
THE VIRGINIA REGISTER INFORMATION PAGE

THE VIRGINIA REGISTER is an official state publication issued every other week throughout the year. Indexes are published quarterly, and the last index of the year is cumulative. **THE VIRGINIA REGISTER** has several functions. The new and amended sections of regulations, both as proposed and as finally adopted, are required by law to be published in **THE VIRGINIA REGISTER OF REGULATIONS**. In addition, **THE VIRGINIA REGISTER** is a source of other information about state government, including all emergency regulations and executive orders issued by the Governor, the Virginia Tax Bulletin issued periodically by the Department of Taxation, and notices of public hearings and open meetings of state agencies.

ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

An agency wishing to adopt, amend, or repeal regulations must first publish in the *Virginia Register* a notice of intended regulatory action; a basis, purpose, substance and issues statement; an economic impact analysis prepared by the Department of Planning and Budget; the agency's response to the economic impact analysis; a summary; a notice giving the public an opportunity to comment on the proposal; and the text of the proposed regulation.

Following publication of the proposal in the *Virginia Register*, the promulgating agency receives public comments for a minimum of 60 days. The Governor reviews the proposed regulation to determine if it is necessary to protect the public health, safety and welfare, and if it is clearly written and easily understandable. If the Governor chooses to comment on the proposed regulation, his comments must be transmitted to the agency and the Registrar no later than 15 days following the completion of the 60-day public comment period. The Governor's comments, if any, will be published in the *Virginia Register*. Not less than 15 days following the completion of the 60-day public comment period, the agency may adopt the proposed regulation.

The appropriate standing committee of each branch of the General Assembly may meet during the promulgation or final adoption process and file an objection with the Registrar and the promulgating agency. The objection will be published in the *Virginia Register*. Within 21 days after receipt by the agency of a legislative objection, the agency shall file a response with the Registrar, the objecting legislative committee, and the Governor.

When final action is taken, the agency again publishes the text of the regulation as adopted, highlighting all changes made to the proposed regulation and explaining any substantial changes made since publication of the proposal. A 30-day final adoption period begins upon final publication in the *Virginia Register*.

The Governor may review the final regulation during this time and, if he objects, forward his objection to the Registrar and the agency. In addition to or in lieu of filing a formal objection, the Governor may suspend the effective date of a portion or all of a regulation until the end of the next regular General Assembly session by issuing a directive signed by a majority of the members of the appropriate standing committees and the Governor. The Governor's objection or suspension of the regulation, or both, will be published in the *Virginia Register*. If the Governor finds that changes made to the proposed regulation have substantial impact, he may require the agency to provide an additional 30-day public comment period on the changes. Notice of the additional public comment period required by the Governor will be published in the *Virginia Register*.

The agency shall suspend the regulatory process for 30 days when it receives requests from 25 or more individuals to solicit additional public comment, unless the agency determines that the changes have minor or inconsequential impact.

A regulation becomes effective at the conclusion of the 30-day final adoption period, or at any other later date specified by the promulgating agency, unless (i) a legislative objection has been filed, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the 21-day

extension period; (ii) the Governor exercises his authority to require the agency to provide for additional public comment, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the period for which the Governor has provided for additional public comment; (iii) the Governor and the General Assembly exercise their authority to suspend the effective date of a regulation until the end of the next regular legislative session; or (iv) the agency suspends the regulatory process, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the 30-day public comment period.

Proposed regulatory action may be withdrawn by the promulgating agency at any time before the regulation becomes final.

EMERGENCY REGULATIONS

If an agency demonstrates that (i) there is an immediate threat to the public's health or safety; or (ii) Virginia statutory law, the appropriation act, federal law, or federal regulation requires a regulation to take effect no later than (a) 280 days from the enactment in the case of Virginia or federal law or the appropriation act, or (b) 280 days from the effective date of a federal regulation, it then requests the Governor's approval to adopt an emergency regulation. The emergency regulation becomes operative upon its adoption and filing with the Registrar of Regulations, unless a later date is specified. Emergency regulations are limited to addressing specifically defined situations and may not exceed 12 months in duration. Emergency regulations are published as soon as possible in the *Register*.

During the time the emergency status is in effect, the agency may proceed with the adoption of permanent regulations through the usual procedures. To begin promulgating the replacement regulation, the agency must (i) file the Notice of Intended Regulatory Action with the Registrar within 60 days of the effective date of the emergency regulation; and (ii) file the proposed regulation with the Registrar within 180 days of the effective date of the emergency regulation. If the agency chooses not to adopt the regulations, the emergency status ends when the prescribed time limit expires.

STATEMENT

The foregoing constitutes a generalized statement of the procedures to be followed. For specific statutory language, it is suggested that Article 2 (§ 9-6.14:7.1 et seq.) of Chapter 1.1:1 of the Code of Virginia be examined carefully.

CITATION TO THE VIRGINIA REGISTER

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

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Members of the Virginia Code Commission: **William J. Howell**, Chairman; **J. Randy Forbes**, Vice Chairman; **Robert L. Calhoun**; **Bernard S. Cohen**; **Frank S. Ferguson**; **James E. Kulp**; **R. Steven Landes**; **E.M. Miller, Jr.**; **William C. Mims**; **James B. Wilkinson.**

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PUBLICATION SCHEDULE AND DEADLINES

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

July 2000 through June 2001

<u>Volume:Issue</u>	<u>Material Submitted By Noon*</u>	<u>Will Be Published On</u>
16:21	June 14, 2000	July 3, 2000
16:22	June 28, 2000	July 17, 2000
16:23	July 12, 2000	July 31, 2000
16:24	July 26, 2000	August 14, 2000
16:25	August 9, 2000	August 28, 2000
16:26	August 23, 2000	September 11, 2000
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17:2	September 20, 2000	October 9, 2000
17:3	October 4, 2000	October 23, 2000
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17:10	January 10, 2001	January 29, 2001
17:11	January 24, 2001	February 12, 2001
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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
Title 2. Agriculture			
2 VAC 5-600-10	Amended	16:20 VA.R. 2458	5/31/00
Title 4. Conservation and Natural Resources			
4 VAC 20-252-120	Amended	16:14 VA.R. 1860	3/1/00
4 VAC 20-270-40 emer	Amended	16:14 VA.R. 1885	3/1/00-3/30/00
4 VAC 20-270-40	Amended	16:16 VA.R. 2041	3/30/00
4 VAC 20-310-30	Amended	16:19 VA.R. 2378	5/15/00
4 VAC 20-310-35	Added	16:19 VA.R. 2378	5/15/00
4 VAC 20-310-40	Amended	16:19 VA.R. 2378	5/15/00
4 VAC 20-310-50	Amended	16:19 VA.R. 2379	5/15/00
4 VAC 20-430-55	Added	16:14 VA.R. 1860	3/1/00
4 VAC 20-430-70	Amended	16:14 VA.R. 1860	3/1/00
4 VAC 20-500-55	Added	16:14 VA.R. 1861	3/1/00
4 VAC 20-561-10 through 4 VAC 20-561-30 emer	Added	16:12 VA.R. 1710	2/2/00-2/22/00
4 VAC 20-620-10 emer	Amended	16:18 VA.R. 2292	4/26/00-5/25/00
4 VAC 20-620-20	Amended	16:20 VA.R. 2463	5/25/00
4 VAC 20-620-20 emer	Amended	16:18 VA.R. 2292	4/26/00-5/25/00
4 VAC 20-620-30	Amended	16:20 VA.R. 2463	5/25/00
4 VAC 20-620-30 emer	Amended	16:18 VA.R. 2292	4/26/00-5/25/00
4 VAC 20-620-40	Amended	16:20 VA.R. 2463	5/25/00
4 VAC 20-620-40 emer	Amended	16:18 VA.R. 2292	4/26/00-5/25/00
4 VAC 20-620-50	Amended	16:14 VA.R. 1861	3/1/00
4 VAC 20-620-50	Amended	16:20 VA.R. 2464	5/25/00
4 VAC 20-620-50 emer	Amended	16:18 VA.R. 2293	4/26/00-5/25/00
4 VAC 20-620-70	Amended	16:14 VA.R. 1861	3/1/00
4 VAC 20-620-70	Amended	16:20 VA.R. 2465	5/25/00
4 VAC 20-620-70 emer	Amended	16:18 VA.R. 2294	4/26/00-5/25/00
4 VAC 20-700-20	Amended	16:16 VA.R. 2041	4/1/00
4 VAC 20-720-20	Amended	16:12 VA.R. 1671	2/4/00
4 VAC 20-720-40	Amended	16:12 VA.R. 1671	2/4/00
4 VAC 20-720-50	Amended	16:12 VA.R. 1672	2/4/00
4 VAC 20-720-60	Amended	16:12 VA.R. 1672	2/4/00
4 VAC 20-720-70	Amended	16:12 VA.R. 1673	2/4/00
4 VAC 20-720-80	Amended	16:12 VA.R. 1673	2/4/00
4 VAC 20-890-25	Amended	16:12 VA.R. 1674	2/2/00
4 VAC 20-910-45	Amended	16:14 VA.R. 1862	3/1/00
4 VAC 20-950-45	Amended	16:14 VA.R. 1862	3/1/00
4 VAC 20-1040-10	Amended	16:20 VA.R. 2465	5/26/00
4 VAC 20-1040-20	Amended	16:20 VA.R. 2465	5/26/00
4 VAC 20-1040-30	Repealed	16:20 VA.R. 2465	5/26/00
4 VAC 25-130-700.5	Amended	16:15 VA.R. 1956	5/10/00
4 VAC 25-130-795.1	Amended	16:15 VA.R. 1968	5/10/00
4 VAC 25-130-795.6	Amended	16:15 VA.R. 1968	5/10/00
4 VAC 25-130-795.7	Amended	16:15 VA.R. 1968	5/10/00
4 VAC 25-130-795.8	Amended	16:15 VA.R. 1969	5/10/00

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4 VAC 25-130-795.9	Amended	16:15 VA.R. 1969	5/10/00
4 VAC 25-130-795.10	Amended	16:15 VA.R. 1969	5/10/00
4 VAC 25-130-795.11	Amended	16:15 VA.R. 1970	5/10/00
4 VAC 25-130-795.12	Amended	16:15 VA.R. 1970	5/10/00
Title 6. Criminal Justice and Corrections			
6 VAC 20-171-420	Erratum	16:14 VA.R. 1911	--
Title 9. Environment			
9 VAC 5-10-20*	Amended	16:17 VA.R. 2135	*
9 VAC 5-20-21	Amended	16:17 VA.R. 2161	7/1/00
9 VAC 5-20-180*	Amended	16:17 VA.R. 2142	*
9 VAC 5-20-202	Amended	16:17 VA.R. 2163	7/1/00
9 VAC 5-40-10*	Amended	16:17 VA.R. 2144	*
9 VAC 5-40-20*	Amended	16:17 VA.R. 2145	*
9 VAC 5-40-30*	Amended	16:17 VA.R. 2149	*
9 VAC 5-40-40*	Amended	16:17 VA.R. 2150	*
9 VAC 5-40-50*	Amended	16:17 VA.R. 2151	*
9 VAC 5-40-6000 through 9 VAC 5-40-6230	Added	16:17 VA.R. 2164-2178	7/1/00
9 VAC 5-40-6180	Erratum	16:19 VA.R. 2399	--
9 VAC 5-50-10*	Amended	16:17 VA.R. 2152	*
9 VAC 5-50-20*	Amended	16:17 VA.R. 2152	*
9 VAC 5-50-30*	Amended	16:17 VA.R. 2155	*
9 VAC 5-50-40*	Amended	16:17 VA.R. 2156	*
9 VAC 5-50-50*	Amended	16:17 VA.R. 2157	*
9 VAC 5-50-400	Amended	16:14 VA.R. 1863	5/1/00
9 VAC 5-60-10*	Amended	16:17 VA.R. 2158	*
9 VAC 5-60-20*	Amended	16:17 VA.R. 2158	*
9 VAC 5-60-30*	Amended	16:17 VA.R. 2159	*
9 VAC 5-60-60	Amended	16:14 VA.R. 1864	5/1/00
9 VAC 5-60-90	Amended	16:14 VA.R. 1864	5/1/00
9 VAC 5-60-100	Amended	16:14 VA.R. 1864	5/1/00
9 VAC 25-210 (Forms)	Amended	16:12 VA.R. 1711-1714	--
9 VAC 25-220-60	Amended	16:15 VA.R. 1971	5/10/00
9 VAC 25-220-70	Amended	16:15 VA.R. 1971	5/10/00
9 VAC 25-260-350	Amended	16:17 VA.R. 2178	6/7/00
9 VAC 25-260-400	Amended	16:17 VA.R. 2179	6/7/00
Title 12. Health			
12 VAC 5-80-10	Amended	16:16 VA.R. 2042	7/1/00
12 VAC 5-80-20	Amended	16:16 VA.R. 2043	7/1/00
12 VAC 5-80-30	Amended	16:16 VA.R. 2043	7/1/00
12 VAC 5-80-40	Amended	16:16 VA.R. 2043	7/1/00
12 VAC 5-80-50	Repealed	16:16 VA.R. 2043	7/1/00
12 VAC 5-80-80	Amended	16:16 VA.R. 2043	7/1/00
12 VAC 5-80-90	Amended	16:16 VA.R. 2045	7/1/00
12 VAC 5-80-95	Added	16:16 VA.R. 2045	7/1/00
12 VAC 5-80-100	Repealed	16:16 VA.R. 2046	7/1/00
12 VAC 5-80-110	Repealed	16:16 VA.R. 2046	7/1/00
12 VAC 5-80-120	Repealed	16:16 VA.R. 2046	7/1/00
12 VAC 5-165-10 through 12 VAC 5-165-310	Added	16:16 VA.R. 2048-2051	5/24/00
12 VAC 5-165-100	Erratum	16:19 VA.R. 2399	--
12 VAC 5-610-10	Repealed	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-20	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-30	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-40	Amended	16:16 VA.R. 2051	7/1/00

* Effective date suspended.

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12 VAC 5-610-50	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-70	Amended	16:16 VA.R. 2052	7/1/00
12 VAC 5-610-75	Added	16:16 VA.R. 2053	7/1/00
12 VAC 5-610-80	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-90	Repealed	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-100	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-110	Repealed	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-120	Amended	16:16 VA.R. 2053	7/1/00
12 VAC 5-610-130	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-140	Repealed	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-150	Repealed	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-170	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-180	Repealed	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-190	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-200	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-230	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-250	Amended	16:16 VA.R. 2055	7/1/00
12 VAC 5-610-255	Added	16:16 VA.R. 2057	7/1/00
12 VAC 5-610-260	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-270	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-280	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-290	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-300	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-330	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-340	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-360	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-370	Repealed	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-380	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-390	Amended	16:16 VA.R. 2058	7/1/00
12 VAC 5-610-420	Amended	16:16 VA.R. 2058	7/1/00
12 VAC 5-610-430	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-440	Amended	16:16 VA.R. 2058	7/1/00
12 VAC 5-610-441 through 12 VAC 5-610-448	Added	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-450	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-470	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-480	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-490	Amended	16:16 VA.R. 2061	7/1/00
12 VAC 5-610-500	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-510 through 12 VAC 5-610-550	Repealed	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-560	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-570	Repealed	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-580	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-591	Added	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-592	Added	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-593	Added	16:16 VA.R. 2063	7/1/00
12 VAC 5-610-594	Added	16:16 VA.R. 2063	7/1/00
12 VAC 5-610-596	Added	16:16 VA.R. 2063	7/1/00
12 VAC 5-610-597	Added	16:16 VA.R. 2064	7/1/00
12 VAC 5-610-598	Added	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-599	Added	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-599.1 through 12 VAC 5-610-599.3	Added	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-620	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-650	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-670	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-690	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-700	Amended	16:16 VA.R. 2051	7/1/00

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 5-610-740	Amended	16:16 VA.R. 2068	7/1/00
12 VAC 5-610-800	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-810	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-815	Added	16:16 VA.R. 2068	7/1/00
12 VAC 5-610-817	Added	16:16 VA.R. 2069	7/1/00
12 VAC 5-610-820	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-830	Repealed	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-840	Repealed	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-880	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-890	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-930	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-940	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-950	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-960	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-965	Added	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-980	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-1080	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-1140	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-1150	Repealed	16:16 VA.R. 2051	7/1/00
12 VAC 30-10-140	Amended	16:18 VA.R. 2239	7/1/00
12 VAC 30-40-345	Added	16:15 VA.R. 1973	5/10/00
12 VAC 30-50-10	Amended	16:18 VA.R. 2240	7/1/00
12 VAC 30-50-100	Amended	16:18 VA.R. 2244	7/1/00
12 VAC 30-50-105	Amended	16:18 VA.R. 2246	7/1/00
12 VAC 30-50-140	Amended	16:18 VA.R. 2247	7/1/00
12 VAC 30-50-180	Amended	16:19 VA.R. 2380	7/5/00
12 VAC 30-50-220	Amended	16:18 VA.R. 2248	7/1/00
12 VAC 30-50-320	Added	16:18 VA.R. 2240	7/1/00
12 VAC 30-50-560	Amended	16:18 VA.R. 2249	7/1/00
12 VAC 30-50-570	Amended	16:18 VA.R. 2250	7/1/00
12 VAC 30-50-580	Added	16:18 VA.R. 2251	7/1/00
12 VAC 30-70-200	Repealed	16:18 VA.R. 2253	7/1/00
12 VAC 30-70-201	Added	16:18 VA.R. 2261	7/1/00
12 VAC 30-70-210	Repealed	16:18 VA.R. 2253	7/1/00
12 VAC 30-70-211	Added	16:18 VA.R. 2261	7/1/00
12 VAC 30-70-220	Repealed	16:18 VA.R. 2256	7/1/00
12 VAC 30-70-221	Added	16:18 VA.R. 2261	7/1/00
12 VAC 30-70-230	Repealed	16:18 VA.R. 2256	7/1/00
12 VAC 30-70-231	Added	16:18 VA.R. 2263	7/1/00
12 VAC 30-70-240	Repealed	16:18 VA.R. 2257	7/1/00
12 VAC 30-70-241	Added	16:18 VA.R. 2264	7/1/00
12 VAC 30-70-250	Repealed	16:18 VA.R. 2257	7/1/00
12 VAC 30-70-251	Added	16:18 VA.R. 2264	7/1/00
12 VAC 30-70-260	Repealed	16:18 VA.R. 2258	7/1/00
12 VAC 30-70-261	Added	16:18 VA.R. 2264	7/1/00
12 VAC 30-70-270	Repealed	16:18 VA.R. 2258	7/1/00
12 VAC 30-70-271	Added	16:18 VA.R. 2264	7/1/00
12 VAC 30-70-280	Repealed	16:18 VA.R. 2258	7/1/00
12 VAC 30-70-281	Added	16:18 VA.R. 2265	7/1/00
12 VAC 30-70-290	Repealed	16:18 VA.R. 2258	7/1/00
12 VAC 30-70-291	Added	16:18 VA.R. 2265	7/1/00
12 VAC 30-70-300	Repealed	16:18 VA.R. 2258	7/1/00
12 VAC 30-70-301	Added	16:18 VA.R. 2265	7/1/00
12 VAC 30-70-310	Repealed	16:18 VA.R. 2259	7/1/00
12 VAC 30-70-311	Added	16:18 VA.R. 2266	7/1/00
12 VAC 30-70-320	Repealed	16:18 VA.R. 2259	7/1/00

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 30-70-321	Added	16:18 VA.R. 2266	7/1/00
12 VAC 30-70-330	Repealed	16:18 VA.R. 2260	7/1/00
12 VAC 30-70-331	Added	16:18 VA.R. 2266	7/1/00
12 VAC 30-70-340	Repealed	16:18 VA.R. 2260	7/1/00
12 VAC 30-70-341	Added	16:18 VA.R. 2267	7/1/00
12 VAC 30-70-350	Repealed	16:18 VA.R. 2260	7/1/00
12 VAC 30-70-351	Added	16:18 VA.R. 2267	7/1/00
12 VAC 30-70-360	Repealed	16:18 VA.R. 2260	7/1/00
12 VAC 30-70-361	Added	16:18 VA.R. 2267	7/1/00
12 VAC 30-70-370	Repealed	16:18 VA.R. 2260	7/1/00
12 VAC 30-70-371	Added	16:18 VA.R. 2267	7/1/00
12 VAC 30-70-380	Repealed	16:18 VA.R. 2260	7/1/00
12 VAC 30-70-381	Added	16:18 VA.R. 2268	7/1/00
12 VAC 30-70-390	Repealed	16:18 VA.R. 2261	7/1/00
12 VAC 30-70-391	Added	16:18 VA.R. 2268	7/1/00
12 VAC 30-70-400	Amended	16:18 VA.R. 2269	7/1/00
12 VAC 30-70-410	Amended	16:18 VA.R. 2269	7/1/00
12 VAC 30-70-420	Amended	16:18 VA.R. 2269	7/1/00
12 VAC 30-70-435	Added	16:18 VA.R. 2269	7/1/00
12 VAC 30-70-450	Amended	16:18 VA.R. 2270	7/1/00
12 VAC 30-70-460	Amended	16:18 VA.R. 2270	7/1/00
12 VAC 30-80-160	Repealed	16:19 VA.R. 2380	7/5/00
12 VAC 30-100-260	Amended	16:18 VA.R. 2252	7/1/00
12 VAC 30-120-61 through 12 VAC 30-120-68	Added	16:18 VA.R. 2240-2243	7/1/00
Title 13. Housing			
13 VAC 5-21-10	Amended	16:20 VA.R. 2468	8/15/00
13 VAC 5-21-20	Amended	16:20 VA.R. 2468	8/15/00
13 VAC 5-21-30	Repealed	16:20 VA.R. 2468	8/15/00
13 VAC 5-21-31	Added	16:20 VA.R. 2470	8/15/00
13 VAC 5-21-40	Repealed	16:20 VA.R. 2469	8/15/00
13 VAC 5-21-41	Added	16:20 VA.R. 2470	8/15/00
13 VAC 5-21-50	Repealed	16:20 VA.R. 2470	8/15/00
13 VAC 5-21-51	Added	16:20 VA.R. 2471	8/15/00
13 VAC 5-21-60	Repealed	16:20 VA.R. 2470	8/15/00
13 VAC 5-21-61	Added	16:20 VA.R. 2471	8/15/00
13 VAC 5-21-71	Added	16:20 VA.R. 2472	8/15/00
13 VAC 5-51-10 through 13 VAC 5-51-120	Repealed	16:20 VA.R. 2473-2476	8/15/00
13 VAC 5-51-11 through 13 VAC 5-51-121	Added	16:20 VA.R. 2477-2484	8/15/00
13 VAC 5-51-130	Amended	16:20 VA.R. 2484	8/15/00
13 VAC 5-51-131	Added	16:20 VA.R. 2484	8/15/00
13 VAC 5-51-133	Added	16:20 VA.R. 2484	8/15/00
13 VAC 5-51-135	Added	16:20 VA.R. 2485	8/15/00
13 VAC 5-51-136	Added	16:20 VA.R. 2485	8/15/00
13 VAC 5-51-150	Amended	16:20 VA.R. 2485	8/15/00
13 VAC 5-51-170	Amended	16:20 VA.R. 2485	8/15/00
13 VAC 5-51-181	Added	16:20 VA.R. 2486	8/15/00
13 VAC 5-51-182	Added	16:20 VA.R. 2487	8/15/00
13 VAC 5-51-190	Added	16:20 VA.R. 2487	8/15/00
13 VAC 5-51-200	Added	16:20 VA.R. 2487	8/15/00
13 VAC 5-61-10 through 13 VAC 5-61-190	Repealed	16:20 VA.R. 2488-2495	8/15/00
13 VAC 5-61-11	Added	16:20 VA.R. 2495	8/15/00
13 VAC 5-61-15	Added	16:20 VA.R. 2496	8/15/00
13 VAC 5-61-21	Added	16:20 VA.R. 2496	8/15/00
13 VAC 5-61-25	Added	16:20 VA.R. 2497	8/15/00
13 VAC 5-61-31	Added	16:20 VA.R. 2497	8/15/00
13 VAC 5-61-35	Added	16:20 VA.R. 2498	8/15/00

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
13 VAC 5-61-41	Added	16:20 VA.R. 2498	8/15/00
13 VAC 5-61-45	Added	16:20 VA.R. 2499	8/15/00
13 VAC 5-61-51	Added	16:20 VA.R. 2499	8/15/00
13 VAC 5-61-55	Added	16:20 VA.R. 2501	8/15/00
13 VAC 5-61-61	Added	16:20 VA.R. 2502	8/15/00
13 VAC 5-61-65	Added	16:20 VA.R. 2503	8/15/00
13 VAC 5-61-71	Added	16:20 VA.R. 2503	8/15/00
13 VAC 5-61-75	Added	16:20 VA.R. 2503	8/15/00
13 VAC 5-61-81	Added	16:20 VA.R. 2504	8/15/00
13 VAC 5-61-85	Added	16:20 VA.R. 2504	8/15/00
13 VAC 5-61-91	Added	16:20 VA.R. 2504	8/15/00
13 VAC 5-61-95	Added	16:20 VA.R. 2504	8/15/00
13 VAC 5-61-101	Added	16:20 VA.R. 2505	8/15/00
13 VAC 5-61-105	Added	16:20 VA.R. 2505	8/15/00
13 VAC 5-61-111	Added	16:20 VA.R. 2506	8/15/00
13 VAC 5-61-115	Added	16:20 VA.R. 2507	8/15/00
13 VAC 5-61-121	Added	16:20 VA.R. 2508	8/15/00
13 VAC 5-61-125	Added	16:20 VA.R. 2508	8/15/00
13 VAC 5-61-131	Added	16:20 VA.R. 2508	8/15/00
13 VAC 5-61-135	Added	16:20 VA.R. 2509	8/15/00
13 VAC 5-61-141	Added	16:20 VA.R. 2509	8/15/00
13 VAC 5-61-145	Added	16:20 VA.R. 2510	8/15/00
13 VAC 5-61-151	Added	16:20 VA.R. 2510	8/15/00
13 VAC 5-61-155	Added	16:20 VA.R. 2511	8/15/00
13 VAC 5-61-165	Added	16:20 VA.R. 2511	8/15/00
13 VAC 5-61-171	Added	16:20 VA.R. 2512	8/15/00
13 VAC 5-61-200	Amended	16:20 VA.R. 2512	8/15/00
13 VAC 5-61-220	Amended	16:20 VA.R. 2513	8/15/00
13 VAC 5-61-225	Added	16:20 VA.R. 2515	8/15/00
13 VAC 5-61-245	Added	16:20 VA.R. 2515	8/15/00
13 VAC 5-61-290	Amended	16:20 VA.R. 2516	8/15/00
13 VAC 5-61-310	Amended	16:20 VA.R. 2516	8/15/00
13 VAC 5-61-315	Added	16:20 VA.R. 2516	8/15/00
13 VAC 5-61-317	Added	16:20 VA.R. 2516	8/15/00
13 VAC 5-61-340	Amended	16:20 VA.R. 2516	8/15/00
13 VAC 5-61-345	Added	16:20 VA.R. 2517	8/15/00
13 VAC 5-61-360	Amended	16:20 VA.R. 2517	8/15/00
13 VAC 5-61-390	Amended	16:20 VA.R. 2517	8/15/00
13 VAC 5-61-395	Added	16:20 VA.R. 2517	8/15/00
13 VAC 5-61-400	Amended	16:20 VA.R. 2517	8/15/00
13 VAC 5-61-410	Amended	16:20 VA.R. 2518	8/15/00
13 VAC 5-61-415	Added	16:20 VA.R. 2518	8/15/00
13 VAC 5-61-430	Amended	16:20 VA.R. 2518	8/15/00
13 VAC 5-61-440	Amended	16:20 VA.R. 2520	8/15/00
13 VAC 5-61-447	Added	16:20 VA.R. 2522	8/15/00
13 VAC 5-61-450	Amended	16:20 VA.R. 2522	8/15/00
13 VAC 5-61-460	Added	16:20 VA.R. 2522	8/15/00
13 VAC 5-100-10 through 13 VAC 5-100-20	Added	16:20 VA.R. 2523	5/31/00
13 VAC 5-111-10	Amended	16:17 VA.R. 2189	6/8/00
13 VAC 5-111-100	Amended	16:17 VA.R. 2193	6/8/00
13 VAC 5-111-120	Amended	16:17 VA.R. 2193	6/8/00
13 VAC 5-111-130	Amended	16:17 VA.R. 2194	6/8/00
13 VAC 5-111-160	Amended	16:17 VA.R. 2194	6/8/00
13 VAC 5-111-165	Added	16:17 VA.R. 2194	6/8/00
13 VAC 5-111-170	Amended	16:17 VA.R. 2194	6/8/00
13 VAC 5-111-180	Amended	16:17 VA.R. 2195	6/8/00

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
13 VAC 5-111-190	Amended	16:17 VA.R. 2195	6/8/00
13 VAC 5-111-240	Amended	16:17 VA.R. 2196	6/8/00
13 VAC 5-111-280	Amended	16:17 VA.R. 2196	6/8/00
13 VAC 5-111-300	Amended	16:17 VA.R. 2196	6/8/00
13 VAC 5-111-310	Amended	16:17 VA.R. 2197	6/8/00
13 VAC 5-111-390	Amended	16:17 VA.R. 2197	6/8/00
13 VAC 10-40-20	Amended	16:19 VA.R. 2384	5/17/00
13 VAC 10-40-120	Amended	16:19 VA.R. 2386	5/17/00
13 VAC 10-40-160	Amended	16:19 VA.R. 2386	5/17/00
13 VAC 10-40-170	Amended	16:19 VA.R. 2387	5/17/00
13 VAC 10-40-230	Amended	16:19 VA.R. 2387	5/17/00
Title 14. Insurance			
14 VAC 5-215-20	Erratum	16:14 VA.R. 1912	--
14 VAC 5-215-30	Erratum	16:14 VA.R. 1912	--
Title 15. Judicial			
15 VAC 5-80-10 through 15 VAC 5-80-50	Added	16:20 VA.R. 2524-2526	5/24/00
15 VAC 10-10-10	Amended	16:16 VA.R. 2069	3/24/00
Title 16. Labor and Employment			
16 VAC 15-40-10	Amended	16:18 VA.R. 2272	6/22/00
16 VAC 15-40-50	Amended	16:18 VA.R. 2272	6/22/00
Title 18. Professional and Occupational Licensing			
18 VAC 30-20-10	Amended	16:18 VA.R. 2273	6/21/00
18 VAC 30-20-80	Amended	16:18 VA.R. 2273	6/21/00
18 VAC 30-20-170	Amended	16:18 VA.R. 2273	6/21/00
18 VAC 30-20-180	Amended	16:18 VA.R. 2274	6/21/00
18 VAC 30-20-230	Amended	16:18 VA.R. 2274	6/21/00
18 VAC 47-10-10 through 18 VAC 47-10-90	Added	16:12 VA.R. 1675-1676	3/29/00
18 VAC 47-20-10 through 18 VAC 47-20-240	Added	16:13 VA.R. 1776-1782	4/12/00
18 VAC 60-20-30	Amended	16:18 VA.R. 2278	6/21/00
18 VAC 60-20-110	Amended	16:18 VA.R. 2281	6/21/00
18 VAC 60-20-120	Amended	16:18 VA.R. 2281	6/21/00
18 VAC 76-10-65	Added	16:17 VA.R. 2198	4/19/00
18 VAC 85-20-22	Amended	16:13 VA.R. 1766	4/12/00
18 VAC 85-20-240	Amended	16:13 VA.R. 1767	4/12/00
18 VAC 85-31-10	Amended	16:13 VA.R. 1772	4/13/00
18 VAC 85-31-25	Added	16:13 VA.R. 1773	4/13/00
18 VAC 85-31-40	Amended	16:13 VA.R. 1773	4/13/00
18 VAC 85-31-50	Amended	16:13 VA.R. 1773	4/13/00
18 VAC 85-31-60	Amended	16:13 VA.R. 1774	4/13/00
18 VAC 85-31-65	Added	16:13 VA.R. 1774	4/13/00
18 VAC 85-31-80	Amended	16:13 VA.R. 1774	4/13/00
18 VAC 85-31-90	Amended	16:13 VA.R. 1774	4/13/00
18 VAC 85-31-100	Amended	16:13 VA.R. 1774	4/13/00
18 VAC 85-31-120	Amended	16:13 VA.R. 1775	4/13/00
18 VAC 85-31-130	Amended	16:13 VA.R. 1775	4/13/00
18 VAC 85-31-135	Added	16:13 VA.R. 1775	4/13/00
18 VAC 85-31-140	Amended	16:13 VA.R. 1775	4/13/00
18 VAC 85-31-160	Amended	16:13 VA.R. 1768	4/12/00
18 VAC 85-40-80	Amended	16:13 VA.R. 1769	4/12/00
18 VAC 85-50-170	Amended	16:13 VA.R. 1770	4/12/00
18 VAC 85-80-120	Amended	16:13 VA.R. 1770	4/12/00
18 VAC 85-101-160	Amended	16:13 VA.R. 1771	4/12/00
18 VAC 85-110-35	Amended	16:13 VA.R. 1771	4/12/00
18 VAC 90-20-30	Amended	16:13 VA.R. 1782	4/12/00
18 VAC 90-20-190	Amended	16:13 VA.R. 1782	4/12/00
18 VAC 90-20-230	Amended	16:13 VA.R. 1783	4/12/00

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 90-20-350	Amended	16:13 VA.R. 1783	4/12/00
18 VAC 105-30-70	Amended	16:20 VA.R. 2534	7/19/00
18 VAC 115-20-10	Amended	16:13 VA.R. 1786	4/12/00
18 VAC 115-20-20	Amended	16:13 VA.R. 1785	4/12/00
18 VAC 115-20-30	Repealed	16:13 VA.R. 1787	4/12/00
18 VAC 115-20-35	Added	16:13 VA.R. 1787	4/12/00
18 VAC 115-20-40	Amended	16:13 VA.R. 1787	4/12/00
18 VAC 115-20-40	Erratum	16:16 VA.R. 2081	--
18 VAC 115-20-45	Added	16:13 VA.R. 1787	4/12/00
18 VAC 115-20-49	Added	16:13 VA.R. 1788	4/12/00
18 VAC 115-20-49	Erratum	16:16 VA.R. 2081	--
18 VAC 115-20-50	Amended	16:13 VA.R. 1788	4/12/00
18 VAC 115-20-51	Added	16:13 VA.R. 1788	4/12/00
18 VAC 115-20-52	Added	16:13 VA.R. 1788	4/12/00
18 VAC 115-20-60	Repealed	16:13 VA.R. 1790	4/12/00
18 VAC 115-20-70	Amended	16:13 VA.R. 1790	4/12/00
18 VAC 115-20-80	Repealed	16:13 VA.R. 1791	4/12/00
18 VAC 115-20-100	Amended	16:13 VA.R. 1785	4/12/00
18 VAC 115-20-110	Amended	16:13 VA.R. 1785	4/12/00
18 VAC 115-20-130	Amended	16:13 VA.R. 1791	4/12/00
18 VAC 115-20-140	Amended	16:13 VA.R. 1792	4/12/00
18 VAC 115-20-150	Amended	16:13 VA.R. 1785	4/12/00
18 VAC 115-30-30	Amended	16:13 VA.R. 1793	4/12/00
18 VAC 115-30-40	Amended	16:13 VA.R. 1793	4/12/00
18 VAC 115-30-110	Amended	16:13 VA.R. 1793	4/12/00
18 VAC 115-30-120	Amended	16:13 VA.R. 1793	4/12/00
18 VAC 115-30-160	Amended	16:13 VA.R. 1794	4/12/00
18 VAC 115-40-20	Amended	16:13 VA.R. 1794	4/12/00
18 VAC 115-40-35	Amended	16:13 VA.R. 1794	4/12/00
18 VAC 115-40-61	Added	16:13 VA.R. 1794	4/12/00
18 VAC 115-50-20	Amended	16:13 VA.R. 1795	4/12/00
18 VAC 115-50-30	Amended	16:13 VA.R. 1795	4/12/00
18 VAC 115-50-40	Amended	16:13 VA.R. 1796	4/12/00
18 VAC 115-50-90	Amended	16:13 VA.R. 1796	4/12/00
18 VAC 115-50-100	Amended	16:13 VA.R. 1796	4/12/00
18 VAC 115-50-130	Added	16:13 VA.R. 1796	4/12/00
18 VAC 120-10-10 through 18 VAC 120-10-90	Repealed	16:14 VA.R. 1867-1868	5/1/00
18 VAC 120-10-170	Amended	16:14 VA.R. 1868	5/1/00
18 VAC 125-20-30	Amended	16:13 VA.R. 1797	4/12/00
18 VAC 125-20-130	Amended	16:13 VA.R. 1797	4/12/00
18 VAC 125-20-170	Amended	16:13 VA.R. 1797	4/12/00
18 VAC 155-20-10 through 18 VAC 155-20-50	Amended	16:14 VA.R. 1869-1871	5/1/00
18 VAC 155-20-60 through 18 VAC 155-20-90	Repealed	16:14 VA.R. 1871-1872	5/1/00
18 VAC 155-20-100 through 18 VAC 155-20-160	Amended	16:14 VA.R. 1872-1874	5/1/00
18 VAC 155-20-170	Repealed	16:14 VA.R. 1874	5/1/00
18 VAC 155-20-175	Added	16:14 VA.R. 1874	5/1/00
18 VAC 155-20-180 through 18 VAC 155-20-230	Amended	16:14 VA.R. 1875-1877	5/1/00
18 VAC 155-20-240 through 18 VAC 155-20-270	Repealed	16:14 VA.R. 1879-1880	5/1/00
18 VAC 155-20-280	Amended	16:14 VA.R. 1880	5/1/00
18 VAC 155-20-290	Repealed	16:14 VA.R. 1880	5/1/00
Title 20. Public Utilities and Telecommunications			
20 VAC 5-311-10 through 20 VAC 5-311-60	Added	16:20 VA.R. 2541-2553	5/26/00
20 VAC 5-315-10 through 20 VAC 5-315-90	Added	16:20 VA.R. 2555-2558	5/25/00
Title 22. Social Services			
22 VAC 15-30-10	Amended	16:18 VA.R. 2282	6/21/00
22 VAC 40-30-10 et seq.	Repealed	16:18 VA.R. 2284	6/21/00

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
22 VAC 40-60-10 through 22 VAC 40-60-60	Amended	16:12 VA.R. 1676-1679	7/1/00
22 VAC 40-60-70	Repealed	16:12 VA.R. 1679	7/1/00
22 VAC 40-60-80	Amended	16:12 VA.R. 1679	7/1/00
22 VAC 40-60-90	Amended	16:12 VA.R. 1679	7/1/00
22 VAC 40-60-100	Repealed	16:12 VA.R. 1680	7/1/00
22 VAC 40-60-110 through 22 VAC 40-60-150	Amended	16:12 VA.R. 1680	7/1/00
22 VAC 40-60-180	Amended	16:12 VA.R. 1680	7/1/00
22 VAC 40-60-190	Amended	16:12 VA.R. 1680	7/1/00
22 VAC 40-60-200	Amended	16:12 VA.R. 1681	7/1/00
22 VAC 40-60-210	Repealed	16:12 VA.R. 1681	7/1/00
22 VAC 40-60-220	Repealed	16:12 VA.R. 1681	7/1/00
22 VAC 40-60-230	Repealed	16:12 VA.R. 1681	7/1/00
22 VAC 40-60-235	Added	16:12 VA.R. 1681	7/1/00
22 VAC 40-60-240	Repealed	16:12 VA.R. 1682	7/1/00
22 VAC 40-60-250	Repealed	16:12 VA.R. 1682	7/1/00
22 VAC 40-60-260	Amended	16:12 VA.R. 1683	7/1/00
22 VAC 40-60-270	Amended	16:12 VA.R. 1683	7/1/00
22 VAC 40-60-280	Amended	16:12 VA.R. 1683	7/1/00
22 VAC 40-60-290	Repealed	16:12 VA.R. 1683	7/1/00
22 VAC 40-60-300	Amended	16:12 VA.R. 1683	7/1/00
22 VAC 40-60-310	Repealed	16:12 VA.R. 1683	7/1/00
22 VAC 40-60-320	Amended	16:12 VA.R. 1684	7/1/00
22 VAC 40-60-330	Amended	16:12 VA.R. 1684	7/1/00
22 VAC 40-60-340	Amended	16:12 VA.R. 1684	7/1/00
22 VAC 40-60-350	Repealed	16:12 VA.R. 1685	7/1/00
22 VAC 40-60-360	Repealed	16:12 VA.R. 1685	7/1/00
22 VAC 40-60-370 through 22 VAC 40-60-420	Amended	16:12 VA.R. 1685	7/1/00
22 VAC 40-60-425	Added	16:12 VA.R. 1686	7/1/00
22 VAC 40-60-430 through 22 VAC 40-60-470	Amended	16:12 VA.R. 1686-1687	7/1/00
22 VAC 40-60-480	Repealed	16:12 VA.R. 1687	7/1/00
22 VAC 40-60-490	Amended	16:12 VA.R. 1687	7/1/00
22 VAC 40-60-510	Amended	16:12 VA.R. 1688	7/1/00
22 VAC 40-60-520	Amended	16:12 VA.R. 1688	7/1/00
22 VAC 40-60-530	Repealed	16:12 VA.R. 1688	7/1/00
22 VAC 40-60-540	Repealed	16:12 VA.R. 1688	7/1/00
22 VAC 40-60-550	Amended	16:12 VA.R. 1688	7/1/00
22 VAC 40-60-554	Added	16:12 VA.R. 1689	7/1/00
22 VAC 40-60-556	Added	16:12 VA.R. 1689	7/1/00
22 VAC 40-60-560	Amended	16:12 VA.R. 1689	7/1/00
22 VAC 40-60-564	Added	16:12 VA.R. 1689	7/1/00
22 VAC 40-60-570 through 22 VAC 40-60-610	Amended	16:12 VA.R. 1689-1691	7/1/00
22 VAC 40-60-620 through 22 VAC 40-60-650	Repealed	16:12 VA.R. 1691-1692	7/1/00
22 VAC 40-60-670	Repealed	16:12 VA.R. 1692	7/1/00
22 VAC 40-60-680	Amended	16:12 VA.R. 1692	7/1/00
22 VAC 40-60-690	Amended	16:12 VA.R. 1692	7/1/00
22 VAC 40-60-691	Added	16:12 VA.R. 1692	7/1/00
22 VAC 40-60-692	Added	16:12 VA.R. 1692	7/1/00
22 VAC 40-60-694	Added	16:12 VA.R. 1693	7/1/00
22 VAC 40-60-695	Added	16:12 VA.R. 1693	7/1/00
22 VAC 40-60-697	Added	16:12 VA.R. 1693	7/1/00
22 VAC 40-60-698	Added	16:12 VA.R. 1693	7/1/00
22 VAC 40-60-699	Added	16:12 VA.R. 1695	7/1/00
22 VAC 40-60-700	Amended	16:12 VA.R. 1696	7/1/00
22 VAC 40-60-705	Added	16:12 VA.R. 1696	7/1/00
22 VAC 40-60-710 through 22 VAC 40-60-760	Repealed	16:12 VA.R. 1697	7/1/00
22 VAC 40-60-770	Amended	16:12 VA.R. 1697	7/1/00

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
22 VAC 40-60-780	Amended	16:12 VA.R. 1697	7/1/00
22 VAC 40-60-790	Repealed	16:12 VA.R. 1697	7/1/00
22 VAC 40-60-800	Amended	16:12 VA.R. 1697	7/1/00
22 VAC 40-60-810 through 22 VAC 40-60-840	Repealed	16:12 VA.R. 1697-1698	7/1/00
22 VAC 40-60-850	Amended	16:12 VA.R. 1698	7/1/00
22 VAC 40-60-860	Amended	16:12 VA.R. 1698	7/1/00
22 VAC 40-60-870	Repealed	16:12 VA.R. 1698	7/1/00
22 VAC 40-60-880	Amended	16:12 VA.R. 1698	7/1/00
22 VAC 40-60-885	Added	16:12 VA.R. 1699	7/1/00
22 VAC 40-60-890 through 22 VAC 40-60-950	Repealed	16:12 VA.R. 1699	7/1/00
22 VAC 40-60-960	Amended	16:12 VA.R. 1699	7/1/00
22 VAC 40-60-970	Repealed	16:12 VA.R. 1700	7/1/00
22 VAC 40-60-980	Amended	16:12 VA.R. 1700	7/1/00
22 VAC 40-60-990	Repealed	16:12 VA.R. 1700	7/1/00
22 VAC 40-60-1000	Repealed	16:12 VA.R. 1700	7/1/00
22 VAC 40-60-1010	Amended	16:12 VA.R. 1700	7/1/00
22 VAC 40-60-1020	Amended	16:12 VA.R. 1700	7/1/00
22 VAC 40-60-1030 through 22 VAC 40-60-1060	Repealed	16:12 VA.R. 1701-1702	7/1/00
22 VAC 40-705-10	Amended	16:12 VA.R. 1705	3/29/00
22 VAC 40-705-40	Amended	16:12 VA.R. 1707	3/29/00
Title 24. Transportation and Motor Vehicles			
24 VAC 30-40-30	Amended	16:18 VA.R. 2285	7/1/00
24 VAC 30-40-580	Amended	16:18 VA.R. 2287	7/1/00
24 VAC 30-40-600 through 24 VAC 30-40-640	Amended	16:18 VA.R. 2288-2290	7/1/00

NOTICES OF INTENDED REGULATORY ACTION

Symbol Key

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

TITLE 9. ENVIRONMENT

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 amending regulations entitled: **9 VAC 20-120-10 et seq. Regulated Medical Waste Management Regulations.** As a result of a periodic review, the board is considering amendment of the regulation to include, but not be limited to, storage of separately accumulated objects. The agency intends to hold a public hearing on the proposed regulation after publication.

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

Public comments may be submitted until July 7, 2000.

Contact: John E. Ely, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4249 or FAX (804) 698-4327.

VA.R. Doc. No. R00-174; Filed May 3, 2000, 11:56 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 amending regulations entitled: **9 VAC 25-210-10 et seq. Virginia Water Protection Permit Regulation.** The purpose of the proposed action is to amend the regulation to incorporate changes to §§ 62.1-44.3, 62.1-44.5, 62.1-44.15, 62.1-44.15:5 and 62.1-44.29 of the Code of Virginia relating to wetlands as mandated by the 2000 General Assembly in Senate Bill 648 and House Bill 1170 and other changes that the department or the public deems necessary and are warranted. These changes are designed to clarify and streamline the permitting process and to establish and implement policies and programs to protect and enhance the Commonwealth's wetland resources, using a regulatory approach to achieve no net loss of wetlands and a voluntary approach to achieve a net resource gain.

The board is seeking comments on the intended regulatory action, including ideas to assist in the revisions to the regulation. An informational public meeting will be held and notice of the meeting will be posted in the Calendar of Events section of the Virginia Register of Regulations. In addition, a Technical Advisory Committee has been formed to assist in the development of the regulation; notice of the meeting dates will be posted in the Calendar of Events section of the Virginia Register of Regulations. The board is using the participatory

approach to assist the agency in the revisions to the regulation. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 62.1-44.15(10) and 62.1-44.15:5 of the Code of Virginia.

Public comments may be submitted until August 16, 2000.

Contact: Ellen Gilinsky, Virginia Water Protection Permit Program Manager, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4375 or FAX (804) 698-4032.

VA.R. Doc. No. R00-201; Filed May 31, 2000, 11:41 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:

- 1. 9 VAC 25-660-10 et seq. General Virginia Water Protection Permit for Wetland Impacts Less than One-Half Acre;**
- 2. 9 VAC 25-670-10 et seq. General Virginia Water Protection Permit for Wetland Impacts Related to Facilities and Activities of Utility and Public Service Companies Regulated by FERC and SCC;**
- 3. 9 VAC 25-680-10 et seq. General Virginia Water Protection Permit for Wetland Impacts from Linear Transportation Projects;**
- 4. 9 VAC 25-690-10 et seq. General Virginia Water Protection Permit for Wetland Impacts from Development Activities;**
- 5. 9 VAC 25-700-10 et seq. General Virginia Water Protection Permit for Wetland Impacts from Mining Activities; and**
- 6. 9 VAC 25-710-10 et seq. General Virginia Water Protection Permit for Wetland Restoration and Creation Activities.**

The purpose of the proposed action is to develop general permits for activities in wetlands as specified in changes to § 62.1-44.15:5 of the Code of Virginia relating to wetlands as mandated by the General Assembly in Senate Bill 648 and House Bill 1170. The new regulations are needed to expedite and streamline the wetland permitting process in Virginia.

Need: Pursuant to the actions of the 2000 General Assembly, Virginia Water Protection Permit General Permits are to be developed in accordance with changes to § 62.1-44.15:5 of the Code of Virginia relating to wetlands. General permits are to be developed for such activities in wetlands as the board deems appropriate, and are to include such terms and conditions as the board deems necessary to protect state

Notices of Intended Regulatory Action

resources and fish and wildlife resources from significant impairment. The adoption of general permits for wetland impacts is essential to protect the health, safety and welfare of citizens because they will streamline the permitting process, allowing agencies and applicants to save time and money.

Substance: The proposed regulatory action is to develop a series of Virginia Water Protection Permit General Permits in response to the requirements of new legislation. These general permits are for classes of similar activities with minimal environmental consequence. The board shall develop general permits for:

1. Activities causing wetland impacts of less than one-half of an acre;
2. Facilities and activities of utilities and public service companies regulated by the Federal Energy Regulatory Commission or State Corporation Commission;
3. Coal, natural gas, and coal bed methane gas mining activities authorized by the Department of Mines, Minerals and Energy, and for sand mining activities;
4. Virginia Department of Transportation or other linear transportation projects; and
5. Activities governed by nationwide or regional permits approved by the board and issued by the U.S. Army Corps of Engineers. Conditions contained in the general permits shall include, but not be limited to, filing with the board copies of any preconstruction notification, postconstruction report and certificate of compliance required by the U.S. Army Corps of Engineers. The permits will contain specific thresholds for use and mitigation ratios for compensation for unavoidable wetland impacts.

Alternatives: The alternative of not developing these general permits is not feasible as the proposed changes are mandated by action of the General Assembly. The alternative of developing these permits will clarify and streamline the permitting process and help alleviate duplicative requirements of state and federal programs.

Public Participation: The board is seeking comments on the intended regulatory action, including ideas to assist in the development of general permits. An informational public meeting will be held and notice of the meeting posted in the Calendar of Events section of the Virginia Register of Regulations. In addition, a Technical Advisory Committee has been formed to assist in the development of the general permits; notice of the meeting dates will be posted in the Calendar of Events section of the Virginia Register of Regulations.

The board is using the participatory approach in the development of these regulations.

Statutory Authority: §§ 62.1-44.15(10) and 62.1-44.15:5 of the Code of Virginia.

Public comments may be submitted until August 16, 2000.

Contact: Ellen Gilinsky, Virginia Water Protection Permit Program Manager, Department of Environmental Quality,

P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4375 or FAX (804) 698-4032.

VA.R. Doc. Nos. R00-195 through R00-200; Filed May 31, 2000, 11:41 a.m.



TITLE 12. HEALTH

STATE BOARD OF HEALTH

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Health intends to consider amending regulations entitled: **12 VAC 5-610-10 et seq. Sewage Handling and Disposal Regulations.** The purpose of the proposed action is to incorporate standards to regulate the amount or percentage of rock allowed in the soil around and below a soil absorption system and develop standards for mass sewage disposal systems. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 32.1-12 and 32.1-164 of the Code of Virginia.

Public comments may be submitted until August 2, 2000.

Contact: Donald J. Alexander, Director, Division Onsite Sewage/Water Services, Department of Health, P.O. Box 2448, Room 117, Richmond, Virginia 23218, telephone (804) 786-1620, FAX (804) 225-4003.

VA.R. Doc. No. R00-207; Filed June 14, 2000, 12:06 p.m.



TITLE 16. LABOR AND EMPLOYMENT

VIRGINIA WORKERS' COMPENSATION COMMISSION

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Workers' Compensation Commission intends to consider promulgating regulations entitled: **16 VAC 30-100-10 et seq. Regulations For Professional Employer Organizations.** The purpose of the proposed action is to promulgate regulations governing the registration of and periodic reporting by professional employer organizations as provided in § 65.2-803.1 of the Code of Virginia and to address insuring for workers' compensation liability by such organizations as provided in § 65.2-801 of the Code of Virginia. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 65.2-201, 65.2-801, and 65.2-803.1 of the Code of Virginia.

Public comments may be submitted until August 7, 2000.

Contact: Sam Lupica, Virginia Workers' Compensation Ombudsman, 1000 DMV Drive, Richmond, Virginia 23220, telephone (804) 367-8269, toll-free 1-877-664-2566, FAX (804) 367-9740 or (804) 367-8600/TTY ☎

VA.R. Doc. No. R00-206; Filed June 14, 2000, 10:37 a.m.

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TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects intends to consider amending regulations entitled: **18 VAC 10-20-10 et seq. Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects Rules and Regulations.** The purpose of the proposed action is to make general clarifying changes to the regulation and to permit the use of electronic seals, signatures and dates so that documents may be filed electronically. Other changes which may be necessary, either pursuant to the board's periodic review of its regulation or otherwise, will be considered. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 13.1-549, 13.1-1111, 54.1-404 and 54.1-411 of the Code of Virginia.

Public comments may be submitted until July 7, 2000.

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

VA.R. Doc. No. R00-175; Filed May 10, 2000, 11:54 a.m.

BOARD FOR ASBESTOS AND LEAD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board for Asbestos and Lead intends to consider amending regulations entitled: **18 VAC 15-20-10 et seq. Virginia Asbestos Licensing Regulations.** The purpose of the proposed action is to continue to establish procedures and requirements for the approval of accredited asbestos training programs, for licensure of individuals and firms to engage in asbestos abatement work, and for the

establishment of standards for performing the various aspects of asbestos related work. The intent of the amendments is to ensure that no person is exposed to asbestos fibers. The planned regulatory action will implement House Bill 951, which was passed during the 1996 Session of the Virginia General Assembly, by deleting all references to roofing, flooring and siding contractors, inspectors and training providers. In addition, the board will carefully evaluate its existing regulations for effectiveness and continued need and will propose any amendments necessary to protect the public health, safety, and welfare or to further the efficient and economical performance of important government functions. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 54.1-501 of the Code of Virginia.

Public comments may be submitted until July 19, 2000.

Contact: Joseph C. Kossan, Regulatory Boards Administrator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-2648, FAX (804) 367-6128 or (804) 367-9753/TTY ☎

VA.R. Doc. No. R00-185; Filed May 23, 2000, 1:14 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 Board for Asbestos and Lead intends to consider amending regulations entitled: **18 VAC 15-30-10 et seq. Virginia Lead-Based Paint Activities Regulations.** The purpose of the proposed action is to continue to establish procedures and requirements for the approval of accredited lead-based paint training programs, for licensure of individuals and firms to engage in lead-based paint abatement work, and for the establishment of standards for performing the various aspects of lead-based paint related work. Virginia statute requires that the board's regulations be no more stringent than EPA's regulations. The planned regulatory action will ensure that Virginia maintains its authority from EPA to operate the Lead-Based Paint Activities program in the Commonwealth. The board is proposing modifications that will implement final EPA regulations by deleting the current Virginia regulations' provisions concerning public buildings and superstructures, and by adding the provisions to implement the final EPA regulations' requirements for target housing and child-occupied facilities. In addition, the board will carefully evaluate its existing regulations for effectiveness and continued need, and will propose any amendments necessary to protect the public health, safety, and welfare or to further the efficient and economical performance of important government functions. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 54.1-501 of the Code of Virginia.

Public comments may be submitted until July 19, 2000.

Contact: Thomas K. Perry, Regulatory Boards Administrator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone

Notices of Intended Regulatory Action

(804) 367-2648, FAX (804) 367-6128 or (804) 367-9753/TTY
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VA.R. Doc. No. R00-186; Filed May 23, 2000, 1:13 p.m.

BOARD FOR HEARING AID SPECIALISTS

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board for Hearing Aid Specialists intends to consider amending regulations entitled: **18 VAC 80-20-10 et seq. Board for Hearing Aid Specialists Regulations.** The purpose of the proposed action is to clarify entry requirements for licensure, modify the procedures and provisions regarding renewal and reinstatement, and ensure that the standards of practice and conduct meet all current laws and statutes. The board proposes to review several provisions of the regulations and simplify them thereby ensuring that the board is meeting its statutory mandate to ensure minimal competence of all licensees without burdensome requirements. The agency does not intend to hold a public hearing on the proposed regulation after publication.

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

Public comments may be submitted until August 2, 2000.

Contact: Nancy T. Feldman, Assistant Director, Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, VA 23230-4917, e-mail hearingaidspec@dpor.state.va.us, telephone (804) 367-8590, FAX (804) 367-6295 or (804) 367-9753/TTY ☎

VA.R. Doc. No. R00-202; Filed June 8, 2000, 1:47 p.m.

BOARD OF PSYCHOLOGY

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Psychology intends to consider amending regulations entitled: **18 VAC 125-20-10 et seq. Regulations Governing the Practice of Psychology.** The purpose of the proposed action is to develop continuing education for licensure renewal in compliance with legislation enacted by the 2000 Session of the General Assembly. The board also intends to promulgate a provision for inactive licensure for individuals who are not practicing due to illness, retirement or relocation to another jurisdiction. Otherwise, these individuals would be forced to let their licenses lapse if they are unable to meet the continuing education requirement for renewal. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 54.1-2400 and 54.1-3606.1 of the Code of Virginia.

Public comments may be submitted until August 2, 2000.

Contact: Evelyn B. Brown, Executive Director, Board of Psychology, 6606 West Broad Street, 4th Floor, Richmond,

VA 23230-1717, telephone (804) 662-9913 or FAX (804) 662-9943.

VA.R. Doc. No. R00-212; Filed June 22, 2000, 3:41 p.m.

