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# CUMULATIVE TABLE OF VIRGINIA ADMINISTRATIVE CODE SECTIONS ADOPTED, AMENDED, OR REPEALED

The table printed below lists regulation sections, by Virginia Administrative Code (VAC) title, that have been amended, added or repealed in the *Virginia Register* since the regulations were originally published or last supplemented in VAC (the Fall 2000 VAC Supplement includes final regulations published through *Virginia Register* Volume 16, Issue 24, dated August 14, 2000). Emergency regulations, if any, are listed, followed by the designation "emer," and errata pertaining to final regulations are listed. Proposed regulations are not listed here. The table lists the sections in numerical order and shows action taken, the volume, issue and page number where the section appeared, and the effective date of the section.

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
<b>Title 4. Conservation and Natural Resources</b>			
4 VAC 20-110-10	Amended	17:5 VA.R. 698	10/30/00
4 VAC 20-110-15	Added	17:5 VA.R. 698	10/30/00
4 VAC 20-110-20 through 4 VAC 20-110-50	Amended	17:5 VA.R. 698	10/30/00
4 VAC 20-110-55	Added	17:5 VA.R. 699	10/30/00
4 VAC 20-110-60	Amended	17:5 VA.R. 699	10/30/00
4 VAC 20-110-65	Added	17:5 VA.R. 699	10/30/00
4 VAC 20-252-30	Amended	17:5 VA.R. 699	10/30/00
4 VAC 20-337-10 through 4 VAC 20-337-30	Added	17:5 VA.R. 700-702	11/1/00
4 VAC 20-490-20	Amended	17:3 VA.R. 386	10/15/00
4 VAC 20-490-40	Amended	17:3 VA.R. 387	10/15/00
4 VAC 20-490-60	Amended	17:3 VA.R. 387	10/15/00
4 VAC 20-540-30	Amended	17:5 VA.R. 702	1/1/01
4 VAC 20-540-40	Amended	17:5 VA.R. 702	1/1/01
4 VAC 20-620-40	Amended	17:5 VA.R. 703	10/30/00
4 VAC 20-720-20	Amended	17:3 VA.R. 387	10/1/00
4 VAC 20-720-40	Amended	17:3 VA.R. 388	10/1/00
4 VAC 20-720-50	Amended	17:3 VA.R. 388	10/1/00
4 VAC 20-720-60	Amended	17:3 VA.R. 389	10/1/00
4 VAC 20-720-70	Amended	17:3 VA.R. 389	10/1/00
4 VAC 20-720-80	Amended	17:3 VA.R. 390	10/1/00
4 VAC 20-754-30	Amended	17:3 VA.R. 393	10/1/00
4 VAC 20-755-10	Amended	17:5 VA.R. 704	10/30/00
4 VAC 20-755-20	Amended	17:5 VA.R. 704	10/30/00
4 VAC 20-755-30	Amended	17:5 VA.R. 704	10/30/00
4 VAC 20-890-20	Amended	16:25 VA.R. 3227	10/1/00
4 VAC 20-890-25	Amended	17:1 VA.R. 62	9/21/00
4 VAC 20-890-30	Amended	17:1 VA.R. 62	9/21/00
4 VAC 20-890-40	Amended	16:25 VA.R. 3227	10/1/00
4 VAC 20-900-10 emer	Amended	16:25 VA.R. 3330	7/28/00-8/24/00
4 VAC 20-900-25	Amended	17:1 VA.R. 63	9/1/00
4 VAC 20-900-25 emer	Amended	16:25 VA.R. 3330	7/28/00-8/24/00
4 VAC 20-900-25 emer	Amended	17:5 VA.R. 832	10/20/00-11/19/00
4 VAC 20-910-45	Amended	17:3 VA.R. 393	11/1/00
4 VAC 20-950-10	Amended	17:3 VA.R. 394	10/1/00
4 VAC 20-950-45	Amended	17:3 VA.R. 394	10/1/00
4 VAC 20-995-20	Amended	17:5 VA.R. 705	10/30/00
4 VAC 20-995-30	Amended	17:5 VA.R. 706	10/30/00
4 VAC 25-30 (Forms)	Amended	17:4 VA.R. 613	--
4 VAC 25-40 (Forms)	Amended	17:4 VA.R. 613	--
4 VAC 25-90 (Forms)	Amended	17:4 VA.R. 613	--
4 VAC 25-100 (Forms)	Amended	17:4 VA.R. 613	--
4 VAC 25-130 (Forms)	Amended	17:4 VA.R. 614	--
<b>Title 6. Criminal Justice and Corrections</b>			
6 VAC 20-190-10 through 6 VAC 20-190-200	Amended	17:3 VA.R. 395-398	11/23/00

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

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
<b>Title 8. Education</b>			
8 VAC 20-80-10	Amended	17:5 VA.R. 707	1/1/01
8 VAC 20-80-20	Repealed	17:5 VA.R. 717	1/1/01
8 VAC 20-80-30	Amended	17:5 VA.R. 717	1/1/01
8 VAC 20-80-40	Amended	17:5 VA.R. 721	1/1/01
8 VAC 20-80-45	Added	17:5 VA.R. 722	1/1/01
8 VAC 20-80-50	Amended	17:5 VA.R. 725	1/1/01
8 VAC 20-80-52	Added	17:5 VA.R. 727	1/1/01
8 VAC 20-80-54	Added	17:5 VA.R. 728	1/1/01
8 VAC 20-80-56	Added	17:5 VA.R. 731	1/1/01
8 VAC 20-80-58	Added	17:5 VA.R. 735	1/1/01
8 VAC 20-80-60	Amended	17:5 VA.R. 736	1/1/01
8 VAC 20-80-62	Added	17:5 VA.R. 738	1/1/01
8 VAC 20-80-64	Added	17:5 VA.R. 746	1/1/01
8 VAC 20-80-65	Added	17:5 VA.R. 748	1/1/01
8 VAC 20-80-66	Added	17:5 VA.R. 748	1/1/01
8 VAC 20-80-68	Added	17:5 VA.R. 752	1/1/01
8 VAC 20-80-70	Amended	17:5 VA.R. 756	1/1/01
8 VAC 20-80-72	Added	17:5 VA.R. 765	1/1/01
8 VAC 20-80-74	Added	17:5 VA.R. 767	1/1/01
8 VAC 20-80-76	Added	17:5 VA.R. 768	1/1/01
8 VAC 20-80-78	Added	17:5 VA.R. 776	1/1/01
8 VAC 20-80-80 through 8 VAC 20-80-150	Amended	17:5 VA.R. 778-786	1/1/01
8 VAC 20-80-152	Added	17:5 VA.R. 786	1/1/01
8 VAC 20-80-155	Added	17:5 VA.R. 787	1/1/01
8 VAC 20-80-160	Amended	17:5 VA.R. 787	1/1/01
8 VAC 20-80-170	Repealed	17:5 VA.R. 788	1/1/01
8 VAC 20-80-180	Repealed	17:5 VA.R. 789	1/1/01
8 VAC 20-80-190	Amended	17:5 VA.R. 790	1/1/01
8 VAC 20-80-200	Repealed	17:5 VA.R. 790	1/1/01
8 VAC 20-131-10 through 8 VAC 20-131-150	Amended	16:25 VA.R. 3228-3237	9/28/00
8 VAC 20-131-170	Amended	16:25 VA.R. 3237	9/28/00
8 VAC 20-131-180	Amended	16:25 VA.R. 3237	9/28/00
8 VAC 20-131-210	Amended	16:25 VA.R. 3238	9/28/00
8 VAC 20-131-220	Amended	16:25 VA.R. 3239	9/28/00
8 VAC 20-131-240	Amended	16:25 VA.R. 3239	9/28/00
8 VAC 20-131-250	Repealed	16:25 VA.R. 3240	9/28/00
8 VAC 20-131-260 through 8 VAC 20-131-320	Amended	16:25 VA.R. 3240-3249	9/28/00
8 VAC 20-131-325	Added	16:25 VA.R. 3249	9/28/00
8 VAC 20-131-340	Amended	16:25 VA.R. 3250	9/28/00
8 VAC 20-570-10 et seq.	Repealed	17:5 VA.R. 706	1/1/01
<b>Title 9. Environment</b>			
9 VAC 5-10-20*	Amended	16:17 VA.R. 2135	*
9 VAC 5-20-180*	Amended	16:17 VA.R. 2142	*
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 5-50-10*	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	*

\* Effective date suspended.

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

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 5-50-50*	Amended	16:17 VA.R. 2157	*
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 5-60-120 through 9 VAC 5-60-180	Added	17:4 VA.R. 585	1/1/01
9 VAC 5-60-150	Amended	17:4 VA.R. 585	1/1/01
9 VAC 5-80-50 through 9 VAC 5-80-120	Amended	17:4 VA.R. 585	1/1/01
9 VAC 5-80-180 through 9 VAC 5-80-300	Amended	17:4 VA.R. 585	1/1/01
9 VAC 5-80-305	Repealed	17:4 VA.R. 585	1/1/01
9 VAC 5-80-310 through 9 VAC 5-80-350	Amended	17:4 VA.R. 585	1/1/01
9 VAC 5-80-355	Repealed	17:4 VA.R. 585	1/1/01
9 VAC 5-80-360 through 9 VAC 5-80-380	Amended	17:4 VA.R. 585	1/1/01
9 VAC 5-80-400 through 9 VAC 5-80-460	Amended	17:4 VA.R. 585	1/1/01
9 VAC 5-80-480	Amended	17:4 VA.R. 585	1/1/01
9 VAC 5-80-490	Amended	17:4 VA.R. 585	1/1/01
9 VAC 5-80-510	Amended	17:4 VA.R. 585	1/1/01
9 VAC 5-80-540 through 9 VAC 5-80-570	Amended	17:4 VA.R. 585	1/1/01
9 VAC 5-80-610	Amended	17:4 VA.R. 585	1/1/01
9 VAC 5-80-620	Amended	17:4 VA.R. 585	1/1/01
9 VAC 5-80-650	Amended	17:4 VA.R. 585	1/1/01
9 VAC 5-80-660	Amended	17:4 VA.R. 585	1/1/01
9 VAC 5-80-680	Amended	17:4 VA.R. 585	1/1/01
9 VAC 5-80-700	Amended	17:4 VA.R. 585	1/1/01
9 VAC 5-80-705	Repealed	17:4 VA.R. 585	1/1/01
9 VAC 5-80-720	Amended	17:4 VA.R. 585	1/1/01
9 VAC 5-90-10 et seq.	Repealed	17:1 VA.R. 63	10/25/00
9 VAC 5-100-10 et seq.	Repealed	17:1 VA.R. 63	10/25/00
9 VAC 5-121-10 et seq.	Repealed	17:4 VA.R. 585	1/1/01
9 VAC 20-60-18	Amended	17:2 VA.R. 220	11/8/00
9 VAC 25-31-10	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-30	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-40	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-100	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-120	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-121 (renumbered from 9 VAC 25-31-125)	Added	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-170	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-190	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-200	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-230	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-280	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-340	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-390	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-500	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-570	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-580	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-590	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-620	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-660	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-670	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-710	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-720	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-750	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-770	Amended	16:25 VA.R. 3252	9/27/00

\* Effective date suspended.

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

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 25-31-780	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-800	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-810	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-840	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-210-10	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-210-50	Amended	16:25 VA.R. 3254	9/27/00
9 VAC 25-210-110	Amended	16:25 VA.R. 3254	9/27/00
9 VAC 25-210-110	Erratum	17:3 VA.R. 433	--
9 VAC 25-400-10	Amended	16:25 VA.R. 3255	9/27/00
9 VAC 25-630-10 through 9 VAC 25-630-60	Amended	17:3 VA.R. 399-409	12/1/00
<b>Title 11. Gaming</b>			
11 VAC 10-100-30	Amended	16:25 VA.R. 3261	8/8/00
11 VAC 10-100-110	Amended	16:25 VA.R. 3261	8/8/00
11 VAC 10-100-170	Amended	16:25 VA.R. 3262	8/8/00
11 VAC 10-100-210	Amended	16:25 VA.R. 3262	8/8/00
11 VAC 10-110-30	Amended	16:25 VA.R. 3262	8/8/00
11 VAC 10-110-90	Amended	16:25 VA.R. 3262	8/8/00
11 VAC 10-110-230	Added	16:25 VA.R. 3263	8/8/00
11 VAC 10-120-50	Amended	16:26 VA.R. 3507	8/14/00
11 VAC 10-120-80	Amended	16:26 VA.R. 3508	8/14/00
11 VAC 10-120-90	Amended	16:26 VA.R. 3508	8/14/00
11 VAC 10-130-10	Amended	17:4 VA.R. 586	10/16/00
11 VAC 10-130-20	Amended	17:4 VA.R. 587	10/16/00
11 VAC 10-130-40	Amended	17:4 VA.R. 588	10/16/00
11 VAC 10-130-60	Amended	17:4 VA.R. 588	10/16/00
11 VAC 10-130-70	Amended	17:4 VA.R. 589	10/16/00
11 VAC 10-130-76	Amended	17:4 VA.R. 589	10/16/00
11 VAC 10-130-77	Amended	17:4 VA.R. 589	10/16/00
11 VAC 10-130-80	Amended	17:4 VA.R. 590	10/16/00
11 VAC 10-150-10	Amended	16:26 VA.R. 3510	8/14/00
11 VAC 10-150-20	Amended	16:26 VA.R. 3510	8/14/00
11 VAC 10-150-30	Amended	16:26 VA.R. 3510	8/14/00
11 VAC 10-150-40	Amended	16:26 VA.R. 3510	8/14/00
11 VAC 10-150-80	Amended	16:26 VA.R. 3510	8/14/00
11 VAC 10-150-90	Amended	16:26 VA.R. 3511	8/14/00
11 VAC 10-150-120	Amended	16:26 VA.R. 3511	8/14/00
11 VAC 10-150-130	Amended	16:26 VA.R. 3511	8/14/00
11 VAC 10-150-170	Amended	16:26 VA.R. 3511	8/14/00
<b>Title 12. Health</b>			
12 VAC 5-371-150	Amended	17:1 VA.R. 64	10/27/00
12 VAC 5-371-260	Amended	17:1 VA.R. 64	10/27/00
12 VAC 5-410-220	Amended	17:1 VA.R. 65	10/27/00
12 VAC 30-10-150	Amended	17:5 VA.R. 791	1/1/01
12 VAC 30-40-345	Amended	17:3 VA.R. 410	11/22/00
12 VAC 30-50-30	Amended	17:5 VA.R. 792	1/1/01
12 VAC 30-50-70	Amended	17:5 VA.R. 792	1/1/01
12 VAC 30-50-130	Amended	17:5 VA.R. 792	1/1/01
12 VAC 30-50-229.1	Amended	17:5 VA.R. 798	1/1/01
12 VAC 30-50-250	Amended	17:5 VA.R. 793	1/1/01
12 VAC 30-50-480	Amended	17:5 VA.R. 801	1/1/01
12 VAC 30-60-170	Amended	17:5 VA.R. 802	1/1/01
12 VAC 30-80-21	Added	17:5 VA.R. 793	1/1/01
12 VAC 30-80-111	Added	17:5 VA.R. 803	1/1/01
12 VAC 30-130-850 through 12 VAC 30-130-890	Added	17:5 VA.R. 794-796	1/1/01
12 VAC 30-130-900 through 12 VAC 30-130-950	Added	17:5 VA.R. 803-806	1/1/01

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

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
<b>Title 13. Housing</b>			
13 VAC 10-160-10	Amended	16:26 VA.R. 3512	9/1/00
13 VAC 10-160-30	Amended	16:26 VA.R. 3513	9/1/00
13 VAC 10-160-41	Repealed	16:26 VA.R. 3514	9/1/00
13 VAC 10-160-51	Repealed	16:26 VA.R. 3514	9/1/00
13 VAC 10-160-55 through 13 VAC 10-160-90	Amended	16:26 VA.R. 3515-3518	9/1/00
<b>Title 14. Insurance</b>			
14 VAC 5-200-20 through 14 VAC 5-200-60	Amended	17:4 VA.R. 594-597	12/1/00
14 VAC 5-200-65	Added	17:4 VA.R. 597	12/1/00
14 VAC 5-200-70	Amended	17:4 VA.R. 598	12/1/00
14 VAC 5-200-90	Amended	17:4 VA.R. 598	12/1/00
14 VAC 5-200-110	Amended	17:4 VA.R. 599	12/1/00
14 VAC 5-200-120	Amended	17:4 VA.R. 601	12/1/00
14 VAC 5-200-150	Amended	17:4 VA.R. 601	12/1/00
14 VAC 5-200-155	Added	17:4 VA.R. 602	12/1/00
14 VAC 5-200-170	Amended	17:4 VA.R. 602	12/1/00
14 VAC 5-200-175	Added	17:4 VA.R. 603	12/1/00
14 VAC 5-200-180	Repealed	17:4 VA.R. 603	12/1/00
14 VAC 5-200-185	Added	17:4 VA.R. 603	12/1/00
14 VAC 5-200-187	Added	17:4 VA.R. 605	12/1/00
14 VAC 5-200-200	Amended	17:4 VA.R. 606	12/1/00
14 VAC 5-370-20	Amended	16:25 VA.R. 3264	9/30/00
14 VAC 5-370-100	Amended	16:25 VA.R. 3264	9/30/00
<b>Title 16. Labor and Employment</b>			
16 VAC 15-30-20	Amended	17:1 VA.R. 66	10/25/00
16 VAC 15-30-200	Amended	17:1 VA.R. 66	10/25/00
16 VAC 15-30-210	Added	17:1 VA.R. 68	10/25/00
16 VAC 15-30-220	Added	17:1 VA.R. 68	10/25/00
16 VAC 15-30-230	Added	17:1 VA.R. 69	10/25/00
16 VAC 25-120-1917.1	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.2	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.3	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.23	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.25	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.26	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.27	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.30	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.42 through 16 VAC 25-120-1917.45	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.50	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.71	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.73	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.92	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.95	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.112	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.117 through 16 VAC 25-120-1917.122	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.124	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.151	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.152	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.153	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.156	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120 Appendix I	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.1	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.2	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.24	Amended	16:25 VA.R. 3265	10/1/00

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

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
16 VAC 25-130-1918.25	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.37	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.41	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.42	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.43	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.51	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.52	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.54	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.61	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.62	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.65	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.66	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.69	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.85	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.86	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.94	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.97	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.98	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.100	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.102	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.105	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130 Appendix II	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130 Appendix IV	Amended	16:25 VA.R. 3265	10/1/00
<b>Title 18. Professional and Occupational Licensing</b>			
18 VAC 85-20-131 emer	Amended	17:4 VA.R. 610	10/13/00-10/12/01
18 VAC 85-31-10 through 18 VAC 85-31-160	Repealed	16:25 VA.R. 3266-3270	9/27/00
18 VAC 90-20-36 emer	Added	17:2 VA.R. 221	9/19/00-9/18/01
18 VAC 112-10-10 through 18 VAC 112-10-120 emer	Added	17:4 VA.R. 611-612	10/17/00-10/16/01
18 VAC 112-20-10 through 18 VAC 112-20-150	Added	16:25 VA.R. 3266-3270	9/27/00
<b>Title 20. Public Utilities and Telecommunications</b>			
20 VAC 5-200-21	Amended	16:25 VA.R. 3274	7/28/00
20 VAC 5-200-30	Amended	16:25 VA.R. 3296	7/28/00
20 VAC 5-200 Appendix	Amended	16:25 VA.R. 3298	7/28/00
20 VAC 5-202-10 through 20 VAC 5-202-50	Added	17:5 VA.R. 819-824	10/20/00
<b>Title 22. Social Services</b>			
22 VAC 40-35-10	Amended	17:5 VA.R. 825	12/20/00
22 VAC 40-35-125	Amended	17:5 VA.R. 827	12/20/00
22 VAC 40-35-126	Added	17:5 VA.R. 827	12/20/00
22 VAC 40-35-127	Added	17:5 VA.R. 828	12/20/00
22 VAC 40-35-128	Added	17:5 VA.R. 828	12/20/00
22 VAC 40-60 (Forms)	Amended	17:1 VA.R. 72	--
22 VAC 40-130-10**	Amended	16:22 VA.R. 2745	7/1/01
22 VAC 40-130-25**	Added	16:22 VA.R. 2748	7/1/01
22 VAC 40-130-30 through 22 VAC 40-130-140**	Amended	16:22 VA.R. 2749-2751	7/1/01
22 VAC 40-130-155**	Added	16:22 VA.R. 2751	7/1/01
22 VAC 40-130-160**	Repealed	16:22 VA.R. 2751	7/1/01
22 VAC 40-130-170 through 22 VAC 40-130-190**	Amended	16:22 VA.R. 2751-2752	7/1/01
22 VAC 40-130-195**	Added	16:22 VA.R. 2753	7/1/01
22 VAC 40-130-198**	Added	16:22 VA.R. 2754	7/1/01
22 VAC 40-130-200**	Amended	16:22 VA.R. 2754	7/1/01
22 VAC 40-130-202**	Added	16:22 VA.R. 2754	7/1/01
22 VAC 40-130-210**	Amended	16:22 VA.R. 2754	7/1/01
22 VAC 40-130-211**	Added	16:22 VA.R. 2756	7/1/01

\*\* Effective date delayed. See 17:5 VA.R. Final Regulations section.



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

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
22 VAC 40-130-212**	Added	16:22 VA.R. 2757	7/1/01
22 VAC 40-130-213**	Added	16:22 VA.R. 2758	7/1/01
22 VAC 40-130-220**	Amended	16:22 VA.R. 2758	7/1/01
22 VAC 40-130-221**	Added	16:22 VA.R. 2759	7/1/01
22 VAC 40-130-223**	Added	16:22 VA.R. 2759	7/1/01
22 VAC 40-130-230 through 22 VAC 40-130-250**	Amended	16:22 VA.R. 2760	7/1/01
22 VAC 40-130-251**	Added	16:22 VA.R. 2760	7/1/01
22 VAC 40-130-260**	Amended	16:22 VA.R. 2760	7/1/01
22 VAC 40-130-261**	Added	16:22 VA.R. 2760	7/1/01
22 VAC 40-130-270**	Amended	16:22 VA.R. 2761	7/1/01
22 VAC 40-130-271**	Added	16:22 VA.R. 2765	7/1/01
22 VAC 40-130-272**	Added	16:22 VA.R. 2765	7/1/01
22 VAC 40-130-280**	Amended	16:22 VA.R. 2766	7/1/01
22 VAC 40-130-289**	Added	16:22 VA.R. 2767	7/1/01
22 VAC 40-130-290**	Amended	16:22 VA.R. 2767	7/1/01
22 VAC 40-130-300**	Amended	16:22 VA.R. 2768	7/1/01
22 VAC 40-130-301**	Added	16:22 VA.R. 2768	7/1/01
22 VAC 40-130-310**	Amended	16:22 VA.R. 2769	7/1/01
22 VAC 40-130-312**	Added	16:22 VA.R. 2770	7/1/01
22 VAC 40-130-314**	Added	16:22 VA.R. 2771	7/1/01
22 VAC 40-130-320 through 22 VAC 40-130-360**	Amended	16:22 VA.R. 2771-2772	7/1/01
22 VAC 40-130-365**	Added	16:22 VA.R. 2773	7/1/01
22 VAC 40-130-370 through 22 VAC 40-130-400**	Amended	16:22 VA.R. 2773-2776	7/1/01
22 VAC 40-130-401**	Added	16:22 VA.R. 2776	7/1/01
22 VAC 40-130-402**	Added	16:22 VA.R. 2777	7/1/01
22 VAC 40-130-403**	Added	16:22 VA.R. 2778	7/1/01
22 VAC 40-130-404**	Added	16:22 VA.R. 2778	7/1/01
22 VAC 40-130-406**	Added	16:22 VA.R. 2778	7/1/01
22 VAC 40-130-410**	Amended	16:22 VA.R. 2778	7/1/01
22 VAC 40-130-420**	Amended	16:22 VA.R. 2779	7/1/01
22 VAC 40-130-424**	Added	16:22 VA.R. 2779	7/1/01
22 VAC 40-130-430 through 22 VAC 40-130-450**	Amended	16:22 VA.R. 2779-2780	7/1/01
22 VAC 40-130-452 through 22 VAC 40-130-459**	Added	16:22 VA.R. 2780-2784	7/1/01
22 VAC 40-130-470 through 22 VAC 40-130-550**	Amended	16:22 VA.R. 2784-2785	7/1/01
22 VAC 40-130-600 through 22 VAC 40-130-820**	Added	16:22 VA.R. 2785-2796	7/1/01
22 VAC 40-170 (Forms)	Amended	17:5 VA.R. 833	--
22 VAC 40-180 (Forms)	Amended	16:25 VA.R. 3331-3332	--
22 VAC 40-600-10	Amended	17:1 VA.R. 70	10/25/00
22 VAC 40-600-50	Amended	17:1 VA.R. 70	10/25/00
22 VAC 40-600-70	Amended	17:1 VA.R. 70	10/25/00
22 VAC 40-600-90	Repealed	17:1 VA.R. 71	10/25/00
22 VAC 40-600-130	Amended	17:1 VA.R. 71	10/25/00
22 VAC 40-600-140	Amended	17:1 VA.R. 71	10/25/00
22 VAC 40-600-170	Amended	17:1 VA.R. 71	10/25/00
22 VAC 40-600-200	Amended	17:1 VA.R. 71	10/25/00
22 VAC 40-600-210	Amended	17:1 VA.R. 71	10/25/00
22 VAC 40-680-10	Amended	17:5 VA.R. 830	12/20/00
22 VAC 40-680-20	Amended	17:5 VA.R. 830	12/20/00
<b>Title 24. Transportation and Motor Vehicles</b>			
24 VAC 30-380-10	Amended	16:26 VA.R. 3518	8/23/00

\*\* Effective date delayed. See 17:5 VA.R. Final Regulations section.

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# NOTICES OF INTENDED REGULATORY ACTION

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## Symbol Key

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

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## TITLE 8. EDUCATION

### STATE BOARD OF EDUCATION

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Education intends to consider amending regulations entitled: **8 VAC 20-21-10 et seq. Licensure Regulations for School Personnel**. The purpose of the proposed action is to increase opportunities for school divisions to employ career switchers with rich experiences. An alternative route for career switchers is proposed. This route to licensure will allow career switchers with experience to apply directly to the Department of Education for a license. The agency intends to hold a public hearing on the proposed regulation after publication.

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

Public comments may be submitted until December 7, 2000.

**Contact:** Dr. Thomas Elliott, Assistant Superintendent for Teacher Licensure, Department of Education, P.O. Box 2120, Richmond, VA 23219, telephone (804) 371-2522 or FAX (804) 225-2524.

VA.R. Doc. No. R01-36; Filed October 17, 2000, 11:53 a.m.

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## TITLE 9. ENVIRONMENT

### STATE AIR POLLUTION 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 Air Pollution Control Board intends to consider amending regulations entitled: **9 VAC 5-40-10 et seq. Existing Stationary Sources and 9 VAC 5-50-10 et seq. New and Modified Stationary Sources (Rev. G00)**. The purpose of the proposed action is to render the state toxic pollutant program consistent with the federal Clean Air Act, according to a determination made pursuant to the review of existing regulations mandated by Executive Order 15 (94).

**Need:** Analysis reveals that the regulations are consistent with applicable state, statutory provisions, and judicial decisions. However, factors and circumstances (federal statutes, original intent, state air quality program and air pollution control methodology and technology), which justified the initial issuance of the regulations have changed to a

degree that justify a change to the basic requirements of the regulations.

Rules 4-3 and 5-3 were promulgated in 1985 to protect public health by setting significant ambient air concentration guidelines for all existing facilities emitting air toxic substances. At the time, the Clean Air Act authorized EPA to promulgate health-based emission standards for hazardous air pollutants (HAPs). However, due to the long-term nature of the decision-making process for this federal program, only a limited number of National Emissions Standards for Hazardous Air Pollutants (NESHAPs) were promulgated. The process to establish a NESHAP was lengthy, involving a determination of a critical level that triggered significant health effects, followed by a determination of those industry categories that contributed the highest emission level of the HAP under review. Concurrent with the slow progression of federal assessment of HAPs, a series of significant chemical accidents occurred worldwide, including one in Virginia (the kepone incident in Hopewell). These circumstances led the State Air Pollution Control Board and policy-making groups in many other states to develop state-specific answers to the public health problems of HAPs. The states learned from federal experience that they needed a more expeditious process to assess and regulate HAPs than that used at the federal level. Many states, including Virginia, used occupational standards and extrapolated them for use in the ambient air.

By the late 1980s, the federal government realized that its approach to the evaluation and regulation of HAPs was not addressing the problem quickly enough. Instead of taking the same health effects-based approach, the 1990 Clean Air Act (the Act) attempted to address the problem more quickly. First, it established a list of 188 critical HAPs. Then, emission standards establishing maximum acceptable control technology (MACT) were developed for source categories that emit these HAPs. After the development of each MACT standard, the federal government will assess what risk to human health remains from sources subject to the MACT standards and will establish further standards for those source categories causing significant public health concerns.

During the development and evaluation of the MACT standards, the state program will remain essential to protect the health of the citizens of the Commonwealth. Depending on the pollutant, health risks even from a small exposure to a HAP can be high. In addition, public concern about HAPs has remained high since multiple accidental releases occurred in the U.S. and abroad in the 1970s and early 1980s. Data reported for certain industries under the requirements established by the Emergency Planning and Community Right to Know Act, or Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA Title III) has heightened public awareness and concern about public health and exposure to HAPs emissions in Virginia by alerting its citizens to the quantity of these emissions released in the state. The data reported under this program indicates that Virginia has

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# Notices of Intended Regulatory Action

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significant air emissions of SARA Title III chemicals. In 1992, Virginia was ranked 16th in the nation for total releases of these chemicals; 94% of those releases were into the air. Despite improvements since then, public concern about the release of toxic air pollutants remains high.

This regulatory action replaces a previous regulatory action (Rev. G97), serving essentially the same purpose, which was withdrawn by the board on July 11, 2000.

**Potential Issues:** There are two main issues that must be addressed during the regulation development: (i) exempting from applicability those sources subject to a federal hazardous air pollutant standard and (ii) limiting the state program's applicability to the pollutants regulated under § 112 of the federal Clean Air Act as amended in 1990. These actions will be consistent with Recommendation 22 of the Governor's Commission on Government Reform to limit the applicability of the state program as the federal program reaches maturity. These actions will assure the regulated community that the federal and state programs will not overlap while assuring the environmental community that the state program will continue to provide adequate protection for public health while the federal program is being developed. Cost should not be an issue: there should be no increase in costs for either affected entities or the agency because the board's policy has been to focus on the federal hazardous air pollutant list in its implementation of the regulations. In fact, as more federal MACT standards are developed and fewer sources are subject to the state regulations, the overall cost of this program to the regulated community will decrease.

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

1. Amend the regulations to render the state toxic pollutant program consistent with the federal Clean Air Act. This option is being selected because it reduces the regulatory burden on sources while protecting public health and welfare.
2. Repeal the regulations. This option is not being selected because the regulations are necessary to protect public health while the federal standards are being developed and evaluated.
3. Take no action to amend the regulations. This option is not being selected because the current regulations are unnecessarily burdensome to the regulated community and to department staff without any commensurate advantage to the public.

**Public Participation:** The department is soliciting comments on (i) the intended regulatory action, to include ideas to assist the department in the development of the proposal, and (ii) the costs and benefits of the alternatives stated in this notice or other alternatives. All comments must be received by the department by 4:30 p.m. within 30 days of the appearance of

this notice in the Virginia Register in order to be considered. It is preferred that all comments be provided in writing to the department, along with any supporting documents or exhibits. Comments may be submitted by mail, facsimile transmission, or e-mail, but must be submitted to Dr. Kathleen Sands, Policy Analyst, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia, 23240 (e-mail [krsands@deq.state.va.us](mailto:krsands@deq.state.va.us); FAX 804-698-4510). Comments by facsimile transmission will be accepted only if followed by receipt of the signed original within one week. Comments by e-mail will be accepted only if the name, address, and phone number of the commenter are included. All testimony, exhibits, and documents received are a matter of public record. Only comments (i) related to the potential issues, alternatives, and costs and benefits (see supporting information above) as specified in this notice and (ii) provided in accordance with the procedures specified in this notice will be given consideration in the development of the proposed regulation amendments.

A public meeting will not be held by the department because the board has authorized the department to proceed without holding a meeting.

After publication in the Virginia Register of Regulations, the department will hold at least one public hearing to provide opportunity for public comment on any regulation amendments drafted pursuant to this notice.

**Ad Hoc Advisory Group:** The department will not form an ad hoc advisory group to assist in the development of the regulation because the board has authorized the department to proceed without the use of the participatory approach.

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

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

Public comments may be submitted until 4:30 p.m., December 11, 2000, to the Director, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240.

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

VA.R. Doc. No. R01-37; Filed October 18, 2000, 11:30 a.m.

## STATE WATER CONTROL BOARD

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to consider amending regulations entitled: **9 VAC 25-260-5 et seq. Water Quality Standards**. The purpose of the rulemaking will be to amend the Water Quality Standards regulation to update certain criteria and use designations. Subject areas needing revision include updated surface water criteria for ammonia in freshwater, new alternative indicators

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## Notices of Intended Regulatory Action

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for assessing bacterial water quality, updated contact recreational use designations for primary and secondary and/or seasonal uses, and updated use designations for intermittent, ephemeral and/or effluent dependent streams. DEQ also wants to review the existing shellfish classification in tidal waters to determine whether separate classifications/designations and criteria are needed for permanently restricted or prohibited shellfishing areas versus open shellfishing areas.

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

The scope of the federal regulations at 40 CFR 131 is to describe the requirements and procedures for developing, reviewing, revising and approving water quality standards by the states as authorized by § 303(c) of the Clean Water Act. 40 CFR 131 specifically requires the states to adopt criteria to protect designated uses.

The scope and objective of the Clean Water Act is to restore and maintain the chemical, physical, and biological integrity of the nation's waters. The Clean Water Act at § 303(c)(1) requires that the states hold public hearings for the purpose of reviewing applicable water quality standards and, as appropriate, modifying and adopting standards.

The scope and purpose of the State Water Control Law is to protect and to restore the quality of state waters, to safeguard the clean waters from pollution, to prevent and to reduce pollution and to promote water conservation. The State Water Control Law at § 62.1-44.15(3a) of the Code of Virginia requires the board to establish standards of quality and to modify, amend or cancel any such standards or policies. It also requires the board to hold public hearings from time to time for the purpose of reviewing the water quality standards, and, as appropriate, adopting, modifying or canceling such standards.

The authority to adopt standards as provided by the provisions in the previously referenced citations is mandated, although the specific standards to be adopted or modified are discretionary to the EPA and the state.

**Need:** This rulemaking is needed because new scientific information is available to update the water quality standards. Changes to the regulation are also needed to improve permitting, monitoring and assessment programs. Subject areas needing revision include updated surface water criteria for ammonia in freshwater, new alternative indicators for assessing bacterial water quality, updated contact recreational use designations for primary and secondary and/or seasonal uses, and updated use designations for intermittent, ephemeral and/or effluent dependent streams. DEQ also wants to consider revising the existing DEQ shellfish classification in tidal waters to determine whether

separate classifications/designations and criteria are needed for permanently restricted or prohibited shellfishing areas.

The rulemaking is essential to the protection of health, safety or welfare of the citizens of the Commonwealth. Proper water quality standards protect water quality and living resources of Virginia's waters for consumption of fish and shellfish, recreational uses and conservation in general.

Potential issues that may need to be addressed are listed in the alternatives section. Another issue that may need to be addressed is how these water quality standards changes will effect the § 303(d) listing of state waters and subsequent TMDL development.

**Substance:** The amendments would change the existing numerical criteria for ammonia and bacteria in certain waters of the state. The existing regulation may also be changed to reflect more accurate designated or beneficial uses of state waters to ensure the correct application of the new criteria. The regulation may also be changed to recognize that intermittent, ephemeral and/or effluent dependent waters do not support all designated uses, particularly aquatic life uses. Also, the regulation may be changed to recognize restricted or prohibited shellfishing areas and define alternate criteria for these waters.

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

The department has neither accepted nor rejected any alternatives at this point. Some alternatives being considered by the agency now include, but are not limited to, the following:

1. Whether to use enterococci, E. coli, and/or fecal coliforms as a bacterial indicator of pollution, what these numerical values should be, and how and where we should apply these criteria;
2. Whether we should recognize primary and secondary contact and/or seasonal recreational uses, how these uses should be defined and what criteria would apply;
3. Whether we should recognize the limited aquatic life and recreational uses of intermittent streams, ephemeral streams and dry ditches, how these types of streams would be defined, what criteria should apply here, and/or whether any temporary variances that have been approved by DEQ in intermittent streams should be adopted as permanent use changes;
4. Whether effluent dependent streams should be protected as fully supporting aquatic life uses or be protected as intermittent streams, ephemeral streams or dry ditches (see above);
5. Whether information contained in EPA's 1998 Update of Ambient Water Quality Criteria for Ammonia (EPA 822-R-98-008) should be used to recalculate the freshwater ammonia criteria; and

6. Whether we should divide shellfish waters into two classifications (open shellfishing areas versus prohibited areas) and whether alternate criteria should apply here.

The board is seeking comments on the intended regulatory action, including ideas to assist in the development of a proposal and the costs and benefits of the alternatives stated in this notice or other alternatives. A public meeting will be held and notice of the meeting can be found in the Calendar of Events section of the Virginia Register of Regulations.

The board seeks comment from the public on whether to use the participatory approach to assist the agency in the development of a proposal.

The direct impact resulting from the development of water quality standards is for the protection of public health and safety and has an indirect impact on families.

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

Public comments may be submitted until January 8, 2001.

