn J. Elliott, Executive Secretary, Chesapeake Bay Local Assistance Department, 805 E. Broad St., Suite 701, Richmond, VA 23219, telephone (804) 371-7505, FAX (804) 225-3447 or toll-free (800) 243-7229/TTY 

† August 3, 1999 - 10 a.m. -- Open Meeting
Chesapeake Bay Local Assistance Department, 805 East Broad Street, Suite 701, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)

A meeting of the Northern Area Review Committee to review Chesapeake Bay Preservation Area programs for the northern area. Persons interested in observing should call the department to verify meeting time, location and schedule. No public comments will be heard at the meeting; however, written comments are welcome.

Contact: Carolyn J. Elliott, Executive Secretary, Chesapeake Bay Local Assistance Department, 805 E. Broad St., Suite 701, Richmond, VA 23219, telephone (804) 371-7505, FAX (804) 225-3447 or toll-free (800) 243-7229/TTY 

CHILD DAY-CARE COUNCIL

† July 8, 1999 - 9:30 a.m. -- Open Meeting
† August 12, 1999 - 9:30 a.m. -- Open Meeting
Department of Social Services, 730 East Broad Street,
Richmond, Virginia. 
(Interpreter for the deaf provided upon request)

A meeting to discuss issues and concerns that impact child day centers, camps, school age programs, and preschool/nursery schools. Public comment will be received at noon. Please call for possible change in meeting time.

Contact: Rhonda Harrell, Division of Licensing Programs, Department of Social Services, 730 E. Broad St., Richmond,

Calendar of Events

VA 23219, telephone (804) 692-1775 or FAX (804) 692-2370.

STATE BOARD FOR COMMUNITY COLLEGES

July 21, 1999 - 2:30 p.m. -- Open Meeting
Virginia Community College System, James Monroe Building, 101 North 14th Street, 15th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

Meetings of the Academic and Student Affairs Committee, the Budget and Finance Committee, and the Audit Committee.

Contact: Dr. Joy S. Graham, Assistant Chancellor for Public Affairs, Virginia Community College System, 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 

July 21, 1999 - 3:30 p.m. -- Open Meeting
Virginia Community College System, James Monroe Building, 101 North 14th Street, 15th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

Meetings of the Facilities Committee and the Personnel Committee.

Contact: Dr. Joy S. Graham, Assistant Chancellor for Public Affairs, Virginia Community College System, 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 

July 22, 1999 - 9 a.m. -- Open Meeting
Virginia Community College System, James Monroe Building, 101 North 14th Street, Godwin-Hamel Board Room, 15th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting of the board.

Contact: Dr. Joy S. Graham, Assistant Chancellor for Public Affairs, Virginia Community College System, 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 

COMPREHENSIVE SERVICES FOR AT-RISK YOUTH AND THEIR FAMILIES

State Executive Council

July 30, 1999 - 9 a.m. -- Open Meeting
August 27, 1999 - 9 a.m. -- Open Meeting
Theater Row Building, 730 East Broad Street, Lower Level, Training Room, Richmond, Virginia.

A regular meeting. The council provides for interagency programmatic and fiscal policies, oversees the

administration of funds appropriated under the Comprehensive Services Act, and advises the Governor.

Contact: Alan G. Saunders, Director, State Executive Council, 1604 Santa Rosa Road, Suite 137, Richmond, VA 23229, telephone (804) 662-9815 or FAX (804) 662-9831.

DEPARTMENT OF CONSERVATION AND RECREATION

July 20, 1999 - 8:30 a.m. -- Open Meeting
State Capitol, Capitol Square, House Room 1, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A general business meeting of the Virginia Land Conservation Foundation. Public comment will be received at the conclusion of regular board business.

Contact: Leon E. App, Acting Deputy Director, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-6124, FAX (804) 786-6141 or (804) 786-2121/TTY 

Falls of the James Scenic River Advisory Board

† August 5, 1999 - Noon -- Open Meeting
Richmond 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 State Parks Foundation

† July 22, 1999 - 8:30 a.m. -- Open Meeting
Belle Isle State Park, Route 3, Box 550, Lancaster, Virginia.  (Interpreter for the deaf provided upon request)

A regular business meeting and: tour of Belle Isle State Park at 8:30 a.m.; a tour of Westmoreland State Park, Route 1, Montross, Virginia at noon; and a tour of Caledon Natural Area in King George, Virginia at 2 p.m. Public comments will be received at the conclusion of the business meeting.

Contact: Leon E. App, Acting Deputy Director, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-6124, FAX (804) 786-6141 or (804) 786-2121/TTY 

Board of Conservation and Development of Public Beaches

† **July 12, 1999 - 10 a.m.** -- Open Meeting
Marine Resources Commission, 2600 Washington Avenue,
Meeting Room, Newport News, Virginia.  (Interpreter for the
deaf provided upon request)

A meeting to discuss proposed projects by localities
requesting matching grant funds and to receive public
comments about public beaches or the activities of the
board.

Contact: Carlton Lee Hill, Staff Advisor, Department of
Conservation and Recreation, 203 Governor St., Suite 206,
Richmond, VA 23219, telephone (804) 786-3998 or FAX
(804) 786-1798.

BOARD FOR CONTRACTORS

† **July 7, 1999 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia.  (Interpreter for
the deaf provided upon request)

A regularly scheduled meeting to address policy and
procedural issues, review and render case decisions on
matured complaints against licensees, and other
matters which may require board action. The meeting is
open to the public; however, a portion of the board's
business may be discussed in executive session.
Persons desiring to participate in the meeting and
requiring special accommodations or interpreter services
should contact the department so that suitable
arrangements can be made. The board fully complies
with the Americans with Disabilities Act.

Contact: Geralde W. Morgan, Assistant Director,
Department of Professional and Occupational Regulation,
3600 W. Broad St., Richmond, VA 23230-4917, telephone
(804) 367-2785, FAX (804) 367-2474 or (804) 367-9753/TTY


BOARD OF CORRECTIONS

† **July 13, 1999 - 9:30 a.m.** -- Open Meeting
Department of Corrections, 6900 Atmore Drive, Board
Room, Richmond, Virginia. 

A meeting of the Correctional Services Committee to
discuss correctional services matters which may be
presented to the full board.

Contact: Barbara Fellows, Administrative Assistant to the
Board, Department of Corrections, 6900 Atmore Dr.,
Richmond, VA 23225, telephone (804) 674-3235 or FAX
(804) 674-3130.

† **July 14, 1999 - 8:30 a.m.** -- Open Meeting
Department of Corrections, 6900 Atmore Drive, Richmond,
Virginia. 

A meeting of the Administration Committee to discuss
administrative matters which may be presented to the
full board.

