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# THE VIRGINIA REGISTER INFORMATION PAGE

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**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.**

Staff of the Virginia Register: **Jane D. Chaffin**, Registrar of Regulations.

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# PUBLICATION SCHEDULE AND DEADLINES

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

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## September 1999 through September 2000

<u>Volume:Issue</u>	<u>Material Submitted By Noon*</u>	<u>Will Be Published On</u>
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 ( <b>Tuesday</b> )	December 6, 1999
16:7	December 1, 1999	December 20, 1999
<b>INDEX 1 - Volume 16</b>		<b>January 2000</b>
16:8	December 14, 1999 ( <b>Tuesday</b> )	January 3, 2000
16:9	December 28, 1999 ( <b>Tuesday</b> )	January 17, 2000
16:10	January 12, 2000	January 31, 2000
16:11	January 26, 2000	February 14, 2000
16:12	February 9, 2000	February 28, 2000
16:13	February 23, 2000	March 13, 2000
16:14	March 8, 2000	March 27, 2000
<b>INDEX 2 - Volume 16</b>		<b>April 2000</b>
16:15	March 22, 2000	April 10, 2000
16:16	April 5, 2000	April 24, 2000
16:17	April 19, 2000	May 8, 2000
16:18	May 3, 2000	May 22, 2000
16:19	May 17, 2000	June 5, 2000
16:20	May 31, 2000	June 19, 2000
<b>INDEX 3 - Volume 16</b>		<b>July 2000</b>
16:21	June 14, 2000	July 3, 2000
16:22	June 28, 2000	July 17, 2000
16:23	July 12, 2000	July 31, 2000
16:24	July 26, 2000	August 14, 2000
16:25	August 9, 2000	August 28, 2000
16:26	August 23, 2000	September 11, 2000
<b>FINAL INDEX - Volume 16</b>		<b>October 2000</b>

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The table printed below lists regulation sections, by Virginia Administrative Code (VAC) title, that have been amended, added or repealed in the *Virginia Register* since the regulations were originally published or last supplemented in VAC (the Spring 1999 VAC Supplement includes final regulations published through *Virginia Register* Volume 15, Issue 10, dated February 1, 1999). Emergency regulations, if any, are listed, followed by the designation "emer," and errata pertaining to final regulations are listed. Proposed regulations are not listed here. The table lists the sections in numerical order and shows action taken, the volume, issue and page number where the section appeared, and the effective date of the section.

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
<b>Title 2. Agriculture</b>			
2 VAC 15-20-70	Amended	15:26 VA.R. 3436	Pending
2 VAC 15-20-80	Amended	15:26 VA.R. 3445	8/17/99
2 VAC 15-20-80	Repealed	15:26 VA.R. 3438	Pending
2 VAC 15-20-81	Added	15:26 VA.R. 3442	Pending
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
<b>Title 3. Alcoholic Beverages</b>			
3 VAC 5-10-70 emer	Amended	15:23 VA.R. 3040	7/13/99-6/30/00
3 VAC 5-10-240 emer	Amended	15:23 VA.R. 3040	7/13/99-6/30/00
3 VAC 5-70-170 emer	Amended	15:23 VA.R. 3041	7/13/99-6/30/00
3 VAC 5-70-210 emer	Added	15:23 VA.R. 3041	7/13/99-6/30/00
<b>Title 4. Conservation and Natural Resources</b>			
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 20-80-20	Amended	15:22 VA.R. 2871	7/1/99

## Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
4 VAC 20-80-30	Amended	15:22 VA.R. 2871	7/1/99
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 20-333-10 through 4 VAC 20-333-40	Added	15:24 VA.R. 3035-3037	7/6/99
4 VAC 20-430-15	Added	15:19 VA.R. 2456	5/5/99
4 VAC 20-430-60	Amended	15:19 VA.R. 2456	5/5/99
4 VAC 20-595-10 emer	Added	15:25 VA.R. 3366	8/15/99-8/31/99
4 VAC 20-595-20 emer	Added	15:25 VA.R. 3366	8/15/99-8/31/99
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 20-910-45	Amended	15:22 VA.R. 2931	6/24/99-7/21/99
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 25-20 (Forms)	Amended	15:21 VA.R. 2728	--
4 VAC 25-35 (Forms)	Amended	15:14 VA.R. 2075-2077	--
4 VAC 25-35 (Forms)	Amended	15:21 VA.R. 2728	--
4 VAC 25-40 (Forms)	Amended	15:21 VA.R. 2728	--
4 VAC 25-60-10	Amended	15:22 VA.R. 2871	8/18/99
4 VAC 25-60-20	Amended	15:22 VA.R. 2872	8/18/99
4 VAC 25-60-40	Amended	15:22 VA.R. 2872	8/18/99
4 VAC 25-60-70	Amended	15:22 VA.R. 2872	8/18/99
4 VAC 25-70-10	Amended	15:22 VA.R. 2873	8/18/99
4 VAC 25-80-10	Repealed	15:22 VA.R. 2874	8/18/99
4 VAC 25-110-10	Amended	15:22 VA.R. 2874	8/18/99
4 VAC 25-110-20	Amended	15:22 VA.R. 2875	8/18/99
4 VAC 25-110-60	Repealed	15:22 VA.R. 2875	8/18/99
4 VAC 25-110-130	Repealed	15:22 VA.R. 2876	8/18/99
4 VAC 25-110-170	Repealed	15:22 VA.R. 2877	8/18/99
4 VAC 25-110-200	Amended	15:22 VA.R. 2877	8/18/99
4 VAC 25-110-210	Amended	15:22 VA.R. 2878	8/18/99
4 VAC 25-110-320 through 4 VAC 25-110-390	Repealed	15:22 VA.R. 2879-2880	8/18/99

# Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
4 VAC 25-120-10	Amended	15:22 VA.R. 2880	8/18/99
4 VAC 25-130 (Forms)	Amended	15:11 VA.R. 1736	--
4 VAC 25-130 (Forms)	Amended	15:21 VA.R. 2728	--
4 VAC 25-150 (Forms)	Amended	15:14 VA.R. 2077-2078	--
<b>Title 7. Economic Development</b>			
7 VAC 10-20-10	Amended	15:25 VA.R. 3348	9/29/99
7 VAC 10-20-30	Amended	15:25 VA.R. 3350	9/29/99
7 VAC 10-20-50	Amended	15:25 VA.R. 3350	9/29/99
<b>Title 8. Education</b>			
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
<b>Title 9. Environment</b>			
9 VAC 5-20-21	Amended	15:12 VA.R. 1799	4/1/99
9 VAC 5-20-21	Amended	15:21 VA.R. 2667	8/4/99
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
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 5-40-7950 through 9 VAC 5-40-8190	Added	15:21 VA.R. 2669-2690	8/4/99
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

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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 25-151 (Forms)	Amended	15:24 VA.R. 3251	--
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	--
9 VAC 25-260-430	Amended	15:21 VA.R. 2691	8/4/99
9 VAC 25-610 (Forms)	Amended	15:21 VA.R. 2728	--
<b>Title 11. Gaming</b>			
11 VAC 10-130-10	Amended	15:26 VA.R. 3449	8/25/99
11 VAC 10-130-20	Amended	15:26 VA.R. 3449	8/25/99
11 VAC 10-130-40	Amended	15:26 VA.R. 3451	8/25/99
11 VAC 10-130-51	Amended	15:26 VA.R. 3451	8/25/99
11 VAC 10-130-60	Amended	15:26 VA.R. 3452	8/25/99
11 VAC 10-130-76	Amended	15:26 VA.R. 3452	8/25/99
11 VAC 10-130-77	Amended	15:26 VA.R. 3452	8/25/99
<b>Title 12. Health</b>			
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 5-610-10	Repealed	15:24 VA.R. 3188	10/1/99
12 VAC 5-610-20	Amended	15:24 VA.R. 3188	10/1/99
12 VAC 5-610-30	Amended	15:24 VA.R. 3188	10/1/99
12 VAC 5-610-40	Amended	15:24 VA.R. 3188	10/1/99
12 VAC 5-610-50	Amended	15:24 VA.R. 3188	10/1/99
12 VAC 5-610-70	Amended	15:24 VA.R. 3189	10/1/99
12 VAC 5-610-75	Added	15:24 VA.R. 3190	10/1/99
12 VAC 5-610-80	Amended	15:24 VA.R. 3190	10/1/99
12 VAC 5-610-90	Repealed	15:24 VA.R. 3190	10/1/99
12 VAC 5-610-100	Amended	15:24 VA.R. 3190	10/1/99
12 VAC 5-610-110	Repealed	15:24 VA.R. 3190	10/1/99
12 VAC 5-610-120	Amended	15:24 VA.R. 3190	10/1/99
12 VAC 5-610-130	Amended	15:24 VA.R. 3192	10/1/99
12 VAC 5-610-140	Repealed	15:24 VA.R. 3192	10/1/99
12 VAC 5-610-150	Repealed	15:24 VA.R. 3192	10/1/99
12 VAC 5-610-170	Amended	15:24 VA.R. 3192	10/1/99
12 VAC 5-610-180	Repealed	15:24 VA.R. 3193	10/1/99
12 VAC 5-610-190	Amended	15:24 VA.R. 3193	10/1/99
12 VAC 5-610-200	Amended	15:24 VA.R. 3194	10/1/99
12 VAC 5-610-230	Amended	15:24 VA.R. 3195	10/1/99
12 VAC 5-610-250	Amended	15:24 VA.R. 3195	10/1/99

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 5-610-255	Added	15:24 VA.R. 3198	10/1/99
12 VAC 5-610-260	Amended	15:24 VA.R. 3198	10/1/99
12 VAC 5-610-270	Amended	15:24 VA.R. 3198	10/1/99
12 VAC 5-610-280	Amended	15:24 VA.R. 3198	10/1/99
12 VAC 5-610-290	Amended	15:24 VA.R. 3199	10/1/99
12 VAC 5-610-300	Amended	15:24 VA.R. 3199	10/1/99
12 VAC 5-610-330	Amended	15:24 VA.R. 3199	10/1/99
12 VAC 5-610-340	Amended	15:24 VA.R. 3199	10/1/99
12 VAC 5-610-360	Amended	15:24 VA.R. 3200	10/1/99
12 VAC 5-610-370	Repealed	15:24 VA.R. 3200	10/1/99
12 VAC 5-610-380	Amended	15:24 VA.R. 3201	10/1/99
12 VAC 5-610-430	Amended	15:24 VA.R. 3202	10/1/99
12 VAC 5-610-440	Amended	15:24 VA.R. 3202	10/1/99
12 VAC 5-610-441 through 12 VAC 5-610-449	Added	15:24 VA.R. 3202-3210	10/1/99
12 VAC 5-610-449.1	Added	15:24 VA.R. 3211	10/1/99
12 VAC 5-610-450	Amended	15:24 VA.R. 3212	10/1/99
12 VAC 5-610-470	Amended	15:24 VA.R. 3212	10/1/99
12 VAC 5-610-480	Amended	15:24 VA.R. 3214	10/1/99
12 VAC 5-610-490	Amended	15:24 VA.R. 3214	10/1/99
12 VAC 5-610-500	Amended	15:24 VA.R. 3215	10/1/99
12 VAC 5-610-510 through 12 VAC 5-610-550	Repealed	15:24 VA.R. 3215-3216	10/1/99
12 VAC 5-610-560	Amended	15:24 VA.R. 3216	10/1/99
12 VAC 5-610-570	Repealed	15:24 VA.R. 3216	10/1/99
12 VAC 5-610-580	Amended	15:24 VA.R. 3217	10/1/99
12 VAC 5-610-591 through 12 VAC 5-610-594	Added	15:24 VA.R. 3217-3218	10/1/99
12 VAC 5-610-596 through 12 VAC 5-610-599	Added	15:24 VA.R. 3218-3222	10/1/99
12 VAC 5-610-599.1 through 12 VAC 5-610-599.4	Added	15:24 VA.R. 3222-3223	10/1/99
12 VAC 5-610-620	Amended	15:24 VA.R. 3223	10/1/99
12 VAC 5-610-650	Amended	15:24 VA.R. 3223	10/1/99
12 VAC 5-610-670	Amended	15:24 VA.R. 3223	10/1/99
12 VAC 5-610-690	Amended	15:24 VA.R. 3223	10/1/99
12 VAC 5-610-700	Amended	15:24 VA.R. 3224	10/1/99
12 VAC 5-610-800	Amended	15:24 VA.R. 3226	10/1/99
12 VAC 5-610-810	Amended	15:24 VA.R. 3226	10/1/99
12 VAC 5-610-815	Added	15:24 VA.R. 3226	10/1/99
12 VAC 5-610-817	Added	15:24 VA.R. 3227	10/1/99
12 VAC 5-610-820	Amended	15:24 VA.R. 3227	10/1/99
12 VAC 5-610-830	Repealed	15:24 VA.R. 3227	10/1/99
12 VAC 5-610-840	Repealed	15:24 VA.R. 3227	10/1/99
12 VAC 5-610-880	Amended	15:24 VA.R. 3227	10/1/99
12 VAC 5-610-890	Amended	15:24 VA.R. 3229	10/1/99
12 VAC 5-610-930	Amended	15:24 VA.R. 3229	10/1/99
12 VAC 5-610-940	Amended	15:24 VA.R. 3232	10/1/99
12 VAC 5-610-950	Amended	15:24 VA.R. 3233	10/1/99
12 VAC 5-610-960	Amended	15:24 VA.R. 3235	10/1/99
12 VAC 5-610-965	Added	15:24 VA.R. 3236	10/1/99
12 VAC 5-610-980	Amended	15:24 VA.R. 3237	10/1/99
12 VAC 5-610-1080	Amended	15:24 VA.R. 3238	10/1/99
12 VAC 5-610-1140	Amended	15:24 VA.R. 3240	10/1/99
12 VAC 5-610-1150	Repealed	15:24 VA.R. 3240	10/1/99
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 30-10-441	Added	15:26 VA.R. 3454	10/13/99
12 VAC 30-10-490	Amended	15:26 VA.R. 3454	10/13/99
12 VAC 30-10-680	Amended	15:26 VA.R. 3454	10/13/99
12 VAC 30-40-290	Amended	15:18 VA.R. 2396	7/1/99

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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 30-50-100	Amended	15:24 VA.R. 3243	9/15/99
12 VAC 30-50-105	Amended	15:24 VA.R. 3245	9/15/99
12 VAC 30-50-140	Amended	15:24 VA.R. 3247	9/15/99
12 VAC 30-50-210	Amended	15:23 VA.R. 3037	9/1/99
12 VAC 30-50-220	Amended	15:25 VA.R. 3362	10/1/99
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 30-50-520	Amended	15:23 VA.R. 3039	9/1/99
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 30-90-340 emer	Added	15:22 VA.R. 2931	7/1/99-6/30/00
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
12 VAC 30-120-370	Erratum	15:19 VA.R. 2502	--
12 VAC 30-140-10 through 12 VAC 30-140-570	Added	15:26 VA.R. 3456-3465	10/13/99
<b>Title 13. Housing</b>			
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 5-61-40	Amended	15:22 VA.R. 2881	8/18/99
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
<b>Title 14. Insurance</b>			
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

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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
<b>Title 16. Labor and Employment</b>			
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
16 VAC 25-90-1910.6	Amended	15:21 VA.R. 2702	8/15/99
16 VAC 25-90-1910.16	Amended	15:21 VA.R. 2709	8/15/99
16 VAC 25-90-1910.94	Amended	15:21 VA.R. 2705	8/15/99
16 VAC 25-90-1910.108	Repealed	15:21 VA.R. 2705	8/15/99
16 VAC 25-90-1910.122	Added	15:21 VA.R. 2702	8/15/99
16 VAC 25-90-1910.123	Added	15:21 VA.R. 2702	8/15/99
16 VAC 25-90-1910.124	Added	15:21 VA.R. 2702	8/15/99
16 VAC 25-90-1910.125	Added	15:21 VA.R. 2702	8/15/99
16 VAC 25-90-1910.126	Added	15:21 VA.R. 2702	8/15/99
16 VAC 25-90-1910.146	Amended	15:21 VA.R. 2707	8/15/99
16 VAC 25-90-1910.178	Amended	15:21 VA.R. 2709	8/15/99
16 VAC 25-100-1915.120	Added	15:21 VA.R. 2709	8/15/99
16 VAC 25-120-1917.1	Amended	15:21 VA.R. 2709	8/15/99
16 VAC 25-130-1918.1	Amended	15:21 VA.R. 2709	8/15/99
16 VAC 25-175-1926.602	Amended	15:21 VA.R. 2709	8/15/99
<b>Title 18. Professional and Occupational Licensing</b>			
18 VAC 10-20-90	Amended	15:24 VA.R. 3248	10/1/99
18 VAC 10-20-170	Amended	15:24 VA.R. 3248	10/1/99
18 VAC 10-20-280	Amended	15:24 VA.R. 3249	10/1/99
18 VAC 10-20-400	Amended	15:24 VA.R. 3249	10/1/99
18 VAC 10-20-470	Amended	15:24 VA.R. 3249	10/1/99
18 VAC 10-20-520	Amended	15:24 VA.R. 3249	10/1/99
18 VAC 10-20-580	Amended	15:24 VA.R. 3249	10/1/99
18 VAC 10-20-630	Amended	15:24 VA.R. 3249	10/1/99
18 VAC 25-21-70	Amended	15:26 VA.R. 3468	11/1/99
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
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

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 55-22-310	Amended	15:26 VA.R. 3476	11/1/99
18 VAC 60-20-20 emer	Amended	15:11 VA.R. 1729	1/21/99-1/20/00
18 VAC 60-20-20	Amended	15:21 VA.R. 2712	8/5/99
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 85-110-100	Amended	15:21 VA.R. 2713	8/5/99
18 VAC 85-110-110	Amended	15:21 VA.R. 2713	8/5/99
18 VAC 85-110-130	Amended	15:21 VA.R. 2713	8/5/99
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 100-20-10	Amended	15:26 VA.R. 3479	11/1/99
18 VAC 100-20-40	Amended	15:26 VA.R. 3479	11/1/99
18 VAC 100-20-50	Amended	15:26 VA.R. 3479	11/1/99
18 VAC 100-20-60	Amended	15:26 VA.R. 3479	11/1/99
18 VAC 100-20-70	Amended	15:26 VA.R. 3479	11/1/99
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
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 110-20-10	Amended	15:26 VA.R. 3482	10/13/99
18 VAC 110-20-135	Added	15:26 VA.R. 3484	10/13/99

# Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 110-20-140	Amended	15:26 VA.R. 3484	10/13/99
18 VAC 110-20-690	Added	15:26 VA.R. 3485	10/13/99
18 VAC 110-20-700	Added	15:26 VA.R. 3485	10/13/99
18 VAC 110-20-710	Added	15:26 VA.R. 3485	10/13/99
18 VAC 110-20-720	Added	15:26 VA.R. 3486	10/13/99
18 VAC 110-20-130	Erratum	15:12 VA.R. 1865	--
18 VAC 110-20-490	Amended	15:21 VA.R. 2713	8/4/99
18 VAC 120-30-100	Amended	15:26 VA.R. 3487	11/1/99
18 VAC 120-40-10 through 18 VAC 120-40-430	Added	15:21 VA.R. 2715-2727	8/5/99
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
18 VAC 160-20-40	Amended	15:24 VA.R. 3490	11/1/99
<b>Title 19. Public Safety</b>			
19 VAC 30-20 (Forms)	Added	15:14 VA.R. 2078-2079	--
19 VAC 30-70 Appendix A	Amended	15:25 VA.R. 3364	7/29/99
<b>Title 20. Public Utilities and Telecommunications</b>			
20 VAC 5-400-151	Added	15:19 VA.R. 2473	10/1/99
20 VAC 5-400-151	Erratum	15:21 VA.R. 2732	--
<b>Title 21. Securities and Retail Franchising</b>			
21 VAC 5-10-20	Amended	15:22 VA.R. 2883	7/1/99
21 VAC 5-10-40	Amended	15:22 VA.R. 2883	7/1/99
21 VAC 5-20-10	Amended	15:22 VA.R. 2884	7/1/99
21 VAC 5-20-70	Amended	15:22 VA.R. 2884	7/1/99
21 VAC 5-20-90	Amended	15:22 VA.R. 2884	7/1/99
21 VAC 5-20-150	Amended	15:22 VA.R. 2885	7/1/99
21 VAC 5-20-160	Amended	15:22 VA.R. 2885	7/1/99
21 VAC 5-20-220	Amended	15:22 VA.R. 2885	7/1/99
21 VAC 5-20-280	Amended	15:22 VA.R. 2886	7/1/99
21 VAC 5-20-300	Amended	15:22 VA.R. 2892	7/1/99
21 VAC 5-20-330	Added	15:22 VA.R. 2893	7/1/99
21 VAC 5-30-40	Amended	15:22 VA.R. 2894	7/1/99
21 VAC 5-30-90	Added	15:22 VA.R. 2894	7/1/99
21 VAC 5-40-50	Amended	15:22 VA.R. 2895	7/1/99
21 VAC 5-40-100	Amended	15:22 VA.R. 2895	7/1/99
21 VAC 5-40-130	Added	15:22 VA.R. 2897	7/1/99
21 VAC 5-40-140	Added	15:22 VA.R. 2897	7/1/99
21 VAC 5-40-150	Added	15:22 VA.R. 2898	7/1/99
21 VAC 5-80-30	Amended	15:22 VA.R. 2898	7/1/99
21 VAC 5-80-60	Amended	15:22 VA.R. 2899	7/1/99
21 VAC 5-80-70	Amended	15:22 VA.R. 2899	7/1/99
21 VAC 5-80-90	Amended	15:22 VA.R. 2899	7/1/99
21 VAC 5-80-100	Amended	15:22 VA.R. 2899	7/1/99
21 VAC 5-80-110	Amended	15:22 VA.R. 2899	7/1/99
21 VAC 5-80-130	Amended	15:22 VA.R. 2899	7/1/99
21 VAC 5-80-160	Amended	15:22 VA.R. 2900	7/1/99
21 VAC 5-80-180	Amended	15:22 VA.R. 2905	7/1/99
21 VAC 5-80-200	Amended	15:22 VA.R. 2905	7/1/99
21 VAC 5-80-210	Amended	15:22 VA.R. 2907	7/1/99
21 VAC 5-80-220	Amended	15:22 VA.R. 2908	7/1/99
21 VAC 5-85-10 (Forms)	Repealed	15:22 VA.R. 2909	7/1/99
21 VAC 5-100-10	Amended	15:22 VA.R. 2910	7/1/99
21 VAC 5-110-20	Amended	15:22 VA.R. 2918	7/1/99

## Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
21 VAC 5-110-30	Amended	15:22 VA.R. 2918	7/1/99
21 VAC 5-110-40	Amended	15:22 VA.R. 2918	7/1/99
21 VAC 5-110-50	Amended	15:22 VA.R. 2919	7/1/99
21 VAC 5-110-60	Amended	15:22 VA.R. 2919	7/1/99
21 VAC 5-110-70	Amended	15:22 VA.R. 2919	7/1/99
21 VAC 5-110-85	Added	15:22 VA.R. 2919	7/1/99
21 VAC 5-120 (Forms)	Amended	15:17 VA.R. 2333-2334	--
21 VAC 5-120-30	Amended	15:22 VA.R. 2911	7/1/99
21 VAC 5-120-110	Repealed	15:22 VA.R. 2911	7/1/99
<b>Title 22. Social Services</b>			
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 40-50-10 et seq.	Repealed	15:24 VA.R. 3250	9/15/99
22 VAC 40-110 (Forms)	Amended	15:23 VA.R. 3043	--
22 VAC 40-180 (Forms)	Amended	15:23 VA.R. 3043	--
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
22 VAC 40-830-10 et seq.	Repealed	15:22 VA.R. 2929	8/18/99
22 VAC 40-840-10 et seq.	Repealed	15:22 VA.R. 2929	8/18/99
22 VAC 40-850-10 et seq.	Repealed	15:22 VA.R. 2929	8/18/99
22 VAC 40-860-10 et seq.	Repealed	15:22 VA.R. 2929	8/18/99
22 VAC 40-870-10 et seq.	Repealed	15:22 VA.R. 2930	8/18/99
<b>Title 23. Taxation</b>			
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	--
<b>Title 24. Transportation and Motor Vehicles</b>			
24 VAC 30-250-10	Amended	15:21 VA.R. 2727	6/14/99
24 VAC 30-350-10	Amended	15:13 VA.R. 1939	2/22/99
24 VAC 30-550-10	Amended	15:22 VA.R. 2930	6/22/99

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# NOTICES OF INTENDED REGULATORY ACTION

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## Symbol Key

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

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## 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 20-110-10 et seq. Regulations Governing Pupil Accounting Records.** The purpose of the proposed action is to permit local school divisions to use "off-the-shelf" software for recording pupil enrollment and attendance and to clarify the authority of local school boards to count pupils "present" when participating in activities and events approved by local boards. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 22.1-259 of the Code of Virginia.

Public comments may be submitted until October 29, 1999.

**Contact:** Gerald H. Mathews, Principal Specialist, Department of Education, P.O. Box 2120, Richmond, VA 23218, telephone (804) 225-2950, FAX (804) 371-8978 or e-mail [jmathews@mail.vak12ed.edu](mailto:jmathews@mail.vak12ed.edu).

VA.R. Doc. No. R00-7; Filed September 8, 1999, 11:08 a.m.

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## TITLE 12. HEALTH

### DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

#### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to consider amending regulations entitled: **Intravenous Infusion Therapy: 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.** The purpose of the proposed action is to propose a consistent service coverage methodology and payment methodology for all intravenous infusion therapy services, without regard to patients' places of residence. 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 October 27, 1999, to Marianne Rollings, R.Ph., Division of Program Operations, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

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

VA.R. Doc. No. R00-1; Filed August 27, 1999, 1:37 p.m.

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## TITLE 18. PROFESSIONAL AND OCCUPATIONAL REGULATION

### BOARD OF PHARMACY

#### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Pharmacy intends to consider amending regulations entitled: **18 VAC 110-20-10 et seq. Regulations Governing the Practice of Pharmacy.** The purpose of the proposed action is to respond to a petition for rulemaking regarding the use of robotic technology in health care delivery systems. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 54.1-2400 and Chapters 33 (§ 54.1-3300 et seq.) and 34 (§ 54.1-3400 et seq.) of Title 54.1 of the Code of Virginia.

Public comments may be submitted until October 27, 1999.

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

VA.R. Doc. No. R00-3; Filed August 31, 1999, 11:37 a.m.

#### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Pharmacy intends to consider amending regulations entitled: **18 VAC 110-30-10 et seq. Regulations for Practitioners of the Healing Arts to Sell Controlled Substances.** The purpose of the proposed action is to consider amendments to regulations governing physicians who are authorized to sell drugs from their practices in order to bring them into compliance with current law and technology. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 54.1-2400 and Chapters 33 (§ 54.1-3300 et seq.) and 34 (§ 54.1-3400 et seq.) of Title 54.1 of the Code of Virginia.

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# Notices of Intended Regulatory Action

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Public comments may be submitted until October 27, 1999.

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

VA.R. Doc. No. R00-4; Filed August 31, 1999, 11:37 a.m.

## BOARD OF SOCIAL WORK

### † 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 Social Work intends to consider amending regulations entitled: **18 VAC 140-20-10 et seq. Regulations Governing the Practice of Social Work.** The purpose of the proposed action is to establish requirements for continuing education in compliance with a statutory mandate and to establish an inactive licensure status for licensees who are not practicing in Virginia. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 54.1-3708 of the Code of Virginia.

Public comments may be submitted until October 27, 1999.

**Contact:** Janet Delorme, Deputy Executive Director, Board of Social Work, 6606 W. Broad St., Richmond, VA 23230-1717, telephone (804) 662-9575, FAX (804) 662-9943, or (804) 662-7197/TTY ☎.

VA.R. Doc. No. R00-2; Filed August 31, 1999, 11:37 a.m.

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## TITLE 19. PUBLIC SAFETY

### DEPARTMENT OF STATE POLICE

#### † 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 State Police intends to consider amending regulations entitled: **19 VAC 30-150-10 et seq. Regulations Relating to Standards and Specifications for Overdimensional Warning Lights.** The purpose of the proposed action is to make the regulation more consistent with the Society of Automotive Engineers' (SAE) standards and to make minor technical and administrative changes. The agency does not intend to hold a public hearing on the proposed action after publication.

Statutory Authority: § 46.2-1026 of the Code of Virginia.

Public comments may be submitted until October 27, 1999.

**Contact:** Captain W. Steven Flaherty, Safety Officer, Department of State Police, Safety Division, P.O. Box 27472, Richmond, VA 23261-7472, telephone (804) 378-3472 or FAX (804) 378-3487.

VA.R. Doc. No. R00-6; Filed September 3, 1999, 2:42 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 State Police intends to consider amending regulations entitled: **19 VAC 30-160-10 et seq. Regulations Relating to Standards and Specifications for Safety Lights for Farm Tractors in Excess of 108 Inches in Width.** The purpose of the proposed action is to make the regulation more consistent with the Society of Automotive Engineers' (SAE) standards and to make minor technical and administrative changes. The agency does not intend to hold a public hearing on the proposed action after publication.

Statutory Authority: § 46.2-1102 of the Code of Virginia.

Public comments may be submitted until October 27, 1999.

**Contact:** Captain W. Steven Flaherty, Safety Officer, Department of State Police, Safety Division, P.O. Box 27472, Richmond, VA 23261-7472, telephone (804) 378-3472 or FAX (804) 378-3487.

VA.R. Doc. No. R00-5; Filed September 3, 1999, 2:42 p.m.

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# PUBLIC COMMENT PERIODS - PROPOSED REGULATIONS

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## 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 9. ENVIRONMENT

### STATE WATER CONTROL BOARD

**October 27, 1999 – 7 p.m.** – Public Hearing  
Shenandoah County Brick Building, 112 South Main Street,  
3rd Floor Conference Room, Woodstock, Virginia.

**November 29, 1999** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled: **9 VAC 25-260-5 et seq. Water Quality Standards.** Water Quality Standards consist of designated uses of the water body and narrative and numeric criteria that protect those uses by describing water quality in general terms and specifically as numerical limits for physical, chemical and biological characteristics of water.

The State Water Control Board proposes to amend the State Water Control Board's Water Quality Standards at 9 VAC 25-260-350 and 9 VAC 25-260-400 to designate Stony Creek and its tributaries in Shenandoah County as a nutrient enriched water. If the water is designated nutrient enriched, a companion regulation, the Board's Policy for Nutrient Enriched Waters, 9 VAC 25-40-10 et seq., requires certain municipal and industrial dischargers with a design flow of 1.0 MGD or greater and effluents containing phosphorus to maintain a monthly average total phosphorus concentration of 2 milligrams per liter (mg/l) or less. Rocco Farm Foods near Edinburg - based on a design flow of 1.3 MGD - would be the only point source discharger impacted by this regulatory requirement to install a phosphorus removal system to control total phosphorus.

**Question and Answer Period:** A question and answer period will be held one-half hour prior to the beginning of the public hearing at the same location. Department of Environmental Quality staff will be present to answer questions regarding the proposed action.

**Accessibility to Person with Disabilities:** The hearing will be held at a public facility believed to be accessible to persons with disabilities. Any persons with questions on the accessibility of the facilities should contact Jean Gregory at

the address or phone numbers in the contact information given below.

**Comments:** The agency requests comments on any aspect of the proposal and also on the costs and benefits of the proposal.

**Alternatives:** In compliance with the State Water Control Board's Public Participation Guidelines, 9 VAC 25-10-10 et seq., the department will consider all alternatives which are considered to be less burdensome and less intrusive for achieving the essential purpose of the proposed regulation and any other alternatives presented during the proposed rulemaking. Several alternatives have already been considered. One alternative was to leave the regulation unchanged. This may appear to be the least intrusive approach; however, such an alternative would not provide a control strategy for the potential water quality degradation in Stony Creek from an already documented excess of phosphorus.

There may be other less intrusive alternatives to consider. For example, other alternatives would be to designate only the mainstem or a portion of the mainstem of Stony Creek as a nutrient enriched water.

**Other Pertinent Information:** The department has conducted analyses on the proposed action related to basis, substance, issues, need, estimated impacts, applicable federal requirements and alternative approaches and schedule for reevaluation. These analyses as well as copies of the amendments may be viewed at the Department of Environmental Quality, Valley Regional Office, 4411 Early Road, Harrisonburg, VA 22801 or obtained from Jean Gregory.

**Statutory Authority:** § 62.1-44.15 (3a) of the Code of Virginia.

**Contact:** Jean Gregory, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4113, 1-800-592-5482 or (804) 698-4161 TTY/☎, or e-mail [jwgregory@deq.state.va.us](mailto:jwgregory@deq.state.va.us).



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# Public Comment Periods - Proposed Regulations

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## TITLE 11. GAMING

### VIRGINIA RACING COMMISSION

#### Reproposed

**November 29, 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 Virginia Racing Commission intends to amend regulations entitled: **11 VAC 10-60-10 et seq. Regulations Pertaining to Horse Racing with Pari-Mutuel Wagering: Participants.** The purpose of the proposed action is to establish the qualifications and responsibilities of participants in pari-mutuel horse racing in the Commonwealth.

Statutory Authority: § 59.1-360 of the Code of Virginia.

**Contact:** William H. Anderson, Policy Analyst, Virginia Racing Commission, 10700 Horsemen's Road, New Kent, VA 23124, telephone (804) 966-7404 or FAX (804) 966-7418.

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## TITLE 12. HEALTH

### STATE BOARD OF HEALTH

**November 26, 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 Health intends to amend regulations entitled: **12 VAC 5-80-10 et seq. Regulations for the Administration of the Virginia Hearing Impairment Identification and Monitoring System.** The purpose of the proposed regulations is to reflect current statutory law by providing consistent guidance for the implementation and administration of a system designed to ensure that infants with hearing loss are identified and receive appropriate intervention at the earliest possible age after birth. The amendments will (i) establish standards by which hospitals with neonatal intensive care services and hospitals with newborn nurseries shall perform hearing screening on all newborns prior to discharge after birth and provide information to parents and primary medical care providers; (ii) establish procedures for reporting by hospitals and by persons providing audiological services; (iii) establish appropriate mechanisms for follow-up; and (iv) establish responsibilities of the Virginia Department of Health for monitoring and evaluation.

Statutory Authority: §§ 32.1-12 and 32.1-64 of the Code of Virginia.

**Contact:** Pat T. Dewey, Speech and Hearing Services Administrator, Division of Child and Adolescent Health, Department of Health, P.O. Box 2448, Richmond, VA 23218-

2448, telephone (804) 786-1964, FAX (804) 786-0917 or toll-free 1-800-828-1120/TTY ☎

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## TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

### BOARD OF MEDICINE

**November 19, 1999 – 8 a.m.** – Public Hearing  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia.

**November 26, 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 85-31-10 et seq. Regulations Governing the Practice of Physical Therapy.** The purpose of the proposed amendments is to clarify the use of unlicensed persons in the practice of physical therapy, require proof of English proficiency for graduates of schools located outside the United States and Canada, require graduates of nonapproved schools to provide documentation of certification by the Foreign Credentialing Commission on Physical Therapy, establish the passing score for the examination, and to clarify certain requirements for practice and supervision of physical therapy assistants. In addition, the proposed amendments establish an inactive licensure status and those requirements for renewal or reinstatement of licensure which are necessary to protect the public health and safety in the delivery of physical therapy services.

Statutory Authority: § 54.1-2400 and Chapter 29 (§ 54.1-2900 et seq.) 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.

### BOARD OF LICENSED PROFESSIONAL COUNSELORS, MARRIAGE AND FAMILY THERAPISTS AND SUBSTANCE ABUSE TREATMENT PROFESSIONALS

**November 18, 1999 – 1 p.m.** – Public Hearing  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia.

**November 26, 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 Professional Counselors, Marriage and Family Therapists and Substance Abuse Treatment Professionals intends to amend regulations entitled: **18 VAC 115-20-10 et seq. Regulations Governing the Practice of Professional Counseling.** The purpose of the proposed action is to

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## Public Comment Periods - Proposed Regulations

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amend regulations pursuant to Executive Order 15 (94) to clarify and simplify regulations, include an endorsement provision for practitioners licensed in other jurisdictions, reduce the burden of the residency requirements, simplify the reinstatement procedure and update the education requirements.

Statutory Authority: §§ 54.1-103 and 54.1-2400 and Chapter 35 (§ 54.1-3500 et seq.) 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 23230-1717, telephone (804) 662-9575, FAX (804) 662-9943 or (804) 662-7197/TTY ☎



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# PROPOSED REGULATIONS

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For information concerning Proposed Regulations, see Information Page.

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## 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.

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## TITLE 9. ENVIRONMENT

### STATE WATER CONTROL BOARD

Title of Regulation: **9 VAC 25-260-5 et seq. Water Quality Standards (amending 9 VAC 25-260-350 and 9 VAC 25-260-400).**

Statutory Authority: § 62.1-44.15(3a) of the Code of Virginia.

Public Hearing Date: October 27, 1999 - 7 p.m.

Public comments may be submitted until November 29, 1999.

(See Calendar of Events section for additional information)

Basis: Section 62.1-44.15(3a) of the Code of Virginia authorizes the State Water Control Board to establish water quality standards and policies for any state waters consistent with the purpose and general policy of the State Water Control Law, and to modify, amend or cancel any such standards or policies established. Such standards shall be adopted only after a hearing is held and the board takes into consideration the economic and social costs and benefits which can reasonably be expected to be obtained as a result of the standards as adopted, modified or canceled.

Purpose: Amendments to the Water Quality Standards (9 VAC 25-260-350 and 9 VAC 25-260-400 section 6) are proposed to designate Stony Creek and its tributaries as nutrient enriched waters in order to hold the line on nutrient enrichment in these waters via the point source total phosphorus control requirements in the board's Policy for Nutrient Enriched Waters (9 VAC 25-40-10 et seq.).

The proposed regulation is essential in protecting the health, safety and welfare of the citizens of the Commonwealth. It will enhance the department's ability to protect the water quality and living resources of Stony Creek for consumption of fish, recreation uses and conservation in general.

Although nutrients such as phosphorus are necessary for the growth of algae which are an essential part of the food chain, problems occur when an overabundance of these nutrients cause excessive growths of algae. Excessive amounts of aquatic plants, particularly algae, can discolor the water, create taste and odor problems for water supply managers, reduce water clarity and block sunlight from submerged aquatic vegetation. Another side effect of excessive algal blooms is impairment of primary contact recreation due to the aesthetically displeasing appearance of the water. The most serious problem resulting from algal growth occurs when the plants die and decay; at that time they can deplete the oxygen level of the water to the point where fish and other aquatic organisms cannot survive. It is important, therefore, that there are nutrient controls so that the symptoms of nutrient

enrichment, i.e., the excessive growth of plants and fluctuating levels of dissolved oxygen, be avoided.

The proposed regulation is also essential for the efficient and economical performance of an important governmental function. The amendment will establish the appropriate standards for use in calculating permit limits for point source discharges under the Virginia Pollution Discharge Elimination System Permit program.

Substance: The department's evaluation of agency in-stream nutrient monitoring data for Stony Creek for the period of July 6, 1994, through May 6, 1997, indicates nutrient enriched conditions. Consequently, the department proposes that the watershed (Stony Creek and its tributaries) qualifies for regulatory designation as a nutrient enriched water. The basis for this determination was monitoring data for total phosphorus, which is one of three indicators of nutrient enrichment used for regulatory designation of waters as nutrient enriched.

If the water is designated nutrient enriched a companion regulation, the board's policy for Nutrient Enriched waters (9 VAC 25-40-10), requires certain municipal and industrial dischargers with a design flow of 1.0 MGD or greater and effluents containing phosphorus to maintain a monthly average total phosphorus concentrations of 2 milligrams per liter (mg/l) or less. Rocco Farm Foods near Edinburg - based on a design flow of 1.3 MGD - would be the only point source discharger impacted by this regulatory requirement to install a phosphorus removal system to control total phosphorus.

Issues: Total phosphorus is one of three indicators of nutrient enrichment used for regulatory designation of waters as nutrient enriched. The department's monitoring data indicate that total phosphorus levels in this creek are above the nutrient enrichment trigger for this parameter. Several citizens at the public meeting were concerned that we were not basing the designation on nitrogen levels in the creek, but the technical advisory committee report which we use to evaluate whether a waterbody is nutrient enriched does not consider nitrogen to be an appropriate indicator of nutrient enrichment in flowing waters.

Several citizens have inquired whether designation of Stony Creek as a nutrient enriched water will automatically place it on the 303(d) list. 303(d) refers to a section of the federal Clean Water Act that, in conjunction with a 1992 federal regulation, requires the states to notify the public and submit a list to the Environmental Protection Agency of those waters which are not meeting water quality standards or are indicating declining quality and potential problems. There are five parts to the list and Total Maximum Daily Loads (which are usually called TMDLs) are to be developed for waters placed on parts 1 and 2 which are those waters identified through monitoring or modeling to not meet water quality standards. Waters designated as nutrient enriched in the standards regulation are both identified in the 305(b) report

and listed in part IV of the 303(d) list as "fully supported but threatened" for nutrients. A threatened listing does not result in the development of TMDLs, which is Total Maximum Daily Loads, but its listing does draw careful attention to the waterbody and biological and chemical monitoring will continue in these waters to determine the impact.

The above may be perceived as disadvantages to the public. There are no disadvantages to the department for the implementation or enforcement of the proposed amendment.

Impact: If these waters are designated as nutrient enriched, a companion regulation, the board's Policy for Nutrient Enriched Waters (9 VAC 25-40-10 et seq.), would require certain point source dischargers to these waters with a design flow of 1.0 MGD or greater and effluents containing phosphorus to maintain a monthly average total phosphorus concentration of 2 milligrams per liter (mg/l) or less. Rocco Farm Foods near Edinburg - based on a flow of 1.3 MGD - would be the only point source discharger impacted by this regulatory requirement to install a phosphorus removal system to control total phosphorus. The other three point source dischargers in the watershed, Stony Creek Sanitary District, Shrine Mont, and Edinburg Sewage Treatment Plant, have design flows below that covered in the Policy and thus would not be required to install phosphorus controls. New dischargers with flows greater than or equal to 50,000 gallons per day who propose to discharge to these nutrient enriched waters would be required to meet the monthly average total phosphorus effluent limitation of 2 mg/l.

Because the amendment is specific to that area and not statewide in nature, Shenandoah County could be considered "particularly affected."

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 amends the Commonwealth's Water Quality Standards Regulation to designate Stony Creek and its tributaries in Shenandoah County as a nutrient enriched water. When a water body is designated as nutrient enriched, a companion regulation (the board's policy for Nutrient Enriched Waters (9 VAC 25-40-10)) requires that certain municipal and industrial dischargers with a design flow of 1.0 MGD or greater, and whose effluents contain phosphorus, maintain a monthly average total phosphorus concentrations of two milligrams per liter or less. The only point source discharger impacted by this requirement would be Rocco

Farm Foods, near Edinburg, which has a design flow of 1.3 MGD.

Estimated economic impact. As discussed above, a consequence of this regulation is that dischargers into Stony Creek with a design flow of 1.0 MGD must install a phosphorus removal system to control total phosphorus. Currently, Rocco Farm Foods would be the only point source discharger that would be subject to this requirement. There are two sets of economic impacts that may arise because of this requirement. One result of this requirement could be that Rocco Farm Foods could redesign its flow operations so that the design flow would be less than 1.0 MGD. Another set of impacts result if Rocco Farm Foods keeps its current design flow and installs a phosphorus removal system.

The requirement to install phosphorus removal systems only applies to sources with design flow greater than 1.0 MGD. Rocco Farm Foods currently has a design flow of 1.3 MGD. It might be possible for Rocco to redesign its processes to reduce its design flow to below 1.0 MGD. If Rocco could do this, it would no longer be subject to the requirement to install phosphorus removal systems. However, while this is theoretically possible, discussions with Tim Moppin, in charge of environmental permitting for Rocco Farm Foods, suggest that it would be very difficult for Rocco to reduce its design flow to under 1.0 MGD, and therefore that it would not be likely that they would do so (Conversation with Moppin, 4-16-99). This implies that Rocco expects that the cost of reducing its design flow to exceed the cost of the installation of the phosphorus removal systems.

Instead of reducing its design flow to under 1.0 MGD, it is likely that, due to the requirements arising because of this regulation, Rocco Farm Foods will install a phosphorus removal system. We therefore need to examine the costs and benefits arising from this installation. The costs associated with this installation are somewhat uncertain, because very little phosphorus-specific removal systems have been developed. Rocco Farm Foods is working with Professor Clifford Randall of Virginia Tech to develop this system. The exact cost of this system is uncertain, because it is early in its development. However, one rough estimate is that installation of this system will cost two million dollars, according to Tim Moppin (Conversation with Moppin, 4-16-99). Another rough estimate from John Reid, a consulting engineer located in Fredericksburg, given to Bob Wolfe of Rocco, was two and a half million dollars (Email from Clifford Randall). Other costs could include the continuing costs of operating this system, and the cost of enforcing the permit. Rocco does not expect there to be substantial continuing costs of operation (Conversation with Bob Wolfe, Rocco Farms, 4-26-99). Also, the Department of Environmental quality does not expect that any extra resources will be necessary to enforce this permit (Conversation with Jean Gregory, 4-16-99). Thus, the costs of this regulation appear to be primarily the costs of installing the phosphorus removal system.

On the other hand, there will be many benefits from this installation, but these benefits are very difficult to quantify. After installation of the removal system, Rocco Farm Foods expects discharges of phosphorus to be significantly reduced

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# Proposed Regulations

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(Conversation with Moppin, 4-16-99). This improvement in water quality will have several beneficial effects.

There are many fish and wildlife affected by the water quality of Stony Creek. The wood turtle, which is listed as threatened by the Commonwealth of Virginia, has been documented near Stony Creek. Improvements in water quality are expected to be beneficial to this species (Comment by Department of Conservation and Recreation, from Public Comments on this Regulation, 11-20-98). Also, a trout fishery is located near the discharge point of Rocco Farm Foods. Reducing the level of phosphorus in Stony Creek will lead to higher levels of dissolved oxygen which will greatly benefit this trout fishery.

There are also aesthetic and recreational benefits from reducing phosphorus discharges. Stony Creek itself has aesthetically pleasing clear water. To keep this water clear, reductions in phosphorus levels are necessary to prevent significant increases in algae. Also, this region offers opportunities for ecotourism. Maintenance of the water quality of Stony Creek is important to these opportunities. Additionally, Stony Creek flows into the North Fork of the Shenandoah River, and much rafting activities take place on the Shenandoah River. These rafting activities also will be benefited by maintenance of the water quality of Stony Creek.

A further advantage arises because the waters from Stony Creek eventually reach the Chesapeake Bay. Reducing phosphorus discharges into Stony Creek can therefore reduce the amount of phosphorus entering the Bay.

While all of these are advantages to the installation of the phosphorus removal system by Rocco Farm Foods, it is difficult to determine the monetary value of these advantages. Doing so is beyond the scope of this review. However, such an investigation would examine the following: the value of improving the likelihood of survival of the wood turtle in this region; the value of improved trout size and yield at the trout fishery; the value placed on the cleanliness of Stony Creek by residents of the Commonwealth; additional profits for rafting and ecotourism operators, arising due to the improvement of the water quality of Stony Creek; and the cost of the next best alternative to reducing the same amount of phosphorus discharges into the Chesapeake Bay. These are all significant values, but they are also difficult to quantify. The sum of these values could then be compared to the cost of installing the removal system, along with the costs of operating this system.

Businesses and entities affected. This regulation will directly affect Rocco Farm Foods. Businesses indirectly affected include a trout fishery located nearby the Rocco discharge point, and operators of ecotourism and rafting in the area, and along the North Fork of the Shenandoah River.

Localities particularly affected. The Rocco Farm Foods facility is near the town of Edinburg. This locality will be principally affected by this regulation.