TITLE 19. PUBLIC SAFETY

DEPARTMENT OF STATE POLICE

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of State Police intends to consider amending regulations entitled: **19 VAC 30-165-10 et seq. Regulations Relating to Standards and Specifications for Purple Warning Lights Used by Vehicles Leading or Escorting Funeral Processions.** The purpose of the proposed action is to promulgate regulations as required by § 46.2-1025 of the Code of Virginia, which authorizes flashing purple warning lights on vehicles used to lead or provide escorts for funeral processions. These regulations will replace emergency regulations currently in effect. The agency does not intend to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 46.2-1005 and 46.2-1025 of the Code of Virginia.

Public comments may be submitted until July 5, 2000.

Contact: Major Jerry S. Conner, Regulatory Coordinator, Department of State Police, 7700 Midlothian Turnpike, Richmond, VA 23225, telephone (804) 674-2060 or FAX (804) 674-2234.

VA.R. Doc. No. R00-176; Filed May 15, 2000, 9:39 a.m.

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 40-560-10 et seq. Monthly Reporting in the Food Stamp Program.** The purpose of the proposed action is to repeal the regulation that defines which food stamp households must submit monthly reports as an eligibility requirement. The agency does not intend to hold a public hearing on the proposed regulation after publication.

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

Public comments may be submitted until July 19, 2000.

Notices of Intended Regulatory Action

Contact: Patricia Duva, Food Stamp Program Manager, Department of Social Services, Division of Temporary Assistance Programs, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1712 or FAX (804) 692-1704.

VA.R. Doc. No. R00-187; Filed May 24, 2000, 10:02 a.m.

DEPARTMENT FOR THE VISUALLY HANDICAPPED

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 for the Visually Handicapped intends to consider amending regulations entitled: **22 VAC 45-30-10 et seq. Regulations Governing the Sale and Distribution of Goods and Articles Made by Blind Persons.** The purpose of the proposed action is to rewrite this regulation so that it is clear, easily understood and contains only those elements that are essential for implementing the requirements of § 63.1-167 of the Code of Virginia. The purpose of the regulation is to provide the public with authenticity of goods or articles made by the blind when solicited or purchasing such goods or articles from agencies, firms, associations or corporations. The agency does not intend to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 63.1-167 of the Code of Virginia.

Public comments may be submitted until July 5, 2000.

Contact: Robert C. Berrang, Deputy Commissioner Enterprises, Department for the Visually Handicapped, 1102 Monticello Rd., Charlottesville, VA 22902, telephone (804) 295-6034, FAX (804) 295-5811 or (804) 295-5168/TTY ☎

VA.R. Doc. No. R00-178; Filed May 12, 2000, 11:14 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 for the Visually Handicapped intends to consider amending regulations entitled: **22 VAC 45-50-10 et seq. Regulation Governing Provisions of Services in Vocational Rehabilitation.** The purpose of the proposed action is to amend the current regulation by (i) substantially adopting the federal vocational rehabilitation regulations; (ii) promulgating regulations in areas that the federal vocational rehabilitation state plan requires options to be chosen which bear directly on customer services, including financial need and order of selection for services; and (iii) deleting unnecessary detail from the body of the regulation, thus making it more easily understood and less burdensome to maintain and update. The agency does not intend to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 63.1-85 of the Code of Virginia.

Public comments may be submitted until July 5, 2000.

Contact: James G. Taylor, Program Director, Vocational Rehabilitation, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-

3111, FAX (804) 371-3351, toll-free 1-800-622-2155, or (804) 371-3140/TTY ☎

VA.R. Doc. No. R00-179; Filed May 12, 2000, 11:14 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 for the Visually Handicapped intends to consider amending regulations entitled: **22 VAC 45-70-10 et seq. Provision of Services in Rehabilitation Teaching.** The purpose of the proposed action is to make minor content changes to eliminate unnecessary detail and bring it up to date in the areas of visual eligibility and certification of eligibility. The agency does not intend to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 63.1-85 of the Code of Virginia.

Public comments may be submitted until July 5, 2000.

Contact: Jane B. Ward-Solomon, Program Director, Rehabilitative Teaching/Independent Living, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3112, FAX (804) 371-3351, toll-free 1-800-622-2155, or (804) 371-3140/TTY ☎

VA.R. Doc. No. R00-180; Filed May 12, 2000, 11:15 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 for the Visually Handicapped intends to consider amending regulations entitled: **22 VAC 45-80-10 et seq. Provision of Independent Living Rehabilitation Services.** The purpose of the proposed action is to (i) amend this regulation by deleting the Part VII of the regulation which is now obsolete, (ii) substantially adopt the federal regulations that govern the operation of the federally funded independent living formula grant program under Title VII, Part B of the Rehabilitation Act of 1973 as amended; (iii) amend sections of the regulation where the state has options of how or where to spend money under the state independent living plan; and (iv) make minor content changes to eliminate unnecessary detail. The agency does not intend to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 63.1-85 of the Code of Virginia.

Public comments may be submitted until July 5, 2000.

Contact: Jane B. Ward-Solomon, Program Director, Rehabilitative Teaching/Independent Living, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3112, FAX (804) 371-3351, toll-free 1-800-622-2155, or (804) 371-3140/TTY ☎

VA.R. Doc. No. R00-181; Filed May 12, 2000, 11:15 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 for the Visually

Notices of Intended Regulatory Action

Handicapped intends to consider repealing regulations entitled: **22 VAC 45-90-10 et seq. Supervision of Administrative Regulations Governing Intake and Social Services.** The purpose of the proposed action is to repeal this regulation. With reductions in state funding and personnel the department no longer has welfare services staff to carry out the supervision of local administration or the associated functions. Under this authority the department certifies legal blindness for local social services departments when individuals apply for blindness-related social services or benefits. The department will continue to provide such certification of legal blindness upon request; however, this is a procedural matter only and does not need a regulation. The agency does not intend to hold a public hearing on the proposed repeal of this regulation after publication.

Statutory Authority: § 63.1-85 of the Code of Virginia.

Public comments may be submitted until July 5, 2000.

Contact: Joseph A. Bowman, Deputy Commissioner, Services Delivery, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3144, FAX (804) 371-3157, toll-free 1-800-622-2155, or (804) 371-3140/TTY ☎

VA.R. Doc. No. R00-182; Filed May 12, 2000, 11:15 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 for the Visually Handicapped intends to consider amending regulations entitled: **22 VAC 45-110-10 et seq. Regulations Governing Low Vision.** The purpose of the proposed action is to delete the obsolete section that deals with using the department's endowment funds and make language changes to update terminology. The agency does not intend to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 63.1-85 of the Code of Virginia.

Public comments may be submitted until July 5, 2000.

Contact: Marge A. Owens, Human Services Program Coordinator, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3344, FAX (804) 371-3092, toll-free 1-800-622-2155, or (804) 371-3151/TTY ☎

VA.R. Doc. No. R00-177; Filed May 12, 2000, 11:15 a.m.



PUBLIC COMMENT PERIODS - PROPOSED REGULATIONS



PUBLIC COMMENT PERIODS REGARDING STATE AGENCY REGULATIONS

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

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

TITLE 22. SOCIAL SERVICES

STATE BOARD OF SOCIAL SERVICES

September 1, 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 Social Services intends to adopt regulations entitled: **22 VAC 40-35-5 et seq. Virginia Independence Program**. The purpose of the proposed action is to implement the Virginia Employer Tax Credit.

Statutory Authority: §§ 58.1-439.9 and 63.1-25 of the Code of Virginia.

Contact: Thomas J. Steinhauser, Division of Temporary Assistance Programs, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1703.



PROPOSED REGULATIONS

For information concerning Proposed Regulations, see Information Page.

Symbol Key

Roman type indicates existing text of regulations. *Italic type* indicates proposed new text.
Language which has been stricken indicates proposed text for deletion.

TITLE 20. PUBLIC UTILITIES AND TELECOMMUNICATIONS

STATE CORPORATION COMMISSION

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

The distribution lists that are referenced as Appendices A, B and C in the following order are not being published. However, these lists are available for public inspection at the State Corporation Commission, Document Control Center, Tyler Building, 1st Floor, 1300 East Main Street, Richmond, Virginia 23219, from 8:15 a.m. to 5 p.m., Monday through Friday; or may be viewed at the Virginia Code Commission, General Assembly Building, 2nd Floor, 910 Capitol Street, Richmond, Virginia 23219, during regular office hours.

Title of Regulation: 20 VAC 5-309-10 et seq. Rules for Enforcement of the Underground Utility Damage Prevention Act (amending 20 VAC 5-309-10, 20 VAC 5-309-20, 20 VAC 5-309-40, 20 VAC 5-309-50, and 20 VAC 5-309-70; adding 20 VAC 5-309-15 and 20 VAC 5-309-90 through 20 VAC 5-309-230).

Statutory Authority: §§ 12.1-13 and 56-265.30 of the Code of Virginia.

Summary:

The proposed amendments add a definition section and permit the receipt of reports of probable violations of the Underground Utility Damage Prevention Act through facsimile and e-mail. They also clarify how requests for information will be addressed by the Division of Energy Regulation; establish reporting requirements for electric, natural gas, telecommunication, cable TV, and water and sewer operators; establish procedures governing emergency excavations or demolitions and marking of underground utility lines; clarify the data to be provided by operators to the notification center; set out requirements for trenchless excavation; address operator responsibility to maintain accurate facility installation records; set out minimum excavator responsibilities to protect and preserve utility markings indicating the location of underground utility lines; and direct excavators to inspect excavation sites for unmarked utility lines. These proposed rules apply to utilities, contract locators, excavators, notification centers, and the public generally.

Agency Contact: Massoud Tahamtani, Assistant Director, Division of Energy Regulation, State Corporation

Commission, P.O. Box 1197, 1300 E. Main Street, Richmond, Virginia 23218, telephone (804) 371-9611.

AT RICHMOND, JUNE 14, 2000

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

CASE NO. PUE990786

Ex Parte: In the matter concerning Rules implementing the State Corporation Commission's authority to enforce the Underground Utility Damage Prevention Act

ORDER PRESCRIBING NOTICE AND INVITING COMMENTS

On December 13, 1999, the State Corporation Commission ("Commission") entered an Order establishing an investigation into the appropriate policies and rules relating to the enforcement of the Underground Utility Damage Prevention Act, Chapter 10.3 (§ 56-265.14 et seq.) of Title 56 of the Code of Virginia. The December 13, 1999, Order invited interested parties to file written comments on or before February 29, 2000, on the issues identified in Appendix A to the Order, which related to enforcement of the Act and the roles to be played by the Commission, utility operators, excavators, notification centers, and other members of the public affected by the Act. Interested parties were encouraged to offer proposed rules corresponding to the issues set forth in Appendix A to the Order. Additionally, the Commission's Order directed the Staff to file a report summarizing and responding to the comments filed in the docket and proposing revisions, where appropriate, to the Rules for Enforcement of the Underground Utility Damage Prevention Act, adopted in Case No. PUE940071.¹

On March 16, 2000, the Staff, by counsel, filed a Motion seeking an extension of time in which to file the report. In support of its Motion, the Staff noted that approximately sixty interested persons had filed comments, taking diverse positions on the issues posed by the December 13 Order. Among other things, the Staff noted that it needed additional time in which to consider the comments and prepare its report. The Staff requested that it be permitted to file its report on May 26, 2000, rather than April 7, 2000.

On March 23, 2000, we granted the Staff's Motion and directed the Staff to file its report by May 26, 2000.

¹ See *Commonwealth of Virginia, ex rel. State Corporation Commission, Ex Parte: In the matter of adopting rules necessary to implement the State Corporation Commission's authority to enforce the Underground Utility Damage Prevention Act*, Case No. PUE940071, 1994 S.C.C. Ann. Rept. 422 (Order Adopting Procedural Rules for Enforcement of the Underground Utility Damage Prevention Act, Dec. 20, 1994).

On May 26, 2000, the Staff filed its report in which it summarized the filed comments; discussed the development of the underground utility damage prevention program in Virginia, enforcement and performance of the program; reviewed national "best practices" relative to damage prevention; proposed specific revisions and additions to the existing Rules for Enforcement of the Underground Utility Damage Prevention Act, and discussed the proposed rules.

NOW UPON consideration of the comments, the Staff report, the proposed rules, and the Act, the Commission is of the opinion and finds that public notice should be given of the rules proposed by the Staff in its May 26 Report; that interested persons should be afforded an opportunity to file written comments or request a hearing on the proposed rules appended hereto as Appendix 1;² that the notice of the proposed rulemaking should be published in newspapers of general circulation throughout the Commonwealth; and that this Order and proposed rules should be forwarded to the Registrar of Regulations for publication in the Virginia Register of Regulations.

Accordingly, IT IS ORDERED THAT:

(1) A copy of this Order, the proposed rules, and the May 26, 2000, Staff Report shall be made available for public review in the Commission's Document Control Center, located on the first floor of the Tyler Building, 1300 East Main Street, Richmond, Virginia 23219, during its regular hours of operation.

(2) Interested persons may obtain a copy of this Order, together with a copy of the Staff Report and proposed rules upon which comment is sought (Appendix 1 hereto), by directing a request in writing for the same on or before July 19, 2000, to Massoud Tahamtani, Assistant Director, Division of Energy Regulation, State Corporation Commission, P.O. Box 1197, Richmond, Virginia 23218. Such requests shall refer to Case No. PUE990786.

(3) On or before August 1, 2000, any interested person desiring to comment upon the proposed "Rules for Enforcement of the Underground Utility Damage Prevention Act" set out in Appendix 1 shall file an original and fifteen (15) copies of such comments in writing with the Clerk of Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118, and shall refer to Case No. PUE990786. The comments should set forth the person's interest in the proceeding, his comments on the rules, and if such person objects to certain provisions of the proposed rules, proposed alternative language for the rules.

(4) Any interested person desiring a hearing in this matter shall file an original and fifteen (15) copies of a written request for hearing on or before August 1, 2000, with the Clerk of the Commission and shall state in detail why a hearing is necessary. Such a request shall identify the factual issues likely to be in dispute upon which the interested person seeks a hearing, together with the evidence expected to be introduced at any hearing convened by the Commission.

Requests for hearing shall refer to Case No. PUE990786, and shall be directed to Joel H. Peck, Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218. If no sufficient request for a hearing is received, the Commission may enter an order promulgating rules based upon the written pleadings and comments filed herein.

(5) On or before July 10, 2000, the Division of Energy Regulation shall cause the following notice to be published as classified advertising on one occasion in newspapers of general circulation throughout the Commonwealth of Virginia:

NOTICE TO THE PUBLIC OF PROPOSED RULES
THAT THE STATE CORPORATION COMMISSION
IS CONSIDERING FOR THE ENFORCEMENT OF
THE UNDERGROUND UTILITY DAMAGE
PREVENTION ACT
CASE NO. PUE990786

The Underground Utility Damage Prevention Act, Chapter 10.3 (§ 56-265.14 *et seq.*) of Title 56 of the Code of Virginia, ("the Act") was revised effective January 1, 1995, and charged the State Corporation Commission ("Commission") with the enforcement of the Act's provisions and adoption of enforcement rules. The Act was revised, among other reasons, to reduce damage to underground utility lines and prevent injuries, inconvenient utility service interruptions, damage to the environment, economic losses resulting from damage to underground utility lines, and possible loss of life.

On December 13, 1999, the Commission issued an Order establishing an investigation to consider revisions to the rules for enforcement of the Act, previously adopted in Case No. PUE940071, pursuant to the authority granted to it in § 56-265.30 of the Code of Virginia. The Commission's December 13, 1999, Order directed the Commission Staff to file a report proposing appropriate revisions to the rules. On May 26, 2000, the Commission Staff filed its report, setting forth its recommended revisions to the rules for the enforcement of the Underground Utility Damage Prevention Act ("proposed rules"). These proposed rules affect utilities, excavators, notification centers, contract locators, and the public generally. Therefore, the Commission is inviting comments and requests for hearing on the rules proposed by the Commission Staff.

A copy of the Order Prescribing Notice and Inviting Comments and the Staff Report, together with the proposed rules upon which comment is sought, may be reviewed from 8:15 a.m. to 5:00 p.m., Monday through Friday, in the State Corporation Commission's Document Control Center, located at 1300 East Main Street, Tyler Building, First Floor, Richmond, Virginia 23219. Interested persons may obtain a copy of the Commission's Order and the proposed rules under consideration, together with the Staff report by directing a written request for the same on or before July 19, 2000, to Massoud

² The rules appearing in Appendix 1 to this Order have been revised to reflect minor changes and corrections made in contemplation of publication in the *Virginia Register of Regulations*.

Proposed Regulations

Tahamtani, Assistant Director, Division of Energy Regulation, State Corporation Commission, P.O. Box 1197, Richmond, Virginia 23218 and referring to Case No. PUE990786.

Any interested person who wishes to comment upon the proposed Rules (Appendix 1 to the Commission's Order Prescribing Notice and Inviting Comments) shall file on or before August 1, 2000, an original and fifteen (15) copies of his comments with the Clerk of the Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118, and shall refer to Case No. PUE990786. The comments should set forth the person's interest in this proceeding, his comments on the rules, and if the comments object to certain provisions in the proposed rules, proposed alternative language for the rules should be included in the comments.

Any interested person desiring to request a hearing in this matter shall file an original and fifteen (15) copies of a written request for hearing with the Clerk of the Commission at the address set forth above on or before August 1, 2000, and shall state in detail why a hearing is necessary. Such a request should identify the factual issues upon which the interested person seeks hearing, together with the evidence expected to be introduced if a hearing is convened. If no sufficient request for hearing is received, the Commission may enter an order promulgating rules based upon the comments and the written pleadings filed in this proceeding.

All communications to the Commission regarding this proceeding should be directed to the Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118, and should refer to Case No. PUE990786.

THE DIVISION OF ENERGY REGULATION OF THE STATE CORPORATION COMMISSION

(6) The Commission's Division of Information Resources shall forthwith cause this Order, together with the proposed Rules for the Enforcement of the Underground Utility Damage Prevention Act, to be forwarded for publication in the Virginia Register of Regulations.

(7) The Commission's Division of Energy Regulation shall promptly file with the Clerk of the Commission the proof of the publication of the notices required herein.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to: all the certificated water and water and sewer utilities subject to the Commission's regulation as set out in Appendix A hereto; all of the telephone companies and cooperatives regulated by the Commission as set out in Appendix B hereto; all of Virginia's certificated interexchange carriers as set out in Appendix C hereto; Mack Wathen, Director, Regulatory Affairs, Delmarva Power & Light Company, 800 King Street, P.O. Box 231, Wilmington, Delaware 19899; Howard L. Scarboro, General Manager, Central Virginia Electric Cooperative, P.O. Box 247,

Lovingston, Virginia 22949; Donald A. Fickenscher, Vice President, General Counsel and Corporate Secretary, Virginia Natural Gas, Inc., 5100 East Virginia Beach Boulevard, Norfolk, Virginia 23502-3488; John F. Dudley, Senior Assistant Attorney General, Division of Consumer Counsel, Office of Attorney General, 900 East Main Street, Second Floor, Richmond, Virginia 23219; Cynthia Oakey, Esquire, and Karen L. Bell, Esquire, Virginia Electric and Power Company, One James River Plaza, P.O. Box 26666, Richmond, Virginia 23261; Kodwo Ghartey-Tagoe, Esquire, McGuire, Woods, Battle & Boothe, L.L.P., One James Center, 901 East Cary Street, Richmond, Virginia 23219-4030; Richard L. Hall, Vice President, W. R. Hall, Inc., 1214 Bill Street, Norfolk, Virginia 23518; Kevin Robertson, Miss Utility Supervisor, Capco Construction Corp., 15433 Farm Creek Drive, Woodbridge, Virginia 22191; Larry Friedman, Sr. Vice President, Long Fence Company, Inc., P.O. Box 220429, Chantilly, Virginia 20153-0429; Robert L. Kent, President, J. L. Kent & Sons, Inc., P.O. Box 69, Spotsylvania, Virginia 22553; John F. Gionfriddo, Town of Vienna, 127 Center Street South, Vienna, Virginia 22180; R. Lance Terpenney, Town Manager, and Wayne O. Nelson, P.E., Director of Engineering and Public Works, Town of Christiansburg, 100 East Main Street, Christiansburg, Virginia 24073-3029; Mike Bowersox, Ben Lewis Plumbing, Inc. U.S.A., 20220 Frederick Road, P.O. Box 93, Germantown, Maryland 20875-0093; John G. Whitacre, Engineer, Frederick County Sanitation Authority, P.O. Box 1877, Winchester, Virginia 22604-8377; Jim Stepahin, Executive Director, Virginia Utility & Heavy Contractors Council, 9303 Center Street, Suite 109, Manassas, Virginia 20110-5547; Shahram Mohsenin, Director, Department of Utilities, City of Fairfax, 10455 Armstrong Street, Fairfax, Virginia 22030; Peter S. Fortin, P.E., Engineering Manager, City of Norfolk, Department of Utilities, P.O. Box 1080, Norfolk, Virginia 23501; Russell L. Quesenberry, Safety Officer, S. W. Rodgers Co., Inc., P.O. Box 398, Gainesville, Virginia 20156; William M. Hackworth, City Attorney, and Gary E. Tegenkamp, Assistant City Attorney, City of Roanoke, Dept. of Utility Line Services, 464 Municipal Building, 215 Church Avenue, S.W., Roanoke, Virginia 24011; Bettie L. Cahoon, Construction Inspector Supervisor, City of Chesapeake, Department of Public Utilities, P.O. Box 15225, Chesapeake, Virginia 23328; Steven C. Vermillion, Executive Director, Associated General Contractors of Virginia, Inc., P.O. Box 71660, Richmond, Virginia 23294; Christopher J. Dolena, Engineer II, City of Virginia Beach, Department of Public Utilities, 3500 Dam Neck Road, Virginia Beach, Virginia 23456; Rodney W. McClain, General Manager, Stoney Creek Sanitary District, Toms Brook-Maurertown Sanitary District, P.O. Box 42, Basye, Virginia 22810; Richard P. Chaffin, Secretary-Treasurer, May Bros., Inc., General Contractors, P.O. Box 165, Forest, Virginia 24551; Jack Watts, Loss Control, Contracting Enterprises Incorporated, P.O. Box 13725, Roanoke, Virginia 24036; Stanley C. Feuerberg, General Manager, Northern Virginia Electric Cooperative, P.O. Box 2710, Manassas, Virginia 20108-2710; John E. Moore, Director of Public Works, Town of Herndon, P.O. Box 427, Herndon, Virginia 20172-0427; Louis S. Kiger, F. L. Showalter, Inc., 2900 Fulks Street, P.O. Box 11525, Lynchburg, Virginia 24506-1525; Margaret L. Palmer, Vice President, Guy C. Eavers Excavating Corp., P.O. Box 124,

Staunton, Virginia 24402-0124; John Garrett, Engineering Field Supervisor/Utilities Locator, Planning & Engineering Dept., Town of Blacksburg, 300 South Main Street, Blacksburg, Virginia 24060; Frank Boxley, Jr., President, Central & Southwest Virginia Utility Contractors Association, P.O. Box 5772, Roanoke, Virginia 24012; J. David Austin, State Utility Engineer, Department of Transportation, Commonwealth of Virginia, 1401 East Broad Street, Richmond, Virginia 23219-2000; Philip J. Bray, Esquire, The Potomac Edison Company, d/b/a Allegheny Power, 10435 Downsville Pike, Hagerstown, Maryland 21740-1766; Robert B. Evans, Esquire, Washington Gas Light Company, 1100 H Street, N.W., Washington, D.C. 20080; Stephen T. Theis, Corporate Director of Safety, Health & Environment, Henkels & McCoy, Inc., P.O. Box 950, Blue Bell, Pennsylvania 19422-0900; Michael J. Quinan, Esquire, Woods, Rogers & Hazlegrove, P.L.C., 823 East Main Street, Suite 1200, Richmond, Virginia 23219; Terry St. Clair, Jack St. Clair, Inc., P.O. Box 12961, Roanoke, Virginia 24030; Robert A. Omberg, Esquire, LeClair Ryan, P.C., Innsbrook Corporate Center, 4201 Dominion Boulevard, Suite 200, Glen Allen, Virginia 23060; Richard D. Gary, Esquire, Hunton & Williams, Riverfront Plaza, East Tower, 951 East Byrd Street, Richmond, Virginia 23219-4074; Dennis Showalter, Utiliquest, L.L.C., 4390 Forbes Boulevard, Suite 100, Lanham, Maryland 20726; James B. Wright, Senior Attorney, Sprint, 14111 Capital Boulevard, Wake Forest, North Carolina 27587-5900; John Haynes, Manager, Allclear Locating Services, Inc., 8149 Staples Mill Road, Richmond, Virginia 23228; Larry G. Conner, Sr., P.E., President, Aaron J. Conner General Contractor, Inc., P.O. Box 6068, Roanoke, Virginia 24017; Charlie C. Crowder, Jr., General Manager, Fairfax County Water Authority, 8570 Executive Park Avenue, P.O. Box 1500, Merrifield, Virginia 22116-0815; M. Daniel Kuhns, Jr., Distribution Superintendent, Newport News Waterworks, 2600 Washington Avenue, Newport News, Virginia 23607; Tim Rioux, Area Manager, UTILX Corporation, 8391 Euclid Avenue, Unit D, Manassas, Virginia 20111; James S. Copenhaver, Senior Attorney, Columbia Gas of Virginia, Inc., P.O. Box 35674, Richmond, Virginia 23235-0674; Marvin McClain, Jr., Director of Quality Management, Utiliquest, L.L.C., 11781 Lee Jackson Highway, Fairfax, Virginia 22033; Diane L. Freeman, Administrative Assistant, Atlas Plumbing & Mechanical, L.L.C., 9095 Owens Court, Manassas Park, Virginia 20111; David R. Conner, President, E. C. Pace Company, Inc., P.O. Box 12685, Roanoke, Virginia 24027; Gary L. Robertson, Utility Director, County of Roanoke Utility Department, 1206 Kessler Mill Road, Salem, Virginia 24153; Diana L. McColgan, Utility Coordinator, Arlington County, Department of Public Works, Engineering Division, #1 Courthouse Plaza, Suite 813, 2100 Clarendon Boulevard, Arlington, Virginia 22201; Ronald L. Willhite, Director, Regulatory Affairs, LG&E Energy Corp., 220 West Main Street, P.O. Box 32030, Louisville, Kentucky 40232; Moe M. Wadda, P.E., Civil Engineer, City of Falls Church, Department of Environmental Services, Harry E. Wells Building, 300 Park Avenue, Falls Church, Virginia 22046-3332; Philip Monger, Director of Public Works, City of Harrisonburg, Water & Sewer Operations Center, 2155 Beery Road, Harrisonburg, Virginia 22801; Ifty Khan, Director, Fairfax County Wastewater Collection Division, 6000 Fred's Oak Road, Burke, Virginia 22015; Roy E. Covington, P.E., Assistant Director of Utilities,

Chesterfield County, P.O. Box 40, Chesterfield, Virginia 23832-0040; Dustin L. Harbaugh, Risk Manager, Flippo Construction Company, Inc., General Contractors, 3820 Penn-Belt Place, Forestville, Maryland 20747; Kenneth E. Tawney, Esquire, Columbia Gas Transmission Corp., P.O. Box 1273, Charleston, West Virginia 25325-1273; Jeffrey M. Karp, Esquire, and Heather A. Thomas, Esquire, Swidler Berlin Shereff Friedman, L.L.P., 3000 K Street, N.W., Suite 300, Washington, D.C. 20007; Robert M. Gillespie, Esquire, Christian & Barton, L.L.P., 909 East Main Street, Suite 1200, Richmond, Virginia 23219-3095; Theodore F. Adams, III, Esquire, and Matthew B. Kirsner, Esquire, Mays & Valentine, L.L.P., P.O. Box 1122, Richmond, Virginia 23218; Dale P. Moore, Director of Rates, Regulatory Affairs, and Financial Planning, Roanoke Gas Company, P.O. Box 13007, Roanoke, Virginia 24030; John Berrettini, Accurate Locating, Inc., 1327 Ashton Road, Suite 101, Hanover, Maryland 21076; Elmer W. Handy, Manager, Bedford County PSA, 122 East Main Street, G-01, Bedford, Virginia 24523; Danny Hylton, Operations Supervisor, Campbell County Utilities and Service Authority, 20644 Timberlake Road, Lynchburg, Virginia 24502; James Shockley, Manager, Commonwealth Public Service Corp., P.O. Box 589, Bluefield, West Virginia 24701; Kenneth G. Behrens, General Manager, Shenandoah Gas Company, P.O. Box 2400, Winchester, Virginia 22601; Allan McClain, President, Southwestern Virginia Gas Company, 208 Lester Street, Martinsville, Virginia 24112; Thomas R. Blose, Jr., President, United Cities Gas Company, c/o Atmos Energy Corporation, 810 Crescent Centre Drive, Suite 600, Franklin, Tennessee 37067-6226; Michael L. Edwards, President, Virginia Gas Distribution Company, Virginia Gas Pipeline Company, and Virginia Gas Storage Company, 120 South Court Street, Abingdon, Virginia 24210; Kad S. Raman, Engineering and Operations Manager, Virginia Natural Gas, Inc., 5100 East Virginia Beach Blvd., Norfolk, Virginia 23502; John R. Kern, Vice President of Operations, General Excavation Inc., 9745 James Madison Hwy., Warrenton, Virginia 20187; Mike Derreberry, Basic Construction Company, LLC, 538 Oyster Point Road, Newport News, Virginia 23602-6920; F. Gray Pruitt, III, Vice President, F. G. Pruitt, Inc., 2415 Grenoble Road, Richmond, Virginia 23294; Thomas Russell, Deputy Director of Wastewater Collection Division, Fairfax County DPWES, 6000 Freds Oak Road, Burke, Virginia 22015; Norm Fitzgerald, L.S., Sr. Survey Technician, Fairfax County Water Authority, P.O. Box 1500, Merrifield, Virginia 22116-0815; John W. Combs, Hanover County Department of Public Utilities, P.O. Box 470, Hanover, Virginia 23069; Chuck Duvall, President, Lindl Corporation, 2307 East Broad Street, Richmond, Virginia 23223; Dave Price, Manager, Northern Virginia Utility Protection Service, Inc., P.O. Box 1849, Frederick, Maryland 21702-0849; James L. Holzer, One Call Concepts, Inc., 7223 Parkway Drive, Hanover, Maryland 21076; Barry Hertzler, Estimator/Project Manager, Partners Excavating Company, P.O. Box 547, Harrisonburg, Virginia 22801; Mark Singer, Executive Director, RAMCA, 1108 East Main Street, Suite 904, Richmond, Virginia 23219-3534; Nelson Gentry, Spotsylvania County Utilities Department, 600 Hudgins Road, Fredericksburg, Virginia 22408; Judy Owens, Suburban Grading & Utilities, Inc., 1190 Harmony Road, Norfolk, Virginia 23052; Scott Brown, Branch Manager, Underground Technology Incorporated, 650 South Pickett

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Street, Alexandria, Virginia 22304; Norman H. Slagle, Vice President, Vico Construction Corporation, P.O. Box 6186, Chesapeake, Virginia 23323; John Smatlak, Manager-Service Performance, Virginia Electric and Power Company, 701 East Cary Street, 11th Floor, Richmond, Virginia 23219; David A. Ward, President, Ward & Stancil, Incorporated, 8346 Old Richfood Road, Mechanicsville, Virginia 23116; and the Commission's Office of General Counsel and Division of Energy Regulation.

PART I. GENERAL PROVISIONS.

20 VAC 5-309-10. Purpose.

These rules delineate procedures used by the State Corporation Commission (commission) to enforce the provisions of Chapter 10.3 (§ 56-265.15 et seq.) of Title 56 of the Code of Virginia, also known as the Underground Utility Damage Prevention Act (Act). *The rules further detail certain standards and requirements for the protection of underground utility lines to facilitate the commission's enforcement of the Act.*

20 VAC 5-309-15. Definitions.

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

"Abandoned utility line" means an underground utility line that is no longer used in connection with storage or conveyance of products listed under the definition of "utility line" in § 56-265.15 of the Code of Virginia and is physically disconnected from the operating system.

"Division" means the State Corporation Commission's Division of Energy Regulation.

"Installation records of a utility line" means maps, drawings, diagram, sketches, or any other depictions or descriptions of an underground utility line that reflect the location at the time of installation in a reasonably accurate manner.

"Locate" or "marking" means an operator's or its contract locator's markings of an underground utility line.

PART II. ENFORCEMENT.

20 VAC 5-309-20. Report of probable violations.

Any person, as defined in § 56-265.15 of the Code of Virginia, may report probable violations of Chapter 10.3 of Title 56 to the State Corporation Commission, Division of Energy Regulation (division). The reports of probable violations may be submitted to the division in writing, by phone, *fax*, *e-mail*, or in person. All written reports of probable violations shall include the information requested on SCC Form DPA-1, if available. All probable violations shall be reported to the division within 30 days of a person becoming aware of the circumstances constituting the probable violations.

20 VAC 5-309-40. Advisory Committee review of probable violations.

A. The Advisory Committee (committee), established by the commission, shall meet on a periodic basis to review probable violations of the Act and the staff's findings and recommendations relative to such violations. Upon determination of either the staff or the committee that a violation may have occurred, and that an enforcement action is required, the staff shall take one or more of the following actions:

1. Issue a warning letter to the person alleged to have committed the violation (respondent);
2. *Issue an information letter to a county, city, or town alleged to have committed the violation;*
- ~~2.~~ 3. Enter settlement negotiations with the respondent. Upon reaching agreement on settlement terms, the division shall present the proposed settlement to the commission for final acceptance or rejection; or
- ~~3.~~ 4. Request the issuance of a "Rule to Show Cause" order pursuant to Rule 4:11 (5 VAC 5-10-230) of the commission's Rules of Practice and Procedure.

B. In the event that the staff but not the committee recommends enforcement action, the staff *may request the commission to issue a rule to show cause to make a final determination regarding any alleged violations of the Act, and shall, as part of its request for enforcement action, report to the commission the committee's recommendation and reason or reasons therefor.*

C. As soon as practicable after its establishment, the committee shall develop and implement a set of bylaws. These bylaws shall delineate the committee's practice and procedures relative to performing the duties assigned by the commission, including the review of probable violations of the Act.

D. If deemed necessary, the committee shall establish one or more subcommittees of experts in the operations covered by the Act. These subcommittees shall assist the committee in performing its assigned duties.

20 VAC 5-309-50. Commission action.

A. The commission may accept or reject a proposed settlement to resolve probable violations of the Act. If the commission rejects a proposed settlement, a public hearing will be scheduled to receive evidence and take appropriate enforcement action as provided by the commission's Rules of Practice and Procedure (5 VAC 5-10-10 et seq.).

B. If the commission finds, after a hearing, that a violation has occurred or is continuing, it may issue a remedial order. The remedial order may direct the party or parties to take any action which is consistent with such party's or parties' obligations under the Act, including the payment of a civil penalty as provided by § 56-265.32 of the Code of Virginia. A remedial order issued by the commission under this section shall be effective upon issuance, in accordance with its terms, unless stayed, suspended, modified or rescinded.

C. If the commission finds that a violation has occurred or is continuing and presents an immediate potential danger to life, health, property, or essential public service, the commission may issue a temporary injunction and schedule a hearing and require the respondent to show cause why it should not be enjoined on account of the alleged violation or violations of the Act.

20 VAC 5-309-70. Petition for reconsideration.

Any person subject to an order from the Virginia State Corporation Commission may petition the commission for reconsideration of its order under Rule 8:9 (5 VAC 5-10-610) of the commission's Rules of Practice and Procedure.

PART III.
ADMINISTRATIVE RULES.

20 VAC 5-309-90. Data request to the division.

Upon request, the division shall provide to any person information or documents gathered by the division in the course of the division's investigation of probable violations under the Underground Utility Damage Prevention Act. Such documents or information may include a list of violations and probable violations of the Act, provided that such information or documents have not been determined by the commission or a court of competent jurisdiction to be confidential or privileged.

PART IV.
REPORTING PROBABLE VIOLATIONS OF THE ACT BY
NONGAS OPERATORS.

20 VAC 5-309-100. Reporting requirements for electric operators.

All operators of electric utility lines shall report all probable violations of the Act to the division involving damages impacting 1,000 or more customer meters and/or resulting in injury or fatality.

20 VAC 5-309-110. Reporting requirements for telecommunication operators.

All operators of telecommunication utility lines shall report all probable violations of the Act to the division involving damages to outside facilities affecting 1,000 or more access lines.

20 VAC 5-309-120. Reporting requirements for cable TV and cable TV and telecommunication operators.

All operators of cable TV and cable TV and telecommunication utility lines shall report all probable violations of the Act to the division involving damages to outside plant facilities impacting 1,000 or more customers.

20 VAC 5-309-130. Reporting requirements for water and sewer operators.

All operators of water and sewer utility lines shall report all probable violations of the Act to the division involving damages resulting in an injury, fatality, or having a serious impact on public health.

PART V.
EMERGENCY EXCAVATION OR DEMOLITION.

20 VAC 5-309-140. Emergency excavation or demolition.

When excavation or demolition is required during an emergency as defined in § 56-265.15 of the Code of Virginia, all reasonable precautions shall be taken to protect underground utility lines that may be located at the site of the excavation. These precautions shall include, but are not limited to, the following:

1. Dispatched personnel or crews responding to the emergency shall notify the notification center and request an emergency locate of the underground utility lines at the earliest reasonable opportunity;
2. After arriving at the site, the person responding to the emergency shall determine the need for immediate action;
3. If immediate action is required, all reasonable precautions shall be taken to protect the underground utility lines. These actions shall include, but are not limited to, the following:
 - a. Conduct a thorough site assessment to determine the location of underground utility lines;
 - b. Locate the underground utility lines with acceptable equipment, if possible;
 - c. Hand dig around the underground utility lines;
 - d. Directly notify the utility line operators, if necessary; and
 - e. If prudent, the excavator shall wait for marking of the excavation area by operators having utility lines in the excavation area.

PART VI.
MARKING OF UNDERGROUND UTILITY LINES.

20 VAC 5-309-150. Temporary marking of underground utility lines.

All temporary markings shall, at a minimum, conform with the requirements of this article.

20 VAC 5-309-160. General marking requirements.

A. All markings shall be suitable for their intended purpose for a period of 15 working days from the time of notification by the excavator to the notification center.

B. Markings shall be made at sufficient intervals to clearly indicate the approximate horizontal location and direction of the underground utility line. However, the distance between any two marks indicating the same utility line shall not exceed 20 feet. Site conditions or directional changes of the underground utility line shall be considered to determine the need for shorter distance between marks.

C. Markings of underground utility lines shall be by means of stakes, paint, flags, or combination thereof. The terrain, site conditions, and the type and extent of the proposed excavation shall be considered to determine the most suitable means to mark underground utility lines.

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D. Paint marks shall be approximately 8 to 10 inches in length and one to two inches in width except when "spot" marking is necessary.

E. A minimum of three separate marks shall be made for each underground utility line marking.

F. All valve box covers shall be marked with the appropriate color in accordance with the Act.

G. If in the process of marking an underground utility line, a customer-owned underground utility line is discovered, the operator or its contract locator shall make every effort to contact the customer to advise him of the presence of the line.

H. Where the proposed excavation crosses an underground utility line, markings shall be at intervals that clearly define the route of the underground line.

I. All markings shall extend at least 10 feet beyond the boundaries of the specific location of the proposed work as detailed on the ticket.

J. In an area designated as a historic location, stakes or flags with appropriate color coding shall be used instead of paint, to the extent practical.

K. If the use of line marking would be considered damaging to property (driveways, landscaping), "spot" marking or other suitable marking methods shall be used.

L. Markings shall be valid for an excavation site for 15 days from the time of notification by the excavator or until one of the following events occurs:

1. The markings become faded, illegible or destroyed; or
2. An emergency condition no longer exists.

M. All utility lines of the same type in the same trench owned by the same operator shall be marked individually or by a single mark. If a single mark is used, the number of the utility lines shall be indicated at every other mark.

N. Operators or their contract locators shall use all available information, including but not limited to the installation records of utility lines, to mark their facilities accurately.

O. Markings of an underground pipeline greater than 12 inches in nominal outside dimension shall include the size in inches at every other mark.

P. Duct structures and conduit systems shall be marked in accordance with the horizontal marking symbols for such structures and conduit systems set out in the National Utility Locating Contractor's Association's ("NULCA's") standards.

Q. In areas where marks would be destroyed, offset markings shall be made using horizontal marking symbols by NULCA's marking standards.

PART VII. SUPPLEMENTAL RULES, ETC.

20 VAC 5-309-170. Clear evidence.

"Clear evidence" as used in § 56-265.24 C of the Code of Virginia shall include, but is not limited to, visual evidence of an unmarked utility line, knowledge of the presence of a utility line, or faded marks from previous marking of a utility line.

20 VAC 5-309-180. Notification center data update.

Every operator required by § 56-265.16:1 A of the Code of Virginia to join the notification center shall provide an update of the data relative to the operators' utility lines to the notification center as soon as possible, but no later than 15 days after a utility line is installed.

20 VAC 5-309-190. Excavator's responsibilities to avoid damage, dislocating or disturbances of utility lines.

Any person excavating around underground utility lines shall take all reasonable steps to protect such utility lines. These steps shall include, but are not limited to, the following:

1. The excavator shall plan the excavation in such a manner to avoid damage to, and minimize interference with, underground utility lines in and near the construction area;
2. The excavator shall maintain a reasonable clearance, to include the width of the utility line, if known, plus 24 inches, between the marked or staked location of an underground utility line and the cutting edge or point of any mechanized equipment, considering the known limit of control of the cutting edge or point to avoid damage to the utility line; and
3. The excavator shall provide proper support for underground utility lines during excavation activities. During backfill operations, the excavator shall use proper backfill material, ensure there is proper compaction around the utility line, and protect all utility warning tapes and tracer wires.

20 VAC 5-309-200. Requirement for trenchless excavation.

Any person conducting trenchless excavation shall take all reasonable steps necessary to protect and support underground utility lines. These steps shall include, but are not limited to the following:

1. The excavator should verify that all utility lines in the area are marked;
2. The excavator shall ensure that bore equipment stakes are installed at a safe distance from marked utility lines;
3. When grounding rods are used, the excavator shall ensure that they are installed at a safe distance (at least 24 inches plus the width of the utility line, if known) away from the marked or staked location of utility lines;
4. The excavator shall ensure sufficient clearance is maintained between the bore path and any underground utility lines during pullback;

- 5. The excavator shall give special consideration to water and sewer systems within the area that cannot be located accurately;
- 6. The excavator shall expose all utility lines which will be in the bore path by hand digging to establish location prior to commencing bore. For a parallel type bore, the excavator shall expose the utility line by hand digging at reasonable distances along the bore path;
- 7. The excavator shall ensure the drill head locating device is functioning properly and within its specification;
- 8. The excavator shall visually check the drill head as it passes through potholes, entrances, and exit pits; and
- 9. If the depth indicated by the locating device is lower than the bottom of the pothole or pit, the excavator shall cease boring until the hole/pit can be hand excavated further to maintain a visual inspection of the drill head.

20 VAC 5-309-210. Operator's responsibilities to maintain accurate records.

For all new underground utility lines, excluding electric, phone, cable TV, water and sewer service lines, installed after July 1, 2001, the operator shall prepare and maintain reasonably accurate installation records of the utility line. These records shall indicate if all or a portion of the utility line has been abandoned.

20 VAC 5-309-220. Responsibility to protect and preserve marking.

Every excavator should be responsible to reasonably protect and preserve markings from the time the excavator begins work until markings are no longer required for the proper and safe excavation near the utility line.

20 VAC 5-309-230. Excavator site inspection.

Prior to excavation, excavators shall verify they are at the correct location and shall verify locate markings and, to the best of their ability, check for unmarked utility lines. If unmarked utility lines are identified, the excavator shall comply with the requirements of § 56-265.24 C of the Code of Virginia.

VA.R. Doc. No. R00-211; Filed June 15, 2000, 12:01 p.m.



TITLE 22. SOCIAL SERVICES

STATE BOARD OF SOCIAL SERVICES

Title of Regulation: **22 VAC 40-35-5 et seq. Virginia Independence Program (amending 22 VAC 40-35-10 and 22 VAC 40-35-125; adding 22 VAC 40-35-126, 22 VAC 40-35-127, and 22 VAC 40-35-128).**

Statutory Authority: §§ 58.1-439.9 and 63.1-25 of the Code of Virginia.

Public Hearing Date: N/A -- Public comments may be submitted until September 1, 2000.

(See Calendar of Events section for additional information)

Basis: Section 58.1-439.9 of the Code of Virginia mandates the board to promulgate regulations for (i) establishing procedures for claiming the tax credit and (ii) providing for the allocation of tax credits among taxpayers requesting credits and employers claiming grants under the Virginia Targeted Tax Grant Program. The Virginia Employer Tax Credit is currently operating under the provisions of an emergency regulation.

Purpose: The purpose of the regulation is to set forth procedures for employers to claim tax credits when they hire qualified TANF recipients. The purpose of the tax credit is to provide incentives to employers to hire TANF recipients who otherwise may not be considered for a position, thereby, maximizing employment opportunities that will lead to self-sufficiency.

Substance: The regulation will set forth time frames for the submission of applications for the Virginia Employer Tax Credit (VETC) and the Virginia Targeted Job Grant (VTJG). Additionally, requirements for submission of applications for the respective programs as well as details on how funds will be allocated for the programs will be addressed. As set forth in the enacting legislation, the regulation must address the allocation of the funding between the VTJG and the VETC. The funding issue was created by the enacting legislation which tied funding for both programs to the appropriation for the VTJG. The regulation must describe how the appropriation will be allocated between the two programs.

Issues: The primary advantage of implementing this regulation is the provision of a tax credit that will provide employers with incentives to hire recipients of Temporary Assistance for Needy Families. This regulation will benefit both the employer and the recipient. The advantages of this regulation to the public and the agency will be a reduction in the TANF caseload. Because of the block grant and maintenance of effort spending requirements, there will not be a direct impact on public assistance spending; however, the Commonwealth's TANF surplus may be indirectly impacted. Further, the public will benefit by the fact the former recipients will be productive, taxpaying citizens. The disadvantage to the agency is additional costs associated with administering the program.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 9-6.14:7.1 G of the Administrative Process Act and Executive Order Number 13 (94). Section 9-6.14:7.1 G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Proposed Regulations

Summary of the proposed regulation. This amendment to the Virginia Independence Program (VIP) permanently implements the Virginia Employer Tax Credit, which was originally implemented through an emergency regulation on May 19, 1999. The Virginia Employer Tax Credit offers a tax credit not to exceed \$750 to employers who hire qualified Temporary Assistance for Needy Families (TANF) recipients. The Employer Tax Credit program, along with the Virginia Targeted Jobs Grant (VTJG), has been appropriated \$375,000 each year through fiscal year 2000 for its implementation. Money not spent for tax credits or job grants reverts back to the general VIEW fund for use in other programs.

Estimated economic impact.

Current Literature

The majority of recent literature on welfare-to-work strategies concentrates on overall initiatives rather than specific components, such as tax credit or job grant programs. One recent study of four state welfare-to-work strategies showed clear positive results in terms of employment and earnings gains for program participants.¹ In addition, the resulting reductions in public assistance payments were large enough to offset program costs in two of the four programs, and in a third when impacts on other transfer payments (i.e., Medicaid payments, food stamps) were factored in. The programs that included more generous education and training components were more likely to have longer lasting impacts on recipient's self-sufficiency and income, although these programs generally cost more and, therefore, do not provide the same amount of short-run savings to government.

Recent literature on tax credits and wage subsidies presents evidence that such policies often have low utilization rates.² Data from the 1970s Work Incentive Tax Credit (WINTC) program indicates that no more than 20% of the work-incentive program enrollees who were known to have entered employment during the year were claimed by firms as a tax credit.³ During the Job Opportunities in the Business Sector (JOBS) program in the late 1960s-early 1970s, the federal government offered contracts that would reimburse businesses an average of \$3,200 per placement. Despite this relatively large hiring subsidy and much publicity, only one third of all businesses hiring JOBS eligible employees took advantage of the grant.

Review of Employer Tax Credit Program to Date

Implemented on May 19, 1999, as an emergency regulation, the Employer Tax Credit program has been in place for almost seven months [this analysis is dated December 21, 1999]. Although some businesses have expressed interest, no one has been placed through the Employer Tax Credit

program to date.⁴ One possible reason why the Employer Tax Credit program is not currently being utilized may be that availability of a tax credit has not been aggressively marketed. Another possible explanation could be that the tax credit is not large enough to generate firm interest.

Although the Employer Tax Credit program is not currently being used, it is still possible to evaluate its potential cost effectiveness. In spite of minimal administrative costs, the average cost per new job created may be greater than the tax credit amount of \$750. There are two reasons for this. First, certain participants hired might have found jobs without the Employer Tax Credit program and, therefore, do not represent a net increase in employment. This is especially relevant since the tax credit program is open to all TANF recipients and a significant portion of that population has historically been able to return to the workforce without state assistance.

The second reason the average cost per new job created may exceed the tax credit amount of \$750 is that the program provides a subsidy for qualifying welfare recipients. The effect of such a subsidy will be to increase the demand for tax credit-eligible workers relative to other comparably skilled workers since the cost of hiring them is lower. If a tax credit-eligible individual is hired in place of a noneligible worker then there is (again) no net gain in employment. The extent of such job displacement among nonqualifying workers will depend on the state of the labor market. In a tight labor market where jobs are plentiful and workers are scarce, a wage subsidy is more likely to create new jobs, although the possibility that the participants hired would have found work without the grant is higher. In a slack labor market where jobs are few and workers are plentiful, a wage subsidy will most likely result in substantial job displacement for nonqualifying workers as firms turn to "cheaper" labor.

The most obvious benefits of successful placements resulting from the tax credits will be the savings in Temporary Aid for Needy Families (TANF) assistance and other related transfer payments. These savings will result from the increased incomes of participants and their earlier departure from the welfare rolls. Some individuals may also gain employment that provides health insurance benefits, decreasing state Medicaid expenditures. The community will benefit from the increase in productivity that results from the movement of individuals from the welfare rolls to the workforce.

On the other hand, there are some potential costs associated with an individual's transition to the workforce. While the belief that most people prefer to be productive members of society is probably well-grounded, a single mother that must work long hours at a low-paying job while having to put her children in day care may believe that she was better off on welfare, especially if the available day care is perceived to be of a lower quality.

A precise estimate of the cost effectiveness of this program would require the following information:

1. How many individuals hired with the tax credit would have found employment otherwise?

¹ Friedlander, Daniel and Gary Burtless. 1995. *Five Years After: The Long-Term Effects of Welfare-to-Work Programs*. New York: Russell Sage Foundation.

² Katz, Lawrence F. 1996. "Wage Subsidies for the Disadvantaged." National Bureau of Economic Research Working Paper 5679.

³ Ibid.

⁴ Thomas J. Steinhauser, Division of Temporary Assistance Services, Department of Social Services.

2. How many individuals hired with the tax credit displaced other noneligible workers?
3. Did individuals hired with tax credit leave the TANF program earlier than they otherwise would have?
4. How many individuals hired with the tax credit subsequently returned to the welfare system?
5. What is the increased productivity to society of the employed worker (i.e., the value gained by society)?

Because there is little data on any of these important factors, it is not possible to draw a conclusion about whether the benefits resulting from the tax credit program will outweigh the costs.

Businesses and entities affected. The Virginia Employer Tax Credit (VTEC) offers a tax credit not to exceed \$750 to employers who hire qualified Temporary Assistance for Needy Families (TANF) recipients. In FY 1999, there was an average of 37,798 TANF recipients per month.

This regulation will also positively affect businesses that take advantage of the wage subsidy. A firm will not hire additional workers unless there is some marginal benefit, however small it may be. This benefit to the firm may come in the form of higher profits or it may be derived from the contribution to the community or an enhanced reputation, but, in any case, the firm will expect to be better off.

Localities particularly affected. This regulation is not expected to disproportionately affect any particular localities.

Projected impact on employment. This program could potentially result in a net increase in employment for Virginia. As discussed previously, the extent of the increase would depend on the state of the labor market and whether the placements would have found jobs otherwise. In a slack labor market the potential for job displacements of noneligible workers is strong.

Effects on the use and value of private property. This regulation is not expected to have any effect on the use and value of private property.

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

Summary:

The regulation sets forth procedures for employers to claim tax credits when they hire Temporary Assistance for Needy Families (TANF) recipients as authorized by the passage of HB 696 during the 1998 session of the Virginia General Assembly. The tax credit provides incentives to employers to hire TANF recipients who otherwise may not be considered for an employment opportunity.

22 VAC 40-35-10. Definitions.

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

"Actively seeking employment" means satisfactorily participating in any assigned job-seeking activity while in the program.

"Adult portion" means the TANF amount paid on behalf of the parent or other caretaker-relative with whom the TANF child resides, including a minor parent. This amount is the difference in the standard of assistance for a family size which includes the adult and the standard of assistance for a family size of one less person.

"AFDC-Foster Care" means a federal program authorized under § 472 of the Social Security Act (42 USC § 672) and administered by the Virginia Department of Social Services, which provides financial assistance on behalf of qualifying children.

"Agreement" means the written individualized agreement of personal responsibility required by § 63.1-133.49 of the Code of Virginia.

"Allotment" means the monthly food stamp benefit given to a household.

"Applicant" means a person who has applied for TANF or TANF-UP benefits and the disposition of the application has not yet been determined.

"Assistance unit" means those persons who have been determined categorically and financially eligible to receive assistance.

"Caretaker-relative" means the natural or adoptive parent or other relative, as specified in 45 CFR 233.90(c)(1)(v), who is responsible for supervision and care of the needy child.

"Case management" means the process of assessing, coordinating, monitoring, delivering or brokering activities and services necessary for VIEW participants to enter employment or employment-related activities as quickly as possible.

"Case management services" means services which include, but are not limited to, job development and job placement, community work experience, education, skills training, and support services.

"Case manager" means the worker designated by the local department of social services, a private-sector contractor or a private community-based organization including nonprofit entities, churches, or voluntary organizations that provide case management services.

"Child day care" means those services for which a participant is eligible pursuant to child day care services policy.

"Child day care services/program" means a regularly operating service arrangement for children where, during the absence of a parent or guardian, a person or organization has agreed to assume responsibility for the supervision, protection, and well-being of children under the age of 13 (or children up to 18 years of age if they are physically or mentally incapable of caring for themselves or subject to court supervision) for less than a 24-hour period.

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"Community work experience" means work for benefits in a public or private organization that serves a community/public function.

"Department" means the Virginia Department of Social Services.

"Diversionary cash assistance" means a one-time lump sum payment to an individual or third-party vendor to prevent long-term receipt of TANF.

"Division of Child Support Enforcement" or *"DCSE"* means that division of the Virginia Department of Social Services which is responsible under Title IV-D of the Social Security Act (42 USC §§ 651-669) to locate noncustodial parents, establish paternity, establish child support and health care orders, enforce payment of delinquent support, and collect and distribute support payments.

"Employer tax credit" means a tax credit available to an employer pursuant to § 58.1-439.9 of the Code of Virginia.

"Family" means a TANF assistance unit.

"Food Stamp Program" means the program administered through the Virginia Department of Social Services through which a household can receive food stamps with which to purchase food products.

"Full Employment Program" or *"FEP"* means subsidized, training-oriented, employment which replaces the TANF and food stamp benefits of a participant. This component of VIEW is designed to train the recipient for a specific job, increase his self-sufficiency and improve his competitiveness in the labor market.

"Full-time unsubsidized employment" means employment which is considered by the employer to be full time, but in no case less than 30 hours per week, and for which no JOBS, VIEW, TANF, or food stamp funds are used to pay the individual's salary.

"Grant" means the monthly TANF benefit payment.

"Hardship exceptions" means prescribed reasons which, if applicable, would allow an extension of receipt of TANF benefits.

"He" means a male or female, as applicable.

"Hiring authority" means an individual with the authority to hire employees for a business.

"In loco parentis" means an adult relative or other adult who is acting in place of a parent.

"Incapacitated" means a medically verified condition which renders an individual unable to work.

"Job Opportunities and Basic Skills Training Program (JOBS)" means the program authorized by Title IV-F of the Social Security Act (42 USC §§ 681-687). This program provides education, training and work experience to enhance employment opportunities for TANF recipients who are not exempt from participation.

"Job finding" means identification of available jobs.

"Job matching" means matching a participant's minimum skills or prior work experience to available job openings.

"Job placement" means placing a participant in an unsubsidized or subsidized job. Job placement is the result of job finding and job matching.

"Job search" means a structured, time-limited period in which the participant is required to search for employment. To complete the job search, the participant must search and apply for a set number of jobs.

"Job skills training" means training in technical job skills or required knowledge in a specific occupational area in the labor market.

"Local agency" or *"local department"* means any one of the local social services or welfare agencies throughout the Commonwealth which administers the VIP program.

"Minor parent" means any parent under 18 years of age.

"On-the-job training" means training which is provided by an employer during routine performance of a job.

"Parent" means a mother or father, married or unmarried, natural, or adoptive following entry of an interlocutory order. The parent may be a minor parent.

"Participant" means a TANF or TANF-UP recipient who is participating in the VIEW program.

"Participating family" means an assistance unit including a parent who participates in the Virginia Initiative for Employment not Welfare (VIEW) Program.

"Part-time unsubsidized employment" means employment of at least eight hours but less than 30 hours per week and for which no JOBS, VIEW, TANF, or food stamp funds are used to pay the individual's salary.

"Post-secondary education" means formal instruction at an institution of higher education or vocational school leading to the attainment of a certificate, an associate degree, or a baccalaureate degree.

"Qualified business employer" means an employer whose business employed not more than 100 employees at the time that the employer first hired a qualified employee.

"Qualified employee" means an employee who is a Virginia resident and is a recipient of Temporary Assistance for Needy Families (TANF).

"Qualified employer" means an employer who may participate in the Virginia Targeted Jobs Grant Program by virtue of meeting all of the program criteria for employers.

"Qualified participant" means a Virginia Initiative for Employment not Welfare participant who meets all of the program criteria and may be hired by a qualified employer.

"Recipient" means an individual who is presently receiving a TANF assistance payment or whose eligibility exists even though the assistance payment is zero.

"Recipient family" means an assistance unit in which the caretaker-relative is a parent of the eligible child and the parent's needs may or may not be included on the grant.

"Relative" means spouse, child, grandchild, parent, or sibling of a qualified employer.