Contact: Barbara Fellows, Administrative Assistant to the
Board, Department of Corrections, 6900 Atmore Dr.,
Richmond, VA 23225, telephone (804) 674-3235 or FAX
(804) 674-3130.

† **July 14, 1999 - 10 a.m.** -- Open Meeting
Department of Corrections, 6900 Atmore Drive, Board
Room, Richmond, Virginia. 

A meeting of the full board to discuss matters which
may be presented.

Contact: Barbara Fellows, Administrative Assistant to the
Board, Department of Corrections, 6900 Atmore Dr.,
Richmond, VA 23225, telephone (804) 674-3235 or FAX
(804) 674-3130.

BOARD FOR COSMETOLOGY

July 26, 1999 - 8:30 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, 4th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to discuss regulatory review, comments from
informational proceedings, and other matters requiring
board action, including disciplinary cases. All meetings
are subject to cancellation and the time of the meeting is
subject to change. Please call the board for possible
changes. A public comment period will be held at the
beginning of the meeting. Persons desiring to
participate in the meeting and requiring special
accommodations or interpreter services should contact
the department at least 10 days prior to the meeting so
that suitable arrangements can be made. The
department fully complies with the Americans with
Disabilities Act.

Contact: Nancy Taylor Feldman, Assistant Director,
Department of Professional and Occupational Regulation,
3600 W. Broad St., Richmond, VA 23230-4917, telephone
(804) 367-8590.

BOARD OF DENTISTRY

† **July 12, 1999 - 8:30 a.m.** -- Open Meeting
† **July 16, 1999 - 9 a.m.** -- Open Meeting
† **July 23, 1999 - 1:30 p.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Richmond, Virginia.  (Interpreter for the deaf
provided upon request)

The Special Conference Committee will hear disciplinary
cases. This is a public meeting; however, no public
comment will be taken.

Contact: Marcia J. Miller, Executive Director, Board of
Dentistry, 6606 W. Broad St., 4th Floor, Richmond, VA

Calendar of Events

23230-1717, telephone (804) 662-9906 or (804) 662-7197/TTY ☎

† **July 23, 1999 - 8:30 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, Richmond, Virginia.♿ (Interpreter for the deaf provided upon request)

A meeting of the Examination Committee to review proposals for the clinical examination for dentists and dental hygienists. Public comment will be taken at the beginning of the meeting.

Contact: Marcia J. Miller, Executive Director, Board of Dentistry, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9906 or (804) 662-7197/TTY ☎

BOARD OF EDUCATION

July 22, 1999 - 9 a.m. -- Open Meeting
University of Richmond, Jepson School of Leadership, 28 Westhampton Way, Richmond, Virginia.♿ (Interpreter for the deaf provided upon request)

The Board of Education and the Board of Vocational Education will hold its regularly scheduled meeting. Business will be conducted according to items on the agenda. The agenda is available upon request.

Contact: Dr. Margaret Roberts, Executive Assistant for Board Relations, 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.

DEPARTMENT OF ENVIRONMENTAL QUALITY

† **July 7, 1999 - 7 p.m.** -- Public Hearing
Greensville County Government Center, 1750 East Atlantic Street, Board Room, Emporia, Virginia.

A public hearing to receive comments on a draft solid waste landfill permit amendment for the Greensville County Sanitary Landfill located at the intersection of U.S. Route 58 and SR 605, approximately three miles west of the City of Emporia.

Contact: E. Paul Farrell, Jr., Department of Environmental Quality, Office of Waste Permitting, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4214.

† **July 12, 1999 - 7 p.m.** -- Public Hearing
Lunenburg County Courthouse, SR 49, Human Resources Building, Board Meeting Room, Lunenburg County, Virginia.

A public hearing to receive comments on the draft solid waste management permit amendment for the Weaver Landfill and Co. located on SR 724, approximately .5 miles west of SR 635 and south of the Town of Victoria.

Contact: Donald Brunson, Department of Environmental Quality, Office of Waste Permitting, 629 East Main Street,

P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4239.

July 20, 1999 - 9 a.m. -- Open Meeting
Department of Environmental Quality, 629 East Main Street, Richmond, Virginia.♿

A meeting of the Virginia Ground Water Protection Steering Committee to discuss ground water protections issues. Meeting minutes and agenda are available from Mary Ann Massie by request.

Contact: Mary Ann Massie, Environmental Program Planner, Department of Environmental Quality, P. O. Box 10009, Richmond, VA 23240-0009, telephone (804) 698-4042 or FAX (804) 698-4032.

† **July 28, 1999 - 9:30 a.m.** -- Open Meeting
Department of Environmental Quality, 629 East Main Street, Training Room, Richmond, Virginia.

A meeting of the Citizens Wetlands Advisory Committee to develop a wetlands strategy for the Commonwealth.

Contact: William K. Norris, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4022.

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

† **July 15, 1999 - 9 a.m.** -- Public Hearing
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia.♿

A public hearing on proposed legislation for the 2000 General Assembly.

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 or FAX (804) 662-9523.

† **July 15, 1999 - 2 p.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia.♿

A meeting to conduct formal hearings. Public comments 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 or FAX (804) 662-9523.

DEPARTMENT OF GAME AND INLAND FISHERIES

† **July 15, 1999 - 9 a.m.** -- Open Meeting
† **July 16, 1999 - 9 a.m.** -- Open Meeting
Department of Game and Inland Fisheries, 4000 West Broad Street, Richmond, Virginia.♿ (Interpreter for the deaf provided upon request)

The board will consider adopting webless migratory game bird and September Canada goose seasons and bag limits based on frameworks provided by the U.S. Fish and Wildlife Service. The board will solicit comments from the public during the public hearing portion of the meeting, at which time any interested citizen present shall be heard.

The board may also discuss general and administrative issues. The board may elect to hold a dinner Wednesday evening, July 14, at a location and time to be determined; and it may hold a closed session before the public session begins on July 15. If the board completes its entire agenda on July 15, it may not convene on July 16, the second of the scheduled two days of the meeting.

Contact: Phil Smith, Policy Analyst, Department of Game and Inland Fisheries, 4010 W. Broad St., Richmond, VA , telephone (804) 367-1000 or FAX (804) 367-2311.

† **August 19, 1999 - 9 a.m.** -- Open Meeting

† **August 20, 1999 - 9 a.m.** -- Open Meeting

The board will consider adopting 1999-2000 hunting seasons and bag limits for migratory waterfowl (ducks and coots, geese and brant, swan, gallinules and moorhens) and falconry, based on frameworks provided by the U.S. Fish and Wildlife Service. The board will solicit comments from the public during the public hearing portion of the meeting, at which time any interested citizen present shall be heard. The board may also discuss general and administrative issues. The board may elect to hold a dinner Wednesday evening, August 18, at a location and time to be determined; and it may hold a closed session before the public session begins on August 19. If the board completes its entire agenda on August 19, it may not convene on August 20, the second of the scheduled two days of the meeting.