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

VA.R. Doc. No. R01-13; Filed September 14, 2000, 8:25 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 promulgating regulations entitled: **9 VAC 25-650-10 et seq. Closure Plans and Demonstration of Financial Responsibility**. The purpose of the proposed action is to establish requirements for closure plans and demonstration of financial responsibility from owners of certain privately-owned sewerage system or sewerage treatment works.

**Need:** The unanticipated abandonment of a sewage treatment facility by its owner or operator creates a substantial and imminent threat to the public health or the environment because of the facility ceasing operations while still receiving sewage. When a sewage treatment facility is privately owned, there exists the threat of cessation of operations at the facility resulting from abandonment such that it would be reasonable to expect that operation at the facility will not be resumed by the owner or operator. When such a facility treats domestic waste generated by private residences, abatement of sewage flow to the facility is often impractical or impossible, as this may require theft condemnation of property and eviction of homeowners or residents. Therefore, untreated sewage may be discharged directly to state waters, resulting in a substantial and imminent threat to public health and the environment. To protect public health and the environment, it has become necessary to continue operation of such facilities and/or connect to a publicly owned sewerage treatment works using public funds.

To ensure that there is a plan in place for continued operation in the event that a privately-owned sewerage treatment system ceases operation because of abandonment and to reduce the potential for continued operation of such system using public

funds, the State Water Control Board has determined that a closure plan and the demonstration of financial capability to implement the plan is appropriate.

Potential issues that may need to be addressed as the regulation is developed include the following:

1. Sections 62.1-44.15:1.1 and 62.1-44.18:3 have identical requirements regarding closure plans and demonstration of financial capability. However, § 62.1-44.18:3 is very specific as to the population of facilities to which the law applies. Section 62.1-44.15:1.1 is not specific at all in this regard. The issue is, therefore, to what facilities other than as specified in § 62.1-44.18:3 the regulation will apply.

2. The instruments by which the State Water Control Board can require closure plans and demonstration differ under the two sections of the State Water Control Law. Section 62.1-44.15:1.1 limits the board to the issuance of special orders in compliance with the Administrative Process Act, whereas § 62.1-44.18:3 does not. The issue is that if the population of facilities to which the regulation applies is expanded beyond those specified in § 62.1-44.18:3, this disparity will need to be addressed in the regulation.

3. If a facility is sold or transferred in the ordinary course of business or a permit transfer in accordance with board regulations is effected, the board may be required to return the instrument of financial assurance to the previous owner or operator or permit holder. The potential then exists for cessation of operations after return of the instrument of financial assurance to the previous owner or operator but before receipt of financial assurance from the new owner or operator. For the regulation to be effective, the board needs to ensure the new owner or operator will satisfy the financial assurance requirements.

**Substance:** This proposed regulation will require owners or operators of privately-owned sewerage systems or sewerage treatment works to file with the State Water Control Board a closure plan to abate, control, remove, or contain any substantial or imminent threat to public health or the environment that is reasonably likely to occur if such facility ceases operations. Such plan shall also include a demonstration of financial capability to implement the plan. Financial capability may be demonstrated by the creation of a trust fund, a submission of a bond, a corporate guarantee based upon audited financial statements, or such other instruments as the board may deem appropriate.

The regulation would not apply to facilities that qualify for a VPDES general permit for facilities that discharge 1,000 gallons per day or less. For those systems or works discharging more than 1,000 gallons per day and less than 40,000 gallons per day, the requirements will be incorporated into the VPDES permitting process. The regulation will require submittal of the closure plan as part of the application for a VPDES permit and compliance with the regulation will become an enforceable condition of the permit. In addition, the proposed regulation will include systems or works discharging more than 40,000 gallons or more per day (those

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## Notices of Intended Regulatory Action

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subject to § 62.1-44.15:1.1). These systems or works will be required to submit a closure plan and financial assurance documentation through a special order, not a VPDES permit, and the requirement would be a condition for discharge to state waters. The proposed regulation will address the different means of requiring closure plans and, if possible, result in a single method of requiring closure plans preferably through the permitting process instead of an enforcement mechanism.

For the purposes of the regulation, a privately-owned sewerage system or privately-owned sewage treatment works will be defined as a facility that treats wastes generated by private residences. Private residences include, but are not limited to, single family homes, townhouses, condominiums, mobile homes, and apartments.

For the purposes of the regulation, "ceases operation" will mean to cease conducting the normal operation of a facility under circumstances where it would be reasonable to expect that such operation will not be resumed by the owner or operator at the facility. The term shall not include the sale or transfer of a facility in the ordinary course of business or a permit transfer in accordance with board regulations.

**Alternatives:** The Department of Environmental Quality will be considering alternatives in the development of this regulation. Although several alternatives are presented here, it is anticipated that additional alternatives may be considered during the development of the regulation and the public participation process. Although one alternative presented (Alternative 6) currently forms the basis for the proposed regulation, no one alternative is currently recommended by the Department of Environmental Quality. However, some alternatives under consideration are not recommended. Alternatives already considered or to be considered include, but are not limited to, the following:

1. No Action Alternative. This alternative is not recommended. Section 62.1-44.18:3 of the Code of Virginia mandates that the Department of Environmental Quality promulgate regulations necessary to carry out the provisions of the section.
2. Limit Regulation to Facilities Identified in § 62.1-44.18:3 of the Code of Virginia. This alternative is under consideration but is not recommended. Section 62.1-44.18:3 requires that the State Water Control Board promulgate regulations to implement the provisions of the act to be effective within 280 days of its enactment. To meet this requirement, the Department of Environmental Quality is developing an emergency regulation in accordance with § 9-6.14:4.1(c)(5) of the Administrative Process Act. Section 62.1-44.15:1.1 of the Code of Virginia contains requirements for closure plans and demonstration of financial capability identical to the requirements of § 62.1-44.18:3, but does not restrict the population of facilities to which it applies to those discharging more than 1,000 gallons per day and less than 40,000 gallons per day. The threat to public health or the environment created if a privately-owned sewage treatment system ceases to operate is not diminished if such a facility discharges in excess of 40,000 gallons per day. Therefore, the population of facilities subject to

regulation should be increased, as authorized under § 62.1-44.15:1.1 of the Code of Virginia.

3. Apply Regulation to All Facilities Permitted by the State Water Control Board. This alternative is not recommended. Under this alternative the regulation would apply to all facilities subject to the Virginia Pollution Elimination System (VPDES) Permit Regulation (9 VAC 25-31-10 et seq.) or to the Virginia Pollution Abatement (VPA) Permit Regulation (9 VAC 25-32-10 et seq.). The intent of the regulation is to reduce the potential for continued operation of privately-owned sewage treatment systems using public funds. Under this alternative, municipal sewage treatment systems, which are already operated using public funds, would be included. Therefore, this alternative is considered overly intrusive and burdensome.

4. Apply Regulation to All Privately Owned Facilities Permitted by the State Water Control Board. This alternative is under consideration. Under this alternative the regulation would apply to all privately-owned facilities subject to the Virginia Pollution Elimination System (VPDES) Permit Regulation (9 VAC 25-31-10 et seq.) and discharges subject to the Virginia Pollution Abatement (VPA) Permit Regulation (9 VAC 25-32-10 et seq.). This alternative is less intrusive than the previous alternative in that publicly-owned treatment facilities would be excluded.

Privately-owned facilities that treat wastes generated by industrial facilities and pollution management activities would be required to submit a plan and demonstration of financial assurance. This alternative would thereby reduce the potential that proper decommissioning and closure of such treatment facilities would not need to be performed using public funding in the event of facility abandonment. Pollution management activities, as defined by the VPA Permit Regulation, include, but are not limited to: animal feeding operations, storage or land application of sewage, sludge, industrial waste or other waste; or the complete reuse or recycle of wastewater.

5. Apply Regulation to All Privately-Owned Sewage Treatment Systems Permitted by the State Water Control Board that Treat Domestic Waste Generated by Private Residences. This alternative is under consideration. Under this alternative the regulation would apply to all privately owned facilities subject to the Virginia Pollution Elimination System (VPDES) Permit Regulation (9 VAC 25-31-10 et seq.) or the Virginia Pollution Abatement (VPA) Permit Regulation (9 VAC 25-32-10 et seq.) that treat domestic waste generated by private residences. This alternative further reduces the population of affected facilities by limiting the regulation to privately owned facilities and pollution management activities that treat or handle domestic sewage and/or treatment by-products generated by private residences.

6. Apply Regulation to Privately Owned Sewage Treatment Systems subject to the Virginia Pollution Discharge Elimination System (VPDES) Permit Regulation (9 VAC 25-31-10 et seq.) that Treat Domestic Waste Generated by Private Residences. This

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# Notices of Intended Regulatory Action

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alternative is under consideration and forms the current basis for the proposed regulation. It is the least intrusive and burdensome alternative under consideration that addresses the requirements of both §§ 62.1-44.15:1.1 and 62.1-44.18:3 of the Code of Virginia. This alternative limits the population of facilities to those subject to the VPDES permit regulation and treat domestic sewage generated by private residences. Facilities that exclusively treat industrial wastes and pollution management activities subject to the VPA Permit Regulation (9 VAC 25-32-10 et seq.) are excluded from the regulation in this alternative.

**Public Participation:** The board is seeking comments on the intended regulatory action, including ideas to assist in the development of a proposal and the costs and benefits of the alternatives stated in this notice or other alternatives. Public meetings will be held on the following dates:

January 22, 2001 - 7 p.m.  
Department of Environmental Quality, Southwest Regional Office, 355 Deadmore Street, Abingdon, Virginia.

January 23, 2001 - 1 p.m.  
Department of Environmental Quality, West Central Regional Office, 3019 Peters Creek Road, Roanoke, Virginia.

January 23, 2001 - 7 p.m.  
Department of Environmental Quality, Valley Central Regional Office, 411 Early Road, Harrisonburg, Virginia.

January 24, 2001 - 1 p.m.  
Department of Environmental Quality, Tidewater Regional Office, 5636 Southern Boulevard, Virginia Beach, Virginia.

January 24, 2001 - 7 p.m.  
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia.

January 25, 2001 - 1 p.m.  
Department of Environmental Quality, Northern Regional Office, 13901 Crown Court, Woodbridge, Virginia.

More information on the meetings may be found in the Calendar of Events section of the Virginia Register of Regulations.

**Participatory Approach:** The board seeks comment from the public on whether to use the participatory approach to assist the Department of Environmental Quality in the development of the proposed regulation. If sufficient interest is shown, the Department of Environmental Quality intends to form a Technical Advisory Committee (TAC) of affected owners or operators, environmental organizations, citizen groups, private citizens and other interested parties. Therefore, concerned parties interested in participating in a TAC are encouraged to show such interest by attending the public meeting or by contacting the individual named below.

The decision to form a TAC will be made based on the level of interest and public input received at the public meeting.

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

Statutory Authority: §§ 62.1-44.18:3 and 62.1-44.15(10) of the Code of Virginia.

Public comments may be submitted until February 1, 2001.

**Contact:** Jon van Soestbergen, P.E., Office of Water Permit Programs, Division of Water Program Coordination, Department of Environmental Quality, 629 East Main Street, P.O. Box 10009, Richmond, VA 23240, voice (804) 698-4117, FAX (804) 698-4032, e-mail [jvansoest@deq.state.va.us](mailto:jvansoest@deq.state.va.us).

VA.R. Doc. No. R01-50; Filed November 14, 2000, 8:47 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 promulgating regulations entitled: **9 VAC 25-720-10 et seq. Virginia Total Maximum Daily Load Regulation for Water Quality Management Planning.** The proposed primary action is to adopt a Virginia TMDL regulation for Water Quality Management Planning. A TMDL is the total amount of pollutant load that can be discharged into a stream segment without violating state water quality standards. TMDL is the sum of waste load allocation (WLA) from point sources, pollutant load allocation (LA) from nonpoint sources, and a margin of safety (MOS), or the amount of pollutant that is not allocated to account for estimation errors during derivation of WLA and LA. TMDLs are used to direct efforts at restoring and protecting water quality.

It is envisioned that the proposed TMDL planning regulation will include, among other possible planning items, the public participation process for TMDL development, procedures for submittal of proposed TMDLs to the Environmental Protection Agency (EPA) for approval, subsequent adoption of the TMDL by the State Water Control Board (board), and inclusion of TMDLs and TMDL implementation plans into the WQMPs.

The secondary proposed action is the repeal of the existing WQMPs. These plans are basin-wide or area-wide waste treatment or pollution control management plans developed in accordance with §§ 208 and 303(e) of the Clean Water Act (CWA), as implemented by 40 CFR 130. These plans identify water quality problems, consider alternative solutions and recommend pollution control measures needed to attain or maintain water quality standards. The control measures are implemented through the issuance of Virginia Pollutant Discharge Elimination System (VPDES) permits for point source discharges and through regulatory or voluntary measures for nonpoint source pollution control. The majority of the existing regulatory plans are obsolete because plan recommendations have been implemented. They continue to be carried on the books of the Virginia Registrar of Regulations. The repeal of these plans will clear the Registrar's books of unnecessary and outdated regulations and will eliminate the potential for inconsistencies with TMDLs as they are developed from more current information and collaborative input from stakeholders.

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# Notices of Intended Regulatory Action

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**Need:** Planning for the management of the quality of the waters of the Commonwealth is essential to protect the health, safety, and welfare of the citizens of Virginia. Water quality management plans identify water quality problems and propose alternative solutions and recommendations for pollution control measures needed to attain or maintain water quality standards.

Federal and state regulations require that VPDES permits be consistent with the applicable WQMPs. The plans, however, also allow for revisions in permit requirements as a result of availability of more data and more sophisticated methods of analyses. Application of newer methods, coupled with more data, usually result in permit limitations that are different from those listed in the plans. Consequently, any changes in a VPDES permit that will cause it to be inconsistent with the plan will require amendment of the plan. Separating the regulatory TMDL from the WQMP will allow processing of plan amendments in the same time frame as permit amendment or issuance, resulting in administrative and cost efficiencies.

**Substance:** There are currently 18 WQMPs that have been adopted as regulations by the board during the 1970's through the early 1990's. The plans identify water quality problems, consider alternative solutions and recommend pollution control measures needed to attain or maintain water quality standards.

Most of these existing WQMPs no longer reflect current conditions and need to be updated. The office of the Attorney General has ruled that because the plans contain TMDLs and their associated waste load allocations were incorporated into the VPDES permits, the plans were regulations.

Federal and state laws and regulations require the development of WQMPs; however, there is no requirement that they be regulatory. The proposal to adopt a TMDL regulation and repeal the regulatory WQMPs will provide efficiencies in the management of water quality programs in Virginia.

The existing WQMPs that will be repealed as regulations will continue to guide the board's water quality management planning activities until updated plans are completed and approved by the board. The board staff will solicit public input as the replacement plans are developed.

**Alternatives:** The total maximum daily load is considered to be the regulatory component of the existing WQMPs. The preferred alternative to meet the need of bringing impaired waters up to water quality standards is to (i) adopt a TMDL regulation for Water Quality Management Planning and (ii) repeal and update the existing WQMPs. The waste load allocation component of the TMDL, which controls the discharge of pollutants from point sources, will continue to be implemented through the VPDES permit program. Where applicable, regulatory load allocations will be implemented through existing state regulations (e.g., erosion control regulations). Nonregulatory load allocation will continue to be implemented through best management practices and other management strategies for controlling nonpoint sources of pollution.

One alternative that had been considered was the development of a Water Quality Management Plan Framework Regulation that will govern the development and update of WQMPs. This alternative was rejected because federal regulation already exists on specific requirements on how to develop and update WQMPs. It is thought that this is duplicative and could complicate the process of water quality management in Virginia.

Another alternative to repealing the water quality management plans is to do nothing and amend the plans as needed (through the APA process) to accommodate changes in the VPDES permits. Still another alternative is to update each individual plan and maintain them as regulations.

**Public Participation:** The board is seeking comments on the intended regulatory action, including ideas on how to effectively simplify the process of water quality management planning that meet both federal and state requirements, and the costs and benefits of the alternatives stated in this notice or other alternatives. A public meeting will be held and notice of the meeting can be found in the Calendar of Events section of the Virginia Register of Regulations.

A public meeting will be held on December 6, 2000, at 2 p.m. in Glen Allen, Virginia, and on December 21, 2000, at 2 p.m. on Roanoke, Virginia. Notice of the meetings can be found in the Calendar of Events section of the Virginia Register of Regulations.

**Participatory Approach:** The board is using the participatory approach to develop the TMDL proposal. The board has formed an ad hoc advisory group to provide input regarding the proposed TMDL regulation and the proposal to repeal the existing WQMPs. The ad hoc advisory group is composed of representatives from state, federal and local agencies, environmental groups, manufacturing and industrial facilities and the academic community. Anyone interested in joining the existing advisory group should submit a request for the board's consideration during the Notice of Intended Regulatory Action comment period.

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

Public comments may be submitted until January 1, 2001.

**Contact:** Charles Martin, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4462 or FAX (804) 698-4136.

VA.R. Doc. No. R01-27; Filed October 11, 2000, 1:29 p.m.

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## TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

### BOARD OF MEDICINE

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Medicine intends to



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# Notices of Intended Regulatory Action

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consider amending regulations entitled: **18 VAC 85-20-10 et seq. Regulations Governing the Practice of Medicine, Osteopathy, Podiatry and Chiropractic.** The purpose of the proposed action is to replace emergency regulations establishing the qualifications of 200 hours of acupuncture training including 50 hours of clinical practice for doctors of medicine, osteopathy, podiatry and chiropractic to practice acupuncture. The agency intends to hold a public hearing on the proposed regulation after publication.

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

Public comments may be submitted until December 6, 2000, to Elaine J. Yeatts, Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, VA 23230-1717.

**Contact:** William L. Harp, M.D., Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909 or FAX (804) 662-9943.

VA.R. Doc. No. R01-28; Filed October 13, 2000, 11:21 a.m.

## BOARD OF PHYSICAL THERAPY

### 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 Physical Therapy intends to consider promulgating regulations entitled: **18 VAC 112-10-10 et seq. Regulations for Public Participation Guidelines.** The purpose of the proposed action is to replace emergency regulations establishing the guidelines for public participation in the promulgation of regulations. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 9-6.14:7.1. and 54.1-2400 of the Code of Virginia.

Public comments may be submitted until December 6, 2000, to Elaine J. Yeatts, Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, VA 23230-1717.

**Contact:** Elizabeth Young Tisdale, Executive Director, Board of Physical Therapy, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9924 or FAX (804) 662-9943.

VA.R. Doc. No. R01-35; Filed October 17, 2000, 11:11 a.m.

## BOARD OF COUNSELING

### 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 Counseling intends to consider amending regulations entitled: **18 VAC 115-60-10 et seq. Regulations Governing the Licensure of Substance Abuse Treatment Professionals.** The purpose of the proposed action is to comply with a legislative mandate to develop a provision for licensure of individuals who meet

requirements which are "substantially equivalent" to those in regulation. The board is considering three time-limited options for individuals with various combinations of substance abuse education and experience. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 54.1-2400 and Chapter 35 (§ 54.1-3500 et seq.) of Title 54.1 of the Code of Virginia.

Public comments may be submitted until December 6, 2000, to Janet Delorme, Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, VA 23230-1717.

**Contact:** Evelyn B. Brown, Executive Director, Board of Counseling, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9912 or FAX (804) 662-9943.

VA.R. Doc. No. R01-34; Filed October 17, 2000, 11:09 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 promulgating regulations entitled: **22 VAC 40-305-10 et seq. Cash Assistance for Two-Parent Families.** The purpose of the proposed regulation is to establish a separate state program, as that term is defined by federal regulations governing the Temporary Assistance for Needy Families (TANF) Program, 45 CFR 260.30, for the purpose of providing cash assistance payments to two-parent families. 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 December 20, 2000.

**Contact:** Stephanie Napper, Human Services Program Consultant, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1736 or FAX (804) 692-1704.

VA.R. Doc. No. R01-42; Filed October 27, 2000, 2 p.m.

# PUBLIC COMMENT PERIODS - PROPOSED REGULATIONS



## PUBLIC COMMENT PERIODS REGARDING STATE AGENCY REGULATIONS

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

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

## TITLE 12. HEALTH

### STATE MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

**February 4, 2001** - 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 Mental Health, Mental Retardation and Substance Abuse Services Board intends to repeal regulations entitled: **12 VAC 35-110-10 et seq. Rules and Regulations to Assure the Rights of Residents of Facilities Operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services.** This regulation was designed to protect the legal and human rights of all residents of facilities operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services. The provisions of this regulation are being incorporated into 12 VAC 35-115-10 et seq.

Statutory Authority: §§ 37.1-10 and 37.1-84.1 of the Code of Virginia.

**Contact:** Margaret S. Walsh, Director, Office of Human Rights, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 786-3988 or FAX (804) 371-2308.

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**December 13, 2000 - 4 p.m.** -- Public Hearing  
Southwest Virginia Higher Education Center, 1 Partnership Circle, Virginia Highlands Community College Campus, Abingdon, Virginia.

**December 13, 2000 - 5 p.m.** -- Public Hearing  
Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia.

**December 14, 2000 - 4 p.m.** -- Public Hearing  
Augusta County Government Center, 4801 Lee Highway, Verona, Virginia.

**January 10, 2001 - 5 p.m.** -- Public Hearing  
Hollins Branch Library, 6624 Peters Creek Road, Roanoke, Virginia.

**January 10, 2001 - 6 p.m.** -- Public Hearing  
Virginia Housing Development Authority, 601 South Belvidere, Richmond, Virginia.

**January 11, 2001 - 5 p.m.** -- Public Hearing  
Chesapeake City Hall Council Chamber, 306 Cedar Road, Chesapeake, Virginia.

**February 4, 2001** - 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 Mental Health, Mental Retardation and Substance Abuse Services Board intends to adopt regulations entitled: **12 VAC 35-115-10 et seq. Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers of Mental Health, Mental Retardation and Substance Abuse Services.** The proposed regulation will protect the legal and human rights of individuals who receive treatment in programs and facilities operated, funded and licensed by the Department of Mental Health, Mental Retardation and Substance Abuse Services.

Statutory Authority: §§ 37.1-10 and 37.1-84.1 of the Code of Virginia.

**Contact:** Margaret S. Walsh, Director, Office of Human Rights, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 786-3988 or FAX (804) 371-2308.

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**February 4, 2001** - 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 Mental Health, Mental Retardation and Substance Abuse Services Board intends to repeal regulations entitled: **12 VAC 35-120-10 et seq. Rules and Regulations to Assure the Rights of Patients of Psychiatric Hospitals and Other Psychiatric Facilities Licensed by the Department of Mental Health, Mental Retardation and Substance Abuse Services.** This regulation was designed to protect the legal and human rights of all persons admitted to inpatient psychiatric programs licensed by the Department of Mental Health, Mental Retardation and

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## Public Comment Periods - Proposed Regulations

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Substance Abuse Services. The provisions of this regulation are being incorporated into 12 VAC 35-115-10 et seq.

Statutory Authority: §§ 37.1-10 and 37.1-84.1 of the Code of Virginia.

**Contact:** Margaret S. Walsh, Director, Office of Human Rights, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 786-3988 or FAX (804) 371-2308.

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**February 4, 2001** - 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 Mental Health, Mental Retardation and Substance Abuse Services Board intends to repeal regulations entitled: **12 VAC 35-130-10 et seq. Rules and Regulations to Assure the Rights of Clients in Community Programs Licensed or Funded by the Department of Mental Health, Mental Retardation and Substance Abuse Services.** This regulation was designed to protect the legal and human rights of consumers of community programs funded or licensed by the Department of Mental Health, Mental Retardation and Substance Abuse Services. The provisions of this regulation are being incorporated into 12 VAC 35-115-10 et seq.

Statutory Authority: §§ 37.1-10 and 37.1-84.1 of the Code of Virginia.

**Contact:** Margaret S. Walsh, Director, Office of Human Rights, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 786-3988 or FAX (804) 371-2308.



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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 8. EDUCATION

### STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

#### Withdrawal

**Title of Regulation:** **VR 380-04-01. Virginia Postsecondary Review Entity Regulations.**

The State Council of Higher Education has withdrawn the proposed regulations entitled VR 380-04-01. Virginia Postsecondary Review Entity Regulations, which were published in 10:22 VA.R. 5498-5519 July 25, 1994. Because the federal government decided not to fund the State Postsecondary Review Entity program, the council has terminated the regulatory process for these regulations.

VA.R. Doc. No. R95-305; Filed November 6, 2000, 11:27 a.m.

applicable to all hospitals and other programs and facilities operated by the DMHMRSAS.

Purpose: This regulation was designed to protect the legal and human rights of all residents of facilities operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services. This regulation is to be replaced by a regulation that covers all facilities and programs, operated, licensed and funded by DMHMRSAS. The current regulation was promulgated in 1983 and is being repealed for the following reasons:

1. The regulation is not consistent for all facilities and programs licensed, funded and operated by the department;
2. The regulation does not incorporate changes in the law;
3. The regulation is not clear and specific on the rights of consumers and families;
4. The regulation does not clearly state the responsibilities of providers;
5. The regulation does not clearly state the review and resolution process; and
6. The regulation does not provide time frames for each stage of review.

Substance: This regulation has not been revised since 1983. The current regulation is being revised and reformatted to facilitate clarity and consistency of the rights of individuals across community and facility programs, clearly identify provider duties and responsibilities, and describe any exceptions to each regulation.

Issues: Since 1983 numerous problems have been identified with the existing regulation. These problems include:

1. Inconsistencies between a regulation for facilities operated by the DMHMRSAS, the regulation for licensed inpatient programs and the regulation for community programs resulting in confusion for consumers, families and providers;
2. Changes in the law are not reflected in the existing regulation;
3. Changes in practice are not reflected in the existing regulation;
4. Time frames for the review and resolution of complaints are not specified in the existing regulation, resulting in protracted case reviews;
5. Multiple regulations are imposed on public and private programs and facilities that provide inpatient and outpatient services;

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## TITLE 12. HEALTH

### STATE BOARD OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

**Title of Regulation:** **12 VAC 35-110-10 et seq. Rules and Regulations to Assure the Rights of Residents of Facilities Operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services (REPEALING).**

Statutory Authority: §§ 37.1-10 and 37.1-84.1 of the Code of Virginia.

Public Hearing Date: N/A -- Public comments may be submitted until February 4, 2001.

(See Calendar of Events section for additional information)

Basis: This regulation was necessary to fulfill the department's legislative mandate pursuant to § 37.1-84.1 of the Code of Virginia to promulgate regulations delineating the rights of patients and residents with respect to nutritionally adequate diet; safe and sanitary housing; participation in nontherapeutic labor; attendance or nonattendance at religious services; participation in treatment decision making, including due process procedures to be followed when a patient or resident may be unable to make an informed decision; use of telephones; availability of suitable clothing; and possession of money and valuables and related matters. The Code of Virginia also required that such regulation be

6. Confusion for consumers and families often results when an individual moves from one type of program to another (e.g., inpatient to community program) each with a separate set of human rights regulations; and

7. Time frames for the review and resolution of each complaint are not included in the regulation.

In 1992 the State Board of Mental Health, Mental Retardation and Substance Abuse Services adopted a resolution to consolidate the three existing regulations into a single regulation applicable to all facilities and programs operated, funded or licensed by the DMHMRSAS. A 1996 comprehensive review of the existing human rights regulations and the public comment received during that review demonstrated extensive public support for a single, consolidated regulation. There has been no show of support for maintaining the current regulations.

There are no disadvantages to the public or Commonwealth by the repeal of this regulation and replacement with a consolidated regulation.

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

Summary of the proposed regulation. The Department of Mental Health, Mental Retardation, and Substance Abuse Services (DMHMRSAS) is revising and consolidating three existing sets of human rights regulations into a single regulation. The department proposes to repeal this regulation (12 VAC 35-110) because its requirements have been incorporated into the Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers of Mental Health, Mental Retardation, and Substance Abuse Services (12 VAC 35-115).

Estimated economic impact. The proposed repeal is not expected to have any economic impact since its requirements have been incorporated into another regulation. The estimated economic impact of the consolidated regulation is evaluated in DPB's review of Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers of Mental Health, Mental Retardation, and Substance Abuse Services (12 VAC 35-115).

Businesses and entities affected. This regulation affects the 15 DMHMRSAS-operated mental health and mental retardation facilities in Virginia.

Localities particularly affected. No localities are particularly affected by the proposed regulation.

Projected impact on employment. The proposed regulation is not anticipated to have a significant effect on employment.

Effects on the use and value of private property. The proposed regulation is not anticipated to have a significant effect on the use and value of private property.

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

Summary:

*The board is proposing to repeal the current Rules and Regulations to Assure the Rights of Residents of Facilities Operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services. This regulation, along with two other human rights regulations, is being consolidated into a newly proposed regulation (Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers of Mental Health, Mental Retardation and Substance Abuse Services, 12 VAC 35-115-10 et seq.).*

VA.R. Doc. No. R00-68; Filed November 3, 2000, 1:23 p.m.

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Title of Regulation: **12 VAC 35-115-10 et seq. Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers of Mental Health, Mental Retardation and Substance Abuse Services.**

Statutory Authority: §§ 37.1-10 and 37.1-84.1 of the Code of Virginia.

Public Hearing Dates:

- December 13, 2000 - 4 p.m. (Abingdon).
- December 13, 2000 - 5 p.m. (Fairfax).
- December 14, 2000 - 4 p.m. (Verona).
- January 10, 2001 - 5 p.m. (Roanoke).
- January 10, 2001 - 6 p.m. (Richmond).
- January 11, 2001 - 5 p.m. (Chesapeake).

Public comments may be submitted until February 4, 2001.

(See Calendar of Events section for additional information)

Basis: This regulation is necessary to fulfill the department's legislative mandate pursuant to § 37.1-84.1 of the Code of Virginia to promulgate regulations delineating the rights of patients and residents with respect to nutritionally adequate diet; safe and sanitary housing; participation in nontherapeutic labor; attendance or nonattendance at religious services; participation in treatment decision making, including due process procedures to be followed when a patient or resident may be unable to make an informed decision; use of telephones; suitable clothing; and possession of money and valuables and related matters. The Code of Virginia also requires that such regulations be applicable to all hospitals and other programs and facilities operated, funded, or licensed by the Department of Mental Health, Mental Retardation and Substance Abuse Services.

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**Purpose:** The Department of Mental Health, Mental Retardation and Substance Abuse Services is revising and consolidating the three sets of human rights regulations for the following reasons:

1. To make the human rights regulation consistent for all facilities and programs licensed, funded and operated by the department;
2. To incorporate changes in the law;
3. To clarify and provide greater specificity of rights to consumers and families;
4. To clarify the responsibilities of providers;
5. To clarify the review and resolution process; and
6. To provide time frames for each stage of review.

Through these changes the consolidated revised regulation will improve the internal human rights system and the level of protection for the rights of clients of public and private facilities and programs operated, funded, and licensed by the department.

**Substance:** The proposed regulation consolidates and will supersede the three current regulations that were promulgated by the department to protect the legal and human rights of clients of public and private facilities and programs operated, funded, and licensed by the department. None of these three human rights regulations has been revised since 1983.

The organization of the proposed regulation has been completely revised to facilitate clarity. Each regulation now includes the following sections:

1. Individual rights;
2. Provider duties; and
3. Exceptions and conditions.

The substantive provisions of the new regulation include:

1. Clarification and definition of the composition, roles, and functions of the department's internal human rights system, the Local Human Rights Committees and the State Human Rights Committee;
2. Provision for monitoring and enforcement of the regulation through sanctions for noncompliance;
3. Establishment of time frames for the processing of complaints through the internal human rights system;
4. Establishment of more stringent procedures for application, review and approval of variances from specific standards or procedures in the regulation;
5. Establishment of reporting procedures for all programs and facilities operated, funded, and licensed by the department in specific areas; and
6. Establishment of requirements and procedures for data submission and the release of data to the public on operations and performance of programs and facilities operated, funded or licensed by the department.

**Issues:** The proposed regulation consolidates and will supersede the three regulations that were promulgated to protect the human rights of patients and residents of public and private facilities and programs operated, funded, and licensed by the department. None of the three existing regulations has been revised since 1983. Since 1983 numerous problems have been identified with the existing regulations. These problems include:

1. Inconsistencies among the regulations for facilities operated by the department, licensed inpatient programs and community programs result in different levels of protection and confusion for consumers, families and providers;
2. Changes in the law since 1983 are not reflected in the existing regulations;
3. Changes in practice are not reflected in the existing regulations; and
4. Time frames for the review and resolution of complaints are not specified in the existing regulations, resulting in protracted case reviews.

The advantages to the public, including consumers, families of consumers, and providers of mental health, mental retardation, and substance abuse services, are as follows:

1. The regulation reflects current requirements of the law;
2. The regulation reflects current practice;
3. The regulation establishes a single set of standards that protect the rights of persons with mental disabilities who receive treatment in public and private facilities and programs operated, funded and licensed by the Department of Mental Health, Mental Retardation and Substance Abuse Services;
4. The regulation reduces the burden of multiple regulations on public and private programs and facilities that provide inpatient and outpatient services;
5. The regulation reduces the confusion for consumers and families, which often results when an individual moves from one type of program to another (e.g., inpatient to community program) each with a separate set of human rights regulations; and
6. The regulation establishes reasonable time frames for the review and resolution of each complaint.

In 1992 the State Board of Mental Health, Mental Retardation and Substance Abuse Services adopted a resolution to consolidate the three existing regulations into a single regulation applicable to all facilities and programs operated, funded or licensed by the department. A 1996 comprehensive review of the existing human rights regulations and the public comment received during that review demonstrated extensive public support for a single, consolidated regulation. There has been no show of support for maintaining the current regulations.

There are no disadvantages to the public or Commonwealth by the promulgation of this regulation.

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

Summary of the proposed regulation. The Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS) is revising and consolidating three existing sets of human rights regulations into the proposed regulation. The new regulation sets forth the human rights guaranteed for individuals receiving services in any facility or program licensed, funded, or operated by the department. The proposed regulation addresses legal rights; evaluation, treatment, and discharge; treatment under the least restrictive conditions; participation in treatment decisions; research and work activities; disclosure of confidential information; and the process and remedies individuals can pursue to address violations of these rights. Specific changes in the proposed regulation include:

- Changing the format of the regulation, simplifying the language, and updating the standards and terminology to reflect current industry practice;
- Clearly defining the composition, role, and function of the internal human rights system, the Local Human Rights Committees, and the State Human Rights Committee;
- Requiring monitoring and evaluation of provider compliance with the regulation and establishing procedures for enforcement and sanctions for violations of human rights;
- Setting forth time frames and clearer procedures for the resolution process in the internal human rights system;
- Establishing more stringent procedures for the application, review, and approval of variances from specific standards or procedures in the regulation;
- Prohibiting employees of programs and facilities operated, funded, or licensed by the department from serving as the authorized representative of a consumer in the program; and
- Expanding the requirements for the reporting of human rights data and release of data to the public.

Estimated economic impact. The Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS) currently maintains three separate sets of human rights regulations: Rules and Regulations to Assure the Rights of Residents of Facilities Operated by DMHMRSAS (12 VAC 35-110), Rules and Regulations to

Assure the Rights of Patients of Psychiatric Hospitals and Other Psychiatric Facilities Licensed by DMHMRSAS (12 VAC 35-120), and Rules and Regulations to Assure the Rights of Clients in Community Programs Licensed or Funded by DMHMRSAS (12 VAC 35-130).

These regulations have not been revised since the mid-1980s and the department has identified numerous problems with the existing regulations. Examples of such problems are inconsistencies among rights afforded individuals in different settings, changes in law and industry practice since 1983 are not reflected in the existing regulations, and time frames for the review and resolution of complaints are not specified. The proposed regulation addresses these issues and also incorporates recommendations made by the Joint Subcommittee Studying the Future Delivery of Publicly Funded Mental Health, Mental Retardation and Substance Abuse Services (HJR 225 (1998), formerly HJR 240 (1996)).

Many of the proposed changes are procedural or technical in nature and are unlikely to have economic consequences. However, the following changes may have a significant impact on providers and consumers of mental health services.

Consolidation of Regulations. First, consolidating the three existing regulations into a single regulation will eliminate duplication and reduce the burden of multiple regulations on public and private programs and facilities that provide inpatient and outpatient services. The consolidated regulation establishes a single, consistent set of standards to protect the rights of persons with mental illnesses, mental retardation, and substance abuse problems regardless of the treatment setting and reduces the confusion for consumers and families of individuals who move from one type of program to another (e.g., inpatient to community program), each with a separate set of human rights regulations. These benefits are expected without any increase, and even possibly a modest reduction, in regulatory compliance costs.

Human Rights Committees. Current membership of the State Human Rights Committee (SHRC) and the Local Human Rights Committees (LHRCs) is required to be broadly representative of consumer and professional interests in the community; however, proportions of consumer and professional representation are not specified. During the 1999 Session of the General Assembly, the SHRC and LHRCs were codified and one-third of the appointments made to these committees must be consumers or family members of consumers, with at least two consumers who are receiving services on each committee. In addition, no employee of DMHMRSAS, a community services board, or a program licensed by the department can serve on the committee of the program in which they are employed. The proposed regulations reflect these statutory changes. Clearly defining the composition of the human rights committees should ensure inclusion of adequate consumer and family representation and participation in the human rights protection process.

Enforcement of Regulation and Complaint Resolution Process. The proposed regulation includes new provisions for monitoring and enforcement of the regulation through sanctions such as funds withdrawal, fines, and/or other penalties for noncompliance. The addition of these measures

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can be expected to increase compliance with the human rights standards set forth in the regulation, which could in turn increase the quality of care provided to Virginians with mental illnesses, mental retardation, or substance abuse problems.

