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# THE VIRGINIA REGISTER INFORMATION PAGE

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

## ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

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

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

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

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

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

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

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

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

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

## EMERGENCY REGULATIONS

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

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

## STATEMENT

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

## CITATION TO THE VIRGINIA REGISTER

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

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

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

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

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# PUBLICATION SCHEDULE AND DEADLINES

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

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## July 2000 through June 2001

<u>Volume:Issue</u>	<u>Material Submitted By Noon*</u>	<u>Will Be Published On</u>
16:22	June 28, 2000	July 17, 2000
16:23	July 12, 2000	July 31, 2000
16:24	July 26, 2000	August 14, 2000
16:25	August 9, 2000	August 28, 2000
16:26	August 23, 2000	September 11, 2000
<b>FINAL INDEX - Volume 16</b>		<b>October 2000</b>
17:1	September 6, 2000	September 25, 2000
17:2	September 20, 2000	October 9, 2000
17:3	October 4, 2000	October 23, 2000
17:4	October 18, 2000	November 6, 2000
17:5	November 1, 2000	November 20, 2000
17:6	November 14, 2000 ( <b>Tuesday</b> )	December 4, 2000
17:7	November 29, 2000	December 18, 2000
<b>INDEX 1 - Volume 17</b>		<b>January 2001</b>
17:8	December 12, 2000 ( <b>Tuesday</b> )	January 1, 2001
17:9	December 27, 2000	January 15, 2001
17:10	January 10, 2001	January 29, 2001
17:11	January 24, 2001	February 12, 2001
17:12	February 7, 2001	February 26, 2001
17:13	February 21, 2001	March 12, 2001
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<b>INDEX 2 - Volume 17</b>		<b>April 2001</b>
17:15	March 21, 2001	April 9, 2001
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17:17	April 18, 2001	May 7, 2001
17:18	May 2, 2001	May 21, 2001
17:19	May 16, 2001	June 4, 2001
17:20	May 30, 2001	June 18, 2001
<b>INDEX 3 - Volume 17</b>		<b>July 2001</b>

\*Filing deadlines are Wednesdays unless otherwise specified.

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
<b>Title 2. Agriculture</b>			
2 VAC 5-600-10	Amended	16:20 VA.R. 2458	5/31/00
<b>Title 4. Conservation and Natural Resources</b>			
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

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

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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
<b>Title 6. Criminal Justice and Corrections</b>			
6 VAC 20-171-420	Erratum	16:14 VA.R. 1911	--
<b>Title 9. Environment</b>			
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
<b>Title 11. Gaming</b>			
11 VAC 10-60-10	Amended	16:21 VA.R. 2623	8/4/00
11 VAC 10-60-15	Added	16:21 VA.R. 2627	8/4/00
11 VAC 10-60-20	Amended	16:21 VA.R. 2628	8/4/00
11 VAC 10-60-30	Repealed	16:21 VA.R. 2628	8/4/00
11 VAC 10-60-40	Amended	16:21 VA.R. 2629	8/4/00
11 VAC 10-60-60	Repealed	16:21 VA.R. 2631	8/4/00
11 VAC 10-60-70	Amended	16:21 VA.R. 2631	8/4/00
11 VAC 10-60-120	Amended	16:21 VA.R. 2633	8/4/00
11 VAC 10-60-130	Amended	16:21 VA.R. 2636	8/4/00
11 VAC 10-60-140	Amended	16:21 VA.R. 2637	8/4/00
11 VAC 10-60-150	Amended	16:21 VA.R. 2637	8/4/00
11 VAC 10-60-290	Added	16:21 VA.R. 2637	8/4/00
11 VAC 10-60-300	Added	16:21 VA.R. 2637	8/4/00
11 VAC 10-60-310	Added	16:21 VA.R. 2637	8/4/00
11 VAC 10-60-320	Added	16:21 VA.R. 2637	8/4/00
<b>Title 12. Health</b>			
12 VAC 5-80-10	Amended	16:16 VA.R. 2042	7/1/00

\* Effective date suspended.

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

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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 5-590-370	Amended	16:21 VA.R. 2647	8/3/00
12 VAC 5-590-545	Added	16:21 VA.R. 2662	8/3/00
12 VAC 5-590 Appendix O	Added	16:21 VA.R. 2667	8/3/00
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
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

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

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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
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



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

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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
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
<b>Title 13. Housing</b>			
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

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

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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
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

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

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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
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
<b>Title 14. Insurance</b>			
14 VAC 5-215-20	Erratum	16:14 VA.R. 1912	--
14 VAC 5-215-30	Erratum	16:14 VA.R. 1912	--
14 VAC 5-215-30 through 14 VAC 5-215-70	Amended	16:21 VA.R. 2675-2677	7/1/00
14 VAC 5-215-110	Amended	16:21 VA.R. 2678	7/1/00
<b>Title 15. Judicial</b>			
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
<b>Title 16. Labor and Employment</b>			
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
<b>Title 18. Professional and Occupational Licensing</b>			
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 85-20-22	Amended	16:21 VA.R. 2679	8/2/00
18 VAC 85-20-131	Amended	16:21 VA.R. 2680	8/2/00

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 85-20-240	Amended	16:13 VA.R. 1767	4/12/00
18 VAC 85-20-280	Amended	16:21 VA.R. 2680	8/2/00
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 85-50-115	Amended	16:21 VA.R. 2682	8/2/00
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 85-110-10	Amended	16:21 VA.R. 2683	8/2/00
18 VAC 85-110-30	Amended	16:21 VA.R. 2683	8/2/00
18 VAC 85-110-35	Amended	16:13 VA.R. 1771	4/12/00
18 VAC 85-110-90	Amended	16:21 VA.R. 2683	8/2/00
18 VAC 85-110-100	Amended	16:21 VA.R. 2683	8/2/00
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
18 VAC 90-20-350	Amended	16:13 VA.R. 1783	4/12/00
18 VAC 90-40-10	Amended	16:21 VA.R. 2683	8/2/00
18 VAC 90-40-80	Repealed	16:21 VA.R. 2684	8/2/00
18 VAC 90-40-90	Amended	16:21 VA.R. 2684	8/2/00
18 VAC 90-40-120	Amended	16:21 VA.R. 2684	8/2/00
18 VAC 105-30-70	Amended	16:20 VA.R. 2534	7/19/00
18 VAC 110-20-10	Amended	16:21 VA.R. 2685	8/2/00
18 VAC 110-20-220	Amended	16:21 VA.R. 2687	8/2/00
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

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

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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
<b>Title 20. Public Utilities and Telecommunications</b>			
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
<b>Title 22. Social Services</b>			
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
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

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

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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
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

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

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
<b>Title 24. Transportation and Motor Vehicles</b>			
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

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# NOTICES OF INTENDED REGULATORY ACTION

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## Symbol Key

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

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## TITLE 9. ENVIRONMENT

### STATE WATER CONTROL BOARD

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to consider 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 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 Permit for Wetland Impacts from Linear Transportation Projects;**

**4. 9 VAC 25-690-10 et seq. General Virginia Water Permit for Wetland Impacts from Development Activities;**

**5. 9 VAC 25-700-10 et seq. General Virginia Water Permit for Wetland Impacts from Mining Activities; and**

**6. 9 VAC 25-710-10 et seq. General Virginia Water 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 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;



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# Notices of Intended Regulatory Action

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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 5-65-10 et seq. Rules and Regulations Governing Emergency Medical Services Do Not Resuscitate Program.** The purpose of the proposed action is to amend existing emergency medical services regulations governing do not resuscitate orders in accordance with legislation of the 1999

Session of the General Assembly. The agency does not intend to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 32.1-111.1, 54.1-2987.1 and 54.1-2991 of the Code of Virginia.

Public comments may be submitted until August 17, 2000.

**Contact:** Dave Cullen, Regulatory and Compliance Manager, Department of Health, 158 East Parham Road, Richmond, Virginia 23228, telephone (804) 371-3500, FAX (804) 371-3543.

VA.R. Doc. No. R00-213; Filed June 22, 2000, 3:48 p.m.

## Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of 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.

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# Notices of Intended Regulatory Action

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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 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 (804) 367-2648, FAX (804) 367-6128 or (804) 367-9753/TTY ☎

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

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# Notices of Intended Regulatory Action

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hearingaidspec@dpor.state.va.us, telephone (804) 367-8590,  
FAX (804) 367-6295 or (804) 367-9753/TTY ☎

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

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

## STATE BOARD OF SOCIAL SERVICES

### 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.

#### † Withdrawal of 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 has WITHDRAWN the Notice of Intended Regulatory Action for **22 VAC 40-35-5 et seq. Virginia Independence Program**, which was published in 15:24 VA.R. 3087 August 16, 1999.

**Contact:** L. Richard Martin, Jr., Division of Management and Customer Services, Department of Social Services, 730 E. Broad Street, Richmond, VA 23219, telephone (804) 692-1825, 1-800-828-1120/TTY or FAX (804) 692-1814.

VA.R. Doc. No. R99-233; Filed June 27, 2000, 11:31 a.m.

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## TITLE 22. SOCIAL SERVICES

### STATE BOARD OF SOCIAL SERVICES

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Social Services intends to consider repealing regulations entitled: **22 VAC 40-560-10 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.

**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.

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# PROPOSED REGULATIONS

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For information concerning Proposed Regulations, see Information Page.

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## Symbol Key

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

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## TITLE 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 5-370-10 et seq. **Rules Governing Group Self-Insurers of Liability under the Virginia Workers' Compensation Act (amending 14 VAC 5-370-20 and 14 VAC 5-370-100).**

**Statutory Authority:** §§ 12.1-13 and 65.2-802 of the Code of Virginia.

**Summary:**

*This chapter establishes rules for the licensure, including oversight of solvency, of the workers' compensation group self-insurance associations authorized by § 65.2-802 of the Code of Virginia. Proposed revisions at 14 VAC 5-370-20 redefine the "common interest" required for licensure to mean employers engaged in the same or substantially similar industry, trade, commerce or profession, including political subdivision, of the Commonwealth. Revisions proposed for 14 VAC 5-370-100 provide that the members' supervisory board shall assure that payroll verifications currently required by the rules are completed within 180 days after the close of a plan year.*

**Contact:** Jarrett D. Goodwin, Bureau of Insurance, State Corporation Commission, 1300 East Main Street, Richmond, VA 23219; P.O. Box 1157, Richmond, VA 23218; telephone (804) 371-9365 or e-mail [jgoodwin@scc.state.va.us](mailto:jgoodwin@scc.state.va.us).

AT RICHMOND, JUNE 23, 2000

COMMONWEALTH OF VIRGINIA, *ex rel.*

STATE CORPORATION COMMISSION

CASE NO. INS000129

**Ex Parte:** In the matter of  
Adopting Revisions to the Rules  
Governing Group Self-Insurers  
of Liability Under the Virginia  
Workers' Compensation Act

### ORDER TO TAKE NOTICE

WHEREAS, § 12.1-13 of the Code of Virginia provides that the Commission shall have the power to promulgate rules and

regulations in the enforcement and administration of all laws within its jurisdiction;

WHEREAS, § 65.2-802 of the Code of Virginia provides that the Commission may establish regulations for the administration of group self-insurance associations;

WHEREAS, the rules and regulations issued by the Commission pursuant to § 65.2-802 of the Code of Virginia are set forth in Title 14 of the Virginia Administrative Code;

WHEREAS, the Bureau of Insurance has submitted to the Commission proposed revisions to Chapter 370 of Title 14 of the Virginia Administrative Code entitled "Rules Governing Group Self-Insurers of Liability Under the Virginia Workers' Compensation Act," which amend the rules at 14 VAC 5-370-20 and 14 VAC 5-370-100; and

WHEREAS, the Commission is of the opinion that the proposed revisions should be adopted with an effective date of September 30, 2000.

### THEREFORE, IT IS ORDERED THAT:

(1) The proposed revisions to the "Rules Governing Group Self-Insurers of Liability Under the Virginia Workers' Compensation Act," which amend 14 VAC 5-370-20 and 14 VAC 5-370-100, be attached hereto and made a part hereof;

(2) All interested persons TAKE NOTICE that the Commission shall enter an order subsequent to August 4, 2000, adopting the revisions proposed by the Bureau of Insurance unless on or before August 4, 2000, any person objecting to the proposed revisions files a request for a hearing to oppose the adoption of the proposed revisions, with an effective date of September 30, 2000, with the Clerk of the Commission, Document Control Center, P.O. Box 2118, Richmond, Virginia 23218;

(3) All interested persons TAKE NOTICE that on or before August 4, 2000, any person desiring to comment in support of, or in opposition to, the proposed revisions shall file such comments in writing with the Clerk of the Commission at the above address;

(4) All filings made under paragraphs (2) or (3) above shall contain a reference to Case No. INS000129.

(5) AN ATTESTED COPY hereof, together with a copy of the proposed revisions, be sent by the Clerk of the Commission to the Bureau of Insurance in care of Deputy Commissioner Douglas C. Stolte who forthwith shall give further notice of the proposed adoption of the revisions to the rules by mailing a copy of this Order, together with a draft of the proposed revisions, to all group self-insurance associations licensed by the Commission; and

(6) The Bureau of Insurance shall file with the Clerk of the Commission an affidavit of compliance with the notice requirements of paragraph (5) above.

**14 VAC 5-370-20. Definitions.**

"Act" means the Virginia Workers' Compensation Act as provided by Title 65.2 of the Code of Virginia.

"Administrator" means the individual, partnership or corporation authorized to serve as a representative of an association and its members in carrying out the policies of the board and managing the association's activities.

"Commission" means State Corporation Commission.

"Common interest" means employers engaged in ~~the same or substantially similar types of activities~~ industry, trade, commerce or profession, including political subdivisions of this Commonwealth. *Notwithstanding the foregoing, an employer seeking membership in an association licensed on and before July 1, 2000, has a common interest if the industry, trade, commerce, profession or other business activity of such employer is the same or substantially similar to the business activity of an employer that was a member of the association on and before July 1, 2000.* If an association is licensed by the Commission, different businesses which are owned or controlled by a member of the association are eligible for membership in such association.

"Contributions" means the amount of payments required of each member in order to fund the association's obligations under the Act.

"Employer" shall have the definition provided by § 65.2-101 of the Code of Virginia.

"Group self-insurance association" or "association" means an association organized by two or more employers having a common interest that have entered into agreements to pool their liabilities under the Virginia Workers' Compensation Act.

"Indemnity agreement and power of attorney" means the written agreement executed by each member of the association in which each member (i) agrees to assume and discharge, jointly and severally, any liability under the Act of any and all members party to such agreement and (ii) grants the administrator power of attorney to act for and bind the members in all transactions relating to or arising out of the operations of the association.

"Member" or "member in good standing" means an employer party to an indemnity agreement for membership in a group self-insurance association who has been approved in accordance with the requirements of 14 VAC 5-370-50 ~~of this chapter.~~

"Members' supervisory board," or "board," means the representative body selected by the members to be responsible for holding and managing the assets and directing the affairs of the association and for assuring that the association, through its members, is financially sound and able to meet its obligations under the Act.

"Service agent" means any individual, partnership or corporation that may provide services including, but not limited to, claims adjustment, safety engineering, compilation of statistics and the preparation of contribution payment and loss reports, preparation of other required self-insurance reports and the administration of a claims fund.

**14 VAC 5-370-100. Responsibilities of members' supervisory board.**

The members' supervisory board shall be responsible for holding and managing the assets and directing the affairs of the association and shall be elected in the manner prescribed by the association's governing instruments. At least 3/4 of the board must be members of the association, but a supervisory board member shall not be an owner, officer or employee of any service organization, its parent or any of its affiliated companies, under contract with the association. The board shall supervise the finances of the association and the association's operations to the extent necessary to assure conformity with law, this chapter, the members' indemnity agreement and power of attorney, and the association's governing instruments. The members' supervisory board shall take all necessary precautions to safeguard the assets of the association, including, but not limited to, the following:

1. Monitoring the financial condition of each member of the association (unless proof of financial condition is not required under 14 VAC 5-370-40 A 3 ~~of this chapter~~), and doing all other acts necessary to assure that each member continues to be able to fulfill the obligations of membership; and also reporting promptly to the Commission any grounds for believing that a change in any member's financial condition, withdrawal of a member, or any other circumstances affecting the association's ability to meet its obligations;
2. Designating an administrator to administer the affairs of the association, who shall furnish a fidelity bond with the association as obligee, in an amount sufficient to protect the association against the misappropriation or misuse of any monies or securities. The amount of the bond shall be determined by the Commission and evidence of the bond shall be filed with the Commission, said bond being one of the conditions required for licensing of the association. The administrator shall not be an owner, officer or employee of any service agent, its parent or any of its affiliated companies, any of which are under contract with the association;
3. Retaining control of all monies collected for the association and the disbursement of such monies by the association. All assets of the association shall remain in the custody of the board or the authorized administrator. However, a claims fund for payment of benefits due and other related expenses may be established for the use of any authorized service agent;
4. Active efforts to collect delinquent accounts resulting from any past due contributions by members. The board shall terminate in the manner provided by § 65.2-804 B of the Code of Virginia any member delinquent for more than 30 days in the payment of any subscription charge or assessment billed to such member;
5. The members' supervisory board or the administrator shall not use any of the monies collected for any purpose unrelated to securing the members' liability under the Act. Further, they shall be prohibited from borrowing any monies from the association or in the name of the association without advising the Commission of the

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## Proposed Regulations

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nature and purpose of the loan and obtaining Commission approval;

6. The members' supervisory board shall assure that the office of the administrator of the association and all pertinent records necessary to verify the accuracy and completeness of all reports submitted to the Commission are maintained within this Commonwealth;

7. The members' supervisory board shall ~~require~~ *assure* that payroll verifications of all members of the associations are ~~conducted~~ *completed* within 180 days after the close of a plan year and the board shall require that efforts are made to collect any additional amounts due within 30 days of the completion of each audit; and

8. The members' supervisory board may adopt its own rules and procedures as considered necessary for the operation of the association provided these rules and procedures are not inconsistent with § 65.2-802 of the Code of Virginia and this chapter.

VA.R. Doc. No. R00-214; Filed June 26, 2000, 8:44 a.m.



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# FINAL REGULATIONS

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For information concerning Final Regulations, see Information Page.

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## Symbol Key

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

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## STATE BOARD OF SOCIAL SERVICES

Title of Regulations: 22 VAC 40-130-10 et seq. Minimum Standards for Licensed Child-Placing Agencies (amending 22 VAC 40-130-10, 22 VAC 40-130-30 through [ ~~22 VAC 40-130-60, 22 VAC 40-130-80~~ ] through 22 VAC 40-130-140, 22 VAC 40-130-170 through [ ~~22 VAC 40-130-240, 22 VAC 40-130-260~~ through ] 22 VAC 40-130-450, 22 VAC 40-130-470 through 22 VAC 40-130-500, [ 22 VAC 40-130-510 ] and 22 VAC 40-130-520 through 22 VAC 40-130-550; adding [ ~~22 VAC 40-130-162~~ 22 VAC 40-130-25, 22 VAC 40-130-155 ] , 22 VAC 40-130-195, 22 VAC 40-130-198, 22 VAC 40-130-202, 22 VAC 40-130-211, 22 VAC 40-130-212, 22 VAC 40-130-213, 22 VAC 40-130-221, 22 VAC 40-130-223, 22 VAC 40-130-251, 22 VAC 40-130-261, 22 VAC 40-130-271, 22 VAC 40-130-272, 22 VAC 40-130-289, 22 VAC 40-130-301, 22 VAC 40-130-312, 22 VAC 40-130-314, 22 VAC 40-130-365, 22 VAC 40-130-401, 22 VAC 40-130-402, 22 VAC 40-130-403, 22 VAC 40-130-404, 22 VAC 40-130-406, 22 VAC 40-130-424, 22 VAC 40-130-452 through 22 VAC 40-130-459, and 22 VAC 40-130-600 through 22 VAC 40-130-820; repealing 22 VAC 40-130-160).

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

Effective Date: November 1, 2000.

### Summary:

*This regulatory action addresses multiple programs offered by child-placing agencies by combining requirements into one set of standards. The standards consolidate requirements related to organization, staff qualifications, caseloads, staff training, required reports to the department, and recordkeeping requirements in order to streamline the department's regulatory oversight of these agencies. However, standards specific to the different services offered are divided into parts to make the regulation easier to follow. The final regulation is divided into parts based on the following topical areas: definitions and authority; organization and administration; personnel; foster care services; adoption services to include domestic, international and parental placement adoptions; independent living placement services; services related to the status of children of assisted conception; reports; case record requirements; and treatment foster care services.*

*The final regulation has several substantive changes from the proposed regulation. Revisions were made to the definition of corporal punishment to more clearly identify the intent and actions that are covered by this definition. New standards were added to Part II, Organization and Administration, that require policies to cover the discipline and behavior management methods,*

*including a requirement that agencies will develop an agreed upon plan of discipline with the adoptive and foster parents. During home studies, agencies will be required to be sensitive to the adoptive and foster parent applicants' racial, ethnic, and religious differences when the agencies evaluate the discipline the applicants will use. New standards were added to cover staff training; smaller caseloads in independent living placement agencies; foster and adoptive home placement agreement forms, which are now included as part of the regulation; and covering the scope and applicability of this regulation. Part IV, Foster Care Services, has been revised to require certain information prior to admission of the child, changes in the service plan and progress reports for the child, additional training topics for foster parents, a required foster home agreement, and additional items to evaluate during the foster home study.*

*Through regulation of the Department of Medical Assistance Services, certain sections of this regulation will apply to local departments of social services that apply for Medicaid certification of their treatment foster care case management services. The following parts will apply to certified local departments of social services: Part I, Definitions and Authority; Part II, Organization and Administration; Part III, Personnel; Part IX, Reports; Part X, Case Record Requirements; and Part XI, Treatment Foster Care. The final regulation exempts local departments of social services from the requirement to submit financial statements with their application, changes the time frames for the treatment and service plan and progress reports in treatment foster care, exempts short-term foster care placements from some of the requirements, and updates the requirements of several standards due to changes in law.*

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

Agency Contact: Copies of the regulation may be obtained from Doris Jenkins, Child Welfare Licensing, Department of Social Services, 730 E. Broad Street, Richmond, VA 23219, telephone (804) 692-1773 or e-mail dtj7@email1.dss.state.va.us.

## CHAPTER 130. MINIMUM STANDARDS FOR LICENSED ~~PRIVATE~~ CHILD- PLACING AGENCIES.

### PART I. ~~INTRODUCTION~~ DEFINITIONS AND AUTHORITY.

#### **22 VAC 40-130-10. Definitions.**

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

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"Adoptive home" means any family home selected and approved by a parent, local board of public welfare or social services, or a licensed child-placing agency for the placement of a child with the intent of adoption.

[ "Adoptive placement" means arranging for the care of a child who is in custody of a child-placing agency in an approved home for the purpose of adoption. ]

"Assisted conception" means a pregnancy resulting from any intervening medical technology, [ ~~other than the pregnancy of a woman resulting from the insemination of her ovum using her husband's sperm, whether in vivo or in vitro, which completely or partially replaces sexual intercourse as the means of conception~~ whether in vivo or in vitro, which completely or partially replaces sexual intercourse as the means of conception. Such intervening medical technology includes, but is not limited to, conventional medical and surgical treatment as well as noncoital reproductive technology such as artificial insemination by donor, cryopreservation of gametes and embryos, in vitro fertilization, uterine embryo lavage, embryo transfer, gamete intrafallopian tube transfer, and low tubal ovum transfer ]. (§ 20-156 of the Code of Virginia)

[ "Birth parent" means the child's biological parent and, for purposes of adoptive placement, means parent or parents by previous adoption. ]

"Casework" means both direct treatment with an individual or several individuals, and intervention in the situation on the client's behalf. The objectives of casework include: meeting the client's needs, helping the client deal with the problem with which he is confronted, strengthening the client's capacity to function productively, lessening distress, and enhancing opportunities and capacities for fulfillment.

"Certification" means the process of review by representatives of the commissioner, the application of an established set of standards, and the granting of permission to operate a specific service or services when found to be in compliance with those standards.

"Child" means any individual under 18 years of age or under 21 years of age if placed by either a local department of social services or through referral from a Family Assessment and Planning Team.

"Child's family" means the birth or adoptive parents, legal guardians or family to whom the child may return.

"Child-placing activities" means the activities involved in the placement of children in foster or adoptive homes, child-caring institutions or independent living arrangements. Activities include those specified in these standards. Individuals or agencies must be licensed or authorized by the Code of Virginia to conduct child-placing activities in Virginia.

"Child-placing agency" means any individual or agency licensed to place person who places children in foster homes, adoptive homes, child-caring institutions or independent living arrangements pursuant to § [ § 63.1-204, ] 63.1-205 [ and 63.1-219.28 ] of the Code of Virginia or a local board of public welfare or social services that places children in foster homes or adoptive homes pursuant to §§ 63.1-56, 63.1-204, and [ ~~63.1-220.2~~ 63.1-219.28 ] of the Code of Virginia. ~~Local~~

~~departments of social services are child-placing agencies also. Officers, employees, or agents of the Commonwealth, or of any county, city, or town, who serve as or maintain a child-placing agency shall not be required to be licensed, if authorized by the Code of Virginia to provide the services of a child-placing agency.~~

"Commissioner" means the Commissioner of the Virginia Department of Social Services.

"Complaint" means an accusation received either orally or in writing that: a licensed child-placing agency is not in compliance with one or more of these standards or one or more statutory requirements; or an agency foster or adoptive home is not in compliance with one or more applicable requirements of ~~this chapter~~ these standards; or a child placed in a home or institution by a child-placing agency is being abused or neglected as defined by § 63.1-248.2 of the Code of Virginia or subjected to unwholesome influences or to neglect or mistreatment as stated in § 63.1-211 of the Code of Virginia.

"Corporal punishment" means [ ~~the inflicting of pain or discomfort~~ ]. ~~Prohibited actions include but are [ through actions such as~~ but not limited to spanking, hitting with any part of the body or with an implement, pinching, pulling, shaking, binding a child, forcing him to assume an uncomfortable position, or locking him in a room or closet or any similar action which normally inflicts pain or discomfort. ]

~~The prohibition is in effect whether punishment is spontaneous or a deliberate technique for effecting behavioral change or part of a behavior management program. the use of physical force that is abusive which causes a child to experience pain, but not necessarily injury, for the purpose of correction or control of the child's behavior. Prohibited punishment includes all actions when abusive, such as hitting with any part of the body or with an implement; pinching; jerking; harsh shaking; binding a child; forcing him to assume a bodily painful position; or locking him in a room or closet. ]~~

"Department" means the Virginia Department of Social Services.

"Discipline" refers to acceptable techniques used to teach appropriate behavior [ and secondarily, to discourage inappropriate behavior ].

[ "Emergency placement" means the placement of a child where the local department of social services placing the child has within the past 72 hours removed the child from his home or previous placement due to abuse or neglect or other emergency discharge. ]

~~"Foster care" means the provision of substitute care and supervision, for a child committed or entrusted to a child welfare agency or one for whom the agency has accepted supervision. The child may be placed in a foster or adoptive home, group home, residential facility, institution or independent living arrangement.~~

"Foster care services" means the provision of a full range of casework, treatment and community services for a planned period of time to a child who is abused or neglected as defined in § 63.1-248.2 of the Code of Virginia or in need of services as defined in § 16.1-228 of the Code of Virginia and



his family when the child (i) has been identified as needing services to prevent or eliminate the need for foster care placement, (ii) has been placed through an agreement between the local board of social services or the public agency designated by the community policy and management team and the parents or guardians, (iii) has been committed or entrusted to a local board of social services or child-placing agency, or (iv) has been placed under the supervisory responsibility of a local board pursuant to § 16.1-293 of the Code of Virginia.

"Foster care placement" means placement of a child through (i) an agreement between the parents or guardians and the local board or the public agency designated by the community policy and management team where legal custody remains with the parents or guardians or (ii) an entrustment or commitment of the child to the local board or child-placing agency.

"Foster home" means the place of residence of any individual or individuals [ approved by a local department of social services or licensed child-placing agency ] in which any child, other than a child by birth or adoption, resides as a member of the household.

"Independent living arrangement" means the placing of a youth at least 16 years of age, whose custody is held by the child-placing agency or a local department of social services, in a living arrangement in which there is no daily parental supervision.

"Interstate placement" means the placing of a child outside the Commonwealth by a Virginia agency or the placing of a child in Virginia by an individual or agency outside the Commonwealth pursuant to the "Interstate Compact on the Placement of Children," Chapter 40 10.1 ( § 62.4-249 63.1-219.1 et seq.) of Title 63.1 and §§ 63.1-207 and 63.1-207.1 of the Code of Virginia.

[ ~~"Legal parents" means the birth or adoptive parents of the child.~~ ]

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

"Licensing representative" means an ~~employee or officially designated agent of the Department of Social Services, acting as the authorized agent of the commissioner in carrying out the responsibilities and duties specified in Chapter 10 ( § 63.1-195 et seq.) of Title 63.1 of the Code of Virginia.~~

~~"Permanent foster care" means the placement of a child in a foster home where he is expected to stay until he is aged 18. Both the placement and a removal, if any, must be approved by the court. Under certain circumstances, the youth may stay in permanent foster care beyond age 18 but not beyond age 21.~~

"Life book" means a picture and narrative story of a child's life written by the child and case worker using the child's own words, photos, drawings, and memorabilia to tell the child's story.

[ "Mental abuse" means that which occurs when a caretaker creates or inflicts, threatens to create or inflict, or

allows to be created or inflicted upon such a child a mental injury by other than accidental means, or creates a substantial risk of impairment of mental function. (See 22 VAC 40-705-30 D.) ]

"Noncustodial agreement" means the agreement which specifies the conditions for care and control of the child that the local department of social services or public agency designated by the community policy and management team enters into with the parent(s) or guardians to place a child in foster care when the parent(s) or guardians retain custody.

"Parental placement adoption" means an adoption where the birth parents or legal guardians place the child with a family of their choice for the purpose of adoption. [ ~~Section 63.1-220.3~~ Sections 63.1-219.37 through 63.1-219.47 ] of the Code of Virginia [ ~~stipulates stipulate~~ ] the requirements for parental placement adoptions.

"Permanent entrustment agreement" means an agreement in which the parents relinquish all parental rights to the child and free the child to be placed for adoption.

"Permanent foster care placement" means the place of residence in which a child resides and in which he has been placed pursuant to the provisions of §§ 63.1-56 and 63.1-206.1 of the Code of Virginia with the expectation and agreement between the child-placing agency and the place of permanent foster care that the child shall remain in the placement until he reaches the age of majority unless modified by court order or unless removed pursuant to § 16.1-251 or § 63.1-248.9 of the Code of Virginia. A permanent foster care placement may be a place of residence of any natural person or persons deemed appropriate to meet a child's needs on a long-term basis. [ The permanent foster care placement must be in a foster home approved by the local department of social services or a licensed child-placing agency. ]

[ "Person" means any natural person or association, partnership or corporation. ]

[ "Physical abuse" means abuse that occurs when a caretaker creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon a child a physical injury by other than accidental means, or creates a substantial risk of death, disfigurement, or impairment of bodily functions. (See 22 VAC 40-705-30 A.) ]

[ "Physical neglect" means the failure to provide food, clothing, shelter, or supervision for a child to the extent that the child's health or safety is endangered. This also includes abandonment and situations where the parent or caretaker's own incapacitating behavior or absence prevents or severely limits the performing of child-caring tasks, pursuant to § 63.1-248.2 of the Code of Virginia. (See 22 VAC 40-705-30 B.) ]

"Physical restraint" means [ ~~the restriction of a therapeutic intervention where~~ ] a child's body movements [ are restricted ] by means of physical contact in order to manage out of control and unsafe behavior. [ NOTE: This definition does not necessarily include holding a child to control acting-out behavior. ]

[ "Placing agency" means the agency that placed the child with the licensed child-placing agency. Placing agencies may

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be other licensed child-placing agencies or local departments of social services. ]

"Professional staff" means an individual who possesses the required qualifications and fills the job descriptions of executive director, program director, director of social services, child-placing supervisor, case supervisor, case worker, or case worker trainee.

"Records" means the written information assembled in a file relating to the agency, staff, volunteers, the child, [ and ] the child's [ legal ] family, foster family, treatment foster family, and adoptive family.

"Respite care" means care provided to the child by approved foster families for the express purpose of providing 24 hours or more of rest or relief to the primary foster parents or [ legal birth ] parents.

"Service plan" means a written plan of care for the child, based on an assessment of the medical, emotional, social, behavioral and developmental aspects of the child's situation, containing measurable goals and objectives, the criteria for achieving them and the target dates, the services, activities and experiences designed to meet the objectives, coordination with community services, and permanency planning, including discharge plans.

[ "Sexual abuse" means any act of sexual exploitation or any sexual act upon a child in violation of the law which is committed or allowed to be committed by the child's parents or other persons responsible for the care of the child pursuant to § 63.1-248.2 of the Code of Virginia. (See 22 VAC 40-705-30 E.) ]

[ "Short-term placement" means a placement for less than 30 days. ]

"Special needs" means any diagnosed physical, mental or emotional disability.

"State board" means the State Board of Social Services.

"Surrogacy contract" means an agreement between intended parents, a surrogate, and her husband, if any, in which the surrogate agrees to be impregnated through the use of assisted conception, to carry any resulting fetus, and to relinquish to the intended parents the custody of and parental rights to any resulting child. (§ 20-156 of the Code of Virginia)

"Treatment" is the coordinated provision of services and use of professionally developed and supervised interventions designed to produce a planned outcome in a person's behavior, attitude, emotional functioning or general condition.

"Treatment foster care (TFC)" is a community-based program where services are designed to address the special needs of children and families. Services to the children are delivered primarily by treatment foster parents who are trained, supervised and supported by agency staff. Treatment is primarily foster family based, and is planned and delivered by a treatment team. Treatment foster care focuses on a continuity of services, is goal directed, results oriented, and emphasizes permanency planning for the child in care.

"Treatment foster parents" means the individual or couple approved by the licensed or certified child-placing agency and trained to provide treatment foster care services.

"Treatment and service plan" means a written comprehensive plan of care, based on an assessment of the medical, psychological, social, behavioral and developmental aspects of the child's situation, containing measurable goals, procedures and interventions for achieving them, and a process for assessing the results. The treatment and service plan must state the treatment objectives, prescribe an integrated program of therapies, activities and experiences designed to meet the objectives and must include coordination with related community services to ensure continuity of care with the child's family, school and community.

"Treatment team" means the group [ ~~which~~ that provides mutual support, evaluates treatment, and designs, implements and revises the treatment and service plan. Treatment team members are persons directly involved with the child and ] may consist of the child, professional agency staff, other professionals, the child's family members (where appropriate), the child-placing agency and [ the ] treatment foster parents [ ~~who provide mutual support, evaluate treatment, and design, implement and revise the treatment and service plan~~ ].

## [ 22 VAC 40-130-25. Scope and applicability.

This chapter shall apply to all licensed private child-placing agencies. It shall specifically apply to the following:

1. Private child-placing agencies that provide foster care services as stipulated in Part IV (22 VAC 40-130-198 et seq.) of this chapter. Specific sections of Part IV also apply to or impact the foster parents approved by them.
2. Private child-placing agencies that provide adoption services as stipulated in Part V (22 VAC 40-130-289 et seq.) of this chapter. Specific sections of Part V also apply to or impact the adoptive applicants.
3. Private child-placing agencies that provide intercountry adoption services as stipulated in Part VI (22 VAC 40-130-430 et seq.) of this chapter.
4. Private child-placing agencies that provide home studies related to the status of children of assisted conception as stipulated in Part VII (22 VAC 40-130-453) of this chapter.
5. Private child-placing agencies that provide independent living services as stipulated in Part VIII (22 VAC 40-130-454 et seq.) of this chapter.
6. Private child-placing agencies that provide treatment foster care case management services as stipulated in Part XI (22 VAC 40-130-600 et seq.) of this chapter. Specific sections also apply to or impact the treatment foster parents approved by them.
7. Local departments of social services that apply for Medicaid certification to provide treatment foster care case management services as stipulated in Part XI of this

*chapter. Specific sections of Part XI apply to or impact the treatment foster parents approved by them. ]*

**22 VAC 40-130-30. Sponsorship.**

Each agency shall have a clearly identified sponsor. An individual, partnership, association, or corporation, may operate a child-placing agency.

1. When an agency is sponsored by an individual, the individual is the licensee. *[ The individual shall have knowledge of and experience in the program and services the agency offers. ]*

2. When an agency is sponsored by a partnership, the partnership shall serve as the licensee and have a written agreement (articles of partnership) which allows operation and maintenance of a child-placing agency *[ where at least one of the members has knowledge of and experience in the programs and services the agency offers ]*.