Contact: Phil Smith, Policy Analyst, Department of Game and Inland Fisheries, 4010 W. Broad St., Richmond, VA , telephone (804) 367-1000 or FAX (804) 367-2311.

HAMMOND COMMISSION ON COMMUNITY SERVICES AND IN-PATIENT CARE

† **July 12, 1999 - 10 a.m.** -- Open Meeting

Region Ten Community Services Board, 800 Preston Avenue, Charlottesville, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the Management and Operations Committee to focus on sustaining awareness. Public comments will be heard at 10 a.m.

Contact: Fran M. Sadler, Administrative Assistant, Department of Social Services, 730 E. Broad St., 1st Floor, Richmond, VA 23219, telephone (804) 692-1108 or FAX (804) 692-1123.

† **July 16, 1999 - 10 a.m.** -- Open Meeting
Central State Hospital, Administration Building #113, Petersburg, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the Public Policy Committee to focus on care management. Public comments will be heard at 10 a.m.

Contact: Fran M. Sadler, Administrative Assistant, Department of Social Services, 730 E. Broad St., 1st Floor, Richmond, VA 23219, telephone (804) 692-1108 or FAX (804) 692-1123.

DEPARTMENT OF HEALTH PROFESSIONS

† **August 13, 1999 - 9 a.m.** -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

The Intervention Program Committee will meet with its contractor and representatives to review reports, policies and procedures for the Health Practitioners' Intervention Program. The committee will meet in open session for general discussion of the program. The committee may meet in closed executive session for the purpose of considering specific requests from applicants to or participants in the program.

Contact: John W. Hasty, Director, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9424, FAX (804) 662-9114 or (804) 662-7197/TTY 

BOARD FOR HEARING AID SPECIALISTS

† **August 5, 1999 - 9 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 of the Apprenticeship Committee to review the feasibility for the development of a Hearing Aid Specialist apprenticeship program. All meetings are subject to cancellation. Time of meeting is subject to change. Contact the department for confirmation. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Nancy Taylor Feldman, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., 4th Floor, Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-2474 or (804) 367-9753/TTY 

Calendar of Events

HOPEWELL INDUSTRIAL SAFETY COUNCIL

July 6, 1999 - 9 a.m. -- Open Meeting

August 3, 1999 - 9 a.m. -- Open Meeting

September 7, 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.

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

† **July 20, 1999 - 11 a.m.** -- Open Meeting

Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, Virginia. 

A regular meeting of the Board of Commissioners to (i) review and, if appropriate, approve the minutes from the prior monthly meeting; (ii) consider for approval and ratification mortgage loan commitments under the authority's various programs; (iii) review the authority's operations for the prior month; and (iv) consider such other matters and take such other actions as it may deem appropriate. Various committees of the board may also meet before or after the regular meeting and consider matters within their purview. The planned agenda of the meeting will be available at the offices of the authority one week prior to the date of the meeting.

Contact: J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, 601 S. Belvidere Street, Richmond, VA 23220, telephone (804) 343-5540, FAX (804) 783-6701, toll-free 1-800-968-7837, or (804) 783-6705/TTY 

VIRGINIA ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

† **July 7, 1999 - 9:30 a.m.** -- Open Meeting

Pocahontas Building, 900 East Main Street, Auditorium, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the State Song Subcommittee to identify the five grand finalists in the state song competition, to discuss copyright requirements, and to consider alternative means of promoting the five grand finalists' songs.

Contact: Adele MacLean, Secretary, Virginia Advisory Commission on Intergovernmental Relations, Pocahontas Bldg., 900 E. Main St., Suite 103, Richmond, VA 23219, telephone (804) 786-6508, FAX (804) 371-7999 or (804) 828-1120/TTY 

† **July 13, 1999 - 9:30 a.m.** -- Open Meeting

General Assembly Building, 9th and Broad Streets, Speaker's Conference Room, 6th Floor, Richmond, Virginia. 

A meeting of the advisory commission to (i) discuss a revised draft of the visual quality study final report, (ii) receive a report from the State Song Subcommittee on the status of the contest, and (iii) receive a recommendation from the Official Designation Task Force about the feasibility of establishing a commemorative commission for future official state designations.

Contact: Adele MacLean, Secretary, Virginia Advisory Commission on Intergovernmental Relations, Pocahontas Bldg., 900 E. Main St., Suite 103, Richmond, VA 23219, telephone (804) 786-6508, FAX (804) 371-7999 or (804) 828-1120/TTY 

STATE LAND EVALUATION ADVISORY COUNCIL

August 17, 1999 - 10 a.m. -- Open Meeting

Department of Taxation, 2220 West Broad Street, Richmond, Virginia. 

A meeting to adopt suggested ranges of values for agricultural, horticultural, forest and open-space land use and the use-value assessment program.

Contact: H. Keith Mawyer, Property Tax Manager, Department of Taxation, Office of Customer Services, Property Tax Unit, 2220 W. Broad St., Richmond, VA 23220, telephone (804) 367-8020.

COMMISSION ON LOCAL GOVERNMENT

July 6, 1999 - 10:30 a.m. -- Canceled

July 7, 1999 - 9 a.m. -- Canceled
South Hill area.

The oral presentations regarding the Town of South Hill - Mecklenburg County annexation action have been canceled.

Contact: Barbara Bingham, Administrative Assistant, Commission on Local Government, Pocahontas Bldg., 900 East Main Street, Suite 103, Richmond, VA 23219-3513, telephone (804) 786-6508, FAX (804) 371-7999 or toll-free 1-800-828-1120/TTY 

July 6, 1999 - 7 p.m. -- Canceled
South Hill area.

The public hearing regarding the Town of South Hill - Mecklenburg County annexation action has been canceled.

Contact: Barbara Bingham, Administrative Assistant, Commission on Local Government, Pocahontas Bldg., 900 East Main Street, Suite 103, Richmond, VA 23219-3513,

telephone (804) 786-6508, FAX (804) 371-7999 or toll-free 1-800-828-1120/TTY ☎

July 7, 1999 - 10:30 a.m. -- Open Meeting
Town of Rocky Mount Council Chambers, 345 Donald Avenue, Rocky Mount, Virginia. ♿ (Interpreter for the deaf provided upon request)

Oral presentations by representatives of the Town of Rocky Mount and Franklin County regarding the Voluntary Settlement Agreement. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the commission.