The regulation also delineates the process individuals can pursue to address alleged violations of human rights. Many time frames for the review and resolution of complaints are either not specified in the existing regulations or are too lengthy to expeditiously resolve complaints. The proposed regulation clarifies the process and establishes tighter time frames for each stage of review. This change can be expected to reduce the length of time of the resolution process. Although there may be some costs associated with quicker processing, there is also substantial value to faster resolution of complaints of human rights violations.

Variations. The proposed regulation establishes more stringent procedures for the application, review, and approval of variances from specific standards or procedures in the regulation. According to the department, this reflects its philosophy that the human rights guaranteed in these regulations are fundamental and should only be waived in limited situations, that is

*“... when the provider has tried to implement the relevant requirement without a variance and can provide objective, documented information that continued operation without a variance is not feasible or will prevent the delivery of effective and appropriate services and supports to individuals.” (12 VAC 35-115-200 A)*

While this change may reduce flexibility for some providers, protecting basic human rights has substantial economic value.

Authorized Representatives. The 1999 Session of the General Assembly passed legislation that prohibits employees of programs and facilities operated, funded, or licensed by the department from serving as the authorized representative of a consumer in the program (unless related by blood to the consumer). Recognizing that some facilities may have difficulty locating persons to serve in this capacity, DMHMRSAS has set aside money to assist with finding and paying for guardians and has initiated collaboration efforts with local and regional Public Guardian Programs. Assuming that capable representation is obtained for individuals without next-of-kin status, this change could reduce potential conflicts of interest and benefit patients unable to make informed decisions regarding their care.

Data Reporting. The proposed regulation expands the requirements for the reporting, submission, and the release of human rights information to the public. Under the new regulation, all public and private providers would be required to report results of abuse and neglect investigations, deaths and serious injuries, seclusion and restraint data, and other information on human rights activities. State-operated programs are already required to report this information. Licensed facilities have been required to report only deaths and serious injuries. The additional reporting requirements may slightly increase regulatory compliance costs borne by programs and facilities but, at the same time, benefit consumers and the public by providing data on operations

and performance of all programs and facilities operated, funded, or licensed by the department.

Businesses and entities affected. There are 15 DMHMRSAS-operated mental health and mental retardation facilities and 401 licensed organizations, including community services boards (CSBs), private psychiatric hospitals, and other providers, that will be affected by this revised regulation.

Localities particularly affected. No localities are particularly affected by the proposed regulation.

Projected impact on employment. The proposed regulation is not anticipated to have a significant effect on employment.

Effects on the use and value of private property. The proposed regulation is not anticipated to have a significant effect on the use and value of private property.

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

### Summary:

*The proposed regulation will replace three separate regulations: (i) Rules and Regulations to Assure the Rights of Residents of Facilities Operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services (12 VAC 35-110-10 et seq.); (ii) Rules and Regulations to Assure the Rights of Patients of Psychiatric Hospitals and Other Psychiatric Facilities Licensed by the Department of Mental Health, Mental Retardation and Substance Abuse Services (12 VAC 35-120-10 et seq.); and (iii) Rules and Regulations to Assure the Rights of Clients in Community Programs Licensed or Funded by the Department of Mental Health, Mental Retardation and Substance Abuse Services (12 VAC 35-130-10 et seq.)*

*The proposed regulation will protect the legal and human rights of individuals who receive treatment in programs and facilities operated, funded and licensed by the Department of Mental Health, Mental Retardation and Substance Abuse Services, excluding those operated by the Department of Corrections. To the extent that it is within the reasonable capabilities of the department or licensee, each individual is assured adequate care consistent with sound therapeutic treatment. The regulation will protect the rights of individuals with respect to the assurance of legal rights; evaluation, treatment, and discharge; treatment under the least restrictive conditions; participation in treatment decisions, research, and work activities; and disclosure of confidential information. The regulation also will delineate the process and remedies individuals can pursue to address violations of these rights.*



CHAPTER 115.  
 RULES AND REGULATIONS TO ASSURE THE RIGHTS OF  
 INDIVIDUALS RECEIVING SERVICES FROM PROVIDERS  
 OF MENTAL HEALTH, MENTAL RETARDATION AND  
 SUBSTANCE ABUSE SERVICES.

PART I.  
 GENERAL PROVISIONS.

**12 VAC 35-115-10. Authority and applicability.**

A. The Code of Virginia authorizes these regulations to protect the rights of individuals receiving services from providers of mental health, mental retardation and substance abuse services in the Commonwealth of Virginia. The regulations require providers of services to take specific actions to protect the rights of each individual.

B. Providers subject to these regulations include:

1. Facilities operated by the department under Article 1 (§ 37.1-1 et seq.) of Chapter 1 of Title 37.1 of the Code of Virginia;
2. Sexually violent predator programs created under § 37.1-70.10 of the Code of Virginia;
3. Community services boards that provide services under Chapter 10 (§ 37.1-194 et seq.) of Title 37.1 of the Code of Virginia;
4. Behavioral health authorities that provide services under Chapter 15 (§ 37.1-242 et seq.) of Title 37.1 of the Code of Virginia;
5. Providers, public or private, that operate programs or facilities licensed by the department under Chapter 8 (§ 37.1-179 et seq.) of Title 37.1 of the Code of Virginia; and
6. Any other providers receiving funding from or through the department.

C. Unless another law takes priority, these regulations apply to all individuals who are receiving services in a public or private program operated, licensed or funded by the Department of Mental Health, Mental Retardation and Substance Abuse Services, except those operated by the Department of Corrections. These regulations apply to individuals in forensics units and individuals committed to the custody of the commissioner as sexually violent predators, except to the extent that the commissioner has determined that forensics units and the sexually violent predator unit are exempt.

**12 VAC 35-115-20. Policy.**

A. Each individual who receives services shall be assured:

1. Protection to exercise his legal, civil, and human rights related to the receipt of those services;
2. Respect for basic human dignity; and
3. Services that are provided within professionally acceptable parameters of clinical practice.

B. Providers shall not deny any person his legal rights, privileges or benefits solely because he has been voluntarily

or involuntarily admitted, certified or committed to services. These legal rights include, but are not limited to, the right to:

1. Acquire and retain property;
2. Sign legal documents;
3. Buy or sell;
4. Enter into contracts;
5. Register and vote;
6. Get married, separated, divorced, or have a marriage annulled;
7. Hold a professional, occupational, or vehicle operator's license;
8. Make a will; and
9. Have access to lawyers and the courts.

**12 VAC 35-115-30. Definitions.**

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

"Abuse" means any act or failure to act by an employee or other person responsible for the care of an individual that was performed or was failed to be performed knowingly, recklessly, or intentionally, and that caused or might have caused physical or mental harm, injury, or death to an individual receiving services. Examples of abuse include but are not limited to the following:

1. Rape, sexual assault, or other criminal sexual behavior;
2. Assault or battery;
3. Use of language that demeans, threatens, intimidates or humiliates the person;
4. Misuse or misappropriation of the person's assets, goods or property;
5. Use of excessive force when placing a person in physical or mechanical restraint;
6. Use on a person of physical or mechanical restraints that is not in compliance with federal and state laws, regulations, and policies, professionally accepted standards of practice or the person's individualized services plan; and
7. Use of more restrictive or intensive services or denial of services to punish the person or that is not consistent with his individualized services plan.

"Advocate" or "human rights advocate" means a person employed by the State Human Rights Director to help individuals exercise their rights under this chapter. See 12 VAC 35-115-230 C.

"Behavioral management" means the use of verbal interactions and physical restraint approved by the provider to manage an individual's behavior when it is potentially dangerous to self or others.

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*“Behavioral treatment program” means a written set of procedures that are developed to address serious problem behaviors that interfere with an individual’s personal goals, prevent him from benefiting from services, or keep the individual from participating in community life. A behavioral treatment plan is a part of the individualized services plan and it is designed, implemented, and monitored by professionals who have been specially trained to perform these tasks.*

*“Board” means the State Mental Health, Mental Retardation and Substance Abuse Services Board.*

*“Caregiver” means an employee or contractor trained to provide care and support services; medical services; or other treatment, rehabilitation, or habilitation services.*

*“Commissioner” means the Commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse Services.*

*“Community services board (CSB)” means a citizens’ board established pursuant to § 37.1-195 of the Code of Virginia that provides or arranges for the provision of mental health, mental retardation and substance abuse programs and services to consumers within the political subdivision(s) which establishes it.*

*“Consent” means the voluntary and expressed agreement of an individual, or that individual’s legally authorized representative if the individual has one. Consent is needed to disclose information that identifies an individual receiving services. Consent is also needed before a provider may provide treatment to an individual which poses risk of harm greater than that ordinarily encountered in daily life or during the performance of routine physical or psychological examinations, tests, or treatments, or before an individual participates in human research. Informed consent is generally required for surgery, intrusive treatment and use of anti-psychotic medications. Consent is “informed” only when the provider gives the individual or the individual’s legally authorized representative enough information concerning the proposed treatment, including its risks and benefits, to make a real choice to receive or not receive the treatment or participate in the research.*

*“Department” means the Department of Mental Health, Mental Retardation and Substance Abuse Services.*

*“Director” means the chief executive officer of any program delivering services.*

*“Discharge plan” means the written plan that establishes the criteria for an individual’s discharge from a service and coordinates planning for aftercare services.*

*“Emergency” means a situation that requires a person to take immediate action to avoid harm, injury, or death to an individual receiving services or to others, or to avoid substantial property damage.*

*“Exploitation” means the use of an individual or the individual’s property for another person’s advantage if the use is illegal or if the individual or his legally authorized representative did not give permission.*

*“Governing body of the provider” means the person or group of persons who have final authority to set policy and hire and fire directors.*

*“Historical research” means the review of information that identifies individuals receiving services for the purpose of evaluating or otherwise collecting data of general historical significance.*

*“Human research” means any systematic investigation that uses human participants who may be exposed to potential physical or psychological injury if they participate and which departs from established and accepted therapeutic methods appropriate to meet the participants’ needs.*

*“Individual” means a person who is receiving services. This term includes the terms “consumer,” “patient,” “resident,” and “client.”*

*“Inspector General” means a person appointed by the Governor to provide oversight through inspections of activities undertaken by the department at department facilities.*

*“Legally authorized representative” means a person permitted by law or these regulations to give consent for disclosure of information and give informed consent to treatment, including medical treatment, and participation in human research for an individual who lacks the mental capacity to make these decisions.*

*“Local Human Rights Committee (LHRC)” means a group of at least seven people appointed by the State Human Rights Committee. See 12 VAC 35-115-230 D for membership and duties.*

*“Neglect” means the failure by an individual, program or facility responsible for providing services to provide nourishment, treatment, care, goods, or services necessary to the health, safety or welfare of a person receiving care or treatment for mental illness, mental retardation or substance abuse.*

*“Probation” means the issuance of a provisional license, containing specific terms and conditions.*

*“Probationary status” means that a provisional license containing specific terms and conditions has been issued and that the terms are currently in effect and will remain in effect for a specific period of time.*

*“Protection and advocacy agency” means the state-designated agency under the federal Protection and Advocacy for Individuals with Mental Illness (PAIMI) Act and the Developmental Disabilities (DD) Act to provide external oversight of individuals’ rights.*

*“Provider” means any entity or organization that provides services to individuals with mental illness, mental retardation, or problems with substance abuse.*

*“Residential setting” means a place where an individual lives and services are available from a provider on a 24-hour basis. This includes hospital settings.*

*“Restraint” means the restriction of any part of an individual’s body from free movement for any purpose. The*

term includes mechanical devices, medical or surgical devices, protective devices and caregiver "holds."

1. Mechanical restraint is a device designed to limit the movement of a client during an emergency.
2. Physical restraint means holding a client manually to limit the client's freedom of movement.
3. Protective device means a mechanical device used for a specific protective purpose or supportive purpose to maintain body position or balance, prevent injury, or assist the movement of an individual whose mobility is impaired by a physical disorder.

"Restriction" means anything that limits or prevents an individual from freely exercising his rights and privileges.

"Seclusion" means the placement of an individual in an area secured or locked in a manner that the individual cannot freely leave.

"Serious injury" means any injury which requires the attention of a licensed health professional as defined in Subtitle III (§ 54.1-2400 et seq.) of Title 54.1 of the Code of Virginia.

"Services" means medical care and mental health, mental retardation and substance abuse care, treatment, training, habilitation, or other supports delivered by a provider.

"Services plan" means a plan of services that is designed to meet the needs of a specific individual.

"Services record" means all written information a provider keeps about an individual who receives services.

"Special order" means an administrative order issued to any provider licensed or funded by the department that has a stated duration of not more than 12 months and that may include a civil penalty that shall not exceed \$500 per violation per day, prohibition of new admissions or reduction of licensed capacity for violations of § 37.1-84.1 of the Code of Virginia, the human rights regulations, or licensing statutes or regulations contained in or promulgated under Chapter 8 (§ 37.1-179 et seq.) of Title 37.1 of the Code of Virginia.

"State Human Rights Committee (SHRC)" means a committee of nine members appointed by the board that is accountable for the duties prescribed in 12 VAC 35-115-230 E. See 12 VAC 35-115-230 E for membership and duties.

"State Human Rights Director" means the person employed by and reporting to the commissioner who is responsible for carrying out the functions prescribed in 12 VAC 35-115-230 F.

"Time out" means verbally or gesturally directing an individual to move to a different, open location without a closed door contingent upon the individual's exhibiting problematic behaviors.

PART II.  
ASSURANCE OF RIGHTS.

**12 VAC 35-115-40. Assurance of rights.**

A. These regulations protect the rights established in § 37.1-84.1 of the Code of Virginia.

B. Every individual has a right to file a complaint. Any individual or anyone acting on his behalf who thinks that a provider has violated any of his rights under these regulations may find out how to file a complaint and get help in filing the complaint in Part IV (12 VAC 35-115-140 et seq.) of this chapter.

C. Other rights and remedies may be available. These regulations shall not prevent any individual from pursuing any other legal right or remedy to which he may be entitled under law.

D. Individuals are entitled to know what their rights are under these regulations; therefore, providers shall take the following actions:

1. Display, in areas most likely to be noticed, a document listing the rights of individuals under these regulations and how individuals can contact an advocate.
2. Notify each individual and his authorized representative about these rights and how to file a complaint. The notice shall be in writing and in any other form needed to make sure the individual understands it. The notice shall tell an individual how he can contact the advocate and give a short description of the advocate's role. The provider shall give this notice at the time an individual begins services and every year thereafter.
3. Ask the individual to sign the notice of rights. File the signed notice in the individual's services record. If the individual cannot or will not sign the notice, the person who gave the notice shall document that fact in the individual's services record.
4. Give a copy of these regulations to anyone who asks for one.
5. Display and provide information as requested by the protection and advocacy agency director that informs individuals of their right to contact the protection and advocacy agency.

PART III.  
EXPLANATION OF INDIVIDUAL RIGHTS AND PROVIDER DUTIES.

**12 VAC 35-115-50. Dignity.**

A. Each individual has a right to exercise his legal, civil, and human rights, including constitutional rights, statutory rights, and the rights contained in these regulations. Each individual also has the right to be protected, respected, and supported in exercising these rights. Providers shall not take away or limit these rights, partially or totally, because an individual has a mental illness, mental retardation or substance abuse problems or is receiving services for these conditions.

- B. In receiving all services, each individual has the right to:
1. Use his preferred or legal name.
  2. Be protected from harm, abuse, neglect, and exploitation.
  3. Have help in applying for and fully using any public service or benefit to which he may be entitled. These

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services and benefits include but are not limited to educational or vocational services, housing assistance, services or benefits under Titles II, XVI, XVIII, and XIX of the Social Security Act, and services from legal and advocacy agencies.

4. Have opportunities to talk in private with lawyers, judges, legislators, clergy, licensed health care practitioners, legally authorized representatives, advocates, the Inspector General, and employees of the protection and advocacy agency.

5. Be provided with general information about program services and policies.

C. In services provided in residential settings, each individual has the right to:

1. Have sufficient and suitable clothing.

2. Receive a nutritionally adequate, varied, and appetizing diet prepared and served under sanitary conditions and served at appropriate times and temperatures.

3. Live in a safe, sanitary, and humane physical environment that gives each individual, at a minimum:

a. Reasonable privacy and private storage space;

b. An adequate number and design of private, operating toilets, sinks, showers, and tubs;

c. Direct outside air provided by a window that opens or by an air conditioner;

d. Windows or skylights in all major areas used by individuals;

e. Clean air, free of bad odors; and

f. Room temperatures that are comfortable year round.

4. Choose to attend or not attend religious services held within the program setting and to engage or not engage in any recognized religious practices.

5. Have paper, pencil and stamps provided free of charge for at least one letter every day upon request.

6. Have help in writing or reading mail as needed.

7. Communicate privately with any person by mail or telephone and get help in doing so.

8. Have or refuse visitors.

D. The provider's duties.

1. Providers shall recognize, respect, support, and protect the dignity rights of each individual at all times.

2. Providers shall develop, carry out, and regularly monitor policies and procedures that assure the protection of each individual's rights.

E. Abuse, neglect and exploitation.

1. Policies and procedures governing harm, abuse, neglect and exploitation of individuals receiving their

services shall require that, at a minimum, as a condition of employment or volunteering, any employee, volunteer, consultant, or student who knows of or has reason to believe that an individual may have been abused, neglected, or exploited shall immediately report this information directly to the director.

2. The director shall immediately take necessary steps to protect the individual until an investigation is complete. This may include the following:

a. Direct the employee or employees involved to have no further contact with the individual.

b. Temporarily reassign or transfer the employee or employees involved to a position that has no direct contact with individuals receiving services.

c. Temporarily suspend the involved employee or employees pending completion of an investigation.

3. The director shall immediately notify the advocate within 24 hours.

4. The director shall initiate or cooperate in an impartial investigation within 24 hours. The investigation shall be conducted by a person trained to do investigations and who is not involved in the issues under investigation.

a. The investigator shall make a final report to the director and to the advocate within 10 working days of appointment.

b. The director or investigating authority shall, based on the investigator's report and any other available information, decide whether the abuse, neglect or exploitation occurred.

c. If abuse, neglect or exploitation occurred, the director shall take any action required to protect the individual and other individuals. All actions must be documented and reported as required by 12 VAC 35-115-210 A.

d. In all cases, the director shall provide written notice of the decision and actions taken to the individual or the individual's legally authorized representative, the advocate, and the involved employee or employees.

e. If the individual affected by the alleged abuse, neglect or exploitation or his legally authorized representative is not satisfied with the director's actions, he or his legally authorized representative may file a petition for an LHRC hearing under 12 VAC 35-115-160.

5. At any time the director has reason to suspect that an individual may have been abused, neglected, or exploited, the director shall immediately report this information to the appropriate local Department of Social Services (see §§ 63.1-55.3 and 63.1-248.3 of the Code of Virginia) and cooperate fully with any investigation that results.

6. At any time the director has reason to suspect that the abusive, neglectful or exploitive act is a crime, the director shall immediately contact the appropriate law-

enforcement authorities and cooperate fully with any investigation that results.

**F. Exceptions and conditions to the provider's duties.**

1. If an individual has funds for clothing and to buy paper, pencils, and stamps to send a letter every day, the provider does not have to pay for them.
2. The provider may prohibit any religious services or practices that present a danger of bodily injury to any individual or interfere with another individual's religious beliefs or practices.
3. If a provider has reasonable cause to believe that an individual's mail contains illegal material or anything dangerous, the director may open the mail, but not read it, in the presence of the individual. The director shall inform the individual of the reasons for the concern.
4. Providers may limit the use of a telephone in the following ways:
  - a. Providers may limit use to certain times and places to make sure that other individuals have equal access to the telephone and that they can eat, sleep, or participate in an activity without being disturbed.
  - b. Providers may limit use by individuals receiving services for substance abuse, but only if professionally accepted parameters of clinical practice require the restriction.
5. Providers may stop, report or intervene to prevent any criminal act.

**12 VAC 35-115-60. Services.**

A. Each individual receiving services shall receive those services according to law and professionally accepted parameters of clinical practice.

**B. The provider's duties.**

1. Providers shall comply with all state and federal laws, including the Americans with Disabilities Act (42 USC § 12101 et seq.), that prohibit discrimination on the basis of race, color, religion, ethnicity, age, sex, disability, or ability to pay. Providers shall develop, carry out, and regularly monitor policies and procedures governing discrimination in the provision of services. These policies and procedures shall require, at a minimum, the following:
  - a. An individual may complain in writing to the director if he believes that his services have been limited or denied on an unlawful basis.
  - b. If an individual makes a complaint, the director shall assure that an appropriate investigation is conducted immediately. The director shall make a decision, take action, and document the action within 10 working days of receipt of the complaint.
  - c. A written copy of the decision and the director's action shall be forwarded to the individual, the advocate, and any employee or employees involved.

d. If the individual is not satisfied with the director's decision or action, he may file a petition for an LHRC hearing under 12 VAC 35-115-160.

2. Providers shall ensure that all clinical services, including medical services and treatment, are at all times delivered within professionally accepted parameters of clinical practice.
3. Providers shall assign a specific person or group of persons to carry out each of the following activities:
  - a. Medical, mental and behavioral assessments upon admission and during the provision of services;
  - b. Preparation, implementation, ongoing reviews, and appropriate changes in an individual's services plan; and
  - c. Preparation and implementation of an individual's discharge plan.
4. Providers shall not prepare or deliver any service for any individual without a services plan that is tailored specifically to the needs and preferences of that individual.
5. Providers shall write the services plan and discharge plan in clear, understandable language.
6. When preparing and changing an individual's services or discharge plan, providers shall ensure that all services received by the individual are integrated.
7. Providers shall ensure that the entries in an individual's services record are at all times authentic, accurate, complete, timely and pertinent.

**C. Exceptions and conditions to the provider's duties.**

1. Providers may deny or limit an individual's access to a service or services if professionally accepted parameters of clinical practice require limiting the service to individuals of the same sex, or similar age, disability or legal status.
2. With the individual's consent, providers may involve family members in services and discharge planning.

**12 VAC 35-115-70. Participation in decision making.**

- A. Each individual has a right to participate meaningfully in all decisions affecting him. This includes the right to:
1. Participate meaningfully in the preparation, implementation and any changes to the individual's services and discharge plans.
  2. Express his preferences and have them incorporated into the services and discharge plans consistent with his condition and need for services and the provider's ability to provide.
  3. Object to any part of a proposed services or discharge plan.
  4. Give or not give consent for treatment, including medical treatment.

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5. Give or not give consent for participation in human research.

6. Give or not give consent to the disclosure of information the provider keeps about him.

7. Have a legally authorized representative make decisions for him in cases where the individual is unable to do so.

8. Object to any decision that allows a legally authorized representative to make decisions for him. This includes having a professional assessment of capacity to consent and, at the individual's own expense, an independent assessment of capacity.

9. Request admission to or discharge from any service any time.

### B. The provider's duties.

1. Providers shall respect, protect, and help develop each individual's ability to participate meaningfully in all decisions affecting him by involving the individual, to the extent permitted by his capacity, in decision making regarding all aspects of services.

2. Providers shall ask the individual to express his preferences about all decisions that affect him and shall honor these preferences whenever they are consistent with the individual's condition and need for services and the provider's ability to provide.

3. Providers shall give each individual the opportunity, and any help he needs, to participate meaningfully in the preparation of his services plan, discharge plan, and changes to these plans, and all other aspects of services he receives. Providers shall document these opportunities in the individual's services record.

4. Providers shall obtain and document in the individual's services record the individual's consent prior to disclosing any information about him. See 12 VAC 35-115-80 for the rights, duties, exceptions, and conditions relating to disclosure.

5. Providers shall obtain and document in the individual's services record the individual's consent for any treatment, including medical treatment, before the treatment begins. If the individual is a minor in the legal custody of a natural or adoptive parent, the provider shall obtain this consent from at least one parent. If a court has ordered or consented to treatment or services pursuant to § 16.1-241 D, 16.1-275, or 54.1-2969 B of the Code of Virginia, the consent of the parent is not needed. Reasonable efforts must be made, however, to notify the parent or legal custodian promptly following the treatment or services. Additionally, a competent minor may independently consent to treatment of sexually transmitted diseases, family planning, or outpatient services or treatment for mental illness, emotional disturbance, or addictions pursuant to § 54.1-2969 D of the Code of Virginia.

6. Providers shall obtain and document in the individual's services record the individual's informed consent to

continue any treatment initiated in an emergency that lasts longer than 24 hours after the emergency began.

7. If the capacity of an individual to give consent is in doubt, the provider shall make sure that a qualified professional not currently involved with the individual conducts an evaluation and makes a determination of the individual's capacity.

8. If the individual or his family objects to the results of the professional's determination, the provider shall immediately inform the advocate.

a. If the individual or family member wishes to obtain an independent evaluation of the individual's capacity, he may do so at his own expense. The provider shall take no action for which consent is required, except in an emergency, pending the results of the independent evaluation. The provider shall take no steps to designate a legally authorized representative until the independent evaluation is complete.

b. If the independent evaluation is consistent with the provider's evaluation, the evaluation is binding, and the provider shall implement it accordingly.

c. If the independent evaluation is not consistent with the provider's evaluation, the matter shall be referred to the LHRC for review and decision under Part IV (12 VAC 35-115-140 et seq.) of this chapter.

9. When it is determined that an individual lacks the capacity to give consent, the provider shall designate a legally authorized representative. The director shall have the primary responsibility for determining the availability of and designating a legally authorized representative in the following order of priority:

a. An attorney-in-fact currently authorized to give consent under the terms of a durable power of attorney, a health care agent appointed by an individual under an advance directive pursuant to § 54.1-2983 of the Code of Virginia, a legal guardian or committee of the individual not employed by the provider and currently authorized to give consent, or, if the individual is a minor, a parent having legal custody of the individual.

b. The individual's next of kin. In designating the next of kin, the director shall select the best qualified person, if available, according to the following order of priority: spouse, an adult child, a parent, an adult brother or sister, any other relative of the individual. If the individual expresses a preference for one family member over another in the same category, the director shall appoint that family member.

c. A provider may appoint a next friend of the individual, after a review and finding by the LHRC that the proposed next friend has lived with or provided ongoing support and assistance to the individual for a period of at least six months prior to the designation, the proposed next friend has appeared before the LHRC and agreed to accept these responsibilities, and the individual has no objection to this proposed next friend being appointed authorized representative and is

a qualified person within the meaning of these regulations to serve in this capacity.

10. No provider, director, or employee of a provider or director may serve as legally authorized representative for any individual receiving services delivered by that provider or director.

11. If a provider documents, according to professionally accepted parameters of clinical practice, that an individual's lack of capacity to consent is perpetual, or when no person is available or willing to act as a legally authorized representative, the provider shall:

- a. Ask a court to appoint a guardian to provide consent; or
- b. Ask a court to authorize treatment (e.g., see § 37.1-134.21 of the Code of Virginia).

12. If the individual who has a legally authorized representative objects to the disclosure of specific information or a specific proposed treatment, the director shall immediately notify the advocate. A petition for a LHRC review may be filed under 12 VAC 35-115-160.

13. Providers shall make sure that an individual's capacity to consent is reviewed periodically and as the individual's condition warrants according to accepted clinical practice to assess the continued need for a surrogate decision maker. Such reviews shall be documented in the individual's services record and communicated in writing to the surrogate decision maker.

14. Providers shall respond to an individual's request for discharge according to requirements set forth in statute and shall make sure that the individual is not subject to punishment, reprisal, or reduction in services because he makes a request.

a. Individuals admitted under § 37.1-65 of the Code of Virginia to mental health facilities operated by the department who notify the director of their intent to leave shall be released when appropriate, but no later than eight hours after notification, unless another law authorizes the director to detain the individual for a longer period.

b. Minors admitted under § 16.1-338 or 16.1-339 of the Code of Virginia shall be released to the parent's (or legal guardian's) custody within 48 hours of the consenting parent's (or legal guardian's) notification of withdrawal of consent, unless a petition for continued hospitalization pursuant to § 16.1-340 or 16.1-345 of the Code of Virginia is filed.

When a minor involuntarily committed under § 16.1-345 of the Code of Virginia no longer meets the commitment criteria, the director shall take appropriate steps to arrange the minor's discharge.

However, if an individual leaves a service "against medical advice," any subsequent billing of the individual by his private third-party payer shall not constitute punishment or reprisal on the part of the provider.

If an individual certified for admission under § 37.1-65.1 or 37.1-65.3 of the Code of Virginia requests discharge, the director will determine whether the individual continues to meet the criteria for certification. If the director denies the request for discharge, the individual and the individual's legally authorized representative shall be notified in writing of the reasons for denial and of the individual's right to seek relief in the courts. The request and reasons for denial shall be included in the individual's services record.

When an individual involuntarily committed under § 37.1-67.3 of the Code of Virginia has been receiving services for more than 30 days and makes a written request for discharge, the director shall determine whether the individual continues to meet the criteria for involuntary commitment. If the director denies the request for discharge, he shall notify the individual in writing of the reasons for denial and of the individual's right to seek relief in the courts. The request and reasons for denial shall be included in the individual's services record. Anytime an individual meets any of the criteria for discharge set out in § 37.1-98 A of the Code of Virginia, the director shall take all necessary steps to arrange the individual's discharge.

If at any time it is determined that an individual involuntarily admitted under Chapter 11 (§ 19.2-167 et seq.) or Chapter 11.1 (§ 19.2-182.2 et seq.) of Title 19.2 of the Code of Virginia no longer meets the criteria upon which the individual was admitted and retained, the director, or where appropriate the commissioner, shall immediately inform the individual, the advocate, and the appropriate court of this determination and shall seek judicial authorization to discharge or transfer the individual. Further, pursuant to § 19.2-182.6 of the Code of Virginia, the commissioner shall petition the committing court for conditional or unconditional release at any time he believes the acquirtee no longer needs hospitalization.

C. Exceptions and conditions to the provider's duties.

1. Providers may initiate, administer or undertake a proposed treatment without the consent of the individual or the individual's legally authorized representative in an emergency in order to prevent serious harm, injury, or death to an individual receiving services or to others, or to avoid substantial property damage.

2. Providers may provide treatment without consent in accordance with a court order or in accordance with other provisions of law that authorize such treatment (e.g., see § 54.1-2970 of the Code of Virginia).

**12 VAC 35-115-80. Confidentiality.**

A. Each individual is entitled to have all information that a provider maintains or knows about him remain confidential. Each individual has a right to give his consent before the provider shares information about him or his care unless another law or these regulations specifically require or permit the provider to disclose certain specific information.

B. The provider's duties:

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1. Providers shall maintain the confidentiality of any information that identifies an individual receiving services from the provider. If an individual's services record pertains in whole or in part to referral, diagnosis or treatment of substance abuse, providers shall release information only according to applicable federal regulations (see 42 CFR Part 2, Confidentiality of Alcohol and Drug Abuse Patient Records).

2. Providers shall tell each individual, and his legally authorized representative if he has one, about the individual's confidentiality rights. This shall include how information can be disclosed and how others might get information about the individual without his consent.

3. Providers shall prevent unauthorized disclosures of information from services records.

4. If consent to disclosure is required, providers shall get the written consent of the individual before disclosing information. In the case of a minor, the concurrent consent of both the parent and the minor is required, except in the case of treatment for outpatient substance abuse for which the minor alone may provide consent.

a. Section 54.1-2969 D of the Code of Virginia permits a minor to authorize the release of records related to medical or health services for a sexually transmitted disease or family planning but requires parental consent for release of records related to outpatient care, treatment or rehabilitation for mental illness or emotional disturbance.

b. A minor may authorized the release of outpatient substance abuse records without parental consent in programs governed by 42 CFR Part 2.

5. When providers disclose information, they shall attach a statement that informs the person receiving the information that it must not be disclosed to anyone else unless the individual consents or unless the law allows or requires further disclosure without consent.

6. Upon request, providers shall tell individuals the sources of information contained in their services records and the names of anyone, other than employees of the provider, who has received information about them from the provider. Individuals receiving services from a CSB or private provider should be informed that the department may have had access to their records.

## C. Exceptions and conditions to the provider's duties.

1. Providers may encourage individuals to name family members, friends, and others who may be told of their presence and general condition or well-being.

2. Providers may disclose the following information without consent, but only under the conditions specified in this subdivision and in subdivision 3 of this subsection. Providers should always consult 42 CFR Part 2, Confidentiality of Alcohol and Drug Abuse Patient Records, if applicable, because these federal regulations may prohibit some of the disclosures addressed in this section. See also § 32.1-127.1:03 of the Code of Virginia

for a list of circumstances under which records may be disclosed without consent.

a. *Emergencies:* Providers may disclose information to any person who needs that particular information for the purpose of preventing injury, death or substantial property destruction in an emergency. The provider shall not disclose any information that is not needed for these specific purposes.

b. *Employees:* Providers may disclose to any full- or part-time employee, consultant, agent, or contractor of the provider, or to the department or CSB, information required to give services to the individual or to get payment for the services.

c. *Insurance companies and other third party payers:* Disclosure may be made to insurance companies and other third party payers according to Chapter 12 (§ 37.1-225 et seq.) of Title 37.1 of the Code of Virginia.

d. *Court proceedings:* If the individual, or someone acting for him, introduces any aspect of his mental condition or services as an issue before a court, administrative agency, or medical malpractice review panel, the provider may disclose any information relevant to that issue. The provider may also disclose any records if they are properly subpoenaed, if a court orders them to be produced, or if involuntary commitment or certification is being proposed or conducted.

e. *Legal counsel:* Providers may disclose information to their own legal counsel, or to anyone working on behalf of their legal counsel, in providing representation to the provider. Providers of state-operated services may disclose information to the Office of the Attorney General, or to anyone working on behalf of that office, in providing representation to the Commonwealth of Virginia.

f. *Human rights committees:* Providers may disclose to the LHRC and the SHRC any information necessary for the conduct of their responsibilities under these regulations.

g. *Others authorized or required by the commissioner, CSB or private program director:* Providers may disclose information to other persons if authorized or required by the commissioner, CSB or private program director for the following activities:

(1) Licensing, human rights, certification or accreditation reviews;

(2) Hearings, reviews, appeals or investigations under these regulations;

(3) Evaluation of provider performance and individual outcomes (see § 37.1-98.2 of the Code of Virginia);

(4) Statistical reporting;

(5) Preauthorization, utilization reviews, financial and related administrative services reviews and audits; or



(6) *Similar activities.*

*h. Preadmission screening, services and discharge planning: Providers may disclose to the department, the CSB or to other providers information necessary to prescreen individuals or to prepare and carry out a comprehensive individualized services or discharge plan (see § 37.1-98.2 of the Code of Virginia).*

*i. Protection and advocacy agency: Providers may disclose to the protection and advocacy agency any information that may establish probable cause to believe that an individual receiving services has been abused or neglected and any information concerning the death or serious injury of any individual while receiving services, whatever the suspected cause of the death.*

*j. Historical research: Providers may disclose information to persons engaging in bona fide historical research if:*

- (1) The commissioner, CSB executive director or private program director authorizes the research;*
- (2) The individual or individuals who are the subject of the disclosure are deceased;*
- (3) There are no known living persons authorized by law to consent to the disclosure; and*
- (4) The disclosure would in no way reveal the identity of any person who is not the subject of the historical research.*

*k. A request for historical research shall include, at a minimum:*

- (1) A summary of the scope and purpose of the research;*
- (2) A description of the product to result from the research and its expected date of completion;*
- (3) A rationale explaining the need to access otherwise confidential records; and*
- (4) Specific identification of the type and location of the records sought.*

*l. Protection of the public safety: If a provider reasonably believes an individual receiving services is a present threat to the safety of the public, the provider may disclose only those facts necessary to express the potential threat.*

*m. Inspector General: Providers may disclose to the Inspector General any individual services records and other information relevant to the provider's delivery of services.*

*n. Virginia Patient Level Data System: Providers may disclose financial and services information to Virginia Health Information as required by law (see Chapter 7.2 (§ 32.1-276.2 et seq.) of Title 32.1 of the Code of Virginia).*

*o. Other statutes or regulations: Providers may disclose information to the extent required or permitted by any other state or federal statute or regulations.*

*3. If information is disclosed without consent to anyone other than employees of the department, CSB or other provider, providers shall take the following steps before the disclosure (or, in an emergency, promptly afterward):*

*a. Put a written summary of the information disclosed, the name of the person who received the information, the purpose of disclosure, and the date of disclosure permanently in the individual's services record.*

*b. Give the individual or his legally authorized representative written notice of the disclosure, including the name of each person who received the information and the nature of the information.*

*c. If the disclosure is not required by law, give strong consideration to any objections from the individual or his legally authorized representative (see Chapter 26 (§ 2.1-377 et seq.) of Title 2.1 of the Code of Virginia).*

**12 VAC 35-115-90. Access to and correction of services records.**

*A. Each individual has a right to see, read, and get a copy of his own services record (see §§ 2.1-342.01 A 5 and 32.1-127.1:03 of the Code of Virginia). Minors must have their parent or guardian's permission first. If this right is restricted according to law, the individual has a right to let other people see his record. Each individual has a right to challenge, correct or explain anything in his record. Whether or not corrections are made as a result, each individual has a right to let anyone who sees his record know that he tried to correct or explain his position and what happened as a result. An individual's legally authorized representative has the same rights as the individual himself has (see § 2.1-382 of the Code of Virginia).*

*B. The provider's duties:*

*1. Providers shall tell each individual, and his legally authorized representative if he has one, how he can access and correct his own services records.*

*2. Providers shall permit each individual to see and correct his records when he requests them.*

*3. Providers shall, without charge, give individuals any help they may need to read and understand their services records and make corrections to them.*

*4. If the provider limits or refuses to let an individual see his services records, the provider shall notify the advocate and tell the individual that he can ask to have a lawyer, physician, or psychologist of his choice see his records. If the individual makes this request, the provider shall disclose the record to that lawyer, physician, or psychologist (see §§ 2.1-342.01 A 5, 32.1-127.1:03 and 8.01-413 of the Code of Virginia).*

*5. If an individual asks to challenge, correct, or explain any information contained in his services record, the provider shall investigate and file in the services record a written report concerning the individual's request.*

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a. If the report finds that the services record is incomplete, inaccurate, not pertinent, not timely, or not necessary, the provider shall:

(1) Either mark that part of the services record clearly to say so, or else remove that part of the services record and file it separately.