3. When an agency is sponsored by an unincorporated association, the association shall have:

a. A governing board *[ which that ]* serves as a licensee *[ where at least one of the members has knowledge of and experience in the programs and services the agency offers ]*; and

b. A written constitution or by-laws *[ which that ]* includes the operation and maintenance of a child-placing agency.

4. When an agency is sponsored by a corporation, it shall have:

a. A governing board *[ which that ]* serves as the licensee *[ and is made up of three or more members; ]* where at least one of the members has knowledge of and experience in the programs and services the agency offers;

b. A certificate of corporate status issued by the State Corporation Commission or, for corporations based out of state, a certificate of authority to transact business in the Commonwealth; and

c. A charter *[ which that ]* specifies that the purpose of the corporation includes the operation of a child-placing agency.

*[ 5. When the child placing agency is operated by local government, the treatment foster care program shall be approved by the board of public welfare or social services in the locality. ]*

**22 VAC 40-130-40. Maintaining standards.**

The licensee or *[ enrolled Medicaid provider certified agency ]* shall be responsible for meeting and maintaining these standards and for complying with other relevant federal, state and local laws and regulations.

**22 VAC 40-130-50. Financing plan.**

The applicant for a license shall have a plan of financing *[ which that ]* provides evidence of income and other financial

resources that will ensure operation in compliance with this chapter for a period of 12 months. *[ This shall not apply to ]* local departments of social services *[ shall submit a financing plan for the operation of the treatment foster care programs ]*.

**22 VAC 40-130-60. Process Initial and renewal application.**

A. The plan of financing shall be provided to the licensing representative with the initial application and with each renewal.

**A. Initial applications shall include:**

1. A balance sheet showing current assets and liabilities; and

2. The agency's projected budget detailing the expected income and expenses for the year.

**B. Renewal applications shall include:**

1. A statement for the last complete fiscal year showing actual income and expenditures;

2. A balance sheet showing current assets and liabilities;

3. A budget detailing income and expenses:

a. For the current fiscal year if the agency is less than six months into its current year; or

b. For the next fiscal year if the agency is more than six months into its current year.

~~NOTE: If the agency is more than three months into its current fiscal year, the latest quarterly statement of income and expenditures is requested. This applies to both 3 a and 3 b.~~

~~B. Initial applications shall include a balance sheet showing current assets and liabilities, the agency's projected budget detailing the expected income and expenses for the year, and documentation that it has cash on hand or a line of credit to cover the first 90 days of operating expenses. EXCEPTION: [ This shall not apply to ] local departments of social services [ shall submit this information related to the treatment foster care program ].~~

~~C. Renewal applications shall include a statement for the last complete fiscal year showing actual income and expenditures, a balance sheet showing current assets and liabilities, and a budget detailing income and expenses for the current fiscal year if the agency is less than six months into its current year. EXCEPTION: [ This shall not apply to ] local departments of social services [ shall submit this information for the treatment foster care program ].~~

*If the agency does not have an approved budget for the next fiscal year at the time of the renewal application, it shall submit a statement indicating the current status of its finances and the status of the projected budget for the next fiscal year. The agency shall submit the next fiscal year's budget to the licensing representative as soon as it is completed and approved.*

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## [ 22 VAC 40-130-70. Ratio.

This agency shall maintain a ratio of assets to liabilities of at least one. *This section shall not apply to local departments of social services.* ]

## 22 VAC 40-130-80. Audit.

Financial records shall be audited annually by a certified public accountant not associated with the agency. *EXCEPTION: This section does not apply to local departments of social services.*

## 22 VAC 40-130-90. Copies of report.

A. A copy of the most recent auditor's report shall accompany the application for license renewal. *EXCEPTION: This section does not apply to local departments of social services.*

B. A copy of the program statement and policies and procedures shall be submitted to the licensing authority with the initial application.

## 22 VAC 40-130-100. Agency setting.

The agency shall [ ~~provide~~ maintain ] professional staff [ ~~and maintain in~~ ] an office within Virginia from which the child-placing activities are carried out.

## 22 VAC 40-130-110. Office conditions.

The agency shall provide office space, equipment and supplies to ensure: ~~1.~~ confidentiality and safekeeping of records; ~~2.~~ privacy for interviewing and conferences; and ~~3.~~ availability of visiting rooms for families and children.

~~NOTE: Rooms and offices may serve multiple functions.~~

## 22 VAC 40-130-120. Posting of license.

~~The current license shall be posted in a conspicuous place near the entrance of the agency.~~

~~If the agency has branch offices, copies of the license shall be posted in the same manner in each location.~~

A. As stated in the General Procedures and Information for Licensure, 22 VAC 15-20-10 et seq. and 22 VAC 40-80-10 et seq., the following documents shall be posted in a prominent place at each public entrance of the licensed premises, when applicable:

1. The most recently issued license;
2. The most recent compliance plan or a written notice of where it may be reviewed in the facility;
3. Probationary status announcement; and
4. Denial and revocation.

B. If the agency has branch offices, the required documents shall be posted in the same manner at each location.

## 22 VAC 40-130-130. Caseload numbers and licensed capacity.

A. Total agency capacity shall be the sum of the following:

1. A maximum of 25 children for a full-time child-placing staff person; *except in treatment foster care [ and independent living placement programs ].*

2. A maximum of 10 children for a beginning trainee; ~~This [ , ] which may be increased to 15 by the end of the first year and 20 by the end of the second year by which time he will qualify as a caseworker, except in treatment foster care [ and independent living placement programs ].~~

~~The agency shall have a training program for trainees during the two years. It shall have its own list of topics to be covered.~~

3. A maximum of five children for each student intern, *except in treatment foster care [ and independent living placement programs ].*

B. Treatment foster care programs shall have a maximum of 12 children for a full-time professional staff person. The caseload shall be adjusted downward if:

1. The caseworker's job responsibilities exceed those listed in the agency's job description for a caseworker, as determined by the supervisor;
2. The difficulty of the client population served requires more intensive supervision and training of the treatment foster parents; or
3. The child's family requires intensive services.

[ *EXCEPTION: An agency worker may have a caseload of 15 as long as no more than 10 of the children are in treatment foster care and the criteria in this subsection for adjusting the caseload downward do not apply.* ]

C. In treatment foster care, there shall be a maximum of six children for a beginning trainee [ , ] which may be increased to nine by the end of the first year and 12 by the end of the second year.

D. In treatment foster care, there shall be a maximum of three children for each student intern.

[ E. In independent living programs, there shall be a maximum of 15 youth for a professional staff person. Beginning trainees may have a caseload of eight, which may be increased to 12 by the end of the first year and 15 by the end of the second year. Students shall have no more than five independent living cases. ]

B- [ E. F. ] Children to be counted in the agency caseload are:

1. Children in agency custody including children for whom an interlocutory order has been entered who are still awaiting a final order; and
2. Children not in the custody of the agency, but who are being supervised in a foster or adoptive home, *treatment foster home*, group home, institution, or independent living arrangement for another agency or individual [ ~~and children who are receiving services from the agency in any of these settings~~ ].

[ G. Agencies that accept or maintain youth between the ages of 18 and 21 in care shall provide the same care and

services to these youth as provided to all children in care. These youth shall also be counted in the licensed capacity and caseloads of the agency. ]

## **22 VAC 40-130-140. Conflict of interest.**

A. No applicant for or recipient of adoptive services shall serve as an agency board member before the final order for the adoption is entered.

B. [ ~~No~~ ] biological [ ~~legal~~ A ] parent of a child currently placed by the agency may serve as a board member of the agency. [ ~~The parent of a child previously placed may serve as a board member of the agency.~~ ]

C. No foster home applicant shall serve as a board member of the child-placing agency.

D. No board member who is a foster parent for the agency shall vote on a foster care policy issue.

E. Staff members of an agency may not [ ~~receive services serve~~ ] as foster parents of the agency for which they work.

F. Board members and agency staff who wish to apply to adopt shall be referred to another child-placing agency.

## **[ 22 VAC 40-130-155. Policies and procedures.**

A. All licensed or certified child-placing agencies shall have and implement a policy to ensure that children are not (i) subjected to corporal punishment as defined in these standards, physical abuse, mental abuse or sexual abuse; (ii) subjected to verbal abuse or remarks that belittle or ridicule the child or his family; (iii) subjected to physical neglect or denied essential program or treatment services, meals, water, clothing, bedding, sleep, or personal care products; or (iv) subjected to any humiliating, degrading or abusive actions.

B. The agency shall have written policies and procedures for investigating, responding to and reporting allegations of misconduct toward children, including reporting suspicions of child abuse or neglect to the local department of social services or the Child Abuse and Neglect Hotline.

C. Child-placing agencies shall comply with §§ 63.1-197, 63.1-198, 63.1-198.1, 63.1-198.4, and 63.1-199 of the Code of Virginia and regulations promulgated by the State Board of Social Services.

D. The agency shall describe and implement a policy of acceptable methods of control and discipline. The policy of acceptable methods of control and discipline shall be based on a review of the scientific literature on discipline. The policy shall include a statement that:

1. When children are placed for the purposes of foster care or adoption, the placement agreement between the child-placing agency and the foster or adoptive parent or parents shall contain a statement that an agreed upon plan of discipline has been developed, which may include nonabusive discipline, either as a deliberate, nonspontaneous technique for effecting behavioral change, or as part of a behavior management program; and

2. The use of abusive physical restraint of children is not permitted.

E. The agency shall disclose to the applicant in writing prior to or during the home study the agency's criteria and values pertaining to discipline and parenting practices that may influence its assessments of the applicants.

F. The agency shall inform the foster or adoptive parent or parents in writing prior to or during the home study that the plan of discipline is a mutually agreeable statement that reflects the child's best interests in adjusting to a new family environment.

G. The agency shall develop an agreed upon written plan for discipline for each child placed in a foster or adoptive home. The plan may include nonabusive discipline either as a deliberate, nonspontaneous technique for effecting behavioral change, or as part of a behavior management program.

H. The agency and the foster or adoptive parent or parents shall sign the agreed upon plan of discipline or the agreed upon part of the behavior management program involving discipline.

I. The agreed upon plan of discipline or that part of the behavior management program involving discipline shall be filed in the child's record and in the foster or adoptive parent's or parents' record.

J. The agency shall review periodically with appropriate staff the scientific literature on discipline. ]

## **22 VAC 40-130-160. Corporal punishment. (Repealed.)**

~~Staff members of an agency may not use corporal punishment with children in agency care nor give permission to others to do so.~~

## **[ 22 VAC 40-130-162. Policies and procedures.**

~~A. The agency shall implement a policy to ensure that children are not (i) subjected to corporal punishment as defined in these standards; (ii) subjected to verbal abuse or remarks that belittle or ridicule the child or his family; (iii) denied essential program or treatment services, meals, clothing, bedding, sleep, or personal care products; or (iv) subjected to any humiliating, degrading or abusive actions.~~

~~B. The agency shall have written policies and procedures for investigating, responding to and reporting allegations of misconduct toward children, including reporting suspicions of child abuse or neglect to the local department of social services or the Child Abuse and Neglect Hotline. ]~~

## **22 VAC 40-130-170. Job description.**

A. The agency shall have a written description of the duties and responsibilities, educational requirements and work experience required for each staff classification in its program. [ The job description shall also indicate the job title of the immediate supervisor. ]

B. A copy of each description shall be given to the licensing representative at the time of the initial application and when descriptions are changed.

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## 22 VAC 40-130-180. Personnel records.

[ A. ] A separate personnel record shall be maintained for each employee *and contract employee*. The record shall contain:

1. The application for employment or resume;
2. A list of educational credentials and relevant work experience, giving dates, places and details substantiating qualifications required by this chapter;
3. At least two written references, *requested by the agency*, or record of interviews with references; [ *and* ]
4. Annual performance evaluations *for professional staff and documentation of training received* [ ; . ]
- ~~5. Copies of professional licensure, when licensure is required by law; and~~
- ~~6. [ ~~5. The criminal record~~ ] certificate [ ~~check, sworn disclosure statement, and child abuse and neglect registry check as required by § 63.1-198.1 of the Code of Virginia.; and~~~~
- ~~6. A signed statement that staff members of an agency shall not use corporal punishment with children in agency care nor give permission to others to do so.~~

B. The agency shall comply with §§ 63.1-197, 63.1-198, 63.1-198.1, 63.1-198.4, and 63.1-199 of the Code of Virginia and regulations promulgated by the State Board of Social Services. ]

## 22 VAC 40-130-190. Staff composition and qualifications.

A. A staff member shall be designated to perform each function described in ~~this chapter~~ *these standards*. ~~This does not limit the agency to the use of the job titles in this chapter.~~

B. When a staff person serves multiple functions within the agency, he shall meet the qualifications for each position held.

C. Executive director. ~~4.~~ The licensee shall appoint an executive director to whom responsibility for the administration of the agency has been delegated in writing. An individual licensee may be the executive director.

~~2.~~ 1. The executive director is responsible to the licensee for the administration of the agency, including implementation of all agency policies, procedures, and financial management.

~~3.~~ 2. The executive director shall have a [ ~~doctor's doctorate~~ ] or master's degree plus ~~three~~ *five* years of experience in a social service agency or program including one year in an administrative, supervisory or consultative capacity.

~~4.~~ 3. The executive director shall appoint a staff member to serve in his absence. He shall provide the department with a written statement of the duties and authority of his designated substitute at the time of application and renewal.

~~5.~~ 4. When the executive director does not have a [ ~~doctor's doctorate~~ ] or master's degree in social work

from a college or university accredited by the Council on Social Work Education, he shall employ a *program* director or supervisor of social services.

D. *Program* director or supervisor of social services. ~~4.~~ The *program* director or supervisor of social services shall:

~~a.~~ 1. Supervise directly or through others all child-placing staff and activities; and

~~b.~~ 2. Assist the executive director and governing body in the formulation and implementation of the agency's policies and programs related to child placing *and in the specific program area in which he works*.

~~2.~~ The *program* director or supervisor of social services shall have *either* a [ ~~doctor's doctorate~~ ] or master's degree in social work from a college or university accredited by the Council on Social Work Education, plus three years of experience in providing casework services to children and their families including one year as an administrator or supervisor of casework services.

E. Child-placing supervisor. ~~4.~~ When an agency employs six or more child-placing staff persons, the agency shall employ a child-placing supervisor.

~~2.~~ The supervisor shall:

~~a.~~ Be responsible for direct supervision of child-placing staff, but

~~b.~~ May not supervise more than eight child-placing staff members.

~~1.~~ The supervisor shall be responsible for direct supervision of child-placing staff, but may not supervise more than eight child-placing staff members.

~~3.~~ 2. The supervisor shall have:

a. A [ ~~doctor's doctorate~~ ] or master's degree in social work from a college or university accredited by the Council on Social Work Education plus two years of experience in providing casework services to children and families; or

b. A baccalaureate degree plus four years of experience in providing casework services to children and families.

F. Case worker. ~~4.~~ Responsibilities of case worker include:

~~a.~~ 1. Interviewing children and families;

~~b.~~ 2. Conducting home studies;

~~c.~~ 3. Preparing and carrying out [ ~~social service~~ ] plans with children and families;

~~d.~~ 4. Preparatory counseling with children and families for placement or discharge, ~~or both~~;

~~e.~~ 5. Supervising children in foster or adoptive homes, group homes, institutions or independent living arrangements; and

~~f.~~ 6. Preparing and maintaining case records.

~~2.~~ G. The case worker shall have:

~~a-~~ 1. A [ ~~doctor's~~ *doctorate* ] or master's degree in social work from a college or university accredited by the Council on Social Work Education or a field related to social work such as sociology, psychology, education or counseling, with a student placement in providing casework services to children and families. One year of experience in providing casework services to children and families may be substituted for a student placement; ~~or~~

~~b-~~ 2. A baccalaureate degree in social work or a field related to social work including sociology, psychology, education or counseling and one year of experience in providing casework services to children and families; or

~~e-~~ 3. A baccalaureate degree in any field plus two years experience in providing casework services to children and families.

~~3-~~ H. Case worker trainee. When an agency employs a casework trainee, all of the following conditions shall be met:

~~a-~~ 1. The trainee shall have a baccalaureate degree;

~~b-~~ 2. The *program* director or supervisor of social services or a supervisor of child placing shall directly supervise the trainee *on at least a weekly basis, and develop a written training program listing topics to be covered during the period of time the individual is a trainee;* and

~~e-~~ 3. Placement decisions made by the trainee shall be approved by the supervisor.

~~G. Consultants. All consultants engaged to provide services to the agency or to families and children served by the agency shall be qualified according to the requirements of the Code of Virginia governing professions.~~

~~H. Volunteers.~~

~~4-~~ 1. The agency shall, if it makes use of volunteers and students/interns, have a written plan for their selection, orientation, training, supervision and assignment. [ *Staff who usually supervise or perform the assigned tasks shall supervise volunteers.* ]

~~2-~~ 1. When a ~~volunteer~~ the individual is used to perform any staff function or responsibility, the ~~volunteer~~ individual shall meet the qualifications for the position.

~~3-~~ 2. The agency shall not be wholly dependent upon the use of volunteers, *students or interns receiving professional training* to ensure the provision of services.

~~4-~~ ~~Staff who usually supervise or perform the assigned tasks shall supervise volunteers.~~

~~I. Students or interns receiving professional training.~~

~~4-~~ [ 3. If an agency provides professional training to undergraduate or graduate students or interns, it shall have a written plan for their selection, orientation, training, assignment and evaluation. ]

~~2-~~ [ 4. An individual with a [ ~~doctor's~~ *doctorate* ] degree or a master's degree in social work from a college or university accredited by the Council on Social Work

Education shall supervise students or interns who perform child-placing activities. That supervisor shall approve all placement decisions made by the student or intern. ]

~~3-~~ ~~The agency shall not be dependent upon the use of students or interns to provide required services.~~

**22 VAC 40-130-195. Staff development.**

A. Professional staff shall participate in orientation and training within 30 days after employment. Orientation and training shall address:

1. The agency's program statement, policies and procedures including expectations for service delivery, confidentiality, and documentation;

2. The standards, related policies in the Division of Service Programs' policies, child abuse and neglect reporting laws, and other relevant laws of the Commonwealth of Virginia; [ ~~and~~ ]

3. The individual's job description and skills needed for the position [ ; and

4. The agency's policies on discipline and behavior management, which shall be based on a review of the scientific literature on discipline ].

B. Professional staff shall also participate in the agency's first available preservice training for adoptive and foster parents following the start of their employment.

C. The agency shall schedule [ or make available outside the agency ] ongoing education or training for professional staff throughout each calendar year to include:

1. [ ~~A review of~~ An update to ] the topics covered during orientation [ , to include any changes in the agency's policies and procedures, the minimum standards, identification of child abuse and neglect and reporting procedures, the agency's policies on discipline and behavior management, a review of the scientific literature on discipline, and other relevant laws ];

[ ~~2- Identification of child abuse and neglect and reporting procedures;~~

~~3-~~ 2. ] For adoption agencies, training or education that will develop and enhance knowledge and skills in adoption placement; services to birth and adoptive parents; assessment and evaluation of adoptive homes; services to children, including grief and loss issues; the provision of services after adoption; and services to adopted individuals; and

[ ~~4-~~ 3. ] For foster care agencies, training or education that will enhance and develop knowledge and skills in foster care placements; services to children and their families; services to foster parents; assessment and evaluation of foster homes; and grief and loss issues for children in foster care, including the significance of birth families to children placed in foster care.

D. Treatment foster care programs shall provide additional staff development in the following areas:

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1. The agency's treatment philosophy and skill training in the specific treatment methodologies it employs, including crisis intervention techniques; and

2. Ongoing education or training in effectively working with children who have emotional and behavioral problems and who may have been abused and neglected.

## PART IV. FOSTER CARE SERVICES.

### **22 VAC 40-130-198. Requirements.**

[ A. In addition to Parts I, II, III, VI, IX, and X of this chapter, ] the standards in this part shall be met to obtain a license to provide foster care, other than treatment foster care, services in Virginia. Individuals or agencies in or out of state, or out of the country may obtain these services legally only from a licensed child-placing agency or local department of social services. [ Requirements for caseloads and capacity may be found in 22 VAC 40-130-130.

B. Agencies shall be responsible for maintaining compliance with these standards and all related laws in Virginia. ]

### **22 VAC 40-130-200. Program statement.**

A. Child-placing agencies shall have a statement describing their services, organizational structure, policies, and recordkeeping including:

1. The purpose of the foster care program, including a description of the population the agency is prepared to serve and the geographical area to be served;

2. An open admissions policy if federal or local social service agency funds are involved. It shall state that their program is open to all children without regard to race, color, national origin or sex. It shall say also that children with ~~handicapping conditions~~ disabilities will be accepted if their needs can be reasonably accommodated. ~~The statement shall describe the population the agency is prepared to serve.~~ The policy shall also state that race shall not be a factor in determining the best placement for the child.

The agency shall include this policy in all brochures and material used for advertisement or distributed to the public.

3. A list of the agency's [ ~~preadmission intake~~ ] requirements; an explanation of the fee system, if any; and decision-making procedures for acceptance, matching, placement and ~~termination of discharge from care~~;

4. A description of the services provided to children, biological [ ~~legal their~~ ] families and foster families;

5. A statement of eligibility requirements for foster families;

6. A description of the agency's procedures for foster family study and approval including a description of any orientation and training [ *provided to applicants and foster parents* ];

7. A description of agency policy and procedures for independent living arrangements, if offered; [ ~~and~~ ]

8. A description of ~~division of the~~ responsibilities and workload of the child-placing staff and the training provided to professional staff [ ; and

9. A description of the agency's policies and procedures for accepting emergency and short-term placements, in applicable ].

B. Either the full statement or a summary shall be given to agencies and individuals who inquire about the services provided.

C. The program statement shall be updated when changes are made in the program [ ; ] and a copy provided to the licensing representative within 30 days of the change.

### **22 VAC 40-130-202. Policies and procedures.**

A. The agency shall have a written plan for back-up emergency care in the event that a child's placement in a family [ ~~fails or if the agency ceases to operate~~ ] disrupts ].

[ ~~B. The agency shall describe and implement a policy of acceptable methods of control and discipline. The policy shall include a statement that the use of physical restraint of children is not permitted.~~

~~C. B. ]~~ The agency shall implement policies and procedures governing the agency's responsibility to determine that foster parents properly administer and document the medication as prescribed for foster children placed in their home; that foster parents have knowledge of side effects and actions to be taken; that foster parents notify the agency of adverse reactions to medications; and that foster parents have knowledge of the secure storage, retention and disposal of medication.

[ ~~D. C. ]~~ Agencies shall implement a policy and procedure governing the assignment of designated staff to be on call to foster parents on a 24-hour, seven days-a-week basis.

[ ~~E. D. ]~~ Agencies shall have a written discharge policy describing both planned and emergency discharge from the program.

[ E. The agency shall have a written policy addressing plans for active cases if the agency ceases to operate. ]

### **22 VAC 40-130-210. Intake.**

~~A child-placing agency may receive a child through court commitment or from an individual or agency having legal custody.~~

A. Authority to place. Before placing a child in foster care, the agency shall have the authority to place based on one of the following:

1. Court commitment;

2. Permanent entrustment by the parent or parents, or other person having legal custody; or

NOTE: ~~If it appears that a child may need subsidy in the future, the agency should try to have the child enter care through court commitment. Few children who enter care~~



through permanent entrustment are eligible for IV-E Adoption Assistance (federal subsidy). See 22 VAC 40-130-310 B-2 b Note.

3. Temporary entrustment by the parent or parents or [ ~~either person having~~ ] legal [ ~~custody, or a placement agreement from an agency with legal custody.~~ The agency shall petition the court for approval of a temporary entrustment within 30 days unless the entrustment is for less than 90 days. guardian. If accepting a child through a temporary entrustment agreement from the parent or legal guardian, the agency shall follow the requirements of §§ 16.1-277.01 and 63.1-204 of the Code of Virginia ];

4. A placement agreement from an agency with legal custody; or

5. A placement agreement signed by the local department of social services having jurisdiction when a noncustodial agreement has been signed between the parent or legal guardian and the local department or another public agency.

EXCEPTION: An agency licensed as a child-placing agency and certified as a proprietary school for the handicapped by the Department of Education shall not be required to take custody of a child placed in its special education program but shall enter into a placement agreement with the parent or other individual holding custody.

## B. Intake assessment.

~~1. The assessment shall include items listed in subdivisions 1a through 1d. However, the agency shall collect the information for items listed in subdivisions 1a and 1b before accepting the child for placement. The required items are:~~

B. [ ~~Preadmission assessment~~ ] To achieve sound placement decisions and planning for relevant services to children, the agency shall receive and review the following material prior to a child's admission [ ~~∴~~ . All materials shall indicate the date received by the agency. ]

~~a.~~ 1. The reason the placement is requested;

~~b.~~ 2. Current information on the child's:

(1) a. Health;

(2) b. Behavior in the home or other living situation; and

(3) c. Grade level and adjustment to school, if of school age; or adjustment to day care or nursery school, if any, for preschool children;

~~c.~~ The dates and persons involved in placement visits and staffings;

d. [ ~~Potential problems with the child's placement Medications the child is taking, including dosages and reasons for taking each medication~~ ]; and

e. Information on the child's skills, interests and talents; [ and ]

d. 3. The reason or reasons the child was accepted and the date the decision was made.

~~2. [ 4. The assessment shall be written within 30 days of placement. ]~~

C. A child shall be accepted only after careful consideration of how well the prospective foster family can meet the child's needs and preferences. Important considerations include, but are not limited to:

1. Foster parents' specific skills, abilities and attitudes needed to work effectively with the child; and

2. The family composition, willingness and ability to work with the child's family.

D. The worker shall make a recommendation as to the most suitable foster home that can provide services to the child and his family.

1. Siblings shall be placed together whenever possible unless it is clearly not in their best interest.

2. The agency shall document why a particular foster home is selected for the child.

E. Unless there are valid reasons for not doing so, the agency shall interview the child and his parent or legal guardian prior to placement [ and record this interview in the child's record ]. If the child, the parent or the legal guardian cannot be interviewed, the reason shall be documented in the child's record. [ This shall not apply to emergency placements. ]

F. The agency shall prepare the child for placement and arrange a preplacement visit for the child in the foster home. If this is not possible, the reason shall be documented in the child's record. [ The results of the preplacement visit shall be recorded in the child's record. This shall not apply to emergency placements. ]

[ G. The assessment of information for each child required in 22 VAC 40-130-210 B through F shall be written within 30 days of the child's placement. ]

~~G. [ H. ]~~ Social history. The purpose of the history is to assist in determining the appropriate goal for the child and identify the services needed to reach the goal. 1. The study social history shall be [ ~~completed within 30 days of placement and include the date it was completed received prior to admission~~ ]. 2. Information shall be collected on the items listed [ ~~below in this subsection~~ ]. [ Agencies have 30 days to receive this information for emergency placements. ] If information on an item is not available, the explanation shall be recorded.

~~3. [ 1. ]~~ The study social history shall cover:

[ ~~a.~~ 1. ] Family structure, relationships and involvement with the child;

[ ~~b.~~ 2. ] The child's previous placement history, if any;

[ ~~c.~~ 3. ] The child's developmental, educational, social and medical history;

d. A description of the child's appearance;

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e. ~~[ 4. ]~~ Any emotional or psychological problems of the child including strengths and needs, *and professional treatment received, if applicable*;

f. ~~The child's school history;~~

g. ~~[ 5. ]~~ The education, *medical history* and occupation of parents; and

h. ~~Family medical history as it relates to the suitability of the child for placement.~~

4. ~~The worker shall:~~

a. ~~Recommend long-term goals and intermediate objectives;~~

b. ~~Identify services needed to meet the objectives and goals; and~~

c. ~~Make a recommendation as to the type of home best suited to the child. Siblings shall be placed together whenever possible unless it is clearly not in their best interest.~~

5. ~~When a home is selected, the worker shall explain why it was chosen.~~

~~[ 6. ]~~ *The child's history as a victim of abuse or neglect, [ including history of prenatal neglect or substance abuse by mother, ] if applicable.*

~~D. [ H. 1. ]~~ Physical ~~or~~ and dental examinations.

1. A child shall have an examination by or under the direction of a licensed physician within the 90 days before placement. The discharge summary from a hospital shall be acceptable for a newborn. *[ The medical examination shall include the child's current physical condition, including growth and development, visual and auditory acuity, nutritional status, evidence of freedom from tuberculosis in a communicable form, allergies, chronic conditions and disabilities. ]*

EXCEPTION: The 90-day requirement may be waived if ~~[ a. ]~~ a report of an examination no more than a year old is available; together with ~~b. a~~ report of all medical treatment provided in the interim, and ~~c. [ b. ]~~ the child has been in the continuous placement of a public or private agency.

2. When a child ~~[ 7. ]~~ accepted in an emergency ~~[ 7. ]~~ has not had an examination within 90 days before placement, he shall have one within 30 days after placement.

3. Each child over three years shall have had a dental examination within 12 months before placement or within 60 days after placement.

~~E. [ 7. J. ]~~ School enrollment. The agency shall contact school authorities within five days of placement to arrange for the enrollment of each school age child.

## **22 VAC 40-130-211. Acceptance of child and placement agreements.**

~~F. A.~~ Acceptance of a child from another agency. When a child is accepted for placement from another child-placing agency ~~[ which that ]~~ is retaining custody:

1. The receiving agency shall obtain a placement agreement before placing the child. It shall cover the financial and other responsibilities of each agency including the services each agency agrees to provide for the child, the biological ~~[ legal child's ]~~ family and foster family. *[ The agreement shall also include:*

a. *Provisions for receiving consent for routine and emergency medical and dental care for the child;*

b. *Permission for out-of-state travel; and*

c. *Permission, if necessary, for the child to participate in any fund-raising activities. ]*

2. The agreement shall be signed ~~by a person from each agency who has the authority to commit the agency to the provisions by the receiving agency and by the custodial agency or by the local department of social services when the placement is authorized through a noncustodial agreement with the [ legal parent or ] parents. If changes are made, the agreement shall be amended and the changes signed or initialed by an appropriate person.~~

3. The referring agency which retains custody is required by §§ 16.1-281 and 16.1-282 of the Code of Virginia to send the court service plans for each child in its custody. The receiving agency shall obtain a copy of the service plan sent to the court or document its efforts to obtain one. It shall develop service ~~plan or~~ plans *[ according to the requirements of 22 VAC 40-130-212 and ]* compatible with the ~~goal or~~ goals in the plan sent to the court.

~~G. B.~~ Acceptance of a child from ~~[ the parent or legal parents or other individual legal guardian ]~~. When accepting a child for placement from a parent or other individual holding custody, the agency shall:

1. Obtain an entrustment *agreement and follow the requirements of § [ § ] 63.1-204 [ and 16.1-277.01 ] of the Code of Virginia [ (Exception: See ] 22 VAC 40-130-220 [ 22 VAC 40-130-210 A 3 ) ] ;*

2. Explain the agency's foster care program;

3. Collect information for the ~~[ intake preadmission ]~~ assessment ~~[ and social history, ]~~ which shall be recorded only under ~~[ those headings that heading ]~~;

4. Explain service plan, covering:

a. ~~Long-term goals;~~

b. ~~Steps for their accomplishment;~~

c. ~~The case worker's responsibilities;~~

d. ~~The parent or other individual's responsibilities; and~~

e. ~~Date setting for intermediate and long-term goals.~~

~~NOTE: Only the client's reactions should be recorded here; elements of the plan should be with the service plan itself.~~

4. Provide the ~~[ legal ]~~ parent or legal guardian placing the child with information about the agency's services, and discuss the parent's or guardian's long-term plans for

the child, their responsibilities for the child, and the case worker's responsibilities; and

5. Explain service planning to the parent or guardian and discuss their involvement in this process, as well as their plans for visitation and financial support.

**22 VAC 40-130-212. Service plans in foster care.**

H. ~~Service plans in foster care.~~ A. An agency shall prepare and implement [ a an individualized ] service plan for each child in its care. The parents shall be consulted unless parental rights have been terminated. Prior custodians or foster parents shall be consulted when appropriate.

1. ~~Service plan requirement when the agency holds custody.~~

a. ~~The plan shall be filed with the court within 60 days after the agency receives custody unless:~~

- (1) ~~The court grants an additional 60 days, or~~
- (2) ~~The child is returned home or placed for adoption within 60 days.~~

b. ~~The goal is to provide services that will lead to the child's placement in a permanent situation. Goals in order of priority are:~~

- (1) ~~Return to parents or prior custodians;~~
- (2) ~~Placement with relatives with planned transfer of custody;~~
- (3) ~~Adoptive placement;~~
- (4) ~~Permanent foster care; and~~
- (5) ~~Continued foster care or placement with relatives without transfer of custody.~~

c. ~~Reports to the court are in two parts: A and B.~~

(1) ~~Part A, only, shall be used if the goal is to return to the parents or prior custodians. It shall include:~~

- (a) ~~The services to be offered to the child and parents;~~
- (b) ~~The participation to be sought from the parent or parents or prior custodian or custodians;~~
- (c) ~~Visitation between the child and parent or parents or prior custodian or custodians;~~
- (d) ~~The type of placement being provided; and~~
- (e) ~~A projected date for the return of the child to the parent or custodian.~~

(2) ~~If the agency determines that it is not likely that the child can be returned to the parent or parents or custodian within a reasonable period of time, both Parts A and B shall be used.~~

~~Part B shall include:~~

- (a) ~~The reasons the child cannot be returned to the parents or prior custodians;~~
- (b) ~~The goal selected;~~

~~It must be the highest feasible goal. The reasons a higher goal was not selected must be explained.~~

~~(c) A plan for attainment of the selected goal; and~~

~~(d) A projected date for attainment of the goal.~~

~~d. Procedures in the Service Programs Manual, Volume VII, Section III, Chapter B, "Preparing the Service Plan" shall be followed. These procedures are incorporated by reference and made a part of these regulations.~~

~~2. Service plan requirements when agency does not hold custody.~~

a. ~~The plan shall include:~~

- (1) ~~The goal for the child;~~
- (2) ~~The services to be offered to the child and parents or prior custodians;~~
- (3) ~~The participation to be sought from the parents or prior custodians;~~
- (4) ~~The type of placement recommended for the child and how it relates to the goal; and~~
- (5) ~~The target date for achievement of the goal.~~

b. ~~The plan shall be completed within 60 days of placement.~~

*B. When the agency holds custody of the child, a service plan shall be filed with the court within 60 days after the agency receives custody unless the court grants an additional 60 days, or the child is returned home or placed for adoption within 60 days. [ The agency shall follow the requirements of the Code of Virginia and regulations promulgated by the State Board of Social Services related to service plans, court reviews, dispositional hearings and permanency planning hearings. See §§ 16.1-281 and 16.1-282 of the Code of Virginia. ]*

*The permanency planning goals and the requirements and procedures in the department's Service Programs Manual, Volume VII, Section III, Chapter B, "Preparing the Initial Service Plan," [ June 1998, shall be followed. These requirements and procedures are incorporated by reference and made a part of these regulations and "Reassessments, Reviews, and Redeterminations" may be consulted ].*

*C. Service plan. When the agency does not hold custody of the child, professional agency staff shall develop a service plan within the first [ 60 45 ] days of placement which shall include:*

- 1. *An assessment of the child's emotional, social, behavioral, educational, developmental and medical needs;*
- 2. *[ Clear and realistic goals and objectives The goals to meet the child's needs ], the criteria for achievement, and target dates for each;*
- 3. *The services, [ and ] activities [ and experiences ] designed to meet the [ objectives provided to date and those to be provided within specified time frames (include*

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~~a description of the agency's coordination with related community services to provide a continuity of care with the child's family, school, and community) goals, including a description of how the agency is working with related community resources to provide a continuity of care ];~~

4. ~~The [ long-term ] permanency planning goals and plans for reunification of the child and the child's family, where appropriate;~~

5. ~~The target date for discharge from the program; and~~

6. ~~For children age 16 and over, a description of the programs and services that will help the child's transition from foster care to independent living [ , where appropriate ].~~

[ Agencies providing short-term placements are exempt from the requirements of subdivisions 1 through 6 of this subsection, but instead shall comply with subsection E of this section. ]

Based on the agency's evaluation and work with the child and the child's family, it shall develop other areas to be addressed in the service plan.

The plan shall be signed and dated by the staff person who completed the plan.

D. The agency shall include and work with the child [ who has the ability to understand ], the [ ~~child-placing~~ placing ] agency and the parents, where appropriate, in the development of the service plan and provide a copy to [ ~~them~~ the placing agency. The agency may provide a copy to the foster parents and the parents, where appropriate, as long as confidential information is not released ].

