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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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The *Virginia Register of Regulations* is published pursuant to Article 7 (§ 9-6.14:22 et seq.) of Chapter 1.1:1 of Title 9 of the Code of Virginia. Individual copies, if available, may be purchased for \$4.00 each from the Registrar of Regulations.

Members of the Virginia Code Commission: **Jay W. DeBoer**, Chairman; **Robert L. Calhoun**; **Bernard S. Cohen**; **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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## February 2000 through December 2000

<u>Volume:Issue</u>	<u>Material Submitted By Noon*</u>	<u>Will Be Published On</u>
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>
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16:17	April 19, 2000	May 8, 2000
16:18	May 3, 2000	May 22, 2000
16:19	May 17, 2000	June 5, 2000
16:20	May 31, 2000	June 19, 2000
<b>INDEX 3 - Volume 16</b>		<b>July 2000</b>
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17:6	November 14, 2000 ( <b>Tuesday</b> )	December 4, 2000
17:7	November 29, 2000	December 18, 2000
<b>INDEX 1 - Volume 17</b>		<b>January 2001</b>

\*Filing deadlines are Wednesdays unless otherwise specified.

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
<b>Title 2. Agriculture</b>			
2 VAC 15-20-70	Amended	16:9 VA.R. 1150	1/1/00
2 VAC 15-20-80	Amended	15:26 VA.R. 3445	8/17/99
2 VAC 15-20-80	Repealed	16:9 VA.R. 1150	1/1/00
2 VAC 15-20-81	Added	16:9 VA.R. 1150	1/1/00
<b>Title 4. Conservation and Natural Resources</b>			
4 VAC 20-252-60	Amended	16:10 VA.R. 1222	1/1/00
4 VAC 20-252-85	Amended	16:10 VA.R. 1222	1/1/00
4 VAC 20-252-90	Amended	16:10 VA.R. 1222	1/1/00
4 VAC 20-252-100	Amended	16:10 VA.R. 1223	1/1/00
4 VAC 20-252-110	Amended	16:10 VA.R. 1223	1/1/00
4 VAC 20-252-140	Amended	16:10 VA.R. 1223	1/1/00
4 VAC 20-270-50	Amended	16:7 VA.R. 804	1/1/00
4 VAC 20-333-10 through 4 VAC 20-333-40	Added	15:24 VA.R. 3035-3037	7/6/99
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 20-620-30	Amended	16:5 VA.R. 580	11/1/99
4 VAC 20-620-40	Amended	16:5 VA.R. 580	11/1/99
4 VAC 20-700-20	Amended	16:7 VA.R. 804	1/1/00
4 VAC 20-720-20	Amended	16:3 VA.R. 292	10/1/99
4 VAC 20-720-35	Added	16:3 VA.R. 292	10/1/99
4 VAC 20-720-40	Amended	16:3 VA.R. 292	10/1/99
4 VAC 20-720-50	Amended	16:3 VA.R. 293	10/1/99
4 VAC 20-720-60	Amended	16:3 VA.R. 293	10/1/99
4 VAC 20-720-70	Amended	16:3 VA.R. 294	10/1/99
4 VAC 20-720-80	Amended	16:3 VA.R. 294	10/1/99
4 VAC 20-720-105	Repealed	16:3 VA.R. 294	10/1/99
4 VAC 20-890-10	Amended	16:7 VA.R. 804	1/1/00
4 VAC 20-890-25	Added	16:7 VA.R. 805	1/1/00
4 VAC 20-890-35	Amended	16:7 VA.R. 805	1/1/00
4 VAC 20-891-10 through 4 VAC 20-891-30 emer	Added	16:10 VA.R. 1268	1/1/00-1/31/00
4 VAC 25-40 (Forms)	Amended	16:10 VA.R. 1335	--
4 VAC 25-130 (Forms)	Amended	16:10 VA.R. 1335	--
4 VAC 25-150 (Forms)	Amended	16:10 VA.R. 1335	--
<b>Title 6. Criminal Justice and Corrections</b>			
6 VAC 20-170-10 et seq.	Repealed	16:8 VA.R. 945	2/2/00
6 VAC 20-171-10 through 6 VAC 20-171-560	Added	16:8 VA.R. 945-974	2/2/00
6 VAC 35-50-10 et seq.	Repealed	16:10 VA.R. 1223	7/1/00
<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 20-50-10 et seq.	Repealed	16:10 VA.R. 1223	7/1/00

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9 VAC 5-80-1400 through 9 VAC 5-80-1590	Added	16:7 VA.R. 806-819	2/1/00
9 VAC 25-151 (Forms)	Amended	15:24 VA.R. 3251	--
<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 5-65-10 et seq. emer	Amended	16:10 VA.R. 1268-1275	1/3/00-1/2/01
12 VAC 5-220-10 emer	Amended	16:10 VA.R. 1276	1/3/00-1/2/01
12 VAC 5-220-90 emer	Amended	16:10 VA.R. 1280	1/3/00-1/2/01
12 VAC 5-220-105 emer	Amended	16:10 VA.R. 1280	1/3/00-1/2/01
12 VAC 5-220-150 emer	Repealed	16:10 VA.R. 1280	1/3/00-1/2/01
12 VAC 5-220-160 emer	Amended	16:10 VA.R. 1281	1/3/00-1/2/01
12 VAC 5-220-180 emer	Amended	16:10 VA.R. 1281	1/3/00-1/2/01
12 VAC 5-220-200 emer	Amended	16:10 VA.R. 1282	1/3/00-1/2/01
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12 VAC 5-220-270 emer	Amended	16:10 VA.R. 1286	1/3/00-1/2/01
12 VAC 5-220-280 emer	Amended	16:10 VA.R. 1286	1/3/00-1/2/01
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12 VAC 5-360-40 emer	Amended	16:10 VA.R. 1299	1/3/00-1/2/01
12 VAC 5-371-40 emer	Amended	16:7 VA.R. 896	12/31/99-12/30/00
12 VAC 5-408-10 through 12 VAC 5-408-370	Added	16:7 VA.R. 819-837	1/20/00
12 VAC 5-408-70	Erratum	16:9 VA.R. 1174	--
12 VAC 5-408-230	Erratum	16:9 VA.R. 1174	--
12 VAC 5-408-360	Erratum	16:9 VA.R. 1174	--



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

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 5-408-370	Erratum	16:9 VA.R. 1174	--
12 VAC 5-410-70 emer	Amended	16:7 VA.R. 897	12/31/99-12/30/00
12 VAC 5-610-10*	Repealed	15:24 VA.R. 3188	*
12 VAC 5-610-20*	Amended	15:24 VA.R. 3188	*
12 VAC 5-610-30*	Amended	15:24 VA.R. 3188	*
12 VAC 5-610-40*	Amended	15:24 VA.R. 3188	*
12 VAC 5-610-50*	Amended	15:24 VA.R. 3188	*
12 VAC 5-610-70*	Amended	15:24 VA.R. 3189	*
12 VAC 5-610-75*	Added	15:24 VA.R. 3190	*
12 VAC 5-610-80*	Amended	15:24 VA.R. 3190	*
12 VAC 5-610-90*	Repealed	15:24 VA.R. 3190	*
12 VAC 5-610-100*	Amended	15:24 VA.R. 3190	*
12 VAC 5-610-110*	Repealed	15:24 VA.R. 3190	*
12 VAC 5-610-120*	Amended	15:24 VA.R. 3190	*
12 VAC 5-610-130*	Amended	15:24 VA.R. 3192	*
12 VAC 5-610-140*	Repealed	15:24 VA.R. 3192	*
12 VAC 5-610-150*	Repealed	15:24 VA.R. 3192	*
12 VAC 5-610-170*	Amended	15:24 VA.R. 3192	*
12 VAC 5-610-180*	Repealed	15:24 VA.R. 3193	*
12 VAC 5-610-190*	Amended	15:24 VA.R. 3193	*
12 VAC 5-610-200*	Amended	15:24 VA.R. 3194	*
12 VAC 5-610-230*	Amended	15:24 VA.R. 3195	*
12 VAC 5-610-250*	Amended	15:24 VA.R. 3195	*
12 VAC 5-610-255*	Added	15:24 VA.R. 3198	*
12 VAC 5-610-260*	Amended	15:24 VA.R. 3198	*
12 VAC 5-610-270*	Amended	15:24 VA.R. 3198	*
12 VAC 5-610-280*	Amended	15:24 VA.R. 3198	*
12 VAC 5-610-290*	Amended	15:24 VA.R. 3199	*
12 VAC 5-610-300*	Amended	15:24 VA.R. 3199	*
12 VAC 5-610-330*	Amended	15:24 VA.R. 3199	*
12 VAC 5-610-340*	Amended	15:24 VA.R. 3199	*
12 VAC 5-610-360*	Amended	15:24 VA.R. 3200	*
12 VAC 5-610-370*	Repealed	15:24 VA.R. 3200	*
12 VAC 5-610-380*	Amended	15:24 VA.R. 3201	*
12 VAC 5-610-430*	Amended	15:24 VA.R. 3202	*
12 VAC 5-610-440*	Amended	15:24 VA.R. 3202	*
12 VAC 5-610-441 through 12 VAC 5-610-449*	Added	15:24 VA.R. 3202-3210	*
12 VAC 5-610-449.1*	Added	15:24 VA.R. 3211	*
12 VAC 5-610-450*	Amended	15:24 VA.R. 3212	*
12 VAC 5-610-470*	Amended	15:24 VA.R. 3212	*
12 VAC 5-610-480*	Amended	15:24 VA.R. 3214	*
12 VAC 5-610-490*	Amended	15:24 VA.R. 3214	*
12 VAC 5-610-500*	Amended	15:24 VA.R. 3215	*
12 VAC 5-610-510 through 12 VAC 5-610-550*	Repealed	15:24 VA.R. 3215-3216	*
12 VAC 5-610-560*	Amended	15:24 VA.R. 3216	*
12 VAC 5-610-570*	Repealed	15:24 VA.R. 3216	*
12 VAC 5-610-580*	Amended	15:24 VA.R. 3217	*
12 VAC 5-610-591 through 12 VAC 5-610-594*	Added	15:24 VA.R. 3217-3218	*
12 VAC 5-610-596 through 12 VAC 5-610-599*	Added	15:24 VA.R. 3218-3222	*
12 VAC 5-610-599.1 through 12 VAC 5-610-599.4*	Added	15:24 VA.R. 3222-3223	*
12 VAC 5-610-620*	Amended	15:24 VA.R. 3223	*
12 VAC 5-610-650*	Amended	15:24 VA.R. 3223	*
12 VAC 5-610-670*	Amended	15:24 VA.R. 3223	*

\* The regulatory process was suspended on this section in 16:2 VA.R. 202, and the final effective date is pending until further action by the board.

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

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 5-610-690*	Amended	15:24 VA.R. 3223	*
12 VAC 5-610-700*	Amended	15:24 VA.R. 3224	*
12 VAC 5-610-800*	Amended	15:24 VA.R. 3226	*
12 VAC 5-610-810*	Amended	15:24 VA.R. 3226	*
12 VAC 5-610-815*	Added	15:24 VA.R. 3226	*
12 VAC 5-610-817*	Added	15:24 VA.R. 3227	*
12 VAC 5-610-820*	Amended	15:24 VA.R. 3227	*
12 VAC 5-610-830*	Repealed	15:24 VA.R. 3227	*
12 VAC 5-610-840*	Repealed	15:24 VA.R. 3227	*
12 VAC 5-610-880*	Amended	15:24 VA.R. 3227	*
12 VAC 5-610-890*	Amended	15:24 VA.R. 3229	*
12 VAC 5-610-930*	Amended	15:24 VA.R. 3229	*
12 VAC 5-610-940*	Amended	15:24 VA.R. 3232	*
12 VAC 5-610-950*	Amended	15:24 VA.R. 3233	*
12 VAC 5-610-960*	Amended	15:24 VA.R. 3235	*
12 VAC 5-610-965*	Added	15:24 VA.R. 3236	*
12 VAC 5-610-980*	Amended	15:24 VA.R. 3237	*
12 VAC 5-610-1080*	Amended	15:24 VA.R. 3238	*
12 VAC 5-610-1140*	Amended	15:24 VA.R. 3240	*
12 VAC 5-610-1150*	Repealed	15:24 VA.R. 3240	*
12 VAC 5-615-10 through 12 VAC 5-615-420 emer	Added	16:10 VA.R. 1301-1313	1/3/00-1/2/01
12 VAC 30-10-150 emer	Amended	16:10 VA.R. 1315	1/1/00-12/31/00
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 30-50-30 emer	Amended	16:10 VA.R. 1315	1/1/00-12/31/00
12 VAC 30-50-70 emer	Amended	16:10 VA.R. 1316	1/1/00-12/31/00
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 30-50-130 emer	Amended	16:10 VA.R. 1316	1/1/00-12/31/00
12 VAC 30-50-140	Amended	15:24 VA.R. 3247	9/15/99
12 VAC 30-50-160	Amended	16:2 VA.R. 202	11/10/99
12 VAC 30-50-210	Amended	16:2 VA.R. 205	11/10/99
12 VAC 30-50-220	Amended	15:25 VA.R. 3362	10/1/99
12 VAC 30-50-229.1 emer	Amended	16:10 VA.R. 1322	1/12/00-1/11/01
12 VAC 30-50-250 emer	Amended	16:10 VA.R. 1317	1/1/00-12/31/00
12 VAC 30-50-270	Amended	16:6 VA.R. 706	1/5/00
12 VAC 30-50-480 emer	Amended	16:10 VA.R. 1326	1/1/00-12/31/00
12 VAC 30-60-130	Amended	16:6 VA.R. 707	1/5/00
12 VAC 30-60-170 emer	Amended	16:10 VA.R. 1328	1/1/00-12/31/00
12 VAC 30-80-21 emer	Added	16:10 VA.R. 1317	1/1/00-12/31/00
12 VAC 30-80-30	Amended	16:2 VA.R. 207	11/10/99
12 VAC 30-80-30	Amended	16:6 VA.R. 710	1/5/00
12 VAC 30-80-40	Amended	16:2 VA.R. 208	11/10/99
12 VAC 30-80-111 emer	Added	16:10 VA.R. 1329	1/1/00-12/31/00
12 VAC 30-129-100 through 12 VAC 30-129-150 emer	Added	16:10 VA.R. 1329-1334	1/1/00-12/31/00
12 VAC 30-130-270 through 12 VAC 30-130-530	Repealed	16:6 VA.R. 711-715	1/5/00
12 VAC 30-130-850 through 12 VAC 30-130-890 emer	Added	16:10 VA.R. 1317-1320	1/1/00-12/31/00
12 VAC 30-140-10 through 12 VAC 30-140-570	Added	15:26 VA.R. 3456-3465	10/13/99
12 VAC 30-140-370	Amended	16:4 VA.R. 404	12/8/99
12 VAC 30-140-380	Amended	16:4 VA.R. 404	12/8/99
12 VAC 35-30-10 et seq.	Repealed	16:10 VA.R. 1233	7/1/00

\* The regulatory process was suspended on this section in 16:2 VA.R. 202, and the final effective date is pending until further action by the board.

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

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
<b>Title 13. Housing</b>			
13 VAC 5-175-10 through 13 VAC 5-175-40	Added	16:4 VA.R. 405-406	10/20/99
13 VAC 10-180-40	Amended	16:11 VA.R. 1448	1/24/00
13 VAC 10-180-50	Amended	16:11 VA.R. 1448	1/24/00
13 VAC 10-180-60	Amended	16:11 VA.R. 1450	1/24/00
13 VAC 10-180-70	Amended	16:11 VA.R. 1458	1/24/00
<b>Title 14. Insurance</b>			
14 VAC 5-215-10 through 14 VAC 5-215-130	Added	16:11 VA.R. 1461-1470	2/15/00
14 VAC 5-270-30	Amended	16:5 VA.R. 582	1/1/00
14 VAC 5-270-40	Amended	16:5 VA.R. 582	1/1/00
14 VAC 5-270-60	Amended	16:5 VA.R. 582	1/1/00
14 VAC 5-270-70	Amended	16:5 VA.R. 583	1/1/00
14 VAC 5-270-80	Amended	16:5 VA.R. 583	1/1/00
14 VAC 5-270-160	Repealed	16:5 VA.R. 584	1/1/00
14 VAC 5-319-10 through 14 VAC 5-319-80	Added	16:5 VA.R. 585-599	1/1/00
14 VAC 5-350 (Forms)	Amended	16:8 VA.R. 976	--
14 VAC 5-350 (Forms)	Amended	16:11 VA.R. 1475-1480	--
14 VAC 5-395-20	Amended	16:4 VA.R. 407	10/20/99
14 VAC 5-395-25	Added	16:4 VA.R. 407	10/20/99
14 VAC 5-395-60	Amended	16:4 VA.R. 407	10/20/99
<b>Title 16. Labor and Employment</b>			
16 VAC 25-120-1917.1	Amended	16:7 VA.R. 843	1/20/00
16 VAC 25-130-1918.1	Amended	16:7 VA.R. 843	1/20/00
16 VAC 30-11-10 through 16 VAC 30-11-30	Added	16:10 VA.R. 1224	3/1/00
<b>Title 18. Professional and Occupational Licensing</b>			
18 VAC 5-20-10 emer	Amended	16:3 VA.R. 319	10/4/99-10/3/00
18 VAC 5-20-11 emer	Added	16:3 VA.R. 321	10/4/99-10/3/00
18 VAC 5-20-20 emer	Amended	16:3 VA.R. 322	10/4/99-10/3/00
18 VAC 5-20-30 emer	Repealed	16:3 VA.R. 324	10/4/99-10/3/00
18 VAC 5-20-40 emer	Repealed	16:3 VA.R. 324	10/4/99-10/3/00
18 VAC 5-20-41 emer	Added	16:3 VA.R. 324	10/4/99-10/3/00
18 VAC 5-20-50 emer	Repealed	16:3 VA.R. 325	10/4/99-10/3/00
18 VAC 5-20-60 emer	Repealed	16:3 VA.R. 325	10/4/99-10/3/00
18 VAC 5-20-70 emer	Repealed	16:3 VA.R. 326	10/4/99-10/3/00
18 VAC 5-20-80 emer	Repealed	16:3 VA.R. 326	10/4/99-10/3/00
18 VAC 5-20-81 emer	Added	16:3 VA.R. 326	10/4/99-10/3/00
18 VAC 5-20-90 emer	Repealed	16:3 VA.R. 326	10/4/99-10/3/00
18 VAC 5-20-91 emer	Added	16:3 VA.R. 327	10/4/99-10/3/00
18 VAC 5-20-100 emer	Amended	16:3 VA.R. 328	10/4/99-10/3/00
18 VAC 5-20-110 emer	Amended	16:3 VA.R. 329	10/4/99-10/3/00
18 VAC 5-20-111 emer	Added	16:3 VA.R. 330	10/4/99-10/3/00
18 VAC 5-20-112 emer	Added	16:3 VA.R. 330	10/4/99-10/3/00
18 VAC 5-20-120 through 18 VAC 5-20-440 emer	Repealed	16:3 VA.R. 330-333	10/4/99-10/3/00
18 VAC 5-20-441 emer	Added	16:3 VA.R. 333	10/4/99-10/3/00
18 VAC 5-20-442 emer	Added	16:3 VA.R. 334	10/4/99-10/3/00
18 VAC 5-20-443 emer	Added	16:3 VA.R. 334	10/4/99-10/3/00
18 VAC 5-20-444 emer	Added	16:3 VA.R. 336	10/4/99-10/3/00
18 VAC 5-20-445 emer	Added	16:3 VA.R. 336	10/4/99-10/3/00
18 VAC 5-20-450 emer	Repealed	16:3 VA.R. 336	10/4/99-10/3/00
18 VAC 5-20-451 emer	Added	16:3 VA.R. 336	10/4/99-10/3/00
18 VAC 5-20-460 through 500 emer	Repealed	16:3 VA.R. 337-339	10/4/99-10/3/00
18 VAC 10-20-10	Amended	16:3 VA.R. 298	12/1/99
18 VAC 10-20-20	Amended	16:3 VA.R. 299	12/1/99
18 VAC 10-20-35	Added	16:3 VA.R. 299	12/1/99
18 VAC 10-20-90	Amended	15:24 VA.R. 3248	10/1/99
18 VAC 10-20-110	Amended	16:3 VA.R. 299	12/1/99

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

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 10-20-120	Amended	16:3 VA.R. 300	12/1/99
18 VAC 10-20-140	Amended	16:3 VA.R. 300	12/1/99
18 VAC 10-20-150	Amended	16:3 VA.R. 301	12/1/99
18 VAC 10-20-160	Amended	16:3 VA.R. 303	12/1/99
18 VAC 10-20-170	Amended	15:24 VA.R. 3248	10/1/99
18 VAC 10-20-170	Amended	16:3 VA.R. 303	12/1/99
18 VAC 10-20-190	Amended	16:3 VA.R. 303	12/1/99
18 VAC 10-20-200	Amended	16:3 VA.R. 304	12/1/99
18 VAC 10-20-210	Amended	16:3 VA.R. 304	12/1/99
18 VAC 10-20-215	Added	16:3 VA.R. 305	12/1/99
18 VAC 10-20-230	Amended	16:3 VA.R. 305	12/1/99
18 VAC 10-20-250	Amended	16:3 VA.R. 305	12/1/99
18 VAC 10-20-260	Amended	16:3 VA.R. 306	12/1/99
18 VAC 10-20-270	Amended	16:3 VA.R. 306	12/1/99
18 VAC 10-20-280	Amended	15:24 VA.R. 3249	10/1/99
18 VAC 10-20-280	Amended	16:3 VA.R. 306	12/1/99
18 VAC 10-20-300	Amended	16:3 VA.R. 306	12/1/99
18 VAC 10-20-310	Amended	16:3 VA.R. 307	12/1/99
18 VAC 10-20-320	Amended	16:3 VA.R. 307	12/1/99
18 VAC 10-20-330	Amended	16:3 VA.R. 307	12/1/99
18 VAC 10-20-350	Amended	16:3 VA.R. 307	12/1/99
18 VAC 10-20-360	Amended	16:3 VA.R. 308	12/1/99
18 VAC 10-20-400	Amended	15:24 VA.R. 3249	10/1/99
18 VAC 10-20-440	Amended	16:3 VA.R. 308	12/1/99
18 VAC 10-20-450	Amended	16:3 VA.R. 308	12/1/99
18 VAC 10-20-470	Amended	15:24 VA.R. 3249	10/1/99
18 VAC 10-20-490	Amended	16:3 VA.R. 309	12/1/99
18 VAC 10-20-500	Repealed	16:3 VA.R. 309	12/1/99
18 VAC 10-20-520	Amended	15:24 VA.R. 3249	10/1/99
18 VAC 10-20-530	Amended	16:3 VA.R. 309	12/1/99
18 VAC 10-20-560	Amended	16:3 VA.R. 310	12/1/99
18 VAC 10-20-570	Amended	16:3 VA.R. 310	12/1/99
18 VAC 10-20-580	Amended	15:24 VA.R. 3249	10/1/99
18 VAC 10-20-590	Amended	16:3 VA.R. 310	12/1/99
18 VAC 10-20-630	Amended	15:24 VA.R. 3249	10/1/99
18 VAC 10-20-640	Amended	16:3 VA.R. 311	12/1/99
18 VAC 10-20-680	Amended	16:3 VA.R. 311	12/1/99
18 VAC 10-20-730	Amended	16:3 VA.R. 311	12/1/99
18 VAC 10-20-740	Amended	16:3 VA.R. 311	12/1/99
18 VAC 10-20-760	Amended	16:3 VA.R. 312	12/1/99
18 VAC 10-20-780	Amended	16:3 VA.R. 313	12/1/99
18 VAC 10-20-790	Amended	16:3 VA.R. 313	12/1/99
18 VAC 10-20-795	Added	16:3 VA.R. 314	12/1/99
18 VAC 15-20-50	Amended	16:11 VA.R. 1471	5/1/00
18 VAC 15-20-960	Amended	16:11 VA.R. 1471	5/1/00
18 VAC 15-30-160	Amended	16:11 VA.R. 1472	5/1/00
18 VAC 15-30-830	Amended	16:11 VA.R. 1472	5/1/00
18 VAC 25-21-70	Amended	15:26 VA.R. 3468	11/1/99
18 VAC 55-22-310	Amended	15:26 VA.R. 3476	11/1/99
18 VAC 55-22 (Forms)	Amended	16:5 VA.R. 600	--
18 VAC 60-20-20	Amended	16:7 VA.R. 846	1/19/00
18 VAC 60-20-30	Amended	16:7 VA.R. 846	1/19/00
18 VAC 65-20-70	Amended	16:7 VA.R. 851	1/19/00
18 VAC 65-20-120	Amended	16:7 VA.R. 851	1/19/00
18 VAC 65-20-130	Amended	16:7 VA.R. 851	1/19/00
18 VAC 65-20-435	Added	16:7 VA.R. 851	1/19/00

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

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 85-20-22	Amended	16:4 VA.R. 407	12/8/99
18 VAC 85-20-230	Amended	16:4 VA.R. 408	12/8/99
18 VAC 85-20-235	Added	16:4 VA.R. 408	12/8/99
18 VAC 85-20-236	Added	16:4 VA.R. 408	12/8/99
18 VAC 85-20-240	Amended	16:4 VA.R. 409	12/8/99
18 VAC 85-20-240	Erratum	16:8 VA.R. 997	--
18 VAC 85-20-280	Added	16:7 VA.R. 854	1/19/00
18 VAC 85-20-290	Added	16:7 VA.R. 854	1/19/00
18 VAC 85-20-300	Added	16:7 VA.R. 855	1/19/00
18 VAC 85-40-10	Amended	16:7 VA.R. 860	1/19/00
18 VAC 85-40-25	Added	16:7 VA.R. 860	1/19/00
18 VAC 85-40-40	Amended	16:7 VA.R. 860	1/19/00
18 VAC 85-40-45	Added	16:7 VA.R. 860	1/19/00
18 VAC 85-40-50	Amended	16:7 VA.R. 860	1/19/00
18 VAC 85-40-60	Amended	16:7 VA.R. 861	1/19/00
18 VAC 85-40-65	Added	16:7 VA.R. 861	1/19/00
18 VAC 85-40-80	Amended	16:7 VA.R. 861	1/19/00
18 VAC 85-80-10	Amended	16:7 VA.R. 868	1/19/00
18 VAC 85-80-20	Amended	16:7 VA.R. 868	1/19/00
18 VAC 85-80-25	Added	16:7 VA.R. 868	1/19/00
18 VAC 85-80-35	Added	16:7 VA.R. 868	1/19/00
18 VAC 85-80-40	Amended	16:7 VA.R. 868	1/19/00
18 VAC 85-80-50	Amended	16:7 VA.R. 869	1/19/00
18 VAC 85-80-60	Amended	16:7 VA.R. 869	1/19/00
18 VAC 85-80-70	Amended	16:7 VA.R. 869	1/19/00
18 VAC 85-80-80	Amended	16:7 VA.R. 869	1/19/00
18 VAC 85-101-10	Amended	16:4 VA.R. 410	12/8/99
18 VAC 85-101-40	Amended	16:4 VA.R. 410	12/8/99
18 VAC 85-101-50	Amended	16:4 VA.R. 410	12/8/99
18 VAC 85-101-60	Amended	16:4 VA.R. 411	12/8/99
18 VAC 85-101-70	Amended	16:4 VA.R. 411	12/8/99
18 VAC 85-101-130	Amended	16:4 VA.R. 411	12/8/99
18 VAC 85-101-160	Amended	16:4 VA.R. 412	12/8/99
18 VAC 90-20-300	Amended	16:3 VA.R. 315	11/24/99
18 VAC 90-20-420	Added	16:3 VA.R. 315	11/24/99
18 VAC 90-20-430	Added	16:3 VA.R. 315	11/24/99
18 VAC 90-20-440	Added	16:3 VA.R. 316	11/24/99
18 VAC 90-20-450	Added	16:3 VA.R. 316	11/24/99
18 VAC 90-20-460	Added	16:3 VA.R. 317	11/24/99
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 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
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 110-40-10 through 18 VAC 110-40-70 emer	Added	16:11 VA.R. 1473-1474	1/20/00-1/19/01
18 VAC 115-30-10	Amended	16:7 VA.R. 876	1/19/00
18 VAC 115-30-20	Repealed	16:7 VA.R. 877	1/19/00
18 VAC 115-30-30	Amended	16:7 VA.R. 877	1/19/00
18 VAC 115-30-40	Amended	16:7 VA.R. 877	1/19/00

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

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 115-30-45	Added	16:7 VA.R. 877	1/19/00
18 VAC 115-30-60	Amended	16:7 VA.R. 878	1/19/00
18 VAC 115-30-70	Amended	16:7 VA.R. 879	1/19/00
18 VAC 115-30-80	Repealed	16:7 VA.R. 879	1/19/00
18 VAC 115-30-90	Amended	16:7 VA.R. 879	1/19/00
18 VAC 115-30-100	Repealed	16:7 VA.R. 879	1/19/00
18 VAC 115-30-110	Amended	16:7 VA.R. 879	1/19/00
18 VAC 115-30-120	Amended	16:7 VA.R. 879	1/19/00
18 VAC 115-30-130	Repealed	16:7 VA.R. 879	1/19/00
18 VAC 115-30-140	Amended	16:7 VA.R. 879	1/19/00
18 VAC 115-30-150	Amended	16:7 VA.R. 880	1/19/00
18 VAC 115-30-160	Amended	16:7 VA.R. 880	1/19/00
18 VAC 115-50-10	Amended	16:7 VA.R. 886	1/19/00
18 VAC 115-50-30	Amended	16:7 VA.R. 886	1/19/00
18 VAC 115-50-40	Amended	16:7 VA.R. 887	1/19/00
18 VAC 115-50-50	Amended	16:7 VA.R. 887	1/19/00
18 VAC 115-50-55	Added	16:7 VA.R. 887	1/19/00
18 VAC 115-50-60	Amended	16:7 VA.R. 888	1/19/00
18 VAC 115-50-70	Amended	16:7 VA.R. 889	1/19/00
18 VAC 115-50-80	Repealed	16:7 VA.R. 889	1/19/00
18 VAC 115-50-90	Amended	16:7 VA.R. 889	1/19/00
18 VAC 115-60-10 through 18 VAC 115-60-150	Added	16:7 VA.R. 890-895	1/19/00
18 VAC 120-30-100	Amended	15:26 VA.R. 3487	11/1/99
18 VAC 125-20-10	Amended	16:2 VA.R. 210	11/10/99
18 VAC 125-20-30	Amended	16:2 VA.R. 210	11/10/99
18 VAC 125-20-40	Amended	16:2 VA.R. 210	11/10/99
18 VAC 125-20-41	Added	16:2 VA.R. 211	11/10/99
18 VAC 125-20-42	Added	16:2 VA.R. 211	11/10/99
18 VAC 125-20-50	Repealed	16:2 VA.R. 212	11/10/99
18 VAC 125-20-51	Repealed	16:2 VA.R. 212	11/10/99
18 VAC 125-20-52	Repealed	16:2 VA.R. 212	11/10/99
18 VAC 125-20-53	Repealed	16:2 VA.R. 213	11/10/99
18 VAC 125-20-54	Added	16:2 VA.R. 214	11/10/99
18 VAC 125-20-55	Added	16:2 VA.R. 214	11/10/99
18 VAC 125-20-56	Added	16:2 VA.R. 215	11/10/99
18 VAC 125-20-60	Repealed	16:2 VA.R. 216	11/10/99
18 VAC 125-20-65	Added	16:2 VA.R. 216	11/10/99
18 VAC 125-20-70	Repealed	16:2 VA.R. 216	11/10/99
18 VAC 125-20-80	Amended	16:2 VA.R. 217	11/10/99
18 VAC 125-20-90	Repealed	16:2 VA.R. 217	11/10/99
18 VAC 125-20-100	Repealed	16:2 VA.R. 217	11/10/99
18 VAC 125-20-120	Amended	16:2 VA.R. 218	11/10/99
18 VAC 125-20-130	Amended	16:2 VA.R. 218	11/10/99
18 VAC 125-20-140	Repealed	16:2 VA.R. 218	11/10/99
18 VAC 125-20-150	Amended	16:2 VA.R. 218	11/10/99
18 VAC 125-20-150	Erratum	16:4 VA.R. 444	--
18 VAC 125-20-160	Amended	16:2 VA.R. 219	11/10/99
18 VAC 125-20-170	Amended	16:2 VA.R. 219	11/10/99
18 VAC 160-20-40	Amended	15:24 VA.R. 3490	11/1/99
<b>Title 19. Public Safety</b>			
19 VAC 30-20-80	Amended	16:9 VA.R. 1150	3/15/00
19 VAC 30-20-150	Amended	16:9 VA.R. 1150	3/15/00
19 VAC 30-70 Appendix A	Amended	15:25 VA.R. 3364	7/29/99
19 VAC 30-165-10 emer	Added	16:3 VA.R. 339	9/24/99-9/23/00
19 VAC 30-165-20 emer	Added	16:3 VA.R. 340	9/24/99-9/23/00
19 VAC 30-165-30 emer	Added	16:3 VA.R. 340	9/24/99-9/23/00

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

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
19 VAC 30-165-40 emer	Added	16:3 VA.R. 340	9/24/99-9/23/00
19 VAC 30-165-50 emer	Added	16:3 VA.R. 340	9/24/99-9/23/00
19 VAC 30-165-60 emer	Added	16:3 VA.R. 340	9/24/99-9/23/00
<b>Title 20. Public Utilities and Telecommunications</b>			
20 VAC 5-400-200	Added	16:10 VA.R. 1226	1/12/00
<b>Title 22. Social Services</b>			
22 VAC 30-40-10 through 22 VAC 30-40-150	Added	16:10 VA.R. 1227-1233	3/1/00
22 VAC 40-50-10 et seq.	Repealed	15:24 VA.R. 3250	9/15/99
22 VAC 40-150-10 et seq.	Repealed	16:10 VA.R. 1233	7/1/00
22 VAC 40-710-10 et seq.	Repealed	16:4 VA.R. 412	12/8/99
22 VAC 40-820-10 et seq.	Repealed	16:5 VA.R. 599	12/22/99
22 VAC 40-880-350	Amended	16:4 VA.R. 413	12/8/99
22 VAC 42-10-10 through 22 VAC 42-10-1000	Added	16:10 VA.R. 1234-1267	7/1/00
<b>Title 24. Transportation and Motor Vehicles</b>			
24 VAC 30-130-10	Amended	16:2 VA.R. 229	9/13/99

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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 4. CONSERVATION AND NATURAL RESOURCES

### DEPARTMENT OF MINES, MINERALS AND ENERGY

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Mines, Minerals and Energy intends to consider amending regulations entitled: **4 VAC 25-90-10 et seq. Rules and Regulations Governing the Use of Diesel Powered Equipment in Underground Coal Mines.** The purpose of the proposed action is to reflect relevant technological advances and industry standards to the diesel particulate monitoring and control, equipment operation, maintenance, and safety of diesel equipment used in underground coal mines. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 45.1-161.3, 45.1-161.106, and 45.1-161.206 of the Code of Virginia.

Public comments may be submitted until March 6, 2000.

**Contact:** Stephen A. Walz, Regulatory Coordinator, Department of Mines, Minerals and Energy, 202 N. Ninth St., 8th Floor, Richmond, VA 23219-3402, telephone 692-3211 or FAX (804) 692-3237.

VA.R. Doc. No. R00-85; Filed January 11, 2000, 3:20 p.m.

#### Notice of Intended Regulatory Action

Notice is hereby given that the Department of Mines, Minerals and Energy intends to consider repealing regulations entitled: **4 VAC 25-100-10 et seq. Regulations Governing Vertical Ventilation Holes and Mining Near Gas and Oil Wells.** The Department of Mines, Minerals and Energy is proposing to repeal this regulation because the revisions are so extensive, both in text and format, that it is more efficient to repeal this regulation and simultaneously promulgate a new regulation in its place (4 VAC 25-101-10 et seq.). The agency intends to hold a public hearing on the proposed repeal of this regulation after publication.

Statutory Authority: §§ 45.1-161.3, 45.1-161.106, 45.1-161.121, 45.1-161.254 and 45.1-161.292 of the Code of Virginia.

Public comments may be submitted until March 6, 2000.

**Contact:** Stephen A. Walz, Regulatory Coordinator, Department of Mines, Minerals and Energy, 202 N. Ninth Street, 8th Floor, Richmond, VA 23219-3402, telephone (804) 692-3211 or FAX (804) 692-3237.

VA.R. Doc. No. R00-95; Filed January 19, 2000, 3:50 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 Mines, Minerals and Energy intends to consider promulgating regulations entitled: **4 VAC 25-101-10 et seq. Regulation Governing Vertical Ventilation Holes and Mining Near Gas and Oil Wells.** The purpose of the proposed action is to establish guidelines that govern drilling, equipping, and remove methane gas from underground coal mines and the practice of mining near or through vertical holes or gas wells. This regulation is being developed to replace the existing regulation. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 45.1-161.3, 45.1-161.106, 45.1-161.121, 45.1-161.254 and 45.1-161.292 of the Code of Virginia.

Public comments may be submitted until March 6, 2000.

**Contact:** Stephen A. Walz, Regulatory Coordinator, Department of Mines, Minerals and Energy, 202 N. Ninth Street, 8th Floor, Richmond, VA 23219-3402, telephone 692-3211 or FAX (804) 692-3237.

VA.R. Doc. No. R00-92; Filed January 11, 2000, 3:20 p.m.

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## TITLE 9. ENVIRONMENT

### STATE AIR POLLUTION CONTROL BOARD

#### † Withdrawal of Notice of Intended Regulatory Action

Notice is hereby given that the State Air Pollution Control Board has WITHDRAWN the Notice of Intended Regulatory Action for **9 VAC 5-40-10 et seq. Regulations for the Control and Abatement of Air Pollution: Existing Stationary Sources (Rev. F97)**, which was published in 13:25 VA.R. 3263 September 1, 1997.

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

VA.R. Doc. No. R97-709; Filed January 28, 2000, 11:51 a.m.

#### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Air Pollution Control Board intends to consider promulgating regulations entitled: **9 VAC 5-210-10 et seq. Regulation for Dispute Resolution.** The purpose of the proposed action is to establish requirements to



govern the use of mediation and dispute resolution in regulation development and permit issuance. Section 10.1-1186.3 A of the Code of Virginia allows the State Air Pollution Control Board to use mediation and alternative dispute resolution to resolve underlying issues, to reach a consensus, or to compromise on contested issues related to the development of a regulation or to the issuance of a permit. Section 10.1-1186.3 D of the Code of Virginia specifies that the board shall adopt regulations in accordance with the Administrative Process Act for the implementation of § 10.1-1186.3. These regulations are to include (i) standards and procedures for the conduct of mediation and dispute resolution, (ii) the appointment and function of a neutral; and (iii) procedures to protect the confidentiality of papers, work product, or other materials.

Beginning in the early 1970s, federal, state, and local governments have increasingly used mediation and other consensus-building tools as an alternative to more traditional means of resolving disputes. These consensus-building tools are intended to supplement, not replace, conventional legislative, judicial, administrative, or regulatory mechanisms. The benefits of dispute resolution (DR) are many:

- (1) DR achieves results satisfactory to all parties. Since each party learns to search for common ground and to recognize similar interests in the other parties, the traditional "hero vs. villain" illusion of adversarial disputes is avoided. Because the eventual solution is beneficial to all parties rather than to only one, the process produces mutual satisfaction in all parties, rather than winners and losers. Studies by the American Arbitration Association show that 80% of participants were satisfied with their DR programs regardless of process or outcome.
- (2) DR saves money. For instance, a single mediation undertaken by the New Jersey Center for Public Dispute Resolution to settle a dispute with the federal government over the state's emergency transport system avoided a potential loss of \$20 million in federal funds.
- (3) DR accelerates the decision-making process. Because the concerned parties have a vested interest in achieving a speedy settlement, resolutions are generally reached in much less time through DR than is required for resolutions to be reached through more traditional means.
- (4) DR decreases the load on the court system. For instance, Cincinnati's Institute of Justice Private Complaint Program has reduced the municipal court's caseload by a third every year since 1974, with nearly half of the referred cases settled out of court and others being referred to noncourt agencies. Government decision-makers sometimes perceive litigation as a politically safer option than DR since the court can be blamed for any undesirable outcome. These decision-makers, however, have much more control over the outcome through DR than through litigation. Furthermore, they can still exercise their right to a court settlement if DR fails.
- (5) DR is politically advantageous to the involved parties by enhancing their reputation for consensus-building and problem-solving. Because DR has developed only over

the course of the past two decades, some local government officials and other small-group representatives are unaware of its existence or question its legitimacy as a problem-solving tool appropriate to the inherently conservative atmosphere of government. But DR is not the same as binding arbitration: its use is neither an admission of failure nor an abdication of authority, but a demonstration that the involved parties are sufficiently dedicated to the public good to be willing to compromise in order to reach a solution.

A large number of the issues settled through DR are environmental ones. Dispute resolution centers in New Jersey, Massachusetts, Minnesota, New York, New Mexico, Georgia, Florida, and many other states have initiated important discussions and facilitated agreements involving complex and controversial issues like the establishment of regional sewage treatment facilities, the siting of solid waste disposal facilities, the disposal of hazardous waste, the clean-up of a Superfund site, the spraying of herbicides, the adoption of environmental standards, and the siting of underground storage tanks. A well-known example of the successful use of mediation to address an environmental problem is the decade-long public battle over the development of Hawaii's first state water code, which pitted developers against environmentalists, large landowners against small ones, and the counties against the state. This battle produced one legislative stalemate after another to the frustration of all parties but was finally resolved through mediation conducted by Hawaii's Program on Alternative Dispute Resolution.