"Sanction" means to reduce or suspend a participant's TANF grant or food stamp allotment or both, where applicable, for noncompliance with these regulations or the statute.

"School" means (i) any public school from kindergarten through grade 12 operated under the authority of any locality within this Commonwealth or (ii) any private or parochial school that offers instruction at any level or grade from kindergarten through grade 12.

"Support services" means services such as child care or transportation provided to program participants to enable the participant to work or to receive training or education which are intended to lead to employment.

"Temporary Assistance for Needy Families" or "TANF" means the program authorized in § 406 of the Social Security Act (42 USC § 606) and administered by the Virginia Department of Social Services, through which a relative can receive monthly cash assistance for the support of his eligible children.

"Temporary Assistance for Needy Families-Unemployed Parent" or "TANF-UP" means the program authorized in § 63.1-105 of the Code of Virginia and administered by the Virginia Department of Social Services, which provides aid to two-parent families with dependent children who are in financial need.

"Time limitations" means a specified period of time, under the statute, to receive TANF.

"Transitional support services" means child care, transportation or medical assistance provided to working participants whose TANF has been terminated either voluntarily, although still eligible for TANF, or involuntarily, due to time limitations.

"Truant" means a child who (i) fails to report to school for three consecutive school days, or for a total of five scheduled school days per month or an aggregate of seven scheduled school days per school calendar quarter, whichever occurs sooner, and no indication has been received by school personnel that the child's parent or guardian is aware of the child's absence, and a reasonable effort by school personnel to notify the parent or guardian has failed; or (ii) is not enrolled in school at any time during the month.

"Underemployed" means working at a job for less than the federal hourly minimum wage.

"Unsubsidized employment" means employment in which no government funds are used to subsidize directly the wages earned by a participant.

"Virginia Independence Program" or "VIP" means the program in the Commonwealth of Virginia which is made up of the TANF Program and the Virginia Initiative for Employment not Welfare.

"Virginia Initiative for Employment not Welfare" or "VIEW" means the Job Opportunities and Basic Skills Training Program as implemented in the Commonwealth.

"Virginia Targeted Jobs Grant Program" or "VTJG" means ~~the program established in a grant paid to an employer in accordance with § 63.1-25.3 of the Code of Virginia which pays a grant to employers who hire qualified participants in the Virginia Initiative for Employment not Welfare Program.~~

"Work activity" means participation in unsubsidized employment, FEP, part-time work, community work experience, or on-the-job training.

22 VAC 40-35-125. The Virginia Targeted Jobs Grant Program.

A. In order to enhance the employment opportunities of participants, the VIEW program shall administer a grant program called the Virginia Targeted Jobs Grant Program (VTJG).

1. The Virginia Targeted Jobs Grant Program shall pay a grant not to exceed \$1,000 to participating qualified employers. For the purpose of this section, a qualified employer may not claim a grant if the qualified employee was employed within one year of the date of the current hiring.

2. Participating employers shall sign an agreement with the Virginia Department of Social Services which will outline the program requirements for both the employer and the Commonwealth.

B. In order to be a qualified employee, the individual must have been a recipient of TANF for at least nine months prior to hiring.

1. The employee must be unemployed or underemployed at the time he is hired by the employer.

2. The employee shall not be a relative of the hiring authority. For the purpose of this section, a relative means a spouse, child, grandchild, parent or sibling of the employer.

3. The employee must have worked for the employer for at least 1,000 hours during the taxable year.

4. The employee must have been placed with the employer as a result of his participation in the Department of Social Services' VIEW Program.

C. In order to make application for the Virginia Targeted Jobs Grant Program grant, a participating employer shall complete the application form supplied by the Department of Social Services. The application form shall be submitted to the Virginia Department of Social Services, Division of Financial Management with certification of the participant's employment for the period in question. The application must be filed no later than the last day of the third quarter month following the close of the taxable year for which the grant is claimed. Grants will be awarded by May 30 of each year. *If funds are not sufficient to cover the cost of the VTJGs to which each employer is entitled, each employer will be authorized a credit proportionate to his share of the available funding.* Grants for applications received after April 15 will not be awarded until the following fiscal year. A VTJG Certification of Participant Placement must accompany the application.

Proposed Regulations

D. The Commissioner of the Department of Social Services, or his designee, may examine the books, records, and other applicable documents to determine that the employer has satisfied the above requirements and is eligible for a VTJG.

PART IV. EMPLOYER TAX CREDIT.

22 VAC 40-35-126. Employer eligibility.

A. For taxable years beginning on and after January 1, 1999, a qualified business employer shall be allowed a credit imposed against taxes imposed by Articles 2 (§ 58.1-320 et seq.), 6 (§ 58.1-360 et seq.), and 10 (§ 58.1-400 et seq.) of Chapter 3 of Title 58.1 of the Code of Virginia in an amount equal to 5.0% of the annual salary paid during the taxable year to a qualified employee; however, in no case shall the credit exceed \$750 per qualified employee.

B. For the purposes of this section, the amount of any credit attributable to a partnership, electing small business corporation (S corporation), or limited liability company shall be allocated to the individual partners, shareholders, or members, respectively, in proportion to their ownership or interest in such business.

C. Any credit not usable for a taxable year may be carried over to the next three taxable years. The amount of any credit allowed shall not exceed the tax imposed for the taxable year. A credit may not be carried back to a prior taxable year. If a qualified business that is subject to the tax limitation is allowed another credit under another provision of the Code of Virginia, or has a credit carryover from a preceding taxable year, such employer must first utilize any credit which does not have a carry over provision, and then any credit which is carried forward from a prior taxable year, prior to using a credit allowed under this section.

D. The amount of tax credits available, when added to the amount of grants made to employers under the Virginia Targeted Jobs Grant Program for the fiscal year, shall not exceed the amount appropriated to the Virginia Targeted Jobs Grant Fund as provided in the general appropriation act.

E. No qualified business employer shall be eligible to claim a credit for any taxable year that the employer is the recipient of a grant for the same qualified employee under the Virginia Targeted Jobs Grant Program.

PART V. PROCEDURES FOR CLAIMING A VIRGINIA TARGETED JOBS GRANT OR EMPLOYER TAX CREDIT.

22 VAC 40-35-127. Procedures for claiming a Virginia Targeted Jobs Grant.

A. No later than three months following the close of a taxable year, but no later than April 15 of each year, any employer who hires a qualified employee during the taxable year must submit an application for a Virginia Targeted Jobs Grant (VTJG) to the Virginia Department of Social Services, Division of Financial Management, pursuant to 22 VAC 40-35-125.

B. The employer will include on the application:

1. The taxable year for which the qualified employee was hired;
2. The employee name and SSN;
3. The date the qualified employee was hired;
4. Total wages paid to the qualified employee during the taxable year;
5. Total hours worked by the employee during the taxable year;
6. The employer federal ID number;
7. A statement that the qualified employee was not previously employed by the employer within 12 months of the date the qualified employee was hired; and
8. A certification that the employee is not a relative and has worked for more than 1,000 hours at a rate of pay which is at least the minimum wage during the taxable year for which the employer is claiming the VTJG.

C. By May 15 of each year the total amount of VTJGs will be calculated and grants will be issued by the DSS in accordance with 22 VAC 40-35-125 C.

D. Unused balances for a fiscal year will be issued to qualifying employers as an employer tax credit.

22 VAC 40-35-128. Procedures for claiming an employer tax credit.

A. By April 15 of each year, any qualified business employer who hires a qualified employee during a taxable year beginning on or after January 1, 1999, must submit a Virginia Employer Tax Credit Application Form to the Virginia Department of Social Services, Division of Financial Management.

B. The request will include:

1. A certification that the company meets the definition of a qualified business employer as defined in § 58.1-439.9 of the Code of Virginia;
2. The employee name and SSN;
3. The taxable year for which the qualified employee was hired;
4. The date the qualified employee was hired;
5. Total wages paid to the qualified employee during the taxable year;
6. Total hours worked by the employee during the taxable year; and
7. The employer federal ID number.

C. After the department calculates and issues VTJG payments, the unexpended VTJG appropriation, as set forth in 22 VAC 40-35-127 D, will be used to determine each qualified employer's entitlement to a employer tax credit. Based upon the number of employer tax credit requests received and the balance of VTJG funds, the department will determine the maximum employer tax credits (MTC) allowed, not to exceed \$750 per qualified employee. If funds are not

sufficient to cover the cost of the MTC to which each employer is entitled, each employer will be authorized a credit proportionate to his share of the available funding. The department will notify each qualified employer of the employer tax credit allowable for the taxable year which will be the MTC or a lesser amount based upon wages paid or maximum funding available. By June 15 of each year, the department will issue certifications of allowable employer tax credits to each qualified employer. The employer may amend their tax return for the taxable year for which the credit was earned or may apply the credit to a future year pursuant to § 58.1-439.9 of the Code of Virginia.

D. The department will notify the Virginia Department of Planning and Budget of the combined VTJG issued and MTC certified in the fiscal year by June 30 of each year.

PART ~~IV~~ VI.
APPEALS.

NOTICE: The forms used in administering 22 VAC 40-35-5 et seq., Virginia Independence Program, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.

FORMS

[View Agreement of Personal Responsibility.](#)

[View Activity and Service Plan.](#)

[View Full Employment Agreement.](#)

[Virginia Employer Tax Credit Application Form.](#)

Proposed Regulations

Commonwealth of Virginia
Department of Social Services

Virginia Employer Tax Credit Application Form

EMPLOYER NAME: _____

ADDRESS: _____ PHONE: _____

TAX IDENTIFICATION NUMBER: _____

TAXABLE YEAR (*month/year through month/year*): _____

NO. OF EMPLOYEES AT THE TIME THE TANF EMPLOYEE WAS HIRED _____

EMPLOYEE NAME: _____

EMPLOYEE SSN: _____

DATE OF EMPLOYMENT: _____

TOTAL WAGES PAID DURING TAXABLE YEAR: _____

I, _____
(Employer) certify that the information provided

above is true and correct to the best of my knowledge.

Employer Signature

Date

Return completed form to the Virginia Department of Social Services, Division of Financial Management, 730 E. Broad Street, Richmond, Virginia 23219.

Department of Social Service Use only:

The above referenced employee was receiving TANF assistance on the date of hire identified above.

Verified by: _____
Signature

Position

VA.R. Doc. No. R99-177; Filed June 13, 2000, 8:43 a.m.

FINAL REGULATIONS

For information concerning Final Regulations, see Information Page.

Symbol Key

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

TITLE 11. GAMING

VIRGINIA RACING COMMISSION

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

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

Effective Date: August 4, 2000.

Summary:

The amendments incorporate the changes in standard operating procedures for racetracks in the mid-Atlantic region; allow licensees reciprocity if licensed in another state with similar regulatory requirements; and clarify sections with permit application procedures, including the repeal of provisional permits. The regulation has not been revised since it was repropose and published for an additional 60-day public comment period. The regulation reflects the public comment received during the public hearing and the initial period of public comment.

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: William H. Anderson, Virginia Racing Commission, 10700 Horsemen's Road, New Kent, VA 23124, telephone (804) 966-7404.

11 VAC 10-60-10. Generally.

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

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

~~every five years thereafter.~~ The application shall be verified by the oath or affirmation of the applicant.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

F. Denial of application. If from the face of the application, an applicant appears ineligible because of the requirements specified in § 59.1-389 B of the Code of Virginia, his application shall be denied by the commission, acting through its executive secretary or other designee. The commission may deny an application for a permit for the reason specified in § 59.1-389 C of the Code of Virginia. Absent mitigating circumstances, the application for a permit shall be denied if

the applicant has [~~been convicted for solicitation/prostitution within five years next preceding the application date or has~~] three or more misdemeanor convictions, regardless of offense, within five years preceding the application date. If the applicant has multiple convictions of the same offense on the same day, it shall not constitute three or more misdemeanor convictions for purposes of this regulation. The applicant may withdraw his application prior to denial.

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

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

1. For horsemen participants:

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

2. For employees of a licensee:

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

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

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

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

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

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

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

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

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

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

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

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

possession of ~~an applicant~~, a holder of a permit ~~or a holder of a provisional permit~~ may be seized;

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

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

4. Failure to submit to any inspection or search described above or to any production of documents or seizure of property resulting therefrom, may subject a licensee, ~~or a holder of a permit or a holder of a provisional permit~~ to disciplinary action. In the event that such licensee or permit holder, ~~applicant, or holder of a provisional permit~~ refuses to submit, the following procedure shall apply:

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

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

[~~R. S.~~] Workers' compensation. An applicant for a permit, ~~where the person acts as an employer of three or more persons within the enclosure, shall purchase and maintain workers' compensation insurance, and shall submit, with his application, a copy of the declaration page or certificate of insurance. Should workers' compensation insurance coverage be terminated or canceled, the permit of the person~~

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~~may be suspended or revoked who is subject to the compensation provisions of the Virginia Workers' Compensation Act (§ 65.2-100 et seq. of the Code of Virginia) shall comply with the provisions of the Virginia Workers' Compensation Act regarding insurance and self-insurance and shall submit proof of his compliance with his application for a permit. Failure to remain in compliance with the insurance and self-insurance provisions of the Virginia Workers' Compensation Act throughout the duration of the permit shall constitute grounds for its revocation or suspension.~~

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

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

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

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

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

b. Each sample shall be provided in the presence of the licensee's physician or other representative appointed by the executive secretary or his designee and in sufficient quantity to provide a split sample whenever possible. Such sample(s) shall be immediately sealed and tagged ~~on the form provided by the commission~~. Evidence of such sealing shall be

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

2. Notwithstanding the foregoing, any steward, acting with reasonable suspicion, may direct any holder of a permit, whether or not listed in the categories above, to submit a specimen of urine, or to submit to any other fluid test including a blood test for the detection of controlled substances or drugs, in which event the provisions of these regulations dealing with collection of sample(s), failure to provide a sample, positive sample test(s), and disciplinary action shall apply.

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

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

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

b. If the evaluation indicates the person's condition is addictive or detrimental to the best interests of horse racing, the person shall not be allowed to participate in horse racing until he can produce a negative test, has successfully completed a drug rehabilitation program acceptable to the commission, and agrees to undergo

random testing for a period of not greater than six months at the discretion of the stewards; and

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

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

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

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

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

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

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

d. Tests shall be conducted by a trained and qualified operator. The operator shall have received training on the operational principles of the particular instrument

employed and practical experience in the operation of the device and use of the breath alcohol calibrating unit; and

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

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

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

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

[~~V. W.~~] Reciprocity of rulings. Any ~~person who has been issued a permit by the commission and has a holder of a permit~~ whose permit or license to engage in any activity related to horse racing ~~denied for just cause, suspended or revoked in any other jurisdiction, and such denial, suspension or revocation is still in effect in any other jurisdiction has been denied, suspended or revoked for just cause in that jurisdiction~~ shall not be permitted to participate in horse racing with pari-mutuel wagering in the Commonwealth of Virginia if *such denial, suspension or revocation is still in effect.*

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

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

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

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

Type of Permit	Fee
Apprentice Jockey	\$10
Assistant General Manager	\$10

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Assistant Racing Secretary	\$10
Assistant Starter	\$5
Assistant Trainer	\$10
Authorized Agent	\$10
Claims Clerk	\$10
Clerk of Scales	\$10
Clerk of the Course	\$10
Clocker	\$10
Concessionaire/Vendor	\$25
Concessionaire/Vendor Employee	\$5
Corporate Horse Owner	\$25
Custodian of Jockeys' Room	\$10
Director of Security	\$10
Driver	\$10
Entry Clerk	\$10
Exercise Rider	\$10
Farrier	\$10
Foreman	\$10
Gap Attendant	\$10
General Manager	\$10
Groom/Hotwalker	\$5
Horse Identifier	\$10
Horsemen's Bookkeeper	\$10
Horse Owner	\$10
Jockey	\$10
Jockey Agent	\$10
Lease	\$25
Licensee-Administrative Employee	\$10
Licensee-Marketing Employee	\$10
Licensee-Medical Employee	\$10
Licensee-Operations Employee	\$10
Licensee-Plant Employee	\$10
Licensee-Staff Employee	\$10
Mutuel Clerk	\$10
Mutuel Manager	\$10
Night Watchman	\$10
Other	\$10
Outrider	\$10
Paddock Judge	\$10
Partnership	\$25
Patrol Judge	\$10
Photo-Finish Camera Operator	\$10
Placing Judge	\$10
Pony Rider	\$10
Program Director	\$10
Racing Secretary	\$10
Security Officer	\$10
Stable Name	\$25
Stall Superintendent	\$10
Starter	\$10
Timer	\$10
Track Superintendent	\$10
Trainer	\$10
Valet	\$5
Veterinarian (Licensee)	\$10
Veterinarian (Private Practice)	\$10
Video Patrol Personnel	\$10

11 VAC 10-60-20. Practicing veterinarian.

A. Qualifications. A holder of a permit allowing the person to participate as a practicing veterinarian *in Virginia* shall

possess a full and unrestricted license from the Virginia Board of Veterinary Medicine.

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

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

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

1. Treat all horses under his care in a humane manner and report all instances of animal abuse or neglect immediately to the stewards;
2. Report immediately to the commission veterinarian and stewards any illness in a horse presenting unusual or unknown symptoms;
- ~~3. Submit daily written reports to the commission veterinarian of any treatment or medication prescribed or administered to a horse and the reports shall include the name of the horse, its trainer, the treatment performed, medication prescribed or administered, the dosage, and time and date of administration;~~
4. 3. Retain duplicate copies of bills or statements issued to trainers or owners for at least one year;
- ~~5.~~ 4. Make available to the commission veterinarian, stewards or other commission personnel, upon request, copies of any written records or billing to trainers or owners; and
- ~~6.~~ 5. Use only single-use disposable syringes and infusion tubes, and whenever using a hypodermic needle or syringe, the practicing veterinarian shall destroy the needle and syringe and remove it from the enclosure.

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

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

11 VAC 10-60-40. Horse owner.

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

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

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

1. Before a horse can start in a race, ~~its true ownership must be recorded the trainer must list its ownership with the racing secretary and the appropriate breed registry, e.g., thoroughbred: The Jockey Club; standardbred: United States Trotting Association; quarter horse, American Quarter Horse Association; and arabian: Arabian Horse Registry of America;~~

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

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

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

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

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

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

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

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

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

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

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

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

1. A written designation of a managing owner to represent the entire joint venture must be submitted to the ~~stewards~~ *racing secretary* and signed by every person having an interest of 5.0% or more in any horse entered to race, the chief executive officer of any corporation involved, and the general partner of any limited partnership;

2. Each person having an interest of 5.0% or more in a horse shall apply for a permit as an owner;

3. Each person having an interest of less than 5.0% need not apply for a permit as an owner, unless he intends to participate at the race meeting; however, a complete list of names and addresses of persons having an interest of less than 5.0% shall be provided to the stewards for their approval; and

4. A horse shall not be entered where a person, who has any ownership interest in the horse, would be ineligible for a permit under these regulations.

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

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shall also make application to the commission for permits as owners.

1. A written designation of a managing owner to represent the estate, partnership, corporation or other legal entity must be submitted to the stewards and signed by every person having an interest of 5.0% or more in any horse entered to race, by the chief executive officer of any corporation involved, and by the general partner of any limited partnership;

2. The managing owner shall be responsible for submitting to the stewards a copy of the partnership papers or articles of incorporation which shall ~~including~~ *include* the following information:

a. The name or names of the horse or horses involved in the estate, partnership, corporation or other legal entity;

b. The name and address of every person having any interest in the horse or horses involved in the estate, partnership, corporation or other legal entity;

c. The relative proportions of such interests;

d. In whose name the horse or horses shall run, and whose name shall be printed in the daily program;

e. The person who may enter the horse in races *if other than the trainer*;

f. The terms of any contingency, lease or any other arrangement; and

g. All partnership papers, articles of incorporation or other appropriate documents must be signed by all parties to the estate, partnership, corporation or other legal entity.

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

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

1. The lessee is a permit holder as an owner;

2. The lessor is eligible for a permit;

3. The signatures of the lessors and lessees on the lease agreement are subscribed and sworn to before a notary public;

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

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

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

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

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

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

1. In making an application for a stable name, the applicant shall make a full disclosure of all of the parties to the stable name regardless of the proportion of their interest;

2. All parties; who have an interest of 5.0% or more; in the stable name must be holders of permits as owners;

3. If a partnership or corporation is involved in the stable name, then all of the provisions of these regulations applicable to partnerships or corporation must be complied with as well;

4. Any changes in the parties to the stable name must be reported to the racing secretary and the stewards prior to the horse being entered;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 VAC 10-60-70. Trainer.

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

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

1. The person must be 18 years old or older;

2. ~~Shall present a copy of the declaration page or certificate of insurance for workers' compensation as required by these regulations~~ *If the applicant for the permit is subject to the compensation provisions of the Virginia Workers' Compensation Act (§ 65.2-100 et seq. of the Code of Virginia), he must submit proof of his compliance with the insurance and self-insurance provisions of that Act with his application for the permit,*

3. The person must be qualified by experience or competence to care for and train racehorses; and

4. The person must have in his charge a horse eligible to race.

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

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

1. Shall not train horses under an assumed name or stable name; ~~[and]~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

H. Steeplechase trainer. A permit may be issued to a person desiring to participate in horse racing as a trainer of horses utilized in ~~jump~~ steeplechase races, if the person possesses a currently valid trainer's license issued by the stewards of the National Steeplechase Association or a currently valid permit as a trainer of horses utilized in ~~jump~~ steeplechase races in *Virginia* or another jurisdiction.

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

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

K. Trainer responsibility. The trainer shall be the absolute insurer of, and responsible for, the condition of each horse he enters in a race, regardless of the acts of third parties. A trainer shall not start a horse or permit a horse in his custody,

care or control to be started if he knows, or through the exercise of reasonable care he might have known or has cause to believe, that the horse has received a substance foreign to the natural horse, except those specifically permitted by the regulations of the commission. The trainer shall guard, or caused to be guarded, each horse in his charge in a manner and for a period of time before racing so as to prevent any person from administering a substance foreign to the natural horse, except those specifically permitted by the regulations of the commission.

11 VAC 10-60-120. Jockey.

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

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

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

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

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

6. The stewards, in their discretion, may at any time deny the person the opportunity to ride in more races for cause.

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

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

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

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

~~G. F. Foreign jockey. Whenever a jockey from a foreign country, excluding Mexico and Canada, rides in the United States, he must submit an application for a permit and declare that he is a holder of a valid permit and currently not under suspension. To facilitate this process, the jockey shall present a declaration sheet stating:~~

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

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

~~H. G. Apprentice allowance. An apprentice jockey or jockey riding probationary mounts may claim in all overnight races, except handicaps, a five pound apprentice allowance. The jockey may claim the five pound apprentice allowance for a period of one year from the date he rides his fifth winner. He shall be entitled for the five pound apprentice allowance~~

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

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

~~I. H. Extension of apprentice allowance. The stewards, in their discretion, may extend the apprentice allowance because of time lost by disability arising out of an accident and injury incurred while plying his trade or by military service, disabling illness or restrictions on horse racing. In order to qualify for the extension, he shall have been rendered unable to ride for a period of not less than 14 consecutive days during the period in which he was entitled to an apprentice allowance. The commission or its designee may extend the weight allowance of an apprentice jockey when an apprentice jockey is unable to continue riding due to (i) physical disablement or illness, (ii) military service, (iii) attendance in an institution of secondary or higher education, (iv) restriction on racing, or (v) other valid reasons.~~

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

~~designee. If the apprentice jockey has been denied an extension in another jurisdiction, the commission or its designee shall deny the application for an extension.~~

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

- ~~1. The original contract is to be submitted to the stewards with copies made available to the parties to the contract;~~
- ~~2. A written extension may be made to a contract, if the original was for less than five years;~~
- ~~3. The original contract shall be kept in full force and in effect throughout its contract period. Any and all amendments to the contract shall be made a part of and either added to or attached to copies in the possession of the parties and a copy of the amendments submitted to the stewards;~~
- ~~4. An owner or trainer may not enter into a contract with an apprentice jockey unless he has control or possession of a stable of horses as would, in the discretion of the stewards, warrant the employment of an apprentice;~~
- ~~5. An apprentice jockey may not acquire his own contract;~~
- ~~6. All apprentice jockey contracts must be submitted to the stewards within 30 days of their execution or upon filing an application for a permit;~~
- ~~7. The contract shall provide for fair remuneration, adequate medical attention, suitable board and lodging, workers' compensation insurance coverage, and provision for conserving the savings out of the earnings of the apprentice; and~~
- ~~8. Any apprentice or contract rider shall be entitled to the regular jockey fees, except when riding a horse owned in part or solely by his contract holder. An interest in the winnings only, e.g., a trainer's commission, does not constitute ownership.~~

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

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

- ~~1. Ride any horse not owned or trained by his contract employer in a race against a horse owned or trained by his contract employer;~~
- ~~2. Ride or agree to ride any horse in a race without consent of his contract employer; and~~

3. Share any money earned from riding with his contract employer; ~~and.~~

~~4. Accept any present, money or reward of any kind in connection with his riding of any race except through his contract employer.~~

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

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

1. After a jockey gives a call to ride a horse in a race, either personally or through his agent, and fails to fulfill the engagement, he shall not accept another engagement in that race or be assigned by the stewards to another horse in that race;

2. In races where a jockey has more than one engagement, the jockey agent shall ~~be requested to~~ specify a first and second call on the jockey's services; and

3. A jockey may be named on no more than two horses in the body of a race ~~and named on no more than three horses including "also eligibles."~~ [~~scheduled for the dirt surface~~]. [*In turf course races, in which there is an also-eligible list for the dirt course, a jockey may be named on no more than three horses, one of which shall be a dirt course only entrant.*]

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

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

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

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

1. In the event a jockey does not report to the clerk of scales at the appointed time, the clerk of scales shall advise the stewards who may name a substitute jockey and any substitution shall be publicly announced prior to the opening of wagering;

2. After reporting to the clerk of scales, a jockey shall remain in the jockeys' room until he has fulfilled all of his engagements for the program. A jockey may only leave to ride in a race or to view the races from a location approved by the stewards;

3. A jockey shall have no communication with any person outside the jockeys' room other than an owner or trainer for whom he is riding, a racing official, *his jockey agent* or a representative of the media; and

4. A jockey, who intends to discontinue riding at a race meeting prior to its conclusion, shall notify the stewards no later than upon fulfilling his final engagement of the day he intends to depart.

~~S.~~ R. Attire. A jockey shall wear traditional attire and shall be neat and clean in appearance. A jockey shall wear the cap and jacket in the owner's racing colors, white breeches, top boots, protective helmet, *safety vest which meets the minimum specifications as defined by the British Equestrian Trade Association*, and a number on his right shoulder corresponding to the horse's number as shown on the saddle cloth and daily program.

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

1. A jockey shall not carry more than ~~one pound~~ *two pounds* of overweight, without the consent of the owner or trainer of the horse which he is engaged to ride; however, a jockey shall not carry more than ~~five seven~~ *seven* pounds of overweight;

2. ~~Whip, blinkers, number cloth, bridle, goggles and protective helmet~~ *Bit, blinkers, bridle, number cloth, reins, safety helmet, safety vest, whip, goggles, overgirth, chamois and breastplate* shall not be included in a jockey's weight;

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3. All overweights shall be promptly reported to the stewards; and

4. No horse shall be disqualified because of overweight carried.

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

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

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

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

~~1. The ruling issued by the stewards for jockeys shall state: "The term of this suspension shall not prohibit participation in designated races;"~~

~~2. A listing of the designated races shall be posted in the jockeys' room, the racing secretary's office and any other place deemed appropriate by the stewards;~~

~~3. A suspended jockey must be named at time of entry to participate in any designated race; and~~

~~4. A day in which a jockey participated in one designated race while under suspension shall count as a suspension day.~~

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

1. The race has been specified as a designated race by the racing secretary before opening day of the race meeting.

2. The race has been approved as a designated race by the stewards.

3. The jockey is named not later than at the time designated by the racing secretary.

4. The jockey agrees to serve an additional day of suspension in place of the day on which the jockey rides in a designated race.

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

11 VAC 10-60-130. Jockey agent.

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

1. A jockey agent shall designate in writing those jockeys for whom he is making engagements;

2. A jockey agent shall have in his possession at all times an engagement book, approved by the stewards, and all engagements made for a jockey by the agent shall be recorded in the book. The book shall be presented to the stewards upon request;

3. A jockey agent shall not make or assist in making of any engagement for a jockey other than those he has designated in writing;

4. A jockey agent may make engagements for only two jockeys, one of which must be an apprentice jockey;

5. A jockey agent may make engagements for two journeyman jockeys only with the permission of the stewards;

6. If a jockey agent relinquishes the making of engagements for any jockey, the jockey agent shall immediately notify the stewards and clerk of scales and turn over to the stewards a list of any unfilled engagements he may have made for that jockey;

7. A jockey agent may give only one "first call" and ~~two "second calls"~~ *one "second call"* per race for each jockey he represents, and conflicting claims for the services of a jockey shall be decided by the stewards;

8. A jockey agent shall be able to explain, to the satisfaction of the stewards, rival claims for the services of a jockey or that the rival claims are the result of bona fide error;

9. No jockey shall have more than one agent;

10. An owner, trainer or authorized agent may make engagements for an apprentice jockey or jockey; and

11. A jockey not represented by an agent may make his own engagements.

11 VAC 10-60-140. Exercise rider.

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

11 VAC 10-60-150. Pony rider.

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

11 VAC 10-60-290. Clocker.

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

11 VAC 10-60-300. Gap attendant.

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

11 VAC 10-60-310. Stall superintendent.

A person shall submit an application to participate in horse racing as a stall superintendent. The stall superintendent shall assist the racing secretary in seeing that the horses are quartered in their assigned stalls, establish a system where horses may not leave or enter the stabling area without the

racing secretary's permission, and ensure that the stabling area is maintained in a clean, neat and sanitary condition.

11 VAC 10-60-320. Track superintendent.

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

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

FORMS

Apprentice Jockey Certificate, DLLR/MRC/P/#6/97-786, 9/98.

Authorized Agent Form, 9/98.

~~Application for Participant.~~

~~Fee Schedule for Permit Holders.~~

[~~Multi-State Form, 9/98.~~]

[~~Racing Commission Permit, 1991.~~]

~~Multiple Participation Form.~~

~~Private Practitioner Reporting Form.~~

[~~Application for Participants 20__ (eff. 8/00).~~

~~Renewal Application for Participants 20__ (eff. 8/00).~~

[~~Multi-Jurisdiction Racing License Application for Owners (eff. 8/00).~~]

AUTHORIZED AGENT FORM

Fee: \$10

Date: _____

Dear Sir:

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

Owner: _____
Address: _____
City, State, Zip: _____

Witness: _____

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

Owner: _____
Address: _____
City, State, Zip: _____

Witness: _____

State of _____
County or City of _____

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

AS WITNESS my hand and seal.

Social Security Number _____ Notary Public

<h1>APPRENTICE JOCKEY CERTIFICATE</h1> <p>ISSUED BY THE VIRGINIA RACING COMMISSION</p>	
Apprentice Name _____	S.S. No. _____
Permanent Address _____	
Date and Place of Birth _____	
Parent or Guardian (if applicable) _____	
Permanent Address (of Parent or Guardian) _____	
Signature of Applicant (Apprentice) _____	
Date Issued _____	Steward's Approval _____
Notary _____	
Apprentice copy - white Steward copy - canary Commission copy - pink	Winning Record on Reverse Side

FORM: DLLR/MRCP/M/97-786

FOR COMMISSION USE ONLY

APPLICATION FOR PARTICIPANTS 20

Virginia Racing Commission
10700 Horseman's Road
New Kent, VA 23124
804-966-7400

Permit Number _____
Type Permit _____
Date Applied _____
Date Approved _____
Date Denied _____
Payment: _____
Prints: _____

Last Name	First Name	Middle Name
Stable Name:	Type Permit:	

INFORMATION AND INSTRUCTIONS

The application shall be accompanied by a fee prescribed by the Virginia Racing Commission. The applicant shall be fingerprinted upon making his initial application in the Commonwealth of Virginia and at least once every five years thereafter. Checks or money orders should be made payable to the Virginia Racing Commission. All questions must be answered and the application signed by the applicant.

Permanent Mailing Address _____ City _____ State _____ Zip _____ Maiden Name _____ Employer _____ U. S. Citizen? <input type="checkbox"/> Yes <input type="checkbox"/> No If no, citizen of _____ Immigration # _____ Person to notify in emergency: _____ Relationship _____ Address _____ Street _____ City _____ State _____ Zip _____ Telephone Number _____	Social Security # _____ FEIN Number _____ U. S.T.A. Number _____ DATE OF BIRTH _____ BIRTH PLACE _____ TELEPHONE: Home _____ Business _____ SEX: <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE WEIGHT _____ HEIGHT _____ HAIR _____ EYES _____ MARITAL STATUS: SINGLE MARRIED DIVORCED	<p>OWNER AND TRAINER</p> Number of horses in training in Virginia _____ Number of employees working in Virginia _____ Company name _____ Policy Number _____ Name of Policyholder _____
		<p>ASSISTANT TRAINER</p> Assistant to trainer _____ Number of horses in your care _____
		<p>JOCKEYS AND APPRENTICE JOCKEYS</p> Name of Agent _____
		<p>JOCKEY AGENTS</p> 1. Jockey's Signature _____ 2. Jockey's Signature _____
		LAST LICENSE 19 _____ TYPE LICENSE _____ NAME OF STATES _____

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Have you ever had a license or permit denied, suspended or revoked, or is a complaint pending in any jurisdiction? Yes No

Have you ever pleaded guilty, pleaded nolo contendere, been found guilty or been convicted or forfeited bail or been fined for any criminal offense, either a felony or misdemeanor, including driving under the influence of alcohol and/or drugs? Yes No

Is there now any indictment or complaint pending against you for any public offense? Yes No

Are you presently on parole or probation? Yes No Probation Ends _____

Have you ever been licensed in any state under any other name? Yes No If yes, the names and ages used and identify state and year in space provided below.

Do you have any complaints in any racing jurisdiction for any offense? Yes No

Have you ever used another name or have you ever been known by other name? Yes No

Have you ever had any permit or license of any type denied, suspended or revoked by any federal, state or local government agency? Yes No

Under what name/s are you to be listed in the program? _____

If the answer to any of the above questions is "yes", give complete details. _____

List all horses in training owned wholly or in part by you. If leased, please designate and all leases must be notarized.

List all persons, corporations or other legal entities holding any interest in the below horses.

Name	Address	Horse	Interest
_____	_____	_____	_____
_____	_____	_____	_____

Do you intend to register an Authorized Agent? Yes No If yes, agent's name _____
Please furnish notarized Authorized Agent's form.

I am knowledgeable about the regulations of the Virginia Racing Commission, and I agree to abide by the regulations of the commission as well as the rulings of the stewards, unless reversed or modified by the commission.

By submitting this application, I hereby irrevocably consent to a search and to the seizure of any drugs, stimulants, narcotics, hypodermic syringes, or other similar devices, and any batteries which could be used to affect the speed or action of a horse. I also hereby irrevocably consent to the right of commission personnel to enter into, or upon buildings, stables, rooms, autos, or other places within the enclosure, as defined by the regulations of the commission, to examine them, and to inspect and examine my personal property and effects. I recognize that by refusing to consent to such searches and seizures that I am subject to disciplinary action.

I hereby certify that I have read this application and affirm that every statement contained is true and correct to the best of my knowledge and belief. I do hereby agree that my permit may be revoked at any time for misstatements or omissions in this application.

I hereby agree to be subject to the subpoena powers of the Virginia Racing Commission or a written request issued in lieu of a subpoena and provide the commission with any and all information or document which I may request. This agreement shall extend to anything which relates to any matter which is the subject of a commission hearing or investigation.

I hereby certify that I read this application and that the applicant is my employee. I also hereby certify that I will be responsible for the actions of my assistant as they relate to racing matters.

Signature of Supervisor of Applicant _____

Date _____

Signature of Applicant _____

Date _____

FOR COMMISSION USE ONLY
 Permit Number _____
 Type Permit _____
 Date Applied _____
 Date Approved _____
 Date Denied _____
 Payment: _____
 Prints: _____

RENEWAL APPLICATION FOR PARTICIPANTS 20 _____
 First Name _____ Middle Name _____
 Last Name _____
 Stable Name: _____ Payment: _____ Type Permit: _____

Virginia Racing Commission
 10700 Horseman's Road
 New Kent, VA 23124
 804-966-7400

Renewed _____

INFORMATION AND INSTRUCTIONS
 The application shall be accompanied by the Virginia Racing Commission. The applicant shall be fingerprinted upon making his initial application in the Commonwealth of Virginia and at least once every five years thereafter. Checks or money orders should be made payable to the Virginia Racing Commission. All questions must be answered and the application signed by the applicant.

Permanent Mailing Address _____ City _____ State _____ Zip _____ Maiden Name _____ Employer _____ U. S. Citizen? <input type="checkbox"/> Yes <input type="checkbox"/> No If no, citizen of _____ Immigration # _____ Person to notify in emergency: _____ Relationship _____ Address _____ Street _____ City _____ State _____ Zip _____ Telephone Number _____	Social Security # _____ FEIN Number _____ U. S.T.A. Number _____ DATE OF BIRTH _____ BIRTH PLACE _____ TELEPHONE: Home _____ Business _____ SEX: <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE WEIGHT _____ HEIGHT _____ HAIR _____ EYES _____ MARITAL STATUS: SINGLE MARRIED DIVORCED	OWNER AND TRAINER Number of horses in training in Virginia _____ Number of employees working in Virginia _____ Company name _____ Policy Number _____ Name of Policyholder _____ ASSISTANT TRAINER Assistant to trainer _____ Number of horses in your care _____ JOCKEYS AND APPRENTICE JOCKEYS Name of Agent _____ JOCKEY AGENTS 1. Jockey's Signature _____ 2. Jockey's Signature _____ LAST LICENSE 19 _____ TYPE LICENSE _____ NAME OF STATES _____
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Final Regulations

Have you been ruled off, suspended or otherwise debarred or denied a license or permit in any other racing jurisdiction since you last received a permit in Virginia? Yes No

If yes,
explain _____

Have you been arrested or has a criminal summons been issued against you since you last received a permit in Virginia? Yes No

If yes,
explain _____

I am knowledgeable about the regulations of the Virginia Racing Commission, and I agree to abide by the regulations of the commission as well as the rulings of the stewards, unless reversed or modified by the commission.

By submitting this application, I hereby irrevocably consent to a search and to the seizure of any drugs, stimulants, narcotics, hypodermic syringes, or other similar devices, and any batteries which could be used to affect the speed or action of a horse. I also hereby irrevocably consent to the right of commission personnel to enter into, or upon buildings, stables, rooms, autos, or other places within the enclosure, as defined by the regulations of the commission, to examine them, and to inspect and examine my personal property and effects. I recognize that by refusing to consent to such searches and seizures that I am subject to disciplinary action.

I hereby certify that I have read this application and affirm that every statement contained is true and correct to the best of my knowledge and belief. I do hereby agree that my permit may be revoked at any time for misstatements or omissions in this application.

I hereby agree to be subject to the subpoena powers of the Virginia Racing Commission or a written request issued in lieu of a subpoena and provide the commission with any and all information or document which I may request. This agreement shall extend to anything which relates to any matter which is the subject of a commission hearing or investigation.

I hereby certify that I read this application and that the applicant is my employee. I also hereby certify that I will be responsible for the actions of my assistant as they relate to racing matters.

Signature of Supervisor of Applicant

Date

Signature of Applicant

Date



Multi-Jurisdiction Racing License Application For Owners

OFFICE USE ONLY New or Renewal	
Date _____ / _____ / _____	License # _____
Total Fees _____	Receipt/ Tran ID # _____
Cash _____ Check # _____	M.O. # _____
Clerk _____ F.P. _____	Approved by: _____

Welcome to the RCI Multi-Jurisdiction Licensing Program!

As a racehorse or greyhound owner who may wish to participate in several different racing jurisdictions, you are eligible to apply for multi-jurisdiction license privileges through the RCI Multi-Jurisdiction Licensing Program. **This form is only for those owners who will not be applying for any other type of license (ie, trainer, driver, etc.)** If you will be applying for another type of license, please contact those jurisdictions for an application. Some racing commissions may require additional information from you. If so, you will be contacted by that commission and requested to submit addendums to this form.

Please refer to the back of this form for instructions, list of participating jurisdictions and fee schedule.

Check Breed(s) Thoroughbred Standardbred Quarter Horse Greyhound Other _____

1. Applicant Name _____
Last First Middle Maiden

2. Have you ever used an assumed name or been known by another name or been licensed under an assumed or different name? If yes, give name(s) Yes No

3. Marital status? Married _____ Single _____ Divorced _____
 If married, full name of spouse, including maiden name: _____

4. Last licensed in: _____
Year Type of License Name of State

5. List latest dates fingerprinted and what states printed you: _____
Month & Year(s) Printed In what State(s)

6. Telephone numbers: () () ()
Home # Business # Fax #

7. Person to be notified in case of emergency: _____ Telephone: ()

8. Social Security No.*	Sex	Height	Weight	Color Hair	Color Eyes	Date of Birth	Age
- - -						/ /	
						<i>Mo Day Year</i>	

* Providing Social Security Number may be voluntary and will be used as a secondary identifier

9. Are you a U.S. Citizen? Yes No If no, what country are you a citizen of? _____
 Place of Birth _____ Immigration I.D. number (if applicable) A- _____
City/State

10. USTA/CS Membership Number _____ (if applicable) USTA/CS Membership Exp. Date: _____

11. Permanent mailing address: _____
(at which service all papers may be made upon you) Street

City State/Province Postal Zip/Country

12. Local address: _____

City State/Province Postal Zip/Country

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13. Give the following information relative to your current employer. If self-employed, so indicate:

Employment Dates
Name of Employer
Address (Street, City, State, Zip)

14. List your occupation here: _____ If self-employed, list type of business: _____

The following two (2) questions must be answered "yes" or "no". Give details in space provided.

15.

<i>a.</i> Has your license (or your spouse's license) ever been denied, suspended or revoked or is a complaint pending in any racing jurisdiction?	<input type="checkbox"/> Yes <input type="checkbox"/> No																
<i>b.</i> Have you ever been fined \$100 or more or discharged, expelled or ejected from any race track by any racing official, or commission?	<input type="checkbox"/> Yes <input type="checkbox"/> No																
<i>c.</i> Have you ever had any <i>permit</i> or license denied, suspended or revoked by any federal, state or local government agency?	<input type="checkbox"/> Yes <input type="checkbox"/> No																
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;">Date</th> <th style="width: 15%;">State</th> <th style="width: 15%;">Track</th> <th style="width: 55%;">Specific Violation(s)</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>	Date	State	Track	Specific Violation(s)													
Date	State	Track	Specific Violation(s)														

16.

<i>a.</i> Have you (or your spouse) ever (a) pleaded guilty, pleaded nolo contendere, been found guilty or been convicted or (b) forfeited bail or been fined for any criminal offense, either felony or misdemeanor including driving under the influence of alcohol and/or drugs?	<input type="checkbox"/> Yes <input type="checkbox"/> No																				
<i>b.</i> Are there now any indictments or complaints pending against you (or your spouse) for any public offense?	<input type="checkbox"/> Yes <input type="checkbox"/> No																				
<i>c.</i> Are you (or your spouse) currently on parole or probation ? If yes, probation ends: _____ (please indicate month, day and year)	<input type="checkbox"/> Yes <input type="checkbox"/> No																				
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;">Date of Arrest</th> <th style="width: 10%;">State</th> <th style="width: 20%;">Arresting Agency</th> <th style="width: 25%;">Offense</th> <th style="width: 30%;">Outcome/Sentence</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>	Date of Arrest	State	Arresting Agency	Offense	Outcome/Sentence																
Date of Arrest	State	Arresting Agency	Offense	Outcome/Sentence																	

17. Are there any outstanding court-imposed civil judgments against you? If so, attach an explanation. Yes No

18. If you will be appointing an **Authorized Agent**, please list agent's name here: _____

19. Number of horses or greyhounds in training? _____

20. Are you obligated to have worker's compensation insurance covering employees in connection with racing? If yes, indicate the following:

*Company Name**
Policy Number
Expiration Date
Name of Policyholder

21. **Statement of Ownership (a, b, & c)**

*(A copy of your worker's compensation certificate of insurance must be attached and submitted with this application.)

a. List **only** horses or greyhounds that you plan to race this year owned wholly or in part by you or leased to you. If leased, or in partnership, so designate.

Horse/Greyhound Name	Age	Trainer's Full Name	Ownership Name on Registration Papers	% Owned

If additional space is needed in relation to any of the questions above, please use a separate sheet of paper and submit it with this form.

(Statement of Ownership Continued)

b. List individual persons of stable, corporation or any other legal entity holding any interest in the horses/greyhounds listed in 21 (a):

Name	Address (street, city, state & zip)	Horse/Greyhound	Interest

c. Is your horse leased? Yes No

* A copy of the lease agreement(s) must be attached and submitted with this application.

Note: Virginia requires all horses be notorized.

Name of Lessor (owner)

Name of Lessee

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

By submitting this application, I, the undersigned, do hereby (1) agree to abide by the rules and regulations of the pari-mutuel regulatory agency, the laws of the United States of America, Canada, state/provincial government, municipalities and other subdivisions thereof; and (2) agree to abide by any provisions regarding search and seizure which may be contained in any of the above-mentioned laws, rules and regulations, and I consent and waive any right I have to object to the search, within the grounds of a racetrack or racing association, of any premises or vehicle which I may occupy or control or have the right to occupy or control and of my person, property and effects and the seizure of any article the having of which may be forbidden.

I understand that participation in racing is a privilege, not a right, that any license issued pursuant to this form is subject to conditions precedent as set out in the Rules of Racing, and that my failure to comply therewith shall be grounds for immediate voidance or revocation of such license. By acceptance of said license, I agree to abide by the Rules of Racing and rulings or decisions of the Stewards with the knowledge that rulings or decisions of the Stewards shall remain in force until reversed or modified only by the authorized regulatory agency.

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

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

New York Applicants: The authority to request personal information from you, including numbers such as Federal social security and Federal employer identification numbers, and the authority to maintain such information is found in Section 5 of the New York Tax Law. Disclosure of this information by you is mandatory. The principal purpose for which the information is collected is to enable the Department of Taxation and Finance to identify individuals, businesses and others who have been delinquent in filing tax returns or who may have understated their tax liabilities and to generally identify persons affected by the taxes administered by the Commissioner of Taxation and Finance. The information will be used for identification and licensing purposes and for any other purpose authorized by the New York State Racing and Wagering Board which may include use in a multi-state licensing database. An investigative consumer report may be requested in connection with this application. Your signature authorizes the Racing and Wagering Board to obtain such a report. You may ask in writing whether or not a report was requested and the name and address of the consumer reporting agency used.

I hereby certify, under penalty of perjury, that the foregoing information submitted in this form is true and correct to the best of my knowledge and belief.

By subscribing my name hereto I acknowledge that supplying false information in this form could result in prosecution.

Signature of Applicant

Date

(Please be sure to make copies of this form before signing)

Notary Public

Notary only applicable to the following states:
LA, MI, NM, TX

Subscribed and sworn to before me this _____ day of _____, _____ State of: _____ County of: _____

Notary Public _____

Expiration Date _____

If additional space is required for any of the above questions, please use a separate sheet of paper and submit it with this form.

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Instructions for Applicant:

GENERAL INFORMATION: All participating jurisdictions listed on this page have agreed to accept this form in lieu of a state or provincial license form. The list of participating jurisdictions and fees below are current as of January 1, 1999. You may call the Association of Racing Commissioners International (RCI) or participating jurisdictions to inquire about any updates.

APPLICATIONS: Make copies of the completed application and either hand deliver or mail it along with the applicable fee (see fee structure for each jurisdiction below) to each participating jurisdiction where you are seeking a license. You are responsible for delivering this application and applicable fees to each jurisdiction. Participating jurisdictions will not forward copies of this application and fees to other jurisdictions.

FINGERPRINTS: Some states require that first-time licensees submit an RCI fingerprint card and the payment of a \$34 fee. You will submit a fingerprint card to only one of the participating jurisdictions listed below. To have fingerprint reports sent to all other jurisdictions to which you plan to apply, mark those jurisdictions on the back of the RCI fingerprint card. You may choose to get fingerprinted at a race track or by your local police or sheriff's office. Regardless of the location, be sure to use the RCI fingerprint card. Additionally, those renewing licensees may be required to submit fingerprints on a periodic basis. Applicants will be advised of requirements by each jurisdiction. Refer to the fee schedule below for directions regarding to whom checks should be made payable to and whether separate checks are required (one for your license and one for your fingerprints, if using the RCI fingerprint card).

WHERE TO MAIL FORMS: Completed fingerprints along with a check or money order for \$34 (no cash) may be mailed to the racing commission where you plan to race next or to the commission requiring your prints. This completed license form and applicable license fee must accompany the completed fingerprint card and \$34 fingerprint fee. The payment for fingerprints varies from jurisdiction to jurisdiction. Refer to the fee schedule below.

For RCI fingerprint cards, further information or questions on license fees, please contact the next jurisdiction in which you plan to apply for a license or the RCI headquarters at (506) 224-7070. You may also access this application through the RCI web site at www.rci.com

Participating Jurisdictions and Fee Structure (Code for Fees: O=Owner, H=Harness, TB=Thoroughbred, Q=Quarter Horse, GH=Greyhound)			
Arkansas State Racing Commission P.O. Box 3076 Little Rock, AR 72203 Ph: 501-662-1457; Fax: 501-682-5273 O @ \$20 payable to ASRC No Prints Required	Kentucky Racing Commission 4063 Iron Works Parkway Lexington, KY 40511-8434 Ph: 606-246-2040; Fax: 606-246-2039 O @ \$35 payable to KRC No Prints Required	Nebraska State Racing Commission P.O. Box 95014 Lincoln, NE 68509 Ph: 402-471-2577; Fax: 402-471-2339 O @ \$30 payable to NSRC Prints \$38 payable to NSRC	Puerto Rico Racing Sport Administration c/o Administracion de Depore Hipico Asortado 29158 65th Infanteria Station Rio Piedras, PR 00929-0156 Ph: 787-768-2005; Fax: 787-762-1105 NEW: O @ \$205; RENEW: O @ \$45 payable to PRKSA. No Prints Required
California Horse Racing Board 1310 Hurley Way, Suite 303 Sacramento, CA 95825 Ph: 916-263-6030; Fax: 916-263-6042 O @ \$150 payable to CHRB Only State Prints Required	Louisiana State Racing Commission 320 North Carrollton Ave. Suite 2-B New Orleans, LA 70119 Ph: 504-483-4000; Fax: 504-483-4888 O @ \$25 (1 YR LIC), O @ \$75 (3 YR LIC) O @ \$25 payable to LSRC. No Prints Required	New Hampshire Pari-Mutuel Commission 244 North Main, Carillon Commons, 3rd Fl Concord, NH 03301-5041 Ph: 603-271-2158; Fax: 603-271-3381 H-O @ \$10; TBGH-O @ \$20; walkers @ \$25 All payable to NHPMC. No Prints Required	Texas Racing Commission 8505 Cross Park Drive, Suite 110 Austin, TX 78764-6584 Ph: 512-838-6693; Fax: 512-833-8807 O @ \$50 (1 YR LIC); \$100 (2 YR LIC); \$150 (3 YR LIC) payable to TXRC Prints \$34 payable to TXRC
Colorado Division of Racing Events 1801 Pierce Street, Suite 106 Lakewood, CO 80214-1494 Ph: 303-205-2990; Fax: 303-205-2950 O @ \$51 payable to CDRE Prints \$34 payable to RCI	Maine Harness Racing Commission 28 State House Station, Derrigo Building Augusta, ME 04333-0028 Ph: 207-287-3221; Fax: 207-287-5576 O @ \$25 payable to MHRC No Prints Required	New Jersey Racing Commission P.O. Box 036 Trenton, NJ 08625 Ph: 609-252-0513; Fax: 609-599-1785 O @ \$50 payable to NJRC Prints \$34 payable to NJRC	Trinidad & Tobago Racing Authority Santa Rosa Park, Churchill Roosevelt Hwy O'Meara, Arima, Trinidad, W.I. Ph: 868-646-2004; Fax: 868-646-0103 O @ \$57.50 payable to TTRA in local currency. No Prints Required
Delaware Racing Commission 777 Delaware Park Blvd Wilmington, DE 19804 Ph: 302-736-6811; Fax: 302-697-4451 H-O @ \$10; TB-O @ \$5 payable to DHRC Prints \$34 payable to DHRC	Maritime Provinces Harness Racing Commission 293 Harbour Drive, Suite 15 Summerside, Prince Edward Island C1N 5P1 Ph: 802-688-3488; Fax: 902-688-2762 Owner @ \$25 Canadian. No Prints Required	New Mexico Racing Commission P.O. Box 8576 Albuquerque, NM 87198 Ph: 505-841-6400; Fax: 505-841-6413 O @ \$100 (1 YR LIC) O @ \$120 (3 YR LIC) payable to NMRC. Prints \$34 payable to RCI	Vermont Racing Commission 128 Merchants Row Rutland, VT 05701 Ph: 802-786-5050; Fax: 802-785-5001 H-O @ \$5; TB-O @ \$5 payable to VRC Prints \$34 payable to RCI
Illinois Racing Board 100 West Randolph Street, Suite 11-100 Chicago, IL 60601 Ph: 312-814-2600; Fax: 312-814-5062 O @ \$25 payable to IRB Prints required on Illinois Card	Maryland Racing Commission 503 N Calvert St Baltimore, MD 21202 Ph: 410-233-6330; Fax: 410-333-8308 NEW: HTB: O @ \$50; RENEW: O @ \$25 Payable to MRC. Only State Prints Required	New York State Racing and Wagering Bd 1 Waterfront Ave Extension, Suite 2 Albany, NY 12206 Ph: 518-453-9480; Fax: 518-453-9492 NEW: O @ \$100; RENEW: O @ \$50 payable to NYSRWB with 2 self photos Prints \$34 payable to NYSRWB	Virginia Racing Commission 10700 Horsemen's Road New Kent, VA 23124 Ph: 804-695-7411; Fax: 804-365-7418 O @ \$10 payable to VRC Prints \$34 payable to RCI
Indiana Horse Racing Commission 56 Hoosier Park, 4500 Dan Patch Circle Anderson, IN 46013 Ph: 765-683-2585; Fax: 765-683-2588 NO LICENSE FEES CHARGED Prints \$34 payable to IHRC	Massachusetts State Racing Commission 1 Ashburton Place, Room 1313 Boston, MA 02109 Ph: 617-727-2581; Fax: 617-227-6062 TB: O & H: O @ \$30 payable to MSRC No Prints Required	Ohio State Racing Commission 77 South High Street, 18th Fl. Starz Tower Columbus, OH 43260-0416 Ph: 614-456-2767; Fax: 614-456-1900 O @ \$50 payable to OSRC Prints \$34 payable to OSRC	Washington Horse Racing Commission 7312 Martin Way, Suite D Olympia, WA 98508 Ph: 360-459-6462; Fax: 360-459-6461 O @ \$165 payable to WHRC (includes \$150 payment for Worker's Comp) No Prints Required
Iowa Racing and Gaming Commission One Prairie Meadows Dr., P.O. Box 1000 Altoona, IA 50008-0901 Ph: 515-967-1200; Fax: 515-967-1260 O @ \$10 payable to IRGC Prints \$34 payable to RCI	Michigan Office of Racing Commissioner 37550 Professional Center Drive, Suite 100A Livonia, MI 48154-1100 Ph: 734-462-2400; Fax: 734-462-2429 O @ \$25 payable to State of Michigan Prints \$34 payable to State of Michigan	Ontario Racing Commission 20 Dundas Street West, 9th Floor Toronto, Ontario M5G 2C2 Canada Ph: 416-327-0520; Fax: 416-325-3478 LICENSE FEE & PRINTS FOR CANADIAN RESIDENTS ONLY: O @ \$42 (CND) Non-Residents: Prints \$34 (US) payable to RCI	West Virginia Racing Commission 106 Dee Drive Charleston, WV 25311 Ph: 304-668-2150; Fax: 304-658-8319 O @ \$12.50 payable to WVRC Prints \$34 payable to WVRC
Jamaica Racing Commission P.O. Box 309 Kingston 10, Jamaica Ph: 809-926-2718; Fax: 809-926-2207 O @ \$1,200 Jamaican dollars payable to JRC. No Prints Required	Mobile County Racing Commission P.O. Box 1086 Mobile, AL 36635 Ph: 334-655-4870; Fax: 334-663-4850 O @ \$10 payable to MCRC No Prints Required	Pennsylvania Harness Racing Commission 2301 North Cameron Street Harrisburg, PA 17110-9408 Ph: 717-787-5195; Fax: 717-7872271 O @ \$30 (1 YR LIC); \$40 (2 YR LIC); \$60 (3 YR LIC) Prints \$34 for new applicants payable to RCI	

TITLE 12. HEALTH

STATE BOARD OF HEALTH

REGISTRAR'S NOTICE: The following amendments made by the State Board of Health to 12 VAC 5-590-370 B 1 are exempt from the Administrative Process Act pursuant to § 9-6.14:4.1 C 3, which exempts regulations that consist only of changes in style or form or corrections of technical errors. The addition of 12 VAC 5-590-545 and Appendix O are exempt from the Administrative Process Act pursuant to § 9-6.14:4.1 C 4 (c), which exempts regulations that are necessary to meet the requirements of federal law or regulation, provided such regulations do not differ materially from those required by federal law or regulation. The State Board of Health will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 12 VAC 5-590-10 et seq. **Waterworks Regulations (amending 12 VAC 5-590-370; adding 12 VAC 5-590-545 and Appendix O).**

Statutory Authority: § 32.1-12 and 32.1-170 of the Code of Virginia.

Effective Date: August 3, 2000.

Summary:

The amendments change "PMCLs" (Primary Maximum Containment Levels) to "MCLs" (Maximum Containment Levels) in 12 VAC 5-590-370 B 1, and add a section and an appendix to the regulation requiring each community water system to mail to its customers an annual report regarding the level of contaminants in the drinking water. The new section and appendix are necessary to conform Virginia's regulations to the 1996 amendments to the federal Safe Drinking Water Act and to implement federal regulations set forth in 40 CFR Part 141.