Contact: Barbara Bingham, Administrative Assistant, Commission on Local Government, Eighth Street Office Bldg., 805 E. Broad St., Room 702, Richmond, VA 23219-1924, telephone (804) 786-6508, FAX (804) 371-7999 or toll-free 1-800-828-1120/TTY ☎

July 7, 1999 - 7 p.m. -- Public Hearing
Town of Rocky Mount Council Chambers, 345 Donald Avenue, Rocky Mount, Virginia. ♿ (Interpreter for the deaf provided upon request)

A public hearing regarding the Town of Rocky Mount - Franklin County Voluntary Settlement Agreement. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the commission.

Contact: Barbara Bingham, Administrative Assistant, Commission on Local Government, Eighth Street Office Bldg., 805 E. Broad St., Room 702, Richmond, VA 23219-1924, telephone (804) 786-6508, FAX (804) 371-7999 or toll-free 1-800-828-1120/TTY ☎

July 21, 1999 - 10:30 a.m. -- Open Meeting

July 22, 1999 - 9 a.m. -- Open Meeting
Prices Fork area; site to be determined.

Oral presentations regarding the proposed incorporation of the Prices Fork community as a town in Montgomery County. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the commission.

Contact: Barbara Bingham, Administrative Assistant, Commission on Local Government, Eighth Street Office Bldg., 805 E. Broad St., Room 702, Richmond, VA 23219-1924, telephone (804) 786-6508, FAX (804) 371-7999 or toll-free 1-800-828-1120/TTY ☎

July 21, 1999 - 7 p.m. -- Public Hearing
Prices Fork area; site to be determined.

A public hearing regarding the proposed incorporation of the Prices Fork community as a town in Montgomery County. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the commission.

Contact: Barbara Bingham, Administrative Assistant, Commission on Local Government, Eighth Street Office

Bldg., 805 E. Broad St., Room 702, Richmond, VA 23219-1924, telephone (804) 786-6508, FAX (804) 371-7999 or toll-free 1-800-828-1120/TTY ☎

MARINE RESOURCES COMMISSION

July 27, 1999 - 9:30 a.m. -- Open Meeting

August 24, 1999 - 9:30 a.m. -- Open Meeting

September 28, 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 beginning 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 beginning at approximately noon: regulatory proposals; fishery management plans; fishery conservation issues; licensing; and shellfish leasing. 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 ☎

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

NOTE: CORRECTION IN DATE FOR PUBLIC COMMENTS
July 9, 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 Department of Medical Assistance Services intends to adopt regulations entitled: **12 VAC 30-140-10 et seq. Virginia Children's Medical Security Insurance Plan.** These regulations implement the Virginia Children's Medical Security Insurance Plan and establish the eligibility standards, criteria, service limitations, reimbursement criteria, and quality assurance requirements.

Statutory Authority: § 32.1-325 of the Code of Virginia and Chapter 464, 1998 Acts of Assembly (Item 335 U 2).

Public comments may be submitted until July 9, 1999, to Kathryn Kotula, Director, Division of Policy, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

Contact: Victoria Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad

Calendar of Events

St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8854 or FAX (804) 371-4981.

BOARD OF MEDICINE

July 16, 1999 - 2 p.m. -- Public Hearing
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room, Richmond, Virginia.

August 6, 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 Medicine intends to amend regulations entitled: **18 VAC 85-20-10 et seq. Regulations Governing the Practice of Medicine, Osteopathy, Podiatry, Chiropractic and Physician Acupuncture.** The purpose of the proposed amendments is to require evidence of continuing competency in order to renew a license to practice medicine, osteopathy, podiatry, chiropractic and physician acupuncture. Amendments are also proposed to establish an inactive license, a fee to renew an inactive license, and requirements for reactivation.

Statutory Authority: §§ 54.1-2400 and 54.1-2912.1 of the Code of Virginia.

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

July 16, 1999 - 1 p.m. -- Public Hearing
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia.

August 20, 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 Medicine intends to amend regulations entitled: **18 VAC 85-101-10 et seq. Regulations Governing the Licensure of Radiologic Technologists and Radiologic Technologists-Limited.** Amendments are proposed to set minimal qualifications for instructors in an educational program and to require passage of an examination for licensure as a radiologic technologist-limited. Proposed amendments also require a radiologic technologist-limited to notify the board of the anatomical area in which he practices, clarify that a person with a limited license is not qualified to perform mammography, and specify that a traineeship for an unlicensed graduate must terminate 14 days after receipt of examination results.

Statutory Authority: §§ 54.1-2400, 54.1-2956.8:1, and 54.1-2956.8:2 of the Code of Virginia.

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

August 6, 1999 - 8 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

The Executive Committee will meet in open and closed session to (i) review disciplinary files requiring administrative action, (ii) adopt amendments, (iii) approve for promulgation regulations as presented, (iv) interview applicants, and (v) act on other issues that come before the board. The chairman will entertain public comments on agenda items for 15 minutes following adoption of the agenda.

Contact: Warren W. Koontz, M.D., Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9960, FAX (804) 662-9943 or (804) 662-7197/TTY 

Informal Conference Committee

† **July 8, 1999 - 9 a.m.** -- Open Meeting

† **August 5, 1999 - 9 a.m.** -- Open Meeting
Sheraton Inn, 2801 Plank Road, Fredericksburg, Virginia.

July 15, 1999 - 9 a.m. -- Open Meeting
Roanoke Airport Marriott, 2801 Hershberger Road, Roanoke, Virginia.

† **July 22, 1999 - 11 a.m.** -- Open Meeting

† **August 18, 1999 - 8:30 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, Richmond, Virginia.

July 23, 1999 - 8:30 a.m. -- Open Meeting
Williamsburg Marriott, 50 Kingsmill Road, Williamsburg, Virginia.

† **August 12, 1999 - 9:30 a.m.** -- Open Meeting

Days Inn, 3320 Candler Mountain Road, Lynchburg, Virginia.

A meeting to inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine and other healing arts in Virginia. The committee will meet in open and closed sessions pursuant to § 2.1-344 A 7 and A 15 of the Code of Virginia. Public comment will not be received.

Contact: Karen W. Perrine, Deputy Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 786-7693, FAX (804) 662-9517 or (804) 662-7197/TTY 

GOVERNOR'S MINED LAND RECLAMATION ADVISORY COMMITTEE

July 15, 1999 - 10 a.m. -- Open Meeting
Department of Mines, Minerals and Energy, Buchanan-Smith Building, Route 23, Big Stone Gap, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to review and discuss recent Interstate Mining Compact Commission (IMCC) issues with the coal industry. Public comments will not be received.