An example of what happens without DR is the case of the Hampton-Roads refinery in Virginia. The refinery was proposed in 1970, discussed for over a decade, but never built. Contributing to the failure of the project were badly timed changes in the permitting process, understaffing of the State Air Pollution Control Board, statutory vagueness, siting disagreements, lack of communication within the Army Corps of engineers, angry citizens, gubernatorial dissatisfaction with the progress of the project, the involvement of the federal government through both the Department of the Interior and the military, and the expiration of the initially issued permits. At the end of the failed project, the company's expenses were over six million dollars, with about half of that in legal fees. The Army Corps of Engineers' bill for legal fees was at least that amount. This case is a good example of the many such environmental disputes which die of exhaustion rather than being settled fairly and thoughtfully. Millions of dollars and thousands of labor years were squandered without an equitable settlement.

One way for Virginia to avoid this situation in the future is to adopt regulations that enable it to implement § 10.1-1186.3 of the Code of Virginia.

The primary issues that need to be addressed in the development of the regulation are those specified in § 10.1-1186.3 (see "Legal Requirements" above). Secondary issues may involve procedural matters such as the division of costs, scheduling requirements, and so on.

Alternatives to the proposed regulation amendments are being considered by the department. The department has

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# Notices of Intended Regulatory Action

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tentatively determined that the first alternative is appropriate, as it is the least burdensome and least intrusive alternative that fully meets the purpose of the regulatory action. The alternatives being considered by the department are discussed below.

1. Amend the regulations to satisfy the provisions of the law. This option is being selected because it meets the stated purpose of the regulatory action: to comply with the mandate of § 10.1-1186.3 of the Code of Virginia that requires the adoption of regulations for the use of mediation or alternative dispute resolution in the development of a regulation or in the issuance of a permit.
2. Make alternative regulatory changes to those required by the provisions of the law and associated regulations and policies. This option is not being selected because it does not meet the stated purpose of the regulatory action.
3. Take no action to amend the regulations. This option is not being selected because it does not meet the stated purpose of the regulatory action.

As provided in the public participation procedures of the State Air Pollution Control Board, the department will include, in the subsequent Notice of Intended Regulatory Action, a description of the above alternatives and a request for comments on other alternatives and the costs and benefits of the above alternatives or the other alternatives that the commenters may provide.

In the formulation of this regulation, the department will consider the impact of the regulation on family formation, stability, and autonomy. It is not anticipated that this regulation will have a direct impact on families. However, there may be positive indirect impacts in that the regulation will streamline and accelerate environmental negotiations. Such streamlining and acceleration will lessen the enforcement burden and its attendant costs to taxpayers.

The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 10.1-1186.3 of the Code of Virginia.

Public comments may be submitted until 4:30 p.m., March 30, 2000, to the Director, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240.

**Contact:** Dr. Kathleen Sands, Policy Analyst, Office of Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4413, FAX (804) 698-4510, toll-free 1-800-592-5482, or (804) 698-4021/TTY ☎

VA.R. Doc. No. R00-136; Filed February 9, 2000, 10:56 a.m.

## VIRGINIA WASTE MANAGEMENT BOARD

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Waste Management Board intends to consider promulgating regulations entitled: **9 VAC 20-15-10 et seq. Regulation for Dispute Resolution**. The purpose of the proposed action is to establish requirements to govern the use of mediation and dispute resolution in regulation development and permit issuance.

Section 10.1-1186.3 A of the Code of Virginia allows the Virginia Waste Management Board to use mediation and alternative dispute resolution to resolve underlying issues, to reach a consensus, or to compromise on contested issues related to the development of a regulation or to the issuance of a permit. Section 10.1-1186.3 D of the Code of Virginia specifies that the board shall adopt regulations in accordance with the Administrative Process Act for the implementation of § 10.1-1186.3. These regulations are to include (i) standards and procedures for the conduct of mediation and dispute resolution, (ii) the appointment and function of a neutral; and (iii) procedures to protect the confidentiality of papers, work product, or other materials.

Beginning in the early 1970s, federal, state, and local governments have increasingly used mediation and other consensus-building tools as an alternative to more traditional means of resolving disputes. These consensus-building tools are intended to supplement, not replace, conventional legislative, judicial, administrative, or regulatory mechanisms. The benefits of dispute resolution (DR) are many:

(1) DR achieves results satisfactory to all parties. Since each party learns to search for common ground and to recognize similar interests in the other parties, the traditional "hero vs. villain" illusion of adversarial disputes is avoided. Because the eventual solution is beneficial to all parties rather than to only one, the process produces mutual satisfaction in all parties, rather than winners and losers. Studies by the American Arbitration Association show that 80% of participants were satisfied with their DR programs regardless of process or outcome.

(2) DR saves money. For instance, a single mediation undertaken by the New Jersey Center for Public Dispute Resolution to settle a dispute with the federal government over the state's emergency transport system avoided a potential loss of \$20 million in federal funds.

(3) DR accelerates the decision-making process. Because the concerned parties have a vested interest in achieving a speedy settlement, resolutions are generally reached in much less time through DR than is required for resolutions to be reached through more traditional means.

(4) DR decreases the load on the court system. For instance, Cincinnati's Institute of Justice Private Complaint Program has reduced the municipal court's caseload by a third every year since 1974, with nearly half of the referred cases settled out of court and others being referred to noncourt agencies. Government

decision-makers sometimes perceive litigation as a politically safer option than DR since the court can be blamed for any undesirable outcome. These decision-makers, however, have much more control over the outcome through DR than through litigation. Furthermore, they can still exercise their right to a court settlement if DR fails.

(5) DR is politically advantageous to the involved parties by enhancing their reputation for consensus-building and problem-solving. Because DR has developed only over the course of the past two decades, some local government officials and other small-group representatives are unaware of its existence or question its legitimacy as a problem-solving tool appropriate to the inherently conservative atmosphere of government. But DR is not the same as binding arbitration: its use is neither an admission of failure nor an abdication of authority, but a demonstration that the involved parties are sufficiently dedicated to the public good to be willing to compromise in order to reach a solution.

A large number of the issues settled through DR are environmental ones. Dispute resolution centers in New Jersey, Massachusetts, Minnesota, New York, New Mexico, Georgia, Florida, and many other states have initiated important discussions and facilitated agreements involving complex and controversial issues like the establishment of regional sewage treatment facilities, the siting of solid waste disposal facilities, the disposal of hazardous waste, the clean-up of a Superfund site, the spraying of herbicides, the adoption of environmental standards, and the siting of underground storage tanks. A well-known example of the successful use of mediation to address an environmental problem is the decade-long public battle over the development of Hawaii's first state water code, which pitted developers against environmentalists, large landowners against small ones, and the counties against the state. This battle produced one legislative stalemate after another to the frustration of all parties but was finally resolved through mediation conducted by Hawaii's Program on Alternative Dispute Resolution.

An example of what happens without DR is the case of the Hampton-Roads refinery in Virginia. The refinery was proposed in 1970, discussed for over a decade, but never built. Contributing to the failure of the project were badly timed changes in the permitting process, understaffing of the State Air Pollution Control Board, statutory vagueness, siting disagreements, lack of communication within the Army Corps of engineers, angry citizens, gubernatorial dissatisfaction with the progress of the project, the involvement of the federal government through both the Department of the Interior and the military, and the expiration of the initially issued permits. At the end of the failed project, the company's expenses were over six million dollars, with about half of that in legal fees. The Army Corps of Engineers' bill for legal fees was at least that amount. This case is a good example of the many such environmental disputes which die of exhaustion rather than being settled fairly and thoughtfully. Millions of dollars and thousands of labor years were squandered without an equitable settlement.

One way for Virginia to avoid this situation in the future is to adopt regulations that enable it to implement § 10.1-1186.3 of the Code of Virginia.

The primary issues that need to be addressed in the development of the regulation are those specified in § 10.1-1186.3 (see "Legal Requirements" above). Secondary issues may involve procedural matters such as the division of costs, scheduling requirements, and so on.

Alternatives to the proposed regulation amendments are being considered by the department. The department has tentatively determined that the first alternative is appropriate, as it is the least burdensome and least intrusive alternative that fully meets the purpose of the regulatory action. The alternatives being considered by the department are discussed below.

1. Amend the regulations to satisfy the provisions of the law. This option is being selected because it meets the stated purpose of the regulatory action: to comply with the mandate of § 10.1-1186.3 of the Code of Virginia that requires the adoption of regulations for the use of mediation or alternative dispute resolution in the development of a regulation or in the issuance of a permit.
2. Make alternative regulatory changes to those required by the provisions of the law and associated regulations and policies. This option is not being selected because it does not meet the stated purpose of the regulatory action.
3. Take no action to amend the regulations. This option is not being selected because it does not meet the stated purpose of the regulatory action.

As provided in the public participation procedures of the Virginia Waste Management Board, the department will include, in the subsequent Notice of Intended Regulatory Action, a description of the above alternatives and a request for comments on other alternatives and the costs and benefits of the above alternatives or the other alternatives that the commenters may provide.

In the formulation of this regulation, the department will consider the impact of the regulation on family formation, stability, and autonomy. It is not anticipated that this regulation will have a direct impact on families. However, there may be positive indirect impacts in that the regulation will streamline and accelerate environmental negotiations. Such streamlining and acceleration will lessen the enforcement burden and its attendant costs to taxpayers.

The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 10.1-1186.3 of the Code of Virginia.

Public comments may be submitted until 4:30 p.m., March 30, 2000, to the Director, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240.

**Contact:** Dr. Kathleen Sands, Policy Analyst, Office of Regulatory Development, Department of Environmental

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# Notices of Intended Regulatory Action

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Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4413, FAX (804) 698-4510, toll-free 1-800-592-5482, or (804) 698-4021/TTY ☎

VA.R. Doc. No. R00-139; Filed February 9, 2000, 10:56 a.m.

## Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Waste Management Board intends to consider amending regulations entitled: **9 VAC 20-70-10 et seq. Financial Assurance Regulations for Solid Waste Facilities.** The amendments further protect the public from bearing the burden of costs associated with abandoned solid waste treatment and disposal facilities. The board will review and evaluate the existing regulations to determine the most effective method of strengthening the existing financial assurance requirements.

**Request for Comments.** The board requests comments on the intended regulatory action, including ideas to assist the board in the development of a proposal. In addition, the board seeks comments on the costs and benefits of any stated alternative or other alternatives.

**Public Meeting.** The department will hold a public meeting to receive comments from the public on Thursday, March 2, 2000, at 9 a.m. in the 10th Floor Conference Room, Department of Environmental Quality's Office, 629 E. Main Street, in Richmond.

**Technical Advisory Committee.** Persons wishing to assist in the development of a proposal by serving on a technical advisory committee should contact Melissa Porterfield at (804) 698-4238.

The agency intends to hold a public hearing on the proposed regulation after publication.

**Statutory Authority:** § 10.1-1402 and 10.1-1410 of the Code of Virginia.

Public comments may be submitted until March 17, 2000.

**Contact:** Melissa Porterfield, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4238.

VA.R. Doc. No. R00-91; Filed January 12, 2000, 11:36 a.m.

## STATE WATER CONTROL BOARD

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to consider promulgating regulations entitled: **9 VAC 25-15-10 et seq. Regulation for Dispute Resolution.** The purpose of the proposed action is to establish requirements to govern the use of mediation and dispute resolution in regulation development and permit issuance. Section 10.1-1186.3 A of the Code of Virginia allows the State Water Control Board to use mediation and alternative dispute resolution to resolve underlying issues, to reach a consensus, or to compromise on

contested issues related to the development of a regulation or to the issuance of a permit. Section 10.1-1186.3 D of the Code of Virginia specifies that the board shall adopt regulations in accordance with the Administrative Process Act for the implementation of § 10.1-1186.3. These regulations are to include (i) standards and procedures for the conduct of mediation and dispute resolution, (ii) the appointment and function of a neutral; and (iii) procedures to protect the confidentiality of papers, work product, or other materials.

Beginning in the early 1970s, federal, state, and local governments have increasingly used mediation and other consensus-building tools as an alternative to more traditional means of resolving disputes. These consensus-building tools are intended to supplement, not replace, conventional legislative, judicial, administrative, or regulatory mechanisms. The benefits of dispute resolution (DR) are many:

(1) DR achieves results satisfactory to all parties. Since each party learns to search for common ground and to recognize similar interests in the other parties, the traditional "hero vs. villain" illusion of adversarial disputes is avoided. Because the eventual solution is beneficial to all parties rather than to only one, the process produces mutual satisfaction in all parties, rather than winners and losers. Studies by the American Arbitration Association show that 80% of participants were satisfied with their DR programs regardless of process or outcome.

(2) DR saves money. For instance, a single mediation undertaken by the New Jersey Center for Public Dispute Resolution to settle a dispute with the federal government over the state's emergency transport system avoided a potential loss of \$20 million in federal funds.

(3) DR accelerates the decision-making process. Because the concerned parties have a vested interest in achieving a speedy settlement, resolutions are generally reached in much less time through DR than is required for resolutions to be reached through more traditional means.

(4) DR decreases the load on the court system. For instance, Cincinnati's Institute of Justice Private Complaint Program has reduced the municipal court's caseload by a third every year since 1974, with nearly half of the referred cases settled out of court and others being referred to noncourt agencies. Government decision-makers sometimes perceive litigation as a politically safer option than DR since the court can be blamed for any undesirable outcome. These decision-makers, however, have much more control over the outcome through DR than through litigation. Furthermore, they can still exercise their right to a court settlement if DR fails.

(5) DR is politically advantageous to the involved parties by enhancing their reputation for consensus-building and problem-solving. Because DR has developed only over the course of the past two decades, some local government officials and other small-group representatives are unaware of its existence or question its legitimacy as a problem-solving tool appropriate to the inherently conservative atmosphere of government. But

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# Notices of Intended Regulatory Action

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DR is not the same as binding arbitration: its use is neither an admission of failure nor an abdication of authority, but a demonstration that the involved parties are sufficiently dedicated to the public good to be willing to compromise in order to reach a solution.

A large number of the issues settled through DR are environmental ones. Dispute resolution centers in New Jersey, Massachusetts, Minnesota, New York, New Mexico, Georgia, Florida, and many other states have initiated important discussions and facilitated agreements involving complex and controversial issues like the establishment of regional sewage treatment facilities, the siting of solid waste disposal facilities, the disposal of hazardous waste, the clean-up of a Superfund site, the spraying of herbicides, the adoption of environmental standards, and the siting of underground storage tanks. A well-known example of the successful use of mediation to address an environmental problem is the decade-long public battle over the development of Hawaii's first state water code, which pitted developers against environmentalists, large landowners against small ones, and the counties against the state. This battle produced one legislative stalemate after another to the frustration of all parties but was finally resolved through mediation conducted by Hawaii's Program on Alternative Dispute Resolution.

An example of what happens without DR is the case of the Hampton-Roads refinery in Virginia. The refinery was proposed in 1970, discussed for over a decade, but never built. Contributing to the failure of the project were badly timed changes in the permitting process, understaffing of the State Air Pollution Control Board, statutory vagueness, siting disagreements, lack of communication within the Army Corps of engineers, angry citizens, gubernatorial dissatisfaction with the progress of the project, the involvement of the federal government through both the Department of the Interior and the military, and the expiration of the initially issued permits. At the end of the failed project, the company's expenses were over six million dollars, with about half of that in legal fees. The Army Corps of Engineers' bill for legal fees was at least that amount. This case is a good example of the many such environmental disputes which die of exhaustion rather than being settled fairly and thoughtfully. Millions of dollars and thousands of labor years were squandered without an equitable settlement.

One way for Virginia to avoid this situation in the future is to adopt regulations that enable it to implement § 10.1-1186.3 of the Code of Virginia.

The primary issues that need to be addressed in the development of the regulation are those specified in § 10.1-1186.3 (see "Legal Requirements" above). Secondary issues may involve procedural matters such as the division of costs, scheduling requirements, and so on.

Alternatives to the proposed regulation amendments are being considered by the department. The department has tentatively determined that the first alternative is appropriate, as it is the least burdensome and least intrusive alternative that fully meets the purpose of the regulatory action. The alternatives being considered by the department are discussed below.

1. Amend the regulations to satisfy the provisions of the law. This option is being selected because it meets the stated purpose of the regulatory action: to comply with the mandate of § 10.1-1186.3 of the Code of Virginia that requires the adoption of regulations for the use of mediation or alternative dispute resolution in the development of a regulation or in the issuance of a permit.

2. Make alternative regulatory changes to those required by the provisions of the law and associated regulations and policies. This option is not being selected because it does not meet the stated purpose of the regulatory action.

3. Take no action to amend the regulations. This option is not being selected because it does not meet the stated purpose of the regulatory action.

As provided in the public participation procedures of the State Water Control Board, the department will include, in the subsequent Notice of Intended Regulatory Action, a description of the above alternatives and a request for comments on other alternatives and the costs and benefits of the above alternatives or the other alternatives that the commenters may provide.

In the formulation of this regulation, the department will consider the impact of the regulation on family formation, stability, and autonomy. It is not anticipated that this regulation will have a direct impact on families. However, there may be positive indirect impacts in that the regulation will streamline and accelerate environmental negotiations. Such streamlining and acceleration will lessen the enforcement burden and its attendant costs to taxpayers.

The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 10.1-1186.3 of the Code of Virginia.

Public comments may be submitted until 4:30 p.m., March 30, 2000, to the Director, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240.

**Contact:** Dr. Kathleen Sands, Policy Analyst, Office of Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4413, FAX (804) 698-4510, toll-free 1-800-592-5482, or (804) 698-4021/TTY ☎

VA.R. Doc. No. R00-140; Filed February 9, 2000, 10:56 a.m.

## Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to consider amending regulations entitled: **9 VAC 25-110-10 et seq. General VPDES Permit for Domestic Sewage Discharges of Less Than or Equal to 1,000 Gallons Per Day.** The purpose of the proposed action is to reissue the existing general permit which expires on August 1, 2001. The general permit will establish limitations and monitoring requirements for domestic sewage discharges less than or

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# Notices of Intended Regulatory Action

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equal to 1,000 gallons per day. As with an individual VPDES permit, the effluent limits in the general permit will be set to protect the quality of the waters receiving the discharges. A technical advisory committee will be formed to assist in the development of the regulation. The primary function of the committee will be to develop recommendations to the board for the content of the reissued general permit through a process of negotiation and consensus. Persons who desire to be on the committee should notify the agency contact person in writing by 4:30 p.m. on Wednesday, March 15, 2000, and provide name, address, telephone number and the organization represented (if any). Notification of the composition of the technical advisory committee will be sent to all applicants. Following publication of the draft general permit regulation in the Virginia Register, the board will hold at least one public hearing to provide opportunity for public comment.

Statutory Authority: § 62.1-44.15 of the Code of Virginia.

Public comments may be submitted until 4:30 p.m. on Wednesday, March 15, 2000.

**Contact:** Lily Choi, Office of Water Permit Programs, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4054 or FAX (804) 698-4032.

VA.R. Doc. No. R00-101; Filed January 27, 2000, 11:34 a.m.

## Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to consider amending regulations entitled: **9 VAC 25-115-10 et seq. General VPDES Permit for Seafood Processing Facilities.** The purpose of the proposed action is to reissue the existing general permit which expires on July 24, 2001. The general permit will establish limitations and monitoring requirements for discharges of wastewater from seafood processing facilities. As with an individual VPDES permit, the effluent limits in the general permit will be set to protect the quality of the waters receiving the discharges. A technical advisory committee will be formed to assist in the development of the regulation. The primary function of the committee will be to develop recommendations to the board for the content of the reissued general permit through a process of negotiation and consensus. Persons who desire to be on the committee should notify the agency contact person in writing by 4:30 p.m. on Wednesday, March 15, 2000, and provide name, address, telephone number and the organization represented (if any). Notification of the composition of the technical advisory committee will be sent to all applicants. Following publication of the draft general permit regulation in the Virginia Register, the board will hold at least one public hearing to provide opportunity for public comment.

Statutory Authority: § 62.1-44.15 of the Code of Virginia.

Public comments may be submitted until 4:30 p.m. on Wednesday, March 15, 2000.

**Contact:** Michael Gregory, Office of Water Permit Programs, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4065 or FAX (804) 698-4032.

VA.R. Doc. No. R00-100; Filed January 27, 2000, 11:34 a.m.

## Notice of Intended Regulatory Action

### Extension of Public Comment Period

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to consider amending regulations entitled: **9 VAC 25-260-5 et seq. Water Quality Standards.** The purpose of the proposed action is to consider amending the water quality standards to update numerical or narrative criteria for dissolved oxygen for certain waters of the Chesapeake Bay and other naturally occurring low dissolved oxygen waters where current criteria are not appropriate.

Intent: The intent of this rulemaking is to protect designated and beneficial uses in the Commonwealth by adopting regulations that are technically correct and reasonable. These standards will be used in setting Virginia Pollutant Discharge Elimination System Permit limits and for evaluating the waters of the Commonwealth for inclusion in the federal Clean Water Act § 305(b) report and § 303(d) list. Waters not meeting standards will require development of a Total Maximum Daily Load under the federal Clean Water Act § 303(d).

Need: This rulemaking is needed because the current dissolved oxygen criteria (4mg/l minimum and 5mg/l daily average) are not appropriate in waters where the naturally occurring dissolved oxygen levels are below the existing criteria. These types of water may include the deep trenches of the Chesapeake Bay, the deep waters of stratified lakes and wetlands. Changes to these criteria are needed to facilitate permitting, monitoring and Total Maximum Daily Load development.

Alternatives Available to Meet the Need: Many alternatives in the subject areas listed will become available as DEQ staff and the public begin to review scientific data and the needs of permitting and monitoring. DEQ will work in conjunction with other state and federal agencies to consider various alternatives. Alternatives provided by the public will also be considered.

The department has not accepted nor rejected any alternatives as of yet. Some alternatives being considered by the agency now include, but are not limited to, the following:

- whether we should include alternative dissolved oxygen criteria for the Chesapeake Bay, wetlands and lakes;
- whether we should consider for adoption the Chesapeake Bay Living Resources Goals or Environmental Protection Agency criteria or some other criteria;
- whether zones for application of the criteria should be included and what these zones should be (i.e. application

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# Notices of Intended Regulatory Action

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of a lower dissolved oxygen criterion one meter off the bottom (for the Bay), in the hypolimnion or below the thermocline (lakes), throughout the column (wetlands) or should some other zone be considered for application of the alternative criteria);

- whether to improve the specific narrative criterion that recognizes natural background differences for all waters. Currently natural conditions in surface water are recognized in the following sections of the regulation: 9 VAC 25-260-10.G, 9 VAC 25-260-50 and 9 VAC 25-260-250;

**Request for Comments:** Comments are requested on the intended regulatory action, including any ideas to assist the agency in the development of the proposal. Comments are requested on the costs and benefits of the stated alternatives or other alternatives. DEQ also requests comments as to whether the agency should use the participatory approach to assist the agency in the development of the proposal. The participatory approach is defined as a method for the use of (i) standing advisory committees, (ii) ad hoc advisory groups or panels, (iii) consultation with groups or individuals registering interest in working with the agency, or (iv) any combination thereof.

**Public Meeting:** A public meeting was held on January 27, 2000, at 2 p.m. at the Virginia War Memorial, 621 South Belvidere Street, Richmond, Virginia 23220. The public comment period on the intended regulatory action has been extended until April 7, 2000. Please submit comments to Eleanore Daub, Office of Water Quality Programs, Department of Environmental Quality, 629 East Main Street, Richmond, VA 23219.

The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 62.1-44.15 of the Code of Virginia.

Public comments may be submitted until April 7, 2000.

**Contact:** Eleanore Daub, Environmental Program Planner, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4111 or (804) 698-4522.

VA.R. Doc. No. R00-57; Filed December 1, 1999, 8:46 a.m.



## TITLE 12. HEALTH

### DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to consider amending regulations entitled: **12 VAC 30-10-10 et seq. State Plan under Title XIX of the Social Security Act Medical Assistance Program-General**

**Provisions; 12 VAC 30-50-10 et seq. Amount, Duration, and Scope of Medical and Remedial Care Services; 12 VAC 30-80-10 et seq. Methods and Standards for Establishing Payment Rates-Other Types of Care; and 12 VAC 30-130-10 et seq. Amount, Duration and Scope of Selected Services.** The purpose of the proposed action is to promulgate permanent regulations for the provision of residential psychiatric services for children and adolescents under the provisions of the Early and Periodic Screening, Diagnosis, and Treatment Program (42 CFR 440.40). 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 March 1, 2000, to Anita Cordill, Analyst, Policy Division, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

**Contact:** Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7959 or FAX (804) 786-1680.

VA.R. Doc. No. R00-81; Filed January 6, 2000, 4:17 p.m.

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to consider amending regulations entitled: **12 VAC 30-20-10 et seq. Administration of Medical Assistance Services.** The purpose of the proposed action is to modify the copayment amount for brand name prescription drugs that recipients will be required to pay. 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 March 15, 2000, to William Lessard, 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 Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7959 or FAX (804) 786-1680.

VA.R. Doc. No. R00-96; Filed January 19, 2000, 12:07 p.m.

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to consider amending regulations entitled: **12 VAC 30-50-10 et seq. Amount, Duration, and Scope of Medical and Remedial Care Services.** The purpose of the proposed action is to convert the provision of transportation to Medicaid recipients from medical service to an administrative expense. This regulatory change will permit DMAS to contract with transportation brokers to authorize, arrange and reimburse necessary nonemergency transportation statewide.

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# Notices of Intended Regulatory Action

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The agency intends 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 March 30, 2000, to Jeff Nelson, Analyst, Policy Division, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

**Contact:** Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7959 or FAX (804) 786-1680.

VA.R. Doc. No. R00-102; Filed January 27, 2000, 10:31 a.m.

## Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to consider promulgating regulations entitled: **Uninsured Medical Catastrophe Fund**. Pursuant to Chapter 998 of the 1999 Acts of Assembly, the purpose of the proposed action to adopt regulations for the Uninsured Medical Catastrophe Fund (see § 32.1-324.3 of the Code of Virginia) is to (i) further define an uninsured medical catastrophe, including a life-threatening illness or injury requiring specialized medical treatment hospitalization, or both; (ii) establish procedures for distribution of moneys in the fund to pay for the cost of treating uninsured medical catastrophes; (iii) establish application and appeals procedures; and (iv) establish criteria for eligibility for assistance from the fund and the prioritization and allocation of available moneys among applicants for assistance from the fund. 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 March 15, 2000, to William Lessard, 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 Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7959 or FAX (804) 786-1680.

VA.R. Doc. No. R00-99; Filed January 24, 2000, 4:11 p.m.

## Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to consider amending regulations entitled: **12 VAC 30-50-10 et seq. Amount, Duration, and Scope of Medical and Remedial Care Services**. The purpose of the proposed action is to promulgate permanent regulations for the provision of expanded school-based services consistent with General Assembly mandates. 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 March 1, 2000, to Jeff Nelson, Policy Division, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

**Contact:** Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7959 or FAX (804) 786-1680.

VA.R. Doc. No. R00-89; Filed January 12, 2000, 9:02 a.m.

## Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to consider amending regulations entitled: **12 VAC 30-50-10 et seq. Amount, Duration, and Scope of Medical and Remedial Care Services; 12 VAC 30-60-10 et seq. Standards Established and Methods Used to Assure High Quality Care; 12 VAC 30-80-10 et seq. Methods and Standards for Establishing Payment Rates-Other Types of Care;** and promulgating regulations entitled **12 VAC 30-129-100 et seq. Treatment Foster Care Providers**. The purpose of the proposed action is to promulgate permanent regulations for the provision of case management services for treatment foster care. 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 March 1, 2000, to Anita Cordill, Policy Division, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

**Contact:** Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7959 or FAX (804) 786-1680.

VA.R. Doc. No. R00-84; Filed January 6, 2000, 4:17 p.m.

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## TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

### BOARD OF MEDICINE

#### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board Medicine intends to consider promulgating regulations entitled: **18 VAC 85-120-10 et seq. Regulations Governing the Certification of Athletic Trainers**. The purpose of the proposed regulation is to promulgate regulations establishing the appropriate training, educational credentials and examination for the certification of athletic trainers; to set forth criteria for continuing



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# Notices of Intended Regulatory Action

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competency; and to establish fees as necessary to cover expenditures for regulation of the profession. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 54.1-2400 and 54.1-2957.4 of the Code of Virginia.

Public comments may be submitted until March 29, 2000.

**Contact:** William L. Harp, 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.

VA.R. Doc. No. R00-104; Filed January 28, 2000, 11:54 a.m.

## BOARDS OF PHARMACY AND MEDICINE

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Boards of Pharmacy and Medicine intend to consider promulgating regulations entitled: **18 VAC 110-40-10 et seq. Regulations Governing Collaborative Practice Agreements.** The purpose of the proposed regulation is to adopt regulations pursuant to Chapter 1101 of the 1999 Acts of Assembly which mandates that the boards jointly promulgate regulations to implement the provisions of the statute regarding collaborative practice agreements. The proposed regulations would replace emergency regulations adopted by the boards in order to have regulations in effect within 280 days of the date of the enactment of the bill. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 54.1-2400, 54.1-3300 and 54.1-3300.1 of the Code of Virginia.

Public comments may be submitted until March 15, 2000.

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

VA.R. Doc. No. R00-97; Filed January 20, 2000, 4:23 p.m.

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## TITLE 22. SOCIAL SERVICES

### STATE BOARD OF SOCIAL SERVICES

#### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Social Services intends to consider repealing regulations entitled:

**22 VAC 40-32-10 et seq. Aid to Families with Dependent Children (AFDC) Program - Determining AFDC Eligibility**

**When the Only Dependent Child Receives Foster Care Benefits.**

**22 VAC 40-290-10. Earned Income Disregards/Student Earnings in the Aid to Families with Dependent Children (AFDC) Program.**

**22 VAC 40-300-10 et seq. Lump Sum Ineligibility Period in the Aid to Families with Dependent Children (AFDC) Program.**

**22 VAC 40-310-10 et seq. Maximum Resource Limit in the Aid to Families with Dependent Children (AFDC) Program.**

**22 VAC 40-320-10 et seq. Disclosure of Information to Law-Enforcement Officers in the Aid to Families with Dependent Children (AFDC) Program.**

**22 VAC 40-330-10 et seq. Collection of Overpayments in the Aid to Families with Dependent Children (AFDC) and Refugee Other Assistance Programs.**

**22 VAC 40-340-10 et seq. Protective Payments in the Aid to Families with Dependent Children (AFDC) and Refugee Other Assistance Programs.**

**22 VAC 40-350-10 et seq. Real Property Disposition Period in the Aid to Families with Dependent Children (AFDC) Program.**

**22 VAC 40-360-10 et seq. Definition of a Home in the Aid to Families with Dependent Children (AFDC) and General Relief (GR) Programs.**

**22 VAC 40-370-10 et seq. Job Training Partnership Act (JTPA) Income Disregards in the Aid to Families with Dependent Children (AFDC) Program.**

**22 VAC 40-380-10 et seq. Disregard of Certain Income Received by Indian Tribes in the Aid to Families with Dependent Children (AFDC) Program.**

**22 VAC 40-390-10 et seq. Persons and Income Required to be Considered When Evaluating Eligibility for Assistance in the Aid to Families with Dependent Children (AFDC) Program.**

**22 VAC 40-420-10 et seq. Aid to Families with Dependent Children: Unemployed Parent Demonstration (AFDC-UP Demo) Project.**

**22 VAC 40-430-10 et seq. Treatment of Casual and Inconsequential Income in the Aid to Families with Dependent Children (AFDC) Program.**

**22 VAC 40-440-10 et seq. Aid to Families with Dependent Children (AFDC) Program - Allocation of Income.**

**22 VAC 40-450-10 et seq. Lump Sum Payments in the Aid to Families with Dependent Children (AFDC) Program.**

**22 VAC 40-460-10 et seq. Deeming of Stepparent Income in the Aid to Families with Dependent Children (AFDC) Program.**

**22 VAC 40-490-10 et seq. Aid to Families with Dependent Children (AFDC) Program - Deprivation Due to the Incapacity of a Parent.**

**22 VAC 40-500-10 et seq. Work-Related Child Care Expense Disregard in the Aid to Families with Dependent Children (AFDC) Program.**

**22 VAC 40-510-10 et seq. Aid to Families with Dependent Children (AFDC) Program - Entitlement Date.**

**22 VAC 40-520-10 et seq. Aid to Families with Dependent Children (AFDC) Program - Disregarded Income and Resources.**

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# Notices of Intended Regulatory Action

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22 VAC 40-530-10 et seq. Aid to Families with Dependent Children (AFDC) Program - Deprivation Due to Continued Absence.

22 VAC 40-550-10 et seq. Aid to Families with Dependent Children (AFDC) Program - Unemployed Parent (AFDC-UP) Program.

22 VAC 40-580-10 et seq. Aid to Families with Dependent Children - Elimination of Monthly Reporting.

22 VAC 40-590-10 et seq. Aid to Families with Dependent Children - Earned Income Tax Credit (EITC) Disregard.

22 VAC 40-610-10 et seq. Aid to Families with Dependent Children (AFDC) Program - Exclusion of Children Receiving Adoption Assistance and Foster Care Maintenance Payment.

22 VAC 40-620-10 et seq. Aid to Families with Dependent Children (AFDC) Program - Fifth Degree Specified Relative.

22 VAC 40-650-10 et seq. Aid to Families with Dependent Children (AFDC) Program - Disqualification for Intentional Program Violation.

22 VAC 40-750-10 et seq. Grant Diversion.

22 VAC 40-760-10 et seq. Employment Services Program Policy.

On August 22, 1996, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) was enacted, introducing welfare reform at the federal level. In Title I of the Act, Congress replaced the Aid to Families with Dependent Children (AFDC) Program with the Temporary Assistance for Needy Families (TANF) block grant. This block grant considerably reduced federal regulation of cash assistance and employment services programs, allowing states to design their programs within limited parameters.

Because the framework of the AFDC program was repealed by Congress, Virginia adopted pre-TANF federal definitions of eligibility criteria in order to maintain the program as it currently operated in Virginia. To that end, the 1997 Virginia General Assembly adopted legislation that codified the old rules, and an advisory committee comprised of legislators, social services directors and workers, local government officials, and citizens was formed to consider new TANF options. The committee made recommendations to simplify and streamline the TANF and VIEW programs.

The proposed regulations, 22 VAC 40-295-10 et seq., will implement the recommendations of the TANF Advisory Committee and will also serve as a comprehensive program regulation. These regulations will be repealed and any necessary language included in the proposed comprehensive regulation.

The agency does not intend to hold a public hearing on the proposed repeal of these regulations after publication.

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

Public comments may be submitted until March 29, 2000.

**Contact:** Mark L. Golden, Human Services Program Consultant, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1730.

VA.R. Doc. Nos. R00-108 through R00-135, R00-137 and R00-138, Filed February 4, 2000, 9:07 a.m.



## TITLE 24. TRANSPORTATION AND MOTOR VEHICLES

### COMMONWEALTH TRANSPORTATION BOARD

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Commonwealth Transportation Board intends to consider promulgating regulations entitled: **24 VAC 30-65-10 et seq. State-Owned Urban Tunnel Safety Regulation.** The purpose of the proposed action is to promulgate a safety inspection regulation of LP gas valves of vehicles using LP gas for purposes other than propulsion at state-owned urban bridge-tunnels in the Suffolk construction district. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 33.1-12, 33.1-268 and 33.1-292 of the Code of Virginia.

Public comments may be submitted until March 1, 2000.

**Contact:** Perry C. Cogburn, Environmental Program Planner, Department of Transportation, Maintenance Division, 1221 E. Broad St., Richmond, VA 23219, telephone (804) 786-6824 or FAX (804) 786-7987.

VA.R. Doc. No. R00-87; Filed January 12, 2000, 8:56 a.m.

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Commonwealth Transportation Board intends to consider promulgating regulations entitled: **24 VAC 30-125-10 et seq. Regulation for Landscape Recognition and Identification Signs and Structures.** The purpose of the proposed action is to promulgate a new regulation concerning issues related to landscaping and nonregulatory signage placed on state-owned right of way. The regulation will address how donations will be accepted and used in VDOT's Wildflower Program, and the conditions under which localities, businesses, and subdivisions may place signs or related structures on state-owned right of way. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 33.1-12 and 33.1-292 of the Code of Virginia.

Public comments may be submitted until March 1, 2000.

**Contact:** James R. Barrett, Environmental Program Planner, Department of Transportation, Environmental Division, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-6826 or FAX (804) 371-6827.

VA.R. Doc. No. R00-86; Filed January 12, 2000, 9:33 a.m.



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# FINAL REGULATIONS

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For information concerning Final Regulations, see Information Page.

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## Symbol Key

Roman type indicates existing text of regulations. *Italic type* indicates new text. Language which has been stricken indicates text to be deleted. [Bracketed language] indicates a change from the proposed text of the regulation.

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## TITLE 4. CONSERVATION AND NATURAL RESOURCES

### MARINE RESOURCES COMMISSION

**REGISTRAR'S NOTICE:** The following regulations filed by the Marine Resources Commission are exempt from the Administrative Process Act in accordance with § 9-6.14:4 1 F of the Code of Virginia; however, the commission is required to publish the full text of final regulations.

**Title of Regulation:** 4 VAC 20-720-10 et seq. **Pertaining to Restrictions on Oyster Harvest (amending 4 VAC 20-720-20, 4 VAC 20-720-40, 4 VAC 20-720-50, 4 VAC 20-720-60, 4 VAC 20-720-70, and 4 VAC 20-720-80).**

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

**Effective Date:** February 4, 2000.

#### Summary:

*The amendments open the area known as the Deep Water Shoal State Replenishment Seed Area to the harvesting of oysters by the public. All restrictions and limitations for the rest of the James River also apply to this area.*

**Agency Contact:** Katherine V. Leonard, Marine Resources Commission, P.O. Box 756, Newport News, VA 23607, telephone (757) 247-2120.

#### 4 VAC 20-720-20. Definitions.

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

*"Deep Water Shoal State Replenishment Seed Area" in the James River (574.66 Acres) means the areas beginning at a point approximately 530 feet west of Deep Water Shoal Light, said point being Corner 1 as located by Virginia State Plane Coordinates, South Zone, NAD 1927, North 302,280.00, East 2,542,360.00; thence North Azimuth 30°49'59", 4,506.99 feet to Corner 2, North 306,150.00, East 2,544,670.00; thence North Azimuth 135°08'57", 5,430.60 feet to Corner 3, North 302,300.00, East 2,548,500.00; thence North Azimuth 212°13'54", 3,487.42 feet to Corner 4, North 299,350.00, East 2,546,640.00; thence North Azimuth 269°10'16", 2,765.29 feet to Corner 5, North 299,310.00, East 2,543,875.00; thence North Azimuth 332°58'26", 3,334.09 feet to Corner 1, being the point of beginning.*

*"Hand scrape" means any device or instrument with a catching bar having an inside measurement of no more than 22 inches, which is used or usable for the purpose of*

extracting or removing shellfish from a water bottom or the bed of a body of water.

*"Johnson's Rock" means that area of Tangier Sound in Public Ground 4 that is south of a line from the Tangier Sound light to the northern tip of Watts Island.*

*"Pocomoke and Tangier Sounds Management Area" means the area as defined in § 28.2-524 of the Code of Virginia.*

*"Public oyster ground" means all those grounds defined in § 28.2-551 of the Code of Virginia, all ground set aside as public oyster ground by court order, and all ground set aside as public oyster ground by order of the Marine Resources Commission.*

*"Thorofare Rock" means that area of the Tangier Sound on the east side of the Tangier Channel north of green buoy "5." This area includes Public Grounds 5, 6, and 7 north to the Maryland line.*

*"Unassigned ground" means all grounds other than public oyster ground as defined by this chapter and which have not been set aside or assigned by lease, permit, or easement by the Marine Resources Commission.*

*"Waterview Hand Scrape Area" means the area beginning at a point on the inshore line of Public Ground 1 – Middlesex County at the intersection with a line extending from the easternmost point of Punchbowl Point northerly to green buoy "11"; thence northerly to green buoy "11"; thence southeasterly to green buoy "9"; thence southeasterly to red buoy "8"; thence to a point where the line extended from red buoy "8" westerly to the southernmost point of Long Point intersects the inshore line of Public Ground 1 – Middlesex County; thence following the inshore line of the public ground northerly to the point of beginning.*

#### 4 VAC 20-720-40. Open season and areas.

The lawful seasons and areas for the harvest of oysters from the public oyster grounds and unassigned grounds are as follows:

1. James River Seed Area , including the Deep Water Shoal State Replenishment Seed Area: October 1, 1999, through April 30, 2000.
2. James River Jail Island and Point of Shoals Clean Cull Areas: October 1, 1999, through April 30, 2000.
3. Seaside of Eastern Shore: for clean cull oysters only, November 1, 1999, through January 31, 2000.
4. The area of the Rappahannock River west of the Route 3 bridge, including the Corrotoman River and the Waterview Hand Scrape Area: November 1, 1999, through January 31, 2000.

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5. That area of the Nomini and Lower Machodoc Rivers to the Virginia-Maryland state line (Nomini-PRV6A to PRV6B; Lower Machodoc PRV5A to PRV5C): November 1, 1999, through January 31, 2000.

6. That area of the Coan River to the Virginia-Maryland state line (PRV1A to PRV1B) except for that area above a line from Walnut Point (Survey Station Walnut) to Stephens Point (Survey Station Arthur): November 1, 1999, through January 31, 2000.

7. That area of the Yeocomico River inside Public Grounds 107, 112 and 113: November 1, 1999, through January 31, 2000.

8. Two areas in the Tangier Sound, Johnson's (Public Ground 4) and Thorofare Rock (Public Grounds 5, 6, and 7) and in the Pocomoke Sound portion of the Pocomoke and Tangier Sound Management Area, northeast from a line from Beach Island light to the house on Great Fox Island: December 1, 1999, through January 31, 2000.