Projected impact on employment. The proposed regulation is not expected to have any affect on employment (Conversation with Bob Wolfe, Rocco Farms, 4-26-99).

Effects on the use and value of private property. This regulation will lead to the installation of a costly phosphorus

removal system. However, once this is installed, it is not expected to have any substantial negative effect on private property.

Summary of analysis. The proposed regulation designates Stony Creek and its tributaries in Shenandoah County as nutrient enriched water. A consequence of this regulation is that municipal and industrial dischargers with a design flow of 1.0 MGD or greater must maintain a monthly average total phosphorus concentrations of two milligrams per liter or less. Because of this, Rocco Farm Foods, which has a design flow of 1.3 MGD, must either reduce its design flow below 1.0 MGD or install a phosphorus removal system. It is expected that Rocco will install a phosphorus removal system.

While it is currently unclear exactly what phosphorus removal system will be installed, it is expected that the cost of whatever system is installed will be approximately two million dollars. There will be many benefits resulting from the decreased discharges of phosphorus. These benefits include protection of fish and wildlife nearby, improvement of the aesthetic quality of the river, maintenance of recreational opportunities including rafting, and a reduction of phosphorus discharges into the Chesapeake Bay. It is difficult to assess a monetary value to any of these benefits, but it is expected that these benefits will be substantial.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The department has reviewed the economic impact analysis prepared by the Department of Planning and Budget and has no comment.

## Summary:

*The proposed amendments designate Stony Creek and its tributaries in Shenandoah County as a nutrient enriched water. If the water is designated nutrient enriched a companion regulation, the board's policy for Nutrient Enriched waters (9 VAC 25-40-10), requires certain municipal and industrial dischargers with a design flow of 1.0 MGD or greater and effluents containing phosphorus to maintain a monthly average total phosphorus concentration of 2 milligrams per liter (mg/l) or less. Rocco Farm Foods near Edinburg - based on a design flow of 1.3 MGD - would be the only point source discharger impacted by this regulatory requirement to install a phosphorus removal system to control total phosphorus.*

## **9 VAC 25-260-350. Designation of nutrient enriched waters.**

A. The following state waters are hereby designated as "nutrient enriched waters":

1. Smith Mountain Lake and all tributaries\* of the impoundment upstream to their headwaters;
2. Lake Chesdin from its dam upstream to where the Route 360 bridge (Goodes Bridge) crosses the Appomattox River, including all tributaries to their

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\* When the word "tributaries" is used in this standard, it does not refer to the mainstem of the water body that has been named.

headwaters that enter between the dam and the Route 360 bridge;

3. South Fork Rivanna Reservoir and all tributaries of the impoundment upstream to their headwaters;

4. New River and its tributaries, except Peak Creek above Interstate 81, from Claytor Dam upstream to Big Reed Island Creek (Claytor Lake).

5. Peak Creek from its headwaters to its mouth (confluence with Claytor Lake), including all tributaries to their headwaters;

6. Aquia Creek from its headwaters to the state line;

7. Fourmile Run from its headwaters to the state line;

8. Hunting Creek from its headwaters to the state line;

9. Little Hunting Creek from its headwaters to the state line;

10. Gunston Cove from its headwaters to the state line;

11. Belmont and Occoquan Bays from their headwaters to the state line;

12. Potomac Creek from its headwaters to the state line;

13. Neabsco Creek from its headwaters to the state line;

14. Williams Creek from its headwaters to its confluence with Upper Machodoc Creek;

15. Tidal freshwater Rappahannock River from the fall line to Buoy 44, near Leedstown, Virginia, including all tributaries to their headwaters that enter the tidal freshwater Rappahannock River;

16. Estuarine portion of the Rappahannock River from Buoy 44, near Leedstown, Virginia, to the mouth of the Rappahannock River (Buoy 6), including all tributaries to their headwaters that enter the estuarine portion of the Rappahannock River;

17. Estuarine portion of the Mattaponi River from Clifton, Virginia, and estuarine portion of the Pamunkey River from Sweet Hall Landing, Virginia to West Point, Virginia, and the York River from West Point, Virginia, to the mouth of the York River (Tue Marsh Light) including all tributaries to their headwaters that enter the estuarine portions of the Mattaponi River, the Pamunkey River and the York River;

18. Tidal freshwater James River from the fall line to the confluence of the Chickahominy River (Buoy 70) including all tributaries to a distance five river miles above their fall lines that enter the tidal freshwater James River;

19. Estuarine portion of the James River from its confluence with the Chickahominy River (Buoy 70) to the mouth of the James River (Buoy 25), including all tributaries to their headwaters;

20. Chesapeake Bay and its small coastal basins from the Virginia state line to the mouth of the Bay (a line from Cape Henry drawn through Buoys 3 and 8 to Fishermans

Island), and its tidal tributaries, excluding the Potomac tributaries, those tributaries listed above, and the Mattaponi River upstream of Clifton, Virginia, and the Pamunkey River upstream of Sweet Hall Landing, Virginia; ~~and~~

21. Tidal freshwater Blackwater River from the Norfolk and Western railway bridge at Burdette, Virginia, and tidal freshwater Nottoway River from the Norfolk and Western railway bridge at Courtland, Virginia, to the state line, including all tributaries to their headwaters that enter the tidal freshwater portions of the Blackwater River and the Nottoway River; *and*

22. *Stony Creek from its confluence with the North Fork Shenandoah River to its headwaters including all named and unnamed tributaries to their headwaters.*

B. Whenever any water body is designated as "nutrient enriched waters," the board shall modify the VPDES permits of point source dischargers into the "nutrient enriched waters" as provided in the board's Policy for Nutrient Enriched Waters (9 VAC 25-40-10 et seq.).

**9 VAC 25-260-400. Potomac River Basin (Shenandoah River Subbasin).**

Shenandoah River Subbasin

SEC.	CLASS	SP. STDS.	SECTION DESCRIPTION
1	IV	pH-6.5-9.5	Shenandoah River and its tributaries in Clarke County, Virginia, from the Virginia-West Virginia state line to Lockes Landing, unless otherwise designated in this chapter.
1a	IV	PWS pH-6.5-9.5	Shenandoah River and its tributaries from river mile 24.66 (latitude 39°16'19"; longitude 77°54'33") approximately 0.7 mile downstream of the confluence of the Shenandoah River and Dog Run to 5 miles above Berryville's raw water intake (latitude 39°05'56"; longitude 77°58'31"), unless otherwise designated in this chapter.
	V	pH-6.5-9.5	Stockable Trout Waters in Section 1a
	vi		Chapel Run (Clarke County) from its confluence with the Shenandoah River 5.7 miles upstream.
	vi		Spout Run (Clarke County) from its confluence with the Shenandoah River (in the vicinity of the Ebenezer

# Proposed Regulations

			Church at Route 604) to its headwaters.			with Broad Run above Browntown (in the vicinity of Route 632).
1b			(Deleted)			
1c	IV	pH-6.5-9.5	Shenandoah River and its tributaries from a point 5 miles above Berryville's raw water intake to the confluence of the North and South Forks of the Shenandoah River.	***		Hawksbill Creek from Route 675 in Luray to 1 mile above Route 631.
	VI	pH-6.5-9.5	Natural Trout Waters in Section 1c	VI	pH-6.5-9.5	Natural Trout Waters in Section 2
	iii		Page Brook from its confluence with Spout Run, 1 mile upstream.	iii		Browns Run from its confluence with Big Run upstream including all named and unnamed tributaries.
	***		Roseville Run (Clarke County) from its confluence with Spout Run upstream including all named and unnamed tributaries.	ii		Cub Run (Page County) from Pitt Spring Run upstream including all named and unnamed tributaries.
	iii		Spout Run (Clarke County) from its confluence with the Shenandoah River (in the vicinity of Calmes Neck at Rts 651 and 621), 3.9 miles upstream.	***		Cub Run from its mouth to Pitt Spring Run.
	***		Westbrook Run (Clarke County) from its confluence with Spout Run upstream including all named and unnamed tributaries.	ii		Fultz Run from the Park boundary (river mile 1.8) upstream including all named and unnamed tributaries.
1d	IV	PWS	The South Fork Shenandoah River and its tributaries from the Town of Front Royal's raw water intake (at the State Route 619 bridge at Front Royal) to a point 5 miles upstream.	ii		Gooney Run (in Warren County) from 6.6 miles above its confluence with the South Fork Shenandoah River 3.9 miles upstream.
				ii		Hawksbill Creek in the vicinity of Pine Grove at Route 624 (river mile 17.7) 1.5 miles upstream.
2	IV	pH-6.5-9.5	South Fork Shenandoah River and its tributaries from its confluence with the North Fork Shenandoah River, upstream to a point 5 miles above the Town of Shenandoah's raw water intake, unless otherwise designated in this chapter.	ii		Jeremys Run from the National Park boundary upstream including all named and unnamed tributaries.
	V	pH-6.5-9.5	Stockable Trout Waters in Section 2	ii		Lands Run from its confluence with Gooney Run upstream including all named and unnamed tributaries.
	vi		Flint Run from its confluence with the South Fork Shenandoah River 4 miles upstream.	i		Little Hawksbill Creek from Route 626 upstream including all named and unnamed tributaries.
	***		Gooney Run from the mouth to its confluence	ii		Morgan Run (Page County) from its confluence with Cub Run upstream including all named and unnamed tributaries.

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	ii		Overall Run from its confluence with the South Fork Shenandoah River 4.8 miles upstream including all named and unnamed tributaries.	i		East Branch Naked Creek from its confluence with Naked Creek at Route 759 upstream including all named and unnamed tributaries.
	ii		Pass Run (Page County) from its confluence with Hawksbill Creek upstream including all named and unnamed tributaries.	ii		Little Creek (Page County) from its confluence with Big Creek upstream including all named and unnamed tributaries.
	ii		Pitt Spring Run from its confluence with Cub Run upstream including all named and unnamed tributaries.	ii		South Branch Naked Creek from 1.7 miles above its confluence with Naked Creek (in the vicinity of Route 607) upstream including all named and unnamed tributaries.
	ii		Roaring Run from its confluence with Cub Run upstream including all named and unnamed tributaries.	ii	iv	Stony Run (Page County) from 1.6 miles above its confluence with Naked Creek upstream including all named and unnamed tributaries.
2a	IV	PWS pH-6.5-9.5	Happy Creek from Front Royal's raw water intake to its headwaters.			
2b			(Deleted)		ii	West Branch Naked Creek from 2.1 miles above its confluence with Naked Creek upstream including all named and unnamed tributaries.
2c			(Deleted)			
2d	V	pH-6.5-9.5	Stockable Trout Waters in Section 2d			
	vii		Bear Lithia Spring from its confluence with the South Fork Shenandoah River 0.8 mile upstream.	3	IV	pH-6.5-9.5 South Fork Shenandoah River and its tributaries from 5 miles above the Town of Shenandoah's raw water intake to its confluence with the North and South Rivers, and the South River and its tributaries from its confluence with the South Fork Shenandoah River to their headwaters, unless otherwise designated in this chapter.
	VI	pH-6.5-9.5	Natural Trout Waters in Section 2d			
	ii		Big Creek (Page County) from its confluence with the East Branch Naked Creek upstream including all named and unnamed tributaries.			
	ii		Big Ugly Run from its confluence with the South Branch Naked Creek upstream including all named and unnamed tributaries.		V	pH-6.5-9.5 Stockable Trout Waters in Section 3
	ii		Boone Run from 4.6 miles above its confluence with the South Fork Shenandoah River (in the vicinity of Route 637) upstream including all named and unnamed tributaries.		vi	Hawksbill Creek (Rockingham County) from 0.8 mile above its confluence with the South Fork Shenandoah River 6.6 miles upstream.
					vi	Mills Creek (Augusta County) from 1.8 miles above its confluence with Back Creek 2 miles upstream.

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vi		North Fork Back Creek (Augusta County) from its confluence with Back Creek 2.6 miles upstream, unless otherwise designated in this chapter.		upstream including all named and unnamed tributaries.
VI	pH-6.5-9.5	Natural Trout Waters in Section 3	iv	Jones Hollow (Augusta County) from 1.1 miles above its confluence with the South River upstream including all named and unnamed tributaries.
i		Bearwallow Run from its confluence with Onemile Run upstream including all named and unnamed tributaries.	ii	Kennedy Creek from its confluence with the South River upstream including all named and unnamed tributaries.
ii		Big Run (Rockingham County) from 3.3 miles above its confluence with the South Fork Shenandoah River upstream including all named and unnamed tributaries.	iv	Lee Run from 0.6 mile above its confluence with Elk Run 3.3 miles upstream.
iii		Cold Spring Branch (Augusta County) from Sengers Mountain Lake (Rhema Lake) upstream including all named and unnamed tributaries.	iii	Loves Run (Augusta County) from 2.7 miles above its confluence with the South River upstream including all named and unnamed tributaries.
ii		Deep Run (Rockingham County) from 1.8 miles above its confluence with the South Fork Shenandoah River upstream including all named and unnamed tributaries.	ii	Lower Lewis Run (Rockingham County) from 1.7 miles above its confluence with the South Fork Shenandoah River upstream including all named and unnamed tributaries.
ii		East Fork Back Creek from its confluence with the South Fork Back Creek upstream including all named and unnamed tributaries.	ii	Madison Run (Rockingham County) from 2.9 miles above its confluence with the South Fork Shenandoah River upstream including all named and unnamed tributaries.
ii		Gap Run from 1.7 miles above its confluence with the South Fork Shenandoah River upstream including all named and unnamed tributaries.	ii	Meadow Run (Augusta County) from its confluence with the South River upstream including all named and unnamed tributaries.
iii		Inch Branch (Augusta County) from the dam upstream including all named and unnamed tributaries.	ii	North Fork Back Creek (Augusta County) from river mile 2.6 (in the vicinity of its confluence with Williams Creek) upstream including all named and unnamed tributaries.
ii		Johns Run (Augusta County) from its confluence with the South River	i	Onemile Run (Rockingham County) from 1.5 miles above its confluence with the South Fork

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	Shenandoah River upstream including all named and unnamed tributaries.		iv		tributaries.
ii	Paine Run (Augusta County) from 1.7 miles above its confluence with the South River upstream including all named and unnamed tributaries.				Upper Lewis Run from 0.5 mile above its confluence with Lower Lewis Run upstream including all named and unnamed tributaries.
ii	Robinson Hollow (Augusta County) from the dam upstream including all named and unnamed tributaries.	3a	IV	pH-6.5-9.5	Whiteoak Run from its confluence with Madison Run upstream including all named and unnamed tributaries.
ii	Rocky Mountain Run from its confluence with Big Run upstream including all named and unnamed tributaries.	3b	IV	PWS pH-6.5-9.5	South River from the dam above Waynesboro (all waters of the impoundment). Coles Run and Mills Creek from South River Sanitary District's raw water intake to their headwaters.
iv	Sawmill Run from 2.5 miles above its confluence with the South River upstream including all named and unnamed tributaries.		VI	PWS	Natural Trout Waters in Section 3b
ii	South Fork Back Creek from its confluence with Back Creek at Route 814 (river mile 2.1) upstream including all named and unnamed tributaries.		ii	pH-6.5-9.5	Coles Run (Augusta County) from 3.9 miles above its confluence with the South River Sanitary District's raw water intake (Coles Run Dam) upstream including all named and unnamed tributaries.
ii	Stony Run (Augusta County) from 3.5 miles above its confluence with the South River upstream including all named and unnamed tributaries.		ii		Mills Creek (Augusta County) from the South River Sanitary District's raw water intake (river mile 3.8) upstream including all named and unnamed tributaries.
iii	Stony Run (Rockingham County) from 4.1 miles above its confluence with the South Fork Shenandoah River upstream including all named and unnamed tributaries.	3c	IV	PWS pH-6.5-9.5	A tributary to Coles Run from Stuarts Draft raw water intake approximately one-half mile south of Stuarts Draft and just off Route 610, to its headwaters.
iii	Toms Branch (Augusta County) from 1.1 miles above its confluence with Back Creek upstream including all named and unnamed tributaries.	4	IV	pH-6.5-9.5	Middle River and its tributaries from the confluence with the North River upstream to its headwaters, unless otherwise designated in this chapter.
i	Twomile Run from 1.4 miles above its confluence with the South Fork Shenandoah River upstream including all named and unnamed		V	pH-6.5-9.5	Stockable Trout Waters in Section 4
			v		Barterbrook Branch from its

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			confluence with Christians Creek 2.8 miles upstream.					tributaries.
	vi		Folly Mills Creek from 2.4 miles above its confluence with Christians Creek (in the vicinity of Route 81) 4.5 miles upstream.			iii		Briery Branch (Rockingham County) from river mile 6.9 upstream including all named and unnamed tributaries.
4a	IV	PWS pH-6.5-9.5	Middle River and its tributaries from Staunton's raw water intake at Gardner Spring to a point 5 miles upstream.			iv		Gum Run from its mouth upstream including all named and unnamed tributaries.
	V		Stockable Trout Waters in Section 4a			iii		Hone Quarry Run from its confluence with Briery Branch upstream including all named and unnamed tributaries.
	***		East Dry Branch from its confluence with Buffalo Branch to its headwaters.			iv		Little River from its confluence with the North River at Route 718 upstream including all named and unnamed tributaries.
	VI	pH-6.5-9.5	Natural Trout Waters in Section 4a			iv		Maple Spring Run from its mouth upstream including all named and unnamed tributaries.
	iv		Buffalo Branch (Augusta County) from Route 703 upstream including all named and unnamed tributaries.			iv		Mines Run from its confluence with Briery Branch upstream including all named and unnamed tributaries.
5	IV	pH-6.5-9.5	North River and its tributaries from its confluence with the South River upstream to its headwaters, unless otherwise designated in this chapter.			iv		Rocky Run (which is tributary to Briery Branch in Rockingham County) from its mouth upstream including all named and unnamed tributaries.
	V	pH-6.5-9.5	Stockable Trout Waters in Section 5			iii		Rocky Run (which is tributary to Dry River in Rockingham County) from its mouth upstream including all named and unnamed tributaries.
	v		Beaver Creek (Rockingham County) from its confluence with Briery Branch to its headwaters.			ii		Union Springs Run from 3 miles above its confluence with Beaver Creek upstream including all named and unnamed tributaries.
	v		Naked Creek (Augusta County) from 3.7 miles above its confluence with the North River at Route 696, 2 miles upstream.			iv		Wolf Run (Augusta County) from its confluence with Briery Branch upstream including all named and unnamed tributaries.
	VI	pH-6.5-9.5	Natural Trout Waters in Section 5			ii		Black Run (Rockingham County) from its mouth upstream including all named and unnamed
	iv		Big Run (Augusta County) from 0.9 mile above its confluence with Little River upstream including all named and unnamed tributaries.			iv		Silver Lake
	ii		Black Run (Rockingham County) from its mouth upstream including all named and unnamed	5a	IV	PWS pH-6.5-9.5		

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5b	IV	PWS pH-6.5-9.5	North River and its tributaries from Harrisonburg's raw water intake at Bridgewater to a point 5 miles above Bridgewater's raw water intake to include Dry River and Muddy Creek.	5d	VI	pH-6.5-9.5	tributaries. Dry River and its tributaries from 5 miles above Harrisonburg's raw water intake to its headwaters.	
	V	PWS pH-6.5-9.5	Stockable Trout Waters in Section 5b		VI	pH-6.5-9.5	Natural Trout Waters in Section 5d	
	v		Mossy Creek from its confluence with the North River 7.1 miles upstream.		iv		Dry River (Rockingham County) from 5 miles above Harrisonburg's raw water intake upstream including all named and unnamed tributaries.	
	v		Spring Creek (Rockingham County) from its confluence with the North River 2 miles upstream.		ii		Laurel Run (Rockingham County) from its confluence with Dry River upstream including all named and unnamed tributaries.	
5c	IV	PWS pH-6.5-9.5	Dry River in Rockingham County from Harrisonburg's raw water intake (approximately 11.7 miles above its confluence with the North River) to a point 5 miles upstream, unless otherwise designated in this chapter.		ii		Little Laurel Run from its confluence with Dry River upstream including all named and unnamed tributaries.	
	V	PWS	Stockable Trout Waters in Section 5c		ii		Low Place Run from its confluence with Dry River upstream including all named and unnamed tributaries.	
	viii	pH-6.5-9.5	Raccoon Run (Rockingham County) from its confluence with Dry River to its headwaters.		iv		Miller Spring Run from its confluence with Dry River upstream including all named and unnamed tributaries.	
	VI	PWS	Natural Trout Waters in Section 5c		iii		Sand Run from its confluence with Dry River upstream including all named and unnamed tributaries.	
	iv	pH-6.5-9.5	Dry River (Rockingham County) from Harrisonburg's raw water intake (approximately 11.7 miles above its confluence with the North River) to a point 5 miles upstream.		iv		Skidmore Fork from its confluence with Dry River upstream including all named and unnamed tributaries.	
	iv		Dry Run (Rockingham County) from its confluence with Dry River upstream including all named and unnamed tributaries.		5e	VI	PWS pH-6.5-9.5	North River from Staunton Dam to its headwaters.
	iv		Hopkins Hollow from its confluence with Peach Run upstream including all named and unnamed tributaries.		6	IV	pH-6.5-9.5 <i>NEW-22</i>	North Fork Shenandoah River from its confluence with the Shenandoah River to its headwaters, unless otherwise designated in this chapter.
	iv		Kephart Run from its confluence with Dry River upstream including all named and unnamed		V	pH-6.5-9.5		Stockable Trout Waters in Section 6
			vi			Bear Run from its		

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		confluence with Foltz Creek to its headwaters.		German River upstream including all named and unnamed tributaries.
***		Stony Creek from Route 685 above Edinburg upstream to Basye.	iii	Bible Run from its confluence with Little Dry River upstream including all named and unnamed tributaries.
vi		Bull Run (Shenandoah County) from its confluence with Foltz Creek to its headwaters.	ii	Camp Rader Run from its confluence with the German River upstream including all named and unnamed tributaries.
vi		Falls Run from its confluence with Stony Creek to its headwaters.		
vi		Foltz Creek from its confluence with Stony Creek to its headwaters.	iv	Carr Run from its confluence with Little Dry River upstream including all named and unnamed tributaries.
vi		Little Passage Creek from its confluence with Passage Creek to the Strasburg Reservoir Dam.	iv	Clay Lick Hollow from its confluence with Carr Run upstream including all named and unnamed tributaries.
***		Mill Creek from Mount Jackson to Route 720 - 3.5 miles.		
vi		Mountain Run from its mouth at Passage Creek to its headwaters.	iv	Gate Run from its confluence with Little Dry River upstream including all named and unnamed tributaries.
***		Passage Creek from the U.S. Forest Service line (in the vicinity of Blue Hole and Buzzard Rock) 4 miles upstream.	iv	German River (Rockingham County) from its confluence with the North Fork Shenandoah River (at Route 820) upstream including all named and unnamed tributaries.
vi		Passage Creek from 29.6 miles above its confluence with the North Fork Shenandoah River to its headwaters.	ii	Laurel Run (Shenandoah County) from its confluence with Stony Creek upstream including all named and unnamed tributaries.
vi		Peters Mill Run from the mouth to its headwaters.		
***		Shoemaker River from 612 at Hebron Church to its junction with Route 817 at the Shoemaker's confluence with Slate Lick Branch.	ii	Little Stony Creek from its confluence with Stony Creek upstream including all named and unnamed tributaries.
VI	pH-6.5-9.5	Natural Trout Waters in Section 6	iv	Marshall Run (Rockingham County) from 1.2 miles above its confluence with the North Fork Shenandoah River upstream including all named and unnamed tributaries.
ii		Anderson Run (Shenandoah County) from 1.1 miles above its confluence with Stony Creek upstream including all named and unnamed tributaries.		
iv		Beech Lick Run from its confluence with the	iii	Mine Run (Shenandoah County) from its confluence

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			with Passage Creek upstream including all named and unnamed tributaries.			pH-6.5-9.5	River and its tributaries from the Winchester raw water intake to a point 5 miles upstream (to include Cedar Creek and its tributaries to their headwaters).
	ii		Poplar Run (Shenandoah County) from its confluence with Little Stony Creek upstream including all named and unnamed tributaries.		V	PWS pH-6.5-9.5	Stockable Trout Waters in Section 6b
	iv		Rattlesnake Run (Rockingham County) from its confluence with Spruce Run upstream including all named and unnamed tributaries.		***		Cedar Creek (Shenandoah County) from Route 55 (river mile 23.56) to the U.S. Forest Service Boundary (river mile 32.0) - approximately 7 miles.
	iv		Root Run from its confluence with Marshall Run upstream including all named and unnamed tributaries.		v	PWS pH-6.5-9.5	Meadow Brook (Frederick County) from its confluence with Cedar Creek 5 miles upstream.
	iv		Seventy Buck Lick Run from its confluence with Carr Run upstream including all named and unnamed tributaries.		VI	PWS pH-6.5-9.5	Natural Trout Waters in Section 6b
	iv		Sirks Run (Spring Run) from 1.3 miles above its confluence with Crab Run upstream including all named and unnamed tributaries.		iii		Cedar Creek (Shenandoah County) from the U.S. Forest Service boundary (river mile 32.0) near Route 600 upstream including all named and unnamed tributaries.
	iv		Spruce Run (Rockingham County) from its confluence with Capon Run upstream including all named and unnamed tributaries.		ii		Duck Run from its confluence with Cedar Creek upstream including all named and unnamed tributaries.
	iv		Sumac Run from its confluence with the German River upstream including all named and unnamed tributaries.		***		(Paddy Run (Frederick County) from its mouth (0.0) to river mile 1.8.)
6a	IV	PWS pH-6.5-9.5	Little Passage Creek from the Strasburg Reservoir Dam upstream to its headwaters, unless otherwise designated in this chapter.		vi**		(Paddy Run (Frederick County) from river mile 1.8 to 8.1-6.3 miles.)
	V	PWS pH-6.5-9.5	Stockable Trout Waters in Section 6a	6c	IV	PWS pH-6.5-9.5	Sulphur Springs Gap (Shenandoah County) from its confluence with Cedar Creek 1.9 miles upstream.
	vi		Little Passage Creek from the Strasburg Reservoir Dam upstream to its headwaters.				North Fork Shenandoah River and its tributaries from Strasburg's raw water intake to points 5 miles upstream.
6b	IV	PWS	North Fork Shenandoah	6d	IV	PWS pH-6.5-9.5	North Fork Shenandoah River and its tributaries

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from Woodstock's raw water intake (approximately 1/4 mile upstream of State Route 609 bridge near Woodstock) to a point 5 miles upstream.

Jackson) which serve as a water supply for the Town of Edinburg, from the Edinburg intakes upstream to their headwaters.

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6e	IV	PWS pH-6.5-9.5	Smith Creek and its tributaries from New Market's raw water intake to its headwaters.
6f	IV	PWS pH-6.5-9.5	North Fork Shenandoah River and its tributaries from the Food Processors Water Coop, Inc. dam at Timberville and the Town of Broadway's intakes on Linville Creek and the North Fork Shenandoah to points 5 miles upstream.
6g	IV	pH-6.5-9.5	Shoemaker River and its tributaries from Slate Lick Run, and including Slate Lick Run, to its headwaters.
	V	pH-6.5-9.5	Stockable Trout Waters in Section 6g
	***		Slate Lick Run from its confluence with the Shoemaker River upstream to the 1500 foot elevation.
	VI	pH-6.5-9.5	Natural Trout Waters in Section 6g
	iv		Long Run (Rockingham County) from its confluence with the Shoemaker River upstream including all named and unnamed tributaries.
	iv		Slate Lick Run from the 1500 foot elevation upstream upstream including all named and unnamed tributaries.
6h	IV	PWS pH-6.5-9.5	Unnamed tributary of North Fork Shenandoah River (on the western slope of Short Mountain opposite Mt. Jackson) from the Town of Mt. Jackson's raw water intake (north and east dams) to its headwaters.
6i	IV	PWS pH-6.5-9.5	Little Sulfur Creek, Dan's Hollow and Horns Gully (tributaries of the North Fork Shenandoah River on the western slope of Short Mountain opposite Mt.



## TITLE 11. GAMING

### VIRGINIA RACING COMMISSION

#### REPROPOSED

**Title of Regulation:** 11 VAC 10-60-10 et seq. Regulations Pertaining to Horse Racing with Pari-Mutuel Wagering: Participants (amending 11 VAC 10-60-10, 11 VAC 10-60-20, 11 VAC 10-60-40, 11 VAC 10-60-70, 11 VAC 10-60-120, 11 VAC 10-60-130, 11 VAC 10-60-140, and 11 VAC 10-60-150; adding 11 VAC 10-60-15, 11 VAC 10-60-290, 11 VAC 10-60-300, 11 VAC 10-60-310, and 11 VAC 10-60-320; repealing 11 VAC 10-60-30 and 11 VAC 10-60-60).

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

**Public Hearing Date:** N/A -- Public comments may be submitted until November 29, 1999.

(See Calendar of Events section for additional information)

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

The proposed regulation was published in its proposed version in the October 12, 1998, issue of the Register of Regulations. A public hearing was held on the regulation on November 18, 1998. After receiving written and oral comment on the proposed action, staff met with interested parties to revise the proposed version. On advice from counsel from the Attorney General's Office, the commission at its August 18, 1999, meeting voted to put the revisions in the proposed regulation out for an additional 60-day period of public comment.

**Purpose:** The commission has promulgated this regulation to achieve its statutory purpose of maintaining horse racing in the Commonwealth of the highest quality. The proposed regulation reflects more closely the intent of the statute regarding the consideration of applications for participation in horse racing thereby eliminating the provisional permit. Furthermore, the regulation takes into account changes in standard operating procedures found at most racetracks in the mid-Atlantic region since the current regulation was promulgated eight years ago. The proposed regulation

amends the existing regulation pertaining to participants in horse racing with pari-mutuel wagering to promote the public health, safety and welfare.

Substance: The proposed regulation repeals the sections pertaining to provisional permits and clarifies the procedures under which applications for permits shall be considered by the commission. The regulation also clarifies the responsibilities of participants regarding alcohol and drug testing, provision of workers' compensation insurance coverage for employees, disorderly conduct and unwarranted objections. The regulation also specifies that permit holders shall provide a current mailing address. Further, the regulation incorporates the practices of other jurisdictions, primarily Maryland, regarding the responsibilities placed upon owners of racehorses. These amendments were necessitated by the demise of the thoroughbred ownership registry of The Jockey Club.

The proposed regulation incorporates the practices of other jurisdictions as to the responsibilities placed upon jockeys and apprentice jockeys. It also introduces an apprentice certificate that has been instituted among the racing states in the mid-Atlantic region. It also establishes a multiple engagement regulation for a jockey that parallels regulations in other jurisdictions.

The proposed action more appropriately shifts four categories of permit holders from the chapter pertaining to racing officials to the chapter pertaining to participants.

Following the public hearing and the close of the period of public comment, commission staff held extensive meetings with racing officials, representatives of the Jockeys' Guild and the Maryland Jockey Club. As a result, the following sections were revised after the regulation was published in its proposed version. The revisions are:

11 VAC 10-60-10: In subsection H, the felonies considered detrimental to horse racing in the Commonwealth are specified, and in subsection V, the original language is restored but the levels of alcohol content are reduced.

11 VAC 10-60-40: In subsection C, the original language is restored and the proposed language is stricken. In subsection D, the age limitation is stricken from the proposed version. In subsection H, the term of leases is stricken. In subsection I, the word "written" is substituted for the word "notarized" and the requirement of a legal name accompanying a stable name is stricken. The registration requirements, notification of a change of trainer, and prohibitions on owners in subsections K, L and M are stricken.

11 VAC 10-60-70: In subsection D, the revision allows a trainer to participate as a jockey but the jockey may only ride horses he trains. In subsection F, the provision for workers' compensation insurance is eliminated as unnecessary. In subsection G, the wording "or a permit in Virginia" is added to conform to other similar provisions.

11 VAC 10-60-120: In subsection T, the revised language clarifies the weighing in procedures and the amount of overweight carried by the jockey during the running of a race.

11 VAC 10-60-320: The revised language eliminates the requirement upon the track superintendent of having the

necessary personnel and equipment available. It has been determined that this is the responsibility of the licensee and not one of its employees.

Issues: The proposed regulation was promulgated with the input of counsel from the Attorney General's Office as well as the commission's experience in operating the first five race meetings at Colonial Downs. Furthermore, representatives of the horse industry, primarily the Jockeys' Guild and racing officials from Colonial Downs and the Maryland Jockey Club were intensely involved in the revision of the proposed regulation. The proposed regulation essentially updates the previous regulation by eliminating outmoded procedures. The proposed regulation further creates the advantage of providing uniformity among neighboring jurisdictions while not creating a disadvantage for the Commonwealth or the public.

Summary:

*The proposed amendments incorporate the changes in standard operating procedures for racetracks in the mid-Atlantic region; allow licensees reciprocity if licensed in another state with similar regulatory requirements; and clarify sections with permit application procedures, including the repeal of provisional permits. The proposed version of the regulation has been revised to reflect the public comment received during the public hearing and the period of public comment.*

**11 VAC 10-60-10. Generally.**

No person shall participate in any horse racing subject to the jurisdiction of the commission or in the conduct of a race meeting or pari-mutuel wagering of the race meeting unless the person possesses a permit from the commission and complies with the provisions of the Act and the regulations of the commission. Permits issued by the commission are not transferable.

A. Application for permit. A person desiring to obtain a permit to participate in horse racing, with pari-mutuel wagering, shall make an application for a permit on a form prescribed by the commission. The application shall be accompanied by a fee prescribed by the commission and the cost of fingerprinting. The applicant shall be photographed. ~~The applicant shall also be fingerprinted upon making his initial application in the Commonwealth and at least once every five years thereafter.~~ The application shall be verified by the oath or affirmation of the applicant.

B. Fee schedule. Before submitting an application for a permit as a participant, the applicant shall consult the fee schedule (11 VAC 10-60-15) of the Virginia Racing Commission to ascertain the applicable fee, make out a check or money order payable to the Virginia Racing Commission or pay in cash the full amount of the fee, and submit the fee with the application.

~~C. Provisional permit. Pending the completion of a background investigation into the qualifications and fitness of an applicant for a permit, the commission shall grant a provisional permit in accordance with the following provisions:~~

~~1. The applicant shall be permitted to participate in horse racing to the extent allowed by the permit for which application was made;~~

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~~2. The applicant, in the exercise of reasonable care and diligence, could not have made application in time for a decision to be made on the applicant's qualifications and fitness; and~~

~~3. The commission has no reason to believe that the applicant is ineligible for the permit for which application was made.~~

~~D. Termination of provisional permit. A provisional permit shall terminate upon a decision of the commission to approve or deny the application for a permit, or 120 days after the grant of the provisional permit, whichever occurs first. A provisional permit shall carry no presumption of qualifications or fitness, and may be terminated summarily by the commission for cause.~~

~~E. Recommendation by stewards. The stewards, employed as racing officials by the commission, shall promptly consider an application, and shall approve or deny the application based on the information in the application and all other information before them, including any investigation they deem appropriate. If an application is approved by the stewards, the permit shall be valid for one year.~~

~~F. Denial of application. The stewards shall deny the application, if they find that the approval of a permit for the person would not be in the best interests of the people of the Commonwealth, or the horse racing industry of the Commonwealth, or would reflect adversely on the honesty and integrity of the horse racing industry in the Commonwealth, or that the applicant:~~

~~1. Has knowingly made a false statement of a material fact in the application, or has deliberately failed to disclose any information requested by the commission;~~

~~2. Is or has been guilty of any corrupt or fraudulent practice or conduct in connection with any horse race meeting in this or any other state;~~

~~3. Has knowingly failed to comply with the provisions of the Act or the regulations of the commission;~~

~~4. Has had a permit to engage in activity related to horse racing denied for just cause, suspended or revoked in any other jurisdiction, and such denial, suspension or revocation is still in effect;~~

~~5. Is not qualified to perform the duties required for the permit sought; or~~

~~6. Has been convicted in any jurisdiction of a misdemeanor or felony involving unlawful conduct or wagering, fraudulent use of a credential, unlawful transmission of information, touting, bribery, administration or possession of drugs or any misdemeanor or felony considered by the commission to be detrimental to horse racing in the Commonwealth.~~

~~G. Denial is final. The denial of an application by the stewards as a participant in horse racing shall be final unless an appeal is made by the applicant under the provisions of these regulations.~~

~~C. Reciprocity. The commission shall conduct a review of the statutes of other jurisdictions pertaining to horse racing~~

~~with pari-mutuel wagering to ascertain which jurisdictions have substantially the same standards as those of Virginia. Upon submission of an application and payment of the prescribed fee by a holder of a permit, license or other similar document from those jurisdictions whose standards for permits, licenses or similar documents are substantially the same, the commission may, in its discretion, grant reciprocity to the applicant provided that the applicant has not been convicted of a misdemeanor or felony.~~

~~D. Fingerprinting. The applicant shall be fingerprinted upon making his initial application in the Commonwealth and at least once every five years thereafter. The commission may waive this requirement in connection with an application for a permit by reciprocity with another jurisdiction provided that the applicant was fingerprinted and was subjected to a criminal history record information check in a jurisdiction whose laws governing fingerprinting and background investigations are substantially the same as required by Virginia and that he has not been convicted of a misdemeanor or a felony. However, the commission, in its discretion, may require fingerprints from any applicant or holder of a permit at any time.~~

~~E. Consideration of application. The commission, acting through its executive secretary or other designee, shall promptly consider any application for a permit and issue the permit based on the information contained in the application and all other information before it, including any investigation it deems appropriate. If an application for a permit is approved, the commission shall issue the permit.~~

~~F. Denial of application. If from the face of the application, an applicant appears ineligible because of the requirements specified in § 59.1-389 B of the Code of Virginia, his application shall be denied by the commission, acting through its executive secretary or other designee. The commission may deny an application for a permit for the reason specified in § 59.1-389 C of the Code of Virginia. Absent mitigating circumstances, the application for a permit shall be denied if the applicant has [ been convicted for solicitation/prostitution within five years next preceding the application date or has ] three or more misdemeanor convictions, regardless of offense, within five years preceding the application date. If the applicant has multiple convictions of the same offense on the same day, it shall not constitute three or more misdemeanor convictions for purposes of this regulation. The applicant may withdraw his application prior to denial.~~

~~G. Ineligible applicant. If it appears that the applicant may be ineligible because he has committed a felony or misdemeanor that may be detrimental to horse racing in the Commonwealth, he shall be afforded the opportunity to withdraw his application or request a hearing before a steward regarding his application. However, the commission, in its discretion, may issue a permit to an applicant providing the felony or misdemeanor is not one of those listed in § 59.1-389 B 6 of the Code of Virginia.~~

~~[ H. Felonies considered detrimental. In the absence of mitigating circumstances, the following felonies are considered detrimental to horse racing in Virginia and the commission, acting through its executive secretary or other designee, shall deny the application and refuse to issue the permit if the applicant has been convicted of any of them:~~

1. For horsemen participants:

- a. *Serious violent offenses, including but not limited to murder, rape, forcible sodomy, crimes against nature, and aggravated assault/maiming;*
- b. *Burglary offenses; and*
- c. *Arson offenses.*

2. For employees of a licensee:

- a. *Larceny/theft offenses, including but not limited to robbery, embezzlement, and credit card theft;*
- b. *Fraud offenses, including but not limited to forgery, uttering, and credit card fraud;*
- c. *Arson offenses; and*
- d. *Serious violent offenses, including but not limited to murder, rape, forcible sodomy, crimes against nature, and aggravated assault/maiming. ]*

[ ~~H.~~ I. ] Renewal of permit. A holder of a currently valid permit may renew the permit annually by making application for a renewal on a form prescribed by the commission. The application for a renewal of a permit shall be accompanied by a fee prescribed by the commission. The applicant may be photographed with each application for a renewal.

[ ~~I.~~ J. ] Knowledge of regulations. A holder of a permit shall be familiar with and knowledgeable of the regulations of the commission. Every holder of a permit is presumed to know the regulations.

[ ~~J.~~ K. ] Reporting violations. A holder of a permit shall report immediately to the ~~stewards~~ *commission* every observed violation of these regulations as well as all violations of state and federal laws during the race meeting.

[ ~~K.~~ L. ] Multiple participation. A holder of a permit may participate in horse racing in more than one capacity, with the exception of those capacities specifically prohibited by these regulations. A holder of a permit shall ~~declare~~ *submit*, in writing on a form prescribed by the commission, *a request for approval* of his multiple participation in horse racing. The stewards ~~may~~ *shall* deny *a request for* multiple participation where it would, in their discretion, pose a potential conflict of interest. Where approval is granted to a holder of a valid permit, ~~the~~ *all* applicable ~~fee~~ *fees* shall be paid by the participant.

[ ~~L.~~ M. ] Employment of unauthorized participants. A holder of a permit shall not employ for participation within the enclosure any person who does not possess the appropriate permit issued by the commission or has not made application for the appropriate permit.

[ ~~M.~~ N. ] Financial responsibility. A holder of a permit, who obtains food, shelter, medicine, transportation, veterinary services or other goods and services for himself or for others shall be responsible for paying for those goods and services. The stewards shall neither be obligated to collect debts nor intervene where there is a dispute over a debt, unless in receipt of a judgment from a duly constituted court in the Commonwealth.

[ ~~N.~~ O. ] Possession of permit. A holder of a permit shall have in his possession at all times his permit issued by the commission and shall be responsible for its safekeeping. The holder shall display his permit to gain entry to the enclosure or upon the request of appropriate racing officials, commission personnel or security personnel.

[ ~~O.~~ P. ] Duplicate permit. A holder of a permit shall report immediately to the stewards the loss of his permit and immediately make application for a duplicate. The stewards shall notify the appropriate security personnel of the loss of the permit.

[ ~~P.~~ Q. ] Misuse of permit. A holder of a permit shall not allow another person to use his permit for the purpose of obtaining any benefits or privileges pertaining to the permit.

[ ~~Q.~~ R. ] Search and seizure. ~~An applicant for~~ *A holder of a* permit shall consent upon application and for the duration of the permit, ~~if issued,~~ to personal inspections (searches) of the ~~applicant holder,~~ inspections (searches) of the ~~applicant's~~ *holder's* personal property, and inspections (searches) of the premises and property *located within the enclosure of the racetrack* related to his participation in a race meeting by persons authorized by the commission, and to seizure of such property as is determined by the commission's designee conducting the search to be in violation of Chapter 29 (§ 59.1-364 *et seq.*) of Title 59.1 of the Code of Virginia, or this chapter. The following provisions shall apply to searches and seizures:

1. Any drug, stimulant, narcotic, controlled substance, drug paraphernalia, hypodermic needle, hypodermic syringe, battery or other electrical or mechanical appliance or any other device or substance which could be used to affect the speed or action of a horse, or any other device prohibited by this chapter that is in the possession of ~~an applicant,~~ a holder of a permit ~~or a holder of a provisional permit~~ may be seized.

2. Commission personnel have the right to enter into, or upon buildings, stables, rooms (other than residences), private vehicles or other places within the enclosure, and ~~shall~~ *may* examine them, and inspect and examine personal property and effects of a holder of a permit ~~or holder of a provisional permit~~ for the purpose of determining that the items listed in subdivision 1 of this subsection are not in the possession of a permit holder, ~~applicants or holders of provisional permits~~ unless authorized by Chapter 29 of Title 59.1 *of the Code of Virginia* or this chapter; ~~and~~.

3. In addition, commission personnel shall visit, investigate, and have free access to the office, track, facilities, or other places of business of any licensee or permit holder and may compel the production of any of the books, documents, records, or memoranda of any licensee or permit holder for the purpose of satisfying themselves that Chapter 29 of Title 59.1 *of the Code of Virginia* and this chapter are being strictly complied with.

4. Failure to submit to any inspection or search described above or to any production of documents or seizure of property resulting therefrom, may subject a licensee, ~~or a holder of a permit or a holder of a provisional permit~~ to

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disciplinary action. In the event that such licensee or permit holder, ~~applicant, or holder of a provisional permit~~ refuses to submit, the following procedure shall apply:

Such refusal shall be immediately reported to the stewards by the person attempting to conduct the search. Such refusal, and the basis therefor, shall be provided in writing to the stewards by the permit ~~or provisional permit~~ holder ~~or applicant~~ and shall state the date, time and circumstances of the attempted search, and his reason(s) for refusing to submit to it. Upon receipt of such report, the stewards may take appropriate disciplinary action ~~in conformity with the provisions of these regulations including suspension or, which may include the revocation or suspension of the permit or referral to the appropriate law-enforcement authorities, but in no event shall the search or seizure proceed of the permit holder or any of his property be detained at that time neither the search nor any seizure of the property shall proceed.~~

5. The foregoing shall not preclude commission personnel from conducting searches and seizures when they have reasonable suspicion that a ~~person~~ permit holder is in the act of violating a regulation or evidence of a violation of a regulation may be destroyed, in which event the provisions of these regulations dealing with consent, refusal to consent, scope of search and disciplinary action shall apply.

[ ~~R. S.~~ ] Workers' compensation. An applicant for a permit, ~~where the person acts as an employer of three or more persons within the enclosure, shall purchase and maintain workers' compensation insurance, and shall submit, with his application, a copy of the declaration page or certificate of insurance. Should workers' compensation insurance coverage be terminated or canceled, the permit of the person may be suspended or revoked who is subject to the compensation provisions of the Virginia Workers' Compensation Act (§ 65.2-100 et seq. of the Code of Virginia) shall comply with the provisions of the Virginia Workers' Compensation Act regarding insurance and self-insurance and shall submit proof of his compliance with his application for a permit. Failure to remain in compliance with the insurance and self-insurance provisions of the Virginia Workers' Compensation Act throughout the duration of the permit shall constitute grounds for its revocation or suspension.~~

[ ~~S. T.~~ ] Supervision of employees. A holder of a permit who is an employer shall supervise his employees so that their participation in horse racing is in accordance with these regulations, and shall be held jointly responsible for the actions of his employees as they relate to racing matters.

[ ~~T. U.~~ ] Human drug testing. The use, possession or transportation of any controlled substance or drug as those terms are defined in the Virginia Drug Control Act (§ 54.1-3400 et seq. of the Code of Virginia) is prohibited *within the enclosure of the racetrack* unless the controlled substance or drug was obtained pursuant to a valid prescription or order from a duly licensed physician who is acting in the course of his professional practice or is otherwise authorized by these regulations. It shall be the responsibility of the holder of a permit to provide proof that he

is using, possessing or transporting the controlled substance or drug pursuant to a valid prescription or order from a duly licensed physician or that such use, possession or transportation is otherwise authorized by these regulations.

In addition, the following provisions shall apply to the use or possession of controlled substances or drugs:

1. Any apprentice jockey, assistant starter, assistant trainer, clerk of scales, *driver of Standardbreds*, driver of starting gate, exercise rider, farrier, groom, hotwalker, identifier, jockey, outrider, ~~owner~~, paddock judge, patrol judge, placing judge, pony rider, starter, steward, trainer, valet, veterinarian or veterinarian's assistant at any horse racing facility licensed by the commission may be subjected by the commission or its designee to a urine test or other fluid test, including a blood test, for the purpose of detection of the presence of controlled substances, in the *following manner prescribed below*:

a. At least once per week during the course of every unlimited race meeting, the executive secretary of the commission, or his designee, [ ~~shall~~ may ] direct that the above-described testing be conducted. The day of each such testing shall be selected by the executive secretary or his designee at random and shall not be announced to the persons affected until the day so selected shall have arrived; and

b. Each sample shall be provided in the presence of the licensee's physician or other representative appointed by the executive secretary or his designee and in sufficient quantity to provide a split sample whenever possible. Such sample(s) shall be immediately sealed and tagged ~~on the form provided by the commission~~. Evidence of such sealing shall be indicated by the signature of the tested permit holder, but the portion of the form which is provided to the laboratory for analysis shall not identify the individual permit holder by name. Only laboratories approved by the commission may be used in obtaining analysis reports or urine or other specimens. The commission and the stewards shall receive reports directly from the laboratory. If the permit holder so requests in writing to the stewards within 48 hours of notice of a positive lab report on the test sample submitted, the second portion shall be sent for further testing to a drug testing laboratory designated and approved by the commission. All costs for the transportation and testing of the second sample portion shall be the financial responsibility of the requesting permit holder, and payment shall be due from the requesting permit holder within 30 days of receipt of notice of the costs. The licensee's physician or other representative appointed by the executive secretary or his designee shall have overall responsibility for the preservation, storage and safeguarding of the second sample portion.