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

MOTOR VEHICLE DEALER BOARD

† July 19, 1999 - 9 a.m. -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, 7th Floor, Room 702, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

Committees will meet as follows:

Transaction Recovery Fund Committee - 9 a.m.
Licensing Committee - 10 a.m.
Dealer Practices Committee - 1 p.m.
Advertising Committee - 3 p.m.

Any person who needs any accommodation in order to participate in the meeting should contact the board at least 10 days before the meeting so that suitable arrangements can be made.

Contact: Alice R. Weedon, Administrative Assistant, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104, Richmond, VA 23220, telephone (804) 367-1100, FAX (804) 367-1053 or toll free 1-877-270-0203.

† July 20, 1999 - 9:30 a.m. -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, 7th Floor, Room 702, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the full board. Prior to the meeting the following committees will meet:

Finance Committee - 8:30 a.m. -- Room 702
Franchise Law Committee - 9 a.m. -- 7th Floor, Executive Conference Room

Any person who needs any accommodation in order to participate in the meeting should contact the board at least 10 days before the meeting so that suitable arrangements can be made.

Contact: Alice R. Weedon, Administrative Assistant, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104, Richmond, VA 23220, telephone (804) 367-1100, FAX (804) 367-1053 or toll free 1-877-270-0203.

BOARD OF NURSING

† July 20, 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)

A meeting to consider guidelines for training of public school employees in the administration of insulin and glucagon. Public comments will not be received.

Contact: Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909, FAX (804) 662-9512 or (804) 662-7197/TTY 

† July 20, 1999 - 1:30 p.m. -- Public Hearing
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A public hearing on proposed regulations to replace emergency regulations on delegation.

Contact: Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909, FAX (804) 662-9512 or (804) 662-7197/TTY 

† July 19, 1999 - 8:30 a.m. -- Open Meeting

† July 21, 1999 - 8:30 a.m. -- Open Meeting

† July 22, 1999 - 8:30 a.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A panel of the board will conduct formal hearings with licensees and certificate holders. Public comments will not be received.

Contact: Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909, FAX (804) 662-9512 or (804) 662-7197/TTY 

BOARD OF NURSING HOME ADMINISTRATORS

† July 8, 1999 - 9 a.m. -- Public Hearing
Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, Virginia. 

A public hearing to receive comments on the inactive license status. Written comments will be received until 5 p.m. on July 8, 1999. Following the public hearing there will be full board meeting to discuss comments received and to adopt the inactive license status.

Contact: Elizabeth Y. Tisdale, Executive Director, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9111, FAX (804) 662-9523 or (804) 662-7197/TTY 

Calendar of Events

BOARD FOR OPTICIANS

† **August 10, 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 of the Opticians Volunteer Network Training
Project to train optician volunteers to assist in
examination administration, public relations, writing and
speaking assignments.

Contact: Nancy Taylor Feldman, Assistant Director,
Department of Professional and Occupational Regulation,
3600 W. Broad St., 4th Floor, Richmond, VA 23230-4917,
telephone (804) 367-8590, FAX (804) 367-2474 or (804)
367-9753/TTY

BOARD OF PHARMACY

† **July 8, 1999 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 3, Richmond, Virginia.

A meeting of the Special Conference Committee to hear
informal conferences. Public comments will not be
received.

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-
9313.

July 23, 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 Pharmacy
intends to amend regulations entitled: **18 VAC 110-20-
10 et seq. Regulations Governing the Practice of
Pharmacy.** The proposed amendments are in response
to Chapters 470 and 490 of the 1998 Acts of Assembly
which required the board to promulgate regulations for
continuation of pharmacy services and appropriate
transfer of records in a pharmacy closing or acquisition.
In a change of hours lasting more than one week, the
Code of Virginia requires notification to consumers and
to the board. The amendments establish an exemption
from the notice requirement if the change is the result of
an emergency situation or results in an expansion of
hours. The amendments also provide for the issuance
of controlled substance registration to entities, such as
emergency medical services agencies, which may need
to stock quantities of scheduled drugs.

Statutory Authority: §§ 54.1-2400, 54.1-3307, 54.1-3423,
54.1-3434 and 54.1-3434.01 of the Code of Virginia.

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.

BOARD OF PSYCHOLOGY

July 9, 1999 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 1, Richmond, Virginia.

The Regulatory Committee will discuss issues pertaining
to temporary licensure and limited licensure of
individuals licensed as school psychologists by the
Department of Education.

Contact: Janet Delorme, Deputy Executive Director, Board
of Psychology, 6606 W. Broad St., 4th Floor, Richmond, VA
23230, telephone (804) 662-9575, FAX (804) 662-9943 or
(804) 662-7197/TTY

† **July 9, 1999 - 11 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 1, Richmond, Virginia.

A special meeting to adopt fee changes to bring fees
into compliance with the Department of Health
Professions' new Principles for Fee Development. The
board will also discuss issues pertaining to the
examination. Public comment will be received at the
beginning of the meeting.

Contact: Janet Delorme, Deputy Executive Director, Board
of Psychology, 6606 W. Broad St., 4th Floor, Richmond, VA
23230, telephone (804) 662-9575, FAX (804) 662-9943 or
(804) 662-7197/TTY

VIRGINIA RACING COMMISSION

† **July 21, 1999 - 9:30 a.m.** -- Open Meeting
† **August 18, 1999 - 9:30 a.m.** -- Open Meeting
Tyler Building, 1300 East Main Street, Richmond, Virginia.

A monthly meeting of the commission including a
segment for public participation.

Contact: William H. Anderson, Policy Analyst, Virginia
Racing Commission, 10700 Horsemen's Rd., New Kent, VA
23124, telephone (804) 966-7404 or FAX (804) 966-7418.

VIRGINIA RESOURCES AUTHORITY

July 13, 1999 - 9:30 a.m. -- Open Meeting
Virginia Resources Authority, Mutual Building, 909 East Main
Street, Suite 700, Richmond, Virginia.

A meeting to approve minutes of the prior meeting, to
review the authority's operations for the prior month, and
to consider other matters and take other actions as the
authority may deem appropriate. The planned agenda

of the meeting will be available at the offices of the authority one week prior to the date of the meeting.

Contact: Robert W. Lauterberg, Executive Director, Virginia Resources Authority, P.O. Box 1300, Richmond, VA 23218, telephone (804) 644-3100 or FAX (804) 644-3109.

DEPARTMENT FOR RIGHTS OF VIRGINIANS WITH DISABILITIES

† **July 13, 1999 - 10 a.m.** -- Open Meeting
Hampton Inn and Suites, 900 West Main Street, Charlottesville, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the Developmental Disabilities Advisory Council. Public comments are welcome and will be received at approximately 10 a.m. For further information or to request disability-related accommodations, contact Susan Jones.