9. Little Wicomico River: November 1, 1999, through January 31, 2000.

#### 4 VAC 20-720-50. Closed harvest season and areas.

It shall be unlawful for any person to harvest oysters from the following areas during the specified periods:

1. All public oyster grounds and unassigned grounds in the Chesapeake Bay and its tributaries, including the tributaries of the Potomac River, except that area of the Rappahannock River west of the Route 3 bridge, including the Corrotoman River and the Waterview Hand Scrape Area, and that area of the Nomini and Lower Machodoc Rivers to the Virginia-Maryland state line (Nomini PRV6A to PRV6B; Lower Machodoc PRV5A to PRV5C), that area of the Coan River to the Virginia-Maryland state line (Coan PRV1A to PRV1B) except for above a line from Walnut Point (Survey Station Walnut) to Stephens Point (Survey Station Arthur), and that area of the Yeocomico River inside Public Grounds 107, 112 and 113, the Little Wicomico River, two areas in the Tangier Sound, Johnson's (Public Ground 4) and Thorofare Rocks (Public Grounds 5, 6, and 7) and in the Pocomoke Sound portion of the Pocomoke and Tangier Sound Management Area, northeast from a line from Beach Island light to the house on Great Fox Island, the James River Seed Area and the James River Jail Island and Point of Shoals Clean Cull Areas: October 1, 1999, through September 30, 2000.

2. James River Seed Area, including the Deep Water Shoal State Replenishment Seed Area, and James River Jail Island and Point of Shoals Clean Cull Areas: May 1, 2000, through September 30, 2000.

3. All public oyster grounds and unassigned grounds on the Seaside of Eastern Shore: for clean cull oysters, October 1 through October 31, 1999, and February 1, 2000, through September 30, 2000; and for seed oysters, all year. Oyster harvest from leased oyster ground and fee simple oyster ground shall require a permit from the Marine Resources Commission as set forth in 4 VAC 20-720-90.

4. That area of the Rappahannock River west of the Route 3 bridge, including the Corrotoman River and the Waterview Hand Scrape Area, and that area of the Nomini and Lower Machodoc Rivers to the Virginia-Maryland state line (Nomini PRV6A to PRV6B; Lower Machodoc PRV5A to PRV5C), that area of the Coan River to the Virginia-Maryland state line (Coan PRV1A to PRV1B) except for above a line from Walnut Point (Survey Station Walnut) to Stephens Point (Survey Station Arthur), and that area of the Yeocomico River inside Public Grounds 107, 112 and 113: October 1 through October 31, 1999, and February 1, 2000, through September 30, 2000.

5. Two areas in the Tangier Sound, Johnson's (Public Ground 4) and Thorofare Rocks (Public Ground 7) and in the Pocomoke Sound portion of the Pocomoke and Tangier Sound Management Area, northeast from a line from Beach Island light to the house on Great Fox Island: October 1, 1999, through November 30, 1999, and February 1, 2000, through September 30, 2000.

6. Little Wicomico River: October 1, 1999, through October 31, 1999, and February 1, 2000, through September 30, 2000.

#### 4 VAC 20-720-60. Day and time limit.

A. It shall be unlawful to take, catch or harvest oysters on Saturday and Sunday from the public oyster grounds or unassigned grounds in the waters of the Commonwealth of Virginia, except that this provision shall not apply to any person harvesting no more than one bushel per day by hand for household use only during the season when the public oyster grounds or unassigned grounds are legally open for harvest. The presence of any gear normally associated with the harvesting of oysters on board the boat or other vehicle used during any harvesting under this exception shall be prima facie evidence of violation of this chapter.

B. Harvest on the public oyster grounds in that area of the Rappahannock River west of the Route 3 bridge, including the Corrotoman River and the Waterview Hand Scrape Area, and that area of the Nomini and Lower Machodoc Rivers to the Virginia-Maryland state line (Nomini PRV6A to PRV6B; Lower Machodoc PRV5A to PRV5C), that area of the Coan River to the Virginia-Maryland state line (Coan PRV1A to PRV1B) except for above a line from Walnut Point (Survey Station Walnut) to Stephens Point (Survey Station Arthur), and that area of the Yeocomico River inside Public Grounds 107, 112 and 113, the James River Seed Area, including the Deep Water Shoal State Replenishment Seed Area, the James River Jail Island and Point of Shoals Clean Cull Areas, Little Wicomico River, and the two areas in Tangier Sound, Johnson's and Thorofare Rocks and in Pocomoke Sound portion of the Pocomoke and Tangier Sound Management Area, northeast from a line from Beach Island light to the house on Great Fox Island shall be from sunrise to 2 p.m. daily. It shall be unlawful for any person to harvest oysters from the public grounds in that area of the Rappahannock River west of the Route 3 bridge, including the Corrotoman River and the Waterview Hand Scrape Area, and that area of the Nomini and Lower Machodoc Rivers to the Virginia-Maryland state line (Nomini PRV6A to PRV6B; Lower

Machodoc PRV5A to PRV5C), that area of the Coan River to the Virginia-Maryland state line (Coan PRV1A to PRV1B) except for above a line from Walnut Point (Survey Station Walnut) to Stephens Point (Survey Station Arthur), and that area of the Yeocomico River inside Public Grounds 107, 112 and 113, the James River Seed Area , *including the Deep Water Shoal State Replenishment Seed Area*, or the Jail Island and Point of Shoals Clean Cull Areas, Little Wicomico River, and the two areas in Tangier Sound, Johnson's (Public Ground 4) and Thorofare Rocks (Public Ground 7) and in Pocomoke Sound portion of the Pocomoke and Tangier Sound Management Area, northeast from a line from Beach Island light to the house on Great Fox Island prior to sunrise or after 2 p.m. daily.

C. The Commissioner of Marine Resources hereby is authorized to issue permits to applicants to dredge for oysters where permitted by the Code of Virginia and Marine Resources Commission regulation or order, provided the applicant is eligible under all applicable laws and regulations, and further provided that such permit shall be granted only upon the condition that the boat not leave the dock until one-half hour before sunrise and be back at dock before sunset.

D. The Commissioner of Marine Resources hereby is authorized to issue permits to applicants to hand scrape, as described in 4 VAC 20-720-20, for oysters where permitted by the Code of Virginia and Marine Resources Commission regulation or order, provided the applicant is eligible under all applicable laws and regulations, and further provided that such permit shall be granted only upon the condition that the boat not leave the dock until one-half hour before sunrise and be back at dock before sunset.

#### **4 VAC 20-720-70. Gear restrictions.**

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

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

C. The use of the hand scrape shall be allowed in the Waterview Hand Scrape Area. In order to be allowed to operate a hand scrape for harvesting oysters from any public oyster grounds, a harvester must have a current hand scrape gear license and the cost of this license shall be \$50. It shall be unlawful for any person to harvest shellfish with a hand scrape from the public oyster grounds that has not first obtained a current gear license to use said hand scrape and only at times and in areas as established by the commission can this hand scrape be used for harvesting on public oyster grounds. No more than one license may be issued to any one boat for hand scrape and no more than one hand scrape may be on board any boat so licensed at any time. No hand tongs may be used or possessed aboard the licensed boat at the same time as said hand scrape.

D. Harvesting with a standard oyster dredge will be allowed in the Tangier Sound on the two areas opened, Johnson's and Thorofare Rocks and in Pocomoke Sound portion of the Pocomoke and Tangier Sound Management Area, northeast from a line from Beach Island light to the house on Great Fox Island. Only standard oyster dredges (maximum weights 100 pounds with attachment, maximum width of 50 inches, maximum tooth length of four inches, minimum teeth spacing of three inches) may be used.

#### **4 VAC 20-720-80. Quotas and catch limits.**

A. In the James River Seed Area , *including the Deep Water Shoal State Replenishment Seed Area*, there shall be an oyster harvest quota of 80,000 bushels of seed oysters. It shall be unlawful for any person to harvest seed oysters from the James River Seed Area after the 80,000 bushel quota has been reached. In the James River Seed , *including the Deep Water Shoal State Replenishment Seed Area*, and Clean Cull Areas there shall be an oyster harvest quota of 15,000 bushels of market oysters. It shall be unlawful for any person to harvest market oysters from the James River Seed and Clean Cull Areas after the 15,000 bushel quota has been reached.

B. In the Rappahannock River west of the Route 3 bridge, including the Corrotoman River and the Waterview Hand Scrape Area, and in the Little Wicomico, Nomini, Lower Machodoc, Coan and Yeocomico Rivers, there shall be a six-bushel per person daily limit of clean cull oysters. It shall be unlawful to possess more than six bushels of clean cull oysters per person in the Rappahannock River west of the Route 3 bridge, including the Corrotoman River and the Waterview Hand Scrape Area, and in the Little Wicomico River, Nomini, Lower Machodoc, Coan and Yeocomico Rivers.

C. In the Tangier Sound and Pocomoke Sound where harvesting is allowed there shall be a catch limit of 15 bushels per day, per boat. It shall be unlawful to catch more than 15 bushels per day, per boat. No hard clam or blue crab bycatch is allowed. Harvest shall be reported for each day of harvest. Failure to report oysters harvested or violation of any requirements for the harvesting of oysters shall result in the forfeiture of all harvested oysters and revocation of the dredge gear license for the remainder of the season.

VA.R. Doc. No. R00-105; Filed February 3, 2000, 1:31 p.m.

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# Final Regulations

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Title of Regulation: **4 VAC 20-890-10 et seq. Pertaining to Channeled Whelk (amending 4 VAC 20-890-25).**

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

Effective Date: February 2, 2000.

Summary:

The amendments (i) establish limitations on the areas open to conch pot harvest; (ii) establish a prohibition against the placement, setting or fishing of conch pots within channels; and (iii) allow conformity with the numbering system for other licenses.

Agency Contact: Copies of the regulation may be obtained from Deborah R. Cawthon, Regulatory Coordinator, Marine Resources Commission, P.O. Box 756, Newport News, VA 23607, telephone (757) 247-2248.

**4 VAC 20-890-25. Entry limitation; transfers; prohibitions.**

A. The sale of commercial conch pot licenses shall be limited to registered commercial fishermen, solely for the harvest of channeled whelk from Virginia waters *described in this section*, who meet either of the following requirements:

1. The fisherman shall have held a provisional Virginia conch pot permit in 1999 and reported in accordance with the requirements of 4 VAC 20-610-60 and the 1999 conch pot permit; or
2. The fisherman shall provide the commission with proof of having harvested channeled whelk from federal waters during the January 1, 1997, through October 1, 1999, period.

B. Any person licensed for commercial conch pot under the provisions of this section may transfer such license to any registered commercial fisherman when said transfer is documented on the form provided by the commission and approved by the Commissioner of Marine Resources. Upon approval, the person entering the Virginia commercial conch pot fishery shall purchase a commercial conch pot license in his own name. No commercial conch pot license shall be transferred more than once per calendar year.

C. It shall be unlawful for any person licensed under the provisions of subsection A of this section as a commercial conch pot fisherman to do any of the following, unless otherwise specified:

1. *Place, set or fish any conch pot in Virginia waters, other than the mainstem of the Chesapeake Bay or in the Territorial Sea (up to the three-mile limit line.)*
2. *Place, set or fish any conch pot within any channel.*
- ~~4-~~ 3. Fail to be on board the vessel when that vessel is operating in a commercial conch pot harvesting capacity within Virginia tidal waters;
- ~~2-~~ 4. Fail to display the commercial conch pot license plate prominently on the starboard side of the vessel;
- ~~3-~~ 5. Fail to inscribe each conch pot buoy with the last four numbers of the commercial fisherman registration

license ~~followed~~ *preceded* by the letter "W," which correspond to the lawful conch pot licensee;

~~4-~~ 6. Place, set or fish more than 200 conch pots within Virginia tidal waters;

~~5-~~ 7. Retain by-catch of any other species caught by conch pots; and

~~6-~~ 8. Fail to report harvest-related data from harvests in Virginia waters on a monthly basis on forms supplied by the commission.

D. It shall be unlawful for any person to take or catch channeled whelk with conch pots from the tidal waters of Virginia without first having purchased a conch pot license from the commission or its agent.

The fee for the conch pot license shall be \$48.

No person may purchase a conch pot license unless he is a registered commercial fisherman as described in § 28.2-241 of the Code of Virginia.

VA.R. Doc. No. R00-106; Filed February 2, 2000, 4:58 p.m.

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## TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

### CEMETERY BOARD

Title of Regulation: **18 VAC 47-10-10 et seq. Public Participation Guidelines.**

Statutory Authority: §§ 9-6.14:7.1 and 54.1-201 of the Code of Virginia.

Effective Date: March 29, 2000.

Summary:

*The regulations have been developed to assure that the public is provided adequate notice concerning each opportunity for participation in the development, promulgation, and review of regulations affecting the operation of licensed cemeteries and registered sales personnel in the Commonwealth of Virginia.*

*The regulations outline requirements placed on the Cemetery Board concerning proper notification of the public of certain regulatory actions, including the development and maintenance of a mailing list, establishment of public comment periods and public hearings, and the notice requirements of meetings.*

Summary of Public Comments and Agency's Response: No public comments were received by the promulgating agency.

Agency Contact: Copies of the regulation may be obtained from Eric L. Olson, Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-2039.

CHAPTER 10.  
PUBLIC PARTICIPATION GUIDELINES.

**18 VAC 47-10-10. Definitions.**

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

“Administrative Process Act” means Chapter 1.1:1 (§ 9-6.14:1 et seq.) of Title 9 of the Code of Virginia.

“Agency” means any authority, instrumentality, office, board, or other unit of state government empowered by the basic laws to make regulations or decide cases.

“Organization” means any one or more association, advisory council, committee, corporation, partnership, governmental body or legal entity.

“Person” means one or more individuals.

**18 VAC 47-10-20. Mailing list.**

The agency will maintain a list of persons and organizations who will be mailed the following documents, as they become available:

1. Notice of Intended Regulatory Action to promulgate, amend or repeal regulations.
2. Notice of Comment Period and public hearings.
3. Notice that the final regulations have been adopted.

Failure of these persons and organizations to receive the documents for any reason shall not affect the validity of any regulations otherwise properly adopted under the Administrative Process Act, Chapter 1.1:1 (§ 9-6.14:1 et seq.) of Title 9 of the Code of Virginia.

**18 VAC 47-10-30. Placement on the mailing list; deletion.**

Any person wishing to be placed on the mailing list may do so by writing the agency. In addition, the agency, at its discretion, may add to the list any person, organization, or publication it believes will serve the purpose of responsible participation in the formation or promulgation of regulations. Persons on the list will be provided all information stated in 18 VAC 47-10-20. Individuals and organizations periodically may be requested to indicate their desire to continue to receive documents or be deleted from the list. When mail is returned as undeliverable, individuals and organizations will be deleted from the list.

**18 VAC 47-10-40. Petition for rulemaking.**

Any person may petition the agency to adopt or amend any regulation. Any petition received shall appear on the next agenda of the agency. The agency shall consider and respond to the petition within 180 days. The agency shall have sole authority to dispose of the petition.

**18 VAC 47-10-50. Notice of intent.**

At least 30 days prior to filing the Notice of Comment Period form and proposed regulations as required by § 9-6.14.7.1 of the Code of Virginia, the agency will publish a Notice of Intended Regulatory Action. This notice will provide

for at least a 30-day comment period and shall state whether the agency intends to hold a public hearing. The agency is required to hold a hearing on the proposed regulation upon request by (i) the Governor or (ii) 25 or more persons. Further, the notice shall describe the subject matter and intent of the planned regulation. Such notice shall be transmitted to the Registrar of Regulations for inclusion in The Virginia Register of Regulations.

**18 VAC 47-10-60. Informational proceedings or public hearings for existing rules.**

Within two years of the promulgation of a regulation, the agency shall evaluate it for effectiveness and continued need. The agency shall conduct an informal proceeding, which may take the form of a public hearing, to receive public comment on existing regulation. Notice of such proceedings shall be transmitted to the Registrar of Regulations for inclusion in The Virginia Register. Such proceedings may be held separately or in conjunction with other informational proceedings.

**18 VAC 47-10-70. Notice of formulation and adoption.**

At any meeting of the agency or a subcommittee where it is anticipated the formation or adoption of regulation will occur, the subject matter shall be transmitted to the Registrar of Regulations for inclusion in The Virginia Register.

If there are one or more changes with substantial impact on a regulation, any person may petition the agency within 30 days from the publication of the final regulation to request an opportunity for oral or written submittals on the changes to the regulations. If the agency receives requests from at least 25 persons for an opportunity to make oral or written comment, the agency shall suspend the regulatory process for 30 days to solicit additional public comment unless the agency determines that the changes made are minor or inconsequential in their impact.

If the Governor finds that one or more changes with substantial impact have been made to proposed regulation, he may suspend the regulatory process for 30 days to require the agency to solicit further public comment on the changes to the regulation.

A draft of the agency's summary description of public comment shall be sent by the agency to all public commenters on the proposed regulation at least five days before final adoption of the regulation.

**18 VAC 47-10-80. Advisory committees.**

The agency intends to appoint advisory committees as it deems necessary to provide adequate participation in the formation, promulgation, adoption, and review of regulations. Such committees are particularly appropriate when other interested parties may possess specific expertise in the area of proposed regulation. The advisory committee shall only provide recommendations to the agency and shall not participate in any final decision making actions on a regulation.

When identifying potential advisory committee members the agency may use the following:

1. Directories of organizations related to the profession;

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2. Industry, professional and trade associations' mailing lists; and
3. Lists of persons who have previously participated in public proceedings concerning this or a related issue.

## 18 VAC 47-10-90. Applicability.

18 VAC 47-10-20, 18 VAC 47-10-30, 18 VAC 47-10-40, 18 VAC 47-10-60, and 18 VAC 47-10-70 shall apply to all regulations promulgated and adopted in accordance with § 9-6.14:9 of the Code of Virginia except those regulations promulgated in accordance with § 9-6.14:4.1 of the Administrative Process Act.

VA.R. Doc. No. R98-250; Filed January 28, 2000, 1:17 p.m.

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## TITLE 22. SOCIAL SERVICES

### STATE BOARD OF SOCIAL SERVICES

Title of Regulation: 22 VAC 40-60-10 et seq. Standards and Regulations for Licensed Adult Day Care Centers (amending 22 VAC 40-60-10 through 22 VAC 40-60-60, 22 VAC 40-60-80, 22 VAC 40-60-90, 22 VAC 40-60-110 through 22 VAC 40-60-150, 22 VAC 40-60-180, 22 VAC 40-60-190, 22 VAC 40-60-200, 22 VAC 40-60-260 through 22 VAC 40-60-280, 22 VAC 40-60-300, 22 VAC 40-60-320, 22 VAC 40-60-330, 22 VAC 40-60-340, 22 VAC 40-60-370 through 22 VAC 40-60-470, 22 VAC 40-60-490, 22 VAC 40-60-510, 22 VAC 40-60-520, 22 VAC 40-60-550 through 22 VAC 40-60-610, 22 VAC 40-60-680, 22 VAC 40-60-690, 22 VAC 40-60-700, 22 VAC 40-60-770, 22 VAC 40-60-780, 22 VAC 40-60-800, 22 VAC 40-60-850, 22 VAC 40-60-860, 22 VAC 40-60-880, 22 VAC 40-60-960, 22 VAC 40-60-980, 22 VAC 40-60-1010, and 22 VAC 40-60-1020; adding 22 VAC 40-60-235, 22 VAC 40-60-425, 22 VAC 40-60-554, 22 VAC 40-60-556, 22 VAC 40-60-564, 22 VAC 40-60-691, 22 VAC 40-60-692, 22 VAC 40-60-694, 22 VAC 40-60-695, 22 VAC 40-60-697, 22 VAC 40-60-698, 22 VAC 40-60-699, 22 VAC 40-60-705, and 22 VAC 40-60-885; repealing 22 VAC 40-60-70, 22 VAC 40-60-100, 22 VAC 40-60-210 through 22 VAC 40-60-250, 22 VAC 40-60-290, 22 VAC 40-60-310, 22 VAC 40-60-350, 22 VAC 40-60-360, 22 VAC 40-60-480, 22 VAC 40-60-530, 22 VAC 40-60-540, 22 VAC 40-60-620 through 22 VAC 40-60-650, 22 VAC 40-60-670, 22 VAC 40-60-710 through 22 VAC 40-60-760, 22 VAC 40-60-790, 22 VAC 40-60-810 through 22 VAC 40-60-840, 22 VAC 40-60-870, 22 VAC 40-60-890 through 22 VAC 40-60-950, 22 VAC 40-60-970, 22 VAC 40-60-990, 22 VAC 40-60-1000, and 22 VAC 40-60-1030 through 22 VAC 40-60-1060).

Statutory Authority: §§ 63.1-25 and 63.1-194.2 of the Code of Virginia.

Effective Date: July 1, 2000.

#### Summary:

The amendments bring the regulation into compliance with statutory mandates that have been enacted since

the regulation was last revised in 1987. Amendments include requirements for criminal record checks for employees, training requirements for medication aides, and changes to building and fire codes.

The following changes were made to the regulation following the public comment period: (i) a definition of "direct care staff" was added and an explanatory note was added to the requirement regarding staff-to-participant ratio to help clarify the calculation of staff-to-participant ratio; (ii) a standard was added to explain that the required 24 hours of orientation training can be obtained through a variety of methods; (iii) an exception was added to "grandfather" the current qualifications for director of a currently licensed center; (iv) a requirement was added that the size and physical layout of the building are to be considered in determining if additional staff is needed; (v) a Code of Virginia citation was deleted that has been repealed and the standard regarding refresher training for medication aides was reworded; (vi) the word "social" was reinserted to the standard regarding the center's activity program supporting the "physical, social, mental and emotional abilities of participants"; (vii) references to "rescue breathing" were deleted because this procedure is covered in CPR training; and (viii) examples of reportable situations were added to the standard requiring centers to notify the Division of Licensing Programs when emergencies occur in the center.

Summary of Public Comments and Agency's Response: A summary of comments made by the public and the agency's response may be obtained from the promulgating agency or viewed at the office of the Registrar of Regulations.

Agency Contact: Copies of the regulation may be obtained from Kathryn Thomas, Division of Licensing Programs, Department of Social Services, 730 East Broad Street, 2nd Floor, Richmond, VA 23219, telephone (804) 692-1793.

#### PART I. INTRODUCTION GENERAL PROVISIONS.

##### Article 1- Definitions.

#### 22 VAC 40-60-10. Definitions.

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

"Administer ~~medicine~~ medication" means to ~~give either the medication container or the prescribed dosage to the person for whom it is prescribed or intended~~ open a container of medicine or to remove the prescribed dosage and to give it to the participant for whom it is prescribed.

Section 54.1-3408 of the Code of Virginia, states that only ~~people~~ persons authorized by state law may administer drugs. People authorized to administer medication include licensed physicians, registered nurses, licensed practical nurses, ~~physicians'~~ physician assistants, and other individuals who meet the requirements of the law. In addition to these persons designated in the by law, a physician may choose to designate, in writing, a person who does not meet the



~~requirements of the law to be his authorized agent. This permits the person to administer medication legally to that physician's designated patients, in accordance with such a physician's instructions person may administer medications who has satisfactorily completed a training program for this purpose approved by the Board of Nursing and who administers such drugs in accordance with a physician's instructions pertaining to dosage, frequency, and manner of administration, and in accordance with regulations promulgated by the Board of Pharmacy relating to security and recordkeeping, when the drugs administered would be normally self-administered by a program participant in an adult day care center licensed by the Department of Social Services.~~

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

~~"Adult day care day care center" means "a facility, which is either operated for profit or which desires licensure, for and which provides supplementary care and protection during a part of the day only to four or more aged, infirm or disabled adults which is operated during a part of the day only, which provides supplementary care and protection of individuals who reside elsewhere except (i) a facility or portion of a facility licensed by the State Board of Health or the State Board of Mental Health, Mental Retardation and Substance Abuse Services, and (ii) the home or residence of an individual who cares for only persons related to him by blood or marriage." (Chapter 9, § 63.1-172G 63.1-194.1 of the Code of Virginia)~~

"Advance directive" means (i) a witnessed written document, voluntarily executed by the declarant in accordance with the requirements of § 54.2983 of the Code of Virginia, or (ii) a witnessed oral statement, made by the declarant subsequent to the time he is diagnosed as suffering from a terminal condition and in accordance with the provisions of § 54.1-2983 of the Code of Virginia.

~~"Ambulatory" means the ability of a person who is physically and mentally able to make an exit from a building in an emergency, including the ascent and descent of stairs, without the assistance of another person or without the use of any device such as, but not limited to, a wheelchair, walker or leg prosthesis. The determination of whether a person is ambulatory shall be based on information contained in the report of the physical examination as required by paragraph 5 of subsection B of 22 VAC 40-60-600 condition of a participant who is physically and mentally capable of self-preservation by evacuating in response to an emergency to a refuge area as defined by the Uniform Statewide Building Code without the assistance of another person, or from the structure itself without the assistance of another person if there is no such refuge area within the structure, even if such participant may require the assistance of a wheelchair, walker, cane, prosthetic device, or a single verbal command to evacuate.~~

~~NOTE: This is not a medical definition, but is related to the placement of elderly and impaired adults in buildings that are appropriate in terms of fire safety.~~

"Care" means assistance with the activities and tasks of daily living provided to participants.

"Character and reputation" means findings have established that knowledgeable and objective people agree that the subject maintains business and professional, family, and community relationships which are characterized by honesty, fairness, truthfulness, and a concern for the well-being of others to the extent that the subject is considered suitable to be entrusted with the health, safety, and welfare of aged, infirm, or disabled adults.

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

"Communicable disease" means a disease that may be transmitted directly or indirectly from one individual to another.

"Contrast" means a significant difference in diversity of adjacent parts by color, tone, or light.

"Department" means the Virginia Department of Social Services.

"Department's representative" means an employee of the Virginia Department of Social Services who is acting as the authorized agent of the commissioner in carrying out the responsibilities and duties specified in Chapter 9, Title 63.1 of the Code of Virginia.

[ "Direct care staff" means the staff in an adult day care center who are actively providing care, guidance, and interaction with participants. ]

"Director" means the person who has been delegated responsibility for the programmatic and administrative functions of the adult day care day care program.

"Disabled" means the inability to perform some or all of the activities and tasks of daily living due to physical or mental handicaps impairments or injuries.

"Infirm" means the inability to perform some or all of the activities and tasks of daily living due to because of weakness or illness.

"Legal guardian" means an individual who has legal control and management of the person, or the property, or of both the person and the property of the participant. A legal guardian is appointed by a court. A legal guardian of the person is appointed to see that the participant has proper care and supervision in keeping with his needs. A legal guardian of the property is appointed to manage the financial affairs in the best interest of the participant.

"Licensee" means any person, association, partnership, corporation or governmental unit to whom the license is issued.

"Licensed health care professional" means any health care professional currently licensed by the Commonwealth of Virginia to practice within the scope of his profession, such as a clinical social worker, dentist, licensed practical nurse, nurse practitioner, pharmacist, physical therapist, physician, physician assistant, psychologist, registered nurse, and speech-language pathologist.

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"*Licensed practical nurse*" means any individual who holds a current, valid, license from the Commonwealth of Virginia as an L.P.N.

~~"Nonambulatory" means the inability of a person, who because of physical or mental impairment, must be led, assisted, or carried by another person, or who is dependent on the use of a device such as, but not limited to, a walker, wheelchair or leg prosthesis to make an exit from a building in an emergency. The determination of whether a person is nonambulatory shall be based on information contained in the report of the physical examination as required by paragraph 5 of subsection B of 22 VAC 40-60-600 condition of a participant of an adult day care center who by reason of physical or mental impairment is not capable of self-preservation by evacuating in response to an emergency to a refuge area as defined by the Uniform Statewide Building Code without the assistance of another person, or from the structure itself without the assistance of another person if there is no such safe refuge area within the structure.~~

**NOTE:** This is not a medical definition, but is related to the placement of elderly and impaired adults in buildings that are appropriate in terms of fire safety.

"*Nurse*" means any individual who holds a current, valid license from the Commonwealth of Virginia as a licensed practical nurse or as a registered nurse.

"*Participant*" means an aged, infirm or disabled adult who takes part in the program of care and receives services from the center.

"*Personal representative*" means the person representing or standing in the place of the resident for the conduct of his affairs. This may include a guardian, committee, attorney-in-fact under the durable power of attorney, next of kin, descendant, trustee, or other person expressly named by the participant as his agent.

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

"*Program director*" means the person responsible for programmatic functions and supervision of all staff who work directly with participants.

"*Protection*" means the intent to prevent harm and to provide oversight of the participant.

~~"Recommended dietary allowances (RDA)" are the levels of intake of essential nutrients considered, in the judgment of the Committee on Dietary Allowances of the Food and Nutrition Board of the National Research Council on the basis of available scientific knowledge, to be adequate to meet the known nutritional needs of practically all healthy persons.~~

~~The RDAs were approved by the governing board of the National Research Council, whose members are drawn from the councils of the National Academy of Sciences, the National Academy of Engineering, and the Institute of Medicine. The members of the committee responsible for the report were chosen for their special competencies and with regard for appropriate balance.~~

~~The study was supported by the National Institute of Health, United States Public Health Service.~~

"*Registered nurse*" means any individual who holds a current, valid license from the Commonwealth of Virginia as an R.N.

"*Respite care*" means temporary care given to a person to relieve family members or other caregivers. These standards apply only if respite care is provided during part of the day. If 24-hour respite care is planned or provided for four or more people, the Standards and Regulations for Licensed Homes for Adults *Adult Care Residences (22 VAC 40-71-10 et seq.)* shall apply.

~~"Responsible person" means the person who assumes the responsibility for arranging for care and services for the participant. The responsible person may or may not be the legal guardian for the participant, and may or may not be related to the participant.~~

"*Snack*" means a light meal or nutritious meal supplement.

"*Sponsor*" means an individual, partnership, association, or corporation responsible for the operation of an adult day care center subject to licensure.

"*Staff or staff person*" means *compensated* administrative, program, and service, ~~and volunteer~~ personnel including the licensee when the licensee is an individual.

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

"*Supplementary care*" means a part of the total care that is required by participants. Supplementary care augments the care that the family or other persons provide. Care provided by an adult day care day care center is supplementary care.

"*Supervision*" means the general oversight of the physical and mental well-being of participants.

~~"Volunteer personnel" means persons who work at the center more than four consecutive hours or six total hours a week or who are counted in the staff-to-participant ratio. Volunteer personnel does include individuals who are not paid by the center but who are paid by other organizations.~~

"*These standards*" means the requirements in this chapter, 22 VAC 40-60-10 et seq., Standards and Regulations for Licensed Adult Day Care Centers.

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

1. Is not compensated; and
2. Is supervised by a staff member when working with participants.

Article 2.  
Legal Base.

**22 VAC 40-60-20. Department authority Legal base.**

Sections 63.1-172 through 63.1-194 Article 3 (§ 63.1-194.1 et seq.) of Chapter 9 of Title 63.1 of the Code of Virginia

~~describe~~ describes the responsibility of the Department of Social Services for the regulation of residential and day care programs for adults, including adult day care day care centers.

**22 VAC 40-60-30. Board authority.**

Section ~~63.1-174~~ 63.1-194.2 of the Code of Virginia requires the State Board of Social Services to prescribe standards for certain activities, services and facilities for adults, including adult day care day care centers.

~~Article 3.  
Purpose.~~

**22 VAC 40-60-40. Purpose.**

The purpose of the ~~Standards and Regulations for Licensed Adult Day Care Centers~~ this chapter is to protect aged, infirm, or disabled adults who are away from their homes during a part of the day by:

1. Ensuring that the activities, services, and facilities of adult day care day care centers are conducive to the well-being of the participants; and
2. Reducing risks in the caregiving environment.

~~Article 4.  
Applicability.~~

**22 VAC 40-60-50. Applicability.**

~~These Standards and Regulations for Licensed Adult Day Care Centers apply~~ This chapter applies to any facility:

1. That is operated for profit or desires to be licensed; and
2. That provides supplementary care and protection for four or more adults:
  - a. Who are aged, infirm or disabled;
  - b. Who are in care for less than 24 hours per day; and
  - c. Who reside elsewhere.

**22 VAC 40-60-60. Facilities not covered.**

The following types of facilities are not subject to licensure as an adult day care day care center:

1. A facility or portion of a facility licensed by the State Board of Health;
2. A facility or portion of a facility licensed by the State Board of Mental Health and Mental Retardation;
3. A home or residence of an individual who provides care only for persons related to him by blood or marriage;
4. A facility or a portion of a facility which is certified that is licensed by the Department of Mental Health, Mental Retardation and Substance Abuse Services, and which that conducts a mental health program where treatment is provided for adults who are experiencing varying degrees of mental health related problems;
5. A facility or a portion of a facility certified licensed by the Department of Mental Health, Mental Retardation and

Substance Abuse Services which that conducts a mental retardation program where treatment is provided for mentally retarded or developmentally disabled adults;

6. A facility or a portion of a facility which that conducts programs whose primary purpose is training or employment for physically or mentally impaired adults (e.g., sheltered workshops, etc.); and

7. A facility or a portion of a facility which that conducts a socialization or recreation activity program for adults who do not receive assistance with the activities or tasks of daily living or protective oversight and supervision (e.g., senior centers, etc.).

PART II.  
ADMINISTRATION.

~~Article 1.  
Sponsorship.~~

**22 VAC 40-60-70. Sponsor requirement. (Repealed.)**

~~Each center shall have a clearly identified sponsor. An individual, partnership, association, corporation, or governmental unit may operate an adult day care center.~~

**22 VAC 40-60-80. Sponsorship Licensee.**

A. When the center is sponsored by an individual proprietorship, the individual is the licensee.

B. When the center is sponsored by a partnership, the partnership shall serve as the licensee and have a written agreement (articles of partnership) which that allows operation and maintenance of an adult day care day care center.

C. When the center is sponsored by an unincorporated association, the association shall have a governing board which that serves as the licensee and have a written constitution or written by-laws which that allows the operation and maintenance of an adult day care day care center.

D. When the center is sponsored by a corporation, the corporation shall have a governing board which that serves as the licensee and have a charter, articles of incorporation or certificate of authority to transact business in the Commonwealth of Virginia, which that specifies that the purpose of the corporation allows operation and maintenance of an adult day care day care center.

E. When the center is sponsored by a public agency, the governmental unit sponsoring the center shall be the licensee.

**22 VAC 40-60-90. Requirements of sponsor for licensee.**

~~The sponsor, represented by the individual proprietor or by the officers and agents of a partnership, association, or corporation shall be of good character and reputation; and shall not have been convicted of a felony or a misdemeanor related to abuse, neglect, or exploitation of children or adults.~~

A. The licensee shall ensure compliance with all regulations for licensed adult day care centers and terms of the license issued by the department; with other relevant federal, state or local laws and regulations; and with the center's own policies.

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*B. The licensee shall meet the following requirements:*

1. *The licensee shall give evidence of financial responsibility.*
2. *The licensee shall be of good character and reputation.*
3. *The licensee shall protect the physical and mental well-being of the participants.*
4. *The licensee shall keep such records and make such reports as required by this chapter for licensed adult day care centers. Such records and reports may be inspected at any reasonable time in order to determine compliance with this chapter.*
5. *The licensee shall meet the qualifications of the administrator if he assumes those duties.*

**22 VAC 40-60-100. Posting of the license. (Repealed.)**

~~The license shall be posted in a place conspicuous to the public, near the main entrance of the building or buildings, or in the main office.~~

**22 VAC 40-60-110. Deceptive representation or advertisement.**

An adult ~~day-care~~ day care center shall not make, publish, disseminate, circulate, or place before the public, or cause, directly or indirectly, to be made an advertisement of any sort regarding services or anything so offered to the public, ~~which~~ that contains any promise, assertion, representation, or statement of fact which is untrue, deceptive, or misleading.

~~Article 2.  
Operational Responsibilities.~~

**22 VAC 40-60-120. Operational responsibilities.**

The licensee shall be responsible for the overall planning of the program and services to be provided by the center. The operational responsibilities of the licensee shall include, but not be limited to, the following:

1. To develop a written statement of the purpose and scope of the services to be provided by the center, a description of adults who may be accepted into the program as well as those whom the program cannot serve, and written policies under which the center will operate;

NOTE: This requirement applies only to initial application for licensure unless there is a significant change.

2. To ensure that the center's activities, services, and facilities are maintained in compliance with ~~the Standards and Regulations for Licensed Adult Day Care Centers this chapter~~, with the terms of the current license issued by the department and with other relevant federal, state, or local laws and regulations;

3. To appoint and identify in writing a director to be responsible for the day-to-day operation and management of the center, except when the sponsor is an individual who serves as the director or a partnership in which a partner serves as the director;

4. To provide for an adequate number of qualified staff capable of carrying out the operation of the program;
5. To develop a written organizational chart indicating lines of authority and a staffing plan which includes a staffing schedule;
6. To establish sound policies under which the center shall operate; and
7. To ensure sound financial management of the center.

~~Article 3.  
Financial Responsibilities.~~

**22 VAC 40-60-130. Financial responsibilities.**

~~Section 63.1-176 of the Code of Virginia:~~ With an initial application for licensure, the applicant shall provide the department with the following evidence of financial responsibility:

1. A projected budget detailing income and expenses of the proposed center for the first year of operation;
2. A complete balance sheet showing separately the current assets committed to and current liabilities charged against the proposed center; and
3. Documentation of funds or credit available for the first 90 days of operation.

NOTE: Financial records may be requested pursuant to ~~§ 63.1-177~~ 63.1-194.7 of the Code of Virginia.

**22 VAC 40-60-140. Liability insurance.**

The center shall maintain public liability insurance for bodily injury with a minimum limit of at least ~~\$500,000~~ \$1,000,000 for each occurrence or ~~\$500,000~~ \$1,000,000 aggregate. Evidence of insurance coverage shall be made available to the department's representative upon request.

NOTE: Language of specific policies may vary provided that the minimum amount of coverage is met.

~~Article 4.  
Record Keeping Responsibilities.~~

**22 VAC 40-60-150. Recordkeeping requirement.**

The licensee shall ensure that the center maintains a system of recordkeeping ~~which~~ that complies with these standards.

**22 VAC 40-60-180. Consent for disclosure.**

If the participant or ~~legal guardian~~ personal representative consents in writing, records shall be shared with other facilities or agencies *to coordinate care or upon referral or discharge*.

**22 VAC 40-60-190. Record storage.**

All records required by these standards for both participants and personnel shall be kept in a locked cabinet or area and retained at the center for ~~one year~~ five years after termination of enrollment or termination of employment, unless specified otherwise in ~~these standards~~ this chapter.

PART III.  
PERSONNEL.

Article 1.  
General Qualifications.

**22 VAC 40-60-200. Staff General qualifications.**

The following standards shall apply to all staff:

- ~~1. No staff person shall have been convicted of a felony or a misdemeanor related to abuse, neglect, or exploitation of adults or children.~~
- ~~2. All staff persons shall understand and be sensitive to the varying capabilities, interests, needs, and problems of the individuals in care.~~
- ~~3. All staff persons shall be:~~

A. ~~All staff members, including the administrator, shall [ : ]~~

- ~~a. 1. Be of good character and reputation;~~
- ~~b. 2. Be competent, qualified and capable of carrying out assigned responsibilities;~~
- ~~c. 3. Be willing and able to accept training and supervision;~~
- ~~4. Be considerate, understanding and respectful of aged and disabled persons;~~
- ~~5. Be clean and well groomed; and~~
- ~~6. Meet the requirements specified in the Regulation for Criminal Record Checks for Homes for Adults and Adult Day Care Centers (22 VAC 40-90-10 et seq.).~~

~~d. B. All staff members shall be able to communicate in English effectively both orally and in writing as applicable to the their job responsibility; and responsibilities.~~

~~e. C. All staff members [ must shall ] be able to understand and apply these these standards in the Standards and Regulations for Licensed Adult Day Care Centers which as they relate to their respective responsibilities.~~

~~D. All staff persons who work directly with participants and who are counted in the staff-to-participant ratio shall be at least 18 years of age.~~

**22 VAC 40-60-210. Staff ratio. (Repealed.)**

~~All staff persons who work directly with participants and who are counted in the staff to participant ratio shall be at least 18 years of age.~~

~~EXCEPTION: Paid or volunteer assistants may be between 14 and 18 years of age provided that they are under the immediate supervision of an adult staff person who is present at the center and shall not be left alone with, in charge of, or responsible for a group of participants.~~

Article 2.  
Personnel Records.

**22 VAC 40-60-220. Keeping of records. (Repealed.)**

~~Personnel records shall be kept at the center for volunteer personnel who begin work on or after April 1, 1987 and for paid staff.~~

**22 VAC 40-60-230. Contents of records. (Repealed.)**

~~Personnel records shall include the following:~~

~~1. The original application for employment or other written material providing:~~

- ~~a. Identifying information including name of staff person, beginning date of employment or volunteering, and job title;~~
- ~~b. Information needed to demonstrate that the individual possesses the qualifications required for the position such as, but not limited to, interviews; observations; references; experience; education related to the position; and description of previous employment.~~

~~2. Written documentation that at least two references as to character and reputation as well as competency were checked with previous employers, if any, and/or other knowledgeable and objective sources prior to employment or volunteering (e.g., letters of reference; notations of telephone reference checks including the name of the person or persons contacted, the date or dates of contact, the firm or firms contacted, and the results);~~

~~3. Documentation and dates of participation in orientation, training and staff development activities; and~~

~~4. Date of termination of employment, when applicable.~~

**22 VAC 40-60-235. Employee records and health requirements.**

~~A. A record shall be established for each staff member. It shall not be destroyed until five years after employment is terminated.~~

~~B. Personal and social data to be maintained on employees are as follows:~~

- ~~1. Name;~~
- ~~2. Birth date;~~
- ~~3. Current address and telephone number;~~
- ~~4. Position and date employed;~~
- ~~5. Last previous employment;~~
- ~~6. Copies of at least two references or notations of verbal references, obtained prior to employment, reflecting the date of the reference, the source and the content;~~
- ~~7. An original criminal record report and a sworn disclosure statement;~~
- ~~8. Previous experience or training or both;~~

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9. Social Security number;

10. Name and telephone number of person to contact in an emergency;

11. Documentation of attendance of formal training received after employment, including title of course, location, date and number of [ contact ] hours; and

12. Date and reason for termination of employment.

C. The following required health information shall be maintained at the facility for the licensee or administrator or both, each staff member, and each volunteer who comes in contact with participants.