2. Notwithstanding the foregoing, any steward, acting with reasonable suspicion, may direct any holder of a permit, whether or not listed in the categories above, to submit a specimen of urine, or to submit to any other fluid test including a blood test for the detection of controlled

substances or drugs, in which event the provisions of these regulations dealing with collection of sample(s), failure to provide a sample, positive sample test(s), and disciplinary action shall apply.

3. The presence in a sample of metabolites of ~~opoid~~ *opioid*, barbiturate, cannabis, cocaine, amphetamine, hallucinogen, phencyclidine-type drugs, volatile solvents or volatile nitrates, or other mood-altering or dependency-causing controlled substances or drugs will be considered a positive test. A positive test result shall be reported, in writing, to the executive secretary or his designee, who shall notify the permit holder involved in writing as quickly as possible.

4. In the event of a positive test, the following shall also apply:

a. For an initial positive test, a holder of a permit shall undergo a professional evaluation, at his own expense, by a physician approved by the stewards. If the evaluation indicates that the person's condition is nonaddictive and not detrimental to the best interests of horse racing, the person shall be allowed to participate in horse racing, after producing a negative test and agreeing to undergo random testing for a period of ~~no~~ *not* greater than six months at the discretion of the stewards;

b. If the evaluation indicates the person's condition is addictive or detrimental to the best interests of horse racing, the person shall not be allowed to participate in horse racing until he can produce a negative test, has successfully completed a drug rehabilitation program acceptable to the commission, and agrees to undergo random testing for a period of not greater than six months at the discretion of the stewards; and

c. For a second positive test, a holder of a permit shall be suspended indefinitely by the stewards and may only apply for reinstatement after having successfully completed a drug rehabilitation program acceptable to the commission and agreeing to undergo random testing for a period of not greater than one year at the discretion of the stewards.

5. Notwithstanding the foregoing, a holder of a permit whose sample is positive may be subject to disciplinary action including but not limited to revocation or suspension of his permit.

[~~U. V. ] Human alcohol testing. [On any racing day, any holder of a permit may not have present within his system an amount of alcohol which would constitute being under the influence of alcohol, defined as ~~.10%~~ *.08%* alcohol content or more, or being impaired, defined as between ~~.09%~~ *.079%* and ~~.05%~~ *.04%* alcohol content. ~~No holder of a permit shall have present within his system an amount of alcohol which would give rise to the presumption that he was under the influence of alcohol intoxicants as specified in § 18.2-269 A 3 of the Code of Virginia while performing or liable to perform those duties for which a permit is required.~~] In addition, the following provisions shall apply to the consumption of alcoholic beverages:~~

1. The commission hereby adopts breath testing as its approved method of testing for the presence of alcohol in humans and adopts the following procedure for such testing:

a. Any apprentice jockey, assistant ~~starters~~ *starter*, assistant trainer, clerk of scales, *driver of Standardbreds*, driver of a starting gate, exercise rider, farrier, groom, hotwalker, identifier, jockey, outrider, ~~owner~~, paddock judge, patrol judge, placing judge, pony rider, starter, steward, trainer, valet, veterinarian or veterinarian's assistant at any horse racing facility licensed by the commission may be required to take a breath alcohol test ~~no later than one hour before~~ *prior* to his participation in horse racing ~~commences~~;

b. Testing devices shall be selected by the commission from among those listed on the Conforming Products List of Evidential Breath Measurement Devices amended and published in the Federal Register from time to time by the National Highway Traffic Safety Administration (NHTSA), United States Department of Transportation;

c. Each device shall be properly maintained and shall be calibrated by the use of calibrating unit listed on the NHTSA Conforming Products List of Calibrating Units for Breath Alcohol Testers (as amended) with sufficient frequency to ensure the accuracy of the device (within plus or minus .01%), but not less ~~frequent~~ *frequently* than provided in the manufacturer's instructions;

d. Tests shall be conducted by a trained and qualified operator. The operator shall have received training on the operational principles of the particular instrument employed and practical experience in the operation of the device and use of the breath alcohol calibrating unit; and

e. Tests shall be conducted in accordance with procedures specified by the manufacturer of the testing device, consistent with sound technical judgment, and shall include appropriate restrictions on ambient air temperature.

2. Notwithstanding the foregoing, any steward, acting with reasonable suspicion, may direct any holder of a permit, whether or not listed in the categories above, to submit to a breath alcohol test, in which event the provisions of ~~these regulations dealing with refusal to undergo a breath test, positive test(s), and disciplinary action~~ *subdivision 4 of this subsection* shall apply.

3. A holder of a permit *listed in subdivision 1 a of this subsection* who is impaired shall not participate in horse racing on that day, but for the first occurrence, shall not be subject to further disciplinary action; a second or subsequent occurrence shall subject such permit holder to disciplinary action.

4. A holder of a permit who is under the influence of alcohol or refuses to take a breath alcohol test at the direction of the stewards, is subject to disciplinary action.

[~~V. W. ] Reciprocity of rulings. Any person who has been issued a permit by the commission and has a holder of a~~

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permit whose permit or license to engage in any activity related to horse racing ~~denied for just cause, suspended or revoked in any other jurisdiction, and such denial, suspension or revocation is still in effect in any other jurisdiction~~ has been denied, suspended or revoked for just cause in that jurisdiction shall not be permitted to participate in horse racing with pari-mutuel wagering in the Commonwealth of Virginia if such denial, suspension or revocation is still in effect.

[ ~~W~~. X. ] Official address. All notices required by law and by regulations of the commission to be mailed by the commission to any holder of a permit shall be validly given when mailed to the latest address on file with the commission. Each holder of a permit shall maintain a record of his current mailing address with the commission. Any change of address by a holder of a permit shall be submitted in writing to the commission within 30 days of such change.

[ ~~X~~. Y. ] Disorderly conduct. A holder of a permit shall not engage in disorderly conduct, which shall include but not be limited to using profane, abusive or insulting language, or assaulting or threatening to assault other participants, racing officials, commission employees or the public.

[ ~~Y~~. Z ] Unwarranted objection. A holder of a permit may be subject to disciplinary action by the stewards if they determine that [ ~~the~~ an ] objection or protest is unwarranted and without merit.

## 11 VAC 10-60-15. Fee schedule for permit holders.

Type of Permit	Fee
Apprentice Jockey	\$10
Assistant General Manager	\$10
Assistant Racing Secretary	\$10
Assistant Starter	\$5
Assistant Trainer	\$10
Authorized Agent	\$10
Claims Clerk	\$10
Clerk of Scales	\$10
Clerk of the Course	\$10
Clocker	\$10
Concessionaire/Vendor	\$25
Concessionaire/Vendor Employee	\$5
Corporate Horse Owner	\$25
Custodian of Jockeys' Room	\$10
Director of Security	\$10
Driver	\$10
Entry Clerk	\$10
Exercise Rider	\$10
Farrier	\$10
Foreman	\$10
Gap Attendant	\$10
General Manager	\$10
Groom/Hotwalker	\$5
Horse Identifier	\$10
Horsemen's Bookkeeper	\$10
Horse Owner	\$10
Jockey	\$10
Jockey Agent	\$10
Lease	\$25
Licensee-Administrative Employee	\$10
Licensee-Marketing Employee	\$10

Licensee-Medical Employee	\$10
Licensee-Operations Employee	\$10
Licensee-Plant Employee	\$10
Licensee-Staff Employee	\$10
Mutuel Clerk	\$10
Mutuel Manager	\$10
Night Watchman	\$10
Other	\$10
Outrider	\$10
Paddock Judge	\$10
Partnership	\$25
Patrol Judge	\$10
Photo-Finish Camera Operator	\$10
Placing Judge	\$10
Pony Rider	\$10
Program Director	\$10
Racing Secretary	\$10
Security Officer	\$10
Stable Name	\$25
Stall Superintendent	\$10
Starter	\$10
Timer	\$10
Track Superintendent	\$10
Trainer	\$10
Valet	\$5
Veterinarian (Licensee)	\$10
Veterinarian (Private Practice)	\$10
Video Patrol Personnel	\$10

## 11 VAC 10-60-20. Practicing veterinarian.

A. Qualifications. A holder of a permit allowing the person to participate as a practicing veterinarian in Virginia shall possess a full and unrestricted license from the Virginia Board of Veterinary Medicine.

B. Prohibitions. A practicing veterinarian shall be prohibited from engaging in the following activities:

1. Owning, directly or indirectly, entirely or a portion of any horse racing at the race meeting where he is practicing veterinary medicine;
2. Wagering on the outcome of any race, either directly or indirectly, at the race meeting where he is practicing veterinary medicine; and
3. Furnishing any injection device, injectable substance or any other medication to another permit holder without the written permission of the stewards.

C. Duties. In the exercise of his duties, the practicing veterinarian shall:

1. Treat all horses under his care in a humane manner and report all instances of animal abuse or neglect immediately to the stewards;
2. Report immediately to the commission veterinarian and stewards any illness in a horse presenting unusual or unknown symptoms;
3. ~~Submit daily written reports to the commission veterinarian of any treatment or medication prescribed or administered to a horse and the reports shall include the name of the horse, its trainer, the treatment performed,~~

~~medication prescribed or administered, the dosage, and time and date of administration;~~

~~4. 3. Retain duplicate copies of bills or statements issued to trainers or owners for at least one year;~~

~~5. 4. Make available to the commission veterinarian, stewards or other commission personnel, upon request, copies of any written records or billing to trainers or owners; and~~

~~6. 5. Use only single-use disposable syringes and infusion tubes, and whenever using a hypodermic needle or syringe, the practicing veterinarian shall destroy the needle and syringe and remove it from the enclosure.~~

**11 VAC 10-60-30. Pharmaceutical representative. (Repealed.)**

~~A person shall submit an application to participate in horse racing as a pharmaceutical representative. A pharmaceutical representative may sell only those substances authorized by the Virginia Drug Control Act (§ 54.1-3400 et seq. of The Code of Virginia) and horse care products within the enclosure. A pharmaceutical representative shall submit a list of all medications or preparations to the commission veterinarian for approval prior to their sale, and sell only those approved by the commission veterinarian. The pharmaceutical representative shall only sell medications and preparations to practicing veterinarians and vendors of horse care products, and shall not sell, either directly or indirectly, to other permit holders.~~

**11 VAC 10-60-40. Horse owner.**

A. Generally. No horse may start in a race at a race meeting licensed by the commission unless the owner, or part owner who has an interest of 5.0% or more in the horse, has been issued a permit by the commission, or unless an application has been submitted by the owner or part owner, or by their trainer [ , *assistant trainer*, ] or authorized agent, and the approval of the stewards has been obtained. If the trainer or authorized agent submits a partially completed application on behalf of an owner, the applicant shall complete the application within 30 days. The applicant shall be subject to disciplinary action for failure to complete the application. In any event, all purse moneys earned shall be held until the application is completed.

B. Husband and wife. For the purposes of these regulations, a husband and a wife *who enter their horse or horses as a single entity* shall not be considered a partnership ~~when they enter their horse or horses as a single entity. However, a husband and wife~~ but shall make separate applications for permits as owners.

C. Registration of ownership. [Every certificate of registration or eligibility paper shall reflect the true ownership of the horse, ~~The true ownership of the horse shall be listed by the trainer with the racing secretary~~ ] and the ownership of the horse printed in the daily program shall conform to the ownership listed [ on the certificate of registration or eligibility paper ~~with the racing secretary~~ ] .

1. Before a horse can start in a race, ~~its true ownership must be recorded~~ *the trainer must list its ownership* with

~~the racing secretary and the appropriate breed registry, e.g., thoroughbred: The Jockey Club; standardbred: United States Trotting Association; quarter horse, American Quarter Horse Association; and arabian: Arabian Horse Registry of America;~~

2. In the event ownership of a horse is a syndicate, corporation, partnership or other joint venture, the name of the *managing owner*, ~~which is shall be~~ printed in the daily program, ~~shall be the person designated as the managing owner;~~ and

3. In the event of a change in ownership of a horse, it shall be the responsibility of the new owner to record the change in ownership with the racing secretary ~~and the appropriate breed registry.~~

D. Qualifications of owners. In addition to all of the qualifications applying to all applicants in these regulations, applicants for permits as horse owners shall meet the following additional requirements:

[ ~~1. Shall be 18 years old or older, if a natural person;~~ ]

[ ~~2. 1. ] Shall present a copy of a declaration page or certificate of insurance for workers' compensation as required by these regulations; and~~

[ ~~3. 2. ] Shall own or have under lease a horse eligible to race and shall be able to prove ownership of a horse eligible to race to the satisfaction of the stewards; and.~~

~~4. Shall designate in writing a trainer who will have care and supervision for each horse.~~

E. Disclosure of ownership. ~~All holders of permits allowing them to participate in horse racing as owners shall make full disclosure of the entire ownership of each horse owned by them, and the Trainers shall be held jointly responsible for the full disclosure of ownership of all horses under their care to the racing secretary.~~ This disclosure shall be in writing and include:

1. All persons, who directly or indirectly, through lien, lease, partnership, corporate stockholding, syndication, or other joint venture, hold any present or reversionary right, title, or interest in the horse; and

2. All persons who by virtue of any form of ownership interest might exercise control over the horse or derive benefit from the racing of the horse as well as the degree and type of ownership held in the horse; and.

~~3.~~ The full disclosure shall be made to the racing secretary, with a copy submitted to the stewards, upon the horse's arrival within the enclosure or at the time of entry, whichever event occurs first, and the racing secretary ~~and stewards~~ shall be notified immediately upon any subsequent change in ownership.

F. Joint ownership. No more than five persons may be ~~issued permits~~ listed as owners of a single horse. In the event more than five persons own interests in a single horse, through partnership, corporation, syndication or other joint venture, the owners shall designate, in writing, a member of the partnership, corporation, syndication or joint venture to represent the entire ownership and be responsible for the

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horse as the managing owner. Before the horse may be entered to race, the following requirements must be met:

1. A written designation of a managing owner to represent the entire joint venture must be submitted to the ~~stewards~~ *racing secretary* and signed by every person having an interest of 5.0% or more in any horse entered to race, the chief executive officer of any corporation involved, and the general partner of any limited partnership;
2. Each person having an interest of 5.0% or more in a horse shall apply for a permit as an owner;
3. Each person having an interest of less than 5.0% need not apply for a permit as an owner, unless he intends to participate at the race meeting; however, a complete list of names and addresses of persons having an interest of less than 5.0% shall be provided to the stewards for their approval; and
4. A horse shall not be entered where a person, who has any ownership interest in the horse, would be ineligible for a permit under these regulations.

G. Estates, partnerships, corporations and other legal entities. Every estate, partnership, corporation and other legal entity shall make application for a permit to the commission and all ~~parties to persons having a 5.0% or more ownership interest in~~ the estate, partnership, corporation or legal entity shall also make application to the commission for permits as owners.

1. A written designation of a managing owner to represent the estate, partnership, corporation or other legal entity must be submitted to the stewards and signed by every person having an interest of 5.0% or more in any horse entered to race, by the chief executive officer of any corporation involved, and by the general partner of any limited partnership;
2. The managing owner shall be responsible for submitting to the stewards a copy of the partnership papers or articles of incorporation which shall ~~including~~ *include* the following information:
  - a. The name or names of the horse or horses involved in the estate, partnership, corporation or other legal entity;
  - b. The name and address of every person having any interest in the horse or horses involved in the estate, partnership, corporation or other legal entity;
  - c. The relative proportions of such interests;
  - d. In whose name the horse or horses shall run, and whose name shall be printed in the daily program;
  - e. The person who may enter the horse in races *if other than the trainer*;
  - f. The terms of any contingency, lease or any other arrangement; and
  - g. All partnership papers, articles of incorporation or other appropriate documents must be signed by all

parties to the estate, partnership, corporation or other legal entity.

3. All parties in the estate, partnership, corporation or other legal entity shall be jointly and severally liable for all stakes, fees and other obligations.

H. Leases. When a horse is held under a lease, the lease agreement must be submitted to the stewards for their approval, and when approved by the stewards, the lease shall be attached to the certificate of foal registration or eligibility certificate. Before the stewards may approve a lease agreement, the following conditions must be fulfilled:

1. The lessee is a permit holder as an owner;
2. The lessor is eligible for a permit;
3. The signatures of the lessors and lessees on the lease agreement are subscribed and sworn to before a notary public;

~~[ 4. The term of the lease is not less than one year, unless sooner terminated by claim or retirement of the horse; ]~~

~~[ 5. 4. ]~~ The conditions of the lease specify whether the horse can be entered in a claiming race, and if so, the minimum price for which the horse can be entered, and the name of the payee in the event the horse is claimed;

~~[ 6. 5. ]~~ The conditions of the lease specify that upon the horse being claimed, the lease shall terminate and all rights to the horse shall pass to the claimant as a bona fide purchaser;

~~[ 7. 6. ]~~ The conditions of the lease divest lessors or sublessors of control or direction of the racing performance of the horse while held under the lease agreement; and

~~[ 8. 7. ]~~ The program listing of the lessee would not mislead the public by reason of the absence in the daily program of the name of a person or persons possessing a beneficial interest in the horse.

I. Stable names. A holder of a permit as an owner may register a "stable name" with the commission. All names that do not reveal the actual identity or identities of the owner or owners of the horse or horses shall be considered stable names. The following conditions shall apply to stable names:

1. In making an application for a stable name, the applicant shall make a full disclosure of all of the parties to the stable name regardless of the proportion of their interest;
2. All parties, who have an interest of 5.0% or more, in the stable name must be holders of permits as owners;
3. If a partnership or corporation is involved in the stable name, then all of the provisions of these regulations applicable to partnerships or corporation must be complied with as well;
4. Any changes in the parties to the stable name must be reported to the racing secretary and the stewards prior to the horse being entered;

5. Any person, who has been a party to a stable name, may cancel his participation in the stable name upon giving a [ ~~notarized~~ *written* ] statement to the stewards and racing secretary, and the notice must be received before time ~~or~~ of entry;

6. A stable name shall not be used that is identical to one registered with the commission or with The Jockey Club, the National Steeplechase Association, the United States Trotting Association or the American Quarter Horse Association;

7. A stable name shall not be used which is the name of another owner of horses or the name of another prominent person;

8. A trainer may use a stable name only if he is a party to the stable name and trains all of the horses racing under the stable name;

9. The stable name must be clearly distinguishable from other stable names [ ~~, and when appearing in the daily program, the stable name must be accompanied by the legal name of owner~~ ] . If the stable name has more than one owner, one legal name of a party to the stable name must appear followed by the term "et al";

10. A corporate name may be used as a stable name, ~~but under no circumstances shall a stable name be used for advertising purposes; and~~

11. A stable name may be canceled when all parties to the stable name submit to the stewards and racing secretary written notice of the cancellation, and a stable name may be changed by registering a new stable name with the commission.

J. Racing colors. For thoroughbred, ~~jump steeplechase~~ and other flat races, a holder of a permit as an owner shall register a set of racing colors when submitting an application for an owner's permit. The following provisions shall regulate the registration of racing colors:

1. Owners shall be responsible for designing and providing racing colors, consisting of jackets and caps of distinctive colors and patterns, to be worn by jockeys during a race;

2. Racing colors shall be registered annually by the owner;

3. Racing colors that are not readily distinguishable from those already registered by the commission or from those already registered with The Jockey Club or the National Steeplechase Association shall be prohibited;

~~4. Racing colors including advertising, promotional, cartoon symbols or words are prohibited;~~

~~5.~~ 4. No jockey may wear the racing colors except those registered by the owner; however, in emergency situations, the jockey may wear substitute racing colors with the permission of the stewards; and

~~6.~~ 5. Owners and trainers shall be jointly responsible for providing the clerk of scales with racing colors that are neat, clean and in good repair.

~~[ K. Registration requirements. No owner may start his horse in any race unless the certificate of registration or eligibility certificate has been presented to the racing secretary, ] , and the registration documents are properly completed showing the name, color, sex, age, pedigree and true ownership of the horse.~~

~~L. Change of trainer. An owner may make a change in a trainer of his horse or horses upon the submission of a written notice to the stewards and the racing secretary.~~

~~M. [ L. Prohibitions on owners. No owner shall enter a horse that is ineligible. ] Only a practicing veterinarian possessing the appropriate permit may treat a horse that is entered in a race on which pari-mutuel wagering shall be conducted.~~

#### **11 VAC 10-60-60. Bloodstock agent. (Repealed.)**

~~A person shall submit an application for a permit to participate in horse racing as a bloodstock agent who for gain, gratuity, commission or reward in either money or goods, acts as an agent for the sale or purchase of any horse, which is not his own, stabled within the enclosure and eligible to race at a meeting licensed by the commission. The following provisions shall apply to bloodstock agents:~~

~~1. All bloodstock agents shall apply for the appropriate permit before participating in any transaction involving a horse stabled within the enclosure and eligible to race;~~

~~2. A bloodstock agent who participates in a transaction where any warranty of soundness, condition or racing ability is expressed or implied shall submit to the stewards, within five days of the date of the sale, a written statement of the warranty setting forth the warranties expressed or implied, and signed by the seller and buyer or by the bloodstock agents acting on their behalf;~~

~~3. A bloodstock agent who participates in a transaction, which includes any lien upon the horse, shall file a written statement within five days of the sale with the stewards; and~~

~~4. No bloodstock agent shall either misrepresent any material fact, nor withhold any material fact which he knows, from any person connected with the sale of a horse or misrepresent his personal interest in any horse.~~

#### **11 VAC 10-60-70. Trainer.**

A. Generally. No horse may be entered to race at a race meeting licensed by the commission unless the horse is under the care and supervision of a person holding a permit from the commission as a trainer. A trainer may represent the owner in entering of a horse, declaring the horse out of a race or retaining a jockey.

B. Qualifications. A permit may be issued to a person to participate in horse racing as a trainer, if the person possesses a currently valid permit as a trainer in *Virginia* or another jurisdiction or if the person satisfactorily completes a trainer's test, administered under the supervision of the stewards. A person shall not be issued a permit as a trainer unless he meets the following requirements:

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1. The person must be 18 years old or older;
2. ~~Shall present a copy of the declaration page or certificate of insurance for workers' compensation as required by these regulations. If the applicant for the permit is subject to the compensation provisions of the Virginia Workers' Compensation Act (§ 65.2-100 et seq. of the Code of Virginia), he must submit proof of his compliance with the insurance and self-insurance provisions of that Act with his application for the permit;~~
3. The person must be qualified by experience or competence to care for and train racehorses; and
4. The person must have in his charge a horse eligible to race.

C. Trainer's test. The stewards may require any person, whether or not he holds a currently valid permit ~~from the commission in Virginia~~ or another jurisdiction as a trainer, to satisfactorily complete a trainer's test to demonstrate that he is qualified by experience or competence to care for and train racehorses. The test shall consist of a written test administered by the stewards and a barn test administered by representatives of the horsemen, under the supervision of the stewards.

D. Prohibitions. A holder of a permit ~~allowing the person to may not~~ participate in horse racing as a trainer ~~is prohibited from also participating in horse racing and as a jockey or apprentice jockey with the exception of jump races,~~ jockey agent, veterinarian~~], or~~ veterinarian's assistant~~], equine dentist, [farrier, or farrier's assistant], or as an employee of the licensee.~~ In addition, a trainer:

1. Shall not train horses under an assumed name or stable name; ~~and~~
2. Shall not engage in any activity, directly or indirectly, involving the care, supervision or racing of horses other than those he has registered with the racing secretary as being in his charge ~~]; and~~

~~[ 3. A holder of permits to participate in horse racing as a trainer and as a jockey shall only ride those horses trained by the permit holder. ]~~

E. Suspension. All horses in the charge of a trainer whose permit is suspended for more than 10 days or revoked shall not be allowed to race. When a trainer's permit is suspended or revoked, it shall be the responsibility of the owners of the horses to designate in writing to the stewards to whom the responsibilities for training the horses shall be transferred. This written notice shall be presented to the stewards for approval. The stewards, in their discretion, may withhold approval of a transfer of horses to another trainer, if they believe that the transfer of the horses to another trainer would in any way circumvent the intent of the ruling of the commission.

F. Duties. A person holding a permit allowing him to participate in horse racing as a trainer shall be responsible for the proper care, health, training, safety and protection of horses under his care against administration of all substances foreign to the natural horse, except those specifically

permitted by the regulations of the commission. In the exercise of his duties, a trainer shall:

1. Register with the stewards all persons in his employ and ensure that all of his employees have made application for the appropriate permits from the commission ~~within 24 hours of arriving within the enclosure or being employed;~~

2. Promptly notify the stewards and the licensee's director of security of any employee he discharges;

~~[ 3. ] Provide workers' compensation insurance coverage for all of his employees [ Comply with the insurance and self-insurance provisions of the Virginia Workers' Compensation Act (§ 65.2-100 et seq. of the Code of Virginia) if he is subject to the compensation provisions of that Act; ]~~

~~[ 4. 3. ] Register all horses in his charge and present to the racing secretary the certificates of registration, certificates of eligibility or other registration documents;~~

~~[ 5. 4. ] Enter horses, with the permission of the owner, and bear primary responsibility as to the horse's eligibility, weight allowances, racing fitness, proper shoes, bandages, and other equipment;~~

~~[ 6. 5. ] Ensure that the horse is in the paddock at the time prescribed by the stewards;~~

~~7. Be responsible, jointly with the owner, for horses he enters as to stakes payments and jockey fees due;~~

~~8. [ 7. 6. ] Furnish the name of the jockey engaged to ride the horse, if possible, at time of entry, but in no event later than scratch time at the time designated by the racing secretary;~~

~~9. [ 8. 7. ] Attend the horse in the paddock and supervise the saddling of the horse, and in his absence, provide an assistant trainer or other trainer to attend the saddling of horses and assume responsibility for the horses already entered;~~

~~10. [ 9. 8. ] Witness himself, or assign one of his employees to witness, the collection of samples of blood, urine, or other bodily substances in the ~~detection~~ test barn;~~

~~11. [ 10. 9. ] Maintain the stable area assigned to his horses in a neat, clean and sanitary condition at all times, and ensure that all fire prevention measures are taken; and~~

~~12. [ 11. 10. ] Report promptly to the commission veterinarian any serious illness or death of a horse in his charge.~~

G. Standardbred trainer. A permit may be issued to a person desiring to participate in horse racing as a trainer of Standardbreds, if the person possesses a currently valid trainer's ~~[ permit in Virginia or ]~~ license from the United States Trotting Association ~~[ or a permit in Virginia ]~~.

H. Steeplechase trainer. A permit may be issued to a person desiring to participate in horse racing as a trainer of horses utilized in ~~jump~~ steeplechase races, if the person

possesses a currently valid trainer's license issued by the stewards of the National Steeplechase Association or a currently valid permit as a trainer of horses utilized in ~~jump~~ *steeplechase* races in *Virginia* or another jurisdiction.

I. Substitute trainer. When a trainer is absent from his stable or the enclosure and a horse under his care is scheduled to race, he must provide a licensed trainer or assistant trainer to assume joint responsibility for the horses he is training. The substitute trainer or assistant trainer shall sign, in the presence of the stewards, a statement accepting responsibility for those horses.

J. Assistant trainer. A person holding a permit allowing him to participate in horse racing as a trainer may employ an assistant trainer with the approval of the stewards. Any assistant trainer shall be qualified to assume the duties and responsibilities imposed upon the holder of a trainer's permit, and the trainer shall be jointly responsible for the assistant trainer's acts and omissions involving racing matters and this chapter.

K. Trainer responsibility. The trainer shall be the absolute insurer of, and responsible for, the condition of each horse he enters in a race, regardless of the acts of third parties. A trainer shall not start a horse or permit a horse in his custody, care or control to be started if he knows, or through the exercise of reasonable care he might have known or has cause to believe, that the horse has received a substance foreign to the natural horse, except those specifically permitted by the regulations of the commission. The trainer shall guard, or caused to be guarded, each horse in his charge in a manner and for a period of time before racing so as to prevent any person from administering a substance foreign to the natural horse, except those specifically permitted by the regulations of the commission.

## 11 VAC 10-60-120. Jockey.

A. Generally. A person shall submit an application to participate in horse racing as a jockey. The applicant shall submit to the stewards sufficient evidence that he is either a journeyman or apprentice jockey in *Virginia* or another jurisdiction and demonstrates sufficient horsemanship to ride in a race without jeopardizing the safety of horses or other jockeys.

B. Examinations. A jockey may be required to take a physical examination from a physician appointed by the stewards to establish that he possesses the physical ability to safely ride in races. A jockey may also be required to take an eye examination from a physician appointed by the stewards to establish he has eyesight sufficient to safely ride in races.

~~C. Prohibitions. A jockey or apprentice jockey may not be an owner or trainer of any racehorse with the exception of horses starting in jump races.~~

~~D. C. Apprentice jockey. If the person does not possess a currently valid permit from in *Virginia* or another jurisdiction as an apprentice jockey or, has not ridden satisfactorily in three races at a pari-mutuel meeting, or has never held a thoroughbred journeyman jockey permit, then the stewards may allow the person to ride probationary mounts in three~~

races at a race meeting licensed by the commission under the following conditions:

1. That he is at least 16 years old;
2. That he has ~~been employed~~ held a permit for at least one year as an exercise rider under the supervision of a person holding a permit as a trainer;
3. A trainer submits a notarized statement to the stewards that the person has been employed by him and has demonstrated sufficient horsemanship to be allowed to ride in three races at a race meeting licensed by the commission;
4. The starter has schooled the person from the starting gate with other horses and approves the person as capable of breaking a horse properly from the starting gate;
5. The stewards retain sole discretion of whether or not the person possesses the physical ability and has demonstrated sufficient horsemanship to ride in a race without jeopardizing the safety of horses or other jockeys; and
6. The stewards, in their discretion, may at any time deny the person the opportunity to ride in more races for cause.

If the person possesses a currently valid permit from another jurisdiction as an apprentice jockey or has ridden satisfactorily in three races at a pari-mutuel meeting, then the person must submit sufficient evidence to the stewards:

- a. That he is at least 16 years old;
- b. That he has ridden satisfactorily in at least three races at a pari-mutuel meeting; and
- ~~c. That he has been employed for at least one year under the supervision of a person holding a permit as a trainer; and~~
- ~~c.~~ c. That he has demonstrated to the stewards sufficient horsemanship to ride in a race without jeopardizing the safety of horses or other jockeys.

~~E. D. Amateur jockey. A permit may be issued to a person desiring to participate in horse racing as an amateur jockey. The person shall compete on even terms when riding against professional jockeys, but he shall not accept any fees or gratuities. The person must meet all of the requirements for an apprentice jockey, and his amateur status must be noted on the program.~~

~~F. Jump E. Steeplechase jockey. A permit may be issued to a person desiring to participate in horse racing as a jockey riding horses in jump steeplechase races. A person shall submit an application for the appropriate permit, meet all of the requirements pertaining to holders of permits as jockeys, and hold a currently valid license issued by the stewards of the National Steeplechase Association.~~

~~G. F. Foreign jockey. Whenever a jockey from a foreign country, excluding Mexico and Canada, rides in the United States, he must submit an application for a permit and declare~~

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that he is a holder of a valid permit and currently not under suspension. To facilitate this process, the jockey shall present a declaration sheet stating:

1. That he is the holder of a valid permit to ride;
2. That he is not currently under suspension; and
3. That he agrees to be bound by the rules and regulations of the jurisdiction in which he is riding.

This sheet shall be retained by the stewards and at the conclusion of the jockey's participation in racing, it shall be returned to the jockey, properly endorsed by the stewards, stating he has not incurred any penalty or had a fall. If a penalty has been assessed against the jockey, the stewards shall notify the racing authority issuing the original permit to extend the penalty for the same period of time.

~~H. G. Apprentice allowance. An apprentice jockey or jockey riding probationary mounts may claim in all overnight races, except handicaps, a five pound apprentice allowance. The jockey may claim the five pound apprentice allowance for a period of one year from the date he rides his fifth winner. He shall be entitled for the five pound apprentice allowance beyond the one year limit until he rides a total of 45 winners. However, he shall not be entitled to the five pound apprentice allowance beyond two years from the date of riding his fifth winner. may claim the following weight allowances in all overnight races except stakes and handicaps:~~

1. A 10-pound allowance beginning with the first mount and continuing until the apprentice has ridden five winners.
2. A seven-pound allowance until the apprentice has ridden an additional 35 winners.
3. If an apprentice has ridden a total of 40 winners prior to the end of a period of one year from the date of riding his fifth winner, he shall have an allowance of five pounds for one year from the date of the fifth winning mount.
4. If, after a period of one year from the date of the fifth winning mount, the apprentice jockey has not ridden 40 winners, the applicable weight allowance shall continue for one more year or until the apprentice rides his 40th winning mount, whichever comes first. But in no event may a weight allowance be claimed for more than two years from the date of the fifth winning mount, unless an extension has been granted under the provisions of this regulation.
5. An apprentice who possesses a contractual agreement may claim an allowance of three pounds for an additional one year when riding horses owned or trained by the original contract employer.

~~I. H. Extension of apprentice allowance. The stewards, in their discretion, may extend the apprentice allowance because of time lost by disability arising out of an accident and injury incurred while plying his trade or by military service, disabling illness or restrictions on horse racing. In order to qualify for the extension, he shall have been rendered unable to ride for a period of not less than 14 consecutive days during the period in which he was entitled to an apprentice~~

~~allowance. The commission or its designee may extend the weight allowance of an apprentice jockey when an apprentice jockey is unable to continue riding due to (i) physical disablement or illness, (ii) military service, (iii) attendance in an institution of secondary or higher education, (iv) restriction on racing, or (v) other valid reasons.~~

1. In order to qualify for an extension, an apprentice jockey shall have been rendered unable to ride for a period of not less than seven consecutive days during the period in which the apprentice was entitled to an apprentice weight allowance. Under exceptional circumstances, the commission or its designee will give consideration to the total days lost collectively.
2. The commission or its designee shall have the authority to grant an extension to an eligible applicant, but only after the apprentice jockey has submitted documentation to them verifying the days lost as defined by this regulation.
3. An apprentice jockey may petition the commission or its designee for an extension of time for claiming apprentice weight allowances, and the apprentice jockey shall be bound by the decision of the commission or its designee. If the apprentice jockey has been denied an extension in another jurisdiction, the commission or its designee shall deny the application for an extension.

~~J. I. Jockey contracts. An apprentice jockey may enter into a contract with an owner or trainer, who holds an appropriate permit issued by the commission, for a period not less than three years nor more than five years. The following provisions shall apply to contracts for apprentice jockeys:~~

1. The original contract is to be submitted to the stewards with copies made available to the parties to the contract;
2. A written extension may be made to a contract, if the original was for less than five years;
3. The original contract shall be kept in full force and in effect throughout its contract period. Any and all amendments to the contract shall be made a part of and either added to or attached to copies in the possession of the parties and a copy of the amendments submitted to the stewards;
4. An owner or trainer may not enter into a contract with an apprentice jockey unless he has control or possession of a stable of horses as would, in the discretion of the stewards, warrant the employment of an apprentice;
5. An apprentice jockey may not acquire his own contract;
6. All apprentice jockey contracts must be submitted to the stewards within 30 days of their execution or upon filing an application for a permit;
7. The contract shall provide for fair remuneration, adequate medical attention, suitable board and lodging, workers' compensation insurance coverage, and provision for conserving the savings out of the earnings of the apprentice; and

8. Any apprentice or contract rider shall be entitled to the regular jockey fees, except when riding a horse owned in part or solely by his contract holder. An interest in the winnings only, e.g., a trainer's commission, does not constitute ownership.

~~K. J. Apprentice certificate. An apprentice jockey may be granted an apprentice certificate issued by the stewards commission or its designee, in lieu of a traditional apprentice contract. The apprentice certificate shall be for three years, from the date of issuance, and shall grant to an apprentice all allowances and conditions that are granted to an apprentice jockey who is under contract. An apprentice jockey who loses his weight allowances shall obtain a jockey permit before being permitted to ride again.~~

~~L. K. Restrictions of jockeys under contract. Any apprentice or journeyman jockey, who is under a contract to an owner or trainer, shall not:~~

- ~~1. Ride any horse not owned or trained by his contract employer in a race against a horse owned or trained by his contract employer;~~
- ~~2. Ride or agree to ride any horse in a race without consent of his contract employer; and~~
- ~~3. Share any money earned from riding with his contract employer; and.~~
- ~~4. Accept any present, money or reward of any kind in connection with his riding of any race except through his contract employer.~~

~~M. L. Calls and engagements. Any jockey, who is not prohibited by a contract, may agree to give first or second calls on his services to any owner or trainer. If the agreement is for more than 30 days, then the agreement must be in writing and a copy of the agreement submitted to the stewards for approval. Any jockey employed by an owner or trainer on a regular salaried basis may not ride against the stable. No owner or trainer shall employ or engage a jockey to prevent him from riding another horse.~~

~~N. M. Naming of jockeys. A jockey shall be named to ride a horse in a race no later than scratch time of the day of the race at a time designated by the racing secretary, and a subsequent change of a jockey shall be approved by the stewards. The following provisions shall apply to the naming of a jockey:~~

- ~~1. After a jockey gives a call to ride a horse in a race, either personally or through his agent, and fails to fulfill the engagement, he shall not accept another engagement in that race or be assigned by the stewards to another horse in that race;~~
- ~~2. In races where a jockey has more than one engagement, the jockey agent shall be requested to specify a first and second call on the jockey's services; and~~
- ~~3. A jockey may be named on no more than two horses in the body of a race and named on no more than three horses including "also eligibles." [ scheduled for the dirt surface ] . [ In turf course races, in which there is an also-~~

*eligible list for the dirt course, a jockey may be named on no more than three horses, one of which shall be a dirt course only entrant. ]*

~~O. N. Fee earned. A jockey's fee shall be considered earned when the jockey is weighed out by the clerk of scales. The fee shall not be considered earned if the jockey, of his own free will, takes himself off of his mount, where injury to the horse or rider is not involved. Any conditions or considerations not covered by the above regulation shall be at the discretion of the stewards.~~

~~P. O. Multiple engagements. If any owner, or his trainer or authorized agent, engages two or more jockeys after scratch time to ride the same horse in the same race after the time designated by the racing secretary to name jockeys, the owner shall pay the unplaced fee to the jockey not riding his horse in the race jockey taken off the horse a matching fee equal to that earned by the jockey who rode the horse. No owner shall be held liable for multiple engagements where such engagements are the results of actions taken by jockeys or their agents. An owner or trainer who elects to remove a jockey from his mount after the time designated by the racing secretary for naming jockeys may be subject to disciplinary action by the stewards.~~

~~Q. P. Duty to fulfill engagements. A jockey shall fulfill his duly scheduled riding engagements, unless excused by the stewards. No jockey shall be forced to ride a horse he believes to be unsound or over a racing surface that he believes to be unsafe. If the stewards find that a jockey's refusal to fulfill a riding engagement is unwarranted, then the jockey may be subject to disciplinary action.~~

~~R. Q. Presence in jockey room. A jockey, who has an engagement to ride in a race, shall report his weight and be physically present in the jockeys' room at a time appointed by the stewards, unless excused by the stewards, and upon arrival shall report all of his engagements for the program to the clerk of scales. The following provisions shall apply:~~

- ~~1. In the event a jockey does not report to the clerk of scales at the appointed time, the clerk of scales shall advise the stewards who may name a substitute jockey and any substitution shall be publicly announced prior to the opening of wagering;~~
- ~~2. After reporting to the clerk of scales, a jockey shall remain in the jockeys' room until he has fulfilled all of his engagements for the program. A jockey may only leave to ride in a race or to view the races from a location approved by the stewards;~~
- ~~3. A jockey shall have no communication with any person outside the jockeys' room other than an owner or trainer for whom he is riding, a racing official, his jockey agent or a representative of the media; and~~
- ~~4. A jockey, who intends to discontinue riding at a race meeting prior to its conclusion, shall notify the stewards no later than upon fulfilling his final engagement of the day he intends to depart.~~

~~S. R. Attire. A jockey shall wear traditional attire and shall be neat and clean in appearance. A jockey shall wear the cap and jacket in the owner's racing colors, white breeches, top~~

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# Proposed Regulations

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boots, protective helmet, *safety vest which meets the minimum specifications as defined by the British Equestrian Trade Association*, and a number on his right shoulder corresponding to the horse's number as shown on the saddle cloth and daily program.

~~F.~~ S. Weighing out. A jockey shall report to the clerk of scales for weighing out, not more than one hour and not less than 15 minutes before post time for each race in which he is engaged to ride, and at the time of weighing out shall declare overweight, if any. The following provisions shall apply to weighing out:

1. A jockey shall not carry more than ~~one pound two pounds~~ of overweight, without the consent of the owner or trainer of the horse which he is engaged to ride; however, a jockey shall not carry more than ~~five seven~~ pounds of overweight;
2. ~~Whip, blinkers, number cloth, bridle, goggles and protective helmet~~ *Bit, blinkers, bridle, number cloth, reins, safety helmet, safety vest, whip, goggles, overgirth, chamois and breastplate* shall not be included in a jockey's weight;
3. All overweights shall be promptly reported to the stewards; and
4. No horse shall be disqualified because of overweight carried.

~~U.~~ T. Weighing in. Following the completion of the race, a jockey shall ride his horse to the ~~finish, salute the stewards before dismounting,~~ *designated area, salute the stewards, dismount*, remove from the horse his equipment, without assistance, which is to be included in a jockey's weight, and move ~~promptly directly~~ to the scales where he may be weighed in by the clerk of scales. No person shall throw any covering over any horse until a jockey has removed from the horse his equipment which is to be included in a jockey's weight. Due to injury to either horse or jockey, the stewards may excuse the jockey from weighing in. ~~A jockey shall weigh out and weigh in at the same weight [ A jockey shall not weigh in at less weight than he weighed out and ] no jockey shall weigh in at more than four pounds over the weight at which he weighed out, unless affected by the [ elements weather and with the permission of the stewards ] .~~

~~V.~~ U. Wagering. A jockey may only have a wager placed for him through an owner or trainer of the horse he is riding in the race, and the jockey's wager shall only be on his horse to win. The owner or trainer placing the wager shall keep precise records of all wagers placed for a jockey and the record shall be available to the stewards upon request.

~~W.~~ V. Viewing films. ~~A jockey shall be responsible for checking the film list posted by the stewards in the jockeys' room the day after riding in a race. The stewards shall attempt to notify all jockeys who are requested to attend the reviewing of the films, and their names shall be posted on the film list. A jockey, whose name is on the film list, shall be present at the designated time and place to view the films of the race, unless excused by the stewards. A jockey may be accompanied by a representative of his choosing.~~

~~X.~~ Jockey suspensions. The stewards, with the approval of the commission, may designate the stakes races, futurities or other special events at the race meeting in which a jockey will be permitted to compete, notwithstanding the fact that the jockey is under suspension for 10 days or less for a riding infraction at the time the designated race is to be run. The following provisions shall apply:

1. The ruling issued by the stewards for jockeys shall state: "The term of this suspension shall not prohibit participation in designated races;"
2. A listing of the designated races shall be posted in the jockeys' room, the racing secretary's office and any other place deemed appropriate by the stewards;
3. A suspended jockey must be named at time of entry to participate in any designated race; and
4. A day in which a jockey participated in one designated race while under suspension shall count as a suspension day.

~~W.~~ Designated races. A jockey who is serving a suspension of 10 days or less will be permitted to ride in a designated race during the suspension if:

1. The race has been specified as a designated race by the racing secretary before opening day of the race meeting.
2. The race has been approved as a designated race by the stewards.
3. The jockey is named not later than at the time designated by the racing secretary.
4. The jockey agrees to serve an additional day of suspension in place of the day on which the jockey rides in a designated race.

*Reciprocity of this regulation will apply only to those jurisdictions which have adopted the designated race regulation.*

## **11 VAC 10-60-130. Jockey agent.**

A person shall submit an application to participate in horse racing as a jockey agent. The jockey agent acts as an agent for the jockey he represents in securing riding engagements. The stewards, in their discretion, may ask a person to take a written or oral examination to determine his fitness to participate in horse racing as a jockey agent. In addition to all of the requirements imposed upon all holders of permits, the following shall apply to jockey agents:

1. A jockey agent shall designate in writing those jockeys for whom he is making engagements;
2. A jockey agent shall have in his possession at all times an engagement book, approved by the stewards, and all engagements made for a jockey by the agent shall be recorded in the book. The book shall be presented to the stewards upon request;
3. A jockey agent shall not make or assist in making of any engagement for a jockey other than those he has designated in writing;

- 4. A jockey agent may make engagements for only two jockeys, one of which must be an apprentice jockey;
- 5. A jockey agent may make engagements for two journeyman jockeys only with the permission of the stewards;
- 6. If a jockey agent relinquishes the making of engagements for any jockey, the jockey agent shall immediately notify the stewards and clerk of scales and turn over to the stewards a list of any unfilled engagements he may have made for that jockey;
- 7. A jockey agent may give only one "first call" and ~~two "second calls"~~ one "second call" per race for each jockey he represents, and conflicting claims for the services of a jockey shall be decided by the stewards;
- 8. A jockey agent shall be able to explain, to the satisfaction of the stewards, rival claims for the services of a jockey or that the rival claims are the result of bona fide error;
- 9. No jockey shall have more than one agent;
- 10. An owner, trainer or authorized agent may make engagements for an apprentice jockey or jockey; and
- 11. A jockey not represented by an agent may make his own engagements.

**11 VAC 10-60-140. Exercise rider.**

A person shall submit an application to participate in horse racing as an exercise rider. If the applicant for a permit as an exercise rider is not employed by an owner or trainer or does not possess a similar permit from another jurisdiction, then the stewards may, in their discretion, require the applicant to demonstrate his horsemanship before issuing a permit to the applicant. The exercise rider shall wear a protective helmet and a safety vest which meets the minimum specifications as defined by the British Equestrian Trade Association when exercising horses.

**11 VAC 10-60-150. Pony rider.**

A person shall submit an application to participate in horse racing as a pony rider. If the applicant for a permit as a pony rider is not in possession of a similar permit from another jurisdiction, then the stewards may, in their discretion, require the applicant to demonstrate his horsemanship before issuing a permit to the applicant. The pony rider shall wear a protective helmet, a safety vest which meets the minimum specifications as defined by the British Equestrian Trade Association, and attire prescribed by the licensee. The attire shall be neat, clean and in good repair.

**11 VAC 10-60-290. Clocker.**

A person shall submit an application to participate in horse racing as a clocker for flat race meetings. The clocker shall be present at his assigned location at the opening of training hours each morning and remain there until training hours are concluded. The clockers shall keep a listing of the name of each horse working out, distance, time, manner in which the workout was accomplished, condition of the racing surface, and any other information deemed appropriate. At the

conclusion of training hours, the clocker shall submit the listing to the stewards, racing secretary and any other personnel deemed appropriate.

**11 VAC 10-60-300. Gap attendant.**

A person shall submit an application to participate in horse racing as a gap attendant for flat race meetings. The gap attendant shall be present at his assigned location at the opening of training hours each morning and remain there until training hours are concluded. The gap attendant shall obtain the name of each horse working out, distance, and the starting point and finishing points of the workout, and report this information to the clocker. The gap attendant shall report to the stewards any exercise rider or trainer who refuses to supply this information.

**11 VAC 10-60-310. Stall superintendent.**

A person shall submit an application to participate in horse racing as a stall superintendent. The stall superintendent shall assist the racing secretary in seeing that the horses are quartered in their assigned stalls, establish a system where horses may not leave or enter the stabling area without the racing secretary's permission, and ensure that the stabling area is maintained in a clean, neat and sanitary condition.