(2) Not disclose the original services record without separate specific consent or legal authority (e.g., if compelled by subpoena or other court order).

(3) Promptly notify in writing all persons who have received the incorrect information that the services record has been corrected and request that recipients acknowledge the correction.

b. If the report does not result in action satisfactory to the individual, the provider shall, upon request, file in the services record the individual's statement explaining his position. If needed, the provider shall help the individual to write this statement. If a statement is filed, the provider shall:

(1) Give all persons who have copies of the record a copy of the individual's statement.

(2) Clearly note in any later disclosure of the record that it is disputed and include a copy of the statement with the disputed record.

C. Exceptions and conditions to the provider's duties. A provider may deny access to all or a part of an individual's services record only if a physician or a licensed psychologist involved in providing services to the individual talks to the individual, looks over the services record as a result of the individual's request for access, signs and puts in the services record permanently a written statement that he thinks access to the services records by the individual at this time would be physically or mentally harmful to the individual. The physician or licensed psychologist must also tell the individual as much about his services record as he can without risking harm to the individual (see §§ 2.1-342.01 A 5, 32.1-127.1:03 and 8.01-413 of the Code of Virginia).

## **12 VAC 35-115-100. Restrictions on freedoms of everyday life.**

A. From admission until discharge from a service, each individual is entitled to:

1. Enjoy all the freedoms of everyday life that are consistent with his need for services, his protection, and the protection of others, and that do not interfere with his services or the services of others. These freedoms include the following:

a. Freedom to move within the service setting, its grounds and the community.

b. Freedom to communicate, associate, and meet privately with anyone the individual chooses.

c. Freedom to have and spend personal money.

d. Freedom to see, hear, or receive television, radio, books, and newspapers whether privately owned or in a library or public area of the service setting.

e. Freedom to keep and use personal clothing and other personal items.

f. Freedom to use recreational facilities and enjoy the outdoors.

g. Freedom to make purchases in canteens, vending machines or stores selling a basic selection of food and clothing.

2. Receive services in that setting and under those conditions that are least restrictive of his freedom.

3. Be completely free from any unnecessary restrictions, including restraint, seclusion, time out, and restrictions in behavioral treatment plans.

B. The provider's duties.

1. Providers shall encourage each individual's participation in normal activities and conditions of everyday living and support each individual's freedoms.

2. Providers shall not limit or restrict any individual's freedom more than is needed to achieve a therapeutic benefit, maintain a safe and orderly environment, or intervene in an emergency.

3. Providers shall not impose any restriction on an individual unless the restriction is justified and carried out according to these regulations.

4. Providers shall make sure that a qualified professional regularly reviews every restriction and that the restriction is discontinued when the individual has met the criteria for removal.

5. Providers shall report all restrictions involving the use of seclusion or restraint which do not comply with these regulations, an approved variance, or that result in harm to an individual to the advocate within 24 hours of their imposition.

6. Providers shall not place any restriction on the physical or personal freedom of any individual solely because criminal or delinquency charges are pending against that individual.

7. Providers shall develop and implement policies and procedures that address emergencies. These policies and procedures must:

a. Identify what caregivers may do to respond to an emergency.

b. Identify qualified clinical staff who are accountable for assessing emergency conditions and determining the appropriate intervention.

c. Require that the director immediately notify the individual's legally authorized representative, if there is one, and the advocate if an emergency results in harm or injury to any individual.

d. Require documentation in the individual's services record of all facts and circumstances surrounding the emergency.

8. *Providers who use restraint or seclusion shall develop written restraint and seclusion policies and procedures that comply with professionally accepted parameters of clinical practice and include the following requirements at a minimum:*
- a. *Providers shall get approval of all proposed restraint and seclusion policies and procedures from the LHRC before they are implemented, when changes are proposed, and upon request by the advocate or the LHRC.*
  - b. *Providers shall make sure that each individual who requires restraint or seclusion is given the opportunity to eat at normal meal times and take fluids, use the restroom, and bathe as needed.*
  - c. *Providers shall make sure that the medical and mental condition of each individual in restraint or seclusion is continuously monitored by trained, qualified staff for the duration of the restriction.*
  - d. *Each use of restraint or seclusion shall end immediately when the criteria for removal is met.*
  - e. *Incidents of seclusion and restraint, including the rationale, type and duration of the restraint, shall be reported to the department as provided in 12 VAC 35-115-210.*
9. *Providers shall not consider the use of restraint or seclusion unless other less restrictive techniques have been considered and documented in the individual's services record to demonstrate that these less restrictive techniques did not or would not succeed in reducing or eliminating behaviors that are self-injurious or dangerous to other people.*
10. *Providers of services delivered in settings other than inpatient hospital settings shall not use seclusion unless authorized by an approved variance.*
- C. *Exceptions and conditions on the provider's duties.*
1. *Providers may impose a restriction in an emergency, but only to the extent necessary to stop the emergency and only if:*
    - a. *Less restrictive measures have been exhausted; or*
    - b. *The emergency is so sudden that no less restrictive measure is possible.*
  2. *Providers may use time out, but only according to policies and procedures which comply with professionally accepted parameters of clinical practice. These policies and procedures shall require, at a minimum:*
    - a. *Documentation in the individual's services record of the justification and purpose for using time out instead of other less restrictive techniques.*
    - b. *Regular physical checks on the individual and opportunities for motion, exercise, and personal hygiene, and documentation of these checks and opportunities in the individual's services record.*
3. *Providers may impose restrictions if a qualified professional involved in providing services to the individual has, in advance:*
- a. *Assessed and documented all possible alternatives to the proposed restriction, taking into account the individual's medical and mental condition, behavior, preferences, nursing and medication needs, and ability to function independently;*
  - b. *Determined that the proposed restriction is necessary for effective treatment of the individual or to protect him or others from personal harm, injury or death;*
  - c. *Documented in the individual's services record the specific reasons for the restriction; and*
  - d. *Explained, so that the individual can understand, the reason for restriction, the criteria for its removal, and the individual's right to a fair review of whether the restriction is permissible.*
4. *Providers may impose a restriction if a court has ordered the provider to impose the restriction or if the provider is otherwise required by law to impose such restriction, such as forensic patients. Such restriction shall be documented in the individual's services record.*
5. *Providers may use restrictions in a behavioral treatment plan, but only if the plan has been developed according to policies and procedures approved by the LHRC. Such procedures shall ensure that:*
- a. *Plans are initiated, developed, carried out, and monitored within professionally accepted parameters of clinical practice.*
  - b. *Individual plans are submitted to and approved by the treating professionals, an independent external review committee, and the LHRC, and that these approvals are documented in the individual's services record before implementation.*
  - c. *Information about individual plans or aggregate data about all plans is available anytime:*
    - (1) *Upon request by the advocate, the LHRC, the SHRC, and the department; and*
    - (2) *According to any relevant reporting requirements.*
  - d. *Seclusion and restraints are not included as part of the plan.*
6. *Providers may develop and enforce written rules of conduct, but only if the rules do not conflict with these regulations or any individual's services plan, and the rules are needed to maintain a safe and orderly environment.*
7. *Providers shall:*
- a. *Get as many suggestions as possible from all individuals who are expected to obey the rules in developing the rules.*

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b. Apply these rules in the same way to each individual.

c. Give the rules to and review them with each individual in a way that the individual can understand them. This includes explaining possible consequences for violating the rules.

d. Prohibit restraint or seclusion as any type of punishment.

e. Post the rules in summary form in all areas to which individuals and their families have regular access.

f. Submit the rules to the LHRC for review and approval before putting them into effect, before any changes are made to the rules, and upon request of the advocate or LHRC.

g. Prohibit individuals from disciplining other individuals, except as part of an organized self-government program conducted according to a written policy approved in advance by the LHRC.

## **12 VAC 35-115-110. Work.**

A. Individuals have a right to engage or not engage in work while receiving services.

B. The provider's duties.

1. Providers shall not require, entice, persuade, or permit any individual or his family member to perform labor for the provider as a condition of receiving services. If an individual voluntarily chooses to perform labor for the provider, the labor must be consistent with his individualized services plan. All policies and procedures, including pay, must be consistent with the Fair Labor Standards Act (29 USC § 201 et seq.).

2. Providers shall consider individuals who are receiving services for employment opportunities on an equal basis with all other job applicants and employees according to the Americans with Disabilities Act (42 USC § 12101 et seq.).

3. Providers shall give individuals and employers information, training, and copies of policies affecting the employment of individuals receiving services upon request.

4. In residential settings, providers may request that an individual keep his immediate living area clean, but shall not withhold or stop services because an individual refuses to perform work, including personal maintenance or personal housekeeping.

5. If vocational training, extended employment services, or supportive employment services are used, providers shall establish procedures for documenting the decision on employment and training and the methodology for establishing consumer wages. Providers shall give a copy of the procedures and information about possible consequences for violating the procedures to all individuals and their legally authorized representatives.

6. Providers shall not deduct the cost of services from an individual's wages.

7. Providers shall not sell to or purchase goods or services from an individual receiving services except through established governing body policy.

## **12 VAC 35-115-120. Research.**

A. Each individual has a right to choose to participate or not participate in human research.

B. The provider's duties.

1. Providers shall get prior, written, informed consent of the individual or his legally authorized representative before any individual begins to participate in human research.

2. Providers shall comply with all other applicable state and federal laws and regulations regarding human research, including the provisions under Chapter 5.1 (§ 32.1-162.16 et seq.) of Title 32.1 of the Code of Virginia and the regulations promulgated under that statute.

3. Providers shall solicit consultation prior to participation in human research.

4. All providers shall inform the Local Human Rights Committee of a client's participation in any human research project and provide periodic updates to the committee.

## **12 VAC 35-115-130. Complaint and fair hearing.**

A. Each individual has a right to complain that his provider has violated any of the rights assured under these regulations. Each individual has a right to a timely and fair review of any complaint according to the procedures in Part IV (12 VAC 35-115-140 et seq.) of this chapter. Individuals do not have to use these procedures. They have a right to complain under any other applicable law.

B. The provider's duties.

1. If an individual makes a complaint, his provider shall make every attempt to resolve the complaint to the individual's satisfaction at the earliest possible step according to the procedures in Part IV (12 VAC 35-115-140 et seq.) of this chapter.

2. Providers shall not take, threaten to take, permit, or condone any action to retaliate against or prevent anyone from filing a complaint or helping an individual to file a complaint.

### **PART IV.**

### **COMPLAINT RESOLUTION, HEARING, AND APPEAL PROCEDURES.**

## **12 VAC 35-115-140. General provisions.**

A. The parties to any complaint are the individual and the director. Each party can also have someone else to represent him during complaint resolution.

B. Meetings, reviews and hearings will generally be closed to other people unless the individual making the complaint requests that other people attend or if an open meeting is required by the Virginia Freedom of Information Act. The

LHRC and SHRC may conduct a closed hearing to protect the confidentiality of persons who are not a party to the complaint, but only if a closed meeting is otherwise allowed under the Virginia Freedom of Information Act (§ 2.1-340 et seq. of the Code of Virginia). If any person alleges that implementation of an LHRC recommendation would violate the individual's rights or those of other individuals, the person may file a petition for a hearing with the SHRC according to 12 VAC 35-115-190.

C. In no event shall a pending hearing, review or appeal prevent a director from taking corrective action based on the advice of the provider's legal counsel that such action is required by law or he otherwise thinks such action is correct and justified.

D. Except in the case of emergency proceedings, the LHRC and SHRC may, for good cause, extend any time periods governing their own proceedings, either before or after the time period has ended. No provider or director may extend any time periods for any actions the provider or director is required to take under these procedures.

E. Except in the case of emergency proceedings, if a time period in which action must be taken under this part is not extended by the LHRC or SHRC, the failure of a person to act within that time period shall waive that person's further rights under these procedures.

F. Upon request of the advocate, provider, director, an individual or individuals receiving services, or on its own initiative, an LHRC may review any existing or proposed policies, procedures, or practices that could jeopardize the rights of one or more individuals receiving services from the provider with which the LHRC is affiliated. In conducting this review, the LHRC may consult with any advocate, employee of the director, or anyone else. After this review, the LHRC shall make recommendations to the director concerning changes in these policies, procedures, and practices.

G. In making their recommendations, the LHRC and the SHRC shall identify any rights or regulations that the provider violated and any policies, practices, or conditions that contributed to the violations. They shall also recommend appropriate corrective actions, including changes in policies, practices, or conditions, to prevent further violations of the rights assured under these regulations.

H. If it is impossible to carry out the recommendations of the LHRC or the SHRC within a specified time, the LHRC or the SHRC, as appropriate, shall recommend any necessary interim action that gives appropriate and possible immediate remedies.

I. Any action plan submitted by the director or commissioner in the course of these proceedings shall fully address both final and interim recommendations made by the LHRC or the SHRC and identify financial or other constraints, if any, which prevent efforts to fully remedy the violation.

## **12 VAC 35-115-150. Informal complaint resolution.**

A. Step 1: Anyone who believes that a provider has violated an individual's rights under these regulations may report it to the director and the advocate, or either of them, for informal resolution.

1. If the report is made only to the director, the director shall immediately notify the advocate.

2. If the report is made only to the advocate, the advocate may notify the director. The advocate shall notify the individual of his right to pursue his complaint through all available means under this part.

3. If the advocate concludes, after an initial investigation, that there is substantial risk that serious and irreparable harm will result if the complaint is not resolved immediately, the advocate shall inform the director, the provider, the provider's governing body, and the LHRC. Steps 2 through 6 below shall not be followed. Instead, the LHRC shall conduct a hearing according to the special procedures for emergency hearings in 12 VAC 35-115-170.

B. Step 2: The director shall try to resolve the complaint informally by meeting with the individual, any representative the individual chooses, the advocate, and others as appropriate, and by conducting an investigation if necessary.

C. Step 3: The director shall give the individual and his chosen representative a written decision and an action plan within 10 working days of receiving the complaint.

D. Step 4: If the individual is not satisfied at this step, he can respond to the director in writing within 5 working days after receiving the director's written decision and action plan.

E. Step 5: The director shall investigate further as appropriate and shall make a final decision regarding the complaint. The director shall forward a written copy of his final decision and action plan to the individual, his chosen representative, and the advocate within 10 working days after the director received the individual's written response.

F. Step 6: If the individual is not satisfied with the director's final decision or action plan, he may file a petition for a hearing by the LHRC using the procedures prescribed in 12 VAC 35-115-160.

## **12 VAC 35-115-160. Local Human Rights Committee hearing and review procedures.**

A. Any individual who is not satisfied with (i) a director's final decision and action plan resulting from informal complaint resolution; (ii) a director's final action following a report of abuse, neglect or exploitation; or (iii) a director's final decision following a complaint of discrimination in the provision of services may request an LHRC hearing by following the steps provided in subsections B through I of this section.

B. Step 1: The petition must be filed within 10 working days of the director's action or final decision for which there is a complaint.

1. The petition for hearing must be in writing. It should contain all facts and arguments surrounding the complaint and reference any section of the regulations that the individual believes the provider violated.

2. The advocate or any person the individual chooses may help the individual in filing the petition. If the individual chooses a person other than the advocate to

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help him, he and his chosen representative may request the advocate's assistance in filing the petition.

C. Step 2: The LHRC chair shall forward a copy of the petition to the director and the advocate as soon as he receives it. A copy of the petition shall also be forwarded to the provider's governing body.

D. Step 3: Within five working days, the director shall submit the following to the LHRC:

1. A written response to everything contained in the petition.
2. A copy of the entire written record of the complaint.

E. Step 4: The LHRC shall hold a hearing within 15 working days of receiving the petition.

1. The parties shall have at least five working days' notice of the hearing.
2. The director or his chosen representative should attend the hearing. The individual making the complaint shall attend the hearing. If this is not possible, the individual's chosen representative shall attend the hearing.
3. At the hearing, the parties and their chosen representatives have the right to present witnesses and other evidence and the opportunity to be heard.

F. Step 5: Within 10 working days after the hearing ends, the LHRC shall give, in writing, its findings of fact and recommendations to the parties and their representatives.

G. Step 6: Within five working days of receiving the LHRC's findings and recommendations, the director shall give the individual, the individual's chosen representative, the advocate, the governing body, and the LHRC a written action plan he wants to take to respond to the LHRC's findings and recommendations. The plan shall not be implemented for five working days after it is submitted, unless the client agrees to its implementation sooner.

H. Step 7: The individual, his chosen representative, the advocate, or the LHRC may object to the action plan within five working days by stating what the objection is and what the director can do to resolve the objection.

1. If an objection is made, the director may not implement the action plan, or may implement only that portion of the plan that the individual making the complaint agrees to, until he resolves the objection as requested or until he appeals to the SHRC for a decision under 12 VAC 35-115-190.
2. If no one objects to the action plan, the director shall begin to implement it on the sixth working day after he submitted it.

I. Step 8: If the director does not resolve the objection to the action plan to the individual's satisfaction within two working days following the objection, the individual may appeal to the SHRC under 12 VAC 35-115-190.

## **12 VAC 35-115-170. Special procedures for emergency hearings by the LHRC.**

A. Step 1: If the advocate informs the LHRC of a substantial risk that serious and irreparable harm will result if a complaint is not resolved immediately, the LHRC shall hold and conclude a preliminary hearing within 72 hours of receiving this information.

1. The director and the advocate shall attend the hearing.
2. The hearing shall be conducted according to the procedures in 12 VAC 35-115-160, but it shall be concluded on an expedited basis.

B. Step 2: At the end of the hearing, the LHRC shall make preliminary findings and, if a violation is found, shall make preliminary recommendations to the director, the provider, and the provider's governing body.

C. Step 3: The director shall formulate and carry out an action plan within 24 hours of receiving the LHRC's preliminary recommendations. A copy of the plan shall be sent to the advocate, the individual, and the governing body.

D. Step 4: If the individual or the advocate objects within 24 hours to the LHRC findings or recommendations or to the director's action plan, the LHRC shall conduct a full hearing within five working days of the objection, following the procedures outlined in 12 VAC 35-115-160.

E. Step 5: Either party may appeal the LHRC's decision to the SHRC under 12 VAC 35-115-190.

## **12 VAC 35-115-180. Special procedures for LHRC reviews involving consent.**

A. Step 1: The LHRC may be requested, in writing, to review whether an individual's personal consent is required in the following situations.

1. If an individual objects at any time to a specific treatment, participation in specific human research, or disclosure of specific confidential information, for which consent is required and has been given by his legally authorized representative, other than a legal guardian, he may ask the LHRC to decide whether his personal consent is required for that treatment, participation in research, or disclosure of information.
2. If an individual or his family member has obtained an independent evaluation of the individual's capacity to give any informed consent to treatment or participation in human research under 12 VAC 35-115-70, and the opinion of that evaluator conflicts with the opinion of the provider's evaluator, the LHRC may be requested to decide whether the individual's personal consent is required for any treatment or participation in research.
3. If a director makes a decision that affects an individual and the individual believes that the decision requires his personal consent or that of his legally authorized representative, he may object and ask the LHRC to decide whether consent is required.

*NOTE: If the individual is a minor, the consent of the parent or legal guardian must be obtained, unless the treatment provided is for treatment referenced under § 54.1-2969 D of the Code of Virginia, including outpatient medical or health services for substance abuse, or mental illness or emotional disturbance, in which case the minor alone may provide the consent as if an adult. If treatment involves admission to an inpatient treatment program, the consent of a minor 14 years of age and older, in addition to that of the parent, must also be obtained in accordance with § 16.1-338 of the Code of Virginia.*

*B. Step 2: The LHRC may ask that a physician or licensed clinical psychologist not employed by the provider and at the provider's expense, evaluate the individual and give an opinion about his capacity to consent. The LHRC may not make a decision until it reviews the action proposed by the director, any determination of lack of capacity, the opinion of the independent evaluator if applicable, and the individual's reasons for objecting.*

*C. Step 3: The LHRC shall issue its decision within 10 working days of the initial request.*

*1. If the LHRC agrees that the individual lacks the capacity to consent, the director may begin or continue treatment or research, or disclose the information, but only with the appropriate consent of the legally authorized representative. The LHRC shall advise the individual of his right to appeal this determination to the SHRC under 12 VAC 35-115-190.*

*2. If the LHRC does not agree that the individual lacks the capacity to consent, the director shall not begin any treatment, research or information disclosure without the individual's consent, or shall stop it immediately if it has already begun. The director may appeal to the SHRC under 12 VAC 35-115-190 but may not take any further action until the SHRC issues its opinion.*

*3. If, regardless of the individual's capacity to consent, the LHRC determines that a decision made by a director requires consent that was not obtained, the director shall immediately rescind the action unless and until such consent is obtained. The director may appeal to the SHRC under 12 VAC 35-115-190 but may not take any further action until the SHRC issues its opinion.*

**12 VAC 35-115-190. State Human Rights Committee appeals procedures.**

*A. Any party may appeal to the State Human Rights Committee if he is not satisfied with any of the following:*

- 1. An LHRC's final findings of fact and recommendations following a hearing.*
- 2. A director's final action plan following an LHRC hearing.*
- 3. An LHRC's final decision regarding the capacity of an individual to consent to treatment, research, or disclosure of confidential information.*
- 4. An LHRC's final decision concerning whether consent is needed for the director to take a certain action.*

*The steps for filing an appeal are provided in subsections B through I of this section.*

*B. Step 1: Appeals shall be filed in writing by a party within 10 working days of receipt of the final action.*

*1. The appeal shall explain the reasons the final action is not satisfactory.*

*2. The advocate or any other person may help in filing the appeal. If the individual chooses a person other than the advocate to help him, he and his chosen representative may request the advocate's help in filing the appeal.*

*3. The party appealing must give a copy of the appeal to the other party, the advocate, and the LHRC.*

*4. If the director is the party appealing, he shall first request and get written permission to appeal from the commissioner or governing body of the provider, as appropriate. If the director does not get this written permission and note the appeal within 10 working days, his right to appeal is waived.*

*C. Step 2: If the director is appealing, the individual may file a written statement with the SHRC within five working days after receiving a copy of the appeal. If the individual is appealing, the director shall file a written statement with the SHRC within five working days after receiving a copy of the appeal.*

*D. Step 3: Within five working days of noting or being notified of an appeal, the director shall forward a complete record of the LHRC hearing to the SHRC. The record shall include, at a minimum:*

*1. The original petition or information filed with the LHRC and any statement filed by the director in response.*

*2. Parts of the individual's services record that the LHRC considered and any other parts of the services record either party considers relevant, but which the LHRC did not consider.*

*3. All written documents and materials considered by the LHRC, including any independent evaluations conducted.*

*4. A tape or word-for-word transcript of the LHRC proceedings.*

*5. The director's action plan, if any.*

*6. Any written objections to the action plan or its implementation.*

*E. Step 4: The SHRC shall hear the appeal within 20 working days after the chair receives the appeal.*

*1. The SHRC shall give the parties at least 10 days' notice of the appeal hearing.*

*2. The following rules govern appeal hearings:*

*a. The SHRC shall not hear any new evidence.*

*b. The SHRC is bound by the LHRC's findings of fact.*

*c. The SHRC shall limit its review to whether the facts, as found by the LHRC, establish a violation of these*

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regulations and a determination of whether the LHRC's recommendations or the action plan adequately address the alleged violation.

d. All parties and their representatives shall have the opportunity to appear before the SHRC to present their position and answer questions the SHRC may have.

e. The SHRC will notify the Inspector General of the appeal.

3. If the SHRC decides that the LHRC's findings of fact are clearly wrong or that the hearing procedures employed by the LHRC were inadequate, the SHRC may either:

a. Send the case back to the LHRC for another hearing to be completed within a time period specified by the SHRC; or

b. Conduct its own fact-finding hearing. If the SHRC chooses to conduct its own fact-finding hearing, it may appoint a subcommittee of at least three of its members as fact finders. The fact-finding hearing shall be conducted within 30 working days of the SHRC's initial hearing.

In either case, the parties shall have 15 working days' notice of the date of the hearing and the opportunity to be heard and to present witnesses and other evidence.

F. Step 5: Within 20 working days after the SHRC appeal hearing, the SHRC shall submit a report, its findings of fact, if applicable, and recommendations to the commissioner and to the provider's governing body, with copies to the parties, the LHRC, and the advocate.

G. Step 6: Within 10 working days after receiving the SHRC's report, in the case of appeals involving a state facility, the commissioner shall submit an outline of actions to be taken in response to the SHRC's recommendations. In the case of appeals involving CSBs and private providers, both the commissioner and the provider's governing body shall each outline in writing the action or actions they will take in response to the recommendations of the SHRC. They shall also explain any reasons for not carrying out any of the recommended actions. Copies of their responses shall be forwarded to the SHRC, the LHRC, the director, the advocate, and the individual.

H. Step 7: If the SHRC objects in writing to the commissioner's or governing body's proposed actions, or both, their actions shall be postponed. The commissioner or governing body, or both, shall meet with the SHRC at its next regularly scheduled meeting to attempt to arrange a mutually agreeable resolution.

I. Step 8: In the case of services provided directly by the department, the commissioner's action plan shall be final and binding on all parties. However, when the SHRC believes the commissioner's action plan is incompatible with the purpose of these regulations, it shall notify the board and the Virginia protection and advocacy agency.

In the case of services delivered by all other providers, the action plan of the provider's governing body shall be reviewed

by the commissioner. If the commissioner determines that the provider has failed to develop and carry out an acceptable action plan, the commissioner shall notify the protection and advocacy agency and shall inform the SHRC what sanctions the department will impose against the provider.

## PART V. VARIANCES.

### 12 VAC 35-115-200. Variances.

A. Variances to these regulations shall be requested and approved only when the provider has tried to implement the relevant requirement without a variance and can provide objective, documented information that continued operation without a variance is not feasible or will prevent the delivery of effective and appropriate services and supports to individuals.

B. Only directors may apply for variances, and they must first be approved by the provider, the governing body of the provider, or the commissioner, as appropriate, before consideration by an LHRC or the SHRC.

C. Upon receiving approval from the provider, the commissioner or the governing body, and after notifying the advocate and other interested persons, the director shall file a formal application for variance with the LHRC. This application shall reference the specific part of these regulations to which a variance is needed, the proposed wording of the substitute rule or procedure, and the justification for seeking a variance.

1. When the LHRC receives the application, it shall invite, and provide ample time to receive, oral or written statements about the application from the advocate and other interested persons.

2. The LHRC shall review the application and prepare a written report of facts, which shall include its recommendation for approval, disapproval, or modification. The LHRC shall send its report, recommendations, and a copy of the original application to the State Human Rights Director, the SHRC, and the director making application for the variance.

D. When the SHRC receives the application and the LHRC's report, the SHRC shall do the following:

1. Invite oral or written statements about the application from the applicant director, LHRC, advocate, and other interested persons by publishing the request for variance in the next issue of the Virginia Register of Regulations.

2. Notify the Inspector General of the request for variance.

3. After considering all available information, prepare a written decision deferring, disapproving or modifying, or approving the application.

a. A copy of this decision and the reasons for the decision shall be given to the applicant director, the commissioner or governing body, where appropriate, the State Human Rights Director, the advocate, any person commenting on the request at any stage, and the LHRC.



b. The decision and reasons shall also be published in the next issue of the Virginia Register of Regulations.

E. Directors shall implement any approved variance in strict compliance with the written application as amended, modified, or approved by the SHRC.

F. Providers shall develop policies and procedures for monitoring the implementation of any approved variances. These policies and procedures shall assure the ongoing collection of any data relevant to the variance and the presentation of any later report concerning the variance as requested by the commissioner, the State Human Rights Director, the advocate, the LHRC or the SHRC.

G. The decision of the SHRC granting or denying a variance shall be final.

PART VI.  
REPORTING REQUIREMENTS.

**12 VAC 35-115-210. Reporting requirements for providers.**

A. Providers shall collect, maintain and report the following information concerning abuse, neglect and exploitation:

1. The director of a facility operated by the department shall report allegations of abuse and neglect in accordance with all applicable operating instructions issued by the commissioner or his designee.

2. The director of a facility/program licensed by the department shall report each allegation of abuse or neglect to the assigned department human rights advocate within 24 hours (see 12 VAC 35-115-50).

3. The director of a facility/program licensed by the department shall provide a written report of the results of the investigation of abuse or neglect to the department advocate within 10 business days from the date the investigation began (see 12 VAC 35-115-50). This report shall include but not be limited to the following:

- a. Whether abuse, neglect or exploitation occurred;
- b. Type of abuse;
- c. Whether the act resulted in physical or psychological injury; and
- d. Action(s) taken.

A copy of the investigative report and the corrective action plan developed as a result shall be made available to the Office of Human Rights, the Office of Licensing, and the Inspector General, upon request.

4. At any time the director of the facility/program licensed by the department has reason to suspect that an individual may have been abused, neglected, or exploited, the director shall immediately report this information to the appropriate local Department of Social Services (see 12 VAC 35-115-50).

5. At any time the director of the facility/program licensed by the department has reason to suspect that the abusive, neglectful, or exploitive act is a crime, the

director shall immediately report this information to the appropriate law-enforcement authorities (see 12 VAC 35-115-50).

B. Providers shall collect, maintain and report the following information concerning deaths and serious injuries:

1. The director of a facility operated by the department shall report to the department deaths and serious injuries in accordance with all applicable operating instructions issued by the commissioner or his designee.

2. The director of a facility/program licensed by the department shall report deaths and serious injuries in writing to the department's Office of Licensing within 24 hours of occurrence.

3. All reports of death and serious injuries shall include but not be limited to the following:

- a. Date and place of death/injury;
- b. Whether the death was expected or unexpected;
- c. Nature of injuries and treatment required; and
- d. Circumstances of death/serious injury.

4. At any time the director has reason to suspect that a death or serious injury resulted from abuse or neglect, the director shall immediately report this information to the appropriate local Department of Social Services.

5. At any time the director has reason to suspect that the death or serious injury resulted from a criminal act, the director shall immediately report this information to the appropriate law-enforcement authorities.

C. Providers shall collect, maintain and report the following information concerning seclusion and restraint:

1. The director of a facility operated by the department shall report each instance of seclusion and/or restraint to the Quality Manager of the department's Office of Health and Quality Care within 24 hours of occurrence.

2. The director of a facility/program licensed by the department shall report each instance of seclusion and/or restraint to the Quality Manager of the department's Office of Health and Quality Care at least monthly.

3. Each report of seclusion and restraint shall include but not be limited to the following:

- a. Type(s);
- b. Duration; and
- c. Rationale for use.

4. Any instance of seclusion or restraint that does not comply with these regulations or approved variances, or that results in injury to an individual, shall be reported to the assigned department human rights advocate within 24 hours.

D. Providers shall collect, maintain and report the following information concerning human rights activities:

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1. The director shall provide to the department advocate, at least monthly, information on the type, resolution level and findings of each complaint of a human rights violation; reports shall be made to the LHRC upon request.

2. The director shall provide to the department advocate and the LHRC, at least monthly, reports regarding the implementation of any variances.

E. Reports required under this section shall be submitted to the department on forms and/or in an automated format developed by the department.

F. The department and the Inspector General may access any nonprivileged information related to any data reported in subsections A through D of this section.

G. The department shall compile, on a quarterly basis, all data reported under this section and make this data available to the public and the Inspector General upon request. This data shall be provided to LHRCs and the SHRC on a quarterly basis.

1. The department shall provide the compiled data in writing or by electronic means.

2. The department shall remove all provider-identifying information and all information that could be used to identify a person as an individual receiving services.

H. In the reporting, compiling and releasing of information and statistical data provided under this section, the department and all providers shall take all measures necessary to ensure that any consumer-identifying information is not released to the public, including encryption of data transferred by electronic means.

I. Nothing in this section is to be construed as requiring the reporting of proceedings, minutes, records, or reports of any committee or nonprofit entity providing a centralized credentialing service which are identified as privileged pursuant to § 8.01-581.17 of the Code of Virginia.

J. Providers shall report to the Department of Health Professions, Enforcement Division, violations of these regulations that constitute reportable conditions under § 54.1-2906 of the Code of Virginia.

## PART VII.

### ENFORCEMENT AND SANCTIONS.

#### **12 VAC 35-115-220. Human rights enforcement and sanctions.**

A. The department may invoke the sanctions enumerated in § 37.1-85.1 of the Code of Virginia upon receipt of information that a provider licensed or funded by the department is:

1. In violation of (i) the provisions of § 37.1-84.1 of the Code of Virginia; (ii) these regulations; or (iii) the provisions of the Rules and Regulations for the Licensure of Facilities and Providers of Mental Health, Mental Retardation and Substance Abuse Services, 12 VAC 35-102-10 et seq.; and

2. Such violation adversely impacts the human rights of consumers or poses an imminent and substantial threat to the health, safety or welfare of consumers.

The department shall notify the provider in writing of the specific violations(s) found and of its intention to convene an informal conference pursuant to § 9-6.14:11 of the Code of Virginia at which the presiding officer will be asked to recommend issuance of a special order.

B. If the provider does not provide evidence that the violations have been corrected, an informal conference pursuant to § 9-6.14:11 of the Code of Virginia will be convened within 30 days of the date of the original notification. An individual who does not report to either the director of the Office of Human Rights or the director of the Office of Licensing will be appointed to serve as the presiding officer at the informal conference.

C. If, at the conclusion of the informal conference, the presiding officer believes that the provider is in violation of applicable statutes or regulations in accordance with subsection A of this section, he shall recommend to the commissioner that a special order, as provided in § 37.1-185.1 of the Code of Virginia, be issued.

D. If, after considering the recommendation of the presiding officer and reviewing evidence submitted at the informal conference, the commissioner concludes that the requirements of subsection A of this section are satisfied, he shall issue a special order which may include one or more of the sanctions specified in § 37.1-185.1 A of the Code of Virginia.

1. Any sanction imposed by the commissioner pursuant to a special order shall be designed to reduce existing health and safety risks, address the cause of the violation, and initiate prompt corrective action by the provider.

2. Imposition of probation or probationary status on a provider shall be for a fixed period of time, not to exceed a 12-month period.

3. The commissioner shall have the authority to modify the sanctions imposed by the special order as the requirements in the special order are satisfied.

E. The sanctions contained in the special order shall remain in effect during the pendency of any appeal of the special order.

## PART VIII.

### RESPONSIBILITIES AND DUTIES.

#### **12 VAC 35-115-230. Offices, composition and duties.**

A. Providers and their directors shall:

1. Identify a person or persons accountable for helping individuals to exercise their rights and resolve complaints regarding services.

2. Comply with all state laws governing the reporting of abuse and neglect and all procedures set forth in these regulations for reporting allegations of abuse, neglect, or exploitation.

3. Take all steps necessary to assure compliance with these regulations in all services provided.

4. Assure the availability of a department advocate and an LHRC to all individuals receiving services.

5. Cooperate with the advocate and the LHRC to investigate and correct conditions or practices interfering with the free exercise of individuals' rights and make sure that all employees cooperate with the advocate and the LHRC in carrying out their duties under these regulations.

6. Provide the advocate unrestricted access to individuals and individual services records whenever the advocate deems access necessary to carry out rights protection, complaint resolution, and advocacy.

7. Submit to the advocate for review and comment any proposed policies, procedures, or practices that may affect individual rights.

8. Comply with requests by the SHRC, LHRC, and advocate for information and written reports regarding compliance with these regulations.

9. Name a liaison to the LHRC, who shall give the LHRC suitable meeting accommodations, clerical support and equipment, and assure the availability of records and employee witnesses upon the request of the LHRC.

10. Submit applications for variances to these regulations only as a last resort.

11. Post in program locations information about the existence and purpose of the human rights program.

12. Not influence or attempt to influence the appointment of any person to an LHRC associated with the provider or director.

13. Perform any other duties required under these regulations.

B. Employees of the provider shall, as a condition of employment:

1. Become familiar with these regulations, comply with them in all respects, and help individuals understand and assert their rights.

2. Protect individuals from any form of abuse, neglect and exploitation (i) by not abusing, neglecting or exploiting any individual; (ii) by not permitting or condoning anyone else to abuse, neglect, or exploit any individual; and (iii) by reporting all suspected abuse to the program director. Protecting clients from abuse also includes using the minimum force necessary to restrain an individual.

3. Cooperate with any investigation, meeting, hearing, or appeal held under these regulations. Cooperation includes, but is not limited to, giving statements or sworn testimony.

4. Perform any other duties required under these regulations.

C. The advocate shall:

1. Represent any individual making a complaint or, upon request, consult with and help any other representative the individual chooses.

2. Monitor the implementation of an advocacy system for individuals receiving services from the provider or providers to which the advocate is assigned.

3. Promote and monitor provider compliance with these and other applicable individual rights laws, regulations and policies.

4. Investigate and try to prevent or correct, informally or formally, any alleged rights violations by interviewing, mediating, negotiating, advising, and consulting with providers and their respective governing bodies, directors, and employees.

5. Whenever necessary, file a complaint with the LHRC for an individual receiving services or, where general conditions or practices interfere with individuals' rights, for the group of individuals.

6. Investigate and examine all conditions or practices which may interfere with the free exercise of individuals' rights.

7. Help the individual or the individual's chosen representative during any meeting, hearing, appeal or other proceeding under these regulations unless the individual or his chosen representative chooses not to involve the advocate.

8. Tell the LHRC about any recommendations made to the director, the provider, the provider's governing body, the State Human Rights Director, or the department for changes in policies, procedures, or practices that have the potential to adversely affect the rights of individuals.

9. Make recommendations to the State Human Rights Director concerning the employment and supervision of other advocates where appropriate.