1. Initial tuberculosis examination and report.

a. Each individual shall obtain an evaluation documenting the absence of tuberculosis in a communicable form no earlier than 30 days before or no later than seven days after employment or contact with participants.

b. Each individual shall submit the results of a Mantoux tuberculin skin test, chest x-ray or bacteriological examination, as deemed appropriate by the examining physician, documenting that the individual is free of tuberculosis in a communicable form.

c. The documentation shall include all information contained on the "Report of Tuberculosis Screening" form recommended by the Virginia Department of Health. This documentation shall be maintained at the facility.

d. An evaluation shall not be required for an individual who (i) has separated from employment with a facility licensed/certified by the Commonwealth of Virginia, (ii) has had a break in service of six months or less, and (iii) submits the original statement of tuberculosis screening to the new employer.

2. Subsequent evaluations for tuberculosis.

a. Any individual who comes in contact with a known case of infectious tuberculosis shall be screened as determined appropriate based on consultation with the local health department.

b. Any individual who develops chronic respiratory symptoms of three weeks duration shall be evaluated immediately for the presence of infectious tuberculosis.

c. Any individual not previously reacting significantly to a Mantoux tuberculin skin test shall be retested annually. Annual chest x-rays are not required in the absence of symptoms.

d. Any individual with documented evidence of previously reacting significantly to a Mantoux tuberculin skin test shall be reevaluated annually by a physician or an official of the local health department. Annual chest x-rays are not required nor indicated except as in subdivisions 1 and 2 of this subsection.

3. Any individual suspected of having infectious tuberculosis shall not be allowed to return to work or

have any contact with the participants and staff of the center until a physician has determined that the individual is free of infectious tuberculosis.

4. The facility shall report any active case of tuberculosis developed by a staff member to the local health department.

D. At the request of the administrator of the center or the department, a report of examination by a licensed physician shall be obtained when there are indications that the safety of participants in care may be jeopardized by the physical or mental health of a [ ~~specific individual staff member~~ ].

## Article 3.

### Health Requirements.

#### **22 VAC 40-60-240. Staff health information. (Repealed.)**

~~Health information required by these standards shall be maintained for all staff (including the licensee, the director, and volunteer personnel) who come in contact with participants or who handle food.~~

~~A. Initial tuberculosis examination and report.~~

~~1. Each staff person shall obtain an evaluation indicating the absence of tuberculosis in a communicable form within 30 days before or 30 days after employment or contact with program participants.~~

~~EXCEPTION: When a staff person terminates work at one licensed facility and begins working at another licensed facility with a gap in service of six months or less, the previous statement of tuberculosis screening may be transferred to the second facility.~~

~~2. Each staff person shall submit a statement that he is free of tuberculosis in a communicable form. This statement shall be maintained at the center and shall include the following:~~

~~a. The type or types of test or tests used and the test result or results;~~

~~b. The date of the statement; and~~

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

~~B. Subsequent evaluations.~~

~~Any staff person who comes in contact with a known case of tuberculosis or who develops chronic respiratory symptoms shall within 30 days after exposure/development receive an evaluation in accordance with subsection A of 22 VAC 40-60-240.~~

#### **22 VAC 40-60-250. Request of examination report. (Repealed.)**

~~At the request of the licensee or director of the facility or the Department of Social Services, a report of examination by a physician shall be obtained when there are indications that the safety of participants in care may be jeopardized by the physical or mental health of a specific staff person.~~

**22 VAC 40-60-260. Report affecting performance of duties.**

Any individual who upon examination or as a result of tests shows indication of a physical or mental condition ~~which that~~ may jeopardize the safety of participants in care or ~~which that~~ would prevent performance of duties:

1. Shall be removed immediately from contact with participants and food served to participants; and
2. Shall not be allowed contact with participants or food served to participants until the condition is cleared to the satisfaction of the examining physician as evidenced by a signed, dated statement from the physician.

**22 VAC 40-60-270. Removal of staff.**

Any individual who cannot adequately perform ~~their~~ his duties or who may jeopardize the health or safety of the participants shall be relieved of ~~their~~ his duties and removed from the center.

~~Article 4.  
Staff Training.~~

**22 VAC 40-60-280. Orientation and staff training.**

A. Prior to ~~assuming job responsibilities~~ working directly with participants, all staff shall receive training in:

1. Their individual responsibilities in the event of fire, including the location and operation of any fire extinguishers and fire alarm boxes *and approved exits*;
2. Their individual responsibilities in the event of illness or injuries, including the location and use of the first aid *and* emergency supplies; ~~and~~
3. Their individual responsibilities in the event of *emergencies, such as a lost or missing participant, severe weather emergencies, etc. and loss of utilities*;
4. *Standard precautions*; and
5. *Participant rights*.

~~**22 VAC 40-60-290. Orientation.**~~

~~B. Staff who work with participants shall receive training in the following topics no later than one week after starting employment or volunteer work: at least 24 hours of training no later than three weeks after starting employment; part-time staff shall receive the training no later than six weeks after employment.~~

C. A supervisor or designated trained staff shall closely oversee the individual's work with participants until training is complete.

D. The following areas or topics shall be covered in the staff training:

1. The purpose *and goals* of the adult ~~day-care~~ day care center;
2. The policies of the center as they relate to the staff member's responsibilities *and to the responsibilities of other staff members*;

3. Procedures for detecting and reporting suspected abuse, neglect, or exploitation of participants to the appropriate local department of social services (§ 63.1-55.3 of the Code of Virginia);

4. Confidential treatment of personal information about participants and their families;

~~5. The Standards and Regulations for Licensed Adult Day-Care Centers, as they relate~~ *This chapter as it relates to the employee's responsibilities;*

*6. Needs of the center's target population (for example, those with dementia, developmental disability, depression);*

~~6-7. Individual capabilities and special needs of the elderly, the cognitively impaired adult, or the handicapped, including specific needs of participants in care; and~~

*8. The specific needs of participants in care, including diagnoses, plans of care, and adjustment issues;*

~~7-9. The schedule of activities;~~

*10. Behavioral interventions, behavior acceptance and accommodation, and behavior management techniques;*

*11. Interdisciplinary team approach;*

*12. Communication skills;*

*13. Review of basic terminology;*

*14. Advance directive policies;*

*15. How to safely and appropriately help participants perform activities of daily living (ADLs), including good body mechanics;*

*16. Risk management; and*

*17. The needs of participants' family members or care givers.*

[ *E. The required 24 hours of training can be accomplished through a variety of methods including, but not limited to, formal lecture, observation, self-study of material provided by the center, supervised practice, and audio-visual training.* ]

**22 VAC 40-60-300. Staff development.**

On an annual basis, employed staff who are primarily responsible for the direct care of the participants shall attend at least eight *contact* hours of staff development activities which shall consist of in-service training programs, workshops, or conferences ~~related to adult day-care or gerontology provided that both subject areas are addressed during the year~~ relevant to the needs of the population in care. These staff development activities shall be in addition to first aid, CPR, or orientation training.

~~Article 5.  
Administrative Staff.~~

**22 VAC 40-60-310. Administrative staff. (Repealed.)**

~~During the center's hours of operation, one adult on the premises shall be in charge of the administration of the~~

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center. This person shall be either the director or an adult appointed by the licensee or designated by the director.

## Article 6. Program Staff.

### 22 VAC 40-60-320. Director.

A. ~~Responsibilities.~~ There shall be one person responsible for the center's program *who is present at least 51% of the center's weekly hours of operation and whose responsibilities shall include, but not be limited to, the following areas:*

1. The content of the program offered to the participants in care;
2. Programmatic functions, including orientation, training, and scheduling of all staff who directly supervise participants, whether or not the director personally performs these functions;
3. Management of the supervision provided to all staff who directly supervise participants, whether or not the director individually supervises such staff;
4. Assignment of a sufficient number of qualified staff to meet the participants' needs for:
  - a. Adequate nutrition~~;~~;
  - b. Health supervision and maintenance~~;~~;
  - c. Personal care~~;~~;
  - d. Socialization, *recreation, activities and stimulation*;
  - ~~e. Recreation,~~
  - ~~f. Activities and stimulation,~~
  - ~~g. e. Supervision and protection;~~
  - ~~h. f. Safety; and~~
5. The duties and responsibilities required by this chapter.

B. *The director shall meet the following qualifications.*

1. The director shall be at least ~~48~~ 21 years of age.
2. The director shall have completed at least ~~48 semester hours or 72 quarter hours of post secondary education from an accredited college or institution, and shall have completed at least two years of experience working with elderly or handicapped people~~ a bachelor's degree from an accredited college or university and two years of experience working with older adults or persons with disabilities. This may be paid full-time employment, or its equivalent in part-time employment ~~or in, volunteer work, or internship.~~ *The following qualifications may be substituted for a bachelor's degree:*
  - a. Current licensure as a nursing home administrator from the Board of Nursing Home Administrators; or
  - b. Current licensure in Virginia as a registered nurse who meets the experience requirements in subdivision 2 of this subsection.

[ *EXCEPTION: Any person employed in an adult day care center licensed prior to July 1, 2000, as either a director or assistant director shall have completed at least 48 semester hours or 72 quarter hours of post-secondary education from an accredited college or institution and shall have completed at least two years experience working with older adults or persons with disabilities. This may be paid full-time employment or its equivalent in part-time employment or in volunteer work.* ]

3. The director shall demonstrate knowledge, skills and abilities in the administration and management of the adult ~~day care~~ day care program including: (i) knowledge and understanding of impaired elderly ~~and handicapped or disabled~~ individuals, (ii) supervisory and interpersonal skills, (iii) ability to plan and implement the program, and (iv) knowledge of financial management sufficient to ensure program development and continuity.

4. The director shall demonstrate knowledge of supervisory and motivational techniques sufficient to: (i) accomplish day-to-day work; (ii) train, support and develop staff; (iii) plan responsibilities for auxiliary staff to ensure that services are provided to participants.

5. ~~The director shall complete 24 hours of continuing education annually to maintain and develop skills. This training shall be in addition to first aid, CPR, or orientation training. [ Documentation of training shall be retained at the facility and shall include title of course, location, date and number of hours. ]~~

### 22 VAC 40-60-330. Assistant director.

If the director is *not routinely* present in the center ~~less than four hours per day at least 51% of the weekly hours of operation~~, there shall be an officially designated assistant director who shall meet the qualifications of the director and who shall assume responsibility in the absence of the director.

## Article 7. ~~Volunteers and Volunteer Personnel.~~

### 22 VAC 40-60-340. ~~Definition~~ Volunteers.

~~Volunteers are persons who come to the center less than four consecutive hours or six total hours a week and are not counted in the staff to participant ratio. Volunteer personnel are persons who work at the center more than four consecutive hours or six total hours a week or more often or who are counted in the staff to participant ratio. Volunteer personnel shall meet all the personnel and health requirements for the applicable position.~~

A. *All volunteers used shall:*

1. Have qualifications appropriate to the services they render;
2. Be subject to laws and regulations governing confidential treatment of personal information; and
3. Be at least 13 years of age.

B. *Duties and responsibilities of all volunteers shall be clearly defined.*



C. At least one staff member shall be assigned responsibility for overall selection, supervision and orientation of volunteers.

D. All volunteers used shall be under the direct supervision of a designated staff person when participants are present.

E. Volunteers may be counted in the staff-to-participant ratio if both of the following criteria are met:

1. These volunteers meet the qualifications and training requirements for compensated employees; and
2. For each volunteer, there shall be at least one compensated employee also counted in the staff-to-participant ratio.

F. Criminal history record checks are not required for volunteers.

**22 VAC 40-60-350. Supervision. (Repealed.)**

All volunteers and volunteer personnel shall be under the individual supervision of a director, assistant director, or designated staff person.

**22 VAC 40-60-360. Duties. (Repealed.)**

The duties of volunteers and volunteer personnel shall be clearly defined.

PART IV.  
SUPERVISION.

Article 1.  
General Supervision.

**22 VAC 40-60-370. General supervision.**

A. During the center's hours of operation, one adult on the premises shall be in charge of the administration of the center. This person shall be either the director or an adult staff member appointed by the licensee or designated by the director.

~~There shall be~~ B. At least two staff persons shall be on duty at the center and on field trips at all times when one or more participants are present. Both of these staff persons must be at least 16 18 years of age and one of them must be an adult at least 21 years of age. During a field trip, a volunteer may substitute for one of the two required staff persons. See 22 VAC 40-60-340 E for use of volunteers as staff.

Article 2.  
Staff-to-Participant Ratio.

**22 VAC 40-60-380. Staff-to-participant ratio.**

There shall be a minimum of one staff person on duty providing direct care and supervision for every six participants in care, whether at the center or on field trips.

NOTE: Staff members who are under 18 years of age shall not be counted in the staff-to-participant ratio.

[ NOTE: The staff-to-participant ratio is to be calculated for the center rather than for a room or activity. ]

**22 VAC 40-60-390. Additional staffing.**

The number of any additional staff persons required shall depend upon:

1. The program and services the center provides; [ and ]
2. The functional level levels of the participants [ ; and ]
- [ 3. The size and physical layout of the building. ]

PART V.  
~~PHYSICAL ENVIRONMENT BUILDINGS AND GROUNDS.~~

**22 VAC 40-60-400. Physical environment.**

A center must provide an environment which that protects the participants from physical harm but is not so restrictive as to inhibit physical, intellectual, emotional, or social stimulation.

Article 1.  
Safety, Health and Comfort.

**22 VAC 40-60-410. Location of facility.**

~~No~~ An adult day care day care center shall not be located where conditions exist that would be hazardous to the physical health and safety of participants.

**22 VAC 40-60-420. Building construction and maintenance Approval from other agencies; requirements prior to initial licensure.**

~~A. If space used or planned for use by the center is renovated or altered, the plans shall be submitted to the department for review prior to the expected change.~~

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

1. ~~Inspection and approval of the building or buildings from the local building official or the Office of the State Fire Marshal, whichever is applicable, or approval of a plan of correction; Approval from the appropriate authority that each building is in compliance with building and fire codes, or that a plan of correction has been approved; and~~
2. ~~Inspection and Approval from the local health department, or approval of a plan of correction related to, for meeting the requirements for:~~
  - ~~a. Sanitation and health;~~
  - ~~b. a. Water supply;~~
  - ~~e. Sewerage b. Sewage disposal system; and~~
  - ~~d. c. Food service, if applicable.~~
3. ~~Inspection and approval from the local fire department that the center is free from fire hazards or approval of a plan of correction.~~

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~~C. At the time of a renewal application, written documentation of annual approval, or approval of a plan of correction, shall be provided from:~~

- ~~1. The office of the State Fire Marshal, if applicable;~~
- ~~2. The local health department; and~~
- ~~3. The local fire department.~~

~~D. The buildings shall be free from safety hazards.~~

## **22 VAC 40-60-425. Approval from other agencies; requirements subsequent to initial licensure.**

A. An annual fire inspection report shall be provided, or approval of a plan of correction, to the licensing representative from the appropriate fire official.

B. Annual approval from the local health department shall be provided, or approval of a plan of correction, for meeting requirements for:

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

## **22 VAC 40-60-430. Special requirements for nonambulatory or physically handicapped impaired individuals.**

A. If the center is licensed for nonambulatory participants, at least one separate entrance shall be ramped, wheelchair-accessible, or at ground level, with no steps, so that participants can evacuate safely in the event of fire or emergency.

B. Doorways and passageways shall be wide enough to accommodate wheelchairs and walkers, before any participant who uses a wheelchair or a walker is accepted for care.

## **22 VAC 40-60-440. Maintenance of buildings and grounds.**

A. The *buildings and grounds* shall be well maintained and free from safety hazards.

B. An area shall be available and accessible so that participants shall have opportunities for supervised outdoor activities. *The area shall be equipped with appropriate seasonal outdoor furniture.*

C. A safe area for discharge and pick-up shall be available to accommodate daily arrival and departure of participants.

D. Adequate outdoor lighting shall be provided to ensure safe *ambulation and* loading and unloading of participants upon arrival and departure if the center operates during hours of dim light or darkness.

E. *Grounds shall be properly maintained to include mowing of grass and removal of snow and ice.*

F. *All interior and exterior stairways and ramps shall have a nonslip surface or carpet. If carpet or other covering is used, it shall be secured to the stairways or ramps.*

G. *Sturdy handrails shall be provided on all stairways, ramps, elevators, and at all changes in floor level.*

H. *All interior and exterior stairways, changes in floor level, and ramps shall be indicated by a warning strip or contrast in color to aid participants who have impaired vision.*

## **22 VAC 40-60-450. Sanitation.**

A. ~~Cleanliness of~~ The facility and all of its furnishings and equipment, *inside and out*, shall be ~~properly~~ clean and maintained in good repair and in safe condition.

B. Adequate provisions for the collection and legal disposal of garbage, ashes and waste material shall be made.

1. Covered, vermin-proof, watertight containers shall be used outdoors.
2. Outdoor containers shall be emptied once a week and kept clean.
3. Indoor wastebaskets shall be emptied daily.

~~B-~~ C. The facility shall be free from insects, rodents, and other pests. *The grounds shall be kept free of their breeding places.*

D. *Cleaning products, pesticides, and all poisonous or harmful materials shall be stored separately from food and shall be kept in a locked place when not in use.*

~~G-~~ E. Adequate kitchen facilities and equipment shall be provided for preparation and serving of meals *and snacks* or for the catering of meals.

~~D-~~ F. Sufficient working refrigeration shall be available to store perishable food and medicine.

~~E-~~ G. Drinking water shall be available at all times.

F. ~~H.~~ Drinking fountains, if used, shall be of a type approved by the local health department.

~~G-~~ I. Individual disposable cups shall be provided for drinking water when fountains are not used.

~~H-~~ J. If disposable dishes, cups or utensils, or both, are used, they shall be sturdy enough to prevent them from being a safety hazard. They shall be used once and then discarded.

K. *All sheets and pillow cases shall be laundered before being used by another person.*

L. *All blankets, spreads, and coverings shall be laundered or dry cleaned, as needed.*

## **22 VAC 40-60-460. Lighting.**

A. All areas of the facility shall be well lighted for the safety and comfort of the participants during all hours of operation according to the nature of activities.

NOTE: Special lighting requirements relating to medications are ~~under subdivision 3 of subsection C of 22 VAC 40-60-620 in 22 VAC 40-60-698 D 3 [ b. ]~~.

B. Artificial lighting shall be by electricity ~~or battery~~.

C. *Emergency lighting.*

1. Flashlights or battery lanterns in working order shall be available at all times.

2. Open flame lighting is prohibited.

~~G.~~ D. Additional lighting, as necessary to provide and ensure presence of contrast, shall be available for immediate use in areas that may present safety hazards, such as but not limited to stairways, doorways, passageways, changes in floor level, kitchens, bathrooms and basements.

~~D.~~ E. Hallways, stairwells, foyers, doorways, and exits ~~utilized~~ used by participants shall be kept well lighted at all times when participants are present in the building or buildings. Whenever natural light is not sufficient, artificial lighting shall be used.

~~E.~~ F. Glare shall be kept at a minimum in rooms used by participants.

1. When necessary to reduce glare, windows shall be equipped with shades, curtains or other coverings.

2. All lights, including fluorescent lights, shall be covered with shades or protective fixtures or specially equipped to reduce glare and ensure protection.

~~F.~~ G. If used, fluorescent lights shall be replaced if they flicker or make noise.

~~G.~~ H. All sources of light including windows, light fixtures, bulbs, etc., shall be kept clean.

## **22 VAC 40-60-470. Temperature and Heating, ventilation, and cooling.**

A. Heat shall be supplied from a central heating plant or by an approved electrical heating system.

~~A.~~ B. Areas used by participants shall be well ventilated to the outside and dry.

~~B.~~ C. The temperature of the rooms used by participants shall be maintained at a level safe and suitable for elderly, disabled, and impaired adults:

1. The minimum inside temperature shall be ~~68F~~ 70°F. This standard applies unless otherwise mandated by federal or state authorities.

2. ~~There shall be~~ Fans or air conditioners, or both, shall be available. ~~These shall be~~ and used when the inside temperature exceeds 84 °F.

3. ~~Each day-care center shall have at least one portable thermometer to assure correct temperature.~~

4. 3. Fans and air conditioners shall be placed to avoid direct drafts on participants and to ~~avoid prevent~~ safety hazards.

4. When air conditioners are not provided, the facility shall develop and implement a plan to protect participants from heat-related illnesses.

5. At least one movable thermometer shall be available in each building for measuring temperatures in individual rooms that do not have a fixed thermostat that shows the temperature in the room.

## **22 VAC 40-60-480. Equipment and materials. (Repealed.)**

~~A.~~ All furniture and equipment inside and outside the center shall be maintained in good repair and in safe condition.

~~B.~~ Cleaning products, pesticides, and all poisonous or harmful materials shall be stored separately from food and shall be kept in a locked place when not in use.

~~C.~~ If elevators are used, the following requirements shall be met:

1. They shall be kept in safe running condition.

2. They shall have sturdy handrails installed.

3. They shall be inspected at least annually by the insurance company, the local housing authority, or the elevator company.

4. A copy of the inspection report shall be retained by the center.

5. If elevators are used, an alternative exit shall be accessible for use in case of a fire and other emergencies.

~~D.~~ Sturdy handrails shall be installed at all stairs, ramps, and changes in floor levels.

~~E.~~ All interior and exterior stairways and ramps shall have nonslip surfaces or carpet. If carpet or covering is used, it shall be secured to the stairways or ramps.

~~F.~~ All interior and exterior stairways, changes of floor level, and ramps shall be indicated by a warning strip or contrast in color to aid the participants who have impaired vision.

~~G.~~ Floors shall not be slippery. If rugs or floor coverings are used, they shall be secured to the floor.

### Article 2.

#### Space, Furnishings, and Supplies.

## **22 VAC 40-60-490. Activity General areas.**

A. ~~The Any~~ center licensed after [ ~~(the effective date of this chapter)~~ July 1, 2000, ] shall provide at least 40 50 square feet of indoor floor space for each participant, in addition to hallways, office space, bathrooms, storage space, or other rooms or areas that are not normally used for program activities.

B. There shall be sufficient and suitable space for planned program activities; that may be interchangeable or adaptable for a variety of activities *including meals*.

1. There shall be at least one room with sufficient space for the participants to gather together for large group activities.

2. There shall be rooms or areas appropriate for small group activities and individual activities.

C. Furnishings.

1. The furniture shall be sturdy, safe, and appropriate for elderly and impaired adults.

2. All centers shall have:

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- a. At least one chair for each participant and each staff person, excluding any people who remain in wheelchairs throughout the day;
- b. Table space adequate for all participants to take part in activities at the same time; and
- c. Recliners, lounge chairs, rockers, or other seating to allow participants to relax and rest.

## 22 VAC 40-60-510. Bathroom Restroom facilities.

A. ~~In any center licensed after [ (the effective date of this chapter) July 1, 2000 ],~~ there shall be a minimum of one toilet that is suitable to accommodate a participant who needs human assistance or specialized equipment available for every 10 participants in attendance.

B. ~~If 10 or fewer participants are in attendance, there shall be at least one bathroom or toilet stall large enough to accommodate a participant who needs personal assistance or who uses a walker or wheelchair.~~

~~C. B.~~ If more than 10 participants are in attendance:

- ~~1. There shall be separate bathrooms for men and women to allow for privacy; and~~
- ~~2. At least one bathroom or toilet stall for men and another bathroom or toilet stall for women shall be large enough to accommodate a participant who may need personal assistance or who uses a walker or wheelchair, if the center is licensed for nonambulatory participants.~~

~~D.~~ In bathrooms equipped with more than one toilet, each toilet shall be enclosed for privacy.

- ~~1. Restrooms equipped with more than one toilet shall have each toilet enclosed.~~
- ~~2. Restrooms that are equipped with only one toilet can be used by either men or women.~~
- ~~3. Restrooms that are equipped with multiple stalls must be designated for men or for women.~~

~~C.~~ In any center licensed after [ (the effective date of this chapter) July 1, 2000 ], each restroom having multiple stalls shall have at least one toilet that is suitable to accommodate a participant who needs human assistance or specialized equipment.

~~E. D.~~ Sturdy grab bars or safety frames shall be installed beside all toilets used by participants.

~~F. E.~~ There shall be a minimum of one sink for every two toilets, ~~with heated and cold running water, and the sinks shall be located close enough together to ensure to toilets to encourage~~ washing of hands after each toileting procedure.

~~F.~~ There shall be an ample supply of hot and cold running water from an approved source available to the participants at all times.

~~G.~~ Hot water at taps available to participants shall be maintained within a range of 105° to 120°F.

~~G. H.~~ There shall be an adequate supply of toilet tissue, soap, ~~and~~ disposable hand towels ~~and disposable gloves~~ in each ~~bathroom~~ restroom at all times.

~~I.~~ If bathing facilities are provided there shall be:

- ~~1. Handrails by bathtubs,~~
- ~~2. Handrails in stall showers, and~~
- ~~3. Stools by stall showers.~~

## 22 VAC 40-60-520. Dining area.

~~A.~~ The dining area shall be large enough to provide sufficient table space and chair space to accommodate the participants. ~~However, participants may eat in shifts. Dining areas shall have a sufficient number of sturdy tables and chairs to serve all residents, either all at one time or in shifts.~~

B. If the center is licensed for nonambulatory participants, the dining area shall be large enough to provide sufficient table space and floor space to accommodate participants in wheelchairs.

## 22 VAC 40-60-530. Storage. (Repealed.)

~~A.~~ Sufficient space shall be provided for coats, sweaters, umbrellas, toilet articles, and similar personal possessions of participants and staff.

~~B.~~ Sufficient space shall be available for equipment, materials, and supplies used in the program.

## 22 VAC 40-60-540. Telephones. (Repealed.)

~~A.~~ At least one operable, nonpay telephone shall be provided in each building.

~~B.~~ The telephone shall be easily accessible. If the center is licensed for nonambulatory participants, the telephone shall be of a height accessible to a person in a wheelchair.

## 22 VAC 40-60-550. Rest area.

A. A separate room or area shall be available for participants who become ill, need to rest, or need to have privacy. ~~A.~~ The separate room or area shall be equipped with one bed ~~or~~, comfortable cot ~~or recliner~~ for every 12 participants.

B. Additional beds ~~or~~, comfortable cots ~~or recliners~~ shall be available to accommodate all participants who are scheduled for rest periods, ~~provided at least one cot is not scheduled for use.~~ EXCEPTION: In centers that are open for evening or night care, beds shall be available for participants ~~as necessary who need them.~~

C. A minimum of one pillow covered with a pillow case, two sheets and one blanket, spread or covering per bed or cot shall be provided.

~~D.~~ Additional covering or blankets and pillows shall be ~~added as required available as necessary for recliners.~~

~~E.~~ All sheets and pillow cases shall be laundered before being used by another person.

~~F.~~ All blankets, spreads, and coverings shall be laundered or dry cleaned, as needed.

**22 VAC 40-60-554. Storage.**

A. Sufficient space shall be provided to store coats, sweaters, umbrellas, toilet articles, and similar personal possessions of participants and staff.

B. Sufficient space shall be available for equipment, materials, and supplies used in the program.

**22 VAC 40-60-556. Telephones.**

A. Each building shall have at least one operable, nonpay telephone easily accessible to staff. There shall be additional telephones or extensions as may be needed to summon help in an emergency, including one that will operate during power outages.

B. Participants shall have reasonable access to a nonpay telephone on the premises.

C. Privacy shall be provided for participants to use the telephone.

PART VI.  
PROGRAMS AND SERVICES ADMISSION, RETENTION  
AND DISCHARGE.

Article 1.  
Admission policies and Procedures.

**22 VAC 40-60-560. Admission and assessment policies.**

~~A. Admission policies.~~

~~1. A. The adult day care center shall have written admission policies consistent with the program statement required in 22 VAC 40-60-120.~~

~~2. B. The admission policies shall include admission criteria that shall be discussed with each person entering the program, as well as with any family member or any other person who enrolls the participant his family members, or personal representative, as appropriate. A copy of the admission policies shall be available upon request for each of these people.~~

~~3. C. Only those people whose needs can be met by the center's program persons who meet the admission criteria shall be admitted to the center.~~

~~4. D. All participants shall be 18 years of age or older.~~

~~B. Assessment policies.~~

**22 VAC 40-60-564. Assessment procedures.**

1. A. The center staff shall be responsible for conducting or securing a written assessment of an applicant prior to admission.

2. B. The assessment shall be based upon the information presented by the applicant, family members, friends or responsible person, personal representative, and the report of any the required physical examination and from other care providers.

3. C. The assessment shall be used to identify the person's strengths abilities and needs to determine if and how the program can serve the participant.

4. D. The assessment shall include at minimum a description of the participant's:

~~a. Physical~~ 1. Medical and functional condition, including:

~~(1) a. Ambulatory ability [ ; ; ]~~

~~(2) b. Ability to perform activities of daily living, such as eating and toileting [ ; ; and ]~~

~~b. Social situation, including living arrangements and the availability of family, friends, and other people and organizations in the community to provide services to the participant;~~

~~c. Health status.~~

~~e. 2. Mental status, including any intellectual impairment and known psychiatric or emotional problems; and [ ; ; ]~~

~~3. Social situation, including living arrangements and the availability of family, friends, and other people and organizations in the community to provide services to the participant [ ; ; ] and~~

~~d. 4. Economic conditions, to enable the director to plan appropriate activities and to make appropriate referrals to other organizations.~~

5. E. The initial assessment shall be reviewed and updated on a scheduled basis, but at least annually every six months. This reassessment shall be in writing.

6. F. A reassessment shall also be made and documented in writing when there are changes to indicate that a participant's needs may no longer be met by the current plan of care.

**22 VAC 40-60-570. Plan of care for each participant.**

A. Prior to admission, a beginning or preliminary multi-disciplinary plan of care, based upon the assessment, shall be developed in writing for each participant. The participant and responsible family members shall have opportunity for input. The plan shall be updated and completed within 30 days of admission.

B. The plan shall be designed to maintain or improve the functional capabilities of the participant when possible, or to prevent further deterioration participant's highest level of functional ability. The plan shall include:

1. A description of the participant's needs;

~~2. The activities and services in which the person will participate in order to meet these needs;~~

~~3. Realistic goals for the participant, when appropriate, and suggestions for family members to work toward while the participant is in the program; and~~

2. Realistic goals to meet those needs;

3. The activities and services to meet those goals and who will provide them; and

4. If appropriate, the time by which the goals should be achieved.

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C. The written plan of care and personal information shall be reviewed and updated ~~on a scheduled basis as needed,~~ but as significant changes occur and at least annually every six months. The revised plan of care shall be in writing.

D. The revised plan shall conform to the requirements of the initial plan as specified in subsection B of ~~22 VAC 40-60-570~~ this section.

## 22 VAC 40-60-580. Agreement.

A. There shall be a written agreement between the participant and the center. The agreement shall be signed by the participant or ~~legal guardian~~ *personal representative* and the center representative.

B. The agreement shall specify the services to be provided by the center; conditions for dismissal or discharge; and financial arrangements. ~~EXCEPTION:~~ For some participants, the agreement need not specify financial arrangements provided that the financial arrangements are made, signed for, and handled by the ~~legal guardian or responsible person~~ a *personal representative*.

C. A copy of the agreement (~~or appropriate portion of the agreement~~) shall be given to the participant; ~~a full copy shall be given or to the legal guardian or responsible person, if applicable;~~ *personal representative, as appropriate,* and a copy shall be kept at the center.

D. The agreement shall be reviewed and updated whenever there is any change in the services or the financial arrangements.

## 22 VAC 40-60-590. ~~Personal information for each Participant record.~~

A. ~~An individual record containing all information, reports, and documents required by this chapter, and other information relevant to the plan of care, shall be kept for each participant.~~

~~A. B. The following personal information shall be kept current for all participants, to be used for the initial and ongoing assessments and plans of care, as well as in the event of an emergency each participant.~~

- ~~1. Full name of participant, address, and telephone number;~~
- ~~2. Names, addresses, and telephone numbers of at least two family members, friends, or other designated people to be contacted in the event of illness or an emergency; and~~
- ~~3. Names, addresses, and telephone numbers of the participant's local primary care provider, personal physician, any clinics where the participant receives treatment, other health or social service provider and the name of the preferred hospital in the event of an emergency, and the local social service case worker if the Department of Social Services is involved in the placement;~~
- ~~4. Information regarding advance directives, if applicable; and~~

~~5. A current photograph or written description of the participant.~~

~~B. Individual records shall be kept for participants containing all information, reports, and documents required by these standards and regulations.~~

## 22 VAC 40-60-600. Physical examinations/medical information at admission.

A. Screening for tuberculosis and a physical examination by or under the direction of a licensed physician shall be obtained either within 30 days prior to acceptance for admission or within 30 days prior to admission.

B. The report of the required physical examination shall include:

- The date of the physical examination;
- All diagnoses ~~or~~ and significant medical problems, ~~or both;~~
- Any special requirements and all recommendations for care including:
  - A list of *all* medications including dosages, route, and times medications are to be administered, frequency of administration;
  - Any special diet; or any food intolerances;
  - Any allergies ~~or any food intolerance, or both,~~ such as, but not limited to, medication allergies, food allergies, animal allergies;
  - Any therapy, treatments or procedures the individual ~~is~~ is undergoing or should receive, and by whom; and
  - Any restrictions or limitations on physical activities or program participation;
- A statement that the individual is or is not capable of administering his own medications without assistance;
- A statement that the individual is or is not physically and mentally able to make an exit from the building in an emergency without the assistance of another person or without the use of a device such as, but not limited to, a wheelchair, walker or leg prosthesis. (This does not apply to a participant admitted to a licensed center prior to April 1, 1987. A participant transferred to another licensed center or admitted on or after April 1, 1987 must meet the standard.); *capable of self-preservation by being able to respond in an emergency, either to an area of safe refuge or from the building, without the assistance of another person, even if he may require the assistance of a wheelchair, walker, cane, prosthetic device, or a single verbal command.*
- A statement that the individual does not have tuberculosis in a communicable form, including the type ~~or types and of test or tests used for tuberculosis~~ and the results; and. *This information shall include the results of a Mantoux tuberculin skin test, chest x-ray, or bacteriological examination as deemed appropriate by a physician to rule out tuberculosis in a communicable form. Documentation is required, which includes the*

information contained on the form recommended by the Virginia Department of Health.

7. The signature of a licensed physician, the physician's designee, or an official of a local health department.

~~Article 2-  
Health Care.~~

**22 VAC 40-60-610. Medical reports after admission.**

~~A. Any individual who comes in contact with a known case of tuberculosis or who develops chronic respiratory symptoms shall, within 30 days after exposure or development, receive an evaluation in accordance with 22 VAC 40-60-600.~~

~~A. Subsequent medical evaluations.~~

~~1. Each participant shall annually submit a report of physical examination by a physician including the information required in subdivisions B 1 through 5 and B 7 of 22 VAC 40-60-600 (annual screening for tuberculosis is not required for participants).~~

~~B. 2. At the request of the licensee or director of the facility or the Department of Social Services, a report of examination by a physician shall be obtained when there are indications that the ~~day-care~~ day care center can no longer provide appropriate or safe care because of changes in the participant's physical or mental health. 4. The written report of the physical examination shall be:~~

~~a. Dated.~~

~~2. The written report of the physical examination shall be b. Signed by a physician, the physician's designee, or an official of a local health department.~~

~~3. The report of the physical examination shall be c. Used in evaluating the participant's continued suitability for adult ~~day-care~~ day care.~~

~~C. 3. All medical reports shall be kept at the center where the participant is served.~~

~~B. Subsequent evaluations for tuberculosis.~~

~~1. Any individual who comes in contact with a known case of infectious tuberculosis shall be screened as deemed appropriate in consultation with the local health department.~~

~~2. Any individual who develops respiratory symptoms of three or more weeks' duration shall be evaluated immediately for the presence of infectious tuberculosis.~~

~~3. If an individual develops an active case of tuberculosis, the center shall report this information to the local health department.~~

**22 VAC 40-60-620. Medication management. (Repealed.)**

~~A. Prescription medication shall be in the original container with the prescription label affixed.~~

~~B. Unless it is contrary to the day-care center's policy, participants may keep and take their own medication provided that:~~

~~1. Their physicians have deemed them capable of administering medication to themselves, and~~

~~2. The center ensures that other participants do not have access to any participant's medication.~~

~~C. If there are any participants whose physicians have deemed them incapable of administering medication to themselves, or if the day-care center chooses to administer all medication, the following standards apply:~~

~~1. The medication shall be kept in a locked compartment or area.~~

~~2. The medication shall be kept in a darkened area, free from dampness and high temperatures, and refrigerated if required.~~

~~3. The area in which the medication is administered shall have sufficient light so that the labels can be accurately read and the correct dosage can be clearly determined.~~

~~4. Each staff person who administers the medication shall be authorized by § 43-524.65 of the Code of Virginia, or by written authorization of the participant's physician. A copy of all physician's authorizations shall be kept in the participant's record so long as they are in effect.~~

~~5. A written record shall be kept of all medication administered to the participants while at the day-care center. This record shall be retained at the center for one year and shall include:~~

~~a. Date,~~

~~b. Name of participant,~~

~~c. Name of drug or drugs or prescription number,~~

~~d. Time administered,~~

~~e. Name of person administering, and~~

~~f. Any adverse or unusual reaction that occurs.~~

**22 VAC 40-60-630. Health-care supervision. (Repealed.)**

~~A. Changes in a participant's physical or mental health, behavior, attitude, or other significant changes, shall be discussed with the participant, family, physician or clinic, or other responsible person as appropriate. A written notation in the participant's record shall document the change and the person to whom it was reported.~~

~~B. If a participant suffers an illness or accident requiring medical attention:~~

~~1. The center shall ensure that the participant receives immediate access to medical attention;~~

~~2. The family or other responsible person and the participant's personal physician shall be notified immediately, and~~

~~3. The notification shall be documented in the participant's record along with the details of the incident and action taken.~~

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## **22 VAC 40-60-640. Health care needs. (Repealed.)**

~~A. If center staff identify a need for health care services, this need shall be discussed with the participant, family members, or other responsible persons as appropriate. The discussion shall be documented in the participant's record and included in the update of the plan of care.~~

~~B. In the event that the center provided health care services to meet these needs, the provider of health care shall be licensed, certified, or registered, as required by law.~~

## **22 VAC 40-60-650. Ill participants. (Repealed.)**

~~A. A participant who is apparently ill shall not enter the adult day care center without written approval from a physician.~~

~~B. If a participant becomes ill during the day:~~

~~1. He shall be separated from all other participants in care;~~

~~2. The responsible person shall be notified immediately in order that the participant may be returned home, if necessary; and~~

~~3. The ill participant shall be checked at least every 15 minutes until he leaves the center.~~

### ~~Article 3. Discharge Policies.~~

## **22 VAC 40-60-670. Participant involvement. (Repealed.)**

~~Unless clearly impossible, the participant shall be informed of and participate in discharge planning.~~

## **22 VAC 40-60-680. Center initiated discharge.**

~~In the event that A. When the center initiates the discharge, the a written plan of discharge notice shall identify the reasons for discharge and outline the services needed by the participant upon discharge. The plan discharge notice shall be discussed with the participant and family members or other responsible persons personal representative whenever possible. Although primary responsibility for the location and delivery of these services falls upon the participant and family members or other responsible people personal representative, adult day care day care staff shall assist, when possible.~~

~~B. The center shall notify the participant and family members or personal representative at least 14 calendar days prior to the actual discharge date.~~

~~C. When a participant's condition presents an immediate and serious risk to the health, safety or welfare of the participant or others and immediate discharge is necessary, the 14-day notification of planned discharge does not apply.~~

~~D. The center shall have a process by which participants, family members or personal representatives can appeal a center-initiated discharge.~~

## **22 VAC 40-60-690. Noncenter initiated discharge.**

~~If requested by When the participant or responsible person, a family member or personal representative initiates the~~

~~discharge, adult day care day care staff shall offer to assist the participant with the transition from adult day care day care to other appropriate programs or services, such as counseling or arranging a visit to the other program or preparing a transfer report for the new program.~~

### ~~Article 4. Program of Care.~~

### ~~PART VII. PROGRAMS AND SERVICES.~~

## **22 VAC 40-60-691. Goals of programs and services.**

~~Programs and services shall be designed to:~~

~~1. Keep participants active, within the limitations permitted by physicians' orders.~~

~~2. Encourage participants to maintain maximal independence in the activities of daily living.~~

~~3. Assist participants to adjust to their disabilities and to redirect their interests if they are no longer able to maintain involvement in past activities.~~

## **22 VAC 40-60-692. Rights of participants.**

~~A. The participant shall be treated as an adult with consideration, respect and dignity, including privacy in treatment and in care for personal needs.~~

~~B. The participant shall be encouraged and supported to maintain the highest level of personal and functional independence that conditions and circumstances permit.~~

~~C. The participant shall be encouraged to participate in planning for his care, in program planning, and in deciding to participate in a given activity, to the extent possible.~~

~~D. The participant shall be involved in a program of services designed to promote a positive attitude about his usefulness and capabilities, and designed to encourage learning, growth, and awareness of constructive ways to develop talents and interests.~~

~~E. The participant shall be cared for in an atmosphere of sincere interest and concern in which needed support and services are provided.~~

~~F. The privacy and confidentiality of each participant shall be fully respected.~~

~~G. The participant shall not be abused, exploited, punished, coerced or threatened in any way.~~

~~H. The participant shall be protected from solicitation, harassment and unwanted visitors.~~

~~I. Services provided shall meet acceptable standards of care. There shall be a good faith effort to provide care according to the plan of care. Satisfaction with care shall be routinely checked and concerns addressed.~~

~~J. The participant shall have the right to voice grievances about care or treatment without discrimination or reprisal.~~



## **22 VAC 40-60-694. Health care supervision.**

Each participant's physical and mental health, behavior and attitude shall be continually monitored and significant changes discussed with the staff, the participant, family members, physician or clinic, or personal representative, as appropriate. A written notification in the participant's record shall document the change and the persons to whom it was reported.