**11 VAC 10-60-320. Track superintendent.**

A person shall submit an application to participate in horse racing as a track superintendent. The track superintendent shall [ ~~be~~ ] (i) [ ~~be~~ ] responsible for [ ~~the maintenance of maintaining~~ ] the racing surfaces in a safe and humane condition [ ; and ] (ii) keep written records of the maintenance done on the racing surfaces and present the written records for inspection upon the request of the stewards or commission [ , and (iii) ~~keep the necessary equipment and personnel to maintain the racing surfaces in a safe and humane condition~~ ] .

**NOTICE:** The forms used in administering 11 VAC 10-60-10 et seq., Regulations Pertaining to Horse Racing with Pari-Mutuel Wagering: Participants, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.

FORMS

- Apprentice Jockey Certificate, DLLR/MRC/P/#6/97-786, 9/98.*
- Authorized Agent Form, 9/98.*
- ~~Application for Participant.~~
- ~~Fee Schedule for Permit Holders.~~
- Multi-State Form, 9/98.*
- Racing Commission Permit, 1991.*
- ~~Multiple Participation Form.~~
- ~~Private Practitioner Reporting Form.~~

# APPRENTICE JOCKEY CERTIFICATE

ISSUED BY THE VIRGINIA RACING COMMISSION

Apprentice Name \_\_\_\_\_ S.S. No. \_\_\_\_\_

Permanent Address \_\_\_\_\_

Date and Place of Birth \_\_\_\_\_

Parent or Guardian  
(if applicable) \_\_\_\_\_

Permanent Address  
(of Parent or Guardian) \_\_\_\_\_

Signature of Applicant  
(Apprentice) \_\_\_\_\_

Date Issued \_\_\_\_\_ Steward's Approval \_\_\_\_\_

Notary \_\_\_\_\_

Apprentice copy - white  
Steward copy - canary  
Commission copy - pink

Winning Record on Reverse Side

FORM D116/MRC/06/07/786

AUTHORIZED AGENT FORM

Fee: \$10

Date: \_\_\_\_\_

Dear Sir:

I have this day appointed \_\_\_\_\_ as an  
whose address is \_\_\_\_\_ in all matters pertaining  
agent to act for me for the year 19 \_\_\_\_\_ to the racing of horses, other than collection of purses and  
to the racing of horses, other than collection of purses and  
moneys due me at race meetings licensed by the Virginia Racing  
Commission.

Owner:  
Address:  
City, State, Zip: \_\_\_\_\_

Witness: \_\_\_\_\_

I further authorize \_\_\_\_\_ whose  
address is \_\_\_\_\_ to collect all  
purses and other money due from race meetings licensed by the  
Virginia Racing Commission for the 19 \_\_\_\_\_, with authority to  
endorse checks from licensees of the Virginia Racing Commission  
payable to me.

Owner:  
Address:  
City, State, Zip: \_\_\_\_\_

Witness: \_\_\_\_\_

State of \_\_\_\_\_  
County or City of \_\_\_\_\_

I hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_  
before me the subscriber, a notary public of the State of \_\_\_\_\_  
in and for the \_\_\_\_\_ aforesaid, personally  
appeared \_\_\_\_\_ and he made oath in due form  
of law that the matters and facts set forth in the foregoing  
application of appointment are true to the best of his knowledge  
and belief.

AS WITNESS my hand and seal.

Social Security Number \_\_\_\_\_ Notary Public \_\_\_\_\_



# Proposed Regulations

## APPLICANTS FOR OWNER'S LICENSE ONLY COMPLETE THE FOLLOWING

Employer's Name: \_\_\_\_\_  
 Employer's Address: \_\_\_\_\_  
 Name of your Bank: \_\_\_\_\_  
 Address of Bank: \_\_\_\_\_  
 How is Ownership to be listed on program? \_\_\_\_\_  
 Who is your Trainer \_\_\_\_\_

List all horses owned or leased by you, wholly or in part. Specify lease (L) or purchase (P) in the appropriate space. A copy of the lease agreement(s) must be attached to the application. (Use additional page if necessary.)

HORSE'S NAME	NAME AND ADDRESS OF LESSOR OF THE HORSE OR FROM WHOM PURCHASED	L/P

If in co-ownership, (entry fees may apply) list name, license and social security numbers and % ownership held by each.

Name \_\_\_\_\_ License # \_\_\_\_\_ SS# \_\_\_\_\_ % Share \_\_\_\_\_  
 Name \_\_\_\_\_ License # \_\_\_\_\_ SS# \_\_\_\_\_ % Share \_\_\_\_\_  
 Name \_\_\_\_\_ License # \_\_\_\_\_ SS# \_\_\_\_\_ % Share \_\_\_\_\_

All winnings credited to \_\_\_\_\_ Lic.# \_\_\_\_\_ SS# \_\_\_\_\_  
 If incorporated, copy of Cert. of Incorporation must be attached.

## Pennsylvania and Virginia Owners Only - Colors Registration

Jacket Color \_\_\_\_\_ Additional Jacket Description \_\_\_\_\_  
 Sleeves Color \_\_\_\_\_ Collar Color \_\_\_\_\_ Cmp Color \_\_\_\_\_

## OWNERS AND TRAINERS COMPLETE THE FOLLOWING WORKERS' COMPENSATION INSURANCE

Are you obligated to have Workers' Compensation Insurance covering employees in connection with racing? \_\_\_\_\_  
 If yes, indicate company name \_\_\_\_\_ Policy Number \_\_\_\_\_  
 Expiration Date \_\_\_\_\_ Name of Policyholder \_\_\_\_\_

## ASSISTANT TRAINERS COMPLETE THE FOLLOWING

Name of Employer (Trainer) \_\_\_\_\_

## ALL APPLICANTS MUST READ THE FOLLOWING AND SIGN BELOW

In making this application for a license to participate in racing, it is understood that an investigative report may be made whereby information is obtained through personal interviews with third parties, such as family members, business associates, financial sources, friends, neighbors, or others with whom you are acquainted. This inquiry includes information as to your character, general reputation, personal characteristics, and mode of living, which may be applicable. You have the right to make a written request within a reasonable period of time for a complete and accurate disclosure of additional information concerning the nature and scope of the investigation.

By submitting this application I, the undersigned, do hereby (i) agree to abide by the rules and regulations of the state horse racing commission, the laws of the United States of America, state government, municipalities and other subdivisions thereof; and (ii) agree to abide by any provision regarding search and seizure which may be contained in any of the above-mentioned laws, rules and regulations, and I consent and waive any right I have to object in the search, within the grounds of a racing association, of any premises which I may occupy or control or have the right to occupy or control and of my person, property and effects and in the seizure of any article the having of which may be forbidden. I understand that participation in racing is a privilege, not a right, that any license issued pursuant to this form is subject to condition precedent as set out in the Rules of Racing, and that my failure to comply therewith shall be grounds for immediate voidance or revocation of such license. By acceptance of said license, I agree to abide by the Rules of Racing and rulings or decisions of the Stewards and Judges with the knowledge that rulings or decisions of the Stewards and Judges shall remain in force until reversed or modified only by the authorized regulatory agency.

I hereby certify, under penalty of perjury, that I have read the foregoing form and affirm that every statement contained therein is true and correctly set forth. I do hereby agree that my license may be removed at any time for misstatement or omissions in the foregoing form. I also agree to abide by and obey the rules and regulations and conditions of the authorized regulatory agency in the jurisdictions in which I am granted a license.

I expressly agree to be subject to the subpoena powers of the authorized regulatory agency or a written request issued in lieu of a subpoena and to provide the agency with any and all such information or documents which it may so request. This agreement shall extend to anything which relates to any matter which is the subject of an agency hearing or investigation.

STEWARD/JUDGES RECOMMENDATION \_\_\_\_\_ SIGNATURE OF APPLICANT \_\_\_\_\_ DATE \_\_\_\_\_

VA.R. Doc. No. R97-248; Filed September 1, 1999, 9:06 a.m.

**TITLE 12. HEALTH**

**STATE BOARD OF HEALTH**

**Title of Regulation:** 12 VAC 5-80-10 et seq. Regulations for Administration of the Virginia Hearing Impairment Identification and Monitoring System (amending 12 VAC 5-80-10, 12 VAC 5-80-20, 12 VAC 5-80-30, 12 VAC 5-80-40, 12 VAC 5-80-80, and 12 VAC 5-80-90; adding 12 VAC 5-80-95; and repealing 12 VAC 5-80-50, 12 VAC 5-80-100, 12 VAC 5-80-110, and 12 VAC 5-80-120).

**Statutory Authority:** §§ 32.1-12 and 32.1-64.1 of the Code of Virginia.

**Public Hearing Date:** N/A -- Public comments may be submitted until November 26, 1999.  
(See Calendar of Events section for additional information)

**Basis:** The existing Virginia Hearing Impairment Identification and Monitoring System was adopted in 1987 under the authority of §§ 32.1-64.1 and 32.1-64.2 of the Code of Virginia. Section 32.1-64.1 of the Code requires the State Health Commissioner to establish and maintain the Virginia Hearing Impairment Identification and Monitoring System and requires the State Board of Health to promulgate regulations for implementing this system. In addition, SB 591 (1998 Acts of Assembly, Chapter 506) amended § 32.1-64.1 to require the State Board of Health to "provide by regulation for the giving of hearing screening tests for all infants born in all hospitals," thereby requiring the proposed amendments.

**Purpose:** The purpose of the regulations and the intended amendments is to provide consistent guidance for the implementation and administration of a system designed to ensure that all infants born in Virginia with hearing loss are identified and receive appropriate intervention at the earliest possible age after birth. This system promotes early intervention that is crucial in preventing learning problems, social problems and costly remedial education activities for children with hearing loss. The amendments are needed to improve and hone the system and allow it to comport with the changes in the law.

**Substance:** The proposed regulations will specify the responsibilities of hospitals with neonatal intensive care services, hospitals with newborn nurseries, the Virginia Department of Health, and persons providing audiological services to children following discharge from the hospital after birth. These responsibilities are identified as beginning July 1, 1999, and July 1, 2000.

As required by SB 591, on July 1, 1999, hospitals with neonatal intensive care services will be responsible for screening the hearing of all infants prior to discharge after birth, providing test results and other pertinent information to the parent and the child's primary medical care provider, and reporting those results and other data to the Virginia Department of Health. Hospitals with newborn nurseries and no neonatal intensive care services will be responsible for identifying infants who are at risk for hearing loss, as they are required to do under the current regulations; providing specific

information and recommendations for follow-up to the parent and to the child's primary medical care provider; and reporting those infants who are at risk to the Virginia Department of Health.

Hospitals that are not required to screen the hearing of all infants before July 1, 2000, but elect to do so will not be required to report infants who are at risk for hearing loss. They will be given the same responsibilities as hospitals with neonatal intensive care services.

As of July 1, 2000, all hospitals with newborn nurseries and all hospitals with neonatal intensive care services will be responsible for screening the hearing of all infants prior to discharge after birth, providing test results and other pertinent information to the child's parent and to the child's primary medical care provider, and reporting those results and other data to the Virginia Department of Health.

The Virginia Department of Health will be responsible for (i) collecting, maintaining and evaluating the data reported by hospitals, reports from audiological follow-up and information regarding intervention referrals in a database; (ii) providing follow-up for reported infants that includes letters and information to parents; (iii) supplying the reporting format, written information, as well as training and technical assistance on the program to hospitals; (iv) conducting a yearly review and evaluation of the program; and (v) communicating performance data to hospitals on a yearly basis.

Persons who provide audiological services to a child once that child is discharged from the hospital after birth will be responsible for providing screening or evaluation results to the parent and the child's primary medical care provider; sending a complete report to the Virginia Department of Health; advising the parent about and offering referral to early intervention and education programs; and providing the parent of any child found to have a hearing loss with information about hearing loss, such as communication and amplification options and resource agencies and services.

**Issues:** The primary advantages of these amendments for the public are for parents, children who are born with hearing loss, hospitals and local education agencies. Parents will be informed of results of the hearing screening and need for further testing before their newborn is discharged from the hospital after birth. With the early identification of a child's hearing loss, parents can make informed choices regarding early intervention and education methods that will benefit both the child and the family. Recent research suggests that when hearing loss is identified by three months of age and intervention is offered before six months of age, children with hearing loss stay competitive with hearing peers in language and social skills. Further, the advantages remain regardless of the level of hearing loss, the child's cognitive skills or the method of intervention.

The amount of information that hospitals will be required to report to the Virginia Department of Health is reduced, as they are currently submitting a report form on every infant discharged after birth.

With the early identification of hearing loss, there will be a savings to local education agencies. Research suggests that

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costs of special education services are reduced when hearing loss is identified and intervention initiated within the first year of life.

There are no disadvantages to the public or to the agency.

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. Section 32.1-64.1 of the Code of Virginia requires the State Health Commissioner to establish and maintain the Virginia Hearing Impairment Identification and Monitoring System and requires the State Board of Health to promulgate regulations for implementing this system. The 1998 General Assembly (Chapter 506) amended § 32.1-64.1 to require the State Board of Health to "provide by regulation for the giving of hearing screening tests for all infants born in all hospitals." The proposed changes to this regulation are designed to comply with this mandate.

Estimated economic impact. Under current regulations, hospitals are required to screen the hearing of only those infants admitted to neonatal intensive care units (NICU) who are identified to be at risk for hearing impairment according to specific indicators. According to the Virginia Department of Health (VDH), approximately 10% of Virginia newborns are admitted to a NICU. Since presumably not all NICU infants exhibit the specified risk indicators, hospitals are required to screen the hearing of fewer than 10% of Virginia newborns.

The proposed amended regulation requires that starting July 1, 1999, all hospitals with neonatal intensive care services screen the hearing of all newborns, whether or not they have been admitted to the NICU. In 1996, 59% (54,130 out of 92,115) of the children born in Virginia hospitals were born in hospitals with a NICU. As of July 1, 2000, the proposed amended regulation requires all Virginia hospitals to screen the hearing of all their newborns.

Increasing the percentage of newborns screened for hearing impairment from less than 10% to 100% will be costly, but will have clear, if not entirely quantifiable benefits. In a study (Colorado study) published in the journal *Pediatrics*<sup>1</sup> it was shown that at 26 Colorado hospitals which screened all their newborns for hearing impairment, 50% of the children that were proven to have congenital hearing loss did not exhibit the standard risk factors. Thus, it is likely that if Virginia

screens the hearing of all newborns instead of only NICU newborns that exhibit specified risk factors, the number of Virginia infants who are diagnosed with congenital hearing loss shortly after birth may increase twofold or more.

For the 90% of children with congenital hearing loss who do not have profound hearing loss, research has shown that through early hearing amplification and appropriate therapy these children achieve near-normal language development, significantly exceeding the language development of comparable children not identified until after 6 months of age<sup>2</sup>. For the children with profound hearing loss, early detection allows for early initiation of sign language or cochlear implants, if appropriate.

In the Colorado study it was calculated that on average it costs \$25 per infant to screen all newborns. That calculation takes account of labor costs, disposable supplies and amortized capital equipment costs. The average costs for the screening of newborns for other maladies are less per infant, but the occurrence of those maladies are significantly less common. According to the Colorado study, screening costs per confirmed diagnosis are as follows: \$9,600 for congenital hearing loss, \$10,800 for hypothyroidism, \$23,100 for hemoglobinopathy and \$40,500 for PKU. Screenings for the last three maladies in that list are currently conducted for all newborns in Virginia.

In addition to improved language development, early detection of hearing impairment allows for some reduction of costs that otherwise would occur. According to the Colorado study, additional expenses accrue for children not diagnosed at birth who go on to require some form of special intervention once they reach school age. The study asserts that all screening costs could be recovered after 10 years due to subsequent savings in avoided intervention. Though that calculation may be optimistic, it is noteworthy that at least some of the screening costs may be recouped through avoided intervention.

The net economic impact of the proposed changes to this regulation would likely be positive. It is very likely that the proposed increase in screening would result in significantly increased early detection of congenital hearing loss. The additional children diagnosed with hearing impairment would be able to receive early treatment, which would most likely significantly improve their language skills. This would provide the non-quantifiable benefit of happier children and parents, as well as an improved economic future. The cost of the proposed screenings would be about the same or less per confirmed diagnosis as other health screenings currently conducted in Virginia for all newborns. The initial screening costs would also be countered somewhat by a reduction in the future costs of special intervention for students with language deficiencies and hearing problems.

Businesses and entities affected. The 67 Virginia hospitals with newborn nurseries and the one Virginia hospital with a NICU but no nursery would all be affected by the proposed

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<sup>1</sup> A.L. Mehl and V. Thomson, "Newborn Hearing Screening: The Great Omission," *Pediatrics*, 101(1), January 1998.

<sup>2</sup> C. Yoshinaga-Itano, "Efficacy of Early Identification and Early Intervention," *Seminars in Hearing*, 16 (2), 115-123.

changes to this regulation. Health insurers that may cover part or all of the expense of screening would also be affected.

Localities particularly affected. The proposed regulatory changes affect all Virginia localities.

Projected impact on employment. VDH estimates that each hospital will likely need to hire a 25% FTE audiologist or nurse to run the program, plus additional hours for a nurse or technician to run the tests (the number of hours depend on the number of newborns at the hospital).

Effects on the use and value of private property. The implementation of the proposed regulatory changes would require the purchase of hearing screening equipment for many of Virginia's hospitals with nurseries, but no NICU. VDH estimates that the equipment would cost between \$10,000 to \$15,000. Firms that sell such equipment would clearly benefit while hospitals would incur an additional expense.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) 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) and submitted that analysis on July 9, 1999. The Virginia Department of Health agrees with DPB's overall analysis.

Summary:

*The proposed amendments comply with the statutory changes to § 32.1-64.1 of the Code of Virginia. The purpose of the regulations is to provide consistent guidance for the implementation and administration of a system designed to ensure that all infants born in Virginia with hearing loss are identified and receive appropriate intervention at the earliest possible age after birth. The proposed regulation will amend the responsibilities of hospitals with neonatal intensive care services and hospitals with newborn nurseries regarding newborn hearing screening, parent education and follow-up; modify the newborn hearing screening protocols; amend the Virginia Department of Health responsibilities; and add reporting requirements for persons who provide audiological services to children following discharge from the hospital after birth. These responsibilities are identified as beginning July 1, 1999, in hospitals with neonatal intensive care services and July 1, 2000, in all hospitals with newborn nurseries.*

CHAPTER 80.

REGULATIONS FOR ADMINISTRATION OF THE VIRGINIA HEARING IMPAIRMENT IDENTIFICATION AND MONITORING SYSTEM.

PART I.  
DEFINITIONS.

**12 VAC 5-80-10. Definitions.**

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

*"At risk"* means considered to be in a risk status for with a significant probability of having or developing hearing impairment loss as a result of the presence of one or more factors identified or manifested at birth.

*"Child"* means any person from birth to age 18 years of age.

*"Commissioner"* means the State Health Commissioner, Virginia Department of Health his duly designated officer, or agent.

*"Diagnostic audiological evaluation"* means those physiologic and behavioral procedures required to evaluate and diagnose hearing status.

*"Discharge"* means release from the hospital after birth to the care of the parent.

*"Follow-up"* means the process of communicating with the family and the primary care provider of all infants reported at risk and those who failed the hearing screening, regarding their status, until either a hearing impairment is diagnosed or normal hearing is documented.

*"Hearing screening"* means an objective physiological measure to be completed in order to determine the likelihood of hearing loss.

*"Infant"* means a child under the age of one year.

*"Neonatal special care and intensive care services"* means those services provided in a unit which is physically separated from the normal newborn nursery, equipped with monitoring and life support systems, staffed with personnel specifically qualified in providing specialized neonatal care, and is able to provide 12-24 nursing hours per infant per day, 24 hour in-house respiratory therapy, and full-time physician management by a board eligible or board certified neonatologist by a hospital's newborn services that are designated as both specialty level and subspecialty level as defined in subdivision D 2 of 12 VAC 5-410-440.

*"Phase One"* means the first two years of implementation during which only those hospitals with neonatal special care and intensive care will participate.

*"Phase Two"* means that portion of the implementation, beginning two years after Phase One, during which those hospitals with newborn nurseries will participate. Phase One participating hospitals will continue under Phase One guidelines in Phase Two. Phase Two will remain in effect as the Hearing Impairment Identification and Monitoring System until changed.

*"Registry"* means a list of names and associated pertinent data regarding those children to be followed in the Virginia Hearing Impairment Identification and Monitoring System.

*"Parent"* means (i) a biological or adoptive parent who has legal custody of a child, including either parent if custody is shared under a joint decree or agreement; (ii) a biological or adoptive parent with whom a child regularly resides; (iii) a person judicially appointed as a legal guardian of a child; or (iv) a person who exercises the rights and responsibilities of legal custody by delegation from a biological or adoptive

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parent, upon provisional adoption or otherwise by operation of law.

"Primary medical care provider" means the person to whom the infant will go for routine medical care following hospital discharge.

~~"Risk factors for hearing impairment factor"~~ means ~~those factors~~ a factor known to place an infant at increased risk for being born with or developing a hearing impairment loss, including, but not limited to, any one of the following:

1. Family history of hereditary, childhood sensorineural hearing loss or impairment of childhood-onset in a blood relative;
2. ~~Congenital perinatal~~ *In utero* infection (e.g., cytomegalovirus, rubella, herpes, toxoplasmosis, syphilis);
3. ~~Anatomic malformations involving the head, face, or neck (e.g., dysmorphic appearance Craniofacial anomalies including syndromal and nonsyndromal abnormalities, overt or submucous cleft palate, obvious morphologic those with morphological abnormalities of the pinna, preauricular skin tags and ear canal;~~
4. Birthweight of less than 1500 grams;
5. Hyperbilirubinemia at a serum level exceeding indications for requiring exchange transfusion;
6. Bacterial meningitis, especially *Haemophilus influenzae*;
7. Severe asphyxia which may include infants with Apgar scores of 0 to three who fail to institute spontaneous respiration by 10 minutes and those with hypotonia persisting to two hours of age; and four at one minute or 0 to six at five minutes;
8. Ototoxic drug administration to an infant for greater than three days, medications, including but not limited to the aminoglycosides, used in multiple courses or in combination with loop diuretics;
9. Mechanical ventilation lasting five days or longer;
10. Stigmata or other findings associated with a syndrome known to include a sensorineural hearing loss, a conductive hearing loss, or both;
11. Neurofibromatosis Type II; and
12. Persistent pulmonary hypertension of the newborn (PPHN).

The presence of one or more of these factors places an infant at risk.

## PART II. GENERAL INFORMATION.

### 12 VAC 5-80-20. Authority for regulations.

Sections 32.1-64.1 and 32.1-64.2 of the Code of Virginia direct the commissioner to establish and maintain a system for the purpose of identifying and monitoring infants who are at risk for *with* hearing impairment loss and directs the Board

of Health to promulgate the ~~rules and~~ regulations necessary for implementation of the system.

### 12 VAC 5-80-30. Purpose of chapter.

This chapter is designed to provide consistent guidelines for implementation of this system in order to assure that infants with hearing impairment loss are identified at the earliest possible age and that they receive appropriate, early intervention.

### 12 VAC 5-80-40. Administration and application of chapter.

A. This chapter is promulgated to implement the system and amended as necessary by the State Board of Health. The State Health Commissioner or his designee is charged with its administration; and the Virginia Department of Health shall provide the staff necessary for its implementation.

### 12 VAC 5-80-50. Application of chapter.

B. This chapter has general application throughout the Commonwealth.

## PART III. PHASE ONE.

### 12 VAC 5-80-80. Participating hospitals' Responsibilities of hospitals.

~~These~~ A. Beginning on July 1, 1999, hospitals with neonatal special care and intensive care services shall be responsible for:

1. ~~Completing a Virginia Department of Health reporting form on each infant transferred or discharged from special care or intensive care services, identifying the presence or absence of risk factors for hearing impairment by both medical record and family history;~~
2. ~~Giving an information packet containing a written description of the identification and monitoring system as well as written information about hearing and speech/language development to the parent/guardian of each infant transferred or discharged from special care or intensive care services;~~
3. ~~Prior to transfer or discharge, screening the hearing of those infants identified to be at risk by one of the following:~~
  - a. ~~Early latency auditory evoked response for which the following protocols shall be observed:~~
    - (1) ~~Test both ears;~~
    - (2) ~~Use an air conduction audiometric transducer earphone or insert receiver;~~
    - (3) ~~Both air conduction and bone conduction;~~
    - (4) ~~Use a click stimulus;~~
    - (5) ~~Use a stimulus intensity between 30 and 60db nHL (re: perceptual click threshold for normal hearing adults, obtained with specific equipment used for the test);~~

~~(6) Maintain a hard copy to attach to reporting form; and~~

~~(7) If the screening is not completed because of early transfer, equipment failure, time restraints, or patient condition the total test shall be regarded as a failure and reported as such on the form.~~

~~b. An automated motion sensitive unit for which the following protocols shall be observed:~~

~~(1) All manufacturer recommended guidelines shall be followed;~~

~~(2) If the screening is not completed because of early transfer, equipment failure, time restraints, or patient condition the total test shall be regarded as a failure and reported as such on the form;~~

~~4. Sending the reporting form, with attachments if indicated, to the Virginia Department of Health within one week of transfer or discharge from the unit;~~

~~5. Reporting to the Virginia Department of Health, on a monthly basis, statistics regarding the number of admissions and live transfers or discharges, the total number of infants at risk as well as the total number of at risk infants who passed and the total number who failed the hearing screening; and~~

~~1. Prior to discharge after birth, but no later than three months of age, screen the hearing, in both ears, of all infants using objective physiologic measures. The methodology used for hearing screening shall have a false-positive rate of less than or equal to 3.0% and a false-negative rate of 0;~~

~~2. If an infant is missed, inform the parent prior to discharge of the need for hearing screening and provide a mechanism by which screening can occur at no additional cost to the family;~~

~~3. Prior to discharge, give written information to the parent of each infant that includes purposes and benefits of newborn hearing screening, indicators of hearing loss, procedures used for hearing screening, results of the hearing screening, the recommendations for further testing, and where the testing can be obtained;~~

~~4. Give written information to the infant's primary medical care provider that includes procedures used for hearing screening, the limitations of screening procedures, the results of the hearing screening, and the recommendations for further testing;~~

~~5. Within one week of discharge, complete the Virginia Department of Health report as required by the board pursuant to § 32.1-64.1 F of the Code of Virginia and in a manner devised by the department, which may be electronic, on each infant who does not pass the hearing screening and send it to the Virginia Department of Health;~~

~~6. On a monthly basis, send to the Virginia Department of Health a report of the total number of discharges, the total number of infants who passed the newborn hearing screening, the total number who failed, and the total~~

~~number not tested due to parents' exercise of their rights under § 32.1-64.1 H of the Code of Virginia; and~~

~~6. Reporting 7. Report to the Virginia Department of Health, on a yearly basis, the individual(s) responsible for the hearing screening, equipment used, date of last calibration/maintenance, stimuli used, pass/fail criteria test procedures used by the newborn hearing screening program, the name of the program director, the name of the advising audiologist, equipment calibration records, screening protocols, and referral procedures.~~

~~B. Beginning on July 1, 1999, and ending June 30, 2000, hospitals with newborn nurseries and no neonatal intensive care services shall:~~

~~1. Prior to discharge after birth, identify infants at risk for hearing loss;~~

~~2. Give written information to the parent of each infant, prior to discharge, that includes the purposes and benefits of newborn hearing screening, what to do if the parent suspects hearing loss, the infant's risk factor or factors for hearing loss if present, the recommendations for hearing screening, and where the screening can be obtained;~~

~~3. Complete the Virginia Department of Health report on each infant identified at risk for hearing loss in a manner devised by the department, which may be electronic;~~

~~4. Send the report to the Virginia Department of Health within one week of discharge;~~

~~5. On a monthly basis, send to the Virginia Department of Health a report of the total number of discharges and the total number of infants identified at risk for hearing loss; and~~

~~6. For infants identified at risk for hearing loss, give written information to the infant's primary medical care provider that includes the identified risk factor or factors for hearing loss, the recommendations for hearing screening, and where the screening can be obtained.~~

~~C. Beginning on July 1, 1999, hospitals with newborn nurseries and no neonatal intensive care services that elect to screen the hearing of all infants prior to discharge after birth shall:~~

~~1. Prior to discharge after birth screen the hearing, in both ears, of all infants using objective physiologic measures. The methodology used for hearing screening shall have a false-positive rate of less than or equal to 3.0% and a false-negative rate of 0;~~

~~2. If an infant is missed, inform the parent prior to discharge of the need for hearing screening and provide a mechanism by which screening can occur at no additional cost to the family;~~

~~3. Prior to discharge, give written information to the parent of each infant that includes purposes and benefits of newborn hearing screening, indicators of hearing loss, procedures used for hearing screening, results of the hearing screening, the recommendations for further testing, and where the testing can be obtained;~~

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4. Give written information to the infant's primary medical care provider that includes procedures used for hearing screening, the limitations of screening procedures, the results of the hearing screening, and the recommendations for further testing;

5. Within one week of discharge, complete the Virginia Department of Health report, as required by § 32.1-64.1 F of the Code of Virginia and in a manner devised by the department, which may be electronic, on each infant who does not pass the hearing screening and send it to the Virginia Department of Health;

6. On a monthly basis, send to the Virginia Department of Health a report of the total number of discharges, the total number of infants who passed the newborn hearing screening, the total number who failed, and the total number not tested due to parents' exercise of their rights under § 32.1-64.1 H; and

7. Report to the Virginia Department of Health, on a yearly basis, the test procedures used by the newborn hearing screening program, the name of the program director, the name of the advising audiologist, equipment calibration records, screening protocols, and referral procedures.

D. Beginning on July 1, 2000, hospitals with neonatal intensive care services and hospitals with newborn nurseries shall be responsible for activities required by subsection A of this section.

## 12 VAC 5-80-90. Responsibilities of the Virginia Department of Health responsibilities.

The Virginia Department of Health shall be responsible for:

1. ~~Collecting~~ Collect, maintain and evaluate hospital newborn hearing screening data from reporting forms received and entering those data on a computer registry in a database;

2. ~~Providing follow up on~~ Provide follow-up for all infants reported at risk and those who failed the hearing screening including but not limited to: Follow-up includes, but is not limited to:

a. ~~Communicating with the primary medical care provider (if stated) by mail two or four months after receipt of the reporting form on those who passed and those who failed the screening, to explain the program and to advise of the child's status;~~

b. a. Communicating with the family parent by mail, four to six months after receipt of the reporting form on for those infants who failed the hearing screening (intensive care units Phases One and Two) or, those who had one or more risk factors identified (newborn nurseries Phase Two), and were not screened prior to discharge, those who were not screened, and those who are at risk for progressive hearing loss in order to advise of the need for a hearing evaluation audiological services as well as to provide information on locating an approved center that provides diagnostic audiological services or a licensed audiologist;

~~e. b. Receiving results of both the hearing audiological evaluations, reviewing the reports for recommendations and the intervention referrals, and adding the information to the computer registry database; and~~

~~d. Mailing a reminder to the family if no information is received on the child within two months of the initial mailing; and,~~

e. c. Communicating with the family parent by mail after the results of the hearing evaluation are reported, confirming the results, and, if for any child found to have a hearing loss is diagnosed, providing the family with in order to provide information about hearing loss and appropriate referral sources resources.

3. Maintaining both a registry of those children diagnosed with hearing impairment and a list of those concerning whom no response has been received on follow up;

4. Reporting appropriate information from the registry and the list to the Virginia Department for the Deaf and Hard of Hearing and the Virginia Department of Education;

5. ~~Supplying~~ 3. Supply the reporting forms format and written information packets to the participating hospitals; and

6. ~~Providing~~ 4. Provide training and technical assistance on this program to the participating hospitals; and

5. Conduct a review and evaluation of the Virginia Hearing Impairment Identification and Monitoring System, including but not limited to the false-positive rate, false-negative rate, referral rate, follow-up rate, referral mechanisms and effectiveness of tracking, and communicating critical performance data to hospitals on a yearly basis.

## 12 VAC 5-80-95. Responsibilities of persons providing audiological services after discharge.

Persons who determine that a child has failed to pass a hearing screening, was not successfully tested, or has a hearing loss shall:

1. Provide the screening or evaluation results to the parent and to the child's primary medical care provider;

2. Send a Virginia Department of Health report including test results, diagnosis, and recommendations to the Virginia Department of Health within two weeks of the visit;

3. Advise the parent about and offer referral to local early intervention or education programs; and

4. Give resource information to the parent of any child who is found to have a hearing loss, including but not limited to the degrees and effects of hearing loss, communication options, amplification options, the importance of medical follow up, and agencies and organizations that provide services to children with hearing loss and their families.

PART IV.  
PHASE TWO.

**12 VAC 5-80-100. ~~Phase One participating hospitals' responsibilities. (Repealed.)~~**

~~These hospitals with neonatal special care and intensive care services shall maintain all procedures and protocols required by 12 VAC 5-80-80.~~

**12 VAC 5-80-110. ~~Other participating hospitals' responsibilities. (Repealed.)~~**

~~These hospitals with newborn nurseries shall be responsible for:~~

- ~~1. Completing a reporting form on each infant transferred or discharged from the newborn nursery, identifying the presence or absence of risk factors for hearing impairment by both medical record and family history;~~
- ~~2. Giving an information packet containing a written description of the identification and monitoring system as well as written information about hearing and speech/language development to the parent/guardian of each infant transferred or discharged from the newborn nursery;~~
- ~~3. Sending the reporting form to the Virginia Department of Health within a week of transfer or discharge from the unit; and~~
- ~~4. Reporting to the Virginia Department of Health, on a monthly basis, statistics regarding the number of admissions and live transfers or discharges, and the total number of infants at risk.~~

**12 VAC 5-80-120. ~~Virginia Department of Health responsibilities. (Repealed.)~~**

~~The Virginia Department of Health shall be responsible for:~~

- ~~1. Collecting data from reporting forms and entering those data on a computer registry;~~
- ~~2. Providing follow up on all infants reported at risk and those who failed the hearing screening (Phase One) and on all infants reported at risk (Phase Two) including but not limited to:
 
  - ~~a. Communicating with the primary medical care provider (if stated) by mail two to four months after receipt of the reporting form on those who passed and those who failed the screening, to explain the program and to advise of the child's status;~~
  - ~~b. Communicating with the family by mail, four to six months after receipt of the reporting form on those who failed the hearing screening (intensive care units- Phases One and Two) or those who had one or more risk factors identified (newborn nurseries- Phase Two), in order to advise of the need for a hearing evaluation as well as to provide information on locating a licensed audiologist;~~
  - ~~c. Receiving results of the hearing evaluations, reviewing the reports for recommendations, and adding the information to the computer registry;~~~~

~~d. Mailing a reminder to the family if no information is received on the child within two months of the initial mailing; and~~

~~e. Communicating with the family by mail after the results of the hearing evaluation are reported, confirming the results, and, if a hearing loss is diagnosed, providing the family with information about hearing loss and appropriate referral sources.~~

~~3. Maintaining both a registry of those children diagnosed with hearing impairment and a list of those concerning whom no response has been received on follow up;~~

~~4. Reporting appropriate information from the registry and the list to the Virginia Department for the Deaf and Hard of Hearing and the Virginia Department of Education;~~

~~5. Supplying the reporting forms and information packets to the participating hospitals; and~~

~~6. Providing training and technical assistance on this program to the participating hospitals.~~

**NOTICE:** The forms used in administering 12 VAC 5-80-10 et seq., Regulations for Administration of the Virginia Hearing Impairment Identification and Monitoring System, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.

**FORM**

Reporting Form, CSS 312 (eff 6/90).

Report of Follow-Up (eff. 7/99).

# Proposed Regulations

**VIRGINIA DEPARTMENT OF HEALTH  
VIRGINIA HEARING IMPAIRMENT IDENTIFICATION AND MONITORING SYSTEM**

**REPORT OF FOLLOW-UP**

Child's Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_ Middle Initial: \_\_\_\_\_ Sex: \_\_\_\_\_ Birthdate: \_\_\_\_\_  
 Parent's Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_ Mother's Maiden Name: \_\_\_\_\_  
 Address: \_\_\_\_\_ City: \_\_\_\_\_ State/Zip: \_\_\_\_\_ Phone: \_\_\_\_\_

**Outpatient Hearing Screening Results**

Date: \_\_\_\_\_ Type of Test:  AABR  ABR screen  ABR  DPOAE  TEOAE  automated?  
 Screening Results:  Pass  Right  Left  Refer/Fail:  Right  Left  Did Not Test:  Right  Left

**Diagnostic Audiological Evaluation**

Date: \_\_\_\_\_ Referred from:  Hospital screening Hospital: \_\_\_\_\_  
 Other \_\_\_\_\_

Type(s) of Testing:  ABR  AC BC  DPOAE  TEOAE  VRA  BOA  OCOR  Acoustic Immittance

<b>Test Results Suggest:</b>	<input type="checkbox"/> R <input type="checkbox"/> L	<input type="checkbox"/> Part C	<input type="checkbox"/> Other
Hearing Within Normal Limits	<input type="checkbox"/> R <input type="checkbox"/> L	<input type="checkbox"/> Part C	<input type="checkbox"/> Other
Sensorineural Hearing Loss	<input type="checkbox"/> R <input type="checkbox"/> L	<input type="checkbox"/> Part C	<input type="checkbox"/> Other
Conductive Hearing Loss	<input type="checkbox"/> R <input type="checkbox"/> L	<input type="checkbox"/> Part C	<input type="checkbox"/> Other
Mixed Hearing Loss	<input type="checkbox"/> R <input type="checkbox"/> L	<input type="checkbox"/> Part C	<input type="checkbox"/> Other
Undetermined Type Hearing Loss	<input type="checkbox"/> R <input type="checkbox"/> L	<input type="checkbox"/> Part C	<input type="checkbox"/> Other
Mild Hearing Loss	<input type="checkbox"/> R <input type="checkbox"/> L	<input type="checkbox"/> Part C	<input type="checkbox"/> Other
Moderate Hearing Loss	<input type="checkbox"/> R <input type="checkbox"/> L	<input type="checkbox"/> Part C	<input type="checkbox"/> Other
Severe Hearing Loss	<input type="checkbox"/> R <input type="checkbox"/> L	<input type="checkbox"/> Part C	<input type="checkbox"/> Other
Profound Hearing Loss	<input type="checkbox"/> R <input type="checkbox"/> L	<input type="checkbox"/> Part C	<input type="checkbox"/> Other
Sloping Hearing Loss	<input type="checkbox"/> R <input type="checkbox"/> L	<input type="checkbox"/> Part C	<input type="checkbox"/> Other
Inconclusive, due to _____	<input type="checkbox"/> R <input type="checkbox"/> L	<input type="checkbox"/> Part C	<input type="checkbox"/> Other

Child's Primary Health Care Provider: \_\_\_\_\_; f-up app't scheduled for \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**Return to:** Virginia Department of Health, VAHIMS/DCAH/Room 105  
 P. O. Box 2448  
 Richmond, VA 23218-2448  
 FAX: 804-786-0917

Tester Information and Instructions on back: →

**Testing Performed by:**

Audiologist/Facility: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State/Zip: \_\_\_\_\_

**REPORT OF FOLLOW-UP: Instructions for Use**

**Purpose:** The purpose of this report is to maintain current information in the VAHIMS database in the Virginia Department of Health (VDH). This program is authorized by Sections 32.1-64.1 and 32.1-64.2 of the Code of Virginia. This report will help track infants at-risk for hearing loss and infants who refer from hospital newborn hearing screening programs. Your use of this report form for all children you see will assist VDH efforts to determine the incidence of hearing loss in children in Virginia, the age of identification of hearing loss and access to and enrollment in early intervention services.

**Identifying Information:** Please complete the child and parent identifying information at the top of the form. In order to link this data with the data already in the system, the full names of child and parent, mother's maiden name and date of birth are essential. If the child had another name at birth, please add this information to the form; you can list it as AKA (also known as).

**Hearing Screening Results:** If you perform only a screening test on the child and do not do an assessment, or if you perform a screen or re-screen followed by an assessment on the same visit, please complete this section. Do not use this section to record results of a hearing screening done on the child prior to hospital discharge.

**Diagnostic Audiological Evaluation:** This section is to be completed when a diagnostic audiological evaluation is performed. If possible, from the test results obtained, the type and degree of hearing loss should be estimated under "test results suggest". For the degree of hearing loss, guidelines for the categories are given below. For hearing losses that cross two categories, use either the most severe degree or the degree with most frequencies represented. If the hearing loss appears to span several degrees, then use Sloping Hearing Loss. Please give the best estimate based on results you obtain. If results are inconclusive, leave this section blank.

0-20 dB	<b>Degree of Hearing Loss</b>
21-40 dB	Hearing within Normal Limits
41-70 dB	Mild Hearing Loss
71-90 dB	Moderate Hearing Loss
91 dB and above	Severe Hearing Loss
	Profound Hearing Loss

**Child's Primary Medical Care Provider:** Please complete this section with name and address of the physician, group or clinic to whom the parent takes the child for primary medical care.

**Testing Performed By:** Thank you for this information. Feel free to use a stamp or label.

**Confidentiality:** All information included in this form is strictly confidential and will be released by the Virginia Department of Health only with the parent's written informed consent. The Code of Virginia states that this system "shall collect the name, address, sex, ... regarding infants determined to be at risk for hearing impairment or to have hearing loss." Specific reporting requirements are also in the regulations governing this system.

**Please mail or fax this form to:**  
 Virginia Department of Health  
 VAHIMS/DCAH/Room 105  
 P. O. Box 2448  
 Richmond, VA 23218-2448  
 FAX: 804-786-0917

Please send suggestions or comments you have regarding this form and its contents to the Virginia Hearing Impairment Identification and Monitoring System program. Thank you.

TITLE 14. INSURANCE

AT RICHMOND, AUGUST 31, 1999

STATE CORPORATION COMMISSION

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

CASE NO. INS990180

Bureau of Insurance

REPROPOSED

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

This regulatory action was initially proposed in 15:25 VA.R. 3327-3328 August 30, 1999. New proposed changes are shown in brackets.

Title of Regulation: 14 VAC 5-395-10 et seq. Rules Governing Settlement Agents (amending 14 VAC 5-395-20 and 14 VAC 5-395-60; adding 14 VAC 5-395-25).

Statutory Authority: §§ 6.1-2.25 and 12.1-13 of the Code of Virginia.

Summary:

This regulation was promulgated in 1997 to carry out the provisions of the Consumer Real Estate Settlement Protection Act (§ 6.1-2.19 et seq. of the Code of Virginia).

The original proposed changes contained in the draft attached to the State Corporation Commission's "Order To Take Notice" date July 28, 1999, are being made to comply with the provisions enacted during the 1999 Session of the Virginia General Assembly pursuant to Senate Bill No. 1278 (Chapter 647 of the 1999 Acts of Assembly) regarding "lay real estate settlement agents." Changes are also being proposed to require settlement agents to keep separate escrow accounts for Virginia settlement funds.

The revised proposed changes contained in the latest draft attached to the State Corporation Commission's "Order to Take Notice" dated August 31, 1999, clarify that a "lay real estate settlement agent" who provides escrow, closing, or settlement services in transactions involving multiple parcels or tracts of real estate located wholly or partially outside of Virginia must maintain another separate escrow account for those settlement funds. This latest revision takes into account the fact that lay real estate settlement agents may provide settlement services on real estate involving multiple locations, some of which may be located in other states.

Agency Contact: JoAnne Scott, Bureau of Insurance, State Corporation Commission, P.O. Box 1157, Richmond, VA 23218, telephone (804) 371-9600 or e-mail jscott@scc.state.va.us.

Ex Parte: in re: In the matter of adopting an amended regulation applicable to settlement agents

ORDER TO TAKE NOTICE

WHEREAS, § 12.1-13 of the Code of Virginia provides that the Commission shall have the power to promulgate rules and regulations in the enforcement and administration of all laws within its jurisdiction, and § 6.1-2.25 of the Code of Virginia provides that the Commission may issue rules, regulations, and orders consistent with and necessary to carry out the provisions of the Consumer Real Estate Settlement Protection Act (§ 6.1-2.19 et seq. of the Code of Virginia);

WHEREAS, the Bureau of Insurance submitted to the Commission a proposed revised regulation entitled "Rules Governing Settlement Agents";

WHEREAS, the Commission, by Order dated July 28, 1999, ordered all interested persons to take notice that the Commission would enter an order subsequent to August 23, 1999, adopting the revised regulation proposed by the Bureau of Insurance unless on or before August 23, 1999, any person objecting to the adoption of such revised regulation filed a request for a hearing, and in such request specified in detail their objection to the adoption of the proposed revised regulation, with the Clerk of the Commission;

WHEREAS, on August 23, 1999, the Virginia Land Title Association ("VLTA"), by counsel, submitted "Comments and Request for Hearing or Amendment" to the aforesaid proposed revised regulation;

WHEREAS, the Bureau concurs with the proposed revisions to the aforesaid proposed revised regulation and recommends that the Commission adopt the proposed revised regulation with the amendments proposed by the VLTA; and

WHEREAS, the Commission is of the opinion that the proposed revised regulation, as amended, should be adopted;

THEREFORE, IT IS ORDERED THAT:

(1) All interested persons TAKE NOTICE that the Commission shall enter an order subsequent to October 8, 1999, adopting the revised regulation proposed by the Bureau of Insurance, as amended, unless on or before October 8, 1999, any person objecting to the adoption of such revised regulation files a request for a hearing, and in such request specifies in detail their objection to the adoption of the proposed revised regulation, as amended, with the Clerk of the Commission, Document Control Center, P.O. Box 2118, Richmond, Virginia 23218;

(2) An attested copy hereof, together with a copy of the proposed revised regulation, as amended, be sent by the Clerk of the Commission to the Virginia State Bar, the Virginia Real Estate Board, and the Bureau of Insurance in care of

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# Proposed Regulations

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Deputy Commissioner Mary M. Bannister who shall forthwith give further notice of the proposed revised regulation, as amended, by mailing a copy of this order, together with a complete draft of the proposed revised regulation, as amended, to all title insurance companies, title insurance agents, and title insurance agencies licensed in the Commonwealth of Virginia; and

(3) The Bureau of Insurance shall file with the Clerk of the Commission an affidavit of compliance with the notice requirements of paragraph (2) above.

## 14 VAC 5-395-20. Definitions.

As used in this chapter:

"Act" means the Consumer Real Estate Settlement Protection Act (§ 6.1-2.19 et seq. of the Code of Virginia). Unless otherwise defined herein, all terms used in this chapter shall have the meaning as set forth in the Act.

"Agent" or "insurance agent," when used without qualification, means an individual, partnership, limited liability company, or corporation that solicits, negotiates, procures or effects contracts of insurance or annuity in this Commonwealth.

"Bureau" means the State Corporation Commission Bureau of Insurance.

"Lay real estate settlement agent" means a person who (i) is not licensed as an attorney under Chapter 39 (§ 54.1-3900 et seq.) of Title 54.1 of the Code of Virginia, (ii) is not a party to the real estate transaction, (iii) provides escrow, closing or settlement services in connection with a transaction related to any real estate in this Commonwealth, and (iv) is listed as the settlement agent on the settlement statement for such transaction.

"Title insurance agent" means an agent licensed in this Commonwealth to solicit, negotiate, procure, or effect title insurance on behalf of title insurance companies licensed under Chapter 46 (§ 38.2-4600 et seq.) of Title 38.2 of the Code of Virginia.

"Title insurance agency" means a partnership, limited liability company, or corporation licensed in this Commonwealth as a title insurance agent.

"Title insurance company" means any company licensed to transact, or transacting, title insurance in this Commonwealth.