Agency Contact: Copies of the regulation may be obtained from Robert A. K. Payne, Department of Health, 1500 East Main Street, Richmond, VA 23219, telephone (804) 786-9410.

12 VAC 5-590-370. Sampling frequency.

The ~~division~~ commissioner may exempt consecutive waterworks that obtain potable water from another water system for distribution from all monitoring requirements in this section except for bacteriological (subsection A of this section), trihalomethanes (subdivision B 3 of this section), and lead and copper (subdivision B 6 of this section). The required sampling frequencies are as follows:

A. Bacteriological.

1. The waterworks owner shall collect total coliform samples at sites which are representative of water throughout the distribution system according to a written sample siting report. The report shall be established or approved by the division after investigation of the source, method of treatment and storage, and protection of the

water concerned. The report must include, but is not limited to, the following:

- a. The frequency of sampling distributed evenly throughout the month/quarter,
- b. Distribution map showing the generalized location where specific sampling sites will be selected,
- c. Supporting statement explaining how specific individual sites are selected, how sampling will be rotated among the sites, how repeat samples will be collected and other information demonstrating that sampling will be conducted in a manner to comply with this chapter.
- d. Adequate sampling points to provide sampling representative of all the conditions in the system,
- e. For small systems (less than 3,301 population), sample sites must also be identified by address and code number location,
- f. Minimum of three sample locations for each sample required monthly so repeat sample locations are previously ascertained as being adequate in number and five customer service connections upstream and downstream. (See Appendix J for an example.)

g. The sampling point required to be repeat sampled shall not be eliminated from future collections based on a history of questionable water quality unless the sampling point is unacceptable as determined by the division.

2. The minimum number of bacteriological samples for total coliform evaluation to be collected and analyzed monthly from the distribution system of a community or nontransient noncommunity waterworks shall be in accordance with Table 2.1. All noncommunity waterworks that use a surface water source or a groundwater source under the direct influence of surface water, and all large noncommunity (serving 1,000 or more persons per day) waterworks, shall collect and submit samples monthly for analysis in accordance with Table 2.1. All other noncommunity waterworks shall submit samples for analysis each calendar quarter in accordance with Table 2.1.

3. The samples shall be taken at reasonably evenly spaced time intervals throughout the month or quarter.

If the results of a sanitary survey or other factors determine that some other frequency is more appropriate than that stated above, a modified sampling program report may be required. The altered frequency shall be confirmed or changed on the basis of subsequent surveys.

TABLE 2.1

POPULATION SERVED PER DAY	MINIMUM NUMBER OF SAMPLES (See 12 VAC 5-590-370 A 2)
25 to 1,000	1
1,001 to 2,500	2
2,501 to 3,300	3

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3,301 to 4,100	4
4,101 to 4,900	5
4,901 to 5,800	6
5,801 to 6,700	7
6,701 to 7,600	8
7,601 to 8,500	9
8,501 to 12,900	10
12,901 to 17,200	15
17,201 to 21,500	20
21,501 to 25,000	25
25,001 to 33,000	30
33,001 to 41,000	40
41,001 to 50,000	50
50,001 to 59,000	60
59,001 to 70,000	70
70,001 to 83,000	80
83,001 to 96,000	90
96,001 to 130,000	100
130,001 to 220,000	120
220,001 to 320,000	150
320,001 to 450,000	180
450,001 to 600,000	210
600,001 to 780,000	240
780,001 to 970,000	270
970,001 to 1,230,000	300
1,230,001 to 1,520,000	330
1,520,001 to 1,850,000	360
1,850,001 to 2,270,000	390

4. All bacteriological analyses shall be performed in accordance with 12 VAC 5-590-440 by the DCLS or by a laboratory certified by DCLS for drinking water samples.

B. Chemical. The location of sampling points, the chemicals measured, the frequency, and the timing of sampling within each compliance period shall be established or approved by the commissioner. The commissioner may increase required monitoring where necessary to detect variations within the waterworks. Analysis of field composite samples shall not be allowed. Samples for contaminants that may exhibit seasonal variations shall be collected during the period of the year when contamination is most likely to occur. Failure to comply with the sampling schedules in this section will require public notification pursuant to > 12 VAC 5-590-540.

1. Inorganic chemical. Community and nontransient noncommunity waterworks owners shall conduct monitoring to determine compliance with the ~~PMCLs~~ MCLs in Table 2.2 in accordance with this section. All other noncommunity waterworks owners shall conduct monitoring to determine compliance with the nitrate and nitrite PMCLs in Table 2.2 (as appropriate) in accordance with this section. Monitoring shall be conducted as follows:

a. The owner of any groundwater source waterworks with 150 or more service connections shall take a minimum of one sample at each entry point to the distribution system which is representative of each source, after treatment, unless a change in condition makes another sampling point more representative of each source or treatment plant (hereafter called a sampling point) starting in the compliance period

beginning January 1, 1993. The owner of any groundwater source waterworks with fewer than 150 service connections shall take a minimum of one sample at each sampling point for asbestos, barium, cadmium, chromium, fluoride, mercury, nitrate, nitrite, and selenium in the compliance period beginning January 1, 1993, and for antimony, beryllium, cyanide (as free cyanide), nickel, and thallium in the compliance period beginning January 1, 1996.

b. The owner of any waterworks which uses a surface water source in whole or in part with 150 or more service connections shall take a minimum of one sample at each entry point to the distribution system after any application of treatment or in the distribution system at a point which is representative of each source, after treatment, unless a change in conditions makes another sampling point more representative of each source or treatment plant (hereafter called a sampling point) beginning January 1, 1993. The owner of any waterworks which use a surface water source in whole or in part with fewer than 150 service connections shall take a minimum of one sample at each sampling point for asbestos, barium, cadmium, chromium, fluoride, mercury, nitrate, nitrite, and selenium beginning January 1, 1993, and for antimony, beryllium, cyanide (as free cyanide), nickel, and thallium beginning January 1, 1996.

c. If a waterworks draws water from more than one source and the sources are combined before distribution, the waterworks owner shall sample at an entry point to the distribution system during periods of normal operating conditions (i.e., when water is representative of all sources being used).

d. The frequency of monitoring for asbestos shall be in accordance with subdivision B 1 d (1) of this section; the frequency of monitoring for barium, cadmium, chromium, fluoride, mercury, and selenium shall be in accordance with subdivision B 1 d (2) of this section; the frequency of monitoring for antimony, beryllium, cyanide (as free cyanide), nickel, and thallium shall be in accordance with subdivision B 1 d (3) of this section; the frequency of monitoring for nitrate shall be in accordance with subdivision B 1 d (4) of this section; the frequency of monitoring for nitrite shall be in accordance with subdivision B 1 d (5) of this section; and the frequency of monitoring for arsenic shall be in accordance with subdivision B 1 d (6) of this section.

(1) The frequency of monitoring conducted to determine compliance with the PMCL for asbestos specified in Table 2.2 shall be conducted as follows:

(a) The owner of each community and nontransient noncommunity waterworks is required to monitor for asbestos during the first three-year compliance period of each nine-year compliance cycle beginning in the compliance period starting January 1, 1993.

(b) If the waterworks owner believes the waterworks is not vulnerable to either asbestos

contamination in its source water or due to corrosion of asbestos-cement pipe, or both, the owner may apply to the commissioner for a waiver of the monitoring requirement in subdivision B 1 d (1)(a) of this section. If the commissioner grants the waiver, the waterworks owner is not required to monitor.

(c) The commissioner may grant a waiver based on a consideration of the following factors:

(i) Potential asbestos contamination of the water source, and

(ii) The use of asbestos-cement pipe for finished water distribution and the corrosive nature of the water.

(d) A waiver remains in effect until the completion of the three-year compliance period. Waterworks not receiving a waiver shall monitor in accordance with the provisions of subdivision B 1 d (1)(a) of this section.

(e) The owner of a waterworks vulnerable to asbestos contamination due solely to corrosion of asbestos-cement pipe shall take one sample at a tap served by asbestos-cement pipe and under conditions where asbestos contamination is most likely to occur.

(f) The owner of a waterworks vulnerable to asbestos contamination due solely to source water shall monitor sampling points in accordance with subdivision B 1 of this section.

(g) The owner of a waterworks vulnerable to asbestos contamination due both to its source water supply and corrosion of asbestos-cement pipe shall take one sample at a tap served by asbestos-cement pipe and under conditions where asbestos contamination is most likely to occur.

(h) The owner of a waterworks which exceeds the PMCL as determined in 12 VAC 5-590-410 B 1 shall monitor quarterly beginning in the next quarter after the violation occurred.

(i) The commissioner may decrease the quarterly monitoring requirement to the frequency specified in subdivision B 1 d (1)(a) of this section provided the commissioner has determined that the waterworks is reliably and consistently below the PMCL. In no case can the commissioner make this determination unless the owner of a groundwater source waterworks takes a minimum of two quarterly samples or the owner of a waterworks which uses a surface water source in whole or in part takes a minimum of four quarterly samples.

(j) If monitoring data collected after January 1, 1990, are generally consistent with the requirements of subdivision B 1 d (1) of this section, then the commissioner may allow waterworks owner to use that data to satisfy the

monitoring requirement for the initial compliance period beginning January 1, 1993.

(2) The frequency of monitoring conducted to determine compliance with the ~~PMCLs~~ MCLs in Table 2.2 for barium, cadmium, chromium, fluoride, mercury, and selenium shall be as follows:

(a) The owner of a groundwater source waterworks shall take one sample at each sampling point during each compliance period beginning in the compliance period starting January 1, 1993.

(b) The owner of a waterworks which uses a surface water source in whole or in part shall take one sample annually at each sampling point beginning January 1, 1993.

(c) A waterworks owner may apply to the commissioner for a waiver from the monitoring frequencies specified in subdivision B 1 d (2) (a) or (b) of this section.

(d) A condition of the waiver shall require that the waterworks owner shall take a minimum of one sample while the waiver is effective. The term during which the waiver is effective shall not exceed one compliance cycle (i.e., nine years).

(e) The commissioner may grant a waiver provided the owner of a waterworks which uses a surface water source in whole or in part has monitored annually for at least three years and groundwater waterworks have conducted a minimum of three rounds of monitoring. (At least one sample shall have been taken since January 1, 1990.) The owner of any waterworks which uses a surface water source in whole or in part or a groundwater source waterworks shall demonstrate that all previous analytical results were less than the PMCL. Waterworks that use a new water source are not eligible for a waiver until three rounds of monitoring from the new source have been completed.

(f) In determining the appropriate reduced monitoring frequency, the commissioner shall consider:

(i) Reported concentrations from all previous monitoring;

(ii) The degree of variation in reported concentrations; and

(iii) Other factors which may affect contaminant concentrations such as changes in groundwater pumping rates, changes in the waterworks configuration, changes in the waterworks operating procedures, or changes in stream flows or characteristics.

(g) A decision by the commissioner to grant a waiver shall be made in writing and shall set forth the basis for the determination. The request for a

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waiver may be initiated by the commissioner or upon an application by the waterworks owner. The owner shall specify the basis for the request. The commissioner shall review and, where appropriate, revise the determination of the appropriate monitoring frequency when the waterworks owner submits new monitoring data or when other data relevant to the waterworks appropriate monitoring frequency become available.

(h) Owners of waterworks which exceed the PMCLs as calculated in 12 VAC 5-590-410 shall monitor quarterly beginning in the next quarter after the violation occurred.

(i) The commissioner may decrease the quarterly monitoring requirement to the frequencies specified in subdivision B 2 d (2)(a), (2)(b) or (2)(c) of this section provided a determination has been made that the waterworks is reliably and consistently below the PMCL. In no case can the commissioner make this determination unless the owner of a groundwater source waterworks takes a minimum of two quarterly samples or the owner of a waterworks which uses a surface water source in whole or in part takes a minimum of four quarterly samples.

(3) The frequency of monitoring conducted to determine compliance with the PMCLs in Table 2.2 for antimony, beryllium, cyanide (as free cyanide), nickel, and thallium shall be as follows:

(a) The owner of a groundwater source waterworks with 150 or more service connections shall take one sample at each sampling point during each compliance period beginning in the compliance period starting January 1, 1993. The owner of a groundwater source waterworks with fewer than 150 service connections shall take one sample at each sampling point during each compliance period beginning in the compliance period starting January 1, 1996.

(b) The owner of a waterworks which uses a surface water source in whole or in part with 150 or more service connections shall take one sample annually at each sampling point beginning January 1, 1993. The owner of a waterworks which uses a surface water source in whole or in part with fewer than 150 service connections shall take one sample annually at each sampling point beginning January 1, 1996.

(c) A waterworks owner may apply to the commissioner for a waiver from the monitoring frequencies specified in subdivision B 2 d (3)(a) or (3)(b) of this section.

(d) A condition of the waiver shall require that the waterworks owner shall take a minimum of one sample while the waiver is effective. The term during which the waiver is effective shall not exceed one compliance cycle (i.e., nine years).

(e) The commissioner may grant a waiver provided the owner of a waterworks which uses a surface water source in whole or in part has monitored annually for at least three years and groundwater waterworks have conducted a minimum of three rounds of monitoring. (At least one sample shall have been taken since January 1, 1990.) The owner of any waterworks which uses a surface water source in whole or in part or a groundwater source waterworks shall demonstrate that all previous analytical results were less than the PMCL. Waterworks that use a new water source are not eligible for a waiver until three rounds of monitoring from the new source have been completed.

(f) In determining the appropriate reduced monitoring frequency, the commissioner shall consider:

(i) Reported concentrations from all previous monitoring;

(ii) The degree of variation in reported concentrations; and

(iii) Other factors which may affect contaminant concentrations such as changes in groundwater pumping rates, changes in the waterworks configuration, changes in the waterworks operating procedures, or changes in stream flows or characteristics.

(g) A decision by the commissioner to grant a waiver shall be made in writing and shall set forth the basis for the determination. The request for a waiver may be initiated by the commissioner or upon an application by the waterworks owner. The owner shall specify the basis for the request. The commissioner shall review and, where appropriate, revise the determination of the appropriate monitoring frequency when the waterworks owner submits new monitoring data or when other data relevant to the waterworks appropriate monitoring frequency become available.

(h) Owners of waterworks which exceed the PMCLs as calculated in 12 VAC 5-590-410 shall monitor quarterly beginning in the next quarter after the violation occurred.

(i) The commissioner may decrease the quarterly monitoring requirement to the frequencies specified in subdivision B 2 d(3)(a), (3)(b) or (3)(c) of this section provided a determination has been made that the waterworks is reliably and consistently below the PMCL. In no case can the commissioner make this determination unless the owner of a groundwater source waterworks takes a minimum of two quarterly samples or the owner of a waterworks which uses a surface water source in whole or in part takes a minimum of four quarterly samples.

(4) All community, nontransient noncommunity and noncommunity waterworks owners shall monitor to determine compliance with the PMCL for nitrate in Table 2.2.

(a) Owners of community and nontransient noncommunity waterworks which use a groundwater source shall monitor annually beginning January 1, 1993.

(b) Owners of community and nontransient noncommunity waterworks which use a surface water source in whole or in part shall monitor quarterly beginning January 1, 1993.

(c) For community and nontransient noncommunity waterworks which use groundwater, the repeat monitoring frequency shall be quarterly for at least one year following any one sample in which the concentration is $\geq 50\%$ of the PMCL. The commissioner may allow the owner of a waterworks, which uses groundwater, to reduce the sampling frequency to annually after four consecutive quarterly samples are reliably and consistently less than the PMCL.

(d) For community and nontransient noncommunity waterworks, the commissioner may allow the owner of a waterworks which uses a surface water source in whole or in part, to reduce the sampling frequency to annually if all analytical results from four consecutive quarters are $< 50\%$ of the PMCL. Such waterworks shall return to quarterly monitoring if any one sample is $\geq 50\%$ of the PMCL.

(e) The owners of all other noncommunity waterworks shall monitor annually beginning January 1, 1993.

(f) After the initial round of quarterly sampling is completed, the owner of each community and nontransient noncommunity waterworks which is monitoring annually shall take subsequent samples during the quarter(s) which previously resulted in the highest analytical result.

(5) All community, nontransient noncommunity and noncommunity waterworks owners shall monitor to determine compliance with the PMCL for nitrite in Table 2.2.

(a) All waterworks owners shall take one sample at each sampling point in the compliance period beginning January 1, 1993.

(b) After the initial sample, the owner of any waterworks where an analytical result for nitrite is $< 50\%$ of the PMCL shall monitor at the frequency specified by the commissioner.

(c) The repeat monitoring frequency for any waterworks owner shall be quarterly for at least one year following any one sample in which the concentration is $\geq 50\%$ of the PMCL. The commissioner may allow a waterworks owner to

reduce the sampling frequency to annually after determining the analysis results are reliably and consistently less than the PMCL.

(d) Owners of waterworks which are monitoring annually shall take each subsequent sample during the quarter(s) which previously resulted in the highest analytical result.

(6) The frequency of monitoring conducted to determine compliance with the PMCLs in Table 2.2 for arsenic shall be as follows:

(a) The owner of each community waterworks which use a surface water source in whole or in part shall take one sample annually at each sampling point beginning June 1, 1978.

(b) The owner of each community groundwater waterworks shall take one sample at each sampling point within a three year period starting June 1, 1979.

(c) Owners of waterworks which exceed the PMCL listed in Table 2.2 shall report to the commissioner within seven days and initiate three additional samples at the same sampling point within one month.

(d) For initial analyses required by subdivision B 1 d (6)(a) or (b) of this section, data for waterworks which use surface water source in whole or in part acquired within one year prior to the effective date for arsenic monitoring and data for groundwater waterworks acquired within three years prior to the effective date for arsenic monitoring may be substituted at the discretion of the commissioner.

2. Organic chemicals. Owners of all community and nontransient noncommunity waterworks shall sample for organic chemical in accordance with their water source. Where two or more sources are combined before distribution, the waterworks owner shall sample at the entry point for the combined sources during periods of normal operating conditions.

a. Owners of waterworks which use groundwater shall take a minimum of one sample at each entry point to the distribution system which is representative of each source, after treatment (hereafter called a sampling point).

b. Owners of waterworks which use a surface water source in whole or in part shall take a minimum of one sample at points in the distribution system that are representative of each source or at each entry point to the distribution system, after treatment (hereafter called a sampling point).

c. The owner of each community and nontransient noncommunity waterworks shall take four consecutive quarterly samples for each contaminant listed in Table 2.3 - VOC 2 through 21 and SOC during each compliance period, beginning in the compliance period starting January 1, 1993.

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d. Reduced monitoring.

(1) VOC.

(a) If the initial monitoring for contaminants listed in Table 2.3 - VOC 1 through 8 and the monitoring for the contaminants listed in Table 2.3 - VOC 9 through 21 as allowed in subdivision 2 (1)(c) of this subsection has been completed by December 31, 1992, and the waterworks did not detect any contaminant listed in Table 2.3 - VOC 1 through 21, then the owner of each groundwater waterworks and waterworks which use a surface water source in whole or in part shall take one sample annually beginning January 1, 1993.

(b) After a minimum of three years of annual sampling, the commissioner may allow the owner of a groundwater waterworks with no previous detection of any contaminant listed in Table 2.3 - VOC 2 through 21 to take one sample during each compliance period.

(c) The commissioner may allow the use of monitoring data collected after January 1, 1988, for purposes of initial monitoring compliance. If the data are generally consistent with the other requirements in this section, the commissioner may use these data (i.e., a single sample rather than four quarterly samples) to satisfy the initial monitoring requirement of subdivision B 2 c of this section. Waterworks which use grandfathered samples and did not detect any contaminants listed in Table 2.3 - VOC, 2 through 21, shall begin monitoring annually in accordance with subdivision 2 (1) (a) of this subsection beginning January 1, 1993.

(2) SOC.

(a) Waterworks serving more than 3,300 persons which do not detect a contaminant listed in Table 2.3 - SOC in the initial compliance period, may reduce the sampling frequency to a minimum of two quarterly samples in one year during each repeat compliance period.

(b) Waterworks serving less than or equal to 3,300 persons which do not detect a contaminant listed in Table 2.3 - SOC in the initial compliance period may reduce the sampling frequency to a minimum of one sample during each repeat compliance period.

e. Waiver application.

(1) For VOCs. The owner of any community and nontransient noncommunity groundwater waterworks which does not detect a contaminant listed in Table 2.3 - VOC may apply to the commissioner for a waiver from the requirements of subdivisions B 2 d (1) (a) and (b) of this section after completing the initial monitoring. A waiver shall be effective for no more than six years (two compliance periods). The commissioner may also issue waivers to small

systems for the initial round of monitoring for 1,2,4-trichlorobenzene.

(2) For SOCs. The owner of any community and nontransient noncommunity waterworks may apply to the commissioner for a waiver from the requirement of subdivisions B 2 c and d (2) of this section. The waterworks owner shall reapply for a waiver for each compliance period.

f. A commissioner may grant a waiver after evaluating the following factors: Knowledge of previous use (including transport, storage, or disposal) of the contaminant within the watershed or zone of influence of the source. If a determination by the commissioner reveals no previous use of the contaminant within the watershed or zone of influence, a waiver may be granted. If previous use of the contaminant is unknown or it has been used previously, then the following factors shall be used to determine whether a waiver is granted.

(1) Previous analytical results.

(2) The proximity of the waterworks to a potential point or nonpoint source of contamination. Point sources include spills and leaks of chemicals at or near a waterworks or at manufacturing, distribution, or storage facilities, or from hazardous and municipal waste landfills and other waste handling or treatment facilities. Nonpoint sources for SOCs include the use of pesticides to control insect and weed pests on agricultural areas, forest lands, home and gardens, and other land application uses.

(3) The environmental persistence and transport of the contaminants listed in Table 2.3 VOC and SOC.

(4) How well the water source is protected against contamination, such as whether it is a waterworks which uses a surface water source in whole or in part or whether it is a groundwater source waterworks. Groundwater source waterworks shall consider factors such as depth of the well, the type of soil, wellhead protection, and well structure integrity. Waterworks which use surface water in whole or in part shall consider watershed protection.

(5) Special factors.

(a) For VOCs. The number of persons served by the waterworks and the proximity of a smaller waterworks to a larger waterworks.

(b) For SOCs. Elevated nitrate levels at the waterworks supply source.

(c) For SOCs. Use of PCBs in equipment used in the production, storage, or distribution of water (i.e., PCBs used in pumps, transformers, etc.).

g. Condition for waivers.

(1) As a condition of the VOC waiver the owner of a groundwater waterworks shall take one sample at each sampling point during the time the waiver is effective (i.e., one sample during two compliance

periods or six years) and update its vulnerability assessment considering the factors listed in subdivision B 2 f of this section. Based on this vulnerability assessment the commissioner shall reconfirm that the waterworks owner is nonvulnerable. If the commissioner does not make this reconfirmation within three years of the initial determination, then the waiver is invalidated and the waterworks is required to sample annually as specified in subdivision B 2 d (1)(a) of this section.

(2) The owner of any community and nontransient noncommunity waterworks which use surface water in whole or in part which does not detect a contaminant listed in Table 2.3 - VOC may apply to the commissioner for a waiver from the requirements of subdivision B 2 d (1)(a) of this section after completing the initial monitoring. Waterworks meeting this criteria shall be determined by the commissioner to be nonvulnerable based on a vulnerability assessment during each compliance period. Each waterworks receiving a waiver shall sample at the frequency specified by the commissioner (if any).

(3) There are no conditions to SOC waivers.

h. If a contaminant listed in Table 2.3 - VOC 2 through 21 or SOC 1 through 33 is detected then (NOTE: Detection occurs when a contaminant level exceeds the current detection limit as defined by EPA.):

(1) Each waterworks owner shall monitor quarterly at each sampling point which resulted in a detection.

(2) The commissioner may decrease the quarterly monitoring requirement specified in subdivision B 2 h (1) of this section provided it has determined that the waterworks is reliably and consistently below the PMCL. In no case shall the commissioner make this determination unless a groundwater waterworks takes a minimum of two quarterly samples and a waterworks which use surface water in whole or in part takes a minimum of four quarterly samples.

(3) If the commissioner determines that the waterworks is reliably and consistently below the PMCL, the commissioner may allow the waterworks to monitor annually. Waterworks which monitor annually shall monitor during the quarter(s) which previously yielded the highest analytical result.

(4) Waterworks which have three consecutive annual samples with no detection of a contaminant may apply to the commissioner for a waiver for VOC as specified in subdivision B 2 e (1) or to SOC as specified in subdivision B 2 e (2) of this section.

(5) Subsequent monitoring due to contaminant detection.

(a) Groundwater waterworks which have detected one or more of the following two-carbon organic compounds: trichloroethylene, tetrachloroethylene, 1,2-dichloroethane, 1,1,1-trichloroethane, cis-1,2-dichloroethylene, trans-1,2-dichloroethylene, or

1,1-dichloroethylene shall monitor quarterly for vinyl chloride. A vinyl chloride sample shall be taken at each sampling point at which one or more of the two-carbon organic compounds was detected. If the results of the first analysis do not detect vinyl chloride, the commissioner may reduce the quarterly monitoring frequency of vinyl chloride monitoring to one sample during each compliance period. Waterworks which use surface water in whole or in part are required to monitor for vinyl chloride as specified by the commissioner.

(b) If monitoring results in detection of one or more of certain related contaminants (heptachlor and heptachlor epoxide), then subsequent monitoring shall analyze for all related contaminants.

i. Waterworks which violate the requirements of Table 2.3 for VOCs or SOCs, as determined by 12 VAC 5-590-410 C, shall monitor quarterly. After a minimum of four consecutive quarterly samples which show the waterworks is in compliance as specified in 12 VAC 5-590-410 C and the commissioner determines that the waterworks is reliably and consistently below the PMCL, the waterworks may monitor at the frequency and time specified in subdivision B 2 h (3) of this section.

3. Trihalomethanes. Samples for TTHM analyses shall be collected quarterly from all community and nontransient noncommunity waterworks which disinfect and serve 10,000 or more individuals. At least four samples for each treatment plant used by the waterworks must be collected using the following criteria: at least 25% of the samples shall be taken at locations within the distribution system reflecting the maximum residence time of the water in the system. The remaining 75% shall be taken at representative locations in the distribution system, taking into account the number of persons served, different sources of water and different treatment methods employed. Sample locations shall be approved by the commissioner.

a. Community and nontransient noncommunity waterworks utilizing surface water in whole or in part, may, upon written request, have the monitoring frequency reduced by the division to a minimum of one sample per quarter taken at a point of maximum residence time of the water in the distribution system. The division must make a written determination that data from at least one year of monitoring and local conditions indicate that TTHM concentrations will be consistently below the PMCL.

If at any time in the reduced monitoring program the results from any analysis exceed the PMCL for TTHMs and such results are confirmed by at least one check sample taken promptly after such results are received, or if the waterworks makes any significant change to its source of water or treatment program, the waterworks shall immediately begin monitoring in accordance with subdivision B 3 of this section. Routine monitoring must continue for at least one year

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before a reduced monitoring frequency can be implemented again.

b. Community and nontransient noncommunity waterworks utilizing groundwaters only may, upon written request, have the monitoring frequency reduced to a minimum of one sample per year for TTHM. This sample shall be collected at a point in the distribution system reflecting the maximum residence time of the water. The division must make a written determination that the data indicates the system has a TTHM concentration of less than the PMCL and local conditions indicate that TTHM concentrations will be consistently below the PMCL.

If at any time in the reduced monitoring program the results from any TTHM exceed or equal the PMCL and such results are confirmed by at least one check sample taken promptly after such results are received, the waterworks shall immediately begin monitoring in accordance with subdivision B 3 of this section. Routine monitoring must continue for at least one year before a reduced monitoring frequency can be implemented again.

If any significant change occurs in the raw water or if the waterworks treatment process is altered, an additional sample for TTHM shall be analyzed immediately to determine whether the waterworks must comply with the monitoring requirements of subdivision B 3 of this section. The sample shall be collected at a point in the distribution system reflecting the maximum residence time of the water.

c. Nothing shall prevent the division from requiring additional samples for TTHM or MTP analysis when conditions warrant.

d. Nothing shall prevent the TTHM regulations from being applicable to waterworks serving less than 10,000 individuals when in the determination of the division, public health will be better served.

e. With prior approval of the division, waterworks which utilize multiple wells from a common aquifer may consider these multiple sources as one treatment plant for determining the minimum number of samples to be collected for TTHM analysis.

f. All samples for TTHM or MTP taken within an established frequency shall be collected within a 24-hour period.

g. The results of all analyses per quarter shall be arithmetically averaged and reported to the division within 30 days of the owner's receipt of the results (when samples are not analyzed by the state). All samples collected shall be used in the computation of the average unless the results are invalidated for technical reasons.

h. Analysis shall be conducted in accordance with 12 VAC 5-590-440.

i. Before any modification to a waterworks is undertaken for the purposes of complying with this

section, approval must be obtained in accordance with 12 VAC 5-590-200. In addition, the following information, as a minimum, may be required from the owner:

(1) An evaluation of the waterworks for sanitary defects and an evaluation of the source water for biological quality;

(2) Evaluation of existing treatment practices and indication of how proposed improvements will minimize disinfectant demand and optimize finished water quality;

(3) Provision of results of a baseline water quality survey. Parameters monitored should include coliform, fecal coliform, fecal streptococci, heterotrophic plate counts at 20°C and 35°C, phosphate, ammonia nitrogen and TOC. Virus studies may be necessary as determined by the division;

(4) Performance of additional monitoring to assure continued maintenance of optimal biological quality in the finished water;

(5) Consideration of a plan to maintain an active disinfectant residual throughout the distribution system at all times during and after proposed modifications.

4. Unregulated contaminants (UCs). All community and nontransient noncommunity waterworks shall sample for the contaminants listed in Table 2.6 and Table 2.7 as follows:

a. Table 2.6 - Group A

(1) Owners of waterworks which use a surface water source in whole or in part shall sample at the entry points to the distribution system which is representative of each source, after treatment (hereafter called a sampling point). The minimum number of samples is one year of consecutive quarterly samples per sampling point beginning in accordance with Table 2.8.

(2) Owners of waterworks which use groundwater shall sample at points of entry to the distribution system which is representative of each source (hereafter called a sampling point). The minimum number of samples is one sample per sampling point beginning in accordance with Table 2.8.

(3) The commissioner may require a confirmation sample for positive or negative results.

(4) Waterworks serving less than 150 connections may inform the commissioner, in writing, that their waterworks is available for sampling instead of performing the required sampling.

(5) All waterworks required to sample under this section shall repeat the sampling at least every five years.

b. Table 2.6 - Group B and Table 2.7

(1) The owner of each community and nontransient noncommunity waterworks owner shall take four consecutive quarterly samples at the entry points to the distribution system which is representative of each source (hereafter called a sampling point) for each contaminant listed in Table 2.6 Group B and report the results to the commissioner. Monitoring shall be completed by December 31, 1995.

(2) The owner of each community and nontransient noncommunity waterworks shall take one sample at each sampling point for each contaminant listed in Table 2.7 and report the results to the commissioner. Monitoring shall be completed by December 31, 1995.

(3) The owner of each community and nontransient noncommunity waterworks may apply to the commissioner for a waiver from the monitoring requirements of subdivision B 4 b (1) and (2) of this section for the contaminants listed in Table 2.6 Group B and Table 2.7.

(4) The commissioner may grant a waiver for the requirement of subdivision B 4 b (1) of this section based on the criteria specified in subdivision B 2 f of this section. The commissioner may grant a waiver from the requirement of subdivision B 4 b (2) of this section if previous analytical results indicate contamination would not occur, provided this data was collected after January 1, 1990.

(5) If the waterworks utilizes more than one source and the sources are combined before distribution, the waterworks shall sample at an entry point to the distribution system during periods of normal operating conditions (i.e., when water is representative of all sources being used).

(6) The commissioner may require a confirmation sample for positive or negative results.

(7) Instead of performing the monitoring required by this section, the owner of a community waterworks or nontransient noncommunity waterworks serving fewer than 150 service connections may send a letter to the commissioner stating that the waterworks is available for sampling. This letter shall be sent to the commissioner by January 1, 1994. The waterworks shall not send such samples to the commissioner unless requested to do so by the commissioner.

(8) All waterworks required to sample under this section shall repeat the sampling at least every five years.

5. Repealed.

6. Lead and copper. The owners of all community and nontransient noncommunity waterworks shall monitor for lead and copper in tap water (subdivision B 6 a), water quality (corrosion) parameters in the distribution system and at entry points (subdivision B 6 b), and lead and copper in water supplies (subdivision B 6 c). The

monitoring requirements contained in this section are summarized in Appendix M.

a. Monitoring requirements for lead and copper in tap water.

(1) Sample site location

(a) By the applicable date for commencement of monitoring under subdivision B 6 a(4)(a), each waterworks owner shall complete a materials evaluation of the distribution system in order to identify a pool of targeted sampling sites that meets the requirements of this section, and which is sufficiently large to ensure that the owner can collect the number of lead and copper tap samples required in subdivision B 6 a(3). All sites from which first draw samples are collected shall be selected from this pool of targeted sampling sites. Sampling sites may not include faucets that have point-of-use or point-of-entry treatment devices designed to remove inorganic contaminants.

(b) A waterworks owner shall use the information on lead, copper, and galvanized steel that the owner is required to collect when conducting a materials evaluation (reference Appendix B Corrosion). When this evaluation is insufficient to locate the requisite number of lead and copper sampling sites that meet the targeting criteria of this section, the owner shall review the sources of information listed below in order to identify a sufficient number of sampling sites. In addition, the owner shall seek to collect such information where possible in the course of its normal operations (e.g., checking service line materials when reading water meters or performing maintenance activities):

(i) All plumbing codes, permits, and records in the files of the building department(s) which indicate the plumbing materials that are installed within publicly and privately owned structures connected to the distribution system;

(ii) All inspections and records of the distribution system that indicate the material composition of the service connections that connect a structure to the distribution system; and

(iii) All existing water quality information, which includes the results of all prior analyses of the waterworks or individual structures connected to the waterworks, indicating locations that may be particularly susceptible to high lead or copper concentrations.

(c) The sampling sites selected for a community waterworks' sampling pool ("tier 1 sampling sites") shall consist of single family structures that:

(i) Contain copper pipes with lead solder installed between January 1983 and April 1986 or contain lead pipes; and/or

(ii) Are served by a lead service line.

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NOTE: When multiple-family residences comprise at least 20% of the structures served by a waterworks, the waterworks may include these types of structures in its sampling pool.

(d) The owner of any community waterworks with insufficient tier 1 sampling sites shall complete the sampling pool with "tier 2 sampling sites," consisting of buildings, including multiple-family residences that:

(i) Contain copper pipes with lead solder installed between January 1983 and April 1986 or contain lead pipes; and/or

(ii) Are served by a lead service line.

(e) The owner of any community waterworks with insufficient tier 1 and tier 2 sampling sites shall complete the sampling pool with "tier 3 sampling sites," consisting of single family structures that contain copper pipes with lead solder installed before 1983.

(f) The sampling sites selected for a nontransient noncommunity waterworks ("tier 1 sampling sites") shall consist of buildings that:

(i) Contain copper pipes with lead solder installed between January 1983 and April 1986 or contain lead pipes; and/or

(ii) Are served by a lead service line.

(g) The owner of a nontransient noncommunity waterworks with insufficient tier 1 sites that meet the targeting criteria in subdivision B 6 a(1)(f) of this section shall complete the sampling pool with sampling sites that contain copper pipes with lead solder installed before 1983.

(h) All waterworks owners shall notify the appropriate field office of the division in writing when the pool of sampling sites has been identified and indicate that a sufficient number of tier 1 sites were included in the pool to comply with the required number of sampling sites specified under subdivision B 6 a(3) of this section.

(i) The owner of any waterworks whose sampling pool does not consist exclusively of tier 1 sites shall demonstrate in a letter submitted to the field office under 12 VAC 5-590-530 D 1 b, why a review of the information listed in subdivision B 6 a(1)(b) of this section was inadequate to locate a sufficient number of tier 1 sites.

(ii) The owner of any community waterworks which includes tier 3 sampling sites in its sampling pool shall demonstrate in such a letter why it was unable to locate a sufficient number of tier 1 and tier 2 sampling sites.

(i) The owner of any waterworks whose distribution system contains lead service lines

shall draw 50% of the samples the owner collects during each monitoring period from sites that contain lead pipes, or copper pipes with lead solder, and 50% of the samples the owner collects from sites served by a lead service line. Any owner who cannot identify a sufficient number of sampling sites served by a lead service line shall demonstrate in a letter submitted to the field office under 12 VAC 5-590-530 D 1 d why the owner was unable to locate a sufficient number of such sites. The owner of such a waterworks shall collect first draw tap samples from all of the sites identified as being served by such lines.

(2) Sample collection methods.

(a) All tap samples for lead and copper, with the exception of lead service line samples collected under 12 VAC 5-590-420 E 3, shall be first draw samples.

(b) Each first-draw tap sample for lead and copper shall be one liter in volume and have stood motionless in the plumbing system of each sampling site for at least six hours. First draw samples from residential housing shall be collected from the cold-water kitchen tap or bathroom sink tap. First-draw samples from a nonresidential building shall be collected at an interior tap from which water is typically drawn for consumption. First draw samples may be collected by the waterworks owner or the owner may allow residents to collect first draw samples after instructing the residents of the sampling procedures. To avoid problems of residents handling nitric acid, acidification of first draw samples may be done up to 14 days after the sample is collected. If the sample is not acidified immediately after collection, then the sample must stand in the original container for at least 28 hours after acidification. If an owner allows residents to perform sampling, the owner may not challenge, based on alleged errors in sample collection, the accuracy of sampling results.

(c) Each lead service line sample collected pursuant to 12 VAC 5-590-420 E 3 for the purpose of avoiding replacement shall be one liter in volume and have stood motionless in the lead service line for at least six hours. Lead service line samples shall be collected in one of the following three ways:

(i) At the tap after flushing the volume of water between the tap and the lead service line. The volume of water shall be calculated based on the interior diameter and length of the pipe between the tap and the lead service line;

(ii) Tapping directly into the lead service line; or

(iii) if the sampling site is a building constructed as a single-family residence, allowing the water to run until there is a significant change in

temperature which would be indicative of water that has been standing in the lead service line.

(d) A waterworks owner shall collect each first draw tap sample from the same sampling site from which the owner collected a previous sample. If, for any reason, the owner cannot gain entry to a sampling site in order to collect a follow-up tap sample, the owner may collect the follow-up tap sample from another sampling site in the sampling pool as long as the new site meets the same targeting criteria, and is within reasonable proximity of the original site.

(3) Number of samples. Waterworks owners shall collect at least one sample during each monitoring period specified in subdivision B 6 a(4) of this section from the number of sites listed in the first column below ("standard monitoring"). The owner of a waterworks conducting reduced monitoring under subdivision B 6 a(4)(d) of this section may collect one sample from the number of sites specified in the second column below during each monitoring period specified in subdivision B 6 a(4)(d) of this section.

System Size (# People Served)	# of sites (Standard Monitoring)	# of sites (Reduced Monitoring)
>100,000	100	50
10,001-100,000	60	30
3,301 to 10,000	40	20
501 to 3,300	20	10
101 to 500	10	5
£100	5	5

(4) Timing of monitoring.

(a) Initial tap sampling. The first six-month monitoring period for small, medium-size and large waterworks shall begin on the following dates:

System Size (# People Served)	First six-month Monitoring Period Begins On
Large >50,000	January 1, 1992
Medium 3,301 to 50,000	July 1, 1992
Small £3,300	July 1, 1993

(i) All large waterworks shall monitor during two consecutive six-month periods.

(ii) All small and medium-size waterworks shall monitor during each six-month monitoring period until: the waterworks exceeds the lead or copper action level and is therefore required to implement the corrosion control treatment requirements under 12 VAC 5-590-420 C, in which case the owner shall continue monitoring in accordance with 12 VAC 5-590-370 B 6 a(4)(b), or the waterworks meets the lead and copper action levels during two consecutive six-month monitoring periods, in which case the owner may reduce monitoring in accordance with 12 VAC 5-590-370 B 6 a(4)(d).

(b) Monitoring after installation of corrosion control and water supply (source water) treatment.

(i) The owner of any large waterworks which installs optimal corrosion control treatment pursuant to 12 VAC 5-590-420 C 2 d (4) shall monitor during two consecutive six-month monitoring periods by the date specified in 12 VAC 5-590-420 C 2 d(5).

(ii) The owner of any small or medium-size waterworks which installs optimal corrosion control treatment pursuant to 12 VAC 5-590-420 C 2 e (5) shall monitor during two consecutive six-month monitoring periods by the date specified in 12 VAC 5-590-420 C 2 e (6).

(iii) The owner of any waterworks which installs source water treatment pursuant to 12 VAC 5-590-420 D 1 c shall monitor during two consecutive six-month monitoring periods by the date specified in 12 VAC 5-590-420 D 1 d.

(c) Monitoring after the commissioner specifies water quality parameter values for optimal corrosion control. After the commissioner specifies the values for water quality control parameters under 12 VAC 5-590-420 C 1 (f), the waterworks owner shall monitor during each subsequent six-month monitoring period, with the first monitoring period to begin on the date the commissioner specifies the optimal values under 12 VAC 5-590-420 C 1(f).

(d) Reduced monitoring.

(i) The owner of a small or medium-size waterworks that meets the lead and copper action levels during each of two consecutive six-month monitoring periods may reduce the number of samples in accordance with subdivision B 6 a of this section, and reduce the frequency of sampling to once per year.

(ii) The owner of any waterworks that maintains the range of values for the water quality control parameters reflecting optimal corrosion control treatment specified by the commissioner under subdivision C 1(f) of this section during each of two consecutive six-month monitoring periods may request that the commissioner allow the waterworks to reduce the frequency of monitoring to once per year and to reduce the number of lead and copper samples in accordance with subdivision B 6 a(3) of this section. The commissioner shall review the information submitted by the waterworks and shall make a decision in writing, setting forth the basis for its determination. The commissioner shall review, and where appropriate, revise its determination when the owner submits new monitoring or treatment data, or when other data relevant to the number and frequency of tap sampling becomes available.

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(iii) The owner of a small or medium-size waterworks that meets the lead and copper action levels during three consecutive years of monitoring may reduce the frequency of monitoring for lead and copper from annually to once every three years. Any waterworks that maintains the range of values for the water quality control parameters reflecting optimal corrosion control treatment specified by the commissioner under 12 VAC 5-590-420 C 1(f) during three consecutive years of monitoring may request that the commissioner allow the waterworks to reduce the frequency of monitoring from annually to once every three years. The commissioner shall review the information submitted by the owner and shall make a decision in writing, setting forth the basis for its determination. The commissioner shall review, and where appropriate, revise its determination when the owner submits new monitoring or treatment data, or when other data relevant to the number and frequency of tap sampling becomes available.

(iv) The owner of a waterworks that reduces the number and frequency of sampling shall collect these samples from sites included in the pool of targeted sampling sites identified in subdivision B 6 a(1) of this section. Waterworks sampling annually or less frequently shall conduct the lead and copper tap sampling during the months of June, July, August or September.

(v) The owner of a small or medium-size waterworks subject to reduced monitoring that exceeds the lead or copper action level shall resume sampling in accordance subdivision B 6 a(4)(c) of this section and collect the number of samples specified for standard monitoring under subdivision B 6 a(3) of this section. Such waterworks owner shall also conduct water quality parameter monitoring in accordance with subdivision B 6 b(2), (3), or (4) of this section (as appropriate) during the monitoring period in which the action level is exceeded. Any waterworks subject to reduced monitoring frequency that fails to operate within the range of values for the water quality control parameters specified by the commissioner under subdivision C 1(f) of this section shall resume tap water sampling in accordance with subdivision B 6 a(4)(c) of this section and collect the number of samples specified for standard monitoring under subdivision B 6 a(3) of this section.

(5) Additional monitoring by waterworks owner. The results of any monitoring conducted in addition to the minimum requirements of this section shall be considered by the waterworks owner and the commissioner in making any determinations (i.e., calculating the 90th percentile lead or copper level) under this subpart.

b. Monitoring requirements for water quality parameters. The owners of all large waterworks, and all small and medium-size waterworks that exceed the lead or copper action level shall monitor water quality parameters in addition to lead and copper in accordance with this section. The requirements of this section are in summarized Appendix M.

(1) General requirements.

(a) Sample collection methods.

(i) Tap samples shall be representative of water quality throughout the distribution system taking into account the number of persons served, the different sources of water, the different treatment methods employed by the waterworks, and seasonal variability. Tap sampling under this section is not required to be conducted at taps targeted for lead and copper sampling under 12 VAC 5-590-370 B 6(a)(1). Waterworks owners may find it convenient to conduct tap sampling for water quality parameters at sites approved for coliform sampling.

(ii) Samples collected at the entry point(s) to the distribution system shall be from locations representative of each source after treatment. If a waterworks draws water from more than one source and the sources are combined before distribution, the waterworks owner must sample at an entry point to the distribution system during periods of normal operating conditions (i.e., when water is representative of all sources being used).

(b) Number of samples.

(i) Waterworks owners shall collect two tap samples for applicable water quality parameters during each monitoring period specified under subdivision B 6 b(2) through (6) of this section from the following number of sites.

System Size (# People Served)	# of Sites For Water Quality Parameters
>100,000	25
10,001-100,000	10
3,301 to 10,000	3
501 to 3,300	2
101 to 500	1
£100	1

(ii) Waterworks owners shall collect two samples for each applicable water quality parameter at each entry point to the distribution system during each monitoring period specified in subdivision B 6 b(2) of this section. During each monitoring period specified in subdivision B 6 b(3) through (6) of this section, waterworks owners shall collect one sample for each applicable water quality parameter at each entry point to the distribution system.

(2) Initial sampling. The owners of all large waterworks shall measure the applicable water quality parameters as specified below at taps and at each entry point to the distribution system during each six-month monitoring period specified in subdivision B 6 a(4) (a) of this section. The owners of all small and medium-size waterworks shall measure the applicable water quality parameters at the locations specified below during each six-month monitoring period specified in subdivision B 6 a(4)(c) of this section during which the waterworks exceeds the lead or copper action level.

(a) At taps:

- (i) pH;
- (ii) alkalinity;
- (iii) orthophosphate, when an inhibitor containing a phosphate compound is used;
- (iv) silica, when an inhibitor containing a silicate compound is used;
- (v) calcium;
- (vi) conductivity; and
- (vii) water temperature.

(b) At each entry point to the distribution system: all of the applicable parameters listed in subdivision B 6 b(2)(a) of this section.

(3) Monitoring after installation of corrosion control. The owner of any large waterworks which installs optimal corrosion control treatment pursuant to 12 VAC 5-590-420 C 2 d(4) shall measure the water quality parameters at the locations and frequencies specified below during each six-month monitoring period specified in subdivision B 6 a(4)(i) of this section. The owner of any small or medium-size waterworks which installs optimal corrosion control treatment shall conduct such monitoring during each six-month monitoring period specified in subdivision B 6 a(4)(b)(ii) in which the waterworks exceeds the lead or copper action level.

(a) At taps, two samples for:

- (i) pH;
- (ii) alkalinity;
- (iii) orthophosphate, when an inhibitor containing a phosphate compound is used;
- (iv) silica, when an inhibitor containing a silicate compound is used;
- (v) calcium, when calcium carbonate stabilization is used as part of corrosion control.

(b) At each entry point to the distribution system, one sample every two weeks (bi-weekly) for:

- (i) pH;

(ii) when alkalinity is adjusted as part of optimal corrosion control, a reading of the dosage rate of the chemical used to adjust alkalinity, and the alkalinity concentration; and

(iii) when a corrosion inhibitor is used as part of optimal corrosion control, a reading of the dosage rate of the inhibitor used, and the concentration of orthophosphate or silica (whichever is applicable).

(4) Monitoring after the commissioner specifies water quality parameter values for optimal corrosion control. After the commissioner specifies the values for applicable water quality control parameters reflecting optimal corrosion control treatment under 12 VAC 5-590-420 C 1(f), the owners of all large waterworks shall measure the applicable water quality parameters in accordance with subdivision B 6 b(3) of this section during each monitoring period specified in subdivision B 6 a(4)(c) of this section. The owner of any small or medium-size waterworks shall conduct such monitoring during each monitoring period specified in subdivision B 6 a(4)(c) of this section in which the waterworks exceeds the lead or copper action level. The owner may take a confirmation sample for any water quality parameter value no later than three days after the first sample. If a confirmation sample is taken, the result must be averaged with the first sampling result and the average must be used for any compliance determinations under 12 VAC 5-590-420 C 1(g). The commissioner has discretion to delete results of obvious sampling errors from this calculation.

(5) Reduced monitoring.

(a) The owner of any waterworks that maintains the range of values for the water quality parameters reflecting optimal corrosion control treatment during each of two consecutive six-month monitoring periods under subdivision B 6 b(4) of this section shall continue monitoring at the entry point(s) to the distribution system as specified in subdivision B 6 b(3)(b) of this section. The owner of such waterworks may collect two tap samples for applicable water quality parameters from the following reduced number of sites during each six-month monitoring period.

Reduced # of Sites (# People Served)	System Size for Water Quality Parameters
>100,000	10
10,001 to 100,000	7
3,301 to 10,000	3
501 to 3,300	2
101 to 500	1
£100	1

(b) The owner of any waterworks that maintains the range of values for the water quality parameters reflecting optimal corrosion control treatment specified by the commissioner under subdivision C 1(f) of this section during three

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consecutive years of monitoring may reduce the frequency with which the owner collects the number of tap samples for applicable water quality parameters specified in this subdivision B 6 b(5)(a) of this section from every six months to annually. Any waterworks that maintains the range of values for the water quality parameters reflecting optimal corrosion control treatment specified by the commissioner under 12 VAC 5-590-420 C 1(f) during three consecutive years of annual monitoring under this paragraph may reduce the frequency with which it collects the number of tap samples for applicable water quality parameters specified in subdivision B 6 a(5)(a) of this section from annually to every three years.

(c) The owner of a waterworks that conducts sampling annually shall collect these samples evenly throughout the year so as to reflect seasonal variability.

(d) The owner of any waterworks subject to reduced monitoring frequency that fails to operate within the range of values for the water quality parameters specified by the commissioner under 12 VAC 5-590-420 C 1(f) shall resume tap water sampling in accordance with the number and frequency requirements in subdivision B 6 b(4) of this section.

(6) Additional monitoring by waterworks owners. The results of any monitoring conducted in addition to the minimum requirements of this section shall be considered by the waterworks owner and the commissioner in making any determinations under this section or 12 VAC 5-590-420 C 1.

c. Monitoring requirements for lead and copper in water supplies (source water).

(1) Sample location, collection methods, and number of samples.

(a) The owner of a waterworks that fails to meet the lead or copper action level on the basis of tap samples collected in accordance with subdivision B 6 a of this section shall collect lead and copper water supply samples in accordance with the requirements regarding sample location, number of samples, and collection methods specified in subsection B (inorganic chemical sampling). The timing of sampling for lead and copper in water supplies shall be in accordance with subdivision B 6 c(2) and (3) of this section.

(b) Where the results of sampling indicate an exceedance of maximum permissible water supply levels established under 12 VAC 5-590-420 D 4, the commissioner may require that one additional sample be collected as soon as possible after the initial sample was taken (but not to exceed two weeks) at the same sampling point. If a commissioner required confirmation sample is taken for lead or copper, then the results of the initial and confirmation sample shall be averaged

in determining compliance with the commissioner-specified maximum permissible levels. Any sample value below the detection limit shall be considered to be zero. Any value above the detection limit but below the PQL shall either be considered as the measured value or be considered one-half the PQL. The PQL for Lead is equal to 0.005 mg/l and the PQL for Copper is equal to 0.050 mg/l.

(2) Monitoring frequency after waterworks exceeds tap action level. The owner of any waterworks which exceeds the lead or copper action level at the tap shall collect one water supply sample from each entry point to the distribution system within six months after the exceedance.

(3) Monitoring frequency after installation of water supply treatment. The owner of any waterworks which installs water supply treatment pursuant to 12 VAC 5-590-420 D 1 c shall collect an additional water supply sample from each entry point to the distribution system during two consecutive six-month monitoring periods by the deadline specified in 12 VAC 5-590-420 D 1 d.

(4) Monitoring frequency after the commissioner specifies maximum permissible water supply lead and copper levels or determines that water supply treatment is not needed.

(a) A waterworks owner shall monitor at the frequency specified below in cases where the commissioner specifies maximum permissible water supply lead and copper levels under 12 VAC 5-590-420 D 4 or determines that the owner is not required to install water supply treatment under 12 VAC 5-590-420 D 2(b).

(i) The owner of a waterworks using only groundwater shall collect samples once during the three-year compliance period in effect when the applicable commissioner determination under subdivision B 6 c(4)(a) of this section is made. Owners of such waterworks shall collect samples once during each subsequent compliance period.

(ii) The owner of a waterworks using surface water (or a combination of surface and groundwater) shall collect samples once during each year, the first annual monitoring period to begin on the date on which the applicable commissioner determination is made under subdivision B 6 c(4)(a) of this section.

(b) A waterworks owner is not required to conduct water supply sampling for lead and/or copper if the waterworks meets the action level for the specific contaminant in tap water samples during the entire water supply sampling period applicable to the waterworks under subdivision B 6 c(4)(a)(i) or (ii) of this section.

(5) Reduced monitoring frequency.

(a) The owner of a waterworks using only groundwater which demonstrates that finished drinking water entering the distribution system has been maintained below the maximum permissible lead and/or copper concentrations specified by the commissioner in 12 VAC 5-590-420 D 4 during at least three consecutive compliance periods under subdivision B 6 c(4) of this section may reduce the monitoring frequency for lead and/or copper to once during each nine-year compliance cycle.

(b) The owner of a waterworks using surface water (or a combination of surface and ground waters) which demonstrates that finished drinking water entering the distribution system has been maintained below the maximum permissible lead and copper concentrations specified by the commissioner in 12 VAC 5-590-420 D 4 for at least three consecutive years may reduce the monitoring frequency in 12 VAC 5-590-370 B 6 c (4)(a) to once during each nine-year compliance cycle.

(c) A waterworks that uses a new water supply is not eligible for reduced monitoring for lead and/or copper until concentrations in samples collected from the new supply during three consecutive monitoring periods are below the maximum permissible lead and copper concentrations specified by the commissioner in 12 VAC 5-590-420 D 1 e.

7. Waterworks required to filter. The owner of a waterworks that uses a surface water source or a groundwater source under the direct influence of surface water and provides filtration treatment must monitor in accordance with this section beginning June 29, 1993, or when filtration is installed, whichever is later.

a. Turbidity measurements as required by 12 VAC 5-590-410 C shall be performed on representative samples of the filtered water every four hours (or more frequently) that the waterworks serves water to the public. A waterworks owner may substitute continuous turbidity monitoring for grab sample monitoring if it validates the continuous measurement for accuracy on a regular basis using a protocol approved by the division. For any waterworks using slow sand filtration or filtration treatment other than conventional treatment, direct filtration, or diatomaceous earth filtration, the division may reduce the sampling frequency to once per day if it determines that less frequent monitoring is sufficient to indicate effective filtration performance. For waterworks serving 500 or fewer persons, the division may reduce the turbidity sampling frequency to once per day, regardless of the type of filtration treatment used, if the division determines that less frequent monitoring is sufficient to indicate effective filtration performance.

b. The residual disinfectant concentration of the water entering the distribution system shall be monitored continuously, and the lowest value shall be recorded each day, except that if there is a failure in the

continuous monitoring equipment, grab sampling every four hours may be conducted in lieu of continuous monitoring, but for no more than five working days following the failure of the equipment, and owners of waterworks serving 3,300 or fewer persons may take grab samples in lieu of continuous monitoring on an ongoing basis at the frequencies each day prescribed below:

Waterworks Size by Population	Samples/Day*
500 or less	1
501 to 1,000	2
1,000 to 2,500	3
2,501 to 3,300	4

*The day's samples cannot be taken at the same time. The sampling intervals are subject to division review and approval.

If at any time the residual disinfectant concentration falls below 0.2 mg/L in a waterworks using grab sampling in lieu of continuous monitoring, the waterworks owner shall take a grab sample every four hours until the residual disinfectant concentration is equal to or greater than 0.2 mg/L.

(1) The residual disinfectant concentration must be measured at least at the same points in the distribution system and at the same time as total coliforms are sampled, as specified in subsection A of this section, except that the division may allow a waterworks owner which uses both a surface water source or a groundwater source under direct influence of surface water, and a groundwater source to take disinfectant residual samples at points other than the total coliform sampling points if the division determines that such points are more representative of treated (disinfected) water quality within the distribution system. Heterotrophic bacteria, measured as heterotrophic plate count (HPC) as specified in 12 VAC 5-590-420 B may be measured in lieu of residual disinfectant concentration.

(2) If the division determines, based on site-specific considerations, that a waterworks has no means for having a sample transported and analyzed for HPC by a certified laboratory under the requisite time and temperature conditions and that the waterworks is providing adequate disinfection in the distribution system, the requirements of subdivision B 7(1) of this section do not apply to that waterworks.

c. The following information on the samples taken in the distribution system in conjunction with total coliform monitoring pursuant to 12 VAC 5-590-420 B shall be reported monthly to the division by the waterworks owner:

(1) Number of instances where the residual disinfectant concentration is measured;

(2) Number of instances where the residual disinfectant concentration is not measured but HPC is measured;

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(3) Number of instances where the residual disinfectant concentration is measured but not detected and no HPC is measured;

(4) Number of instances where no residual disinfectant concentration is detected and where the HPC is >500/mL;

(5) Number of instances where the residual disinfectant concentration is not measured and HPC is >500/mL.

(6) For the current and previous month the waterworks serves water to the public, the value of "V" in percent in the following formula:

$$V = \left[\frac{(c + d + e)}{(a + b)} \right] \times 100$$

where

a = the value in subdivision B 7 c (1) of this section,

b = the value in subdivision B 7 c (2) of this section,

c = the value in subdivision B 7 c (3) of this section,

d = the value in subdivision B 7 c (4) of this section,

e = the value in subdivision B 7 c (5) of this section,

(7) If the division determines, based on site-specific considerations, that a waterworks owner has no means for having a sample transported and analyzed for HPC by a certified laboratory within the requisite time and temperature conditions and that the waterworks is providing adequate disinfection in the distribution system, the requirements of subdivision B 7 b (1) of this section do not apply.

d. A waterworks owner need not report the data listed in 12 VAC 5-590-530 C 2 a if all data listed in 12 VAC 5-590-530 C 2 a through c remain on file at the waterworks and the division determines that the waterworks owner has submitted all the information required by 12 VAC 5-590-530 C 2 a through c for at least 12 months.