[ E. Within 72 hours of placement, agencies providing short-term placements shall write an intake assessment covering the requirements of 22 VAC 40-130-210 B through F, and develop a service plan for children to include a description of the child's needs and services to be provided during the placement.

E. F. ] The agency shall provide supervision, training, support and guidance to foster families in implementing the service plan for the child.

[ F. G. ] The agency shall arrange for and encourage contact and visitation between the foster child, his family and others as specified in the service plan [ and as permitted by the court and custodial agency ].

## **22 VAC 40-130-213. [ Quarterly ] Progress reports [ and ongoing service plans ].**

A. Progress reports shall be completed [ ~~quarterly~~ ] beginning [ with 90 days after ] the date of [ ~~the service plan~~ placement and every 90 days thereafter ]. The report shall evaluate and describe progress in each specified area of the service plan and include any changes recommended. The progress [ ~~summary~~ report ] shall also include:

1. [ A description of the ] services provided [ ~~and a list of the individuals providing the services during the previous~~

90 days and services to be provided during the next 90 days];

2. Any changes to the service plan [ ~~and services to be provided during the next quarter~~ ], including changes to the goals, the criteria for achievement and target dates ];

3. Behavioral issues to be addressed and plans for addressing them;

[ ~~4. Changes to the goals and objectives, the criteria for achievement and target dates;~~

~~5. 4. ] Contacts between the child and the child's family [ and plans for reunification of the family, where appropriate ];~~

[ ~~6. 5. ] The child's assessment of his progress and his description of services needed, where appropriate;~~

[ ~~7. 6. ] Medical needs, specifying medical treatment provided and still needed [ and medications prescribed ]; and~~

[ ~~8. 7. ] Permanency planning goals [ , including plans for reunification of the family, where appropriate, or placement with relatives, ], any changes in these goals, and discharge plans.~~

B. [ ~~The fourth quarterly~~ Annually, the ] progress report shall address the above requirements [ ~~and~~ as well as ] evaluate and update the service plan for the upcoming year.

C. The staff person who completed the report shall date and sign each [ ~~quarterly~~ ] progress report.

D. The agency shall include each child who has the ability to understand in the preparation of the child's service plan and progress report or document the reasons this was not possible. The child's comments shall be recorded in the report.

## **22 VAC 40-130-220. Ongoing services Contacts with child.**

### ~~A. Visitation.~~

~~1. There shall be a face-to-face contact between the child-placing staff and the child every 30 days during the first year of placement in a foster home.~~

~~2. Contacts every 60 days shall be in the placement setting.~~

~~3. If the child is in the same home after one year, the number of required contacts is still 12 per year but there may be 45 days between any two visits. Alternate required visits shall still be in the placement setting.~~

### **EXCEPTIONS:**

A. There shall be a face-to-face contact between the case worker or a designated professional child-placing agency staff and the child monthly [ , and more often as needed, ] to assess the child's progress, monitor service delivery and allow the child to communicate concerns. Contacts every other month shall be in the home.

~~B.~~ A description of all contacts shall be documented in the narrative.

~~C.~~ Children who are able to communicate shall be interviewed privately once a month.

~~a.~~ D. At least one face-to-face contact shall be made each quarter with a child in a group care facility.

~~b.~~ E. Visits to children in permanent foster care shall be made at least every six months [ ~~in accordance with Service Programs Manual, Volume VII, Section III, Chapter B, Permanent Foster Care Placement, June 1997 and more often if needed~~ ].

~~c.~~ F. Youth who cannot meet the requirements for court-approved permanent foster care ~~because~~ because they are over 18 but meet all other requirements and have been in a stable placement for a year, shall be visited at least every six months, *unless the youth is in the agency's approved independent living arrangement [ or in treatment foster care. ] (See [ Part Parts ] VIII (22 VAC 40-130-454 et seq.) [ and XI (22 VAC 40-130-600) ] of this chapter.)*

~~d.~~ G. The agency shall [ ~~assure~~ ensure ] that visits to children in out-of-state placements ~~shall be the responsibility of~~ are conducted by the agency supervising the placement.

*H. Another licensed private agency or public child-placing agency that does not hold custody of the child may conduct visits; however, documentation must be provided and maintained in the child's record of the dates and substance of the contacts.*

*I. Unless specifically prohibited by court or custodial agency, foster children shall have access to regular contact with their families as described in the service plan.*

*J. [ After consultation with the placing agency, ] the [ ~~child-placing~~ ] agency shall work actively to support and enhance child-family relationships and work directly with families toward reunification as specified in the service plan.*

**~~B.~~ 22 VAC 40-130-221. Medical care.**

~~A.~~ The agency shall [ ~~assure~~ ensure ] that all children in its care receive routine and emergency medical care.

1. Frequency of examinations.

a. The physician's recommendations for children under one year shall be followed.

b. Examinations for children over one year shall be no more than 13 months apart. If the examining physician recommends it, examinations may be every two years for youths over 18.

2. Reports shall be signed by the physician, his designee or an official of the local health department.

*3. The School Entrance Physical Examination of the Department of Health or equivalent may be used to meet the requirements for a medical examination.*

~~3.~~ 4. All reports except the discharge summary on a newborn shall include the following ~~when, at the discretion of the physician, they become appropriate to~~

~~the child's age.~~ unless the physician [ , his designee or the official of the local health department ] recommends otherwise:

a. Immunizations given in the past 13 months or since the last examination;

b. Current physical condition, including growth and development, visual and auditory acuity, nutritional status, evidence of freedom from tuberculosis in a communicable form, allergies, chronic conditions and handicaps or disabilities.

~~4.~~ 5. The agency shall arrange for the child to receive recommended follow-up care as well as care for illnesses or injuries *and shall document all such visits.*

~~5.~~ The School Entrance Physical Examination of the Department of Health or equivalent may be used to meet the requirements for a medical examination.

*B. The agency shall record all medications prescribed for each child and any reported side effects or adverse reactions.*

C. Dental care.

1. Each child over three years shall have a dental examination within 13 months of the last examination and every 13 months after that.

2. The findings shall be signed by a licensed dentist or his designee.

3. The agency shall arrange for the child to receive the recommended follow-up care as well as care for injuries or other conditions requiring attention between examinations.

D. Psychological and psychiatric care. [ *In consultation with the placing agency, ]* the agency shall provide or arrange for a child to receive psychiatric or, psychological, and other clinical services if the need for them has been recommended or identified.

~~EXCEPTION: If the agency does not follow a recommendation, it shall explain in the record why following the recommendation would not be in the child's best interest.~~

**22 VAC 40-130-223. Other responsibilities of agency.**

~~E.~~ A. Clothing. The agency shall see that each child in care has his own supply of clothing for indoor and outdoor wear, suitable to the season, and in good condition.

~~F.~~ B. Spending money. School-age children shall have an allowance [ , which shall be specified in the child's service plan ].

*[ C. When the agency determines that it is in the child's best interest to move the child to another foster home, the agency shall consult with the placing agency prior to the child's move, unless the move is necessary due to an emergency situation or due to child abuse and neglect. When the agency cannot consult with the placing agency prior to moving the child, it shall do so within 24 hours of the move. ]*

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## **22 VAC 40-130-230. Narratives, ~~quarterly summaries and service plans~~ in the child's record.**

A. Narratives shall be in chronological order and current within 30 days. ~~Entries may be in narrative form or recorded on a contact sheet.~~ They shall cover:

1. Casework treatment and services provided;
2. Contacts with the child, ~~parent or parents, the person or persons or agency holding custody if other than the parent, and collaterals; and~~
3. ~~Areas required by these standards; and~~
3. 4. Other significant events, if any.

~~B. Summaries and service plans shall be made quarterly. The date of the initial service plan is the beginning date of the first quarter.~~

~~1. The summary for the quarter shall evaluate the progress made in reaching the goal including:~~

- a. ~~Problems met and problems still existing or arising; and~~
- b. ~~An evaluation of:~~
  - (1) ~~The services provided the child;~~
  - (2) ~~The participation of the services offered the biological parents, if any;~~
  - (3) ~~The participation of the foster parents; and~~
  - (4) ~~The continued suitability of the goal and termination date.~~

~~2. The service plan for the next quarter shall cover:~~

- a. ~~Any changes recommended in the goal and termination date;~~
- b. ~~Services needed for the child and their availability;~~
- c. ~~Contacts planned with the foster parents, school, biological parent or parents and other relatives; and~~
- d. ~~Progress anticipated during the coming quarter.~~

~~3. The fourth quarterly report shall also address subdivision 2 b, c and d for the next 12 months.~~

~~For recording in biological and foster family records, see 22 VAC 40-130-280.~~

## **22 VAC 40-130-240. Termination of Discharge from care.**

A. ~~The closing narrative shall be completed within 30 days of termination agency shall complete a discharge summary within 30 days of discharge~~ and include:

1. The reason or reasons for the ~~termination~~ discharge;
2. The name or names of persons with whom the child has been placed or to whom he was discharged;
3. Follow-up services, if any, to be provided [ to ] the child and family or guardian; ~~and~~
4. A ~~brief statement of what was accomplished~~ summary of the services provided while the child was in care; ~~and~~

5. ~~Progress made while the child was in care; and~~

~~6. Recommendations for services if the child is discharged to another agency.~~

~~B. Discharge planning shall be developed with the child, the child's parents or guardian, [ if applicable, ] and the [ ~~child-placing~~ placing ] agency [ ~~, if applicable~~ ].~~

~~C. Children in the custody of a local department of social services or private child-placing agency shall not be discharged without the knowledge, [ ~~consent~~ consultation ], and notification of the [ ~~child-placing~~ placing ] agency. The parents or guardian shall be notified of the child's discharge from the program.~~

~~D. Children under the age of 18 shall only be discharged to the parent or guardian having legal custody.~~

~~F. For independent living placements [ , ] the summary shall include an evaluation of the progress made towards achievement of the identified life skills.~~

~~B. G. Upon discharge a copy of medical and school records [ , ] and birth certificate [ , ] if the agency holds custody, shall be given to the parents or receiving agency. Information shall be released, to a child who has reached 18 years of age in accordance with § 63.1-209 of the Code of Virginia.~~

## **[ 22 VAC 40-130-250. Permanent foster care.**

A child-placing agency may place a child in permanent foster care in accordance with § 63.1-206.1 of the Code of Virginia. Agencies ~~shall follow~~ may consult procedures in the Service Programs Manual, Volume VII, Section III, Chapter B, "Permanent Foster Care Placement." ]

## **22 VAC 40-130-251. Respite care.**

*Foster parents shall have access to both planned and crisis respite care for their foster children. Respite care may be provided only in foster homes [ , ] which have been selected and trained according to these standards. Respite providers shall be informed of the child's service plan and assisted in the implementation of this plan.*

## **22 VAC 40-130-260. Independent living arrangement.**

~~Any agency may place a child in an independent living arrangement. Procedures in the Service Programs Manual, Volume VII, Section III, Chapter B, "Placing the Child in an Independent Living Arrangement" must be followed.~~

*Agencies placing children in independent living arrangements shall follow the requirements established in Part VIII (22 VAC 40-130-454 et seq.) of this chapter.*

## **22 VAC 40-130-261. Training for foster parents.**

A. *Prior to approval of the home, all foster parents shall satisfactorily complete preservice training. This training shall include [ but is not limited to ] the following topics:*

1. *Information about the strengths and needs of children and their families who require family foster care services;*
2. *Information about the impact of separation and loss for all parties involved in family foster care;*

3. ~~The laws, regulations, policies, procedures, and values that direct the agency's family foster care program;~~
4. ~~The [ agency's policies on acceptable methods of control and discipline and the ] knowledge and practice skills necessary to be a foster parent;~~
5. ~~The impact of fostering on foster parents, their children, and all aspects of their family life; [ and ]~~
6. ~~Knowledge and understanding of the specific types of children served by the agency and the services these children will need [ - ;~~
7. ~~Attachment and bonding issues; and~~
8. ~~Caring for children with prenatal drug exposure or other medical needs, where applicable. ]~~

~~B. On-going training. The agency shall develop an on-going training plan for foster parents. [ Foster parents shall be consulted on their training needs. ] The specific training topics shall be included in the agency's program statement and shall include, but not be limited to [ , ] the following:~~

1. ~~Building on basic skills and developing advanced skills, such as working directly with parents of children in care to teach parenting skills;~~
2. ~~Helping children develop self esteem and learn appropriate behaviors;~~
3. ~~Responding to signs and symptoms of physical abuse, sexual abuse, neglect, and emotional maltreatment; [ and ]~~
4. ~~Helping children with family reunification, adoption, and preparation for young adult life [ ; and~~
5. ~~A review of the agency's policies on acceptable methods of control and discipline ] .~~

**22 VAC 40-130-270. The foster family and foster home study.**

~~A. The foster home study. Information on the items listed below shall be gathered in order to assess whether or not it would be a suitable foster home, and, if so, what types of children would fit into the home.~~

1. ~~The foster parent or parents shall be at least 18 years old.~~
2. ~~Workers shall see marriage licenses for couples applying to be foster parents. If there have been previous marriages, the worker shall ascertain that divorces from the former spouses are final.~~
3. ~~Health.~~
  - a. ~~Each permanent member of the household shall obtain a report signed by a physician, his designee or an official of the local health department containing:~~
    - (1) ~~An evaluation of the current health of the individual;~~
    - (2) ~~A statement that the individual does not have tuberculosis in a communicable form including the~~

~~date and type or types of test or tests and the results;~~

~~If the test is positive or no test is done, there shall be a written explanation by the physician.~~

~~(3) An opinion as to whether or not the health of the household member will affect the care of foster children.~~

~~b. Additional tests are not required unless:~~

~~(1) The individual comes in contact with a known case of tuberculosis; or~~

~~(2) Develops chronic respiratory symptoms.~~

~~For either of these symptoms, he must be evaluated according to subdivisions 2 a (2) and 2 a (3) of this subsection.~~

~~e. At the request of the agency or the licensing representative, an examination shall be obtained when there are indications that the safety of the children in care may be jeopardized by the physical or mental health of a household member.~~

~~The agency shall plan for the immediate removal of the child or children if the examination reveals that their safety might be in jeopardy.~~

~~4. Income and financial resources of the foster family shall be sufficient to assure continuing maintenance of the foster family. If there is an amount in the agency's monthly payment above that required for the needs of the child, it may be counted as income.~~

~~5. Child care if parents are employed. When a single foster parent or both parents are employed, there shall be plans approved by the agency for the care of the child during their absence.~~

~~6. CPSIS and Division of Motor Vehicles checks.~~

~~a. Persons applying to be foster parents and other adult members of the household shall consent to a search of the Child Protective Services Central Registry (CPSIS).~~

~~(1) The agency shall use the form provided by the registry and follow the instructions thereon.~~

~~(2) A search must be done for the initial approval and may be repeated if the child-placing staff believes it necessary.~~

~~(3) The home shall not be used if an adult in the household has a founded or unfounded reason to suspect child abuse or neglect record.~~

~~NOTE: The Central Registry name is to be changed from CPSIS to CANIS (Child Abuse and Neglect Information System) in the early fall of 1989. The method of judging injury to children is to be changed. Agencies will be sent information on the changes when they occur.~~

~~b. Persons applying to be foster parents shall consent to a check of Department of Motor Vehicles records if~~

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~~the agency thinks it is needed. The agency may require consent to a check after a home is in use if it appears to be needed.~~

## 7. Residence and surrounding area.

### a. The home shall have:

- ~~(1) A working telephone;~~
- ~~(2) Screens on all doors and windows used for ventilation;~~
- ~~(3) Some method of ventilation for the rooms where children sleep;~~
- ~~(4) Closet or drawer space or both for clothing and personal possessions of children over two years;~~
- ~~(5) Separate beds for each foster child except that two siblings of the same sex may share a double bed;~~
- ~~(6) A written plan for evacuation of the home in case of fire.
  - ~~(a) The worker shall review the plan during the initial home study and at the time of the reevaluation if the family has moved.~~
  - ~~(b) The foster parents shall review the plan, with any child old enough to understand, within five days of placement. This requirement shall be in the foster home agreement or other document signed by the foster parent.~~~~

~~b. If the family possesses firearms, they shall be stored in locked cabinets or locked areas not accessible to children. Ammunition shall be stored in a locked place separate from the firearms.~~

~~c. There shall be an assessment of the following based on the worker's observations and discussion with the applicant or applicants:~~

- ~~(1) The availability and use of sleeping space;~~
- ~~(2) The availability of play or recreation areas appropriate for the ages of children to be placed;~~
- ~~(3) The availability of study areas if school age children are to be placed;~~
- ~~(4) Housekeeping standards; and~~
- ~~(5) The neighborhood and the accessibility of applicable community facilities.~~

## 8. Interviews with family members.

~~a. There shall be a minimum of three face-to-face interviews with each foster parent, including at least one joint interview in the home.~~

~~b. All other members of the household shall be interviewed face-to-face at least once.~~

~~c. The following areas shall be covered:~~

- ~~(1) Each applicant's reasons for and expectations of becoming a foster parent;~~

~~(2) Each applicant's parenting skills, understanding of types of children to be placed, prior experiences with children, attitudes toward natural parents and toward working with the agency;~~

~~(3) The abilities of all members of the household to accept a foster child including their experiences in sharing with and caring for children not related to them;~~

~~(4) The social and academic adjustment of the applicant's children such as peer relationships, grade placement, and school performance;~~

~~(5) Family relationships including marital;~~

~~(6) General patterns of family life; and~~

~~NOTE: The purpose of recording the patterns is to assess how a child will fit into the usual routines or activities of the household.~~

~~(7) The applicant's relationships with extended family and friends.~~

~~9. References. At least three references for the family shall be obtained.~~

## 10. Worker's recommendations.

~~a. The child-placing staff shall recommend approval or disapproval of the home. The date of the action shall be recorded.~~

~~b. Applicants shall be informed within a week of approval or disapproval.~~

~~c. The worker shall recommend the type, number, age and sex of children that can successfully be cared for in the home. Foster parent or parents preferences shall be taken into consideration.~~

~~11. The foster home study shall be written and the home approved before a child is placed.~~

~~A. [ Foster homes shall be evaluated and approved Agencies shall conduct a thorough foster home study and determine approval or denial ] according to the requirements set forth in these standards. An agency may have additional requirements at its discretion.~~

~~B. Assessment of foster family applicants. Information on the items [ below in this section ] shall be gathered in order to assess the applicants' capacities as foster parents. If the home is approved, the information shall be used to determine the type of child that can successfully be placed in the home.~~

~~C. The agency shall conduct interviews with all family and household members. Dates and content of interviews shall be documented in the home study.~~

~~D. There shall be a minimum of three face-to-face interviews with each applicant. At least one interview with a couple shall be [ joint together ] and one shall take place in the home.~~

~~E. Orientation and preservice training sessions provided during the home study process shall not count towards the required number of interviews.~~



F. The agency shall request and obtain a minimum of three nonrelative references for the family. Additional references may also be requested from relatives or others at the agency's discretion.

G. A report of a medical examination by a licensed physician, his designee, or an official of a local health department of all members of the household shall be obtained. The exam shall be conducted no earlier than [ six 12 ] months prior to the approval and shall contain:

1. An evaluation of the current health of the individual [ , to include an evaluation of drug or alcohol abuse of the applicants ]. Additional reports from specialists shall be received when health concerns are noted;
2. A statement that the individual does not have tuberculosis in a communicable form [ , ] including the date and type of test and the results. If the test is positive or no test is done, there shall be a written explanation by the physician [ , his designee or an official of the local health department ]. Additional tests are not required unless the individual comes in contact with a known case of tuberculosis or develops chronic respiratory symptoms;
3. An opinion as to whether or not the health of the individual will affect the care or present a hazard to the health of children; and
4. The signature of a physician, his designee or an official of the local health department.

H. The medical examination shall be updated if the agency has concerns about the health of members of the foster family.

~~I. [ The agency shall receive the results of a search of the Child Abuse and Neglect Registry before approval is granted. The home shall not be approved if an applicant or another adult living in the home has a founded child abuse or neglect record. Note: See § 63.1-198.1 of the Code of Virginia.~~

~~J. Criminal history record reports and sworn disclosure statements shall be received on each applicant pursuant to § 63.1-198.1 of the Code of Virginia prior to approval. Agencies shall not approve foster families if either foster parent applicant has been convicted of the specified offenses in the law.~~

~~The content of and copies of criminal record reports and sworn disclosure statements shall not be shared with other agencies or persons, other than the person named in the report, the licensing representative, other state or federal authorities and a court as required by state or federal law, except as permitted by § 63.1-198.1 of the Code of Virginia.~~

The agency shall ensure that the foster home is in compliance with §§ 63.1-198.1 and 63.1-198.4 of the Code of Virginia and with regulations promulgated by the State Board of Social Services.

~~K. J. ] The agency shall check the applicants' Department of Motor Vehicles records.~~

[ ~~L. K. ] The agency worker shall see the marriage license for couples.~~

[ ~~M. L. ] The agency shall discuss the employment history of each applicant and assess the applicants' management of income and financial resources in relation to expenses.~~

Applicants shall have sufficient income and financial resources to assure continuing maintenance of the family. The agency shall receive a financial statement indicating income and expenses. [ ~~If there is an amount in the agency's monthly payment above that required for the needs of the child, it may be counted as income.~~ ]

[ ~~N. M. ] If the applicant has previously applied to be a foster parent through another agency, the current agency shall request information from the applicant about their previous application. The current agency shall also request information from the previous agency.~~

[ ~~O. N. ] Foster parent applicants shall sign a statement that they will not use corporal punishment on any child placed in their home nor give others permission to use corporal punishment with the foster children in their home.~~

[ ~~P. O. ] The agency shall conduct an assessment of the motivations, expectations, commitment, and abilities of the applicants. The agency shall [ assure also ensure ] that the following areas are covered in its assessment and document the basis for its conclusions:~~

1. Family relationships to include how the couple and the family resolve conflicts and express affection, relationships with extended family, and children living outside of the home;
  2. Stability of the marriage in relation to its length;
  3. The applicants' experiences with children and as children;
  4. Discipline of children to include [ :
    - a. ] The discipline the [ applicants' applicants ] received as children [ ;
    - b. ] Their current parenting skills [ ; ]
    - [ c. ] Their opinion and attitudes towards discipline [ ; ] and
    - [ d. ] The discipline techniques they will use with a child placed in their home;
- [ The agency's evaluation of the applicants' discipline shall be sensitive to racial, ethnic and religious differences. ]
5. Applicants' willingness to assist in the service plan;
  6. Applicants' education and attitudes towards education;
  7. Applicants' willingness to work with the school;
  8. Applicants' attitudes towards [ ~~the legal birth~~ ] parents and towards working with the agency;
  9. Health issues [ ~~in~~ for the applicants and ] the applicants' family and how this will impact the care of a child;
  10. The age and type of child desired; and

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11. Supervision arrangements when the applicants are out of the home.

[ ~~Q. P.~~ ] Residence and surrounding area. The agency shall assess and approve the residence and surrounding area. The following areas shall be included in the agency's assessment:

1. The applicants' home is free of hazards to the health and safety of children, is clean and is in good physical repair.

2. Rooms used by children shall be well-lighted for activities and safety.

3. The applicant shall have a written plan for seeking assistance from fire and rescue professionals.

4. Foster parents shall have a written evacuation plan in case of emergencies and shall rehearse the plan with children every six months. Foster parents shall review the plan with each child [ who is developmentally able to understand ] within 48 hours of placement.

[ ~~5. All sleeping areas shall have operable smoke detectors and the home shall have at least one operable fire extinguisher.~~

~~6.~~ 5. ] The home shall have an operable heating and ventilation system.

[ ~~7.~~ 6. ] Firearms and other weapons shall be locked. Firearms shall be kept unloaded and ammunition shall be locked in a separate location.

[ ~~8.~~ 7. ] Children over the age of two shall not share a bed or bedroom with the foster parents or other adults in the home, unless the child's documented medical needs or disabilities require the foster parent to sleep in the room with the child.

[ ~~9.~~ 8. ] The home shall have closet or drawer space or both for clothing and personal possessions of children over two years of age.

[ ~~10.~~ 9. ] There shall be separate beds for children except that two siblings of the same sex may share a double bed [ when appropriate ].

[ ~~11.~~ 10. ] Children's bedrooms shall not be used as passageways and shall have doors for privacy.

[ ~~12.~~ 11. ] The home shall keep cleaning supplies and other toxic substances stored away from food, [ ~~locked~~ secured ] and out of the reach of children [ who are developmentally unable to understand the dangers. EXCEPTION: Where appropriate, adolescents may have access to and may use cleaning supplies ] .

[ ~~13.~~ 12. ] The applicants shall have a working telephone.

[ ~~R.~~ Q. ] The agency shall recommend approval or disapproval based on a careful assessment of the characteristics outlined in this section, information received through the home study process, the applicants' participation in the home study process and in any orientation and preservice training.

[ ~~S.~~ R. ] The decision to approve or deny shall be made in consultation with the supervisor or in a staff meeting, and the date of the decision shall be recorded in the applicants' record.

[ ~~T.~~ S. ] If approval is recommended, the worker shall recommend the age, sex, and type of children who can successfully be placed and give the basis for the recommendation.

[ ~~U.~~ T. ] The applicants shall be informed in writing within one week of the approval or disapproval [ ~~and offered an interview to have the agency's decision explained to them~~ ].

[ ~~V.~~ U. ] The home study shall be written and the home approved before a child is placed.

~~B.~~ [ V. Foster home capacity. ~~W.~~ ] The total number of children in the foster home shall not exceed eight including the parent's own children. EXCEPTION: When placement of a sibling group in one home is in the best interest of the siblings, the total may exceed eight.

~~C.~~ [ ~~X.~~ W. ] The agency shall provide the following services and requirements following approval.

1. The agency shall ~~have a plan of~~ provide orientation and on-going training for each newly approved foster family.

2. The agency shall provide the foster family with written procedures for handling emergencies during and outside the agency's regular office hours.

3. Prior to placement the family shall be assisted to make an informed decision as to whether a particular child is appropriate for them.

~~4. The agency shall have a written foster home agreement with the family for each child in care.~~

~~a. The agreement shall be signed on or before the date the child is placed in the home.~~

~~b. The agreement shall include:~~

~~(1) The payment for foster care;~~

~~(2) Payment for other expenses;~~

~~(3) Arrangements for medical care;~~

~~(4) Arrangements for the provision of clothing;~~

~~(5) Arrangements for spending money for the child;~~

~~(6) Arrangements for visits by parents;~~

~~(7) An agreement not to use corporal punishment or give others permission to do so;~~

~~EXCEPTION: If the agency prefers, it may substitute a written policy statement containing the prohibition which foster parent or parents shall sign saying they have read and will follow to the best of their ability. If a statement is substituted, it needs to be signed only at the time of the first placement. It shall state that it applies to any child placed by the agency.~~

~~(8) A clear statement that the agency has the right to remove the child when it considers it in the child's best interest; and~~

~~(9) A statement that the foster family has the right to receive the support and assistance of agency staff at all times in relation to the child's care in the home.~~

~~D. Re-evaluation of foster homes.—The agency shall re-evaluate the foster home after one year and every two years after that covering the topics in the initial home study.~~

~~The re-evaluation shall take place in the home. The visit shall be made when both parents can be present. The re-evaluation may be done at the time of one of the regular home visits.~~

~~NOTE.—A form may be used to indicate those areas in which there has been no change. The same form may be used to note changes that have occurred and to cover items listed in subdivisions 1 through 5 of this subsection providing there is space for an explanation.~~

~~The re-evaluation shall also cover:~~

~~1. A brief description of the adjustment of each child placed in the home since the last evaluation;~~

~~2. An evaluation of the performance of the foster parents addressing:~~

- ~~a. Their ability to relate to the children;~~
- ~~b. Their ability to help children reach their goals;~~
- ~~c. Skills in working with particular types of problems; and~~
- ~~d. Their ability to work with the agency in meeting the needs of a child.~~

~~3. The relationship between the children and the family members. Family members shall be mentioned by name but may be listed together if one statement applies to all;~~

~~4. The stability of the home and any problems or significant changes that have occurred in the family since the last evaluation; and~~

~~5. Worker's recommendations regarding continued use of the home, and age, sex, types and number of children which home can handle successfully.~~

**22 VAC 40-130-271. Foster home agreement.**

*The agency shall have a written foster home agreement with the family for each child in care. The agreement shall be signed on or before the date the child is placed in the home and shall include [ : all of the requirements covered in the foster home placement agreement. The agency may attach additional requirements to its foster home agreement, if necessary ].*

- ~~1. The payment for foster care and other expenses;~~
- ~~2. Arrangements for medical care, for spending money for the child, for visits by parents, for the provision of clothing and an agreement not to use corporal punishment or give others permission to do so;~~

~~3. A clear statement that the agency has the right to remove the child when it considers it in the child's best interest;~~

~~4. A statement that the agency shall provide foster parents with the support and assistance of agency staff at all times in relation to the child's care in the home, including emergency procedures and telephone numbers to call; and~~

~~5. A statement that unless a move is required to protect the health or safety of the child or other foster family members, the agency shall require foster parents to provide reasonable notice, as determined by the agency, to professional staff if requesting a child's removal from the home. ]~~

**22 VAC 40-130-272. Reevaluation of foster homes.**

*A. The agency shall reevaluate the foster home after one year and every two years thereafter covering the topics in the initial home study. The reevaluation shall take place in the home and the visit made when both parents can be present.*

*B. A reevaluation to address pertinent standards shall be done whenever there is a change in physical location or marital status. The agency shall make a redetermination of the continued status of the foster parents.*

*C. At the request of the agency or the licensing representative, a medical examination shall be obtained when there are indications that the safety or health of the children in care may be jeopardized by the health of a household member. The agency shall plan for the immediate removal of any foster children if the examination reveals that their safety or health might be in jeopardy.*

*D. The reevaluation shall also cover (i) a description of the adjustment of each child placed in the home since the last evaluation [ and , ] (ii) [ the reason for the removal of any children from the home, and (iii) ] an evaluation of the performance of the foster parents addressing their ability to relate to the children and to help children reach their goals. The agency shall also include and assess:*

- 1. The foster parents' skills in working with particular types of problems;*
- 2. The relationship between the children and the family members and the stability of the home and any problems or significant changes that have occurred in the family since the last evaluation; and*
- 3. Their ability to work with the agency and with the [ legal birth ] parents in meeting the needs of a child.*

*E. The agency shall receive a current report from the Department of Motor Vehicles on any new drivers in the home if they are to transport foster children.*

*F. The agency shall make a recommendation regarding continued use of the home, further training needs of the foster parents, and age, sex, types and number of children that the home can successfully handle.*

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## 22 VAC 40-130-280. Foster care records.

A. The agency shall maintain a record for the child, the biological family [ ~~legal parents birth family~~ ] and the foster family. The biological family [ ~~legal parents' birth family~~ ] record may be a part of the child's record.

A. The child's record. The record shall include:

1. ~~A face sheet completed within five working days of placement, with the following information:~~

- a. ~~For the child: birth date, place of birth, sex and race and source of this information;~~
- b. ~~For the biological parents: full names, address or addresses, telephone numbers, if available, and marital status;~~
- c. ~~For siblings: names, and addresses, if available;~~
- d. ~~Names, addresses and telephone numbers of person or persons or agency holding custody; and~~
- e. ~~Names and telephone numbers of persons to be contacted in an emergency, and~~

2. ~~Other material pertaining to a child in foster care as required by this chapter.~~

B. Requirements for case records for children. The agency shall maintain a case record for each child. All services provided to the child shall be documented in the case record. [ ~~The placement agreement between the placing agency and the child-placing agency or the entrustment agreement between the legal guardian and the child-placing agency shall be filed in the child's record.~~ ] If an agency has offices in more than one location, the record shall identify the office [ ~~which that~~ ] provided the service.

C. All entries shall be in chronological order, be dated and identify the person making the entry. Entries shall be typed or legibly handwritten in ink. The child's case record shall include:

1. A face sheet completed within five working days of placement [ ~~which that~~ ] includes:

- a. Personally identifying information to include the child's name, birth date, place of birth, Medicaid number (if applicable), and Social Security number [ , if known ];
- b. Parent's names, addresses, marital status, telephone numbers, Social Security numbers [ , if available ] and information about grandparents, close relatives, and siblings, when known;
- c. Names, addresses and telephone numbers of person or agency holding custody; and
- d. Names and telephone numbers of persons to be contacted in an emergency.

2. Intake assessment information including referral forms, [ ~~preadmission intake~~ ] assessment, social history, psychological or psychiatric reports, school information, placement agreements or entrustment agreements, and medical reports received at intake.

3. [ ~~Copies of foster home placement agreements, agreed upon plans of discipline, and~~ ] authorizations for routine and emergency medical and dental care and for out-of-state travel, participation in special activities, [ ~~and~~ ] publicity releases.

4. [ ~~Except for short-term placements, the~~ ] child's birth certificate.

5. Ongoing school and educational records [ , except for short-term placements ].

6. Ongoing medical and dental treatment [ , except for short-term placements ].

7. Clinical treatment including progress notes and psychological or psychiatric evaluations [ , except for short-term placements ].

8. Service plans, [ ~~quarterly progress~~ ] reports, and discharge reports.

9. Names, addresses and dates of all placements the child has while in the agency's care.

10. All correspondence related to the child.

11. Narrative, including a chronological narrative or summary of contacts with and services provided to the family. It shall include visits between the parents and the child or attempts to visit.

12. Documentation of any serious incidents, accidents, or injuries.

13. Other material pertaining to a child in foster care as required by these standards [ ~~7~~ ] and any other applicable standards and laws.

D. Information on the child's [ ~~legal~~ ] family, previous foster families, and services provided to them shall be documented either in the child's record or a separate family record.

~~B. The biological parent's record.~~ E. The [ ~~legal parents' birth family's~~ ] record shall contain cross-references to the child's record, unless it is a part of the child's record, and:

1. A face sheet with the following information: names, addresses, telephone numbers and marital status of the parents and addresses and telephone numbers of other members of the family when available.

a. ~~Names, addresses and marital status of the biological parents;~~

b. ~~Members of the biological family and their whereabouts with addresses and telephone numbers when available; and~~

c. ~~Cross-references to the child's record.~~

2. A chronological narrative or summary of contacts with and services provided to the family. It shall include visits of between the parents with and the child and visits, or attempts to visit, ~~with the parents.~~

3. Material relating to biological [ ~~legal birth~~ ] parents as required by ~~this chapter~~ these standards and applicable laws.

~~C. F.~~ The foster home record. ~~The record shall contain:~~

1. A face sheet listing all members of the household and their relationship to the foster parents;
2. The agency application ~~for form completed by the~~ foster parents;
3. A record of orientation and training provided to the foster parents;

~~NOTE: A form listing the training offered by the agency may be filed in the record. When the parent or parents complete a course, the date may be entered on the form.~~

4. A narrative account of the preparation of the family for each child placed with them;
5. A list of the children placed including names, birth date or age, dates of placement and removal and reasons for removal;
6. Copies of all foster home agreements [ *and the agreed upon plans of discipline for each child placed in the home* ];
7. ~~Other material required for foster home studies~~ *The foster home study and all material required for the home study by this chapter* these standards;
8. [ *Reevaluation Copies of all complaints investigated by the agency on the foster home and reevaluations* ] of the foster home, ~~and~~;
9. [ ~~When applicable, date and reason for closure~~ *A narrative of any concerns the agency has about the status of the foster home* ] ~~;~~ and
10. [ ~~A narrative of any concerns the agency has about the status of the foster home~~ *When applicable, date and reason for closure* ].

G. The agency shall maintain documentation in the foster parents' record of all complaints involving the foster parents, including the agency's investigation report and findings and police and child protective services' involvement.

PART V.  
ADOPTION SERVICES.

**22 VAC 40-130-289. Requirements to provide adoption services in Virginia.**

A. [ *In addition to Parts I, II, III, VI, IX, and X of this chapter,* ] *the standards in this part shall be met to obtain a license to provide adoption services in Virginia. [ The standards in Part IV shall be met if the agency will also provide foster care services. ] Individuals or agencies, in or out of the state or out of the country, may obtain these services legally in Virginia only from a licensed child-placing agency or local department of social services. [ Requirements for caseloads and capacity may be found in 22 VAC 40-130-130. ]*

B. Agencies shall be responsible for maintaining compliance with these standards [ ~~;~~ *the Family Services manual, Volume VII, Section III, Chapter C, Adoption Agency Placement (Post-Adoption Services, July 1989) and Chapter*

~~D. Adoption-Nonagency Placement and Other Court Services (Guidelines Regarding the Preparation of Adoption Material to Be Forwarded to the Adoption Reports Unit for Preservation in a Nonagency Adoption, November 1991); ] and all related laws in Virginia.~~

**22 VAC 40-130-290. Program statement.**

A. Child-placing agencies shall have a statement describing their services including:

1. The purpose of the adoption program;
2. An open admissions policy if federal or local social service agency funds are involved. It shall state that the program is open to all children without regard to race, color, national origin or sex. It shall say also that children with ~~handicapping conditions~~ *disabilities* will be accepted if their needs can be reasonably accommodated, *and that race shall not be a factor in the placement of the child. [ A summary of ] The agency's policy shall [ also ] be included in advertisements and on materials distributed to the public;*

~~The statement shall describe the population to be served.~~

3. Qualifications for adoptive families;
4. A description of the study, approval and selection process for adoptive families ~~including orientation and training offered by the agency and policy regarding fees;~~
5. A description of the orientation and training given to adoptive applicants [ ~~to include:~~
  - a. *Information shared about the birth family;*
  - b. *Disclosure to the child about his adoption;*
  - c. *The adoptive parent's understanding of adoption as a life-long process; and*
  - d. *Where the family can receive continuing services* ].