Contact: Susan Jones, Program Operations Coordinator, Department for Rights of Virginians With Disabilities, 202 N. 9th St., 9th Floor, Richmond, VA 23219, telephone (804) 786-8152, FAX (804) 225-3221 or toll-free 1-800-552-3962.

SEWAGE HANDLING AND DISPOSAL APPEAL REVIEW BOARD

July 14, 1999 - 10 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia. 

A meeting to hear appeals of health department denials of septic tank permits.

Contact: Gary L. Hagy, Acting Secretary, Sewage Handling and Disposal Appeal Review Board, P.O. Box 2448, Room 115, Richmond, VA 23218, telephone (804) 225-4022 or FAX (804) 225-4003.

DEPARTMENT OF SOCIAL SERVICES

† **July 27, 1999 - 9 a.m.** -- Public Hearing
Department of Social Services, Theater Row Building, 730 East Broad Street, Richmond, Virginia. 

A public hearing to receive comments on the proposed use of funds for the Low Income Home Energy Assistance Program (LIHEAP) block grant.

Contact: Patricia Snead, Human Services Program Consultant, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1752 or FAX (804) 692-1709.

COMMONWEALTH TRANSPORTATION BOARD

† **July 14, 1999 - 2 p.m.** -- Open Meeting
Smith Mountain Lake, 775 Hermitage Road, 4-H Educational Center, Wirtz, Virginia.  (Interpreter for the deaf provided upon request)

A work session of the board and the Department of Transportation staff.

Contact: Shirley J. Ybarra, Secretary of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-6675.

† **July 15, 1999 - 10 a.m.** -- Open Meeting
The Hotel Roanoke and Conference Center, 106 Shenandoah Avenue, Roanoke, Virginia.  (Interpreter for the deaf provided upon request)

A monthly meeting of the board to vote on proposals presented regarding bids, permits, additions and deletions to the highway system, and any other matters requiring board approval. Public comment will be received at the outset of the meeting on items on the meeting agenda for which the opportunity for comment has not been afforded the public in another forum. Remarks will be limited to five minutes. Large groups are asked to select one individual to speak for the group. The board reserves the right to amend these conditions. Separate committee meetings may be held on call of the chairman. Contact Department of Transportation Public Affairs at (804) 786-2715 for schedule.

Contact: Shirley J. Ybarra, Secretary of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-6675.

TREASURY BOARD

July 21, 1999 - 9 a.m. -- Open Meeting
James Monroe Building, 101 North 14th Street, 3rd Floor, Treasury Board Room, 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

July 20, 1999 - 1 p.m. -- Open Meeting
Department for the Visually Handicapped Headquarters, 397 Azalea Avenue, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A 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.

Calendar of Events

Contact: Katherine C. Proffitt, Executive Secretary Senior, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3140, toll-free 1-800-622-2155, FAX (804) 371-3157 or (804) 371-3140/TTY ☎

DEPARTMENT FOR THE VISUALLY HANDICAPPED

† **August 4, 1999 - 10 a.m.** -- Open Meeting
Virginia Rehabilitation Center for the Blind and Visually Impaired, 401 Azalea Avenue, Gymnasium, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

The department was directed by the 1999 General Assembly in House Joint Resolution 571 to examine all statutory language currently in use which refers to those persons with some level of visual impairment. The department is soliciting input from consumers, organizations, state agencies, and other entities that may have an interest in or be affected by any language changes. The department will receive public comments, recommendations and suggestions. Persons not able to attend are encouraged to submit written summaries of their remarks to Susan Buckland.

Contact: Susan Buckland, Chief Deputy Commissioner, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3140, FAX (804) 371-3157, toll-free 1-800-662-2155 or (804) 371-3140/TTY ☎

VIRGINIA VOLUNTARY FORMULARY BOARD

July 30, 1999 - 10 a.m. -- Public Hearing
Washington Building, 1100 Bank Street, 2nd Floor, Board Room, Richmond, Virginia.

A public hearing to consider the proposed adoption and issuance of revisions to the Virginia Voluntary Formulary. The proposed revision to the formulary adds drugs and drug products to the formulary revision that became effective on July 27, 1998, and its most recent supplement. Copies of the proposed additions to the formulary are available for inspection at the Department of Health, Bureau of Pharmacy Services, 101 North 14th Street, Room S-45. Written comments received prior to 5 p.m. on July 30, 1999, will be made a part of the hearing record and considered by the formulary board.

Contact: James K. Thomson, Director, Bureau of Pharmacy, Virginia Voluntary Formulary Board, Monroe Bldg., 101 N. 14th St., Room S-45, Richmond, VA 23219, telephone (804) 786-4326 or FAX (804) 371-0236.

STATE WATER CONTROL BOARD

† **July 20, 1999 - 7 p.m.** -- Public Hearing
Dalton-Cantrell Hall Auditorium, Mountain Empire Community College, Big Stone Gap, Virginia.

A public hearing to receive comments on the proposed issuance of a VPDES permit for the Watkins Glen Subdivision Wastewater Treatment Plant located in southern Wise County, approximately three miles west of Big Stone Gap.

Contact: Fred Wyatt, Department of Environmental Quality, Southwest Regional Office, 355 Deadmore St., Abingdon, VA 24212, telephone (540) 676-4810.

LEGISLATIVE

JOINT SUBCOMMITTEE ON BLOCK GRANTS

† **July 29, 1999 - 10 a.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting. Individuals requiring interpreter services or other accommodations should call or write Senate Committee Operations.

Contact: Thomas C. Gilman, Senate Committee Operations, P.O. Box 396, Richmond, VA 23218, telephone (804) 698-7450 or (804) 698-7419/TTY ☎

VIRGINIA CODE COMMISSION

† **July 19, 1999 - 10 a.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to continue with the recodification of Titles 2.1 and 9.

Contact: Jane D. Chaffin, Registrar of Regulations, General Assembly Building, 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 692-0625 or e-mail jchaffin@leg.state.va.us.

COMMISSION ON THE CONDITION AND FUTURE OF VIRGINIA'S CITIES (HJR 432, 1998)

July 15, 1999 - 10 a.m. -- Open Meeting
September 9, 1999 - Time to be announced -- 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 addressed to Jeff Sharp or Nikki Rovner, 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: Barbara Regen, House Committee Operations, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY ☎

COMMISSION STUDYING THE FUTURE OF VIRGINIA'S ENVIRONMENT

† **July 7, 1999 - 2 p.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting of the Solid Waste Subcommittee. Questions regarding the meeting should be directed Shannon Varner, Division of Legislative Services, (804) 786-3591. Individuals requiring interpreter services or other special assistance should contact Lois Johnson at least 10 working days prior to the meeting. You can also access information on the Internet at <http://legis.state.va.us/jchc/jchchome.htm>.