## **22 VAC 40-60-695. Health care services.**

A. A program of health care monitoring shall be in place to assess the participant's health status and to maintain functional abilities. Health care monitoring shall be on-going and shall include, but not be limited to:

1. Blood pressure;
2. Weight;
3. Hydration;
4. Circulation;
5. Respiration;
6. Positioning;
7. Skin integrity;
8. Nutritional status;
9. Elimination; and
10. Sensory capabilities.

B. When center staff identify the need for additional health care services or referral to other providers, this need shall be discussed with the participant, family members, or personal representative, as appropriate. The discussion shall be documented in the participant's record and included in the update of the plan of care.

C. In the event the center provides skilled health care services to meet the needs of the participant, the provider of health care shall be licensed, certified or registered as required by law.

D. Facilities shall arrange for specialized rehabilitative services by qualified personnel as needed by the participant. Rehabilitative services include physical therapy, occupational therapy and speech-language pathology services. Rehabilitative services may be indicated when the participant has lost or has shown a change in his ability to respond or to perform a given task and requires professional rehabilitative services in an effort to regain lost function. Rehabilitative services may also be indicated to evaluate the appropriateness and individual response to use of assistive technology.

E. All rehabilitative services rendered by a rehabilitative professional shall be performed only upon written medical referral by a physician or other health care professional.

## **22 VAC 40-60-697. Preventing the spread of disease.**

A. If a participant arrives at the center with the signs and symptoms listed in subsection B of this section, the participant shall not be allowed to attend until the symptoms no longer exist.

B. The participant shall be excluded if he has:

1. A temperature over 100°F;
2. Recurrent vomiting or diarrhea;
3. An upper respiratory infection; or
4. Any other communicable disease.

C. If a participant develops signs or symptoms listed in subsection B of this section during the day, the following shall apply:

1. He shall be separated from all other participants in care;
2. The appropriate family member or personal representative shall be notified immediately in order to make arrangements for the participant to leave the center as soon as possible;
3. The ill participant shall be checked every 15 minutes, or more often if circumstances indicate, until he leaves the center; and
4. The details of the illness and action taken shall be documented in the participant's record.

D. When a participant at the center has been exposed to a communicable disease, the family or personal representative shall be informed unless forbidden by law.

E. If a participant requires emergency care or leaves the center with a communicable disease, a written statement of health status from the participant's health care provider may be required before the participant can return to the center.

F. The center shall have a plan to implement the procedures of standard precautions.

G. Staff and participants shall wash their hands before eating, after toileting or assisting with toileting, and after contact with any body fluids.

## **22 VAC 40-60-698. Medication management.**

A. The center shall have a written policy for medication management. The center's medication policies shall address methods of administering medication and shall include:

1. Any general restrictions of the center;
2. Duration of the authorization for the medication;
3. Methods to prevent the use of outdated medication;
4. Methods to maintain an adequate supply of medication; and
5. A plan for proper disposal of medication.

B. Prescription and nonprescription medications, including physician's samples, shall be given to a participant according to the center's written medication policies and only with written or verbal authorization from the physician or prescriber, or the physician's authorized agent. For the purposes of this section, an "authorized agent" means an employee of the physician who is under his immediate and personal supervision. Verbal orders shall be reviewed and signed by the physician or prescriber within 10 working days.

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C. The center shall maintain a list of all medications, including those taken at home and at the center, for each participant. The center shall attempt to verify and update the list of center-administered medications with the prescribing health care professional at least twice a year. Unsuccessful attempts to verify shall be documented.

D. The following standards shall apply when medications are administered to participants at the adult day care center:

1. All medication shall be in the original container with the prescription label or direction label attached and legible. Sample medications shall be in the original packaging and labeled with the name and strength of the medication.

2. All medication shall be labeled with the participant's name, the name of the medication, the strength and dosage amount, [ the route of administration, ] and the frequency of administration.

3. The medication shall be kept in a locked compartment or area, not accessible to participants. The locked compartment or area shall be free from direct sunlight and high temperatures, free from dampness, and shall remain darkened when closed.

4. The area in which the medication is prepared shall have sufficient light so that the labels can be read accurately and the correct dosage can be clearly determined.

5. Medication shall be refrigerated, if required. When medication is stored in a refrigerator used for food, the medications shall be stored together in a locked container in a clearly defined area. If a refrigerator is used for medication only, it is permissible to store dietary supplements and foods and liquids used for medication administration.

6. Unless it is contrary to the day care center's policy, a participant may take his own medication provided that:

a. A physician has deemed the participant capable of administering medication to himself;

b. The physician has given written authorization for the participant to self-administer medication to himself; and

c. Medications are stored in a locked area or compartment and provided to the participant by staff upon request.

7. When the center staff administers medications to participants, the following standards shall apply:

a. Each staff person who administers medication shall be authorized [ ~~by § 43-542.65 of the Code of Virginia~~ ] by § 54.1-3408 [ A ] of the Virginia Drug Control Act. All staff responsible for medication administration shall successfully complete [ a the most current ] medication training program [ developed by the department and ] approved by the Board of Nursing or be licensed by the Commonwealth of Virginia to administer medications. [ ~~The certificate of the medication training program shall be renewed every three years.~~ All staff who have successfully completed

the medication management training program shall also successfully complete the most current refresher course developed by the department and approved by the Board of Nursing. The refresher course shall be completed every three years. ]

b. All medications shall be removed from the pharmacy container and be administered by the same [ ~~authorized~~ ] person within one hour of the prescribed time. Once medications have been removed from the pharmacy container, the medication must be given within one-half hour and shall be kept in a locked area until given.

[ ~~e. A copy of all physician's authorizations for administering medications shall be kept in the participant's record.~~ ]

[ ~~e. c.~~ ] Documentation shall be maintained of all medications, including prescription, nonprescription, and sample medication, administered to the participants while at the day care center. This documentation shall become part of the participant's permanent record and shall include:

(1) Name of participant;

(2) Date medication prescribed;

(3) Drug product name;

(4) Dosage and strength of medication;

(5) Route of administration;

(6) Frequency of administration;

(7) Date and time given and initials of staff administering the medication;

(8) Date the medication is discontinued or changed;

(9) Any medication errors or omissions;

(10) Notation of any adverse effects or unusual reactions that occur; and

(11) The name, signature, and initials of all staff administering medications.

E. The use of PRN (as needed) medications is prohibited unless one or more of the following conditions exist:

1. A participant is capable of determining when medication is needed;

2. A licensed health care professional administers the medication;

3. The participant's physician has provided detailed written instructions, including symptoms that might indicate the need for the medication, exact dosage, the exact time frames the medication is to be given in a 24-hour period, and directions for what to do if symptoms persist; or

4. The center staff has telephoned the participant's physician prior to administering the medication and explained the symptoms and received a documented

verbal order that includes the information in subdivision 3 of this subsection.

## **22 VAC 40-60-699. Assistance with activities of daily living.**

If the center serves participants who need assistance with activities of daily living (ADLs), the following standards shall apply:

### 1. Assistance with eating/feeding.

a. Dining areas shall be supervised by staff whenever meals or snacks are served. There shall be at least one staff member who is trained in the procedures of "abdominal thrusts" in each area when participants are eating.

b. Additional staff shall be present in the dining areas to assist participants who cannot eat independently. These staff members shall be trained in eating assistance techniques.

c. Self-feeding skills of participants shall be continuously observed and evaluated so that meals and snacks are not missed because of a participant's inability to feed himself.

d. Appropriate adapted utensils, including adapted plates/bowls and cups with straws and handles, shall be provided for those participants who need them. Information about effective eating adaptations shall be shared with appropriate family care givers of those participants. Assistance shall be provided to those participants who need it with such activities as opening containers and cutting food.

e. Low-stimulus dining areas shall be provided for participants with head injuries or other conditions that impair concentration.

f. Changes in food and liquid intake shall be documented and changes made in the care plan to ensure adequate intake. Families shall be notified of such changes.

### 2. Assistance with ambulation/transfer.

a. The ability of the participant to safely transfer and ambulate shall be continually monitored, changes documented, and the plan of care changed to maximize the participant's safety.

b. There shall be adequate staff to provide individualized assistance to get to activities, meals and the restroom if the center serves participants with transfer/ambulation deficits.

c. The center shall have at least one wheelchair available for emergency use, even if all participants are ambulatory or have their own wheelchairs.

d. All staff shall be trained in providing assistance with ambulation and transfer, safe use of ambulation/transfer equipment, and procedures for monitoring and reporting malfunctioning equipment.

e. Staff shall identify unmet needs equipment and repairs, document their recommendations and refer families to appropriate resources, even when participants or families are responsible for purchasing and maintaining equipment.

f. Participants who use wheelchairs shall be offered other seating options throughout the day, if appropriate.

g. There shall be a plan for ambulating those participants who cannot walk independently to maintain maximum mobility.

### 3. Assistance with toileting.

a. Participants shall be assessed to determine their individual toileting needs. These needs shall be reflected in the plan of care and shared with family care givers. Staff shall follow toileting procedures for each participant, such as transferring techniques.

b. Equipment to aid in toileting such as gait belts, elevated toilet seats, and grab bars shall be available and within easy reach of [ participants and ] staff.

c. Participants who are at risk of falling, or who have other safety risks, shall not be left alone while toileting.

d. All supplies, such as incontinence products, extra clothing, and latex gloves, shall be available and prepared prior to toileting a participant so that the participant is not left unattended while necessary items are being retrieved.

e. Staff and participants shall wash their hands after each toileting procedure.

f. Privacy, confidentiality and dignity shall be maintained for participants during toileting, including closing doors and not discussing needs in front of others.

g. Staff shall arrange for coverage of program responsibilities when they must leave the group to assist with toileting a participant.

### 4. Assistance with bathing.

a. The center shall ensure the privacy and dignity of a participant who is assisted with bathing/showering.

b. A shower chair, bench or other seating, safety equipment such as grab bars, and nonslip surfaces shall be provided.

c. Adequate supplies to complete the bathing process shall be provided such as, but not limited to, towels, soap, wash cloths and shampoo, unless the participant brings these items from home.

d. The participant shall never be left unattended in the shower or bath. If the bathing area is not in sight or sound of other occupied parts of the building, there shall be an emergency call system to summon additional assistance.

### 5. Assistance with dressing.

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a. *Extra clothing shall be available for participants who need to change during the day. Each participant can keep a change of clothing at the center or the center can keep a supply to use as needed.*

b. *Participants' clothing, equipment and supplies kept at the center shall be properly labeled and stored to prevent loss.*

c. *If the center serves participants who cannot dress themselves, there shall be staff available to assist with coats, hats, and gloves as participants arrive and depart. Assistance with dressing shall be available for those who need it for rest periods and toileting.*

d. *Special attention shall be given to footwear of participants who are at risk of falling. Staff shall encourage family members to provide appropriate shoes and shall document those recommendations.*

## **22 VAC 40-60-700. Planning the activities and services.**

A. ~~Activities and services shall be planned to support the plans of care for the participants, and shall be consistent with the program statement and the admission policies.~~

B. ~~Activities and services shall be planned under the supervision of the director who shall encourage involvement of participants and staff in the planning.~~

### ~~C. Schedule of activities.~~

~~1. There shall be planned activities and programs whenever the center is in operation.~~

~~2. A written schedule of activities shall be developed at least monthly.~~

~~3. The schedule shall include:~~

~~a. Group activities for all participants or small groups of participants;~~

~~b. Personalized options for individuals with varying interests, and~~

~~c. The name or type, date and hour of the activity.~~

~~4. If one activity is substituted for another, the change shall be noted on the schedule.~~

~~5. The current month's schedule of activities shall be posted in a conspicuous place or otherwise made available to participants and their families.~~

~~6. The schedule of activities for the past six months shall be kept at the center.~~

~~7. If a participant requires an individual schedule of activities, that schedule shall be a part of the plan of care and shall be kept in the participant's record.~~

~~D. The activities shall be varied to appeal to the different interests, abilities, and needs of the participants.~~

*C. The activities shall take into consideration individual differences in age, health status, sensory deficits, life-style, ethnicity, religious affiliation, values, experiences, needs, interests, abilities, and skills by providing opportunities for a variety of types and levels of involvement.*

~~E. D. All activities shall:~~

~~1. Support the physical, [ social, ] mental, and emotional abilities and skills of participants;~~

~~2. Promote or maintain the participant's highest level of independence or functioning; and~~

~~3. Be within the economic capabilities of the participants and their families.~~

~~F. E. Physical activities shall be encouraged to the extent recommended by each participant's physician.~~

~~F. Schedule of activities.~~

~~1. There shall be planned activities and programs whenever the center is in operation.~~

~~2. A written schedule of activities shall be developed at least monthly.~~

~~3. The schedule shall include:~~

~~a. Group activities for all participants or small groups of participants; and~~

~~b. The name, type, date and hour of the activity.~~

~~4. If one activity is substituted for another, the change shall be noted on the schedule.~~

~~5. The current month's schedule shall be posted in a readily accessible location in the center or otherwise be made available to participants and their families.~~

~~6. The schedule of activities for the past six months shall be kept at the center.~~

~~7. If a participant requires an individual schedule of activities, that schedule shall be a part of the plan of care and shall be kept in the participant's record.~~

~~G. Adequate supplies and equipment appropriate for the program activities shall be available in the center.~~

## **22 VAC 40-6-705. Implementing the activities.**

*A. During a programmed activity, there shall be an adequate number of staff to lead the activity, to assist the participants with the activity, to supervise the general area, and to re-direct any individuals who require different activities.*

*B. During the activity, each participant shall be encouraged to join in at his level, to include observing.*

*C. All equipment and supplies used shall be accounted for at the end of the activity so that a safe environment can be maintained.*

*D. The staff leading the activity shall have a general understanding of the following:*

*1. Attention spans and functional levels of the participants in the group;*

*2. Methods to adapt the activity to meet the needs and abilities of the participants;*

*3. Various methods of engaging and motivating individuals to participate; and*

4. *The importance of providing appropriate instruction, education, and guidance throughout the activity.*

~~Article 5.  
Rights of Participants.~~

**22 VAC 40-60-710. Independence. (Repealed.)**

~~The participant shall be encouraged and supported in maintaining his highest level of independence.~~

**22 VAC 40-60-720. Participation in planning. (Repealed.)**

~~The participant shall be encouraged to participate in planning for his care.~~

**22 VAC 40-60-730. Treatment of participant. (Repealed.)**

~~The participant shall be accorded dignity and treated with courtesy and respect at all times.~~

**22 VAC 40-60-740. Privacy. (Repealed.)**

~~The privacy of participants shall be fully respected.~~

**22 VAC 40-60-750. Restriction on treatment. (Repealed.)**

~~The participant shall not be abused, exploited, punished, coerced, or threatened in any way.~~

**22 VAC 40-60-760. Protection. (Repealed.)**

~~The participant shall be protected from solicitation, harassment and unwanted visitors.~~

~~Article 6.  
Nutrition and Food Services.~~

**22 VAC 40-60-770. General nutrition and food service.**

Meals and snacks shall be provided by the center. The center shall either prepare the food or have it catered.

NOTE: *The center is expected to encourage, but not require, participants to eat the meals and snacks provided by the center.* If a participant brings food from home, the center is not required to confiscate the food or to prevent the participant from eating the food. The fact that the participant brought food does not relieve the center of its responsibility to provide meals and snacks. ~~The center is expected to encourage participants to eat the meals and snacks provided by the center.~~

**22 VAC 40-60-780. Serving of meals and snacks.**

A. Centers shall serve appropriate meals and snacks, depending on the hours of operation; i.e., a center open during the hours of 7 a.m. to 1 p.m. must serve a morning snack and a mid-day meal; a center open during the hours of 8 a.m. to 5 p.m. must serve a morning snack, a mid-day meal, and an afternoon snack; a center open during the hours of 2 p.m. to 6 p.m. must serve an afternoon snack; a center open after 6 p.m. ~~to 9 p.m.~~ must serve an evening meal, etc. [ *Centers open after 9 p.m. shall serve an evening snack.* ]

~~B. Participants who have not eaten an evening meal before they are admitted to the center for evening or night care, or both, shall be served one.~~

~~C. [ Centers open after 9 p.m. shall serve an evening snack. ]~~

~~D. B. Participants shall be served all meals and snacks scheduled for the period during which they are present.~~

~~C. There shall be at least two hours between snacks and meals.~~

**22 VAC 40-60-790. Timing between meals and snacks. (Repealed.)**

~~There shall be at least two hours between snacks and meals.~~

**22 VAC 40-60-800. Nutritional requirements.**

~~Each meal, including the mid-day meal, and the evening meal, shall provide at least 1/4 of an adult's daily recommended dietary allowance (RDA) or any one meal and any one snack combined shall provide at least 1/3 of the RDA.~~

*A. Unless otherwise ordered in writing by the participant's physician, the daily menu, including snacks, for each participant shall follow the most recent nutritional requirements of a recognized authority such as the Child and Adult Care Food Program of the United States Department of Agriculture (USDA).*

*B. Other foods may be added and additional servings may be served to enhance the meals or meet individual needs.*

*C. The center shall provide a variety of fruits and vegetables for meals and snacks to include at least one good source of Vitamin C daily and a good source of Vitamin A at least three times a week.*

*D. If a participant needs to follow a special or modified diet recommended by a physician, the day care center shall ensure that the diet is provided in accordance with the physician's orders while the participant is in the day care center.*

**22 VAC 40-60-810. Meal patterns. (Repealed.)**

~~Meals and snacks served to the participants shall be attractive in appearance, consist of a variety of foods, and conform to the following meal patterns:~~

~~NOTE: Meals or snacks catered or provided by Hospital Kitchens, licensed by the Department of Health; Nursing Home Kitchens, licensed by the Department of Health; and the Congregate Meal Program through the Area Agencies on Aging will meet or exceed the requirements of a specific meal or snack. However, the center shall be responsible for monitoring continuing compliance.~~

~~Pattern \_\_\_\_\_ Minimum Amounts~~

~~BREAKFAST (If Served)~~

~~Milk, fluid\* \_\_\_\_\_ 1/2 cup  
Juice\*\* or fruit or vegetable \_\_\_\_\_ 1/2 cup  
Bread or bread alternate\*\*\* \_\_\_\_\_ 1 slice  
(including cereal) \_\_\_\_\_ 1/2 cup cooked or 3/4 cup dry~~

~~SNACKS  
(Select at least two of these four components)~~

~~Milk, fluid\* \_\_\_\_\_ 1/2 cup  
Juice\*\* or fruit or vegetable \_\_\_\_\_ 1/2 cup~~

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Bread or bread alternate\*\*\* 1 slice  
(including cereal) ½ cup cooked or ¾ cup dry  
Meat, poultry, fish or  
seafood, or meat  
alternate\*\*\*\* 1 oz.

## MID-DAY AND EVENING MEALS

Milk, fluid\* ½ cup  
Meat, poultry, fish or  
seafood, or meat  
alternate\*\*\*\* 2 oz.  
Vegetables and/or fruits  
(two or more) ½ cup each  
Bread or bread alternate\*\*\* 1 slice

NOTE: Other foods and additional servings may be served to enhance the meals or meet energy needs.

\*Milk, fluid: Includes whole milk, lowfat milk, skim milk or cultured buttermilk which meet state and local standards. It does not include milk mixed from a powder, evaporated milk, or condensed milk.

\*\*Juice: Full strength juices made from fruits or vegetables or frozen concentrate according to directions for full strength juice.

\*\*\*Bread Alternates: ¼ cup rice, grits, or pasta; cereal; 4 crackers, etc.

\*\*\*\*Meat alternates: 1 egg, 1 oz. cheese, ½ cup cooked dry beans or dry peas, or 2 tablespoons peanut butter.

A. At least one good source of Vitamin C must be served per day. Good Vitamin C sources are: cantaloupe, grapefruit, honeydew melon, mango, oranges, papaya, strawberries, tangerines, broccoli, brussels sprouts, cabbage, cauliflower, dark leafy greens, sweet red or green pepper, tomatoes and juices made from these fruits and vegetables.

B. At least one good source of Vitamin A shall be served three times a week. Good Vitamin A sources are: liver, dark leafy green vegetables, broccoli, carrots, sweet red or hot pepper, pumpkin, sweet potatoes or yams, tomatoes, winter squash (deep orange flesh) apricots, cantaloupe, mango, papaya, and juices made from these fruits and vegetables.

## 22 VAC 40-60-820. Planning factors. (Repealed.)

Meals and snacks shall be planned in accordance with the needs of the age group in care (i.e. energy needs are less and nutritional needs are higher, special diets may be necessary, participants might have poorly fitting dentures, etc.).

## 22 VAC 40-60-830. Special diets. (Repealed.)

If a participant needs to follow a special or modified diet recommended by a physician, the day care center shall ensure that the diet is provided in accordance with the physician's orders while the participant is in the day care center.

## 22 VAC 40-60-840. Eating assistance. (Repealed.)

When necessary, assistance in eating shall be provided for participants, e.g. to open containers, in cutting foods, etc.

## 22 VAC 40-60-850. Food service.

If catering or contract food service is used, the service shall be approved by the local health department. *The center shall be responsible for monitoring continued compliance.*

## 22 VAC 40-60-860. Menus.

A. A menu listing all meals and snacks to be served by the center during the current one-week period shall be dated and posted in a location conspicuous to participants and responsible persons.

EXCEPTION: When meals and/or or snacks are catered or provided by facilities described in the note under 22 VAC 40-60-840 contract food service and the caterer refuses to provide menus in advance, the menus shall be retained by the center as records and made available to participants, legal guardians, responsible persons personal representatives, and family members as requested.

B. Menus shall indicate substitutions.

C. Menus shall be kept at the center for one month three months.

## Article 7. Assistance with Personal Care.

## 22 VAC 40-60-870. Assistance with personal care. (Repealed.)

Staff shall provide special attention, additional supervision, and assistance in activities of daily living, such as feeding and toileting, to participants who require it.

## Article 8. Transportation Services.

## 22 VAC 40-60-880. Applicability Transportation services.

NOTE: If transportation is not provided by the day care center, the following standards do not apply.

A. If the adult day care center does not provide transportation directly or by contract for participants, the standards in this section do not apply.

B. Centers that provide participant transportation directly or by contract shall ensure that the following requirements are met:

1. The vehicle shall be accessible and appropriate for the participants being transported. Participants who use wheelchairs shall be transported in a vehicle that is equipped with a ramp or hydraulic lift to allow entry and exit.
2. The vehicle's seats shall be attached to the floor and wheelchairs shall be secured when the vehicle is in motion.
3. Arrangement of wheelchairs and other equipment in the vehicle shall not impede access to exits.
4. The vehicle shall be insured with at least the minimum limits established by Virginia state statutes.
5. If the vehicle does not have air conditioning, it shall have windows that can be opened.

6. The vehicle shall meet the safety standards set by the Department of Motor Vehicles and shall be kept in satisfactory condition to ensure the safety of participants.

7. If volunteers supply personal vehicles, the center shall be responsible for ensuring that the requirements of this subsection are met.

C. Centers that provide participant transportation directly or by contract shall ensure that during transportation the following requirements are met:

1. Virginia statutes about safety belts are followed.
2. Every person remains seated while the vehicle is in motion.
3. Doors are properly closed and locked while the vehicle is in motion.
4. Consideration is given to the supervision and safety needs of participants.
5. The following information is in vehicles used for transportation:
  - a. The center's name, address and phone number;
  - b. A list of the names of the participants being transported; and
  - c. A list of the names, addresses and telephone numbers of participants' emergency contact persons.

**22 VAC 40-60-885. Field trips.**

A. Each center that takes participants on field trips shall develop and implement a written policy regarding field trips. The policy shall address the following:

1. A communication plan between center staff and staff who are accompanying participants on a field trip;
2. Maintenance of staff-to-participant ratio at the center and on the field trip as required by 22 VAC 40-60-380;
3. Provision of adequate food and water for participants of field trips; and
4. Cold storage of food taken on field trips.

B. Before leaving on a field trip, a list of participants taking the trip, and a schedule of the trip's events and locations shall be left at the center and shall be accessible to staff.

C. A wheelchair that is available for emergency use shall be taken on field trips.

D. The requirements of 22 VAC 40-60-880 B and C apply when participants are transported on field trips.

E. At least one staff person on each vehicle on the field trip shall have current certification in first aid and CPR as required by 22 VAC 40-60-960.

F. A first aid kit and the names and emergency contacts of participants shall be taken on all field trips.

**22 VAC 40-60-890. Appropriateness of vehicle. (Repealed.)**

~~The vehicle shall be accessible and appropriate for the people using it, considering any physical handicaps and impairments they might have.~~

**22 VAC 40-60-900. Seat requirement. (Repealed.)**

~~Every person must have a seat in the vehicle, except those people who remain in their wheelchairs.~~

**22 VAC 40-60-910. Wheelchairs. (Repealed.)**

~~Wheelchairs shall be secured when the vehicle is in motion.~~

**22 VAC 40-60-920. Persons seated. (Repealed.)**

~~Every person shall be seated while the vehicle is in motion.~~

**22 VAC 40-60-930. Seat belts. (Repealed.)**

~~Every seat shall be equipped with a seat belt or shoulder harness. Every person shall be directed to use them.~~

**22 VAC 40-60-940. Supervision. (Repealed.)**

~~Participants shall not be left unattended or unsupervised, or both, while in a vehicle.~~

**22 VAC 40-60-950. Liability insurance. (Repealed.)**

~~Liability insurance coverage with a minimum limit of at least \$500,000 each occurrence or \$500,000 aggregate shall be maintained according to the size of the vehicle and the number of participants being transported.~~

~~In order to protect the facility in the event of an accident with another vehicle operated by an uninsured motorist, licensees may not reject uninsured motorists limits equal to liability limits.~~

~~NOTE: Language of specific policies may vary provided that the minimum amount of coverage is met.~~

**PART VII. VIII.  
EMERGENCIES EMERGENCY PREPAREDNESS.**

**Article 1.  
Specialized Staff Training.**

**22 VAC 40-60-960. First aid certification [ ~~7~~ and ] cardiopulmonary resuscitation (CPR) [ ~~and rescue breathing~~ ].**

~~At least one staff person on the premises at all times during the hours of operation shall have certification in first aid (Multi-Media, Personal Safety, or Standard First Aid Modular) issued within the past three years from a source approved by the American Red Cross.~~

~~NOTE: Adult day care centers that have licenses in effect on April 1, 1987, shall comply with this standard six months after the standards become effective for that facility.~~

~~There shall be at least one staff member trained in first aid [ ~~7~~ and ] cardiopulmonary resuscitation [ ~~7~~ and rescue breathing ] on the premises during the center's hours of operation and also one person on field trips and whenever participants are in care. This person shall be available to participants and shall:~~

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1. Have current certification in first aid [ ~~and~~ ] cardiopulmonary resuscitation [ ~~and rescue breathing~~ ] by the American Red Cross, American Heart Association, National Safety Council, or other designated program approved by the Department of Social Services; or

2. Be an R.N. or L.P.N. with a current license from the Board of Nursing.

## **22 VAC 40-60-970. CPR certification. (Repealed.)**

~~At least one employee or staff member on the premises at all times during the hours of operation shall have certification in cardio-pulmonary resuscitation (CPR) issued through the American Red Cross or the American Heart Association within the current year. The CPR certificate must be renewed annually.~~

~~NOTE: Adult day care centers that have licenses in effect on April 1, 1987, shall comply with this standard six months after the standards become effective for that facility.~~

### ~~Article 2. Buildings and Equipment.~~

## **22 VAC 40-60-980. First aid kit and emergency supplies.**

A. Each building of the center and all vehicles shall contain a first aid kit which shall include but not be limited to:

1. Scissors;
2. Tweezers;
3. Gauze pads;
4. Adhesive tape;
5. Band-aids, assorted sizes;
6. Triangular bandages;
7. Flexible gauze;
8. An antiseptic cleansing solution;
9. An anti-bacterial ointment;
10. Bee sting swabs or preparation;
11. Ice pack or ice bag;
12. Thermometer; ~~and~~
13. Small flash light;;
14. Single use gloves, such as surgical or examining gloves;
15. Syrup of ipecac;
16. Activated charcoal preparation; and
17. The first aid instructional manual.

B. The first aid kit shall be stored so that it is easily accessible to staff but not accessible to participants.

C. The first aid kit shall be checked annually for expiration dates and items shall be replaced as necessary.

## **22 VAC 40-60-990. Accessibility to staff. (Repealed.)**

~~The first aid kit shall be stored so that it is not accessible to participants but is easily accessible to staff.~~

## **22 VAC 40-60-1000. First aid instruction manual. (Repealed.)**

~~A first aid instructional manual shall be kept with each first aid kit at all times.~~

## **22 VAC 40-60-1010. Emergency heating units.**

A. Gas stoves, coal stoves, wood stoves, oil stoves, portable electric heaters, kerosene heaters, and portable heating units of a similar nature shall not be used in areas used by participants, except in an emergency such as a power outage in cold weather.

B. When any of the above heating sources are used, care shall be taken to protect participants from injuries.

C. Any heating units used in an emergency shall have been previously inspected and approved by the appropriate fire safety official.

### ~~Article 3. Plans and Procedures.~~

## **22 VAC 40-60-1020. Plan for medical emergencies.**

~~A. The plan shall include written instructions for handling medical emergencies such as: (i) calling the rescue squad, (ii) ambulance service, or participant's physician, and (iii) providing first aid and CPR, when appropriate.~~

~~B. A licensed physician, registered nurse, licensed practical nurse, or other health professional shall be consulted in preparing the plans.~~

~~C. In medical emergencies, pertinent medical information and history shall be made available to rescue staff or sent with the participant if hospitalized, or both.~~

~~A. A written plan shall be developed for each of the following situations: (i) medical and mental health emergencies, (ii) wandering and missing participants, (iii) building evacuations, (iv) severe weather and loss of utilities, and (v) transportation emergencies. Professionals in the appropriate fields shall be consulted in preparing these plans.~~

### ~~B. Plan for medical and mental health emergencies.~~

~~1. There shall be instructions for handling medical emergencies such as (i) calling the rescue squad, ambulance service, or participant's physician, and (ii) providing first aid and CPR, if appropriate.~~

~~2. A specific plan shall be developed for handling mental health emergencies such as, but not limited to, catastrophic reaction or the need for a temporary detention order.~~

~~3. Pertinent medical information and history shall be made available to the rescue squad or sent with the participant if hospitalized, or both. This should include any advance directive information.~~



4. The participant's family or personal representative and physician shall be notified as soon as possible.

C. Plan for wandering and missing participants.

1. If the center serves participants who wander, a door bell or alarm shall be installed or attached to alert staff to wandering participants.

2. A plan shall be developed that outlines the procedures to be followed in the event of a missing participant. The procedure shall include, but not be limited to:

- a. Notification of internal staff;
- b. Areas to be searched;
- c. Notification of emergency personnel;
- d. Notification of family or personal representative; and
- e. Expectations upon locating the participant, such as medical attention and documentation requirements.

D. Plan for building evacuation.

1. There shall be a written plan for emergency evacuations. The plan shall include procedures to be followed in the event of a fire or other emergency.

2. A drawing, showing exits, telephones, fire extinguishers and fire alarm boxes, if any, shall be posted.

3. A copy of the emergency plan shall be posted in a conspicuous place on each floor of each building.

4. Evacuation drills shall be held in accordance with the requirements of the Virginia Statewide Fire Prevention Code.

5. A record of the required evacuation drills shall be kept at the center for one year. The record shall include:

- a. The date of the drill;
- b. The time required to evacuate;
- c. The total number of staff and participants involved;
- d. Problems encountered, if any; and
- e. The names of any participants who were present in the center and who did not take part in the drill, and the reasons.

E. Plan for severe weather and loss of utilities.

1. A written plan shall be developed that shall include general procedures to be followed during loss of utilities or during severe weather, including plans for relocating participants if necessary.

2. Emergency equipment shall be available for use in the event of loss of utilities such as, but not limited to, a working flashlight, extra batteries, a portable radio, and a telephone.

3. A plan shall be in place to provide an emergency meal and a supply of water to all participants in the event that meals are not able to be prepared.

F. Plan for transportation emergencies.

1. For centers that are responsible for transporting participants, a plan shall be developed that outlines the procedures to be followed in the event of a vehicle emergency. This plan shall be readily accessible in the vehicle and shall include:

- a. A method to communicate with the center;
- b. A list of participants' names;
- c. Telephone numbers for vehicle repair; and
- d. Options for alternate transportation.

2. For centers that contract transportation, the center shall ensure that emergency procedures are in place.

3. A plan shall be developed that outlines the procedures to be followed in the event that a participant's scheduled transportation does not arrive or the participant is stranded at the center.

G. A generic number such as 911 shall be posted in a conspicuous place near each telephone. If a generic number is not available, the following numbers shall be posted near each phone:

1. A physician or hospital;
2. An ambulance or rescue squad service;
3. The local fire department; and
4. The local police department.

H. A written record shall be made and kept on file of all emergencies. This record shall include:

1. Date;
2. Type of emergency;
3. Names of any participants requiring medical treatment;
4. Description of the outcome of the emergency; and
5. Date and time other persons or agencies were contacted, utilized, and notified.

I. The Department of Social Services, Division of Licensing Programs, shall be notified within 24 hours following the incident any time the police or fire department must be called because of an emergency [ such as fire, natural disaster, or criminal activity ].

**22 VAC 40-60-1030. Plan for emergency evacuation. (Repealed.)**

~~A. There shall be a written plan for fire and emergency evacuations. The plan shall include:~~

- ~~1. Written procedures to be followed in the event of fire or other emergency. The local fire department or fire prevention bureau shall be consulted in preparing the fire plan, if possible; and~~
- ~~2. A drawing showing exits, telephones, fire extinguishers, and fire alarm boxes, if any, in large numbers and letters so that participants can read.~~

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~~B. A copy of the fire and emergency plan shall be posted in a conspicuous place on each floor of each building used by participants.~~

**22 VAC 40-60-1040. ~~Emergency evacuation drills.~~  
(~~Repealed.~~)**

~~A. Evacuation drills shall be held at least quarterly.~~

~~B. A record of the required evacuation drills shall be kept in the center for one year. The record shall include:~~

- ~~1. The date;~~
- ~~2. The amount of time required to evacuate;~~
- ~~3. The total number of staff and participants involved;~~
- ~~4. Problems encountered, if any; and~~
- ~~5. The names of all participants who were present in the center who did not take part in the drill, and the reasons.~~

**22 VAC 40-60-1050. ~~Other emergency plans.~~ (~~Repealed.~~)**

~~There shall be written plans and procedures to meet other emergencies, including severe weather, loss of utilities, and missing persons.~~

**22 VAC 40-60-1060. ~~Procedures to meet emergencies.~~  
(~~Repealed.~~)**

~~A. The telephone numbers of the fire department, the rescue squad or ambulance service, the police, and the regional poison control center shall be located in a conspicuous place near each telephone. They shall be written in large enough numbers so that participants can use them.~~

~~B. A written record shall be made and kept on file of all emergencies such as, but not limited to, fires, severe weather emergencies, injuries or sudden illnesses requiring medical treatment. The record shall include:~~

- ~~1. Date;~~
- ~~2. Kind of emergency;~~
- ~~3. Names of any participants requiring medical treatment;~~
- ~~4. Description of the results of the emergency; and~~
- ~~5. Date and time other persons or agencies were contacted, utilized and notified.~~

**NOTICE:** The forms used in administering 22 VAC 40-60-10 et seq., Standards and Regulations for Licensed Adult Day Care Centers, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.

## FORMS

New Application for a License to Operate an Adult Day-Care Center.

Renewal of a License to Operate an Adult Day-Care Center.

*Report of Tuberculosis Screening Evaluation [ , 7/00 ].*

*Meal Pattern for Adults [ , 7/00 ].*

**REPORT OF TUBERCULOSIS SCREENING EVALUATION**

Patient's Name: \_\_\_\_\_

1. Date and result of most recent Mantoux tuberculin skin test:

Date		mm of induration	
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2.  Check here if previously tested positive and above information is unknown.

3.  Check here if exhibiting TB-like symptoms.

4. If TB skin test result is 10 mm or greater (5 mm in the HIV infected), previously positive or if TB-like symptoms exist, *respond to the following:*

A.

Date of last chest x-ray evaluation	
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B.

Is chest x-ray suggestive of active TB?	Yes	No

C.

Were sputum smears collected and analyzed for the presence of acid fast bacilli (AFB)?	Yes	No

D.

If 4C is YES, were three consecutive smears negative for AFB?	Yes	No

5. Based on the above information, is this individual free of communicable TB?

Yes		No	
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6. Name of licensed physician, physician's designee or local health department official completing the evaluation:

\_\_\_\_\_

Print Name

\_\_\_\_\_

Phone Number

7. Signature of licensed physician, physician's designee or local health department official completing the evaluation:

\_\_\_\_\_

Signature

\_\_\_\_\_

Date

Meal Pattern for Adults

Food Components	Breakfast	Lunch	Supper	Supplement *
<b>Milk</b>				
Milk, Fluid	1 cup	1 cup	None	1 cup
<b>Vegetables and/or Fruits</b>				
Vegetable(s) and/or Fruit(s) or Full-strength vegetable or fruit juice or an equivalent combination of vegetables(s), fruit(s), and juice	½ cup  ½ cup	1 cup total (two or more servings)	1 cup total (two or more servings)	½ cup  ½ cup
<b>Bread and Bread Alternates</b>				
Bread or Cornbread, biscuits, rolls, muffins, etc. or Cold dry cereal or Cooked cereal or Cooked pasta or noodle product or Cooked cereal grains or an equivalent quantity of any combination of bread/bread alternate	2 slices  2 servings  1½ cups or 2 oz. 1 cup  1 cup  1 cup	2 slices  2 servings  1 cup  1 cup  1 cup	2 slices  2 servings  1 cup  1 cup  1 cup	1 slice  1 serving  ¾ cup or 1 oz. ½ cup  ½ cup  ½ cup
<b>Meat and Meat Alternates</b>	None			
Lean meat or poultry or fish or Cheese or Eggs or Cooked dry beans or peas or Peanut butter or soynut butter or other nut or seed butters or Peanuts or soynuts or tree nuts or seeds or Yogurt, plain or sweetened and flavored or An equivalent quantity of any combination of the above meat/meat alternates		2 oz.  2 oz.  1 egg  ½ cup  4 tbsp.  1 oz. = 50%	2 oz.  2 oz.  1 egg  ½ cup  4 tbsp.  1 oz. = 50%	1 oz.  1 oz.  1 egg  ¼ cup  2 tbsp.  1 oz.  4 oz. or ½ cup

\* For a Supplement (snack) choose only two of the four food components.

\*\*\*\*\*

**Title of Regulation:** 22 VAC 40-705-10 et seq. **Child Protective Services (amending 22 VAC 40-705-10 and 22 VAC 40-705-40).**

**Statutory Authority:** §§ 63.1-25, 63.1-248.3 and 63.1-248.6 of the Code of Virginia.

**Effective Date:** March 29, 2000.

**Summary:**

*In 1998 the General Assembly passed § 63.1-248.3 A1 of the Code of Virginia, which amends the mandated reporting requirement for suspected child abuse or neglect. The amendment includes a specific requirement that attending physicians report 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. The changes to this regulation implement the new legislation by adding relevant definitions and delineating the circumstances under which physicians are required to report suspected child abuse or neglect due to evidence of infants' prenatal exposure to controlled substances or alcohol.*

**Summary of Public Comments and Agency's Response:** A summary of comments made by the public and the agency's response may be obtained from the promulgating agency or viewed at the office of the Registrar of Regulations.

**Agency Contact:** Copies of the regulation may be obtained from Betty Jo Zarris, Child Protective Services, Department of Social Services, 730 East Broad Street, 2nd Floor, Richmond, VA 23219, telephone (804) 692-1220.

**22 VAC 40-705-10. Definitions.**

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

**"Abuser or neglecter"** means any person who is found to have committed the abuse and/or neglect of a child pursuant to Chapter 12.1 (§ 63.1-248.1 et seq.) of Title 63.1 of the Code of Virginia.

**"Administrative appeal rights"** means the child protective services appeals procedures for a local level informal conference and a state level hearing pursuant to § 63.1-248.6:1 of the Code of Virginia, under which an individual who is found to have committed abuse and/or neglect may request that the local department's records be amended.

**"Appellant"** means anyone who has been found to be an abuser and/or neglecter and appeals the founded disposition to the director of the local department of social services, an administrative hearing officer, or to circuit court.

**"Assessment"** means the process by which child protective services workers determine a child's and family's needs.

**"Caretaker"** means any individual having the responsibility of providing care for a child and includes the following: (i)

parent or other person legally responsible for the child's care; (ii) any other person who has assumed caretaking responsibility by virtue of an agreement with the legally responsible person; (iii) persons responsible by virtue of their positions of conferred authority; and (iv) adult persons residing in the home with the child.