~~A copy of the training curriculum shall accompany the program statement;~~

- ~~5.~~ 6. A description of the population to be served and a list of services, including adoptive family preservation services, provided to children, ~~biological~~ [ *legal their birth* ] families and adoptive families prior to the final order of adoption;
- ~~6.~~ 7. A list of services provided after the final order, either directly or by referrals to adopted children and families;
- ~~7.~~ 8. A description of services provided to adult adopted persons; ~~and~~
- ~~8.~~ 9. A description of the responsibilities and workload of agency staff;
10. A copy of the agency's policy regarding fees for all services offered;
11. A description of intercountry services and identification of the agency's roles and responsibilities regarding the provision of services; and

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12. A description of the agency's parental placement adoption services, if applicable, and identification of the agency's roles and responsibilities regarding the provision of services.

B. The program statement or a summary shall be given to agencies or individuals who ask about the services of the agency.

C. A copy shall accompany the initial application for a license.

D. The program statement shall be updated when changes are made and a copy sent to the licensing representative within 30 days of the change.

## **22 VAC 40-130-300. Intake. ~~A. Services to biological [ legal birth ] parents contemplating placing their child for adoption.~~**

~~1. While parents may have decided to place their child for adoption before coming to the agency, counseling sessions shall be offered to assure that:~~

- ~~a. The decision was not made under duress; and~~
- ~~b. The decision is firm.~~

~~2. Alternatives to adoptive placement shall be discussed including:~~

- ~~a. Services to help the family stay together if it is in the best interest of both the child and the family;~~
- ~~b. Temporary foster care; and~~
- ~~c. Placement with relatives.~~

~~A. Alternatives to adoptive placement shall be discussed including [ :~~

- ~~1. ] Services to help the family stay together if it is in the best interest of both the child and the family [ ;;~~
- ~~2. ] Placement with relatives [ ;; ] and~~
- ~~[ 3. ] Temporary foster care.~~

~~B. While parents may have decided to place their child for adoption before coming to the agency, counseling sessions shall be offered to [ assure ensure ] that the decision was not made under duress and [ that ] the decision is firm, [ to discuss ] the reason for the decision, and [ to ensure ] that the birth parents are aware of the impact of placing a child for adoption [ ; . ]~~

~~3. C. Additional counseling sessions shall be offered as needed. 4. If either of the parents was not offered counseling, the worker shall record the reason or reasons.~~

~~5. D. Agency adoption services shall be explained to the birth parents and shall include agency policies and procedures, the adoption process, and the rights and responsibilities of all parties.~~

~~E. The agency shall document the services offered to the birth parents and their responses, including reasons why each alternative was not chosen.~~

~~6. F. If the parents choose adoption, the agency shall secure a termination of parental rights in accordance with [ termination procedures in the Service Programs Manual, Volume VII, Section III, Chapter B, "How Terminating Parental Rights are Terminated.", June 1998. These procedures shall be explained to the birth parents. These procedures are incorporated by reference and made a part of this regulation §§ 16.1-278.3 and 63.1-204 and other relevant sections of the Code of Virginia related to termination of parental rights. This process shall be explained to the birth parents. NOTE: Agencies may consult the Service Programs Manual, Volume VII, Section III, Chapter B, "How Parental Rights are Terminated." ]~~

## **B- 22 VAC 40-130-301. Authority to place.**

A. The agency shall have the authority to place a child either in a foster or adoptive home.

1. An agency may place a child in a foster home with:

- a. A court commitment;
- b. A permanent entrustment by the parent or parents or other person holding custody, ~~or;~~
- c. A temporary entrustment by the parent or parents or other person holding custody; [ ~~the agency shall petition the court for approval of a temporary entrustment within 30 days unless the entrustment is for less than 90 days.) pursuant to §§ 16.1-277.01 and 63.1-204 of the Code of Virginia ] ; [ or ]~~
- d. A placement agreement from an agency holding custody. [ ; ~~or~~ ]

[ ~~e. A placement agreement signed by the local department of social services having jurisdiction when a noncustodial agreement has been signed between the parent or legal guardian and the local department or another public agency. ]~~

2. To place a child for adoption, an agency shall have:

- a. A permanent commitment with termination of parental rights from the court; ~~or~~
- b. A permanent entrustment by the parent or other person holding custody; (NOTE: A child coming into care through permanent entrustment is eligible for federal or state subsidy (Title IV-E, Adoption Assistance) if: as provided in 22 VAC 40-130-365, Adoption Assistance); or

~~(1) The court finds that remaining in the home would be contrary to the welfare of the child, and~~

~~(2) The child has been living with the parent or parents within six months of the initiation of court proceedings.~~

~~The agency should consult with the local departments of social services to determine whether other relatives would be acceptable.~~

~~In order to conserve state funds, agencies should do everything possible to make a child eligible for IV-E if he or she is likely to need subsidy. Permanently~~

~~entrusted children who are not eligible for subsidy are, however, eligible for state subsidy. State and local funds pay for the same needs and services for the child.~~

or

c. Transfer of custody from another agency. Agency transfer requires court approval.

B. *The agency shall comply with §§ 63.1-204, 63.1-205, [ 63.1-220.4 ] and [ 63.1-220.2 Chapter 10.2 (§ 63.1-219.7 et seq.) of Title 63.1 ] of the Code of Virginia. NOTE: Copies of these statutes will be provided by the department.*

C. *When two agencies are participating in the placement of a child for adoption, the agencies shall develop a child-specific, mutually acceptable written agreement [ ~~which that~~ ]:*

1. *Outlines the roles and responsibilities of each agency;*
2. *Assures open communication between the participating agencies;*
3. *Addresses the procedures for resolving cases where there is disagreement between the two agencies; and*
4. *Specifies payment for services rendered.*

## **22 VAC 40-130-310. Temporary foster care prior to adoption for children under one year.**

A. ~~The foster home.~~ The foster home shall be approved under the provisions of 22 VAC 40-130-270. The foster home agreement *specified in 22 VAC 40-130-271* shall be signed by the agency and foster parents.

B. ~~Intake assessment.~~ *In order to determine the appropriateness of accepting a child for placement and assessing the needs of the child, the agency shall collect the following information for an intake assessment before accepting the child for placement in a foster home:*

1. The reason the placement is requested, and a brief report on his living situation ~~or situations~~ if he did not come directly from the hospital.
2. Current information on the child's health: *The hospital discharge summary is an acceptable medical examination for a newborn.*
  - a. ~~The hospital discharge summary is an acceptable admission examination for a newborn.~~
- ~~b.~~ 3. If a child *under one year* has not come directly from the hospital, the hospital summary ~~and a report of interim care, and a medical report~~ signed by the physician shall be obtained. The report shall be no more than 30 days old. ~~The absence of abnormalities shall be noted or the presence of abnormalities noted and explained on the report. Any medical conditions needing follow-up care shall be explained in the report.~~
- ~~3. In addition,~~ 4. The assessment shall ~~cover~~ *be completed within 30 days of foster home placement and prior to completion of the adoptive placement agreement. The assessment shall also cover the dates and persons*

*involved in placement visits and staffing, the reason the child was accepted and the date the decision was made.*

a. ~~Dates and persons involved in placement visits and staffing; and~~

b. ~~The reason or reasons the child was accepted and the date the decision was made~~

4. ~~The assessment shall be completed within 30 days of placement.~~

C. ~~Social history.~~ *The purpose of the history is to assist in the determination of the most suitable adoptive home for the child. The agency shall prepare a social history on the child and use the social history to assist in the determination of a suitable adoptive home for the child. If a child is referred from another agency, the private child-placing agency shall request a copy of the referring agency's social history on the child. If some item of information is not available [ and reasonable efforts have been made to receive it ], the reason shall be recorded.*

1. The history shall cover:

- a. The reasons for and the goal of the [ ~~foster home child's~~ ] placement;
- b. The physical appearance of the child and of both parents if available;
- c. The child's parents' nationality, race and religion;
- d. *The medical and psychiatric history of the child's parents', siblings', aunts', uncles' and grandparents' medical and psychiatric history as it relates to the selection of a suitable home for the child;*
- e. The education and occupation of the child's parents, siblings, aunts, uncles and grandparents; [ ~~and~~ ]
- f. [ ~~The expected length of placement in foster care~~ *Who in the family knows about the birth parent or parents' plan;*
- g. *What relatives have been contacted for possible foster care placement;*
- h. *Description of the birth parent's or parents' personality, lifestyle and childhood;*
- i. *The child's placement history with the dates and names of previous caretakers;*
- j. *A description of the child's prenatal care and any substance abuse by the mother;*
- k. *A description of the type of adoptive family with whom the birth parent or parents would like to have their child placed; and*
- l. *The expected length of placement in foster care ].*

2. The social history shall be completed *before the adoptive placement agreement is signed [ ; ] and within 30 days after placement in the foster home and include the date it was completed.*

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3. The worker shall describe the type of adoptive home that appears to be best for the child or explain why that determination has not yet been made.

[ 4. The worker shall review the social history with the selected adoptive parents. ]

D. ~~Visitation.~~ The case worker shall have a face-to-face contact with the child every 30 days. Visits every 60 days shall be in the foster home. [ *Contacts with children over one year of age shall be in accordance with 22 VAC 40-130-220.* ]

E. The worker shall see that the child has an adequate supply of clothing.

F. *The agency shall follow the physician's recommendations as to frequency of medical examinations for children under one year. [ All other children shall have a medical examination under the direction of a licensed physician within the 90 days before placement. ]*

1. All reports, except the discharge summary on a newborn, shall include the following unless the physician recommends otherwise:

a. Immunizations given; [ and ]

b. Current physical condition, including growth and development, visual and auditory acuity, nutritional status, evidence of freedom from tuberculosis in a communicable form, allergies, chronic conditions and disabilities.

2. The agency shall arrange for the child to receive recommended follow-up medical and dental care, when appropriate, as well as care for illnesses or injuries and shall document all such visits.

G. *The agency shall record all medications prescribed for each child and any reported side effects or adverse reactions.*

~~F. H. Continuing contact with parent or [ legal birth parent or ] parents.~~

1. Parents shall be included in service planning, including goal setting, until or unless rights are terminated.

2. If parental rights are terminated, and the parents request it, the agency shall arrange continuing services, either directly or by referral.

~~G. Service plans in foster care. If the agency holds custody it shall file a foster care plan with the court within 60 days unless the child is returned home or placed for adoption within that time. (See 22 VAC 40-130-220 H.)~~

~~H. For narrative, quarterly reports and termination of care, see 22 VAC 40-130-240 and 22 VAC 40-130-250.~~

## **22 VAC 40-130-312. Service plans and progress [ summaries reports ].**

A. An agency shall prepare and implement [ a an individualized ] service plan for each child in its care. The parents shall be consulted unless parental rights have been terminated. Prior custodians or foster parents shall be consulted when appropriate.

B. When the agency does not hold custody, the service plan requirements are as follows:

1. The plan shall include the goals for the child, including permanency planning goals; the services to be offered to the child and parents or prior custodians; the participation to be sought from the parents or prior custodians; [ exploration of relatives as placement resources; ] the type of placement recommended for the child and how it relates to the goal; and the target date for achievement of the goal.

2. The plan shall be completed and filed in the child's record within [ ~~60~~ 45 ] days of placement.

C. [ *In accordance with § 16.1-281 of the Code of Virginia, ] when the agency holds custody of the child, a service plan shall be filed with the court within 60 days after the agency receives custody unless the court grants an additional 60 days, or the child is returned home or placed for adoption within 60 days. [ The agency shall follow the requirements of § 16.1-282 of the Code of Virginia related to court review of the service plan, court hearings, and completion of adoption progress reports. ]*

[ Agencies may consult ] the permanency planning goals and the [ ~~requirements and~~ ] procedures in the Service Programs Manual, Volume VII, Section III, Chapter B, Preparing the Initial Service Plan, [ ~~June 1998, shall be followed. These requirements and procedures are incorporated by reference and made a part of these regulations,~~ and "Reassessments, Reviews, and Redeterminations." ]

D. The agency shall provide supervision, support and guidance to foster families in implementing the service plan for the child.

E. The agency shall arrange for and encourage contact and visitation between the foster child, his family and others as specified in the service plan.

~~F. A progress [ summary report ] shall be completed [ quarterly beginning with the date of service plan. The summary shall evaluate and describe progress in each specified area of the service plan and include any changes recommended. The progress summary shall also include:~~

~~1. Services provided and a list of the individuals providing the services;~~

~~2. Any changes to the service plan and services to be provided during the next quarter;~~

~~3. Changes to the goals;~~

~~4. Contacts between the child and the child's family and plans for reunification of the family, where appropriate;~~

~~5. The child's assessment of his progress and his description of services needed, where appropriate;~~

~~6. Medical needs, specifying medical treatment needed; and~~

~~7. Permanency planning goals, any changes in these goals, and discharge plans.~~



~~The fourth quarterly progress report shall address the above requirements and evaluate and update the service plan for the upcoming year.~~

~~G. The agency shall include each child who has the ability to understand in the preparation of the child's service plans and progress summaries or document the reasons this was not possible. The child's comments shall be recorded in the report in accordance with 22 VAC 40-130-213.]~~

**22 VAC 40-130-314. Narratives.**

Narratives shall be in chronological order and current within 30 days. Narratives shall include areas specified in the standards and cover treatment and services provided, all contacts related to the child, visitation between the child and the child's family and other significant events.

**22 VAC 40-130-320. After approval; items to be considered when selecting an adoptive home.**

A. Siblings shall be placed together unless it clearly is not in the best interest of the children. Reasons for separation shall be explained in the record.

~~B. Consideration shall be given to placing children with families of the same racial or cultural or religious identity; however, no one or all of these factors shall be determinative since the best interest of the child shall always be paramount.~~

B. The selection of a particular child for the adoptive family shall be in the best interests of the child and is the responsibility of the agency. The reasons for selecting the specific home for the child shall be stated in the child's record.

C. Foster parents shall be considered a primary adoptive resource when that is considered in the best interest of the child. ([ Reference See ] § [ ~~63.1-224~~ 63.1-219.36 ] of the Code of Virginia.)

~~NOTE: Section 63.1-221 of the Code of Virginia has the following provision: When a foster parent who has a child placed by an agency wishes to adopt the child and the child has been in the home at least 18 months, the foster parent may petition the court directly for permission to adopt.~~

~~D. The ages of the adoptive parents in relation to the age of the child shall be considered in determining the best interest of the child.~~

~~E. The agency may consider the recommendations of a physician, an attorney licensed in the Commonwealth, or a clergyman who is familiar with the situation of the proposed adoptive parents only as provided in § 63.1-204 C 1 of the Code of Virginia.~~

D. The agency shall provide the adoptive parents with full factual information about the child and the child's birth family except for identifying information. The agency shall provide in writing to the adoptive parents information about:

1. The social and cultural history; the medical, developmental, and mental history of the child; the birth parents; and extended family (including siblings, aunts, uncles, and grandparents) when known; and
2. Full factual information about the child's birth.

This statement shall be signed by the adoptive parents, dated, and a copy filed in the adoptive home record.

E. The prospective family shall be permitted to decide whether to accept a child. Refusal of a child shall not be the sole basis for excluding a family from consideration for another child.

**22 VAC 40-130-330. Direct placement in adoptive home.**

A. If a child is placed in the adoptive home before he is 25 days old or before the child is legally free for adoption, a statement acknowledging this shall be signed by the prospective adoptive parents and filed in the child's record.

B. Such a placement shall be recognized as a foster home placement and a foster home agreement following the requirements of 22 VAC 40-130-271 must be signed by the agency and foster parents.

C. The adoptive placement agreement shall not be signed until the child is legally free.

**22 VAC 40-130-340. Adoptive placement of older children over one year; additional provisions.**

A. The provisions of Part IV (~~22 VAC 40-130-200~~ 22 VAC 40-130-198 et seq.) [ of this chapter ] are applicable when placing children over one year of age in foster care prior to adoption. When selecting an adoptive home, items in 22 VAC 40-130-320 shall be considered. ~~In addition, an older child's concerns about adoption shall be taken into account.~~

B. The agency shall prepare the [ ~~older~~ ] child [ who has the ability to understand ] for adoptive placement, recognizing the rights of the child to information and plans affecting his future. The child shall be involved in adoption planning, where appropriate, and his concerns and individual needs shall be taken into account.

C. The agency shall document in the narrative contacts and services provided to the child [ ~~which~~ that ] demonstrate the agency's efforts to prepare the child for adoptive placement. [ EXCEPTION: This subsection does not apply to intercountry adoptions. ] These efforts shall include:

1. Discussion with the child about his feelings about adoption and indicators that he is ready for the adoptive placement;
2. Discussion with the child regarding his birth family, past placements and relationships, and the reason he cannot return to his birth parents;
3. Preplacement visits for the child in the prospective adoptive home. The number of visits shall be determined by the needs of the child and the adoptive family;
4. Discussion of the child's relationship to the social worker, foster family, and the prospective adoptive family;
5. Efforts made to receive photographs of the child from birth through his current age and provide these to the child, as appropriate, and to the adoptive family; [ ~~and~~ ]
6. Preparation of a life book for the child by the agency [ ;

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7. Assessment and services related to attachment issues;

8. Assessment of the child's needs for contacts with the prior caretakers and birth relatives, including siblings; and

9. Preparation of the adoptive family for the child identified for placement, including expected behaviors and the life-long impact of the child's history].

## **22 VAC 40-130-350. Agency responsibility after child is placed in the adoptive home Supervisory visits and adoptive family support and preservation services.**

A. The agency shall ensure that supervisory visits are made in compliance with [ ~~§§ 63.1-228 and 63.1-229~~ Chapter 10.2 (§ 63.1-219.7 et seq.) of Title 63.1 ] of the Code of Virginia [ , ] or according to the laws of the state in which the final order of adoption is issued.

~~The Code of Virginia stipulates that the child shall have lived in the adoptive home continuously for a period of six months before the petition for the final order is filed with the court. A minimum of three visits shall be made during a period of six months with at least 90 days between the first and last visits.~~

B. In agency placement adoptions, except in rare cases where an interlocutory order is entered, the child shall have lived in the adoptive home continuously for a period of six months before the petition for adoption is filed with the court.

C. A minimum of three visits shall be made during a period of six months with at least 90 days between the first and last visits. The agency shall make additional visits to the home as the needs of the child and family require.

D. The child shall be seen at each visit and at least one visit shall be in the home in the presence of the child and the petitioners. The agency shall individually interview children who are able to understand and speak.

~~B.~~ E. The agency shall maintain contact with the [ adoptive ] family until the final order is entered. If conditions warrant, it shall proceed to remove the child in accordance with the provisions of § [ ~~63.1-214.4~~ § 63.1-211 and 63.1-219.15 ] of the Code of Virginia.

~~C.~~ F. The agency is legally responsible for the child until the final order is entered.

G. The following areas shall be assessed during the supervisory period:

1. Health and development of the child, including medical care;
2. The child's adjustment to the family and the relationship of child to the parents and siblings;
3. Impact of adoption on the family functioning and the marriage, including discussion of any stress revealed and changes in work and financial status; and
4. Motivation to proceed with the adoption and the adoptive family's readiness to finalize the adoption.

H. The agency shall discuss the child's day care or school adjustment, the child's behavior and special needs, and resources available to meet those needs.

I. The final supervisory visit shall also include discussion of the procedures for finalization along with information on obtaining a birth certificate and naturalization, where appropriate.

J. The agency shall document efforts to [ ~~assure~~ ensure ] that the adoption petition is filed. When there is a delay in filing the petition, the agency shall make an assessment of the situation, including at least quarterly visits. [ This shall not apply to agencies providing intercountry adoptions when the adoption has been finalized in another country. ]

K. When an agency places a child in its custody in an adoptive home, the agency shall offer to provide or refer the adoptive family to available resources for services after the final order.

## **22 VAC 40-130-360. Provisions for children with special needs.**

A. Referral to AREVA (Adoption Resource Exchange of Virginia) Special needs children who are legally free for adoption shall be registered with AREVA (Adoption Resource Exchange of Virginia) within 30 days of termination of parental rights unless an adoptive family has been identified.

~~1. Special needs children who are legally free for adoption shall be registered with AREVA within the timeframes set by service programs.~~

~~2.~~ 1. Families willing to accept special needs children shall also be registered ~~also~~ within 30 days of approval unless a child has been identified for placement.

~~3.~~ 2. Agencies [ ~~shall follow~~ may consult the ] procedures in the Service Programs Manual, Volume VII, Section III, Chapter C, "Adoption Resource Exchange of Virginia-" [ , July 1989. ~~These procedures are incorporated by reference and made a part of this regulation~~ ].

B. Agencies shall [ ~~assure~~ ensure ] that necessary and appropriate services are provided to children with special needs.

### ~~B. Subsidy.~~

~~1. Subsidy payments shall be provided for a special needs child determined eligible for subsidy.~~

NOTE: A special needs child is not eligible for subsidy until reasonable efforts have been made to find an appropriate home without subsidy. However, in some cases such as where the child has developed significant emotional ties with the prospective adoptive parents while in their care as a foster child, efforts to find another home are not required.

"Reasonable efforts" are defined in the Service Programs Manual, Volume VII, Section III, Chapter C, "Subsidized Adoption."

~~2. Agencies shall follow service programs procedures and work with their local department of social services to secure a subsidy.~~

~~3. Refer to 22 VAC 40-130-300 B 2 b for the explanation of the effect of permanent entrustment on eligibility for subsidy.~~

~~G. Services for children after final order. When an agency places a child in its custody in an adoptive home and the child has longstanding mental or physical problems, the agency shall make arrangements for services after the final order. This may be through continued agency services or referral to some other resource such as another agency, a post-adoption counseling group or resources for medical or psychiatric services.~~

## **22 VAC 40-130-365. Adoption assistance.**

*When a licensed child-placing agency has a child who appears to meet eligibility for adoption assistance, the agency has the following responsibilities:*

1. Documenting the special needs of the child;
2. Recruiting and conducting home studies on prospective adoptive families;
3. Making reasonable efforts to place the child without subsidy;
4. Obtaining background information on the birth parents sufficient to determine eligibility for Title IV-E. This shall include information on:
  - a. Who the child was residing with during the six months immediately preceding removal from the home;
  - b. Whether the child was deprived of parental support as a result of absence or disability of one parent;
  - c. The financial situation of the birth parents;
  - d. Obtaining the required court determination within 180 days, if the child entered care through a permanent entrustment agreement;
  - e. Sending a referral and the documentation to the eligibility unit in the local public agency;
  - f. Notifying the service unit in the public agency of the family's interest in adoption assistance;
  - g. Assisting the public agency in working with the family to complete the adoption assistance agreement; and
  - h. Signing the adoption assistance agreement.

## **22 VAC 40-130-370. Involuntary termination of parental rights.**

~~When a child has been in the custody of a licensed child-placing agency for 12 months, the court may terminate parental rights if it finds that the parent or parents have been unable or unwilling to remedy the conditions that led to the placement.~~

- ~~1. If the agency elects to take the case to court for an adjudication, the agency shall submit a plan for finding a permanent placement for the child.~~
2. When it is necessary to petition the court to terminate parental rights, the agency shall follow the [~~procedures in the~~

~~Service Program Manual, Volume VII, Section III, Chapter B, Terminating Parental Rights, August 1994. These procedures are incorporated by reference and made a part of this regulation requirements of § 16.1-283 of the Code of Virginia and may consult the Service Program Manual, Volume VII, Section III, Chapter B, Terminating Parental Rights ].~~

## **22 VAC 40-130-380. Interlocutory orders of children in custody of an agency.**

A. While agencies are legally responsible for a child placed in an adoptive home until the final order, an agency may issue its consent to an interlocutory order *only* if a determination is made that:

1. The adoptive [ parent or ] parents are financially able to care for the child (subsidy funds may be counted in the assessment where appropriate);
2. The adoptive [ parent or ] parents are ~~suited persons~~ *approved* to care for the child;
3. A home visit made at least 30 days after placement and any other contacts provide evidence that the child and family are making a positive adjustment to each other; and
4. The best interest of the child is served by entering an interlocutory order rather than waiting until the end of the visitation period.

B. A notarized statement shall accompany the order stating that the agency will assume legal responsibility if the placement disrupts before the final order.

C. The child shall be visited at least three times in the six months following the interlocutory order with not less than 90 days between the first and last visits. *At least one visit shall be in the home with the child and both parents unless one of the parents no longer resides in the home. The agency will contact the absent parent to determine interest in remaining involved in the proceedings.*

D. The agency shall continue to count the child in determining agency caseload capacity until the final order is entered.

## **22 VAC 40-130-390. Agency fees.**

A. If the agency requires fees from adoptive applicants, it shall attach an explanation of ~~agency~~ *the agency's fee policy* to the ~~license renewal~~ application [ *for licensure* ]. The explanation shall cover the amounts charged, how the figures were arrived at, and what services are to be provided for the fees.

~~If a new agency plans to charge fees, an explanation of the proposed policy shall accompany the application for a license.~~

B. Fees shall be discussed with applicants ~~before or at the start of~~ *prior to initiating* the home study. Applicants shall be given ~~an~~ *a written* explanation of:

1. The amount they must pay and when and how payments are to be made;
2. How the amount is determined ~~and~~, what services it covers, *and the risks involved*; and

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3. The agency refund policy if any.

C. Agencies shall develop a mutually acceptable agreement with adoptive applicants regarding the fees to be paid and the services to be provided.

## **22 VAC 40-130-400. The adoptive home study [ and orientation for adoptive parents ].**

A. Information on the items below shall be gathered in order to assess the applicant's or applicants' capacities as adoptive parent or parents. If the home is approved, the information is also used to determine the type of child that can successfully be placed in the home.

### B. Interviews with family and household members.

1. There shall be a minimum of three face-to-face interviews with the adoptive applicant or applicants. At least one interview with a couple shall be joint and one shall take place in the home.

2. All members of the household shall be interviewed as well as children of each adoptive parent living outside the home. Information may be requested by telephone or letter if the child is over 18 and lives more than 50 miles from the parents' home.

3. If the required contacts with children living outside the home should not or could not be made, the reasons shall be taken into consideration in the assessment of the home.

C. Subjects to be covered in interviews with the applicants shall include:

#### 1. A description of:

- a. The home and surrounding area; and
- b. The physical appearance of the applicant or applicants.

#### 2. A discussion of the family covering:

- a. The compatibility of the couple and stability of the marriage in relation to its length;
- b. The relationships with other household members and children in the home, if any;
- c. Physical and mental health history;
- d. The interests and activities of family members, including a judgment as to whether or not the general patterns of family life will accommodate a child;
- e. Extended family, social and community relationships;
- f. Childhood or family life experiences of adoptive applicant or applicants;
- g. The place of religion in family life; and
- h. Income and financial resources in relation to expenses.

#### 3. The family in relation to adoptions:

a. The applicant's or applicants' motivation for and expectations of adoption;

b. Experiences of the applicant or applicants with children;

c. Attitudes and opinions about discipline of children;

d. Attitudes toward biological parents;

e. Attitudes about periodic contact with parent or parents or prior custodians for older children (open adoption);

f. The age and type of child desired and the age or ages of the applicant or applicants in relation to the child; and

g. The attitude toward adoption of family and extended family members, especially natural children living outside the home.

4. A discussion of agency services before and after adoption if family is interested in a special needs child.

### D. Information from other sources.

1. A minimum of three references for the family shall be obtained.

2. A report of a recent medical examination of all members of the household shall be obtained. It shall report on both mental and physical health and be signed by the physician. If difficulties are noted, specialists in the appropriate field shall be consulted.

3. Adoptive applicants shall consent to a search of the Child Protective Services Central Registry (CPSIS).

a. The agency shall use the form provided by the registry and follow the instructions thereon.

b. The home shall not be used if an applicant has a founded or unfounded reason to suspect child abuse or neglect record.

NOTE: The Central Registry name is to be changed from CPSIS to CANIS (Child Abuse and Neglect Information System) in the early fall of 1989. The method of judging injury to children is to be changed. Agencies will be sent information on the changes when they occur.

4. If an agency believes it is needed, it may, in addition, require consent to check Division of Motor Vehicle records.

5. The worker shall see the marriage license for couples. If there has been a previous marriage, the worker shall ascertain that the divorce is final to make sure there is a valid marriage.

6. If a single adoptive applicant is divorced, the worker shall ascertain that the divorce is final to avoid legal difficulties with the adoption.

7. Employment shall be verified by pay stub or other written evidence, personal knowledge of an agency staff member or interview with the employer.

### E. Approval or disapproval.

1. The worker shall recommend approval or disapproval.

2. If approval is recommended, the worker shall recommend the age, sex, special characteristics and number of children that could successfully be nurtured.

The adoptive parent's or parents' preferences shall be considered in reaching the recommendations.

3. The applicant or applicants shall be informed in writing within a week of the approval or disapproval and offered an interview to have the agency's decision explained to them.

F. The selection of the child for the adoptive family shall be in the best interests of the child and is the responsibility of the agency. The reasons for selecting the specific home for the child shall be stated.

The adoptive parents have the right to full factual information about the child and the child's birth family except for identifying information.

The prospective family shall, however, be permitted to decide whether or not a child is suitable for them. Refusal of a child shall not be the sole basis for excluding a family from consideration for another child.

G. The adoptive placement agreement. The agreement shall include:

1. The agency's responsibilities until final order is entered;

2. The adoptive family's responsibilities until final order is entered;

3. The statement that the agency is legally responsible for the child until the final order and may, with the sanction of the court, remove the child if it is necessary for the child's well being; and

4. A statement of services to be provided after the final order, if any have been agreed upon.

H. Corporal punishment. The agency shall have a written statement prohibiting corporal punishment which the adoptive parent or parents shall sign saying they have read and will follow to the best of their ability.

I. Re-evaluations.

1. When 12 months have elapsed after completion of the original home study and the agency is contemplating placing a child, a reevaluation shall be made which includes:

a. A visit to the home;

b. Face-to-face interviews with all members of the household; and

c. Updated medical reports.

2. When subsequent adoptive placements are considered, the agency shall reevaluate the home covering all areas of the original study. Concrete areas such as house or neighborhood which have not changed may be noted on a form. At least one home visit shall be

made with all household members present except for members out of the home for extended periods.

A. Information on the items [ ~~below~~ in this section ] shall be gathered in order to assess the applicants' capacities as adoptive parents [ and to comply with the requirements of Chapter 10.2 (§ 63.1-219.7 et seq.) of Title 63.1 of the Code of Virginia ]. If the home is approved, the information shall be used to determine the type of child that can successfully be placed in the home.

B. The agency shall conduct interviews with all [ ~~family and~~ ] household members. Dates and content of interviews shall be documented in the home study.

C. There shall be a minimum of three face-to-face interviews with each applicant. At least one interview with a couple shall be [ ~~joint~~ together ] and one must take place in the home.

[ ~~Minor and adult children of~~ ] Each adoptive [ ~~applicant~~ applicant's minor and adult children ] living outside the home shall be interviewed. If face-to-face contact with a child is not possible and the child lives more than 50 miles from the adoptive applicant's home, an interview shall be conducted by telephone or letter. If this interview is not possible, the reason shall be documented and assessed in the home study.

[ D. The agency shall provide face-to-face orientation and preservice training to adoptive applicants prior to approval of the home. The orientation and preservice training shall include, but is not limited to, the following:

1. Information about the agency, its services, its policies and values on acceptable methods of control and discipline, the home study process and criteria for approval;

2. Discussion of the legal processes involved in adoption such as termination of parental rights, finalization, placement agreement, naturalization (intercountry adoptions), and access to information from closed records;

3. Discussion of adoption assistance, if appropriate, and any adoptive family preservation and support services offered by the agency;

4. Explanation of risks involved in adoption such as return of the child to the birth parents, changes in the laws and applicable regulations, and the agency's approval criteria and policies; and

5. The critical issues in adoption to include:

a. Adoption as a life-long process and the applicants' ability to maintain a life-long commitment to a child;

b. The developmental stages of adoption;

c. The impact of the applicants' attitudes toward birth parents on the adopted child;

d. The importance of the child's linkage to his birth family and significant others, when appropriate;

e. The child's need to have information about his background and birth parents;

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f. The importance of talking to the child about adoption; and

g. The special needs of the child, if appropriate. ]

[ ~~D. E.~~ ] Orientation and preservice training sessions provided during the home study process shall not count towards the required number of interviews.

[ ~~E. F.~~ ] The agency shall request and obtain a minimum of three nonrelative references for the family. Additional references may also be requested from relatives or others at the agency's discretion.

[ ~~F. G.~~ ] A report of a medical examination by a licensed physician, his designee, or an official of a local health department of all members of the household shall be obtained. The exam shall be conducted no earlier than 12 months prior to the approval and shall contain:

1. An evaluation of the current health of the individual. Additional reports from specialists shall be received when health concerns are noted;
2. A statement that the individual does not have tuberculosis in a communicable form including the date and types of tests and the results. If the test is positive or no test is done, there shall be a written explanation by the physician [ , his designee, or any official of the local health department ]. Additional tests are not required unless the individual comes in contact with a known case of tuberculosis or develops chronic respiratory symptoms;
3. An opinion as to whether the health of the individual will affect the care or present a hazard to the health of children;
4. An assessment of the life expectancy of the applicants; and
5. The signature of a physician, his designee or an official of the local health department.

[ If the medical report indicates that the applicants' normal life expectancy is altered, the agency shall discuss with the applicants the possible impact to any child placed in the home.

A plan for child care and the financial resources of the family should a parent become incapacitated shall be discussed and documented. ]

[ ~~G. Pursuant to § 63.1-198.1 of the Code of Virginia, the agency shall receive the results of a search of the Child Abuse and Neglect Registry before approval is granted. The home shall not be approved if an applicant or another adult living in the home has a founded child abuse or neglect record. ]~~

H. [ ~~Criminal record clearance reports and sworn disclosure statements shall be received on each applicant pursuant to § 63.1-198.1 of the Code of Virginia prior to approval. Agencies shall follow the standards in the Regulation for Criminal Record Checks for Child Welfare Agencies (22 VAC 45-50-10 et seq.) The agency shall ensure that the adoptive home is in compliance with §§ 63.1-198.1 and 63.1-198.4 of~~

the Code of Virginia and with regulations promulgated by the State Board of Social Services ].

The content of and copies of criminal record reports, sworn disclosure statements, and child abuse and neglect registry checks shall not be shared with other agencies or persons, other than the person named in the report, the licensing representative, other state or federal authorities and a court as required by state or federal law, except as permitted by state or federal law.

I. The agency shall check the applicants' Department of Motor Vehicles records.

J. The agency worker shall see the marriage license for couples. If there have been previous marriages, the worker shall verify that divorces from the former spouses are final to avoid legal difficulties with the adoption.

K. Employment shall be verified by pay stub or other written evidence [ , ~~personal knowledge of an agency staff member~~ ] or interview with the employer.

L. The agency shall discuss the employment history of each applicant and assess the applicants' management of income and financial resources in relation to expenses.

M. Applicants shall have sufficient income and financial resources to assure continuing maintenance of the family.

N. If the applicant has previously applied to adopt through another agency, the current agency shall request information from the applicant about their previous application. The current agency shall also request information from the previous agency.

O. The agency shall have the applicants sign a statement prior to approval of the home study which states they will not use corporal punishment while the agency retains legal custody of the child or give others permission to do so.