Contact: Lois Johnson, Committee Operations, House of Delegates, State Capitol, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY ☎

September 17, 1999 - 10 a.m. -- Open Meeting
Kiptopeke State Park, Eastern Shore, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting. Questions regarding the meeting should be directed Shannon Varner, Division of Legislative Services, (804) 786-3591. Individuals requiring interpreter services or other special assistance should contact Lois Johnson at least 10 working days prior to the meeting. You can also access information on the Internet at <http://legis.state.va.us/jchc/jchchome.htm>.

Contact: Lois Johnson, Committee Operations, House of Delegates, State Capitol, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY ☎

JOINT SUBCOMMITTEE STUDYING THE VIRGINIA FREEDOM OF INFORMATION ACT (HJR 501)

† **July 8, 1999 - 11 a.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting. Robert J. Freeman, Executive Director of the New York State Committee on Open Government, will speak. 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. You can also access information on the study on the Internet at <http://dls.state.va.us/hjr501.htm>.

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 HEALTH CARE

July 27, 1999 - 10 a.m. -- Open Meeting
September 15, 1999 - 10 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, Senate Room A, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting. Individuals requiring interpreter services or other special assistance should contact Kimberly Rockhold at least 10 working days prior to the meeting. You can also access information on the Internet at <http://legis.state.va.us/jchc/jchchome.htm>.

Contact: Kimberly Rockhold, Committee Operations, House of Delegates, State Capitol, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY ☎

Drug Switching Subcommittee (HJR 734)

July 14, 1999 - 10 a.m. -- Open Meeting
August 12, 1999 - 10 a.m. -- Open Meeting
September 29, 1999 - 10 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, Senate Room A, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting of the subcommittee. Individuals requiring interpreter services or other special assistance should contact Kimberly Rockhold at least 10 working days prior to the meeting. You can also access information on the Internet at <http://legis.state.va.us/jchc/jchchome.htm>.

Contact: Kimberly Rockhold, Committee Operations, House of Delegates, State Capitol, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY ☎

Long-Term Care Subcommittee

July 27, 1999 - ½ hour after adjournment of the full joint commission meeting -- Open Meeting
August 16, 1999 - 10 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, Senate Room A, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting. Individuals requiring interpreter services or other special assistance should contact Kimberly Rockhold at least 10 working days prior to the meeting. You can also access information on the Internet at <http://legis.state.va.us/jchc/jchchome.htm>.

Contact: Kimberly Rockhold, Committee Operations, House of Delegates, State Capitol, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY ☎

Calendar of Events

Midwifery Subcommittee (HJR 646)

July 19, 1999 - 10 a.m. -- Open Meeting

August 6, 1999 - 10 a.m. -- Open Meeting

September 15, 1999 - ½ hour after adjournment of the full joint commission meeting -- Open Meeting

General Assembly Building, 9th and Broad Streets, Senate Room A, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting. Individuals requiring interpreter services or other special assistance should contact Kimberly Rockhold at least 10 working days prior to the meeting. You can also access information on the Internet at <http://legis.state.va.us/jchc/jchchome.htm>.

Contact: Kimberly Rockhold, Committee Operations, House of Delegates, State Capitol, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY 

JOINT SUBCOMMITTEE STUDYING THE FUTURE DELIVERY OF PUBLICLY FUNDED MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES (HJR 225)

† July 6, 1999 - 10 a.m. -- Open Meeting

General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting of the subcommittee. Questions regarding the meeting agenda should be addressed to Gayle Vergara, Division of Legislative Services, (804) 786-3591. If you are unable to attend or have other questions, please contact William Owen at the committee operations office. 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 

Medicaid Carve-Out Work Group

July 8, 1999 - 10 a.m. -- Open Meeting

† August 12, 1999 - 10 am. -- Open Meeting

† September 9, 1999 - 10 a.m. -- Open Meeting

† October 14, 1999 - 10 a.m. -- Open Meeting

General Assembly Building, 9th and Broad Streets, 7th Floor West Conference Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting. Questions regarding the meeting should be addressed to Gayle Vergara or Nancy Roberts, 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 

CHRONOLOGICAL LIST

OPEN MEETINGS

July 6

Hopewell Industrial Safety Council

† Mental Health, Mental Retardation and Substance Abuse Services, Joint Subcommittee Studying the Future Delivery of Publicly Funded

July 7

† Contractors, Board for

† Environment, Joint Subcommittee Studying the Future of Virginia's

- Solid Waste Subcommittee

† Intergovernmental Relations, Advisory Commission on - State Song Subcommittee

Local Government, Commission on

- Town of Rocky Mount - Franklin County

July 8

† Audiology and Speech-Language Pathology, Board of - Advisory Committee

† Child Day-Care Council

† Freedom of Information Act, Joint Subcommittee Studying the Virginia

† Medicine, Board of

- Informal Conference Committee

Mental Health, Mental Retardation and Substance Abuse Services, Joint Subcommittee Studying the Future Delivery of Publicly Funded

- Medicaid Carve-Out Work Group

† Nursing Home Administrators, Board of

† Pharmacy, Board of

- Special Conference Committee

July 9

Agriculture and Consumer Services, Department of - Virginia Pork Industry Board

Art and Architectural Review Board

† Medicine, Board of

- Informal Conference Committee

† Psychology, Board of

- Regulatory Committee

July 12

† Alcoholic Beverage Control Board, Virginia

† Alzheimer's Disease and Related Disorders Commission

† Conservation and Recreation, Department of

- Board on Conservation and Development of Public Beaches

† Dentistry, Board of

- Special Conference Committee

† Hammond Commission

- Management and Operations Committee

July 13

- † Auctioneers Board
- † Corrections, Board of
 - Correctional Services Committee
- † Intergovernmental Relations, Advisory Commission on Resources Authority, Virginia
 - Board of Directors
- † Rights of Virginians with Disabilities, Department for
 - Developmental Disabilities Advisory Council

July 14

- Cemetery Board
 - Delivery Committee
- † Corrections, Board of
 - Administration Committee
- † Health Care, Joint Commission on
 - Drug Switching Subcommittee
- Sewage Handling and Disposal Appeal Review Board
- † Transportation Board, Commonwealth

July 15

- † Aging, Commonwealth Council on Agriculture and Consumer Services, Department of
 - Pesticide Control Board
- Cities, Commission on the Condition and Future of Virginia's
- † Funeral Directors and Embalmers, Board of
- † Game and Inland Fisheries, Board of
- Medicine, Board of
 - Informal Conference Committee
- Mined Land Reclamation Advisory Committee, Governor's
- † Transportation Board, Commonwealth