**"Case record"** means a collection of information maintained by a local department, including written material, letters, documents, tapes, photographs, film or other materials regardless of physical form about a specific child protective services investigation, family or individual.

**"Central Registry"** means a subset of the information system [ ~~of CANIS~~ ] and is the name index with identifying information of individuals named as an abuser and/or neglecter in founded child abuse and/or neglect complaints or reports not currently under administrative appeal, maintained by the department.

**"Certified substance abuse counselor"** means a person certified to provide substance abuse counseling in a state-approved public or private substance abuse program or facility.

**"Child Abuse and Neglect Information System [ ~~(CANIS)~~ ]"** means the computer system which collects and maintains information regarding incidents of child abuse and neglect involving parents or other caretakers. [ ~~CANIS~~ *The computer system* ] is composed of three parts: the statistical information system with nonidentifying information, the Central Registry, and a database that can be accessed only by the department and local departments consisting of all nonpurged investigation information.

**"Child protective services"** means the identification, receipt and immediate investigation of complaints and reports of alleged child abuse and/or neglect for children under 18 years of age. It also includes assessment, and arranging for and providing necessary protective and rehabilitative services for a child and his family when the child has been found to have been abused or neglected or is at risk of being abused or neglected.

**"Child protective services worker"** means one who is qualified by virtue of education, training and supervision and is employed by the local department to respond to child protective services complaints and reports of alleged child abuse and/or neglect.

**"Chronically and irreversibly comatose"** means a condition caused by injury, disease or illness in which a patient has suffered a loss of consciousness with no behavioral evidence of self-awareness or awareness of surroundings in a learned manner other than reflexive activity of muscles and nerves for low-level conditioned response and from which to a reasonable degree of medical probability there can be no recovery.

**"Collateral"** means a person whose personal or professional knowledge may help confirm or rebut the allegations of child abuse and/or neglect or whose involvement may help ensure the safety of the child.

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*"Complaint"* means any information or allegation of child abuse and/or neglect made orally or in writing pursuant to § 63.1-248.2:5 of the Code of Virginia.

*"Consultation"* means the process by which the alleged abuser and/or neglector may request an informal meeting to discuss the investigative findings with the local department prior to the local department rendering a founded disposition of abuse and/or neglect against that person pursuant to § 63.1-248.6:1 A of the Code of Virginia.

*"Controlled substance"* means a drug, substance or marijuana as defined in § 18.2-247 of the Code of Virginia including those terms as they are used or defined in the Drug Control Act, Chapter 34 (§ 54.1-3400 et seq.) of Title 54.1 of the Code of Virginia. The term does not include alcoholic beverages or tobacco as those terms are defined or used in Title 3.1 or Title 4.1 of the Code of Virginia.

*"Department"* means the Virginia Department of Social Services.

*"Disposition"* means the determination of whether or not child abuse and/or neglect has occurred.

*"Documentation"* means information and materials, written or otherwise, concerning allegations, facts and evidence.

*"Family Advocacy Program representative"* means the professional employed by the United States Armed Forces who has responsibility for the program designed to address prevention, identification, evaluation, treatment, rehabilitation, follow-up and reporting of family violence, pursuant to 22 VAC 40-720-20.

*"First source"* means any direct evidence establishing or helping to establish the existence or nonexistence of a fact. Indirect evidence and anonymous complaints do not constitute first source evidence.

*"Founded"* means that a review of the facts shows by a preponderance of the evidence that child abuse and/or neglect has occurred. A determination that a case is founded shall be based primarily on first source evidence; in no instance shall a determination that a case is founded be based solely on indirect evidence or an anonymous complaint.

*"He"* means he or she.

*"His"* means his or her.

*"Identifying information"* means name, social security number, address, race, sex, and date of birth.

*"Indirect evidence"* means any statement made outside the presence of the child protective services worker and relayed to the child protective services worker as proof of the contents of the statement.

*"Investigation"* means the formal information gathering process utilized by the local department in determining whether or not child abuse or neglect has occurred.

*"Investigative narrative"* means the written account of the investigation contained in the child protective services case record.

*"Legitimate interest"* means a lawful, demonstrated privilege to access the information as defined in § 63.1-209 of the Code of Virginia.

*"Licensed substance abuse treatment practitioner"* means a person who (i) is trained in and engages in the practice of substance abuse treatment with individuals or groups of individuals suffering from the effects of substance abuse or dependence, and in the prevention of substance abuse or dependence and (ii) is licensed to provide advanced substance abuse treatment and independent, direct and unsupervised treatment to such individuals or groups of individuals, and to plan, evaluate, supervise, and direct substance abuse treatment provided by others.

*"Local department"* means the city or county local agency of social services or department of public welfare in the Commonwealth of Virginia responsible for conducting investigations of child abuse and/or neglect complaints or reports pursuant to § 63.1-248.6 of the Code of Virginia.

*"Local department of jurisdiction"* means the local department in the city or county in Virginia where the alleged victim child resides or in which the alleged abuse and/or neglect is believed to have occurred. If neither of these is known, then the local department of jurisdiction shall be the local department in the county or city where the abuse and/or neglect was discovered.

*"Mandated reporters"* means those persons who are required to report suspicions of child abuse and/or neglect pursuant to § 63.1-248.3 of the Code of Virginia.

*"Monitoring"* means contacts with the child, family and collaterals which provide information about the child's safety and the family's compliance with the service plan.

*"Multidisciplinary teams"* means any organized group of individuals representing, but not limited to, medical, mental health, social work, education, legal and law enforcement, which will assist local departments in the protection and prevention of child abuse and neglect pursuant to § 63.1-248.6 F of the Code of Virginia. Citizen representatives may also be included.

*"Notification"* means informing designated and appropriate individuals of the local department's actions and the individual's rights.

*"Preponderance of evidence"* means the evidence as a whole shows that the facts are more probable and credible than not. It is evidence which is of greater weight or more convincing than the evidence offered in opposition.

*"Purge"* means to delete or destroy any reference data and materials specific to subject identification contained in records maintained by the department and the local department pursuant to §§ 63.1-248.5:1 and 63.1-248.5:1.01 of the Code of Virginia.

*"Reasonable diligence"* means the exercise of justifiable and appropriate persistent effort.

*"Report"* means either a complaint as defined in this section or an official document on which information is given concerning abuse and neglect and which is required to be

made by persons designated herein and by local departments in those situations in which investigation of a complaint from the general public reveals suspected child abuse and/or neglect pursuant to subdivision 5 of the definition of abused or neglected child in § 63.1-248.2 of the Code of Virginia.

"*Safety plan*" means an immediate course of action designed to protect a child from abuse or neglect.

"*Service plan*" means a plan of action to address the service needs of a child and/or his family in order to protect a child and his siblings, to prevent future abuse and neglect, and to preserve the family life of the parents and children whenever possible.

"*Substance abuse counseling or treatment services*" are services provided to individuals for the prevention, diagnosis, treatment, or palliation of chemical dependency, which may include attendant medical and psychiatric complications of chemical dependency.

"*Terminal condition*" means a condition caused by injury, disease or illness from which to a reasonable degree of medical probability a patient cannot recover and (i) the patient's death is imminent or (ii) the patient is chronically and irreversibly comatose.

"*Unfounded*" means that a review of the facts does not show by a preponderance of the evidence that child abuse or neglect occurred.

"*Withholding of medically indicated treatment*" means the failure to respond to the infant's life-threatening condition by providing treatment (including appropriate nutrition, hydration, and medication) which in the treating physician's or physicians' reasonable medical judgment will most likely be effective in ameliorating or correcting all such conditions.

## **22 VAC 40-705-40. Complaints and reports of suspected child abuse and/or neglect.**

A. Persons who are mandated to report are those individuals defined in § 63.1-248.3 of the Code of Virginia.

1. Mandated reporters shall report immediately any suspected abuse or neglect that they learn of in their professional capacity.

2. Pursuant to § 63.1-248.3 A1 of the Code of Virginia, [ certain specified ] facts indicating that a newborn infant [ ~~was~~ may have been ] exposed to controlled substances prior to birth [ ~~is~~ are ] sufficient to suspect that a child is abused or neglected. [ A diagnosis of fetal alcohol syndrome is also sufficient. ] Any report made pursuant to § 63.1-248.3 A1 of the Code of Virginia constitutes a valid report of abuse or neglect and requires a child protective services investigation, unless the mother sought treatment or counseling as required in this section and pursuant to § 63.1-248.6 E 2 of the Code of Virginia.

a. The attending physician may designate a hospital staff person to make the report to the local department on behalf of the attending physician. That hospital staff person may include a nurse or hospital social worker.

b. Pursuant to § 63.1-248.3 B of the Code of Virginia, whenever a physician makes a finding pursuant to § 63.1-248.3 A1 of the Code of Virginia, then the physician or his designee must make a report to child protective services immediately. Pursuant to § 63.1-248.3 B of the Code of Virginia, a physician who fails to make a report pursuant to § 63.1-248.3 A1 of the Code of Virginia is subject to a fine.

c. When a report or complaint alleging abuse or neglect is made pursuant to § 63.1-248.3 A1 of the Code of Virginia, then the local department must immediately assess the infant's circumstances and any threat to the infant's health and safety. Pursuant to 22 VAC 40-705-110 A, the local department must conduct an initial assessment.

d. When a report or complaint alleging abuse or neglect is made pursuant to § 63.1-248.3 A1 of the Code of Virginia, then the local department must immediately determine whether to petition a juvenile and domestic relations district court for any necessary services or court orders needed to ensure the safety and health of the infant.

e. Within the first 14 days of receipt of a report made pursuant to § 63.1-248.3 A1 of the Code of Virginia, the local department shall invalidate the complaint if the following two conditions are met: (i) the mother of the infant sought substance abuse counseling or treatment during her pregnancy prior to the infant's birth and (ii) there is no evidence of child abuse and/or neglect by the mother after the infant's birth. [ ~~If, during the investigation but after the first 14 days of the investigation, the local department gathers sufficient evidence to determine that the mother gained or sought substance abuse counseling or treatment prior to the infant's birth, then the local department shall complete the investigation, and, if there is no evidence of abuse or neglect, shall render an unfounded disposition. If, during the investigation, the local department determines the mother did not gain or seek substance abuse counseling or treatment prior to the infant's birth, and, after completing the investigation finds no evidence of abuse or neglect, then the local department shall render an unfounded disposition.~~ ]

(1) The local department must notify the mother immediately upon receipt of a complaint made pursuant to § 63.1-248.3 A1 of the Code of Virginia. This notification must include a statement informing the mother that, if the mother fails to [ ~~demonstrate~~ present evidence ] within 14 days of receipt of the complaint that she sought substance abuse counseling [ /treatment during the pregnancy ], [ a the ] report will be [ ~~transmitted to the automated data system~~ accepted as valid ] and an investigation initiated.

[ ~~(2) The burden is upon the mother of the infant to present evidence that she sought or gained substance abuse counseling or treatment prior to the child's birth.~~ ]

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# Final Regulations

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~~(3) The substance abuse counseling or treatment must have occurred during the mother's pregnancy. ]~~

[ ~~(4)~~ (2) ] If the mother sought counseling or treatment but did not receive such services, then the local department must determine whether the mother made a [ ~~good faith~~ substantive ] effort to receive substance abuse treatment before the child's birth. If the mother made a substantive effort to receive treatment or counseling prior to the child's birth, but did not receive such services due to no fault of her own, then the local department should invalidate the complaint or report.

[ ~~(5)~~ (3) ] If the mother sought or received substance abuse counseling or treatment, but there is evidence, other than exposure to a controlled substance, that the child may be abused or neglected, then the local department may [ ~~continue~~ initiate ] the investigation.

f. Substance abuse counseling or treatment includes, but is not limited to, education about the impact of alcohol, controlled substances and other drugs on the fetus and on the maternal relationship; education about relapse prevention to recognize personal and environmental cues which may trigger a return to the use of alcohol or other drugs.

[ g. ] The substance abuse counseling or treatment should attempt to serve the purposes of improving the pregnancy outcome, treating the substance abuse disorder, strengthening the maternal relationship with existing children and the infant, and achieving and maintaining a sober and drug-free lifestyle.

[ ~~g.~~ h. ] The substance abuse counseling or treatment services must be provided by a professional. Professional substance abuse treatment or counseling may be provided by a certified substance abuse counselor or a licensed substance abuse treatment practitioner.

[ ~~h.~~ i. ] Facts [ ~~establishing~~ indicating ] that the infant [ ~~was~~ may have been ] exposed to controlled substances prior to birth [ ~~is~~ are ] not sufficient, in and of [ ~~itself~~ themselves ], to render a founded disposition of abuse or neglect. The local department must establish, by a preponderance of the evidence, that the infant was abused or neglected according to the statutory and regulatory definitions of abuse and neglect.

[ j. ] The local department may provide assistance to the mother in locating and receiving substance abuse counseling or treatment. ]

~~2-~~ 3. Mandated reporters shall disclose all information which is the basis for the suspicion of child abuse or neglect and shall make available, upon request, to the local department any records and reports which document the basis for the complaint and/or report.

~~3-~~ 4. A mandated reporter's failure to report within 72 hours of the first suspicion of child abuse or neglect shall result in a fine.

B. Persons who may report child abuse and/or neglect include any individual who suspects that a child is being abused and/or neglected pursuant to § 63.1-248.4 of the Code of Virginia.

C. Complaints and reports of child abuse and/or neglect may be made anonymously. An anonymous complaint, standing alone, shall not meet the preponderance of evidence standard necessary to support a founded determination.

D. Any person making a complaint and/or report of child abuse and/or neglect shall be immune from any civil or criminal liability in connection therewith, unless the court decides that such person acted in bad faith or with malicious intent pursuant to § 63.1-248.5 of the Code of Virginia.

E. When the identity of the reporter is known to the department or local department, these agencies shall make every effort to protect the reporter's identity.

F. If a person suspects that he is the subject of a report or complaint of child abuse and/or neglect made in bad faith or with malicious intent, that person may petition the court for access to the record including the identity of the reporter or complainant pursuant to § 63.1-248.5:1 of the Code of Virginia.

G. Any person age 14 years or older who makes or causes to be made a knowingly false complaint or report of child abuse and/or neglect and is convicted shall be guilty of a Class 4 misdemeanor for a first offense pursuant to § 63.1-248.5:1.01 of the Code of Virginia.

1. A subsequent conviction results in a Class 2 misdemeanor.

2. Upon receipt of notification of such conviction, the department will retain a list of convicted reporters.

3. The subject of the records may have the records purged upon presentation of proof of such conviction.

H. To make a complaint or report of child abuse and/or neglect, a person may telephone the department's toll-free child abuse and neglect hotline or contact a local department of jurisdiction pursuant to § 63.1-248.4 of the Code of Virginia.

1. The local department of jurisdiction that first receives a complaint or report of child abuse and/or neglect shall assume responsibility to ensure that the complaint or report is investigated.

2. A local department may ask another local department which is a local department of jurisdiction to assist in conducting the investigation. If assistance is requested, the local department shall comply.

3. A local department may ask another local department through a cooperative agreement to assist in conducting the investigation.

4. If a local department employee is suspected of abusing and/or neglecting a child, the complaint or report of child abuse and/or neglect shall be made to the juvenile and domestic relations district court of the county or city where the alleged abuse and/or neglect was discovered. The judge may assign the report for



investigation to the court services unit or to a local department that is not the employer of the subject of the report pursuant to §§ 63.1-248.3 and 63.1-248.4 of the Code of Virginia.

VA.R. Doc. No. R98-318; Filed February 8, 2000 3:19 p.m.



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# EMERGENCY REGULATIONS

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## TITLE 4. CONSERVATION AND NATURAL RESOURCES

### MARINE RESOURCES COMMISSION

Title of Regulation: **4 VAC 20-561-10 et seq. Pertaining to the Newport News Shellfish Management Area.**

Statutory Authority: §§ 28.2-201 and 28.2-210 of the Code of Virginia.

Effective Dates: February 2, 2000, through February 22, 2000.

Summary:

*This emergency regulation provides a temporary allowance to harvesters of clams within the Newport News Shellfish Management Area in that it allows an extra hour of harvesting.*

Agency Contact: Copies of the regulation may be obtained from Deborah Cawthon, Regulatory Coordinator, Marine Resources Commission, P.O. Box 756, Newport News, VA 23607, telephone (757) 247-2248.

CHAPTER 561.  
PERTAINING TO THE NEWPORT NEWS SHELLFISH  
MANAGEMENT AREA.

**4 VAC 20-561-10. Purpose.**

*The purpose of this chapter is to allow fishermen to recoup losses in harvest days attributable to the unusually inclement weather of past months.*

**4 VAC 20-561-20. Time of day restriction.**

*During the period of February 2, 2000, through February 22, 2000, the time of day restriction for the Newport News Shellfish Management Area, described in 4 VAC 20-560-50, shall be modified as follows: it shall be unlawful for any person to harvest clams by patent tong from the Newport News Shellfish Management Area before sunrise or after 2 p.m.*

**4 VAC 20-561-30. Penalty.**

*As set forth in § 28.2-903 of the Code of Virginia, any person violating any provision of this emergency chapter shall be guilty of a Class 3 misdemeanor.*

/s/ William A. Pruitt  
Commissioner

VA.R. Doc. No. R00-107; Filed February 2, 2000, 4:57 p.m.



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# FORMS

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## TITLE 9. ENVIRONMENT

### STATE WATER CONTROL BOARD

**EDITOR'S NOTICE:** The following form has been amended by the State Water Control Board. The form is available for public inspection at the State Water Control Board, Department of Environmental Quality, 629 East Main Street, Richmond, VA 23219. Copies of the form may be obtained from Cindy Berndt, Department of Environmental Quality, 629 East Main Street, Richmond, VA 23219, telephone (804) 698-4378.

Title of Regulation: **9 VAC 25-210-10 et seq. Virginia Water Protection Permit Regulation.**

#### FORMS

DEQ Water Division Permit Application Fee.

Local Government Ordinance Form (eff. 8/93).

Local, State, Federal Joint Permit Application NAOFM-1065 VMRC 30-300 (~~eff. 4/93~~ rev. 1/00).

Virginia Scoping-Coordination Federal and State Agencies - Joint General Permit, Form AES 03-1.1 (eff. 9/94).

ADDENDUM

DEPARTMENT OF ENVIRONMENTAL QUALITY ADDITIONAL INFORMATION FOR VIRGINIA WATER PROTECTION PERMITS

1. Provide the latitude and longitude at the center of the project and a U.S.G.S. topographic map of the project location.

Latitude \_\_\_\_\_ Topographic map name: \_\_\_\_\_  
 Longitude \_\_\_\_\_

2. Provide the eight digit Hydrologic Unit Code (HUC) for the project site and proposed mitigation site (if different). The HUC is defined by the Hydrologic Unit Map of the United States (U.S.G.S 1980).

Project HUC \_\_\_\_\_ Mitigation HUC \_\_\_\_\_

3. Provide the Stream Classification pursuant to Virginia's Water Quality Standards (9 VAC 25-260-50) for surface waters which will be impacted by the project.

- \_\_\_\_\_ Class I - Open Ocean \_\_\_\_\_ Class II - Estuarine Waters
- \_\_\_\_\_ Class III - Nontidal Waters \_\_\_\_\_ Class IV - Mountainous Zone Waters
- \_\_\_\_\_ Class V - Stockable Trout Waters \_\_\_\_\_ Class VI - Natural Trout Waters
- \_\_\_\_\_ Class VII - Wetlands

4. Stream Drainage Area (check whichever applies)

A. \_\_\_\_\_ <1 square mile B. \_\_\_\_\_ <5 square miles C. \_\_\_\_\_ >5 square miles

5. Functional values assessments (wetlands only):

For all projects impacting one acre or more of wetlands, a functional values assessment is required. We suggest that a functional assessment method be selected based upon its ease of use, ability to provide quality information, and utility in the field. The functional assessment and the methodology utilized to determine functional value(s) must be submitted with the application package.

6. Wetland delineation (where applicable):

A. All projects impacting wetlands must provide a delineation map showing the physical location and aerial extent of all wetlands on the site. All data sheets and calculations utilized to determine an area's wetland status will be submitted with the delineation map. The currently accepted federal methodology will be used in preparing wetland delineations. The wetland delineation verification from the U.S. Army Corps of Engineers must be included with the application package, if available.

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B. The applicant should provide any available information regarding threatened or endangered species and special aquatic sites located on the proposed project site. Pursuant to the Code of Virginia 29.1-564: A Taking, transportation, sale, etc., of endangered species is prohibited. The taking, transportation, processing, sale or offer for sale within the Commonwealth of any fish or wildlife appearing on any list of threatened or endangered species published by the U.S. Secretary of the Interior pursuant to the provisions of the federal Endangered Species Act of 1973 (P.L. 93-205), or any modifications or amendments thereto, is prohibited except as provided in 29.1-568.3

7. Mitigation Plan (required for unavoidable wetland losses and stream modifications): **Important: The Virginia Water Protection Permit Regulation (9 VAC 25-210-90) requires that the permittee take all reasonable steps to avoid all adverse environmental impacts to State waters, including wetlands.**

A. The mitigation plan will at a minimum include:

1. Measures taken to avoid impacts to surface waters, including wetlands, to the maximum extent practicable.
2. Where impacts could not be avoided, measures taken to reduce impacts to surface waters, including wetlands.
3. Where impacts could not be avoided or minimized, a mitigation plan which completely describes the type of impact to be mitigated and the means by which mitigation will be accomplished.

A mitigation plan which includes wetland creation and/or stream restoration should provide the following information:

- a. Wetland creation:
  - Mitigation goals in terms of functions and values (acres of wetlands, vegetation type, etc.);
  - Location map B topographic map, including latitude and longitude at the center of each mitigation site;
  - Source of hydrology, and Water budget for both a Atypical and a Adry year for each mitigation site;
  - Conceptual grading plan, showing existing and proposed grade;
  - Plant species list and planting scheme, including expected zonation;
  - Soil preparation and amendments;
  - Surrounding land use/plans, including probable future land use, if available;
  - Abatement/control plan for invasive plants and animal species;
  - Schedule for mitigation construction/restoration;

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- And all structures and features considered necessary for the success of the plan.

- b. Stream restoration:
  - Information regarding on-site stream restoration opportunity;
  - Location map B topographic map or plan drawing which depicts stream sections to be restored;
  - Identify proposed stream restoration activities for each section (i.e., riparian plantings, bank stabilization, etc.);
  - Plant species list and planting scheme (including plant sizes and spacings);
  - and identification of proposed construction habitat structures (i.e., riffles, pools, k-dams, etc.), location and function in terms of existing or A recruit~~s~~ of specific organism which will inhabit such structures.

B. If no mitigation is planned, a brief statement to this effect and a detailed explanation as to the reason no replacement mitigation is planned must be submitted.

**Projects involving a water withdrawal or a FERC hydropower licensing or relicensing are required to provide the information in items 8 through 16.**

- 8. Appendix N - Stream Intakes and Outfall Structures, Appendix O - Stream Channel Modifications and /or Appendix P - Impoundments/Dams, must be completed as appropriate.
- 9. Provide the median monthly stream flows in cubic feet per second (cfs) at the water intake or dam site.

Month	Median Flow (cfs)	Month	Median Flow (cfs)
January		July	
February		August	
March		September	
April		October	
May		November	
June		December	

10. Describe below or on an attachment the stream flow gauges, the type of calculations used and the period of record that was used to calculate the median monthly flows in item 9, and the average flows provided in Appendices N, O, and P.

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January 21, 2000

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January 21, 2000

beneficial instream uses include, but are not limited to, the protection of fish and wildlife habitat, maintenance of waste assimilation, recreation, navigation and cultural and aesthetic values. Offstream beneficial uses include, but are not limited to, domestic (including public water supply), agricultural, hydropower, commercial and industrial uses. Describe the stream flow necessary to protect existing beneficial uses and how the proposed withdrawal will impact existing beneficial uses.

16. Describe in an attachment the aquatic life known to be present at the proposed location that will be impacted by the proposed withdrawal. Include information on the species known to be present and their habitat requirements.

11. Provide the maximum instantaneous withdrawal and maximum daily withdrawal at the water intake or dam site. Specify the units of measurement, i.e., million gallons per day, gallons per minute, cubic feet per second, etc.

Maximum instantaneous withdrawal \_\_\_\_\_

Maximum daily withdrawal \_\_\_\_\_

12. Describe the manner in which the withdrawal of water varies over time, for example, as a function of the time of year, or time of day, or time of week.

13. Describe below the amount of water that will be lost to consumptive use. For the purpose of this application, consumptive use means the withdrawal of surface waters without recycle of said waters to their source or basin of origin. Attach a map showing the location of the withdrawal and location of the return of flow.

14. Describe below or in a separate attachment how the amount of water to be withdrawn was calculated and relevant assumptions made in that calculation. Also, describe the proposed use of the water withdrawal.

15. Describe in an attachment the existing beneficial uses of the surface water body near the proposed project site that would be affected by the withdrawal of water. Include both instream and offstream uses. For the purposes of this application

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# GOVERNOR

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## GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

### TITLE 9. ENVIRONMENT

#### STATE AIR POLLUTION CONTROL BOARD

Title of Regulation: 9 VAC 5-40-10 et seq. Existing Stationary Sources.

Governor's Comment:

I have reviewed the proposed regulation on a preliminary basis. While I reserve the right to take action under the Administrative Process Act during the final adoption period, I have no objection to this regulation based on the information and public comment currently available.

/s/ James S. Gilmore, III  
Governor  
Date: January 20, 2000

VA.R. Doc. No. R99-35; Filed January 27, 2000, 11:37 a.m.

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### TITLE 12. HEALTH

#### DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Title of Regulation: Program of All-Inclusive Care for the Elderly (PACE).  
12 VAC 30-10-10 et seq. State Plan Under Title XIX of the Social Security Act Medical Assistance Program; General Provisions.

Governor's Comment:

I have reviewed the proposed regulation on a preliminary basis. While I reserve the right to take action under the Administrative Process Act during the final adoption period, I have no objection to this regulation based on the information and public comment currently available.

/s/ James S. Gilmore, III  
Governor  
Date: February 3, 2000

VA.R. Doc. No. R99-167; Filed February 8, 2000, 8:24 a.m.

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Title of Regulation: 12 VAC 30-70-10 et seq. Methods and Standards for Establishing Payment Rates--Inpatient Hospital Care (Diagnosis Related Groups).

Governor's Comment:

I have reviewed the proposed regulation on a preliminary basis. While I reserve the right to take action under the Administrative Process Act during the final adoption period, I

have no objection to this regulation based on the information and public comment currently available.

/s/ James S. Gilmore, III  
Governor  
Date: February 3, 2000

VA.R. Doc. No. R00-16; Filed February 8, 2000, 8:24 a.m.

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### TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

#### BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

Title of Regulation: 18 VAC 30-20-10 et seq. Regulations of the Board of Audiology and Speech-Language Pathology.

Governor's Comment:

I have reviewed the proposed regulation on a preliminary basis. While I reserve the right to take action under the Administrative Process Act during the final adoption period, I have no objection to this regulation based on the information and public comment currently available.

/s/ James S. Gilmore, III  
Governor  
Date: January 21, 2000

VA.R. Doc. No. R99-187; Filed January 27, 2000, 11:37 a.m.

#### BOARD OF MEDICINE

Title of Regulation: 18 VAC 85-20-10 et seq. Regulations Governing the Practice of Medicine, Osteopathy, Podiatry, Chiropractic, and Physician Acupuncture.

Governor's Comment:

I have reviewed the proposed regulation on a preliminary basis. While I reserve the right to take action under the Administrative Process Act during the final adoption period, I have no objection to this regulation based on the information and public comment currently available.

/s/ James S. Gilmore, III  
Governor  
Date: January 20, 2000

VA.R. Doc. No. R99-130; Filed January 27, 2000, 11:37 a.m.

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Title of Regulation: 18 VAC 85-40-10 et seq. Regulations Governing the Practice of Respiratory Care Practitioners.

Governor's Comment:

I have reviewed the proposed regulation on a preliminary basis. While I reserve the right to take action under the

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# Governor

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Administrative Process Act during the final adoption period, I have no objection to this regulation based on the information and public comment currently available.

/s/ James S. Gilmore, III  
Governor  
Date: January 20, 2000

VA.R. Doc. No. R99-132; Filed January 27, 2000, 11:37 a.m.

\*\*\*\*\*

**Title of Regulation: 18 VAC 85-80-10 et seq. Regulations Governing the Practice of Occupational Therapists.**

Governor's Comment:

I have reviewed the proposed regulation on a preliminary basis. While I reserve the right to take action under the Administrative Process Act during the final adoption period, I have no objection to this regulation based on the information and public comment currently available.

/s/ James S. Gilmore, III  
Governor  
Date: January 20, 2000

VA.R. Doc. No. R99-134; Filed January 27, 2000, 11:37 a.m.

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**Title of Regulation: 18 VAC 85-101-10 et seq. Regulations Governing the Licensure of Radiologic Technologists and Radiologic Technologists-Limited.**

Governor's Comment:

I have reviewed the proposed regulation on a preliminary basis. While I reserve the right to take action under the Administrative Process Act during the final adoption period, I have no objection to this regulation based on the information and public comment currently available.

/s/ James S. Gilmore, III  
Governor  
Date: January 20, 2000

VA.R. Doc. No. R99-135; Filed January 27, 2000, 11:37 a.m.

## BOARD OF NURSING

**Title of Regulation: 18 VAC 90-20-10 et seq. Regulations Governing the Practice of Nursing.**

Governor's Comment:

I have reviewed the proposed regulation on a preliminary basis. While I reserve the right to take action under the Administrative Process Act during the final adoption period, I have no objection to this regulation based on the information and public comment currently available.

/s/ James S. Gilmore, III  
Governor  
Date: January 21, 2000

VA.R. Doc. No. R99-137; Filed January 27, 2000, 11:37 a.m.

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

**Title of Regulation: 18 VAC 115-30-10 et seq. Regulations Governing the Certification of Substance Abuse Counselors.**

Governor's Comment:

I have reviewed the proposed regulation on a preliminary basis. While I reserve the right to take action under the Administrative Process Act during the final adoption period, I have no objection to this regulation based on the information and public comment currently available.

/s/ James S. Gilmore, III  
Governor  
Date: January 20, 2000

VA.R. Doc. No. R99-141; Filed January 27, 2000, 11:37 a.m.

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**Title of Regulation: 18 VAC 115-50-10 et seq. Regulations Governing the Practice of Marriage and Family Therapists.**

Governor's Comment:

I have reviewed the proposed regulation on a preliminary basis. While I reserve the right to take action under the Administrative Process Act during the final adoption period, I have no objection to this regulation based on the information and public comment currently available.

/s/ James S. Gilmore, III  
Governor  
Date: January 20, 2000

VA.R. Doc. No. R99-143; Filed January 27, 2000, 11:37 a.m.

## BOARD OF PSYCHOLOGY

**Title of Regulation: 18 VAC 125-20-10 et seq. Regulations Governing the Practice of Psychology.**

Governor's Comment:

I have reviewed the proposed regulation on a preliminary basis. While I reserve the right to take action under the Administrative Process Act during the final adoption period, I have no objection to this regulation based on the information and public comment currently available.

/s/ James S. Gilmore, III  
Governor  
Date: January 21, 2000

VA.R. Doc. No. R99-144; Filed January 27, 2000, 11:37 a.m.





**TITLE 22. SOCIAL SERVICES**

**DEPARTMENT OF SOCIAL SERVICES**

**Title of Regulation: 22 VAC 40-30-10 et seq. Food Stamp Program - Resource Exclusion (REPEALING).**

Governor's Comment:

I have reviewed the proposed regulation on a preliminary basis. While I reserve the right to take action under the Administrative Process Act during the final adoption period, I have no objection to this regulation based on the information and public comment currently available.

/s/ James S. Gilmore, III  
Governor  
Date: January 21, 2000

VA.R. Doc. No. R99-86; Filed January 27, 2000, 11:37 a.m.

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**Title of Regulation: 22 VAC 40-325-10 et seq. Fraud Reduction/Elimination Effort.**

Governor's Comment:

I have reviewed the proposed regulation on a preliminary basis. While I reserve the right to take action under the Administrative Process Act during the final adoption period, I have no objection to this regulation based on the information and public comment currently available.

/s/ James S. Gilmore, III  
Governor  
Date: January 21, 2000

VA.R. Doc. No. R99-12; Filed January 27, 2000, 11:37 a.m.



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# GENERAL NOTICES/ERRATA

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## STATE AIR POLLUTION CONTROL BOARD

### Rescheduled Public Hearing and Comment Period for Proposed Nonmetallic Mineral Processing General Permit (9 VAC 5 Chapter 510)

Notice is hereby given in accordance with §§ 9-6.14:4.1 C 11 and 9-6.14:7.1 of the Code of Virginia that the State Air Pollution Control Board intends to adopt a regulation entitled: **Nonmetallic Mineral Processing General Permit**. On December 20, 1999, the board published for public comment a proposal to adopt a new general permit, 9 VAC 5-510-10 et seq. Nonmetallic Mineral Processing General Permit. The notice of public comment for this proposal appeared on page 766 of the December 20, 1999, Virginia Register (Volume 16 Issue 7). Because it was necessary to cancel the January 25, 2000, public hearing associated with this proposal due to inclement weather, the board is rescheduling the public hearing and comment period. A public hearing will be held to accept public testimony on the proposed general permit on March 29, 2000, at 10 a.m., 600 East Main Street, Main Street Centre, Lower Level, Conference Room, Richmond, Virginia. All comments made in response to the original notice of public comment issued on December 20, 1999, are still considered valid and will be considered in making the decision on the final regulations; therefore, it is not necessary to resubmit those comments.

Summary: The general permit establishes terms and conditions that form the legally enforceable basis for the implementation of all regulatory and statutory requirements applicable to new and existing emissions units in the nonmetallic mineral mining facilities. Application for coverage under the general permit is voluntary; however, for any nonmetallic mineral processing facility to be covered by the general permit, all equipment and emissions units at a stationary source that make up the nonmetallic mineral processing facility shall be covered by the general permit. The general permit requires the owners of existing and new emissions units in the nonmetallic mineral processing industry to construct, modify, relocate and operate within the terms and conditions of the general permit. The terms and conditions of the general permit cover emission standards, emission testing, emission monitoring, recordkeeping, reporting, compliance and enforcement.

Localities Affected: There is no locality which will bear any identified disproportionate material air quality impact due to the proposed general permit which would not be experienced by other localities.

Request for Comments: The purpose of this notice is to provide the public with the opportunity to comment on the proposed general permit. All comments must be received by the department by 4:30 p.m., April 14, 2000, to be considered. It is preferred that all comments be provided in writing to the department along with any supporting documents or exhibits; however, oral comments will be accepted at the hearing. Comments may be submitted by mail, facsimile transmission, or by personal appearance at the hearing mentioned below; however, all written comments not provided at the hearing

must be submitted to the Director, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240. Facsimile copies will be accepted only if followed by receipt of the original within one week. All testimony, exhibits and documents received are a matter of public record.

Accessibility to Persons with Disabilities: The hearing is being held at a public facility believed to be accessible to persons with disabilities. Any person with questions on the accessibility of the facility should contact Alma Jenkins at the Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, or by telephone at (804) 698-4070 or TTY (804) 698-4021. Persons needing interpreter services for the deaf must notify Ms. Jenkins no later than March 31, 2000.

**Contact:** Robert Mann, Director, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4419 or FAX (804) 698-4510.

## STATE CORPORATION COMMISSION

<p><u>EDITOR'S NOTE:</u> Appendices A and B referenced in the following order are not being published. However, these appendices are available for public inspection at the State Corporation Commission, Document Control Center, Tyler Building, 1st Floor, 1300 East Main Street, Richmond, Virginia, from 8:15 a.m. to 5 p.m., Monday through Friday.</p>
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AT RICHMOND, FEBRUARY 2, 2000

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

CASE NO. PUC000003

Ex Parte, In re: Investigation  
of the appropriate level of  
intrastate access service prices

### ORDER ESTABLISHING INVESTIGATION

By Order dated November 29, 1999, the Commission approved the merger of Bell Atlantic Corporation and GTE Corporation,<sup>1</sup> in Case No. PUC990100. In that Order, the Commission stated:

[T]he Commission has concluded that the issue of the appropriate level of BA-VA's and GTE South's access charges should, and will, be considered in two pending dockets, Case Nos. PUC960021 and PUC990043. We will issue procedural orders in these cases, or in another docket we may establish, within the next few weeks. We expect also to receive evidence in these proceedings regarding the proposal to establish LATA-wide call termination rates.

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<sup>1</sup> The parent companies of, respectively, Bell Atlantic-Virginia, Inc. ("BA-VA") and GTE South Incorporated ("GTE South").

The Commission has concluded that it should establish a new docket in which to consider access charge issues raised in Case Nos. PUC960021<sup>2</sup> and PUC990043.<sup>3</sup> The Commission has further concluded that it should at this time also establish the appropriate level of intrastate access charges for GTE South and for the Sprint companies, United Telephone-Southeast, Inc. ("United") and Central Telephone Company of Virginia ("Centel").<sup>4</sup>

In Case No. PUC960021, BA-VA filed amended tariffs to revise its switched access rates for transport and local switching and directory assistance transport services. The revised rates contained in the amended tariffs were put into effect, subject to refund, on August 22, 1996, and that case has remained pending. In Case No. PUC990043, AT&T Communications of Virginia, Inc. ("ATT-VA") filed a formal complaint against BA-VA, asserting that the access rates that BA-VA charges are too high and should be reduced. BA-VA has filed a Motion to Dismiss the complaint, and ATT-VA has responded.

By this Order we will initiate a procedural schedule and set a public hearing to address the issue of the appropriate prices for access services provided by BA-VA, GTE South, United, and Centel.

In its complaint, ATT-VA notes that the Commission, more than 10 years ago, found BA-VA's access rates to be "significantly above cost," in Case No. PUC870012.<sup>5</sup> In that case, the Commission also emphasized that it did not intend to suggest "that prices should equal incremental costs. Though incremental costs are the absolute floor for access service prices, other factors, including contribution to common costs, value of service, and competitive forces in the access service market must be analyzed when making a pricing decision."<sup>6</sup>

In Case No. PUC930036,<sup>7</sup> the Commission established alternative plans of regulation, which BA-VA, GTE South,

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<sup>2</sup> Application of Bell Atlantic-Virginia, Inc. For a change in access rates for switched access service.

<sup>3</sup> Commonwealth of Virginia, ex rel., AT&T Communications of Virginia, Inc., v. Bell Atlantic-Virginia, Inc.

<sup>4</sup> Collectively, we will refer to BA-VA, GTE South, United and Centel as the "LECs," the usual acronym for "local exchange companies." The Commission may consider the appropriate level of intrastate access charges for other Virginia local exchange companies in separate proceedings.

<sup>5</sup> Commonwealth of Virginia, ex rel. State Corporation Commission Ex Parte. In Re: Investigation of the appropriate methodology to determine intrastate access service costs, 1988 S.C.C. Ann. Rep. 232, 233 (1988).

<sup>6</sup> Id.

<sup>7</sup> Commonwealth of Virginia at the relation of the State Corporation Commission Ex Parte: In the matter of investigating telephone regulatory methods pursuant to Virginia Code § 56-235.5, etc., 1994 S.C.C. Ann. Rep. 262 (October 18, 1994).

United and Centel have adopted. Each such plan provides that pricing for access services will be considered in accordance with the procedures adopted in Case No. PUC870012, referenced earlier, and as implemented in Case No. PUC880042.<sup>8</sup>

The Commission ordered in Case No. PUC870012, among other things:

- (1) That long-run incremental costing methodology shall be used by all LECs in the future to determine intrastate, interLATA access service costs for the purpose of ascertaining the minimum level of cost recovery necessary for such services;
- (2) That local loop and central office termination costs shall be included in the incremental costs of both switched and special access;
- (3) That WATS and WATS-like services shall be considered switched access services; [and]
- (4) That a special access incremental cost study shall be prepared by each of the [ ] large LECs in Virginia and filed with the Commission within four months from the date of [the] order[.]

In that case, the Commission Staff had conducted a study of switched access incremental costs. Based on this study, we found that since there was "no immediate prospect that switched access rates will fall below incremental costs, switched access cost studies need not be conducted by the LECs at this time." The Commission did order the LECs to file cost studies for special access, as indicated above.

The Order in Case No. PUC870012 was issued more than a decade ago, and the case has been closed since 1988. We believe that it is appropriate, given the passage of time and the rapidity of technological development in the intervening years, that the 1988 Staff cost study of the LEC access charges be replaced. Therefore, current cost studies for both switched and special access services shall be conducted and filed by the four largest local exchange companies, BA-VA, GTE South, United, and Centel. These studies are to use the long-run incremental costing methodology approved in Case No. PUC870012. If any LEC believes that we should consider another costing methodology, it may file and serve copies of such alternative studies in addition to, and not as replacement of, the long-run incremental costing methodology ordered in Case No. PUC870012. We will also invite other interested parties to file cost studies. We will use these cost studies, as we did in the earlier case, to establish "the absolute floor for access service prices."

As we cautioned a decade ago, we again emphasize that other factors will be considered in making our pricing decisions. Therefore, in addition to the cost studies, we will direct the LECs and invite other interested parties to file testimony and evidence as to all factors they believe the Commission should consider in making any access pricing

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<sup>8</sup> Commonwealth of Virginia ex rel. State Corporation Commission Ex Parte. In Re: Investigation of pricing methodologies for intrastate access service, 1989 S.C.C. Ann. Rep. 210 (April 3, 1989).

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## General Notices/Errata

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decisions. Parties should also discuss the weighting(s) they believe the Commission should give such factor(s) in reaching our decision.

Further, we will direct any interexchange carrier that wishes to participate in the proceedings to file testimony and evidence to demonstrate whether and to what extent Virginia consumers will benefit from any changes we may order in the level of LEC access charges. We will invite testimony and evidence from the LECs and others on this point as well.