8. Operational. Waterworks owners may be required by the division to collect additional samples to provide quality control for any treatment processes that are employed.

C. Physical. All samples for turbidity analysis shall be taken at a representative entry point or points to the water distribution system unless otherwise specified. Turbidity samples shall be analyzed, at least once per day at all waterworks that use surface water sources or groundwater sources under the direct influence of surface water.

D. Radiological. The frequency of radiological sampling shall be accordance with 12 VAC 5-590-400.

12 VAC 5-590-545. Consumer confidence reports.

A. Purpose and applicability.

1. Each community waterworks owner shall deliver to his customers an annual report that contains information on the quality of the water delivered by the waterworks and

characterizes the risks, if any, from exposure to contaminants detected in the drinking water.

2. For the purpose of this section, customers are defined as billing units or service connections to which water is delivered by a community waterworks.

3. For the purpose of this section, a contaminant is detected when the laboratory reports the contaminant level as a measured level and not as nondetected (ND) or less than (<) a certain level. The laboratory's analytical and reporting procedures shall have been in accordance with 12 VAC 5-590-440; laboratory certification requirements of the Commonwealth of Virginia, Department of General Services, Division of Consolidated Laboratory Services; and consistent with current U. S. Environmental Protection Agency regulations found at 40 CFR Part 141.

B. Effective dates.

1. Each existing community waterworks owner shall deliver his report by July 1 annually.

2. The owner of a new community waterworks shall deliver his first report by July 1 of the year after its first full calendar year in operation and annually thereafter.

3. The owner of a community waterworks that sells water to a consecutive waterworks shall deliver the applicable information necessary to comply with the requirements contained in this section to the consecutive waterworks by April 1 annually, or on a date mutually agreed upon by the seller and the purchaser and specifically included in a contract between the parties.

C. Content.

1. Each community waterworks owner shall provide his customers an annual report that contains the information on the source of the water delivered as follows:

a. Each report shall identify the source or sources of the water delivered by the community waterworks by providing information on:

(1) The type of the water (e.g., surface water, ground water); and

(2) The commonly used name, if any, and location of the body or bodies of water.

b. Where a source water assessment has been completed, the report shall:

(1) Notify consumers of the availability of the assessment;

(2) Describe the means to obtain the assessment; and

(3) Include a brief summary of the waterworks' susceptibility to potential sources of contamination.

c. The waterworks owner should highlight in the report significant sources of contamination in the source water area if such information is readily available.

2. For the purpose of compliance with this section, each report shall include the following definitions:

a. "Maximum contaminant level goal" or "MCLG" means the level of a contaminant in drinking water below which there is no known or expected risk to health. MCLGs allow for a margin of safety.

b. "Maximum contaminant level" or "MCL" means the highest level of a contaminant that is allowed in drinking water. MCLs are set as close to the MCLGs as feasible using the best available treatment technology.

c. A report for a community water system operating under a variance or an exemption issued by the commissioner under 12 VAC 5-590-140 and 12 VAC 5-590-150 shall include the following definition: "Variances and exemptions" means state or EPA permission not to meet an MCL or a treatment technique under certain conditions.

d. A report that contains data on contaminants that EPA regulates using any of the following terms shall include the applicable definitions:

(1) "Treatment technique" means a required process intended to reduce the level of a contaminant in drinking water.

(2) "Action level" means the concentration of a contaminant that, if exceeded, triggers treatment or other requirements that a water system must follow.

(3) "Maximum residual disinfectant level goal" or "MRDLG" means the level of a drinking water disinfectant below which there is no known or expected risk to health. MRDLGs do not reflect the benefits of the use of disinfectants to control microbial contaminants.

(4) "Maximum residual disinfectant level" or "MRDL" means the highest level of a disinfectant allowed in drinking water. There is convincing evidence that addition of a disinfectant is necessary for control of microbial contaminants.

3. Information on detected contaminants.

a. This section specifies the requirements for information to be included in each report for the following contaminants:

(1) Contaminants subject to a PMCL, action level, maximum residual disinfectant level, or treatment technique as specified in 12 VAC 5-590-370;

(2) Unregulated contaminants subject to monitoring as specified in 12 VAC 5-590-370; and

(3) Disinfection byproducts or microbial contaminants, except *Cryptosporidium*, for which monitoring is required by Information Collection Rule (40 CFR 141.142 and 141.143 (7-1-97 Edition)), except as provided under subdivision 5 a of this subsection, and which are detected in the finished water.

b. The data relating to these contaminants shall be displayed in one table or in several adjacent tables. Any additional monitoring results that a community waterworks owner chooses to include in the report shall be displayed separately.

c. The data shall be derived from data collected to comply with EPA and state monitoring and analytical requirements during the calendar year preceding the year the report is due, except that:

(1) Where a waterworks owner is allowed to monitor for contaminants specified in subdivision 3 a (1) and (3) of this subsection less often than once a year, the table or tables shall include the date and results of the most recent sampling, and the report shall include a brief statement indicating that the data presented in the report are from the most recent testing done in accordance with the regulations. No data older than five years need be included.

(2) Results of monitoring in compliance with the Information Collection Rule (40 CFR 141.142 and 141.143 (7-1-97 Edition)) need only be included for five years from the date of last sample or until any of the detected contaminants becomes regulated and subject to routine monitoring requirements, whichever comes first.

d. For detected contaminants subject to a PMCL, action level, or treatment technique as specified in 12 VAC 5-590-370 and listed in Tables 2.1, 2.2 (Primary Maximum Contaminant Levels only), 2.3, 2.4 (Primary Maximum Contaminant Levels only), and 2.5, the table or tables must contain:

(1) The PMCL for that contaminant expressed as a number equal to or greater than 1.0 as provided in Appendix O, with an exception for beta/photon emitters. When the detected level of beta/photon emitters has been reported in the units of pCi/L and does not exceed 50 pCi/L, the report may list the PMCL as 50 pCi/L. In this case, the waterworks owner shall include in the report the following footnote: The PMCL for beta particles is 4 mrem/year. EPA considers 50 pCi/L to be the level of concern for beta particles;

(2) The MCLG for that contaminant expressed in the same units as the PMCL as provided in Appendix O;

(3) If there is no PMCL for a detected contaminant, the table must indicate that there is a treatment technique, or specify the action level, applicable to that contaminant, and the report shall include the definitions for treatment technique and/or action level, as appropriate, specified in subdivision 3 d of this subsection;

(4) For contaminants subject to a PMCL, except turbidity and total coliforms, the highest contaminant level used to determine compliance and the range of detected levels as follows:

(a) When compliance with the PMCL is determined annually or less frequently, the highest

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detected level at any sampling point and the range of detected levels expressed in the same units as the PMCL.

(b) When compliance with the PMCL is determined by calculating a running annual average of all samples taken at a sampling point, the highest average of any of the sampling points and the range of all sampling points expressed in the same units as the PMCL.

(c) When compliance with the PMCL is determined on a systemwide basis by calculating a running annual average of all samples at all sampling points, the average and range of detection expressed in the same units as the PMCL.

(5) For turbidity, the highest single measurement and the lowest monthly percentage of samples meeting the turbidity limits specified in 12 VAC 5-590-420 for the filtration technology being used. The report should include an explanation of the reasons for measuring turbidity;

(6) For lead and copper, the 90th percentile value of the most recent round of sampling and the number of sampling sites exceeding the action level;

(7) For total coliform:

(a) The highest monthly number of positive samples for waterworks collecting fewer than 40 samples per month;

(b) The highest monthly percentage of positive samples for systems collecting at least 40 samples per month;

(8) For fecal coliform, the total number of positive samples;

(9) The likely source or sources of detected contaminants. Specific information regarding contaminants may be available in sanitary surveys and source water assessments, and should be used when available to the waterworks owner. If the waterworks owner lacks specific information on the likely source, the report shall include one or more of the typical sources for that contaminant listed in Appendix O that are most applicable to the system.

e. If a community waterworks owner distributes water to his customers from multiple hydraulically independent distribution systems that are fed by different raw water sources:

(1) The table shall contain a separate column for each service area and the report shall identify each separate distribution system; or

(2) Waterworks owner shall produce a separate report tailored to include data for each service area.

f. The table or tables shall clearly identify any data indicating violations of PMCLs, MRDLs, or treatment techniques and the report shall contain a clear and

readily understandable explanation of the violation including:

(1) The length of the violation;

(2) The potential adverse health effects using the relevant language of Appendix O; and

(3) Actions taken by the waterworks owner to address the violation.

g. For detected unregulated contaminants subject to monitoring as specified in 12 VAC 5-590-370 and listed in Tables 2.6 and 2.7, for which monitoring is required, the table or tables shall contain the average and range at which the contaminant was detected. The report may include a brief explanation of the reasons for monitoring for unregulated contaminants.

5. Information on *Cryptosporidium*, radon, and other contaminants:

a. If the waterworks has performed any monitoring for *Cryptosporidium*, including monitoring performed to satisfy the requirements of the Informational Collection Rule (40 CFR 141.143 (7-1-97 Edition)), which indicates that *Cryptosporidium* may be present in the source water or the finished water, the report shall include:

(1) A summary of the results of the monitoring; and

(2) An explanation of the significance of the results.

b. If the waterworks has performed any monitoring for radon which indicates that radon may be present in the finished water, the report shall include:

(1) The results of the monitoring; and

(2) An explanation of the significance of the results.

c. If the waterworks owner has performed additional monitoring that indicates the presence of other contaminants in the finished water, the report should include any results that may indicate a health concern, as determined by the commissioner. Detections above a proposed MCL or health advisory level may indicate possible health concerns. For such contaminants, the report should include:

(1) The results of the monitoring; and

(2) An explanation of the significance of the results noting the existence of a health advisory or a proposed regulation.

6. Compliance with other regulations.

a. In addition to the requirements of subdivision 4 f of this subsection the report shall note any violation that occurred during the year covered by the report of a requirement listed below.

(1) Monitoring and reporting of compliance data;

(2) Filtration and disinfection prescribed by 12 VAC 5-590-420. For waterworks owners who have failed to install adequate filtration or disinfection equipment

or processes, or have had a failure of such equipment or processes which constitutes a violation, the report shall include the following language as part of the explanation of potential adverse health effects: *Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites, which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches;*

(3) *Lead and copper control requirements prescribed by 12 VAC 5-590-370. For waterworks owners who fail to take one or more of the prescribed actions, the report shall include the applicable language of Appendix O for lead, copper, or both;*

(4) *Treatment techniques for Acrylamide and Epichlorohydrin prescribed by 12 VAC 5-590-420 G. For waterworks owners who violate the requirements of that section, the report shall include the relevant language from Appendix O;*

(5) *Recordkeeping of compliance data;*

(6) *Special monitoring requirements for unregulated contaminants prescribed by 12 VAC 5-590-370 B 4 and for sodium;*

(7) *Violation of the terms of a variance, an exemption, or an administrative or judicial order.*

b. *The report shall contain:*

(1) *A clear and readily understandable explanation of the violation;*

(2) *Any potential adverse health effects; and*

(3) *The steps the waterworks owner has taken to correct the violation.*

7. *Variances and exemptions. If a system is operating under the terms of a variance or an exemption issued by the commissioner under 12 VAC 5-590-140 and 12 VAC 5-590-150, the report shall contain:*

a. *An explanation of the reasons for the variance or exemption;*

b. *The date on which the variance or exemption was issued;*

c. *A brief status report on the steps the waterworks owner is taking to install treatment, find alternative sources of water, or otherwise comply with the terms and schedules of the variance or exemption; and*

d. *A notice of any opportunity for public input in the review or renewal of the variance or exemption.*

8. *Additional information.*

a. *The report shall contain a brief explanation regarding contaminants, which may reasonably be expected to be found in drinking water including bottled water. This explanation shall include the exact language of subdivisions 8 a (1), 8 (a) 2 and 8 a (3) of this subsection or the waterworks owner shall use his*

own comparable language following approval by the commissioner. The report also shall include the exact language of subdivision 8 a (4) of this subsection.

(1) *The sources of drinking water (both tap water and bottled water) include rivers, lakes, streams, ponds, reservoirs, springs, and wells. As water travels over the surface of the land or through the ground, it dissolves naturally occurring minerals and, in some cases, radioactive material, and can pick up substances resulting from the presence of animals or from human activity.*

(2) *Contaminants that may be present in source water include: (i) microbial contaminants, such as viruses and bacteria, which may come from sewage treatment plants, septic systems, agricultural livestock operations, and wildlife; (ii) inorganic contaminants, such as salts and metals, which can be naturally occurring or result from urban stormwater runoff, industrial or domestic wastewater discharges, oil and gas production, mining, or farming; (iii) pesticides and herbicides, which may come from a variety of sources such as agriculture, urban stormwater runoff, and residential uses; (iv) organic chemical contaminants, including synthetic and volatile organic chemicals, which are byproducts of industrial processes and petroleum production, and can also come from gas stations, urban stormwater runoff, and septic systems; (v) radioactive contaminants, which can be naturally occurring or be the result of oil and gas production and mining activities.*

(3) *In order to ensure that tap water is safe to drink, EPA prescribes regulations that limit the amount of certain contaminants in water provided by public water systems. FDA regulations establish limits for contaminants in bottled water which must provide the same protection for public health.*

(4) *Drinking water, including bottled water, may reasonably be expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily indicate that water poses a health risk. More information about contaminants and potential health effects can be obtained by calling the Environmental Protection Agency's Safe Drinking Water Hotline (800-426-4791).*

b. *The report shall include the telephone number of the waterworks owner, operator, or designee of the community waterworks as a source of additional information concerning the report.*

c. *In communities with a large proportion of non-English speaking residents, as determined by the commissioner, the report shall contain information in the appropriate language or languages regarding the importance of the report or contain a telephone number or address where such residents may contact the system to obtain a translated copy of the report or assistance in the appropriate language.*

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d. The report shall include the following information about opportunities for public participation in decisions that may affect the quality of the water. The waterworks owner should consider including the following additional relevant information:

(1) The time and place of regularly scheduled board meetings of the governing body which has authority over the waterworks.

(2) If regularly scheduled board meetings are not held, the name and telephone number of a waterworks representative who has operational or managerial authority over the waterworks.

e. The waterworks owner may include such additional information as he deems necessary for public education consistent with, and not detracting from, the purpose of the report.

D. Additional health information.

1. All reports shall prominently display the following language: Some people may be more vulnerable to contaminants in drinking water than the general population. Immuno-compromised persons such as persons with cancer who are undergoing chemotherapy, persons who have undergone organ transplants, people with HIV/AIDS or other immune system disorders, some elderly, and infants can be particularly at risk from infections. These people should seek advice about drinking water from their health care providers. EPA/CDC guidelines on appropriate means to lessen the risk of infection by *Cryptosporidium* and other microbial contaminants are available from the Safe Drinking Water Hotline (800-426-4791).

2. A waterworks owner who detects arsenic at levels above 25 ug/l, but below the PMCL, shall include in his report the following informational statement about arsenic: EPA is reviewing the drinking water standard for arsenic because of special concerns that it may not be stringent enough. Arsenic is a naturally occurring mineral known to cause cancer in humans at high concentrations.

In lieu of the statement required in this subdivision, the waterworks owner may include his own educational statement after receiving approval from the commissioner.

3. A waterworks owner who detects nitrate at levels above 5 mg/l, but below the PMCL, shall include in his report the following informational statement about the impacts of nitrate on children: Nitrate in drinking water at levels above 10 ppm is a health risk for infants of less than six months of age. High nitrate levels in drinking water can cause blue baby syndrome. Nitrate levels may rise quickly for short periods of time because of rainfall or agricultural activity. If you are caring for an infant you should ask advice from your health care provider.

In lieu of the statement required in this subdivision, the waterworks owner may include his own educational statement after receiving approval from the commissioner.

4. A waterworks owner who detects lead above the action level in more than 5.0%, and up to and including 10%, of homes sampled shall include the following informational statement about the special impact of lead on children: Infants and young children are typically more vulnerable to lead in drinking water than the general population. It is possible that lead levels at your home may be higher than at other homes in the community as a result of materials used in your home's plumbing. If you are concerned about elevated lead levels in your home's water, you may wish to have your water tested and flush your tap for 30 seconds to two minutes before using tap water. Additional information is available from the Safe Drinking Water Hotline (800-426-4791).

In lieu of the statement required in this subdivision, the waterworks owner may include his own educational statement after receiving approval from the commissioner.

5. Community waterworks owners who detect TTHM above 0.080 mg/l, but below the PMCL, as an annual average shall include health effects language prescribed by paragraph 73 of Appendix O.

E. Report delivery and recordkeeping.

1. Each community waterworks owner shall mail or otherwise directly deliver one copy of the report to each customer.

2. The waterworks owner shall make a good faith effort that shall be tailored to the consumers who are served by the system but are not bill paying customers, such as renters and workers. This good faith effort shall include at least one, and preferably two or more, of the following methods appropriate to the particular waterworks:

a. Posting the reports on the Internet;

b. Mailing to postal patrons in metropolitan areas;

c. Advertising the availability of the report in the news media;

d. Publication in a local newspaper;

e. Posting in public places such as libraries, community centers, and public buildings;

f. Delivery of multiple copies for distribution by single-biller customers such as apartment buildings or large private employers;

g. Delivery to community organizations.

h. Other methods as approved by the commissioner.

3. No later than July 1 of each year the waterworks owner shall deliver a copy of the report to the appropriate Virginia Department of Health, Environmental Engineering Field Office, followed within three months by a certification that the report has been distributed to customers and that the information in the report is correct and consistent with the compliance monitoring data previously submitted to the commissioner.

4. No later than July 1 of each year the waterworks owner shall deliver the report to any other agency or clearinghouse specified by the commissioner.

5. Each community waterworks owner shall make the report available to the public upon request.

6. The owner of each community waterworks serving 100,000 or more persons shall post the current year's report to a publicly accessible site on the Internet.

7. Each community waterworks owner shall retain copies of the report for no less than three years.

APPENDIX O – REGULATED CONTAMINANTS FOR CONSUMER CONFIDENCE REPORTS

Key

AL=Action Level

MCL=Maximum Contaminant Level

MCLG=Maximum Contaminant Level Goal

MFL=million fibers per liter

mrem/year=millirems per year (a measure of radiation absorbed by the body)

NTU=Nephelometric Turbidity Units

pCi/l=picocuries per liter (a measure of radioactivity)

ppb=parts per billion, or micrograms per liter (µg/l)

ppm=parts per million, or milligrams per liter (mg/l)

ppq=parts per quadrillion, or picograms per liter

ppt=parts per trillion, or nanograms per liter

TT=Treatment Technique

Microbiological Contaminants						
Contaminant (units)	traditional MCL in mg/l	to convert for CCR, multiply by	MCL in CCR units	MCLG	Major Sources in Drinking Water	Health Effects Language
(1) Total Coliform Bacteria	MCL: (systems that collect 40 or more samples per month) 5% of monthly samples are positive; (systems that collect fewer than 40 samples per month) 1 positive monthly sample			0	Naturally present in the environment	Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially harmful bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.
(2) Fecal coliform and E. coli	MCL: a routine sample and a repeat sample are total coliform positive, and one is also fecal coliform or E. coli positive			0	Human and animal fecal waste	Fecal coliforms and E. coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, and people with severely-compromised immune systems.
(3) Turbidity	TT	-	TT	n/a	Soil runoff	Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea and associated headaches.
Radioactive Contaminants						
(4) Beta/photon emitters (mrem/yr)	4 mrem/yr	-	4	0	Decay of natural and man-made deposits	Certain minerals are radioactive and may emit forms of radiation known as photons and beta radiation. Some people who drink water containing beta and photon emitters in excess of the MCL over many years may have an increased risk of getting cancer.
(5) Alpha emitters (pCi/l)	15 pCi/l	-	15	0	Erosion of natural deposits	Certain minerals are radioactive and may emit a form of radiation known as alpha radiation. Some people who drink water containing alpha emitters in excess of the MCL over many years may have an increased risk of getting cancer.
(6) Combined radium (pCi/l)	5 pCi/L	-	5	0	Erosion of natural deposits	Some people who drink water containing radium 226 or 228 in excess of the MCL over many years may have an increased risk of getting cancer.

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Inorganic Contaminants						
(7) Antimony (ppb)	.006	1000	6	6	Discharge from petroleum refineries; fire retardants; ceramics; electronics; solder	Some people who drink water containing antimony well in excess of the MCL over many years could experience increases in blood cholesterol and decreases in blood sugar.
(8) Arsenic (ppb)	.05	1000	50	n/a	Erosion of natural deposits; Runoff from orchards; Runoff from glass and electronics production wastes	Some people who drink water containing arsenic in excess of the MCL over many years could experience skin damage or problems with their circulatory system, and may have an increased risk of getting cancer.
(9) Asbestos (MFL)	7 MFL	-	7	7	Decay of asbestos cement water mains; Erosion of natural deposits	Some people who drink water containing asbestos in excess of the MCL over many years may have an increased risk of developing benign intestinal polyps.
(10) Barium (ppm)	2	-	2	2	Discharge of drilling wastes; Discharge from metal refineries; Erosion of natural deposits	Some people who drink water containing barium in excess of the MCL over many years could experience an increase in their blood pressure.
(11) Beryllium (ppb)	.004	1000	4	4	Discharge from metal refineries and coal-burning factories; Discharge from electrical, aerospace, and defense industries	Some people who drink water containing beryllium well in excess of the MCL over many years could develop intestinal lesions.
(12) Cadmium (ppb)	.005	1000	5	5	Corrosion of galvanized pipes; Erosion of natural deposits; Discharge from metal refineries; Run-off from waste batteries and paints	Some people who drink water containing cadmium in excess of the MCL over many years could experience kidney damage.
(13) Chromium (ppb)	.1	1000	100	100	Discharge from steel and pulp mills; Erosion of natural deposits	Some people who drink water containing chromium well in excess of the MCL over many years could experience allergic dermatitis.
(14) Copper (ppm)	AL=1.3	-	AL=1.3	1.3	Corrosion of household plumbing systems; Erosion of natural deposits; Leaching from wood preservatives	Copper is an essential nutrient, but some people who drink water containing copper in excess of the action level over a relatively short amount of time could experience gastrointestinal distress. Some people who drink water containing copper in excess of the action level over many years could suffer liver or kidney damage. People with Wilson's Disease should consult their personal doctor.
(15) Cyanide (ppb)	.2	1000	200	200	Discharge from steel/metal factories; Discharge from plastic and fertilizer factories	Some people who drink water containing cyanide well in excess of the MCL over many years could experience nerve damage or problems with their thyroid.

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(16) Fluoride (ppm)	4	-	4	4	Erosion of natural deposits; Water additive which promotes strong teeth; Discharge from fertilizer and aluminum factories	Some people who drink water containing fluoride in excess of the MCL over many years could get bone disease, including pain and tenderness of the bones. Fluoride in drinking water at half the MCL or more may cause mottling of children's teeth, usually in children less than nine years old. Mottling, also known as dental fluorosis, may include brown staining and/or pitting of the teeth, and occurs only in developing teeth before they erupt from the gums.
(17) Lead (ppb)	AL=.015	1000	AL=15	0	Corrosion of household plumbing systems; Erosion of natural deposits	Infants and children who drink water containing lead in excess of the action level could experience delays in their physical or mental development. Children could show slight deficits in attention span and learning abilities. Adults who drink this water over many years could develop kidney problems or high blood pressure.
(18) Mercury [inorganic] (ppb)	.002	1000	2	2	Erosion of natural deposits; Discharge from refineries and factories; Runoff from landfills; Runoff from cropland	Some people who drink water containing inorganic mercury well in excess of the MCL over many years could experience kidney damage.
(19) Nitrate (ppm)	10	-	10	10	Runoff from fertilizer use; Leaching from septic tanks, sewage; Erosion of natural deposits	Infants below the age of six months who drink water containing nitrate in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.
(20) Nitrite (ppm)	1	-	1	1	Runoff from fertilizer use; Leaching from septic tanks, sewage; Erosion of natural deposits	Infants below the age of six months who drink water containing nitrite in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.
(21) Selenium (ppb)	.05	1000	50	50	Discharge from petroleum and metal refineries; Erosion of natural deposits; Discharge from mines	Selenium is an essential nutrient. However, some people who drink water containing selenium in excess of the MCL over many years could experience hair or fingernail losses, numbness in fingers or toes, or problems with their circulation.
(22) Thallium (ppb)	.002	1000	2	0.5	Leaching from ore-processing sites; Discharge from electronics, glass, and drug factories	Some people who drink water containing thallium in excess of the MCL over many years could experience hair loss, changes in their blood, or problems with their kidneys, intestines, or liver.
Synthetic Organic Contaminants including Pesticides and Herbicides						
(23) 2,4-D (ppb)	.07	1000	70	70	Runoff from herbicides used on row crops	Some people who drink water containing the weed killer 2,4-D well in excess of the MCL over many years could experience problems with their kidneys, liver, or adrenal glands.
(24) 2,4,5-TP [Silvex] (ppb)	.05	1000	50	50	Residue of banned herbicide	Some people who drink water containing silvex in excess of the MCL over many years could experience liver problems.
(25) Acrylamide	TT	-	TT	0	Added to water during sewage/wastewater treatment	Some people who drink water containing high levels of acrylamide over a long period of time could have problems with their nervous system or blood, and may have an increased risk of getting cancer.
(26) Alachlor (ppb)	.002	1000	2	0	Runoff from herbicide used on row crops	Some people who drink water containing alachlor in excess of the MCL over many years could have problems with their eyes, liver, kidneys, or spleen, or experience anemia, and may have an increased risk of getting cancer.

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(27) Atrazine (ppb)	.003	1000	3	3	Runoff from herbicide used on row crops	Some people who drink water containing atrazine well in excess of the MCL over many years could experience problems with their cardiovascular system or reproductive difficulties.
(28) Benzo(a)pyrene [PAH] (ppt)	.0002	1,000,000	200	0	Leaching from linings of water storage tanks and distribution lines	Some people who drink water containing benzo(a)pyrene in excess of the MCL over many years could experience reproductive difficulties and may have an increased risk of getting cancer.
(29) Carbofuran (ppb)	.04	1000	40	40	Leaching of soil fumigant used on rice and alfalfa	Some people who drink water containing carbofuran in excess of the MCL over many years could experience problems with their blood, or nervous or reproductive systems.
(30) Chlordane (ppb)	.002	1000	2	0	Residue of banned termiticide	Some people who drink water containing chlordane in excess of the MCL over many years could experience problems with their liver or nervous system, and may have an increased risk of getting cancer.
(31) Dalapon (ppb)	.2	1000	200	200	Runoff from herbicide used on rights of way	Some people who drink water containing dalapon well in excess of the MCL over many years could experience minor kidney changes.
(32) Di(2-ethylhexyl) adipate (ppb)	.4	1000	400	400	Discharge from chemical factories	Some people who drink water containing di (2-ethylhexyl) adipate well in excess of the MCL over many years could experience general toxic effects or reproductive difficulties.
(33) Di(2-ethylhexyl) phthalate (ppb)	.006	1000	6	0	Discharge from rubber and chemical factories	Some people who drink water containing di (2-ethylhexyl) phthalate in excess of the MCL over many years may have problems with their liver, or experience reproductive difficulties, and may have an increased risk of getting cancer.
(34) Dibromochloropropane (ppt)	.0002	1,000,000	200	0	Runoff/leaching from soil fumigant used on soybeans, cotton, pineapples, and orchards	Some people who drink water containing DBCP in excess of the MCL over many years could experience reproductive problems and may have an increased risk of getting cancer.
(35) Dinoseb (ppb)	.007	1000	7	7	Runoff from herbicide used on soybeans and vegetables	Some people who drink water containing dinoseb well in excess of the MCL over many years could experience reproductive difficulties.
(36) Diquat (ppb)	.02	1000	20	20	Runoff from herbicide use	Some people who drink water containing diquat in excess of the MCL over many years could get cataracts.
(37) Dioxin [2,3,7,8-TCDD] (ppq)	.00000003	1,000,000,000	30	0	Emissions from waste incineration and other combustion; Discharge from chemical factories	Some people who drink water containing dioxin in excess of the MCL over many years could experience reproductive difficulties and may have an increased risk of getting cancer.
(38) Endothall (ppb)	.1	1000	100	100	Runoff from herbicide use	Some people who drink water containing endothall in excess of the MCL over many years could experience problems with their stomach or intestines.
(39) Endrin (ppb)	.002	1000	2	2	Runoff of banned insecticide	Some people who drink water containing endrin in excess of the MCL over many years could experience liver problems.
(40) Epichlorohydrin	TT	-	TT	0	Discharge from industrial chemical factories; An impurity of some water treatment chemicals	Some people who drink water containing high levels of epichlorohydrin over a long period of time could experience stomach problems, and may have an increased risk of getting cancer.
(41) Ethylene dibromide (ppt)	.00005	1,000,000	50	0	Discharge from petroleum refineries	Some people who drink water containing ethylene dibromide in excess of the MCL over many years could experience problems with their liver, stomach, reproductive system, or kidneys, and may have an increased risk of getting cancer.

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(42) Glyphosate (ppb)	.7	1000	700	700	Runoff from herbicide use	Some people who drink water containing glyphosate in excess of the MCL over many years could experience problems with their kidneys or reproductive difficulties.
(43) Heptachlor (ppt)	.0004	1,000,000	400	0	Residue of banned pesticide	Some people who drink water containing heptachlor in excess of the MCL over many years could experience liver damage and may have an increased risk of getting cancer.
(44) Heptachlor epoxide (ppt)	.0002	1,000,000	200	0	Breakdown of heptachlor	Some people who drink water containing heptachlor epoxide in excess of the MCL over many years could experience liver damage, and may have an increased risk of getting cancer.
(45) Hexachlorobenzene (ppb)	.001	1000	1	0	Discharge from metal refineries and agricultural chemical factories	Some people who drink water containing hexachlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys or adverse reproductive effects, and may have an increased risk of getting cancer.
(46) Hexachlorocyclopentadiene (ppb)	.05	1000	50	50	Discharge from chemical factories	Some people who drink water containing hexachlorocyclopentadiene well in excess of the MCL over many years could experience problems with their stomach or kidneys.
(47) Lindane (ppt)	.0002	1,000,000	200	200	Runoff/leaching from insecticide used on cattle, lumber, gardens	Some people who drink water containing lindane in excess of the MCL over many years could experience problems with their kidneys or liver.
(48) Methoxychlor (ppb)	.04	1000	40	40	Runoff/leaching from insecticide used on fruits, vegetables, alfalfa, livestock	Some people who drink water containing methoxychlor in excess of the MCL over many years could experience reproductive difficulties.
(49) Oxamyl [Vydate] (ppb)	.2	1000	200	200	Runoff/leaching from insecticide used on apples, potatoes and tomatoes	Some people who drink water containing ethylene oxamyl in excess of the MCL over many years could experience slight nervous system effects.
(50) PCBs [Polychlorinated biphenyls] (ppt)	.0005	1,000,000	500	0	Runoff from landfills; Discharge of waste chemicals	Some people who drink water containing PCBs in excess of the MCL over many years could experience changes in their skin, problems with their thymus gland, immune deficiencies, or reproductive or nervous system difficulties, and may have an increased risk of getting cancer.
(51) Pentachlorophenol (ppb)	.001	1000	1	0	Discharge from wood preserving factories	Some people who drink water containing pentachlorophenol in excess of the MCL over many years could experience problems with their liver or kidneys, and may have an increased risk of getting cancer.
(52) Picloram (ppb)	.5	1000	500	500	Herbicide runoff	Some people who drink water containing picloram in excess of the MCL over many years could experience problems with their liver.
(53) Simazine (ppb)	.004	1000	4	4	Herbicide runoff	Some people who drink water containing simazine in excess of the MCL over many years could experience problems with their blood.
(54) Toxaphene (ppb)	.003	1000	3	0	Runoff/leaching from insecticide used on cotton and cattle	Some people who drink water containing toxaphene in excess of the MCL over many years could experience problems with their thyroid, kidneys, or liver and may have an increased risk of getting cancer.
Volatile Organic Contaminants						
(55) Benzene (ppb)	.005	1000	5	0	Discharge from factories; Leaching from gas storage tanks and landfills	Some people who drink water containing benzene in excess of the MCL over many years could experience anemia or a decrease in blood platelets, and may have an increased risk of getting cancer.
(56) Carbon tetrachloride (ppb)	.005	1000	5	0	Discharge from chemical plants and other industrial activities	Some people who drink water containing carbon tetrachloride in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.

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(57) Chloramines (ppm)	MRDL = 4	-	MRDL = 4	MRDLG = 4	Water additive used to control microbes	Some people who use water containing chloramines well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chloramines well in excess of the MRDL could experience stomach discomfort or anemia.
(58) Chlorine (ppm)	MRDL = 4	-	MRDL = 4	MRDLG = 4	Water additive used to control microbes	Some people who use water containing chlorine well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chlorine well in excess of the MRDL could experience stomach discomfort.
(59) Chlorite (ppm)	1	-	1	0.8	By-product of drinking water chlorination	Some infants and young children who drink water containing chlorite in excess of the MCL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorite in excess of the MCL. Some people may experience anemia.
(60) Chlorine dioxide (ppb)	MRDL = .8	1000	MRDL = 800	MRDLG = 800	Water additive used to control microbes	Some infants and young children who drink water containing chlorine dioxide in excess of the MRDL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorine dioxide in excess of the MRDL. Some people may experience anemia.
(62) o-Dichlorobenzene (ppb)	.6	1000	600	600	Discharge from industrial chemical factories	Some people who drink water containing o-dichlorobenzene well in excess of the MCL over many years could experience problems with their liver, kidneys, or circulatory systems.
(63) p-Dichlorobenzene (ppb)	.075	1000	75	75	Discharge from industrial chemical factories	Some people who drink water containing p-dichlorobenzene in excess of the MCL over many years could experience anemia, damage to their liver, kidneys, or spleen, or changes in their blood.
(64) 1,2-Dichloroethane (ppb)	.005	1000	5	0	Discharge from industrial chemical factories	Some people who drink water containing 1,2-dichloroethane in excess of the MCL over many years may have an increased risk of getting cancer.
(65) 1,1-Dichloroethylene (ppb)	.007	1000	7	7	Discharge from industrial chemical factories	Some people who drink water containing 1,1-dichloroethylene in excess of the MCL over many years could experience problems with their liver.
(66) cis-1,2-Dichloroethylene (ppb)	.07	1000	70	70	Discharge from industrial chemical factories	Some people who drink water containing cis-1,2-dichloroethylene in excess of the MCL over many years could experience problems with their liver.
(67) trans-1,2-Dichloroethylene (ppb)	.1	1000	100	100	Discharge from industrial chemical factories	Some people who drink water containing trans-1,2-dichloroethylene well in excess of the MCL over many years could experience problems with their liver.
(68) Dichloromethane (ppb)	.005	1000	5	0	Discharge from pharmaceutical and chemical factories	Some people who drink water containing dichloromethane in excess of the MCL over many years could have liver problems and may have an increased risk of getting cancer.
(69) 1,2-Dichloropropane (ppb)	.005	1000	5	0	Discharge from industrial chemical factories	Some people who drink water containing 1,2-dichloropropane in excess of the MCL over many years may have an increased risk of getting cancer.
(70) Ethylbenzene (ppb)	.7	1000	700	700	Discharge from petroleum refineries	Some people who drink water containing ethylbenzene well in excess of the MCL over many years could experience problems with their liver or kidneys.
(71) Styrene (ppb)	.1	1000	100	100	Discharge from rubber and plastic factories; Leaching from landfills	Some people who drink water containing styrene well in excess of the MCL over many years could experience problems with their liver, kidneys, or circulatory system.

(72) Tetrachloroethylene (ppb)	.005	1000	5	0	Discharge from factories and dry cleaners	Some people who drink water containing tetrachloroethylene in excess of the MCL over many years could have problems with their liver, and may have an increased risk of getting cancer.
(73) 1,2,4-Trichlorobenzene (ppb)	.07	1000	70	70	Discharge from textile-finishing factories	Some people who drink water containing 1,2,4-trichlorobenzene well in excess of the MCL over many years could experience changes in their adrenal glands.
(74) 1,1,1,-Trichloroethane (ppb)	.2	1000	200	200	Discharge from metal degreasing sites and other factories	Some people who drink water containing 1,1,1-trichloroethane in excess of the MCL over many years could experience problems with their liver, nervous system, or circulatory system.
(75) 1,1,2-Trichloroethane (ppb)	.005	1000	5	3	Discharge from industrial chemical factories	Some people who drink water containing 1,1,2-trichloroethane well in excess of the MCL over many years could have problems with their liver, kidneys, or immune systems.
(76) Trichloroethylene (ppb)	.005	1000	5	0	Discharge from metal degreasing sites and other factories	Some people who drink water containing trichloroethylene in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.
(77) TTHMs [Total trihalomethanes] (ppb)	.10	1000	100	n/a	By-product of drinking water chlorination	Some people who drink water containing trihalomethanes in excess of the MCL over many years could experience problems with their liver, kidneys, or central nervous systems, and may have an increased risk of getting cancer.
(78) Toluene (ppm)	1	-	1	1	Discharge from petroleum factories	Some people who drink water containing toluene well in excess of the MCL over many years could have problems with their nervous system, kidneys, or liver.
(79) Vinyl Chloride (ppb)	.002	1000	2	0	Leaching from PVC piping; Discharge from plastic factories	Some people who drink water containing vinyl chloride in excess of the MCL over many years may have an increased risk of getting cancer.
(80) Xylenes (ppm)	10	-	10	10	Discharge from petroleum factories; Discharge from chemical factories	Some people who drink water containing xylenes in excess of the MCL over many years could experience damage to their nervous system.

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Withdrawal

Title of Regulation: 12 VAC 5-610-10 et seq. Sewage Handling and Disposal Regulation.

The State Board of Health has withdrawn 12 VAC 5-610-449, Special requirements for mass sewage disposal systems, and 12 VAC 5-610-449.1, Site assessment, verification, and monitoring, which were published as final regulations in 16:16 VA.R. 2051-2061 April 24, 2000, with an effective date of July 1, 2000. This notice of withdrawal is filed pursuant to § 9-6.14:9.4 of the Code of Virginia and pertains only to 12 VAC 5-610-449 and 12 VAC 5-610-449.1. The remainder of the final regulations published on the same date and scheduled to become effective July 1, 2000, are not affected by this withdrawal.

Agency Contact: Robert Hicks, Director of the Office of Environmental Health Services, Department of Health, P. O. Box 2448, Richmond, VA 23218, telephone (804) 786-1620.

VA.R. Doc. No. R96-337; Filed June 15, 2000, 4:32 p.m.



Final Regulations

TITLE 14. INSURANCE

STATE CORPORATION COMMISSION

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

Title of Regulation: 14 VAC 5-215-10 et seq. **Rules Governing Independent External Review of Final Adverse Utilization Review Decisions (amending 14 VAC 5-215-30 through 14 VAC 5-215-70 and 14 VAC 5-215-110).**

Statutory Authority: §§ 12.1-13 and 38.2-223 of the Code of Virginia.

Effective Date: July 1, 2000.

Summary:

The purpose of the revisions is to carry out those provisions of Chapter 922 of the 2000 Acts of Assembly which amend Chapter 59 (§ 38.2-5900 et seq.) of Title 38.2 of the Code of Virginia dealing with External Review of Final Adverse Utilization Review Decisions.

Significant revisions include the following: (i) the definitions of "covered person," "final adverse decision," and "utilization review entity" or "entity" in 14 VAC 5-215-30 have been revised to track more closely the definitions in Chapter 922; (ii) the definition of "adverse decision" in 14 VAC 5-215-30 has been deleted as no longer needed; (iii) the minimum appealable amount in 14 VAC 5-215-40 and 14 VAC 5-215-50 has been changed from \$500 to \$300 in accordance with Chapter 922; (iv) 14 VAC 5-215-50 has been revised to give the appellant, the treating health care provider, and the utilization review entity more time to provide medical records to the Bureau of Insurance or its designee and to state the consequences of the failure to provide such records in accordance with Chapter 922; and (v) the time requirements for the Bureau of Insurance and the impartial health entity to act have been revised to conform to Chapter 922 in 14 VAC 5-215-40, 14 VAC 5-215-50 and 14 VAC 5-215-60.

Agency Contact: Don Beatty, Manager Utilization Review, External Appeals, Bureau of Insurance, State Corporation Commission, 1300 E. Main Street, 6th Floor, Richmond, VA 23219; mailing address P.O. Box 1157, Richmond, VA 23218; telephone (804) 371-9115 or e-mail dbeatty@scc.state.va.us.

AT RICHMOND, JUNE 5, 2000

COMMONWEALTH OF VIRGINIA

At the relation of the
STATE CORPORATION COMMISSION

CASE NO. INS000098

Ex Parte: In the matter of
Adopting Revisions to the

Rules Governing Independent
External Review of Final Adverse
Utilization Review Decisions

ORDER ADOPTING REGULATION

WHEREAS, by order entered herein May 2, 2000, all interested persons were ordered to take notice that the Commission would enter an order subsequent to June 1, 2000, adopting revisions proposed by the Bureau of Insurance to the Commission's Rules Governing Independent External Review of Final Adverse Utilization Review Decisions unless on or before June 1, 2000, any person objecting to the adoption of the proposed revisions filed a request for a hearing with the Clerk of the Commission;

WHEREAS, the May 2, 2000, Order required all interested persons to file their comments to the proposed revisions on or before June 1, 2000;

WHEREAS, as of the date of this Order, no request for a hearing has been filed with the Clerk of the Commission;

WHEREAS, the Bureau has reviewed the filed comments and has recommended that, in response to the filed comments, there be no amendments to the proposed revisions; and

THE COMMISSION, having considered the proposed revisions, the comments of interested persons, and the Bureau's recommendation, is of the opinion that the proposed revisions should be adopted;

THEREFORE, IT IS ORDERED THAT:

(1) The revisions to Chapter 215 of Title 14 of the Virginia Administrative Code entitled "Rules Governing Independent External Review of Final Adverse Utilization Review Decisions," which amend 14 VAC 5-215-30 through 14 VAC 5-215-70, and 14 VAC 5-215-110, and which are attached hereto and made a part hereof, should be, and they are hereby, ADOPTED to be effective July 1, 2000;

(2) AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to the Bureau of Insurance in care of Deputy Commissioner Gerald A. Milsky, who forthwith shall give further notice of the adoption of the revisions to the rules by mailing a copy of this Order, together with a copy of the attached revised rules, to all insurers licensed by the Commission to write accident and sickness insurance in the Commonwealth of Virginia and all health services plans, health maintenance organizations, and dental or optometric plans licensed by the Commission under Chapters 42, 43, and 45, respectively, of Title 38.2 of the Code of Virginia; and

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

14 VAC 5-215-30. Definitions.

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

~~"Adverse decision" means a utilization review determination by the utilization review entity that the health care service rendered or proposed to be rendered was or is not medically necessary, when such determination may result in noncoverage of the health care service.~~

"Appellant" means (i) the covered person; (ii) the covered person's parent, guardian, legal custodian, or other individual authorized by law to act on behalf of the covered person if the covered person is a minor; (iii) the covered person's spouse, parent, committee, legal guardian, or other individual authorized by law to act on behalf of the covered person if the covered person is not a minor but is incompetent or incapacitated; or (iv) the covered person's treating health care provider acting with the consent of the covered person, the covered person's parent, guardian, legal custodian, or other individual authorized by law to act on behalf of the covered person if the covered person is a minor, or the covered person's spouse, parent, committee, legal guardian, or other individual authorized by law to act on behalf of the covered person if the covered person is not a minor but is incompetent or incapacitated.

"Commission" means the Virginia State Corporation Commission.

"Commissioner" means the Commissioner of Insurance.

~~"Covered person" means a subscriber, policyholder, member, enrollee or dependent, as the case may be, under a policy or contract issued or issued for delivery in Virginia by a managed care health insurance plan licensee, insurer, health services plan, or preferred provider organization an individual, whether a policyholder, subscriber, enrollee, covered dependent, or member of a managed care health insurance plan, who is entitled to health care services or benefits provided, arranged for, paid for or reimbursed pursuant to a managed care health insurance plan as defined in and subject to regulation under Chapter 58 (§ 38.2-5800 et seq.) of Title 38.2 of the Code of Virginia, when such coverage is provided under a contract issued in this Commonwealth.~~

"Emergency health care" means health care items and medical services furnished or required to evaluate and treat an emergency medical condition.

"Emergency medical condition" means the sudden and, at the time, unexpected onset of a health condition or illness that requires immediate medical attention, the absence of which would result in a serious impairment to bodily functions, serious dysfunction of a bodily organ or part, or would place the person's health in serious jeopardy. "Emergency medical condition" also means a health condition or illness that if not treated within the time frame allotted for a standard review under this chapter will result in a serious impairment to bodily functions, serious dysfunction of a bodily organ or part, or would place the person's health in serious jeopardy.

"Evidence of coverage" means any certificate, individual or group agreement or contract, or identification card or related documents issued in conjunction with the certificate, agreement or contract, issued to a subscriber setting out the coverage and other rights to which a covered person is entitled.

~~"Final adverse decision" means a utilization review determination made by a utilization review entity in: (i) declining to grant an expedited review in a situation involving an alleged emergency medical condition; (ii) declining to provide coverage or services for an alleged emergency medical condition, whether before or after granting an expedited review; or (iii) a reconsideration of a prior adverse decision, and upon which a covered person or a treating health care provider acting with the consent of a covered person may base an appeal denying benefits or coverage, and concerning which all internal appeals available to the covered person pursuant to Title 32.1 of the Code of Virginia have been exhausted. For purposes of this chapter, a final adverse decision shall be deemed to have been made on the date that it is communicated to the covered person or treating health care provider.~~

"Treating health care provider" or "provider" means a licensed health care provider who renders or proposes to render health care services to a covered person.

"Utilization review" means a system for reviewing the necessity, appropriateness, and efficiency of hospital, medical or other health care services rendered or proposed to be rendered to a patient or group of patients for the purpose of determining whether such services should be covered or provided by an insurer, health services plan, managed care health insurance plan licensee, or other entity or person. As used herein, "utilization review" shall include, but shall not be limited to, preadmission, concurrent and retrospective medical necessity determination, and review related to the appropriateness of the site at which services were or are to be delivered.

"Utilization review" shall also include determinations of medical necessity based upon contractual limitations regarding "experimental" or "investigational" procedures, by whatever terms designated in the evidence of coverage. "Utilization review" shall not include any: (i) denial of benefits or services for a procedure which is explicitly excluded pursuant to the terms of the contract or evidence of coverage; (ii) review of issues concerning contractual restrictions on facilities to be used for the provision of services; or (iii) determination by an insurer as to the reasonableness and necessity of services for the treatment and care of an injury suffered by an insured for which reimbursement is claimed under a contract of insurance covering any classes of insurance defined in §§ 38.2-117 through 38.2-119, 38.2-124 through 38.2-126, 38.2-130 through 38.2-132, and 38.2-134 of the Code of Virginia.

~~"Utilization review entity" or "entity" means a person or entity performing utilization review an insurer or managed care health insurance plan licensee that performs utilization review or upon whose behalf utilization review is performed with regard to the health care or proposed health care that is the subject of the final adverse decision.~~

14 VAC 5-215-40. Minimum appealable amount.

A. Appeals of final adverse decisions may be made to the Bureau of Insurance provided that the *actual* cost of the health care service or services to the covered person would exceed ~~\$500~~ \$300 if the final adverse decision is not

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reversed. The cost of the health care service or services shall be determined by the amount the covered person has paid or has incurred a legal obligation to pay for such service or services, as well as the amount that the covered person would be obligated to pay in the event that the final adverse decision is not reversed.

B. The health care service or services must meet the following criteria in order to be eligible for an external review as provided by this chapter:

1. The service or services, as described by the most recent published editions of the applicable International Classification of Diseases 9th Revision Clinical Modification, Physician's Current Procedural Terminology, Diagnostic Related Groups, or other billing code, must have a minimum value, as defined in subsection A of this section, that exceeds ~~\$500~~ \$300.
2. No covered person or provider shall engage in "bundling" techniques designed to combine the value of denied services such that the *actual* cost to the covered person of denied services artificially exceeds ~~\$500~~ \$300.
3. The commissioner, or his designee, shall have the final undisputed authority to determine if the *actual* cost to the covered person of the denied services exceeds ~~\$500~~ \$300.

14 VAC 5-215-50. Appeals.

A. An appeal of a final adverse decision made by a utilization review entity shall be submitted to the Bureau of Insurance within 30 days of the final adverse decision. The appeal shall be made by (i) completing and signing a copy of the then current Appeal of Final Adverse Decision Form, or such other form or forms as may then be required by the Bureau of Insurance pursuant to 14 VAC 5-215-120; (ii) completing and signing an Authorization to Release Medical Information in a form and manner required by the Bureau of Insurance; and (iii) forwarding a check or money order made payable to the Treasurer of Virginia in the amount of \$50. The Bureau of Insurance shall provide a copy of the written appeal to the utilization review entity that made the final adverse decision.

B. The \$50 fee required to file an appeal may be waived or refunded for good cause shown upon a determination by the Bureau of Insurance that payment of the filing fee will cause undue financial hardship for the covered person. Such determination shall be based upon information provided on the Appeal of Final Adverse Decision Form then required by the Bureau of Insurance, and any supplemental information required by the Bureau of Insurance. The decision of the Bureau of Insurance as to whether good cause has been shown that payment of the filing fee will cause undue financial hardship shall be final.

C. A preliminary review of the appeal shall be conducted by the Bureau of Insurance or its designee to determine the following: (i) that the person on whose behalf the appeal has been filed is, or was, a covered person at the time the health care service in question was requested; (ii) that the appellant satisfies the definition of "appellant" set forth in 14 VAC 5-215-30; (iii) that the benefit or service that is the subject of the

appeal reasonably appears to be a covered service for which the *actual* cost to the covered person would exceed ~~\$500~~ \$300 if the final adverse decision is not reversed; (iv) that all other appeal procedures available to the appellant have been exhausted, except in the case of an appeal accepted as one requiring expedited review; and (v) that the appeal is otherwise complete and filed in accordance with this section. The Bureau of Insurance shall not accept an appeal that does not meet the foregoing requirements.

D. The preliminary review shall be conducted within ~~five~~ 10 working days of receipt of all information and documentation necessary to conduct the preliminary review.

E. The Bureau of Insurance shall notify the appellant and the utilization review entity in writing within ~~three~~ five working days of the completion of the preliminary review whether the appeal has been accepted for review, and if not accepted, the reason or reasons therefor.

F. The appellant, the treating health care provider, if not the appellant, and the utilization review entity shall provide to the Bureau of Insurance or its designee copies of all medical records relevant to the final adverse decision within ~~40~~ 20 working days after the Bureau of Insurance has mailed, via certified mail, return receipt requested, written notice of its acceptance of the appeal. *Failure to comply with such request within the required time may result in the dismissal of the appeal or reversal of the final adverse decision, at the discretion of the commissioner.* The confidentiality of these medical records shall be maintained in accordance with the confidentiality and disclosure laws of the Commonwealth.

G. The Bureau of Insurance, or its designee, may request additional medical records from the appellant, the treating health care provider, if not the appellant, or the utilization review entity. Such medical records shall be provided to the entity making the request, whether the Bureau of Insurance or its designee, within ~~40~~ 20 working days of the request. The confidentiality of these medical records shall be maintained in accordance with the confidentiality and disclosure laws of the Commonwealth. Failure to comply with the request within the required time may result in dismissal of the appeal or reversal of the final adverse decision at the discretion of the commissioner.

H. The commissioner, upon good cause shown, may provide an extension of time for the covered person, the treating health care provider, the utilization review entity and the Bureau of Insurance to meet the time requirements set forth in this section.

~~H. I.~~ I. If an appeal that is reviewed as an expedited appeal by a utilization review entity results in a final adverse decision, the utilization review entity shall take the following actions immediately: (i) notify the person who requested the expedited review of the final adverse decision; and (ii) notify the appellant, by telephone, telefacsimile, or electronic mail, that the appellant is eligible for an expedited appeal to the Bureau of Insurance without the necessity of providing the justification required pursuant to subdivision 1 of 14 VAC 5-215-80. The notification shall be followed within 24 hours by written notice to the appellant and the treating health care provider, if not the appellant, clearly informing them of the

right to appeal this decision to the Bureau of Insurance and providing the appropriate forms by which such appeal to the Bureau of Insurance may be filed. A copy of this written notice shall be retained by the utilization review entity and included with any materials forwarded to the Bureau of Insurance in the event the utilization review entity's decision is appealed to the Bureau of Insurance.

↳ J. If a request for an expedited review is denied by a utilization review entity, the entity shall take the following actions immediately: (i) notify the appellant of the decision by telephone, telefacsimile, or electronic mail; and (ii) inform the appellant that the appellant has the right to file a request for an expedited appeal with the Bureau of Insurance pursuant to subdivision 1 of 14 VAC 5-215-80. This notification shall be followed within 24 hours by a written notice to the appellant and the treating health care provider, if not the appellant, clearly informing them of the right to appeal this decision to the Bureau of Insurance and providing the appropriate forms by which such appeal to the Bureau of Insurance may be filed. A copy of the written notice shall be retained by the utilization review entity and included with any materials forwarded to the Bureau of Insurance in the event the utilization review entity's decision is appealed to the Bureau of Insurance.

↳ K. If the Bureau of Insurance, or its designee, determines that a request for an expedited review which has been reviewed in accordance with subsection ↳ J of this section does not meet its criteria for an expedited review, the appellant shall be notified in writing by the Bureau of Insurance, or its designee, within two working days from the time such determination is made. The notice shall instruct the appellant wishing to pursue the appeal to contact the issuer of coverage and request a review through the standard review process of the issues for which an expedited review was sought.

14 VAC 5-215-60. Impartial health entity.

The Bureau of Insurance shall contract with one or more impartial health entities to perform the review of final adverse decisions made by utilization review entities. The impartial health entity shall examine the final adverse decision and determine whether the decision is objective, clinically valid, compatible with established principles of health care, and appropriate under the terms of the contractual obligations to the covered person. The impartial health entity shall issue its written recommendation affirming, modifying, or reversing the final adverse decision within 30 working days of the ~~acceptance of the appeal by the Bureau of Insurance~~ *date that the impartial health entity has received from all parties all documentation and information necessary for it to complete its review* in the case of a standard review as set forth in 14 VAC 5-215-70. In the case of an expedited review, the impartial health entity shall issue its written recommendation within five working days of the acceptance of the appeal by the Bureau of Insurance.

14 VAC 5-215-70. Standard review.

A. The Bureau of Insurance, within ~~two~~ five working days following its acceptance of an appeal, shall assign an impartial health entity with which it has contracted pursuant to

14 VAC 5-215-60 to conduct an external review and to provide a written recommendation to the commissioner as to whether to affirm, modify, or reverse the final adverse decision.

B. In reaching a recommendation, the assigned impartial health entity is not bound by any decisions or conclusions reached during the utilization review entity's utilization review process.

C. In lieu of providing records to the Bureau of Insurance pursuant to 14 VAC 5-215-50 F, the utilization review entity, the appellant or the treating health care provider, if not the appellant, shall provide to the assigned impartial health entity all documents, medical records, and other information relevant to and relied upon by the utilization review entity in reaching its final adverse decision within ~~40~~ 20 working days after the Bureau of Insurance has mailed written notice of its acceptance of the appeal pursuant to 14 VAC 5-215-50 E. The confidentiality of medical records shall be maintained in accordance with the confidentiality and disclosure laws of the Commonwealth.

D. Except as provided in subsection E of this section, failure of the utilization review entity to provide the documents, medical records and information within the time specified in subsection C of this section shall not delay the conduct of the external review.

E. 1. Upon receipt of a notice from the assigned impartial health entity that the utilization review entity, appellant, or the treating health care provider, if not the appellant, has failed, without good cause, as determined by the commissioner in his sole discretion, to provide the documents, medical records, and information within the time specified in subsection C of this section, the commissioner may terminate the external review and make a decision to affirm or reverse the final adverse decision.

2. Immediately upon making the decision pursuant to subdivision 1 of this subsection, the commissioner shall communicate his decision in writing to the assigned impartial health entity, the appellant and the utilization review entity.

F. The assigned impartial health entity shall review all of the relevant information and documents received pursuant to subsection C of this section and any other information submitted in writing by the appellant that has been forwarded to the impartial health entity by the Bureau of Insurance.