July 16

- † Dentistry, Board of
 - Special Conference Committee
- † Game and Inland Fisheries, Board of
- † Hammond Commission
 - Public Policy Committee

July 19

- Accountancy, Board of
- † Code Commission, Virginia
- † Health Care, Joint Commission on
 - Midwifery Subcommittee
- † Motor Vehicle Dealer Board
 - Advertising Committee
 - Dealer Practices Committee
 - Licensing Committee
 - Transaction Recovery Fund Committee
- † Nursing, Board of

July 20

- Conservation and Recreation, Department of
 - Virginia Land Conservation Foundation
- Environmental Quality, Department of
 - Ground Water Protection Steering Committee
- † Housing Development Authority, Virginia
 - Board of Commissioners
- † Motor Vehicle Dealer Board
 - Finance Committee

- Franchise Law Committee
- † Nursing, Board of Visually Handicapped, Board for the

July 21

- Agriculture and Consumer Services, Department of
 - Virginia Winegrowers Advisory Board
- Community Colleges, State Board for
 - Academic and Students Affairs Committee
 - Audit Committee
 - Budget and Finance Committee
 - Facilities Committee
 - Personnel Committee
- Local Government, Commission on
 - Prices Fork-Montgomery County
- † Nursing, Board of
- † Racing Commission, Virginia
- Treasury Board

July 22

- Community Colleges, State Board for
- † Conservation and Recreation, Department of
 - Virginia State Parks Foundation
- Education, Board of
- Local Government, Commission on
 - Prices Fork-Montgomery County
- † Medicine, Board of
 - Informal Conference Committee
- † Nursing, Board of

July 23

- † Dentistry, Board of
 - Examination Committee
 - Special Conference Committee
- Medicine, Board of
 - Informal Conference Committee

July 26

- † Alcoholic Beverage Control Board, Virginia
- Barbers, Board for
- Cosmetology, Board for

July 27

- Agriculture and Consumer Services, Board of Chesapeake Bay Local Assistance Board
 - Southern Area Review Committee
- † Health Care, Joint Commission on
 - Long-Term Care Subcommittee
- Marine Resources Commission

July 28

- † Environmental Quality, Department of
 - Citizens Wetlands Advisory Committee

July 29

- Agriculture and Consumer Services, Department of
 - Virginia Small Grains Board
- † Audiology and Speech-Language Pathology, Board of
- † Block Grants, Joint Subcommittee on

July 30

- Comprehensive Services for At-Risk Youth and Their Families
 - State Executive Council

Calendar of Events

August 2

† Branch Pilots, Board for

August 3

† Chesapeake Bay Local Assistance Board
- Northern Area Review Committee
Hopewell Industrial Safety Council

August 4

† Visually Handicapped, Department for the

August 5

† Conservation and Recreation, Department of
- Falls of the James Scenic River Advisory Board
† Hearing Aid Specialists, Board for
- Apprenticeship Committee
† Medicine, Board of
- Informal Conference Committee

August 6

† Health Care, Joint Commission on
- Midwifery Subcommittee
Medicine, Board of
- Executive Committee

August 8

† Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers, and Landscape Architects,
Board for
- Interior Design Section

August 9

† Alcoholic Beverage Control Board, Virginia

August 10

† Opticians, Board for
- Opticians Volunteer Network Training Project

August 11

† Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers, and Landscape Architects,
Board for
- Architect Section
† Alzheimer's Disease and Related Disorders
Commission

August 12

† Child Day-Care Council
† Health Care, Joint Commission on
- Drug Switching Subcommittee
† Medicine, Board of
- Informal Conference Committee
† Mental Health, Mental Retardation and Substance
Abuse Services, Joint Subcommittee Studying the
Future Delivery of Publicly Funded
- Medicaid Carve-Out Work Group

August 13

† Health Professions, Department of
- Health Practitioner's Intervention Program

August 15

† Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers, and Landscape Architects,
Board for

August 16

† Health Care, Joint Commission on
- Long-Term Care Subcommittee

August 17

Asbestos and Lead, Virginia Board for
Land Evaluation Advisory Council, State

August 18

† Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers, and Landscape Architects,
Board for
- Professional Engineers Section
† Medicine, Board of
- Informal Conference Committee
† Racing Commission, Virginia

August 19

† Game and Inland Fisheries, Board of

August 20

† Game and Inland Fisheries, Board of

August 23

† Alcoholic Beverage Control Board, Virginia

August 24

Marine Resources Commission

August 25

† Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers, and Landscape Architects,
Board for
- Land Surveyors Section

August 27

Comprehensive Services for At-Risk Youth and Their
Families
- State Executive Council

September 1

† Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers, and Landscape Architects,
Board for
- Landscape Architect Section

September 7

Hopewell Industrial Safety Council

September 8

† Alcoholic Beverage Control Board, Virginia

September 9

Cities, Commission on the Condition and Future of
Virginia's
† Mental Health, Mental Retardation and Substance
Abuse Services, Joint Subcommittee Studying the
Future Delivery of Publicly Funded
- Medicaid Carve-Out Work Group

September 14

† Agriculture and Consumer Services, Department of
- Virginia Irish Potato Board

September 15

- † Architects, Professional Engineers, Land Surveyors, Certified Interior Designers, and Landscape Architects, Board for
- † Health Care, Joint Commission on
 - Midwifery Subcommittee

September 17

- Environment, Commission Studying the Future of Virginia's

September 20

- † Alcoholic Beverage Control Board, Virginia

September 28

- Marine Resources Commission

September 29

- † Health Care, Joint Commission on
 - Drug Switching Subcommittee

October 14

- † Mental Health, Mental Retardation and Substance Abuse Services, Joint Subcommittee Studying the Future Delivery of Publicly Funded
 - Medicaid Carve-Out Work Group

PUBLIC HEARINGS

July 7

- † Environmental Quality, Department of Local Government, Commission on
 - Town of Rocky Mount and Franklin County

July 12

- † Environmental Quality, Department of

July 15

- † Funeral Directors and Embalmers, Board of

July 16

- Medicine, Board of

July 20

- † Nursing, Board of
- † Water Control Board, State

July 21

- Local Government, Commission on
 - Prices Fork in Montgomery County

July 22

- Architects, Professional Engineers, Land Surveyors, Certified Interior Designers, and Landscape Architects, Board for

July 27

- † Social Services, Department of

July 28

- † Audiology and Speech-Language Pathology, Board of

July 30

- Voluntary Formulary Board, Virginia