The Commission Staff will investigate and file a report, which may take the form of prefiled testimony, on these matters after the cost studies, direct testimony, and evidence of the parties are filed. After the Staff report is issued, we will permit all parties to file testimony and evidence to rebut the Staff report or the position of any other party. Thereafter, we will conduct a public hearing to receive evidence on the issues discussed herein. Accordingly,

### IT IS ORDERED THAT:

(1) On or before March 31, 2000, BA-VA, GTE South, United, and Centel shall file an original and twenty (20) copies of cost studies, using the costing methodology described above, demonstrating their costs for providing switched and special access services, and may file an original and twenty (20) copies of cost studies using any other methodology they believe we should consider.

(2) On or before March 31, 2000, the LECs shall also file an original and twenty (20) copies of all testimony and exhibits they intend to introduce at the hearing of this matter. Such testimony and exhibits shall address cost studies and other factors the Commission should consider in addition to cost when making its pricing decision.

(3) On or before February 29, 2000, any other interested party wishing to participate as a Protestant shall file an original and twenty (20) copies of a notice of protest and protest.

(4) On or before May 1, 2000, each Protestant shall file an original and twenty (20) copies of all testimony and exhibits it intends to introduce at the hearing of this matter. An original and twenty (20) copies of any cost study to be offered by any Protestant shall be filed at this time. Protestants are not obligated to file cost studies but must file testimony and exhibits. Any interexchange carrier filing testimony and exhibits shall address in such testimony whether and to what extent Virginia consumers will benefit from any changes we may order in the level of LEC access charges.

(5) On or before June 30, 2000, the Commission Staff shall file an original and twenty (20) copies of a report, which may take the form of prefiled testimony, addressing the results of its investigation of the matters discussed herein.

(6) On or before July 28, 2000, any party may file an original and twenty (20) copies of any rebuttal testimony they intend to introduce at the hearing of this matter.

(7) All items required to be filed shall be contemporaneously served on counsel for each LEC and counsel for each Protestant.

(8) Pursuant to Rule 7:1 of the Commission's Rules of Practice and Procedure, 5 VAC 5-10-10 et seq. ("Rules"), we will appoint a Hearing Examiner to conduct all further proceedings in this matter.

(9) Responses to discovery requests shall be made within fourteen (14) calendar days of their service upon counsel. Objections to discovery requests shall be made within seven (7) calendar days of their service upon counsel. Discovery or objections to discovery may be served on counsel by telefax or e-mail, and counsel for each LEC and each Protestant shall establish fax numbers and e-mail addresses for the receipt of discovery requests. Discovery will not be served on any Saturday, Sunday, or Virginia holiday. Any discovery served by telefax or e-mail after 5:30 p.m. EST shall be considered served on the next calendar day on which discovery may be served. Otherwise, discovery shall be conducted in accordance with Part VI of the Rules.

(10) On September 6, 2000, beginning at 10:00 a.m., a public hearing shall be convened in the Commission's courtroom, Second Floor, Tyler Building, 1300 East Main Street, Richmond, Virginia, to receive evidence on the issues.

(11) Forthwith, the Division of Communications shall cause to be published in the Virginia administrative register and in newspapers of general circulation throughout the Commonwealth the following notice:

### NOTICE BY THE STATE CORPORATION COMMISSION OF INVESTIGATION INTO THE APPROPRIATE LEVEL OF INTRASTATE ACCESS SERVICES PRICES

On February 2, 2000, the State Corporation Commission, by Order, established Case No. PUC000003, to investigate and establish the appropriate prices for intrastate access services. Access prices are the rates paid by interexchange (long distance) companies for their use of the local exchange telephone network to complete toll calls. These prices are reflected in the rates customers pay for long distance services. A public hearing to receive evidence pertinent to these matters will be held in the Commission's Courtroom, Second Floor, Tyler Building, 1300 East Main Street, Richmond, Virginia, beginning at 10:00 a.m. EDT, September 6, 2000.

A copy of the Order Establishing Investigation is available for inspection in the Office of the Clerk of the Commission, First Floor, Tyler Building, 1300 East Main Street, Richmond, Virginia, and on the Commission's website at <http://dit1.state.va.us/scc/orders.htm>. Persons interested in participating in this investigation as Protestants are directed promptly to obtain a copy of this Order for detailed instructions on how to participate. The Order establishes the dates for filing various documents.

Persons interested in submitting written comments on the appropriate level of intrastate access prices may do so by submitting such comments, making reference to Case No. PUC000003, to the Clerk of the Commission, P.O. Box 1197, Richmond, Virginia 23218. Persons interested in making a statement at the hearing may do so by appearing on the first day of the hearing, before 9:45 a.m., and indicating such interest to the Commission's bailiff on forms the bailiff will supply.

VIRGINIA STATE CORPORATION COMMISSION

(12) This matter is continued for further orders of the Commission.

AN ATTESTED COPY HEREOF shall be sent by the Clerk of the Commission to: all local exchange companies certificated in Virginia as shown on Appendix A; all interexchange companies certificated in Virginia as shown on Appendix B; John F. Dudley, Senior Assistant Attorney General, Division of Consumer Counsel, Office of Attorney General, 900 East Main Street, Second Floor, Richmond, Virginia 23219; Jean Ann Fox, Vice President, Virginia Citizens Consumer Council, 114 Coachman Drive, Yorktown, Virginia 23693; Dennis R. Bates, Esquire, Senior Assistant County Attorney, Fairfax County, 12000 Government Center Parkway, Suite 549, Fairfax, Virginia 22035-0064; and the Commission's Office of General Counsel and Division of Communications.

## DEPARTMENT OF ENVIRONMENTAL QUALITY

### Notice of Public Meeting and Public Comment for Blackwater River Coliform TMDL

The Department of Environmental Quality (DEQ) and the Department of Conservation and Recreation (DCR) seek written and oral comments from interested persons on the draft Total Maximum Daily Load (TMDL) for Fecal Coliform Bacteria on four segments of the Blackwater River. These impaired segments are located in Franklin County on the North Fork Blackwater, South Fork Blackwater, and two are on the main stem Blackwater. These four segments are identified in Virginia's 1998 § 303(d) TMDL Priority List and Report as impaired due to violations of the state's water quality standard for fecal coliform bacteria.

Section 303(d) of the federal Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia require DEQ to develop TMDLs for pollutants responsible for each impaired water contained in Virginia's § 303(d) TMDL Priority List and Report.

The third public meeting on the development of the Blackwater River Coliform TMDL for these four segments will be held on Wednesday, March 15, 2000, at 1 p.m. in the Panthers Den (basement of Franklin Hall), Ferrum College, Ferrum, VA. For directions, please call Dr. David Johnson (540) 365-4364.

The public comment period will end on March 28, 2000. A draft TMDL document for Fecal Coliform Bacteria on the Blackwater River is available upon request. Questions or information requests should be addressed to Clint Boschen.

Written comments should include the name, address, and telephone number of the person submitting the comments and should be sent to Clint Boschen, Department of Environmental Quality, 3019 Peters Creek Road, Roanoke, Virginia, 24019, telephone (540) 562-6724, FAX (540) 562-6729, or e-mail [cjboschen@deq.state.va.us](mailto:cjboschen@deq.state.va.us).

### Notice of Public Meeting and Public Comment for Muddy Creek Nitrate TMDL

The Department of Environmental Quality (DEQ) and the Department of Conservation and Recreation (DCR) seek written and oral comments from interested persons on the draft of the Nitrate Total Maximum Daily Load (TMDL) for Muddy Creek. The stream is a tributary of the North River and is located in Rockingham County. The segment is identified in Virginia's 1998 § 303(d) TMDL Priority List and Report as impaired due to violations of the state's water quality standard for nitrate levels.

Section 303(d) of the federal Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia require DEQ to develop TMDLs for pollutants responsible for each impaired water contained in Virginia's § 303(d) TMDL Priority List and Report.

The second public meeting on the development of the Nitrate TMDL will be held on Tuesday, March 14, 2000, at 7 p.m. at the Pence Middle School Auditorium on Bowman Road in Dayton, Virginia.

The public comment period will end on March 28, 2000. A copy of the draft TMDL document for the TMDL for nitrates on Muddy Creek is available upon request. Questions or information requests should be addressed to Rod Bodkin. Written comments should include the name, address, and telephone number of the person submitting the comments and should be sent to Rod Bodkin, Department of Environmental Quality, 4411 Early Road, Harrisonburg, Virginia 22801, telephone (540) 574-7801, FAX (540) 540-7878, or e-mail [rvbodkin@deq.state.va.us](mailto:rvbodkin@deq.state.va.us).

### Notice of Public Meeting and Public Comment on Development of the Otters Fecal Coliform Bacteria TMDLs

The Department of Environmental Quality (DEQ) and the Department of Conservation and Recreation (DCR) seek written and oral comments from interested persons on the development of a Total Maximum Daily Load (TMDL) for fecal coliform bacteria on five segments of the Otters. These impaired segments are located in Bedford and Campbell Counties. The segments are Sheeps Creek, Elk Creek, Little Otter Creek, Machine Creek, and the Big Otter River. These five segments are identified in Virginia's 1998 § 303(d) TMDL Priority List and Report as impaired due to violations of the state's water quality standard for fecal coliform bacteria.

Section 303(d) of the federal Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia required DEQ to develop TMDLs for pollutants responsible for each impaired water contained in Virginia's § 303(d) TMDL Priority List and Report.

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## General Notices/Errata

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The first public meeting on the development of the Otters Fecal Coliform Bacteria TMDLs for these five segments will be held on Thursday, March 16, 2000, at 7 p.m. at the Bedford Elementary School, 806 Burkshill Road, Bedford, VA 24526 (near the intersection of Route 122 and Route 460).

The public comment period will end on March 28, 2000. A fact sheet on the development of the TMDL for fecal coliform bacteria on the Otters is available upon request. Questions or information requests should be addressed to Clint Boschen. Written comments should include the name, address, and telephone number of the person submitting the comments and should be sent to Clint Boschen, Department of Environmental Quality, 3019 Peters Creek Road, Roanoke, Virginia 24019, telephone (540) 562-6724, FAX (540) 562-6729, or e-mail [cjboschen@deq.state.va.us](mailto:cjboschen@deq.state.va.us).

### STATE BOARD OF HEALTH AND DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

#### Legal Notice of Request for Certificate of Public Need Applications

Pursuant to the authority vested in the State Board of Health (Board) and the Department of Medical Assistance Services by § 32.1-102.3:2 of the Code of Virginia, notice is hereby given of the issuance of a proposed Request for Applications (RFA). This RFA is a request for certificate of public need (COPN) applications for projects which will result in an increase in the number of beds in which nursing facility services are provided in the Commonwealth of Virginia. The RFA issuance process is outlined in § 32.1-102.3:2 of the Code of Virginia and in regulations at 12 VAC 5-220-335 B.

#### Eligible Planning District and Total Nursing Facility Beds Available for Authorization

In the review cycle established by this RFA, the commissioner will consider requests for COPNs that propose an increase in nursing facility beds in the following planning district. COPN requests that propose increases in nursing facility beds in any other planning districts not identified below will not be accepted. Only COPN requests that propose to establish additional Medicaid certified beds in an existing nursing facility that is dedicated to the provision of services to adult patients (over age 18) with irreversible physical disabilities will be accepted for review.

- Planning District 15 also known as Richmond Regional Planning District consisting of the counties of Charles City, Chesterfield, Goochland, Hanover, Henrico, New Kent, Powhatan and the City of Richmond.

Total Nursing Home Facility Beds Available for Authorization: 17

#### Basis for the Request for Applications

During the deliberations regarding the Request for Applications (RFA) that was issued on November 22, 1999, the department received information regarding special needs of a patient population with characteristics that do not correspond to characteristics of most of Virginia's nursing

facility residents. This population consists primarily of persons under the age of 65 with chronic physical disabilities who require relatively long-term nursing facility placements, including patients diagnosed with disabilities such as quadriplegia, brain injury, amputees, and degenerative neurological disorders including cerebral palsy, muscular dystrophy, and multiple sclerosis. There currently is only one known nursing facility in Virginia with a program structured specifically to meet the needs of this patient population. This facility, The Virginia Home in Richmond, has requested an opportunity to seek authorization for additional nursing facility beds through the COPN application process even though the Richmond Regional Planning District (PD 15) has not been targeted for the addition of beds as part of the most recent general RFA for nursing facility beds. Under existing law, (§ 32.1-102.3:2 of the Code of Virginia) the Commissioner can only approve additional nursing facility beds in the Commonwealth, with the exception of certain retirement community nursing facility beds, when such beds are requested pursuant to a RFA.

There are indications that Virginia residents who are at least 18 years old with irreversible physical disabilities would benefit from the addition of long-term care capacity in a facility that is designed specifically for their needs. Conventional nursing facilities do not generally provide the scope of intense physical, occupational and recreational therapies that are tailored to meet the needs of this patient group. The patient profile of a conventional nursing facility differs significantly from the patient profile of The Virginia Home, which is the single known Virginia nursing facility that provides services specifically for this physically disabled population. Patients who seek placements in this unique facility now may wait seven years or more for a nursing facility placement that appropriately meets their needs.

It is expected that The Virginia Home or any nursing facility that provides a special program of services for patients with irreversible physical disabilities would have admission policies specifically to identify this targeted patient group. The facility should also have the professional staff and amenities to support a range of therapies specifically for the physically disabled. The average age of patients admitted to such a facility would be less than 65 years with the average age range from 40 to 50 years. Likewise, the average length of patient stays for this disabled patient population would be expected to exceed 10 years.

The most efficient and effective means to meet the need that has been identified would be to add beds to an existing nursing facility with a history of providing services to this disabled population. Institutional resources at such a facility can most likely be expanded at a reasonable cost to accommodate a small addition of beds. There is evidence that there is a population need and demand that is sufficient need to justify up to 17 additional beds. Therefore, the department seeks to increase the existing inventory of nursing facility beds in PD 15, specifically for persons with chronic physical disabilities by expanding an existing facility which currently offers a specialized program for this patient group. This bed addition should provide greater availability and access to services for this patient population.

## VIRGINIA WASTE MANAGEMENT BOARD

### Intended Outcome of Project Review

It is the intention of the commissioner, in consultation with Department of Medical Assistance Services, to award no more than one COPN for the addition of a maximum of 17 beds to an existing nursing facility, specifically for patients with irreversible physical disabilities in Planning District 15. If it is determined that a greater need exists in PD 15 or other planning districts and such services can be feasibly developed by additional nursing facilities in the Commonwealth, appropriate action will be taken by the Virginia Department of Health and DMAS to accommodate these needs.

### Basis for Review

The commissioner, in her review of COPN requests submitted pursuant to the final RFA, will consider each of the 20 factors enumerated at § 32.1-102.3 B of the Code of Virginia, as applicable. She will also consider applicable standards of the *State Medical Facilities Plan* at 12 VAC 5-360-10 et seq.

### Projection of Fiscal Impact

It is expected that DMAS will incur some additional expense in conjunction with the addition of 17 new certified nursing facility beds in the Commonwealth. The exact amount of this expense will depend on a number of factors, including the capital and operational cost associated with the additional beds. However, the actual impact should not be substantial given that there are economies of scale associated with the addition of beds to an existing facility.

### Schedule for Review

COPN requests filed in response to this RFA shall be filed in accordance with the provisions of 12 VAC 5-220-355. The following review schedule will be applicable to COPN requests filed in response to this RFA. Letters of intent and applications must be received by both the applicable regional health planning agency and the Division of COPN of the Virginia Department of Health by the indicated dates in order to qualify for consideration in the specified review cycle.

### Planning District 15

- Letter of intent must be received by May 1, 2000.
- Application received by May 31, 2000.
- Review cycle will begin by July 10, 2000.

### Application Fees

The Virginia Department of Health shall collect application fees for applications requesting certificates of public need filed in response to this RFA. No application will be deemed to be complete for review until the required application fee is paid. The fee schedule is 1.0% of the proposed expenditure for the project, but not less than \$1,000 nor more than \$20,000.

## **Notice of Periodic Review of Regulations Pursuant to Executive Order 25 (98)**

Pursuant to Executive Order 25 (98), the Department of Environmental Quality on behalf of the Virginia Waste Management Board, will review the Voluntary Remediation Regulations (9 VAC 20-160-10 et seq.). The purpose of the review is to determine whether the regulation should be terminated, amended or retained in their current form. The review of the regulation will be guided by the principles listed in Executive Order 25 (98).

The department and the board are seeking public comment on the review of any issue relating to this regulation including whether (i) the regulations are effective in achieving their goals, (ii) the regulations are essential to protect the health, safety or welfare of citizens or for the economical performance of important governmental functions, (iii) there are less burdensome and less intrusive alternatives for achieving the purpose of the regulations, and (iv) the regulations are clearly written and easily understandable by affected persons.

Comments on the above are welcome and will be accepted until March 30, 2000. Comments should be sent to John Ely, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240, (804) 698-4249, FAX (804) 698-4327 or email [jeely@deq.state.va.us](mailto:jeely@deq.state.va.us).

## 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

-  Location accessible to persons with disabilities  
 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

† **April 19, 2000 - 10 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Conference Room 5 W, Richmond,  
Virginia. 

A meeting to 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, telephone (804) 367-8505, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail [accountancy@dpor.state.va.us](mailto:accountancy@dpor.state.va.us).


### COMMONWEALTH COUNCIL ON AGING

† **March 23, 2000 - 10 a.m.** -- Open Meeting  
Jefferson Area Board for Aging, 674 Hillside Drive, Suite 9,  
Charlottesville, Virginia.  (Interpreter for the deaf provided upon request)

The council will have a brief business meeting from 10 am. to 11 a.m. and then tour the adult day care center and hear presentations from the director and staff of the Jefferson Area Board for Aging. Public comments will not be heard at this meeting.

**Contact:** Marsha Mucha, Administrative Staff Assistant, Department for the Aging, 1600 Forest Ave., Suite 102, Richmond, VA 23229, telephone (804) 662-9312.


### VIRGINIA AGRICULTURAL COUNCIL

† **March 27, 2000 - 9 a.m.** -- Open Meeting  
† **March 28, 2000 - 8:30 a.m.** -- Open Meeting  
Omni Charlottesville Hotel, 235 West Main Street,  
Charlottesville, Virginia.  (Interpreter for the deaf provided upon request)

The council will hear and act upon agricultural project proposals for financial assistance through the Virginia Agricultural Council. The council 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 Thomas Yates at least five days before the meeting date so that suitable arrangements can be made.

**Contact:** Thomas R. Yates, Assistant Secretary, Virginia Agricultural Council, 1100 Bank St., 5th Floor, Room 509, Richmond, VA, telephone (804) 786-6060, FAX (804) 371-8372 or toll-free (800) 828-1120.

### BOARD OF AGRICULTURE AND CONSUMER SERVICES

**March 16, 2000 - 9 a.m.** -- Open Meeting  
Department of Agriculture and Consumer Services,  
Washington Building, 1100 Bank Street, Second Floor Board Room, Richmond, Virginia. 

A regular meeting to discuss issues related to Virginia agriculture and consumer services. 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 Seward at least five days before the meeting date so that suitable arrangements can be made.

**Contact:** Roy Seward, Secretary to the Board, Department of Agriculture and Consumer Services, 1100 Bank St., Suite 211, Richmond, VA 23219, telephone (804) 786-3538 or FAX (804) 371-7679.



## DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

### Virginia Bright Flue-Cured Tobacco Board

† **March 14, 2000 - 9:30 a.m.** -- Open Meeting  
Sheldon's Restaurant, Business Route 15 and 360, Keysville, Virginia. ☎

A meeting to consider funding proposals for research, promotion, and education projects pertaining to Virginia flue-cured tobacco and other business that may come before the board. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact the person identified in this notice at least five days before the meeting date so that suitable arrangements can be made.

**Contact:** D. Stanley Duffer, Secretary, P.O. Box 129, Halifax, VA 24558, telephone (804) 572-4568 or FAX (804) 572-8234.

### Virginia Cotton Board

† **March 8, 2000 - 9 a.m.** -- Open Meeting  
Tidewater Agricultural Research and Extension Center, 6321 Holland Road, Suffolk, Virginia. ☎

A meeting to conduct the first meeting of the year. The meeting agenda includes discussions and approval of contractual arrangements with national and regional organizations, reports of programs and projects funded over the past year, and hearing of project proposal grant requests on cotton by Virginia Tech, Virginia State and other groups. During the meeting, financial reports will be heard and approved. 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 the person identified in this notice at least five days before the meeting date so that suitable arrangements can be made.

**Contact:** Gail Moody Milteer, Program Director, 1100 Armory Dr., Suite 120, Franklin, VA, telephone (757) 569-1100 or FAX (757) 562-6104.

### Virginia Marine Products Board

**March 1, 2000 - 6 p.m.** -- Open Meeting  
Bill's Seafood House, Route 17 and Denbigh Boulevard, Grafton, Virginia. ☎

The board will meet to receive reports from the executive director on finance, marketing, past and future program planning, publicity, public relations and old and 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 the person identified in this notice at least

five days before the meeting date so that suitable arrangements can be made.

**Contact:** Shirley Estes, Executive Director, 554 Denbigh Boulevard, Suite B, Newport News, VA, telephone (757) 874-3474 or FAX (757) 886-0671.

### Virginia Sheep Industry Board

**February 28, 2000 - 10 a.m.** -- Open Meeting  
Virginia Horse Center, 487 Maury River Road, Lexington, Virginia. ☎

A meeting to hear and, if appropriate, approve minutes of the last board meeting; receive a presentation of the board's financial statement; elect officers; hear a report on the Chesapeake Heritage Arts and Fiber Festival; and hear a report on predator control. Also, the board will approve minutes of the January 7, 2000, meeting and review the financial report. The board will hear all funding requests and develop a budget for the 2000-01 fiscal year. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact the person identified in this notice at least five days before the meeting date so that suitable arrangements can be made.

**Contact:** Mike Carpenter, Program Director, Livestock Marketing Services, 116 Reservoir St., Harrisonburg, VA, telephone (540) 434-0779 or FAX (540) 434-5607.

## STATE AIR POLLUTION CONTROL BOARD

### Extension of Public Comment Period

NOTE: CHANGE IN HEARING DATE

† **March 29, 2000 - 10 a.m.** -- Public Hearing  
Department of Environmental Quality, Main Street Centre, 600 East Main Street, Lower Level, Conference Room, Richmond, Virginia.

**April 14, 2000** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Air Pollution Control Board intends to amend regulations entitled: **9 VAC 5-510-10 et seq. Nonmetallic Mineral Processing General Permit.** The general permit establishes terms and conditions that form the legally enforceable basis for the implementation of all regulatory and statutory requirements applicable to new and existing emissions units in nonmetallic mineral mining facilities. Application for coverage under the general permit is voluntary; however, for any nonmetallic mineral processing facility to be covered by the general permit, all equipment and emissions units at a stationary source that make up the nonmetallic mineral processing facility shall be covered by the general permit. The general permit requires the owners of existing and new emissions units in the

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# Calendar of Events

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nonmetallic mineral processing industry to construct, modify, relocate and operate within the terms and conditions of the general permit. The terms and conditions of the general permit cover emission standards, emission testing, emission monitoring, recordkeeping, reporting, compliance and enforcement.

Localities Affected: There is no locality which will bear any identified disproportionate material air quality impact due to the proposed regulation which would not be experienced by other localities.

Location of Proposal: The proposal and any other supporting documents may be examined by the public at the department's Office of Air Regulatory Development (Eighth Floor), 629 East Main Street, Richmond, Virginia and the department's regional offices (listed below) between 8:30 a.m. and 4:30 p.m. of each business day until the close of the public comment period.

Southwest Regional Office  
Department of Environmental Quality  
355 Deadmore Street  
Abingdon, Virginia  
Ph: (540) 676-4800

West Central Regional Office  
Department of Environmental Quality  
3019 Peters Creek Road  
Roanoke, Virginia  
Ph: (540) 562-6700

Lynchburg Satellite Office  
Department of Environmental Quality  
7705 Timberlake Road  
Lynchburg, Virginia  
Ph: (804) 582-5120

Valley Regional Office  
Department of Environmental Quality  
4411 Early Road  
Harrisonburg, Virginia 22801  
Ph: (540) 574-7800

Fredericksburg Satellite Office  
Department of Environmental Quality  
806 Westwood Office Park  
Fredericksburg, Virginia  
Ph: (540) 899-4600

Northern Regional Office  
Department of Environmental Quality  
13901 Crown Court  
Woodbridge, Virginia  
Ph: (703) 583-3800

Piedmont Regional Office  
Department of Environmental Quality  
4949-A Cox Road  
Glen Allen, Virginia  
Ph: (804) 527-5020

Tidewater Regional Office  
Department of Environmental Quality  
5636 Southern Boulevard  
Virginia Beach, Virginia

Ph: (757) 518-2000

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

Public comments may be submitted until 4:30 p.m., April 14, 2000, to the Director, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240.

It is preferred that all comments be provided in writing to the department along with any supporting documents or exhibits; however, oral comments will be accepted at the hearing. Comments may be submitted by mail, facsimile transmission, or by personal appearance at the hearing mentioned below; however, all written comments not provided at the hearing must be submitted to the Director, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240. Facsimile copies will be accepted only if followed by receipt of the original within one week. All testimony, exhibits and documents received are a matter of public record.

Accessibility to Persons with Disabilities: The hearing is being held at a public facility believed to be accessible to persons with disabilities. Any person with questions on the accessibility of the facility or who needs interpreter services should contact Alma Jenkins at the Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, or by telephone at (804) 698-4070 or TTY (804) 698-4021.

**Contact:** Robert Mann, Director, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4419, FAX (804) 698-4510, toll-free 1-800-592-5482, or (804) 698-4021/TTY ☎

## ALCOHOLIC BEVERAGE CONTROL BOARD

† **February 28, 2000 - 9:30 a.m.** -- Open Meeting

† **March 13, 2000 - 9:30 a.m.** -- Open Meeting

† **March 27, 2000 - 9:30 a.m.** -- Open Meeting

† **April 10, 2000 - 9:30 a.m.** -- Open Meeting

† **April 24, 2000 - 9:30 a.m.** -- Open Meeting

† **May 8, 2000 - 9:30 a.m.** -- Open Meeting


† **May 22, 2000 - 9:30 a.m.** -- Open Meeting

Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, Virginia. ♿


A meeting to receive reports from staff members, discuss activities, and discuss other matters not yet determined.


**Contact:** W. Curtis Coleburn, Secretary to the Board, Department of Alcoholic Beverage Control, 2901 Hermitage Rd., P.O. Box 27491, Richmond, VA 23261, telephone (804) 213-4409 or FAX (804) 213-4442.

## **BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS**


† **February 29, 2000 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, 5th Floor, Richmond, Virginia.   
(Interpreter for the deaf provided upon request)

A meeting of the Electronic Seal and Signature Committee to discuss changes to the board's regulations to permit the use of electronic seals and signatures.


**Contact:** Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail [apelsla@dpor.state.va.us](mailto:apelsla@dpor.state.va.us).

**March 8, 2000 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, 4th Floor, Richmond, Virginia. 


A meeting of the full board to conduct business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

**Contact:** Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., 5th Floor, Richmond, VA 23230-4917, telephone (804) 367-514, FAX (804) 367-2475 or (804) 367-9753/TTY 


### **Certified Interior Designer Section**

**March 1, 2000 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, 5th Floor, Richmond, Virginia.   
(Interpreter for the deaf provided upon request)


The Certified Interior Designer Section will conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

**Contact:** Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., 5th Floor, Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475 or (804) 367-9753/TTY 

### **VIRGINIA BOARD FOR ASBESTOS AND LEAD**

**March 7, 2000 - 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. A public comment period will be held at the beginning of the meeting.

**Contact:** David E. Dick, Assistant Director, Virginia Board for Asbestos and Lead, Department of Professional and Occupational Regulation, 3600 W. Broad Street, Richmond, VA 23230, telephone (804) 367-8505, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail [asbestos@dpor.state.va.us](mailto:asbestos@dpor.state.va.us).

### **COMPREHENSIVE SERVICES FOR AT-RISK YOUTH AND THEIR FAMILIES**


#### **State Executive Council**

† **March 29, 2000 - 9 a.m.** -- Open Meeting  
† **April 26, 2000 - 9 a.m.** -- Open Meeting  
Department of Social Services, 730 East Broad Street,  
Training Room 3, Richmond, Virginia.

A monthly meeting to discuss interagency programmatic and fiscal policies, oversee the administration of funds appropriated under the Act, and advise the Governor.

**Contact:** Alan G. Saunders, Director, Comprehensive Services for At-Risk Youth and Their Families, Wythe Building, 1604 Santa Rosa Rd., Suite 137, Richmond, VA 23229, telephone (804) 662-9815, FAX (804) 662-9831, e-mail [ags992@central.dss.state.va.us](mailto:ags992@central.dss.state.va.us).


#### **State Management Team**

† **March 3, 2000 - 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 a.m. to 10 a.m.

**Contact:** Elisabeth Hutton, Secretary, Department of Health, P.O. Box 2448, Richmond, VA 23218, telephone (804) 371-4099.

### **BOARD FOR COSMETOLOGY**

**March 6, 2000 - 8:30 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 W. 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. The time of the meeting is subject to change. Any persons desiring to attend the meeting and requiring special accommodations or interpretative services should contact the department at 804-367-8590 or 804-367-9753/TTY at least 10 days prior to the meeting so that suitable arrangements can be made for an appropriate

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accommodation. 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 Street, 4th Floor, Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-2474, (804) 367-9753/TTY 📞, e-mail [cosmo@dpor.state.va.us](mailto:cosmo@dpor.state.va.us).

## BOARD OF DENTISTRY

† **March 3, 2000 - 8:30 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, Virginia. 🗿

A calibration exercise for board member examiners. No public comment will be heard.

**Contact:** Marcia Miller, Executive Director, Board of Dentistry, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9906, FAX (804) 662-9943, (804) 662-7197/TTY 📞, e-mail [mmiller@dhp.state.va.us](mailto:mmiller@dhp.state.va.us).

† **March 3, 2000 - 1:30 p.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, Virginia. 🗿

A panel will conduct formal administrative hearings for possible disciplinary matters. No public comment will be heard.

**Contact:** Marcia J. Miller, Executive Director, Board of Dentistry, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9906, FAX (804) 662-9943, (804) 662-7197/TTY 📞, e-mail [mmiller@dhp.state.va.us](mailto:mmiller@dhp.state.va.us).

## Special Conference Committee

† **March 17, 2000 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. 🗿 (Interpreter for the deaf provided upon request)

An informal conference committee will hear disciplinary matters. No public comment will be heard.

**Contact:** Marcia J. Miller, Executive Director, Board of Dentistry, 6606 W. Broad St., Richmond, VA 23230-1717, telephone (804) 662-9906, FAX (804) 662-9943, (804) 662-7197/TTY 📞, e-mail [mmiller@dhp.state.va.us](mailto:mmiller@dhp.state.va.us).

## BOARD OF EDUCATION

**March 23, 2000 - 9 a.m.** -- Open Meeting  
James Monroe Building, 101 North 14th Street, Richmond, Virginia. 🗿 (Interpreter for the deaf provided upon request)

The Board of Education and the Board of Vocational Education will hold its regularly scheduled meeting. Business will be conducted according to items on the agenda. The agenda is available upon request.

**Contact:** Dr. Margaret Roberts, Executive Assistant for State Board of Education, Department of Education, Monroe Building, 101 North 14th Street, P.O. Box 2120, Richmond, VA 23218-2120, telephone (804) 225-2540, FAX (804) 225-2524 or toll-free (800) 292-3829.

\* \* \* \* \*

**February 28, 2000 - 7 p.m. -- Public Hearing**  
Marion Senior High School, 848 Stage Street, Marion, Virginia.

**February 28, 2000 - 7 p.m. -- Public Hearing**  
John Marshall High School, 4225 Old Brook Road, Richmond, Virginia.

**February 28, 2000 - 7 p.m. -- Public Hearing**  
Lake Braddock High School, 9200 Burke Lake Road, Burke, Virginia.

**February 28, 2000 - 7 p.m. -- Public Hearing**  
Linkhorne Elementary School, 2501 Linkhorne Drive, Lynchburg, Virginia.

**February 28, 2000 - 7 p.m. -- Public Hearing**  
Heritage High School, 5800 Marshall Avenue, Newport News, Virginia.

**February 28, 2000 - 7 p.m. -- Public Hearing**  
Shelburne Middle School, 300 Grubert Avenue, Staunton, Virginia.

**March 17, 2000** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Education intends to amend regulations entitled: **8 VAC 20-80-10 et seq. Regulations Governing Special Education Programs for Children with Disabilities in Virginia** and **repeal** regulations entitled: **8 VAC 20-750-10 et seq. Special Education Program Standards**. These regulations ensure that Virginia complies with the Individuals with Disabilities Education Act (IDEA) (20 USC § 1400 et seq.) and that all children with disabilities in the Commonwealth have available a free appropriate public education and procedural safeguards. The Special Education Program Standards, which provide special education teacher staffing and assignments, is being incorporated into the board of Virginia's special education regulations and is, therefore, being repealed.

Statutory Authority: §§ 22.1-16 and 22.1-214 of the Code of Virginia.

**Contact:** Catherine A. Pomfrey, Executive Secretary Senior, Department of Education, P.O. Box 2120, Richmond, VA 23218-2120, telephone (804) 225-2402, FAX (804) 371-8796 or (804) 371-2822/TTY 📞

† **April 26, 2000 - 9 a.m.** -- Open Meeting

† **April 27, 2000 - 9 a.m.** -- Open Meeting

The Tides Lodge, 1 St. Andrews Lane, Irvington, Virginia. 🗿 (Interpreter for the deaf provided upon request)

An annual planning meeting and retreat.

**Contact:** Dr. Margaret Roberts, Executive Assistant for State Board of Education, Department of Education, Monroe Building, 101 North 14th Street, P.O. Box 2120, Richmond, VA 23218-2120, telephone (804) 225-2540, FAX (804) 225-2524 or toll-free (800) 292-3829.

## LOCAL EMERGENCY PLANNING COMMITTEE - WINCHESTER

**March 1, 2000 - 3 p.m.** -- Open Meeting  
Shawnee Fire Company, 2333 Roosevelt Boulevard, Winchester, Virginia.

A meeting to elect officers for 2000 and to conduct a quarterly business meeting.

**Contact:** L. A. Miller, Fire and Rescue Chief, Winchester Fire and Rescue Department, 126 N. Cameron St., Winchester, VA 22601, telephone (540) 662-2298, toll-free 1-800-667-0118, or (540) 662-4131/TTY ☎

## DEPARTMENT OF ENVIRONMENTAL QUALITY

**March 2, 2000 - 7 p.m.** -- Public Hearing  
Chapel of All Faiths, University of Virginia at Wise, 1 College Avenue, Wise, Virginia.

A public hearing to receive comments on the draft permit amendment #2 for the Wise County Sanitary Landfill located near the community of Blackwood, just north of U.S. Alternate Rte 58.

**Contact:** Paul Farrell, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4214, (804) 698-4021/TTY ☎, e-mail [epfarrell@deq.state.va.us](mailto:epfarrell@deq.state.va.us).

† **March 7, 2000 - 7 p.m.** -- Public Hearing  
Roanoke Valley Resource Authority, Tinker Creek Transfer Station, Meeting Room, 1020 Hollins Road, Roanoke, Virginia.

A public hearing to receive comments regarding the technical merits of the draft permit amendment for a municipal sanitary landfill located in Roanoke as they relate to facility design, operation and closure. The facility is located in southwest Roanoke County, east of State Route 622.

**Contact:** Paul Farrell, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240, telephone (804) 698-4214, (804) 698-4021/TTY ☎, e-mail [epfarrell@deq.state.va.us](mailto:epfarrell@deq.state.va.us).

† **March 14, 2000 - 7 p.m.** -- Open Meeting  
Pence Middle School Auditorium, Bowman Road, Dayton, Virginia.

The second public meeting to receive comments on the development of the nitrate TMDL for Muddy Creek, a tributary of the North River in Rockingham County.

**Contact:** Rod Bodkin, Department of Environmental Quality, 4411 Early Rd., Harrisonburg, VA 22801, telephone (540)

574-7801, FAX (540) 574-7878, (804) 698-4021/TTY ☎, e-mail [rvbodkin@deq.state.va.us](mailto:rvbodkin@deq.state.va.us).

† **March 15, 2000 - 1 p.m.** -- Open Meeting  
Panthers Den (basement of Franklin Hall), Ferrum College, Ferrum, Virginia.

The third public meeting on the development of the Blackwater River fecal coliform bacteria TMDL for four impaired stream segments in Franklin County.

**Contact:** Clint Boschen, Department of Environmental Quality, 3019 Peters Creek Rd., Roanoke, VA 24019, telephone (540) 562-6724, FAX (540) 562-6729, (804) 698-4021/TTY ☎, e-mail [cjboschen@deq.state.va.us](mailto:cjboschen@deq.state.va.us).

† **March 16, 2000 - 7 p.m.** -- Open Meeting  
Bedford Elementary School, 806 Burkshill Road, Bedford, Virginia.

The first public meeting on the development of the Otters fecal coliform bacteria TMDLs for impaired stream segments located in Bedford and Campbell Counties. The stream segments are Sheeps Creek, Elk Creek, Little Otter Creek, Machine Creek and the Big Otter River.

**Contact:** Clint Boschen, Department of Environmental Quality, 3019 Peters Creek Rd., Roanoke, VA 24019, telephone (540) 562-6724, FAX (540) 562-6729, (804) 698-4021/TTY ☎, e-mail [cjboschen@deq.state.va.us](mailto:cjboschen@deq.state.va.us).

## Ground Water Protection Steering Committee

**March 21, 2000 - 9 a.m.** -- Open Meeting  
Department of Environmental Quality, 629 East Main Street, 10th Floor Conference Room, Richmond, Virginia. ♿

Anyone interested in ground water protection issues is welcome to attend the meeting. Meeting minutes and agenda are available from the contact person below.

**Contact:** Mary Ann Massie, Environmental Program Planner, Department of Environmental Quality, P.O. Box 10009, Richmond, VA, telephone (804) 698-4042, FAX (804) 698-4032 or (804) 698-4021/TTY ☎, e-mail [mamassie@deq.state.va.us](mailto:mamassie@deq.state.va.us).

## BOARD OF FUNERAL DIRECTORS AND EMBALMERS

**March 8, 2000 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Room 3, Richmond, Virginia. ♿


A meeting to discuss general business matters of the board. There will be a 15-minute public comment period. A formal hearing will be held at 1 p.m.

**Contact:** Cheri Emma-Leigh, Administrative Staff Assistant, Board of Funeral Directors and Embalmers, 6606 W. Broad St., 4th Floor, Richmond, VA, telephone (804) 662-9907, FAX (804) 662-9523, e-mail [CEmma-Leigh@dhp.state.va.us](mailto:CEmma-Leigh@dhp.state.va.us).

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**March 15, 2000 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street,  
5th Floor, Room 3, Richmond, Virginia 

A meeting of the Legislative Committee to discuss legislative proposals for the General Assembly 2001. There will be a 15-minute public comment period.

**Contact:** Cheri Emma-Leigh, Administrative Staff Assistant, Board of Funeral Directors and Embalmers, 6606 W. Broad St., 4th Floor, Richmond, VA, telephone (804) 662-9907, FAX (804) 662-9523, e-mail CEmma-Leigh@dhp.state.va.us.

## DEPARTMENT OF GAME AND INLAND FISHERIES


**March 9, 2000 - 9 a.m.** -- Open Meeting


**March 10, 2000 - 9 a.m.** -- Open Meeting


Department of Game and Inland Fisheries, 4000 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


A meeting to discuss general and administrative issues, receive a report on relevant legislation from the 2000 Session of the General Assembly, and receive a report on the House Bill 38 planning study and public opinion surveys. The board may elect to hold a dinner Wednesday evening, March 8, at a location and time to be determined; and it may hold a closed session before the public session begins on March 9. If the board completes its entire agenda on March 9, it may not convene on March 10, the second of the scheduled two days of the meeting.


**Contact:** Phil Smith, Policy Analyst, Department of Game and Inland Fisheries, 4010 W. Broad St., Richmond, VA, telephone (804) 367-1000 or FAX (804) 367-0488.

**March 15, 2000 - 7 p.m.** -- Public Hearing  
Sandy Bottom Nature Park, 1255 Big Bethel Road, Hampton, Virginia.  (Interpreter for the deaf provided upon request)

**March 21, 2000 - 7 p.m.** -- Public Hearing  
Smyth-Bland Regional Library, 1180 South Sheffey Street, Marion, Virginia.  (Interpreter for the deaf provided upon request)

**March 23, 2000 - 7 p.m.** -- Public Hearing  
Department of Game and Inland Fisheries, Staunton Regional Office, 4725 Lee Highway, Verona, Virginia.  (Interpreter for the deaf provided upon request)

**March 27, 2000 - 7 p.m.** -- Public Hearing  
Salem Church Library, 2607 Salem Church Road, Fredericksburg, Virginia.  (Interpreter for the deaf provided upon request)

**March 28, 2000 - 7 p.m.** -- Public Hearing  
Forest Branch Library, 15583 Forest Road, Lynchburg, Virginia.  (Interpreter for the deaf provided upon request)


The Department of Game and Inland Fisheries (DGIF) is hosting five public meetings in March 2000 to discuss Virginia's wildlife diversity (i.e., wildlife other than in the context of hunting, trapping, or fishing) regulations and agency programs with interested parties. Interested

individuals are invited to join the DGIF staff to discuss these subjects. Public comments and suggestions received will be considered by staff as they refine current programs, develop new ones, and develop staff recommendations for amendments to wildlife diversity regulations. Agency staff will present such recommendations to the Board of Game and Inland Fisheries at its August 2000 meeting as part of the regular biennial review of wildlife diversity regulations.