## **22 VAC 40-130-401. Additional areas to assess in the home study.**

A. The agency shall conduct [ ~~an~~ a thorough ] assessment of the motivations, expectations, commitments, and abilities [ of the adoptive applicants ]. The agency shall [ ~~assure~~ also ensure ] that the following areas are covered [ and documented ] in its assessment and [ shall ] document the basis for its conclusions:

1. Family relationships to include how the couple and the family resolve conflicts and express affection; relationships with extended family and children living outside of the home;
2. Stability of the marriage in relation to its length;
3. The applicants' experiences with children and as children;
4. Discipline of children to include [ :
  - a. ] The discipline the [ ~~applicants'~~ applicant or applicants ] received as children [ , ;
  - b. ] Their current parenting [ skills; practices;

c. ] *Their opinion and attitudes towards discipline [ ; ] and*

[ d. ] *The discipline techniques they will use with a child placed in their home.*

[ *The agency's evaluation of the applicants' discipline shall be sensitive to racial, ethnic and religious differences* ] ;

5. *The applicants' education and attitudes towards education;*

6. *The applicants' attitudes towards birth parents and towards working with the agency;*

7. [ *Physical and mental health history of the applicants and any* ] *health issues in the applicants' family and how this will impact the care of a child;*

8. *The age and type of child desired;*

9. *Child care arrangements; and*

10. *The applicants' knowledge of safety hazards and preventive actions to avoid injuries and accidents in young children.*

B. *The agency shall also assess the applicants' ages in relation to a child to be placed, their capacity to love a child not born to them, ability to change in relation to the needs of children, and understanding and abilities in the following areas:*

1. *The child's ethnic, religious and cultural issues;*

2. *The extended family's attitudes towards adoption;*

3. *The applicants' infertility, where applicable, including how they have resolved [ emotional ] issues [ ~~of grief and blame and if they have accepted their related to the~~ ] infertility; [ and ]*

4. *The [ ~~ability of the applicants' marriage to continue successfully without a child;~~ critical issues in adoption as covered in the agency's orientation. ]*

[ ~~5. The critical issues in adoption to include:~~

~~a. The child's need to be told about adoption;~~

~~b. Adoption as a life-long process;~~

~~c. The developmental stages of adoption;~~

~~d. The impact of the applicants' attitudes toward birth parents on the adopted child;~~

~~e. The importance of the child's linkage to his birth family and significant others, when appropriate; and~~

~~f. The child's need to have information about his background and birth parents. ]~~

C. *The agency shall assess and approve the residence and surrounding area.*

D. *The agency shall determine that the applicants' home is free of hazards to the health and safety of children, is clean and is in good physical repair. The following areas shall also be included in the agency's assessment of the home:*

1. *Rooms used by children shall be well-lighted for activities and safety.*

2. [ ~~All sleeping areas shall have operable smoke detectors and the home shall have at least one operable fire extinguisher.~~

~~3. ]~~ *The home shall have an operable heating and ventilation system.*

[ ~~4. 3. ]~~ *Firearms and other weapons shall be locked. Firearms shall be kept unloaded and ammunition shall be locked in a separate location.*

[ ~~5. 4. ]~~ *The home shall have closet or drawer space or both for clothing and personal possessions of children over two years of age.*

[ ~~6. 5. ]~~ *There shall be separate beds for children except that two siblings of the same sex may share a double bed [ , if appropriate ].*

[ ~~7. 6. ]~~ *Children's bedrooms shall not be used as passageways and shall have doors for privacy.*

[ ~~8. 7. ]~~ *The home shall keep cleaning supplies and other toxic substances stored away from food, [ ~~locked~~ secured ] and out of the reach of children [ who are developmentally unable to understand the dangers. EXCEPTION: Where appropriate, adolescents may have access to and may use cleaning supplies ].*

[ ~~9. 8. ]~~ *The applicants shall have a working telephone.*

[ ~~9. ]~~ *The applicants shall have a written escape plan in case of emergencies. ]*

## **22 VAC 40-130-402. Approval or disapproval.**

A. *The agency shall recommend approval or disapproval based on a careful assessment of the characteristics outlined in this part, information received through the home study process, and the applicants' participation in the home study process and in [ ~~any~~ ] orientation and preservice training.*

B. *The decision to approve or deny shall be made in consultation with the supervisor or in a staff meeting. The date of the decision shall be recorded in the applicants' record.*

C. *If approval is recommended, the worker shall recommend the age, sex, special characteristics and number of children who can successfully be placed and give the basis for the recommendation. The adoptive parents' preferences shall be considered in reaching the recommendations.*

D. *The worker shall state if the approval is for healthy children, special needs children, or children from other countries and give the basis for this recommendation.*

E. *The applicants shall be informed in writing within a week of the approval or disapproval and offered an interview to have the agency's decision explained to them.*

F. *The home study shall be written and the home approved before a child is placed.*

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## 22 VAC 40-130-403. *The adoptive placement agreement.*

[ A. ] *The [ adoptive placement ] agreement shall include the signatures of the agency representative and the adoptive family and include [ :*

- ~~1. The agency's and the adoptive family's responsibilities until final order is entered;~~
- ~~2. The statement that the agency is legally responsible for the child until the final order and may remove the child if it is necessary for the child's well-being (see § 63.1-214 and 63.1-220.5 of the Code of Virginia); and~~
- ~~3. A statement of services to be provided after the final order, if any have been agreed upon, the requirements listed in the agreement. The agency may include additional requirements, if necessary.~~

B. *When children are placed for the purposes of adoption, the adoptive placement agreement between the child-placing agency and the adoptive parent or parents shall contain a statement that an agreed upon plan for discipline of the child has been developed, which may include nonabusive discipline, either as a deliberate, nonspontaneous technique for effecting behavioral change or as part of a behavior management program. ]*

## 22 VAC 40-130-404. *Home study updates.*

A. *When 18 months have elapsed after completion of the original adoptive home study and the agency that conducted the original home study is contemplating placing a child, an update shall be made which includes a visit to the home and face-to-face interviews with all members of the household to include:*

1. *A review of the compatibility of the couple and stability of the marriage;*
2. *A review of the family, social and community relationships, including any children in the home;*
3. *Income, employment status and financial resources in relation to expenses;*
4. *A review of the applicants' motivation for and expectations of adoption;*
5. *The age and type of child desired and the age of the applicant in relation to the child;*
6. *A review of the home and living arrangements; and*
7. *Updated medical reports.*

B. *If the adoptive applicants have moved during the 18 months after their initial approval and a child has not been placed, the agency shall visit the home and conduct a review of the residence based on 22 VAC 40-130-401 C and D.*

C. *If the agency conducting the home study update is not the agency that conducted the original home study, the agency shall have more than one face-to-face interview with the applicants.*

## 22 VAC 40-130-406. *Subsequent adoptive placements.*

A. *When the adoptive applicants request additional adoptive placements, the agency shall evaluate the home based on the requirements for the initial adoptive home study.*

B. *If the agency conducted the original home study, the agency shall conduct at least two visits, one face-to-face interview in the office or home and a home visit with all household members currently living in the home.*

C. *If the original home study was conducted by another agency, the following shall apply:*

1. *Orientation and training shall be required of the adoptive applicants;*
2. *If the agency has a copy of the original home study for the applicants, two visits shall be made. If the original home study is not available, three visits are required; and*
3. *The home study shall follow the requirements of the initial adoptive home study.*

## 22 VAC 40-130-410. *Direct Parental placement services adoptions.*

~~If an agency chooses to provide direct parental placement services, it shall do so in accordance with §§ 63.1-220.3 through 63.1-220.5 and 63.1-238.01 and 63.1-238.02 of the Code of Virginia.~~

~~A. The agency shall follow the provisions of [ Chapter 14 (§ 63.1-220 et seq.) Article 3 (§ 63.1-219.37 et seq.), Parental Placement Adoptions, of Chapter 10.2 ] of Title 63.1 of the Code of Virginia [ and . Agencies may consult ] the Adoption Services Manual, Volume VII, Section III, Chapter D, Parental Placement Adoptions [ , November 1991, except the section on home studies in parental placement adoptions. These requirements and procedures are incorporated by reference and made a part of this regulation ] .~~

~~B. The agency shall follow the adoptive home study requirements of these standards. (See 22 VAC 40-130-400, 22 VAC 40-130-401 and 22 VAC 40-130-402.)~~

~~C. The agency shall, through face-to-face contact with the birth parents, assure that the birth parents are aware of:~~

- ~~1. Alternatives to adoption;~~
- ~~2. Adoption procedures; and~~
- ~~3. Opportunities for placement with other adoptive families.~~

~~D. If the birth [ parent or ] parents have not received counseling regarding these issues, the agency shall [ make every effort to ] provide it. [ If counseling cannot be provided, the agency shall document the reasons in the birth parent record. ]~~

~~E. The [ agency shall make every effort to have the ] face-to-face contact with the birth [ parent or ] parents [ shall ] take place on a different day from the date of the meeting to exchange identifying information. [ When this is not possible, the reason shall be documented in the birth parent record. ]~~



F. The consent of the birth [ parent or ] parents shall be informed and not coerced.

G. ~~[ Pursuant to ]~~ In accordance with [ § [ ~~63.1-220.2~~ 63.1-219.33 ] of the Code of Virginia, when the agency accepts custody of a child for the purposes of placing the child with adoptive parents designated by the birth parents or a person other than a licensed child-placing agency or local board of public welfare, the provisions of [ Article 3 ( ) § [ ~~63.1-220.3~~ 63.1-219.37 et seq.] of Chapter 10.2 of Title 63.1 ] of the Code of Virginia shall apply.

**22 VAC 40-130-420. Adoption records.**

A. The agency shall maintain a case record for each child, the biological [ legal child's ] family and the adoptive family. The biological [ legal child's ] family record may be a part of the child's record.

B. The child's record—~~The record~~ shall include:

1. Identifying information including the child's [ original ] birth certificate, [ whenever possible, the ] birthdate, place of birth, sex, race, height, weight, hair color, eye color and identifying marks;
2. The legal documents required for adoption;
3. A record in the narrative dictation of the child's and family's preparation for the placement; [ and ]
4. ~~[ Other information required in this chapter Names and addresses of grandparents, close relatives and siblings; and ]~~
5. Other information as required by these standards ].

C. The biological [ legal child's ] family's record. The record shall include:

1. Identifying information including; names, addresses, telephone numbers, Social Security numbers [ , if available, ] and marital status of the parents or guardians;
2. ~~[ Names and addresses of grandparents, close relatives and siblings; Description of childhood and other background information when known; ]~~
3. The birth parents' relationship to each other;
4. Information about the knowledge other family members have about the birth parent's or parents' decision to place the child for adoption; ]
2. ~~[ 3. ]~~ 5. A narrative of contacts; and
3. ~~[ 4. ]~~ 6. Other information required by this chapter these standards.

D. The adoptive family record—~~The record~~ shall contain:

1. The agency application;
2. A copy of [ the agreed upon plan of discipline and ] any written information given to the adoptive parent or parents concerning the child;
3. Summaries of supervisory visits and closing summary; and
4. The adoption home study and related documents;

5. Orientation and training provided;
6. A copy of the full, factual information on the child provided to the adoptive parents;
7. Narrative account of the agency's preparation of the family for the placement of the child;
8. Fees charged and agreement between agency and applicants regarding fees;
9. Documentation of any complaints or investigations by Child Protective Services; and
4. 10. Other information required by this chapter these standards.

**22 VAC 40-130-424. Forwarding of Adoption Material.**

[ In accordance with § 63.1-219.53 of the Code of Virginia, ] after finalization of the adoption, all pertinent material shall be forwarded to the Virginia Department of Social Services, Foster Care and Adoption Unit, for preservation. Guidelines for the preparation of adoption material to be forwarded are contained in the Services Manual, Volume VII, Section III, Chapter C, Post-Adoption Services [ ~~July 1998,~~ ] and Chapter D, Guidelines Regarding the Preparation of Adoption Material to be Forwarded to the Adoption Reports Unit for Preservation in a Nonagency Adoption [ ~~November 1994.~~ This material is incorporated by reference and made a part of this regulation ].

PART VI.  
INTERSTATE AND INTERCOUNTRY PLACEMENTS.

**22 VAC 40-130-430. Interstate compacts Compact on the Placement of Children.**

A child-placing agency shall comply with the Interstate Compact on the Placement of Children (§§ 63.1-207, 63.1-207.1, and [ ~~63.1-219 et seq.~~ 63.1-219.2 ] of the Code of Virginia and related standards) before sending a child out of state or receiving a child into the Commonwealth for foster care or adoption. The procedures to be followed are in the Service Programs Manual, Volume VII, Section III, Chapter E.

**22 VAC 40-130-440. Procedures.**

~~If an agency does an adoptive home study before a child has been identified, the Interstate Compact Office is not involved. However, the agency shall:~~

1. Inform the potential adoptive parent or parents that the placement of an out-of-state child must go through the compact office; and
2. Attach a statement to the home study explaining the requirement.

[ Agencies may consult ] the procedures [ ~~to be followed are~~ ] in the Service Programs Manual, Volume VII, Section III, Chapter E [ ~~July 1983~~ ]. These [ requirements procedures ] apply to both agency and nonagency adoptions.

NOTE: The Interstate Compact on the Placement of Children law and manual procedures apply to placement with nonexempt relatives, placements for foster care and

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placements for adoption, only after a child has been identified for placement.

**22 VAC 40-130-450. ~~Out-of-state child.~~ Agency responsibility for adoption and foster care services on behalf of an out-of-state agency [ in interstate cases. NOTE: This section does not apply to intercountry placements ].**

A. If a Virginia agency is asked to supervise the placement of an out-of-state child, it must have notification of compact approval of the placement from the Interstate Compact on the Placement of Children before proceeding. The [ ~~child-placing~~ placing ] agency is responsible for obtaining compact approval.

B. For adoptive placements, the agency shall have an interagency agreement [ , ] which specifies the period of supervision and responsibilities of both agencies until the adoption is finalized or the placement is terminated.

C. When an agency is providing supervision for an adoptive placement of a child in the care of an out-of-state agency, visits shall be conducted in accordance with these standards. The agency shall also comply with any requirements of the interagency agreement with the [ ~~child-placing~~ placing ] agency.

D. The agency shall send reports of supervision to the Virginia Interstate Compact on the Placement of Children office and shall not send reports directly to any entity in the sending state without permission of the Interstate Compact on the Placement of Children office.

E. A child-placing agency shall not provide services in other states without obtaining the written approval to provide those services from the appropriate authorities in the other state.

[ NOTE: The written approval may be in the form of a license from the other state to conduct the specified activities or a letter from the other state granting approval or stating licensure and approval is not required to conduct the specified activities in the other state. ]

F. The agency shall provide the Virginia Interstate Compact on the Placement of Children office with a copy of the written approval.

G. If the agency becomes aware that placement has been made without interstate approval, the agency shall notify the Interstate Compact on the Placement of Children office in writing of the placement.

H. When an agency has agreed to complete an adoptive home study for a family that has applied to an agency in another state or a family pursuing a parental placement of a child from another state, the home study shall be completed in accordance with the adoptive home study requirements in this regulation.

I. The agency shall inform the potential adoptive parents that the placement of an out-of-state child is governed by the Interstate Compact on the Placement of Children. This shall be documented in the home study.

J. When a child in an adoptive placement moves from another state into Virginia or if a placement is planned within

three months of a family's relocation to Virginia, a home study update shall be completed in accordance with the home study update requirements of these standards. A new home study in accordance with 22 VAC 40-130-400, 22 VAC 40-130-401, and 22 VAC 40-130-402 shall be completed in all other cases.

K. The agency shall send the home study or update to the Virginia Interstate Compact on the Placement of Children office when a specific child has been identified for placement.

**22 VAC 40-130-452. Agency responsibility in intercountry placements/adoptions.**

A. In order for an agency to assist families [ ~~or agencies~~ ] in arranging for placements of children from foreign countries, [ either directly or through other agencies, ] the agency [ ~~must provide intercountry services and follow standards for conducting home studies and supervision in accordance with these standards~~ shall comply with this section ].

B. The agency shall maintain and make available to its staff and to applicants written information about Virginia's preadoptive requirements for intercountry placements and assist the family in determining when these requirements are applicable.

C. The agency shall maintain and make available to its staff and to applicants written information about the requirements of the Immigration and Naturalization [ ~~Office~~ Service ].

D. An agency providing [ any type of ] intercountry services shall comply with the following provisions:

1. The agency shall [ ~~ensure and receive documentation of a child's legal availability for adoption before the child is assigned to the adoptive applicant~~ obtain and disclose to the adoptive applicants all available medical, developmental, and social history for the child, the birth family and extended family, including the child's placement history ].

2. [ ~~The agency shall verify the credentials and qualifications of agents in foreign countries working in their behalf on adoption matters~~ Documentation shall be filed in the child's record where the agency has received custody or in a separate section of the adoptive applicants' record where the adoptive applicants have received guardianship or a final decree of adoption in the foreign country ].

[ ~~3. The agency shall obtain all known medical, developmental, and social history for the child, the birth family and extended family, including the child's placement history, and receive a written statement that the information provided is accurate and complete.~~

4. ~~Documentation for the above requirements shall be filed in the child's record where the agency has received custody or in a separate section of the adoptive applicants' record where the adoptive applicants have received guardianship or a final decree of adoption in the foreign country. ]~~

[ ~~5. 3. ] The agency shall notify the [ affected ] adoptive applicants within five working days whenever it receives~~

information that a [ source or program in a ] foreign country is suspending its adoption program.

[ ~~6~~ 4. ] During the home study process, the agency shall discuss with the applicants the following:

a. The risks of adopting a child from another country, including but not limited to coping with changes in laws in the other country, changes in fees, [ issues regarding the legal availability of the child, risks involved with lack of medical, developmental, and other background information on the child, ] and the placement of another child if the child originally described is no longer available;

b. The applicants' ability to assume responsibility for the care, guidance, and protection [ and meet the needs ] of a child from a different race or ethnic background;

c. The applicants' feelings and attitude toward sharing with the child facts about the adoption, including how the applicants plan to teach the child about, identify with and have information about his native country;

d. The applicants' expectations for children whose living circumstances prior to placement included living in an orphanage or institution [ , the expected behaviors, attachment and bonding issues, the life-long impact of the child's history ] and the applicants' ability to cope with any issues that may occur related to [ ~~their~~ the child's previous ] living circumstances [ and care ]; [ and ]

e. The availability of and requirements for post-placement supervision and importance of supervision in the resolution of any adoption related issues [ ; ~~and~~

~~f. That it is unlikely that the child will be eligible for adoption assistance ].~~

E. In addition, an agency working directly with agencies or resources in other countries shall comply with the following provisions:

1. [ ~~When referring families to or working with a specific agency or resource in a foreign country, ] Written information on the laws, policies and procedures for U.S. citizens to adopt from the particular country shall be maintained by the agency and made available to staff and applicants, or the agency shall document its efforts to obtain the information.~~

2. During the home study process, the agency shall discuss with the applicants the time frame and fees specific to adopting a child from another country, the children typically available from specific countries, and the applicants' responsibility for a child when receiving custody or guardianship of a child under the laws of the child's country.

[ 3. The agency shall make every effort to obtain documentation of a child's legal availability for adoption before the child is assigned to the adoptive applicants. If the agency cannot obtain this information, the efforts shall be documented in the adoptive parents' record.

The adoptive parents shall be informed of any known information about the child's legal availability.

4. The agency shall make every effort to obtain credentials and qualifications, if any, of agents or facilitators in the foreign countries. Prior to using the services of an agent or facilitator, the licensed child-placing agency shall evaluate the agent or facilitator to determine his experience and knowledge in the field of intercountry adoption, his reputation with other clients and with the U.S. Embassy in the other country, and his willingness to provide information to the agency. This information shall be documented in a separate file. ]

F. If, after completion of the home study for an intercountry adoption, the family decides to pursue an intercountry placement without the assistance of the agency, the agency shall document in the applicants' record that the family withdrew from the intercountry program, and the agency shall have no further responsibility to provide services.

G. An agency completing a home study for an intercountry adoption shall offer to provide or refer the family for supervision and adoptive family support and preservation services.

H. The agency shall document its efforts to encourage the family to file an adoption petition and inform the family of the need to complete the process of the child's naturalization through [ the ] Immigration and Naturalization [ ~~Services~~ Service, ] which confers citizenship to the child.

PART VII.  
ASSISTED CONCEPTION.

**22 VAC 40-130-453. Home study requirements.**

A. Agencies shall comply with §§ 20-156 through 20-165 of the Code of Virginia [ , ] which establishes control of actions related to the status of children of assisted conception.

B. Agencies shall conduct home studies in accordance with the adoptive home study requirements of 22 VAC 40-130-400, 22 VAC 40-130-401, and 22 VAC 40-130-402.

C. Agencies shall provide or [ ~~assure~~ ensure ] that all parties have received counseling concerning the effects of the surrogacy contract. This information shall be documented in the record.

PART VIII.  
INDEPENDENT LIVING PLACEMENTS.

**22 VAC 40-130-454. Authorization to provide independent living placement services.**

[ In addition to Parts I, II, IX, and X of this chapter and, if applicable, interstate compact requirements as found in 22 VAC 40-130-430, 22 VAC 40-130-440 and 22 VAC 40-130-450, ] the standards in this part shall be met to receive authorization to provide independent living placement services in Virginia. [ Agencies shall be responsible for maintaining compliance with these standards and all related laws in Virginia. ]

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## **22 VAC 40-130-455. Program statement.**

A. An agency authorized to place youth in independent living shall include the following in its written program statement:

1. The agency's philosophy on and purpose of supervised independent living situations;
2. The criteria for admission and discharge, including requirements for emergency termination;
3. The intake assessment, ongoing process and methods used to determine the appropriateness of the independent living placements;
4. The nature and frequency of supervision provided to youth placed in independent living arrangements;
5. A description of services available to the youth during placement and the life skills the youth must achieve to be successfully discharged;
6. The types of living arrangements approved by the agency and the criteria used to approve the living arrangements;
7. A crisis response system ensuring that youth have 24-hour access to agency personnel;
8. The means of financial support for the youth; and
9. Provisions for emergency medical care which ensure prompt response to a youth's medical needs.

B. The program statement shall be provided to all youth placed in independent living and either the complete statement or a summary shall be given to agencies or individuals who ask about the services of the agency.

## **22 VAC 40-130-456. Responsibilities of the agency.**

It shall be the responsibility of the agency to:

1. Evaluate each youth's ability to assume responsibility and work towards the goal of independence within a specified time frame;
2. Obtain written approval of the parents or legal guardian for youth under 18 years of age regarding the youth's participation in the program;
3. When the parents are not the legal guardians of the youth, provide the parents with written notification of the youth's placement where possible and appropriate;
4. If a youth is discharged from the program prior to the age of 18, release him to the legal guardian with notification to the court when appropriate;
5. Develop a service agreement, review the agreement every three months and revise and update as necessary;
6. Develop a monthly budget with the youth and meet monthly with the youth to review the budget (these reviews may occur less frequently after the first six months if the youth demonstrates the ability to maintain the budget);

7. Meet with the youth [ at least ] twice a month through face-to-face contact to discuss the youth's progress as it relates to the service agreement and to cover the life skills assessment. [ The agency shall have at least weekly telephone contact with the youth. ] At least one meeting per month shall be at the youth's residence. [ EXCEPTION: Visits to youth in college dormitories shall be quarterly. ] These contacts shall be documented in the youth's record;

8. Provide the youth with the name and telephone number of someone he can contact in an emergency on a 24-hour basis;

9. Have a written plan which will assure the availability of resources to meet the youth's basic needs for shelter, food, clothing, and medical care;

10. Assume responsibility to provide or seek services to support the independent living placement for the youth until such time it is determined that the youth is no longer appropriate for the program or is able to successfully complete the program; and

11. Provide medical care as required in 22 VAC 40-130-221.

## **22 VAC 40-130-457. Intake.**

A. In addition to the agency's criteria for admission, the youth shall meet the following requirements before the agency shall place him in an independent living arrangement. The youth shall:

1. Be at least 16 years of age, but not yet 21;
2. Be in the custody of a local department of social services, private child-placing agency, parent or guardian, or if legally emancipated, a voluntary self-admission;
3. Be able to live without daily substitute parental supervision;
4. Not be a threat or danger to himself or to others in the community; and
5. Be involved or have a commitment to be involved in an educational or vocational training program or be employed.

B. The agency shall assure that it has the authority to place the youth as specified in 22 VAC 40-130-210 [ A ].

C. Prior to admission for placement in an independent living arrangement, the agency shall assess the youth's suitability and appropriateness for placement. The assessment shall be documented in the youth's record and shall include:

1. Information from the parent or guardian, foster parent, and community resource person, if applicable, about the youth's current behavioral functioning in the home or the community;
2. Physical and dental examinations as required by 22 VAC 40-130-210 [ F H, ] including a psychological evaluation, if applicable;

3. List of medications the youth is currently taking and the youth's ability to administer medication independently; and

4. Social history as required by 22 VAC 40-130-210 [ D G ].

D. The agency shall have a face-to-face interview with the youth prior to the youth's acceptance for independent living placement. This interview shall be documented and include the following:

1. A review of the service agreement with the youth to include a discussion of the agency's and youth's expectations and responsibilities;

2. Orientation to the program and services to be provided; and

3. The goals and objectives of independent living placement.

E. The youth and his parents or guardians, if available, shall participate in planning the independent living arrangement.

F. Prior to the youth's placement, the agency shall approve all living arrangements based on the agency's criteria as described in the agency's program statement.

G. An agreement between the agency and the youth shall be developed, signed and kept in the youth's record. Copies of the agreement shall be given to the youth and to the legal guardian and [ ~~child-placing~~ placing ] agency.

H. The agreement shall include, but is not limited to, the following:

1. Method, frequency, and amount of financial payment;

2. Youth's understanding that the physical arrangements must be approved by the agency or are exempt from agency approval;

3. Youth's responsibility to inform the agency within a specified time frame, but no later than 72 hours, of any major changes in his situation and need for surgery, serious injuries or illness;

4. A plan to seek emergency assistance from medical professionals, police and fire fighters; and

5. A statement that the youth will be terminated from the program if the agency's attempts to support the youth have been unsuccessful.

**22 VAC 40-130-458. Plan for transitional services for youth in independent living placement and case record requirements.**

A. [ A An individualized ] plan for transitional services shall be written with each youth in an independent living arrangement and placed in the youth's record within 30 days of admission. The plan shall include:

1. A description of the specific life skills to be achieved by the youth, the youth's responsibilities [ , ] along with time frames for achievement of each identified life skill, and a description of the parents' or guardians' responsibilities in

achieving the identified life skills. If involvement of the parents or guardians is not possible or is clearly inappropriate, the reasons shall be stated in the plan;

2. A description of the services and training offered by the agency to help the youth achieve the identified life skills and a statement of the type and frequency of supervision provided by the agency;

3. An assessment of the youth's physical and mental health [ , ] including any medical or dental care the youth receives;

4. An assessment of the youth's living arrangement using the criteria developed by the agency; and

5. The target date for discharge and the youth's involvement in discharge planning.

B. The plan for transitional services shall be evaluated quarterly from the date of the initial plan with progress reported on each item in the plan, including each identified life skill.

C. Each youth shall have a file [ ~~which~~ that ] contains the documentation required by these standards. The record shall also contain a face sheet [ , ] which shall be updated as needed and includes the youth's name, date of birth, and date of admission; the name, address and phone number of the legal guardian and [ ~~child-placing~~ the placing ] agency; and the address of the youth's independent placement with a telephone number, if available.

**22 VAC 40-130-459. Discharge from care.**

A. The agency shall complete a discharge summary within 30 days of discharge and include:

1. The reason or reasons for the discharge;

2. The name or names of persons with whom the youth has been placed or to whom he was discharged;

3. Follow-up services, if any, to be provided the youth and family or guardian;

4. A description of the services provided while the youth was in care;

5. An evaluation of the progress made towards achievement of the identified life skills; and

6. Recommendations for services if the youth is placed with another agency.

B. Discharge planning shall be developed with the youth, the youth's parents or guardian, and the [ ~~child-placing~~ placing ] agency, if applicable.

C. Youth in the custody of a local department of social services or private child-placing agency shall not be discharged without the knowledge, consent, and notification of the [ ~~child-placing~~ placing ] agency.

D. Youth under the age of 18 shall only be discharged to the parent, guardian or child-placing agency holding custody. If the youth is discharged to the [ ~~child-placing~~ placing ] agency, the parents or guardian shall be notified of the youth's discharge from the program.

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*E. Upon discharge a copy of medical and school records, and birth certificate if the agency holds custody, shall be given to the parents or receiving agency. Information shall be released to a youth who has reached 18 years of age in accordance with § 63.1-209 of the Code of Virginia.*

## PART ~~VIII~~ IX. REPORTS.

### 22 VAC 40-130-470. Death of a child.

The agency shall:

- ~~1. Notify the parent or parents or guardian of the child immediately; and~~
- ~~2. Notify the licensing representative within 48 hours.~~

*When a child in agency custody or care dies, the agency shall notify the parent or guardian of the child immediately and notify the licensing representative within 24 hours [ or by the end of the next business day ]. A written report of the circumstances shall be made to the licensing representative within seven days of the death.*

### 22 VAC 40-130-480. Abuse ~~or~~ and neglect, ~~or both~~.

The agency shall:

1. Immediately notify the appropriate *Child Protective Services' unit of the local department of social services or the Child Abuse and Neglect Hotline* of all complaints ~~or~~ of suspected cases of abuse and neglect of a child [ *under the agency's supervision* ]. *The agency shall also immediately notify the [ child-placing custodial ] agency worker or supervisor. The licensing representative shall be notified within 24 hours [ or by the end of the next business day ] whenever the allegations of abuse or neglect involve a staff member of the agency,*
2. Cooperate with the local department in its investigation of the complaint;
3. ~~Make its own investigation of each complaint to determine whether or not its policies and procedures have been violated~~ *Investigate each complaint to determine if its policies and procedures have been violated. The findings shall be recorded in the appropriate record; and*
4. *Where the complaint has been accepted by Child Protective Services for investigation, the agency shall submit a written report of the [ results status ] of its the agency's investigation to the licensing representative within ~~90~~ 60 days of receipt of the complaint [ and a final report within 90 days. The Child Protective Services' disposition and any agency action taken shall be included in the final report ]. Violations of the agency's program statement and policies and procedures shall be reported to the licensing representative along with the agency's plans for corrective action.*

## PART ~~VIII~~ X. CASE RECORD REQUIREMENTS.

### 22 VAC 40-130-490. Inspection.

The agency shall provide *the* licensing representatives reasonable opportunity to inspect all facilities, books and records related to the child-placing program.

### 22 VAC 40-130-500. Storage.

Active and closed case records shall be ~~kept stored~~ in locked, metal files ~~cabinets~~. ~~They shall be systematically filed.~~

### [ 22 VAC 40-130-510. Confidentiality.

Case records are confidential. *NOTE: See § 63.1-209 of the Code of Virginia. ]*

### 22 VAC 40-130-520. Entries in case records.

~~A.~~ All entries shall be dated. They shall indicate who performed the service ~~and be signed or initialed~~. ~~B.~~ If an agency has offices in more than one ~~state~~ location, the record shall identify the office which provided the service.

### 22 VAC 40-130-530. Evidence of compliance.

~~To be in compliance with a standard:~~

- ~~1. There shall be written evidence that the requirement has been met;~~
- ~~2. It shall be completed by the required date if a time limit is specified in the standard; and~~
- ~~3. It must be filed in the appropriate record within 30 days unless otherwise specified in this chapter.~~

~~NOTE: Whenever possible, information shall be recorded in the appropriate place and not repeated elsewhere.~~

~~To be in compliance with a standard, the agency shall have written evidence that the requirement has been met within the date required by the standard and filed in the appropriate record within 30 days unless otherwise specified in a standard.~~

### 22 VAC 40-130-540. Retention of records.

A. Upon entry of a final order of adoption or other final disposition of a matter involving adoption, all reports and collateral information shall be forwarded to the commissioner. ~~B.~~ The agency shall retain a copy of the child's subsidy record as long as the child receives a subsidy.

~~C.~~ B. If a child has been united with his biological family before reaching majority, case records shall be retained until ~~one year after his 21st~~ five years after his 18th birthday.

~~D.~~ C. When the agency has custody of a child, the records shall be retained permanently for any children who have not been adopted nor reunited with their families.

*When the agency does not have custody of the child, the agency shall retain the record for five years past the child's 18th birthday and then offer the record or information from the record to the custodial agency and provide [ # the record or the information from the record ] upon request.*

~~E. D. When an agency ceases to operate, it shall store its closed records with a public or private child-placing agency and inform the department in writing of the location for the retention of its records.~~

**22 VAC 40-130-550. Disclosure of information.**

A. If a child has reached his majority without being adopted, information shall be revealed to him according to the provisions of § 63.1-209 of the Code of Virginia.

B. Information concerning children who have been legally adopted [ , birth parents and adoptive parents ] shall be [ ~~revealed to them~~ disclosed ] only according to the provisions of § [ ~~§ 63.1-236 and 63.1-236.04~~ 63.1-219.53 ] of the Code of Virginia. [ Agencies may consult the Services Manual, Volume VII, Section III, Chapter C, Post-adoption Services, and Chapter D, Access to Closed Records. ]

C. Licensed child-placing agencies shall not release nonidentifying information from adoption files unless designated to do so by the Virginia Department of Social Services. In sharing nonidentifying information, the agency must share all nonidentifying parts of the record related to the adoption decision. If the agency provided counseling to the birth parent or parents not related to the placement decision, this may be excluded. ]

PART XI.  
TREATMENT FOSTER CARE.

**22 VAC 40-130-600. Requirements.**

[ A. ] In order to be licensed or certified as a child-placing agency providing treatment foster care services in Virginia, child-placing agencies shall meet the requirements of this part in addition to Parts I, II, III, VI, IX, and X of this chapter. [ Agencies established for the purpose of receiving short-term placements shall follow the requirements of Part IV of this chapter, unless they wish to be certified as a Medicaid provider of treatment foster care case management services. Requirements for caseloads and capacity may be found in 22 VAC 40-130-130. ]

B. Agencies shall be responsible for maintaining compliance with these standards and all related laws in Virginia. ]

**22 VAC 40-130-610. Program description.**

A. A child-placing agency shall have a comprehensive written program description of its services, organizational structure, policies, and recordkeeping [ , ] including:

1. The purpose of the treatment foster care program, including a description of the population the agency is prepared to serve and the geographical area to be served.
2. The agency's treatment philosophy and the specific treatment techniques it uses, including the specific behavior management strategies to be used by the agency's treatment foster parents.
3. A staffing pattern which allows for the intensity of services required in treatment foster care; describes the professional staff responsible for the treatment services,

~~the treatment team, and treatment plans; provides for at least one full-time professional staff [ and a total of two full-time equivalent staff and part-time staff whose hours are equivalent to a full-time position ]; and designates a qualified individual responsible for the program.~~

4. An open admissions policy if federal or local social service agency funds are involved. The policy shall state that the program is open to all children without regard to race, color, national origin or sex. It shall also state that:

- a. Race will not be a factor in determining the best placement for the child;
- b. Children with disabilities will be accepted if their needs can be reasonably accommodated; and
- c. The agency shall include [ either the whole policy or ] a summary of this policy in its advertisements or other materials distributed to the public.

5. A list of the agency's [ ~~preadmission~~ intake ] requirements; an explanation of the fee system, if any; and decision-making procedures for acceptance, matching, placement and discharge from care.

6. A description of the services provided to children, [ ~~legal their~~ ] families and foster families.

7. A description of the agency's procedures and requirements for treatment foster family study and approval including a description of orientation and training.

8. A description of the responsibilities and workload of the child-placing staff, and the training provided to professional staff.

9. The requirements for the organization and contents of the child's case record, to include all required documentation.

B. Either the full statement or a summary shall be given to agencies and individuals who inquire about the services provided.

C. The program description shall be submitted with the initial application, updated when changes are made in the program, and updates provided to the licensing representative within 30 days.

**22 VAC 40-130-620. Policies and procedures.**

A. [ ~~The agency shall implement a written policy to ensure that children are not (i) subjected to corporal punishment as defined in these standards; (ii) subjected to verbal abuse or remarks that belittle or ridicule the child or his family; (iii) denied essential program or treatment services, meals, clothing, bedding, sleep, or personal care products; or (iv) subjected to any humiliating, degrading or abusive actions.~~

~~B. The agency shall have written policies and procedures for investigating, responding to and reporting allegations of misconduct toward children, including reporting suspicions of child abuse or neglect to child protective services or the Child Abuse and Neglect Hotline. ]~~

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~~C.~~ The agency shall have a written plan for back-up emergency care in the event that a child's placement in a family [ ~~fails or if the agency ceases to operate~~ disrupts ].

[ ~~D. B.~~ ] The agency shall implement a written policy of acceptable methods of control and discipline which includes a prohibition on [ ~~physical corporal~~ ] punishment and a description of specific types of [ ~~punishments which~~ discipline that ] are unacceptable. [ The written policy of acceptable methods of control and discipline shall be based on a review of the scientific literature on disciplinary issues. ]

[ ~~E. C.~~ ] The agency shall implement written policies and procedures governing the agency's responsibility to determine that foster parents (i) properly administer and document the medication as prescribed for foster children placed in their home; (ii) have knowledge of side effects and actions to be taken; (iii) notify the agency of adverse reactions to medications; and (iv) have knowledge of the secure storage, retention and disposal of medication.