G. In addition to the documents and information provided pursuant to subsection C of this section, the assigned impartial health entity, to the extent the information is available and the impartial health entity considers them appropriate, shall consider the following in making its recommendation:

1. The treating health care provider's recommendation;
2. Consulting reports from appropriate health care providers and other documents submitted by the utilization review entity, the appellant, or the covered person's treating health care provider, if not the appellant;

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3. The terms of coverage under the covered person's health benefit plan;
 4. The most appropriate practice guidelines, which may include generally accepted practice guidelines, evidence-based practice guidelines or any other practice guidelines developed by the federal government, national or professional medical societies, boards and associations; and
 5. Any applicable clinical review criteria developed or used by the utilization review entity.
- H. The assigned impartial health entity shall include in its recommendation provided pursuant to 14 VAC 5-215-60:
1. A general description of the reason or reasons for the request for external review;
 2. The date the impartial health entity received the assignment from the Bureau of Insurance to conduct the external review;
 3. The dates the external review began and concluded;
 4. The date of its recommendation;
 5. The principal reason or reasons for its recommendation;
 6. The rationale for its recommendation; and
 7. References to the evidence or documentation, including the practice guidelines or clinical criteria, considered in reaching its recommendation.
- I. 1. Immediately upon receipt of the assigned impartial health entity's recommendation, the commissioner shall review the recommendation to ensure that it is not arbitrary or capricious.
2. The commissioner shall notify the appellant and the utilization review entity in writing of the decision to uphold or reverse the final adverse decision by issuing a written ruling affirming, modifying or reversing the final adverse decision. The written ruling shall bind the covered person and the issuer of the covered person's policy or contract for health benefits to the same extent to which each would have been bound by a judgment entered in an action at law or in equity with respect to the issues which the impartial health entity may examine when reviewing a final adverse decision.
3. The commissioner shall include in the notice sent pursuant to subdivision 2 of this subsection:
- a. The principal reason or reasons for the decision, including, as an attachment to the notice or in any other manner that the commissioner considers appropriate, the information provided by the assigned impartial health entity supporting its recommendation; and
 - b. If applicable, the principal reason or reasons why the commissioner did not follow the assigned impartial health entity's recommendation.
4. Upon notice of a decision pursuant to subdivision 1 of this subsection reversing the final adverse decision, the utilization review entity immediately shall approve and provide, or provide reimbursement for, any and all medical services that were the subject of the final adverse decision.
- 14 VAC 5-215-110. Standards, credentials, and qualifications of the impartial health entity.**
- A. In order to qualify to perform either standard or expedited external reviews pursuant to this chapter and Chapter 59 (§ 38.2-5900 et seq.) of Title 38.2 of the Code of Virginia, an impartial health entity shall have and maintain written policies and procedures that govern all aspects of the standard and expedited external review processes that include, at a minimum:
1. A quality assurance mechanism in place that ensures:
 - a. ~~That~~ External reviews are conducted within the specified time frames and required notices are provided in a timely manner;
 - b. The selection of qualified and impartial clinical peer reviewers to conduct external reviews on behalf of the impartial health entity and suitable matching of reviewers to specific cases;
 - c. ~~That~~ The confidentiality of medical records is maintained in accordance with the confidentiality and disclosure laws of the Commonwealth; and
 - d. ~~That~~ Any person employed by or under contract with the impartial health entity adheres to the requirements of this chapter as well as Chapter 59 of Title 38.2 of the Code of Virginia; and
 2. An agreement to maintain and provide to the commission the information set out in Chapter 59 of Title 38.2 of the Code of Virginia.
- B. All clinical peer reviewers assigned by an impartial health entity to conduct external reviews shall be physicians or other appropriate health care providers who meet the following minimum qualifications:
1. Be an expert in the treatment of the covered person's medical condition that is the subject of the external review;
 2. Be knowledgeable about the recommended health care service or treatment through recent or current actual clinical experience treating patients with the same or similar medical conditions as the covered person's;
 3. Hold a nonrestricted license in a state of the United States and, for physicians, a current certification by a recognized American medical specialty board in the area or areas appropriate to the subject of the external review; and
 4. Have no history of disciplinary actions or sanctions, including loss of staff privileges or participation restrictions, that have been taken or are pending by any hospital, governmental agency or unit, or regulatory body that raise a substantial question as to the clinical peer

reviewer's physical, mental or professional competence or moral character.

C. In addition to the requirements set forth in subsection A of this section, an impartial health entity shall not be affiliated with or a subsidiary of nor be owned or controlled by a health plan, a trade association of health plans, or a professional association of health care providers.

D. 1. In addition to the requirements set forth in subsections A, B, and C of this section, to be qualified to perform an external review of a specified case pursuant to this chapter, neither the impartial health entity selected to conduct the external review nor any clinical peer reviewer assigned by the impartial health entity to conduct the external review may have a material professional, familial or financial conflict of interest with any of the following:

- a. The utilization review entity that made the final adverse decision that is the subject of the external review;
- b. The covered person whose treatment is the subject of the external review;
- c. Any officer, director or management employee of the utilization review entity that made the final adverse decision which is the subject of the external review;
- d. The health care provider, the health care provider's medical group or independent practice association recommending the health care service or services subject to the external review;
- e. The facility at which the recommended health care service was or would be provided; or
- f. The developer or manufacturer of the principal drug, device, procedure or other therapy being recommended for the covered person whose treatment is the subject of the external review.

2. In determining whether an independent review organization or a clinical peer reviewer of the impartial health entity has a material, professional, familial or financial conflict of interest for purposes of subdivision 1 of this subsection, the commissioner may take into consideration situations where the impartial health entity to be assigned to conduct an external review of a specified case or a clinical peer reviewer to be assigned by the impartial health entity to conduct an external review of a specified case may have an apparent professional, familial or financial relationship or connection with a person described in subdivision 1 of this subsection, but the characteristics of that relationship or connection are such that they are not a material professional, familial or financial conflict of interest sufficient to disqualify the impartial health entity or the clinical peer reviewer from conducting the external review.

VA.R. Doc. No. R00-172; Filed June 12, 2000, 11:02 a.m.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF MEDICINE

REGISTRAR'S NOTICE: The agency is claiming an exclusion from the Administrative Process Act in accordance with § 9-6.14:4.1 C 4 (a) of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law where no agency discretion is involved. The Board of Medicine will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 18 VAC 85-20-10 et seq. **Regulations Governing the Practice of Medicine, Osteopathy, Podiatry, and Chiropractic (amending 18 VAC 85-20-22, 18 VAC 85-20-131 and 18 VAC 85-20-280).**

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

Effective Date: August 2, 2000.

Summary:

The amendments eliminate references to the licensure of physician acupuncturists, eliminate the renewal fee for licensure as a physician acupuncturist, and amend the reference to certifying bodies that approve specialties in osteopathy and podiatry in order to conform with statutory amendments adopted during the 2000 Session of the General Assembly.

Agency Contact: Copies of the regulation may be obtained from William L. Harp, M.D., Board of Medicine, 6606 West Broad Street, 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908.

CHAPTER 20. REGULATIONS GOVERNING THE PRACTICE OF MEDICINE, OSTEOPATHY, PODIATRY, AND CHIROPRACTIC, AND PHYSICIAN ACUPUNCTURE.

18 VAC 85-20-22. Required fees.

- A. Unless otherwise provided, fees established by the board shall not be refundable.
- B. All examination fees shall be determined by and made payable as designated by the board.
- C. The application fee for licensure in medicine, osteopathy, and podiatry shall be \$225, and the fee for licensure in chiropractic shall be \$200. The fee for board approval to sit for Part 3 of the United States Medical Licensing Examination without subsequent licensure in Virginia shall be \$85.
- D. The fee for a temporary permit to practice medicine pursuant to § 54.1-2927 B (i) and (ii) of the Code of Virginia shall be \$30.
- E. The application fee for a limited professorial or fellow license issued pursuant to 18 VAC 85-20-210 shall be \$55.

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The annual renewal fee shall be \$35. An additional fee for late renewal of licensure shall be \$15.

F. The application fee for a limited license to interns and residents pursuant to 18 VAC 85-20-220 shall be \$55. The annual renewal fee shall be \$35 a year. An additional fee for late renewal of licensure shall be \$15.

G. The fee for a duplicate wall certificate shall be \$15; the fee for a duplicate license shall be \$5.

H. The fee for biennial renewal shall be \$260 for licensure in medicine, osteopathy and podiatry and \$235 for licensure in chiropractic, due in the licensee's birth month. An additional fee for processing a late renewal application within one renewal cycle shall be \$90 for licensure in medicine, osteopathy and podiatry and \$80 for licensure in chiropractic.

I. The fee for requesting reinstatement of licensure pursuant to § 54.1-2921 of the Code of Virginia shall be \$2,000.

~~J. The application fee for licensure to practice acupuncture shall be \$55. The biennial renewal fee shall be \$70, due and payable by June 30 of each even-numbered year.~~

~~K. J.~~ The fee for reinstatement of a license issued by the Board of Medicine pursuant to § 54.1-2904 of the Code of Virginia which has expired for a period of two years or more shall be \$305 for licensure in medicine, osteopathy and podiatry and \$290 for licensure in chiropractic and shall be submitted with an application for licensure reinstatement.

~~L. K.~~ The fee for a letter of good standing/verification to another jurisdiction for a license shall be \$10.

~~M. L.~~ The fee for certification of grades to another jurisdiction by the board shall be \$25. The fee shall be due and payable upon submitting the form to the board.

~~N. M.~~ The fee for biennial renewal of an inactive license shall be \$130, due in the licensee's birth month. An additional fee for late renewal of licensure shall be \$45 for each renewal cycle.

~~O. N.~~ The fee for a returned check shall be \$25.

18 VAC 85-20-131. Licensure Requirements for physician acupuncturists to practice acupuncture.

~~A. The board shall license as physician acupuncturists only licensed doctors of medicine, osteopathy, podiatry, and chiropractic.~~

~~B.~~ Such licensure practice shall be subject to the following conditions:

1. ~~The applicant~~ *To be qualified to practice acupuncture, licensed doctors of medicine, osteopathy, podiatry, and chiropractic* shall first have obtained at least 200 hours of instruction in general and basic aspects of the practice of acupuncture, specific uses and techniques of acupuncture, and indications and contraindications for acupuncture administration.

2. A podiatrist may use acupuncture only for treatment of pain syndromes originating in the human foot.

18 VAC 85-20-280. Required information.

A. In compliance with requirements of § 54.1-2910.1 of the Code of Virginia, a doctor of medicine or osteopathy or a doctor of podiatry licensed by the board shall provide, upon initial request, the following information within 30 days:

1. The address of the primary practice setting and all secondary practice settings with the percentage of time spent at each location;

2. Names of medical, osteopathic or podiatry schools and graduate medical or podiatric education programs attended with dates of graduation or completion of training;

3. Names and dates of specialty board certification, if any, as approved by the American Board of Medical Specialties, the ~~American Board of Osteopathic Medical Specialties~~, *Bureau of Osteopathic Specialists of the American Osteopathic Association* or the ~~American Board of Podiatric Surgery Council on Podiatric Medical Education of the American Podiatric Medical Association~~;

4. Number of years in active, clinical practice in the United States or Canada following completion of medical or podiatric training and the number of years, if any, in active, clinical practice outside the United States or Canada;

5. The specialty, if any, in which the physician or podiatrist practices;

6. Names of insurance plans accepted or managed care plans in which the physician or podiatrist participates and whether he is accepting new patients under such plans;

7. Names of hospitals with which the physician or podiatrist is affiliated;

8. Appointments within the past 10 years to medical or podiatry school faculties with the years of service and academic rank;

9. Publications, not to exceed 10 in number, in peer-reviewed literature within the most recent five-year period;

10. Whether there is access to translating services for non-English speaking patients at the primary practice setting and which, if any, foreign languages are spoken in the practice; and

11. Whether the physician or podiatrist participates in the Virginia Medicaid Program and whether he is accepting new Medicaid patients.

B. The physician or podiatrist may provide additional information on hours of continuing education earned, subspecialties obtained, and honors or awards received.

C. Whenever there is a change in the information on record with the physician profile system, the practitioner shall provide current information in any of the categories in subsection A of this section within 30 days of such change.

NOTICE: The forms used in administering 18 VAC 85-20-10 et seq., Regulations Governing the Practice of Medicine, Osteopathy, Podiatry, and Chiropractic, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.

FORMS

Information & Instructions for Completing an Application for the Computer Based United States Medical Licensing Examination (USLME) - Approved Schools With Subsequent Virginia Licensure (rev. 4/00).

Information & Instructions for Completing an Application for the Computer Based United States Medical Licensing Examination (USLME) - Nonapproved Schools With Subsequent Virginia Licensure (rev. 4/00).

Information & Instructions for Completing an Application for the Computer Based United States Medical Licensing Examination (USLME) - Approved Schools Without Subsequent Virginia Licensure (rev. 4/00).

Information & Instructions for Completing an Application for the Computer Based United States Medical Licensing Examination (USLME) - Nonapproved Schools Without Subsequent Virginia Licensure (rev. 4/00).

Application for USMLE Step 3 With Subsequent Virginia Licensure (rev. 8/98).

Application USMLE Step 3 Without Subsequent Virginia Licensure (rev. 8/98).

Instructions for Completing National Boards/FLEX /USMLE; American Graduates (rev. 4/00).

Instructions for Completing FLEX or USMLE Application; Non-American Graduates (rev. 4/00).

Instructions for Completing PMLEXIS Examination/License Application (rev. 4/00).

Instructions for Completing Chiropractic Endorsement Application (rev. 4/00).

Instructions for Completing Podiatry Endorsement application (rev. 4/00).

Instructions for Completing LMCC Endorsement Application; Canadian/American Graduates (rev. 4/00).

Instructions for Completing LMCC Endorsement Application; Non-American Graduates (rev. 4/00).

Instructions for Completing Osteopathic National Boards Endorsement Application (rev. 4/00).

Instructions for Completing Other Boards Endorsement Application; American Graduates (rev. 4/00).

Instructions for Completing Other Boards Endorsement Application; Non-American Graduates (rev. 4/00).

Form #A, Claims History Sheet (rev. 6/97).

Form #B, Activity Questionnaire (rev. 6/97).

Form #C, Clearance from Other State Boards (rev. 6/97).

Form #D, Virginia Request for Physician Profile (rev. 6/97).

Application for a License to Practice Medicine/Osteopathy (rev. 5/97).

Form #H, Certification of Grades Attained on the Podiatric Medical Licensing Examination for States (PMLEXIS) (rev. 6/97).

Form #I, National Board of Podiatric Medical Examiners Request for Scores on Part I and II (rev. 6/97).

Form HRB-30-061, Requirements and Instructions for an Intern/Resident License (rev. 8/99).

Intern/Resident Form #A, Memorandum from Associate Dean of Graduate Medical Education (rev. 8/99).

Intern/Resident Form #B, Certificate of Professional Education (rev. 8/99).

Instructions for Completing an Application for a Limited License to Practice Medicine as a Full-time Faculty Member or as a Full-time Fellow (rev. 8/99).

Form DHP-030-056, Application for a Limited License to Practice Medicine as a Full-time Faculty Member or as a Full-time Fellow (rev. 1/98).

Form #G-Request for Status Report of Educational Commission for Foreign Medical Graduates Certification (rev. 10/97).

~~Instructions for Licensure to Practice as a Physician Acupuncturist (rev. 8/99).~~

~~Application for a License to Practice Acupuncture (rev. 7/97).~~

Instructions for Reinstatement of Medicine and Surgery or Osteopathy Licensure Application (rev. 4/00).

Instructions for Completing Reinstatement of Chiropractic Licensure Application (rev. 4/00).

Instructions for Reinstatement of Podiatry Licensure Application (rev. 4/00).

Instructions for Medicine and Surgery or Osteopathy Licensure Application After Reinstatement Denied or License Revoked (rev. 8/99).

Application for Reinstatement of License to Practice Medicine/Osteopathy After Petition for Reinstatement Denied or License Revoked (rev. 8/99).

American Medical Association, Physician Profile Service Order Form for Licensure Application or Renewal (rev. 8/99).

Reinstatement, State Questionnaire Form (rev. 7/98).

Reinstatement, Activity Questionnaire Form (rev. 7/98).

Reinstatement, Disciplinary Inquiries to Federation of State Medical Boards (rev. 7/98).

Renewal Notice and Application (rev. 2/00).

VA.R. Doc. No. R00-205; Filed June 13, 2000, 11:52 a.m.

Final Regulations

REGISTRAR'S NOTICE: The agency is claiming an exclusion from the Administrative Process Act in accordance with § 9-6.14:4.1 C 4 (a) of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law where no agency discretion is involved. The Board of Medicine will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 18 VAC 85-50-10 et seq. **Regulations Governing the Practice of Physician Assistants (amending 18 VAC 85-50-115).**

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

Effective Date: August 2, 2000.

Summary:

The amendments revise current requirements for the practice of physician assistants in hospitals to conform requirements to § 54.1-2952 of the Code of Virginia, as amended during the 2000 Session of the General Assembly.

Agency Contact: Copies of the regulation may be obtained from William L. Harp, M.D., Board of Medicine, 6606 West Broad Street, 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908.

18 VAC 85-50-115. Responsibilities of the physician assistant.

A. The physician assistant shall not render independent health care and shall:

1. Perform only those medical care services that are within the scope of the practice and proficiency of the supervising physician as prescribed in the physician assistant's protocol. When a physician assistant is to be supervised by an alternate supervising physician outside the scope of specialty of the supervising physician, then the physician assistant's functions shall be limited to those areas not requiring specialized clinical judgment, unless a separate protocol for that alternate supervising physician is approved and on file with the board.

2. Prescribe only those drugs and devices as allowed in Part V (18 VAC 85-50-130 et seq.) of this chapter.

3. Wear during the course of performing his duties identification showing clearly that he is a physician assistant.

B. If the assistant is to perform duties away from the supervising physician, such supervising physician shall obtain board approval in advance for any such arrangement and shall establish written policies to protect the patient.

C. If, due to illness, vacation, or unexpected absence, the supervising physician is unable to supervise personally the activities of his assistant, such supervising physician may temporarily delegate the responsibility to another doctor of medicine, osteopathy, or podiatry. The employing supervising

physician so delegating his responsibility shall report such arrangement for coverage, with the reason therefor, to the board office in writing, subject to the following provisions:

1. For planned absence, such notification shall be received at the board office at least one month prior to the supervising physician's absence;
2. For sudden illness or other unexpected absence, the board office shall be notified as promptly as possible, but in no event later than one week; and
3. Temporary coverage may not exceed four weeks unless special permission is granted by the board.

D. With respect to assistants employed by institutions, the following additional regulations shall apply:

1. No assistant may render care to a patient unless the physician responsible for that patient has signed the protocol to act as supervising physician for that assistant. The board shall make available appropriate forms for physicians to join the protocol for an assistant employed by an institution.

2. Any such protocol as described in subdivision 1 of this subsection shall delineate the duties which said physician authorizes the assistant to perform.

3. The assistant shall, as soon as circumstances may dictate, ~~but within an hour~~, report with an acute or significant finding or change in clinical status, ~~report~~ to the supervising physician concerning the examination of the patient. The assistant shall also record his findings in appropriate institutional records.

4. ~~No physician assistant shall perform the initial evaluation or institute treatment of a patient who presents to the emergency room or is admitted to the hospital for a life threatening illness or injury. In noncritical care areas, the physician assistant may perform the initial evaluation in an inpatient setting provided the supervising physician evaluates the patient within eight hours of the physician assistant's initial evaluation.~~

E. *Practice by a physician assistant in a hospital, including an emergency department, shall be in accordance with § 54.1-2952 of the Code of Virginia.*

VA.R. Doc. No. R00-203; Filed June 13, 2000, 11:52 a.m.

REGISTRAR'S NOTICE: The agency is claiming an exclusion from the Administrative Process Act in accordance with § 9-6.14:4.1 C 4 (a) of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law where no agency discretion is involved. The Board of Medicine will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 18 VAC 85-110-10 et seq. **Regulations Governing the Practice of Licensed Acupuncturists (amending 18 VAC 85-110-10, 18 VAC 85-110-30, 18 VAC 85-110-90 and 18 VAC 85-110-100).**

Statutory Authority: §§ 54.1-2400 and 54.1-2956.9 of the Code of Virginia.

Effective Date: August 2, 2000.

Summary:

The amendments eliminate references to physician acupuncturists, modify requirements for foreign-speaking applicants to be tested in English proficiency, and change requirements for a diagnostic examination prior to receiving acupuncture treatment by a licensed acupuncturist in order to conform these provisions with statutory amendments adopted during the 2000 Session of the General Assembly.

Agency Contact: Copies of the regulation may be obtained from William L. Harp, M.D., Board of Medicine, 6606 West Broad Street, 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908.

18 VAC 85-110-10. Definitions.

A. The following words and terms when used in this chapter shall have the meanings ascribed to them in § 54.1-2900 of the Code of Virginia.

Acupuncturist

Board

Licensed acupuncturist

Physician acupuncturist

Practice of acupuncture

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

"ACAOM" means the Accreditation Commission for Acupuncture and Oriental Medicine. ACAOM replaces the National Accreditation Commission for Schools and Colleges of Acupuncture and Oriental Medicine.

"CCAOM" means the Council of Colleges of Acupuncture and Oriental Medicine and replaces the "NCASC" designation for the National Council of Acupuncture Schools and Colleges.

"CNT course" means a Clean Needle Technique Course as administered by the CCAOM.

"NCCAOM" means the National Certification Commission for Acupuncture and Oriental Medicine. NCCAOM replaces the National Commission for the Certification of Acupuncturists.

18 VAC 85-110-30. Nonrestriction of ~~physician acupuncturists~~ doctors of medicine, osteopathy, chiropractic and podiatry.

Nothing in this chapter shall be construed to prohibit or restrict the ~~licensure and~~ practice of doctors of medicine, osteopathy, chiropractic or podiatry who are ~~also licensed as physician acupuncturists~~ qualified by regulation to practice acupuncture.

18 VAC 85-110-90. Test of spoken English requirements.

A. An applicant applying for licensure to practice as an acupuncturist whose native language is not English and whose acupuncture education was also not in English shall submit evidence of having achieved a passing score as acceptable to the board on either the Test of Spoken English (TSE) or the Test of English as a Foreign Language (TOEFL) administered by the Educational Testing Services.

B. *An applicant applying for licensure to practice as an acupuncturist whose native language is not English and whose acupuncture education was also not in English shall be exempt from the requirement for TSE or TOEFL if the majority of his clients speak the language of the acupuncturist.*

18 VAC 85-110-100. General requirements.

Prior to performing acupuncture, a licensed acupuncturist shall obtain written documentation that the patient has received a diagnostic examination within the past six months by a licensed doctor of medicine, osteopathy, chiropractic, or podiatry, ~~or dentistry~~ acting within the scope of his practice *or shall provide to the patient a written recommendation for such a diagnostic examination.*

VA.R. Doc. No. R00-204; Filed June 13, 2000, 11:52 a.m.

BOARD OF NURSING

REGISTRAR'S NOTICE: The agency is claiming an exclusion from the Administrative Process Act in accordance with § 9-6.14:4.1 C 4 (a) of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law where no agency discretion is involved. The Board of Nursing will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: **18 VAC 90-40-10 et seq. Regulations for Prescriptive Authority for Nurse Practitioners (amending 18 VAC 90-40-10, 18 VAC 90-40-90 and 18 VAC 90-40-120; repealing 18 VAC 90-40-80).**

Statutory Authority: §§ 54.1-2400 and 54.1-2957.01 of the Code of Virginia.

Effective Date: August 2, 2000.

Summary:

The amendments eliminate references to the approved formulary of drugs and otherwise revise the regulatory requirements to conform to amendments enacted during the 2000 Session of the General Assembly.

Agency Contact: Copies of the regulation may be obtained from Nancy K. Durrett, R.N., Board of Nursing, 6606 West Broad Street, 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909.

18 VAC 90-40-10. Definitions.

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

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"Boards" means the Virginia Board of Medicine and the Virginia Board of Nursing.

"Committee" means the Committee of the Joint Boards of Nursing and Medicine.

~~"Formulary" means the listing of categories of drugs which may be prescribed by the nurse practitioner according to this chapter.~~

"Nurse practitioner" means a registered nurse who has met the additional requirements of education and examination for licensure as a nurse practitioner in the Commonwealth.

"Practice agreement" means a written agreement jointly developed by the supervising physician and the nurse practitioner that describes and directs the prescriptive authority of the nurse practitioner.

"Supervision" means that the physician documents being readily available for medical consultation by the licensed nurse practitioner or the patient, with the physician maintaining ultimate responsibility for the agreed-upon course of treatment and medications prescribed.

18 VAC 90-40-80. Approved formulary (Repealed).

~~A. The approved formulary of drugs which nurse practitioners with prescriptive authority may prescribe, administer, or dispense shall include:~~

~~1. Schedule VI drugs and devices with exception of the following:~~

- ~~(a) Radioactive drugs;~~
- ~~(b) Ophthalmic aminoglycosides;~~
- ~~(c) Ophthalmic steroids;~~
- ~~(d) Any compound containing barbiturates.~~

~~2. No controlled substances defined by the State, § 54.1-3303 of the Code of Virginia, and Federal Controlled Substances Acts, 21 USC § 812, as Schedule I through V.~~

~~B. The nurse practitioner may prescribe only those categories of drugs and devices included in the approved formulary and in the practice agreement as submitted for authorization. The supervising physician retains the authority to restrict certain drugs within these approved categories.~~

~~C. The approved formulary shall be reviewed annually by the committee and shall be sent to the applicant at the time of initial approval of prescriptive authority and with the applications for renewal or reinstatement.~~

18 VAC 90-40-90. Practice agreement.

A. A nurse practitioner with prescriptive authority may prescribe only within the scope of a written practice agreement with a supervising physician.

B. A new practice agreement shall be submitted:

1. With the initial application for prescriptive authority; or

2. With the application for each biennial renewal, if there have been any changes in supervision, authorization, or scope of practice; or

3. At any time a change in the primary supervising physician shall occur.

C. The practice agreement shall contain the following:

1. A description of the prescriptive authority of the nurse practitioner within the scope of ~~the approved formulary allowed by law~~ and the practice of the nurse practitioner.

2. An authorization for categories of drugs and devices within the requirements of ~~the approved formulary as found in 18 VAC 90-40-80 of this chapter § 54.1-2957.01 of the Code of Virginia.~~

3. The signatures of the primary supervising physician and any secondary physician who may be regularly called upon in the event of the absence of the primary physician.

18 VAC 90-40-120. Dispensing.

A. A nurse practitioner may dispense only under the orders of a supervising physician who is authorized to dispense. Such orders shall be included in the written practice agreement as submitted with the initial application or the renewal of authorization.

B. Nurse practitioners may dispense only those drugs allowed by ~~the approved formulary § 54.1-2957.01 of the Code of Virginia.~~

<p>NOTICE: The forms used in administering the 18 VAC 90-40-10 et seq., Regulations for Prescriptive Authority for Nurse Practitioners, are not being published due to the large number; however, the name of each form is listed below. The forms are available for public inspection at the Department of Health Professions, 6606 West Broad Street, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.</p>
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FORMS

Application for Prescriptive Authority for Nurse Practitioner (rev. 12/4/92).

Practice Agreement (rev. ~~12/4/92~~ 6/22/00).

Application for Controlled Substances Registration (eff. 5/00).

Renewal Notice and Application, C-31728 (rev. 6/22/00).

VA.R. Doc. No. R00-209; Filed June 14, 2000, 11:48 a.m.

BOARD OF PHARMACY

REGISTRAR'S NOTICE: The agency is claiming an exclusion from the Administrative Process Act in accordance with § 9-6.14:4.1 C 4 (a) of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law where no agency discretion is involved. The Board of Pharmacy will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 18 VAC 110-20-10 et seq. Virginia Board of Pharmacy Regulations (amending 18 VAC 110-20-10 and 18 VAC 110-20-220).

Statutory Authority: §§ 54.1-2400 and 54.1-3307 of the Code of Virginia.

Effective Date: August 2, 2000.

Summary:

The amendments conform the definition to the amendments enacted during the 2000 Session of the General Assembly for "radiopharmaceutical" to the definition in the Code of Virginia and modify requirements for radiopharmaceuticals.

Agency Contact: Copies of the regulation may be obtained from Elizabeth Scott Russell, R.Ph., Board of Pharmacy, 6606 West Broad Street, 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9911.

18 VAC 110-20-10. Definitions.

In addition to words and terms defined in §§ 54.1-3300 and 54.1-3401 of the Code of Virginia, the following words and terms when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise:

"ACPE" means the American Council on Pharmaceutical Education.

"Acquisition" of an existing entity permitted, registered or licensed by the board means (i) the purchase or transfer of all or substantially all of the assets of the entity or of any corporation that owns or controls the entity; (ii) the creation of a partnership by a sole proprietor or change in partnership composition; (iii) the acquiring of 50% or more of the outstanding shares of voting stock of a corporation owning the entity or of the parent corporation of a wholly owned subsidiary owning the entity, except that this shall not apply to any corporation the voting stock of which is actively traded on any securities exchange or in any over-the-counter market; or (iv) the merger of a corporation owning the entity, or of the parent corporation of a wholly owned subsidiary owning the entity, with another business or corporation.

"Aseptic processing" means the technique involving procedures designed to preclude contamination of drugs, packaging, equipment, or supplies by microorganisms during processing.

"Beyond-use date" means the date beyond which the integrity of a compounded, repackaged, or dispensed drug can no longer be assured and as such is deemed to be

adulterated or misbranded as defined in §§ 54.1-3461 and 54.1-3462 of the Code of Virginia.

"Board" means the Virginia Board of Pharmacy.

"CE" means continuing education as required for renewal of licensure by the Board of Pharmacy.

"CEU" means a continuing education unit awarded for credit as the equivalent of 10 contact hours.

"Class 100 environment" means an atmospheric environment which contains less than 100 particles, 0.5 microns in diameter, per cubic foot of air.

"Closed system transfer" means the movement of sterile products from one container to another in which the container-closure system and transfer devices remain intact throughout the entire transfer process, compromised only by the penetration of a sterile, pyrogen-free needle or cannula through a designated stopper or port to effect transfer, withdrawal, or delivery, to include the withdrawal of a sterile solution from an ampul in a class 100 environment.

"Compliance packaging" means packaging for dispensed drugs which is comprised of a series of containers for solid oral dosage forms and which is designed to assist the user in administering or self-administering the drugs in accordance with directions for use.

"Contact hour" means the amount of credit awarded for 60 minutes of participation in and successful completion of a continuing education program.

"Cytotoxic drug" means a drug which has the capability of killing living cells.

"Electronic transmission prescription" is any prescription, other than an oral or written prescription or a prescription transmitted by facsimile machine, that is electronically transmitted from a practitioner authorized to prescribe directly to a pharmacy without interception or intervention from a third party, or from one pharmacy to another pharmacy.

"Expiration date" means that date placed on a drug package by the manufacturer or repacker beyond which the product may not be dispensed or used.

"Facsimile (FAX) prescription" means a written prescription or order which is transmitted by an electronic device over telephone lines which sends the exact image to the receiver (pharmacy) in a hard copy form.

"Floor stock" means a supply of drugs which have been distributed for the purpose of general administration by a prescriber or other authorized person pursuant to a valid order of a prescriber.

"Foreign school of pharmacy" means a school outside the United States and its territories offering a course of study in basic sciences, pharmacology, and pharmacy of at least four years in duration resulting in a degree that qualifies a person to practice pharmacy in that country.

"Generic drug name" means the nonproprietary name listed in the United States Pharmacopeia-National Formulary (USP-NF) or in the USAN and the USP Dictionary of Drug Names.

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"Hermetic container" means a container that is impervious to air or any other gas under the ordinary or customary conditions of handling, shipment, storage, and distribution.

"Home infusion pharmacy" means a pharmacy which compounds solutions for direct parenteral administration to a patient in a private residence, long-term care facility or hospice setting.

"Hospital" or *"nursing home"* means those facilities as defined in Title 32.1 of the Code of Virginia or as defined in regulations by the Virginia Department of Health.

"Inactive license" means a license which is registered with the Commonwealth but does not entitle the licensee to practice, the holder of which is not required to submit documentation of CE necessary to hold an active license.

"Light-resistant container" means a container that protects the contents from the effects of light by virtue of the specific properties of the material of which it is composed, including any coating applied to it. Alternatively, a clear and colorless or a translucent container may be made light resistant by means of an opaque covering, in which case the label of the container bears a statement that the opaque covering is needed until the contents have been used. Where a monograph directs protection from light, storage in a light-resistant container is intended.

"Long-term care facility" means a nursing home, retirement care, mental care or other facility or institution which provides extended health care to resident patients.

"Nuclear pharmacy" means a pharmacy providing radiopharmaceutical services.

"Open-system transfer" means the combining of products in a nonsealed reservoir before filling or when a solution passes through the atmosphere during a transfer operation.

"Permitted physician" means a physician who is licensed pursuant to § 54.1-3304 of the Code of Virginia to dispense drugs to persons to whom or for whom pharmacy services are not reasonably available.

"Personal supervision" means the pharmacist must be physically present and render direct, personal control over the entire service being rendered or act being performed. Neither prior nor future instructions shall be sufficient nor, shall supervision rendered by telephone, written instructions, or by any mechanical or electronic methods be sufficient.

"Pharmacy closing" means that the permitted pharmacy ceases pharmacy services or fails to provide for continuity of pharmacy services or lawful access to patient prescription records or other required patient records for the purpose of continued pharmacy services to patients.

"Practice location" means any location in which a prescriber evaluates or treats a patient.

"Prescription department" means any contiguous or noncontiguous areas used for the compounding, dispensing and storage of all Schedule II through VI drugs and devices and any Schedule I investigational drugs.

"PTCB" means the Pharmacy Technician Certification Board, co-founded by the American Pharmaceutical Association and the American Society of Health System Pharmacists, as the national organization for voluntary examination and certification of pharmacy technicians.

"Radiopharmaceutical" means any ~~article drug~~ that exhibits spontaneous ~~decay or~~ disintegration of any unstable ~~atomic nucleus, usually accompanied by nuclei with~~ the emission of ~~ionizing radiation nuclear particles or photons~~ and includes any nonradioactive reagent kit or ~~nuclide radionuclide generator which that~~ is intended to be used in the preparation of any such ~~article~~ substance, but does not include drugs such as carbon-containing compounds or potassium-containing salts that include trace quantities of naturally occurring radionuclides. The term also includes any biological product that is labeled with a radionuclide or intended solely to be labeled with a radionuclide.

"Repackaged drug" means any drug removed from the manufacturer's original package and placed in different packaging.

"Safety closure container" means a container which meets the requirements of the federal Poison Prevention Packaging Act of 1970 (15 USC §§ 1471-1476), i.e., in testing such containers, that 85% of a test group of 200 children of ages 41-52 months are unable to open the container in a five-minute period and that 80% fail in another five minutes after a demonstration of how to open it and that 90% of a test group of 100 adults must be able to open and close the container.

"Satellite pharmacy" means a pharmacy which is noncontiguous to the centrally permitted pharmacy of a hospital but at the location designated on the pharmacy permit.

"Special packaging" means packaging that is designed or constructed to be significantly difficult for children under five years of age to open to obtain a toxic or harmful amount of the drug contained therein within a reasonable time and not difficult for normal adults to use properly, but does not mean packaging which all such children cannot open or obtain a toxic or harmful amount within a reasonable time.

"Special use permit" means a permit issued to conduct a pharmacy of a special scope of service that varies in any way from the provisions of any board regulation.

"Sterile pharmaceutical product" means a dosage form free from living microorganisms.

"Storage temperature" means those specific directions stated in some monographs with respect to the temperatures at which pharmaceutical articles shall be stored, where it is considered that storage at a lower or higher temperature may produce undesirable results. The conditions are defined by the following terms:

1. "Cold" means any temperature not exceeding 8°C (46°F). A refrigerator is a cold place in which temperature is maintained thermostatically between 2° and 8°C (36° and 46°F). A freezer is a cold place in which the temperature is maintained thermostatically between -20° and -10°C (-4° and 14°F).

2. "Room temperature" means the temperature prevailing in a working area.

3. "Controlled room temperature" is a temperature maintained thermostatically that encompasses the usual and customary working environment of 20° to 25°C (68° to 77°F); that results in a mean kinetic temperature calculated to be not more than 25°C; and that allows for excursions between 15° and 30°C (59° and 86°F) that are experienced in pharmacies, hospitals, and warehouses.

4. "Warm" means any temperature between 30° and 40°C (86° and 104°F).

5. "Excessive heat" means any temperature above 40°C (104°F).

6. "Protection from freezing" means where, in addition to the risk of breakage of the container, freezing subjects a product to loss of strength or potency, or to the destructive alteration of its characteristics, the container label bears an appropriate instruction to protect the product from freezing.

7. "Cool" means any temperature between 8° and 15°C (46° and 59°F).

"*Terminally ill*" means a patient with a terminal condition as defined in § 54.1-2982 of the Code of Virginia.

"*Tight container*" means a container that protects the contents from contamination by extraneous liquids, solids, or vapors, from loss of the drug, and from efflorescence, deliquescence, or evaporation under the ordinary or customary conditions of handling, shipment, storage, and distribution, and is capable of tight reclosure. Where a tight container is specified, it may be replaced by a hermetic container for a single dose of a drug and physical tests to determine whether standards are met shall be as currently specified in United States Pharmacopeia-National Formulary.

"*Unit dose container*" means a container that is a single-unit container, as defined in United States Pharmacopeia-National Formulary, for articles intended for administration by other than the parenteral route as a single dose, direct from the container.

"*Unit dose package*" means a container that contains a particular dose ordered for a patient.

"*Unit dose system*" means a system in which multiple drugs in unit dose packaging are dispensed in a single container, such as a medication drawer or bin, labeled only with patient name and location. Directions for administration are not provided by the pharmacy on the drug packaging or container but are obtained by the person administering directly from a prescriber's order or medication administration record.

"*USP-NF*" means the United States Pharmacopeia-National Formulary.

"*Well-closed container*" means a container that protects the contents from extraneous solids and from loss of the drug under the ordinary or customary conditions of handling, shipment, storage, and distribution.

18 VAC 110-20-220. General requirements for pharmacies providing radiopharmaceutical services.

A. A permit to operate a pharmacy providing radiopharmaceutical services shall be issued only to a qualified nuclear pharmacist as defined in 18 VAC 110-20-230. In emergency situations, in the absence of the nuclear pharmacist, he may designate one or more other qualified pharmacists to have access to the licensed area. These individuals may obtain single doses of radiopharmaceuticals for the immediate emergency and shall document such withdrawals in the control system.

B. Pharmacies providing ordinary pharmacy services in addition to radiopharmaceutical services shall comply with all regulations applicable to pharmacies in general. Pharmacies providing only radiopharmaceutical services shall comply with all regulations related to physical standards, sanitary conditions and security.

C. The nuclear pharmacy area shall be separate from the pharmacy areas for nonradioactive drugs and shall be secured from unauthorized personnel. All pharmacies handling radiopharmaceuticals shall provide a radioactive storage and product decay area, occupying at least 25 square feet of space, separate from and exclusive of the hot laboratory, compounding, dispensing, quality assurance and office areas.

~~D. A prescription order for a radiopharmaceutical shall be dispensed in a unit dose package. A pharmacy may furnish the radiopharmaceuticals for office use only to practitioners for an individual patient except for the occasional transfer to a pharmacist.~~

~~E. D. In addition to any labeling requirements of the board for nonradioactive drugs, The immediate outside container of a radioactive drug to be dispensed shall also be labeled with: (i) the standard radiation symbol; (ii) the words "Caution--Radioactive Material"; (iii) the name of the radionuclide; (iv) the chemical form; (v) the amount of radioactive material contained, in millicuries or microcuries; (vi) if a liquid, the volume in milliliters; (vii) the requested calibration time for the amount of radioactivity contained; and (viii) the practitioner's name and the assigned lot number in accordance with requirements of § 54.1-3410.1 B of the Code of Virginia.~~

~~F. E. The immediate inner container shall be labeled with: (i) the standard radiation symbol; (ii) the words "Caution--Radioactive Material"; and (iii) the prescription serial number assigned to the order.~~

~~G. F. The amount of radioactivity shall be determined by radiometric methods for each individual dose immediately prior to dispensing.~~

~~H. G. Nuclear pharmacies may redistribute approved radioactive drugs if the pharmacy does not process the radioactive drugs in any manner nor violate the product packaging.~~

VA.R. Doc. No. R00-208; Filed June 14, 2000, 11:48 a.m.

GENERAL NOTICES/ERRATA

DEPARTMENT FOR THE DEAF AND HARD-OF-HEARING

Notice of Periodic Review

The Virginia Department for the Deaf and Hard of Hearing (VDDHH) invites public comment on **22 VAC 20-10-10 et seq., Public Participation Guidelines**. This review is being conducted under Executive Order 25 (98). The department welcomes written comments on the performance and effectiveness of this regulation in achieving the following goal:

To increase the number of Virginians who regularly receive information about VDDHH regulatory actions.

The department also requests suggestions to improve the content and organization of the regulation to make it more understandable and useful to affected constituents.

Copies of the regulation may be obtained from the department. Written or faxed comments may be submitted through 5 p.m. on August 3, 2000. Comments or questions should be sent to Leslie Hutcheson, Regulatory Coordinator, Virginia Department for the Deaf and Hard of Hearing, 1602 Rolling Hills Drive, Suite 203, Richmond, Virginia 23229-5012, or via e-mail to: Hutchelg@ddhh.state.va.us. Telephone: (800) 552-7917 (V/TTY).

STATE CORPORATION COMMISSION

AT RICHMOND, JUNE 6, 2000

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. INS000041

Ex Parte, in re: adoption of adjusted prima facie rates for credit life and credit accident and sickness insurance pursuant to Virginia Code §§ 38.2-3725, 38.2-3726, 38.2-3737 and 38.2-3730

2001 CREDIT ACCIDENT & SICKNESS PROPOSED RATES Single Premium Rates per \$100 of Initial Insured Indebtedness Repayable in Equal Monthly Installments

Benefit Period (Months)	7 Day Coverages		14 Day Coverages		30 Day Coverages	
	Retroactive	Non-Retroactive	Retroactive	Non-Retroactive	Retroactive	Non-Retroactive
1	1.51	1.15	1.41	0.87	1.06	0.47
2	1.82	1.46	1.65	1.13	1.21	0.63
3	2.04	1.68	1.84	1.31	1.33	0.75
4	2.20	1.84	1.98	1.46	1.42	0.85
5	2.32	1.98	2.09	1.58	1.49	0.93
6	2.44	2.09	2.19	1.68	1.56	1.00
7	2.51	2.17	2.26	1.76	1.62	1.06
8	2.58	2.25	2.33	1.83	1.67	1.10

ORDER TO TAKE NOTICE

TAKE NOTICE, pursuant to Virginia Code § 38.2-3730.B., that the Commission shall conduct a hearing on July 18, 2000, at 10:00 a.m. in its courtroom, Tyler Building, 2nd Floor, 1300 East Main Street, Richmond, Virginia 23219, for the purpose of receiving comments from interested parties with respect to proposed adjusted prima facie rates for credit life insurance and credit accident and sickness insurance to be effective for the triennium commencing January 1, 2001. The adjusted prima facie rates have been calculated and proposed on behalf of and by the Bureau of Insurance in accordance with the provisions of Chapter 37.1 of Title 38.2 of the Code of Virginia (Virginia Code §§ 38.2-3717 *et seq.*) and are attached hereto, denominated "Attachment 1" and made a part hereof.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to Gerald A. Milsky, Deputy Commissioner, Bureau of Insurance, State Corporation Commission who shall cause a copy hereof to be sent to every insurance company licensed by the Bureau of Insurance to transact the business of credit life and credit accident and sickness insurance in the Commonwealth of Virginia and who shall file in the record of this proceeding an affidavit evidencing notice compliance with this order.

Agency Contact: Jackie Cunningham, State Corporation Commission, Bureau of Insurance, P.O. Box 1158, Richmond, VA 23218, telephone (804) 371-9110, e-mail jacunningham@scc.state.va.us.

"ATTACHMENT 1"

PROPOSED ADJUSTED PRIMA FACIE CREDIT LIFE AND CREDIT ACCIDENT AND SICKNESS INSURANCE RATES

TO BE EFFECTIVE JANUARY 1, 2001

2001 CREDIT LIFE INSURANCE RATES

\$0.5944 per month per \$1,000.00 of outstanding insured indebtedness if premiums are payable on a monthly outstanding balance basis.

\$0.3795 per \$100.00 of initial indebtedness repayable in twelve equal monthly installments.

9	2.65	2.31	2.39	1.88	1.71	1.16
10	2.70	2.37	2.44	1.95	1.75	1.21
11	2.75	2.42	2.49	2.00	1.79	1.24
12	2.78	2.46	2.53	2.04	1.82	1.27
13	2.83	2.50	2.57	2.08	1.85	1.31
14	2.87	2.55	2.61	2.12	1.88	1.34
15	2.91	2.58	2.65	2.16	1.91	1.37
16	2.96	2.63	2.68	2.20	1.95	1.41
17	2.99	2.67	2.72	2.24	1.97	1.43
18	3.04	2.71	2.78	2.28	2.01	1.46
19	3.08	2.76	2.80	2.32	2.04	1.49
20	3.12	2.79	2.85	2.37	2.06	1.53
21	3.17	2.84	2.88	2.40	2.09	1.56
22	3.20	2.88	2.92	2.44	2.14	1.59
23	3.25	2.91	2.97	2.48	2.16	1.62
24	3.29	2.98	3.00	2.52	2.19	1.65
25	3.31	2.99	3.03	2.56	2.21	1.67
26	3.33	3.02	3.06	2.58	2.23	1.69
27	3.38	3.06	3.09	2.61	2.25	1.72
28	3.40	3.08	3.11	2.64	2.27	1.75
29	3.42	3.11	3.13	2.67	2.30	1.76
30	3.46	3.13	3.17	2.69	2.31	1.79
31	3.48	3.18	3.20	2.71	2.35	1.82
32	3.51	3.20	3.22	2.76	2.37	1.83
33	3.53	3.22	3.25	2.78	2.38	1.85
34	3.57	3.26	3.27	2.80	2.41	1.88
35	3.60	3.28	3.30	2.84	2.44	1.90
36	3.62	3.31	3.32	2.86	2.45	1.92
37	3.65	3.33	3.36	2.88	2.46	1.95
38	3.67	3.36	3.38	2.91	2.49	1.96
39	3.69	3.39	3.40	2.92	2.50	1.98
40	3.72	3.41	3.42	2.96	2.52	2.00
41	3.73	3.43	3.44	2.99	2.55	2.03
42	3.75	3.45	3.47	3.00	2.57	2.04
43	3.79	3.47	3.49	3.03	2.58	2.05
44	3.81	3.50	3.51	3.05	2.60	2.08
45	3.83	3.52	3.53	3.07	2.62	2.09
46	3.85	3.54	3.56	3.09	2.64	2.11
47	3.88	3.57	3.58	3.12	2.65	2.15
48	3.89	3.60	3.61	3.13	2.67	2.16
49	3.92	3.62	3.62	3.17	2.68	2.17
50	3.93	3.63	3.64	3.19	2.70	2.19
51	3.94	3.65	3.66	3.20	2.71	2.21
52	3.98	3.67	3.67	3.22	2.73	2.23
53	4.00	3.69	3.70	3.25	2.76	2.24
54	4.02	3.72	3.72	3.26	2.78	2.25
55	4.04	3.73	3.73	3.28	2.78	2.27
56	4.05	3.75	3.74	3.30	2.80	2.29
57	4.08	3.78	3.78	3.32	2.82	2.30
58	4.09	3.80	3.80	3.34	2.84	2.32
59	4.11	3.82	3.81	3.37	2.85	2.35
60	4.14	3.83	3.83	3.39	2.87	2.36
61	4.14	3.85	3.85	3.41	2.88	2.37
62	4.17	3.88	3.87	3.42	2.89	2.39
63	4.19	3.89	3.88	3.44	2.91	2.41
64	4.21	3.91	3.90	3.46	2.92	2.43

General Notices/Errata

65	4.23	3.93	3.92	3.47	2.95	2.44
66	4.24	3.94	3.93	3.49	2.96	2.45
67	4.25	3.95	3.94	3.51	2.98	2.46
68	4.27	3.99	3.97	3.53	2.99	2.48
69	4.29	4.01	3.99	3.54	3.00	2.50
70	4.31	4.02	4.02	3.57	3.01	2.51
71	4.33	4.04	4.03	3.59	3.03	2.53
72	4.35	4.05	4.04	3.61	3.05	2.55
73	4.35	4.07	4.06	3.62	3.06	2.57
74	4.38	4.08	4.07	3.64	3.07	2.57
75	4.39	4.10	4.08	3.66	3.09	2.59
76	4.41	4.12	4.10	3.67	3.10	2.60
77	4.43	4.14	4.12	3.68	3.11	2.62
78	4.44	4.14	4.14	3.70	3.12	2.64
79	4.46	4.17	4.14	3.72	3.13	2.64
80	4.47	4.19	4.17	3.73	3.16	2.66
81	4.49	4.21	4.19	3.74	3.18	2.67
82	4.50	4.23	4.21	3.77	3.19	2.69
83	4.52	4.24	4.23	3.79	3.20	2.70
84	4.54	4.25	4.23	3.81	3.21	2.71
85	4.55	4.27	4.25	3.82	3.22	2.73
86	4.56	4.29	4.26	3.83	3.24	2.75
87	4.58	4.29	4.28	3.85	3.25	2.77
88	4.60	4.31	4.29	3.87	3.26	2.78
89	4.61	4.33	4.30	3.88	3.27	2.78
90	4.63	4.35	4.32	3.89	3.29	2.80
91	4.64	4.35	4.34	3.91	3.30	2.81
92	4.66	4.36	4.35	3.93	3.31	2.83
93	4.67	4.39	4.35	3.94	3.32	2.84
94	4.68	4.41	4.38	3.95	3.33	2.85
95	4.70	4.43	4.40	3.98	3.34	2.87
96	4.71	4.44	4.41	3.99	3.37	2.88
97	4.72	4.45	4.43	4.01	3.38	2.89
98	4.74	4.46	4.44	4.02	3.39	2.90
99	4.75	4.48	4.45	4.04	3.40	2.91
100	4.78	4.49	4.46	4.04	3.41	2.92
101	4.78	4.50	4.47	4.06	3.42	2.95
102	4.79	4.52	4.49	4.08	3.43	2.96
103	4.81	4.54	4.50	4.08	3.44	2.98
104	4.83	4.55	4.51	4.10	3.46	2.99
105	4.84	4.56	4.53	4.12	3.47	2.99
106	4.85	4.58	4.55	4.14	3.48	3.00
107	4.86	4.59	4.56	4.14	3.49	3.02
108	4.88	4.61	4.56	4.15	3.51	3.03
109	4.89	4.63	4.58	4.18	3.51	3.04
110	4.90	4.64	4.60	4.19	3.52	3.06
111	4.91	4.65	4.61	4.21	3.53	3.06
112	4.92	4.66	4.63	4.22	3.54	3.08
113	4.94	4.67	4.64	4.23	3.56	3.09
114	4.95	4.68	4.65	4.24	3.57	3.09
115	4.98	4.70	4.66	4.25	3.59	3.11
116	4.99	4.70	4.67	4.27	3.60	3.12
117	4.99	4.72	4.68	4.28	3.61	3.13
118	5.00	4.74	4.70	4.29	3.62	3.14
119	5.02	4.75	4.70	4.30	3.62	3.16
120	5.03	4.78	4.72	4.32	3.63	3.18

Bureau of Insurance

June 5, 2000

Administrative Letter 2000-8

TO: All Insurers, Health Services Plans, Health Maintenance Organizations (HMOs) and Other Interested Parties

RE: Legislation Enacted by the 2000 Virginia General Assembly

We have attached for your reference staff summaries of certain statutes enacted or amended and re-enacted during the 2000 Session of the Virginia General Assembly. **The effective date of these statutes is July 1, 2000, except as otherwise indicated in this letter.** Each organization to which this letter is being sent should review the attachments

carefully and see that notice of these laws is directed to the proper persons, **including appointed representatives**, to ensure that appropriate action is taken to effect compliance with these new legal requirements. Please note that this document is a **summary** of legislation. It is neither a legal review and interpretation nor a full description of the legislative amendments made to insurance-related laws during the 2000 Session. Each organization is responsible for legal review of the statutes pertinent to its operations.

/s/ Alfred W. Gross
Commissioner of Insurance

NOTE: EXCEPT WHERE OTHERWISE INDICATED, ALL
BILLS ARE EFFECTIVE JULY 1, 2000

PROPERTY AND CASUALTY BILLS

Chapter 207 (House Bill 398) – EFFECTIVE APRIL 1, 2000

This bill amends § 38.2-5001, the definition of “participating physician,” in the Virginia Birth-Related Neurological Injury Compensation Act to include partnerships, corporations, professional corporations, professional limited liability companies, or other entities through which the participating physician practices.

The bill also amends § 8.01-273.1 of the Civil Remedies Title by limiting to participating physicians and hospitals the parties who may make a motion to refer a cause of action to the Workers’ Compensation Commission and by requiring that a motion to refer the cause of action to the Workers’ Compensation Commission be filed 120 days after the date the party seeking referral files its grounds of defense.

The bill states that the provisions of the act are declarative of existing law.

Chapter 401 (House Bill 453)

This bill adds § 38.2-2125 to the Fire Insurance Policies Chapter. The bill requires insurers that exclude flood coverage under a policy of fire insurance, or a policy of fire insurance in combination with other coverages, to provide a

written notice explicitly stating that such coverage is excluded. The notice must further state that information regarding flood insurance is available from the insurance agent or the National Flood Insurance Program. This notice applies to new and renewal policies.

NOTE: The Bureau does not intend to apply the requirement set forth in Chapter 401 to persons licensed as surplus lines brokers or unlicensed insurers approved for the placement of surplus lines coverage pursuant to Chapter 48 of Title 38.2 of the Code.

Chapter 526 (House Bill 716)

This bill amends §§ 38.2-122, 38.2-122.1, 38.2-233 (General Provisions), 38.2-317 (Insurance Policy Provisions), 38.2-415 (Assessments), 38.2-1601 (Property and Casualty Insurance Association), 38.2-1800 (Insurance Agents), 38.2-1902, 38.2-2001, 38.2-2003 (Regulation of Rates), and 52-36 in the Police Title, and adds new sections numbered §§ 38.2-122.2 and 38.2-2006.1 regarding credit property and credit involuntary unemployment insurance (IUI).

The term “credit property insurance” is being added to Chapter 1 of Title 38.2 as a new line of insurance (§ 38.2-122.2). The definition of “credit involuntary unemployment insurance” is being amended in Chapter 1 (§ 38.2-122.1) to allow for the sale of coverage to a debtor who goes on an unpaid leave of absence during which time employment does not terminate. The new provision will allow companies to provide coverage for an unpaid voluntary leave of absence such as family medical leave, jury duty, or active military duty.

Section 38.2-233 is being amended to require that consumers of credit property insurance be given the same disclosures as those required to be given to purchasers of credit involuntary unemployment insurance.

A new provision is being added under subsection F of § 38.2-233 specifying that if coverage is cancelled, insurers must refund any unearned premium on a pro rata basis. The provision is written so that the State Corporation Commission (Commission) may not approve a credit property or credit IUI form unless it contains such language.

Another provision is being added under subsection F of § 38.2-233 giving consumers a ten-day free look period. The Commission may not approve a credit property or credit IUI form unless it contains a notice advising consumers that they have ten days to cancel the policy and receive a full refund.

A new subsection G is being added to § 38.2-233 prohibiting insurers from charging premiums for items not covered under a credit property insurance policy such as finance charges, service fees, delivery charges, taxes, or interest. This is applicable to closed-end credit transactions. Under open-end credit transactions, if premiums are based on amounts paid for finance charges, service fees, delivery charges, taxes, interest, meals, entertainment, or any other item not covered under the credit property insurance policy, insurers will have to advise consumers at least twice a year that they may be paying premiums for items not covered under the policy.

A new subsection I is being added to § 38.2-317 giving the Commission jurisdiction over certificates delivered or issued

General Notices/Errata

for delivery in Virginia where the group policy is delivered in another state.

Changes are being made to §§ 38.2-1902 and 38.2-2001 to bring the rates for credit property insurance and credit IUI under the "prior approval" provisions of Chapter 20 rather than the "file and use" provisions of Chapter 19.

A new subsection E is being added to § 38.2-2003 to establish a loss ratio standard for credit property and credit IUI rates. Under the proposal, the Commission may not approve any rate that falls below this standard. A transition period has been included in the bill which sets the first loss ratio standard at 40% beginning January 1, 2001. In 2003, it goes to 45%; and in 2005, it goes to 50%.

A new section numbered § 38.2-2006.1 is being added to require that credit property and credit IUI rates be filed with the Commission to be approved for use on or after April 1, 2001, April 1, 2003, and April 1, 2005, as set forth in § 38.2-2003.

Key Effective Dates of House Bill No. 716 are as follows:

July 1, 2000

- Companies that are currently writing or intend to write credit property insurance must amend their license to add credit property insurance.
- Credit property and credit involuntary unemployment forms must comply with the provisions contained in the bill:
 - (i) currently approved forms must be brought into compliance;
 - (ii) new programs must comply; and
 - (iii) certificates issued or delivered in Virginia where the group policy is not issued or delivered in Virginia must be filed for approval.
- Companies must comply with the new notice requirements.
- Companies must now certify that their credit property forms (as well as their credit involuntary unemployment forms) achieve a Flesch readability score of at least 40.
- Rates for credit property and credit involuntary unemployment insurance are subject to prior approval rate regulation. This applies to filings which include:
 - (i) rate revisions applicable to currently approved programs;
 - (ii) rates applicable to new programs (certificates and/or master policies); and
 - (iii) rates applicable to certificates issued or delivered in Virginia where the group policy is not issued or delivered in Virginia.

January 1, 2001

The 40% loss ratio standard becomes effective.

April 1, 2001

No rate may be charged after April 1, 2001 unless the rate has been approved by the Commission and complies with the 40% loss ratio standard.

Chapter 529 (House Bill 854)

This bill amends §§ 38.2-231 (General Provisions Chapter), 38.2-2113 (Fire Insurance Policies Chapter), and 38.2-2208 (Liability Insurance Policies Chapter) by permitting insurers to transmit certain notices to lienholders electronically (i.e., notices of cancellation, refusal to renew, a reduction in coverage, or an increase in rate). This will only be permissible when the insurer and the lienholder agree upon the specifics for transmittal and acknowledgement of notification. The bill also requires the insurer to retain, for at least one year from the date of termination, evidence of transmittal or receipt of the notification.

Chapter 545 (Senate Bill 456)

This bill repeals subsection E of § 38.2-513 in the Unfair Trade Practices Chapter. This subsection required lending institutions, bank holding companies, savings institution holding companies, or subsidiaries or affiliates licensed to sell insurance to give purchasers of insurance ten days to cancel the policy and receive a pro rata refund. This subsection also required certain disclosures to be given to the purchaser such as the cost of the insurance and the right to cancel the insurance and receive a pro rata refund.

The bill also amends subsection A of § 38.2-513 by requiring that any person who lends money or extends credit and who solicits insurance on real or personal property must explain to the borrower in writing that the availability of such loan or extension of credit and the interest rate paid or charged for a loan or an extension of credit may not be conditioned upon the purchase of insurance from such person.