### 14 VAC 5-395-25. Lay real estate settlement agents.

Notwithstanding any provision of this chapter to the contrary, and pursuant to the Real Estate Settlement Agent Registration Act (§ 6.1-2.30 et seq.) of Title 6.1 of the Code of Virginia, a lay real estate settlement agent shall be required to comply with the provisions of this chapter [ , except as specifically set forth in 14 VAC 5-395-60 ] .

### 14 VAC 5-395-60. Separate fiduciary trust account.

Every title insurance agent, title insurance agency and title insurance company that acts as a settlement agent in the Commonwealth of Virginia shall maintain a separate fiduciary trust account for the purpose of handling funds received in connection with escrow, closing, or settlement services

involving real estate located [ only ] in this Commonwealth. No other funds may be included in this escrow account. Such trust account shall be with a financial institution authorized to do business in the Commonwealth of Virginia. [ If the agent, agency, or company acting as a lay real estate settlement agent provides escrow, closing, or settlement services in transactions involving multiple parcels or tracts of real estate and any one of those tracts or parcels is located wholly or partially outside of this Commonwealth, that agent, agency, or company shall maintain another separate fiduciary trust account for the purpose of handling funds received in connection with such transactions. ]

VA.R. Doc. No. R99-262; Filed September 3, 1999, 11:30 a.m.

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## TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

### BOARD OF MEDICINE

Title of Regulation: 18 VAC 85-31-10 et seq. Regulations Governing the Practice of Physical Therapy (amending 18 VAC 85-31-10, 18 VAC 85-31-40, 18 VAC 85-31-50, 18 VAC 85-31-60, 18 VAC 85-31-80, 18 VAC 85-31-90, 18 VAC 85-31-100, 18 VAC 85-31-120, 18 VAC 85-31-130, and 18 VAC 85-31-140; adding 18 VAC 85-31-25, 18 VAC 85-31-65, and 18 VAC 85-31-135).

Statutory Authority: § 54.1-2400 and Chapter 29 (§ 54.1-2900 et seq.) of the Code of Virginia.

Public Hearing Date: November 19, 1999 - 8 a.m.

Public comments may be submitted until November 26, 1999.

(See Calendar of Events section for additional information)

Basis: Chapters 24 (§ 54.1-2400 et seq.) and 29 (§ 54.1-2900 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 health regulatory boards including the power to establish qualifications for licensure and responsibility to promulgate regulations.

Sections 54.1-2942 through 54.1-2948 establish the requirement for the licensure of physical therapists and physical therapy assistants and specifies the powers and duties of the Advisory Board on Physical Therapy.

Purpose: Amendments are proposed pursuant to a biennial review of regulations as required by the Public Participation Guidelines of the Board of Medicine and by Executive Order 25(98). As a result of its review, the board proposes amendments to clarify the use of unlicensed persons in the practice of physical therapy, to require proof of English proficiency for graduates of schools located outside the United States or Canada, to require graduates of nonapproved schools to provide documentation of certification by the Foreign Credentialing Commission on Physical

Therapy, to establish the passing score for the examination, and to clarify certain requirements for practice and supervision of physical therapy assistants. In addition, the proposed amendments establish an inactive licensure status and those requirements for renewal or reinstatement of licensure which are necessary to protect the public health and safety in the delivery of physical therapy services.

Substance:

**18 VAC 85-31-10.** Definitions are proposed for (i) an “approved program” to specify those educational programs which are accredited for licensure; (ii) “FCCPT” as the Foreign Credentialing Commission on Physical Therapy; and (iii) “nonlicensed personnel as an individual not licensed or certified by a health regulatory board and is performing patient care functions at the direction of a physical therapist or a physical therapist assistant. An amendment is proposed in the definition of “inactive practice trainee” to clarify the meaning of “inactive” as not having practiced for at least 320 hours within the past four years and as consistent with terminology used elsewhere in the regulations.

**18 VAC 85-31-25.** A new section is proposed to require licensees to furnish current name and address within 30 days of any change and to specify that notices mailed or served by the board to the name and address on file shall be validly given.

**18 VAC 85-31-40.** The section on educational requirements is amended to specify that graduates of approved programs outside the United States or Canada must pass the Test of English as a Foreign Language or provide proof of English proficiency.

**18 VAC 85-31-50.** Regulations are amended for graduates of schools which are not approved by the board to require that such applicants in physical therapy provide documentation of certification by the FCCPT as evidence of equivalency in education and training. The requirements for a foreign-trained physical therapist assistant and for a traineeship have not been amended.

**18 VAC 85-31-65** has been added to specify the current requirements for an examination and to set out the minimum passing score on the exam as a scale score of 600 or a score to be established by the advisory board.

**18 VAC 85-31-80.** An amendment is proposed to clarify that an applicant for licensure by endorsement who has not been practicing in another jurisdiction for at least 320 hours within the four years immediately preceding application meet the requirements for a traineeship in 18 VAC 85-31-140. Other amendments in 18 VAC 85-31-80 are editorial.

**18 VAC 85-31-90.** Amendments are proposed to clarify that the physical therapist gets a referral for treatment from a doctor of medicine, osteopathy, podiatry or dental surgery.

**18 VAC 85-31-100.** An amendment is proposed to change the term “physical therapy aide,” which is not a category of practitioner created by statute to the term “unlicensed personnel,” which is defined in the regulation. An amendment is also proposed to clarify that the physical therapist shall supervise no more than three trainees at any one time.

**18 VAC 85-31-120.** Amendments are intended to clarify the schedule by which a physical therapist must reevaluate a patient who is receiving treatment by a physical therapy assistant.

**18 VAC 85-31-135.** A new section is proposed to allow a practitioner to request an inactive license without requiring evidence of continuing practice in physical therapy. Such a license does not entitle the licensee to perform any act which would require a license to practice. The proposed amendments would also establish a fee for inactive licensure and add requirements for reinstatement of an inactive license to active status to include evidence of active practice hours in another jurisdiction equal to the number of years of inactivity and payment of the difference between the cost of an active and inactive license. An inactive licensee who cannot meet the requirement of active hours of practice must meet the requirements for a traineeship as specified in 18 VAC 85-31-140.

**18 VAC 85-31-140.** An amendment is proposed to clarify the requirement for evidence of active practice in order to reinstate a license and to specify that a traineeship must be under the supervision of a physical therapist and to clarify who is required to do a traineeship as set forth in subsection A. The requirement for reexamination after a period of seven years of inactivity is deleted.

Issues:

**ISSUE 1: Type and amount of continuing competency requirements.**

In response to the statutory mandate for the Board of Medicine to develop regulations for the assurance of the continued competency of all its licensees, the advisory board reviewed its current requirement for hours of active practice as a prerequisite for renewal of licensure. In these proposed regulations, there are no amendments for continuing education or other type of evidence of continued competency. However, the advisory board is continuing to monitor the research on continued competency, the requirements of other states, and the availability of credentialing organizations offering continued competency courses or activities.

**ISSUE 2: Requirements for reactivation of an inactive or lapsed license.**

In current regulations, there is a requirement for at least 320 hours of practice within the preceding four years in order to renew a license. The board is proposing an inactive license at a reduced renewal fee for those practitioners who want to take a leave of absence or are now out of state and have no intention of engaging in active practice in the Commonwealth. In doing so, requirements for reactivation of such a license are necessary to ensure that practitioners are competent to resume practice. The board determined that it was necessary for a practitioner whose license has been inactive to provide evidence of continuing competency hours equal to the amount of time the license has not been active. If a practitioner has not engaged in active practice during the time the license was inactive in Virginia, the board currently requires that he serve a board-approved traineeship of 480 hours under the supervision of a licensed physical therapist.

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## Proposed Regulations

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Advantages or disadvantages to the licensees. The inactive licensure status will be beneficial to practitioners who are not currently living or practicing in the Commonwealth. They will be able to maintain a license at a reduced cost. If they choose to reactivate and return to practice, they will not have to apply for reinstatement or pay back renewal fees and penalty fees. They will only have to indicate that they have the required hours of active practice in another jurisdiction or have served the requisite traineeship and pay the difference between the inactive and active renewal fee. There are no disadvantages to licensees who will have the option of requesting inactive licensure.

Advantages or disadvantages to the public. Inactive licensure has no significant advantages or disadvantages to the public; these are persons who are not authorized the practice physical therapy in Virginia. Inactive licensure may have a minor positive impact on access to physical therapy services in that it would be less costly and burdensome for an inactive licensee who has taken a break from professional practice or has been living out of state to return to active practice and employment in Virginia. The public is well served by a requirement for a board-approved traineeship under supervision if a physical therapist or physical therapist assistant has not been professionally active for a period of time. Such a practice will provide assurance by the observation and guidance of a licensed therapist that the applicant for licensure or relicensure has regained his ability to practice.

### **ISSUE 3: Licensure requirements for applicants trained in foreign schools.**

#### **a. Test of English as a Foreign Language (TOEFL) requirement for graduates of approved schools.**

Graduates of schools approved by the Commission on Accreditation in Physical Therapy Education of the American Physical Therapy Association are recognized by the board as having met its educational requirements for licensure. Those schools were traditionally located in the U.S. or Canada, so English proficiency was not an issue. The commission has begun approving schools in foreign countries, so the board has determined that a test of English (TOEFL) or some other proof of English proficiency is necessary. For example, if a graduate attended a school in Great Britain or a citizen of the U.S. attended a school in a foreign country, the TOEFL test would not be required.

#### **b. Documentation of certification by the Foreign Credentialing Commission on Physical Therapy for graduates of nonapproved schools.**

As far as the board has been able to determine, the only "nonapproved schools" of physical therapy are located outside the United States and Canada. (The new school of physical therapy located at Shenandoah University will have accreditation completed before it graduates any students.) With foreign-trained therapists, there has been a problem throughout the U.S. with persons getting green cards or temporary occupational visas to work in this country as physical therapists who, once they get to the U.S., find that they do not meet the requirements for licensure in any state. Recent reforms in the immigration laws of the U.S. have

created a requirement for internationally educated health care professionals entering the country to meet certain criteria before being granted a visa or applying for licensure. To ensure that those criteria have been met prior to entering the U.S., persons are being required to obtain prescreening certification. Through the Federation of State Boards of Physical Therapy, the Foreign Credentialing Commission on Physical Therapy has been authorized to review credentials for the purpose of determining eligibility to be licensed as a physical therapist.

The board is proposing that certification by the FCCPT be required for international candidates from nonapproved educational programs. From its review of the criteria for certification by FCCPT, the board determined that in every way its requirements met or exceeded Virginia's requirements for licensure, with one exception – the lack of a traineeship in the U.S. The board will continue to require a traineeship in Virginia to ensure through supervised practice that the foreign-trained applicant has the knowledge, skills and English proficiency to communicate with and practice safely on patients in the Commonwealth. Requiring certification by FCCPT will eliminate the need for submission to the board of documents on educational programs, equivalency of degrees, translations from embassies, proof of English proficiency, and verification of licensure status in another country.

Advantages or disadvantages to the licensees. The TOEFL examination is the nationally recognized standard for determining English proficiency for internationals seeking to practice a profession in the U.S. To require a different standard would be burdensome, since the TOEFL exam is readily available at schools located in other countries. Students who can clearly demonstrate English proficiency will not be required to take the TOEFL exam.

Since prescreening is required for entry into the U.S., applicants who have to get FCCPT certification will not have an unnecessary burden or barrier to licensure. The pre-screening process will eliminate the unfortunate situation of a foreign-trained physical therapist sacrificing to come to the U.S. only to find that he is not eligible to sit for the examination or to become licensed in any state. Pre-screening may also reduce the extremely high failure rate for foreign-trained graduates on the national licensure examination (out of the 30 foreign-trained applicants currently pending with the Board of Medicine, 27 have already failed the licensure examination at least once).

Advantages or disadvantages to the public. The public is better protected by having potential licensees prescreened for their ability to practice safely in Virginia and to communicate in English with their patients. The FCCPT will authenticate the licensure status of any person who has been licensed or certified in another country, evaluate the equivalency of his degree, and ensure English proficiency.

### **ISSUE 4: Clarification of practice responsibilities.**

The Code of Virginia requires a referral from a doctor of medicine, osteopathy, chiropractic, podiatry or dental surgery for treatment by a physical therapist. In 18 VAC 85-31-90, the title clearly referred to those particular practitioners, but the regulation spoke of the "referring practitioner." As a result,

there have been questions about whether a nurse practitioner or a physician assistant working for physician could make the referral as the "referring practitioner." An amendment will clarify the requirement and make it explicitly consistent with the Code.

Currently, regulations provide for the practice and supervision of a physical therapy aide; such a category of practitioner was not created in the statute and therefore should not be created by regulation. The proposal establishes a definition for "unlicensed personnel" and utilizes that terminology in the regulation.

Two other practice issues have been addressed to specify more clearly the requirements and policies of the board. Supervision by a physical therapist of trainees is restricted to no more than three; the proposed amendment would clarify that it means three trainees at any one time. The schedule for reevaluation by a physical therapists of a patient being treated by a physical therapist assistant has been edited for greater clarity.

Advantages or disadvantages to the licensees and the public. Greater clarity in the language of the regulation will serve to ensure more consistent compliance with regulations. Licensees will not inadvertently or unintentionally violate some provision of the requirements nor will they be pressured to accept a patient from a practitioner who is not authorized by law to make such a referral. The public is better protected by regulations which are specific in their requirements for practice and for supervision of unlicensed persons working in a physical therapy practice.

Advantages and disadvantages to the agency. There are no specific advantages or disadvantages to the agency. There should be some additional clarity in the proposed regulations, which could contribute to better understanding and compliance by the licensees. More specificity in regulation sometimes results in less staff time spent in clarifying the intent of the rules.

### Estimated Impact:

A. Projected number of persons affected and their cost of compliance: There are 3,553 physical therapists and 1,267 physical therapy assistants licensed in Virginia. There should be no additional costs for complying with these regulations.

For those practitioners who are not actively practicing in Virginia, there would be a cost savings of \$30 each biennium for physical therapists and \$35 for physical therapist assistants if those persons request inactive licensure. The active renewal fee in Virginia is \$100 for physical therapists and \$70 for physical therapist assistants each biennium; the proposed inactive renewal fee is \$70 and \$35 per biennium; so the cost of licensure renewal should not be a major factor in a therapist's decision to seek inactive status.

For a very small number of applicants (less than five per year) who graduated from approved schools located outside the U. S. or Canada, there will be a new cost for taking the Test of English as a Foreign Language, unless they are able to document English competency by some means. The total fee of TOEFL is \$100, paid to the testing service; that fee includes the charge by the Sylvan Centers for administration

of the examination. There is an additional charge of \$11 for providing the score to the state where the applicant is applying.

B. Cost to the agency for implementation.

Impact on board revenue: For those practitioners who are taking a leave of absence or who are living out of state, there may be a percentage who would choose to take the inactive status and avoid the renewal requirements for active practice, but it is not known how many licensees would do so. Of the 3,553 licensed physical therapists, 842 list an out-of-state address; of the 1,267 licensed physical therapists assistants, 157 list an out-of-state address. Most of those are likely to be working in Virginia but living in D.C. or a bordering state. It is estimated that 30 to 40 may take an inactive status, which could result in a loss of \$750 to \$1,000 in revenue each biennium. What is unknown is how many of those licensees might chose to allow their license to lapse if an inactive licensure status is not available. If the estimated 30 to 40 practitioners who are not practicing in the state let their license lapse, there could be a loss in revenue to the board of \$3,000 to \$4,000. Therefore, offering the option of inactive licensure could, in fact, result in a greater retention of revenue to the board.

Impact on board expenditures: The agency will incur some costs (less than \$2,000) for mailings to the Public Participation Guidelines Mailing List, conducting a public hearing, and sending copies of final regulations to regulated entities. Since these regulations are being amended simultaneously with other regulations of the board, the costs of mailings, meetings and hearings will be shared by several professions. In addition, every effort will be made to incorporate those into anticipated mailings and board meetings already scheduled.

The board will incur some costs for review of an application to reactivate an inactive license; it will be necessary to verify that competency requirements have been met and that an applicant who has been licensed in another jurisdiction has not had disciplinary action taken or pending. Since the number who will reactivate each year is expected to be small, that effort can be performed by the current staff and costs absorbed within the budget of the board.

Use of the Foreign Credentialing Commission on Physical Therapy may result in less staff and board time being spent reviewing an application package for a foreign trained therapist; the actual cost savings, however, is likely to be insignificant. It is not expected that there will be any additional costs to the board for compliance enforcement.

C. Cost to local governments: There will be no impact of these regulations on local government.

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

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# Proposed Regulations

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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 Medicine proposes the following changes to the Regulations Governing the Practice of Physical Therapy:

- Addition of definitions of new terms used in the regulation and miscellaneous editorial changes,
- Establishment of an inactive license and requirements for its reinstatement,
- Revision of the requirements to reinstate a lapsed (expired for more than one renewal cycle) license, including deletion of the requirement for re-examination after a period of seven years of inactivity,
- Proof of proficiency in the English language and certification by the Foreign Credentialing Commission on Physical Therapy (FCCPT) required for foreign-trained applicants,
- Specification that the minimum passing score for the entrance examination shall be a scale score of 600, and
- Clarification of several provisions including:
  1. The schedule by which a physical therapist must re-evaluate a patient who is receiving treatment by a physical therapy assistant,
  2. The requirement that a physical therapist shall not supervise more than three individual trainees at any one time, and
  3. The requirement that a physical therapist must get a referral for treatment from a doctor of medicine, osteopathy, podiatry, or dental surgery, as stated in the Code of Virginia.

Estimated economic impact.

## **Inactive Licensure**

The Board of Medicine proposes to establish an inactive license for practitioners who are either retired or out-of-state, and do not intend to engage in active practice in Virginia, which would be exempt from continuing practice requirements. Since this would be a voluntary action, it can be expected that the associated costs (\$70 renewal per biennium for a physical therapist, \$35 renewal per biennium for a physical therapy assistant) would not exceed the perceived benefits for any practitioner who chose to obtain an inactive license.

## **Reinstatement of an Inactive or Lapsed License**

Physical therapists must document at least 320 hours of active practice within the preceding four years for renewal of an active license. In order to ensure the same level of competency for returning practitioners, the current regulation requires evidence of active practice hours equal to the length of inactivity for individuals wishing to reinstate a lapsed license. If the individual has not been professionally active

then he must serve a board-approved traineeship of 480 hours under the supervision of a licensed physical therapist. Reexamination is required after a period of seven years of inactivity.

The board now proposes to repeal the re-examination requirement since, in their opinion, the 480-hour traineeship is sufficient to provide evidence of competency to resume practice. To date, the re-examination requirement has never been utilized. The proposed regulation also establishes identical requirements for reactivation of the new inactive licenses.

The proposed changes are generally intended to clarify the current requirements and practices of the board and as such, do not change compliance costs for returning practitioners or any public health benefits. Therefore, no significant economic impact is expected.

## **Licensure Requirements**

The proposed regulation specifies that the minimum passing score for the entrance examination shall be a scale score of 600. This is the score currently enforced by the board and since this change will only formalize in regulation what is the current practice by the Board of Medicine, no economic consequences are expected.

## **Approved Programs**

The board recognizes graduates of schools approved by the Commission on Accreditation in Physical Therapy Education of the American Physical Therapy Association as having met its educational requirements for licensure. The Commission has recently begun accrediting schools located in foreign countries. Students from foreign education programs have always been required to provide proof of proficiency in the English language. The proposed requirements would allow students from Commission-approved schools in foreign countries to be automatically recognized by the board while still requiring proof of English proficiency. Compliance costs for applicants should not increase because of this change, which will provide assurance that all physical therapy licensees are able to communicate and practice safely and effectively with patients in the Commonwealth.

## **Non-Approved Programs**

The board proposes to require documentation of FCCPT certification for all graduates of non-approved programs. These programs are, in all known cases, located outside of the United States. Recent changes in U.S. immigration laws require that internationally educated health care professionals entering the country obtain pre-screening certification to ensure that the individual is eligible for licensure in the United States before being granted a green card or temporary occupational visa. Since pre-screening is required for entry into the United States, obtaining FCCPT certification should not be an additional burden on applicants nor a barrier to licensure. Requiring this certification will eliminate the need for the board to review individual applications, which often must be translated, and will allow for automatic recognition of these applicants. This requirement should provide a benefit to applicants from non-approved programs by expediting the application process without any additional compliance costs.

## **Practice Responsibilities**

Several changes are made to the existing regulations to specify more clearly the requirements and policies of the board. For example, the schedule by which a physical therapist must re-evaluate a patient that is receiving treatment by a physical therapy assistant is more clearly worded and the requirement that a physical therapist shall not supervise more than three individual trainees is clarified to express that means at one time. Language is also added to clarify that a physical therapist must get a referral for treatment from a doctor of medicine, osteopathy, podiatry, or dental surgery, as stated in the Code of Virginia. The new language does not reflect any changes in policy and should not have any significant economic consequences aside from ensuring more consistent compliance with the regulations.

Businesses and entities affected. There are 3,553 physical therapists and 1,267 physical therapy assistants licensed in Virginia who would be affected by the proposed changes to this regulation.

Localities particularly affected. The proposed changes to this regulation should not disproportionately affect any particular locality.

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

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

### **Summary:**

*Amendments are proposed pursuant to a biennial review of regulations as required by the Public Participation Guidelines of the Board of Medicine and by Executive Order 25(98). As a result of its review, the board proposes amendments to clarify the use of unlicensed persons in the practice of physical therapy, to require proof of English proficiency for graduates of schools located outside the United States or Canada, to require graduates of nonapproved schools to provide documentation of certification by the Foreign Credentialing Commission on Physical Therapy, to establish the passing score for the examination, and to clarify certain requirements for practice and supervision of physical therapy assistants. In addition, the proposed amendments establish an inactive licensure status and those requirements for renewal or reinstatement of licensure.*

### **18 VAC 85-31-10. Definitions.**

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

*"Advisory board"* means the Advisory Board on Physical Therapy.

*"Approved program"* means an educational program accredited by the Commission on Accreditation in Physical Therapy Education of the American Physical Therapy Association.

*"Board"* means the Virginia Board of Medicine.

*"CLEP"* means the College Level Examination Program.

*"Direct supervision"* means a physical therapist is present and is fully responsible for the activities performed by the *nonlicensed* physical therapy personnel.

*"Evaluation"* means the carrying out by a physical therapist of the sequential process of assessing a patient, planning the patient's physical therapy treatment program, and appropriate documentation.

*"FCCPT"* means the Foreign Credentialing Commission on Physical Therapy.

*"General supervision"* means a physical therapist shall be available for consultation.

*"Nonlicensed personnel"* means any individual not licensed or certified by a health regulatory board within the Department of Health Professions who is performing patient care functions at the direction of a physical therapist or physical therapist assistant within the scope of this chapter.

*"Physical therapist"* means a person qualified by education and training to administer a physical therapy program under the direction of a licensed doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery.

*"Physical therapist assistant"* means a person qualified by education and training to perform physical therapy functions under the supervision of and as directed by a physical therapist.

~~*"Physical therapy aide"* means any nonlicensed personnel performing patient care functions at the direction of a physical therapist or physical therapist assistant within the scope of this chapter.~~

*"Referral and direction"* means the referral of a patient by a licensed doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery to a physical therapist for a specific purpose and for consequent treatment that will be performed under the direction of and in continuing communication with the referring doctor.

*"TOEFL"* means the Test of English as a Foreign Language.

*"Trainee"* means a person undergoing a traineeship.

1. *"Foreign educated trainee"* means a physical therapist or physical therapist assistant who graduated from a school not approved by an accrediting agency recognized by the board, and who is seeking licensure to practice in Virginia.

2. *"Inactive practice trainee"* means a physical therapist or physical therapist assistant who has previously been

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licensed and has ~~been inactive for~~ *not practiced for at least 320 hours within the past four years or more* and who is seeking licensure or relicensure in Virginia.

3. "Unlicensed graduate trainee" means a graduate of an approved physical therapist or physical therapist assistant program who has not taken the state licensure examination or who has taken the examination but not yet received a license from the board.

"Traineeship" means a period of full-time activity during which an unlicensed physical therapist or physical therapist assistant works under the direct supervision of a physical therapist approved by the board.

## **18 VAC 85-31-25. Current name and address.**

*Each licensee shall furnish the board his current name and address. All notices required by law or by this chapter to be given by the board to any licensee shall be validly given when mailed to the latest address provided or when served to the licensee. Any change of name or address shall be furnished to the board within 30 days of such change.*

## **18 VAC 85-31-40. Education requirements: graduates of approved programs.**

A. An applicant for licensure who is a graduate of a ~~an approved program approved by an accrediting agency recognized by the board~~ shall submit with the required application and fee documented evidence of his graduation from such a program.

B. *If an applicant is a graduate of an approved program located outside of the United States or Canada, he shall provide proof of proficiency in the English language by passing with a grade of not less than 560 on the TOEFL, or an equivalent examination approved by the board. TOEFL may be waived upon evidence of English proficiency.*

## **18 VAC 85-31-50. Education requirements: graduates of schools not approved by an accrediting agency recognized by the board.**

A. *An applicant for licensure as a physical therapist who is a graduate of a school not approved by an accrediting agency recognized by the board shall submit the required application and fee and provide documentation of the physical therapist's certification by the FCCPT.*

B. An applicant for licensure as a physical therapy assistant who is a graduate of a school not approved by the board shall submit with the required application and fee:

1. Proof of proficiency in the English language by passing with a grade of not less than 560 on the TOEFL, or an equivalent examination approved by the board. TOEFL may be waived upon evidence of English proficiency.

2. A photostatic copy of the original certificate or diploma verifying his graduation from a physical therapy curriculum which has been certified as a true copy of the original by a notary public.

If the certificate or diploma is not in the English language, submit either:

a. An English translation of such certificate or diploma by a qualified translator other than the applicant; or

b. An official certification in English from the school attesting to the applicant's attendance and graduation date.

3. Verification of the equivalency of the applicant's education ~~to the following standards~~ from a scholastic credentials service approved by the advisory board: *of at least 65 semester hours to include:*

~~a. The minimum educational requirements for licensure as a physical therapist shall be 120 semester hours as follows:~~

~~(1) General education requirements. A minimum of 40 semester hours is required with credits in each of the following: humanities, social sciences, natural sciences, physical sciences, and electives.~~

~~(2) Professional education requirements. A minimum of 60 semester hours is required with credits in each of the following: basic health sciences, clinical sciences, and clinical education.~~

~~(3) CLEP semester hours or credits shall be accepted for general education hours only.~~

~~b. The minimum educational requirements for licensure as a physical therapist assistant shall be 65 semester hours as follows:~~

~~(1) a. General education requirements. A minimum of 20 semester hours is required with credits in each of the following: humanities, social sciences, natural sciences, physical sciences, and electives.~~

~~(2) b. Professional educational requirements. A minimum of 45 semester hours is required with credits in each of the following: basic health sciences, clinical sciences, and clinical education.~~

~~(3) c. CLEP semester hours or credits shall be accepted for general education hours only.~~

4. C. *An applicant for licensure as a physical therapist or a physical therapy assistant shall also submit verification of having successfully completed a full-time 1,000-hour traineeship as a "foreign educated trainee" under the direct supervision of a licensed physical therapist. The traineeship shall be in a facility that serves as an education facility for students enrolled in an accredited program educating physical therapists in Virginia and is approved by the advisory board.*

~~a. 1. It shall be the responsibility of the foreign educated trainee to make the necessary arrangements for his training with the director of physical therapy or the director's designee at the facility selected by the trainee.~~

~~b. 2. The physical therapist supervising the foreign educated trainee shall submit a progress report to the board at the end of the 1,000 hours. This report shall be submitted on forms supplied by the advisory board.~~

~~c. 3. If the traineeship is not successfully completed at the end of 1,000 hours as determined by the supervising physical therapist, the chairman of the advisory board or~~

his designee shall determine if a new traineeship shall commence. If the chairman of the advisory board determines that a new traineeship shall not commence, then the application for licensure shall be denied.

~~4.~~ 4. The second traineeship may be served under a different supervising physical therapist and may be served in a different organization than the initial traineeship. If the second traineeship is not successfully completed, as determined by the supervising physical therapist, then the application for licensure shall be denied.

~~5.~~ 5. The traineeship requirements of this part may be waived if the applicant for a license can verify, in writing, the successful completion of one year of clinical physical therapy practice as a licensed physical therapist or physical therapist assistant in the United States, its territories, the District of Columbia, or Canada, equivalent to the requirements of this chapter.

### **18 VAC 85-31-60. Examination Application requirements.**

~~A.~~ A. Every applicant for initial board licensure by examination shall *submit*.

1. ~~Meet~~ *Documentation of having met* the educational requirements specified in 18 VAC 85-31-40 or 18 VAC 85-31-50; ~~and~~

2. ~~Submit~~ The required application and credentials to the board ~~not less than 35 days prior to the date of examination or traineeship;~~ *and*

3. *Documentation of passage of the national examination as prescribed by the board.*

~~B.~~ Every applicant shall take the examination prescribed by the board.

### **18 VAC 85-31-65. Requirements for the examination.**

~~G.~~ A. The minimum passing ~~scores~~ score shall be a scale score of 600 or as established by the advisory board.

~~D.~~ B. An applicant who fails the examination after six attempts shall be denied licensure.

~~E.~~ C. A person not taking the licensure examination within four years after graduation shall successfully complete a full-time 480-hour traineeship ~~before taking the licensure examination.~~

### **18 VAC 85-31-80. Endorsement requirements.**

A. A physical therapist or physical therapist assistant who has been licensed in the United States, its territories, the District of Columbia, or Canada, by examination equivalent to the Virginia examination at the time of licensure and who has met all other requirements of the board may, upon recommendation of the advisory board to the board, be licensed in Virginia by endorsement.

B. An applicant for licensure by endorsement shall *submit*.

1. ~~Meet~~ *Documentation of having met* the educational requirements prescribed in 18 VAC 85-31-40 or 18 VAC 85-31-50; ~~and~~

2. ~~Submit~~ The required application, fees, and credentials to the board ~~not less than 35 days prior to the date of endorsement or traineeship;~~ *and*

3. *Documentation of passage of the national examination as prescribed by the board.*

C. A physical therapist or physical therapist assistant seeking licensure by endorsement who has ~~been inactive for a period of not actively practiced physical therapy for at least 320 hours within the four years or more immediately preceding his application for licensure~~ shall first successfully complete a 480-hour traineeship as ~~required~~ *specified by subsection B of 18 VAC 85-31-140.*

### **18 VAC 85-31-90. Individual responsibilities to patients and to referring doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery.**

The physical therapist's responsibilities are to evaluate a patient, plan the treatment program, administer and document treatment within the limit of his professional knowledge, judgment and skills and communicate with the referring ~~practitioner~~ *doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery.*

### **18 VAC 85-31-100. Supervisory responsibilities.**

A. A physical therapist shall be responsible for any action of persons performing physical therapy functions under the physical therapist's supervision or direction.

B. Supervision of ~~a physical therapy aide~~ *nonlicensed personnel* means that a licensed physical therapist or licensed physical therapist assistant must be within a facility to give direct supervision and instruction when procedures or activities are performed. Such nonlicensed personnel shall not perform those patient care functions that require professional judgment or discretion.

C. For patients assigned to a physical therapist assistant, the physical therapist shall make on-site visits to such patients at the frequency prescribed in 18 VAC 85-31-120.

D. *When providing direct supervision to trainees,* a physical therapist shall ~~not~~ *supervise* ~~no~~ *more than three individual trainees at any one time.*

### **18 VAC 85-31-120. Individual responsibilities to patients and to physical therapists.**

A. The initial patient visit shall be made by the physical therapist for evaluation of the patient and establishment of a plan of care.

B. The physical therapist assistant's first visit with the patient shall only be made after verbal or written communication with the physical therapist regarding patient status and plan of care. Documentation of the communication and supervised visits shall be made in the patient's record.

C. The physical therapist assistant's visits to the patient shall be made under general supervision.

D. ~~The physical therapist assistant shall be provided direct supervision by a physical therapist who shall reevaluate the patient according to the following schedules:~~

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- ~~1. Not less than once a week~~ For inpatients in hospitals as defined in § 32.1-123 of the Code of Virginia, ~~it shall not be less than once a week.~~
- ~~2. For patients in other settings, it shall be not less than one of 12 visits made to the patient during a 30-day period, or once every 30 days, whichever occurs first, in other settings.~~
3. Failure to abide by this subsection due to the absence of the physical therapist in case of illness, vacation, or professional meeting, for a period not to exceed five consecutive days, will not constitute a violation of these provisions.

## 18 VAC 85-31-130. Biennial renewal of license.

A. A physical therapist and physical therapist assistant who intends to continue practice shall renew his license biennially during his birth month in each even numbered year and pay to the board the renewal fee prescribed in 18 VAC 85-31-160.

B. A licensee whose ~~license~~ licensure has not been renewed by the first day of the month following the month in which renewal is required shall ~~be dropped from the registration roll~~ pay a late fee as prescribed in 18 VAC 85-31-160.

~~C. An additional fee to cover administrative costs for processing a late application shall be imposed by the board.~~

~~D. C.~~ A minimum of 320 hours of practice in the preceding four years shall be required for licensure renewal.

## 18 VAC 85-31-135. Inactive license.

A. A physical therapist or physical therapist assistant who holds a current, unrestricted license in Virginia shall, upon a request on the renewal application and submission of the required renewal fee of \$70 for a physical therapist and \$35 for a physical therapist assistant, be issued an inactive license.

1. The holder of an inactive license shall not be required to meet active practice requirements.
2. An inactive licensee shall not be entitled to perform any act requiring a license to practice physical therapy in Virginia.

B. A physical therapist or physical therapist assistant who holds an inactive license may reactivate his license by:

1. Paying the difference between the renewal fee for an inactive license and that of an active license for the biennium in which the license is being reactivated; and
2. Providing proof of active practice hours in another jurisdiction equal to those required for renewal of an active license in Virginia for the period in which the license has been inactive. If the inactive licensee does not meet the requirement for active practice, the license may be reactivated by meeting the traineeship requirements prescribed in subsection B of 18 VAC 85-31-140.

## 18 VAC 85-31-140. Traineeship required for relicensure.

A. A physical therapist or physical therapist assistant seeking ~~relicensure~~ reinstatement who does not hold a license in Virginia and who has ~~been inactive for a period of not practiced physical therapy in another jurisdiction for at least 320 hours within the four years or more immediately preceding applying for licensure~~ and who wishes to resume practice shall apply for reinstatement and shall first successfully complete 480 hours as an inactive practice trainee.

B. The 480 hours of traineeship shall be in a facility that (i) serves as a clinical education facility for students enrolled in an accredited program educating physical therapists in Virginia, (ii) is approved by the advisory board, and (iii) is under the direction and supervision of a licensed physical therapist.

1. The physical therapist supervising the inactive practice trainee shall submit a report to the board at the end of the 480 hours on forms supplied by the advisory board.

2. If the traineeship is not successfully completed at the end of the 480 hours, as determined by the supervising physical therapist, the chairman of the advisory board or his designee shall determine if a new traineeship shall commence. If the chairman of the advisory board determines that a new traineeship shall not commence, then the application for licensure shall be denied.

3. The second traineeship may be served under a different supervising physical therapist and may be served in a different organization than the initial traineeship. If the second traineeship is not successfully completed, as determined by the supervising physical therapist, then the application for licensure shall be denied.

~~C. Any physical therapist or physical therapist assistant seeking licensure who has been inactive for seven years or more shall take and pass the examination approved by the board. If a trainee fails the examination three times, the trainee must appear before the advisory board prior to additional attempts.~~

**NOTICE:** The forms used in administering 18 VAC 85-31-10 et seq., Regulations Governing the Practice of Physical Therapy, are not being published due to the large number; however, the name of each form is listed below. The forms are available for public inspection at the Board of Medicine, 6606 W. Broad Street, 4th Floor, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

### FORMS

Application for a License to Practice Physical Therapy (rev. 5/97).

Instructions for Licensure by Examination to Practice as a Physical Therapist or Physical Therapist Assistant (Graduate of an American Approved Program), Form DHP-30-059 (rev. 8/99).

Instructions for Licensure by Examination to Practice as a Physical Therapist or Physical Therapist Assistant (Graduate of a ~~Non-American~~ Nonapproved Program), Form DHP-30-059 (rev. 8/99).

*Instructions for Licensure by Examination to Practice as a Physical Therapist or Physical Therapist Assistant (Graduate of an Approved Program), Form DHP-30-059 (rev. 8/99).*

*Instructions for Licensure by Endorsement to Practice as a Physical Therapist or Physical Therapist Assistant (Graduate of a Nonapproved Program), Form DHP-30-059 (rev. 8/99).*

Quiz on the Virginia Code and Regulations.

The Interstate Reporting Services, National Physical Therapy Examination (PT/PTA), Score Registration and Transfer Request Application (8/95).

Traineeship Application (rev. 4/96).

Foreign Trained Approved Traineeship Facilities (8/94).

Verification of Physical Therapy Practice (7/93).

Verification of State Licensure (4/96).

Licensure Registration (4/96).

Renewal Notice and Application (rev. 5/97).

VA.R. Doc. No. R99-10; Filed August 31, 1999, 11:39 a.m.

## **BOARD OF LICENSED PROFESSIONAL COUNSELORS, MARRIAGE AND FAMILY THERAPISTS AND SUBSTANCE ABUSE TREATMENT PROFESSIONALS**

**Title of Regulation: 18 VAC 115-20-10 et seq. Regulations Governing the Practice of Professional Counseling (amending 18 VAC 115-20-10, 18 VAC 115-20-20, 18 VAC 115-20-40, 18 VAC 115-20-50, 18 VAC 115-20-70, 18 VAC 115-20-100, 18 VAC 115-20-110, 18 VAC 115-20-130, 18 VAC 115-20-140, and 18 VAC 115-20-150; adding 18 VAC 115-20-45, 18 VAC 115-20-49, 18 VAC 115-20-51, and 18 VAC 115-20-52; repealing 18 VAC 115-20-30, 18 VAC 115-20-60, and 18 VAC 115-20-80).**

**Statutory Authority: §§ 54.1-103, 54.1-2400 and Chapter 35 (§ 54.1-3500 et seq.) of the Code of Virginia.**

**Public Hearing Date: November 18, 1999 - 1 p.m.**

Public comments may be submitted until November 26, 1999.

(See Calendar of Events section for additional information)

**Basis: Chapters 24 (§ 54.1-2400 et seq.) and 35 (§ 54.1-3500 et seq.) 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 35 establishes the Board of Licensed Professional Counselors, Marriage and Family Therapists and Substance

Abuse Professionals and authorizes the board to administer the licensure of professional counselors, and to establish requirements for the voluntary certification of its licensees as sex offender treatment providers.

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

**Purpose:** In response to Governor Allen's Executive Order 15, 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 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 regulation on applicants, the board is proposing several measures to facilitate the accrual of residency hours. The board also proposes an endorsement provision and a less burdensome process for reinstatement of a lapsed license to expedite licensure of applicants with lengthy experience licensed in other jurisdictions and the return of licensees who have moved to other states.

To comply with a statutory mandate enacted by the 1994 General Assembly for the board to promulgate regulations for the voluntary certification of its licensees as sex offender treatment providers, the board is proposing a new regulation to direct its licensees to the Board of Psychology which has promulgated regulations for this certification.

The board is also proposing clarifying the degree program requirements and updating the course requirements to meet national standards.

**Substance:** The key amendments to the regulation are summarized as follows:

Part I. General provisions. To reduce duplication and eliminate the possibility for discrepancies with statute, the board proposes replacing definitions of terms which are set forth in statute with a reference to the Code of Virginia. For clarification, the board proposes adding definitions for "exempt setting," "nonexempt setting" and "jurisdiction," which are used in the regulations but not currently defined, and adding definitions for acronyms referenced in the proposed degree program requirements. The board also proposes adding definitions for the terms "residency" and "resident," which replace the terms "supervised experience" and "supervisee" used in the current regulations. For conformance with proposed changes to the education and experience requirements, the board proposes removing the definition of "practicum" and the reference to this word in the definition of "internship."

No fee changes are proposed, but a minor change has been made to more accurately describe the purpose of the existing fee to verify licensure to another jurisdiction.

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The board proposes the repeal of 18 VAC 115-20-30 because there is no reason to have the Regulations Governing the Certification of Substance Abuse Counselors incorporated by reference into this chapter.

The board proposes a new section, 18 VAC 115-20-35, to direct its licensees who are seeking certification as sex offender treatment providers to the Board of Psychology.

Part II. Requirements for licensure. Amendments are proposed to 18 VAC 115-20-40 to remove unnecessary language and clarify the documentation required in the application package. The board also proposes elimination of the reference letter requirement.

A new section, 18 VAC 115-20-45, is proposed to set forth new requirements for licensure by endorsement for experienced counselors licensed in other jurisdictions.

To reduce the levels of subdivision in the regulations, the board proposes separating the degree program, course work and experience requirements into three different sections and reorganizing the sections into a format that is easier to follow. The new section setting forth degree program requirements includes a provision for the automatic acceptance of programs that are accredited by one of the two national accrediting bodies for counseling programs.

In addition to the formatting changes, the board proposes updating the education requirements based on current practice, public comment, and national accreditation standards. The board proposes requiring completion of four new content areas within the existing 60 graduate hour requirement, and specifies internship clock hours and client contact hours. The proposed new requirements will have a delayed effective date to allow programs time to make curriculum changes and to accommodate students who will be close to completing their 60 hours at the time the new regulations take effect. A provision is also included to provide for acceptance of course work completed previously that may have met the regulations in effect at the time.

The registration requirement set forth in 18 VAC 115-20-52 is not a new requirement, but has been relocated for emphasis. Throughout this section, the word “experience” has been replaced with “residency.” To reduce the burden of the residency requirement, the board proposes the following changes:

1. Rescinding the requirement that half of the supervision occur on site.
2. Accepting group supervision hours as equivalent to face-to-face supervision hours (for up to half of the total hours).
3. Adding two new licensure titles to the list of acceptable supervisors.
4. Allowing 600-900 hours of pre-degree internship to count toward the residency.
5. Changing the face-to-face supervision requirement from one hour per week to one hour per 20 hours of work experience to help individuals working part time toward their residency requirement.

The board is proposing a requirement for two years of post-licensure clinical experience for individuals providing supervision to residents. The board also proposes rescinding the requirement for an annual evaluation reported to the board and replacing it with a three-month evaluation presented to the resident. Because residents work under many supervisors, clarification is added that they must have at least one report of satisfactory competency in each area of the residency.

In response to frequent requests for the number of client contact hours expected during the residency, the board proposes specifying that 2,000 client contact hours be accrued during the 4,000 hour residency. In response to frequent inquiries from residents and supervisors regarding billing and use of professional titles by residents, the board is proposing clarification of the language in subdivision B 9 of 18 VAC 115-20-52.

Part III. Examinations. The board proposes streamlining the sections setting forth the examination requirements by removing unnecessary language from 18 VAC 115-20-70 and 18 VAC 115-20-80 and combining the retained language into one section. These formatting changes do not represent changes in the actual examination requirements. An equivalency provision for endorsement applicants has been added to this section.

Part IV. Licensure renewal; reinstatement. A requirement to notify the board of a change of address within 60 days has been added to 18 VAC 115-20-100.

The board proposes a flat reinstatement application fee to replace the current requirement set forth in 18 VAC 115-20-120 which assesses cumulative renewal and penalty fees for all lapsed renewal periods, which can become excessive over a long period of time.

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 115-20-150 to clarify the regulations and improve their enforceability. Language that duplicates statute was struck and related subdivisions were combined where appropriate. The board is recommending new language for the prohibition on dual relationships that is more consistent with the regulations of other boards, and the codes of ethics of professional associations.

Minor changes are proposed for 18 VAC 115-20-160 and 18 VAC 115-20-170 to make these sections clearer and more concise.

## Issues:

A. Definitions. Several definitions in the regulations duplicate statute. The board identified several terms used in the regulations which are not common usage words and are not defined, such as “exempt setting” and “jurisdiction.” Changes in terminology in the proposed amendments necessitate changing some definitions to conform with the rest of the chapter. The board proposes referencing the Code of Virginia for definitions that duplicate statute, and changing or adding other definitions as needed.

**Advantages.** Referencing definitions in the Code of Virginia and removing unnecessary definitions streamlines the regulations and eliminates duplication. Additionally, the regulations will remain in conformance with statute in the event statutory definitions are amended. Inclusion of definitions for the terms “exempt setting,” “nonexempt setting,” and “jurisdiction” will help clarify these terms for individuals not familiar with them. Deletion of terms no longer used in the regulations and the addition of the new or replacement terms makes this section consistent with the other sections in the regulations.

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

**B. Fees.** “Endorsement” is a misleading term for the verification of licensure fee for applicants applying for licensure in other jurisdictions. The board proposes more accurate language to explain the purpose of this fee.

**Advantages:** The proposed change clarifies what the fee is for, and prevents confusion for individuals who are applying to the board for licensure by endorsement.

**Disadvantages:** There are no disadvantages to the proposed change.

**C. Substance abuse counseling.** Regulations Governing the Certification of Substance Abuse Counseling are not incorporated by reference in this chapter, as stated in 18 VAC 115-20-30. The board proposes the repeal of this section.

**Advantages.** Removal of erroneous language prevents confusion.

**Disadvantage.** There is no disadvantage to removing this section.

**D. Sex offender treatment provider certification.** Section 54.1-3505 of the Code of Virginia mandates that the board promulgate regulations for the voluntary certification of its licensees as sex offender treatment providers, and to consider the standards recommended by the Advisory Committee on Certified Practices pursuant to § 54.1-3610 of the Code of Virginia. The board has considered those standards, which are now the Board of Psychology’s Regulations Governing the Certification of Sex Offender Treatment Providers, and has determined that those standards are acceptable for the voluntary certification of its licensees. Following the advice of the Attorney General’s office, the board is proposing inclusion of this section to direct its licensees seeking certification to the Board of Psychology.

**Advantages.** Promulgation of a separate set of regulations that are either incongruous with or a duplication of the Board of Psychology’s regulations would be a poor use of the board’s time and budget, and confusing to the public. Endorsement of the existing regulations allows for one set of requirements and practice standards for all certificate holders.

**Disadvantages.** There is no disadvantage to the proposed change.

**E. Prerequisites for licensure by examination.** Reference letters do not provide useful information to supplement the

supervisory evaluations. The board proposes rescinding the reference letter requirement, and making minor changes to clarify the documentation requirements.

**Advantages.** The proposed changes simplify the application process by rescinding the reference letter requirement, clarify the documentation required, and conform section number citations with changes in other sections of the chapter.

**Disadvantages.** There are no disadvantages to the proposed changes.

**F. Prerequisites for licensure by endorsement.** 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 examination, which may be comparable to the original examination taken for licensure in another jurisdiction. The board determined that a provision should be developed for licensure of experienced practitioners by endorsement.

**Advantages.** 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.

**Disadvantages.** The proposed changes present no disadvantages to applicants, the agency, or the general public.

**G. Degree program requirements.** Among the most frequent requests for clarification from the public is the meaning of “a degree in counseling or a related discipline.” Many individuals who graduate from seminary schools or criminal justice programs believe that they may be eligible for licensure because their programs included a few courses in dealing with mental, emotional or behavioral problems. The board hopes to clarify the program requirement by defining it in terms of the scope of practice set forth in the Code of Virginia rather than by title, and to include descriptive language setting forth criteria for what constitutes a “program” in counseling according to national standards.

Also at issue is the amount of time spent by the credentials reviewers in determining the acceptability of an applicant’s graduate program. The board proposes automatic acceptance of programs approved by the Council for Accreditation of Counseling and Related Educational Programs (CACREP) or the Council on Rehabilitation Education (CORE), which will expedite the review process for applicants from those programs.

**Advantages.** The proposed program requirements outline in clear terms what the board expects applicants to document in terms of a graduate degree in counseling. Automatic acceptance of programs approved by national accrediting organizations simplifies the review process and expedites the application process for individuals who graduate from nationally accredited programs in counseling.

**Disadvantages.** No changes are proposed in the actual degree program requirements, therefore, there are no disadvantages.