**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 HEALTH


### Biosolids Use Information Committee

† **March 14, 2000 - 1 p.m.** -- Open Meeting  
UVA Richmond Center, 7740 Shradler Road, Suite E, Richmond, Virginia. 

A meeting to discuss issues concerning the agricultural use of biosolids, as provided by the Biosolids Use Regulations, including the land application, marketing or distribution of biosolids. The committee will meet immediately following the Biosolids Use Regulations Advisory Committee meeting, if held, otherwise, the meeting will begin at 10 a.m.

**Contact:** C. M. Sawyer, Director, Division of Wastewater Engineering, Department of Health, P.O. Box 2448, Richmond, VA 23218, telephone (804) 786-1755 or FAX (804) 786-5567.


### Biosolids Use Regulations Advisory Committee

† **March 14, 2000 - 10 a.m.** -- Open Meeting  
UVA Richmond Center, 7740 Shradler Road, Suite E, Richmond, Virginia. 

A meeting to discuss issues concerning the implementation of the Biosolids Use Regulations involving land application, distribution, or marketing of biosolids.

**Contact:** C. M. Sawyer, Director, Division of Wastewater Engineering, Department of Health, P.O. Box 2448, Richmond, VA 23218, telephone (804) 786-1755 or FAX (804) 786-5567.

## DEPARTMENT OF HEALTH PROFESSIONS

† **April 8, 2000 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

The Health Practitioners Intervention Program Committee will meet with its contractor and representatives to review

reports, policies and procedures for the Health Practitioner's Intervention Program. The committee will meet in open session for general discussion of the program. The committee may meet in executive sessions for the purpose of consideration of specific requests from applicants to or participants in the program.

**Contact:** John W. Hasty, Director, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9424, FAX (804) 662-9114 or (804) 662-7197/TTY ☎

## BOARD FOR HEARING AID SPECIALISTS

**February 28, 2000 - 9:45 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Conference Rooms 4W and 5W, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

The board will meet to administer the Hearing Aid Specialist Practical Examination.

**Contact:** Sharon M. Sweet, Examination Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8572 or (804) 367-9753/TTY ☎

**April 4, 2000 - 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)

An open meeting to discuss regulatory review, disciplinary cases and other matters requiring board action. A public comment period will be held at the beginning of the meeting. All meetings are subject to cancellation. The time of the meeting is subject to change. Any persons desiring to attend the meeting and requiring special accommodations or interpretative 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, (804) 367-9753/TTY ☎, e-mail hearingaidspec@dpor.state.va.us.

## STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

**March 14, 2000 - 9 a.m.** -- Open Meeting  
**April 11, 2000 - 9 a.m.** -- Open Meeting  
State Council of Higher Education, James Monroe Building, 101 North 14th Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A teleconferenced meeting. Locations available include McGuire, Woods, Battle and Boothe, World Trade

Center, Suite 9000, Norfolk, Virginia and 420 Park Street, Charlottesville, Virginia. Time may vary.

**Contact:** Kathy R. Robinson, Executive Secretary Senior, State Council of Higher Education for Virginia, James Monroe Bldg., 101 N. 14th St., Richmond, VA 23219, telephone (804) 225-2628, FAX (804) 225-2638, e-mail robinson@schev.edu.

**March 21, 2000 - 8:30 a.m.** -- Open Meeting  
Longwood College, Farmville, Virginia. ♿ (Interpreter for the deaf provided upon request)

A monthly meeting.

**Contact:** Kathy R. Robinson, Executive Secretary Senior, State Council of Higher Education for Virginia, James Monroe Bldg., 101 N. 14th St., Richmond, VA 23219, telephone (804) 225-2628, FAX (804) 225-2638, e-mail robinson@schev.edu.

## DEPARTMENT OF HISTORIC RESOURCES

### Board of Historic Resources and State Review Board

† **March 15, 2000 - 10 a.m.** -- Open Meeting  
Dorey Park Recreation Center, 7200 Dorey Park Road, Richmond, Virginia. ♿

A quarterly meeting to consider (i) completed and proposed reports for the National Register of Historic Places and the Virginia Landmarks Register and (ii) easements and highway markers.

**Contact:** June Ellis, National Register Specialist, Department of Historic Resources, 2801 Kensington Ave., Richmond, VA 23221, telephone (804) 367-2323/ext. 116, FAX (804) 367-2391 or (804) 367-2386/TTY ☎

## HOPEWELL INDUSTRIAL SAFETY COUNCIL

**March 7, 2000 - 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, Hopewell Industrial Safety Council, 300 N. Main Street, Hopewell, VA 23860, telephone (804) 541-2298.

## BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

**March 6, 2000 - 9:30 a.m.** -- Public Hearing  
Richmond Marriott, 500 East Broad Street, Richmond, Virginia.

**April 14, 2000** - 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 Board of Housing and Community Development intends to amend regulations entitled: **13 VAC 5-21-10 et seq. Virginia Certification Standards.** The proposed amendments (i) clarify the requirements for combination inspectors to obtain a certificate of competence; (ii) permit the issuance of provisional certificates under certain conditions; (iii) permit the board to appoint an advisory peer review committee to advise the board concerning proposed sanctions against a certificate holder; (iv) allow the board to impose sanctions on certificate holders under certain conditions; and (v) allow administrative appeals to the Technical Review Board to resolve disputes.

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

**Contact:** George W. Rickman, Jr., Regulatory Coordinator, Department of Housing and Community Development, The Jackson Center, 501 N. Second St., Richmond, VA 23219-1321, telephone (804) 371-7180, FAX (804) 371-9092 or (804) 371-7089/TTY ☎

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**March 6, 2000 - 9:30 a.m.** -- Public Hearing  
Richmond Marriott, 500 East Broad Street, Richmond, Virginia.

**April 14, 2000** - 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 Housing and Community Development intends to amend regulations entitled: **13 VAC 5-51-10 et seq. Virginia Statewide Fire Prevention Code.** The proposed amendments (i) require the fire code official to enforce the provision of the building code regarding maintenance of smoke detectors in certain dwellings; (ii) require the fire code official to enforce the provision of the Virginia Uniform Statewide Building Code (13 VAC 5-61-10 et seq.) regarding installation of fire extinguishers and smoke detectors in state regulated facilities (Use Groups R-2, R-3 and R-4 only); (iii) amend the provision concerning the appointment of local assistant fire marshals to conform with state law; (iv) address a potential safety problem with an already installed fire sprinkler device that may not function properly during a fire situation; (v) add a requirement for fire exit drills to be conducted at state regulated care facilities at least 12 times per year with not less than six of the drills being unannounced; (vi) delete all references regarding regulation of transportation of explosive materials and add a reference to Regulations Governing the Transportation of Hazardous Materials (9 VAC 20-110-10 et seq.); (vii) amend the definition of fireworks to conform with the Code of Virginia; and (viii) allow the storage of motor fuels in aboveground tanks at public service stations when the installation meets the National Fire Protection Association standard.

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

**Contact:** George W. Rickman, Jr., Regulatory Coordinator, Department of Housing and Community Development, The Jackson Center, 501 N. Second St., Richmond, VA 23219-1321, telephone (804) 371-7180, FAX (804) 371-9092 or (804) 371-7089/TTY ☎

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**March 6, 2000 - 9:30 a.m.** -- Public Hearing  
Richmond Marriott, 500 East Broad Street, Richmond, Virginia.

**April 14, 2000** - 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 Housing and Community Development intends to amend regulations entitled: **13 VAC 5-61-10 et seq. Virginia Uniform Statewide Building Code.** The proposed amendments (i) require that persons under contract to a local building department for enforcement of the USBC be certified and attend periodic training courses as designated by the Department of Housing and Community Development and such other training as designated by the local governing body in the same manner as required for employees; (ii) allow for exceptions to filing duplicate construction documents when the already submitted construction documents and site plans were approved for identical structures in the same development and for dwellings with reverse floor plans; (iii) clarify that the code official's approval of construction documents is limited to only those items that are within the scope of the USBC; (iv) require that certain measures be taken in the construction of one- and two-family homes in counties or cities with an average residential radon level greater than 4 picoCuries per liter; (v) require that building officials ensure that exterior insulation and finish systems are installed correctly; (vi) clarify that building code officials are allowed to accept third party reviews of construction documents; (vii) require that for new construction, fire walls, fire separation assemblies, fire partitions, and smoke barriers are to be marked with language warning against the creation of holes, and that the warnings must be no more than eight feet apart, above ceilings and at all ceiling access doors; (viii) provide an exemption for the requirement of fire sprinkler systems in certain types of closets; (ix) provide an exemption from the requirement that a toilet be provided when the structure or tenant space has an occupant load less than 150 and food and beverages are neither served nor consumed on the premises; (x) provide an exemption from a requirement that separate-sex toilet facilities be provided when the mercantile space is less than 5,000 square feet; (xi) and require that, in new construction of buildings four stories or more, at least one elevator be provided for emergency access to all floors, be sized to accommodate an ambulance stretcher, and be identified by the emergency medical services international symbol (star of life).

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



**Contact:** George W. Rickman, Jr., Regulatory Coordinator, Department of Housing and Community Development, The Jackson Center, 501 N. Second St., Richmond, VA 23219-1321, telephone (804) 371-7180, FAX (804) 371-9092 or (804) 371-7089/TTY ☎

† **March 6, 2000 - Immediately following the 9:30 a.m. public hearings** -- Open Meeting  
Richmond Marriott, 500 East Broad Street, Richmond, Virginia. ♿

A regular monthly business meeting of the board. Public comment will be received.

**Contact:** Stephen W. Calhoun, CPA, Senior Policy Analyst, Department of Housing and Community Development, The Jackson Center, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7015, FAX (804) 371-7090 or (804) 371-7089/TTY ☎

## DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

### State Building Code Technical Review Board

† **March 17, 2000 - 10 a.m.** -- Open Meeting  
The Jackson Center, 501 North 2nd Street, 1st Floor Conference Room, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to hear administrative appeals concerning building and fire codes and other regulations of the Department of Housing and Community Development. The board also issues interpretations and formalizes recommendations to the Board of Housing and Community Development concerning future changes to the regulations.

**Contact:** Vernon W. Hodge, Secretary, Office of the Review Board, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7180 or (804) 371-7089/TTY ☎

## STATEWIDE INDEPENDENT LIVING COUNCIL

† **April 5, 2000 - 1 p.m.** -- Open Meeting  
Independence Empowerment Center, 9001 Bigges Road, Suite 103, Manassas, Virginia. ♿ (Interpreter for the deaf provided upon request)

A quarterly meeting. Committee meetings will also be held.

**Contact:** James A. Rothrock, Statewide Independent Living Council Staff, 1802 Marroit Rd., Richmond, VA 23229, telephone (804) 673-0119 or FAX (804) 282-7118.

## VIRGINIA INTERAGENCY COORDINATING COUNCIL

† **March 8, 2000 - 9:30 a.m.** -- Open Meeting  
Henrico Area Community Services Board, 10299 Woodman Road, Building B, Conference Room C, Glen Allen, Virginia. ♿ (Interpreter for the deaf provided upon request)

The council meets quarterly to advise and assist the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services as lead agency for Part C (of IDEA), early intervention for infants and toddlers with disabilities and their families. Discussion will focus on issues related to Virginia's implementation of the Part C program.

**Contact:** LaKeishia L. White, Part C Office Services Specialist, Department of Mental Health, Mental Retardation and Substance Abuse Services, Early Intervention, 9th Floor, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 786-3710 or FAX (804) 371-7959.

## DEPARTMENT OF LABOR AND INDUSTRY

### Virginia Apprenticeship Council

† **March 16, 2000 - 10 a.m.** -- Open Meeting  
Hermitage High School Technical Center, 8301 Hungary Spring Road, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

Agenda items include subcommittee report, report on periodic review of regulations, report of the Virginia Apprenticeship Standards Committee, VCCS Related Instruction Report, USDOL-BAT report, DOLI report, and Apprenticeship Program report.

The council will have an informational retreat for members beginning at noon. This will follow the adjournment of the regular council meeting. Note: No formal vote will be taken during this retreat.

Agenda for the afternoon session is chairman comments, member comments, history and recommendations - Subcommittee (exemption from examination), history and recommendations - Standards Subcommittee, and general discussion on council's future direction.

**Contact:** Beverley Donati, Assistant Program Director, Department of Labor and Industry, Powers-Taylor Building, 13 S. Thirteenth St., Richmond, VA 23219, telephone (804) 786-2382, FAX (804) 786-8418, (804) 786-2376/TTY ☎, e-mail [bgd@doli.state.va.us](mailto:bgd@doli.state.va.us), homepage <http://www.dli.state.va.us>.

### Virginia Safety and Health Codes Board

**March 6, 2000 - 10 a.m.** -- Open Meeting  
State Corporation Commission, Tyler Building, 1300 East Main Street, Second Floor, Courtroom B, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

The agenda may include reports on the periodic review of regulations.

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# Calendar of Events

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**Contact:** Regina P. Cobb, Agency Management Analyst, Department of Labor and Industry, Powers-Taylor Building, 13 S. Thirteenth Street, Richmond, VA, telephone (804) 786-0610, FAX (804) 786-8418, (804) 786-2376/TTY ☎, e-mail reginacobb@doli.state.va.us, homepage http://www.dli.state.va.us

## STATE LIBRARY BOARD

**March 13, 2000 - 8:15 a.m.** -- Open Meeting  
The Library of Virginia, 800 East Broad Street, Richmond, Virginia. ♿

A meeting to discuss matters pertaining to The Library of Virginia and the State Library Board.

The following committees will meet at 8:15 a.m.:

Public Library Development Committee (Orientation Room)  
Publications and Educational Services Committee (Conference Room B)  
Records Management Committee (Conference Room C)

The following committees will meet at 9:30 a.m.:

Archival and Information Services Committee (Orientation Room)  
Collection Management Services Committee (Conference Room B)  
Legislative and Finance Committee (Conference Room C).

The full board will meet in the conference room on 2M at 10:30 a.m. Public comment will be received at approximately 11 a.m.

**Contact:** Jean H. Taylor, Executive Secretary Senior, The Library of Virginia, 800 East Broad Street, Richmond, VA 23219-8000, telephone (804) 692-3535, FAX (804) 692-3594, (804) 692-3976/TTY ☎, e-mail jtaylor@vsla.edu, homepage http://www.lva.lib.va.us.

## LITTER CONTROL AND RECYCLING FUND ADVISORY BOARD

† **March 21, 2000 - 10 a.m.** -- Open Meeting  
701 East Franklin Street, Lower Level Conference Room, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to promote the control, prevention, and elimination of litter from the Commonwealth and to encourage recycling and advise the Director of the Department of Environmental Quality on other litter control and recycling matters.

**Contact:** Michael P. Murphy, Director, Environmental Enhancement, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240-0009, telephone (804) 698-4003, FAX (804) 698-4319, toll-free 1-800-592-5482, (804) 698-4021/TTY ☎ or e-mail mpmurphy@deq.state.va.us.

## COMMISSION ON LOCAL GOVERNMENT

**March 13, 2000 - 10:30 a.m.** -- Open Meeting  
Windsor area; site to be determined.

Oral presentations regarding the Town of Windsor - Isle of Wight County voluntary settlement agreement. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the commission.

**Contact:** Barbara W. Bingham, Administrative Assistant, Commission on Local Government, 900 E. Main Street, Suite 103, Richmond, VA 23219-3513, telephone (804) 786-6508, FAX (804) 371-7999, (800) 828-1120/TTY ☎, e-mail bbingham@clg.state.va.us, http://www.state.va.us/clg.

**March 13, 2000 - 3 p.m.** -- Open Meeting  
Windsor area; site to be determined.

A regular meeting to consider such matters as may be presented. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the commission.

**Contact:** Barbara W. Bingham, Administrative Assistant, Commission on Local Government, 900 E. Main Street, Suite 103, Richmond, VA 23219-3513, telephone (804) 786-6508, FAX (804) 371-7999, (800) 828-1120/TTY ☎, e-mail bbingham@clg.state.va.us, http://www.state.va.us/clg.

**March 13, 2000 - 7 p.m.** -- Public Hearing  
Windsor area; site to be determined.

A public hearing regarding the Town of Windsor - Isle of Wight County voluntary settlement agreement. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the commission.

**Contact:** Barbara W. Bingham, Administrative Assistant, Commission on Local Government, 900 E. Main Street, Suite 103, Richmond, VA 23219-3513, telephone (804) 786-6508, FAX (804) 371-7999, (800) 828-1120/TTY ☎, e-mail bbingham@clg.state.va.us, http://www.state.va.us/clg.

## MARINE RESOURCES COMMISSION

**March 28, 2000 - 9:30 a.m.** -- Open Meeting  
Marine Resources Commission, 2600 Washington Avenue, Room 403, Newport News, Virginia. ♿ (Interpreter for the deaf provided upon request)

The commission will hear and decide the following marine environmental matters beginning at 9:30 a.m.: permit applications for projects in wetlands, bottom lands, coastal primary sand dunes and beaches; appeals of local wetland board decisions; and policy and regulatory issues. The commission will hear and decide the following fishery management items beginning at approximately noon: regulatory proposals; fishery management plans; fishery conservation issues; licensing; and shellfish leasing. Meetings are open to the public. Testimony will be taken under oath from parties addressing agenda items on permits and licensing.

Public comments will be taken on resource matters, regulatory issues and items scheduled for public hearing.

**Contact:** LaVerne Lewis, Secretary to the Commission, Marine Resources Commission, P.O. Box 756, Newport News, VA 23607-0756, telephone (757) 247-2261, toll-free (800) 541-4646 or (757) 247-2292/TTY ☎

## DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

**March 17, 2000** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to amend regulations entitled: **Program for All-Inclusive Care for the Elderly - PACE: 12 VAC 30-10-10 et seq. State Plan Under Title XIX of the Social Security Act Medical Assistance Program; General Provisions; 12 VAC 30-50-10 et seq. Amount, Duration, and Scope of Medical and Remedial Care Services; 12 VAC 30-120-10 et seq. Waivered Services.** These proposed regulations provide for the creation of Medicaid coverage of PACE services (Program of All-Inclusive Care for the Elderly). These regulations link all types of medical care that frail, elderly individuals might need through a system of care management. This program has been modeled after the On Lok program in California.

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

Public comments may be submitted until March 17, 2000, to T. C. Jones, Analyst, LTC-Appeals Division, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia 23219.

**Contact:** Victoria Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7959 or FAX (804) 786-1680.

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**March 17, 2000** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to amend regulations entitled: **12 VAC 30-70-10 et seq. Methods and Standards for Establishing Payment Rates-Inpatient Hospital Care (Diagnosis Related Groups).** The proposed regulations amend the existing inpatient hospital payment methodology regulations to remove transition period rules and fully implement the new Diagnosis Related Grouping (DRG) methodology. These amendments fulfill a directive by the 1996 General Assembly to implement a DRG methodology (Chapter 912, Item 322 J) and the settlement terms of a case brought under the federal Boren Amendment which required DMAS and the then Virginia Hospital

Association to jointly develop a replacement reimbursement method.

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

Public comments may be submitted until March 17, 2000, to Stan Fields, Director of Cost Settlement, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia 23219.

**Contact:** Victoria Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7959 or FAX (804) 786-1680.

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**April 14, 2000** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to amend regulations entitled: **12 VAC 30-80-10 et seq. Methods and Standards for Establishing Payment Rates; Other Types of Care.** The purpose of the proposed amendment is to repeal certain obstetric and pediatric procedures from the State Plan.

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

Public comments may be submitted until April 14, 2000, to Bobby Powell, 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 Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7959 or FAX (804) 786-1680.

## Medicaid Pharmacy Liaison Committee

**April 3, 2000 - 1 p.m.** -- Open Meeting  
Department of Medical Assistance Services, 600 East Broad Street Suite 1300, Board Room, Richmond, Virginia. ♿

A routine meeting.

**Contact:** Marianne Rollings, Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 225-4268, FAX (804) 786-1680, (800) 343-0634/TTY ☎, e-mail mrollings@dmas.state.va.us.

## BOARD OF MEDICINE

### Advisory Board on Athletic Training

**March 23, 2000 - 1 p.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

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# Calendar of Events

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A meeting to discuss the establishment of regulations mandated by § 54.1-2957.5 of the Code of Virginia.

**Contact:** William L. Harp, MD, Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9960, FAX (804) 662-9517 or (804) 662-7197/TTY ☎.

## Executive Committee

**April 7, 2000 - 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 will be held in open and closed session to review disciplinary files requiring administrative action, adopt amendments and approve for promulgation regulations as presented, interview applicants, and act on other issues that come before the board. The chairman will entertain public comments on agenda items for 15 minutes following adoption of the agenda.

**Contact:** William L. Harp, M.D., Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9960, FAX (804) 662-9517, (804) 662-7197/TTY ☎

## Informal Conference Committee

**March 1, 2000 - 9 a.m.** -- Open Meeting  
**March 3, 2000 - 9 a.m.** -- Open Meeting  
**March 31, 2000 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, Richmond, Virginia.

**March 9, 2000 - 9 a.m.** -- Open Meeting  
Central Park Hotel, 2801 Plank Road, Fredericksburg, 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:** Peggy Sadler or Renee Dixon, Board of Medicine, 6606 W. Broad Street, 4th Floor, Richmond, VA 23230, telephone (804) 662-7332, FAX (804) 662-9517, (804) 662-7197/TTY ☎

## MOTOR VEHICLE DEALER BOARD

† **March 13, 2000 - 9 a.m.** -- Open Meeting  
Department of Motor Vehicles, 2300 West Broad Street, Room 702, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

Committees will meet as follows:

Dealer Practices Committee - 9 a.m.  
Franchise Law Committee - 10 a.m.

Licensing Committee - 10:45 a.m.  
Transaction Recovery Fund Committee - 1:30 p.m.  
Advertising Committee - 2:15 p.m.  
Personnel Committee - 3 p.m.

Meetings may begin later, but not earlier than scheduled. Meeting end times are approximate. Any person who needs any accommodation in order to participate in the meeting should contact the board at least 10 days before the meeting so that suitable arrangements can be made.

**Contact:** Alice R. Weedon, Administrative Assistant, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104, Richmond, VA 23220, telephone (804) 367-1100, FAX (804) 367-1053, toll-free (877) 270-0203, e-mail dboard@mvb.state.va.us.

† **March 14, 2000 - 9:30 a.m.** -- Open Meeting  
Department of Motor Vehicles, 2300 West Broad Street, Room 702, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting of the full board. Prior to the meeting, the Finance Committee will meet at 8:30 a.m. Meetings may begin later, but not earlier than scheduled. Any person who needs any accommodation in order to participate in the meeting should contact the board at least 10 days before the meeting so that suitable arrangements can be made.

**Contact:** Alice R. Weedon, Administrative Assistant, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104, Richmond, VA 23220, telephone (804) 367-1100, FAX (804) 367-1053, toll-free (877) 270-0203, e-mail dboard@mvb.state.va.us.

## BOARD OF NURSING

**February 28, 2000 - 8:30 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. ♿

A Special Conference Committee will conduct informal conferences with licensees or 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, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY ☎, e-mail nursebd@dhp.state.va.us.

**March 20, 2000 - 8:30 a.m.** -- Open Meeting  
**March 22, 2000 - 8:30 a.m.** -- Open Meeting  
**March 23, 2000 - 8:30 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. ♿

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 West Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY ☎, e-mail nursebd@dhp.state.va.us.

## BOARD FOR PROFESSIONAL AND OCCUPATIONAL REGULATION

**March 27, 2000 - 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 department at least two weeks in advance of 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 ☎

## BOARD FOR OPTICIANS

† **March 18, 2000 - 9 a.m.** -- Open Meeting  
Virginia Beach Resort Hotel and Conference Center, 2800 Shore Drive, Virginia Beach, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting of state opticianry boards and other interested parties to discuss the development of a regional and/or national practical examination and to address other regulatory issues. Any person desiring to attend the meeting and requiring special accommodations or interpretative 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, telephone (804) 367-8590, FAX (804) 367-2474, (804) 367-9753/TTY ☎, e-mail [opticians@dpor.state.va.us](mailto:opticians@dpor.state.va.us).

† **March 19, 2000 - 9 a.m.** -- Open Meeting  
Virginia Beach Resort Hotel and Conference Center, 2800 Shore Drive, Virginia Beach, Virginia. ♿ (Interpreter for the deaf provided upon request)

A training session for volunteers in the Optician Volunteer Network. Persons desiring to attend the meeting and requiring special accommodations or interpretative 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, telephone (804) 367-8590, FAX (804) 367-2474, (804) 367-9753/TTY ☎, e-mail [opticians@dpor.state.va.us](mailto:opticians@dpor.state.va.us).

## VIRGINIA OUTDOORS FOUNDATION

### Preservation Trust Fund Advisory Board-Region II

† **February 29, 2000 - 10 a.m.** -- Open Meeting  
Culpeper County Office Building, Board of Supervisors' Meeting Room, Culpeper, Virginia.

A meeting to review Preservation Trust Fund Region II applications.

**Contact:** Sherry Buttrick, Virginia Outdoors Foundation, 1010 Harris St., #4, Charlottesville, VA 22903, telephone (804) 293-3423, FAX (804) 293-3859, e-mail [vofsherryb@aol.com](mailto:vofsherryb@aol.com).

### Preservation Trust Fund Advisory Board-Region V

† **March 1, 2000 - 10:30 a.m.** -- Open Meeting  
Lynchburg Chamber of Commerce, Conference Room, Lynchburg, Virginia.

A meeting to review Preservation Trust Fund Region V applications.

**Contact:** Sherry Buttrick, Director, Charlottesville Office, Virginia Outdoors Foundation, 1010 Harris Street, #4, Charlottesville, VA 22903, telephone (804) 293-3423, FAX (804) 293-3859, e-mail [vofsherryb@aol.com](mailto:vofsherryb@aol.com).

## BOARD OF PHARMACY

† **March 24, 2000 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. ♿

A board panel will 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, telephone (804) 662-9911 or FAX (804) 662-9313.

### Special Conference Committee

† **March 14, 2000 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. ♿

A Special Conference Committee will 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, telephone (804) 662-9911 or FAX (804) 662-9313.

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# Calendar of Events

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## VIRGINIA RECYCLING MARKETS DEVELOPMENT COUNCIL

† **March 14, 2000 - 10 a.m.** -- Open Meeting  
Central Virginia Waste Management Authority, 2104 West Laburnum Avenue, Board Room, Richmond, Virginia.   
(Interpreter for the deaf provided upon request)

A quarterly meeting. The council will discuss solid waste and recycling issues considered by the 2000 General Assembly. Meetings are dependent on a quorum of 10. Subcommittee meetings may be held prior to or after the general council meeting.

**Contact:** Michael P. Murphy, Director, Environmental Enhancement, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240-0009, telephone (804) 698-4003, FAX (804) 698-4319, (804) 698-4021/TTY , toll free 1-800-592-5482 or e-mail [mpmurphy@deq.state.va.us](mailto:mpmurphy@deq.state.va.us).


## REFORESTATION OF TIMBERLANDS BOARD

† **March 22, 2000 - 10 a.m.** -- Open Meeting  
Department of Forestry, Central Office, Charlottesville, Virginia. 


A meeting to review forestry related legislation debated in the 2000 General Assembly session, discuss the merits of requiring release of pine plantation initially cost-shared under the RT Program, and review program status and accomplishments.

**Contact:** Phil T. Grimm, Staff Forester, Department of Forestry, 900 Natural Resources Dr., Suite 800, Charlottesville, VA 22903, telephone (804) 977-6555, FAX (804) 296-2369, e-mail [grimmp@dof.state.va.us](mailto:grimmp@dof.state.va.us).

## BOARD OF REHABILITATIVE SERVICES

† **March 23, 2000 - 10 a.m.** -- Open Meeting  
Department of Rehabilitative Services, Headquarters, 8004 Franklin Farms Drive, Richmond, Virginia. 

A regularly scheduled board meeting.

**Contact:** Barbara Tyson, Department of Rehabilitative Services, 8004 Franklin Farms Dr., P.O. Box K-300, Richmond, VA 23288-0300, telephone (804) 662-7010, FAX (804) 662-7696, toll-free (800) 552-5019, (804) 662-9040/TTY , e-mail [drs@drs.state.va.us](mailto:drs@drs.state.va.us).

## VIRGINIA RESOURCES AUTHORITY


**March 14, 2000 - 9 a.m.** -- Open Meeting  
**April 11, 2000 - 9 a.m.** -- Open Meeting  
Virginia Resources Authority, 707 East Main Street, 2nd Floor Conference Room, Richmond, Virginia.

A meeting to approve minutes of the prior meeting, to review the authority's operations for the prior month, and to consider other matters and take other actions as the authority may deem appropriate. The planned agenda of

the meeting will be available at the offices of the authority one week prior to the date of the meeting. Public comments will be received at the beginning of the meeting.

**Contact:** Benjamin M. Hoyle, Executive Assistant, Virginia Resources Authority, 707 E. Main St., Suite 1350, Richmond, VA 23219, telephone (804) 644-3100 or FAX (804) 644-3109.

## SEWAGE HANDLING AND DISPOSAL APPEAL REVIEW BOARD


**March 1, 2000 - 10 a.m.** -- Open Meeting  
Henrico County Human Resources Building, 8600 Dixon Powers Road, Board Room, Richmond, Virginia. 

A meeting to hear appeals of health department denials of septic tank permits.

**Contact:** Susan C. Sherertz, Secretary to the Board, Sewage Handling and Disposal Appeal Review Board, 1500 E. Main St., Room 115, Richmond, VA 23219, telephone (804) 371-4236 or FAX (804) 225-4003.

## DEPARTMENT OF TECHNOLOGY PLANNING


### Land Records Management Task Force

**March 28, 2000 - 1:30 p.m.** -- Open Meeting  
Department of Information Technology, 110 South 7th Street, 3rd floor Conference Room, Richmond, Virginia. 

A regular business meeting.

**Contact:** Diane Wresinski, Policy and Planning Specialist, Department of Technology Planning, 110 S. 7th St., Suite 135, Richmond, VA 23219, telephone (804) 371-2750, e-mail [dwresinski@ntp.state.va.us](mailto:dwresinski@ntp.state.va.us).

## BOARD FOR THE VISUALLY HANDICAPPED

† **April 18, 2000 - 1 p.m.** -- Open Meeting  
Department for the Visually Handicapped, 397 Azalea Avenue, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

The Board for the Visually Handicapped is an advisory board responsible for advising the Governor, the Secretary of Health and Human Resources, the Commissioner, and the General Assembly on the delivery of public services to the blind and the protection of their rights. The board also reviews and comments on policies, budgets and requests for appropriations for the department. At this regular meeting, the board will receive information regarding department activities and operations, review expenditures from the board's endowment fund, and discuss other issues raised for board members.

**Contact:** Katherine C. Proffitt, Administrative Staff Assistant, Department for the Visually Handicapped, 397 Azalea Ave.,

Richmond, VA 23227, telephone (804) 371-3145, FAX (804) 371-3157, toll-free (800) 622-2155, (804) 371-3140/TTY ☎, e-mail proffikc@dvh.state.va.us.

(804) 698-4238, (804) 698-4021/TTY ☎, e-mail msporterfi@deq.state.va.us.

## DEPARTMENT FOR THE VISUALLY HANDICAPPED

### Statewide Rehabilitation Council for the Blind

**March 4, 2000 - 10 a.m.** -- Open Meeting  
Department for the Visually Handicapped, Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. ♿  
(Interpreter for the deaf provided upon request)

The council meets quarterly to advise the Department for the Visually Handicapped on matters related to vocational rehabilitation services for the blind and visually impaired citizens of the Commonwealth.

**Contact:** James G. Taylor, Vocational Rehabilitation Program Director, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, VA, 23227, telephone (804) 371-3111, FAX (804) 371-3351, toll-free (800) 622-2155, (804) 371-3140/TTY ☎, e-mail taylorjg@dvh.state.va.us.

### VIRGINIA VOLUNTARY FORMULARY BOARD

**March 3, 2000 - 10 a.m.** -- Public Hearing  
Washington Building, 1100 Bank Street, 2nd Floor Conference Room, Richmond, Virginia. ♿

A public hearing to consider the proposed adoption and issuance of revisions to the Virginia Voluntary Formulary. The proposed revisions to the formulary add and delete drugs to/from the Formulary that became effective on July 27, 1998, and the most recent supplement to the formulary. Copies of the proposed additions and deletions are available for inspection at the Department of Health, Bureau of Pharmacy Services, 101 N. 14th St., Room S-45, P.O. Box 2448, Richmond, Virginia 23218. Written comments received prior to 5 p.m. on March 3, 2000, will be made a part of the hearing record and considered by the formulary board.

**Contact:** James K. Thomson, Director, Bureau of Pharmacy Services, State Board of Health, 101 N. 14th St., Room S-45, P.O. Box 2448, Richmond VA 23218, telephone (804) 786-4326.

### VIRGINIA WASTE MANAGEMENT BOARD

**March 2, 2000 - 9 a.m.** -- Open Meeting  
Department of Environmental Quality, 629 East Main Street, 10th Floor, Conference Room, Richmond, Virginia. ♿

A public meeting to receive comments on the board's intended regulatory action to amend regulations 9 VAC 20-70-10 et seq., Financial Assurance Regulations for Solid Waste Management Facilities.

**Contact:** Melissa Porterfield, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone

### BOARD FOR WASTE MANAGEMENT FACILITY OPERATORS

**† March 31, 2000 - 10 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 5 W, Richmond, Virginia. ♿

A meeting to 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, telephone (804) 367-8505, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail wastemg@dpor.state.va.us.

### BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

**March 16, 2000 - 8:30 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 and adopt proposed regulations. 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 Street, Richmond, VA 23230, telephone (804) 367-8505, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail waterwasteoper@dpor.state.va.us.

### STATE WATER CONTROL BOARD

**† March 7, 2000 - 7 p.m.** -- Public Hearing  
William C. Campbell High School, Naruna, Virginia.

A public hearing to receive comments on the proposed issuance of a Virginia Water Protection Permit to LG & E Westmoreland - Altavista for the operation of a water supply intake on the Roanoke River in Altavista.

**Contact:** Joseph Hassell, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4072, (804) 698-4021/TTY ☎, e-mail jphassell@deq.state.va.us.

### VIRGINIA WORKFORCE COUNCIL

**February 28, 2000 - 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)

A meeting of the Committee on WIA and Coordinated Planning to consider certification of training providers

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# Calendar of Events

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under the Workforce Investment Act (WIA) and the state five-year strategic plan.

**Contact:** Gail Robinson, Virginia Workforce Council Liaison, Virginia Employment Commission, P.O. Box 1358, Richmond, VA 23218-1358, telephone (804) 225-3070, FAX (804) 786-5891 or (804) 371-8050/TTY ☎

**February 29, 2000 - 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)

A meeting of the Existing and Hard to Employ Committee to consider an alternate formula based on unemployment for distribution of 30% of the youth/adult local allocation of Workforce Investment Act (WIA) funds. Performance measure and related matters may also be discussed.

**Contact:** Gail Robinson, Virginia Workforce Council Liaison, Virginia Employment Commission, P.O. Box 1358, Richmond, VA 23218-1358, telephone (804) 225-3070, FAX (804) 786-5891 or (804) 371-8050/TTY ☎

## LEGISLATIVE

### Notice to Subscribers

Legislative meetings held during the Session of the General Assembly are exempted from publication in *The Virginia Register of Regulations*. You may call Legislative Information for information on standing committee meetings. The number is (804) 698-1500.

### OPEN MEETINGS

#### February 28

Agriculture and Consumer Services, Department of  
- Virginia Sheep Industry Board  
† Alcoholic Beverage Control Board  
Hearing Aid Specialists, Board for  
Nursing, Board of  
- Special Conference Committee  
Workforce Council, Virginia  
- WIA and Coordinated Planning Committee

#### February 29

Architects, Professional Engineers, Land Surveyors,  
Certified Interior Designers and Landscape Architects,  
Board for  
- Electronic Seal and Signature Committee  
† Outdoors Foundation, Virginia  
- Preservation Trust Fund Advisory Board - Region II  
Workforce Council, Virginia  
- Existing Workforce and the Hard to Employ  
Committee

#### March 1

Agriculture and Consumer Services, Department of  
- Virginia Marine Products Board

Architects, Professional Engineers, Land Surveyors,  
Certified Interior Designers and Landscape Architects,  
Board for  
- Certified Interior Designer Section  
Emergency Planning Committee, Local - Winchester  
Medicine, Board of  
- Informal Conference Committee  
† Outdoors Foundation, Virginia  
- Preservation Trust Fund Advisory Board - Region V  
Sewage Handling and Disposal Appeal Review Board

#### March 2

Waste Management Board, Virginia

#### March 3

† At-Risk Youth and Their Families, Comprehensive  
Services for  
- State Management Team  
† Dentistry, Board of  
Medicine, Board of  
- Informal Conference Committee

#### March 4

Visually Handicapped, Board for the  
- Statewide Rehabilitation Council

#### March 6

Cosmetology, Board for  
† Housing and Community Development, Board of  
Labor and Industry, Department of  
- Safety and Health Codes Board

#### March 7

Asbestos and Lead, Virginia Board for  
Hopewell Industrial Safety Council

#### March 8

† Agriculture and Consumer Services, Department of  
- Virginia Cotton Board  
Architects, Professional Engineers, Land Surveyors,  
Certified Interior Designers and Landscape Architects,  
Board for  
Funeral Directors and Embalmers, Board of  
† Interagency Coordinating Council, Virginia

#### March 9

Game and Inland Fisheries, Board of  
Medicine, Board of  
- Informal Conference Committee

#### March 10

Game and Inland Fisheries, Board of

#### March 13

† Alcoholic Beverage Control Board  
Library Board, State  
Local Government, Commission on  
† Motor Vehicle Dealer Board  
- Advertising Committee  
- Dealer Practices Committee  
- Franchise Law Committee  
- Licensing Committee  
- Personnel Committee  
- Transaction Recovery Fund Committee



**March 14**

- † Agriculture and Consumer Services, Department of
  - Virginia Bright Flue-Cured Tobacco Board
- † Environmental Quality, Department of
- † Health, Department of
  - Biosolids Use Information Committee
  - Biosolids Use Regulations Advisory Committee
- Higher Education for Virginia, State Council of
- † Motor Vehicle Dealer Board
  - Finance Committee
- † Pharmacy, Board of
  - Special Conference Committee
- † Recycling Markets Development Council, Virginia Resources Authority, Virginia
  - Board of Directors

**March 15**

- † Environmental Quality, Department of
- Funeral Directors and Embalmers, Board of
  - Legislative Committee
- † Historic Resources, Department of
  - State Review Board/Historic Resources Board

**March 16**

- Agriculture and Consumer Services, Department of
- † Environmental Quality, Department of
- † Labor and Industry, Department of
  - Virginia Apprenticeship Council
- Waterworks and Wastewater Works Operators, Board for

**March 17**

- † Dentistry, Board of
  - Special Conference Committee
- † Housing and Community Development, Department of
  - State Building Code Technical Review Board

**March 18**

- † Opticians, Board for

**March 19**

- † Opticians, Board for

**March 20**

- Nursing, Board of

**March 21**

- Environmental Quality, Department of
  - Ground Water Protection Steering Committee
- Higher Education for Virginia, State Council of
- † Litter Control and Recycling Fund Advisory Board

**March 22**

- Nursing, Board of
- † Reforestation Timberlands Board

**March 23**

- † Aging, Commonwealth Council on Education, Board of
- Medicine, Board of
  - Advisory Board of Athletic Training
- Nursing, Board of
- † Rehabilitative Services, Board of

**March 24**

- † Pharmacy, Board of

**March 27**

- † Agricultural Council, Virginia
- † Alcoholic Beverage Control Board
- Professional and Occupational Regulation, Board for

**March 28**

- † Agricultural Council, Virginia
- Marine Resources Commission
- Technology Planning, Department of
  - Land Records Management Task Force

**March 29**

- † At-Risk Youth and Their Families, Comprehensive Services for
  - State Executive Council

**March 31**

- Medicine, Board of
  - Informal Conference Committee
- † Waste Management Facility Operators, Board for

**April 3**

- Medical Assistance Services, Department of
  - Medicaid Pharmacy Liaison Committee

**April 4**

- Hearing Aid Specialists, Board for

**April 5**

- † Independent Living Council, Virginia Statewide

**April 7**

- Medicine, Board of
  - Executive Committee

**April 8**

- † Health Professions, Department of
  - Health Practitioners' Intervention Program

**April 10**

- † Alcoholic Beverage Control Board

**April 11**

- Higher Education for Virginia, State Council of Resources Authority, Virginia
  - Board of Directors

**April 18**

- † Visually Handicapped, Board for the

**April 19**

- † Accountancy, Board of

**April 24**

- † Alcoholic Beverage Control Board

**April 26**

- † At-Risk Youth and Their Families, Comprehensive Services for
  - State Executive Council
- † Education, Board of

**April 27**

- † Education, Board of

**May 8**

- † Alcoholic Beverage Control Board

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# Calendar of Events

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**May 22**

† Alcoholic Beverage Control Board

**PUBLIC HEARINGS**

**February 28**

Education, State Board of

**March 2**

Environmental Quality, Department of

**March 3**

Voluntary Formulary Board, Virginia

**March 6**

Housing and Community Development, Board of

**March 7**

† Environmental Quality, Department of  
† Water Control Board, State

**March 13**

Local Government, Commission on

**March 15**

Game and Inland Fisheries, Department of

**March 21**

Game and Inland Fisheries, Department of

**March 23**

Game and Inland Fisheries, Department of

**March 27**

Game and Inland Fisheries, Department of

**March 28**

Game and Inland Fisheries, Department of

**March 29**

† Air Pollution Control Board, State