Chapter 548 (Senate Bill 587)

This bill amends § 38.2-317 in the Provisions Relating to Insurance Policies Chapter and adds § 38.2-1903.1 in the Regulation of Rates Chapter to allow for the deregulation of certain lines of commercial insurance. Except for workers' compensation insurance and professional liability insurance rates and forms, and except for commercial automobile insurance forms, the bill allows the rates and forms for a "large commercial risk" to be exempt from the policy form approval and rate filing requirements of Title 38.2 if the large commercial risk meets certain criteria. A large commercial risk must employ or retain a risk manager. A risk manager must have one of the following:

- Degree in Risk Management;
- CPCU (Chartered Property and Casualty Underwriter);
- ARM (Associate in Risk Management);
- CRM (Certified Risk Manager);
- FRM (Fellow in Risk Management); or
- Five years of experience in **one** of the following:
 - Risk Financing;
 - Claims Administration;

- Loss Prevention; or
- Risk and Insurance Coverage Analysis.

A large commercial risk must also meet **two** of the following criteria:

- Possess a net worth over \$10,000,000;
- Generate annual revenues over \$25,000,000;
- Employ more than 80 employees (or be a member of an affiliate with over 100 employees);
- Pay annual aggregate nationwide premiums over \$100,000 (excluding professional liability and workers' compensation premiums);
- Generate annual budgeted expenditures of at least \$10,000,000 (If a not-for-profit organization or public body);
- If a municipality, have a population over 30,000.

Each year, the insurer must get a written certification signed by the risk manager and the CEO stating that the large commercial risk:

- Has a risk manager with the necessary qualifications (and states the qualifications);
- Meets two of the other criteria stated in the law;
- Is aware the policy is not subject to initial regulatory review or approval; and
- Has the necessary expertise to negotiate its own language and rates, and agrees to the use of the exempted rates and forms.

This certification must be retained by the insurer. Each year, the insurer must also give the Commission the number of exempted policyholders and an aggregation of the criteria establishing the exemption.

Chapter 624/718 (Senate Bill 735/House Bill 1271) – EFFECTIVE JANUARY 1, 2001

This bill amends §§ 38.2-1901 (Regulation of Rates Chapter), 65.2-101, and 65.2-801 (Workers' Compensation Act), and adds new sections numbered §§ 38.2-1921.1 and 65.2-803.1. The bill requires professional employer organizations (PEOs) to register with the Workers' Compensation Commission and allows registered PEOs to purchase workers' compensation insurance coverage for workers leased to their client companies.

Under the new law, a PEO may obtain a master workers' compensation insurance policy in its own name covering all of the employees that it leases to its client companies. This provision only applies to PEOs that purchase workers' compensation insurance through the voluntary market. PEOs that obtain coverage through the assigned risk market are not eligible for these master policy arrangements. Client companies are required to maintain a separate policy covering employees not insured by the PEO's policy.

The new law establishes guidelines for determining the experience rating modification factors to be used. The law

allows insurers to conduct periodic audits of PEOs and client companies and also allows insurers to inspect the premises of the client companies. Provisions are also included to ensure that client companies and the Workers' Compensation Commission receive notice whenever coverage is terminated.

The new law requires that anyone who solicits, negotiates, procures, or effects insurance on behalf of a PEO must be licensed as an insurance agent.

The provisions of this bill are effective with respect to any workers' compensation insurance policy issued to or renewed with a PEO on or after January 1, 2001.

Chapter 1038 (House Bill 21)

This bill amends § 38.2-5004.1 in the Virginia Birth-Related Neurological Injury Compensation Act to make the insurance company notification provision apply only to insurers described in § 38.2-5020.1 rather than all insurers. This bill amends the law that was enacted in 1999 requiring insurers and self-insurers to report to the Virginia Birth-Related Neurological Injury Compensation Program any claims which allege a possible birth-related neurological injury. The law will now only require *medical malpractice liability* insurers licensed in the Commonwealth to report these claims rather than *all* insurers licensed in the Commonwealth.

The bill also states that the amendments to § 38.2-5009 enacted in 1990 shall be retroactively effective in all cases arising prior to July 1, 1990, that have been filed on a timely basis and are not yet final. (The 1990 amendments extended coverage to injured infants delivered by a participating physician or born at a participating hospital.)

TITLE BILLS

Chapter 549 (Senate Bill 620)

This bill amends §§ 6.1-2.21, 6.1-2.27 (Banking and Finance Title), and 38.2-1810 (Insurance Agents Chapter), and enacts § 6.1-2.23:1 relating to the Consumer Real Estate Settlement Protection Act.

Section 6.1-2.21 has been amended to clarify that a title insurance agent acting in the capacity of a settlement agent must be appointed by a title insurance company licensed in Virginia.

Section 6.1-2.23:1 has been added to prohibit settlement agents from intentionally making materially false or misleading statements or entries on a settlement statement. A good faith estimate of charges indicated as such on the settlement statement shall not be deemed to be a violation.

Section 6.1-2.27 has been amended to allow the appropriate licensing authority to order that restitution be made when there has been a violation of the chapter. It also gives the Commission the authority to order penalties, injunctions, and restitution if a person who does not hold a license from the appropriate licensing authority has violated the chapter.

Section 38.2-1810 has been amended to require that title insurers file a statement with the Commission if the insurer suspects that an appointed title insurance agent has committed an act of larceny with respect to money belonging

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to an insured or prospective insured or received in connection with performing settlement services.

INSURANCE AGENTS AND CONTINUING EDUCATION BILLS

Chapter 522 (House Bill 455)

This bill amends §§ 38.2-1868.1 through 38.2-1872 in the Continuing Education Article of the Insurance Agents Chapter. The bill clarifies the two dates for the submission of proof of compliance and that the Continuing Education Board (Board) grants full and partial waivers of credit requirements. The bill clarifies that the notice from the Commission prior to license termination may be more than 30 days. The subsection also clarifies that the Board Administrator and Commission have no authority to extend time for the submission of proof of compliance, request of waivers, or additional time to complete courses. Other clarifications include the distinction between notice of impending termination and the 30-day period for correction of records. The bill establishes a reasonable appeal period before license terminations.

The bill also modifies the time for filing an appeal of a Board decision. The agent is required to provide written notice within 45 days following the 30-day period for record correction.

The bill provides that agents wishing to contest the termination of a license by the Commission must adhere to the Commission's Rules of Practice and Procedure and the Rules of the Supreme Court of Virginia.

The bill clarifies that if a property and casualty insurance agent's license is terminated for noncompliance with the article and the agent is licensed as a surplus lines broker, the surplus lines broker's license is also terminated, as is a title settlement agent's license who has a title insurance agent's license terminated for noncompliance, and as is a variable contracts agent's license who has a life and health insurance agent's license terminated for noncompliance.

The bill modifies the penalty provisions imposed on **nonresident** agents who fail to comply with the article. The requirement that nonresidents complete Virginia's pre-licensing education and pre-licensing examination requirements has been removed from the statute, except with respect to agents from states without continuing education requirements or states that are non-reciprocal. Residents of states without continuing education or reciprocity agreements with Virginia will continue to be required to take the Virginia study course and examination if their Virginia license(s) terminate for noncompliance.

The bill permits partial waivers for course credits. That is, licensees who have completed some but not all of the course requirements may apply for waivers of the remaining required hours under certain conditions and for good cause. Requests for full or partial waivers can be submitted to the Board or its administrator by the deadlines set forth in the statute.

The bill expands the circumstances under which **resident** agents who will have attained the age of 65 by the end of a biennium may apply for and be granted an exemption. In addition to the existing exemption if the resident agent has

held resident or nonresident Virginia licenses for at least 20 years, the law will now permit an exemption if a resident agent has currently held a Virginia resident license for at least four years by the end of the biennium and held equivalent licenses in other states for sufficient years to make a total of 20 continuous years licensed.

The bill also requires the Board to provide information to the Commission on the final list of agents in compliance with the article 15 days after the appeal period rather than by May 30 following the end of a biennium.

LIFE BILLS

Chapter 173 (House Bill 940)

This bill provides a means of permitting additional benefits for educational loan guarantees to be included with life insurance products.

This is accomplished as follows:

1. Section 38.2-102 in the General Provisions Chapter is amended to add a new subsection B that includes within the definition of "life insurance" additional benefits to provide for educational loans, subject to the provisions of new § 38.2-3113.3.
2. Section 38.2-3113.3 is added to the Life Insurance Chapter to allow educational loan benefits to be included as additional benefits, either as part of the life policy or as a rider or separate agreement. The policy, rider, or separate agreement must state clearly that the loan will be granted provided the covered individual applying for such loan has satisfied the stated qualifications. Loan eligibility qualifications shall not be more restrictive than the following:
 - The loan applicant is a covered individual under the life policy.
 - The purpose of the loan is to provide funds for a covered individual to attend an institution of higher learning, a trade school, or a technical school age.
 - Eligibility may be limited to an age range no less restrictive than age 15-25, subject to continued life insurance coverage of the covered individual during this duration.
 - The individual must attend a qualifying institution at least half-time and must maintain an academic record sufficient to demonstrate reasonable progression or advancement.
3. The amount of funds available must be specified in the policy, rider, or separate agreement, and must be limited to an amount not to exceed the actual cost of the school or institution during any given year of attendance. If the amount is to vary by year of attendance, this must be disclosed and a schedule included.
4. The terms of the loan must be clearly stated, and if, in a document other than the policy, the document must be filed with the Commission for review.
5. There is a disclosure requirement under which the individual must be advised of the prudence of obtaining

information about educational loans from a variety of sources before making any decision about borrowing funds for financing higher education.

6. The forms, including the policy, rider, or separate agreement, must be filed with and approved by the Commission before they can be used.

7. All advertising material used in the solicitation or promotion of the educational loan feature of a life insurance policy, rider, or separate agreement must be filed with and approved by the Commission before it can be used.

Chapter 193 (Senate Bill 304)

This bill amends § 38.2-305 in the Provisions Relating to Insurance Policies Chapter dealing with the contents of insurance policies. The bill requires life insurance policies and annuity contracts that contain a beneficiary designation that names the spouse of the policy owner to contain a notice titled "Beneficiary Designation May Not Apply in the Event of Annulment or Divorce." The notice must be attached to or incorporated into the front or first page of the contract.

The notice describes the requirements of § 20-111.1, which voids a revocable beneficiary designation for a policy owned by one spouse that names the other spouse beneficiary upon entry of an annulment or divorce decree. The notice provides information about action that can be taken prior to entry of the decree, if the parties desire the beneficiary designation to continue. The parties can (i) change the beneficiary designation to make it irrevocable; (ii) change the ownership of the policy or contract; (iii) execute a separate written statement; or (iv) have the decree contain a provision that the beneficiary provision is not revoked pursuant to § 20-111.1

NOTE: If the insurer elects to comply with this requirement by attaching a separate notice to the front or first page of the contract, such notice must be filed with and approved by the Bureau in accordance with the requirements of § 38.2-316. Further, if the insurer also intends to use the separate notice with new issues of previously approved forms, a listing of those forms, along with the Bureau's approval dates, must be submitted to the Bureau as part of the form submission. If, on the other hand, the insurer intends to comply with this requirement by revising and reprinting previously approved policies to incorporate the notice directly within the text of the front or first page of newly issued policies, the policies will need to be assigned new form numbers and be submitted to the Bureau for approval.

HEALTH BILLS

Chapter 118 (House Bill 574)

This bill amends § 38.2-3411.1 in the Mandated Benefits Article of the Accident and Sickness Insurance Chapter to require the offer of coverage for "child health supervision services." The bill adds short-term travel or accident only policies and short-term nonrenewable policies of not more than six months to the policies **exempt** from the requirements of the section.

Chapter 136 (House Bill 1014)

This bill amends § 38.2-3430.3 in the Individual Health Insurance Coverage Article of the Accident and Sickness Insurance Chapter to require the guaranteed availability of individual coverage for persons with prior group coverage. The bill exempts applications used for Medicare beneficiaries participating in plans administering coverage according to state and federal guidelines for predetermined compensation (Medicare + Choice) from requirements imposed to determine eligibility under the Health Insurance Portability and Accountability Act. The bill also amends § 38.2-3432.3 to reduce the length of time that a late enrollee can be excluded from coverage or have a pre-existing limitation applied to 12 months.

Chapter 149 (House Bill 1497)

This bill adds § 38.2-3407.13:1 to the Accident and Sickness Insurance Chapter. The bill applies to insurers issuing individual or group accident and sickness insurance policies providing hospital, medical and surgical, or major medical coverage on an expense-incurred basis; corporations providing subscription contracts; and health maintenance organizations (HMOs) providing health care plans.

Any policy, contract, or plan including certificates or evidences of coverage that contain a coordination of benefits provision must provide written notice to the insured, subscriber, or member as a prominent part of its enrollment materials. The notice must inform the insured, subscriber, or member that if they are covered under another policy, contract, or plan, the other policy, contract, or plan may have primary responsibility for the covered expenses of other family members enrolled with the insured, subscriber, or member. The written notice must describe the conditions under which the other coverage would be primary for dependent children and the method the insured, subscriber, or member can verify which coverage would have primary responsibility for each family member.

The bill is not to be construed to abrogate coordination of benefits provisions, pursuant to § 38.2-3405 B.

Chapter 157 (House Bill 165)

This bill adds § 38.2-3418.12 to the Accident and Sickness Insurance Chapter and amends § 38.2-4319 in the Health Maintenance Organizations (HMOs) Chapter. The bill applies to insurers issuing individual or group accident and sickness policies providing hospital, medical and surgical, or major medical coverage on an expense-incurred basis; corporations providing subscription contracts; and HMOs providing health care plans. The policies, plans, and contracts must include coverage for medically necessary general anesthesia and hospitalization or facility charges in a licensed outpatient surgical facility or hospital. The coverage is for outpatient surgical procedures for dental care for a covered person that the dentist and treating physician determine requires general anesthesia and admission to a hospital/outpatient surgery facility to provide effective, safe dental care if the person is (i) is under the age of five, or (ii) is severely disabled, or (iii) has a medical condition and requires admission to a hospital or outpatient surgery facility and general anesthesia for dental treatment. For purposes of the section, a determination of medical necessity must include, but not be limited to,

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consideration of whether the age, physical condition, or mental condition of the covered person requires utilization of general anesthesia and admission to a hospital or surgical facility.

The insurer, corporation, or HMO may require prior authorization in the same manner as for other benefits.

The insurer, corporation, or HMO shall restrict coverage for general anesthesia to providers licensed to provide anesthesia and coverage for facility charges to licensed facilities.

The bill is not to be construed to require coverage for dental care incident to the coverage in the bill.

The bill applies to policies, contracts, or plans delivered, issued for delivery, or renewed in Virginia on and after July 1, 2000.

The bill does not apply to short-term travel, accident only, limited or specified disease policies, or to policies or contracts designed for issuance to persons eligible for Medicare or similar coverage under state or federal governmental plans.

Chapter 264 (House Bill 1266)

This bill amends § 38.2-3407.4:1 in the Accident and Sickness Insurance Chapter that requires the adoption by the Commission of a uniform referral form. The amended bill requires the Commission to adopt a uniform referral form for managed care health insurance plans (MCHIPs). The Commission is to incorporate only the data elements adopted by the Health Care Financing Administration (HCFA) for Electronic Data Interchange standards. The MCHIPs must use the uniform referral form as the only instrument for referrals.

Chapter 460/496 (Senate Bill 221/House Bill 914)

These bills create a new § 38.2-3411.3 in the Mandated Benefits Article of the Accident and Sickness Insurance Chapter. The bills apply to insurers issuing individual or group accident and sickness insurance policies providing hospital, medical and surgical, or major medical coverage on an expense-incurred basis; each corporation providing individual or group subscription contracts; and each health maintenance organization providing a health care plan for health care services. The policies, plans, and contracts must provide coverage for all routine and necessary immunizations for newborn children. Benefits shall apply to immunizations administered to each newborn child from birth to 36 months of age. The new section defines "routine and necessary immunizations" as immunizations against diphtheria, pertussis, tetanus, polio, hepatitis B, measles, mumps, rubella, and other such immunizations as may be prescribed by the Commissioner of Health.

The new requirements do not apply to any policy, contract or plan under which the policyholder has elected to obtain coverage for child health supervision services offered and made available under § 38.2-3411.1 or to short-term travel, accident only, limited or specified disease policies, Medicare supplement policies, or short-term nonrenewable policies of not more than six months' duration.

Chapter 465 (Senate Bill 541)

The bill adds § 38.2-3418.12 to the Accident and Sickness Insurance Chapter and amends § 38.2-4319 in the Health Maintenance Organizations Chapter. The bill applies to insurers issuing individual and group accident and sickness policies providing hospital, medical and surgical, or major medical coverage on an expense-incurred basis, corporations providing individual or group subscription contracts and health maintenance organizations providing a health care plan for health care services. The policies, plans and contracts must offer and make available coverage for the treatment of morbid obesity through gastric bypass surgery or such other methods as may be recognized by the National Institutes of Health as effective for the long-term reversal of morbid obesity. The bill applies to policies, contracts, and plans delivered, issued for delivery or renewed on and after July 1, 2000.

The reimbursement for treatment of morbid obesity is to be determined according to the same formula by which charges are developed for other medical and surgical procedures. The coverage is to have durational limits, dollar limits, deductibles, copayments and coinsurance factors that are no less favorable than for physical illness generally. Insurers are not to restrict access to surgery for morbid obesity based upon dietary or other criteria not approved by the National Institutes of Health.

The bill defines "morbid obesity" as (i) a weight that is at least 100 pounds over or twice the ideal weight for frame, age, height, and gender specified in the 1983 Metropolitan Life Insurance tables, (ii) a body mass index (BMI) equal to or greater than 35 kilograms per meter squared with comorbidity or coexisting medical conditions such as hypertension, cardiopulmonary conditions, sleep apnea, or diabetes, (iii) a BMI of 40 kilograms per meter squared without such comorbidity. BMI equals weight in kilograms divided by height in meters squared as used in the bill.

The provisions of the bill do not apply to short-term travel, accident only, limited or specified disease policies or contracts designed for persons eligible for Medicare or similar state or governmental plans, or to short-term nonrenewable policies of not more than six months' duration.

Chapter 479 (House Bill 1176)

This bill amends § 2.1-20.1 (Administration of the Government Generally Title) relating to state employee health coverage and § 32.1-325 (Health Title) pertaining to the requirements for coverage provided by the medical assistance services plan. The bill also adds § 38.2-3407.4:2 to the Accident and Sickness Insurance Provisions Chapter.

Section 38.2-3407.4:2 applies to each insurer proposing to issue individual or group accident and sickness policies providing hospital, medical and surgical, or major medical coverage on an expense-incurred basis; corporations providing subscription contracts; and health maintenance organizations (HMOs) providing health care plans that include coverage for prescription drugs, whether on an inpatient or outpatient basis or both. The policies, contracts, and plans must provide for the issue of a standardized prescription benefits identification card or other technology that complies with the National Council for Prescription Drug Programs

(NCPDP) standards set forth in the NCPDP Pharmacy Card Implementation Guide (Guide).

The standardized prescription benefits identification card or other technology must be capable of accommodating the mandatory data elements included in the Guide and must be issued to each new insured, subscriber, or enrollee and reissued when there are coverage changes that affect the data elements on the card or other technology. New or reissued cards must comply with the most recently issued Guide.

A standardized prescription benefits card is not considered to be part of the evidence of coverage and is not required to be filed with or approved by the Commission.

The bill does not apply to short-term travel, or accident-only policies, or to short-term nonrenewable policies of not more than six months' duration.

The bill applies to contracts, policies, or plans delivered, issued for delivery, or renewed in Virginia on and after July 1, 2002.

The state employee coverage and coverage under the medical assistance services plan must also require the standardized prescription benefits identification card, or other technology that complies with the NCPDP standards.

A second enactment clause provides that the bill is not effective unless it is reenacted by the 2001 Session.

Chapter 508 (Senate Bill 284)

This bill adds § 38.2-3407.9:02 to the Accident and Sickness Provisions Chapter. The bill provides that insurers proposing to issue individual or group accident and sickness policies providing hospital, medical and surgical, or major medical coverage on an expense-incurred basis; corporations providing subscription contracts; or health maintenance organizations providing health care plans may not exclude coverage for any prescription drug solely on the basis of the time elapsed since FDA approval of the drug. The bill applies if the policy, contract, or plan includes coverage for prescription drugs.

Chapter 532 (House Bill 923)

This bill adds § 38.2-5202.1 to the Long-term Care Insurance (LTC) Chapter and revises § 38.2-4123 to make the LTC Chapter applicable to fraternal benefit societies. Sections 38.2-4214 and 38.2-4319 are revised to clarify that the LTC chapter applies to health services plans and health maintenance organizations. The bill requires **individual** LTC policies or certificates to refund premiums in the event of cancellation or termination of coverage. The refund must be made by the insurer within 30 days of the effective date of the termination. The refund must be computed on a pro rata basis whether it is terminated by the insurer or the insured.

The bill applies to individual LTC policies, contracts, and plans delivered, issued for delivery, reissued, renewed or extended or at any time when any term is changed or any premium adjustment is made. The bill does not apply to group LTC insurance or individual LTC policies, contracts or

plans providing coverage for the duration of the insured's life if the premium is paid in a single installment.

Chapter 540 (House Bill 1236) – EFFECTIVE JANUARY 1, 2001

This bill amends §§ 38.2-3503 and 38.2-3504 (the uniform and other provisions, respectively) in the Individual Health Insurance Coverage Article of the Accident and Sickness Insurance Chapter, § 38.2-4214 in the Health Services Plans Chapter and § 38.2-4319 in the HMOs Chapter to require a company to compute earned premiums on a pro rata basis when a policy is canceled at the insured's request, as addressed in § 38.2-3503, or by the company, as addressed in § 38.2-3504. The company must promptly return the unearned premium upon receipt of a written notice of cancellation from the insured, or notice of cancellation delivered to the insured by the company as applicable. The cancellation is not to prejudice any claim prior to the cancellation.

The bill applies to individual accident and sickness policies, health services plans contracts, and HMO health care plans issued, renewed, or extended on or after July 1, 2000.

Chapter 544 (Senate Bill 455)

This bill amends § 38.2-3432.2 in the Group Market Reforms and Individual Coverage Offered to Employees of Small Employers Article of the Accident and Sickness Insurance Chapter. The bill exempts health insurance coverage or products available only through a bona fide association or associations from subdivision A 2 of § 38.2-3432.2, the subdivision that requires that coverage offered in the small group market must be made available to all small employers.

Chapter 559 (House Bill 1511) – EFFECTIVE JANUARY 1, 2001

This bill amends §§ 38.2-5200, 38.2-5202, 38.2-5203, and 38.2-5207 and adds §§ 38.2-5209 and 38.2-5210 to the Long-term Care (LTC) Insurance Chapter to add a definition of "qualified long-term care insurance policy" or "federally tax-qualified long-term care insurance contract." The bill adds language that states the Commission shall promulgate regulations for LTC policies and certificates that it deems appropriate.

Section 38.2-5203 is amended to add the following to the list of prohibited provisions for LTC policies: (i) policies being issued on medical or health status by an agent or third-party administrator and (ii) policies providing that an insurer which has paid benefits under a LTC policy or certificate can recover benefit payments if the policy or certificate is rescinded.

The bill also provides that no LTC policy or certificate may be marketed as a qualified LTC policy or federally tax-qualified LTC contract unless the policy prominently discloses such in a statement.

The bill includes provisions on incontestability that allow rescission by the insurer or denial of a claim for a policy in force less than six months, if there was material misrepresentation in acceptance of coverage. If a policy has been in force between six months and two years, an insurer may rescind or deny a claim after showing material

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misrepresentation in the acceptance of coverage that pertains to the condition for which benefits are sought. After a policy has been in force two years, the policy is not contestable based on misrepresentation alone; the insured must have knowingly and willfully misrepresented relevant facts relating to his or her health. The bill does not apply if the insured dies and there is a remaining death benefit of accelerated benefits for a life policy. The provisions of §§ 38.2-3305 or 38.2-3326 would apply to remaining death benefits. The bill applies to life policies that have accelerated benefits in other situations.

The bill requires the offer of a non-forfeiture benefit that may be in the form of a rider. If the policyholder or certificate holder does not select the benefit, the insurer must provide a contingent benefit if there is a lapse. The benefit must be available for a specified period of time after a substantial premium increase.

A second enactment clause requires the Joint Commission on Health Care (JCHC) and the Bureau to study the work of the NAIC on reporting requirements and disclosures of information for LTC policies. The JCHC and the Bureau must report to the House Committee on Corporations, Insurance and Banking and the Senate Committee on Commerce and Labor before the 2001 Session.

The bill applies to LTC policies or certificates delivered, issued for delivery, or renewed in Virginia on or after July 1, 2000. The requirements of § 38.2-5210 take effect 60 days after (i) promulgation of regulations by the SCC providing for the non-forfeiture benefits or (ii) January 1, 2001, whichever is earliest.

Chapter 630 (House Bill 660)

This bill amends § 38.2-3407.9 in the Accident and Sickness Insurance Chapter that relates to the assignment of benefits for ambulance services.

The bill prohibits insurers proposing to issue individual or group accident and sickness insurance policies providing hospital, medical and surgical or major medical coverage on an expense-incurred basis, corporations providing subscription contracts; or HMOs providing health care plans from establishing or promoting an emergency medical response and transportation system that encourages or directs access with or in substitution of an emergency 911 system or other state, county or municipal emergency medical system for ambulance services. The bill provides that entities subject to the bill may use transportation other than 911 systems and state, county or municipal emergency medical systems for services that are not ambulance services.

The bill also prohibits policies, plans and contracts from requiring a person to obtain prior authorization before accessing an emergency 911 system or another state, county or municipal emergency medical system for emergency services.

Chapter 725 (Senate Bill 358)

This bill amends § 38.2-3412.1:01 in the Accident and Sickness Insurance Chapter that requires coverage for biologically-based mental illness. The bill clarifies the effective date for policies that were in effect when the original language for the section became effective on January 1,

2000. The section applies to insurance policies, subscription contracts, and health care plans delivered, issued for delivery, reissued, or extended on or after January 1, 2000, or when a term in the policy, contract, or plan is changed or a premium adjustment is made on or after January 1, 2000.

The bill also deletes the word "individual" in subsection A to clarify that the law does not apply to individual accident and sickness insurance policies, individual subscription contracts or individual health care plans provided by HMOs.

NOTE: Although not related directly to the amendments provided in the above bill, the Bureau recently concluded an analysis of § 38.2-3412.1:01 concerning the inclusion of drug addiction among the conditions considered to be *biologically based mental illnesses*, and whether smoking cessation therapies and services were permitted to be excluded from coverage requirements. The determination has been made that exclusions for smoking cessation therapies will not be disapproved, and that prior objections to earlier form submissions will be withdrawn. Carriers may contact the Bureau's Life and Health Forms & Rates Section for further clarification.

Chapter 873 (House Bill 1111)

This bill amends § 38.2-3407.9:01 in the Accident and Sickness Chapter relating to prescription drug formularies. The bill requires insurers to allow enrollees a prescription drug not in the formulary if the insured was taking the drug for at least six months before the formulary was developed or revised. There is to be no additional cost sharing. The prescribing physician must determine that the formulary drug is inappropriate for the patient or may present a significant health risk to the patient. The substitution of a generic equivalent drug, approved by the FDA in place of a branded version of the drug, does not constitute a change in drug therapy.

The insurer, corporation, or health maintenance organization must act on requests within one business day after reasonable investigation and consultation with the physician.

Chapter 888 (Senate Bill 26)

This bill adds § 38.2-3418.7:1 to the Accident and Sickness Insurance Chapter. The bill applies to individual or group accident and sickness policies providing hospital, medical and surgical, or major medical coverage on an expense-incurred basis; corporations providing individual or group accident and sickness subscription contracts; and health maintenance organizations providing health care plans. The policies, contracts, and plans must provide coverage for colorectal screening on and after July 1, 2000, if they are delivered, issued for delivery, or renewed in Virginia.

The coverage for colorectal cancer screening, specifically screening with an annual fecal occult blood test, flexible sigmoidoscopy, or colonoscopy, or in appropriate circumstances, radiologic imaging, must be provided in accordance with the most recently published recommendations established by the American College of Gastroenterology, in consultation with the American Cancer Society, for the ages, family histories, and frequencies in the recommendations.

The coverage is not to be more restrictive than or separate from coverage for any other illness, condition, or disorder for the purposes of determining deductibles, benefit year or lifetime durational limits, benefit year or lifetime dollar limits or episodes, or treatment limits, copayment and coinsurance factors, and benefit year maximums for deductibles, copayments, and coinsurance factors.

The bill does not apply to (i) short-term travel, accident only, limited or specified disease policies, except cancer policies, (ii) short-term nonrenewable policies of not more than six months duration or (iii) policies or contracts designed for issuance to persons eligible for Medicare, or other similar coverage under state or federal governmental plans.

Chapter 922 (House Bill 726)

House Bill 726 was introduced in order to clarify provisions of 1999 House Bill 871/Senate Bill 1235, the omnibus health insurance bills. The bill amends §§ 32.1-137.6, 32.1-137.15 (Health Title), 38.2-3407.10, 38.2-3407.11:1, 38.2-3418.9 (Accident and Sickness Insurance Chapter), 38.2-4214 (Health Services Plans Chapter), 38.2-4319 (HMO Chapter), 38.2-4509 (Dental or Optometric Services Plans), 38.2-5803, 38.2-5804 (Managed Care Health Insurance Plans Chapter), and 38.2-5900 through 38.2-5904 (Adverse Utilization Review Decisions Chapter).

The amendments to §§ 32.1-137.6 and 32.1-137.15 and 38.2-5804 clarify that the Managed Care Ombudsman is an office, not a person. The amendment to subsection L of § 38.2-3407.10 clarifies confusing language regarding the preauthorization of medical treatment. The amendment to subsection M of § 38.2-3407.10 clarifies that the written notice that carriers must provide to their group policyholders before any benefit reductions are made must be a separate and distinct notification, and cannot be combined with other notifications or marketing materials.

The amendment to subsection A of § 38.2-3407.11:1 replaces the term "direct access" with the term "standing referral." Since the primary care physician (PCP) makes the initial referral of the patient to the specialist, this section refers in this context to a standing referral, not to direct access.

The amendments to subsections B and C of § 38.2-3407.11:1 combine old subsections B and C into a new subsection B. The new subsection B clarifies that the PCP makes the initial referral of a patient to a specialist and authorizes a treatment period. During that period, the patient is permitted to go directly to the specialist for treatment of the special condition without further referrals from the PCP. The new subsection C of § 38.2-3407.11:1 (formerly subsection D) also clarifies that the "specialist" for the treatment of the special condition is a "participating specialist."

The amendment to subsection B of § 38.2-3418.9 removes the unnecessary reference to Milliman & Robertson's nationally recognized guidelines in outlining the standards for length of hospital stays for the two types of vaginal hysterectomies.

The amendments to §§ 38.2-4214, 38.2-4319 and 38.2-4509 sweep in § 38.2-5903, the assessment provision of Chapter 59 of Title 38.2, so that health services plans, HMOs and

dental/optometric plans are subject to the assessment to fund the regulatory costs of administering Chapter 59 of Title 38.2. These three sections were also amended to correct non-substantive drafting errors from the 1999 legislation.

Section 38.2-5803 is amended to add a new subdivision 5 of subsection A to require that each evidence of coverage issued by a managed care health insurance plan (MCHIP) include information on how to contact the Office of the Managed Care Ombudsman, including the mailing address, e-mail address and telephone number.

NOTE: Any amendments or form revisions necessary to achieve compliance with this requirement must be filed for approval with the Bureau of Insurance in accordance with §§ 38.2-316 and/or 38.2-4306.

The amendments to § 38.2-5900 add a number of definitions to clarify the scope of Chapter 59:

"Covered person" is defined as an individual who is entitled to health care services or benefits provided, arranged for, paid for or reimbursed pursuant to an MCHIP as defined in and subject to regulation under Chapter 58 of Title 38.2, when such coverage is provided under a contract issued in this Commonwealth.

"Final adverse decision" is defined to mean a utilization review determination denying benefits or coverage concerning which all internal appeals available to the covered person pursuant to Title 32.1 have been exhausted.

"Treating health care provider" means a licensed health care provider who renders or proposes to render health care services to a covered person.

"Utilization review," which is not otherwise defined in Title 38.2, is defined as a system for reviewing the necessity, appropriateness and efficiency of hospital, medical or other health care services rendered or proposed to be rendered to a patient or group of patients for the purpose of determining whether such services should be covered or provided by an insurer, health services plan, MCHIP licensee or other entity or person. Utilization review includes, but is not limited to, preadmission, concurrent and retrospective medical necessity determination and review related to the appropriateness of the site at which services were or are to be delivered. Utilization review shall also include determinations of medical necessity based upon contractual limitations regarding "experimental" or "investigational" procedures by whatever terms designated in the evidence of coverage. Utilization review does not include (i) any denial of benefits or services for a procedure which is explicitly excluded pursuant to the terms of the contract or evidence of coverage, (ii) any review of issues concerning contractual restrictions on facilities to be used for the provision of services, or (iii) any determination by an insurer as to the reasonableness and necessity of services for the treatment and care of an injury suffered by an insured for which reimbursement is claimed under a contract of insurance in any of the classes of insurance defined in Chapter 1 of Title 38.2.

"Utilization review entity" is defined as an insurer or MCHIP licensee that performs utilization review or upon whose behalf utilization review is performed with regard to the health care

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or proposed health care that is the subject of the final adverse decision.

Subsection A of § 38.2-5901 is amended so that the original language of the subsection providing for an appeal by a covered person or his/her treating health care provider to the Bureau of Insurance for review of any final adverse decision in accordance with § 38.2-5901 is stricken, and the appeal is now subject to regulations promulgated by the State Corporation Commission. Subsection A is also amended to clarify that it is the Bureau of Insurance, not the Commission, that will collect, waive or charge the \$50 nonrefundable filing fee for an appeal.

Subsection D of § 38.2-5902 provides that all such fees collected by the Bureau will be credited to the fund for the maintenance of the Bureau as provided in subsection B of § 38.2-400.

The language in subsections A and B of § 38.2-5901 limiting appeals to those involving a service or benefit costing more than \$500 is amended to cover a health service for which the actual cost to the covered person exceeds \$300 if the final adverse decision is not reversed.

Subsections B and C of § 38.2-5901 and subsection A of § 38.2-5902 are amended to expand the time limits so that the Bureau of Insurance, the parties to the appeal and the external reviewer have sufficient time to fulfill their respective responsibilities under Chapter 59 of Title 38.2. The Bureau now has ten working days, not five, in which to complete the preliminary review of an appeal and five working days, not three, to notify the applicant and the utilization review entity in writing as to whether or not the appeal has been accepted for review. The covered person and utilization review entity now have 20 working days, not ten, to provide all copies of the necessary medical records to the Bureau. Failure to comply with the request for medical records within 20 days from the date of the request for records may result in dismissal of the appeal or reversal of the final adverse decision, at the discretion of the Commissioner of Insurance. The Bureau now has an additional 20 working days, not 10, to request additional medical records from any party. Subsection D of § 38.2-5901 is amended to clarify that it is the Bureau, not the Commission, which may provide an extension of time to any of the parties upon good cause shown. The utilization review entity now has 30 days from the date that all documentation has been received, not 30 days from the date the Bureau accepted the appeal, to complete its work.

Subsection A of § 38.2-5902 is also amended to clarify the language regarding the written ruling of the Commissioner of Insurance with regard to the appeal to impose a ten-day time limit on the Commissioner for the issuance of the written ruling. The language also clarifies that the Commissioner's written ruling affirms the recommendation of the impartial health entity unless the Commissioner has reason to conclude that the impartial health entity acted arbitrarily or capriciously. Subsection A of § 38.2-5902 is also amended to insert the term "utilization review entity" in place of "issuer of the covered person's policy or contract" for clarity and consistency.

Sanctions have also been added at subsection C of § 38.2-5901 and subsection A of § 38.2-5902. Subsection C of § 38.2-5901 provides the Commissioner of Insurance the authority to dismiss an appeal or reverse a final adverse decision in situations in which parties to an appeal fail to provide required information in a timely manner. Subsection A of § 38.2-5902 provides that if the utilization review entity fails to comply with the Commissioner's written ruling within 30 days of the ruling, it is a knowing and willful violation of the section, invoking the provisions of § 38.2-218.

Subsection B of § 38.2-5902 provides the Bureau the authority to determine which medical peer review organizations and independent utilization review companies have the necessary credentials to qualify to perform such reviews. This amendment reinserts language stricken from the 1999 omnibus health insurance bills.

Provisions of § 38.2-5904 are amended to clarify some of the responsibilities of the Office of the Managed Care Ombudsman (Office) and the fact that the Commission, of which the Office is one part, will respond to requests from the Virginia General Assembly or the Joint Commission on Health Care for information or reports.

Chapter 1060/1025 (House Bill 1376/Senate Bill 274)

This bill amends and clarifies § 38.2-3418.10, the mandate for diabetes coverage, contained in the Mandated Benefits Article of the Accident and Sickness Insurance Chapter. The bill clarifies that coverage for outpatient self-management training and education must be provided "in person." The bill further clarifies that the terms, "equipment" and "supplies," as used in § 38.2-3418.10, are not to be considered durable medical equipment.

The bill provides that a managed care health insurance plan, defined in § 38.2-5800 et seq., is permitted to require that health care professionals described in the mandate be members of the managed care health insurance plan's provider network. The network must include sufficient health care professionals to provide the benefits.

Finally, the bill prohibits insurers, corporations, and health maintenance organizations from imposing policy year or calendar year dollar or durational benefit limits or maximums for coverage under the section.

FINANCIAL REGULATION BILLS

Chapter 46 (Senate Bill 52) – EFFECTIVE JANUARY 1, 2001

This bill relates to accounting practices and procedures applicable to insurers. It amends § 38.2-213 (Provisions of a General Nature Chapter); §§ 38.2-1306.2, 38.2-1312, 38.2-1315, 38.2-1329 (Reports, Reserves and Examinations Insurance Holding Companies Chapter); 38.2-4123 (Fraternal Benefit Societies Chapter); 38.2-4319 (HMOs Chapter); 38.2-4604 (Title Insurance Chapter); adds § 38.2-1306.3 in the Valuation and Admissibility of Assets Article of Chapter 13; and repeals §§ 38.2-1307, 38.2-1308, 38.2-1309 and 38.2-1310.1. This bill incorporates by reference various guidances set forth in the accounting practices and procedures manuals of the National Association of Insurance Commissioners (NAIC). The NAIC recently adopted Statements of Statutory Accounting Practices (SSAPs) that will be the basis of new

accounting guidance that will become effective for statements and disclosures filed on and after January 1, 2001, which is the effective date of this legislation. Existing provisions regarding the valuation of bonds (§ 38.2-1307), securities (§ 38.2-1308), and real estate, leaseholds and mortgages (§ 38.2-1310) are repealed. References to the guidance set forth in the NAIC accounting practices and procedures manuals are substituted for current provisions that identify assets which are not admitted for purposes of determining an insurer's financial condition.

Chapter 47 (Senate Bill 54 – Bureau Bill)

This bill amends § 38.2-4214 (Health Services Plans Chapter); § 38.2- 4319 (HMOs Chapter); § 38.2-4509 Dental or Optometric Services Plans Chapter); §§ 38.2-5500 - 38.2-5510 (Risk-Based Capital Act for Insurers Chapter); and adds § 38.2-5515 to apply the Risk-Based Capital (RBC) Act to "health organizations," including health maintenance organizations, health services plans, and dental or optometric services plans as well as some insurers. From July 1, 2000, until January 1, 2001, the monitoring provisions of the RBC Act will apply to HMOs. Effective January 1, 2001, these health organizations operating in Virginia will be subject fully to the RBC Act. The risk-based capital of health organizations will be determined in accordance with the formula set forth in instructions adopted by the NAIC. The Commission may exempt from the RBC Act a domestic health organization that writes direct business only in Virginia and assumes no reinsurance in excess of five percent of direct premium written, and writes direct annual premiums of \$2 million or less for comprehensive medical coverages or is a dental or optometric services plan that covers fewer than 2,000 lives.

Chapter 51 (Senate Bill 206 – Bureau Bill)

This bill amends § 38.2-216 to require a domestic insurer to obtain written approval from the Commission prior to entering into or modifying any reinsurance treaty or risk-sharing arrangement if in any 12-month period the reinsurance premium or the anticipated change in the insurer's liabilities exceeds 50 percent of the insurer's surplus to the policyholders as of the preceding December 31. Failure to obtain such approval is punishable as a Class 1 misdemeanor.

Chapter 52 (Senate Bill 207)

This bill amends §§ 13.1-752, 13.1-914, 13.1-930, 13.1-1064 (Corporations Title) and § 50-73.69 in the Partnerships Title to provide for the automatic termination of corporate existence, revocation of certificate of authority to transact business, or cancellation of certificate of limited liability company or limited partnership if an entity's registered agent has resigned and the entity does not timely appoint a new registered agent. The bill requires the Commission to mail a notice to the entity by first class mail and provides a minimum of two months for the entity to make the new appointment. Currently, the failure to appoint a new registered agent in a timely manner results in termination or revocation after the entity is cited in a rule to show cause, which is followed by the opportunity for a hearing before the Commission. The measure applies only to entities

whose registered agents file a certificate of resignation on or after January 1, 2001.

Chapter 155 (House Bill 44)

The bill amends §§ 38.2-1425 and 38.2-1426 in the Investments Chapter relating to investments by domestic insurers in a bank or trust company. The bill eliminates the earnings test that allows domestic insurers to invest in the capital stock of only those banks or trust companies that earned a minimum rate of return. As a result of the amendments, an insurer's investments in the common stock of banks will remain subject to § 38.2-1425 while investments in bank debt issues, including notes, debentures, and most preferred stock, will become subject to provisions §§ 38.2-1421, 38.2-1423 and elsewhere pertaining to investments generally in corporate obligations and debt securities issued by other business entities.

Chapter 169 (House Bill 756)

The bill amends § 38.2-1019 in the Organization, Admission and Licensing of Insurers Chapter to require that any insurer domiciled in another state that becomes a domestic insurer shall be recognized as an insurer initially licensed, in another jurisdiction, as of the date it was first licensed as an insurer in the state of its original domicile.

Chapter 171/204 (House Bill 835/Senate Bill 593)

This bill amends § 38.2-4504 in the Dental or Optometric Services Plans Chapter to eliminate the requirement that a nonstock corporation administering a dental or optometric plan be an agent for the participating dentists and optometrists. A change in a nonstock corporation's agent status must be approved by the Commission after review of the corporation's financial condition and method of doing business. Nonstock corporations not acting as agents for dentists and optometrists must keep a contingency reserve of no less than the amount required for 45 days of operating expenses.

Chapter 206 (Senate Bill 759)

The bill amends § 38.2-1700 (Virginia, Life, Accident and Sickness Insurance Guaranty Associations Chapter) to provide that the Life, Accident and Sickness Insurance Guaranty Association will provide coverage for structured settlement annuities based on the residence of the injured person receiving payments under the annuity.

Chapter 266 (House Bill 1392)

The bill amends § 55-531 (Property and Conveyances Title) to expand the categories of nonprofit health care entities that are required to notify the Attorney General of a proposed disposition of assets, in order that the Attorney General may exercise authority over their activities. The categories of nonprofit health care entities that are included by this legislation include (i) licensed nursing homes, (ii) certified nursing facilities, and (iii) registered continuing care facilities.

Chapter 503 (Senate Bill 73 – Bureau Bill)

The bill amends §§ 38.2-4300, 38.2-4301, 38.2-4302, 38.2-4307.1, 38.2-4310, 38.2-4317.1 and 38.2-4319 in the HMOs Chapter by adding definitions at §§ 38.2-4300 for "acceptable

General Notices/Errata

securities,” “excess insurance,” and “net worth;” describing more fully the content of filings required by §§ 38.2-4301, 38.2-4302 and 38.2-4307.1; and adding new statutory cross-references in §§ 38.2-4317.1 and 38.2-4319. Amendments at § 38.2-4310 and a new § 38.2-4310.1 provide for an initial deposit prior to licensure of an amount not less than \$300,000 and clarify the policies and procedures for using deposited amounts.

MISCELLANEOUS BILLS

Chapter 50 (Senate Bill 79)

This bill amends the “sweep-in” provisions in the chapters of Title 38.2 addressing health services plans (§ 38.2-4214), health maintenance organizations (§ 38.2-4319), legal services plans (§ 38.2-4408), and dental and optometric plans to include a cross-reference to § 38.2-209 (Provisions of a General Nature Chapter), which pertains to payment of the reasonable attorney's fees of insured individuals in civil suits to determine the extent of coverage, if a court determines that such an entity did not act in good faith in denying coverage or failing or refusing to make payment under a policy.

Chapter 101 (Senate Bill 372)

The bill adds in Title 59.1 (Trade and Commerce) the Uniform Computer Information Transactions Act (UCITA). The UCITA was promulgated by the National Conference of Commissioners on Uniform State Laws. Modeled after the Uniform Commercial Code, Article 2, the UCITA is designed to govern transactions of computer information.

Chapter 527 (House Bill 762)

This bill adds § 38.2-221.1 (Provisions of a General Nature Chapter) to allow insurers to request that certain information furnished to the Commission be considered confidential proprietary information. This section applies only to information the Commission requests during the course of a market conduct examination pursuant to Article 4 of Chapter 13 or inspection request or inquiry pursuant to §§ 38.2-200. Such confidential proprietary information shall not be subject to subpoena or public inspection. The bill makes it clear that the Commission is not prohibited from using the confidential proprietary information in the furtherance of any regulatory or legal action or from publishing its market conduct reports, opinions, orders, decisions, findings, judgments, or any other report containing aggregated findings as long as the confidential proprietary information is not disclosed unless the Commission has found, after providing the insurer notice and opportunity to be heard, that such information is not confidential proprietary information.

Chapter 669 (House Bill 494) – EFFECTIVE APRIL 8, 2000

The bill adds § 38.2-226.3 (Provisions of a General Nature Chapter) to exclude from insurance regulation the operation of a health care services plan that was sponsored by a private non-profit agency organized in 1965 and designated as a community action agency pursuant to Chapter 39 of Title 2.1. **The measure expires July 1, 2001.**

Chapter 753 (House Bill 1211)

This bill amends § 38.2-4301 in the Health Maintenance Organization (HMOs) Chapter to exempt an HMO licensed in a state contiguous to Virginia from the requirement that it be licensed in Virginia if the HMO contracts on a limited basis with health care providers in Virginia for the provision of services to enrollees under a group contract not delivered or issued for delivery in Virginia, and (i) the number of Virginia residents receiving such services does not exceed 500 enrollees of the HMO and (ii) the contracts with the providers include a hold harmless clause.

Chapter 862/934 (House Bill 1366/Senate Bill 718)

This bill amends § 38.2-3407.10 in the Accident and Sickness Insurance Provisions Chapter and amends § 38.2-4319 in the HMOs Chapter. The bill applies to insurers proposing to issue individual or group accident and sickness policies providing hospital, medical and surgical, or major medical coverage on an expense-incurred basis; corporations providing subscription contracts; and HMO's providing health care plans.

The bill adds Subsection O, requiring that if a provider panel contract between a carrier, or other entity providing hospital, physician or other health care services to a carrier includes provisions requiring a provider, as a condition of participating in one of the carrier's or other entity's provider panels, to participate in any other provider panel owned or operated by that carrier or other entity, then the contract shall contain a provision permitting the provider to refuse participation in one or more such other provider panels at the time the contract is executed without affecting the provider's status as a member of or for eligibility in other existing or new provider panels.

The bill does not apply to the Medallion II and children's health insurance plan administered by or pursuant to contract with the Department of Medical Assistance.

The bill requires that the new language shall apply to contracts between carriers and providers that are entered into or renewed on or after July 1, 2000.

Chapter 995 (House Bill 499)

This bill adds in Title 59.1 (Trade and Commerce) the Uniform Electronic Transaction Act (UETA). The UETA was promulgated by the National Conference of Commissioners on Uniform State Laws; a resolution supporting UETA has been adopted by the NAIC. UETA provides that records and decisions of insurers and others will not be invalidated solely because of their electronic format. The bill amends multiple sections of the Code of Virginia pertaining to electronic signatures by adding reference to the new UETA in Title 59.1.

DEPARTMENT OF SOCIAL SERVICES

Periodic Review of Regulations

Pursuant to Executive Order Number Twenty-five (98), the Department of Social Services is currently reviewing the below listed regulation to determine if it should be terminated, amended, or retained in its current form. The review will be guided by the principles listed in Executive Order Number

Twenty-five (98) and in the department's Plan for Review of Existing Agency Regulations.

The department seeks public comment regarding the regulation's interference in private enterprise and life, essential need of the regulation, less burdensome and intrusive alternatives to the regulation, specific and measurable goals that the regulation is intended to achieve, and whether the regulation is clearly written and easily understandable.

The regulation is:

22 VAC 40-800-10 et seq., Family-Based Social Services.

Written comments may be submitted until July 23, 2000.

Contact: Marjorie L. Marker, Adult Services Program Consultant, Division of Family Services, Department of Social Services, 730 East Broad Street, Richmond, Virginia 23219-1849, telephone (804) 692-1262, FAX (804) 692-2215.

STATE WATER CONTROL BOARD

Proposed Amended Consent Special Order King George County Service Authority Dahlgren District Wastewater Treatment Plant

The State Water Control Board (board) proposes to issue an amended Consent Special Order (order) to King George County Service Authority (county) regarding the Dahlgren District wastewater treatment plant (Dahlgren WWTP) located in King George County, Virginia.

The Dahlgren WWTP is subject to VPDES Permit No. VA0026514. The amended order provides the Dahlgren WWTP with interim effluent limits for ammonia until December 31, 2001, when the county will have completed the upgrade of the WWTP. The county has agreed to the issuance of the amended order.

On behalf of the board, the Department of Environmental Quality's Northern Virginia Regional Office will receive comments relating to the decree through August 2, 2000. Please address comments to: Elizabeth Anne Crosier, Northern Virginia Regional Office, Department of Environmental Quality, 13901 Crown Court, Woodbridge, Virginia 22193. Please write or visit the Woodbridge address, or call (703) 583-3886, in order to obtain or examine a copy of the Consent Decree.

VIRGINIA CODE COMMISSION

Notice to State Agencies

Mailing Address: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219. You may FAX in your notice; however, we ask that you FAX two copies and do not follow up with a mailed copy. Our FAX number is: (804) 692-0625.

Forms for Filing Material for Publication in *The Virginia Register of Regulations*

All agencies are required to use the appropriate forms when furnishing material for publication in *The Virginia Register of Regulations*. The forms may be obtained from: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591.

Internet: Forms and other *Virginia Register* resources may be printed or downloaded from the *Virginia Register* web page:

<http://legis.state.va.us/codecomm/register/regindex.htm>

FORMS:

NOTICE of INTENDED REGULATORY ACTION - RR01

NOTICE of COMMENT PERIOD - RR02

PROPOSED (Transmittal Sheet) - RR03

FINAL (Transmittal Sheet) - RR04

EMERGENCY (Transmittal Sheet) - RR05

NOTICE of MEETING - RR06

AGENCY RESPONSE TO LEGISLATIVE OBJECTIONS
- RR08

CALENDAR OF EVENTS

Symbol Key

-  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

July 17, 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.

COMMONWEALTH COUNCIL ON AGING

† **July 31, 2000 - 10 a.m.** -- Open Meeting
Virginia Department for the Aging, 1600 Forest Avenue, Suite 102, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular business meeting of the Legislative Committee.

Contact: Marsha Mucha, Administrative Staff Assistant, Department for the Aging, 1600 Forest Ave., Suite 102, Richmond, VA 23229, telephone (804) 662-9312.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Board of Agriculture and Consumer Services

† **July 13, 2000 - 9 a.m.** -- Open Meeting
Sheraton Four Points Hotel, 900 Prices Fork Road, Olin Preston Meeting Room, Blacksburg, Virginia.

A regular meeting to discuss issues related to Virginia agriculture and consumer issues. 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 for any appropriate accommodation.

Contact: Roy E. Seward, Board Secretary, Department of Agriculture and Consumer Services, Washington Building, 1100 Bank Street, Suite 211 Richmond, VA 23219, telephone (804) 786-3538, FAX (804) 371-7679.

Virginia Cattle Industry Board

July 27, 2000 - 10:30 a.m. -- Open Meeting
Holiday Inn, Woodrow Wilson Parkway, Staunton, Virginia. (Interpreter for the deaf provided upon request)

During the regular meeting, the board will approve minutes from the May 2000 meeting in addition to reviewing the financial statement for the period May 1 through June 30. Staff will give program updates for the state and national level. Committees will convene to review project proposals submitted by staff and other organizations for planning for FY 00-01 marketing plan. 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: Reginald B. Reynolds, Executive Director, Virginia Cattle Industry Board, Department of Agriculture and Consumer Services, P.O. Box 9, Daleville, VA 24083, telephone (540) 992-1992, FAX (540) 992-4632.

Virginia Charity Food Assistance Advisory Board

† **August 10, 2000 - 10:30 a.m.** -- Open Meeting
Department of Agriculture and Consumer Services, Washington Building, 1100 Bank Street, 2nd Floor, Board Room, Richmond, Virginia.

A routine meeting to discuss issues related to food insecurity. 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 Steven W. Thomas at least five days before the meeting date so that suitable arrangements can be made.

Contact: Steven W. Thomas, Executive Director, Virginia Charity Food Assistance Advisory Board, Department of Agriculture and Consumer Services, Washington Building, 1100 Bank St., Room 809, Richmond, VA 23219, telephone (804) 786-3936, FAX (804) 371-7788.

Virginia Peanut Board

† **July 6, 2000 - 11 a.m.** -- Open Meeting
Virginia Peanut Growers Association, 23020 Main Street, Capron, Virginia. ♿

A meeting to hear the chairman's report, elect officers for 2000-2001, and approve the 2000-2001 budget. The minutes of the last meeting will be heard and approved and the board's financial statement will be reviewed. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any 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: Russell C. Schools, Program Director, Department of Agriculture and Consumer Services, Virginia Peanut Board, P.O. Box 356, Capron, VA 23829, telephone (804) 658-4573 or FAX (804) 658-4531.

Virginia Small Grains Board

July 27, 2000 - 8 a.m. -- Open Meeting
Richmond Airport Hilton, 5501 Eubank Road, Sandston, Virginia ♿

The board will review FY 1999-2000 project reports and will receive 2000-2001 project proposals. Minutes from the last board meeting and a current financial statement will be heard and approved. Additionally, action will be taken on any other new business that comes before the group. 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: Philip T. Hickman, Program Director, Virginia Small Grains Board, Department of Agriculture and Consumer Services, 1100 Bank Street, Room 1005, Richmond, VA 23219, telephone (804) 371-6157, FAX (804) 371-7786.

STATE AIR POLLUTION CONTROL BOARD

July 7, 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 5-60-10 et seq. Hazardous Air Pollutant Sources**, and **9 VAC 5-80-10 et seq. Permits for Stationary Sources**. The regulation amendments concern provisions covering federal operating permits and can be summarized as falling primarily into seven categories. The proposed amendments (i) remove deficiencies that prevent full federal approval for Virginia's Title V program; (ii) support commitments made in a letter of February 27, 1997, from the DEQ director to EPA's Region III administrator amending previous program submittals; (iii) incorporate guidance from EPA's White Papers of July 1995 and March 1996; (iv) clarify applicable state requirements; (v) bring the acid rain program into conformity with federal regulations; (vi) incorporate provisions relating to the new federal Compliance Assurance Monitoring (CAM) rule; and (vii) incorporate provisions relating to § 112(j) of the federal Clean Air Act.

Request for Comments: The purpose of this notice is to provide the public with the opportunity to comment on the proposed regulation and the costs and benefits of the proposal.

Localities Affected: There is no locality which will bear any identified disproportionate material air quality impact due to the proposed regulation which would not be experienced by other localities.

Location of Proposal: The proposal, an analysis conducted by the department (including a statement of purpose, a statement of estimated impact and benefits of the proposed regulation, an explanation of need for the proposed regulation, an estimate of the impact of the proposed regulation upon small businesses, identification of and comparison with federal requirements, and a discussion of alternative approaches) and any other supporting documents may be examined by the public at the department's Office of 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.

Abingdon Regional Office
Department of Environmental Quality
355 Deadmore Street
Abingdon, Virginia
Ph: (540) 676-4800

Roanoke Regional Office
Department of Environmental Quality
3019 Peters Creek Road, Suite D
Roanoke, Virginia
Ph: (540) 562-6700

Calendar of Events

Lynchburg Satellite Office
Department of Environmental Quality
7705 Timberlake Road
Lynchburg, Virginia
Ph: (804) 582-5120

Harrisonburg Regional Office
Department of Environmental Quality
116 North Main Street
Bridgewater, Virginia 22812
Ph: (540) 828-2595

Fredericksburg Satellite Office
Department of Environmental Quality
806 Westwood Office Park
Fredericksburg, Virginia
Ph: (540) 899-4600

Woodbridge Regional Office
Department of Environmental Quality
1549 Old Bridge Road, Suite 108
Woodbridge, Virginia
Ph: (703) 490-8922

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., July 7, 2000, to the Director, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240.

Contact: Kathleen Sands, Ph.D., Policy Analyst, Office of Air 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 ☎

† **July 11, 2000 - 7 p.m.** -- Public Hearing
Lake House at the golf course across from the Goodyear Danville Plant, 245 Jenny Lane, Danville, Virginia 📍

A public hearing to receive comments on a prevention of significant deterioration application from Goodyear Tire and Rubber Co. to modify and operate their existing facility located at 1901 Goodyear Boulevard in Danville.

Contact: S. Margaret Key, State Air Pollution Control Board, Department of Environmental Quality, 7705 Timberlake Rd., Lynchburg, VA 24502, telephone (804) 582-5120, FAX (804) 582-5125, e-mail smkey@deq.state.va.us.

† **July 12, 2000 - 10 a.m.** -- Public Hearing
Department of Environmental Quality, Tidewater Regional Office, 5636 Southern Boulevard, Virginia Beach, Virginia. 📍

A public hearing to receive comments on an application from International Paper Franklin Mill to modify the bleach plant to comply with the pulp and paper MACT.