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H. Course work requirements. The board has not updated its course requirements in 20 years. Over that time, the profession has evolved, and graduate programs in counseling are providing more extensive training to prepare counselors for independent clinical practice. The board determined that the core areas need revision to more closely resemble current practice requirements. The board reviewed the program requirements of the two national accrediting bodies for programs in counseling (CACREP and CORE), and model legislation for regulation of the profession developed by the American Counseling Association, considered public comment offered at its meetings, and conducted a survey of Virginia's graduate counseling programs to determine the availability of proposed course work. Based on the review and comment and survey results, the board determined that the regulations should specify a minimum internship hour requirement of 600 clock hours with 240 hours of direct client contact, and that the course requirement fell short of the national standard in four content areas: addictive disorders, marriage and family systems theory, multicultural counseling and research. The board also determined that theories of human behavior are separate knowledge domains offered as distinct courses at most institutions of higher education.

Board members in private practice estimated that 25-30% of their clients have some type of addictive disorder or have a family member with an addictive disorder. Based on the extent of this problem in our society, and the importance of being able to recognize the warning signs to appropriately refer clients for substance abuse treatment, the board proposes requiring one course in addictive disorders. All but one counseling program responding to the board's survey indicated that a distinct course in addictions is available. The one program that did not offer a distinct course felt that three semester hours in addictions could be obtained over several courses.

The board members agreed that without exception, client problems do not originate or exist in isolation, but stem from and involve family, societal or organizational systems. National standards reflect that training in both the individual and systems perspectives is considered essential for minimal competence in the practice of counseling. Although systems theory and techniques are founded on a vast body of knowledge that cannot be covered in one course, the board determined that at minimum, one course should be required to make students aware of this significant counseling perspective. All but one counseling program responding to the board's survey indicated that a course in marriage and family systems theory is available. It is known that the institution housing that program has a distinct marriage and family therapy program where the course could be obtained.

Because counselors test and diagnose clients across the entire span of gender, age, race, religion and ethnicity, the board determined that it is essential that counselors be aware of how social and cultural factors can affect a client's test results, behavior and thinking. Without cultural awareness, a practitioner may misdiagnose a cultural behavior as a mental, emotional or behavioral problem. The board is proposing one course in multicultural counseling, theories and techniques. All but one counseling program responding to the board's survey indicated that a distinct course in multicultural

counseling is available. The one program that did not offer a distinct course felt that three semester hours in this content area could be obtained from a combination of different courses.

The board's standards of practice require that counselors stay abreast of new developments, concepts and practices. In order to do this, counselors must be able to interpret scholarly published articles and evaluate the significance of the reported results. The importance of this training is evident in the fact that it is a fundamental component of the graduate counseling curricula in almost all university programs. All counseling programs responding to the board's survey indicated that a research course is available.

Another issue pertaining to the course work requirements is the lack of specificity in the semester hours required in each content area. Under the current regulations, one applicant may cover more than one content area with one course, while another may submit documentation of a specific course to each area, which results in disparate training for individuals obtaining the same license, and makes the determination of competency somewhat subjective. The board is proposing that each content area be covered by one three semester-hour course, which is a more consistent and defensible requirement.

None of the proposed changes affect the 60 graduate hour requirement.

Advantages. The proposed changes bring the course work requirement up-to-date in terms of the national standard for the profession. Survey responses substantiate that these courses are considered standard by Virginia's institutions of higher learning. Since all core areas are covered on the licensure examination which is based on a job analysis of the profession, applicants will be better prepared to pass the licensure examination with a strong foundation in all core areas.

Disadvantages. The proposed changes limit the number of elective courses students can take within the 60 graduate hour requirement, but do not change the total number of hours required. The board has ensured that there will be no disadvantages to individuals who complete their education prior to the effective date of the change by providing for acceptance of education that meets the regulations in effect at the time the coursework was completed. The board has also included a two year delay for the effective date of the new requirements to allow programs to develop courses if needed, and to enable individuals enrolling in counseling programs to plan their curricula to meet the new requirements.

I. Residency. The primary issue for the supervised experience requirement is the difficulty for new graduates to find residency positions. Historically, government agencies were a principal source of training for new graduates, but a recent trend for these agencies is to require licensure as a hiring criterion to enable third party billing to offset budget cuts. The board considered reducing the residency hours, but this was met by strong opposition from the public. The board identified other ways to facilitate attainment of residency hours as listed in the substance statement.

Due to frequent requests from applicants for guidelines on the number of client contact hours required for the residency, the board proposes a requirement of 2,000 hours of face-to-face client contact. This meets the expectation of most work settings that clinicians spend 50% of their time in direct service.

Another issue with the experience requirement is frequent confusion about residents' use of professional titles, solicitation of clients and billing for services. The board proposes removing the prohibition on client solicitation since supervisors are not always in a situation to find clients for the residents. The board also proposes clarifying that a resident cannot be paid directly by a client or third party payor, which does not prohibit the practice from billing for a resident's services and paying the resident a salary. The board also proposes clarification for use of title and proper notification of the residency status and supervisor information to the client.

During the review of the regulations, several board members expressed concern that the requirement that supervisors have "professional training in supervision" is ambiguous. Members who had served on the board's Disciplinary Committee regarded inadequate supervision as the source of some of the disciplinary problems that have come before the board. The board identified a need to establish specific requirements for supervisory training, but currently does not have statutory authority to do so. To provide some assurance of competency to supervise, the board is proposing a requirement that supervisors have two years post-licensure clinical experience.

Another issue the board considered during its review of the supervision requirements is that most residents have multiple supervisors over the period of the residency, and often do not receive annual evaluations. Because this review was intended to provide a means for residents to get feedback on their performance prior to the completion of their supervision contract, the board proposes changing this to a quarterly evaluation submitted to the resident, to be included with the application packet at the completion of the residency.

The board also proposes reformatting this section, deleting unnecessary language and changing language to clarify the requirements when needed.

**Advantages.** Changing the residency hours will reduce the time spent in the residency by up to six months, reduce the cost incurred by residents for supervision, and expedite the licensure process. Changing the minimum supervision hours from one hour per week to one hour per 20 hours will reduce the burden on part-time residents who have difficulty obtaining frequent sessions with their supervisors which are sometimes paid for by the residents at the going rate for client visits. Clarification of ambiguous language on client contact hours, billing and solicitation should be helpful to both applicants and supervisors.

**Disadvantages.** Individuals in full-time residencies will not be permitted to obtain less than two hours of face-to-face supervision each week (current regulations require a minimum of one hour per week). However, full-time residents generally obtain two hours of supervision each week in order to complete the requirement within two years (40 hours per

week X 50 work weeks per year X 2 years = 4,000 hours of work experience. It takes two hours of face-to-face supervision each week to complete 200 hours within the two years). The proposed change to accept group supervision as equivalent to face-to-face supervision will make it easier for full-time residents to meet the requirement, as they generally have one hour of group staff meetings each week.

New licensees will have to wait two years until they are able to act as supervisors, but the impact on applicants will be minimal, as supervision by new licensees is extremely rare (<1% of applications received).

**J. Character and professional integrity.** At issue is the potential for conflict with the Americans with Disabilities Act, which prohibits denial of a government service (i.e., licensure) based on a disability. The board proposes repeal of this section.

**Advantages.** Repeal of this language eliminates conflict with federal law.

**Disadvantages.** There are no disadvantages.

**K. 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.** Elimination of unnecessary language makes the regulations more concise.

**Disadvantages.** There are no disadvantages to the proposed changes.

**L. Late renewal.** The late renewal reinstatement procedure set forth in 18 VAC 115-20-110 requires payment of cumulative licensure and penalty fees, which is overly burdensome for individuals who are returning to a Virginia practice after a lengthy absence. The board proposes a simple reapplication fee for individuals who have not renewed their license for four years.

**Advantages.** Reinstatement will be much less costly for counselors who are returning to Virginia to practice.

**Disadvantage.** There is no disadvantage to the proposed change.

**M. Standards of practice.** The primary issue in the standards of practice which the board addressed was the prohibition on dual relationships. In 1993, the board adopted an absolute, interminable prohibition on dual relationships. This was done to ensure that there was no ambiguity about the seriousness of dual relationship violations which represent the majority of the disciplinary cases to come before the board. However, the stringency of the rule exceeds the Code of Ethics of the American Counseling Association and may be unreasonable in some situations, such as occupational aptitude testing or career counseling, which do not create the same potential for client exploitation as treatment for emotional problems. The board proposes new language to set forth a more reasonable prohibition which will still provide adequate protection to the public.

The board also reviewed the regulation prohibiting provision of services by lectures or through electronic or other media.

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The board determined that activities such as advice programs and columns are commonplace, and that no evidence of harm to the public from these activities has ever been presented to the board. The board proposes repeal of this standard.

Another issue the board addressed is that the regulations require professional counselors to report violations of laws and regulations committed by other counselors, but not other licensed mental health service providers who may see the same clients. The board proposes expanding this rule to include violations by other licensed or certified mental health providers to provide guidance to counselors who are uncertain of their responsibility to report harm to a client by a provider in another license category.

The board has also identified language that is unnecessary and areas that could be streamlined by combining language in related sections where appropriate.

**Advantages.** The proposed changes make the standards more concise, more reasonable and easier to enforce.

**Disadvantages.** There are no disadvantages to the proposed changes.

## Fiscal Impact Prepared by the Agency:

A. Projected number of persons affected and their cost of compliance. Approximately 3,000 licensees, and 300 new applicants and residents per year are affected by these regulations.

The endorsement provision should expedite processing of applicants who have been licensed in other states by about 10 months. These applicants constitute approximately 5.0% of the 200 individuals that become licensed in Virginia each year. Assuming earnings of \$2,000 to \$4,000 per month, the potential earnings that might otherwise be lost could be \$20,000 to \$40,000. More significantly, endorsement applicants will be less likely to miss employment opportunities if issuance of the license is expedited, and counseling services will be more readily available to the public.

Acceptance of internship hours toward the residency should expedite licensure by approximately three to six months for the majority of applicants for licensure by examination.

The proposed reinstatement process will reduce the cost of reinstatement from \$1,000 or more, depending on the length of absence, to \$85.

Acceptance of CACREP and CORE programs will expedite the review process for many applicants.

B. 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.

C. 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.** The Board of Licensed Professional Counselors, Marriage and Family Therapists, and Substance Abuse Professionals proposes to update its Regulations Governing the Practice of Professional Counseling. The substantive changes include revising the coursework and residency requirements, adding a licensure by endorsement provision, reorganizing and clarifying the standards of practice, and instituting a flat fee for reinstating a lapsed license.

**Estimated economic impact.**

**Education Requirements.** The proposed regulations include a provision for the automatic acceptance of degree programs that are accredited by one of the two national accrediting bodies for counseling programs. This provision will decrease the amount of time spent by credentials reviewers in determining the acceptability of an applicant's graduate program and will expedite the application process for individuals who graduate from nationally accredited programs in counseling without any reduction in quality.

The proposed regulation also updates the coursework requirements by establishing a minimum internship hour requirement and adding four new core content areas. These changes will bring Virginia's regulations up to national standards. There is no change to the total number of graduate hours required, although the additional core content areas will limit the number of elective courses students can take. A survey of Virginia's graduate counseling programs by the board indicated that courses in the proposed content areas are readily available. In addition, the regulations include a two-year delay in the effective date of the new requirements to allow programs to develop courses if needed and to enable individuals enrolling in counseling programs to plan their curricula to meet the new requirements.

Three of the four content areas added to the coursework requirements are required by the national accrediting programs and all four are covered on the state licensure examination. Consequently, students in nationally accredited programs are already taking most of these classes and students in other programs are likely to be taking them also since these areas are included in the licensure examination. The revised coursework requirements are intended to bring Virginia's regulations in line with national standards; and, since the new rules are unlikely to have much impact on course choices, they will have little or no economic impact.

**Residency Requirements.** The board reports that many new graduates have difficulty finding residency positions. In order to reduce the burden of this requirement, the proposed

regulation includes the following changes to the residency requirements:

1. Broadening the categories of acceptable supervisor credentials,
2. Changing the face-to-face consultation requirement with the supervisor from one hour per week to one hour per 20 hours of work experience to accommodate individuals in part-time residencies,
3. Rescinding the requirement that half of the supervision occur on site,
4. Accepting group supervision hours as equivalent to face-to-face supervision hours for up to half of the total hours required (currently two hours of group supervision is equivalent to one hour of face-to-face supervision),
5. Allowing 600-900 hours of pre-degree internship experience to count toward the residency.

These proposed changes will likely increase the number of individuals available to provide supervised training for applicants, thus allowing applicants for licensure to obtain their supervised training more easily. Allowing pre-degree internship hours to count toward the residency requirement may reduce the time spent in residency by up to six months, allowing applicants to obtain their licensure sooner. These changes were made on the judgment of the board that the new requirements would increase the supply of licensed counselors without reducing the quality of those applicants, however, there is no evidence available to assess these expectations. The changes can be expected to lower the costs of licensure and as such will result in a net benefit to applicants.

The proposed regulation also addresses supervisor competency. The current rules require that supervisors have "professional training in supervision." Since the board does not have the statutory authority to establish specific requirements for supervisory training, a requirement that supervisors have two years post-licensure clinical experience is proposed. This will result in new licensees having to wait two years before they are able to act as supervisors but should have little actual impact since the board reports that less than one percent of supervisor applications received are from new licensees.

**Certification by Endorsement.** Currently all applicants for licensure must document the same information as new practitioners even if they hold licenses in other jurisdictions. This information often may be difficult or even impossible to verify, especially for applicants with lengthy experience. In addition, experienced practitioners are required to sit for the board's examination, which may be comparable to the original examination taken for their licensure in another state. The proposed regulation includes a provision for licensure of experienced practitioners by endorsement.

This change will reduce the administrative costs of the licensing program by providing documentation that is more easily verified for some applicants. Applicants for licensure by endorsement will benefit by receiving their Virginia license sooner. The board predicts that this change may expedite the licensure process for these applicants by as long as 10

months, and will enhance applicants' ability to obtain employment, open private practices, and bill for services. Assuming monthly earnings of \$2,000 to \$4,000, the potential earnings that might otherwise be lost could be as high \$20,000 to \$40,000, although it would be reasonable to assume that applicants awaiting licensure would often have some form of employment during that time. The net income gained from this change will be the difference in what the applicant could have earned practicing as a professional counselor compared to what they earned while waiting for their license. Given that the license by endorsement provision is voluntary, it will necessarily result in a net economic gain for applicants who choose to use it, although the exact magnitude of this gain is not known.

**Standards of Practice.** Language added to the regulation clarifies the standards of practice pertaining to inappropriate business and personal relationships with clients, former clients, and supervisors. The proposed regulation specifies a five-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.

The proposed regulation also repeals the current prohibition on provision of services by lectures or through electronic or other media. According to the agency, the medium through which counseling takes place is not the issue but rather whether the level of the professional relationship established constitutes the practice of professional counseling. If so, the practitioner is held to the same standards of practice regardless of the medium through which they meet with their client. Given this, the agency concludes that the repeal of this language should not have any impact on the quality of professional counseling services provided in Virginia. However, there is no information on exactly what types of new services might be offered if this prohibition is lifted and no evidence available to estimate what the impact on the quality of care provided might be. Since the response to the repeal is unknown, the net economic impact cannot be estimated at this time.

**Reinstatement of Lapsed Licenses.** A single reapplication fee is proposed for reinstating a Virginia license that has lapsed for more than four years. The current cumulative renewal and penalty fee structure was determined to be overly burdensome for individuals returning to Virginia to practice

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after long absences. This change will reduce the financial burden of reinstating a lapsed license and may increase the number of individuals who choose to do so.

Businesses and entities affected. The proposed changes to this regulation will affect all professional counselors and all new applicants. Currently, there are approximately 3,000 licensees and 300 new applicants and residents per year.

Localities particularly affected. The proposed regulations are not expected to affect any particular localities as they are applicable statewide.

Projected impact on employment. The new residency requirements are expected to lower the costs of obtaining a professional counseling license and, therefore, may increase the number of such counselors in Virginia.

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

Summary of analysis. The proposed changes to residency requirements can be expected to increase the availability of qualified supervisors and allow applicants to obtain their supervised experience more easily. This may result in an increase in the number of licensed professional counselors in Virginia. The addition of the license by endorsement provision should expedite the processing time for these applicants and may increase their ability to obtain employment, open private practice, and bill for services which will affect their net income. Changes are also proposed to reduce the financial burden of reinstating a lapsed license.

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

## Summary:

*The proposed amendments establish an endorsement procedure for individuals with lengthy practice in other states. The board also proposes updating the education requirements based on national accreditation standards and providing for automatic recognition of graduate programs accredited by the two national accrediting bodies for counseling programs. To reduce the burden of the residency requirement on applicants, the board proposes accepting group supervision hours as equivalent to individual hours for up to half of the total supervised hours, adding two new licensure titles for acceptable supervisors, allowing the graduate internship hours to count toward the residency, and changing the face-to-face supervision requirement from one hour per week to one hour per 20 hours of work experience. The board proposes specifying that 2,000 client contact hours be accrued during the 4,000 hour residency in response to frequent requests from applicants for guidance on the expectations of the board. To reduce the financial burden on individuals who wish to renew a license which has lapsed for more than four years, the board is proposing a reapplication alternative to the current cumulative renewal and penalty fee requirement. The board is recommending an amendment to the dual relationship prohibition in the*

*standards of practice to specify that sexual relationships with a client are strictly prohibited for five years following the cessation of services. The board also proposes general reformatting of the regulations, eliminating obsolete and unnecessary language, and including new language where needed to clarify requirements.*

## **18 VAC 115-20-10. Definitions.**

A. The following words and terms when used in this chapter shall have the meaning ascribed to them in § 54.1-3500 of the Code of Virginia:

*"Appraisal activities"*

*"Board"*

*"Counseling"*

*"Counseling treatment intervention"*

*"Professional counselor"*

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

*"Applicant"* means any individual who has submitted an official application and paid the application fee for licensure as a professional counselor.

~~*"Appraisal activities"* has the same meaning as defined in § 54.1-3500 of the Code of Virginia, "selecting, administering, scoring and interpreting instruments designed to assess an individual's aptitudes, attitudes, abilities, achievements and interests, and shall not include the use of projective techniques in the assessment of personality."~~

~~*"Board"* means the Virginia Board for Professional Counselors, Marriage and Family Therapists and Substance Abuse Professionals.~~

*"CACREP"* means Council for Accreditation of Counseling and Related Educational Programs.

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

*"Competency area"* means an area in which a person possesses knowledge and skill and the ability to apply them in the clinical setting.

~~*"Counseling"* means assisting an individual, through the counseling relationship, to develop an understanding of personal problems, to define goals, and to plan action reflecting his interests, abilities, aptitudes and needs as they relate to educational progress, occupations and careers, and personal or social concerns.~~

*"CORE"* means Council on Rehabilitation Education.

*"Exempt setting"* means an agency or institution in which licensure is not required to engage in the practice of counseling according to the conditions set forth in § 54.1-3501 of the Code of Virginia.

"Group supervision" means the process of clinical supervision of no more than six persons in a group setting provided by a qualified supervisor.

"Internship" means supervised, planned, practical, advanced experience obtained in the clinical setting, observing and applying the principles, methods and techniques learned in training or educational settings. The internship involves a longer period of time than the practicum.

~~"Practicum" means supervised, planned, practical experience occurring in a clinical setting, for an early introduction to subject matter. It is generally time-bound and for a shorter period of time than an internship, but it allows for demonstration and testing of information, knowledge, and skills acquired.~~

~~"Professional counselor" means a person trained in counseling and guidance services with an emphasis on individual and group guidance and counseling designed to assist individuals in achieving more effective personal, social, educational and career development and adjustment.~~

"Jurisdiction" means a state, territory, district, province or country which has granted a professional certificate or license to practice a profession, use a professional title, or hold oneself out as a practitioner of that profession.

"Nonexempt setting" means a setting which does not meet the conditions of exemption from the requirements of licensure to engage in the practice of counseling as set forth in § 54.1-3501 of the Code of Virginia.

"Regional accrediting agency" means one of the regional accreditation agencies recognized by the United States Secretary of Education responsible for accrediting senior postsecondary institutions.

"Residency" means a post-internship, supervised, clinical experience registered with the board.

"Resident" means an individual who has submitted a supervisory contract and has received board approval to provide clinical services in professional counseling under supervision.

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

**18 VAC 115-20-20. Fees required by the board.**

A. The board has established the following fees applicable to licensure as a professional counselor:

Biennial license renewal	\$75
Duplicate license	\$15
<del>Endorsement</del> Verification of license to another jurisdiction	\$10
Late renewal	\$10
Replacement of or additional wall certificate	\$15
Returned check	\$15

B. Application, registration of supervision and examination fees shall be paid directly to the board's contracting agents according to their requirements.

C. All fees are nonrefundable.

**18 VAC 115-20-30. Substance abuse counseling. (Repealed.)**

~~18 VAC 115-30-10 et seq., Regulations Governing the Certification of Substance Abuse Counselors, are incorporated by reference in this chapter.~~

**18 VAC 115-20-35. Sex offender treatment provider certification.**

Anyone licensed by the board who is seeking certification as a sex offender treatment provider shall adhere to the Regulations Governing the Certification of Sex Offender Treatment Providers, 18 VAC 125-30-10 et seq.

**18 VAC 115-20-40. General requirements Prerequisites for licensure by examination.**

~~A. No person shall practice as a professional counselor in the Commonwealth except as provided in this chapter and when licensed by this board.~~

~~B. Licensure by the board shall be by written examination.~~

~~C. Every applicant for licensure examination by the board shall:~~

~~1. Meet the education degree program, course work and experience requirements prescribed in 18 VAC 115-20-49, 18 VAC 115-20-50 of this chapter or 18 VAC 115-20-51 and 18 VAC 115-20-52; and~~

~~2. Submit the following to the contracting agent within the time frame established by that agent:~~

- ~~a. A completed application;~~
- ~~b. Official transcripts documenting the applicant's completion of the education degree program and course work requirements prescribed in 18 VAC 115-20-49 and 18 VAC 115-20-50 A or 18 VAC 115-20-51;~~
- ~~c. Documented evidence of having fulfilled Verification of supervision forms documenting fulfillment of the experience requirements of 18 VAC 115-20-50 B 18 VAC 115-20-52 and copies of all required evaluation forms;~~
- ~~d. Reference letters from three health or mental health care practitioners attesting to the applicant's character and professional integrity Documentation of any other professional license or certificate ever held in another jurisdiction; and~~
- ~~e. The licensure application fee.~~

~~D. The board may license by endorsement an individual who is currently licensed in another state as a professional counselor and who has been licensed in another state through a similar process with equivalent requirements as described in subsections B and C of this section.~~

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## **18 VAC 115-20-45. Prerequisites for licensure by endorsement.**

Every applicant for licensure by endorsement shall submit in one package the following:

1. A completed application;
2. The application processing fee;
3. Verification of all professional licenses or certificates ever held in any other jurisdiction. In order to qualify for endorsement the applicant shall have no unresolved action against a license or certificate. The board will consider history of disciplinary action on a case-by-case basis;
4. Documentation of having completed education and experience requirements substantially equivalent to those in effect in Virginia at the time of initial licensure as verified by an official transcript and a certified copy of the original application materials;
5. Verification of a passing score on a licensure examination in the jurisdiction in which licensure was obtained; and
6. Affidavit of having read and understood the regulations and laws governing the practice of professional counseling in Virginia.

## **18 VAC 115-20-49. Degree program requirements.**

A. The applicant shall have completed a graduate degree from a program that prepares individuals to practice counseling and counseling treatment intervention, as defined in § 54.1-3500 of the Code of Virginia, which is offered by a college or university accredited by a regional accrediting agency and which meets the following criteria:

1. There must be a sequence of academic study with the expressed intent to prepare counselors as documented by the institution;
2. There must be an identifiable counselor training faculty and an identifiable body of students who complete that sequence of academic study; and
3. The academic unit must have clear authority and primary responsibility for the core and specialty areas.

B. Programs that are approved by CACREP or CORE are recognized as meeting the definition of graduate degree programs that prepare individuals to practice counseling and counseling treatment intervention as defined in § 54.1-3500 of the Code of Virginia.

## **18 VAC 115-20-50. Education and experience requirements for licensure examinations. Effective until [insert date two years after the effective date of this chapter]. Coursework requirements.**

A. ~~Education.~~ The applicant shall have completed 60 semester hours or 90 quarter hours of graduate study in counseling, to include ~~a graduate degree in counseling or a related discipline, from a college or university accredited by a regional accrediting agency.~~

~~1. The graduate course work shall have included study in the following nine core areas of:~~

- ~~a. 1. Professional identity, function and ethics;~~
- ~~b. 2. Theories of counseling and psychotherapy;~~
- ~~c. 3. Counseling and psychotherapy techniques;~~
- ~~d. 4. Group dynamics, theories, and techniques;~~
- ~~e. 5. Theories of human behavior, learning, and personality;~~
- ~~f. 6. Career development;~~
- ~~g. 7. Appraisal, evaluation and diagnostic procedures;~~
- ~~h. 8. Abnormal behavior; and~~
- ~~i. 9. Supervised practicum or internship.~~

~~2. B. One course may satisfy study in more than one of the nine study areas required in subdivision 4 subsection A of this subsection.~~

## **18 VAC 115-20-51. Effective [insert date two years after effective date of this chapter]. Coursework requirements.**

A. The applicant shall have completed 60 semester hours or 90 quarter hours of graduate study in the following core areas with a minimum of three semester hours or 4.5 quarter hours in each of the areas identified in subdivisions 1 through 12 of this subsection:

1. Professional identity, function and ethics;
2. Theories of counseling and psychotherapy;
3. Counseling and psychotherapy techniques;
4. Human growth and development;
5. Group counseling and psychotherapy, theories and techniques;
6. Career counseling and development theories and techniques;
7. Appraisal, evaluation and diagnostic procedures;
8. Abnormal behavior and psychopathology;
9. Multicultural counseling, theories and techniques;
10. Research;
11. Diagnosis and treatment of addictive disorders;
12. Marriage and family systems theory; and
13. Supervised internship of 600 hours to include 240 hours of face-to-face client contact.

B. If 60 graduate hours in counseling were completed prior to [the effective date of this chapter], the board may accept those hours if they meet the regulations in effect at the time the 60 hours were completed.

## **18 VAC 115-20-52. Residency.**

A. Registration.

1. Applicants who render counseling services in a nonexempt setting shall:

a. With their supervisor, register their supervisory contract on the appropriate forms for board approval before starting to practice under supervision;

b. Have submitted an official transcript documenting a graduate degree as specified in 18 VAC 115-20-49 to include completion of the internship requirement specified in 18 VAC 115-50-50 or 18 VAC 115-50-51; and

c. Pay the registration fee.

2. Applicants in exempt settings may register supervision with the board to assure acceptability at the time of application.

**B. Supervised experience Residency requirements.**

1. The applicant for licensure shall have completed ~~4,000~~ hours of post-graduate degree experience a 4,000-hour supervised residency in counseling practice under supervision satisfactory to the board. The post-graduate experience shall consist of supervised practice with various populations, clinical problems and theoretical approaches in the following areas:

Counseling and psychotherapy techniques;

Appraisal, evaluation and diagnostic procedures;

Treatment planning and implementation;

Case management and recordkeeping;

Professional identity and function; and

Professional ethics and standards of practice.

~~a.~~ 2. The experience residency shall include a minimum of 200 hours of individual supervision during the 4,000 hours, with a minimum of one hour per week of face-to-face supervision face-to-face sessions between supervisor and applicant. The experience shall be continuous and integrated, that is, no credit will be given for satisfying the 4,000 hours of required experience in the absence of approved individual face-to-face supervision and, conversely, no credit will be given for individual face-to-face supervision that does not occur as a part of the 4,000 hours of post-graduate experience. The experience shall include supervised practice with various populations, clinical problems and theoretical approaches. resident occurring at a minimum of one hour per 20 hours of work experience during the period of the residency. No more than half of these hours may be satisfied with group supervision. One hour of group supervision will be deemed equivalent to one hour of face-to-face supervision. Face-to-face supervision that is not coincident with a residency will not be accepted, nor will residency hours be accrued in the absence of approved face-to-face supervision.

b. Group supervision will be acceptable for not more than 100 hours of the required 200 hours of individual supervision on the basis of two hours of group supervision being equivalent to one hour of individual

supervision, but in no instance shall group supervision substitute for the required on-site individual face-to-face supervision.

3. The residency shall include 2,000 hours of face-to-face client contact.

4. A graduate-level internship completed in a program that meets the requirements set forth in 18 VAC 115-20-49 may count for no more than 600 hours of the required 4,000 hours of experience. The internship shall include 20 hours of face-to-face on-site supervision, and 20 hours of face-to-face off-site supervision. In order to count toward the residency, internship hours shall not begin until completion of 30 semester hours toward the graduate degree.

5. A graduate-level degree internship completed in a CACREP or CORE approved program in mental health counseling may count for no more than 900 of the required 4,000 hours of experience.

6. In order for a graduate-level internship to be counted toward a residency, either the clinical or faculty supervisor shall be licensed as set forth in subsection C of this section.

~~e.~~ 7. The board may consider special requests in the event that the regulations create an undue burden in regard to geography or disability which limits the supervisee's resident's access to qualified supervision.

~~d.~~ A post-graduate degree practicum or internship may count for the required 4,000 hours of experience and shall meet the requirements of this section.

~~e.~~ 8. For applicants enrolled in an integrated course of study in an accredited institution leading to a graduate degree beyond the master's level, supervised experience may begin after the completion of 30 graduate semester hours or 45 graduate quarter hours, including an internship and shall include graduate course work in the nine core areas as prescribed in subdivision A 1 of this section 18 VAC 115-20-50 or 18 VAC 115-20-51.

~~f.~~ Applicants 9. Residents may not call themselves professional counselors, solicit clients, directly bill for services rendered, or in any way represent themselves as independent, autonomous practitioners or professional counselors. During the post-graduate supervisory experience, applicants residency, residents shall use their names and the initials of their degree, and the title "Resident in Counseling" in all written communications. Clients shall be informed in writing of the applicant's supervisee resident's status and the supervisor's name, professional address, and phone number.

~~g.~~ Applicants 10. Residents shall not engage in practice under supervision in any areas for which they have not had appropriate education.

2. C. Supervisory requirements. A person who provides supervision for a prospective applicant for licensure as a resident in professional counselor counseling shall document two years post-licensure clinical experience; have received professional training in supervision; and shall be licensed as a

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# Proposed Regulations

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professional counselor, ~~psychologist, marriage and family therapist, substance abuse treatment practitioner,~~ school psychologist, clinical psychologist, clinical social worker, or psychiatrist in the jurisdiction where the supervision is being provided. At least one-half of the individual face-to-face supervision shall be rendered by a licensed professional counselor.

a- 1. Supervision by any individual whose relationship to the supervisee resident compromises the objectivity of the supervisor is prohibited.

b- 2. The supervisor of a ~~prospective applicant~~ resident shall assume full responsibility for the clinical activities of that ~~prospective applicant~~ resident specified within the supervisory contract for the duration of the supervised experience. ~~In every instance there shall be an identifiable individual who is appropriately credentialed to provide supervision in the jurisdiction where the applicant provides counseling services~~ residency.

c. ~~Supervisors shall only be approved to provide supervision in areas for which they possess documented skills, training, and experience.~~

d. ~~Supervisors shall provide the contracting agent with documentation regarding their areas of expertise.~~

e. ~~At least one half of the required individual face-to-face supervision shall occur on-site where the counseling services are provided and be provided by the board-approved supervisor of record.~~

### ~~3. Registration of supervision.~~

a. ~~Applicants who render counseling services in a nonexempt agency shall:~~

(1) ~~With their supervisor, register their supervisory contract on the appropriate forms before starting to practice under supervision;~~

(2) ~~Have submitted directly to the contracting agent an official transcript of their relevant coursework in counseling documenting a graduate degree in counseling or a counseling related area and as specified in subsection A of this section; and~~

(3) ~~Pay the registration fee.~~

b. ~~Applicants who render counseling services in an exempt agency as defined in § 54.1-3500 of the Code of Virginia may register their supervision as outlined above. Board approval and successful completion of a planned supervision arrangement in an exempt setting will assure its acceptability at the time of application.~~

c. ~~The board may accept as equivalent post-graduate supervised experience that occurs in another jurisdiction provided that the board's requirements are met.~~

3. *The supervisor shall complete evaluation forms to be given to the resident at the end of each three-month period.*

4. *The supervisor shall report the total hours of residency and shall evaluate the applicant's competency in the six areas stated in subsection B of this section.*

4- D. Documentation of supervision. a- Applicants shall document successful completion of their supervised experience residency on appropriate forms the Verification of Supervision form at the time of application. Applicants must receive a satisfactory competency evaluation on each item on the evaluation sheet. Supervised experience obtained prior to ~~May 8, 1991,~~ [the effective date of this chapter] may be accepted toward licensure if this supervised experience met the board's requirements which were in effect at the time the supervision was rendered.

~~b- The supervisor shall conduct an annual evaluation of the applicant and report the number of hours of individual face-to-face hours of supervision and an evaluation of the supervisee's progress on appropriate forms.~~

~~At the completion of required supervision hours, applicants shall document completion of their supervised experience on appropriate forms at the time of application. In addition, the supervisor will report the total hours of experience and supervision and will evaluate the applicant's competency in the six areas stated in subdivision B 1 of this section. Applicants must receive a competency evaluation on each item on the evaluation sheet by at least one of their supervisors to meet requirements for satisfactory completion of their supervised experience.~~

### ~~18 VAC 115-20-60. Character and professional integrity. (Repealed.)~~

~~If the applicant has been under treatment for substance abuse within the last four years, the applicant shall provide a written statement from the certified or licensed individual responsible for the treatment. The written statement shall address the capability of the applicant to assume the responsibility of a licensed professional counselor.~~

### ~~18 VAC 115-20-70. General examination requirements; schedules; time limits.~~

A. ~~Every applicant for initial licensure by examination by the board as a professional counselor shall pass a written examination as prescribed by the board.~~

B. ~~The board may waive examination requirements if the applicant for licensure has been certified or licensed in another jurisdiction by standards and procedures equivalent to the board's. Every applicant for licensure by endorsement shall have passed a licensure examination in the jurisdiction in which licensure was obtained.~~

C. ~~A written examination will be given at least twice each year. The board may schedule such additional examinations as it deems necessary.~~

D- C. The contracting agent shall notify all approved candidates in writing of the time and place of the examination.

E- D. A candidate approved to sit for the examination shall take the examination within two years from the date of such

initial approval. If the candidate has not taken the examination by the end of the two-year period here prescribed:

1. The initial 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 new application with the board's contracting agent.

*E. The board shall establish a passing score on the written examination.*

### **18 VAC 115-20-80. Written examination. (Repealed.)**

~~A. The written examination will be a competency-based validated examination and shall include, but not be limited to, the core areas of counseling. The written examination shall assess the minimal knowledge, skills and abilities necessary for the practice of professional counseling.~~

~~B. The board will establish a passing score on the written examination.~~

### **18 VAC 115-20-100. Biennial renewal of licensure.**

A. All licensees shall renew licenses on or before June 30 of each odd-numbered year.

B. Every license holder who intends to continue to practice shall submit to the board on or before June 30 of each odd-numbered year:

1. A completed application for renewal of the license; and
2. The renewal fee prescribed in 18 VAC 115-20-20.

C. Licensees shall notify the board of change of address within 60 days. Failure to receive a renewal notice from the board shall not relieve the license holder from the renewal requirement.

### **18 VAC 115-20-110. Late renewal; reinstatement.**

A. A person whose license has expired may renew it within four years after its expiration date by paying the late fee prescribed in 18 VAC 115-20-20 as well as the license renewal fee prescribed for each biennium the license was not renewed.

B. A person who fails to renew a license for four years or more and wishes to resume practice shall reapply and pay the application fee prescribed by the board's contracting agent and take the written examination according to the requirements set forth in 18 VAC 115-20-40 or 18 VAC 115-20-45.

~~C. Upon approval for reinstatement, the applicant shall pay the late fee prescribed in 18 VAC 115-20-20 and the license renewal fee prescribed for each biennium the license was not renewed.~~

### **18 VAC 115-20-130. 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.

B. Persons licensed by the board shall:

1. Practice in a manner that is in the best interest of the public and does not endanger the public health, safety, or welfare.

2. Practice only within the competency areas for which they are qualified by training or experience.

3. Be aware of the areas of competence of related professions and make full use of other professional, technical and administrative resources to secure for clients the most appropriate services.

4. Strive to stay abreast of new developments, concepts and practices which are important to providing appropriate professional services.

5. Be able to justify all services rendered to clients as necessary for diagnostic or therapeutic purposes and attempt to terminate a private service or consulting relationship when it becomes clear that the consumer is not benefiting from the relationship.

6. Not engage in offering services to a client who is receiving services from another mental health professional without attempting to inform such other professionals in order to avoid confusion and conflict for the consumer.

~~7. Provide counseling services for the purpose of diagnosis, treatment or personalized advice only in the context of a professional relationship, not by means of public lectures or demonstrations, newspapers or magazine articles, radio or television programs, mail or similar media.~~

~~8. Ensure that the welfare of the clients is in no way compromised in any experimentation or research involving those clients.~~

~~9.~~ 7. Disclose to clients all experimental methods of treatment and inform clients of the risks and benefits of any such treatment. *Ensure that the welfare of the clients is in no way compromised in any experimentation or research involving those clients.*

~~10.~~ 8. Neither accept nor give commissions, rebates, or other forms of remuneration for referral of clients for professional services.

~~11.~~ 9. Inform clients of (i) the purposes of an interview, testing or evaluation session and (ii) the ways in which information obtained in such sessions will be used before asking the client to reveal personal information or allowing such information to be divulged.

~~12.~~ 10. Consider the validity, reliability and appropriateness of tests selected for use with clients and carefully interpret the performance of individuals from groups not represented in standardized norms.

~~13.~~ 11. Represent accurately their competence, education, training and experience.

~~14.~~ 12. Use only those educational and professional credentials that have been earned at a college or university accredited by a regional accrediting agency, or by a national certifying agency, and that are counseling in

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nature. Those credentials include the title "doctor" as well as academic and professional certification designations following one's name, such as M.Ed., Ph.D., N.B.C.C. N.C.C.

45- 13. Not engage in improper direct solicitation of clients and announce professional services fairly and accurately in a manner which will aid the public in forming their own informed judgments, opinions and choices and which avoids fraud and misrepresentation through sensationalism, exaggeration or superficiality.

46- 14. Provide clients with accurate information of what to expect in the way of tests, reports, billing, therapeutic regime and schedules before rendering services.

47- 15. Maintain client records securely, inform all employees of the requirements of confidentiality and provide for the destruction of records which are no longer useful. *Client records shall be disclosed to others only with expressed written consent or as mandated by law. Client confidentiality in the usage of client records and clinical materials shall be ensured by obtaining informed consent from clients before (i) videotaping, (ii) audio recording, (iii) permitting third party observation, or (iv) using client records and clinical materials in teaching, writing or public presentations.* Client records shall be kept for a minimum of five years from the date of termination of the counseling relationship.

~~18. Obtain expressed client permission before taping or otherwise recording sessions with clients.~~

~~19. Disclose counseling records to others only with the expressed written consent of the client and ensure the accuracy and indicate the validity of any client information which is disclosed.~~

~~20. Keep confidential their counseling relationships with clients, with the following exceptions: (i) when the client is in danger to self or others; (ii) when the professional counselor is under court order to disclose information; (iii) in cases of suspected child abuse; or (iv) as otherwise required by law.~~

~~21. Never engage in public behavior which is in violation of accepted professional, moral and legal standards.~~

22- ~~Never~~ 16. Not engage in dual relationships with clients, former clients, *residents*, supervisees, and supervisors that compromise the client's or supervisee's *resident's* well-being, impair the counselor's or supervisor's objectivity and professional judgment or increase the risk of client or supervisee *resident* exploitation. This includes, but is not limited to, such activities as counseling close friends, former sexual partners, employees or relatives, and engaging in business relationships with clients. Engaging in sexual intimacies with *current* clients or ~~former clients~~ *residents* is strictly prohibited. ~~In the case of supervisees or supervisors, this includes, but is not limited to, engaging in sexual intimacies with current supervisees.~~ *For at least five years after cessation or termination of professional services, licensees shall not engage in sexual intimacies with a therapy client or those included in collateral*

*therapeutic services. Since sexual or romantic relationships are potentially exploitative, licensees shall bear the burden of demonstrating that there has been no exploitation. A patient's consent to, initiation of or participation in sexual behavior or involvement with a practitioner does not change the nature of the conduct nor lift the regulatory prohibition.*

23- 17. Recognize conflicts of interest and inform all parties of the nature and directions of loyalties and responsibilities involved.

24- 18. Report to the board known or suspected violations of the laws and regulations governing the practice of ~~professional counselors licensed or certified mental health service providers as defined in § 54.1-2400.1 of the Code of Virginia.~~

## **18 VAC 115-20-140. Grounds for revocation, suspension, probation, reprimand, censure, or denial of renewal of license.**

~~A. In accordance with §§ 54.1-2400 and 54.1-2401 of the Code of Virginia, the board may, after a hearing, revoke, suspend or decline to renew a board license or impose a fine for just cause.~~

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

~~1. Conviction of a felony, or of a misdemeanor involving moral turpitude, or violation of or aid to another in violating any provision of Chapter 35 (§ 54.1-3500 et seq.) of Title 54.1 of the Code of Virginia, any other statute applicable to the practice of professional counseling, or any provision of this chapter.~~

~~2. Procuring of license by fraud or misrepresentation.~~

~~3. Conducting one's practice in such a manner as to make it a danger to the health and welfare of one's clients or to the public, or if one is unable to practice counseling with reasonable skill and safety to clients by reason of illness, abusive use of alcohol, drugs, narcotics, chemicals, or other type of material or result of any mental or physical condition.~~

~~4. Negligence in professional conduct or nonconformance with the Standards of Practice (18 VAC 115-20-130 B of this chapter).~~

~~5. Performance of functions outside the demonstrable areas of competency.~~

~~6. Violation of or aid to another in violating any provision of Chapter 35 of Title 54.1 of the Code of Virginia, any other statute applicable to the practice of professional counseling, or any provision of this chapter.~~

~~C. Petition for rehearing. B. Following the revocation or suspension of a license the licensee may petition the board for reinstatement upon good cause shown or as a result of substantial new evidence having been obtained that would alter the determination reached in subsection B of this section.~~

~~D. Reinstatement procedure. Reference powers of board to provide monetary penalties § 54.1-2401 of the Code of Virginia.~~

**18 VAC 115-20-150. Reinstatement following disciplinary action.**

A. Any person whose license has been revoked or denied renewal by the board under the provisions of 18 VAC 115-20-140 may, two years subsequent to such board action, submit a new application 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.~~

VA.R. Doc. No. R97-492; Filed August 31, 1999, 11:38 a.m.



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# GENERAL NOTICES/ERRATA

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## STATE CORPORATION COMMISSION

### Bureau of Financial Institutions

AT RICHMOND, SEPTEMBER 2, 1999

#### ADMINISTRATIVE ORDER DELEGATING CERTAIN AUTHORITY TO THE COMMISSIONER OF FINANCIAL INSTITUTIONS

Virginia Code § 12.1-16 provides (in part):

In the exercise of the powers and in the performance of the duties imposed by law upon the Commission with respect to insurance and banking, the Commission may delegate to such employees and agents as it may deem proper such powers and require of them, or any of them, the performance of such duties as it may deem proper.

That statute provides further that the head of the Bureau through which the Commission administers the banking laws shall be designated "Commissioner of Financial Institutions."

The Commission has previously delegated various powers and duties to the Commissioner of Financial Institutions pursuant to this statute, and finds now that certain additional authority conferred upon the Commission under Title 6.1 of the Code of Virginia should be delegated to the Commissioner of Financial Institutions in order to promote the efficient administration of said Title.

NOW THEREFORE, finding it lawful and proper to do so, the Commission hereby delegates to the Commissioner of Financial Institutions the authority to exercise its powers and to act for it in the following matters:

(1) To grant or deny petitions relating to service by an individual as a director of more than one financial institution. (§ 6.1-2.7)

(2) To grant a certificate of authority to a bank formed for the purpose of its being acquired under the provisions of Chapter 14 of Title 6.1, or for the purpose of facilitating the consolidation of banks or the acquisition by merger of a bank pursuant to any provision of Title 6.1. (§§ 6.1-13, 6.1-43)

(3) To grant or deny authority to a bank, or to a trust subsidiary, to engage in the trust business or exercise trust powers. (§§ 6.1-16, 6.1-32.5)

(4) To approve an office of a trust subsidiary; to authorize a trust company to establish an additional office; to authorize a state bank or trust company to establish or acquire a trust office in another state; and to deny an application by a state bank to establish a branch or relocate an authorized office in Virginia. (§§ 6.1-32.6, 6.1-32.21, 6.1-32.33, 6.1-39.3) To approve the establishment, acquisition, maintenance, and operation of branches of state banks in states other than Virginia. (§§ 6.1-44.3 and 6.1-44.17)

(5) To permit a state bank to operate or advertise a branch office under a name that is not identical to a bank's own name. (§ 6.1-41)

(6) To object to an application or notice by an out-of-state trust institution or an out-of-state bank to establish or acquire a trust office or branch in Virginia, upon finding that the filing requirements and the conditions for approval prescribed by law are not fulfilled. (§§ 6.1-32.38 and 6.1-32.39; 6.1-44.6 and 6.1-44.7; 6.1-44.19 and 6.1-44.20)

(7) To grant approval for directors' meetings of a bank to be held less frequently than monthly. (§ 6.1-52)

(8) To grant approval for the investing of more than fifty (50) percent of the aggregate amount of a bank's capital stock, surplus, and undivided profits in its bank building and premises; and to permit the payment of dividends while such investment exceeds 50 percent of capital, surplus, and undivided profits. (§ 6.1-57)

(9) To consent to a bank's investment in more than one service corporation. (§ 6.1-58)

(10) To give permission for the aggregate investment of more than fifty (50) percent of a bank's capital stock and permanent surplus in the stock, securities, or obligations of controlled-sub subsidiary and bank service corporations. (§ 6.1-58.1)

(11) To give written consent and approval for a bank to hold the possession of certain real estate for a longer period than ten (10) years. (§ 6.1-59(4))

(12) To approve the issuance by a bank of capital notes and debentures, so that such notes and debentures may qualify as surplus for the purpose of calculating the legal lending limit of a bank. (§ 6.1-61)

(13) To give written approval in advance for a bank or trust company to pledge its assets as security for certain temporary purposes. (§ 6.1-80)

(14) To require any bank to prepare and submit such reports and material as he may deem necessary to protect and promote the public interest. (§ 6.1-93)

(15) To approve the issuance of stock in a savings institution in exchange for property or services valued at an amount not less than the aggregate value of the shares issued. (§§ 6.1-194.11, 6.1-194.113)

(16) To reduce temporarily the reserve requirements for a savings institution upon a finding that such reduction is in the best interest of the institution and its members. (§ 6.1-194.23)

(17) To grant a certificate of authority to a savings institution formed solely for the purpose of facilitating the merger or acquisition of savings institutions pursuant to any provision of Title 6.1.

(18) To grant or deny authority to a state association, a state savings bank or a foreign savings institution to establish a branch office, or other office or facility where deposits are accepted (§§ 6.1-194.26, 6.1-194.119), or to change the location of a main or branch office. (§§ 6.1-194.28, 6.1-194.121)

(19) To cause a special examination of a savings institution to be made. (§ 6.1-194.84:1)

(20) To grant or deny authority to a savings institution to exercise fiduciary powers. (§§ 6.1-195.77 *et seq.*; § 6.1-194.138)

(21) To grant or deny approval to a credit union to maintain a service facility or office (other than a main office). (§ 6.1-225.20)

(22) To make such findings as are required by §§ 6.1-225.23 and 6.1-225.23:1 relating to fields of membership of credit unions and the expansion of such fields of membership.