[ ~~F. D.~~ ] The agency shall implement a written policy and procedure governing the assignment of designated staff to be on call to foster parents on a 24-hour, seven days a week basis.

[ ~~G. E.~~ ] The agency shall have a written discharge policy describing both planned and emergency discharge from the program.

[ ~~H. F.~~ ] The agency's written policy shall prohibit mechanical restraints and seclusion.

[ ~~G.~~ ] The agency shall have a written policy addressing the agency's plans for active cases if the agency should cease operation. ]

[ ~~H.~~ ] The written policies required by these standards shall be submitted to the licensing representative with the initial application and all changes shall be submitted within 30 days after the change is made.

## 22 VAC 40-130-630. Program evaluation.

Treatment foster care agencies shall have and implement a written program evaluation plan which:

1. Describes the information to be collected, summarized and analyzed at least annually;
2. Identifies who will have access to the evaluation and how it will be used;
3. Describes the factors for assessing the effectiveness of the services provided; and
4. Describes how progress on the long- and short-term treatment goals of each child's treatment plan will be tracked.

## 22 VAC 40-130-640. Intake.

A. Authority to place. Before placing a child in foster care, the agency shall have the authority to place based on:

1. A court commitment;
2. A permanent entrustment by the parents or other person having legal custody;

3. A temporary entrustment by the parents or other person having legal custody;

4. A placement agreement from an agency with legal custody; or

5. A placement agreement signed by the local department of social services having jurisdiction when a noncustodial agreement has been signed between the parent or legal guardian and the local department or another public agency.

EXCEPTION: An agency licensed as a child-placing agency and certified as a school for children with disabilities by the Department of Education shall not be required to take custody of a child placed in its special education program, but shall enter into a placement agreement with the parent or other individual holding custody.

B. [ ~~Preadmission assessment.~~ ] To achieve sound placement decisions and planning for relevant treatment services to children, the agency shall receive and [ ~~review~~ assess ] the following material prior to a child's admission [ : . All material shall indicate the date it was received by the child-placing agency. ]

1. ~~The reason the placement is requested;~~ An application for admission, which shall include:

- a. The reason for the placement;
- b. The services requested by the placing agency, parent or guardian;
- c. Current information on the child's health, behavior in the home or in the previous living situation;
- d. Current school information, including grade level and adjustment to school;
- e. Information on the child's skills, interests, strengths and talents;
- f. A list of current medications, dosages prescribed, and reasons for the medications;
- g. Emotional and psychological problems of the child, including needs and professional treatment received;
- h. The child's permanency planning goal and planned achievement date; and
- i. The names of parent or guardian, placing agency, placing agency worker, including addresses, telephone numbers, and emergency contacts. ]

2. Current [ ~~case service or treatment~~ ] plans from others and discharge plans [ from previous placements ], if [ ~~applicable~~; any. ]

3. [ ~~Current information on the child's health, behavior in the home or other living situation;~~

4. ~~Current school information, including grade level and adjustment to school;~~ A social history to include the following:

- a. Information on the child's family structure, relationships and involvement with the child;



- b. The child's previous placement history;
- c. The child's developmental, educational, and medical history;
- d. The child's history as a victim of abuse and neglect, if applicable;
- e. The family's medical history; and
- f. The education and occupation of the child's parents.

~~5.~~ 4. ] The previous and current (within a year of referral date) psychological and psychiatric assessments, [ ~~when available;~~ if any. ]

~~6.~~ 5. Background information from other sources [ ~~when available;~~ and ], such as court reports and previous social histories, if any.

6. Medical examination by or under the direction of a licensed physician within 90 days before placement. When a child accepted in an emergency has not had an examination within 90 days before placement, he shall have one within 30 days after placement.

EXCEPTION: When a child has been in the continuous placement of a public or private agency and the medical examination is no more than a year old, the 90-day requirement may be waived. A report of all medical treatment provided in the interim shall be provided. The medical examination report shall include:

- a. Immunizations given in the past 13 months or since the last examination; and
- b. The current physical condition, including growth and development, visual and auditory acuity, nutritional status, evidence of freedom from tuberculosis in a communicable form, allergies, chronic conditions and disabilities. ]

~~7.~~ [ ~~All documentation required by the Department of Medical Assistance Services, if placements are funded by Medicaid~~ The child's previous medical records, if available ].

[ If any of the information required in this subsection is incomplete, not available, or is unknown to the individual or agency placing the child, the licensed agency shall have 30 days from placement to receive and compile this information in the child's record. If the information cannot be located, the reasons shall be documented in the child's record.

Agencies receiving emergency placements as defined in 22 VAC 40-130-10 shall have 30 days to receive this information. ]

[ ~~C.~~ The agency's assessment shall be written within 30 days of placement and also include:

- ~~1. Potential problems with the child's placement;~~
- ~~2. Information on the child's skills, interests and talents;~~
- ~~3. The reason the child was accepted; and~~
- ~~4. The date the decision was made.~~

~~D. Social history. A social history shall be completed within 30 days of placement and include the date it was completed. The social history shall include, but not be limited to the following:~~

- ~~1. Family structure, relationships and involvement with the child;~~
- ~~2. The child's previous placement history, if any, and public agencies involvement;~~
- ~~3. The child's developmental, educational and medical history and the family's medical history;~~
- ~~4. The emotional or psychological problems of the child including strengths and needs, and professional treatment received;~~
- ~~5. The education and occupation of parents; and~~
- ~~6. The child's history as a victim of abuse or neglect, if applicable. ]~~

[ ~~E. C.~~ ] Matching. A child shall be accepted and placed only after careful consideration of how well the prospective treatment foster family can meet the child's needs and preferences. Important considerations include, but are not limited to:

- 1. Treatment foster parents' specific skills, abilities and attitudes needed to work effectively with the child to be placed in their care in the areas of behavior management, crisis intervention and stabilization, supportive counseling, and implementation of a treatment and service plan;
- 2. The treatment family composition, willingness and ability to work with the child's family; and
- 3. Availability and access to resources required to meet the child's needs.

[ ~~F. D.~~ ] Preplacement interview and visit. Unless there are valid reasons for not doing so, the agency shall interview the child and his parent or legal guardian prior to placement. If the child, the parent or the legal guardian cannot be interviewed, the reason shall be documented in the child's record. [ This shall not apply to emergency placements. ]

The agency shall prepare the child for placement and arrange a preplacement visit for the child in the treatment foster home. If this is not possible, the reason shall be documented in the child's record. [ This shall not apply to emergency placements. ]

[ ~~The worker shall make a recommendation as to the most appropriate treatment foster home that can provide services to the child and his family and document why a particular treatment foster home is selected for the child.~~

E. Within two weeks of placement, the agency shall prepare a written summary based on the agency's assessment of the intake information required in subsections B through E of this section and shall include the following:

- 1. The strengths and needs of the child and the child's family;

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2. A summary of the preplacement interview and placement;
3. The reason a particular treatment foster home was selected and the matching factors considered for this decision;
4. The initial plan for services to be provided to the child and the child's family during the first 45 days of care;
5. The reason the child was accepted;
6. Who was involved in the decision; and
7. The date the decision was made. ]

[ ~~G. F.~~ ] The agency shall [ ~~assure~~ ensure ] that each child is provided treatment, services, and care in a nurturing home setting with attention given to the health, safety, and welfare of the child.

[ ~~H. Medical examination.~~ Within the 90 days before placement, a child shall have an examination by or under the direction of a licensed physician.

~~Exception: If the child has been in the continuous placement of a public or private agency, the 90-day requirement may be waived if a report of an examination is no more than a year old and a report of all medical treatment provided in the interim is provided.~~

~~When a child, accepted in an emergency, has not had an examination within 90 days before placement, he shall have one within 30 days after placement.~~

[ ~~I. G.~~ ] Dental examination. Each child shall have had a dental examination within 12 months before placement or within 60 days after placement.

[ ~~J. H.~~ ] School enrollment. The agency shall contact school authorities within five working days of placement to arrange for the enrollment of each school age child.

## **20 VAC 40-130-650. Acceptance of child and placement agreements.**

A. Placement agreement. When a child is accepted for placement from another child-placing agency that is retaining custody or has a noncustodial agreement with the parents or guardian:

1. The receiving agency shall obtain a placement agreement before placing the child. It shall cover the financial and other responsibilities of each agency including the services each agency agrees to provide for the child, the [ ~~legal child's~~ ] family and foster family.

[ The agreement shall also include:

- a. Provisions for receiving consent for routine and emergency medical and dental care for the child;
- b. Permission for out of state travel; and
- c. Permission, if necessary, for the child to participate in any fund-raising activities. ]

2. The agreement shall be signed by the custodial agency or by the local department of social services when the placement is authorized through a noncustodial

agreement with the parents. If changes are made, the agreement shall be amended and the changes signed or initialed by an appropriate person.

3. The receiving agency shall obtain a copy of the service plan sent to the court by the child-placing agency or document its efforts to obtain one. It shall develop service plans compatible with the goals in the plan sent to the court.

4. The agency shall cooperate with the placing and custodial agency and allow access to the child at all times.

B. When accepting a child for placement from a parent or other individual holding custody, the agency shall obtain a temporary entrustment and follow the requirements of § 63.1-204 of the Code of Virginia. See Chapter B, Foster Care Services, in the [ ~~Services' Service Programs'~~ ] Manual, Volume VII, Section III [ ~~, Temporary Entrustment Agreements,~~ ] for guidance.

## **22 VAC 40-130-660. Treatment and service plans [ and progress summaries in treatment foster care ] .**

A. An agency shall prepare and implement [ a an individualized ] treatment and service plan for each child in its care. [ When available, ] the parents shall be consulted unless parental rights have been terminated. [ ~~Prior custodians or foster parents shall be consulted when appropriate~~ If the parents cannot be consulted, the agency shall document the reason in the child's record ].

B. When the agency holds custody of the child, a service plan shall be filed [ ~~in accordance with §§ 16.1-281 and 16.1-282~~ ] with the court within 60 days after the agency receives custody unless the court grants an additional 60 days, or the child is returned home or placed for adoption within 60 days. [ The agency shall follow the requirements of the Code of Virginia related to service plans, court reviews, dispositional hearings and permanency planning hearings. See §§ 16.1-281 and 16.1-282 of the Code of Virginia. ]

The permanency planning goals and the requirements and procedures in the Service Programs Manual, Volume VII, Section III, Chapter B, Preparing the Initial Service Plan, [ ~~June 1998, shall be followed. These requirements and procedures are incorporated by reference and made a part of these regulations and Reassessments, Reviews, and Redeterminations may be consulted~~ ].

[ ~~C. Initial treatment and service plan. For children in treatment foster care the agency shall prepare an individualized initial treatment and service plan within two weeks of placement that includes:~~

1. The child's specific problems, behaviors or skills to be addressed and the methods of intervention and strategies to be implemented;
2. Clear and realistic goals and objectives for the first 60 days of placement;
3. Discussion of the permanency planning goals for the child; and

~~4. The specific services to be provided to the child during the first 60 days.~~

~~D. C. ] Comprehensive treatment and service plan. Designated professional agency staff shall develop [ a and implemented for each child an individualized ] comprehensive treatment and service plan as defined in 22 VAC 40-130-10 within the first [ 60 45 ] days of placement [ , ] which shall include:~~

~~1. A comprehensive assessment of the child's [ psychological, social, emotional, ] behavioral, educational, [ developmental nutritional ] and medical needs.~~

~~2. [ Clear and realistic goals and objectives, the criteria for achievement, and target dates for each. The treatment goals and objectives, including:~~

- ~~a. The child's specific problems, behaviors or skills to be addressed;~~
- ~~b. The criteria for achievement; and~~
- ~~c. Target dates for each goal and objective. ]~~

~~3. [ The integrated program of therapies, activities and experiences designed to meet the objectives provided to date and those to be provided within specified time frames. Include a description of the agency's coordination with related community services to provide a continuity of care with the child's family, school, and community. The program of therapies, activities and services, including:~~

- ~~a. The specific methods of intervention and strategies designed to meet the goals and objectives in this subsection; and~~
- ~~b. A description of how the agency is working with related community resources, including the child's primary care physician, to provide a continuity of care. ]~~

~~4. The [ long-term ] permanency planning [ and treatment] goals [ and objectives, services to be provided for their achievement, ] and plans for reunification of the child and the child's family, where appropriate.~~

~~5. The target date for discharge from the program.~~

~~6. For children age 16 and over, [ the plan shall include ] a description of the programs and services that will help the child's transition from foster care to independent living [ , if appropriate ].~~

~~Based on the agency's evaluation and work with the child and the child's family, it shall develop other areas to be addressed in the comprehensive treatment and service plan.~~

~~The plan shall be signed and dated by the [ designated staff case manager ]. It shall indicate all members of the treatment team who participated in its development.~~

~~[ E. D. ] The agency shall include and work with the child, the [ child-placing placing ] agency [ , the treatment foster parents ] and the parents, where appropriate, in the~~

development of the [ treatment and ] service plan and [ provide ] a copy [ to them shall be provided to the placing agency ].

[ A copy shall be provided to the treatment foster parents as long as confidential information about the child's birth family is not revealed.

A copy shall be provided to the parents, if appropriate, as long as confidential information about the treatment foster parents is not revealed.

If any of these parties do not participate in the development of the treatment and service plan, the agency shall document the reasons in the child's record. ]

[ F. E. ] The agency shall provide supervision, training, support and guidance to [ treatment ] foster families in implementing the treatment and service plan for the child;

[ G. F. ] The agency shall arrange for and encourage contact and visitation between the foster child, his family and others as specified in the [ treatment and ] service plan.

**22 VAC 40-130-670. Progress [ summaries report and ongoing service plans ].**

A. Agencies shall complete written [ quarterly ] progress [ summaries reports ] beginning 90 days after the date of the [ comprehensive treatment and service plan child's placement and every 90 days thereafter ].

[ B. The summary shall evaluate and describe progress in each specified area of the treatment and service plan and include any changes recommended. ] The progress [ summary report ] shall [ also specify the time period covered and ] include:

- ~~1. Services provided and listing the individuals providing the services;~~
- ~~2. Any changes to the treatment and service plan and services to be provided during the next quarter;~~
- ~~3. Behavioral issues to be addressed and significant revisions in behavior management techniques;~~

1. Progress on the child's specific problems and behaviors and any changes in the methods of intervention and strategies to be implemented;

~~4. Changes to 2. A description of ] the treatment goals and objectives [ met, goals and objectives to be continued or added, ] the criteria for achievement and target dates [ ; for each goal and objective and include: ]~~

- a. A description of the therapies, activities, and services provided during the previous 90 days toward the treatment goals and objectives; and
- b. Any changes needed for the next 90 days;

3. Services provided during the last 90 days towards the permanency planning goals, including plans for reunification of the child and family or placement with relatives, any changes in these goals, and services to be provided during the next 90 days;

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4. The child's assessment of his progress and his description of services needed, where appropriate; ]

5. Contacts between the child and the child's family [ ~~and plans for reunification of the family~~ ], where appropriate;

[ ~~6. The child's assessment of his progress and his description of services needed, where appropriate;~~

~~7. 6. ] Medical needs, specifying medical treatment provided and still needed [ and medications provided ]; [ and~~

~~8. Permanency planning goals, any changes in those goals, and 7. An update to the ] discharge plans [ , including the projected discharge date; and~~

8. A description of the programs and services provided to children 16 and older to help the child transition from foster care to independent living, where appropriate. ]

[ ~~C. The fourth quarterly~~ B. Annually the ] progress report shall address the above requirements [ ~~and as well as~~ ] evaluate and update the comprehensive treatment and service plan for the upcoming year.

[ ~~D. C. ] The [ designated staff case manager ] shall date and sign each [ quarterly ] progress report.~~

[ ~~E. D. ] The agency shall include each child who has the ability to understand in the preparation of the child's treatment and service plans and progress [ summaries reports ] or document the reasons this was not possible. The child's comments shall be recorded in the report.~~

[ ~~F. E. ] The agency shall include and work with the child, [ the treatment foster parents, ] the [ child-placing placing ] agency and the parents, where appropriate, in the development of the [ quarterly ] progress [ summary and provide a copy to them ] report. [ A copy shall be provided to the placing agency worker and, if appropriate, to the parents and the treatment foster parents, as long as confidential information is protected.]~~

## **22 VAC 40-130-680. Contacts with child.**

A. There shall be face-to-face contact between the case worker or a designated professional child-placing agency staff and the child, based upon the child's treatment and service plan and as often as necessary to ensure that the child is receiving safe and effective services.

B. Face-to-face contacts shall be no less than twice a month, one of which shall be in the foster home. One of the contacts shall include the child and at least one treatment foster parent and shall assess the relationship between the child and the treatment foster parents.

C. The contacts shall assess the child's progress, provide training and guidance to the treatment foster parents, monitor service delivery and allow the child to communicate concerns.

D. A description of all contacts shall be documented in the narrative.

E. Children who are able to communicate shall be interviewed privately once a month.

F. Visits to children in permanent foster care shall be made in accordance with the child's treatment and service plan, but no less than every six months.

G. Unless specifically prohibited by court or custodial agency, foster children shall have access to regular contact with their families as described in the treatment and service plan.

H. The child-placing agency shall work actively to support and enhance child-family relationships and work directly with families toward reunification as specified in the treatment and service plan.

## **22 VAC 40-130-690. Medical examinations.**

A. Examinations shall be no more than 13 months apart. Reports shall be signed by the physician, his designee or an official of the local health department.

1. The School Entrance Physical Examination of the Department of Health or equivalent may be used to meet the requirements for a medical examination.

2. All reports shall include the following unless the physician recommends otherwise:

a. Immunizations given in the past 13 months or since the last examination; and

b. Current physical condition, including growth and development, visual and auditory acuity, nutritional status, evidence of freedom from tuberculosis in a communicable form, allergies, chronic conditions and handicaps.

3. The agency shall arrange for the child to receive recommended follow-up care as well as care for illnesses or injuries and shall document all such visits.

B. The agency shall record all medications prescribed for each child and any reported side effects or adverse reactions.

C. Dental care. Each child over three years of age shall have a dental examination within 13 months of the last examination and every 13 months thereafter. The findings shall be signed by a licensed dentist or his designee. The agency shall arrange for the child to receive the recommended follow-up care as well as care for injuries or other conditions requiring attention between examinations.

D. Professional clinical or consultative services. [ In consultation with the custodial agency, ] the [ licensed or certified ] agency shall provide or arrange for a child to receive psychiatric, psychological, and other clinical services if the need for them has been recommended or identified.

## **22 VAC 40-130-700. Other responsibilities of agency.**

A. Clothing. The agency shall see that each child in care has his own supply of clothing for indoor and outdoor wear, suitable to the season.

B. Spending money. School-age children shall have an allowance [ , which shall be specified in the child's service plan ].

[ C. When the agency determines that it is in the child's best interest to move the child to another foster home, the agency shall consult with the placing agency prior to the child's move, unless the move is necessary due to an emergency situation or due to child abuse and neglect.

D. When the agency cannot consult with the placing agency prior to moving the child, it shall do so within 24 hours of the move. ]

## **22 VAC 40-130-710. Narratives in the child's record.**

[ A. ] Narratives shall be in chronological order and current within 30 days. Narratives shall include areas specified in the standards and shall cover:

1. Treatment and services provided;
2. All contacts related to the child;
3. Visitation between the child and the child's family; and
4. Other significant events.

[ ~~B. There shall be a monthly summary of the child's progress towards the goals and objectives identified in the treatment and service plan. ]~~

## **22 VAC 40-130-720. Treatment teams in treatment foster care.**

A. The agency shall assure that a professional staff person provides leadership to the treatment team which includes:

1. Managing team decision-making regarding the care and treatment of the child and services to the child's family;
2. Providing information and training as needed to treatment team members; and
3. Involving the child, the child's family, and the [ ~~child-placing~~ placing ] agency in treatment team meetings, plans and decisions and keeping them informed of the child's progress, whenever possible.

B. Treatment team members shall consult as often as necessary, but at least on a quarterly basis.

## **22 VAC 40-130-730. Crisis intervention and physical restraint.**

A. Agencies that do not permit the use of physical restraint shall have a policy stating that physical restraint is prohibited.

B. Agencies that permit physical restraint shall train designated professional staff and treatment foster parents prior to supervision of children in less intrusive interventions and in physical restraint techniques approved by the agency.

C. The agency shall require that other methods of crisis intervention be used before physical restraint is attempted on a child.

D. Physical restraint, as defined in these standards, shall be only that which is minimally necessary to protect the child or others from injury or to prevent serious damage to property and is used as part of a therapeutic intervention.

E. Physical restraint shall only be used as described in the child's treatment and service plan.

F. Agencies that permit physical restraint shall have written policies and procedures governing the use of physical restraint by treatment foster parents. The policies and procedures shall include:

1. Guidelines to follow and the nonintrusive crisis intervention techniques approved for use by treatment foster parents before using physical restraint;
2. A statement prohibiting the use of mechanical restraint or seclusion of a child in a locked room;
3. A description of the agency approved methods of restraint and the training required prior to the use of these methods; and
4. A description of the agency's method for determining the treatment foster parent's abilities to apply these methods.

G. Agencies shall require treatment foster parents to document each instance of physical restraint and shall maintain copies of these reports in the child's record. The documentation shall include:

1. The reason for the restraint;
2. What nonintrusive interventions were attempted prior to the physical restraint;
3. A description of the restraint used and the duration of the restraint;
4. Any injuries resulting from the restraint; and
5. The outcome of the crisis intervention.

H. Agencies shall require treatment foster parents to notify them within 24 hours of each instance of physical restraint.

## **22 VAC 40-130-740. Discharge from care.**

A. A discharge summary shall be developed for each child and placed in the child's record within 30 days of discharge. [ # The discharge summary ] shall include [ :

1. ] The date of and reason for discharge [ ;
2. ] The name of the person with whom the child was placed or to whom he was discharged [ , and ;
3. ] A description of the services provided to the child and progress made while the child was in care [ ; and
4. Written recommendations for aftercare shall be made for each child prior to the child's discharge. Such recommendations shall specify the nature, frequency and duration of aftercare services to be provided by the agency to the child and the child's family.

The recommendations for aftercare services shall be determined and shared prior to the child's discharge with the placing agency and the parents, where appropriate ] .

B. The summary shall also include an evaluation of the progress made towards achievement of the child's treatment goals.

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C. Discharge planning shall be developed with the treatment team in treatment foster care and with the child, the child's parents or guardian, if applicable, and the [ ~~child-placing~~ placing ] agency.

D. Children in the custody of a local department of social services or private child-placing agency shall not be discharged without the knowledge, [ ~~consent~~ consultation ], and notification of the [ ~~child-placing~~ placing ] agency.

E. Children under the age of 18 shall only be discharged to the agency, parent or guardian having legal custody. The parents or guardian shall be notified of the child's discharge from the program. This includes a child being moved from treatment foster care to a residential facility.

F. Upon discharge a copy of medical and school records, and birth certificate if the agency holds custody shall be given to the parents or receiving agency.

G. Information shall be released to a child who has reached 18 in accordance with § 63.1-209 of the Code of Virginia.

[ ~~H. Written recommendations for aftercare shall be made for each child prior to the child's discharge. Such recommendations shall specify the nature, frequency and duration of aftercare services to be provided to the child and the child's family.~~ ]

## **22 VAC 40-130-750. Permanent foster care.**

A child-placing agency may place a child in permanent foster care in accordance with § 63.1-206.1 of the Code of Virginia. Agencies [ ~~shall follow~~ may consult the ] procedures in the Service Programs Manual, Volume VII, Section III, Chapter B, Permanent Foster Care Placement [ ~~, June 1997~~ ].

## **22 VAC 40-130-760. The treatment foster family and foster home capacity.**

A. Treatment foster homes shall be evaluated and approved according to the requirements set forth in the home study section of these standards (22 VAC 40-130-810). An agency may have additional requirements at its discretion.

The number of children placed in one treatment foster home shall not exceed two without justification. Such justification may include the need to place a sibling group, the extraordinary abilities of a particular family in relation to the special needs of the child, and the family's ability and capacity to take an additional child.

Justification for exceeding two children shall be written, dated, approved and signed by the supervisor prior to the placement of additional children in the home. The justification shall include the impact of the additional placement on the other children in the home.

Treatment foster parents shall have the right to refuse placement of any child they feel is inappropriate for the home or may be a danger to the children currently in the home.

B. Services and requirements following approval.

1. The agency shall provide orientation and on-going training for each foster family.

2. The agency shall provide the foster family with written procedures for handling emergencies during and outside the agency's regular office hours.

3. Prior to placement the family shall be assisted to make an informed decision as to whether a particular child is appropriate for them.

C. The agency shall specify in its program description all considerations it will use in making a placement decision.

## **22 VAC 40-130-770. Treatment foster home agreement.**

The agency shall have a written foster home agreement with the treatment family for each child in care. The agreement shall be signed on or before the date the child is placed in the home and shall include [ :

~~1. The payment for foster care and other expenses;~~

~~2. Arrangements for medical care, for spending money for the child, for visits by parents, for the provision of clothing and an agreement not to use corporal punishment or give others permission to do so;~~

~~3. A clear statement that the agency has the right to remove the child when it considers it in the child's best interest;~~

~~4. A statement that the agency shall provide treatment foster parents with the support and assistance of agency staff at all times in relation to the child's care in the home, including training, emergency procedures and telephone numbers to call; and~~

~~5. A statement that unless a move is required to protect the health or safety of the child or other foster family members, the agency shall require treatment foster parents to provide reasonable notice, as determined by the agency, to professional staff if requesting a child's removal from the home the requirements of the foster home agreement. The agency may add additional requirements to the agreement, if necessary].~~

## **22 VAC 40-130-780. Respite care.**

Foster parents shall have access to both planned and crisis respite care for their foster children. Respite care may be provided only in foster homes which have been selected and trained according to these standards. Respite providers in treatment foster care shall be informed of the child's treatment and service plan and supervised in the implementation of this plan.

## **22 VAC 40-130-790. Training for [ treatment ] foster parents.**

A. Prior to approval of the home, all foster parents shall satisfactorily complete preservice training and demonstrate minimum competence in the following:

1. Information about the strengths and needs of children and their families who require family foster care services;

2. Information about the impact of separation and loss for all parties involved in family foster care;

3. The laws, regulations, policies, procedures, and values that direct the agency's family foster care program;

4. The knowledge and practice skills necessary to be a [ treatment ] foster parent;

5. The impact of fostering on foster parents, their children, and all aspects of their family life;

6. Knowledge and understanding of the specific types of children served by the agency and the services these children will need;

7. Crisis intervention procedures and physical restraint techniques utilized by agency, if applicable;

8. Agency's treatment philosophy [ , discipline and behavior management program, ] and skill training in treatment [ and behavior management ] methods the agency uses;

9. How the treatment team operates within the agency and the role of treatment foster parents as effective and essential members of the team;

10. The differences between treatment foster parenting and other types of parenting, including birth, adoptive, and other foster parenting; and

11. The identification and reporting of child abuse and neglect.

B. On-going training. The agency shall develop an on-going training plan for treatment foster parents. The specific training topics shall be included in the agency's program description and shall include, but not be limited to, the following:

1. Building on basic skills and developing advanced skills, such as working directly with parents of children in care to teach parenting skills;

2. Helping children develop self esteem and learn appropriate behaviors;

3. Responding to signs and symptoms of physical abuse, sexual abuse, neglect, and emotional maltreatment;

4. Helping children with family reunification, adoption, and preparation for young adult life; and

5. A review of crisis intervention procedures, physical restraint techniques utilized by the agency, the agency's treatment philosophy [ , discipline and behavior management methods, ] and skill training in treatment methods the agency uses.

Additional training shall be provided based on the needs of the treatment foster parents and the children in care. [ Treatment foster parents shall be consulted on their training needs. ]

## **22 VAC 40-130-800. Requirements for case records for children.**

A. The agency shall maintain a case record for each child [ ~~which~~ that ] is indexed indicating the organization and documentation in the record. All services and treatment provided to the child shall be documented in the case record.

[ The placement agreement between the placing agency and the child-placing agency or the entrustment agreement between the legal guardian and the child-placing agency shall be filed in the child's record. ] If an agency has offices in more than one location, the record shall identify the office [ ~~which~~ that ] provided the service.

B. All entries shall be in chronological order, be dated and identify the person making the entry. Entries shall be typed or legibly handwritten in ink. The child's case record shall include:

1. A face sheet [ to be completed within five days of placement, ] which includes:

a. Personally identifying information including the child's name, birthdate, place of birth, Medicaid number, and Social Security number [ , if known ];

b. Parent's names, addresses, marital status, telephone numbers, Social Security numbers [ , if available, ] and information about grandparents, close relatives, and siblings, when known;

c. Names, addresses and telephone numbers of person or agency holding custody; and

d. Names and telephone numbers of persons to be contacted in an emergency;

2. Intake [ ~~assessment~~ ] information including referral forms, [ the application for admission, ] social history, [ the written intake assessment, ] psychological or psychiatric reports, school information, placement agreements or entrustment agreements, medical reports received at intake;

3. [ ~~Copy of~~ The original ] birth certificate [ , if possible ];

4. Documentation of rationale for placing the child in the selected treatment foster home;

5. Authorizations from the [ ~~child-placing~~ placing ] agency or legal guardian for routine and emergency medical and dental care; for out of state travel and overnight travel within the state; participation in special activities, and publicity releases;

6. Ongoing school and educational records;

7. Ongoing medical and dental treatment;

8. Clinical treatment [ , ] including progress notes and psychological or psychiatric evaluations;

9. Treatment and service plans and quarterly progress reports, including the members of the child's treatment team and the designated lead professional staff;

10. Names, addresses and dates of all placements the child has while in the agency's care;

11. All correspondence related to the child;

12. Narrative, including a chronological narrative or summary of contacts with and services provided to the family. It shall include visits between the parents and the child or attempts to visit.

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13. Documentation of serious incidents, physical restraints, injuries, and behavior management reports, where appropriate; and

14. Other material pertaining to a child in treatment foster care as required by these standards, [ ~~Medicaid requirements,~~ ] and any other applicable standards and laws.

C. Information on the child's birth family, previous foster families, and services provided to them shall be documented either in the child's record or a separate family record.

D. The treatment foster home record. The foster home record shall contain:

1. A face sheet listing all members of the household and their relationship to the foster parents. The face sheet shall be updated as needed;
2. The agency application form completed by the foster parents;
3. A record of orientation and training provided to the foster parents;
4. A narrative account of the preparation of the family for each child placed with them;
5. A list of the children placed including names, birth date or age, dates of placement and removal and reasons for removal;
6. Copies of all foster home agreements [ and agreed upon plans of discipline or the portions of the behavior management program that references discipline ];
7. The foster home study and all material required for the home study by these standards;
8. Reevaluations of the foster home;
9. When applicable, date and reason for closure; and
10. A narrative of any concerns the agency has about the status of the foster home.

E. The agency shall maintain documentation in the foster parents' record of all complaints involving the foster parents, including the agency's investigation report and findings and [ information about ] police and child protective services' involvement.

## **22 VAC 40-130-810. Home study of treatment foster family applicants.**

A. The information required in this section shall be gathered in order to assess the applicants' capacities as treatment foster parents. If the home is approved, the information shall be used to determine the type of child that can successfully be placed in the home.

B. The agency shall conduct interviews with all [ family and ] household members. Dates and content of interviews shall be documented in the home study.

C. There shall be a minimum of three face-to-face interviews with each applicant. At least one interview with a

couple shall be [ ~~joint~~ together ] and one must take place in the home.

D. Orientation and preservice training sessions provided during the home study process shall not count towards the required number of interviews.

E. The agency shall request and obtain a minimum of three nonrelative references for the family. Additional references may also be requested from relatives or others at the agency's discretion.

F. A report of a medical examination by a licensed physician, his designee, or an official of a local health department of all members of the household shall be obtained. The exam shall be conducted no earlier than [ ~~six~~ 12 ] months prior to the approval and shall contain:

1. An evaluation of the current health of the individual. Additional reports from specialists shall be received when health concerns are noted;
2. A statement that the individual does not have tuberculosis in a communicable form including the date and type of test and the results. If the test is positive or no test is done, there shall be a written explanation by the physician [ , his designee, or an official of the local health department ]. Additional tests are not required unless the individual comes in contact with a known case of tuberculosis or develops chronic respiratory symptoms;
3. An opinion as to whether [ ~~or not~~ ] the health of the individual will affect the care or present a hazard to the health of children; and
4. The signature of a physician, his designee or an official of the local health department.

G. The medical examination shall be updated if the agency has concerns about the health of members of the foster family.

[ ~~H. Pursuant to § 63.1-198.1 of the Code of Virginia the agency shall receive the results of a search of the Child Abuse and Neglect Registry before approval is granted. The home shall not be approved if an applicant or another adult living in the home has a founded child abuse or neglect record.~~

[ ~~I. Criminal history record reports and sworn disclosure statements shall be received on each applicant pursuant to § 63.1-198.1 of the Code of Virginia prior to approval. Agencies shall follow the standards in the Regulation for Criminal Record Checks for Child Welfare Agencies (22 VAC 45-50-10 et seq.)~~

[ ~~The content of and copies of criminal record reports, sworn disclosure statements, and child abuse and neglect registry checks shall not be shared with other agencies or persons, other than the person named in the report, the licensing representative, other state or federal authorities and a court as required by state or federal law, except as permitted in § 63.1-198.1 of the Code of Virginia.~~

H. The agency shall ensure that the treatment foster home is in compliance with §§ 63.1-198.1 and 63.1-198.4 of the



Code of Virginia and with regulations promulgated by the State Board of Social Services.

~~4~~ I. ] The agency shall check the applicants' Department of Motor Vehicles records [ and the record of any other adults living in the home ].

~~4~~ J. ] The agency worker shall see the marriage license for couples.

~~4~~ K. ] The agency shall discuss the employment history of each applicant and assess the applicants' management of income and financial resources in relation to expenses.

Applicants shall have sufficient income and financial resources to assure continuing maintenance of the family. The agency shall receive a financial statement indicating income and expenses. If there is an amount in the agency's monthly payment above that is required for the needs of the child, it may be counted as income.

~~4~~ L. ] If the applicant has previously applied to be a foster parent through another agency, the current agency shall request information from the applicant about their previous application. The current agency shall also request information from the previous agency.

~~4~~ M. ] Foster parent applicants shall sign a statement that they will not use corporal punishment on any child placed in their home nor give others permission to use corporal punishment.

~~4~~ N. ] The agency shall conduct an assessment of the motivations, expectations, commitment, and abilities [ of the treatment foster parent applicants ]. The agency shall assure that the following areas are covered in its assessment and document the basis for its conclusions:

1. Family relationships to include how the couple and the family resolve conflicts and express affection, relationships with extended family, and children living outside of the home;
2. Stability of the marriage;
3. The applicants' experiences with children and as children;
4. Discipline of children to include the discipline the applicants' received as children, their current parenting [ skills practices ], and their opinion and attitudes towards discipline [ . The agency's evaluations of discipline shall be sensitive to racial, ethnic, and religious differences ];
5. The applicants' ability to learn and apply the agency's recommended behavior management techniques, their willingness to assist in the treatment plan, and their commitment to become a part of the agency's treatment team;
6. The applicants' education and attitudes towards education;
7. The applicants' willingness to work with the school;
8. The applicants' attitudes towards [ legal birth ] parents and towards working with the agency;

9. Health issues in the applicants' family and how this will impact the care of a child;

10. The age and type of child desired; and

11. Supervision arrangements when the applicants are out of the home.

[ ~~4~~ O. ] The agency shall assess and approve the residence and surrounding area.

[ ~~4~~ P. ] The agency shall determine that the applicants' home is free of hazards to the health and safety of children, is clean and is in good physical repair. The following areas shall also be included in the agency's assessment of the home:

1. Rooms used by children shall be well-lighted for activities and safety.

2. The applicant shall have a written plan for seeking assistance from fire and rescue professionals.

3. Foster parents shall have a written evacuation plan in case of emergencies and shall rehearse the plan with children every six months. Foster parents shall review the plan with each child [ who is developmentally able to understand ] within 48 hours of placement.

[ ~~4~~ 4. All sleeping areas shall have operable smoke detectors and the home shall have at least one operable fire extinguisher.

~~5~~ 4. ] The home shall have an operable heating and ventilation system.

[ ~~6~~ 5. ] Firearms and other weapons shall be locked. Firearms shall be kept unloaded and ammunition shall be locked in a separate location.