Contact: Cathy Francis, State Air Pollution Control Board, Department of Environmental Quality, 5636 Southern Blvd., Virginia Beach, VA 23462, telephone (757) 518-2004, FAX (757) 518-2103, e-mail clfrancis@deq.state.va.us.

† **July 18, 2000 - 7 p.m.** -- Public Hearing
Tidewater Regional Office, Department of Environmental Quality, 5636 Southern Boulevard, Virginia Beach, Virginia. 📍

A public hearing to receive comments on a permit amendment for CIBA Specialty Chemical Water Treatments, Inc. to change the one-hour significant ambient air concentration for acrylamide.

Contact: Cathy Francis, State Air Pollution Control Board, Department of Environmental Quality, 5636 Southern Blvd., Virginia Beach, VA 23462, telephone (757) 518-2000, FAX (757) 518-2103, e-mail clfrancis@deq.state.va.us.

† **July 20, 2000 - 10 a.m.** -- Open Meeting
Main Street Centre, Conference Room, Lower Level, 600 East Main Street, Richmond, Virginia. 📍

The board has suspended the effective date of Revision D97 and is providing an opportunity to the public to submit oral and written comments on the changes made to the proposal. Only comments received on the changes from the proposed text to the final text will be considered during this additional comment period. The comment period began 06/19/2000 and ends on 07/21/2000.

Contact: Mary E. Major, State Air Pollution Control Board, Department of Environmental Quality, P.O. Box 10009 Richmond, VA 23240, telephone (804) 698-4423, e-mail memajor@deq.state.va.us.

ALCOHOLIC BEVERAGE CONTROL BOARD

† **July 11, 2000 - 9:30 a.m.** -- Open Meeting
† **July 25, 2000 - 9:30 a.m.** -- Open Meeting
† **August 8, 2000 - 9:30 a.m.** -- Open Meeting
Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, Virginia. 📍

Receipt and discussion of reports and activities from staff members. Others 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, FAX (804) 213-4442, e-mail wccolen@abc.state.va.us.

ALZHEIMER'S DISEASE AND RELATED DISORDERS COMMISSION

† **July 21, 2000 - 10 a.m.** -- Open Meeting
† **August 7, 2000 - 10 a.m.** -- Open Meeting
Westminster at Lakeridge Virginia, 12185 Clipper Drive, Lakeridge, Virginia. (Interpreter for the deaf provided upon request)

A regular business meeting.

Contact: Virginia Pomata, Chairman, Alzheimer's Disease and Related Disorders Commission, 639 Nalls Farm Way, Great Falls, VA 22066, telephone (703) 430-1426 or FAX (703) 430-9796.

ASSISTIVE TECHNOLOGY LOAN FUND AUTHORITY

† **July 20, 2000 - 10 a.m.** -- Open Meeting
Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, Virginia. (Interpreter for the deaf provided upon request)

The ATLFA will conduct its monthly meeting to review applications for credit financing of technology purchases for Virginians with disabilities. The public is invited to attend the business meeting and to participate in the public comments session. The board meets in closed session in order to protect the confidential nature of information submitted by applicants.

Contact: Gail Stubbs, Assistive Technology Loan Fund Authority, 8004 Franklin Farms Drive, Richmond, VA 23288, telephone (804) 371-3378, FAX (804) 662-9139, toll-free (800) 552-5019, (804) 371-3378/TTY, e-mail stubbssg@drs.state.va.us

AUCTIONEERS BOARD

July 11, 2000 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 5th Floor, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at (804) 367-8514 at least 10 days prior to the meeting so that suitable arrangements can be made for an appropriate accommodation. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY, e-mail auctioneers@dpor.state.va.us.

BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

† **July 6, 2000 - 9:30 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia.

The board will adopt legislative proposals for the 2001 General Assembly, receive committee reports, and consider other issues as may come up. Public comment will be received at the beginning of the meeting.

Contact: Elizabeth Young Tisdale, Executive Director, Board of Audiology and Speech-Language Pathology, Southern States Bldg., 6606 W. Broad St., 4th Floor Richmond, VA 23230-1717, telephone (804) 662-9111, FAX (804) 662-9523, (804) 662-7197/TTY, e-mail etisdale@dhp.state.va.us.

BOARD FOR BRANCH PILOTS

August 2, 2000 - 9:30 a.m. -- Public Hearing
Virginia Port Authority, 600 World Trade Center, 6th Floor, Norfolk, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board for Branch Pilots intends to amend regulations entitled: **18 VAC 45-20-05 et seq. Board for Branch Pilots Rules and Regulations.** The purpose of the proposed action is to clarify the regulations relating to chemical and physical impairments and testing thereof and make other changes which may be necessary pursuant to the board's periodic review of its regulations.

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

Public comments may be submitted until August 21, 2000.

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

CEMETERY BOARD

† **July 12, 2000 - 8:30 a.m.** -- Open Meeting
Department of Health Professions, 3600 West Broad Street, Richmond, Virginia.

A general meeting of the Delivery Committee.

Contact: Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2039, FAX (804) 367-2475, e-mail reboard@dpor.state.va.us.

† **July 12, 2000 - 8:30 a.m.** -- Open Meeting
Department of Health Professions, 3600 West Broad Street, Richmond, Virginia.

A general meeting of the Recovery Fund Committee.

Contact: Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad

Calendar of Events

St., Richmond, VA 23230, telephone (804) 367-2039, FAX (804) 367-2475, e-mail reboard@dpor.state.va.us.

CHARITABLE GAMING COMMISSION

† **July 13, 2000 - 10 a.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. 

A regular commission meeting.

Contact: Frances C. Jones, Administrative Assistant, Charitable Gaming Commission, 101 N. 14th St., 17th Floor, Richmond, VA 23219, telephone (804) 786-3014, FAX (804) 786-1079, e-mail jones@cgc.state.va.us.

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

Northern Area Review Committee

† **July 18, 2000 - 10 a.m.** -- Open Meeting
Chesapeake Bay Local Assistance Department, James Monroe Building, 101 North 14th Street, 17th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

The committee will review Chesapeake Bay Preservation Area programs for the Northern Area. Persons interested in observing should call the Chesapeake Bay Local Assistance Department to verify meeting time, location and schedule. No comments from the public will be entertained at the review committee meeting; however, written comments are welcome.

Contact: Carolyn J. Elliott, Executive Secretary Sr., Chesapeake Bay Local Assistance Department, James Monroe Bldg., 101 N. 14th St., 17th Floor, Richmond, VA 23219, telephone (804) 225-3440, FAX (804) 225-3447, toll-free (800) 243-7229, (804) 243-7229/TTY , e-mail celliott@cblad.state.va.us.

Southern Area Review Committee

† **July 18, 2000 - 2 p.m.** -- Open Meeting
Chesapeake Bay Local Assistance Department, James Monroe Building, 101 North 14th Street, 17th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

The committee will review Chesapeake Bay Preservation Area programs for the Southern Area. Persons interested in observing should call the Chesapeake Bay Local Assistance Department to verify meeting time, location and schedule. No comments from the public will be entertained at the review committee meeting; however, written comments are welcome.

Contact: Carolyn J. Elliott, Executive Secretary Sr., Chesapeake Bay Local Assistance Department, James Monroe Bldg., 101 N. 14th St., 17th Floor, Richmond, VA 23219, telephone (804) 225-3440, FAX (804) 225-3447, toll-

free (800) 243-7229, (804) 243-7229/TTY , e-mail celliott@cblad.state.va.us.

STATE BOARD FOR COMMUNITY COLLEGES

† **July 19, 2000 - 1 p.m.** -- Open Meeting
James Monroe Building, 101 North 14th Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A joint meeting of the State Board for Community Colleges and the State Council of Higher Education for Virginia.

Contact: Dr. Joy S. Graham, Assistant Chancellor, Public Affairs, State Board for Community Colleges, 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 225-2126, FAX (804) 371-0085, (804) 371-8504/TTY 

July 19, 2000 - 3 p.m. -- Open Meeting
Virginia Community College System, James Monroe Building, 101 North 14th Street, 15th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

Committee meetings.

Contact: Dr. Joy S. Graham, Assistant Chancellor, Public Affairs, State Board for Community Colleges, James Monroe Bldg., 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 225-2126, FAX (804) 371-0085, (804) 371-8504/TTY 

July 20, 2000 - 9:30 a.m. -- Open Meeting
Virginia Community College System, James Monroe Building, 101 North 14th Street, Godwin-Hamel Board Room, 15th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting.

Contact: Dr. Joy S. Graham, Assistant Chancellor, Public Affairs, State Board for Community Colleges, Monroe Bldg., 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 225-2126, FAX (804) 371-0085, (804) 371-8504/TTY 

COMPENSATION BOARD

† **July 25, 2000 - 11 a.m.** -- Open Meeting
Compensation Board, 202 North 9th Street, 10th Floor, Richmond, Virginia. 

A monthly board meeting.

Contact: Cindy Waddell, Administrative Staff Assistant, Compensation Board, P.O. Box 710, Richmond, VA 23218, telephone (804) 786-0786, FAX (804) 371-0235, e-mail cwaddell@scb.state.va.us.

DEPARTMENT OF CONSERVATION AND RECREATION

Virginia Agricultural BMP Implementation Advisory Committee

July 6, 2000 - 9:30 a.m. -- Open Meeting
Department of Forestry, 900 Natural Resources Drive, Charlottesville, Virginia.  (Interpreter for the deaf provided upon request)

A quarterly meeting. Request for interpreter for the deaf should be filed with the department two weeks prior to the meeting.

Contact: Dana R. Bayless, Agricultural Incentives Program Manager, Department of Conservation and Recreation, 203 Governor Street, Richmond, VA 23219, telephone (804) 371-7330, e-mail drbayless@dcr.state.va.us.

Board on Conservation and Development of Public Beaches

† **July 10, 2000 - 10 a.m.** -- Open Meeting
Sheraton Oceanfront, 36th Street, Virginia Beach, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to review matching grant projects for the 1999-2000 biennium.

Contact: Lee Hill, Environmental Engineer, Department of Conservation and Recreation, 203 Governor St., Richmond, VA 23219, telephone (804) 786-3998, e-mail leehill@dcr.state.va.us

Chippokes Plantation Farm Foundation

† **July 12, 2000 - 1:30 p.m.** -- Open Meeting
Chippokes Mansion, 695 Chippokes Park Road, Conference Room, Surry, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the fund raising committee. Request for an interpreter for the deaf should be filed two weeks prior to the event.

Contact: Katherine R. Wright, Executive Secretary, Department of Conservation and Recreation, 203 Governor St., Richmond, VA 23219, telephone (804) 371-7461, e-mail krwright@dcr.state.va.us.

Falls of the James Scenic River Advisory Board

† **July 13, 2000 - Noon** -- Open Meeting
† **August 3, 2000 - Noon** -- Open Meeting
Planning Commission Conference Room, 5th Floor, City Hall, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A discussion of river issues. Meetings will be held if deemed necessary. Interested persons should call the Board Chairman at 804-828-1537. Requests for an

interpreter for the deaf should be filed two weeks prior to the meeting.

Contact: Richard Gibbons, Environmental Program Manager, Department of Conservation and Recreation, 203 Governor St., Richmond, VA 23219, telephone (804) 786-4132, FAX (804) 371-7899, e-mail rgibbons@dcr.state.va.us.

Virginia Outdoors Plan Technical Advisory Committee

July 11, 2000 - 10 a.m. -- Open Meeting
109 Governor Street, 13th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

An organizational meeting for the Virginia Outdoors Plan Technical Advisory Committee which was established to provide guidance and advice on development of the Virginia Outdoors Plan, the Commonwealth's plan and guidelines for outdoor recreation and open space issues.

Contact: John Davy, Director, Planning and Recreation Resources, Department of Conservation and Recreation, 203 Governor St., Suite 326 Richmond, VA 23219, telephone (804) 786-1119, FAX (804) 371-7899, e-mail jdavy@dcr.state.va.us.

Virginia Trails Advisory Council

† **July 7, 2000 - 1 p.m.** -- Open Meeting
109 Governor Street, 13th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

An organizational meeting for the Virginia Trails Advisory Council which was established to work with and advise agency staff on issues, needs and opportunities concerning land and water trails.

Contact: John Davy, Director, Planning and Recreation Resources, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-1119, FAX (804) 371-7899, e-mail jdavy@dcr.state.va.us.

Steering Committee for the Trevillian Station Battlefield State Park Feasibility

† **July 11, 2000 - 4 p.m.** -- Open Meeting
Louisa County Office Building, Emergency Operation Center, 1 Woolfolk Avenue, Louisa, Virginia.  (Interpreter for the deaf provided upon request)

A meeting for initial discussion regarding the feasibility study regarding Trevillian Station Battlefield development as a state park. Requests for a deaf interpreter should be filed two weeks prior to the meeting.

Contact: Stephen Donahue, Architect Senior, Department of Conservation and Recreation, 203 Governor St., Richmond, VA 23219, telephone (804) 371-2570, FAX (804) 371-8500, e-mail svdonahue@dcr.state.va.us.

Calendar of Events

† **July 18, 2000 - 6 p.m.** -- Open Meeting
Louisa County Office Building, Woolfolk Avenue, Public Meeting Room 1, Louisa, Virginia. (Interpreter for the deaf provided upon request)

An opportunity for public input regarding the Trevillian Station Battlefield State Park Feasibility Study. Requests for a deaf interpreter should be filed two weeks prior to the meeting.

Contact: Steven Donahue, Architect Senior, Department of Conservation and Recreation, 203 Governor St., Richmond, VA 23219, telephone (804) 371-2570, FAX (804) 371-8500, e-mail svdonahue@dcr.state.va.us.

BOARD OF CORRECTIONS

† **July 11, 2000 - 10:30 a.m.** -- Open Meeting
Board of Corrections, 6900 Atmore Drive, Board Room, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting of the Correctional Services Committee to discuss correctional services matters for possible presentation to the full board.

Contact: Barbara Fellows, Administrative Assistant to the Board, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3235, FAX (804) 674-3130, e-mail fellowsbl@vadoc.state.va.us.

† **July 12, 2000 - 8:30 a.m.** -- Open Meeting
Board of Corrections, 6900 Atmore Drive, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting of the Administration Committee to discuss administrative matters for possible presentation to the full board.

Contact: Barbara Fellows, Administrative Assistant to the Board, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3235, FAX (804) 674-3130, e-mail fellowsbl@vadoc.state.va.us.

† **July 12, 2000 - 10 a.m.** -- Open Meeting
Board of Corrections, 6900 Atmore Drive, Board Room, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting of the full board to discuss matters that may be presented to the full board. Public comment will be received.

Contact: Barbara Fellows, Administrative Assistant to the Board, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3235, FAX (804) 674-3130, e-mail fellowsbl@vadoc.state.va.us.

STATE BOARD OF EDUCATION

July 27, 2000 - 9 a.m. -- Open Meeting
† **September 28, 2000 - 9 a.m.** -- Open Meeting
Location to be announced.

A business meeting. Persons requesting services of an interpreter for the deaf should do so in advance.

Contact: Dr. Margaret N. Roberts, Office of Policy, Board of Education, P.O. Box 2120, 101 N. 14th Street, 25th Floor, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, e-mail mroberts@mail.vak12ed.edu.

* * * * *

July 5, 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 20-131-10 et seq. Regulations Establishing Standards for Accrediting Public Schools in Virginia.** The purpose of this action is to repropose amendments to this regulation and to open an additional 30-day public comment period.

The proposed revisions to this regulation were initially published in the November 22, 1999, edition of the Virginia Register (16:5 11/22/99). During the 60-day comment period and in the public hearings, the public and local school officials voiced agreement with the premise that schools and students should be held to rigorous standards; however, most speakers disagreed with the premise of evaluating schools solely on the basis of test scores. In addition, many of the speakers at the hearings raised the question of what the board was going to do to help schools that have difficulty meeting the standards. During the months of January through April 2000, the board continued to receive comments on the proposals.

Based on this extensive comment and discussions with legislators during the General Assembly session, the board, at its February 24, 2000, meeting, decided to revise the earlier version of the proposed revisions and to develop additional proposals for the accrediting standards and to seek additional public comment. The reproposal was approved by the board on April 27, 2000. These additional revisions are in response to the public comment received.

Statutory Authority: §§ 22.1-19 and 22.1-253.13:13 of the Code of Virginia.

Contact: Charles W. Finley, Assistant Superintendent for Accountability, Department of Education, P.O. Box 2120, Richmond, VA 23218-2120, telephone (804) 786-0790.

DEPARTMENT OF ENVIRONMENTAL QUALITY

Ground Water Protection Steering Committee

July 18, 2000 - 9 a.m. -- Open Meeting
Department of Environmental Quality, 629 East Main Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular meeting of the committee. Meeting minutes and agenda are available from Mary Ann Massie.

Contact: Mary Ann Massie, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4042, FAX (804) 698-4032, (804) 698-4021/TTY ☎, e-mail mamassie@deq.state.va.us.

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

† **July 5, 2000 - 1 p.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Room 2, Richmond, Virginia ♿

A meeting to hold formal hearings. There will not be a public comment period.

Contact: Cheri Emma-Leigh, Administrative Staff Assistant, Board of Funeral Directors and Embalmers, 6606 W. Broad Street, 4th Floor, Richmond, VA, telephone (804) 662-9907, FAX (804) 662-9523, e-mail CEmma-Leigh@dhp.state.va.us.

BOARD OF GAME AND INLAND FISHERIES

July 20, 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)

The board will meet and intends to adopt webless migratory game bird and September Canada goose seasons and bag limits based on frameworks provided by the U.S. Fish and Wildlife Service. The board will solicit comments from the public during the public hearing portion of the meeting, at which time any interested citizen present shall be heard.

The board may also discuss general and administrative issues. The board may elect to hold a dinner Wednesday evening, July 19, at a location and time to be determined; and it may hold a closed session before the public session begins on July 20.

Contact: Phil Smith, Policy Analyst, Department of Game and Inland Fisheries, 4000 W. Broad Street, Richmond, VA 23230, telephone (804) 367-1000 or FAX (804) 367-0488.

BOARD FOR GEOLOGY

July 13, 2000 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia ♿

A general business meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least two weeks in advance of the meeting. The department fully complies with the Americans with Disabilities Act.

Contact: William H. Ferguson, II, Board Administrator, Department of Professional and Occupational Regulation,

3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2406, FAX (804) 367-2475, or (804) 367-9753/TTY ☎

STATE BOARD OF HEALTH

† **July 27, 2000 - 10:30 a.m.** -- Open Meeting
Washington Building, 1100 Bank Street, 2nd Floor Board Room, Richmond Virginia ♿

The Virginia Voluntary Formulary Board will review product data for drug products being considered for inclusion in the Virginia Voluntary Formulary.

Contact: James K. Thomson, Director, Bureau of Pharmacy Services, Department of Health, 101 N. 14th St Room S-45, Richmond, VA 23219, telephone (804) 786-4326.

† **August 10, 2000 - 10 a.m.** -- Open Meeting
† **August 11, 2000 - 9 a.m.** -- Open Meeting
Holiday Inn Suffolk, Virginia ♿

A work session and business meeting.

Contact: Lena Burrell, Executive Secretary, Department of Health, Main Street Station, 1500 East Main St., Room 214, Richmond, VA 23219, telephone (804) 786-6970, FAX (804) 786-4616, e-mail lburrell@vdh.state.va.us.

DEPARTMENT OF HEALTH PROFESSIONS

† **August 11, 2000 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Room 1, Richmond, Virginia ♿ (Interpreter for the deaf provided upon request)

A meeting of the Health Practitioner's Intervention Program Committee and its contractor and representatives on the status of the program. The committee will meet in open session for general discuss of the program. The committee may meet in executive session to consider specific requests from applicants or participants in the program.

Contact: John W. Hasty, Director, 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 ☎

HOPEWELL INDUSTRIAL SAFETY COUNCIL

July 11, 2000 - 9 a.m. -- Open Meeting
August 1, 2000 - 9 a.m. -- Open Meeting
September 5, 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 as required by SARA Title III.

Calendar of Events

Contact: Robert Brown, Emergency Services Coordinator, 300 N. Main Street, Hopewell, VA 23860, telephone (804) 541-2298.

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

† **July 18, 2000 - 11 a.m.** -- Open Meeting
Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, Virginia. 

The Board of Commissioners will (i) review and, if appropriate, approve the minutes from the prior monthly meeting; (ii) consider for approval and ratification mortgage loan commitments under the authority's various programs; (iii) review the authority's operations for the prior month; and (iv) consider such other matters and take such other actions as it may deem appropriate. Various committees of the board may also meet during the retreat and before or after the regular meeting and consider matters within their purview. The planned agenda of the retreat and meeting will be available at the offices of the authority one week prior to the date of the retreat and meeting.

Contact: J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, 601 S. Belvidere Street, Richmond, VA 23220, telephone (804) 343-5540, FAX (804) 783-6701, toll-free 1-800-968-7837, or (804) 783-6705/TTY 

DEPARTMENT OF HUMAN RESOURCE MANAGEMENT

† **September 27, 2000 - 1:30 p.m.** -- Open Meeting
James Monroe Building, 101 North 14th Street, 1st Floor, Conference Room B, Richmond, Virginia. 

A quarterly meeting of the State Advisory Council. The Council will be discussing issues surrounding the state employee health benefits program

Contact: Anthony Graziano, Director, Office of Health Benefit Programs, Department of Personnel and Training, 101 N. Fourteenth St., 13th Floor, Richmond, VA 23294, telephone (804) 371-7931.

STATEWIDE INDEPENDENT LIVING COUNCIL

July 12, 2000 - 1 p.m. -- Open Meeting
Department for the Visually Handicapped, 395 Azalea Avenue, Resource and Information Library, Richmond, Virginia  (Interpreter for the deaf provided upon request)

A regular quarterly meeting to discuss progress and assess the impact of the State Plan for Independent Living.

Contact: Jim Rothrock, Statewide Independent Living Council, 1802 Marroit Rd., Richmond, VA 23229, telephone (804) 673-0119, FAX (804) 282-7118.

INNOVATIVE TECHNOLOGY AUTHORITY

July 12, 2000 - 10 a.m. -- Open Meeting
Virginia Center for Innovative Technology, 2214 Rock Hill Road, Herndon, Virginia. 

A meeting to elect officers.

Contact: Linda E. Gentry, Secretary, Virginia Center for Innovative Technology, 2214 Rock Hill Rd., Suite 600, Herndon, VA 20170, (703) 689-3035 or FAX (703) 689-3041.

VIRGINIA ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

† **July 12, 2000 - 10 a.m.** -- Open Meeting
Pocahontas Building, 900 East Main Street, Ground Floor Auditorium, Richmond, Virginia. 

The primary focus of the meeting will be a facilitated discussion of the issues involved in the Condition and Future of Virginia's Cities study. While the public is invited to attend, the agenda will not include an opportunity for public comment.

Contact: Adele Maclean, Secretary, Virginia Advisory Commission on Intergovernmental Relations, 900 E. Main St., Suite 103, Richmond, VA, telephone (804) 786-6508, FAX (804) 371-7999, (804) 828-1120/TTY , e-mail amaclean@clg.state.va.us.

DEPARTMENT OF LABOR AND INDUSTRY

Virginia Migrant and Seasonal Farmworkers Board

July 12, 2000 - 9:30 a.m. -- Open Meeting
Southwest Virginia Higher Education Center, One Partnership Circle, Abingdon, Virginia.  (Interpreter for the deaf provided upon request)

A regular quarterly meeting of the board.

Contact: Patti C. Bell, Public Relations Coordinator, Department of Labor and Industry, 13 S. 13th Street, Richmond, VA 23219, telephone (804) 225-3083, FAX (804) 786-8418, (804) 786-2376/TTY , e-mail pcb@doli.state.va.us.

Safety and Health Codes Board

† **July 17, 2000 - 10 a.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting.

Contact: Bonnie R. Hopkins, Regulatory Coordinator, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St. Richmond, VA 23219, telephone (804) 371-2631, FAX (804) 371-6524, (804) 786-2376/TTY , e-mail brh@doli.state.va.us.

STATE LAND EVALUATION ADVISORY COUNCIL

† **August 8, 2000 - 10 a.m.** -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street,
Room 702, Richmond, Virginia 

A meeting to adopt suggested ranges of values for agricultural, horticultural, forest and open-space land use and the use-value assessment program.

Contact: H. Keith Mawyer, Property Tax Manager, Department of Taxation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8020.

COMMISSION ON LOCAL GOVERNMENT

† **July 10, 2000 - 10 a.m.** -- Open Meeting
900 East Main Street, Suite 103, Richmond, Virginia 
(Interpreter for the deaf provided upon request)

A regular meeting to consider such matters as may be presented.

Contact: Barbara Bingham, Administrative Assistant, Commission on Local Government, 900 East 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.

LONGWOOD COLLEGE

Board of Visitors' Executive Committee

† **July 27, 2000 - 1 p.m.** -- Open Meeting
Farmington Country Club, Charlottesville, Virginia 
(Interpreter for the deaf provided upon request)

A meeting to conduct routine business of the committee.

Contact: Jeanne Hayden, Administrative Staff Assistant, Longwood College, 201 High St., Farmville, VA 23909, telephone (804) 395-2004, FAX (804) 395-2821, or e-mail jhayden@longwood.lwc.edu.

VIRGINIA MANUFACTURED HOUSING BOARD

† **July 20, 2000 - 10 a.m.** -- Open Meeting
The Jackson Center, 501 North Second Street, 1st Floor,
Board Room, Richmond, Virginia  (Interpreter for the deaf provided upon request)

A meeting to address issues with licensing of manufactured housing dealers, manufacturers, brokers, and salespersons; hear and address complaints and claims against licensees; make case decisions regarding licensees and the Transaction Recovery Fund.

Contact: Curtis L. McIver, Associate Director, Virginia Manufactured Housing Board, State Building Code Administrative Office, 501 North Second Street, Richmond,

VA 23219, telephone (804) 371-7160, FAX (804) 371-7092, (804) 371-7089/TTY , e-mail cmciver@dhcd.state.va.us.

MARINE RESOURCES COMMISSION

June 27, 2000 - 9:30 a.m. -- Open Meeting
† **July 25, 2000 - 9:30 a.m.** -- Open Meeting
† **August 22, 2000 - 9:30 a.m.** -- Open Meeting
† **September 26, 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 1-800-541-4646 or (757) 247-2292/TTY 

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

† **August 17, 2000 - 2 p.m.** -- Open Meeting
Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Board Room, Richmond, Virginia 

A meeting to conduct routine business of the Virginia Medicaid Drug Utilization Review Board.

Contact: Marianne Rollings, DUR Board 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

† **August 4, 2000 - 8 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 2, Richmond, Virginia. 

The Executive Committee will meet in open and closed sessions to review disciplinary files requiring administrative action, adoption of amendments to regulations as presented, and action on other issues that come before the board. Public comment will be received for 15 minutes following adoption of the agenda.

Calendar of Events

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail wharp@dhp.state.va.us.

† **August 10, 2000 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia. ♿

The Advisory Board on Occupational Therapy will review public comments on regulations and recommend any amendments.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail wharp@dhp.state.va.us.

Informal Conference Committee

July 6, 2000 - 9:30 a.m. -- Open Meeting
Central Park Hotel, 2801 Plank Road, Fredericksburg, Virginia. (Interpreter for the deaf provided upon request)

July 13, 2000 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

July 20, 2000 - 9:30 a.m. -- Open Meeting
Wyndham Roanoke Hotel, 2801 Hershberger Road, Roanoke, Virginia. (Interpreter for the deaf provided upon request)

† **July 28, 2000 - 9:30 a.m.** -- Open Meeting
Williamsburg Marriott, 50 Kingsmill Road, Williamsburg, Virginia. (Interpreter for the deaf provided upon request)

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 of the Code of Virginia. Public comment will not be received.

Contact: Peggy Sadler or Renee Dixon, Board of Medicine, 6606 West Broad Street, 4th Floor, Richmond, VA 23230, telephone (804) 662-7332, FAX (804) 662-9517, (804) 662-7197/TTY ☎

STATE MILK COMMISSION

† **August 30, 2000 - 10 a.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, Senate Room B, 1st Floor, Richmond, Virginia. ♿

† **September 21, 2000 - 10:30 a.m.** -- Open Meeting
The Farm of Judith Motley, Chatham, Virginia.

A regular meeting to consider industry issues, distributor licensing, base transfers, baseholder license amendment, fiscal matters, and to review reports from

staff of the agency. Any persons requiring special accommodations in order to participate in the meeting should contact Edward C. Wilson, Jr. at least five days prior to the meeting date so that suitable arrangements can be made.

Contact: Edward C. Wilson, Jr., Deputy Administrator, State Milk Commission, Ninth St. Office Bldg., 202 N. Ninth St., Room 915, Richmond, VA 23219, telephone (804) 786-2013, FAX (804) 786-3779, e-mail ewilson@smc.state.va.us.

† **August 30, 2000 - 11 a.m.** -- Open Meeting
General Assembly Meeting, 9th and Broad Streets, Senate Room B, 1st Floor, Richmond, Virginia. ♿

A meeting to consider public comment on regulatory review of 2 VAC 15-11-10 through 2 VAC 15-11-120 and 2 VAC 15-20-10 through 2 VAC 15-20-130 to determine if these regulations should be terminated, amended or retained in their current form. The open hearing is in accordance with 2 VAC 15-11-100 and will be conducted in accordance with 2 VAC 15-20-125.

Contact: Edward C. Wilson, Jr., Deputy Administrator, State Milk Commission, Ninth St. Office Bldg., 202 N. Ninth St., Room 915, Richmond, VA 23219, telephone (804) 786-2013, FAX (804) 786-3779, e-mail ewilson@smc.state.va.us.

MOTOR VEHICLE DEALER BOARD

July 10, 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.

July 11, 2000 - 8:30 a.m. -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Room 702, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

The Finance Committee will meet at 8:30 a.m. followed by a full board meeting at 9:30 a.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.

July 11, 2000 - 2 p.m. -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Room 702, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A public meeting to discuss electronic commerce in the automobile dealer industry as it relates to the Motor Vehicle Dealer Board and current and future issues.

Contact: Bruce Gould, Executive Director, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104, Richmond, VA, telephone (804) 367-1100, FAX (804) 367-1053, toll-free (877) 270-0203, e-mail dboard@mvb.state.va.us.

DEPARTMENT OF MOTOR VEHICLES

Medical Advisory Board

July 12, 2000 - 1 p.m. -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Richmond, Virginia. 

A regular business meeting.

Contact: Millicent N. Ford, Manager, Department of Motor Vehicles, 2300 W. Broad St., Richmond, VA 23220, telephone (804) 367-1032.

VIRGINIA MUSEUM OF FINE ARTS

† **July 11, 2000 - 8 a.m.** -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Main Lobby Conference Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A work session of the Executive Committee. The museum staff will brief the committee. Public comment will not be received.

Contact: Suzanne Broyles, Executive Secretary, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA, telephone (804) 340-1500, FAX (804) 340-1502, e-mail sbroyles@vmfa.state.va.us.

† **July 11, 2000 - 10 a.m.** -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, CEO 1st Floor Meeting Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the Architectural Search Committee to select an architect for museum expansion. Public comment will not be received.

Contact: Suzanne Broyles, Executive Secretary, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA, telephone (804) 340-1500, FAX (804) 340-1502, e-mail sbroyles@vmfa.state.va.us.

July 17, 2000 - 8:30 a.m. -- Open Meeting
6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. 

A panel of the Board will conduct formal hearings with licensees and/or certificate holders. Public comment will not be received.

Contact: Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6606 West Broad Street, 4th Floor, Richmond, VA 23230, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY , e-mail nursebd@dhp.state.va.us, homepage <http://www.dhp.state.va.us>.

BOARD OF NURSING

† **July 18, 2000 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. 

The board will adopt emergency regulations implementing the law on collection of workforce data and will consider any other business as may be presented. Public comment will be received at 11 a.m.

Contact: Nancy K. Durrett, R.N., Executive Director, Board of Nursing, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY , e-mail ndurrett@dhp.state.va.us.

† **July 17, 2000 - 8:30 a.m.** -- Open Meeting
† **July 19, 2000 - 8:30 a.m.** -- Open Meeting
† **July 20, 2000 - 8:30 a.m.** -- Open Meeting
† **August 1, 2000 - 8:30 a.m.** -- Open Meeting
† **August 2, 2000 - 8:30 a.m.** -- Open Meeting
† **August 3, 2000 - 8:30 a.m.** -- Open Meeting
† **August 7, 2000 - 8:30 a.m.** -- Open Meeting
† **August 8, 2000 - 8:30 a.m.** -- Open Meeting
† **August 14, 2000 - 8:30 a.m.** -- Open Meeting
† **August 30, 2000 - 8:30 a.m.** -- Open Meeting
† **September 7, 2000 - 8:30 a.m.** -- Open Meeting
† **September 25, 2000 - 8:30 a.m.** -- Open Meeting
† **September 27, 2000 - 8:30 a.m.** -- Open Meeting
† **September 28, 2000 - 8:30 a.m.** -- Open Meeting
† **October 5, 2000 - 8:30 a.m.** -- Open Meeting
† **October 10, 2000 - 8:30 a.m.** -- Open Meeting
† **October 12, 2000 - 8:30 a.m.** -- Open Meeting
† **October 16, 2000 - 8:30 a.m.** -- Open Meeting
† **October 17, 2000 - 8:30 a.m.** -- Open Meeting
† **October 26, 2000 - 8:30 a.m.** -- Open Meeting
† **October 31, 2000 - 8:30 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Rooms 1, 2, 3 or 4, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A Special Conference Committee, comprised of two or three members of the Virginia Board of Nursing, will

Calendar of Events

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 Street, 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 OF NURSING HOME ADMINISTRATORS

† **July 12, 2000 - 9 a.m.** -- Public Hearing
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia. ♿

A public hearing on the legislative proposal.

Contact: Elizabeth Tisdale, Executive Director, Board of Nursing Home Administrators, 6606 W. Broad St., Suite 403, Richmond, VA 23230-1717, telephone (804) 662-9111, FAX (804) 662-9523, (804) 662-9523/TTY ☎, e-mail etisdale@dhp.state.va.us.

† **July 12, 2000 - 10 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia. ♿

A regular meeting to conduct general board business. Public comments will be heard for 15 minutes prior to the start of the meeting.

Contact: Elizabeth Tisdale, Executive Director, Board of Nursing Home Administrators, 6606 W. Broad St., Suite 403, Richmond, VA 23230-1717, telephone (804) 662-9111, FAX (804) 662-9523, (804) 662-9523/TTY ☎, e-mail etisdale@dhp.state.va.us.

† **July 12, 2000 - 12 p.m.** -- Open Meeting
Department of Health Professions, 6606 W. Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia. ♿

A Special Conference Committee will hold an informal hearing in accordance with § 9-6.14:11 of the Code of Virginia. No public comments will be heard.

Contact: Senita Booker, Administrative Staff Assistant, Board of Nursing Home Administrators, 6606 W. Broad St., Suite 403, Richmond, VA 23230-1717, telephone (804) 662-9111, FAX (804) 662-9523, (804) 662-7197/TTY ☎, e-mail sbooker@dhp.state.va.us.

OLD DOMINION UNIVERSITY

July 17, 2000 - 3 p.m. -- Open Meeting
August 14, 2000 - 3 p.m. -- Open Meeting
Old Dominion University, Webb University Center, Norfolk, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting of the executive committee of the governing board of the institution to discuss business of the board and the institution as determined by the Rector and the President.

Contact: Donna Meeks, Assistant to the Vice President for Administration and Finance, Old Dominion University, 225

Koch Hall, Norfolk, VA 23529, telephone (757) 683-3072, FAX (757) 683-5679, e-mail dmeeks@odu.edu.

September 14, 2000 - 2:30 p.m. -- Open Meeting
Old Dominion University, Webb University Center, Norfolk, Virginia. ♿ (Interpreter for the deaf provided upon request)

A quarterly meeting of the governing board of the institution to discuss business of the board and the institution as determined by the Rector and the President.

Contact: Donna Meeks, Assistant to the Vice President for Administration and Finance, Old Dominion University, 225 Koch Hall, Norfolk, VA 23529, telephone (757) 683-3072, FAX (757) 683-5679, e-mail dmeeks@odu.edu.

VIRGINIA OUTDOORS FOUNDATION

Preservation Trust Fund Advisory Board-Region II

† **September 6, 2000 - 10 a.m.** -- Open Meeting
Piedmont Environmental Council, Conference Room, Warrenton, Virginia.

A meeting to review Region II Preservation Trust Fund Applications

Contact: Sherry Buttrick, Director, Charlottesville Office, Virginia Outdoors Foundation, 1010 Harris St., #4, Charlottesville, VA 22903, telephone (804) 293-3423, FAX (804) 293-3859, e-mail vofsherryb@aol.com.

Preservation Trust Fund Advisory Board-Region V

† **August 30, 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, Virginia Outdoors Foundation, 1010 Harris St., #4, Charlottesville, VA 22903, telephone (804) 293-3423, FAX (804) 293-3859, e-mail vofsherryb@aol.com.

VIRGINIA BOARD FOR PEOPLE WITH DISABILITIES

† **August 2, 2000 - 8:30 a.m.** -- Open Meeting
Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A quarterly meeting.

Contact: Tom Ariail, Assistant Director of Board Operations, Virginia Board for People with Disabilities, 202 N. 9th Street 9th Floor Richmond VA 23219, telephone (804) 786-0016, FAX (804) 786-1118, toll-free (800) 846-4464, (804) 786-0016/TTY ☎, e-mail ariailtm@vbpd.state.va.us.

PESTICIDE CONTROL BOARD

† **July 19, 2000 - 9 a.m.** -- Open Meeting
Washington Building, 1100 Bank Street, 2nd Floor, Board Room, Richmond, Virginia. 

A general business meeting. Portions of the meeting may be held in closed session pursuant to §2.1-344 of the Code of Virginia. The public will have an opportunity to comment on any matter not on the board's agenda beginning at 9 a.m. 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: Dr. Marvin A. Lawson, Program Manager, Office of Pesticides Services, Pesticide Control Board, Washington Bldg., 1100 Bank St., 4th Floor, Richmond, VA 23219, telephone (804) 371-6558, FAX (804) 371-8598, toll-free (800) 552-9963, e-mail jknight@vdacs.state.va.us.

BOARD OF PHARMACY

† **July 12, 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 discuss disciplinary matters. 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, FAX (804) 662-9313.

VIRGINIA PUBLIC GUARDIAN AND CONSERVATOR ADVISORY BOARD

September 18, 2000 - 11 a.m. -- Open Meeting
Department for the Aging, 1600 Forest Avenue, Conference Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular quarterly meeting.

Contact: Kimlah Hyatt, Administrative Staff Assistant, Department for the Aging, 1600 Forest Avenue, Suite 102, Richmond, VA 23229, telephone (804) 662-9318, FAX (804) 662-9354, (804) 662-9333/TTY , or e-mail: khyatt@vdh.state.va.us.

VIRGINIA RACING COMMISSION

† **July 19, 2000 - 9:30 a.m.** -- Open Meeting
Tyler Building, 1300 East Main Street, Richmond, Virginia. 

A regular monthly meeting to discuss proposed changes to regulations pertaining to horses, entries, claiming races, and Standardbred racing, including a segment for public comment.

Contact: William A. Anderson, Policy Analyst, Virginia Racing Commission, 10700 Horsemen's Rd., New Kent, VA 23124, telephone (804) 966-7404, FAX (804) 966-7418, or e-mail Anderson@vrc.state.va.us.

† **August 16, 2000 - 9:30 a.m.** -- Open Meeting
Tyler Building, 1300 East Main Street, Richmond, Virginia. 

A regular meeting to hear a report from Colonial Downs concerning the preparations for two live racing meetings in the fall, including a segment for public participation.

Contact: William H. Anderson, Policy Analyst, Virginia Racing Commission, 10700 Horsemen's Rd., New Kent, VA 23124, telephone (804) 966-7404, FAX (804) 966-7418, or e-mail Anderson@vrc.state.va.us.

REAL ESTATE APPRAISER BOARD

† **July 18, 2000 - 10 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A general business meeting.

Contact: Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA, telephone (804) 367-2039, FAX (804) 367-2475.

REAL ESTATE BOARD

† **July 19, 2000 - 8:30 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

A general meeting of the Fair Housing Committee.

Contact: Karen W. O'Neal, Assistant Director, Real Estate Board, 3600 W. Broad St., Richmond, VA, telephone (804) 367-8552, FAX (804) 367-2475, e-mail reboard@dpor.state.va.us.

† **July 19, 2000 - 4 p.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

A general meeting of the Education Committee.

Contact: Karen W. O'Neal, Assistant Director, Real Estate Board, 3600 W. Broad St., Richmond, VA, telephone (804) 367-8552, FAX (804) 367-2475, e-mail reboard@dpor.state.va.us

† **July 20, 2000 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

A general meeting.

Contact: Karen W. O'Neal, Assistant Director, Real Estate Board, 3600 W. Broad St., Richmond, VA, telephone (804) 367-8552, FAX (804) 367-2475, e-mail reboard@dpor.state.va.us.

Calendar of Events

BOARD OF REHABILITATIVE SERVICES

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† **July 12, 2000 - 1 p.m.** -- Open Meeting
Department for the Visually Handicapped, 395 Azalea Avenue, Resource Library, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A quarterly meeting of the Statewide Independent Living Council.

Contact: Jim Rothrock, SILC Staffperson, Department of Rehabilitative Services, 1802 Marroit Rd., Richmond, VA 23229, telephone (804) 673-0119, e-mail jarothrock@aol.com.

† **September 28, 2000 - 10 a.m.** -- Open Meeting
Woodrow Wilson Rehabilitation Center, Fishersville, Virginia.  (Interpreter for the deaf provided upon request)

A quarterly business meeting. Public comments will be received at 10:15 a.m.

Contact: Barbara G. Tyson, Administrative Staff Specialist, Department of Rehabilitative Services, 8004 Franklin Farms Dr., P.O. Box K-300, Richmond, VA 23288-0300, telephone (804) 662-7010, toll-free (800) 552-5019, (804) 662-7000/TTY 

VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

† **July 25, 2000 - 10 a.m.** -- Open Meeting
† **September 27, 2000 - 10 a.m.** -- Open Meeting
Department of Business Assistance, 707 East Main Street, 3rd Floor, Main Board Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the Board of Directors to review applications for loans submitted to the authority for approval and for general business of the board. Contact the authority for confirmation of meeting time.

Contact: Cathleen M. Surface, Executive Director, Virginia Small Business Financing Authority, P.O. Box 446, Richmond, VA 23218-0446, telephone (804) 371-8254 or FAX (804) 225-3384.

STATE BOARD OF SOCIAL SERVICES

† **July 14, 2000 - 9 a.m.** -- Open Meeting
† **July 15, 2000 - 9 a.m.** -- Open Meeting
Radisson Hotel, 700 Settlers Landing Road, Hampton, Virginia. 

A work session of the Child Protective Services Subcommittee.

Contact: Pat Rengnerth, State Board Liaison, State Board of Social Services, 730 E. Broad St., Richmond, VA 23219-1849, telephone (804) 692-1826, FAX (804) 692-1962, toll-free (800) 552-3431.

† **September 1, 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 Social Services intends to adopt regulations entitled: **22 VAC 40-35-5 et seq. Virginia Independence Program.** The purpose of the proposed action is to implement the Virginia Employer Tax Credit.

Statutory Authority: §§ 58.1-439.9 and 63.1-25 of the Code of Virginia.

Contact: Thomas J. Steinhauser, Division of Temporary Assistance Programs, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1703.

BOARD OF SOCIAL WORK

† **July 20, 2000 - 10 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. 

An informal conference will convene to hear possible violations governing the practice of social work. No public comment will be heard.

Contact: Rai Minor, Administrative Assistant, Board of Social Work, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9914, FAX (804) 662-7250, (804) 662-7197/TTY , e-mail Rminor@dhp.state.va.us.

† **July 21, 2000 - 10 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 4th Floor, Conference Room 3, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to hear reports from standing committees and conduct regular business. Any regulatory issues that may come before the board will be considered.

Contact: Evelyn B. Brown, Executive Director, Board of Social Work, Southern States Bldg., 6606 W. Broad St., 4th Floor Richmond, VA 23230-1717, telephone (804) 662-9914, FAX (804) 662-9943, (804) 662-7197/TTY , e-mail ebrown@dhp.state.va.us.

COUNCIL ON TECHNOLOGY SERVICES

† **July 20, 2000 - 9 a.m.** -- Open Meeting
Virginia Department of Transportation, Main Auditorium, 1221 East Broad Street, Richmond, Virginia. 

A regular monthly organizational meeting.

Contact: Jamie Breeden, Admin. Staff Specialist, Secretary of Technology, 110 S. 7th St., 3rd Floor, Richmond, VA, telephone (804) 371-5506, FAX (804) 371-5273, e-mail jvbreeden@dit.state.va.us.

COMMONWEALTH TRANSPORTATION BOARD

† **July 19, 2000 - 2 p.m.** -- Open Meeting
Department of Transportation, Board Room, 1401 East Broad Street, Richmond, Virginia. 

A work session of the Commonwealth Transportation Board and the Department of Transportation.

Contact: Cathy M. Ghidotti, Assistant Secretary to the Board, Commonwealth Transportation Board, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-6675, FAX (804) 786-6683, e-mail ghidotti_cm@vdot.state.va.us.

† **July 20, 2000 - 10 a.m.** -- Open Meeting
Department of Transportation, Board Room, 1401 East Broad Street, Richmond, Virginia. 

A monthly meeting to vote on proposals presented regarding bids, permits, additions and deletions to the highway system, and any other matters requiring board approval. Public comment will be received at the outset of the meeting on items on the meeting agenda for which the opportunity for public comment has not been afforded the public in another forum. Remarks will be limited to five minutes. Large groups are asked to select one individual to speak for the group. The board reserves the right to amend these conditions. Separate committee meetings may be held on call of the chairman. Contact VDOT Public Affairs at (804) 786-2715 for schedule.

Contact: Cathy M. Ghidotti, Assistant Secretary to the Board, Commonwealth Transportation Board, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-6675, FAX (804) 786-6683, e-mail ghidotti_cm@vdot.state.va.us.

BOARD OF VETERINARY MEDICINE

Informal Conference Committee

† **July 11, 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)

Informal hearings. These are public meetings, but public comment will not be accepted.

Contact: Terri H. Behr, Administrative Assistant, Board of Veterinary Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9915, FAX (804) 662-7098, (804) 662-7197/TTY , e-mail tbehr@dhp.state.va.us.

BOARD FOR THE VISUALLY HANDICAPPED

July 18, 2000 - 1 p.m. -- Open Meeting
Department for the Visually Handicapped, 397 Azalea Avenue, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting of the board to review 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 Avenue, 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.

STATE WATER CONTROL BOARD

July 10, 2000 - 9 a.m. -- Open Meeting
August 10, 2000 - 9 a.m. -- Open Meeting
September 7, 2000 - 9 a.m. -- Open Meeting
September 20, 2000 - 9 a.m. -- Open Meeting
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia. 

A meeting of the advisory committee assisting the department in the development of General VWP Permits for Activities Impacting Wetlands regulations and in amendments to 9 VAC 25-210-10 et seq., Virginia Water Protection Permit Regulation.

Contact: Ellen Gilinsky, Virginia Water Protection Permit Program Manager, State Water Control Board, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240, telephone (804) 698-4375, FAX (804) 698-4032, (804) 698-4021/TTY , e-mail egilinsky@deq.state.va.us.

† **July 19, 2000 - 9 a.m.** -- Open Meeting
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia. 

A meeting of the advisory committee assisting the board in the development of amendments to 9 VAC 25-110-10 et seq. General VPDES Permit Regulation for Domestic Discharges of Less Than or Equal to 1,000 Gallons Per Day or Less.

Contact: Lily Choi, State Water Control Board, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4054, FAX (804) 698-4032, e-mail ychoi@deq.state.va.us.

† **August 10, 2000 - 2 p.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. 

A public meeting to receive comments on amending the Virginia Water Protection Permit Program regulation.

Contact: Ellen Gilinsky, State Water Control Board, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4375, FAX (804) 698-4032, e-mail egilinsky@deq.state.va.us.

Calendar of Events

BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

† **September 14, 2000 - 8:30 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 W. Broad Street, Conference Room 5W, Richmond,
Virginia. 

A regular meeting. A public comment period will be held at the beginning of the meeting.

Contact: David E. Dick, Assistant Director, Board for Waterworks and Wastewater Works Operators, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8505, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail waterwasteoper@dpor.state.va.usw.

VIRGINIA WORKFORCE COUNCIL

July 20, 2000 - 9 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 Workforce and the Hard-to-Employ Committee to consider policies on local board purpose and staffing, VIRGINIA WORKFORCE.com, public participation and local five-year strategic plans. Public comment will be received at 1 p.m. and will be limited to three minutes per person. A written copy of comments must be provided.

Contact: Gail Robinson, Virginia Workforce Council Liaison, Virginia Employment Commission, P.O. Box 1358, Richmond, VA 23218-1358, telephone (804) 225-3070, FAX (804) 225-2190 or (804) 371-8050/TTY 

LEGISLATIVE

VIRGINIA CODE COMMISSION

† **July 24, 2000 - 10 a.m.** -- Open Meeting
General Assembly Building, 6th Floor, Speaker's Conference Room, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)

A regularly scheduled meeting. Public comment will be received at the end of the meeting.

Contact: Jane D. Chaffin, Registrar of Regulations, General Assembly Building, 910 Capitol Street, 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 692-0625 or e-mail jchaffin@leg.state.va.us.

JOINT LEGISLATIVE AUDIT AND REVIEW COMMISSION

† **July 10, 2000 - 9:30 a.m.** -- Open Meeting
General Assembly Building, 910 Capitol Street, Senate Room A, Richmond, Virginia. 

A meeting to hear staff briefings on fiscal analysis section progress report and the Virginia Retirement System Oversight Report.

Contact: Phillip A. Leone, Director, Joint Legislative Audit and Review Commission, General Assembly Building, 910 Capitol St., Suite 1100, Richmond, VA 23219, telephone (804) 786-1258.

SPECIAL MILITIA AND POLICE SUBCOMMITTEE STUDYING CARRYOVER LEGISLATION

July 11, 2000 - 10 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)

A regular meeting. Questions regarding the meeting should be addressed to Robie Ingram or Carey Friedman, Division of Legislative Services, (804) 786-3591. Individuals requiring interpreter services or other special assistance should contact the committee operations office at least 10 working days prior to the meeting.

Contact: Anne R. Howard, Committee Operations, House of Delegates, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY 

JOINT SUBCOMMITTEE STUDYING SATELLITE CHIP MILLS (HJR 730, 1999)

† **August 23, 2000 - 10 a.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)

A regular meeting. Questions regarding the meeting should be addressed to Marty Farber or Nicole Rovner, Division of Legislative Services, (804) 786-3591. Individuals requiring interpreter services or special assistance should contact Barbara Regen at least 10 working days prior to the meeting.

Contact: Barbara Regen, Committee Operations, House of Delegates, State Capitol, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1544 or (804) 786-2369/TTY 

COMMISSION ON VIRGINIA'S STATE AND LOCAL TAX STRUCTURE FOR THE 21ST CENTURY

July 10, 2000 - 9 a.m. -- Open Meeting
University of Virginia, Alumni Hall, Charlottesville, Virginia 

A regular meeting of the commission devoted to the discussion and consideration of issues concerning the adequacy of Virginia's state and local tax structure to address the needs of the Commonwealth in the 21st century.

Contact: Mich Wilkinson or Rob Hodder, Staff Director/Deputy Staff Director, Commission on Virginia's State and Local Tax Structure for the 21st Century, Weldon Cooper Center for Public Service, 700 E. Franklin Street, Suite 700, Richmond, VA, 23219-2318, telephone (804) 786-4273, FAX (804) 371-0234, e-mail leisasteele@erols.com.

CHRONOLOGICAL LIST

OPEN MEETINGS

July 5

† Funeral Directors and Embalmers, Board of

July 6

† Agriculture and Consumer Services, Department of
- Virginia Peanut Board
† Audiology and Speech-Language Pathology, Board of
Conservation and Recreation, Department of
- Virginia Agricultural BMP Implementation Advisory
Committee
Medicine, Board of
- Informal Conference Committee

July 7

† Conservation and Recreation, Department of

July 10

† Conservation and Recreation, Department of
† Legislative Audit and Review Commission, Joint
† Local Government, Commission on
Motor Vehicle Dealer Board
- Advertising Committee
- Dealer Practices Committee
- Franchise Law Committee
- Licensing Committee
- Transaction Recovery Fund Committee
Tax Structure for the 21st Century, Commission on
Virginia's State and Local
Water Control Board, State

July 11

† Alcoholic Beverage Control Board
† Auctioneers Board
† Conservation and Recreation, Department of
† Corrections, Board of
- Correctional Services Committee
Hopewell Industrial Safety Council
Militia and Police Subcommittee, Special
Motor Vehicle Dealer Board
- Finance Committee
† Museum of Fine Arts, Virginia
- Architectural Search Committee
- Executive Committee
† Veterinary Medicine, Board of

July 12

† Cemetery Board
- Delivery Committee
- Recovery Fund Committee
† Conservation and Recreation, Department of
† Corrections, Board of

- Administration Committee
† Independent Living Council, Statewide
† Intergovernmental Relations, Virginia Advisory
Commission on
Innovative Technology Authority
Labor and Industry, Department of
- Migrant and Seasonal Farmworkers Board
Motor Vehicles, Department of
- Medical Advisory Board
† Nursing Home Administrators, Board of
- Special Conference Committee
† Pharmacy, Board of

July 13

† Agriculture and Consumer Services, Department of
† Charitable Gaming Commission
† Conservation and Recreation, Department of
Geology, Board for
Medicine, Board of
- Informal Conference Committee

July 14

† Social Services, State Board of

July 15

† Social Services, State Board of

July 17

Accountancy, Board of
† Labor and Industry, Department of
† Nursing, Board of
Old Dominion University
- Executive Committee

July 18

† Chesapeake Bay Local Assistance Board
- Northern Area Review Committee
- Southern Area Review Committee
† Conservation and Recreation, Department of
Environmental Quality, Department of
- Ground Water Protection Steering Committee
† Housing Development Authority, Virginia
- Board of Commissioners
† Nursing, Board of
† Real Estate Appraiser Board
Visually Handicapped, Board for the

July 19

† Community Colleges, State Board for
† Nursing, Board of
† Pesticide Control Board
† Racing Commission, Virginia
† Real Estate Board
† Technology Services, Council on
† Transportation Board, Commonwealth

July 20

† Air Pollution Control Board, State
† Assistive Technology Loan Fund Authority
Community Colleges, State Board for
Game and Inland Fisheries, Board of
† Manufactured Housing Board, Virginia
† Medicine, Board of
- Informal Conference Committee
† Nursing, Board of

Calendar of Events

- † Real Estate Board
- † Social Work, Board of
 - Special Conference Committee
- † Technology Services, Council on
- † Transportation Board, Commonwealth
- † Water Control Board, State
- Workforce Council, Virginia
 - Existing Workforce and the Hard-to-Employ Committee

July 21

- † Alzheimer's Disease and Related Disorders Commission
- † Social Work, Board of

July 24

- † Code Commission, Virginia

July 25

- † Alcoholic Beverage Control Board
- † Compensation Board
- † Marine Resources Commission
- † Nursing, Board of
- † Small Business Financing Authority, Virginia
 - Board of Directors

July 27

- Agriculture and Consumer Services, Department of
 - Virginia Cattle Industry Board
 - Virginia Small Grains Board
- Education, Board of
- † Health, State Board of
- † Longwood College
 - Executive Committee
- † Nursing, Board of

July 28

- † Medicine, Board of
 - Informal Conference Committee
- † Nursing, Board of

July 31

- † Aging, Commonwealth Council on
 - Legislative Committee

August 1

- Hopewell Industrial Safety Council
- Nursing, Board of
 - Special Conference Committee

August 2

- Nursing, Board of
 - Special Conference Committee
- † People with Disabilities, Virginia Board for

August 3

- † Conservation and Recreation, Department of
- Nursing, Board of
 - Special Conference Committee

August 7

- † Alzheimer's Disease and Related Disorders Commission
- Nursing, Board of
 - Special Conference Committee

August 8

- † Alcoholic Beverage Control Board
- † Land Evaluation Advisory Council, State
- Nursing, Board of
 - Special Conference Committee

August 10

- † Agriculture and Consumer Services, Department of
 - Virginia Charity Food Assistance Advisory Board
- † Health, State Board of
- † Medicine, Board of
- † Water Control Board, State

August 11

- † Health, State Board of
- † Health Professions, Department of
 - Health Practitioners' Intervention Program Committee

August 14

- Nursing, Board of
 - Special Conference Committee
- Old Dominion University
 - Executive Committee

August 16

- † Racing Commission, Virginia

August 22

- † Marine Resources Commission

August 23

- † Satellite Chip Mills, Joint Subcommittee Studying

August 30

- † Milk Commission, State
- Nursing, Board of
 - Special Conference Committee
- † Outdoors Foundation, Virginia

September 5

- Hopewell Industrial Safety Council

September 6

- † Outdoors Foundation, Virginia

September 7

- Environmental Quality, Department of
- Nursing, Board of
 - Special Conference Committee
- † Water Control Board, State

September 14

- Old Dominion University
 - Board of Visitors
- † Waterworks and Wastewater Works Operators, Board for

September 18

- Public Guardian and Conservator Advisory Board, Virginia

September 20

- Water Control Board, State

September 21

- † Milk Commission, State

September 26

† Marine Resources Commission

September 27

† Human Resource Management, Department of

September 28

† Rehabilitative Services, Board of

October 5

† Nursing, Board of
- Special Conference Committee

October 10

† Nursing, Board of
- Special Conference Committee

October 12

† Nursing, Board of
- Special Conference Committee

October 16

† Nursing, Board of
- Special Conference Committee

October 17

† Nursing, Board of
- Special Conference Committee

October 26

† Nursing, Board of
- Special Conference Committee

October 31

† Nursing, Board of
- Special Conference Committee

PUBLIC HEARINGS

July 11

† Air Pollution Control Board, State

July 12

† Air Pollution Control Board, State
† Nursing Home Administrators, Board of

July 18

† Air Pollution Control Board, State

August 2

Branch Pilots, Board for