(23) To approve the investment of credit union funds in certain stock, securities, and other obligations. (§ 6.1-225.57(8))

(24) To grant or deny authority to an industrial loan association to relocate its office. (§ 6.1-233)

(25) To grant or deny licenses pursuant to Chapter 6 of Title 6.1. (§ 6.1-256.1)

(26) To grant or deny permission to a consumer finance licensee to change the location of an office. (§ 6.1-269.1)

(27) To grant or deny licenses to engage in the business of selling money orders or the business of money transmission, or both. (§ 6.1-371)

(28) To grant or deny licenses to operate non-profit debt counseling agencies. (§ 6.1-363.1)

(29) To grant or deny licenses to engage in business as a mortgage lender and/or mortgage broker. (§ 6.1-415)

(31) To grant or deny permission to a mortgage lender or mortgage broker licensee to relocate an office or open an additional office. (§ 6.1-416)

(32) To enter into cooperative agreements with appropriate regulatory authorities for the examination of out-of-state bank holding companies and their subsidiaries and out-of-state savings institution holding companies and their subsidiaries and for the accomplishment of other duties imposed on the Commission by Chapter 3.01, Article 11, and by Chapter 15 of Title 6.1.

(33) To prescribe the form and content of all applications, documents, undertakings, papers, and information required to be submitted to the Commission under Title 6.1.

(34) To make all investigations and examinations, give all notices, and shorten, waive, or extend any time period within which any action of the Commission must or may be taken or performed under Title 6.1.

In the performance of the duties hereby delegated to him, the Commissioner shall have the power and authority to make all findings and determinations permitted or required by law.

The foregoing delegations of authority shall be effective until revoked by order of the Commission. All actions taken by the Commissioner of Financial Institutions pursuant to the authority granted herein are subject to review by the Commission in accordance with the Rules of Practice and Procedure of the State Corporation Commission. Each delegation set forth in a numbered paragraph herein is severable from all others. This order supersedes the

"Administrative Order Delegating Certain Authority to the Commissioner of Financial Institutions" dated January 23, 1995.

AN ATTESTED COPY hereof shall be sent to the Commissioner of Financial Institutions and retained on file in the Bureau of Financial Institutions. This Order shall be published in the Virginia Register of Regulations.

## DEPARTMENT OF CRIMINAL JUSTICE SERVICES

### Amendments to Training Objectives, Criteria or Lesson Plans

Pursuant to 6 VAC 10-20-25 of the Rules Relating to Compulsory Minimum Training Standards for Law-Enforcement Officers (6 VAC 10-20-10 *et seq.*), notice is hereby given that amendments have been adopted by the Committee on Training of the Board of Criminal Justice Services relating to the Training Objectives, Criteria, or Lesson Plan Guides. The effective date of the changes is October 27, 1999.

For a copy of the pages with the amendments, please contact Judy Kirkendall, Job Task Analysis Administrator, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-8003, e-mail jkirkendall@dcjs.state.va.us.

## DEPARTMENT OF HEALTH

### Drinking Water State Revolving Fund Program Intended Use Plan for FY 2000

Dear Waterworks Owner and Other Interested Parties:

The Virginia Department of Health (VDH) received numerous loan requests and set-aside suggestions following our announcement in April 1999 of funds available from the Drinking Water State Revolving Fund Program. Through the Safe Drinking Water Act, Congress authorizes capitalization grants to the states. As proposed by the President, Virginia's share would be \$15,231,900 but authorization has not been finalized.

The VDH's Division of Water Supply Engineering (DWSE) has prepared a draft Intended Use Plan (IUP) using information submitted via the loan requests and set-aside suggestions. This IUP is for your review and comment. The document dated April 6, 1999, and entitled "Virginia Drinking Water State Revolving Fund Program" is a part of the Intended Use Plan. This document was mailed in our April 15 announcement.

As previously announced in April, the VDH will hold a public meeting. The meeting will be on Monday, October 4, 1999, from 2 to 3:30 p.m. at the Virginia War Memorial in Richmond, Virginia. In addition, comments from the public are to be postmarked by Friday, October 8, 1999.

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## General Notices/Errata

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Please direct your requests for information and forward written comments to Thomas B. Gray, P.E., Department of Health, Main Street Station, Suite 109, 1500 East Main Street, Richmond Virginia 23219, Voice (804) 786-1087 or FAX (804) 786-5567.

### STATE LOTTERY BOARD

#### DIRECTOR'S ORDER NUMBER THIRTEEN (99)

##### **VIRGINIA'S INSTANT GAME LOTTERY 310; "BEACH BLANKET BINGO," FINAL RULES FOR GAME OPERATION.**

In accordance with the authority granted by §§ 9-6.14:4.1 B (15) and 58.1-4006 A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's Instant Game Lottery 310, "Beach Blanket Bingo." These rules amplify and conform to the duly adopted State Lottery Department regulations for the conduct of instant game lotteries.

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

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

/s/ David L. Norton  
Manager, Legal Affairs  
Date: April 13, 1999

#### DIRECTOR'S ORDER NUMBER FOURTEEN (99)

##### **VIRGINIA'S FOURTH ON-LINE GAME LOTTERY; "CASH 5," FINAL RULES FOR GAME OPERATION; FOURTH REVISION.**

In accordance with the authority granted by §§ 9-6.14:4.1 B (15) and 58.1-4006 A of the Code of Virginia, I hereby promulgate the revised rules for game operation in Virginia's fourth on-line game lottery, "Cash 5." These rules amplify and conform to the duly adopted State Lottery Department regulations for the conduct of on-line game lotteries.

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

This Director's Order supersedes Director's Order Number Twenty-Five (98), issued September 18, 1998. This Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ David L. Norton  
Manager, Legal Affairs  
Date: April 15, 1999

#### DIRECTOR'S ORDER NUMBER FIFTEEN (99)

##### **VIRGINIA'S INSTANT GAME LOTTERY 440; "CROSSWORD CASH," FINAL RULES FOR GAME OPERATION.**

In accordance with the authority granted by §§ 9-6.14:4.1 B (15) and 58.1-4006 A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's Instant Game Lottery 440, "Crossword Cash." These rules amplify and conform to the duly adopted State Lottery Department regulations for the conduct of instant game lotteries.

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

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

/s/ David L. Norton  
Manager, Legal Affairs  
Date: April 28, 1999

#### DIRECTOR'S ORDER NUMBER SIXTEEN (99)

##### **VIRGINIA'S INSTANT GAME LOTTERY 153; "HOT HAND," FINAL RULES FOR GAME OPERATION.**

In accordance with the authority granted by §§ 9-6.14:4.1 B (15) and 58.1-4006 A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's Instant Game Lottery 153, "Hot Hand." These rules amplify and conform to the duly adopted State Lottery Department regulations for the conduct of instant game lotteries.

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

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

/s/ David L. Norton  
Manager, Legal Affairs  
Date: April 28, 1999

## DIRECTOR'S ORDER NUMBER SEVENTEEN (99)

### **VIRGINIA'S INSTANT GAME LOTTERY 161; "JOKER POKER," FINAL RULES FOR GAME OPERATION.**

In accordance with the authority granted by §§ 9-6.14:4.1 B (15) and 58.1-4006 A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's Instant Game Lottery 161, "Joker Poker." These rules amplify and conform to the duly adopted State Lottery Department regulations for the conduct of instant game lotteries.

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

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

/s/ David L. Norton  
Manager, Legal Affairs  
Date: May 6, 1999.

## DIRECTOR'S ORDER NUMBER EIGHTEEN (99)

### **VIRGINIA'S INSTANT GAME LOTTERY 442; "VIRGINIA WEATHER," FINAL RULES FOR GAME OPERATION.**

In accordance with the authority granted by §§ 9-6.14:4.1 B (15) and 58.1-4006 A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's Instant Game Lottery 442, "Virginia Weather." These rules amplify and conform to the duly adopted State Lottery Department regulations for the conduct of instant game lotteries.

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

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

/s/ David L. Norton  
Manager, Legal Affairs  
Date: May 6, 1999.

## DIRECTOR'S ORDER NUMBER NINETEEN (99)

### **VIRGINIA'S INSTANT GAME LOTTERY 443; "SUMMER FUN," FINAL RULES FOR GAME OPERATION.**

In accordance with the authority granted by §§ 9-6.14:4.1 B (15) and 58.1-4006 A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's Instant Game Lottery 443, "Summer Fun." These rules

amplify and conform to the duly adopted State Lottery Department regulations for the conduct of instant game lotteries.

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

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

/s/ David L. Norton  
Manager, Legal Affairs  
Date: May 6, 1999

## DIRECTOR'S ORDER NUMBER TWENTY (99)

### **"LOTTO" JACKPOT PRIZE; CASH OPTION.**

In accordance with the authority granted by §§ 9-6.14:4.1 B (15) and 58.1-4006 A of the Code of Virginia, and Section 1-132 of Chapter 935 of the 1999 Acts of Assembly, I hereby promulgate this directive authorizing the election of a Cash Option by "Lotto" jackpot winners who won on or before October 21, 1998.

On October 21, 1998, H.R. 4328 became federal law. Pursuant to Section 5301 thereof, lottery states may afford their jackpot winners who became entitled to the prize on or before October 21, 1998 ("Previous Lotto Winners") an option to receive a lump sum payment ("Cash Option") during some portion of the 18-month period beginning July 1, 1999.

The State Lottery Department ("Virginia Lottery") hereby elects to offer a Cash Option to its Previous Lotto Winners effective October 1, 1999 and ending December 29, 2000 ("Election Period").

The Cash Option amount offered will be the proceeds received from the sale of U. S. government securities purchased on the first business day after the drawing and sold on the first business day after the Cash Option election is made, subject to normal securities funds settlement which may be up to three (3) business days, it being understood that the winner electing the Cash Option will not receive a check for the Cash Option amount offered until approximately three (3) business days after the election form is signed, the securities have been sold and the proceeds deposited into the Lottery's account. The winner shall bear any loss, or realize any gain, based on the purchase price, from the sale of such securities.

The winner of a jackpot prize won prior to October 21, 1998 that is equally divisible by 1,000 who elects the Cash Option method of payment within the Election Period shall receive, in even \$1,000 increments, an amount equal to the proceeds from the sale of the remaining bonds held to fund the annual payout payments not yet made or that will not be made within thirty days of the election date. For annual payout remainders of less than \$1,000, the amount received will be the

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## General Notices/Errata

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proportionate share of the original cost of the whole bond plus the current amortized bond discount. Any annual payment due within thirty days of the election date will be made on the regularly scheduled payment date.

A prize winner is under no obligation to accept any offer of a single cash payment, and he may continue to receive the payments to which he is entitled under the annual payout method of payment.

A winner's election to accept a Cash Option payment must be in writing on forms provided by the Virginia Lottery and be irrevocable. If a winner has not completed and provided to the Lottery an election form by 5:00 p.m. on December 29, 2000, the winner shall continue to receive his prize under the annual payout method of payment.

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

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

/s/ Penelope W. Kyle  
Executive Director  
Date: July 1, 1999

### DIRECTOR'S ORDER NUMBER TWENTY-ONE (99)

#### **"THE BIG GAME" JACKPOT PRIZE; CASH OPTION.**

In accordance with the authority granted by §§ 9-6.14:4.1 B (15) and 58.1-4006 A of the Code of Virginia, and Section 1-132 of Chapter 935 of the 1999 Acts of Assembly, I hereby promulgate this directive authorizing the election of a Cash Option by "The Big Game" ("TBG") jackpot winners who won on or before October 21, 1998.

On October 21, 1998, H.R. 4328 became federal law. Pursuant to Section 5301 thereof, lottery states may afford their jackpot winners who became entitled to the prize on or before October 21, 1998 ("Previous TBG Winners") an option to receive a lump sum payment ("Cash Option") during some portion of the 18-month period beginning July 1, 1999.

The State Lottery Department ("Virginia Lottery") hereby elects to offer a Cash Option to its Previous TBG Winners effective October 1, 1999 and ending December 29, 2000 ("Election Period").

The Cash Option amount offered will be the proceeds received from the sale of U. S. government securities purchased on the first business day after the drawing and sold on the first business day after the Cash Option election is made, subject to normal securities funds settlement which may be up to three (3) business days, it being understood that the winner electing the Cash Option will not receive a check for the Cash Option amount offered until approximately three (3) business days after the election form is signed, the securities have been sold and the proceeds deposited into the

Lottery's account. The winner shall bear any loss, or realize any gain, based on the purchase price, from the sale of such securities.

The winner of a jackpot prize won prior to October 21, 1998, that is equally divisible by 1,000 who elects the Cash Option method of payment within the Election Period shall receive, in even \$1,000 increments, an amount equal to the proceeds from the sale of the remaining bonds held to fund the annual payout payments not yet made or that will not be made within thirty days of the election date. For annual payout remainders of less than \$1,000, the amount received will be the proportionate share of the original cost of the whole bond plus the current amortized bond discount. Any annual payment due within thirty days of the election date will be made on the regularly scheduled payment date.

A prize winner is under no obligation to accept any offer of a single cash payment, and he may continue to receive the payments to which he is entitled under the annual payout method of payment of the TBG jackpot prize.

A winner's election to accept a Cash Option payment must be in writing on forms provided by the Virginia Lottery and be irrevocable. If a winner has not completed and provided to the Lottery an election form by 5:00 p.m. on December 29, 2000, the winner shall continue to receive his prize under the annual payout method of payment.

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

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

/s/ Penelope W. Kyle  
Executive Director  
Date: July 1, 1999

### DIRECTOR'S ORDER NUMBER TWENTY-TWO (99)

#### **CERTAIN VIRGINIA INSTANT GAME LOTTERIES; END OF GAMES.**

In accordance with the authority granted by §§ 58.1-4006 A and 9-6.14:4.1 B (15) of the Code of Virginia, I hereby give notice that the following Virginia Lottery instant games will officially end at midnight on Friday, July 23, 1999:

Instant Game 97 .....	Basketball Bucks
Instant Game 124 .....	Card Shark
Instant Game 127 .....	Big Catch
Instant Game 129 .....	Lucky 7's
Instant Game 136 .....	Football Frenzy
Instant Game 138 .....	Monster Cash
Instant Game 141 .....	Virginia Hoops
Instant Game 142 .....	Season's Greetings
Instant Game 143 .....	New Year's Cash
Instant Game 428 .....	Viva Las Vegas

Instant Game 430..... Virginia's Top Ten  
Instant Game 431..... Dog Gone Lucky  
Instant Game 434..... Holiday Treasures  
Instant Game 436..... Lucky Valentine

The last day for lottery retailers to return for credit unsold tickets from any of these games will be Friday, August 27, 1999. The last day to redeem winning tickets for any of these games will be Wednesday, January 19, 2000, 180 days from the declared official end of the game. Claims for winning tickets from any of these games will not be accepted after that date. Claims that are mailed and received in an envelope bearing a United States Postal Service postmark of January 19, 2000, will be deemed to have been received on time. This notice amplifies and conforms to the duly adopted State Lottery Board regulations for the conduct of instant game lotteries.

This order is available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia; and at any State Lottery Department regional office. A copy may be requested by mail by writing to: Public Affairs Office, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

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

/s/ David L. Norton  
Manager, Legal Affairs  
Date: June 18, 1999

#### DIRECTOR'S ORDER NUMBER TWENTY-THREE (99)

##### **VIRGINIA'S INSTANT GAME LOTTERY 165; "WINNER'S CIRCLE," FINAL RULES FOR GAME OPERATION.**

In accordance with the authority granted by §§ 9-6.14:4.1 B (15) and 58.1-4006 A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's Instant Game Lottery 165, "Winner's Circle." These rules amplify and conform to the duly adopted State Lottery Department regulations for the conduct of instant game lotteries.

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

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

/s/ David L. Norton  
Manager, Legal Affairs  
Date: June 28, 1999

#### DIRECTOR'S ORDER NUMBER TWENTY-FOUR (99)

##### **VIRGINIA'S INSTANT GAME LOTTERY 158; "GO FOR THE GREEN," FINAL RULES FOR GAME OPERATION.**

In accordance with the authority granted by §§ 9-6.14:4.1 B (15) and 58.1-4006 A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's Instant Game Lottery 158, "Go For the Green." These rules amplify and conform to the duly adopted State Lottery Department regulations for the conduct of instant game lotteries.

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

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

/s/ David L. Norton  
Manager, Legal Affairs  
Date: June 28, 1999

#### DIRECTOR'S ORDER NUMBER TWENTY-FIVE (99)

##### **VIRGINIA'S INSTANT GAME LOTTERY 160; "JACK-O-LANTERN JACKPOT," FINAL RULES FOR GAME OPERATION.**

In accordance with the authority granted by §§ 9-6.14:4.1 B (15) and 58.1-4006 A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's Instant Game Lottery 160, "Jack-O-Lantern Jackpot." These rules amplify and conform to the duly adopted State Lottery Department regulations for the conduct of instant game lotteries.

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

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

/s/ David L. Norton  
Manager, Legal Affairs  
Date: June 28, 1999

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## General Notices/Errata

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### DIRECTOR'S ORDER NUMBER TWENTY-SIX (99)

#### **VIRGINIA'S SIXTH ON-LINE LOTTERY; "THE BIG GAME," FINAL RULES FOR GAME OPERATION; SECOND REVISION.**

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

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

This Director's Order supersedes Director's Order Number Six (98), issued March 16, 1998. The order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ Penelope W. Kyle  
Executive Director  
July 1, 1999

### DIRECTOR'S ORDER NUMBER TWENTY-SEVEN (99)

#### **VIRGINIA'S SECOND ON-LINE GAME LOTTERY; "LOTTO," FINAL RULES FOR GAME OPERATION; SEVENTH REVISION**

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

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

This Director's Order supersedes Director's Order Number Thirty-Seven (97), issued December 23, 1997. This Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ Penelope W. Kyle  
Executive Director  
July 1, 1999

### DIRECTOR'S ORDER NUMBER TWENTY-EIGHT (99)

#### **VIRGINIA'S INSTANT GAME LOTTERY 438; "CASINO NIGHTS," FINAL RULES FOR GAME OPERATION.**

In accordance with the authority granted by §§ 9-6.14:4.1 B (15) and 58.1-4006 A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's Instant Game Lottery 438, "Casino Nights." These rules amplify and conform to the duly adopted State Lottery Department regulations for the conduct of instant game lotteries.

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

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

/s/ David L. Norton  
Manager, Legal Affairs  
Date: March 17, 1999

### DIRECTOR'S ORDER NUMBER TWENTY-NINE (99)

#### **VIRGINIA'S INSTANT GAME LOTTERY 441; "PHARAOH'S GOLD," FINAL RULES FOR GAME OPERATION.**

In accordance with the authority granted by §§ 9-6.14:4.1 B (15) and 58.1-4006 A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's Instant Game Lottery 441, "Pharaoh's Gold." These rules amplify and conform to the duly adopted State Lottery Department regulations for the conduct of instant game lotteries.

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

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

/s/ David L. Norton  
Manager, Legal Affairs  
Date: May 19, 1999

### DIRECTOR'S ORDER NUMBER THIRTY (99)

#### **VIRGINIA'S INSTANT GAME LOTTERY 152; "THREE STOOGES," FINAL RULES FOR GAME OPERATION.**

In accordance with the authority granted by §§ 9-6.14:4.1 B (15) and 58.1-4006 A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's

Instant Game Lottery 152, "Three Stooges." These rules amplify and conform to the duly adopted State Lottery Department regulations for the conduct of instant game lotteries.

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

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

/s/ David L. Norton  
Manager, Legal Affairs  
Date: May 19, 1999

#### DIRECTOR'S ORDER NUMBER THIRTY-ONE (99)

##### **VIRGINIA'S INSTANT GAME LOTTERY 163; "IN THE CHIPS," FINAL RULES FOR GAME OPERATION.**

In accordance with the authority granted by §§ 9-6.14:4.1 B (15) and 58.1-4006 A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's Instant Game Lottery 163, "In the Chips." These rules amplify and conform to the duly adopted State Lottery Department regulations for the conduct of instant game lotteries.

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

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

/s/ David L. Norton  
Manager, Legal Affairs  
Date: June 30, 1999

#### DIRECTOR'S ORDER NUMBER THIRTY-TWO (99)

##### **VIRGINIA'S INSTANT GAME LOTTERY 155; "COUCH POTATO," FINAL RULES FOR GAME OPERATION.**

In accordance with the authority granted by §§ 9-6.14:4.1 B (15) and 58.1-4006 A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's Instant Game Lottery 155, "Couch Potato." These rules amplify and conform to the duly adopted State Lottery Department regulations for the conduct of instant game lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A

copy may be requested by mail by writing to: Public Affairs Division, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

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

/s/ David L. Norton  
Manager, Legal Affairs  
Date: June 30, 1999

#### DIRECTOR'S ORDER NUMBER THIRTY-THREE (99)

##### **VIRGINIA'S INSTANT GAME LOTTERY 164; "DOUBLE ROLL," FINAL RULES FOR GAME OPERATION.**

In accordance with the authority granted by §§ 9-6.14:4.1 B (15) and 58.1-4006 A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's Instant Game Lottery 164, "Double Roll." These rules amplify and conform to the duly adopted State Lottery Department regulations for the conduct of instant game lotteries.

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

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

/s/ David L. Norton  
Manager, Legal Affairs  
Date: July 23, 1999

#### DIRECTOR'S ORDER NUMBER THIRTY-FOUR (99)

##### **VIRGINIA'S INSTANT GAME LOTTERY 447; "ROYAL FLUSH," FINAL RULES FOR GAME OPERATION.**

In accordance with the authority granted by §§ 9-6.14:4.1 B (15) and 58.1-4006 A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's Instant Game Lottery 447, "Royal Flush." These rules amplify and conform to the duly adopted State Lottery Department regulations for the conduct of instant game lotteries.

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

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## General Notices/Errata

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

/s/ David L. Norton  
Manager, Legal Affairs  
Date: July 23, 1999

### VIRGINIA CODE COMMISSION

#### Notice to State Agencies

**Mailing Address:** Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219. You may FAX in your notice; however, we ask that you FAX two copies and do not follow up with a mailed copy. Our FAX number is: (804) 692-0625.

#### Forms for Filing Material for Publication in *The Virginia Register of Regulations*

All agencies are required to use the appropriate forms when furnishing material for publication in *The Virginia Register of Regulations*. The forms may be obtained from: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591.

**Internet:** Forms and other *Virginia Register* resources may be printed or downloaded from the *Virginia Register* web page: <http://legis.state.va.us/codecomm/register/regindex.htm>

#### FORMS:

NOTICE of INTENDED REGULATORY ACTION - RR01  
NOTICE of COMMENT PERIOD - RR02  
PROPOSED (Transmittal Sheet) - RR03  
FINAL (Transmittal Sheet) - RR04  
EMERGENCY (Transmittal Sheet) - RR05  
NOTICE of MEETING - RR06  
AGENCY RESPONSE TO LEGISLATIVE OBJECTIONS  
- RR08

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# CALENDAR OF EVENTS

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## 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

**October 18, 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

**September 30, 1999 - 10 a.m.** -- Open Meeting  
Department for the Aging, 1600 Forest Avenue, Suite 102,  
Richmond, Virginia. 

A regular business meeting.

**Contact:** Marsha Mucha, Administrative Staff Assistant, Department for the Aging, 1600 Forest Ave., Ste. 102, Richmond, VA 23229, telephone (804) 662-9312.

† **September 30, 1999 - 1 p.m.** -- Open Meeting  
Department for the Aging, 1600 Forest Avenue, Suite 102,  
Richmond, Virginia. 

A meeting to receive public comment on the State Plan for Aging Services, which is submitted to the federal Administration on Aging.

**Contact:** Bob Knox, Senior Policy Analyst, Department for the Aging, 1600 Forest Ave., Ste. 102, Richmond, VA 23229, telephone (804) 662-9333, FAX (804) 662-9354, toll-free 1-800-552-3402 or 1-800-552-3402/TTY 

## DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

### Board of Agriculture and Consumer Services

**September 29, 1999 - 9 a.m.** -- Open Meeting  
Department of Agriculture and Consumer Services,  
Washington Building, 1100 Bank Street, 2nd Floor, Board  
Room, Richmond, Virginia. 

A meeting to discuss issues related to 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 in the meeting should contact Roy E. Seward at least five days before the meeting date so that suitable arrangements can be made for any appropriate accommodation.

**Contact:** Roy E. Seward, Secretary of the Board, Department of Agriculture and Consumer Services, 1100 Bank St., Suite 211, P.O. Box 1163, Richmond, VA 23218, telephone (804) 786-3538 or FAX (804) 371-7679.

### Virginia Marine Products Board

† **October 13, 1999 - 6 p.m.** -- Open Meeting  
Madison's Prime Rib and Seafood Restaurant, 4329 George  
Washington Memorial Highway, Gloucester, Virginia. 

A meeting to receive reports from the Executive Director of the Virginia Marine Products Board on finance, marketing, past and future program planning, publicity/public relations, and old/new business. 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 Shirley Estes at least five days before the meeting date so that suitable arrangements can be made.

**Contact:** Shirley Estes, Executive Director, Virginia Marine Products Board, 554 Denbigh Boulevard, Suite B, Newport

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# Calendar of Events

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News, VA 23608, telephone (757) 874-3474 or FAX (757) 886-0671.

## Virginia Peanut Board

† **October 12, 1999 - 1:30 p.m.** -- Open Meeting  
Cooperative Extension Office, Courtland, Virginia. 

A meeting to nominate two qualified persons for the National Peanut Board from Virginia, and two qualified persons for the alternative member. The minutes of the last meeting will be heard and approved, if appropriate, and board's financial statement will be reviewed. 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 Russell C. Schools at least five days before the meeting date so that suitable arrangements can be made.

**Contact:** Russell C. Schools, Program Director, Virginia Peanut Board, P.O. Box 356, Capron, VA 23829, telephone (804) 658-4573 or FAX (804) 658-4531.

## Pesticide Control Board

† **October 14, 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. At 9 a.m. the public will have an opportunity to comment on any matter not on the board's agenda. 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.

## ALZHEIMER'S DISEASE AND RELATED DISORDERS COMMISSION

**September 29, 1999 - 10 a.m.** -- Open Meeting  
9th Street Office Building, 202 North 9th Street, 6th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to review the results of the report submitted on September 1, 1999. There will be a 20-minute public comment period at the beginning of the meeting.

**Contact:** Ian N. Kremer, J.D., 10201 Lee Highway, Suite 210, Fairfax, VA 22030, telephone (703) 359-4440, FAX (703) 359-4441 or toll-free 1-800-207-8679.

## ART AND ARCHITECTURAL REVIEW BOARD

**October 8, 1999 - 10 a.m.** -- Open Meeting  
The Library of Virginia, 800 East Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A monthly 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 or (804) 786-6152/TTY 

## COMMISSION FOR THE ARTS

**September 28, 1999 - 9 a.m.** -- Open Meeting  
Art Museum of Western Virginia, Bridge Gallery, Center in the Square, Roanoke, Virginia.  (Interpreter for the deaf provided upon request)

Quarterly meeting of advisory board. Topics include discussion of possible changes in guidelines for funding FY 2000-2002; approval of FY 1999-2000 media arts fellowships; and action on appeals of grant decisions. There will be an opportunity for public comment on the guidelines for funding beginning at 10:45 a.m. Anyone wishing to address the commissioner should sign up in advance by contacting the commission office by mail, phone, fax, or e-mail. For a complete agenda, contact the commission office.

**Contact:** Peggy Baggett, Executive Director, Commission for the Arts, 223 Governor St., Richmond, VA 23219, telephone (804) 225-3132, FAX (804) 225-4327 or (804) 225-3132/TTY 

## VIRGINIA BOARD FOR ASBESTOS AND LEAD

**November 9, 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 

## COMPREHENSIVE SERVICES FOR AT-RISK YOUTH AND THEIR FAMILIES

### State Management Team

† **October 7, 1999 - 9:15 a.m.** -- Open Meeting  
St. Joseph's Villa, 8000 Brook Road, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to discuss recommendations for policies and procedures to the State Executive Council on the Comprehensive Services Act. There will be a public comment period from 9:45 to 10 a.m.

**Contact:** Elisabeth Hutton, Secretary, Department of Health, P.O. Box 2448, Richmond, VA 23218, telephone (804) 371-4099.

## BOARD FOR BARBERS

**October 4, 1999 - 10 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to discuss regulatory review and other matters requiring board action, including disciplinary cases. A public comment period will be held at the beginning of the meeting. All meetings are subject to cancellation and the meeting time is subject to change. 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 

## CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

† **September 27, 1999 - 10 a.m.** -- Open Meeting  
The Anchor Inn, Marina Shore Drive, Marina, Virginia Beach, Virginia.  (Interpreter for the deaf provided upon request)

A general business meeting to review local Chesapeake Bay Preservation Area programs. An agenda is available from the board.

**Contact:** Carolyn J. Elliott, Executive Secretary, Chesapeake Bay Local Assistance Department, 101 N. 14th St., 17th Floor, Richmond, VA 23219, telephone (804) 371-7505, FAX (804) 225-3447 or toll-free (800) 243-7229/TTY 

† **October 26, 1999 - 10 a.m.** -- Open Meeting  
Chesapeake Bay Local Assistance Department, 101 North 14th Street, 17th Floor, 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, 101 N. 14th St., 17th

Floor, Richmond, VA 23219, telephone (804) 371-7505, FAX (804) 225-3447 or toll-free (800) 243-7229/TTY 

**October 26, 1999 - 2 p.m.** -- Open Meeting  
Chesapeake Bay Local Assistance Department, 101 North 14th Street, 17th Floor, 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, 101 N. 14th St., 17th Floor, Richmond, VA 23219, telephone (804) 371-7505, FAX (804) 225-3447 or toll-free (800) 243-7229/TTY 

## COMPENSATION BOARD

**September 28, 1999 - 11 a.m.** -- Open Meeting  
Ninth Street Office Building, 202 North 9th Street, 10th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

Monthly board meeting.

**Contact:** Cindy Waddell, Administrative Assistant, Compensation Board, P.O. Box 710, Richmond, VA 23218, telephone (804) 786-0786, FAX (804) 371-0235 or (804) 786-0786/TTY 

## COMMONWEALTH COMPETITION COUNCIL

**September 28, 1999 - 11 a.m.** -- Open Meeting  
Virginia Western Community College, 3085 Colonial Avenue, S.W., Roanoke, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the task force studying and analyzing the food delivery system for prisons and mental health hospitals, and examining alternatives to increase efficiency and lower the cost to the Virginia taxpayers while supporting maximum inmate assignments within the Department of Corrections.

**Contact:** Peggy R. Robertson, Executive Assistant, Commonwealth Competition Council, James Madison Bldg., 109 Governor St., P.O. Box 1475, Richmond, VA 23218-1475, telephone (804) 786-0240 or FAX (804) 786-1594.

## DEPARTMENT OF CONSERVATION AND RECREATION

**September 27, 1999 - 10 a.m.** -- Open Meeting  
109 Governor Street, 13th Floor, Conference Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

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## Calendar of Events

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A regular business meeting. Public comment will be heard at the conclusion of regular business.

**Contact:** Leon E. App, Acting Deputy Director, Department of Conservation and Recreation, 203 Governor St., Richmond, VA 23219, telephone (804) 786-6124, FAX (804) 786-6141 or (804) 786-2121/TTY ☎

† **October 13, 1999 - 7 p.m.** -- Open Meeting  
Cove Ridge Center, Natural Tunnel State Park, Route 3, Duffield, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to discuss development of the Natural Tunnel State Park master plan.

**Contact:** James E. Guyton, Environmental Program Planner, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-2093, FAX (804) 371-7899 or (804) 786-2121/TTY ☎

### Virginia Cave Board

† **October 9, 1999 - 1 p.m.** -- Open Meeting  
Higher Education Center, One Partnership Circle, Room 218, Abingdon, Virginia.

A regular meeting to discuss issues relating to cave and karst conservation. A public comment period has been set aside on the agenda.

**Contact:** Lawrence R. Smith, Natural Area Protection Manager, Department of Conservation and Recreation, Division of Natural Heritage, 217 Governor St., 3rd Floor, Richmond, VA 23219, telephone (804) 786-7951, FAX (804) 371-2674 or (804) 786-2121/TTY ☎

### Falls of the James Scenic River Advisory Board

† **October 7, 1999 - Noon** -- Open Meeting  
† **November 4, 1999 - Noon** -- Open Meeting  
City Hall, 900 East Broad Street, Planning Commission Conference Room, 5th Floor, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to discuss river issues. A public comment period will follow the business meeting.

**Contact:** Richard G. Gibbons, Environmental Program Manager, Department of Conservation and Recreation, Division of Planning and Recreation Resources, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-4132, FAX (804) 371-7899 or (804) 786-2121/TTY ☎

### BOARD FOR CONTRACTORS

† **September 30, 1999 - 10 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 5W, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting of the Tradesman Committee to consider items of interest relating to tradesmen/backflow

prevention device workers/natural gas fitter providers, and other appropriate matters pertaining to the tradesman section of the Board for Contractors.

**Contact:** George O. Bridewell, Regulatory Boards Administrator, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-2607, FAX (804) 367-2474 or (804) 367-9753/TTY ☎.

### BOARD OF CORRECTIONS

† **October 12, 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.

† **October 13, 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.

† **October 13, 1999 - 10 a.m.** -- Open Meeting  
Department of Corrections, 6900 Atmore Drive, Board Room, Richmond, Virginia. ♿

A meeting to discuss 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.

### BOARD FOR COSMETOLOGY

NOTE: CHANGE IN DATE

† **December 6, 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 on December 3 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, FAX (804) 367-2474 or (804) 367-9753/TTY 

## CRIMINAL JUSTICE SERVICES BOARD

**October 1, 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 Criminal Justice Services Board intends to **repeal** regulations entitled: **6 VAC 20-170-10 et seq. Regulations Relating to Private Security Services** and **adopt** regulations entitled: **6 VAC 20-171-10 et seq. Regulations Relating to Private Security Services.** The purpose of the proposed action is to promulgate regulations to establish the training standards, application procedures and compliance requirements for the private security services industry, which will replace existing regulations.

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

**Contact:** Leon D. Baker, Jr., Section Chief, Private Security Services Section, Department of Criminal Justice Services, P.O. Box 10110, Richmond, VA 23240-9998, telephone (804) 786-0460 or FAX (804) 786-6344.

**† October 5, 1999 - 10 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. 

A public hearing of the Committee on Training to discuss Virginia's Regulations Relating to Private Security.

**Contact:** George Gotschalk, Chief, Training and Standards, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-8001 or FAX (804) 786-0410.

## BOARD OF DENTISTRY

**October 15, 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 Dentistry intends to amend regulations entitled: **18 VAC 60-20-10 et seq. Regulations Governing the Practice of Dentistry and Dental Hygiene.** The proposed amendments replace emergency regulations, which were promulgated to comply with statutory provisions authorizing the board to issue volunteer restricted licenses in dentistry and dental hygiene.

Statutory Authority: §§ 54.1-2400, 54.1-2712.1 and 54.1-2726.1 of the Code of Virginia.

**Contact:** Marcia J. Miller, Executive Director, Board of Dentistry, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9901.

## BOARDS OF EDUCATION; JUVENILE JUSTICE; MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES; AND SOCIAL SERVICES

**October 1, 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 Boards of Education; Juvenile Justice; Mental Health, Mental Retardation and Substance Abuse Services; and Social Services intend to repeal regulations entitled: **8 VAC 20-50-10 et seq., 6 VAC 35-50-10 et seq., 12 VAC 35-30-10 et seq., and 22 VAC 40-150-10 et seq. Standards for Interdepartmental Regulation of Residential Facilities for Children.** These regulations are being repealed as the proposed revisions are so extensive that it is more efficient to repeal the existing regulations and promulgate a new regulation in its place. The proposed regulation, 22 VAC 42-10-10 et seq., Standards for the Interagency Regulation of Children's Residential Facilities, was published in 15:22 VA.R. 2834-2870 July 19, 1999.

Statutory Authority: §§ 16.1-309.9, 22.1-321, 22.1-323, 22.1-323.2, 37.1-182, 37.1-189.1, 63.1-25, 63.1-217, 66-10 and 66-24 of the Code of Virginia.

**Contact:** Charlene Vincent, Acting Coordinator, Office of Interdepartmental Regulation, Department of Social Services, 730 E. Broad St., Richmond, VA 23219-1849, telephone (804) 692-1962 or FAX (804) 692-1965.

## DEPARTMENT OF ENVIRONMENTAL QUALITY

**September 27, 1999 - 7 p.m.** -- Open Meeting  
Culpeper Middle School, 14300 Achievement Drive, Cafeteria, Culpeper, Virginia.

A meeting to receive comments from interested persons on the development of a total maximum daily load (TMDL) for fecal coliform bacteria on a 7.58 mile segment of Mountain Run located in Culpeper County.

**Contact:** Joan Crowther, Department of Environmental Quality, Northern Regional Office, 13901 Crown Court, Woodbridge, VA 22193, telephone (703) 583-3828, FAX (703) 583-3841 or (804) 698-4021/TTY 

**September 28, 1999 - 9 a.m.** -- Open Meeting  
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia. 

A meeting of the Water Reuse Advisory Group to discuss issues surrounding land application, and reclamation and

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# Calendar of Events

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reuse of wastewater, as required by 1999 legislation, House Joint Resolution 662.

**Contact:** Lily Choi, Environmental Engineer Senior, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4054, FAX (804) 698-4032 or (804) 698-4021/TTY ☎

**September 29, 1999 - 10 a.m.** -- Open Meeting  
Department of Environmental Quality, 629 East Main Street, Richmond, Virginia. ♿

A meeting of the Citizens Wetlands Advisory Committee to discuss 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, FAX (804) 698-4019 or (804) 698-4021/TTY ☎

## Solid Waste Management Regulation Advisory Committee

**October 4, 1999 - 9 a.m.** -- Open Meeting  
**October 28, 1999 - 9 a.m.** -- Open Meeting  
Department of Environmental Quality, 629 East Main Street, Richmond, Virginia. ♿

A meeting of the advisory committee for Amendment 2 to the Solid Waste Management Regulations.

**Contact:** John Ely, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240-0009, telephone (804) 698-4249.

## VIRGINIA FIRE SERVICES BOARD

**October 14, 1999 - 8:30 a.m.** -- Open Meeting  
Bernard's Landing at Smith Mountain Lake, 775 Ashmeade Road, Moneta, Virginia.

**December 2, 1999 - 8:30 a.m.** -- Open Meeting  
Holiday Inn Hotel and Suites Conference Center, 3005 Linden Drive, Bristol, Virginia.

Committee meetings of the board to discuss fire training and policies will meet as follows:

Fire/EMS Education and Training Committee - 8:30 a.m.  
Legislative/Liaison Committee - 10 a.m.  
Fire Prevention and Control Committee - 1 p.m.

The meetings are open to the public for input and comments.

**Contact:** Troy H. Lapetina, Executive Director, Department of Fire Programs, James Monroe Bldg., 101 N. 14th St., 18th Floor, Richmond, VA 23219, telephone (804) 371-0220.

**October 15, 1999 - 9 a.m.** -- Open Meeting  
Bernard's Landing at Smith Mountain Lake, 775 Ashmeade Road, Moneta, Virginia.

**December 3, 1999 - 9 a.m.** -- Open Meeting  
Holiday Inn Hotel and Suites Conference Center, 3005 Linden Drive, Bristol, Virginia.

A business meeting to discuss fire training and policies. The meeting is open to the public for input and comments.

**Contact:** Troy H. Lapetina, Executive Director, Department of Fire Programs, James Monroe Bldg., 101 N. 14th St., 18th Floor, Richmond, VA 23219, telephone (804) 371-0220.

## BOARD OF FORESTRY

† **September 29, 1999 - 10 a.m.** -- Open Meeting  
Holiday Lake 4-H Conference Center, Appomattox, Virginia. ♿

A meeting of the Reforestation of Timberlands Board to discuss program accomplishments, the financial statement, reforestation tax credit proposal, and budget support of Department of Forestry operations.

**Contact:** Phil T. Grimm, Staff Forester, Department of Forestry, P.O. Box 3758, Charlottesville, VA 22903, telephone (804) 977-6555 or FAX (804) 296-2369.

## BOARD OF FUNERAL DIRECTORS AND EMBALMERS

**October 12, 1999 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. ♿

The Legislative Committee will review and discuss future legislative proposals. There will be a 15-minute public comment period at the beginning of the meeting.

**Contact:** Cheri Emma-Leigh, Administrative Staff Assistant, Board of Funeral Directors and Embalmers, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9907 or FAX (804) 662-9523.

**October 12, 1999 - 11 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. ♿

A meeting of the Regulatory and Bylaws Committee to discuss and review future regulatory proposals. There will be a 15 minute public comment period at the beginning of the meeting.

**Contact:** Cheri Emma-Leigh, Administrative Staff Assistant, Board of Funeral Directors and Embalmers, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9907 or FAX (804) 662-9523.

\* \* \* \* \*

**October 15, 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 Funeral Directors and Embalmers intends to amend regulations entitled: **18 VAC 65-20-10 et seq. Regulations of the Board of Funeral Directors and Embalmers.** The proposed amendments replace emergency regulations, which were

promulgated to comply with statutory provisions authorizing the board to register crematories.

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

**Contact:** Elizabeth Young Tisdale, Executive Director, Board of Funeral Directors and Embalmers, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9907.

## BOARD OF GAME AND INLAND FISHERIES

† **October 21, 1999 - 9 a.m.** -- Open Meeting

† **October 22, 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 meet, discuss general and administrative issues, and receive a status report on the House Bill 38 planning study and public opinion surveys. The board may elect to hold a dinner Wednesday evening, October 20, at a location and time to be determined; and it may hold a closed session before the public session begins on October 21. If the board completes its entire agenda on October 21, it may not convene on October 22.

**Contact:** Phil Smith, Policy Analyst, Department of Game and Inland Fisheries, 4010 W. Broad St., Richmond, VA, telephone (804) 367-1000 or FAX (804) 367-0488.

## DEPARTMENT OF GENERAL SERVICES

### Design-Build/Construction Management Review Board

**September 27, 1999 - 11 a.m.** -- Open Meeting

The Library of Virginia, 800 East Broad Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to review requests submitted by localities for the use of the design-build or construction management type of contract and to continue development of the report to the Governor, due by December 1, 1999. Public comment will be received. Please contact Sandra H. Williams at the Division of Engineering and Buildings to confirm meeting location.

**Contact:** Sandra H. Williams, Administrative Assistant, Department of General Services, Division of Engineering and Buildings, 805 E. Broad St., Room 101, Richmond, VA 23219, telephone (804) 786-3263, FAX (804) 371-7934 or (804) 786-6152/TTY

## BOARD FOR GEOLOGY

† **October 21, 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 general business meeting. Persons desiring to participate in the meeting and requiring special

accommodations or interpreter services should contact the department at least two weeks in advance of the meeting. The department fully complies with the Americans with Disabilities Act.

**Contact:** William H. Ferguson, II, Board Administrator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2406, FAX (804) 367-2475, or (804) 367-9753/TTY

## DEPARTMENT OF HEALTH

† **October 5, 1999 - 10 a.m.** -- Open Meeting

State Corporation Commission, Tyler Building, 13 South Main Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting of the Family and Community Health Advisory Committee to receive public comments from 10 a.m. until noon on the Preventive Health Services Prevention Plan. Public comments will be accepted until October 13, 1999.

**Contact:** Mary Zoller, Policy Analyst, Department of Health, 1500 E. Main St., Richmond, VA 23219, telephone (804) 371-2622, FAX (804) 371-6032 or toll-free 1-800-828-1120/TTY

## STATE BOARD OF HEALTH

**October 15, 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 Health intends to adopt regulations entitled: **12 VAC 5-408-10 et seq. Regulations for the Certification of Managed Care Health Insurance Plan Licenses.** Senate Bill 712 (1998) established a quality assurance certification program for managed care health insurance plan (MCHIP) licensees. All MCHIP licensees will have to obtain certification and remain certified by the State Health Commissioner to confirm the quality of health care services they deliver. The regulation will define the expectations relating to quality upon which certification will be based.

Statutory Authority: § 32.1-137.3 of the Code of Virginia.

Public comments may be submitted until October 15, 1999, to Nancy R. Hofheimer, Director, Department of Health, 3600 West Broad Street, Richmond, VA 23230.

**Contact:** Carrie Eddy, Policy Analyst, Center for Quality Health Care Services and Consumer Protection, Department of Health, 3600 W. Broad St., Suite 216, Richmond, VA 23230, telephone (804) 367-2157 or FAX (804) 367-2149.

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**November 26, 1999** -- Public comments may be submitted until this date.

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## Calendar of Events

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Notice is hereby given in accordance with § 9-6:14:7.1 of the Code of Virginia that the State Board of Health intends to amend regulations entitled: **12 VAC 5-80-10 et seq. Regulations for the Administration of the Virginia Hearing Impairment Identification and Monitoring System.** The purpose of the proposed regulations is to reflect current statutory law by providing consistent guidance for the implementation and administration of a system designed to ensure that infants with hearing loss are identified and receive appropriate intervention at the earliest possible age after birth. The amendments will (i) establish standards by which hospitals with neonatal intensive care services and hospitals with newborn nurseries shall perform hearing screening on all newborns prior to discharge after birth and provide information to parents and primary medical care providers; (ii) establish procedures for reporting by hospitals and by persons providing audiological services; (iii) establish appropriate mechanisms for follow-up; and (iv) establish responsibilities of the Virginia Department of Health for monitoring and evaluation.

Statutory Authority: §§ 32.1-12 and 32.1-64 of the Code of Virginia.

**Contact:** Pat T. Dewey, Speech and Hearing Services Administrator, Division of Child and Adolescent Health, Department of Health, P.O. Box 2448, Richmond, VA 23218-2448, telephone (804) 786-1964, FAX (804) 786-0917 or toll-free 1-800-828-1120/TTY ☎

### DEPARTMENT OF HEALTH PROFESSIONS

† **October 8, 1999 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Room 4, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting of the Health Practitioner's Intervention Program and its contractor and representatives on the status of the program. The committee will meet in open session for general discuss of the program. The committee may meet in executive session to consider specific requests from applicants or participants in the program.

**Contact:** John W. Hasty, Director, Health Practitioner's Intervention Program, 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

**September 28, 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 and other matters requiring board action, including disciplinary cases. All meetings are subject to change or cancellation. 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 ☎

### VIRGINIA HIV COMMUNITY PLANNING COMMITTEE

† **October 21, 1999 - 8:30 a.m.** -- Open Meeting  
Holiday Inn Crossroads, 2000 Staples Mill Road, Richmond, Virginia. ♿

† **December 10, 1999 - 8:30 a.m.** -- Open Meeting  
Holiday Inn Select, 1021 Koger Center Boulevard, Richmond, Virginia. ♿

A regular meeting focusing on HIV prevention planning.

**Contact:** Elaine G. Martin, Coordinator, Coordinator AIDS Education, Information and Training, Department of Health, P.O. Box 2448, Room 112, Richmond, VA 23218, telephone (804) 786-0877 or toll-free 1-800-533-4148/TTY ☎.

### HOPEWELL INDUSTRIAL SAFETY COUNCIL

† **October 5, 1999 - 9 a.m.** -- Open Meeting  
† **November 2, 1999 - 9 a.m.** -- Open Meeting  
† **December 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

† **October 9, 1999 - 5 p.m.** -- Open Meeting  
Williamsburg Hospitality House, 415 Richmond Road, Williamsburg, Virginia. ♿

The Board of Commissioners will hold a retreat on October 9 through October 11, 1999. During the retreat the board will consider and discuss policies and issues relating to the authority's programs and operations. At the regular meeting of the board on October 11, the board will (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 during the retreat and before or after the regular meeting and consider matters within their purview. The planned agenda of the retreat and meeting will be available at the offices of the authority one week prior to the date of the retreat and 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 INFORMATION PROVIDERS NETWORK AUTHORITY

**October 28, 1999 - 1 p.m.** -- Open Meeting  
Division of Motor Vehicles, 2300 West Broad Street, Room 702, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular bimonthly meeting.