[ ~~7~~ 6. ] Children over the age of two shall not share a bed or bedroom with the foster parents or other adults in the home unless the child's documented medical needs or disabilities require the foster parent to sleep in the room with the child.

[ ~~8~~ 7. ] The home shall have closet or drawer space or both for clothing and personal possessions of children over two years of age.

[ ~~9~~ 8. ] There shall be separate beds for children except that two siblings of the same sex may share a double bed [ if appropriate ].

[ ~~40~~ 9. ]. Children's bedrooms shall not be used as passageways and shall have doors for privacy.

[ ~~44~~ 10. ] The home shall keep cleaning supplies and other toxic substances stored away from food, [ ~~locked~~ secured ] and out of the reach of children [ who are developmentally unable to understand the dangers. EXCEPTION: Where appropriate, adolescents may have access to and may use cleaning supplies ].

[ ~~42~~ 11. ] The applicants shall have a working telephone.

[ ~~R~~ Q. ] The agency shall recommend approval or disapproval based on a careful assessment of the characteristics outlined in this section, information received through the home study process, the applicants' participation

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in the home study process and in any orientation and preservice training.

[ ~~S~~. R. ] The decision to approve or deny shall be made in consultation with the supervisor or in a staff meeting and the date of the decision shall be recorded in the applicants' record.

[ ~~T~~. S. ] If approval is recommended, the worker shall recommend the age, sex, and type of children who can successfully be placed and give the basis for the recommendation.

[ ~~U~~. T. ] The applicants shall be informed in writing within a week of the approval or disapproval and offered an interview to have the agency's decision explained to them.

[ ~~V~~. U. ] The home study shall be written and the home approved before a child is placed.

## 22 VAC 40-130-820. **Reevaluation of foster homes.**

A. The agency shall reevaluate the foster home after one year and every two years thereafter covering the topics in the initial home study. The reevaluation shall take place in the home and the visit made when both parents can be present.

B. A reevaluation to address pertinent standards shall be done whenever there is a change in physical location or marital status. The agency shall make a redetermination of the continued status of the foster parents.

C. At the request of the agency or the licensing representative, a medical examination shall be obtained when there are indications that the safety or health of the children in care may be jeopardized by the health of a household member. The agency shall plan for the immediate removal of any foster children if the examination reveals that their safety or health might be in jeopardy.

D. The reevaluation shall also cover a brief description of the adjustment of each child placed in the home since the last evaluation; an evaluation of the performance of the treatment foster parents addressing their ability to relate to the children and to help children reach their goals. The agency shall also include and assess:

1. The foster parents' skills in working with particular types of problems;
2. The relationship between the children and the family members and the stability of the home and any problems or significant changes that have occurred in the family since the last evaluation; [ ~~and~~ ]
3. Their ability to work with the agency and with the birth parents in meeting the needs of a child [ ; and
4. The reasons for removal of any foster children from the home during this time period ].

E. The agency shall receive a current report from the Department of Motor Vehicles on any new drivers in the home, if they are to transport foster children.

F. The agency shall make a recommendation regarding continued use of the home, further training needs of the foster

parents, and age, sex, types and number of children that the home can successfully handle.

G. The agency shall evaluate the treatment family's skills and abilities as treatment foster parents and identify any concerns and training needs.

### [ DOCUMENTS INCORPORATED BY REFERENCE

~~Service Programs Manual, Volume VII, Section # III, Chapter B, ] Virginia Department of Social Services, 7/85 [ Foster Care, revised June 1998.~~

~~Service Programs Manual, Volume VII, Section III, Chapter D, Adoption—Nonagency Placement and Other Court Services, revised November 1991.~~

~~Service Programs Manual, Volume VII, Section III, Chapter C, Adoption—Agency Placement, revised July 1989.~~

~~Service Programs Manual, Volume VII, Section III, Chapter E, Interstate/Intercountry Placement of Children, revised July 1983. ]~~

**NOTICE:** The forms used in administering 22 VAC 40-130-10 et seq., Minimum Standards for Licensed Child-Placing Agencies, are not being published; however, the name of each form is listed below. The forms are available for public inspection at the Department of Social Services, 730 East Broad Street, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

### FORMS

Application for *Initial and Renewal* License for ~~Private~~ Child-Placing Agencies [ ~~, 1/99~~ (rev. 11/00) ].

[ *Foster Home Placement Agreement* (eff. 11/00).

*Adoptive Home Placement Agreement* (eff. 11/00). ]

VA.R. Doc. No. R98-222; Filed June 27, 2000, 11:33 a.m.

\* \* \* \* \*

Title of Regulation: **22 VAC 40-325-10 et seq. Fraud Reduction/Elimination Effort.**

Statutory Authority: § 63.1-58.2 of the Code of Virginia.

Effective Date: August 16, 2000.

Summary:

The regulation describes the requirements for local administration, and state requirements for local reimbursement, of the statewide fraud program named Fraud Reduction/Elimination Effort, or Fraud FREE. Local departments of social services must operate the Fraud FREE program, submit for approval a local plan of operation, and comply with program regulations and policy in order to receive state reimbursement for the local share of costs of fraud investigators. The regulation also describes the method by which the state will approve requests for staffing for the first year and subsequent years of program operation.

Four amendments have been made to the regulation. In the first change, the definition of the term "collections" is added. This term has specific meaning to the regulation and was determined to be necessary to eliminate confusion. The second change identifies and clarifies the three funding sources for the Fraud FREE program. The third change was made to describe the criteria that the department may use to determine future funding for local agencies. The final change was made to purposely identify the amount of overpayment collections for which the local department is responsible so that they may be eligible to receive full reimbursement.

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

Agency Contact: Copies of the regulation may be obtained from Jeffery S. Brown, Fraud Program Manager, Department of Social Services, 730 East Broad Street, Richmond, VA 23219, telephone (804) 786-9170.

## CHAPTER 325. FRAUD REDUCTION/ELIMINATION EFFORT.

### 22 VAC 40-325-10. Definitions.

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

For purposes of this chapter:

"Collections" means all overpayment monies collected, recovered or recouped by local departments of social services related to food stamps, TANF, and other federal benefit programs administered by the department. ]

"Department" means the Virginia Department of Social Services.

"Direct costs" means the cost of salary, fringe benefits and supporting costs of operation.

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

"Fraud Recovery Special Fund" means the special fund established under § 63.1-58.2 D of the Code of Virginia.

"Fraud Reduction/Elimination Effort [ (Fraud FREE) ]" means the program established in compliance with § 63.1-58.2 of the Code of Virginia to ensure that fraud prevention and investigation are aggressively pursued throughout the Commonwealth of Virginia.

"Fraud prevention and investigation units" means a person or persons whose job it is to work on all aspects of prevention and investigation of fraud cases.

~~[ "FREE" means the Fraud Reduction/Elimination Effort. ]~~

"General fund" means that portion of the budget of the Commonwealth of Virginia which is made up of general tax

revenues, the major sources of which are sales tax, income tax, and profits from the Virginia Lottery.

"Local departments" means local departments of social services.

"Local share" means that portion of the administrative costs of operation borne by local departments of social services.

[ "Private entities" means individuals or organizations other than federal, state or local personnel or agencies. ]

"Reimbursed" means the process by which the Department of Social Services provides monetary credit to local departments of social services for their administrative costs.

[ "State retained portion of collections" means the amount of collections less any refunds due to the federal government, consistent with federal reimbursement regulations. ]

"Supporting costs of operation" means program costs other than salaries and fringe benefits. These supporting costs of operation include travel, telephone, utilities, supplies, and allowance for space.

"TANF" means the Temporary Assistance for Needy Families program.

"Temporary Assistance for Needy Families [ (TANF) ]" means the program which provides a monthly cash benefit to families which meet income and eligibility requirements.

[ "Workload measures" means those validated measures, adopted and implemented by the department, used to determine necessary appropriations for personnel and operating costs for mandated programs and services. ]

### 22 VAC 40-325-20. The Fraud Reduction/Elimination Effort.

A. In compliance with § 63.1-58.2 of the Code of Virginia, the Department of Social Services shall establish a statewide fraud prevention and control program [ ; ] to be named the Fraud Reduction/Elimination Effort ( [ Fraud ] FREE).

[ 1. The department shall develop and implement policies and procedures for the Fraud FREE program.

2. The department shall provide a detailed local reimbursement procedure, on an annual basis, to assist in the formulation of the locality's Fraud FREE program operation plan. The department's procedure shall project the available funding and the number of local fraud workers for each locality which the Fraud FREE program will support. The number of workers shall be based on an evaluation of the available funding and appropriate criteria from one or more of the following: an agency's average TANF and Food Stamp caseload size, average number of monthly applications for food stamps and TANF, number of workers, geographic location, number of fraud investigations, program compliance, collections and workload measures. ]

B. Each local department of social services shall ~~operate FREE. Local departments shall submit a program operation plan, which shall include a description of program staffing, to the Department of Social Services for approval~~ aggressively pursue fraud prevention and investigation.

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1. Each local department shall conduct fraud prevention and investigation activities consistent with the requirements of federal regulations, the Code of Virginia, the regulations contained herein and the department's Fraud FREE program policy.

2. Each local department shall submit to the department, for annual approval, a program operation plan which shall include a description of the program staffing. ]

C. [ ~~To the extent that state funding is available in the Fraud Recovery Special Fund, local departments which are in compliance with § 63.1-58.2 of the Code of Virginia, this chapter, and Department of Social Services FREE program policy shall be reimbursed for the local share of direct costs of approved Fraud FREE programs. Each local department shall establish a separate fraud unit to the extent that funding is available in the Fraud Recovery Special Fund, general funds appropriated for this activity, and any federal funds available for this purpose. ]~~

1. [ ~~During the first year of the program, requests for staffing shall be approved based upon each local agency's average TANF and food stamp caseload size. In order to receive full reimbursement of the local share of direct costs and supporting costs of operation, a local agency must:~~

a. Comply with all pertinent law, regulation and policy; and

b. Collect overpayments, net refunds due to the federal government, which equal or exceed the local share of direct costs of its approved positions dedicated to Fraud FREE. ]

2. [ ~~Requests for subsequent years shall be evaluated based upon an agency's average TANF and food stamp caseload size, average number of monthly applications for food stamps and TANF, number of workers, geographic location, number of fraud investigations, program compliance, and collections. In order to receive full reimbursement in subsequent years, the state retained portion of a local agency's combined collections must equal or exceed the reimbursed cost of its positions dedicated to FREE. Local departments may contract with other local departments to share a fraud prevention and investigation unit and may contract with private entities to perform fraud investigation. Any private entity performing fraud investigation shall comply with the requirements of § 2.1-155.3 of the Code of Virginia and the restrictions of § 63.1-58.2 of the Code of Virginia. ]~~

VA.R. Doc. No. R99-12; Filed June 19, 2000, 9:42 a.m.



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# GENERAL NOTICES/ERRATA

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## STATE CORPORATION COMMISSION

AT RICHMOND, JUNE 20, 2000

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

CASE NO. PUA980020

Ex Parte: In the matter of adopting rules governing the filing of applications for approval pursuant to Chapter 4 of Title 56 of the Code of Virginia

### ORDER SETTING HEARING

By order entered July 21, 1998, the Commission established this proceeding for consideration of adopting rules governing applications filed pursuant to Chapter 4 of Title 56 of the Code of Virginia ("Affiliate Rules").

After notice to interested persons and the public, the Commission received a number of comments on the Affiliate Rules from the following: The Potomac Edison Company, d/b/a Allegheny Power; Appalachian Power Company, d/b/a American Electric Power, Inc.; Kentucky Utilities Company, d/b/a Old Dominion Power Company; Delmarva Power and Light Company; Virginia Electric and Power Company; A & N Electric Cooperative together with BARC Electric Cooperative, Community Electric Cooperative, Craig-Botetourt Electric Cooperative, Mecklenburg Electric Cooperative, Northern Neck Electric Cooperative, Inc., Northern Virginia Electric Cooperative, Powell Valley Electric Cooperative, Prince George Electric Cooperative, Rappahannock Electric Cooperative, Shenandoah Valley Electric Cooperative, Southside Electric Cooperative, Inc., Old Dominion Electric Cooperative, and the Virginia, Maryland & Delaware Association of Electric Cooperatives (collectively, the "Cooperatives"); Columbia Gas of Virginia, Inc., together with Roanoke Gas Company, Virginia Natural Gas, Inc., Washington Gas Light Company, Virginia Gas Distribution Company, Atmos Energy Corporation, d/b/a United Cities Gas Company ("United Cities"), Southwestern Virginia Gas Company, and Commonwealth Public Service Corporation (collectively, "Gas Companies"); Virginia American Water Company; United Water Virginia; Association of Virginia Water Companies; Dale Service Corporation; Enron Energy Services, Inc.; GTE South Incorporated ("GTE"); Central Telephone Company of Virginia together with United Telephone-Southeast, Inc.; Bell Atlantic-Virginia, Inc.; and Virginia Telecommunications Industry Association. GTE, United Cities, and Gas Companies requested a hearing.

NOW THE COMMISSION, upon consideration of the comments and requests for hearing filed herein, is of the opinion that the requests for hearing should be granted. We will permit the parties having filed comments and desiring to offer evidence at the hearing either to adopt their comments as their testimony or to prefile separate testimony. Any party adopting its comments as its testimony must identify its witness(es) who will sponsor the comments and must provide a brief description of the specific issues the party intends to

address at the hearing. We will also direct the Commission Staff to prefile testimony or a report. Accordingly,

### IT IS ORDERED THAT:

(1) A public hearing for the purpose of receiving evidence relevant to the proposed Affiliate Rules is scheduled for Monday, October 2, 2000, at 10:00 a.m. in the Commission's second floor courtroom located in the Tyler building, 1300 East Main Street, Richmond, Virginia 23219.

(2) On or before September 2, 2000, the Commission Staff shall file with the Clerk of the Commission an original and twenty (20) copies of any testimony or report its expects to introduce at the hearing scheduled herein.

(3) On or before September 20, 2000, any party having filed comments who desires to offer evidence at the hearing scheduled herein shall file with the Clerk of the Commission an original and twenty (20) copies of any testimony (or its filing adopting its comments) it expects to introduce at the hearing, and shall serve a copy of such filing on all parties to this proceeding.

(4) Any person desiring to make a statement at the public hearing on October 2, 2000, need only appear in the Commission's second floor courtroom at 9:45 A.M. on the day of the hearing and identify himself to the bailiff as a public witness.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to: Mark C. Darrell, Esquire, Columbia Gas of Virginia, Inc., P.O. Box 35674, Richmond, Virginia 23235-0674; Stephen C. Spencer, Assistant Vice President-Regulatory and Governmental Affairs, GTE Service Corporation, Three James Center, Suite 1200, 1051 East Cary Street, Richmond, Virginia 23219; Gregory M. Romano, Esquire, Hunton & Williams, Riverfront Plaza, East Tower, 951 East Byrd Street, Richmond, Virginia 23219-4074; Eric M. Page, Esquire, LeClair Ryan, P.C., 4201 Dominion Boulevard, Suite 200, Glen Allen, Virginia 23060; Philip J. Bray, Esquire, Allegheny Power, 10435 Downsville Pike, Hagerstown, Maryland 21704-1766; Carl H. Grossman, Esquire, Corporate Counsel, United Water Management & Services, 200 Old Hook Road, Harrington Park, New Jersey 07640-1799; Norris L. Sisson, Dale Service Corporation, 5565 Mapledale Plaza, Dale City, Virginia 22193; Guy T. Tripp III, Esquire, Hunton & Williams, Riverfront Plaza, East Tower, 951 East Byrd Street, Richmond, Virginia 23219-4074; Ralph L. Frye, Executive Vice President, Virginia Telecommunications Industry Association, 11 South 12th Street, Suite 310, Richmond, Virginia 23219; Richard D. Gary, Esquire, Hunton & Williams, Riverfront Plaza, East Tower, 951 East Byrd Street, Richmond, Virginia 23219-4074; Warner F. Brundage, Jr., Esquire, Bell Atlantic-Virginia, Inc., 600 East Main Street, 11th Floor, Richmond, Virginia 23219; James B. Wright, Senior Attorney, Sprint Mid-Atlantic Telecom, 14111 Capital Boulevard, Wake Forest, North Carolina 27587-5900; Anthony Gambardella, Esquire, Woods, Rogers & Hazlegrove, P.L.C., 823 East Main Street, Suite 1200, Richmond, Virginia 23219; Lisa Yoho, Director, State Government Affairs, Enron Corporation, 1775 Eye Street, N.W., Suite 800, Washington, D.C. 20006; Ronald L. Willhite, Kentucky Utilities Company, d/b/a Old Dominion Power

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## General Notices/Errata

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Company, 220 West Main Street, P.O. Box 32030, Louisville, Kentucky 40232; Donald G. Owens, Esquire, Mays & Valentine, L.L.P., P.O. Box 1122, Richmond, Virginia 23218-1122; Kathy L. Pape, Esquire, Regional Counsel, American Water Works Service Company, Inc., 1025 Laurel Oak Road, P.O. Box 1770, Voorhees, New Jersey 08043; and the Commission's Divisions of Public Utility Accounting, Communications, and Energy Regulation.

### DEPARTMENT OF ENVIRONMENTAL QUALITY

#### Notice of Public Meeting and Public Comment Fecal Coliform Bacteria TMDL in Big Otter River Watershed

The Department of Environmental Quality (DEQ) and the Department of Conservation and Recreation (DCR) seek written and oral comments from interested persons on the draft of the Total Maximum Daily Load (TMDL) for Fecal Coliform Bacteria on five stream segments in the Big Otter River watershed. The impaired segments are located in Bedford and Campbell Counties and include Sheep Creek, the lower portion of Elk Creek, Little Otter River, Machine Creek, and the lower portion of the Big Otter River. These five segments are identified in Virginia's 1998 § 303(d) TMDL Priority List and Report as impaired due to violations of the state's water quality standard for fecal coliform bacteria.

Section 303(d) of the federal Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia require DEQ to develop TMDLs for pollutants responsible for each impaired water contained in Virginia's § 303(d) TMDL Priority List and Report.

The third public meeting on the development of fecal coliform bacteria TMDLs for these five segments will be held on Wednesday, August 2, 2000, in the Bedford Elementary School Auditorium, 806 Burkshill Rd., Bedford, VA 24526 (near the intersection of Route 122 and Route 460). The final draft document will be presented at this meeting.

The public comment period will end on August 14, 2000. A copy of the draft TMDL document for fecal coliform bacteria for the Big Otter River watershed is available upon request. Questions or information requests should be addressed to Clint Boschen. Written comments should include the name, address, and telephone number of the person submitting the comments and should be sent to Clint Boschen, Department of Environmental Quality, 3019 Peters Creek Road, Roanoke, VA, 24019, telephone (540) 562-6724, FAX (540) 562-6729, or e-mail [cjboschen@deq.state.va.us](mailto:cjboschen@deq.state.va.us).

#### Notice of Public Meeting and Public Comment Fecal Coliform Bacteria TMDL for Holmans Creek

The Department of Environmental Quality (DEQ) and the Department of Conservation and Recreation (DCR) seek written and oral comments from interested persons on the development of a Total Maximum Daily Load (TMDL) Fecal Coliform Bacteria for Holmans Creek. The stream is located in Shenandoah County. The segment is identified in Virginia's 1998 § 303(d) TMDL Priority List and Report as

impaired due to violations of the state's water quality standard for fecal coliform levels.

Section 303(d) of the federal Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia require DEQ to develop TMDLs for pollutants responsible for each impaired water contained in Virginia's § 303(d) TMDL Priority List and Report.

The second public meeting on the development of the fecal coliform bacteria TMDL will be held on Thursday, July 27, 2000, at 7 p.m. at the New Market Town Hall, New Market, Virginia.

The public comment period will end on August 11, 2000. A fact sheet on the development of the TMDL for Fecal Coliform Bacteria on Holmans Creek is available upon request. Questions or information requests should be addressed to Rod Bodkin. Written comments should include the name, address, and telephone number of the person submitting the comments and should be sent to Rod Bodkin, Department of Environmental Quality, 4411 Early Road, Harrisonburg, VA 22801, telephone (540) 574-7801, FAX (540) 540-7878, or e-mail [rvbodkin@deq.state.va.us](mailto:rvbodkin@deq.state.va.us).

#### Notice of Public Meeting and Public Comment Water Quality Assessment Guidance Manual

The Department of Environmental Quality (DEQ) is seeking written comments from interested persons on the Water Quality Assessment Guidance Manual that contains the assessment procedures used for the development of Virginia's Total Maximum Load (TMDL) Priority List and § 305(b) Water Quality Report. This is an extension of the public comment period that ended June 23, 2000.

Section 62.1-44.19:7 C of the Code of Virginia requires DEQ to develop and publish the procedures used for defining and determining impaired waters and provide for public comment on the procedures.

DEQ is making a significant change in the procedure to be used for developing Virginia's § 305(b) Water Quality Report for 2000. The agency is using a statistical method, based on a binomial distribution, for making the assessment for the development of the § 305(b) Water Quality Report. This statistical method is being used in this assessment rather than the simple percentage method presented in the Water Quality Assessment Guidance Manual, for which public notice was given in the Virginia Register on October 25, 1999.

The public comment period will end on Friday, August 18, 2000. Copies of the draft Water Quality Assessment Guidance Manual can be requested from Harry Augustine. Also, comments, questions, or information requests should be addressed to Mr. Augustine. Written comments should include the name, address, and telephone number of the person submitting the comments.

Contact: Harry Augustine, Department of Environmental Quality, P.O. Box 10009, Richmond, VA, 23240-0009, telephone (804) 698-4037, FAX (804) 698-4136, or e-mail [hhaugustin@deq.state.va.us](mailto:hhaugustin@deq.state.va.us).

**Public Notice and Announcement of Public  
Comment Period  
Preliminary Prioritization and Closure Schedule for  
HB 1205 Landfills under §§ 10.1-1408.1 N and 10.1-  
1413.2 of the Code of Virginia**

This is to give public notice and announce a period for public comment on a document titled Preliminary Prioritization and Closure Schedule for HB 1205 Landfills (Prioritization), which has been prepared by the Department of Environmental Quality (department) pursuant to § 10.1-1413.2 of the Code of Virginia.

Background

Regulations promulgated by the Virginia Waste Management Board in 1988 would have required that, by July 1, 1992, all municipal solid waste (MSW) landfills dispose of waste only in areas with liner systems designed to meet regulatory standards. The 1992 deadline was subsequently extended to 1994. In 1993, the General Assembly enacted legislation that allowed facilities that were permitted prior to March 15, 1993, and upon which solid waste had been disposed prior to October 9, 1993, to continue to receive solid waste until they reached their vertical design capacity, provided that certain other conditions were met. No deadline was set for closing disposal areas without liners meeting amended regulatory requirements. The 1993 legislation was codified at § 10.1-1408.1 N of the Code of Virginia, and landfills operating under that subsection are commonly called "HB 1205 landfills," after the General Assembly bill that added the provision.

In its 1999 Session, the General Assembly added § 10.1-1413.2 to the Code of Virginia, which established the Virginia Landfill Clean-up and Closure Fund and which directed the department to prioritize landfills in need of grants based on the greatest threat to human health and the environment. In its 2000 Session, the General Assembly amended subsection B of § 10.1-1413.2 by adding language requiring a schedule for the closure of HB 1205 disposal areas, as follows:

The Department shall establish a schedule, after public notice and a period for public comment, based upon that prioritization requiring municipal solid waste landfills to cease accepting solid waste in, and to prepare financial closure plans for, disposal areas permitted before October 9, 1993. No municipal solid waste landfill may continue accepting waste after 2020 in any disposal area not equipped with a liner system approved by the Department pursuant to a permit issued after October 9, 1993. Notwithstanding the provisions of subsection N of § 10.1-1408.1, failure by a landfill owner or operator to comply with the schedule established by the Department shall be a violation of this chapter. (2000 Acts c. 308)

The preliminary Prioritization has been prepared pursuant to the statutory mandate of § 10.1-1413.2 of the Code of Virginia.

The preliminary Prioritization affects only disposal areas that do not have a composite liner or an approved alternate liner permitted in accordance with current regulations. HB 1205 landfills may have other disposal areas permitted after October 9, 1993, that have liners designed to meet current

regulatory standards. These appropriately lined areas are not affected by the statute or the proposed Prioritization.

Under § 10.1-1410.2 A 1 of the Code of Virginia, the department must approve closure plans for waste management units. Closure plans for MSW facilities must meet the requirements of 9 VAC 20-80-250 E. Any approval of a closure plan will require compliance with the Financial Assurance Regulations for Solid Waste Facilities, 9 VAC 20-70-10 et seq.

Methodology for Prioritization

The department developed the methodology for the preliminary Prioritization based on its experience with other methods for assessing the threat to human health and the environment from waste management facilities. These other methods include those used in: the survey and assessment of abandoned solid and hazardous waste sites in the Commonwealth, prepared under authority of the 1993 Appropriations Act and 1995 Acts c. 598; EPA's Hazard Ranking System (40 CFR Part 300 Appendix A); the U.S. Department of Defense's Relative Site Risk Evaluation (March 1996); and others. For each facility, the method examines four pathways (soil, air, groundwater, and surface water) and assesses the risk of exposure to waste constituents on the availability of a complete exposure pathway (i.e., evidence of a release, a route of transport, and a receptor). The method is more completely described in the Prioritization itself. Based on a "pathway averaging method" of the threat, landfills have been assigned to high, medium, and low categories.

Schedule for Closing HB 1205 Disposal Areas

The statute directs that no MSW landfill may continue accepting waste after 2020 in any disposal area not equipped with a liner system approved by the department pursuant to a permit issued after October 9, 1993. The statute also directs the department to establish a schedule based upon its prioritization for landfills to cease accepting waste in HB 1205 disposal areas. The preliminary Prioritization proposes a schedule of three dates, corresponding to the categorization of threat, for landfills to cease accepting solid waste in HB 1205 disposal areas. Facilities categorized as presenting a higher threat to human health and the environment are to cease accepting waste in such disposal areas by the end of 2005. Facilities categorized as presenting a medium threat to human health and the environment are to cease accepting waste in such disposal areas by the end of 2010. Facilities categorized as presenting a lower threat to human health and the environment are to cease accepting waste in such disposal areas by the end of 2020.

Some landfills may already be planning to close their HB 1205 disposal areas before the dates proposed in the Prioritization. For example, Hanover County has agreed to an enforceable order on consent with the department to cease accepting waste at its landfill (Permit No. 314) by December 31, 2002. Similarly, the Rivanna Solid Waste Authority has agreed to a proposed enforceable order on consent to cease accepting solid waste at the only remaining unlined disposal area at the Ivy Landfill (Permit No. 125) not later than September 1, 2001. (This order is still in public comment.)

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# General Notices/Errata

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## Availability of Documents and Invitation of Public Comment

Copies of the preliminary Prioritization are available on the department's website at <http://www.deq.state.va.us> or upon request from the contact listed below.

The public is invited to provide the department with additional information and to participate in the public comment on the Prioritization. Public meetings to discuss the preliminary Prioritization and to accept public comment have been scheduled for the following dates and locations. All meetings are scheduled to commence at 7 p.m.

### Thursday, Sept. 7, 2000

Fredericksburg Public Library Theater  
1201 Caroline Street  
Fredericksburg, VA 22401

### Monday, Sept. 11, 2000

Abingdon Higher Education Center Auditorium  
15856 Porterfield Highway  
Abingdon, VA 24210-8468

### Wednesday, Sept. 13, 2000

Petersburg Central Library  
Basement Meeting Room  
137 South Sycamore Street  
Petersburg, VA 23803

### Monday, Sept. 18, 2000

Virginia Beach Central Library  
Meeting Room A  
4100 Virginia Beach Boulevard  
Virginia Beach, VA 23452

### Tuesday, Sept. 19, 2000

Central Virginia Community College  
Merritt Hall Multipurpose Room  
First Floor, Merritt Hall  
3506 Wards Rd.  
Lynchburg, VA 24502  
Note: Parking is available in lots P-2, P3, and P-8 only.

### Thursday, Sept. 21, 2000

Valley Regional Office  
Virginia Department of Environmental Quality  
4411 Early Road  
Harrisonburg, VA 22801-3000

Upon request of a facility owner or operator, the department will schedule an additional informal fact finding proceeding or a hearing for that facility, as appropriate, in accordance with § 9-6.14:11 or § 9-6.14:12, respectively, of the Virginia Administrative Process Act.

Public comment will be accepted until the close of business on October 13, 2000. Comments should be addressed to:

Ms. Melissa Porterfield  
Virginia Department of Environmental Quality  
P.O. Box 10009  
Richmond, VA 23240  
Email address: [mporterfi@deq.state.va.us](mailto:mporterfi@deq.state.va.us)

Telephone: (804) 698-4238

Facsimile: (804) 698-4327

After the closing of the public comment period and after considering public comment, or further proceedings as appropriate, a final Prioritization will be prepared and issued.

## **BOARD OF GAME AND INLAND FISHERIES**

### **Biennial Review of Fish, Fishing and Wildlife Diversity Regulations**

The board will conduct its regular biennial reviews of regulations governing fish, fishing, and wildlife diversity (i.e., wildlife other than in the contexts of hunting, trapping, or fishing) at its August 24, 2000, and October 26, 2000, meetings. The Virginia regulations subject to review and for which amendments may be adopted are:

4 VAC 15-20.	Definitions and Miscellaneous: In General.
4 VAC 15-30.	Definitions and Miscellaneous: Importation, Possession, Sale, Etc., of Animals.
4 VAC 15-250.	Game: Falconry.
4 VAC 15-290.	Game: Permits.
4 VAC 15-320.	Fish: Fishing Generally.
4 VAC 15-330.	Fish: Trout Fishing.
4 VAC 15-340.	Fish: Seines and Nets.
4 VAC 15-350.	Fish: Gigs, Grab Hooks, Trotlines, Snares, Etc.
4 VAC 15-360.	Fish: Aquatic Invertebrates, Amphibians, Reptiles, and Nongame Fish.

The Board of Game and Inland Fisheries is exempted from the Administrative Process Act (§ 9-6.14:4.1 et seq. of the Code of Virginia) in promulgating wildlife management regulations, including the length of seasons, bag limits and methods of take set on the wildlife resources within the Commonwealth of Virginia. It is required by § 9-6.14:22 to publish all proposed and final regulations.

Under board procedures, regulatory actions occur over two sequential board meetings. At the August 24 meeting, Department of Game and Inland Fisheries' staff will present recommendations for regulatory amendments, the board will solicit and hear comments from the public in a public hearing, and the board then intends to propose regulations or regulation amendments. Any proposed regulatory actions (or informative summaries) subsequently will be published in the *Virginia Register*, made accessible through the DGIF and Virginia Regulatory Town Hall websites, and advertised in newspapers. A public comment period on the proposals commences with the board's action at the August 24 meeting and ends at the subsequent board meeting on October 26, 2000.

Adoption of any regulations or regulation amendments as final will take place at the October 26 board meeting. The October 26 meeting will be held in Richmond and will be announced in a separate public notice.



The following opportunities for public involvement are provided:

- *Pre-recommendation public meetings.* Public meetings for the purpose of receiving citizen input on fish, fishing, and wildlife diversity regulations were announced and held earlier, in February and March, 2000, in multiple locations around the state.
- *First public hearing.* A public hearing will be held, as described above, at the August 24, 2000, board meeting. This is the first of the two sequential board meetings, and the one at which the board proposes regulatory actions.
- *Second public hearing.* A public hearing will be held at the October 26, 2000, board meeting. This is the second of the two board meetings, and the one at which the board adopts final regulations.
- *Supplemental public hearings.* More public hearings, or "public input meetings," to be held in September between the first and the second board meetings may be ordered at the discretion of the board.
- *Public comment period.* A public comment period on any proposed regulatory actions will open at the time the board proposes such regulations at its August 24 meeting and will run until the second board meeting on October 26. However, in order to be assured the board will have opportunity to review them, comments need to be received by the department no later than October 19, 2000, or seven days prior to the second board meeting. In order to be taken into consideration, comments submitted: (a) must be in writing; (b) must be accompanied by the name, address and telephone number of the party offering the comments; (c) should state the regulatory action desired; and (d) should state the justification for the desired action. Comments submitted during the public comment period should be mailed to Phil Smith, Regulatory Coordinator, Department of Game and Inland Fisheries, 4010 West Broad Street, Richmond, VA 23230.
- *Ongoing public comment.* The department also receives and accepts comments on a continuous basis from members of the public, outside of the specified public comment period. The public comment period described above is an additional provision, to facilitate public involvement in specific proposed regulations.

## DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

### Commonwealth of Virginia (1999) Policies & Procedures for the Implementation of Part C of the Individuals with Disabilities Education Act (IDEA)

#### Extension of Public Comment Period

The public comment period on revisions to the Commonwealth of Virginia (1999) Policies & Procedures for the Implementation of Part C of the Individuals with Disabilities Education Act (IDEA) has been extended. Public comment will be accepted in writing through September 8, 2000. The revisions are necessary to bring the Virginia policies and procedures into compliance with federal regulations 34 CFR Part 303 for Part C of IDEA, Early Intervention for Infants and Toddlers with Disabilities.

For a copy of the Commonwealth of Virginia Policies & Procedures for the Implementation of Part C of IDEA, additional information, and to submit public comment contact Beth A. Skufca, Part C Administrative Consultant, DMHMRSAS, Early Intervention Office, 9th Floor, P.O. Box 1797, Richmond VA 23218-1797, telephone (804) 786-5817, FAX (804) 371-7959 or e-mail bskufca@dmhmrsas.state.va.us.

## DEPARTMENT OF MINES, MINERALS AND ENERGY

### Petition to Designate an Area Unsuitable for Coal Mining

On June 8, 2000, the Department of Mines, Minerals and Energy received from petitioners Patton L. and Maude S. Jervis on their own behalf and pursuant to § 45.1-252 of the Virginia Coal Surface Mining Control and Reclamation Law and 4 VAC 25-130-764.13 of the Virginia Coal Surface Mining Reclamation Regulations, a petition to designate land lying within the watershed of the Big Stone Gap Fork of the Powell River in Wise County, Virginia, as unsuitable for all types of surface coal mining operations.

Interested persons may obtain a copy of the petition by contacting:

Virginia Department of Mines, Minerals, and Energy  
Cynthia K. Ashley  
P.O. Drawer 900  
Big Stone Gap, VA 24219-0900  
Telephone (540) 523-8100  
FAX (540) 523-8148

For questions regarding this petition, please contact:

Virginia Department of Mines, Minerals, and Energy  
Les Vincent, P.E.  
Chief Engineer

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## General Notices/Errata

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Customer Services Unit Manager  
Division of Mine Land Reclamation  
P.O. Drawer 900  
Big Stone Gap, VA 24219-0900  
Telephone (540) 523-8156  
FAX (540) 523-8163

### **VIRGINIA CODE COMMISSION**

#### **Notice to State Agencies**

**Mailing Address:** Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219. You may FAX in your notice; however, we ask that you FAX two copies and do not follow up with a mailed copy. Our FAX number is: (804) 692-0625.

#### **Forms for Filing Material for Publication in *The Virginia Register of Regulations***

All agencies are required to use the appropriate forms when furnishing material for publication in *The Virginia Register of Regulations*. The forms may be obtained from: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591.

**Internet:** Forms and other *Virginia Register* resources may be printed or downloaded from the *Virginia Register* web page:  
<http://legis.state.va.us/codecomm/register/regindex.htm>

#### **FORMS:**



NOTICE of INTENDED REGULATORY ACTION - RR01  
NOTICE of COMMENT PERIOD - RR02  
PROPOSED (Transmittal Sheet) - RR03  
FINAL (Transmittal Sheet) - RR04  
EMERGENCY (Transmittal Sheet) - RR05  
NOTICE of MEETING - RR06  
AGENCY RESPONSE TO LEGISLATIVE OBJECTIONS  
- RR08

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# CALENDAR OF EVENTS


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## Symbol Key

-  Location accessible to persons with disabilities  
 Teletype (TTY)/Voice Designation

## NOTICE

Only those meetings which are filed with the Registrar of Regulations by the filing deadline noted at the beginning of this publication are listed. Since some meetings are called on short notice, please be aware that this listing of meetings may be incomplete. Also, all meetings are subject to cancellation and the *Virginia Register* deadline may preclude a notice of such cancellation.


For additional information on open meetings and public hearings held by the standing committees of the legislature during the interim, please call Legislative Information at (804) 698-1500 or Senate Information and Constituent Services at (804) 698-7410 or (804) 698-7419/TTY , or visit the General Assembly web site's Legislative Information System (<http://leg1.state.va.us/lis.htm>) and select "Meetings."