10. Submit regular reports to the State Human Rights Director, the LHRC and the SHRC about provider implementation of and compliance with these regulations.

11. Provide training for individuals, providers and their governing bodies, directors and employees regarding individuals' rights, providers' duties, and complaint resolution.

12. Perform any other duties required under these regulations.

D. The Local Human Rights Committee shall:

1. Consist of seven or more members appointed by the SHRC.

a. Membership shall be broadly representative of professional and consumer interests. At least one-third of the members shall be individuals who are receiving services and family members of similar individuals with at least two individuals who are receiving services on each committee.

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- b. *No member shall be an employee of the department or an employee of the CSB or provider for which the LHRC provides oversight.*
  - c. *Initial appointments to an LHRC shall be staggered, with approximately one-third of the members appointed for a term of three years, approximately one-third for a term of two years, and the remainder for a term of one year. After that, all appointments shall be for a term of three years.*
  - d. *A person may be appointed for no more than two consecutive terms. A person appointed to fill a vacancy may serve out that term, and then be eligible for two additional consecutive terms.*
  - e. *Nominations for membership to LHRCs shall be submitted directly to the SHRC through the State Human Rights Director at the department's Office of Human Rights.*
- 2. *Receive complaints of alleged rights violations filed by or for individuals receiving services from providers with which the LHRC is associated and hold hearings according to the procedures set forth in Part IV (12 VAC 35-115-140 et seq.) of this chapter.*
  - 3. *Conduct investigations as requested by the SHRC.*
  - 4. *Receive, review, and act on applications for variances to these regulations according to 12 VAC 35-115-200.*
  - 5. *Adopt written bylaws that address procedures for conducting business, electing the chair and other officers, designating standing committees, and setting the frequency of meetings.*
  - 6. *Elect from its own members a chair to coordinate the activities of the LHRC and to preside at regular committee meetings and any hearings held pursuant to these regulations.*
  - 7. *Conduct at least six regular meetings per year.*
  - 8. *Publicize in a newspaper of general local or regional circulation, at least once a year, information that tells about the existence and purpose of the human rights program and encourages persons to contact the department's Office of Human Rights if they are interested in being appointed to the LHRC.*
  - 9. *Perform any other duties required under these regulations.*
- E. *The State Human Rights Committee (SHRC) shall:*
- 1. *Consist of nine members appointed by the board.*
    - a. *Members shall be broadly representative of professional and consumer interests and of geographic areas in the Commonwealth. At least two members shall be individuals who are receiving services. At least one-third shall be consumers or family members of similar individuals.*
    - b. *No member can be an employee of the department or CSB.*
  - c. *All appointments after the effective date of these regulations shall be for a term of three years.*
  - d. *If there is a vacancy, interim appointments may be made for the remainder of the unexpired term.*
  - e. *A person may be appointed for no more than two consecutive terms. A person appointed to fill a vacancy may serve out that term, and then be eligible for two additional consecutive terms.*
- 2. *Elect a chair from its own members who shall:*
    - a. *Coordinate the activities of the SHRC;*
    - b. *Preside at regular meetings, hearings and appeals; and*
    - c. *Have direct access to the commissioner and the board in carrying out these duties.*
  - 3. *Determine the appropriate number and geographical boundaries of LHRCs and consolidate LHRCs serving only one provider into regional LHRCs whenever consolidation would assure greater protection of rights under these regulations.*
  - 4. *Appoint members of LHRCs with the advice of and consultation with the commissioner and the State Human Rights Director.*
  - 5. *Advise and consult with the commissioner in the employment of the State Human Rights Director and advocates.*
  - 6. *Conduct at least eight regular meetings per year.*
  - 7. *Review decisions of LHRCs and, if appropriate, hold hearings and make recommendations to the commissioner, the board, and providers' governing bodies regarding alleged violations of individuals' rights according to the procedures specified in these regulations.*
  - 8. *Notify the commissioner and the State Human Rights Director whenever it determines that its recommendations in a particular case are of general interest and applicability to providers, advocates, or LHRCs and assure the availability of the opinion or report to providers, advocates, and LHRCs as appropriate. No document made available shall identify the name of individuals or employees in a particular case.*
  - 9. *Grant or deny variances according to the procedures specified in Part V (12 VAC 35-115-200 et seq.) of this chapter and review approved variances at least once every year.*
  - 10. *Make recommendations to the board concerning proposed revisions to these regulations.*
  - 11. *Make recommendations to the commissioner concerning revisions to any existing or proposed laws, regulations, policies, procedures, and practices to ensure the protection of individuals' rights.*
  - 12. *Review the scope and content of training programs designed by the department to promote responsible*

performance of the duties assigned under these regulations by providers, employees, advocates, and LHRC members, and, where appropriate, make recommendations to the commissioner.

13. Evaluate the implementation of these regulations and make any necessary and appropriate recommendations to the board, the commissioner, and the State Human Rights Director concerning interpretation and enforcement of the regulations.

14. Submit a report on its activities to the board each year.

15. Adopt written bylaws that address procedures for conducting business; making membership recommendations to the board; electing a chair and other officers; appointing members of LHRCs; designating standing committees and their responsibilities; establishing ad hoc committees; and setting the frequency of meetings.

16. Review and approve the bylaws of LHRCs.

17. Perform any other duties required under these regulations.

**F. The State Human Rights Director shall:**

1. Lead the implementation of the statewide human rights program and make ongoing recommendations to the commissioner, the SHRC, and the LHRCs for continuous improvements in the program.

2. Advise the commissioner concerning the employment and retention of advocates.

3. Advise providers, directors, advocates, LHRCs, the SHRC, and the commissioner concerning their responsibilities under these regulations and other applicable laws, regulations and departmental policies that protect individuals' rights.

4. Organize, coordinate and oversee training programs designed to promote responsible performance of the duties assigned under these regulations.

5. Periodically visit service settings to monitor free exercise of those rights enumerated in these regulations.

6. Supervise advocates in the performance of their duties under these regulations.

7. Support the SHRC and LHRCs in carrying out their duties under these regulations.

8. Maintain a current and regularly updated database and perform regular trend analyses to identify the need for corrective action in the areas of abuse, neglect and exploitation; seclusion and restraint; behavioral treatment programs; complaints; deaths and serious incidents; and variance applications.

9. Monitor implementation of corrective action plans approved by the SHRC.

10. Perform any other duties required under these regulations.

**G. The commissioner shall:**

1. Employ the State Human Rights Director after advice and consultation with the SHRC.

2. Employ advocates following consultation with the State Human Rights Director.

3. Provide or arrange for assistance and training necessary to carry out and enforce these regulations.

4. Cooperate with the SHRC and the State Human Rights Director to investigate providers and correct conditions or practices that interfere with the free exercise of individuals' rights.

5. Advise and consult with the SHRC and the State Human Rights Director concerning the appointment of members of LHRCs.

6. Assure regular monitoring and enforcement of these regulations, including authorizing unannounced compliance reviews at any time.

7. Perform any other duties required under these regulations.

**H. The board shall:**

1. Promulgate regulations defining the rights of individuals receiving services from providers covered by these regulations.

2. Appoint members of the SHRC.

3. Review and approve the bylaws of the SHRC.

4. Perform any other duties required under these regulations.

VA.R. Doc. No. R00-39; Filed November 3, 2000, 1:23 p.m.

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**Title of Regulation:** 12 VAC 35-120-10 et seq. Rules and Regulations to Assure the Rights of Patients of Psychiatric Hospitals and Other Psychiatric Facilities Licensed by the Department of Mental Health, Mental Retardation and Substance Abuse Services (REPEALING).

**Statutory Authority:** §§ 37.1-10 and 37.1-84.1 of the Code of Virginia.

**Public Hearing Date:** N/A -- Public comments may be submitted until February 4, 2001.  
(See Calendar of Events section for additional information)

**Basis:** This regulation was necessary to fulfill the department's legislative mandate pursuant to § 37.1-84.1 of the Code of Virginia to promulgate regulations delineating the rights of patients and residents with respect to nutritionally adequate diet; safe and sanitary housing; participation in nontherapeutic labor; attendance or nonattendance at religious services; participation in treatment decision making, including due process procedures to be followed when a patient or resident may be unable to make an informed

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decision; use of telephones; availability of suitable clothing; and possession of money and valuables and related matters.

**Purpose:** This regulation was designed to protect the legal and human rights of all inpatient psychiatric programs licensed by the Department of Mental Health, Mental Retardation and Substance Abuse Services. This regulation is to be replaced by a regulation that covers all facilities and programs, operated, licensed and funded by DMHMRSAS. The current regulation was promulgated in 1980 and is being repealed for the following reasons:

1. The regulation is not consistent for all facilities and programs licensed, funded and operated by the department;
2. The regulation does not incorporate changes in the law;
3. The regulation is not clear and specific on the rights of consumers and families;
4. The regulation does not clearly state the responsibilities of providers;
5. The regulation does not clearly state the review and resolution process; and
6. The regulation does not provide time frames for each stage of review.

**Substance:** This regulation has not been revised since 1980. The current regulation is being revised and reformatted to facilitate clarity and consistency of the rights of individuals across community and facility programs, clearly identify provider duties and responsibilities, and describe any exceptions to each regulation.

**Issues:** Since 1980 numerous problems have been identified with the existing regulation. These problems include:

1. Inconsistencies between the regulation for facilities operated by the DMHMRSAS, the regulation for licensed inpatient programs and the regulation for community programs resulting in confusion for consumers, families and providers;
2. Changes in the law are not reflected in the existing regulation;
3. Changes in practice are not reflected in the existing regulation;
4. Time frames for the review and resolution of complaints are not specified in the existing regulation, resulting in protracted case reviews;
5. Multiple regulations are imposed on public and private programs and facilities that provide inpatient and outpatient services;
6. Confusion for consumers and families often results when an individual moves from one type of program to another (e.g., inpatient to community program) each with a separate set of human rights regulations; and
7. Time frames for the review and resolution of each complaint are not included in the regulation.

In 1992 the State Board of Mental Health, Mental Retardation and Substance Abuse Services adopted a resolution to consolidate the three existing regulations into a single regulation applicable to all facilities and programs operated, funded or licensed by the DMHMRSAS. A 1996 comprehensive review of the existing human rights regulations and the public comment received during that review demonstrated extensive public support for a single, consolidated regulation. There has been no show of support for maintaining the current regulations.

There are no disadvantages to the public or Commonwealth by the repeal of this regulation and replacement with a consolidated regulation.

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

**Summary of the proposed regulation.** The Department of Mental Health, Mental Retardation, and Substance Abuse Services (DMHMRSAS) is revising and consolidating three existing sets of human rights regulations into a single regulation. The department proposes to repeal this regulation (12 VAC 35-120) because its requirements have been incorporated into the Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers of Mental Health, Mental Retardation, and Substance Abuse Services (12 VAC 35-115).

**Estimated economic impact.** The proposed repeal is not expected to have any economic impact since its requirements have been incorporated into another regulation. The estimated economic impact of the consolidated regulation is evaluated in DPB's review of Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers of Mental Health, Mental Retardation, and Substance Abuse Services (12 VAC 35-115).

**Businesses and entities affected.** This regulation affects the 51 organizations licensed by DMHMRSAS to operate 68 inpatient psychiatric programs in Virginia.

**Localities particularly affected.** No localities are particularly affected by the proposed regulation.

**Projected impact on employment.** The proposed regulation is not anticipated to have a significant effect on employment.

**Effects on the use and value of private property.** The proposed regulation is not anticipated to have a significant effect on the use and value of private property.

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

Summary:

*The board is proposing to repeal the current Rules and Regulations to Assure the Rights of Patients of Psychiatric Hospitals and Other Psychiatric Facilities Licensed by the Department of Mental Health, Mental Retardation and Substance Abuse Services. This regulation, along with two other human rights regulations, is being consolidated into a newly proposed regulation (Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers of Mental Health, Mental Retardation and Substance Abuse Services, 12 VAC 35-115-10 et seq.).*

VA.R. Doc. No. R00-141; Filed November 3, 2000, 1:25 p.m.

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Title of Regulation: **12 VAC 35-130-10 et seq. Rules and Regulations to Assure the Rights of Clients in Community Programs (REPEALING).**

Statutory Authority: §§ 37.1-10 and 37.1-84.1 of the Code of Virginia.

Public Hearing Date: N/A -- Public comments may be submitted until February 4, 2001.

(See Calendar of Events section for additional information)

Basis: This regulation was necessary to fulfill the department's legislative mandate pursuant to § 37.1-84.1 of the Code of Virginia to promulgate regulations delineating the rights of patients and residents with respect to nutritionally adequate diet; safe and sanitary housing; participation in nontherapeutic labor; attendance or nonattendance at religious services; participation in treatment decision making, including due process procedures to be followed when a patient or resident may be unable to make an informed decision; use of telephones; availability of suitable clothing; and possession of money and valuables and related matters. The Code of Virginia also required that such regulation be applicable to community programs licensed or funded by the DMHMRSAS.

Purpose: This regulation was designed to protect the legal and human rights of consumers of community programs licensed or funded by the Department of Mental Health, Mental Retardation and Substance Abuse Services. This regulation is to be replaced by a regulation that covers all facilities and programs, operated, licensed and funded by the DMHMRSAS. The current regulation was promulgated in 1986 and is being repealed for the following reasons:

1. The regulation is not consistent for all facilities and programs licensed, funded and operated by the department;
2. The regulation does not incorporate changes in the law;

3. The regulation is not clear and specific on the rights of consumers and families;
4. The regulation does not clearly state the responsibilities of providers;
5. The regulation does not clearly state the review and resolution process; and
6. The regulation does not provide time frames for each stage of review.

Substance: This regulation has not been revised since 1986. The current regulation is being revised and reformatted to facilitate clarity and consistency of the rights of individuals across community and facility programs, clearly identify provider duties and responsibilities, and describe any exceptions to each regulation.

Issues: Since 1986 numerous problems have been identified with the existing regulation. These problems include:

1. Inconsistencies between a regulation for facilities operated by the DMHMRSAS, the regulation for licensed inpatient programs and the regulation for community programs resulting in confusion for consumers, families and providers;
2. Changes in the law are not reflected in the existing regulation;
3. Changes in practice are not reflected in the existing regulation;
4. Time frames for the review and resolution of complaints are not specified in the existing regulation, resulting in protracted case reviews;
5. Multiple regulations are imposed on public and private programs and facilities that provide inpatient and outpatient services;
6. Confusion for consumers and families often results when an individual moves from one type of program to another (e.g., inpatient to community program) each with a separate set of human rights regulations; and
7. Time frames for the review and resolution of each complaint are not included in the regulation.

In 1992 the State Board of Mental Health, Mental Retardation and Substance Abuse Services adopted a resolution to consolidate the three existing regulations into a single regulation applicable to all facilities and programs operated, funded or licensed by the DMHMRSAS. A 1996 comprehensive review of the existing human rights regulations and the public comment received during that review demonstrated extensive public support for a single, consolidated regulation. There has been no show of support for maintaining the current regulations.

There are no disadvantages to the public or Commonwealth by the repeal of this regulation and replacement with a consolidated regulation.

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

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

Summary of the proposed regulation. The Department of Mental Health, Mental Retardation, and Substance Abuse Services (DMHMRSAS) is revising and consolidating three existing sets of human rights regulations into a single regulation. The department proposes to repeal this regulation (12 VAC 35-130) because its requirements have been incorporated into the Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers of Mental Health, Mental Retardation, and Substance Abuse Services (12 VAC 35-115).

Estimated economic impact. The proposed repeal is not expected to have any economic impact since its requirements have been incorporated into another regulation. The estimated economic impact of the consolidated regulation is evaluated in DPB's review of Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers of Mental Health, Mental Retardation, and Substance Abuse Services (12 VAC 35-115).

Businesses and entities affected. This regulation affects the approximately 340 organizations licensed by DMHMRSAS that provide over 1,100 community mental health, mental retardation, and substance abuse programs in Virginia.

Localities particularly affected. No localities are particularly affected by the proposed regulation.

Projected impact on employment. The proposed regulation is not anticipated to have a significant effect on employment.

Effects on the use and value of private property. The proposed regulation is not anticipated to have a significant effect on the use and value of private property.

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

Summary:

*The board is proposing to repeal the current Rules and Regulations to Assure the Rights of Clients in Community Programs. This regulation, along with two other human rights regulations, is being consolidated into a newly proposed regulation (Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers of Mental Health, Mental Retardation and Substance Abuse Services, 12 VAC 35-115-10 et seq.).*

VA.R. Doc. No. R00-142; Filed November 3, 2000, 1:24 p.m.



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# FINAL REGULATIONS

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For information concerning Final Regulations, see Information Page.

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## Symbol Key

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

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## TITLE 4. CONSERVATION AND NATURAL RESOURCES

### BOARD OF GAME AND INLAND FISHERIES

**REGISTRAR'S NOTICE:** The Board of Game and Inland Fisheries is exempt from the Administrative Process Act pursuant to subdivision A 3 of § 9-6.14:4.1 of the Code of Virginia when promulgating regulations regarding the management of wildlife.

**Title of Regulations:** 4 VAC 15-20-10 et seq. **Definitions and Miscellaneous:** In General (amending 4 VAC 15-20-50 and 4 VAC 15-20-130).

**4 VAC 15-30-10 et seq. Definitions and Miscellaneous: Importation, Possession, Sale, Etc., of Animals (amending 4 VAC 15-30-40).**

**4 VAC 15-250-10 et seq. Game: Falconry (amending 4 VAC 15-250-30).**

**Statutory Authority:** §§ 29.1-501 and 29.1-502 of the Code of Virginia.

**Effective Date:** January 1, 2001.

#### Summary:

*The amendments (i) delegate authority for proposing the adoption of modifications and amendments to the Federal Endangered and Threatened Species List to the department director; (ii) modify the list of endangered or threatened species to comply with changes made to the federal list and readopt the Federal Endangered and Threatened Species List; (iii) adopt current taxonomic nomenclature regarding the canebrake rattlesnake; (iv) add Asian swamp eel to the list of nonnative (exotic) animals that require a special permit for importation, possession, cultivation, and sale; allow the personal use of parts or products of such animals; and allow the purchase of these animals not otherwise restricted from importation and sale; (v) clarify the banding requirements for captive-bred monk parakeets; and (vi) require a permit for the taking or possession of state endangered or threatened raptors for falconry purposes.*

**Agency Contact:** Copies of the regulation may be obtained from Phil Smith, Department of Game and Inland Fisheries, 4010 West Broad Street, Richmond, VA 23230, telephone (804) 367-8341.

**4 VAC 15-20-50. Definitions; "wild animal," "native animal," "naturalized animal," "nonnative (exotic) animal" and "domestic animal."**

In accordance with § 29.1-100 of the Code of Virginia, the following terms shall have the meanings ascribed to them by this section when used in regulations of the board:

*"Wild animal"* means any member of the animal kingdom, except domestic animals, including without limitation any native, naturalized, or nonnative (exotic) mammal, fish, bird, amphibian, reptile, mollusk, crustacean, arthropod or other invertebrate, and includes any hybrid of them, except as otherwise specified in regulations of the board, or part, product, egg, or offspring of them, or the dead body or parts of them.

*"Native animal"* means those species and subspecies of animals naturally occurring in Virginia, as included in the department's ~~1991 official listing of~~ 2000 "List of Native and Naturalized Fauna of Virginia," with copies available in the Richmond and regional offices of the department.

*"Naturalized animal"* means those species and subspecies of animals not originally native to Virginia which have established wild, self-sustaining populations, as included in the department's ~~1991 official listing of~~ 2000 "List of Native and Naturalized Fauna of Virginia," with copies available in the Richmond and regional offices of the department.

*"Nonnative (exotic) animal"* means those species and subspecies of animals not naturally occurring in Virginia, excluding domestic and naturalized species.

The following animals are defined as domestic animals:

- Domestic dog (*Canis familiaris*), including wolf hybrids.
- Domestic cat (*Felis catus*), including hybrids with wild felines.
- Domestic horse (*Equus caballus*), including hybrids with *Equus asinus*.
- Domestic ass, burro, and donkey (*Equus asinus*).
- Domestic cattle (*Bos taurus* and *Bos indicus*).
- Domestic sheep (*Ovis aries*) including hybrids with wild sheep.
- Domestic goat (*Capra hircus*).
- Domestic swine (*Sus scrofa domestica*), including pot-bellied pig.
- Llama (*Lama glama*).
- Alpaca (*Lama pacos*).
- Camels (*Camelus bactrianus* and *Camelus dromedarius*).
- Domesticated races of hamsters (*Mesocricetus* spp.).

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Domesticated races of mink (*Mustela vison*) where adults are heavier than 1.15 kilograms or their coat color can be distinguished from wild mink.

Domesticated races of red fox (*Vulpes*) where their coat color can be distinguished from wild red fox.

Domesticated races of guinea pigs (*Cavia porcellus*).

Domesticated races of gerbils (*Meriones unguiculatus*).

Domesticated races of chinchillas (*Chinchilla laniger*).

Domesticated races of rats (*Rattus norvegicus* and *Rattus rattus*).

Domesticated races of mice (*Mus musculus*).

Domesticated races of European rabbit (*Oryctolagus cuniculus*).

Domesticated races of chickens (*Gallus*).

Domesticated races of turkeys (*Meleagris gallopavo*).

Domesticated races of ducks and geese distinguishable morphologically from wild birds.

Feral pigeons (*Columba domestica* and *Columba livia*) and domesticated races of pigeons.

Domesticated races of guinea fowl (*Numida meleagris*).

Domesticated races of peafowl (*Pavo cristatus*).

## 4 VAC 15-20-130. Endangered and threatened species; adoption of federal list; additional species enumerated.

A. The board hereby adopts the Federal Endangered and Threatened Species List, Endangered Species Act of December 28, 1973 (16 USC §§ 1531-1543), as amended, and declares all species listed thereon to be endangered or threatened species in the Commonwealth. Pursuant to § 29.1-103.12 of the Code of Virginia, the director of the department is hereby delegated authority to propose adoption of modifications and amendments to the Federal Endangered and Threatened Species List in accordance with the procedures of §§ 29.1-501 and 29.1-502 of the Code of Virginia.

B. In addition to the provisions of subsection A, the following species are declared endangered or threatened in this Commonwealth, and are afforded the protection provided by Article 6 (§ 29.1-563 et seq.) of Chapter 5 of Title 29.1 of the Code of Virginia:

### 1. Fish:

Endangered:

Dace, Tennessee	<i>Phoxinus tennesseensis</i>
Darter, duskytail	<i>Etheostoma</i> sp
Darter, sharphead	<i>Etheostoma acuticeps</i>
Darter, variegate	<i>Etheostoma variatum</i>
Sunfish, blackbanded	<i>Enneacanthus chaetodon</i>

Threatened:

Darter, Carolina	<i>Etheostoma collis</i>
Darter, Tippecanoe	<i>Etheostoma tippecanoe</i>

Darter, greenfin	<i>Etheostoma chlorobranchium</i>
Darter, longhead	<i>Percina macrocephala</i>
Darter, western sand	<i>Ammocrypta clara</i>
Madtom, orangefin	<i>Noturus gilberti</i>
Paddlefish	<i>Polyodon spathula</i>
Shiner, emerald	<i>Notropis atherinoides</i>
Shiner, steelcolor	<i>Cyprinella whipplei</i>
Shiner, whitemouth	<i>Notropis alborus</i>

### 2. Amphibians:

Endangered:

Salamander, eastern tiger	<i>Ambystoma tigrinum</i>
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Threatened:

Salamander, Mabee's	<i>Ambystoma mabeei</i>
Treefrog, barking	<i>Hyla gratiosa</i>

### 3. Reptiles:

Endangered:

Rattlesnake, canebrake	<i>Crotalus horridus atricaudatus</i>
Turtle, bog	<i>Clemmys muhlenbergii</i>
Turtle, chicken	<i>Deirochelys reticularia</i>

Threatened:

Lizard, eastern glass	<i>Ophisaurus ventralis</i>
Turtle, wood	<i>Clemmys insculpta</i>

### 4. Birds:

Endangered:

Plover, Wilson's	<i>Charadrius wilsonia</i>
Wren, Bewick's	<i>Thryomanes bewicki</i>

Threatened:

Eagle, bald	<i>Haliaeetus leucocephalus</i> (see note A below for effective date)
Falcon, peregrine	<i>Falco peregrinus</i>
Sandpiper, upland	<i>Bartramia longicauda</i>
Shrike, loggerhead	<i>Lanius ludovicianus</i>
Sparrow, Bachman's	<i>Ammophila aestivalis</i>
Sparrow, Henslow's	<i>Ammodrammus henslowii</i>
Tern, gull-billed	<i>Sterna nilotica</i>

### 5. Mammals:

Endangered:

Bat, eastern big-eared	<i>Plecotus rafinesquii macrotis</i>
Hare, snowshoe	<i>Lepus americanus</i>
Shrew, water	<i>Sorex palustris</i>
Vole, rock	<i>Microtus chrotorrhinus</i>

Threatened:

Shrew, Dismal Swamp southeastern	<i>Sorex longirostris fisheri</i>
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### 6. Molluscs:

Endangered:

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## 7. Arthropods:

Bean, purple	<i>Villosa porpurpurea</i>
Cavesnail, Unthanks	<i>Holsingeria unthinksensis</i>
Coil, rubble	<i>Helicodiscus lirellus</i>
Coil, shaggy	<i>Helicodiscus diadema</i>
Combshell, Cumberland	<i>Epioblasma brevidens</i>
Deertoe	<i>Truncilla truncata</i>
Elephant-ear	<i>Elliptio crassidens</i>
Floater, brook	<i>Alasmidonta varicosa</i>
Heelsplitter, Tennessee	<i>Lasmigona holstonia</i>
Lilliput, purple	<i>Toxolasma lividus</i>
Mussel, oyster	<i>Epioblasma capsaeformis</i>
Mussel, slippershell	<i>Alasmidonta viridis</i>
Pigtoe, Ohio	<i>Pleurobema cordatum</i>
Pigtoe, pink	<i>Pleurobema rubrum</i>
Snuffbox	<i>Epioblasma triquetra</i>
Spectaclecase	<i>Cumberlandia monodonta</i>
Supercoil, spirit	<i>Paravitrea hera</i>

Threatened:

Papershell, fragile	<i>Leptodea fragilis</i>
Pearlymussel, slabside	<i>Lexingtonia dolabelloides</i>
Pigtoe, Atlantic	<i>Fusconaia masoni</i>
Pimpleback	<i>Quadrula pustulosa ustulosa</i>
Rabbitsfoot, rough	<i>Quadrula cylindrica strigillata</i>
Riversnail, spiny	<i>Io fluviialis</i>
Sandshell, black	<i>Ligumia recta</i>
Sheepnose	<i>Plethobasus cyphus</i>
Supercoil, brown	<i>Paravitrea septadens</i>

Threatened:

Amphipod, Madison Cave	<i>Stygobromus stegerorum</i>
Pseudotremia, Ellett Valley	<i>Pseudotremia cavernarum</i>
Xystodesmid, Laurel Creek	<i>Sigmoria whiteheadi</i>

<sup>A</sup> Notwithstanding the prospective removal of the bald eagle from the federal list of endangered or threatened species, the bald eagle continues to be threatened in the Commonwealth of Virginia, and is hereby declared to be a threatened species in Virginia effective as of, and simultaneously with, the date of its removal from the federal list.

C. It shall be unlawful to take, transport, process, sell, or offer for sale within the Commonwealth any threatened or endangered species of fish or wildlife except as authorized by law.

### 4 VAC 15-30-40. Importation requirements, possession and sale of nonnative (exotic) animals.

A. Permit required. A special permit is required and may be issued by the department, if consistent with the department's fish and wildlife management program, to import, possess, or sell those nonnative (exotic) animals listed below that the board finds and declares to be predatory or undesirable within the meaning and intent of § 29.1-542 of the Code of Virginia, in that their introduction into the Commonwealth will be detrimental to the native fish and wildlife resources of Virginia:

AMPHIBIANS:			
Order	Family	Genus/Species	Common Name
Anura	Bufo	<i>Bufo marinus</i>	Giant or marine toad*
	Pipidae	<i>Xenopus</i> spp.	Tongueless or African clawed frog
Caudata	Ambystomatidae	<i>Ambystoma tigrinum mavortium</i>	Barred tiger salamander
		<i>A. t. diaboli</i>	Gray tiger salamander
		<i>A. t. melanostictum</i>	Blotched tiger salamander
BIRDS:			
Order	Family	Genus/Species	Common Name
Psittaciformes	Psittacidae	<i>Myiopsitta monachus</i>	Monk parakeet*
FISH:			
Order	Family	Genus/Species	Common Name
Cypriniformes	Catostomidae	<i>Ictiobus bubalus</i>	Smallmouth buffalo*
		<i>I. cyprinellus</i>	Bigmouth buffalo*
		<i>I. niger</i>	Black buffalo*
	Characidae	<i>Pygopristis</i> spp.	Piranhas
		<i>Pygocentrus</i> spp.	
		<i>Rooseveltiella</i> spp.	
		<i>Serrasalmo</i> spp.	
		<i>Serrasalmus</i> spp.	
		<i>Tadyyella</i> spp.	
	Cyprinidae	<i>Aristichthys nobilis</i>	Bighead carp*
<i>Ctenopharyngodon idella</i>		Grass carp or white amur	
<i>Cyprinella lutrensis</i>		Red shiner	

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		Hypophthalmichthys molitrix	Silver carp*
		Mylopharyngodon piceus	Black carp
		Scardinius erythrophthalmus	Rudd
		Tinca tinca	Tench*
Gobiesociformes	Gobiidae	Proterorhinus marmoratus	Tubenose goby
		Neogobius melanostomus	Round goby
Perciformes	Cichlidae	Tilapia spp.	Tilapia
		Gymnocephalus cernuum	Ruffe*
Siluriformes	Clariidae	All Species	Air-breathing catfish
Synbranchiformes	Synbranchidae	Monopterus albus	Swamp eel
MAMMALS:			
Order	Family	Genus/Species	Common Name
Artiodactyla	Suidae	All Species	Pigs or Hogs*
	Cervidae	All Species	Deer*
Carnivora	Canidae	All Species	Wild Dogs,* Wolves, Coyotes or Coyote hybrids, Jackals and foxes
	Ursidae	All Species	Bears*
	Procyonidae	All Species	Raccoons and* Relatives
	Mustelidae	All Species (except Mustela Putorius furo)	Weasels, Badgers,* Skunks and Otters Ferret
	Viverridae	All Species	Civets, Genets, Lingsangs, Mongooses, and Fossas
	Herpestidae	All Species	Mongooses*
	Hyaenidae	All Species	Hyenas*
	Protelidae	Proteles cristatus	Aardwolf*
	Felidae	All Species	Cats*
Chiroptera		All Species	Bats*
Lagomorpha	Leporidae	Lepus europeaeus	European hare
		Oryctolagus cuniculus	European rabbit
Rodentia	Sciuridae	Cynomys spp.	Prairie dogs
MOLLUSKS:			
Order	Family	Genus/Species	Common Name
Veneroida	Dreissenidae	Dreissena polymorpha	Zebra mussel
REPTILES:			
Order	Family	Genus/Species	Common Name
Squamata	Alligatoridae	All Species	Alligators, Caimans*
	Colubridae	Boiga irregularis	Brown tree snake*
	Crocodylidae	All Species	Crocodiles*
	Gavialidae	All Species	Gavials*

B. Temporary possession permit for certain animals. Notwithstanding the permitting requirements of subsection A, a person, company or corporation possessing any nonnative (exotic) animal, designated with an asterisk (\*) in subsection A, prior to July 1, 1992, must declare such possession in writing to the department by January 1, 1993. This written declaration shall serve as a permit for possession only, is not transferable, and must be renewed every five years. This written declaration must include species name, common name, number of individuals, date or dates acquired, sex (if possible), estimated age, height or length, and other characteristics such as bands and band numbers, tattoos, registration numbers, coloration, and specific markings.

Possession transfer will require a new permit according to the requirements of this subsection.

C. Exception for certain monk parakeets. A permit is not required for monk parakeets (quakers) that have been captive bred and are closed-banded *with a seamless band*.

D. Exception for parts or products. A permit is not required for parts or products of those nonnative (exotic) animals listed in subsection A that may be used *for personal use*, in the manufacture of products or used in scientific research, provided that such parts or products be packaged outside the Commonwealth by any person, company, or corporation duly licensed by the state in which the parts originate. Such packages may be transported into the Commonwealth, consistent with other state laws and regulations, so long as

the original package remains unbroken, unopened and intact until its point of destination is reached. Documentation concerning the type and cost of the animal parts ordered, the purpose and date of the order, point and date of shipping, and date of receiving shall be kept by the person, business or institution ordering such nonnative (exotic) animal parts. Such documentation shall be open to inspection by a representative of the Department of Game and Inland Fisheries.

E. Exception for certain mammals. Nonnative (exotic) mammals listed in subsection A that are imported or possessed by dealers, exhibitors, transporters, and researchers who are licensed or registered by the United States Department of Agriculture under the Animal Welfare Act (7 USC §§ 2131 et seq.) will be deemed to be permitted pursuant to this section, provided that those individuals wanting to import such animals notify the department 24 hours prior to importation with a list of animals to be imported, a schedule of dates and locations where those animals will be housed while in the Commonwealth, and a copy of the current license or licenses or registration or registrations from the U.S. Department of Agriculture, and further provided that such animals shall not be liberated within the Commonwealth.

F. Exception for prairie dogs. The effective date of listing of prairie dogs under subsection A of this section shall be January 1, 1998. Prairie dogs possessed in captivity in Virginia on December 31, 1997, may be maintained in captivity until the animals' deaths, but they may not be sold on or after January 1, 1998, without a permit.

G. All other nonnative (exotic) animals. All other nonnative (exotic) animals not listed in subsection A of this section may be possessed, *purchased*, and sold; provided, that such animals shall be subject to all applicable local, state, and federal laws and regulations, including those that apply to threatened/endangered species, and further provided, that such animals shall not be liberated within the Commonwealth.

**4 VAC 15-250-30. Classes of permits.**

A. Apprentice class.

1. Permittee shall be at least 14 years old.
2. A sponsor who is a holder of a general or master falconry permit is required for the first two years in which an apprentice permit is held, regardless of the age of the permittee. A sponsor may not have more than three apprentices at any one time.
3. Permittee shall not possess more than one raptor and may not obtain more than one raptor for replacement during any 12-month period.
4. Permittee shall possess only the following raptors, which must be taken from the wild: an American Kestrel; a red-tailed hawk; or a red-shouldered hawk.

B. General class.

1. Permittee shall be at least 18 years old.
2. Permittee shall have at least two years experience in the practice of falconry at the apprentice level or its equivalent.

3. Permittee may not possess more than two raptors and may not obtain more than two raptors for replacement birds during any 12-month period.

4. Permittee may not take, transport, or possess any golden eagle or any species listed as threatened or endangered in federal regulations published pursuant to the Endangered Species Act of 1973, *as amended*. *Permittee may not take, transport, or possess any species listed as threatened or endangered under 4 VAC 15-20-130 unless authorized via a falconry permit issued by the department.*

C. Master class.

1. Permittee shall have at least five years experience in the practice of falconry at the general class level or its equivalent.

2. Permittee may not possess more than three raptors and may not obtain more than two raptors taken from the wild for replacement birds during any 12-month period.

3. Permittee may not take, transport or possess any golden eagle for falconry purposes, *nor any species listed as threatened or endangered in federal regulations published pursuant to the Endangered Species Act of 1973, as amended*, unless authorized in writing by the department and the United States Fish and Wildlife Service, ~~and~~. *Permittee may not take, transport or possess any species listed as threatened or endangered in federal regulations published pursuant to the Endangered Species Act or unless similarly authorized in writing to do so under 4 VAC 15-20-130 unless authorized via a falconry permit issued by the department.*

4. ~~Permittee may not take, transport, or possess more than one raptor listed as threatened in federal regulations published pursuant to the Endangered Species Act of 1973, and then only with written approval by the department and the United States Fish and Wildlife Services.~~

VA.R. Doc. No. R01-6; Filed November 14, 2000, 10:43 a.m.

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**Title of Regulations:** 4 VAC 15-320-10 et seq. **Fish: Fishing Generally (amending 4 VAC 15-320-30, 4 VAC 15-320-100, and 4 VAC 15-320-120; adding 4 VAC 15-320-170).**

**4 VAC 15-330-10 et seq. Fish: Trout Fishing (amending 4 VAC 15-330-30, 4 VAC 15-330-50, 4 VAC 15-330-60, 4 VAC 15-330-100, [ 4 VAC 15-330-110, ] 4 VAC 15-330-120, [ 4 VAC 15-330-130, 4 VAC 15-330-140, 4 VAC 15-330-150, ] 4 VAC 15-330-160, and 4 VAC 15-330-190).**

**4 VAC 15-360-10 et seq. Fish: Aquatic Invertebrates, Amphibians, Reptiles, and Nongame Fish (amending 4 VAC 15-360-10 and 4 VAC 15-360-60).**

**Statutory Authority:** §§ 29.1-501 and 29.1-502 of the Code of Virginia.

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Effective Date: January 1, 2001.