**Contact:** Fred Marcus, Agency Management Analyst, Virginia Information Providers Network Authority, 2300 W. Broad St., Room 321, Richmond, VA 23269, telephone (804) 367-2850 or FAX (804) 367-2536.

## VIRGINIA ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

**September 29, 1999 - 10 a.m.** -- Open Meeting  
Location to be determined.

A meeting to discuss legislative agenda recommendations to the Advisory Commission on Intergovernmental Regulations (ACIR).

**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 ☎

**October 17, 1999 - 2 p.m.** -- Open Meeting  
Williamsburg Lodge and Conference Center, Dominion Room, Second Floor, Williamsburg, Virginia. ♿

A meeting coinciding with the beginning of the Virginia Municipal League's annual conference to discuss the ACIR's legislative agenda for the 2000 General Assembly session.

**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 ☎

## DEPARTMENT OF LABOR AND INDUSTRY

### Apprenticeship Council

**November 18, 1999 - 9:30 a.m.** -- Open Meeting  
Department of Labor and Industry, Powers-Taylor Building, 13 South 13th Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting. Agenda to be announced.

**Contact:** Beverly Donati, Assistant Program Director, Apprenticeship Program, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-2382, FAX (804) 786-8418, or (804) 786-2376/TTY ☎

### STATE LAND EVALUATION ADVISORY COUNCIL

**September 27, 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.

### MARINE RESOURCES COMMISSION

**September 28, 1999 - 9:30 a.m.** -- Open Meeting  
† **October 26, 1999 - 9:30 a.m.** -- Open Meeting  
Marine Resources Commission, 2600 Washington Avenue, 4th Floor, Room 403, Newport News, Virginia. ♿ (Interpreter for the deaf provided upon request)

The commission will hear and decide the following marine environmental matters: 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 ☎

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# Calendar of Events

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## BOARD OF MEDICAL ASSISTANCE SERVICES

**November 9, 1999 - 10 a.m.** -- Open Meeting  
Department of Medical Assistance Services, 600 E. Broad Street, Richmond, Virginia. ☎

A regular meeting.

**Contact:** Leah D. Hamaker, Board Liaison, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-4626 or FAX (804) 371-4981.

## DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

**November 1, 1999 - 1 p.m.** -- Open Meeting  
Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Board Room, Richmond, Virginia.

The Pharmacy Liaison Committee will conduct routine business.

**Contact:** Marianne Rollings, Pharmacy Services, Division of Program Operators, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 225-4268.

## BOARD OF MEDICINE

**October 1, 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 85-40-10 et seq. Regulations Governing the Practice of Respiratory Care Practitioners.** The purpose of the proposed action is to replace emergency regulations for the licensure of respiratory care practitioners.

Statutory Authority: § 54.1-2400 and Chapter 29 (§ 54.1-2900 et seq.) of Title 54.1 of the Code of Virginia.

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

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**October 15, 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 for the Licensure of Occupational Therapists.** The amendments are proposed to replace emergency regulations, effective January 29, 1999, which were promulgated to comply with statutory provisions requiring licensure of occupational therapists. Proposed amendments clarify the requirements for

licensure and clarify that evidence of active practice is required for renewal or reinstatement of a license and for an applicant applying for licensure from another state. Active practice is defined as 160 hours within a 24-month period.

Statutory Authority: §§ 54.1-2400 and Chapter 29 (§ 54.1-2900 et seq.) of Title 54.1 of the Code of Virginia.

**Contact:** Warren W. Koontz, M.D., Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908.

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**October 15, 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 amendments are proposed pursuant to a statutory mandate in § 54.1-2910.1 of the Code of Virginia to establish a physician profile system which would provide information on the practice and disciplinary history of doctors of medicine and osteopathy.

Statutory Authority: §§ 54.1-2400 and 54.1-2910.1 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.

**October 14, 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)

A meeting to conduct general board business, receive committee and board reports, and discuss any other items which may come before the board. The board will also meet on Thursday, Friday, and Saturday, October 14, 15, and 16, to review reports, interview licensees/applicants, conduct administrative proceedings, and make decisions on disciplinary matters. The board will also review any regulations that may come before it. The board will entertain public comments during the first 15 minutes on agenda items.

**Contact:** Warren W. Koontz, M.D., Executive Director, Board of Medicine, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9960, FAX (804) 662-9517 or (804) 662-7197/TTY ☎

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† **November 19, 1999 - 8 a.m.** -- Public Hearing  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia.

**November 26, 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 85-31-10 et seq. Regulations Governing the Practice of Physical Therapy.** The purpose of the proposed amendments is to clarify the use of unlicensed persons in the practice of physical therapy, require proof of English proficiency for graduates of schools located outside the United States and Canada, require graduates of nonapproved schools to provide documentation of certification by the Foreign Credentialing Commission on Physical Therapy, establish the passing score for the examination, and to clarify certain requirements for practice and supervision of physical therapy assistants. In addition, the proposed amendments establish an inactive licensure status and those requirements for renewal or reinstatement of licensure which are necessary to protect the public health and safety in the delivery of physical therapy services.

Statutory Authority: § 54.1-2400 and Chapter 29 (§ 54.1-2900 et seq.) 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.

## Informal Conference Committee

**October 22, 1999 - 9 a.m.** -- Open Meeting  
Williamsburg Marriott, 50 Kingsmill Road, Williamsburg, Virginia.

† **October 27, 1999 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, Richmond, Virginia. 

A meeting to inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine and other healing arts in Virginia. The committee will meet in open and closed sessions pursuant to § 2.1-344 A 7 and A 15 of the Code of Virginia. Public comment will not be received.

**Contact:** Karen W. Perrine, Deputy Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-7693, FAX (804) 662-9517 or (804) 662-7197/TTY 

## VIRGINIA MUSEUM OF NATURAL HISTORY

† **October 16, 1999 - 9 a.m.** -- Open Meeting  
Virginia Museum of Natural History, 1001 Douglas Avenue, Martinsville, Virginia. 

A meeting of the Board of Trustees to receive reports from the development, executive, finance, legislative, marketing, nominating, outreach, personnel, planning and facilities, and research and collections committees. Public comment will be received following approval of the minutes of the August meeting.

**Contact:** Rhonda J. Knighton, Administrative Staff Assistant, Virginia Museum of Natural History, 1001 Douglas Ave., Martinsville, VA 24112, telephone (540) 666-8616, or (540) 666-8638/TTY 

## BOARD OF NURSING

**September 27, 1999 - 8:30 a.m.** -- Open Meeting

**September 29, 1999 - 8:30 a.m.** -- Open Meeting

**September 30, 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 comment will not be received.

**Contact:** Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909, FAX (804) 662-9943 or (804) 662-7197/TTY 

**September 28, 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 conduct regular business. Public comment will not be received.

**Contact:** Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909, FAX (804) 662-9943 or (804) 662-7197/TTY 

## BOARD OF NURSING HOME ADMINISTRATORS

**October 13, 1999 - 9:30 a.m.** -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. 

A regular meeting to discuss general board business. Public comments will be received for 15 minutes prior to the start of the meeting.

**Contact:** Senita Booker, Administrative Staff Assistant, Board of Nursing Home Administrators, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9111, FAX (804) 662-9523 or (804) 662-7197/TTY 

## VIRGINIA OUTDOORS FOUNDATION

† **September 29, 1999 - 10:30 a.m.** -- Open Meeting  
Lynchburg Chamber of Commerce, Lynchburg, Virginia. 

A meeting of the Region V Open Space Land Preservation Trust Fund to review funding proposals. Public comment will be received.

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# Calendar of Events

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**Contact:** Sherry Buttrick, Director, Virginia Outdoors Foundation, 1010 Harris St., Suite 4, Charlottesville, VA 22901, telephone (804) 293-3423 or FAX (804) 293-3859.

**October 5, 1999 - 10 a.m.** -- Open Meeting

**October 6, 1999 - 10 a.m.** -- Open Meeting

**December 8, 1999 - 10 a.m.** -- Open Meeting

**December 9, 1999 - 10 a.m.** -- Open Meeting

State Capitol, Capitol Square, House Room 2, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regularly scheduled meeting of the Board of Trustees to discuss foundation business and accept conservation easements. Public input will be accepted after the regular business meeting.

**Contact:** Tamara Vance, Executive Director, Virginia Outdoors Foundation, 203 Governor St., Room 317, Richmond, VA 23219, telephone (804) 225-2147 or FAX (804) 371-4810.

## BOARD OF PHARMACY

**September 28, 1999 - 9 a.m.** -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, 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.

**† October 5, 1999 - 9 a.m.** -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. 

A general business meeting. The board may consider disciplinary matters and conduct disciplinary proceedings. Public comments will be received at the beginning of the meeting immediately following the approval of the agenda and the review and acceptance of minutes.

**Contact:** Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9911 or FAX (804) 662-9313.

**† October 5, 1999 - 1 p.m.** -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. 

A meeting of the board panel to hear formal hearings. 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.

**† October 12, 1999 - 9 a.m.** -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. 

A working meeting of the ad hoc committee on pharmacy technicians. A board panel will hold formal hearings at 10 a.m. 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.

## BOARD FOR PROFESSIONAL AND OCCUPATIONAL REGULATION

**November 16, 1999 - 10 a.m.** -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 

A general business meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least 10 days prior to the meeting. The department fully complies with the Americans with Disabilities Act.

**Contact:** Debra L. Vought, Agency Management Analyst, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8519 or (804) 367-9753/TTY 

## DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

**October 27, 1999 - 1:30 p.m.** -- Public Hearing

Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 4, Richmond, Virginia.

**November 1, 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 Professional and Occupational Regulation intends to amend regulations entitled: **18 VAC 120-10-10 et seq. Public Participation Guidelines.** The proposed amendments make technical changes to this regulation so that it will apply to all regulatory programs that are under the authority of the Director of the Department of Professional and Occupational Regulation rather than a regulatory board. The result will be that the regulation will apply to the newly created professional boxing and wrestling program as well as to the polygraph examiners regulatory program and to any regulatory program assigned to the Director of the Department of Professional and Occupational Regulation in the future.

Statutory Authority: §§ 9-6.14:7.1 and 54.1-201 of the Code of Virginia.

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

## **BOARD OF LICENSED PROFESSIONAL COUNSELORS, MARRIAGE AND FAMILY THERAPISTS AND SUBSTANCE ABUSE TREATMENT PROFESSIONALS**

**October 15, 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 Licensed Professional Counselors, Marriage and Family Therapists and Substance Abuse Treatment Professionals intends to amend regulations entitled: **18 VAC 115-30-10 et seq. Regulations Governing the Certification of Substance Abuse Treatment Counselors.** The purpose of the proposed amendments is to respond to Executive Order 15 (94) by clarifying and reformatting the regulations, extending the endorsement provision to include holders of certain national certifications, reducing the burden of the supervised training requirement, and clarifying the standard of practice pertaining to dual relationships. To reduce the financial burden on individuals who wish to renew a certification which has lapsed for more than four years, the board is proposing a reapplication alternative to the current cumulative renewal and penalty fee.

Statutory Authority: §§ 54.1-2400 and Chapter 35 (§ 54.1-3500 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 23230-1717, telephone (804) 662-9575, FAX (804) 662-9943 or (804) 662-7197/TTY ☎

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**October 15, 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 Licensed Professional Counselors, Marriage and Family Therapists and Substance Abuse Treatment Professionals intends to amend regulations entitled: **18 VAC 115-50-10 et seq. Regulations Governing the Practice of Marriage and Family Therapy.** The purpose of the proposed amendments is to respond to a petition for rulemaking to make it possible for individuals to be licensed if their educational programs do not offer all course work currently required; to conform the residency requirements to those required for the licensed professional counselors as mandated by statute; to simplify documentation of credentials for endorsement applicants; and to recognize all acceptable accrediting bodies for graduate programs.

Statutory Authority: §§ 54.1-2400 and Chapter 35 (§ 54.1-3500 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 23230-1717, telephone (804) 662-9575, FAX (804) 662-9943 or (804) 662-7197/TTY ☎

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**October 15, 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 Licensed Professional Counselors, Marriage and Family Therapists and Substance Abuse Treatment Professionals intends to amend regulations entitled: **18 VAC 115-60-10 et seq. Regulations Governing the Practice of Substance Abuse Treatment Practitioners.** The purpose of the proposed amendments is to promulgate new regulations establishing qualifications for licensure of substance abuse treatment practitioners, fees, and standards of ethical practice as required by statutory mandate.

Statutory Authority: §§ 54.1-2400 and Chapter 35 (§ 54.1-3500 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 23230-1717, telephone (804) 662-9575, FAX (804) 662-9943 or (804) 662-7197/TTY ☎

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**† November 18, 1999 - 1 p.m.** -- Public Hearing  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia.

**November 26, 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 Professional Counselors, Marriage and Family Therapists and Substance Abuse Treatment Professionals intends to amend regulations entitled: **18 VAC 115-20-10 et seq. Regulations Governing the Practice of Professional Counseling.** The purpose of the proposed action is to amend regulations pursuant to Executive Order 15 (94) to clarify and simplify regulations, include an endorsement provision for practitioners licensed in other jurisdictions, reduce the burden of the residency requirements, simplify the reinstatement procedure and update the education requirements.

Statutory Authority: §§ 54.1-103 and 54.1-2400 and Chapter 35 (§ 54.1-3500 et seq.) of the Code of Virginia.

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# Calendar of Events

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**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 23230-1717, telephone (804) 662-9575, FAX (804) 662-9943 or (804) 662-7197/TTY ☎

## BOARD OF PSYCHOLOGY

**October 22, 1999 - 10:30 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. ♿

The board will meet with representatives of the Virginia Psychological Association and the Virginia Psychology Academies to discuss the establishment of continuing requirements for Virginia's licensed psychologists. Public comment will be received at various times during the meeting.

**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 23230-1717, telephone (804) 662-9575, FAX (804) 662-9943 or (804) 662-7197/TTY ☎

## VIRGINIA RACING COMMISSION

† **October 19, 1999 - 9:30 a.m.** -- Open Meeting  
Tyler Building, 1300 East Main Street, Richmond, Virginia. ♿

Informal fact-finding conferences on the applications of Colonial Downs and the Virginia Turf Club to construct, own and operate racetracks in the Commonwealth.

**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.

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**November 29, 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 Virginia Racing Commission intends to amend regulations entitled: **11 VAC 10-60-10 et seq. Regulations Pertaining to Horse Racing with Pari-Mutuel Wagering: Participants.** The purpose of the proposed action is to establish the qualifications and responsibilities of participants in pari-mutuel horse racing in the Commonwealth.

Statutory Authority: § 59.1-360 of the Code of Virginia.

**Contact:** William H. Anderson, Policy Analyst, Virginia Racing Commission, 10700 Horsemen's Road, New Kent, VA 23124, telephone (804) 966-7404 or FAX (804) 966-7418.

## REAL ESTATE APPRAISER BOARD

**October 26, 1999 - 10 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A general business meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least two weeks prior to the meeting. The department fully complies with the Americans with Disabilities Act.

**Contact:** Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475, or (804) 367-9753/TTY ☎

## REAL ESTATE BOARD

**September 29, 1999 - 9 a.m.** -- Open Meeting  
**September 30, 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)

† **October 4, 1999 - 9 a.m.** -- Open Meeting  
Department of Alcoholic Beverage Control, Alexandria Regional Office, 501 Montgomery Street, Alexandria, Virginia. ♿ (Interpreter for the deaf provided upon request)

† **October 12, 1999 - 9 a.m.** -- Open Meeting  
† **October 13, 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 meeting to conduct informal fact-finding conferences pursuant to § 9-6.14:11 of the Administrative Process Act. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least two weeks prior to the meeting. The department fully complies with the Americans with Disabilities Act.

**Contact:** Debbie A. Amaker, Legal Assistant, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8582, FAX (804) 367-2179 or (804) 367-9753/TTY ☎

## SEWAGE HANDLING AND DISPOSAL APPEAL REVIEW BOARD

† **October 27, 1999 - 10 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, Senate Room A, Richmond, Virginia. ♿

A meeting to hear appeals of health department denials of septic tank permits.

**Contact:** Susan Sherertz, Board Secretary, Sewage Handling and Disposal Appeal Review Board, P.O. Box 2448,

Room 115, Richmond, VA 23218, telephone (804) 371-4236 or FAX (804) 225-4003.

## VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

**September 28, 1999 - 10 a.m.** -- Open Meeting  
Department of Business Assistance, 707 East Main Street, 3rd Floor, Main Board Room, Richmond, Virginia. 

A meeting of the Loan Committee to review applications for loans submitted to the authority for approval. Contact the authority for confirmation of meeting time.

**Contact:** Cathleen M. Surface, Executive Director, Virginia Small Business Financing Authority, 707 E. Main St., 3rd Floor, Richmond, VA 23219, telephone (804) 371-8254 or FAX (804) 225-3384.

## STATE BOARD OF SOCIAL SERVICES

**September 27, 1999 - 1 p.m.** -- Public Hearing  
Albemarle County Public Building, Board Room 241, Charlottesville, Virginia.  (Interpreter for the deaf provided upon request)

A public hearing to solicit public comment regarding the amendment to the mandated reporting requirement for suspected child abuse or neglect, wherein attending physicians report to their local department of social services' child protective services program evidence that newborn infants have been exposed to a controlled substance or display symptoms of fetal alcohol syndrome.

**Contact:** Betty Jo Zarris, Program Consultant, Department of Social Services, 730 E. Broad St., 2nd Floor, Richmond, VA 23219, telephone (8904) 692-1220 or FAX (804) 692-2215.

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**September 27, 1999 - 1 p.m.** -- Public Hearing  
Albemarle County Public Building, Board Room 241, Charlottesville, Virginia.

**October 15, 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 40-705-10 et seq. Child Protective Services.** The purpose of the proposed amendments is to require attending physicians to respond to their local department of social services office evidence that newborn infants have been exposed to a controlled substance or display symptoms of fetal alcohol syndrome as required by § 63.1-248.3 A1 and 63.1-248.1 E 1 and E 2 of the Code of Virginia.

Statutory Authority: §§ 63.1-25, 63.1-248.3 and 63.1-248.6 of the Code of Virginia.

**Contact:** Betty Jo Zarris, Program Consultant, Department of Social Services, Child Protective Services Program, 730 E. Broad St., 2nd Floor, Richmond, VA 23219, telephone (804) 692-1220 or FAX (804) 692-2215.

**September 28, 1999 - 1:30 p.m.** -- Public Hearing  
Department of Social Services, Theater Row Building, 730 East Broad Street, Lower Level, Rooms 1 and 2, Richmond, Virginia. 

A public hearing on the Commonwealth's Temporary Assistance to Needy Families Program State Plan. Interested individuals are invited to comment.

**Contact:** Carolyn Ellis, TANF Program Consultant, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1738 or FAX (804) 692-1709.

**October 13, 1999 - 9 a.m.** -- Open Meeting

**October 14, 1999 - 9 a.m.** -- Open Meeting  
Western Regional Office, 190 Patton Street, Abingdon, Virginia. 

A work session and formal business meeting.

**Contact:** Pat Rengnerth, State Board Liaison, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1826, FAX (804) 692-1962, toll-free 1-800-552-3431, or toll-free 1-800-552-7096/TTY 

† **October 18, 1999 - 9 a.m.** -- Open Meeting  
Roanoke, Virginia; location to be announced. 

† **November 8, 1999 - 9 a.m.** -- Open Meeting  
Department of Social Services, 730 East Broad Street, Lower Level, Training Room 1, Richmond, Virginia. 

† **December 6, 1999 - 9 a.m.** -- Open Meeting  
Tidewater, Virginia; location to be announced. 

A regular business meeting of the Virginia Commission on National and Community Service. Subcommittee sessions begin at 9 a.m.

**Contact:** Kimberly Brown, Program Officer, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1951, FAX (804) 692-1999 or toll-free 1-800-638-3839.

## COUNCIL ON TECHNOLOGY SERVICES

† **September 29, 1999 - 8 a.m.** -- Open Meeting  
Marshall Library, Virginia Military Institute, Lexington, Virginia. 

A regular organizational meeting.

**Contact:** Jamie Breeden, Administrative Staff Specialist, Department of Information Technology, 110 S. 7th St., 3rd Floor, Richmond, VA 23219, telephone (804) 371-5506 or FAX (804) 371-5273.

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# Calendar of Events

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## COMMONWEALTH TRANSPORTATION BOARD

† **October 20, 1999 - 2 p.m.** -- Open Meeting  
Natural Bridge Hotel, Natural Bridge, 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.

## TRANSPORTATION SAFETY BOARD

**October 19, 1999 - 11 a.m.** -- Open Meeting  
Insurance Institute for Highway Safety, Ruckersville, Virginia.  (Interpreter for the deaf provided upon request)

A quarterly meeting to discuss matters of interest regarding traffic safety.

**Contact:** Angelisa Jennings, Management Analyst, Department of Motor Vehicles, 2300 W. Broad St., P.O. Box 27412, Room 405, Richmond, VA 23269, telephone (804) 367-2026.

## BOARD FOR THE VISUALLY HANDICAPPED

**October 19, 1999 - 1 p.m.** -- Open Meeting  
Department for the Visually Handicapped, Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular quarterly meeting to receive information regarding department activities and operations, review expenditures from the board's endowment fund, and discuss other issues raised by board members.

**Contact:** Katherine C. Proffitt, Executive Secretary Senior, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3145, toll-free 1-800-622-2155, FAX (804) 371-3157 or (804) 371-3140/TTY 

## DEPARTMENT FOR THE VISUALLY HANDICAPPED

### Vocational Rehabilitation Services

**October 2, 1999 - 10 a.m.** -- Public Hearing  
Best Western Inn, 6633 Arlington Boulevard, Falls Church, Virginia.  (Interpreter for the deaf provided upon request)

**October 23, 1999 - 11:30 a.m.** -- Public Hearing  
Holiday Inn, 725 Woodlake Drive, Chesapeake, Virginia.  (Interpreter for the deaf provided upon request)

Public hearing to invite comments from the public regarding vocational rehabilitation services for persons with visual disabilities. All comments will be considered in developing the state plan for this program.

**Contact:** James G. Taylor, Vocational Rehabilitation Program Director, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3111, FAX (804) 371-3351, toll-free 1-800-622-2155 or (804) 371-3140/TTY 

## BOARD FOR WASTE MANAGEMENT FACILITY OPERATORS

**October 27, 1999 - 11 a.m.** -- Public Hearing  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 4, Richmond, Virginia.

**November 1, 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 Waste Management Facility Operators intends to amend regulations entitled: **18 VAC 155-20-10 et seq. Waste Management Facility Operators Regulations.** The proposed amendments will revise definitions, delete the interim certification provisions, delete the Class V license provisions, empower one license to be issued with all classifications, delete the continuing education requirements, and delete the CPE sponsor approval process.

Statutory Authority: § 54.1-2211 of the Code of Virginia.

**Contact:** Thomas Perry, Office Manager, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8507, FAX (804) 367-2475 and (804) 367-9753/TTY 

**November 4, 1999 - 10 a.m.** -- Public Hearing  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 5W, Richmond, Virginia. 

A meeting to conduct routine board 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) 367-8595, FAX (804) 367-2475 or (804) 367-9753/TTY ☎

## STATE WATER CONTROL BOARD

† **October 6, 1999 - 9:30 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. ☎

A regular meeting.

**Contact:** Cindy M. Berndt, Policy Analyst Senior, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4378, FAX (804) 698-4346 or (804) 698-4021/TTY ☎

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† **October 27, 1999 - 7 p.m.** -- Public Hearing  
Shenandoah County Brick Building, 112 South Main Street, 3rd Floor Conference Room, Woodstock, Virginia.

**November 29, 1999** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled: **9 VAC 25-260-5 et seq. Water Quality Standards.** Water Quality Standards consist of designated uses of the water body and narrative and numeric criteria that protect those uses by describing water quality in general terms and specifically as numerical limits for physical, chemical and biological characteristics of water.

The State Water Control Board proposes to amend the State's Water Board's Water Quality Standards at 9 VAC 25-260-350 and 9 VAC 25-260-400 to designate Stony Creek and its tributaries in Shenandoah County as a nutrient enriched water. If the water is designated nutrient enriched, a companion regulation, the Board's Policy for Nutrient Enriched Waters, 9 VAC 25-40-10 et seq., requires certain municipal and industrial dischargers with a design flow of 1.0 MGD or greater and effluents containing phosphorus to maintain a monthly average total phosphorus concentration of 2 milligrams per liter (mg/l) or less. Rocco Farm Foods near Edinburg - based on a design flow of 1.3 MGD - would be the only point source discharger impacted by this regulatory requirement to install a phosphorus removal system to control total phosphorus.

**Question and Answer Period:** A question and answer period will be held one half hour prior to the beginning of the public hearing at the same location. Department of Environmental Quality staff will be present to answer questions regarding the proposed action.

**Accessibility to Person with Disabilities:** The hearing will be held at a public facility believed to be accessible to persons with disabilities. Any persons with questions on the accessibility of the facilities should contact Jean Gregory at

the address or phone numbers in the contact information given below.

**Comments:** The agency requests comments on any aspect of the proposal and also on the costs and benefits of the proposal.

**Alternatives:** In compliance with the State Water Control Board's Public Participation Guidelines, 9 VAC 25-10-10 et seq., the department will consider all alternatives which are considered to be less burdensome and less intrusive for achieving the essential purpose of the proposed regulation and any other alternatives presented during the proposed rulemaking. Several alternatives have already been considered. One alternative was to leave the regulation unchanged. This may appear to be the least intrusive approach; however, such an alternative would not provide a control strategy for the potential water quality degradation in Stony Creek from an already documented excess of phosphorus.

There may be other less intrusive alternatives to consider. For example, other alternatives would be to designate only the mainstem or a portion of the mainstem of Stony Creek as a nutrient enriched water.

**Other Pertinent Information:** The department has conducted analyses on the proposed action related to basis, substance, issues, need, estimated impacts, applicable federal requirements and alternative approaches and schedule for reevaluation. These analyses as well as copies of the amendments may be viewed at the Department of Environmental Quality, Valley Regional Office, 4411 Early Road, Harrisonburg, VA 22801 or obtained from Jean Gregory.

**Statutory Authority:** § 62.1-44.15 (3a) of the Code of Virginia.

**Contact:** Jean Gregory, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4113, 1-800-592-5482 or (804) 698-4161 TTY/☎, or e-mail [jwgregory@deq.state.va.us](mailto:jwgregory@deq.state.va.us).

**October 28, 1999 - 10 a.m.** -- Open Meeting  
Department of Environmental Quality, Tidewater Regional Office, 5636 Southern Boulevard, Virginia Beach, Virginia.

A meeting of the Poultry Advisory Group to continue development of a draft general permit regulation for poultry waste management. Meeting dates and time are subject to change. The public may wish to confirm these with the contact person.

**Contact:** Richard Ayers, Technical Services Administrator, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4075.

## VIRGINIA WORKFORCE COUNCIL

† **October 5, 1999 - 10 a.m.** -- Open Meeting  
Virginia Employment Commission, Central Office, 703 East Main Street, Conference Room 303, Richmond, Virginia. ☎  
(Interpreter for the deaf provided upon request)

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## Calendar of Events

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The Committee on the Existing Workforce and the Hard to Employ will set its agenda for the fiscal year and begin discussions about local allocations for the Workforce Investment Act.

**Contact:** Gail Robinson, Virginia Workforce Council Liaison, Virginia Employment Commission, P.O. Box 1358, Richmond, VA 23218-1358, telephone (804) 225-3070, FAX (804) 371-8697 or (804) 371-8050/TTY ☎

† **October 7, 1999 - 10 a.m.** -- Open Meeting  
Virginia Employment Commission, Central Office, 703 East Main Street, Conference Room 303, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

The Committee on the Emerging Workforce will set its agenda for the fiscal year and review draft portions of the final report on Virginia's Workforce Strategy, which will be presented to the Governor in December 1999.

**Contact:** Gail Robinson, Virginia Workforce Council Liaison, Virginia Employment Commission, P.O. Box 1358, Richmond, VA 23218-1358, telephone (804) 225-3070, FAX (804) 371-8697 or (804) 371-8050/TTY ☎

## INDEPENDENT

### STATE LOTTERY BOARD

**October 4, 1999 - 9:30 a.m.** -- Open Meeting  
State Lottery Department, 900 East Main Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting of the board. Public comment will be received at the beginning of the meeting.

**Contact:** Barbara L. Robertson, Board, Legislative and Regulatory Coordinator, State Lottery Department, 900 E. Main St., Richmond, VA 23219, telephone (804) 692-7105 or FAX (804) 692-7775.

### VIRGINIA WORKERS' COMPENSATION COMMISSION

**October 6, 1999 - 10 a.m.** -- Open Meeting  
Virginia Workers' Compensation Commission, 1000 DMV Drive, 2nd Floor Courtroom, Richmond, Virginia.

An informational meeting to receive comments and suggestions from the public and interested parties pertaining to the Self-Insurance Program. This meeting is not part of a current regulatory proceeding.

**Contact:** Judy Brooks, Virginia Workers' Compensation Commission, 1000 DMV Dr., Richmond, VA 23220, telephone (804) 367-2193 or toll-free 1-877-664-2566, or e-mail judy.brooks@VWC.state.va.us.

## LEGISLATIVE

### JOINT COMMITTEE STUDYING THE STATUS AND NEEDS OF AFRICAN-AMERICAN MALES IN VIRGINIA (SJR 420, 1999)

**September 29, 1999 - 2 p.m.** -- Public Hearing  
Roanoke City Municipal Building, 215 Church Avenue, S.W., Roanoke, Virginia. ♿ (Interpreter for the deaf provided upon request)

A work session and public hearing. This meeting replaces the meeting originally scheduled for September 23, 1999. Questions regarding the agenda should be directed to Brenda Edwards, Division of Legislative Services, (804) 786-3591. Individuals requiring interpreter services or other special assistance should contact the committee operations office at least seven days prior to the meeting.

**Contact:** Patricia J. Lung, Senate Committee Operations, P.O. Box 396, Richmond, VA 23218, telephone (804) 698-7450 or (804) 698-7419/TTY ☎

### SPECIAL JOINT SUBCOMMITTEE STUDYING VIRGINIA'S MEDICAL CARE FACILITIES CERTIFICATE OF PUBLIC NEED PROGRAM AND LAW (SJR 496, 1999)

**November 15, 1999 - 1 p.m.** -- Open Meeting  
**December 8, 1999 - 2 p.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 special assistance should contact the committee operations office at least seven days prior to the meeting.

**Contact:** Brian B. Taylor, Senate Committee Operations, P.O. Box 396, Richmond, VA 23218, telephone (804) 698-7450 or (804) 698-7419/TTY ☎

### COMMISSION ON REFORM OF THE CLASSIFIED COMPENSATION PLAN

**October 5, 1999 - 10 a.m.** -- Open Meeting  
**November 30, 1999 - 2 p.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. Questions regarding the meeting should be directed to Bill Echelberger, Senate Committee Finance Staff, (804) 698-7480. Individuals requiring interpreter services or other accommodations should call or write Senate Committee Operations.

**Contact:** John McE. Garrett, Senate Committee Operations, P.O. Box 396, Richmond, VA 23218, telephone (804) 698-7450 or (804) 698-7419/TTY ☎

## VIRGINIA CODE COMMISSION

**October 18, 1999 - 2 p.m.** -- Open Meeting

**October 19, 1999 - 9:30 a.m.** -- Open Meeting

General Assembly Building, 9th and Broad Streets, 6th Floor, Speaker's Conference Room, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to continue with the recodification of Titles 2.1 and 9. Public comment will be received at the end of the meeting for a period not to exceed 15 minutes.

**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.

## SENATE COMMITTEE ON COMMERCE AND LABOR

† **December 7, 1999 - 1:30 p.m.** -- Open Meeting

General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A joint meeting with the House Committee on Corporations, Insurance and Banking to brief members of the two committees on revised Article 9, Secured Transactions, of the Uniform Commercial Code, as proposed by the Uniform Law Commissioners. Questions should be directed to Jescey French, Staff Attorney, Division of Legislative Services, (804) 786-3591. Individuals requiring interpreter services or other accommodations should call or write Senate Committee Operations at least seven days prior to the meeting.

**Contact:** John McE. Garrett, Senate Committee Operations, P.O. Box 396, Richmond, VA 23218, telephone (804) 698-7450 or (804) 698-7419/TTY ☎

## CORPORATIONS, INSURANCE AND BANKING SUBCOMMITTEE

### Subcommittee #4 (HB1882, 1999) - Landlord and Tenant; Access to Telecommunications Services

**December 7, 1999 - 1:30 p.m.** -- Open Meeting

General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to brief members on revised Article 9, Secured Transactions, of the Uniform Commercial Code, as proposed by the Uniform Law Commissioners. A representative of the Uniform Law Commissioners will present the briefing and the Virginia Bar Association, which is currently reviewing the revision, will participate. Questions regarding the meeting should be addressed to

Jescey French, 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:** Dawn B. Smith, Committee Operations, House of Delegates, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY ☎

## VIRGINIA ELECTRICAL UTILITY RESTRUCTURING ACT

### Legislative Transition Task Force

† **September 28, 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 special assistance should contact the committee operations office at least seven days prior to the meeting.

**Contact:** Thomas C. Gilman, Senate Committee Operations, P.O. Box 396, Richmond, VA 23218, telephone (804) 698-7450 or (804) 698-7419/TTY ☎

## JOINT SUBCOMMITTEE TO EXAMINE THE CURRENT MEANS AND ADEQUACY OF COMPENSATION TO VIRGINIA'S CITIZENS WHOSE PROPERTIES ARE TAKEN THROUGH THE EXERCISE OF EMINENT DOMAIN (SJR 271/HJR 491, 1999)

† **October 6, 1999 - 7 p.m.** -- Open Meeting

Christopher Newport University, Student Center, Alumni Room, Newport News, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting. Individuals requiring interpreter services or other special assistance should contact the committee operations office at least seven days prior to the meeting.

**Contact:** Brian B. Taylor, Senate Committee Operations, P.O. Box 396, Richmond, VA 23218, telephone (804) 698-7450 or (804) 698-7419/TTY ☎

## COMMISSION ON THE FUTURE OF VIRGINIA'S ENVIRONMENT

### Solid Waste Subcommittee

NOTE: CHANGE IN DATE

† **October 7, 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)

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## Calendar of Events

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A regular meeting. Any questions regarding the agenda for the meeting should be directed to Nikki Rovner, Division of Legislative Services, (804) 786-3591. For further assistance, or if you are unable to attend, please call committee operations. Individuals requiring interpreter services or other accommodations should call or write House Committee Operations at least 10 days prior to the meeting.

**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 ☎

### **SPECIAL TASK FORCE STUDYING FAITH-BASED COMMUNITY SERVICE GROUPS WHO MAY PROVIDE ASSISTANCE TO MEET SOCIAL NEEDS (HJR 764, 1999)**

**November 8, 1999 - 1 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. Questions regarding the meeting should be addressed to Gayle Vergara, Senior Research Associate, Division of Legislative Services, (804) 786-3591. 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/jhc/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 COMMISSION ON HEALTHCARE**

#### **Drug Switching Subcommittee (HJR 734)**

**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/jhc/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 ☎

### **SPECIAL BY-LETTER SUBCOMMITTEE OF THE COMMITTEE ON AGRICULTURE STUDYING FARMERS MARKETS (HJR 506, 1999)**

**† October 5, 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. Questions regarding the meeting should be addressed to Nicole 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 L. Regen, House Committee Operations, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY ☎

### **COMMISSION ON THE FUTURE OF TRANSPORTATION IN VIRGINIA (HJR 843, 1999)**

**† September 28, 1999 - 2 p.m.** -- Open Meeting  
Fairfax County Government Center, Fairfax, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting. Questions regarding the meeting should be addressed to Alan Wambold, 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:** W. Travis Varner, Committee Operations, House of Delegates, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY ☎

### **JOINT SUBCOMMITTEE TO STUDY THE NEED FOR INCREASED AVAILABILITY OF HIGHER EDUCATION SERVICES IN SOUTH-CENTRAL VIRGINIA (SJR 459, 1999)**

**† September 29, 1999 - 1 p.m.** -- Open Meeting  
Lynchburg College, Burton Student Center, East Room, Lynchburg, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting. Individuals requiring interpreter services or other special assistance should contact the committee operations office at least seven days prior to the meeting.

**Contact:** Brian B. Taylor, Senate Committee Operations, P.O. Box 396, Richmond, VA 23218, telephone (804) 698-7450 or (804) 698-7419/TTY ☎

### **JOINT LEGISLATIVE AUDIT AND REVIEW COMMISSION**

**† October 12, 1999 - 10 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, Senate Room A, Richmond, Virginia.

A staff briefing on the Virginia Port Authority.

**Contact:** Philip A. Leone, Director, Joint Legislative Audit and Review Commission, General Assembly Bldg., 910 Capitol St., Suite 1100, Richmond, VA 23219, telephone (804) 786-1258.

## **JOINT SUBCOMMITTEE STUDYING THE FUTURE DELIVERY OF PUBLICLY FUNDED MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES (HJR 225)**

**November 16, 1999 - 1:30 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. Questions regarding the meeting should be addressed to Gayle Vergara, 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 

## **Comprehensive Services Act Work Group**

**October 20, 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, 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, (804) 786-2369/TTY , or e-mail ahoward@leg.state.va.us

## **Medicaid Carve-Out Work Group**

**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, (804) 786-2369/TTY , or e-mail ahoward@leg.state.va.us

## **COMMISSION ON COORDINATION OF SERVICES TO FACILITATE SELF-SUFFICIENCY AND SUPPORT OF PERSONS WITH PHYSICAL AND SENSORY DISABILITIES**

**November 8, 1999 - 9 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting. Questions regarding the meeting should be addressed to Brian Parsons or Barbara Etnner, Virginia Board for People with Disabilities, (804) 786-0016. Individuals requiring interpreter services or other special assistance should contact the committee operations office at least 10 working days prior to the meeting.

**Contact:** W. Travis Varner, Committee Operations, House of Delegates, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY 

## **JOINT SUBCOMMITTEE TO EXAMINE THE FINANCIAL ASSURANCE REQUIREMENTS FOR SOLID WASTE MANAGEMENT FACILITIES**

**October 1, 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. Questions regarding the agenda should be directed to Martin Farber, Division of Legislative Services, (804) 786-3591. Individuals requiring interpreter services or other special assistance should contact Kimberly Rockhold at least 10 working days prior to the meeting.

**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 

## **SPECIAL FINANCE SUBCOMMITTEE STUDYING A TAX SYSTEM THAT REFLECTS ABILITY TO PAY (HJR 271, 1999)**

**October 7, 1999 - 10 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, 4th Floor West, Conference Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting. Any questions regarding the agenda for the meeting should be directed to Joan Putney, Division of Legislative Services, (804) 786-3591. For further assistance, or if you are unable to attend, please call committee operations. Individuals requiring interpreter services or other accommodations should call

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# Calendar of Events

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or write House Committee Operations at least 10 days prior the meeting.

**Contact:** Lois V. Johnson, Committee Operations, House of Delegates, State Capitol, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY ☎

## CHRONOLOGICAL LIST

### OPEN MEETINGS

#### September 27

† Chesapeake Bay Local Assistance Board  
Conservation and Recreation, Department of  
- Virginia Board of Conservation and Recreation  
Environmental Quality, Department of  
General Services, Department of  
- Design-Build/Construction Management Review Team  
Land Evaluation Advisory Council, State  
Nursing, Board of

#### September 28

Arts, Commission for the  
- Advisory Board  
Compensation Board  
Competition Council, Commonwealth  
† Electrical Utility Restructuring Act  
- Legislative Transition Task Force  
Environmental Quality, Department of  
- Water Reuse Advisory Group  
Hearing Aid Specialists, Board for  
Marine Resources Commission  
Nursing, Board of  
Pharmacy, Board of  
Small Business Financing Authority, Virginia  
- Loan Committee  
† Transportation in Virginia, Commission on the Future of

#### September 29

African-American Males in Virginia, Joint Subcommittee  
Studying the Status and Needs of  
Agriculture and Consumer Services, Board of  
Alzheimer's Disease and Related Disorders Commission  
Environmental Quality, Department of  
- Citizens Wetlands Advisory Committee  
† Forestry, Department of  
- Reforestation of Timberlands Board  
Health Care, Joint Commission on  
- Drug Switching Subcommittee  
† Higher Education Services in South-Central Virginia,  
Joint Subcommittee to Study the Need for Increased  
Availability of  
Intergovernmental Relations, Advisory Commission on  
- Visual Quality Committee  
Nursing, Board of  
† Outdoors Foundation, Virginia  
- Regional V Open Space Lands Preservation Trust  
Fund  
Real Estate Board  
† Technology Services, Council on

#### September 30

† Aging, Commonwealth Council on  
† Contractors, Board for  
- Tradesman Committee  
Nursing, Board of  
Real Estate Board

#### October 1

Solid Waste Management Facilities, Joint Subcommittee  
to Examine the Financial Assurance Requirements for

#### October 2

Visually Handicapped, Department for the  
- Vocational Rehabilitation Services

#### October 4

Barbers, Board for  
Lottery Board, State  
† Real Estate Board  
Solid Waste Management Regulation Advisory  
Committee

#### October 5

Classified Compensation Plan, Commission on Reform of  
the  
† Criminal Justice Services, Department of  
- Committee on Training  
† Farmers Markets, Special By-Letter Subcommittee of  
the Committee on Agriculture Studying  
† Health, Department of  
- Family and Community Health Advisory Committee  
† Hopewell Industrial Safety Council  
Outdoors Foundation, Virginia  
- Board of Trustees  
† Pharmacy, Board of  
† Workforce Council, Virginia  
- Committee on the Existing Workforce and the Hard to  
Employ

#### October 6

Outdoors Foundation, Virginia  
- Board of Trustees  
† Water Control Board, State  
Workers' Compensation Commission, Virginia

#### October 7

† At-Risk Youth and Their Families, Comprehensive  
Services for  
- State Management Team  
† Conservation and Recreation, Department of  
- Falls of the James Scenic River Advisory Board  
† Environment, Commission Studying the Future of  
Virginia's  
- Solid Waste Subcommittee  
Tax Systems that Reflects Ability to Pay, Special Finance  
Subcommittee Studying a  
† Workforce Council, Virginia  
- Committee on the Emerging Workforce

#### October 8

Art and Architectural Review Board  
† Health Professions, Department of  
- Health Practitioners' Intervention Program

**October 9**

- † Conservation and Recreation, Department of
  - Virginia Cave Board
- † Housing Development Authority, Virginia
  - Board of Commissioners

**October 12**

- † Agriculture and Consumer Services, Department of
  - Virginia Peanut Board
- † Corrections, Board of
  - Correctional Services Committee
- Funeral Directors and Embalmers, Board of
  - Legislative Committee
  - Regulatory and Bylaws Committee
- † Legislative Audit and Review Commission, Joint
- † Pharmacy, Board of
- † Real Estate Board

**October 13**

- † Agriculture and Consumer Services, Department of
  - Virginia Marine Products Board
- † Conservation and Recreation, Department of
- † Corrections, Board of
  - Administration Committee
- Nursing Home Administrators, Board of
- † Real Estate Board
- Social Services, State Board of

**October 14**

- † Agriculture and Consumer Services, Department of
  - Pesticide Control Board
- Fire Services Board, Virginia
  - Fire/EMS Education and Training Committee
  - Fire Prevention Committee
  - Legislative/Liaison Committee
- Independent Living Council, Statewide
- Medicine, Board of
- Mental Health, Mental Retardation and Substance Abuse Services, Joint Subcommittee Studying the Future Delivery of Publicly Funded
  - Medicaid Carve-Out Work Group
- Social Services, State Board of

**October 15**

- Fire Services Board, Virginia

**October 16**

- † Museum of Natural History, Virginia
  - Board of Trustees

**October 17**

- Intergovernmental Relations, Advisory Commission on

**October 18**

- Accountancy, Board of
- Code Commission, Virginia
- † Social Services, Department of
  - Commission on National and Community Services

**October 19**

- Code Commission, Virginia
- † Racing Commission, Virginia
- Transportation Safety Board
- Visually Handicapped, Board for the

**October 20**

- Mental Health, Mental Retardation and Substance Abuse Services, Joint Subcommittee Studying the Future Delivery of Publicly Funded
  - Comprehensive Services Act Work Group
- † Transportation Board, Commonwealth

**October 21**

- † Game and Inland Fisheries, Board of
- † Geology, Board for
- † HIV Prevention Planning Committee, Virginia

**October 22**

- † Game and Inland Fisheries, Board of
- Medicine, Board of
- Psychology, Board of

**October 23**

- Visually Handicapped, Department for the
  - Vocational Rehabilitation Services

**October 26**

- † Chesapeake Bay Local Assistance Board
  - Northern Area Review Committee
  - Southern Area Review Committee
- † Marine Resources Commission
- Real Estate Appraiser Board

**October 27**

- † Medicine, Board of
  - Informal Conference Committee
- † Sewage Handling and Disposal Appeal Review Board

**October 28**

- Information Providers Network Authority, Virginia
- Environmental Quality, Department of
  - Solid Waste Management Regulation Advisory Committee
- Water Control Board, State
  - Poultry Advisory Group

**November 1**

- Medical Assistance Services, Department of
  - Pharmacy Liaison Committee

**November 2**

- † Hopewell Industrial Safety Council

**November 4**

- † Conservation and Recreation, Department of
  - Falls of the James Scenic River Advisory Board
- Waste Management Facility Operators, Board for

**November 8**

- Faith-Based Community Service Groups Who May Provide Assistance to Meet Social Needs, Special Task Force Studying
- Physical and Sensory Disabilities, Commission on
  - Coordination of Services to Facilitate Self-Sufficiency and Support of Persons with
- † Social Services, Department of
  - Virginia Commission on National and Community Services

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# Calendar of Events

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**November 9**

Asbestos and Lead, Virginia Board for  
Medical Assistance Services, Board of

**November 15**

Certificate of Public Need Program and Law, Special  
Joint Subcommittee Studying Virginia's Medical Care  
Facilities

**November 16**

Certificate of Public Need Program and Law, Special  
Joint Subcommittee Studying Virginia's Medical Care  
Facilities

Mental Health, Mental Retardation and Substance Abuse  
Services, Joint Subcommittee Studying the Future  
Delivery of Publicly Funded  
Professional and Occupational Regulation, Board for

**November 18**

Labor and Industry, Department of  
- Virginia Apprenticeship Council

**November 30**

Classified Compensation Plan, Commission on Reform of  
the

**December 2**

Fire Services Board, Virginia  
- Fire/EMS Education and Training Committee  
- Fire Prevention and Control Committee  
- Legislation Committee

**December 3**

Fire Services Board, Virginia

**December 6**

† Cosmetology, Board for  
† Social Services, Department of  
- Virginia Commission on National and Community  
Services

**December 7**

† Commerce and Labor, Senate Committee on  
Corporations, Insurance and Banking Committee  
† Hopewell Industrial Safety Council

**December 8**

Outdoors Foundation, Virginia  
- Board of Trustees

**December 9**

Outdoors Foundation, Virginia  
- Board of Trustees

**December 10**

† HIV Prevention Community Planning Committee

## PUBLIC HEARINGS

**September 27**

Social Services, State Board of

**September 28**

Social Services, State Board of

**October 6**

† Eminent Domain, Joint Subcommittee to Examine the  
Current Means and Adequacy of Compensation to  
Virginia's Citizens Whose Properties are Taken  
Through the Exercise of

**October 27**

Professional and Occupational Regulation, Department  
of  
Waste Management Facility Operators, Board for  
† Water Control Board, State

**November 18**

† Professional Counselors, Marriage and Family  
Therapists and Substance Abuse Treatment  
Professionals, Board of Licensed

**November 19**

† Medicine, Board of