VIRGINIA CODE COMMISSION

## EXECUTIVE

### BOARD OF ACCOUNTANCY

**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](mailto: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

#### Virginia State Apple Board

† **July 26, 2000 - 1 p.m.** -- Open Meeting

Rowe's Restaurant, Route 250, Staunton, Virginia.  (Interpreter for the deaf provided upon request)


The board will hear and approve the minutes from the last meeting and review the board's current financial

statement, delinquent accounts, tax collections for the 1999 crop season, and grower audits. The board will also review FY 1999 tax collections and YTD collections, and discuss crop conditions for the state. 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 board at least five days before the meeting date so that suitable arrangements can be made.

**Contact:** Nancy L. Israel, Secretary, Department of Agriculture and Consumer Services, Virginia State Apple Board, 1100 Bank St., Suite 1012, Richmond, VA 23219, telephone (804) 371-6104, FAX (804) 371-7786.

#### 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 board 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.

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# Calendar of Events

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## 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 Cotton Board

**† August 24, 2000 - 3 p.m.** -- Open Meeting  
Tidewater Agricultural Research and Extension Center, 6321  
Holland Road, Suffolk, Virginia.  (Interpreter for the deaf  
provided upon request)

The board will meet to approve minutes of the last meeting. In addition, the board will review financial reports and status reports on projects and contracts, discuss priorities for future funding initiatives and any other business that may come before the board. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact the board at least five days before the meeting date so that suitable arrangements can be made.

**Contact:** Gail Moody Milteer, Program Director, Department of Agriculture and Consumer Services, Virginia Cotton Board, 1100 Armory Dr., Suite 120, Franklin, VA, telephone (757) 569-1100, FAX (757) 562-6104.

## Virginia Farmers Market Board


**† August 8, 2000 - 9:30 a.m.** -- Open Meeting  
Virginia Department of Forestry, Fontaine Research Park, 300  
Natural Resources Drive, 2nd Floor Board Room,  
Charlottesville, Virginia.  (Interpreter for the deaf provided  
upon request)

The board will convene for its quarterly meeting for the purpose of conducting business to benefit the Virginia Farmers Market System. During the meeting, the board members will hear and approve the financial report and approve the minutes of the May 9, 2000, meeting. In addition, contracted private sector operators of the shipping point markets in the system will present reports on operations of the four markets. 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 board at least five days before the meeting date so that suitable arrangements can be made.

**Contact:** Susan K. Simpson, Program Director, Department of Agriculture and Consumer Services, Virginia Farmers Market Board, 1100 Bank St., Room 1002, Richmond, VA 23219, telephone (804) 786-2112, FAX (804) 371-7786.


## Virginia Irish Potato Board

**† August 7, 2000 - 7 p.m.** -- Open Meeting  
Aberdeen Barn of Virginia Beach, 5805 Northampton  
Boulevard, Virginia Beach, Virginia.  (Interpreter for the deaf  
provided upon request)

A discussion of programs (promotion, research, and education), annual budget and other business that may come before the board. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact the board at least five days before the meeting date so that suitable arrangements can be made.

**Contact:** J. William Mapp, Program Director, Department of Agriculture and Consumer Services, Virginia Irish Potato Board, P.O. Box 26, Onley, VA 23418, telephone (757) 787-5867, FAX (757) 787-1041.


## 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 board 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.


## Virginia Sweet Potato Board

**† August 15, 2000 - 7 p.m.** -- Open Meeting  
Little Italy Restaurant, 10227 Rogers Drive, Nassawadox,  
Virginia.  (Interpreter for the deaf provided upon request)

The board will hear and approve minutes of the last meeting and the presentation of the board's financial statement. The board will discuss and consider programs (promotion, research, and education), the annual budget and other business that may be presented. 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 board at least five days before the meeting date so that suitable arrangements can be made.


**Contact:** J. William Mapp, Program Director, Department of Agriculture and Consumer Services, Virginia Sweet Potato Board, P.O. Box 26, Onley, VA 23418, telephone (757) 787-5867, FAX (757) 787-5973.

## STATE AIR POLLUTION CONTROL BOARD

**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 cfrancis@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 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.

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


**† August 9, 2000 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, 5th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the Architects Section to conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the department at (804) 367-8514 at least 10 days prior to this meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

**Contact:** Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail apelsla@dpor.state.va.us.

**† August 16, 2000 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, 5th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


A meeting of the Professional Engineers Section to conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the department at (804) 367-8514 at least 10 days prior to this meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

**Contact:** Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail apelsla@dpor.state.va.us.


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# Calendar of Events

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† **August 23, 2000 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, 5th Floor, Richmond, Virginia.   
(Interpreter for the deaf provided upon request)


A meeting of the Land Surveyors Section to conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the department at (804) 367-8514 at least 10 days prior to this meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

**Contact:** Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail [apelsla@dpor.state.va.us](mailto:apelsla@dpor.state.va.us).


† **August 30, 2000 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, 5th Floor, Richmond, Virginia.   
(Interpreter for the deaf provided upon request)


A meeting of the Landscape Architects Section to conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the department at (804) 367-8514 at least 10 days prior to this meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

**Contact:** Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail [apelsla@dpor.state.va.us](mailto:apelsla@dpor.state.va.us).


† **September 6, 2000 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, 5th Floor, Richmond, Virginia.   
(Interpreter for the deaf provided upon request)

A meeting of the Certified Interior Designers Section to conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the department at (804) 367-8514 at least 10 days prior to this meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

**Contact:** Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail [apelsla@dpor.state.va.us](mailto:apelsla@dpor.state.va.us).

† **September 13, 2000 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, 4th Floor, Richmond, Virginia.   
(Interpreter for the deaf provided upon request)


A meeting to conduct business of the APELSCIDLA Board. Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the department at (804) 367-8514 at least 10 days prior to this meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

**Contact:** Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail [apelsla@dpor.state.va.us](mailto:apelsla@dpor.state.va.us).

## 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 [stubbsgg@drs.state.va.us](mailto:stubbsgg@drs.state.va.us).

## COMPREHENSIVE SERVICES FOR AT-RISK YOUTH AND THEIR FAMILIES


### State Management Team

† **August 3, 2000 - 9:15 a.m.** -- Open Meeting  
St. Joseph's Villa, 8000 Brook Road, Richmond, Virginia.   
(Interpreter for the deaf provided upon request)

A meeting to discuss recommendations for policies and procedures to the State Executive Council on the Comprehensive Services Act. There will be a public comment period from 9:45 to 10 a.m.

**Contact:** Elisabeth Hutton, Secretary, Department of Health, P.O. Box 2448, Richmond, VA 23218, telephone (804) 371-4099.

## BOARD FOR BARBERS AND COSMETOLOGY

† **August 28, 2000 - 8:30 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, 4th Floor, Richmond, Virginia.   
(Interpreter for the deaf provided upon request)

A meeting to discuss regulatory review and other matters requiring board action, including disciplinary cases. A public comment period will be held at the beginning of the meeting. All meetings are subject to cancellation. The time of the meeting is subject to change. Any person desiring to attend the meeting and requiring special accommodations or interpretative services should contact the department at 804-367-8590 or 804-367-9753/TTY at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

**Contact:** Nancy Taylor Feldman, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8590, FAX (804) 367-6295, (804) 367-9753/TTY ☎, e-mail [barbers@dpor.state.va.us](mailto:barbers@dpor.state.va.us).

## BOARD FOR BRANCH PILOTS

† **August 2, 2000 - 9:30 a.m.** -- Open Meeting  
Virginia Port Authority, 600 World Trade Center, Norfolk, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to conduct any and all board business. Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the department at (804) 367-8514 at least 10 days prior to this meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

**Contact:** Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail [branchpilots@dpor.state.va.us](mailto:branchpilots@dpor.state.va.us).

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**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 ☎

## CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

### Grants Committee

† **July 18, 2000 - 12:30 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)

A meeting to develop the FY 2002 Competitive Grants Program Request for Proposals. No comments from the public will be entertained at the committee meeting; however, written comments are welcome.

**Contact:** Carolyn J. Elliott, Executive Secretary Senior, Chesapeake Bay Local Assistance Department, James Monroe Bldg., 101 N. 14th St., 17th Floor, Richmond, VA 23219, telephone (804) 225-3444, FAX (804) 225-3447, toll-free (800) 243-7229, (800) 243-7229/TTY ☎, e-mail [celliott@cblad.state.va.us](mailto:celliott@cblad.state.va.us).

### 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](mailto: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

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## Calendar of Events

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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

### Falls of the James Scenic River Advisory Board

**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.

### Lake Anna State Park Master Plan Advisory Committee

† **August 3, 2000 - 6 p.m.** -- Open Meeting  
Lake Anna State Park Visitor Center, 6800 Lawyers Road, Spotsylvania, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to continue work on the park master plan. Requests for interpreter for the deaf must be filed two weeks prior to the meeting.

**Contact:** Derral Jones, Planning Bureau Manager, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-9042, FAX (804) 371-7899, e-mail djones@dcr.state.va.us.

### Steering Committee for the Trevillian Station Battlefield State Park Feasibility

**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 FOR CONTRACTORS

† **July 19, 2000 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)



A regularly scheduled meeting of the board to address policy and procedural issues; review and render case decisions on matured complaints against licensees, and other matters which may require board action. The meeting is open to the public, however, a portion of the board's business may be discussed in closed meeting. The department fully complies with the Americans with Disabilities Act. Persons desiring to participate in the meeting and require special accommodations or interpreter services should contact Robert F. Tortolani.

**Contact:** Robert F. Tortolani, Regulatory Boards Administrator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-2785, FAX (804) 367-2474, (804) 367-9753/TTY ☎, e-mail contractors@dpor.state.va.us.

## BOARD OF COUNSELING

† **August 24, 2000 - 1 p.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad St., 5th Floor, Conference Room 1, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

The Regulatory Committee will review a preliminary proposal to improve consistency among its regulations in areas where language is generic for all professions.

**Contact:** Janet Delorme, Deputy Executive Director, Board of Counseling, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9575, FAX (804) 662-7250, (804) 662-7197/TTY ☎, e-mail jdelorme@dhp.state.va.us.

† **August 25, 2000 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. ♿

A regular meeting to hear reports from standing committees. The Examination Committee will report on its comparison of the national counseling examinations with the board's licensure exam. The board will consider a preliminary Notice of Intended Regulatory Action to amend its regulations to improve consistency among its regulations where the language is generic to all professions. Meeting dates for 2001 will be scheduled.

**Contact:** Evelyn B. Brown, Executive Director, Board of Counseling, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9912, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail ebrown@dhp.state.va.us.

## BOARD OF DENTISTRY

† **July 21, 2000 - 9 a.m.** -- Open Meeting  
† **July 28, 2000 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

An informal conference committee will hear possible violations of the regulations governing the practice of dentistry. No public comment will be heard.

**Contact:** Marcia J. Miller, Executive Director, Board of Dentistry, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9906, FAX (804) 662-7246, e-mail mmiller@dhp.state.va.us.

## Ad Hoc Committee of Dentistry and Medicine

† **July 26, 2000 - 9:30 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, Conference Room 1, 5th Floor, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

The committee will consider the definition of dentistry and issues related to practice of oral and maxillofacial surgeons. Public comment will be received at the beginning of the meeting.

**Contact:** Marcia J. Miller, Executive Director, Board of Dentistry, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9906, FAX (804) 662-9943, toll-free (804) 662-7197/TTY ☎, e-mail mjm1@dhp.state.va.us.

## VIRGINIA ECONOMIC DEVELOPMENT PARTNERSHIP

† **September 5, 2000 - 11 a.m.** -- Open Meeting  
Virginia Economic Development Partnership, Riverfront Plaza, 901 East Byrd Street, West Tower, 19th Floor, Presentation Center, Richmond, Virginia. ♿

A meeting of the Board of Directors to discuss issues pertaining to the Virginia Economic Development Partnership.

**Contact:** Mara Hilliar, Office Manager, Virginia Economic Development Partnership, P.O. Box 798, Richmond, VA 23218-0798, telephone (804) 371-8106 or FAX (804) 371-8112.

## 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.

## DEPARTMENT OF ENVIRONMENTAL QUALITY

† **July 27, 2000 - 7 p.m.** -- Open Meeting  
New Market Town Hall, New Market, Virginia. ♿ (Interpreter for the deaf provided upon request)

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## Calendar of Events

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The second public meeting on the development of the fecal coliform TMDL for Holmans Creek located in Shenandoah County.

**Contact:** Rod Bodkin, Department of Environmental Quality, 4411 Early Road, Harrisonburg, VA 22801, telephone (540) 574-7801, FAX (540) 574-7878, (804) 698-4021/TTY ☎, e-mail rvbodkin@deq.state.va.us.

† **July 31, 2000 - 7 p.m.** -- Public Hearing  
Shenandoah County Government Center, 600 North Main Street, Conference Room, Woodstock, Virginia. ♿ (Interpreter for the deaf provided upon request)

A public hearing to receive comments on a draft permit amendment for the Shenandoah County Sanitary Landfill located three miles north of Edinburg.

**Contact:** E. Paul Farrell, Jr., Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4214, toll-free (804) 698-4021, e-mail epfarrell@deq.state.va.us.

### Ground Water Protection Steering Committee

**July 18, 2000 - 9 a.m.** -- Open Meeting  
Department of Environmental Quality, 629 East Main Street, Richmond, Virginia. ♿

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 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.

† **August 24, 2000 - 9 a.m.** -- Public Hearing  
Department of Game and Inland Fisheries, 4000 West Broad Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

The board will propose amendments to regulations governing fish and fishing, and wildlife diversity (i.e., wildlife other than in the contexts of hunting, trapping, or fishing). This is the regular biennial review for these regulations. The Board of Game and Inland Fisheries is exempted from the Administrative Process Act (§ 9-6.14:4.1 of the Code of Virginia) in promulgating wildlife management regulations, including the length of seasons, bag limits and methods of take set on the wildlife resources within the Commonwealth of Virginia. It is required by § 9-6.14:22 to publish all proposed and final regulations. Under board procedures, regulatory actions occur over two sequential board meetings. The second board meeting in this regulatory review is scheduled for October 26, 2000. Further information on the biennial regulation review is provided in a separate announcement in the General Notices section of the Virginia Register. At the August 24 meeting the board also (i) will adopt 2000-2001 hunting seasons and bag limits for migratory waterfowl (ducks and coots, geese and brant, swan, gallinules and moorhens) and falconry, based on frameworks provided by the U.S. Fish and Wildlife Service; (ii) will solicit and receive comments from the public during the public hearing portion of the meeting; (iii) may review possible proposals for legislation for the 2001 Session of the General Assembly; (iv) may discuss other general and administrative issues; and (v) may hold an executive session before the public session begins. The board may also elect to hold a dinner Wednesday evening, August 23, at a location and time to be determined.

**Contact:** Phil Smith, Policy Analyst and Regulatory Coordinator, Department of Game and Inland Fisheries, 4010 W. Broad St., Richmond, VA 23230, telephone (804) 367-1000, e-mail regcomments@dgif.state.va.us.

### DEPARTMENT OF GAME AND INLAND FISHERIES

† **August 8, 2000 - 7 a.m.** -- Public Hearing  
Department of Game and Inland Fisheries, 4000 West Broad Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

The Virginia Department of Game and Inland Fisheries (DGIF) Wildlife Division is holding a public input meeting to discuss and receive public comments regarding season lengths and bag limits for the 2000-2001 hunting seasons for migratory waterfowl (ducks and coots, geese and brant, swan, gallinules and moorhens) and falconry. All interested citizens are invited to attend. DGIF Wildlife Division staff will discuss the population status of these species, and present hunting season frameworks for them provided by the U.S. Fish and Wildlife Service. The public's comments will be solicited in the public hearing portion of the meeting. A summary of the results of this public hearing will be presented to the Virginia Board of Game and Inland Fisheries prior to its scheduled August

24, 2000 meeting. At the August 24 meeting, the board will hold another public hearing, after which it intends to set 2000-2001 hunting seasons and bag limits for the above species.

**Contact:** Bob Ellis, Wildlife Division Assistant Director, Department of Game and Inland Fisheries, 4010 W. Broad St., Richmond, VA 23230, telephone (804) 367-0904.


## 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, 2864 Pruden Boulevard, 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

† **July 24, 2000 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia.   
(Interpreter for the deaf provided upon request)


A meeting of the Practitioner Self-Referral Committee to consider a request for an advisory opinion. Public comment will be received at the beginning of the meeting.

**Contact:** Elizabeth A. Carter, Ph.D., Deputy Executive Director, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-7691, FAX (804) 662-9504 or (804) 662-7197/TTY, e-mail ecarter@dhp.state.va.us.

† **July 24, 2000 - 1 p.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia.   
(Interpreter for the deaf provided upon request)

A meeting to hear reports from standing committees, a report on the department's disciplinary brochure, and to consider other items of business as may be presented. Public comment will be received at the beginning of the meeting.

**Contact:** Elizabeth A. Carter, Ph.D., Deputy Executive Director, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-7691, FAX (804) 662-9504 or (804) 662-7197/TTY, e-mail ecarter@dhp.state.va.us.

**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 discussion 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

**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.

**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)

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# Calendar of Events

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783-6701, toll-free 1-800-968-7837, or (804) 783-6705/TTY 

FAX (804) 371-6524, (804) 786-2376/TTY , e-mail brh@doli.state.va.us.

## 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 Human Resource Management, 101 N. Fourteenth St., 13th Floor, Richmond, VA 23294, telephone (804) 371-7931.


## DEPARTMENT OF LABOR AND INDUSTRY

### Virginia Apprenticeship Council


† **August 10, 2000 - 9:30 a.m.** -- Open Meeting  
Department of Labor and Industry, 13 South Thirteenth Street, Mezzanine Conference Room, Richmond, Virginia.   
(Interpreter for the deaf provided upon request)

A meeting of the Apprenticeship Council Subcommittee to discuss exemption from examination.


**Contact:** Beverley Donati, Assistant Program Manager, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-2382, FAX (804) 786-8418, (804) 786-2376/TTY , e-mail bgd@doli.state.va.us

† **September 21, 2000 - 10 a.m.** -- Open Meeting  
Chesterfield Technical Center, 10101 Courthouse Road, Chesterfield, Virginia.   
(Interpreter for the deaf provided upon request)

Agenda to be announced.

**Contact:** Beverley Donati, Assistant Program Manager, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-2382, FAX (804) 786-8418, (804) 786-2376/TTY , e-mail bgd@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,

## 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.

## LONGWOOD COLLEGE


### Board of Visitors

**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 Executive 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. Mclver, 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


**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.


**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.

## Ad Hoc Committee of Dentistry and Medicine

† **July 26, 2000 - 9:30 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. 

The committee will consider the definition of dentistry and issues related to practice of oral and maxillofacial surgeons. Public comment will be received at the beginning of the meeting.

**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 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)

† **August 3, 2000 - 9 a.m.** -- Open Meeting  
Holiday Inn Express, 2801 Plank Road, Fredericksburg, Virginia. (Interpreter for the deaf provided upon request)

† **August 9, 2000 - 8:30 a.m.** -- Open Meeting  
† **August 18, 2000 9 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, Richmond, 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 Dixson, Board of Medicine, 6606 West Broad Street, 4th Floor, Richmond, VA 23230, telephone (804) 662-7332, FAX (804) 662-9517, (804) 662-7197/TTY 

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# Calendar of Events


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## VIRGINIA MILITARY INSTITUTE

† **August 25, 2000 - 10 a.m.** -- Open Meeting  
Virginia Military Institute, Preston Library, Turman Room,  
Lexington, Virginia. 

Board of Visitors standing committee meetings to discuss committee work to be reported to the full board on August 26.


**Contact:** Colonel Edwin L. Dooley, Jr., Secretary to the Board of Visitors, Virginia Military Institute, Superintendent's Office, Lexington, VA 24450, telephone (540) 464-7206 or FAX (540) 464-7660.

† **August 26, 2000 - 8:30 a.m.** -- Open Meeting  
Virginia Military Institute, Preston Library, Turman Room,  
Lexington, Virginia. 

A meeting to elect a president, vice presidents and secretary and to receive committee reports. The Board of Visitors provides an opportunity for public comment at this meeting immediately after the superintendent's comments, at approximately 9 a.m.

**Contact:** Colonel Edwin L. Dooley, Jr., Secretary to the Board of Visitors, Virginia Military Institute, Superintendent's Office, Lexington, VA 24450, telephone (540) 464-7206 or FAX (540) 464-7660.


## 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.

## DEPARTMENT OF MINES, MINERALS AND ENERGY


### Virginia Gas and Oil Board

† **July 18, 2000 - 9 a.m.** -- Open Meeting  
Southwest Virginia Higher Education Center, Virginia Highlands Community College, Abingdon, Virginia.   
(Interpreter for the deaf provided upon request.)


A regularly scheduled meeting to consider petitions filed by applicants for location exceptions for conventional gas units, to consider prior orders for disbursement from the escrow account, and to receive the quarterly report from the board's escrow agent, First Union National Bank. The public may address the board on individual items as they are called for hearing by the board.

**Contact:** Bob Wilson, Director, Division of Gas and Oil, Department of Mines, Minerals and Energy, P.O. Box 1416, Abingdon, VA 24212, telephone (540) 676-5423, FAX (540) 676-5459, (800) 828-1120/TTY , e-mail bwx@mme.state.va.us.


## VIRGINIA MUSEUM OF FINE ARTS

**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 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.

## Ad Hoc Advisory Committee on Massage Therapy

† **August 16, 2000 - 1:30 p.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia. ♿

The committee will conduct a periodic review of regulations for the certification of massage therapists as required by Executive Order 25 (98). Public comment will be received at the beginning of the meeting.

**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.

## OLD DOMINION UNIVERSITY

**July 17, 2000 - 3 p.m.** -- Open Meeting  
**August 14, 2000 - 3 p.m.** -- Open Meeting  
† **October 9, 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.

## BOARD FOR OPTICIANS

† **August 25, 2000 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

An open meeting to discuss regulatory review and other matters requiring board action, including disciplinary cases. A public comment period will be held at the beginning of the meeting. All meetings are subject to cancellation. The time of the meeting is subject to change. Any persons desiring to attend the meeting and requiring special accommodations or interpreter services should contact the department at 804-367-8590 or 804-367-9753/TTY at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

**Contact:** Nancy Taylor Feldman, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., 4th Floor, Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-6295, (804) 367-9753/TTY ☎, e-mail opticians@dpor.state.va.us.

## 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,

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## Calendar of Events

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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.

### 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.

## BOARD OF REHABILITATIVE SERVICES

**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 RESOURCES AUTHORITY


**† August 11, 2000 - 9 a.m.** -- Open Meeting  
Martha Washington Inn, Abingdon, Virginia. (Interpreter for the deaf provided upon request)

A regular meeting of the Board of Directors to (i) review and, if appropriate, approve the minutes from the most recent monthly meeting; (ii) review the authority's operations for the prior month; (iii) review applications for loans submitted to the authority for approval; (iv) consider loan commitments for approval and ratification under its various programs; (v) approve the issuance of any bonds; (vi) review the results of any bond sales; and (vii) consider such other matters and take such other actions as it may deem appropriate. Various committees of the Board of Directors may also meet immediately before or after the regular meeting and consider matters within its purview. The planned agenda of the meeting and any committee meetings will be available at the offices of the

authority one week prior to the date of the meeting. Any person who needs any accommodation in order to participate in the meeting should contact the authority at least 10 days before the meeting so that suitable arrangements can be made.

**Contact:** Benjamin Hoyle, Executive Assistant, Virginia Resources Authority, 707 E. Main St., Suite 1350, Richmond, VA 23219, telephone (804) 644-3100, FAX (804) 644-3109, e-mail bhoyle@vra.state.va.us.

## 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


**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,

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# Calendar of Events

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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.

## VIRGINIA TOURISM AUTHORITY

### Motion Picture Development Committee

† **July 25, 2000 - 10 a.m.** -- Open Meeting  
Virginia Economic Development Partnership, Riverfront Plaza, West Tower, 901 East Byrd Street, 19th Floor Board Room, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to continue discussion regarding the Motion Picture Incentive fund and to discuss strategic allies, partners and direction. Public comment will be taken at the beginning of the meeting.

**Contact:** Nanette Maguire, Administrative Staff Assistant, Film Office, Virginia Tourism Authority, 901 E. Byrd St., Richmond, VA 23219, telephone (804) 371-8204, FAX (804) 371-8177, toll-free (800) 854-6233, (800) 828-1120/TTY ☎, e-mail nmaguire@virginia.org.

## 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 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.

## DEPARTMENT FOR THE VISUALLY HANDICAPPED

### Statewide Rehabilitation Council for the Blind

† **September 16, 2000 - 10 a.m.** -- Open Meeting  
Administrative Headquarters Building, 397 Azalea Avenue, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

The council meets quarterly to advise the Department for the Visually Handicapped on matters related to vocational rehabilitation services for the blind and visually impaired citizens of the Commonwealth.

**Contact:** James G. Taylor, VR Program Director, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3111, FAX (804)

371-3351, toll-free (800) 622-2155, (804) 371-3140/TTY ☎, e-mail [taylorjg@dvh.state.va.us](mailto:taylorjg@dvh.state.va.us).

Broad St., Richmond, VA 23230, telephone (804) 367-8505, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail [waterwasteoper@dpor.state.va.usw](mailto:waterwasteoper@dpor.state.va.usw).

## STATE WATER CONTROL BOARD

**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](mailto:ychoi@deq.state.va.us).

**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](mailto:egilinsky@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](mailto:egilinsky@deq.state.va.us).

## BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

NOTE: CHANGE IN MEETING DATE

† **September 21, 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.

## 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 ☎

## INDEPENDENT

### STATE CORPORATION COMMISSION

† **October 2, 2000 - 10 a.m.** -- Public Hearing

State Corporation Commission, Tyler Building, 1300 East Main Street, 2nd Floor Courtroom, Richmond, Virginia.

A public hearing on the adoption of rules governing the filing of applications for approval pursuant to Chapter 4 of Title 56 of the Code of Virginia (Affiliate Rules).

**Contact:** Robert Dalton, State Corporation Commission, Division of Public Utility Accounting, Tyler Bldg., 1300 E. Main St., P.O. Box 1197, Richmond, VA 23218, telephone (804) 371-9206 or FAX (804) 371-9211.

## LEGISLATIVE

### VIRGINIA CODE COMMISSION

**July 24, 2000 - 10 a.m.** -- Open Meeting

† **September 27, 2000** - Open Meeting

† **September 28, 2000** - Open Meeting

† **October 18, 2000 - 10 a.m.** -- Open Meeting

† **October 19, 2000 - 10 a.m.** -- Open Meeting

General Assembly Building, 6th Floor, Speaker's Conference Room, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

† **August 16, 2000 - 10 a.m.** -- Open Meeting

Charlottesville, Virginia area. (Interpreter for the deaf provided upon request)

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## Calendar of Events

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A regularly scheduled meeting. Public comment will be received at the end of the meeting for a period not to exceed 15 minutes.

**Contact:** Jane D. Chaffin, Registrar of Regulations, General Assembly Building, 910 Capitol Street, 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 692-0625 or e-mail [jchaffin@leg.state.va.us](mailto:jchaffin@leg.state.va.us).


### LEGISLATIVE TRANSITION TASK FORCE OF THE VIRGINIA ELECTRICAL UTILITY RESTRUCTURING ACT (SB 1269, 1999)

† **August 21, 2000 - 1 p.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


A regular meeting. Individuals requiring interpreter services or other accommodations should call or write Thomas C. Gilman seven working days before the meeting.

**Contact:** Thomas C. Gilman, Senate Committee Operations, P.O. Box 396, Richmond, VA 23218, telephone (804) 698-7450 or (804) 698-7419/TTY 


### JOINT REAPPORTIONMENT COMMITTEE

† **September 11, 2000 - 2 p.m.** -- Open Meeting  
† **October 16, 2000 - 2 p.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


A regular meeting. Questions regarding the meeting agenda should be directed to Mary Spain or Jack Austin, Division of Legislative Services, (804) 786-3591.

**Contact:** Patricia J. Lung, Senate Committee Operations, P.O. Box 396, Richmond, VA 23218, telephone (804) 698-7450 or (804) 698-7419/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 


### JOINT SUBCOMMITTEE STUDYING THE FUNDING REQUIREMENTS OF THE VIRGINIA UNEMPLOYMENT TRUST FUND

† **August 22, 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 Frank Munyan or Maureen Stinger, Division of Legislative Services, (804) 786-3591. Individuals requiring interpreter services or special assistance should contact Lois Johnson at least 10 working days prior to the meeting.

**Contact:** Lois V. Johnson, Committee Operations, House of Delegates, State Capitol, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1544 or (804) 786-2369/TTY 


### JOINT SUBCOMMITTEE STUDYING THE FEASIBILITY OF DEVELOPING A CENTER FOR CONTINUING AND VOCATIONAL EDUCATION

† **August 15, 2000 - 10 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


A regular meeting. Questions regarding the meeting should be directed to Senate Committee Operations.

**Contact:** Thomas C. Gilman, Senate Committee Operations, P.O. Box 396, Richmond, VA 23218, telephone (804) 698-7450 or (804) 698-7419/TTY 

### STATE WATER COMMISSION

† **August 14, 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 Dennis Walter or Marty Farber, Division of Legislative Services, (804) 786-3591. Individuals requiring interpreter services or special assistance should contact Lois Johnson at least 10 working days prior to the meeting.

**Contact:** Lois V. Johnson, Committee Operations, House of Delegates, State Capitol, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1544 or (804) 786-2369/TTY 

## CHRONOLOGICAL LIST

### OPEN MEETINGS

**July 17**  
Accountancy, Board of  
Labor and Industry, Department of

- Safety and Health Codes Board  
Museum of Fine Arts, Virginia  
Nursing, Board of  
Old Dominion University  
- Executive Committee

## July 18

† Chesapeake Bay Local Assistance Board  
- Grants Committee  
- 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  
† Mines, Minerals and Energy, Department of  
- Virginia Gas and Oil Board  
Nursing, Board of  
Real Estate Appraiser Board  
Visually Handicapped, Board for the

## July 19

Community Colleges, State Board for  
† Contractors, Board for  
Nursing, Board of  
Pesticide Control Board  
Racing Commission, Virginia  
Real Estate Board  
Transportation Board, Commonwealth  
Water Control Board, State

## 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  
Real Estate Board  
Social Work, Board of  
- Special Conference Committee  
Technology Services, Council on  
Transportation Board, Commonwealth  
Workforce Council, Virginia  
- Existing Workforce and the Hard-to-Employ  
Committee

## July 21

Alzheimer's Disease and Related Disorders Commission  
† Dentistry, Board of  
Social Work, Board of

## July 24

Code Commission, Virginia  
† Health Professions, Board of  
- Practitioner Self-Referral Committee

## July 25

Alcoholic Beverage Control Board  
Compensation Board  
Marine Resources Commission

Small Business Financing Authority, Virginia  
- Board of Directors  
† Tourism Authority, Virginia  
- Motion Picture Development Committee

## July 26

† Agriculture and Consumer Services, Department of  
- Virginia State Apple Board  
† Dentistry, Board of  
- Ad Hoc Committee of Dentistry and Medicine

## July 27

Agriculture and Consumer Services, Department of  
- Virginia Cattle Industry Board  
- Virginia Small Grains Board  
Education, State Board of  
† Environmental Quality, Department of  
Health, State Board of  
Longwood College  
- Executive Committee

## July 28

† Dentistry, Board of  
- Special Conference Committee  
Medicine, Board of  
- Informal Conference Committee

## July 31

Aging, Commonwealth Council on  
- Legislative Committee  
† Environmental Quality, Department of

## August 1

Hopewell Industrial Safety Council  
Nursing, Board of  
- Special Conference Committee

## August 2

† Branch Pilots, Board for  
Nursing, Board of  
- Special Conference Committee  
People with Disabilities, Virginia Board for

## August 3

† At-Risk Youth and Their Families, Comprehensive  
Services for  
- State Management Team  
† Conservation and Recreation, Department of  
- Falls of the James Scenic River Advisory Board  
- Lake Anna State Park Master Plan Advisory  
Committee  
† Medicine, Board of  
- Informal Conference Committee  
Nursing, Board of  
- Special Conference Committee

## August 4

† Medicine, Board of

## August 7

† Agriculture and Consumer Services, Department of  
- Virginia Irish Potato Board  
Alzheimer's Disease and Related Disorders Commission  
Nursing, Board of  
- Special Conference Committee

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# Calendar of Events

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## August 8

- † Agriculture and Consumer Services, Department of
  - Virginia Farmers Market Board
- Alcoholic Beverage Control Board
- † Game and Inland Fisheries, Department of
- Land Evaluation Advisory Council, State
- Nursing, Board of
  - Special Conference Committee

## August 9

- † Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, Board of
  - Architects Section
- † Medicine, Board of
  - Informal Conference Committee

## August 10

- Agriculture and Consumer Services, Department of
  - Virginia Charity Food Assistance Advisory Board
- Health, State Board of
- † Labor and Industry, Department of
  - Apprenticeship Council Subcommittee
- Medicine, Board of
- Water Control Board, State

## August 11

- Health, State Board of
- Health Professions, Department of
  - Health Practitioners' Intervention Program Committee
- † Resources Authority, Virginia
  - Board of Directors

## August 14

- Nursing, Board of
  - Special Conference Committee
- Old Dominion University
  - Executive Committee
- † Water Commission, State

## August 15

- † Agriculture and Consumer Services, Department of
  - Virginia Sweet Potato Board
- † Vocational Education, Joint Subcommittee Studying the Feasibility of Developing a Center for Continuing and

## August 16

- † Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, Board of
  - Professional Engineers Section
- † Code Commission, Virginia
- † Nursing, Board of
  - Ad Hoc Advisory Committee on Massage Therapy
- Racing Commission, Virginia

## August 17

- † Medical Assistance Services, Department of

## August 18

- † Medicine, Board of
  - Informal Conference Committee

## August 21

- † Electrical Utility Restructuring Act, Virginia
  - Legislative Transition Task Force

## August 22

- Marine Resources Commission
- † Unemployment Trust Fund, Joint Subcommittee Studying the Funding Requirements of the Virginia

## August 23

- † Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, Board of
  - Land Surveyors Section
- Satellite Chip Mills, Joint Subcommittee Studying

## August 24

- † Agriculture and Consumer Services, Department of
  - Virginia Cotton Board
- † Counseling, Board of
  - Regulatory Committee
- † Game and Inland Fisheries, Board of

## August 25

- † Counseling, Board of
- † Military Institute, Virginia
  - Board of Visitors
- † Opticians, Board for

## August 26

- † Military Institute, Virginia
  - Board of Visitors

## August 28

- † Barbers and Cosmetology, Board for

## August 30

- † Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, Board of
  - Landscape Architects Section
- Milk Commission, State
- Nursing, Board of
  - Special Conference Committee
- Outdoors Foundation, Virginia

## September 5

- † Economic Development Partnership, Virginia
  - Board of Directors
- Hopewell Industrial Safety Council

## September 6

- † Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, Board of
  - Certified Interior Designers Section
- Outdoors Foundation, Virginia

## September 7

- Nursing, Board of
  - Special Conference Committee
- Water Control Board, State

## September 11

- † Reapportionment Committee, Joint

## September 13

- † Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, Board of

**September 14**

Old Dominion University  
- Board of Visitors

**September 16**

† Visually Handicapped, Department for the  
- Statewide Rehabilitation Council for the Blind

**September 18**

Public Guardian and Conservator Advisory Board,  
Virginia

**September 20**

Water Control Board, State

**September 21**

† Labor and Industry, Department of  
- Virginia Apprenticeship Council  
Milk Commission, State  
† Waterworks and Wastewater Works Operators, Board  
for

**September 25**

Nursing, Board of  
- Special Conference Committee

**September 26**

Marine Resources Commission

**September 27**

† Code Commission, Virginia  
Human Resource Management, Department of  
Nursing, Board of  
- Special Conference Committee  
Small Business Financing Authority, Virginia

**September 28**

† Code Commission, Virginia  
Education, State Board of  
Nursing, Board of  
- Special Conference Committee  
Rehabilitative Services, Board of

**October 5**

Nursing, Board of  
- Special Conference Committee

**October 9**

† Old Dominion University  
- Board of Visitors Executive 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  
† Reapportionment Committee, Joint

**October 17**

Nursing, Board of  
- Special Conference Committee

**October 18**

† Code Commission, Virginia

**October 19**

† Code Commission, Virginia

**October 26**

Nursing, Board of  
- Special Conference Committee

**October 31**

Nursing, Board of  
- Special Conference Committee

**PUBLIC HEARINGS****July 18**

Air Pollution Control Board, State

**August 2**

Branch Pilots, Board for

**October 2**

† Corporation Commission, State

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