Summary:

*The amendments (i) change the bass size limit in certain areas; (ii) permit fishing 24 hours a day unless otherwise posted at designated sites and add boat access sites to the list of areas where such notices may be posted; (iii) allow youth fishing events to be held at department-owned or controlled lakes, ponds, or streams; (iv) modify the dates for closing fee fishing on Douthat State Park Lake; (v) set boundaries for fishing at certain fishways during the anadromous fishes upstream spring spawning migration; (vi) remove Flannagan Reservoir from the list of waters with a two-per-day possession limit and a 16-inch minimum size limit for trout taken there; (vii) clarify the types of equipment that may be used to fish in designated stocked trout waters; (viii) amend the list of waters where fishing may be permitted only with artificial lures and the list of waters where fishing may be permitted only with artificial flies; (ix) add a part of Chestnut Creek in Carroll County and a part of the Roanoke River in Roanoke County to the list of those waters having a delayed harvest in which all trout caught during certain times of the year must immediately be released or may be possessed; (x) clarify that commercial aquaculture operations must obtain a permit to raise and sell brown, brook or rainbow trout; (xi) eliminate the requirement that eating establishments serving brown, brook, or rainbow trout advertise that such trout are artificially raised; (xii) establish provisions for selling and possessing artificially raised rainbow trout as bait; (xiii) specify the types of species of bullhead catfishes that may be taken in unlimited numbers from inland waters statewide; (xiv) allow the use of all sizes of cast nets to collect nongame fish for private use; and (xv) clarify that madtoms (*Noturus* spp.) may not be sold.*

Agency Contact: Copies of the regulation may be obtained from Phil Smith, Department of Game and Inland Fisheries, 4010 West Broad Street, Richmond, VA 23230, telephone (804) 367-8341.

#### **4 VAC 15-320-30. Size limit.**

Except as provided in this chapter, 4 VAC 15-330-50, and 4 VAC 15-330-110 through 4 VAC 15-330-140, there shall be no size limit on any species of fish.

1. There shall be a 30-inch minimum size limit on muskellunge, and a 20-inch minimum size limit on northern pike, landlocked striped bass (rockfish) and landlocked striped bass X white bass hybrids. For anadromous (coastal) striped bass above the fall line in coastal rivers of the Chesapeake Bay, the size limit shall be that set by the Virginia Marine Resources Commission for tidal waters.

2. There shall be a 14-inch minimum size limit on largemouth, smallmouth and spotted bass in Occoquan Reservoir from the reservoir dam upstream to the Lake Jackson Dam on Occoquan Creek and upstream to the Yates Ford Bridge (Route 612) on Bull Run Creek. It shall be unlawful to have any such bass less than 14

inches in length in one's possession on the above described waters of this reservoir.

3. There shall be a 12-inch minimum size limit on largemouth, smallmouth and spotted bass in the Claytor, Philpott and Flannagan Reservoirs, and in Lake Moomaw (Gathright Project). It shall be unlawful to have any largemouth, smallmouth or spotted bass less than 12 inches in length in one's possession while on any of the waters mentioned in the preceding sentence.

4. There shall be a 14-inch minimum size limit on largemouth, smallmouth and spotted bass on the Roanoke (Staunton) and Dan Rivers and their tributaries and impoundments (Gaston, John Kerr, Leesville and Smith Mountain Reservoirs) downstream from Niagara Dam on the Roanoke River and the Brantly Steam Plant Dam on the Dan River; except, that as many as two of such bass of a lesser size caught in such waters may be retained in the creel, but no more than two such bass may be in possession on such waters that are less than 14 inches in length.

5. It shall be unlawful to have any largemouth, smallmouth or spotted bass from 12 to 15 inches in length, both inclusive, in one's possession on North Anna Reservoir and its tributaries, ~~on Briery Creek Lake (Prince Edward County)~~, on Chesdin Reservoir or the Appomattox River from the Brasfield (Chesdin) Dam to Bevel's Bridge on Chesterfield County Route 602, on Beaverdam Reservoir (Loudoun County) and on the waters of Quantico Marine Reservation.

6. It shall be unlawful to have any smallmouth, largemouth or spotted bass from 11 to 14 inches in length, both inclusive, in one's possession on the Shenandoah River, including the North and South Forks downstream from the Route 42 bridge on the North Fork and from the confluence of the North and South Rivers on the South Fork below Port Republic; on the New River from Claytor Dam to the West Virginia boundary line; on the James River from the confluence of the Jackson and Cowpasture rivers downstream to the Interstate 95 bridge at Richmond; or on the Clinch River within the boundaries of Scott, Wise, Russell or Tazewell counties; *except on the James River (Botetourt County) from Route 220 bridge near Lick Run downstream to Route 614 bridge no bass 14 to 22 inches in length, both inclusive, may be in one's possession; however, only one bass longer than 22 inches may be kept; and on South Fork Shenandoah River from the base of Shenandoah Dam (near Town of Shenandoah) downstream to Luray Dam (near Town of Luray) and on Shenandoah River from the base of Warren Dam (near Town of Front Royal) downstream to Route 17/50 bridge no bass 14 to 20 inches, both inclusive, may be in one's possession; however, only one bass longer than 20 inches may be kept.*

7. It shall be unlawful to have any largemouth, smallmouth or spotted bass less than 15 inches in length from March 1 through June 15, both inclusive, in the Virginia tidal tributaries of the Potomac River upstream of the Route 301 Bridge. There shall be no size limit for

largemouth, smallmouth or spotted bass from June 16 through the last day of February in those tributaries.

8. It shall be unlawful to have any rock bass (redeye) or Roanoke bass less than eight inches in length in one's possession on the Nottoway and Meherrin rivers and their tributaries.

9. It shall be unlawful to possess any crappie (black or white) less than 10 inches in length ~~in possession~~ on Flannagan Reservoir.

10. It shall be unlawful to possess any smallmouth bass less than 20 inches in length ~~in possession~~ on the mainstem of the North Fork Holston River from the Route 634 bridge near Saltville downstream to the Virginia-Tennessee state line.

11. *It shall be unlawful to possess any largemouth, smallmouth, or spotted bass from 14 to 24 inches in length, both inclusive, on Briery Creek Lake (Prince Edward County). It shall be unlawful to keep more than one bass longer than 24 inches.*

**4 VAC 15-320-100. Department-owned or controlled lakes, ponds ~~or~~, streams or boat access sites; general regulations.**

A. Motors and boats. Unless otherwise posted at each recognized entrance to any department-owned or controlled lake [ ~~or~~ ] pond or stream, the use of boats propelled by gasoline motors, sail or mechanically operated recreational paddle wheel is prohibited. Department employees and other government agency officials may use gasoline motors in the performance of official duties.

B. Method of fishing. Taking any fish at any department-owned or controlled lake ~~or~~, pond *or stream* by any means other than by use of one or more attended poles with hook and line attached is prohibited unless otherwise posted in which case cast nets (subject to 4 VAC 15-360-10 B) may be used for collecting nongame fish for use as bait.

C. Hours for fishing. *Fishing is permitted 24 hours a day unless otherwise posted at each recognized entrance to any department-owned or controlled lake, pond ~~or~~, stream, ~~the hours of use shall be from one hour before sunrise to one hour after sunset or boat access site.~~*

D. Seasons; hours and methods of fishing; size and creel limits; hunting. The open seasons for fishing, as well as fishing hours, methods of taking fish and the size, possession and creel limits, and hunting, for department-owned or department-controlled lakes, ponds ~~or~~, streams *or boat access sites* shall conform to the general regulations of the board unless otherwise excepted by posted notice displayed at each ~~recognized entrance to the~~ lake, pond ~~or~~, stream *or boat access site*, in which case the posted regulations shall be in effect.

E. Other uses. Camping overnight or building fires, except in developed and designated areas, swimming, wading in public fishing lakes, except by fishermen actively engaged in fishing and trapping for furbearers, is prohibited. Trapping may be authorized by special permit from the warden when requested to issue such permit or permits by the fish division.

*All other uses shall conform to the regulations of the board unless excepted by posted rules.*

F. Fishing tournaments, etc. It shall be unlawful to organize, conduct, supervise or solicit entries for fishing tournaments, rodeos or other fishing events on ~~waters lakes, ponds, or streams~~ owned by the department, for which prizes are offered, awarded or accepted *based on size or numbers of fish caught*, either in money or other valuable considerations. *This chapter will not prohibit events approved by the department that are intended to promote youth fishing or provide instruction, provided no prizes, as defined above, are awarded and no participation fees are charged.*

**4 VAC 15-320-120. ~~Department-owned or controlled lakes, ponds or streams~~; Special daily permit for fishing in Clinch Mountain Wildlife Management Area, Douthat State Park Lake and Crooked and Wilson Creeks.**

It shall be unlawful to fish in the Clinch Mountain Wildlife Management Area (except in Little Tumbling Creek and Laurel Bed Lake), in Douthat State Park Lake and in Wilson Creek both above the lake to the park boundary and downstream to the lower USFS boundary, and in the Crooked Creek fee fishing area in Carroll County without having first paid to the department for such privilege a daily use fee. Such daily use fee shall be in addition to all other license fees provided by law. Upon payment of the daily use fee the department shall issue a special permit which shall be signed and carried by the person fishing. This fee will be required from the first Saturday in April through September 30 at Clinch Mountain Wildlife Management Area (except Little Tumbling Creek and Laurel Bed Lake) and at Crooked Creek fee fishing area in Carroll County, and from the first Saturday in April through *June 15 and from September 15 through October 31* at Douthat State Park Lake and Wilson Creek, except that the director may temporarily suspend fee requirements if conditions cause suspension of trout stocking. During the remainder of the year, these waters will revert to designated stocked trout waters and a trout license will be required except as provided in 4 VAC 15-20-190. No fishing is permitted in these waters for five days preceding the opening day. Fishing shall begin at 9 a.m. on opening day at all fee areas. After opening day, fishing times will be as posted at each fee area. The department may recognize clearly marked "children only" fishing areas within any department fee fishing area. Within these "children only" areas, children 12 years old or less may fish without the daily use fee if accompanied by a fully licensed adult who has purchased a valid daily permit. No person over 12 years of age may fish in these children-only areas. Also, children 12 years and under can fish without a permit in the entire Douthat Fee Fishing Area if under the direct supervision of a permitted adult. However, the combined daily creel limit for both adult and child/children in such a party shall not exceed six trout. During the fee fishing season these waters will be subject to 4 VAC 15-330-60, 4 VAC 15-330-80, and 4 VAC 15-330-90, as it relates to designated stocked trout waters.

**4 VAC 15-320-170. Fishways.**

*It shall be unlawful to fish or to collect bait March 1 through June 15 within 300 feet of Boshers Dam Fishway on the north*

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bank of James River, or within 150 feet of Harvell Dam Fishway on the south bank of Appomattox River.

#### 4 VAC 15-330-30. Creel limit; generally.

Except as otherwise specifically provided in the sections appearing in this chapter, the daily creel limit for taking trout shall be six, except the daily creel limit shall be two in Flannagan, Moomaw and Philpott reservoirs.

#### 4 VAC 15-330-50. Size limit.

Except as otherwise specifically provided by the sections appearing in this chapter, there shall be a seven-inch minimum size limit on trout generally and a 16-inch minimum size limit on trout in Flannagan, Moomaw and Philpott Reservoirs.

#### 4 VAC 15-330-60. Methods and equipment used in fishing.

~~All seines, nets and the use of more than one rod or one line by any one person are prohibited while fishing in designated stocked trout waters, except it shall be lawful to use a hand-landing net to land fish legally hooked in all waters.~~

~~It shall be unlawful to fish with more than one hook attached to a single line in designated stocked trout waters and such hook must be used with bait or artificial lures; provided, however, this shall not be construed to prohibit the use of artificial lures with more than one hook.~~

*It shall be unlawful for any person fishing in designated stocked trout water to use more than one rod, one line, and one baited hook (a treble hook is considered one hook); however, any combination of artificial lures is allowed. It shall be unlawful to use seines and nets in designated stocked trout waters, except that a hand-landing net to land fish legally hooked may be used in all waters.*

#### 4 VAC 15-330-100. "Artificial lure [ with single hook ] " defined.

For the purposes of this chapter "artificial lure [ with single hook ] " [ shall mean any single point hook lure (with no multiple point hooks) and ] shall include manufactured or handmade flies, spinners, plugs, spoons and ~~facsimiles~~ *facsimiles* of live animals, but shall not be construed to include [ artificial fish eggs ~~artificially-produced organic baits and fish eggs that are intended to be ingested~~ ].

#### 4 VAC 15-330-110. Special provisions applicable to certain portions of Green Cove Creek, Smith Creek, Snake Creek and Whitetop Laurel Creek.

It shall be lawful to fish using only artificial lures [ with single hooks ] in that portion of Green Cove Creek in Washington County from Route 859 downstream to its mouth, in that portion of Smith Creek in Alleghany County from the Clifton Forge Reservoir Dam downstream to a sign at the Forest Service boundary above the C & O Dam, on Snake Creek in Carroll County upstream from its mouth to Hall's Fork on Big Snake Fork and to the junction of Routes 922 and 674 on Little Snake Fork, in Whitetop Laurel Creek in Washington County upstream from the mouth of Straight Branch to a sign at the Forest Service boundary just

downstream of Taylor Valley, and in Whitetop Laurel Creek in Washington County upstream from the first railroad trestle above Taylor Valley to the mouth of Green Cove Creek at Creek Junction. All trout caught in these waters under 12 inches in length shall be immediately returned to the water unharmed. It shall be unlawful for any person to have in his possession any bait, or any trout under 12 inches in length in these areas.

#### 4 VAC 15-330-120. Special provisions applicable to certain portions of Buffalo Creek, Dan River, Jackson River, Pound River, Roaring Run, Sinking Creek, Smith Creek, Smith River, and South Fork Holston River.

A. It shall be lawful year around to fish using only artificial lures [ with single hooks ] in that portion of Buffalo Creek in Rockbridge County from the confluence of Colliers Creek upstream 2.9 miles to the confluence of North and South Buffalo Creeks, in that portion of Smith River in Henry County from signs below the east bank of Towne Creek ~~for a distance of approximately three miles~~ downstream to the State Route 666 (Trent Hill Road) bridge, in that portion of the Dan River in Patrick County from Talbott Dam approximately six miles downstream to a sign posted just upstream from the confluence of Dan River and Townes Reservoir, in that portion of the Pound River from a sign posted 0.4 miles below the Flannagan Dam downstream 1.2 miles to a sign posted just upstream of the confluence of the Pound River and the Russell Fork River, in that portion of the South Fork Holston River in Smyth County from a sign posted at the upper Jefferson National Forest boundary downstream approximately four miles to a sign posted 500 feet upstream of the concrete dam at Buller Fish Culture Station, in that portion of Roaring Run in Botetourt County from a sign posted at the third footbridge above the Roaring Run Furnace Day Use Area upstream approximately one mile to a sign posted at the Botetourt/Alleghany County line, and in that portion of Jackson River in Bath County from the swinging bridge located just upstream from the mouth of Muddy Run upstream three miles to the last ford on FS 481D.

B. It shall be lawful year around to fish using only artificial flies [ with single hooks ] in that portion of Sinking Creek in Giles County from a cable and department sign 0.4 miles below the State Route 703 low-water bridge upstream 1.8 miles to a cable and department sign 0.1 miles above the Reynolds Farm covered bridge ~~and in that portion of Smith Creek in Rockingham County from a sign posted 1.0 miles below the confluence of Lacy Spring to a sign posted 0.4 miles above Lacy Spring.~~

C. The daily creel limit in these waters shall be two trout a day year around and the size limit shall be 16 inches or more in length. All trout caught in these waters under 16 inches in length shall be immediately returned to the water unharmed. It shall be unlawful for any person to have in his possession any bait or any trout under 16 inches in length in these areas.

#### 4 VAC 15-330-130. Special provision applicable to certain portions of Mossy Creek.

It shall be lawful year around to fish using only artificial flies [ with single hooks ] in that portion of Mossy Creek in Augusta County upstream from the Augusta/Rockingham County line



to a sign posted at the confluence of Joseph's Spring. The daily creel limit in these waters shall be one trout a day year around and the size limit shall be 20 inches or more in length. All trout caught in these waters under 20 inches in length shall be immediately returned to the water unharmed. It shall be unlawful for any person to have in his possession any bait or any trout under 20 inches in length in this area.

**4 VAC 15-330-140. Special provision applicable to certain portions of Big Wilson Creek, Conway River, Little Stony Creek, Little Wilson Creek, North Fork Buffalo River, St. Mary's River and Ramsey's Draft.**

It shall be lawful to fish using only artificial lures [ with single hooks ] in that portion of the Conway River and its tributaries in Greene and Madison Counties within the Rapidan Wildlife Management Area, in that portion of Big and Little Wilson Creeks and their tributaries in Grayson County within the Grayson Highland State Park and the Jefferson National Forest Mount Rogers National Recreation Area, in that portion of Little Stony Creek in Giles County within the Jefferson National Forest, in that portion of Little Stony Creek in Shenandoah County within the George Washington National Forest, in the North Fork Buffalo River and its tributaries in Amherst County within the George Washington National Forest, in that portion of St. Mary's River in Augusta County and its tributaries upstream from the gate at the George Washington National Forest property line, and in that portion of Ramsey's Draft and its tributaries in Augusta County within the George Washington National Forest. All trout caught in these waters under nine inches in length shall be immediately returned to the water unharmed. It shall be unlawful for any person to have in his possession any bait or any trout under nine inches in length while in these areas.

**4 VAC 15-330-150. Special provision applicable to Stewarts Creek Trout Management Area; certain portions of Dan, Rapidan, South Fork Holston and Staunton rivers, the East Fork of Chestnut Creek, Roaring Fork, North Creek, and their tributaries.**

It shall be lawful year around to fish for trout using only artificial lures [ with single hooks ] within the Stewarts Creek Trout Management Area in Carroll County, in the Rapidan and Staunton rivers and their tributaries upstream from a sign at the Lower Shenandoah National Park boundary in Madison County, in the Dan River and its tributaries between the Townes Dam and the Pinnacles Hydroelectric Project powerhouse in Patrick County, in the East Fork of Chestnut Creek (Farmer's Creek) and its tributaries upstream from the Blue Ridge Parkway in Grayson and Carroll Counties, in Roaring Fork and its tributaries upstream from the southwest boundary of Beartown Wilderness Area in Tazewell County and in that section of the South Fork Holston River and its tributaries from the concrete dam at Buller Fish Culture Station downstream to the lower boundary of the Buller Fish Culture Station in Smyth County, and in North Creek and its tributaries upstream from a sign at the George Washington National Forest North Creek Campground in Botetourt County. All trout caught in these waters must be immediately returned to the water. No trout or bait may be in possession at any time in these areas.

**4 VAC 15-330-160. Special provisions applicable to certain portions of Accotink Creek, Back Creek, Chestnut Creek, Holliday Creek, North River, Passage Creek, Pedlar River, North Fork of Pound and Pound rivers, Roanoke River, and South River.**

It shall be lawful to fish from October 1 through May 31, both dates inclusive, using only artificial lures [ with single hooks ] in Accotink Creek (Fairfax County) from Route 236 (Little River Turnpike) downstream 1.9 miles to Route 620 (Braddock Road), in Back Creek (Bath County) from the Route 600 bridge just below the Virginia Power Back Creek Dam downstream 1.5 miles to the Route 600 bridge at the lower boundary of the Virginia Power Recreational Area, in Chestnut Creek (Carroll County) from the State Route 793 bridge downstream 2.3 miles to the confluence with New River, in Holliday Creek (Appomattox/Buckingham Counties) from the Route 640 crossing downstream 2.8 miles to a sign posted at the headwaters of Holliday Lake, in the North River (Augusta County) from the base of Elkhorn Dam downstream 1.5 miles to a sign posted at the head of Staunton City Reservoir, in Passage Creek (Warren County) from the lower boundary of the Front Royal State Hatchery upstream 0.9 miles to the Shenandoah/Warren County line, in the Pedlar River (Amherst County) from the City of Lynchburg/George Washington National Forest boundary line (below Lynchburg Reservoir) downstream 2.7 miles to the boundary line of the George Washington National Forest, in North Fork of Pound and Pound rivers from the base of North Fork of Pound Dam downstream to the confluence with Indian Creek, in the Roanoke River (Roanoke County) from the Route 760 bridge (Diaguids Lane) upstream 1.0 miles to a sign posted at the upper end of Green Hill Park (Roanoke County), and in the South River from the Second Street Bridge upstream 2.4 miles to the base of Rife Loth Dam in the City of Waynesboro. From October 1 through May 31, all trout caught in these waters must be immediately returned to the water unharmed, and it shall be unlawful for any person to have in possession any bait or trout. During the period of June 1 through September 30, the above restrictions will not apply.

**4 VAC 15-330-190. Trout artificially raised for human consumption sale.**

A. Permit required. It shall be ~~unlawful~~ lawful to sell artificially ~~raise~~ raised brown trout, brook trout or rainbow trout for human consumption or to import into Virginia such trout for human consumption without first having obtained a permit from the department so to do. Commercial aquaculture operations in Virginia that artificially raise and sell brown, brook, and rainbow trout must obtain a permit from the department.

B. Records. Any person who shall artificially raise brown trout, brook trout or rainbow trout for sale ~~for human consumption or who shall import into the Commonwealth such trout for such purpose~~ shall keep a record of the number and species, the number raised or, if imported, from whom purchased.

C. Inspection of premises or establishments. Any establishment raising trout or ordering, importing or possessing trout, as provided for in subsection A of this

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# Final Regulations

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section, shall be open to inspection at all reasonable hours to any representative of the department.

~~D. Notice on menu of eating establishments serving trout. Any eating establishment serving brown trout, brook trout or rainbow trout shall advertise on the menu that such trout are artificially raised. Trout as bait. Artificially raised rainbow trout [ greater than seven inches in length ] may be sold as bait [ for use in impoundments (ponds, lakes, and reservoirs), except impoundments listed as designated stocked trout waters, Lake Moomaw, and Philpott Reservoir ]. Persons possessing purchased rainbow trout for bait must have a valid invoice or bill of sale, specifying [ date of purchase, ] the number [ of trout ] purchased, [ ~~from~~ and name of ] an individual or business permitted to sell trout.~~

#### 4 VAC 15-360-10. Taking aquatic invertebrates, amphibians, reptiles, and nongame fish for private use.

A. Possession limits. Except as otherwise provided for in § 29.1-418 of the Code of Virginia, 4 VAC 15-20-130, subdivision 8 of 4 VAC 15-320-40 and the sections of this chapter, it shall be lawful to capture and possess live for private use and not for sale no more than five individuals of any single native or naturalized (as defined in 4 VAC 15-20-50) species of amphibian and reptile and 20 individuals of any single native or naturalized (as defined in 4 VAC 15-20-50) species of aquatic invertebrate and nongame fish unless specifically listed below:

1. The following species may be taken in unlimited numbers from inland waters statewide: carp, bowfin, longnose gar, mullet, ~~bullhead catfish, suckers yellow bullhead, brown bullhead, black bullhead, flat bullhead, white sucker, northern hogsucker,~~ gizzard shad, threadfin shad, blueback herring, white perch, yellow perch, alewife, stoneroller (hornyhead), fathead minnow, golden shiner, and goldfish.

2. The following species may be taken in unlimited numbers from inland waters below the fall line: channel catfish, white catfish and blue catfish.

3. For the purpose of this chapter, "fish bait" shall be defined as native or naturalized species of minnows and chubs (Cyprinidae), salamanders, crayfish, and hellgrammites. The possession limit for taking "fish bait" shall be 50 individuals in aggregate, unless said person has purchased "fish bait" and has a receipt specifying the number of individuals purchased by species, except salamanders which cannot be sold pursuant to the provisions of 4 VAC 15-360-60. However, stonerollers (hornyheads), fathead minnows, golden shiners, and goldfish may be taken and possessed in unlimited numbers as provided for in subdivision 1 of this subsection.

4. The daily limit for bullfrogs and snapping turtles shall be 15 and bullfrogs and snapping turtles may not be taken from the banks or waters of designated stocked trout waters.

B. Methods of taking species in subsection A. Except as otherwise provided for in the Code of Virginia, 4 VAC 15-20-130, and other regulations of the board, and except in

any waters where the use of nets is prohibited, the species listed in subsection A may only be taken by hand, hook and line, with a seine not exceeding four feet in depth by 10 feet in length, an umbrella type net not exceeding five by five feet square, small minnow traps with throat openings no larger than one inch in diameter, cast nets ~~not to exceed six feet in radius,~~ and hand-held bow nets with diameter not to exceed 20 inches and handle length not to exceed eight feet (such cast net and hand-held bow nets when so used shall not be deemed dip nets under the provisions of § 29.1-416 of the Code of Virginia). Bullfrogs may also be taken by gigging or bow and arrow and, from private waters, by firearms no larger than .22 caliber rimfire.

C. Areas restricted from taking mollusks. Except as provided for in §§ 29.1-418 and 29.1-568 of the Code of Virginia, it shall be unlawful to take mussels and the spiny riversnail (*Io fluviialis*) in the Tennessee drainage in Virginia (Clinch, Powell and the North, South and Middle Forks of the Holston Rivers and tributaries), and it shall be unlawful to take mussels in the James River and tributaries west of U.S. Route 29 and in the entire North Fork of the Shenandoah River.

D. Areas restricted from taking salamanders. Except as provided for in §§ 29.1-418 and 29.1-568 of the Code of Virginia, it shall be unlawful to take salamanders in Grayson Highlands State Park and on National Forest lands in the Jefferson National Forest in those portions of Grayson, Smyth and Washington Counties bounded on the east by State Route 16, on the north by State Route 603 and on the south and west by U.S. Route 58.

#### 4 VAC 15-360-60. Prohibit the sale of salamander *and madtom* species.

It shall be unlawful to sell *any species of madtom (Noturus sp.) and any species of salamander with the exception of nonnative newts (Salamandridae).*

VA.R. Doc. No. R01-5; Filed November 14, 2000, 10:43 a.m.



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# GENERAL NOTICES/ERRATA

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## BOARD FOR CONTRACTORS

### Notice of Periodic Review

The Virginia Board for Contractors invites public comment on 18 VAC 50-10-10 et seq., Public Participation Guidelines. This review is being conducted under Executive Order 25 (98). The board welcomes written comments on the performance and effectiveness of this regulation to meet the notification requirements contained in the Administrative Process Act and to increase input into the regulatory process in the most cost-efficient manner possible.

Copies of the regulation may be obtained from the board. Written or faxed comments may be submitted through 5 p.m. on January 5, 2001. Comments or questions should be sent to Nancy Taylor Feldman, Assistant Director, Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-2785.

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The Virginia Board for Contractors invites public comment on 18 VAC 50-30-10 et seq., Tradesman Regulations. This review is being conducted under Executive Order 25 (98). The board welcomes written comments on the performance and effectiveness of this regulation to meet the notification requirements contained in the Administrative Process Act and to increase input into the regulatory process in the most cost-efficient manner possible.

Copies of the regulation may be obtained from the board. Written or faxed comments may be submitted through 5 p.m. on January 5, 2001. Comments or questions should be sent to Nancy Taylor Feldman, Assistant Director, Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-2785.

## STATE CORPORATION COMMISSION

Administrative Letter 2000-14

**TO: ALL INSURERS LICENSED TO WRITE ACCIDENT AND SICKNESS INSURANCE IN VIRGINIA, AND ALL HEALTH SERVICES PLANS, AND HEALTH MAINTENANCE ORGANIZATIONS LICENSED IN VIRGINIA**

**RE: 14 VAC 5-190-10 et seq.: Rules Governing the Reporting of Cost and Utilization Data Relating to Mandated Benefits and Mandated Providers Notification of Additional Reporting Requirements for the 2000 Reporting Period**

The purpose of this letter is to alert carriers to certain benefit or provider information which must be reported to the State Corporation Commission ("Commission"), on Form MB-1, due on or before May 1, 2001. Carriers are responsible for making necessary adjustments to their data capturing systems to ensure that Form MB-1 accurately reflects cost and utilization data relating to additional reporting categories for the 2000 reporting period (calendar year). This letter only

summarizes those categories of coverage or providers which will be reported for the first time. Carriers are encouraged to review **all** requirements applicable to mandated benefits and mandated providers as well as the associated reporting requirements to determine the extent to which these new reporting requirements affect their organization and to ensure compliance with all existing mandated benefit and provider requirements.

In addition to all reporting requirements currently in effect, cost and utilization data relating to the following categories of mandated benefits or providers for calendar year 2000 will be reported on Form MB-1, due May 1, 2001. In each category identified below, the legislation requiring coverage of the benefit or provider was effective July 1, 1999, unless otherwise stated. Calendar year 2000 represents the first full calendar year during which the coverage requirement was in effect. Carriers should review the statutes identified below in their entirety for additional guidance concerning coverage requirements.

- § 38.2-3412.1:01 of the Code of Virginia (effective January 1, 2000) requires each insurer, health services plan, and health maintenance organization to provide coverage for biologically based mental illnesses to group policyholders or contract holders.
- § 38.2-3418.1:2 of the Code of Virginia is amended to extend coverage for pap smears to include coverage for annual testing performed by any FDA-approved gynecologic cytology screening technologies.
- § 38.2-3418.8 of the Code of Virginia requires that insurers, health services plans, and health maintenance organizations provide coverage for patient costs incurred during participation in clinical trials for treatment studies on cancer.
- § 38.2-3418.9 of the Code of Virginia requires that insurers, health services plans, and health maintenance organizations provide coverage for a minimum hospital stay for hysterectomy.
- § 38.2-3418.10 of the Code of Virginia requires that insurers, health services plans, and health maintenance organizations provide coverage for diabetes. Such coverage shall include benefits for equipment, supplies and outpatient management training and education, including medical nutrition therapy.
- § 38.2-3418.11 of the Code of Virginia requires that insurers, health services plans, and health maintenance organizations provide coverage for hospice services.

In order to avoid confusion and to facilitate the capturing of appropriate data relating to the above requirements, the Bureau of Insurance has identified some of the CPT and ICD-9-CM codes for many of these requirements. The codes on the attached listing supplement the CPT and ICD-9-CM codes furnished to carriers previously. Carriers should refer to the complete listing of CPT and ICD-9-CM codes to ensure compliance with all reporting requirements.

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## General Notices/Errata

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Please refer any question regarding this matter to Mary Ann Mason, Senior Insurance Market Examiner, State Corporation Commission, Bureau of Insurance, Life and Health Division, Post Office Box 1157, Richmond, Virginia 23218, telephone (804) 371-9348, FAX: (804) 371-9944.

/s/ Alfred W. Gross  
Commissioner of Insurance

**Virginia Code Section 38.2-3418.9: Minimum hospital stays for hysterectomy**

CPT Codes

58250-58285	Vaginal hysterectomy
58550-58551	Laparoscopy, surgical, with vaginal hysterectomy

**Virginia Code Section 38.2-3418.10: Diabetes equipment, supplies, outpatient management**

ICD Codes

V53	Fitting and adjustment of other device
V65.3	Dietary surveillance and counseling
V65.4	Other counseling, not elsewhere classified

CPT Codes

99201-99215	Office or Other Outpatient Services (New Patient)
99241-99245	Office or Other Outpatient Services (New or Established Patient)
99078	Diabetic instructions

**Virginia Code Section 38.2-3418.11: Hospice Services**

ICD Codes

V66.7	Hospice Care
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CPT Codes

99377	Physician supervision of a hospice patient
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**Virginia Code Section 38.2-3412.1-01: Biologically Based Mental Illness**

ICD Codes

295.0-295.9	Schizophrenia/Schizoaffective disorder
299.9	Schizophrenia, childhood type
296.4-296.7	Bipolar affective disorder
296.2-296.3	Major depressive disorder
300.01	Panic disorder
309.0	Predominant disturbance of emotions
300.3	Obsessive-compulsive disorders
314.0	Attention deficit disorder
314.01	With hyperactivity
299.0	Infantile autism
291	Alcoholic psychoses
303	Alcohol dependence syndrome
292	Drug psychoses
304	Drug dependence

CPT Codes

Please use appropriate CPT codes for procedures and services used to report services for biologically based mental illnesses. An extensive listing of CPT codes is prohibitive for purposes of this letter.

**Virginia Code Section 38.2-3418.1-2: Pap Smears (Cytology Screening)**

CPT Codes

88164-88167	Cytopathology, cervical or vaginal (any reporting system); requiring interpretation by physician
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**Virginia Code Section 38.2-3418.8: Clinical trials for treatment studies on cancer**

ICD Codes

V70.7	Examination for normal comparison or control in clinical research
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# General Notices/Errata

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## BOARD OF EDUCATION

### Revision of the Standards of Learning in Health, Physical Education, and Driver Education

Notice is hereby given that the Board of Education intends to revise the Standards of Learning in health, physical education, and driver education. The revision process is expected to be ongoing until June 2001.

Public hearings will be conducted prior to the Board of Education's action to adopt the Standards of Learning in health, physical education, and driver education. Questions regarding the revision process should be directed to Sandra Dofflemyer at (804) 225-2898; e-mail [sdofflem@mail.vak12ed.edu](mailto:sdofflem@mail.vak12ed.edu), or to Vanessa Wigand at (804) 225-3300; e-mail [vwigand@pen.k12.va.us](mailto:vwigand@pen.k12.va.us). Written comment is welcome and may be mailed to the Virginia Department of Education, P.O. Box 2120, Richmond, VA 23218-2120.

## BOARD FOR HEARING AID SPECIALISTS

### Notice of Periodic Review

The Board for Hearing Aid Specialists invites public comment on 18 VAC 80-10-10 et seq., Public Participation Guidelines. This review is being conducted under Executive Order 25 (98). The board welcomes written comments on the performance and effectiveness of this regulation to meet the notification requirements contained in the Administrative Process Act and to increase input into the regulatory process in the most cost-efficient manner possible.

Copies of the regulation may be obtained from the board. Written or faxed comments may be submitted through 5 p.m. on January 5, 2001. Comments or questions should be sent to Nancy Taylor Feldman, Assistant Director, Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-2785.

## BOARD FOR OPTICIANS

### Notice of Periodic Review

The Board for Opticians invites public comment on 18 VAC 100-10-10 et seq., Public Participation Guidelines. This review is being conducted under Executive Order 25 (98). The board welcomes written comments on the performance and effectiveness of this regulation to meet the notification requirements contained in the Administrative Process Act and to increase input into the regulatory process in the most cost-efficient manner possible.

Copies of the regulation may be obtained from the board. Written or faxed comments may be submitted through 5 p.m. on January 5, 2001. Comments or questions should be sent to Nancy Taylor Feldman, Assistant Director, Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-2785.

## STATE WATER CONTROL BOARD

### Proposed Consent Special Order Stafford County School Board Hartwood Elementary School Sewage Treatment Plant

The State Water Control Board (board) proposes to issue a consent special order (order) to Stafford County School Board (permittee) regarding Hartwood Elementary School Sewage Treatment Plant (facility) located in Stafford County, Virginia.

Hartwood Elementary School Sewage Treatment Plant is subject to VPDES Permit No. VA0060348. The order requires that the permittee install a new sewage treatment plant and take the existing sewage treatment plant off line and eliminate the discharge. The order also provides interim effluent permit limitations for ammonia and biochemical oxygen demand.

On behalf of the board, the Department of Environmental Quality's Northern Virginia Regional Office will receive written comments relating to the order through January 2, 2001. Please address comments to Susan A. Oakes, Northern Virginia Regional Office, Department of Environmental Quality, 13901 Crown Court, Woodbridge, Virginia 22193. Please address comments sent via e-mail to [saoakes@deq.state.va.us](mailto:saoakes@deq.state.va.us). In order to be considered, comments provided by e-mail must include the commenter's name, address, and telephone number. Please write or visit the Woodbridge address or call (703) 583-3863 in order to examine or to obtain a copy of the order.

## ERRATA

### DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Title of Regulation: Residential and Psychiatric Treatment for Children and Adolescents.

12 VAC 30-130-10 et seq. Amount, Duration and Scope of Selected Services.

Publication: 17:5 VA.R. 791-797 November 20, 2000.

Correction to the final regulation:

Page 795, column 2, 12 VAC 30-130-880 B 3, line 4, change "Council on Accreditation of Services for Families and Children" to "Council on Quality and Leadership in Supports for People with Disabilities"

**VIRGINIA CODE COMMISSION**

**Change in Subscription Rate for the Virginia Register of Regulations**

The Virginia Code Commission approved an increase of the annual subscription rate for the Virginia Register of Regulations to \$125 and an increase for single copy issues of the Register to \$5.00 per issue. The new rates became effective with Volume 17, Issue 1, which was published on September 25, 2000.

**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. If you are unable to find a meeting notice for an organization in which you are interested, please check the Commonwealth Calendar at [www.vipnet.org](http://www.vipnet.org) or contact the organization directly.

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 AGRICULTURE AND CONSUMER SERVICES


† **December 7, 2000 - 9 a.m.** -- Open Meeting  
Department of Agriculture and Consumer Services,  
Washington Building, 1100 Bank Street, 2nd Floor, Board  
Room, Richmond, Virginia 

The board will meet in its regular session to discuss issues related to Virginia agriculture and consumer services. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact the person identified in this notice at least two days before the meeting date so that suitable arrangements can be made.

**Contact:** Roy Seward, Board Secretary, Department of Agriculture and Consumer Services, Washington Building, 1100 Bank St., Richmond, VA 23219, telephone (804) 786-3538, FAX (804) 371-2945, e-mail [jknight@vdacs.state.va.us](mailto:jknight@vdacs.state.va.us).

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

#### Virginia State Apple Board


† **December 12, 2000 - Noon** -- Open Meeting  
Rowe's Restaurant, Route 4, Staunton, Virginia. 

The board will discuss ways in which it can inform Virginia growers of the upcoming tax assessment increase referendum. Other issues to be discussed are approval of board minutes and a financial review. 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 two days before the

meeting date so that suitable arrangements can be made.

**Contact:** Nancy L. Israel, Program Director, 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 Corn Board

**December 14, 2000 - 9 a.m.** -- Open Meeting  
Parker Ridge, 6311 Courthouse Road, Providence, Virginia. 

The board will hear and approve previous meeting minutes, review checkoff revenues, and the financial status resulting from sales of the 2000 Virginia corn crop. As well, reports will be heard from the Chairman, board member representation to the U.S. Grains Council, the National Corn Growers Association, and the Virginia corn Growers' Association. In addition, the nomination and election of 2000 officers will take place at this meeting. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact the person identified in this notice at least five days before the meeting date so that suitable arrangements can be made.

**Contact:** Philip T. Hickman, Program Director, Department of Agriculture and Consumer Services, 1100 Bank St., Room 1005, Richmond, VA 23219, telephone (804) 371-6157, FAX (804) 371-7786.

#### Virginia Soybean Board

**December 12, 2000 - 10 a.m.** -- Open Meeting  
The Williamsburg Hospitality House, 415 Richmond Road, Williamsburg, Virginia. 


The board will discuss checkoff revenues resulting from the sale of the 2000 Virginia soybean crop and approve previous meeting minutes. Fairly good growing conditions coupled with low prices will be a major topic of



discussion. In addition, reports will be heard from the Chairman, the Program Director, United Soybean Board representatives, and the Virginia Soybean Association. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact the person identified in this notice at least five days before the meeting date so that suitable arrangements can be made.

**Contact:** Philip T. Hickman, Program Director, Department of Agriculture and Consumer Services, 1100 Bank St., Room 1005, Richmond, VA 23219, telephone (804) 371-6157, FAX (804) 371-7786.

## STATE AIR POLLUTION CONTROL BOARD

**December 11, 2000 - 9 a.m.** -- Open Meeting  
Main Street Centre, Conference Room, 600 East Main Street, Richmond, Virginia. 

A public meeting to receive comments on the intent of the board to make the state toxic pollutant program consistent with the federal Clean Air Act.

**Contact:** Dr. Kathleen Sands, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4413, FAX (804) 698-4510, e-mail [krsands@deq.state.va.us](mailto:krsands@deq.state.va.us).

## STATE AIR POLLUTION CONTROL BOARD VIRGINIA WASTE MANAGEMENT BOARD STATE WATER CONTROL BOARD

**December 4, 2000 - 9 a.m.** -- Public Hearing  
Main Street Centre, 600 East Main Street, Lower Level, Conference Room, Richmond, Virginia.

**December 26, 2000** - Public comments may be submitted until 4:30 p.m. on this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Air Pollution Control Board intends to adopt regulations entitled **9 VAC 5-210-10 et seq., Regulation for Dispute Resolution**; that the Virginia Waste Management Board intends to adopt regulations entitled **9 VAC 20-15-20 et seq., Regulation for Dispute Resolution**; and that the State Water Control Board intends to adopt regulations entitled **9 VAC 25-15-10 et seq., Regulation for Dispute Resolution**. The proposed regulations encourage the fair, expeditious, voluntary, consensual resolution of disputes by providing an alternative to administrative hearings and litigation. The disputes eligible for referral to voluntary dispute resolution are those relating to the issuance of a permit or to the adoption of a regulation. The decision to employ dispute resolution is in the boards' sole discretion, and the outcome of any dispute resolution procedure does not bind the boards but may be considered by the boards in issuing a permit or promulgating a regulation. The proposed regulations contain provisions addressing situations

appropriate for the use of dispute resolution, costs, confidentiality of proceedings, public participation, the use of neutral facilitators, and procedures for mediation.

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

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

## ALCOHOLIC BEVERAGE CONTROL BOARD

† **December 12, 2000 - 9:30 a.m.** -- Open Meeting


† **January 4, 2001 - 9:30 a.m.** -- Public Hearing

Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, Virginia. 


A meeting to receive and discuss reports and activities from staff members. Other matters for discussion are not yet determined.

**Contact:** W. Curtis Coleburn, Secretary to the Board, Alcoholic Beverage Control Board, 2901 Hermitage Rd., P.O. Box 27491, Richmond, VA 23261, telephone (804) 213-4409, FAX (804) 213-4442.


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

**December 15, 2000 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia. 

A meeting of the full board to conduct business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

**Contact:** Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., 5th Floor, Richmond, VA 23230-4917, telephone (804) 367-514, FAX (804) 367-2475 or (804) 367-9753/TTY 

## Certified Interior Designer Section

**December 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 to conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The

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## Calendar of Events

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department fully complies with the Americans with Disabilities Act.

**Contact:** Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., 5th Floor, Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475 or (804) 367-9753/TTY ☎

### ART AND ARCHITECTURAL REVIEW BOARD

† **January 5, 2001 - 10 a.m.** -- Public Hearing

† **February 2, 2001 - 10 a.m.** -- Public Hearing

Science Museum of Virginia, 2500 West Broad Street, Forum Room, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A monthly meeting to review projects submitted by state agencies.

**Contact:** Richard L. Ford, Chairman, Art and Architectural Review Board, 1011 E. Main St., Room 221, Richmond, VA 23219, telephone (804) 643-1977, FAX (804) 643-1981, (804) 786-6152/TTY ☎

### BOARD FOR ASBESTOS AND LEAD

† **February 15, 2001 - 10 a.m.** -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 5W, Richmond, Virginia. ♿

A meeting to discuss 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, Virginia 23230, telephone (804) 367-2648, FAX (804) 367-6128, (804) 367-9753/TTY ☎, e-mail [asbestos@dpor.state.va.us](mailto:asbestos@dpor.state.va.us).

### ASSISTIVE TECHNOLOGY LOAN FUND AUTHORITY

**December 14, 2000 - 10 a.m.** -- Open Meeting

The Bull and Bear Club, 901 E. Cary Street, 12th Floor, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A monthly meeting of the Board of Directors to conduct business and to obtain public comment. Following the business meeting, the board will go into closed session in order to review loan applications from Virginians with disabilities.

**Contact:** Shilpa Joshi, Assistive Technology Loan Fund Authority, 8004 Franklin Farms Dr., Richmond, Virginia 23288, telephone (804) 662-9000, FAX (804) 662-9533, toll-free (800) 552-5019, (804) 371-3378/TTY ☎, e-mail [loanfund@erols.com](mailto:loanfund@erols.com).

## COMPREHENSIVE SERVICES FOR AT-RISK YOUTH AND FAMILIES

### State Executive Council

**December 20, 2000 - 9 a.m.** -- Open Meeting

**February 28, 2001 - 9 a.m.** -- Open Meeting

Department of Social Services, 730 East Broad Street, Richmond, Lower Level, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to provide for interagency programmatic and fiscal policies and oversee the administration of funds appropriated under the Act. Advise the SHHR and the Governor. Agenda is posted on the web a week prior to the meeting.

**Contact:** Alan G. Saunders, Director, Comprehensive Services for At-Risk Youth and Families, 1604 Santa Rosa Rd., Suite 137, Richmond, VA, telephone (804) 662-9815, FAX (804) 62-9831, e-mail [AGS992@central.dss.state.va.us](mailto:AGS992@central.dss.state.va.us).

### State and Local Advisory Team

**December 7, 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 policy and procedure recommendations to be presented to the State Executive Council on the Comprehensive Services Act. Public comment will be received from 9:45 a.m. to 10 a.m.

**Contact:** Elisabeth Hutton, Secretary, Department of Health, P.O. Box 2448, Richmond, VA 23218, telephone (804) 371-4099.

### BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY


**December 22, 2000** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Audiology and Speech-Language Pathology intends to amend regulations entitled: **18 VAC 30-20-10 et seq. Regulations of the Board of Audiology and Speech-Language Pathology.** The purpose of the proposed amendments is to establish requirements for evidence of continued competency and for an inactive license for audiologists and speech-language pathologists.


Statutory Authority: §§ 54.1-103 and 54.1-2400 of the Code of Virginia.

**Contact:** Elizabeth Young Tisdale, Executive Director, Board of Audiology and Speech-Language Pathology, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9111, FAX (804) 662-9523 or e-mail [Etisdale@dhp.state.va.us](mailto:Etisdale@dhp.state.va.us).


## BOARD FOR BARBERS AND COSMETOLOGY

**December 4, 2000 - 8:30 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, 4th Floor, Richmond, Virginia   
(Interpreter for the deaf provided upon request)


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 [barbercosmo@dpor.state.va.us](mailto:barbercosmo@dpor.state.va.us).

## BOARD FOR BRANCH PILOTS


**December 12, 2000 - 9 a.m.** -- Open Meeting  
**December 13, 2000 - 9 a.m.** -- Open Meeting  
Virginia Pilot Association, 3329 Shore Drive, Virginia Beach, Virginia  (Interpreter for the deaf provided upon request)

A meeting to administer examinations and conduct any 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 the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.


**Contact:** Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail [branchpilots@dpor.state.va.us](mailto:branchpilots@dpor.state.va.us).

**December 19, 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 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., 5th Floor, Richmond, VA 23230-4917, 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).

## CHARITABLE GAMING COMMISSION

**† December 14, 2000 - 10 a.m.** -- Open Meeting  
State Capitol, Capitol Square, House Room 1, Richmond, Virginia 

A regular meeting.

**Contact:** Frances C. Jones, Administrative Staff Assistant, Charitable Gaming Commission, 101 N. 14th Street, 17th Floor, Richmond, VA 23219, telephone (804) 786-3014, FAX (804) 786-1079, e-mail [jones@cg.state.va.us](mailto:jones@cg.state.va.us).

## CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

**December 8, 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 Chesapeake Bay Local Assistance Board intends to amend regulations entitled: **9 VAC 10-20-10 et seq. Chesapeake Bay Preservation Area Designation and Management Regulations.** This regulation amendment is being proposed to accomplish the following:

1. Achieve greater clarity in all regulatory language to minimize confusion and misinterpretation.
2. Eliminate any conflicts and unnecessary redundancies between the requirements in the regulations and those in other related state and federal laws and regulations while still providing for maximum water quality protection. Specific issues under consideration where conflicts or redundancies are perceived to exist are as follows:
  - a. Stormwater management criteria (9 VAC 10-20-120, subdivision 8);
  - b. Erosion and sediment control criteria (9 VAC 10-20-120, subdivision 6);
  - c. Septic system criteria (9 VAC 10-20-120, subdivision 7);
  - d. Agricultural criteria [9 VAC 10-20-120, subdivision 9);
  - e. Silvicultural criteria (9 VAC 10-20-120, subdivision 10); and
3. Improve vegetative buffer area criteria (9 VAC 10-20-80, subdivision 5; and 9 VAC 10-20-130, subdivisions 3-5 and 7) to provide greater clarity as well as consistency with the riparian forest buffer policy developed by the Executive Council of the Regional Chesapeake Bay Program.
4. Improve agricultural conservation criteria (9 VAC 10-20-120, subdivision 9; and 9 VAC 10-20-130, subdivision 5 b, (1) – (3)) to correct the inability to meet the existing conservation plan approval deadline, reduce administrative overhead and result in more water quality protection practices on the land.

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## Calendar of Events

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5. Add criteria regarding a board/department process to review local program implementation for consistency with the regulations (Parts V, VI and VII).

Accomplish numerous technical amendments necessitated by changes in terminology and numbering protocols.

A more detailed and specific explanation of the proposed amendments can be found on the agency's web site (<http://www.cblad.state.va.us>) or at the Department of Planning and Budget's Regulatory Town Hall web site (<http://www.townhall.state.va.us>) within the document entitled "Agency Background Statement."

Statutory Authority: §§ 10.1-2103 and 10.1-2107 of the Code of Virginia.

**Contact:** Scott Crafton, Regulatory Coordinator, Chesapeake Bay Local Assistance Department, James Monroe Bldg., 101 N. 14th St., 17th Floor, Richmond, VA 23219, telephone (804) 371-7503, FAX (804) 225-3447, toll-free 1-800-243-7229/TTY ☎

† **December 11, 2000 - 10 a.m.** -- Open Meeting  
Chesapeake Bay Local Assistance Board, James Monroe Building, 101 North 14th Street, Conference Room C, Main Level, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to conduct general business, including review of local Chesapeake Bay Preservation Area programs. Public comment will be taken during the meeting. A tentative agenda is available.

**Contact:** Carolyn J. Elliott, Executive Secretary Senior, Chesapeake Bay Local Assistance Board, James Monroe Bldg., 101 N. 14th St., 17th Floor, Richmond, VA 23219, telephone (804) 371-7505, FAX (804) 225-3447, toll-free (800) 243-7229, (800) 243-7229/TTY ☎, e-mail [celliot@cblad.state.va.us](mailto:celliot@cblad.state.va.us).

### CHILD DAY CARE COUNCIL

† **December 14, 2000 - 9 a.m.** -- Open Meeting  
Department of Social Services, Theater Row Building, 730 East Broad Street, Conference Room 1, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to discuss issues and concerns that impact child day centers, camps, school age programs and preschools/nursery schools. Public comment period will be at noon. Please call ahead for possible changes in meeting time.

**Contact:** Arlene Kasper, Program Consultant, Child Day-Care Council, 730 E. Broad St., 7th Floor, Richmond, VA 23219-1849, telephone (804) 692-1791, FAX (804) 692-2370.

### COMMONWEALTH COMPETITION COUNCIL

#### Taskforce Studying Commercial Activities of Not-for-Profit Organizations

**December 5, 2000 - 9 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, 4th Floor East Conference Room, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

Invited speakers; review of draft report.

**Contact:** Peggy R. Robertson, Executive Assistant, Commonwealth Competition Council, P.O. Box 1475, Richmond, VA 23219-1475, telephone (804) 786-0240, FAX (804) 786-1594, e-mail [probertson@ccc.state.va.us](mailto:probertson@ccc.state.va.us).

**December 14, 2000 - 9 a.m.** -- Open Meeting  
General Assembly Building, 4th Floor East Conference Room, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to review final draft of report.

**Contact:** Peggy R. Robertson, Executive Assistant, Commonwealth Competition Council, P.O. Box 1475, Richmond, VA 23218-1475, telephone (804) 786-0240, FAX (804) 786-1594, e-mail [probertson@ccc.state.va.us](mailto:probertson@ccc.state.va.us).

### COMPENSATION BOARD

† **December 19, 2000 - 11 a.m.** -- Open Meeting  
Compensation Board, Ninth Street Office Building, 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](mailto:cwaddell@scb.state.va.us).

### BOARD OF CONSERVATION AND RECREATION

† **December 12, 2000 - 10 a.m.** -- Open Meeting  
State Capitol, House Room 1, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular board meeting.

**Contact:** Leon E. App, Acting Deputy Director, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-6124, FAX (804) 786-6141, e-mail [leonapp@dcr.state.va.us](mailto:leonapp@dcr.state.va.us).

## DEPARTMENT OF CONSERVATION AND RECREATION


### Cave Board

**January 27, 2001 - 1 p.m.** -- Open Meeting  
Endless Caverns, New Market, Virginia.  (Interpreter for the deaf provided upon request)

Committee meetings at 11 a.m. followed by the full board at 1 p.m.

**Contact:** Lawrence Smith, Natural Area Protection Manager, Department of Conservation and Recreation, 203 Governor St., Richmond, VA 23219, telephone (804) 371-6205, e-mail lsmith@dcr.state.va.us.


### Board on Conservation and Development of Public Beaches

**December 13, 2000 - 10 a.m.** -- Open Meeting  
Hampton City Hall, City Council Chambers, Hampton, Virginia.  (Interpreter for the deaf provided upon request)

A regular business meeting.

**Contact:** Leon E. App, Acting Deputy Director, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-6124, FAX (804) 786-6141, e-mail leonapp@dcr.state.va.us.


### Falls of the James Scenic River Advisory Board

**December 7, 2000 - Noon** -- Open Meeting  
Richmond City Hall, 900 E. Broad Street, Planning Commission Conference Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting to discuss river issues.

**Contact:** Richard G. Gibbons, Environmental Program Manager, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-4132, FAX (804) 371-7899, e-mail rgibbons@dcr.state.va.us.


### Virginia Land Conservation Foundation

**† January 4, 2001 - 9:30 a.m.** -- Open Meeting  
Department of Conservation and Recreation, 109 Governor Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


A regular business meeting.

**Contact:** Silas Davenport, VLCF Special Assistant, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-5678, e-mail sdavenport@dcr.state.va.us.


## BOARD OF CORRECTIONAL EDUCATION

**† December 15, 2000 - 10 a.m.** -- Open Meeting  
James Monroe Building, 101 North 14th Street, 7th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to discuss general business.


**Contact:** Patty Ennis, Board Clerk, Board of Correctional Education, James Monroe Bldg., 101 N. 14th St., 7th Floor, Richmond, VA 23219, telephone (804) 225-3314, FAX (804) 786-7642, (804) 371-8647/TTY , e-mail paennis@dce.state.va.us.

## BOARD OF CORRECTIONS

**† December 12, 2000 - 10 a.m.** -- Open Meeting  
Board of Corrections, 6900 Atmore Drive, Board Room, Richmond, Virginia. 


A meeting of the Liaison Committee to discuss criminal justice matters that may be presented to the full board.

**Contact:** Barbara Reyes, Executive Secretary, Board of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3288, FAX (804) 674-3509, e-mail reyesbb@vadoc.state.va.us.

**† December 12, 2000 - 1 p.m.** -- Open Meeting  
Board of Corrections, 6900 Atmore Drive, Board Room, Richmond, Virginia. 


A meeting of the Correctional Services/Policy and Regulations Committee to discuss matters for possible presentation to the full board.

**Contact:** Barbara Reyes, Executive Secretary, Board of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3288, FAX (804) 674-3509, e-mail reyesbb@vadoc.state.va.us.

**† December 13, 2000 - 8:30 a.m.** -- Open Meeting  
Board of Corrections, 6900 Atmore Drive, Board Room, Richmond, Virginia. 

A meeting of the Administration Committee to discuss administrative matters for possible presentation to the full board.

**Contact:** Barbara Reyes, Executive Secretary, Board of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3288, FAX (804) 674-3509, e-mail reyesbb@vadoc.state.va.us.

**† December 13, 2000 - 10 a.m.** -- Open Meeting  
Board of Corrections, 6900 Atmore Drive, Board Room, Richmond, Virginia. 

A meeting to discuss matters that may be presented to the full board. Public comment will be received.

**Contact:** Barbara Reyes, Executive Secretary, Board of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3288, FAX (804) 674-3509, e-mail reyesbb@vadoc.state.va.us.

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# Calendar of Events


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## CRIMINAL JUSTICE SERVICES BOARD

† **December 12, 2000 - 10 a.m.** -- Open Meeting  
Virginia State Police Training Academy, 7700 Midlothian Turnpike, Room 335, Richmond, Virginia.


A regular meeting of the Private Security Services Advisory Board. Public comment will be accepted.

**Contact:** Judith Kirkendall, Regulatory Coordinator, Criminal Justice Services Board, Eighth Street Office Bldg., 805 E. Broad St., 10th Floor, Richmond, VA 23219, telephone (804) 786-8003, FAX (804) 786-0410, e-mail jkirkendall@dcjs.state.va.us.

**December 14, 2000 - 9 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. 

A meeting of the Committee on Training.


**Contact:** Thomas Nowlin, Executive Secretary, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-6348, FAX (804) 371-8981, e-mail tnowlin@dcjs.state.va.us.

**December 14, 2000 - 11 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. 

The last board meeting in the year 2000. At this meeting regular business will be discussed, as well as the selection of meeting dates for the year 2001.

**Contact:** Christine Wiedemer, Administrative Staff Assistant to the Director, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-8718, FAX (804) 371-8981, e-mail cwiedemer@dcjs.state.va.us.


## BOARD OF EDUCATION

† **January 11, 2001 - 9 a.m.** -- Open Meeting  
† **February 15, 2001 - 9 a.m.** -- Open Meeting  
† **March 22, 2001 - 9 a.m.** -- Open Meeting  
Location to be announced.  (Interpreter for the deaf provided upon request)

A regular monthly meeting. Persons may register to speak at the meeting by calling Margaret Roberts. 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 St., 25th Floor, Richmond, VA 23218, telephone (804) 225-2540, FAX (804) 225-2524, e-mail mroberts@mail.vak12ed.edu.

## State Special Education Advisory Committee

† **January 10, 2000 - 9 a.m.** -- Open Meeting  
Holiday Inn Central, 3207 North Boulevard, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting with representatives of the Virginia Interagency Coordinating Committee (VICC) to discuss the state special education self-assessment. This is a working session, and public comment will not be received.

**Contact:** Cathy Pomfrey, Office of Student Support Services, Board of Education, P.O. Box 2120, 101 N. 14th St., 25th Floor, Richmond, VA 23218, telephone (804) 225-2402, FAX (804) 225-2524.

† **January 11, 2001 - 9:15 a.m.** -- Open Meeting  
† **January 12, 2001 - 9:15 a.m.** -- Open Meeting  
Holiday Inn Central, 3207 North Boulevard, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

The State Special Education Advisory Committee will hold its quarterly meeting. Public comment will be received from 9:45 a.m. to 10 a.m. each day.

**Contact:** Cathy Pomfrey, Office of Student Support Services, Board of Education, P.O. Box 2120, 101 N. 14th St., 25th Floor, Richmond, VA 23218, telephone (804) 225-2402, FAX (804) 225-2524.


## DEPARTMENT OF ENVIRONMENTAL QUALITY

**December 8, 2000 - 9 a.m.** -- Open Meeting  
**December 9, 2000 - 9 a.m.** -- Open Meeting  
Virginia Commonwealth University, Student Commons Building, Richmond, Virginia.

A meeting of the Virginia Environmental Education Advisory Committee in conjunction with the Governor's Forum on Environmental Education.

**Contact:** Ann Regn, Environmental Education Coordinator, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4442, FAX (804) 698-4522, e-mail amregn@deq.state.va.us.


## VIRGINIA FIRE SERVICES BOARD

† **December 7, 2000 - 11 a.m.** -- Open Meeting  
Department of Forestry, Fontaine Research Park, 900 Natural Resources Drive, Charlottesville, Virginia. 

The following committees will meet at the scheduled times:

Administration and Policy - 11 a.m.  
Education and Training - 1 p.m.  
Fire Prevention and Control - 3 p.m.  
Finance - At the conclusion


**Contact:** Christy King, Secretary to the Board, Virginia Fire Services Board, James Monroe Bldg., 101 14th St., 18th Floor, Richmond, VA 23219, telephone (804) 371-0220, FAX (804) 371-0219, e-mail cking@dfp.state.va.us.

† **December 8, 2000 - 9 a.m.** -- Open Meeting  
Department of Forestry, Fontaine Research Park, 900 Natural Resources Drive, Charlottesville, Virginia. 


A full meeting of the Virginia Fire Services Board.

**Contact:** Christy King, Secretary of the Board, Virginia Fire Services Board, James Monroe Bldg., 101 N. 14th St., 18th Floor, Richmond, VA 23219, telephone (804) 371-0220, FAX (804) 371-0219, e-mail cking@dfp.state.va.us.


## BOARD OF FUNERAL DIRECTORS AND EMBALMERS

**December 6, 2000 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. 

A meeting to consider matters and agenda items arising from the September workshop and other issues brought before the board. Public comment will be received at the beginning of the meeting.


**Contact:** Elizabeth Young Tisdale, Executive Director, Board of Funeral Directors and Embalmers, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9907, FAX (804) 662-9523, (804) 662-7197/TTY , e-mail etisdale@dhp.state.va.us.

**December 6, 2000 - 1 p.m.** -- Open Meeting


**December 7, 2000 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. 


A meeting to hold formal hearings. There will not be a public comment period.

**Contact:** Cheri Emma-Leigh, Administrative Staff Assistant, Board of Funeral Directors and Embalmers, 6606 W. Broad St., 4th Floor, Richmond, VA, telephone (804) 662-9907, FAX (804) 662-9523, e-mail CEmma-Leigh@dhp.state.va.us.

† **December 12, 2000 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. 


A meeting of the Regulatory/Bylaws Committee to review its regulations and consider other business as may come before it. Public comment will be received at the beginning of the meeting.

**Contact:** Elizabeth Young Tisdale, Executive Director, Board of Funeral Directors and Embalmers, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9907, FAX (804) 662-9523, (804) 662-7197/TTY , e-mail etisdale@dhp.state.va.us.

† **February 28, 2001 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. 


A meeting of the Legislative Committee to review legislation from the 2001 Session of the General Assembly and possible proposals for the 2002 Session of the General Assembly. Public comment will be received at the beginning of the meeting.

**Contact:** Elizabeth Young Tisdale, Executive Director, Board of Funeral Directors and Embalmers, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9907, FAX

(804) 662-9523, (804) 662-7197/TTY , e-mail etisdale@dhp.state.va.us.

## DEPARTMENT OF HEALTH


**December 4, 2000 - 7 p.m.** -- Public Hearing  
Council of Community Services, 502 Campbell Avenue, S.W., Board Room, Roanoke, Virginia.  (Interpreter for the deaf provided upon request)

**December 11, 2000 - 7 p.m.** -- Public Hearing  
Cooperative Extension Office, 24 Pelham Street, Community Room, Warrenton, Virginia.  (Interpreter for the deaf provided upon request)


A public hearing for review and comments regarding the Virginia Department of Health's 2001 Comprehensive Plan for HIV Care grant monies under Title II of the Ryan White Comprehensive AIDS Resource Emergency Act of 1990 (as amended in 1996).

**Contact:** Bettie Brady, R.N., BSN, Public Health Nurse Senior, Department of Health, P.O. Box 2448, Room 112, Richmond, VA 23219, telephone (804) 371-2492, FAX (804) 533-3223 or toll-free 1-800-533-4148.


## DEPARTMENT OF HEALTH PROFESSIONS

**December 8, 2000 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

The Health Practitioners' Intervention Program will meet with its contractor and representatives to review reports, policies, and procedures for the Health Practitioner's Intervention Program. The committee will meet in open session for general discussion of the program, and 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, (804) 662-9197/TTY 

## BOARD FOR HEARING AID SPECIALISTS

**December 11, 2000 - 8:30 a.m.** -- Open Meeting  
NOTE: CHANGE IN LOCATION.  
Department of Professional and Occupational Regulation, 3600 West Broad Street, 5th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to discuss regulatory review and other matters requiring board action, including disciplinary cases. A public comment period will be held at the beginning of the meeting. All meetings are subject to cancellation and the meeting time is subject to change. Any person 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

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## Calendar of Events

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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, Board for Hearing Aid Specialists, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8590, FAX (804) 367-6295, (804) 367-9753/TTY ☎, e-mail hearingaidspec@dpor.state.va.us.

### **SOUTHWEST VIRGINIA HIGHER EDUCATION CENTER**

**December 12, 2000 - 4 p.m.** -- Open Meeting  
Southwest Virginia Higher Education Center, Abingdon, Virginia. ♿

The fall board meeting.

**Contact:** Sonia Craig, Scheduling Coordinator, Southwest Virginia Higher Education Center, P.O. Box 1987, Abingdon, VA, telephone (540) 469-4001, toll-free (800) 792-3683, e-mail scraig@swcenter.edu.

### **DEPARTMENT OF HISTORIC RESOURCES**

**December 6, 2000 - 10 a.m.** -- Open Meeting  
Wilton House Museum, 215 South Wilton Road, Dependency Building, Richmond, Virginia. ♿

A meeting of the State Review Board and the Historic Resources Board to consider nominations to the National Register of Historic Places and the Virginia Landmarks Register, preliminary information applications, and easements and highway markers.

**Contact:** Marc Wagner, Register Manager, Department of Historic Resources, 2801 Kensington Ave., Richmond, VA 23221, telephone (804) 367-2323, FAX (804) 367-2391, (804) 367-2386/TTY ☎, e-mail mwagner@dhr.state.va.us.

### **HOPEWELL INDUSTRIAL SAFETY COUNCIL**

**December 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**

† **December 12, 2000 - 11 a.m.** -- Open Meeting  
Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, Virginia. ♿

A regular meeting of the Board of Commissioners to (i) review and, if appropriate, approve the minutes from the prior monthly meeting; (ii) consider for approval and ratification mortgage loan commitments under its various programs; (iii) consider the approval amendments to the Authority's Rules and Regulations for Allocation of Low-Income Housing Tax Credits; (iv) review the Authority's operations for the prior month; and (v) consider such other matters and take such other actions as it may deem appropriate. Various committees of the Board of Commissioners may also meet during the day proceeding the regular meeting and before and after the regular meeting and may consider matters within their purview. The planned agenda of the meeting will be available at the offices of the authority.

**Contact:** J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, 601 S. Belvidere St., Richmond, VA 23220, telephone (804) 343-5540, FAX (804) 783-6701, toll-free (800) 968-7837, (804) 783-6705/TTY ☎

### **DEPARTMENT OF HUMAN RESOURCE MANAGEMENT**

**December 6, 2000 - 1:30 p.m.** -- Open Meeting  
James Monroe Building, 101 North 14th Street, Conference Room C, Richmond, Virginia. ♿

A quarterly meeting of the State Advisory Council to discuss the state employee health benefits program.

**Contact:** Anthony Graziano, Director, Office of Health Benefit Programs, Department of Human Resource Management, James Monroe Bldg., 101 N. 14th St., 13th Floor, Richmond, VA 23294, telephone (804) 371-7931.

### **LIBRARY BOARD**

**January 19, 2001 - 8:15 a.m.** -- Open Meeting  
**March 19, 2001 - 8:15 a.m.** -- Open Meeting  
The Library of Virginia, 800 East Broad Street, Richmond, Virginia. ♿

A meeting to discuss matters pertaining to The Library of Virginia and the Library Board. Committees of the board will meet as follows:

8:15 a.m. -- Public Library Development Committee, Orientation Room  
Publications and Educational Services Committee, Conference Room B  
Records Management Committee, Conference Room C

9:30 a.m. -- Archival and Information Services Committee, Orientation Room  
Collection Management Services Committee, Conference Room B  
Legislative and Finance Committee, Conference Room C

10:30 a.m. The full board will meet in the Conference Room on 2M.



Public comments will be received at approximately 11 a.m.

**Contact:** Jean H. Taylor, Executive Secretary to the Librarian of Virginia, The Library of Virginia, Richmond, VA 23219, telephone (804) 692-3535, FAX (804) 692-3594, (804) 692-3976/TTY ☎, e-mail jtaylor@lva.lib.va.us.

## COMMISSION ON LOCAL GOVERNMENT

† **January 8, 2001 - 10 a.m.** -- Open Meeting  
Pocahontas Building, 900 East Main Street, Suite 103, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting to consider such matters as may be presented.

**Contact:** Barbara Bingham, Administrative Assistant, Commission on Local Government, 900 E. Main St., Suite 103, Richmond, VA 23219-3513, telephone (804) 786-6508, FAX (804) 371-7999, (800) 828-1120/TTY ☎, e-mail bbingham@clg.state.va.us.

## LONGWOOD COLLEGE

† **December 8, 2000 - 9 a.m.** -- Open Meeting  
Longwood College, 201 High Street, Lancaster Building, Room 215, Farmville, Virginia. ♿

Meetings of the following committees:

Academic and Student Affairs Committee - 9 a.m.

Audit Committee - 11:15 a.m.

Administrative, Finance and Facilities Committee - 1 p.m.

Institutional Advancement Committee - 2:45 p.m.

**Contact:** Jeanne Hayden, Administrative and Program Specialist III, Longwood College, 201 High St., Farmville, VA 23909, telephone (804) 395-2004, FAX (804) 395-2821, e-mail jhayden@longwood.lwc.edu.

† **December 9, 2000 - 9 a.m.** -- Open Meeting  
Longwood College, 201 High Street, Lancaster Building, Room 215, Farmville, Virginia. ♿

A meeting to conduct routine business of the Board of Visitors.

**Contact:** Jeanne Hayden, Administrative and Program Specialist III, Longwood College, 201 High St., Farmville, VA 23909, telephone (804) 395-2004, FAX (804) 395-2821, e-mail jhayden@longwood.lwc.edu.

## MARINE RESOURCES COMMISSION

**December 19, 2000 - 9:30 a.m.** -- Open Meeting  
Marine Resources Commission, 2600 Washington Avenue, 4th Floor, 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

### Pharmacy Liaison Committee

† **December 12, 2000 - 1 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.

**Contact:** Marianne Rollings, Committee 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@dmass.state.va.us.

## BOARD OF MEDICINE

**January 5, 2001** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Medicine intends to amend regulations entitled: **18 VAC 85-40-10 et seq. Regulations Governing the Practice of Respiratory Care Practitioners.** The purpose of the proposed amendments is to establish an inactive license for respiratory care practitioners.

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

Public comments may be submitted until January 5, 2001, to Elaine J. Yeatts, Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, VA 23230-1717.

**Contact:** William L. Harp, M.D., Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908 or FAX (804) 662-9943.

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# Calendar of Events

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**January 5, 2001** - Public comments may be submitted until this date.


Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Medicine intends to amend regulations entitled: **18 VAC 85-50-10 et seq. Regulations Governing the Practice of Physician Assistants.** The purpose of the proposed amendments is to establish an inactive license for practitioners who do not intend to actively practice in Virginia.

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

Public comments may be submitted until January 5, 2001, to Elaine J. Yeatts, Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, VA 23230-1717.


**Contact:** William L. Harp, M.D., Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908 or FAX (804) 662-9943.

## Informal Conference Committee


**December 6, 2000 - 8:30 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, Richmond, Virginia. 

**December 14, 2000 - 9 a.m.** -- Open Meeting  
Holiday Inn Select, 2801 Plank Road, Fredericksburg, Virginia.

**December 15, 2000 - 9 a.m.** -- Open Meeting  
Williamsburg Marriott, 50 Kingsmill Road, Williamsburg, Virginia.

**January 26, 2001 - 8:45 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, Richmond, Virginia. 

A meeting to inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine and other healing arts in Virginia. The committee will meet in open and closed sessions pursuant to § 2.1-344 of the Code of Virginia. Public comment will not be received.

**Contact:** Peggy Sadler or Renee Dixon, Board of Medicine, 6606 West Broad Street, 4th Floor, Richmond, VA 23230, telephone (804) 662-7332, FAX (804) 662-9517, (804) 662-7197/TTY 

## STATE MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

**February 4, 2001** - 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 Mental Health, Mental Retardation and Substance Abuse Services Board intends to repeal regulations entitled: **12 VAC 35-110-10 et seq. Rules and Regulations to Assure the Rights**

**of Residents of Facilities Operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services.** This regulation was designed to protect the legal and human rights of all residents of facilities operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services. The provisions of this regulation are being incorporated into 12 VAC 35-115-10 et seq.

Statutory Authority: §§ 37.1-10 and 37.1-84.1 of the Code of Virginia.

**Contact:** Margaret S. Walsh, Director, Office of Human Rights, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 786-3988 or FAX (804) 371-2308.

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**December 13, 2000 - 4 p.m.** -- Public Hearing  
Southwest Virginia Higher Education Center, 1 Partnership Circle, Virginia Highlands Community College Campus, Abingdon, Virginia.

**December 13, 2000 - 5 p.m.** -- Public Hearing  
Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia.

**December 14, 2000 - 4 p.m.** -- Public Hearing  
Augusta County Government Center, 4801 Lee Highway, Verona, Virginia.

**January 10, 2001 - 5 p.m.** -- Public Hearing  
Hollins Branch Library, 6624 Peters Creek Road, Roanoke, Virginia.

**January 10, 2001 - 6 p.m.** -- Public Hearing  
Virginia Housing Development Authority, 601 South Belvidere, Richmond, Virginia.

**January 11, 2001 - 5 p.m.** -- Public Hearing  
Chesapeake City Hall Council Chamber, 306 Cedar Road, Chesapeake, Virginia.

**February 4, 2001** - 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 Mental Health, Mental Retardation and Substance Abuse Services Board intends to adopt regulations entitled: **12 VAC 35-115-10 et seq. Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers of Mental Health, Mental Retardation and Substance Abuse Services.** The proposed regulation will protect the legal and human rights of individuals who receive treatment in programs and facilities operated, funded and licensed by the Department of Mental Health, Mental Retardation and Substance Abuse Services.

Statutory Authority: §§ 37.1-10 and 37.1-84.1 of the Code of Virginia.

**Contact:** Margaret S. Walsh, Director, Office of Human Rights, Department of Mental Health, Mental Retardation and

Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 786-3988 or FAX (804) 371-2308.

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**February 4, 2001** - 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 Mental Health, Mental Retardation and Substance Abuse Services Board intends to repeal regulations entitled: **12 VAC 35-120-10 et seq. Rules and Regulations to Assure the Rights of Patients of Psychiatric Hospitals and Other Psychiatric Facilities Licensed by the Department of Mental Health, Mental Retardation and Substance Abuse Services.** This regulation was designed to protect the legal and human rights of all persons admitted to inpatient psychiatric programs licensed by the Department of Mental Health, Mental Retardation and Substance Abuse Services. The provisions of this regulation are being incorporated into 12 VAC 35-115-10 et seq.

Statutory Authority: §§ 37.1-10 and 37.1-84.1 of the Code of Virginia.

**Contact:** Margaret S. Walsh, Director, Office of Human Rights, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 786-3988 or FAX (804) 371-2308.

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**February 4, 2001** - 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 Mental Health, Mental Retardation and Substance Abuse Services Board intends to repeal regulations entitled: **12 VAC 35-130-10 et seq. Rules and Regulations to Assure the Rights of Clients in Community Programs Licensed or Funded by the Department of Mental Health, Mental Retardation and Substance Abuse Services.** This regulation was designed to protect the legal and human rights of consumers of community programs funded or licensed by the Department of Mental Health, Mental Retardation and Substance Abuse Services. The provisions of this regulation are being incorporated into 12 VAC 35-115-10 et seq.

Statutory Authority: §§ 37.1-10 and 37.1-84.1 of the Code of Virginia.

**Contact:** Margaret S. Walsh, Director, Office of Human Rights, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 786-3988 or FAX (804) 371-2308.

## VIRGINIA MUSEUM OF FINE ARTS

### Architect Search Committee

† **December 7, 2000 - 11 a.m.** -- Open Meeting  
Virginia Museum of Fine Arts, 2800 Grove Avenue, CEO Parlor, Richmond, Virginia. ☎

A meeting for committee members to request more information on proposed architects. Public comment will not be received.

**Contact:** Suzanne Broyles, Acting Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY ☎, e-mail sbroyles@vmfa.state.va.us.

### Executive Committee

† **December 5, 2000 - 8 a.m.** -- Open Meeting  
† **January 2, 2001 - 8 a.m.** -- Open Meeting  
Virginia Museum of Fine Arts, 2800 Grove Avenue, Main Lobby Conference Room, Richmond, Virginia. ☎

A monthly meeting for staff to brief the Executive Committee. Public comment will not be received.

**Contact:** Suzanne Broyles, Acting Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Avenue, Richmond, VA 23221, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY ☎, e-mail sbroyles@vmfa.state.va.us.

## BOARD OF NURSING

**January 5, 2001** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Nursing intends to amend regulations entitled: **18 VAC 90-50-10 et seq. Regulations Governing the Certification of Massage Therapists.** The purpose of the proposed amendments is to increase application, renewal and other fees charged to applicants and regulated entities in order to cover the expenditures for the regulatory and disciplinary functions of the board.

Statutory Authority: §§ 54.1-113 and 54.1-2400 of the Code of Virginia.

Public comments may be submitted until January 5, 2001.

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

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**December 8, 2000** - Public comments may be submitted until this date.

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# Calendar of Events

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Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Nursing intends to amend regulations entitled: **18 VAC 90-30-10 et seq. Regulations Governing the Licensure of Nurse Practitioners.** The purpose of the proposed action is to increase application, renewal and other fees charged to applicants and regulated entities in order to cover the expenditures for the regulatory and disciplinary functions of the board.

Statutory Authority: §§ 54.1-113 and 54.1-2400 of the Code of Virginia.

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

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**December 8, 2000** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Nursing intends to amend regulations entitled: **18 VAC 90-40-10 et seq. Regulations for Prescriptive Authority for Nurse Practitioners.** The purpose of the proposed action is to increase application, renewal and other fees charged to applicants and regulated entities in order to cover the expenditures for the regulatory and disciplinary functions of the board.

Statutory Authority: §§ 54.1-113 and 54.1-2400 of the Code of Virginia.


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


## Special Conference Committee

**December 4, 2000 - 8:30 a.m.** -- Open Meeting  
**December 5, 2000 - 8:30 a.m.** -- Open Meeting  
**December 11, 2000 - 8:30 a.m.** -- Open Meeting  
**December 14, 2000 - 8:30 a.m.** -- Open Meeting  
**January 4, 2001 - 8:30 a.m.** -- Open Meeting  
**February 12, 2001 - 8:30 a.m.** -- Open Meeting  
**February 13, 2001 - 8:30 a.m.** -- Open Meeting  
**February 15, 2001 - 8:30 a.m.** -- Open Meeting  
**February 22, 2001 - 8:30 a.m.** -- Open Meeting  
**February 23, 2001 - 8:30 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room, Richmond, Virginia. 


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](mailto:nursebd@dhp.state.va.us).

**January 22, 2001 - 8:30 a.m.** -- Open Meeting  
**January 24, 2001 - 8:30 a.m.** -- Open Meeting  
**January 25, 2001 - 8:30 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room, 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 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](mailto:nursebd@dhp.state.va.us).

## BOARD OF NURSING HOME ADMINISTRATORS


† **December 14, 2000 - 8 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. 

A meeting of the Ad Hoc Committee for Regulatory Review to review regulation 18 VAC 95-20-10 et seq. Governing the Practice of Nursing Home Administrators. Public comment will be received at the beginning of the meeting.


**Contact:** Marcia J. Miller, Executive Director, Board of Nursing Home Administrators, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-7457, FAX (804) 662-9943, (804) 662-7197/TTY , e-mail [mjmiller@dhp.state.va.us](mailto:mjmiller@dhp.state.va.us).

**December 14, 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 convene to hear possible violations of the regulations governing the practice of nursing home administrators. No public comment will be heard.

**Contact:** Marcia J. Miller, Executive Director, Board of Nursing Home Administrators, 6606 West Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-7457, FAX (804) 662-7246, (804) 662-7197/TTY , e-mail [mjmiller@dhp.state.va.us](mailto:mjmiller@dhp.state.va.us)

## OLD DOMINION UNIVERSITY

**December 7, 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 Board of Visitors 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](mailto:dmeeks@odu.edu).

**January 22, 2001 - 3 p.m.** -- Open Meeting

**February 19, 2001 - 3 p.m.** -- Open Meeting

**March 19, 2001 - 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](mailto:dmeeks@odu.edu).

## BOARD OF OPTOMETRY


**December 8, 2000 - 8:30 a.m.** -- Open Meeting

Department of Health Professions, 6606 W. Broad St., 5th Floor, Conference Room 3, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


A formal hearing. This is a public meeting; however, public comment will not be received.

**Contact:** Carol Stamey, Administrative Assistant, Board of Optometry, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9910, FAX (804) 662-7098, (804) 662-7197/TTY , e-mail [cstamey@dhp.state.va.us](mailto:cstamey@dhp.state.va.us)


**December 8, 2000 - 2 p.m.** -- Open Meeting

Department of Health Professions, 6606 W. Broad St., 5th Floor, Conference Room 3, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


Informal conference hearings. This is a public meeting; however, public comment will not be received.

**Contact:** Carol Stamey, Administrative Assistant, Board of Optometry, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9910, FAX (804) 662-7098, (804) 662-7197/TTY , e-mail [cstamey@dhp.state.va.us](mailto:cstamey@dhp.state.va.us)

† **December 15, 2000 - 8:30 a.m.** -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia. 

A meeting of the Legislative/Regulatory Committee to begin its periodic review of regulations and consider other business as may come before it. Public comment will be received at the beginning of the meeting.


**Contact:** Elizabeth A. Carter, Ph.D., Executive Director, Board of Optometry, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9910, FAX (804) 662-9504, (804) 662-7197/TTY , e-mail [ecarter@dhp.state.va.us](mailto:ecarter@dhp.state.va.us).

## VIRGINIA OUTDOORS FOUNDATION

**December 5, 2000 - 10 a.m.** -- Open Meeting

**December 6, 2000 - 9 a.m.** -- Open Meeting

† **December 7, 2000 - 10 a.m.** -- Open Meeting


State Capitol, Capitol Square, House Room 2, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting of the Board of Trustees to discuss business of the foundation and to accept conservation easements. Public input will be accepted after the regular business meeting.


**Contact:** Tamara A. Vance, Executive Director, Virginia Outdoors Foundation, 203 Governor Street, Richmond, VA 23219, telephone (804) 225-2147.

## VIRGINIA BOARD FOR PEOPLE WITH DISABILITIES

**December 5, 2000 - 9 a.m.** -- Open Meeting

General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


A regular meeting of the Disability Commission.

**Contact:** Brian S. Parsons, Director of 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 

## BOARD OF PHARMACY

**December 4, 2000 - 9 a.m.** -- Open Meeting

**December 5, 2000 - 9 a.m.** -- Open Meeting


Department of Health Professions, 6606 W. Broad Street, 5th Floor, Conference Room, Richmond, Virginia. 

Special Conference Committee to conduct informal conferences. Public comments will not be received.


**Contact:** Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6606 West Broad Street, 4th Floor, Richmond, VA 23230, telephone (804) 662-9911, FAX (804) 662-9313, e-mail [esr1@dhp.state.va.us](mailto:esr1@dhp.state.va.us).

## BOARD OF PHYSICAL THERAPY

**December 15, 2000 - 9 a.m.** -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. 

A meeting to receive a report from the Credentials and Legislative/Regulatory Committees and to consider other board business. Public comment will be received at the beginning of the meeting.

**Contact:** Elizabeth Young Tisdale, Executive Director, Board of Physical Therapy, Southern States Bldg., 4th Floor, 6606 W. Broad St., Richmond, VA 23230, telephone (804) 662-9924, FAX (804) 662-9523, (804) 662-7197/TTY , e-mail [etisdale@dhp.state.va.us](mailto:etisdale@dhp.state.va.us).

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# Calendar of Events

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## DEPARTMENT OF STATE POLICE

**January 5, 2001** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of State Police intends to amend regulations entitled: **19 VAC 30-40-10 et seq. Standards and Specifications for the Stickers or Decals Used by Cities, Counties, and Towns in Lieu of Licensure Plates.** The proposed amendment relates to the placement of stickers used by counties, cities, and towns in lieu of license plates.

Statutory Authority: § 46.2-1052 of the Code of Virginia.

Public comments may be submitted until January 5, 2001, to Major Jerry S. Conner, P.O. Box 27472, Richmond, VA 23261-7472.

**Contact:** Dennis W. Robertson, Captain, Department of State Police, P.O. Box 27472, Richmond, VA 23472-7472, telephone (804) 378-3472 or FAX (804) 378-3487.

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**January 5, 2001** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of State Police intends to amend regulations entitled: **19 VAC 30-150-10 et seq. Regulations Relating to Standards and Specifications for Overdimensional Warning Lights.** The proposed amendments make the regulation consistent with the Society of Automotive Engineers (SAE) Standards J575, J578, J579, and J845, upon which the standards and specifications are based.

Statutory Authority: §§ 46.2-1005 and 46.2-1026 of the Code of Virginia.

Public comments may be submitted until January 5, 2001, to Major Jerry S. Conner, P.O. Box 27472, Richmond, VA 23261-7472.

**Contact:** Dennis W. Robertson, Captain, Department of State Police, P.O. Box 27472, Richmond, VA 23472-7472, telephone (804) 378-3472 or FAX (804) 378-3487.

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**January 5, 2001** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of State Police intends to amend regulations entitled: **19 VAC 30-160-5 et seq. Regulations Relating to Standards and Specifications for the Safety Lights for Farm Tractors in Excess of 108 Inches in Width.** The proposed amendments make the regulation consistent with the Society of Automotive Engineers (SAE) Standards J575 and J974, upon which the standards and specifications are based.

Statutory Authority: §§ 46.2-1005 and 46.2-1102 of the Code of Virginia.

Public comments may be submitted until January 5, 2001, to Major Jerry S. Conner, P.O. Box 27472, Richmond, VA 23261-7472.

**Contact:** Dennis W. Robertson, Captain, Department of State Police, P.O. Box 27472, Richmond, VA 23472-7472, telephone (804) 378-3472 or FAX (804) 378-3487.

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**January 5, 2001** - Public comments may be submitted until this date.


Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of State Police intends to adopt regulations entitled: **19 VAC 30-165-10 et seq. Regulations Relating to Standards and Specifications for Purple Warning Lights Used by Vehicles Leading or Escorting Funeral Processions.** The proposed regulation was promulgated in response to an amendment during the 1999 Session of the General Assembly to § 46.2-1025 of the Code of Virginia, which authorizes flashing purple warning lights on vehicles used to lead or provide escorts for funeral processions.

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


Public comments may be submitted until January 5, 2001, to Major Jerry S. Conner, P.O. Box 27472, Richmond, VA 23261-7472.

**Contact:** Dennis W. Robertson, Captain, Department of State Police, P.O. Box 27472, Richmond, VA 23472-7472, telephone (804) 378-3472 or FAX (804) 378-3487.


## POLYGRAPH EXAMINERS ADVISORY BOARD

**December 13, 2000 - 10 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, 5th Floor, Richmond, Virginia.   
(Interpreter for the deaf provided upon request)

A meeting to discuss regulatory review and other matters requiring board action, including disciplinary cases. A public comment period will be held at the beginning of the meeting. All meetings are subject to cancellation. The time of the meeting is subject to change. Any persons desiring to attend the meeting and requiring special accommodations or interpretative services should contact the department at 804-367-8590 or 804-367-9753/TTY at least 10 days prior to the meeting so that suitable arrangements can be made. 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 polygraph@dpor.state.va.us.

## BOARD FOR PROFESSIONAL AND OCCUPATIONAL REGULATION

**December 13, 2000 - 11 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia. 

A regular meeting.

**Contact:** Judith A. Spiller, Administrative Staff Assistant,  
Board for Professional and Occupational Regulation, 3600 W.  
Broad St., Richmond, VA 23230, telephone (804) 367-8519,  
FAX (804) 367-9537, e-mail [spiller@dpor.state.va.us](mailto:spiller@dpor.state.va.us).

## BOARD OF PSYCHOLOGY

**January 19, 2001** - Public comments may be submitted until  
this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of  
the Code of Virginia that the Board of Psychology intends  
to amend regulations entitled: **18 VAC 125-20-10 et seq.  
Regulations Governing the Practice of Psychology.**  
The purpose of the proposed amendment is to establish  
a temporary license with an 18-month term limit for  
residents in clinical psychology and residents in school  
psychology who have achieved a passing score on the  
Examination for Professional Practice in Psychology.  
Upon passing the state examinations and successful  
completion of the residency requirements, the temporary  
license will be replaced with a permanent license.

Statutory Authority: §§ 54.1-2400 and 54.1-3605 of the Code  
of Virginia.

**Contact:** Janet Delorme, Deputy Executive Director, Board  
of Psychology, 6606 W. Broad St., 4th Floor, Richmond, VA  
23230, telephone (804) 662-9575 or FAX (804) 662-9943.

## REAL ESTATE BOARD

**December 6, 2000 - 4 p.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia.

A meeting of the Real Estate Education Committee.

**Contact:** Karen W. O'Neal, Assistant Director, Department of  
Professional and Occupational Regulation, 3600 West Broad  
Street, Richmond, VA, telephone (804) 367-2406, FAX (804)  
367-2475, e-mail [oneal@dpor.state.va.us](mailto:oneal@dpor.state.va.us).

**December 7, 2000 - 8 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia.

A meeting of the Fair Housing Committee.


**Contact:** Karen W. O'Neal, Assistant Director, Department of  
Professional and Occupational Regulation, 3600 West Broad  
Street, Richmond, VA, telephone (804) 367-8552, FAX (804)  
367-2475, e-mail [oneal@dpor.state.va.us](mailto:oneal@dpor.state.va.us).


**December 7, 2000 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia.


A meeting of the full board.

**Contact:** Karen W. O'Neal, Assistant Director, Department of  
Professional and Occupational Regulation, 3600 West Broad  
Street, Richmond, VA, telephone (804) 367-8552, FAX (804)  
367-2475, e-mail [oneal@dpor.state.va.us](mailto:oneal@dpor.state.va.us).


## DEPARTMENT OF REHABILITATIVE SERVICES

**December 4, 2000 - 4 p.m.** -- Public Hearing  
Department of Rehabilitative Services, Lee Building, 8004  
Franklin Farms Drive, Conference Room, Richmond,  
Virginia.  (Interpreter for the deaf provided upon request)


**December 7, 2000 - 4 p.m.** -- Public Hearing  
Fairfax County Government Center, Pennino Human Services  
Center, 2011 Government Center Parkway, Fairfax,  
Virginia.  (Interpreter for the deaf provided upon request)

**December 11, 2000 - 4 p.m.** -- Public Hearing  
Woodrow Wilson Rehabilitation Center, Fishersville,  
Virginia.  (Interpreter for the deaf provided upon request)

The Virginia Department of Rehabilitative Services and  
the State Rehabilitation Council invite public comment for  
use in the development of the FY 2000-2001 State Plan  
for Vocational Rehabilitation and Supported Employment.  
This notice is for the public hearings to be held across  
the state during the 2000-2001 public comment period  
which lasts until March 9, 2001. Input to the state plan  
may be submitted by mail, telephone, FAX, or e-mail.  
Consumer input to the department's planning efforts is  
welcomed at any time.

**Contact:** Gloria O'Neal, Program Support Technician,  
Department of Rehabilitative Services, 8004 Franklin Farms  
Dr., P.O. Box K-300, Richmond, VA 23288-0300, telephone  
(804) 662-7611, FAX (804) 662-7696, toll-free (800) 552-  
5019, (800) 464-9950/TTY , e-mail  
[onealgb@drs.state.va.us](mailto:onealgb@drs.state.va.us).

## VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

† **December 12, 2000 - 10 a.m.** -- Public Hearing  
Department of Business Assistance, 707 E. Main Street, 3rd  
Floor, Board Room, Richmond, Virginia. 

A meeting to review applications for loans submitted to  
the authority for approval and general business of the  
board. Time is subject to change depending upon the  
agenda of the board.

**Contact:** Cathleen M. Surface, Executive Director,  
Department of Business Assistance, P.O. Box 446,  
Richmond, VA 23218-0446, telephone (804) 371-8254, FAX  
(804) 225-3384, e-mail [csurface@dba.state.va.us](mailto:csurface@dba.state.va.us).




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# Calendar of Events


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## STATE BOARD OF SOCIAL SERVICES

† **December 13, 2000 - 9 a.m.** -- Open Meeting  
Stratford Hall Plantation, Westmoreland County, Stratford,  
Virginia. 

A formal business meeting of the board. Public comment  
will be received at 1:30 p.m.

**Contact:** Pat Rengnerth, State Board Liaison, State Board of  
Social Services, 730 E. Broad St., Richmond, VA 23219-  
1849, telephone (804) 692-1826, FAX (804) 692-1962, toll-  
free (800) 552-3431.

† **December 14, 2000 - 9 a.m.** -- Open Meeting  
Stratford Hall Plantation, Westmoreland County, Stratford,  
Virginia. 

A formal business meeting of the board.

**Contact:** Pat Rengnerth, State Board Liaison, State Board of  
Social Services, 730 E. Broad St., Richmond, VA 23219-  
1849, telephone (804) 692-1826, FAX (804) 692-1962, toll-  
free (800) 552-3431.

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**January 19, 2001** - Public comments may be submitted until  
this date.

Notice is hereby given in accordance with § 63.1-25 of  
the Code of Virginia that the State Board of Social  
Services intends to repeal regulations entitled: **22 VAC  
40-230-10 et seq. Agency Placement Adoptions -  
Preplacement Services.** The purpose of the proposed  
action is to repeal this regulation. The requirement for  
development of an adoptive placement plan will be  
incorporated into foster care policies and procedures to  
be implemented at the point in time that adoption is  
selected as the goal for the child.

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

**Contact:** Brenda Kerr, Adoption Policy Consultant,  
Department of Social Services, 730 E. Broad St., Richmond,  
VA 23219, telephone (804) 692-1290.

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**January 19, 2001** - Public comments may be submitted until  
this date.

Notice is hereby given in accordance with § 63.1-25 of  
the Code of Virginia that the State Board of Social  
Services intends to repeal regulations entitled: **22 VAC  
40-480-10 et seq. Relocation Assistance General  
Relief Program.** This regulation provides information to  
local departments of social services on relocation  
assistance for general relief recipients. This assistance  
has not been used in at least five years and is  
unnecessary and recommended for repeal.

Statutory Authority: §§ 63.1-25 and 63.1-106 of the Code of  
Virginia.

**Contact:** Joy Duke, Adult Protective Services Program  
Consultant, Department of Social Services, 730 E. Broad St.,  
Richmond, VA 23219, telephone (804) 692-1260.

† **January 23, 2001 - 9 a.m.** -- Open Meeting  
Hanover Department of Social Services, 12304 Washington  
Highway, Hanover, Virginia. 

A one-day legislative meeting of the board.

**Contact:** Pat Rengnerth, State Board Liaison, State Board of  
Social Services, 730 E. Broad St., Richmond, VA 23219-  
1849, telephone (804) 692-1826, FAX (804) 692-1962, toll-  
free (800) 552-3431.


## BOARD OF SOCIAL WORK


**December 15, 2000 - 9 a.m.** -- Public Hearing  
Department of Health Professions, 6606 West Broad Street,  
5th Floor, Conference Room 1, Richmond, Virginia.

**January 5, 2001** - Public comments may be submitted until  
this date.


Notice is hereby given in accordance with § 9-6.14:7.1 of  
the Code of Virginia that the Board of Social Work  
intends to amend regulations entitled: **18 VAC 140-20-  
10 et seq. Regulations Governing the Practice of  
Social Work.** The purpose of the proposed action is to  
comply with a statutory mandate to develop regulations  
to implement continuing education requirements for  
licensure renewal.

Statutory Authority: §§ 54.1-2400 and 54.1-3705.


**Contact:** Janet Delorme, Deputy Executive Director, Board  
of Social Work, 6606 W. Broad St., 4th Floor, Richmond, VA  
23230, telephone (804) 662-9575, FAX (804) 662-9943 or  
(804) 662-7197/TTY 

† **December 15, 2000 - 10 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street,  
5th Floor, Conference Room 1, Richmond, Virginia. 

A regular business meeting to hear reports from the  
standing committees and to adopt proposed  
amendments to the public participation guidelines.

**Contact:** Janet Delorme, Deputy Executive Director, Board  
of Social Work, 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  
ebrown@dhp.state.va.us.

## VIRGINIA SOIL AND WATER CONSERVATION BOARD

**December 6, 2000 - 9 a.m.** -- Open Meeting  
Wyndham Roanoke Airport, 2801 Hershberger Road,  
Roanoke, Virginia.  (Interpreter for the deaf provided upon  
request)

A regular business meeting. The board will meet first in  
joint session with the Board of Directors of the Virginia



Association of Soil and Water Conservation District Directors, then move to the regular business meeting.


**Contact:** Leon E. App, Acting Deputy Director, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-6124, FAX (804) 786-6141, e-mail [leonapp@dcr.state.va.us](mailto:leonapp@dcr.state.va.us).

**January 18, 2001 - 9 a.m.** -- Open Meeting  
Natural Resources Conservation Service, 1606 Santa Rosa Road, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


A regular business meeting.

**Contact:** Leon E. App, Acting Deputy Director, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-6124, FAX (804) 786-6141, e-mail [leonapp@dcr.state.va.us](mailto:leonapp@dcr.state.va.us).

## BOARD FOR PROFESSIONAL SOIL SCIENTISTS

**December 11, 2000 - 10 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to discuss changes to proposed regulations.


**Contact:** Nancy Taylor Feldman, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-2474, (804) 367-9753/TTY , e-mail [soilscientist@dpor.state.va.us](mailto:soilscientist@dpor.state.va.us).

## COMMONWEALTH TRANSPORTATION BOARD

† **December 13, 2000 - 2 p.m.** -- Open Meeting  
Department of Transportation, 1221 East Broad Street, Auditorium, Richmond, Virginia. 

A work session of the Commonwealth Transportation Board and the Department of Transportation staff.

**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](mailto:ghidotti_cm@vdot.state.va.us).


† **December 14, 2000 - 10 a.m.** -- Open Meeting  
Department of Transportation, 1221 East Broad Street, Auditorium, 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 5 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](mailto:ghidotti_cm@vdot.state.va.us).

## BOARD OF VETERINARY MEDICINE


**December 5, 2000 - 9 a.m.** -- Open Meeting  
Department of Health Professions, Southern States Bldg., 6606 W. Broad St., 5th Floor, Conference Room 4, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the Informal Conference Committee (disciplinary hearings). This is a public meeting, but public comment will not be received.


**Contact:** Terri H. Behr, Administrative Assistant, Board of Veterinary Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9915, FAX (804) 662-7098, (804) 662-7197/TTY , e-mail [tbehr@dhp.state.va.us](mailto:tbehr@dhp.state.va.us).

**December 5, 2000 - 2 p.m.** -- Open Meeting  
Department of Health Professions, Southern States Bldg., 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia. 

The board will consider oral and written comments received related to the periodic review of regulations and adopt a report with recommendations for amendments. Other business may be conducted as necessary. Public comment will be received during the first 15 minutes of the meeting.

**Contact:** Elizabeth A. Carter, Ph.D., Executive Director, Board of Veterinary Medicine, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9915, FAX (804) 662-9504, (804) 662-7197/TTY , e-mail [ecarter@dhp.state.va.us](mailto:ecarter@dhp.state.va.us).

## BOARD FOR THE VISUALLY HANDICAPPED

† **January 16, 2001 - 10 a.m.** -- Open Meeting  
Department for the Visually Handicapped, 397 Azalea Avenue, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

The board for the visually handicapped is an advisory board responsible for advising the governor, the secretary of health and human resources, the commissioner, and the general assembly on the delivery of public services to the blind and the protection of their rights. The board also reviews and comments on policies, budget and request for appropriations for the department. At this regular meeting, the board will review information regarding department activities and operations, review expenditures from the board's endowment fund, and discuss other issues raised for board members.

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# Calendar of Events

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**Contact:** Katherine C. Proffitt, Administrative Staff Assistant, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3145, FAX (804) 371-3157, toll-free (800) 622-2155, (804) 371-3140/TTY ☎, e-mail proffikc@dvh.state.va.us.

## VIRGINIA WASTE MANAGEMENT BOARD

**December 4, 2000 - 9 a.m.** -- Public Hearing  
Main Street Centre, Lower Level Conference Room, 600 East Main Street, Richmond, Virginia

A public hearing to receive comments on proposed Regulation for Dispute Resolution, 9 VAC 5-210-10 et seq. See notice under State Air Pollution Control Board.

**Contact:** Kathleen Sands, Virginia Waste Management Board, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4413, FAX (804) 698-4510, (804) 698-4021/TTY ☎, e-mail klsands@deq.state.va.us

\* \* \* \* \*

**December 6, 2000 - 10:30 a.m.** -- Public Hearing  
James City County Government Center, 101-C Mounts Bay Road, Building C, 1st Floor, Board of Supervisors Room, Williamsburg, Virginia.

**December 12, 2000 - 1 p.m.** -- Public Hearing  
Department of Environmental Quality, West Central Regional Office, 3019 Peters Creek Road, Roanoke, Virginia.

**December 14, 2000 - 11 a.m.** -- Public Hearing  
Department of Environmental Quality, Northern Regional Office, 13901 Crown Court, Woodbridge, Virginia.

**January 5, 2001** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Waste Management Board intends to amend regulations entitled: **9 VAC 20-130-10 et seq. Regulations for the Development of Solid Waste Management Plans.** The purpose of the proposed amendments requires counties, cities and towns to develop complete, revised solid waste management plans.

Statutory Authority: § 10.1-1411 of the Code of Virginia.

**Contact:** Daniel S. Gwinner, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4218 or FAX (804) 698-4327, email dsgwinner@deq.state.va.us.

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**December 19, 2000 - 10 a.m.** -- Public Hearing  
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia.☎ (Interpreter for the deaf provided upon request)

**January 9, 2001 - 11 a.m.** -- Public Hearing  
Department of Environmental Quality, Northern Regional Office, 13901 Crown Court, Woodbridge, Virginia.☎ (Interpreter for the deaf provided upon request)

**January 11, 2001 - 1 p.m.** -- Public Hearing  
Department of Environmental Quality, West Central Regional Office, 2019 Peters Creek Road, Roanoke, Virginia.☎ (Interpreter for the deaf provided upon request)

**February 2, 2001** - Public comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Waste Management Board intends to amend regulations entitled: **9 VAC 20-140-10 et seq. Regulations for the Certification of Recycling Machinery and Equipment for Tax Exemption Purposes.** The proposed amendments remove requirements for submittal of proof of purchase price and for equipment to be in a fixed location to qualify for state income tax credit and clarify what is not covered by the regulation.

Statutory Authority: §§ 58.1-338, 58.1-439.7, 58.1-439.8 and 58.1-3661 of the Code of Virginia.

**Contact:** Daniel S. Gwinner, Virginia Waste Management Board, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4218, e mail dsgwinner@deq.state.va.us.

## STATE WATER CONTROL BOARD

**December 7, 2000 - 7 p.m.** -- Public Hearing  
Roanoke County Administration Center, 5204 Bernard Drive, Board of Supervisors Meeting Room, Roanoke, Virginia.

**December 22, 2000** - Public comments may be submitted until 4 p.m. on this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled: **9 VAC 25-110-10 et seq. General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Domestic Sewage Discharges of Less Than or Equal to 1,000 Gallons Per Day.** The proposed regulation will replace the general permit VAG40 which expires August 1, 2001. The regulation sets forth guidelines for the permitting of discharges of treated wastewaters from small volume sources of domestic sewage.

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

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

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**December 7, 2000 - 3 p.m.** -- Public Hearing  
Roanoke County Administration Center, 5204 Bernard Drive, Board of Supervisors Meeting Room, Roanoke, Virginia.

**December 22, 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 Water Control Board intends to amend regulations entitled: **9 VAC 25-260-5 et seq. Water Quality Standards.** The proposed amendments change the state's approach to assessment of dissolved oxygen water quality criteria in certain waters that are naturally low in dissolved oxygen concentration. In addition to any other comments, the board is seeking comments on the costs and benefits of the proposal. Also, the proposed regulation states that a determination of natural water quality should be based upon an evaluation of aquatic life uses, habitat, available monitoring data, available computer modeling results or other accepted scientific principles. The board requests comments on how the board should use these parameters to make the determination of natural water quality.

Anyone wishing to submit written comments for the public comment file may do so at the public hearing or by mail. Written comments should be signed by the commenter and include the name and address of the commenter. In order to be considered, the comments must be received by the close of the comment period. Oral comments may be submitted at the public hearing.

Opportunity for formal hearing: The board will hold a formal hearing at a time and place to be established if a petition for such a hearing is received and granted. Affected persons may petition for a formal hearing concerning any issue of fact directly relevant to the legal validity of the proposed action. Petitions must meet the requirements of the board's Procedural Rule No. 1 (9 VAC 25-230-130 B) and must be received by the contact person no later than November 22, 2000.

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

**Contact:** Eleanore Daub, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4378.

**December 4, 2000 - 9 a.m.** -- Public Hearing  
Main Street Centre, Lower Level Conference Room, 600 East Main Street, Richmond, Virginia

A public hearing to receive comments on proposed Regulation for Dispute Resolution, 9 VAC 5-210-10 et seq. See notice under State Air Pollution Control Board.

**Contact:** Kathleen Sands, State Water Control Board, Department of Environmental Quality, P.O. Box 10009 Richmond, VA 23240, telephone (804) 698-4413, FAX (804) 698-4510, (804) 698-4021/TTY ☎, e-mail klsands@deq.state.va.us.

**December 6, 2000 - 2 p.m.** -- Open Meeting  
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia. ☎

**December 12, 2000 - 2 p.m.** -- Open Meeting  
Roanoke County Administration Center, 5204 Bernard Drive, Roanoke, Virginia. ☎

A public meeting to discuss the State Water Control Board's proposal to adopt a Virginia Total Maximum Daily Load Regulation for water quality management planning and repeal the existing regulatory water quality management plans (but maintain them as planning documents).

**Contact:** Charles H. Martin, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4462, FAX (804) 698-4136, e-mail chmartin@deq.state.va.us.

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**December 12, 2000 - 10 a.m.** -- Public Hearing  
Bank of Lancaster, 432 North Main Street, Conference Room, Kilmarnock, Virginia.

**January 8, 2001** - Public comments may be submitted until 4 p.m. on this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled: **9 VAC 25-115-10 et seq. General Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation for Seafood Processing Facilities.** The purpose of the proposed amendment is to reissue general permit VAG52 which will expire on July 24, 2001. This general permit regulation sets forth guidelines for the permitting of wastewater discharges from seafood processing facilities.

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

**Contact:** Michael B. Gregory, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4065 or FAX (804) 698-4032, e-mail mbgregory@deq.state.va.us.

**December 13, 2000 - 9:30 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. ☎

A regular meeting.

**Contact:** Cindy Berndt, Regulatory Coordinator, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4378, FAX (804) 698-4346, e-mail cmberndt@deq.state.va.us.

## BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

**December 9, 2000** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board for Waterworks and Wastewater Works Operators intends to amend regulations entitled: **18 VAC 160-20-10 et seq. Board for Waterworks and Wastewater Works Operators Regulations.** The proposed amendments will implement the "Environmental Protection Agency Guidelines for the

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## Calendar of Events

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Certification and Recertification of the Operators of Community and Nontransient Noncommunity Public Water Systems; Notice" (1999), by creating a new Class VI waterworks operator license and requiring continuing professional education for all licensed waterworks operators. In addition, the text of the regulations have been reorganized and revised for clarity and ease of use.

Statutory Authority: §§ 54.1-201 and 54.1-2301 of the Code of Virginia.

**Contact:** Joseph Kossan, Regulatory Board Administrator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8505, FAX (804) 367-6128 or (804) 367-9753/TTY ☎

**December 21, 2000 - 8:30 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 5W, Richmond, Virginia. ♿

A meeting to conduct routine business. A public comment period will be held at the beginning of the meeting. This meeting was rescheduled from December 14, 2000.

**Contact:** David E. Dick, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2648, FAX (804) 367-6128, (804) 367-9753/TTY ☎, e-mail [waterwasteoper@dpor.state.va.us](mailto:waterwasteoper@dpor.state.va.us).

### VIRGINIA WORKFORCE COUNCIL

**December 6, 2000 - 10 a.m.** -- Open Meeting  
Virginia Commonwealth University, University Student Commons, 907 Floyd Avenue, Commonwealth Room A, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A quarterly meeting of the council. Major agenda items include: One Stop Service Delivery System; policies on Chartering Virginia Workforce Systems, incentives and sanctions, and the Governor's discretionary 30% the Workforce Investment Act (WIA) youth and adult funds. Local strategic planning guidance for 2001 and a report by the Department of Education and the Virginia Community College System to study Tech Prep and apprenticeship programs will also be presented.

Public comment will be at 11 a.m. Five minutes will be allowed for comment and 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) 828-1120/TTY ☎

## INDEPENDENT

### VIRGINIA RETIREMENT SYSTEM

**December 20, 2000 - Noon** -- Open Meeting  
**February 13, 2001 - Noon** -- Open Meeting  
Virginia Retirement System Headquarters, 1200 East Main Street, Richmond, Virginia. ♿

A regular meeting of the Investment Advisory Committee.

**Contact:** Darla K. Glazier, Office Manager, Virginia Retirement System, P.O. Box 2500, Richmond, VA 23218, telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY ☎, e-mail [dglazier@vrs.state.va.us](mailto:dglazier@vrs.state.va.us).

**December 21, 2000 - 1 p.m.** -- Open Meeting  
**February 15, 2001 - 1 p.m.** -- Open Meeting  
Virginia Retirement System Headquarters, 1200 East Main Street, Richmond, Virginia. ♿

A regular meeting of the Board of Trustees.

**Contact:** Darla K. Glazier, Office Manager, Virginia Retirement System, P.O. Box 2500, Richmond, VA 23218, telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY ☎, e-mail [dglazier@vrs.state.va.us](mailto:dglazier@vrs.state.va.us).

**February 15, 2001 - 10 a.m.** -- Open Meeting  
Virginia Retirement System Headquarters, 1200 East Main Street, Richmond, Virginia. ♿

The following committees will meet:

Benefits and Actuarial Committee - 10 a.m.  
Audit and Compliance Committee - 11 a.m.  
Administration and Personnel Committee - Noon

**Contact:** Darla K. Glazier, Office Manager, Virginia Retirement System, P.O. Box 2500, Richmond, VA 23218, telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY ☎, e-mail [dglazier@vrs.state.va.us](mailto:dglazier@vrs.state.va.us).

## LEGISLATIVE

### JOINT SUBCOMMITTEE STUDYING OVERREPRESENTATION OF AFRICAN-AMERICAN STUDENTS IN SPECIAL EDUCATION PROGRAMS

**December 15, 2000 - 10 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, House Rooms C and D, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting. Questions regarding the meeting should be addressed to Brenda Edwards, Division of Legislative Services, (804) 786-3591. Individuals requiring interpreter services or other special assistance

should contact the committee operations office at least 10 working days prior to the meeting.

**Contact:** Lois V. Johnson, House Committee Operations, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY ☎

## VIRGINIA CODE COMMISSION

**December 13, 2000 - 10 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, 6th Floor, Speaker's Conference Room, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regularly scheduled meeting. Public comment will be scheduled.

**Contact:** Jane D. Chaffin, Registrar of Regulations, Division of Legislative Services, 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.

## HOUSE COMMITTEE ON CORPORATIONS, INSURANCE AND BANKING

**December 7, 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 meeting of Subcommittee 2 to consider HB 1515 regarding payday lending. 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 other special assistance should contact the committee operations office at least 10 working days prior to the meeting.

**Contact:** Lois V. Johnson, Committee Operations, House of Delegates, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY ☎

**December 7, 2000 - 2 p.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting of the committee to consider carry over legislation. 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 other special assistance should contact the committee operations office at least 10 working days prior to the meeting.

**Contact:** Lois V. Johnson, Committee Operations, House of Delegates, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY ☎

## COMMISSION ON EDUCATIONAL INFRASTRUCTURE AND TECHNOLOGY (HJR 223)

**December 5, 2000 - 2 p.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 Norma Szakal, Division of Legislative Services, (804) 786-3591. Individuals requiring interpreter services or other special assistance should contact the committee operations office at least 10 working days prior to the meeting.

**Contact:** Lois V. Johnson, House Committee Operations, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY ☎

## LEGISLATIVE TRANSITION TASK FORCE OF THE VIRGINIA ELECTRICAL UTILITY RESTRUCTURING ACT

† **December 13, 2000 - 9:30 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting. Individuals requiring interpreter services or other accommodations should contact the committee operations office at least 10 working days prior to the meeting.

**Contact:** Thomas G. Gilman, Senate Committee Operations, P.O. Box 396, Richmond, VA 23218, telephone (804) 698-7450 or (804) 698-7419/TTY ☎

## JOINT SUBCOMMITTEE TO EXAMINE THE CURRENT MEANS AND ADEQUACY OF COMPENSATION TO VIRGINIA'S CITIZENS WHOSE PROPERTIES ARE TAKEN THROUGH THE EXERCISE OF EMINENT DOMAIN (SJR 37, 2000)

**December 5, 2000 - 1 p.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, Senate Room 4, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting. Individuals requiring interpreter services or other special assistance should contact Brian Taylor at least 10 working days prior to the meeting.


**Contact:** Brian Taylor, Senate Committee Operations, State Capitol, P.O. Box 396, Richmond, VA 23218, telephone (804) 698-7450 or (804) 698-7419/TTY ☎

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# Calendar of Events

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## **SPECIAL TASK FORCE STUDYING FAITH-BASED COMMUNITY SERVICE GROUPS WHO MAY PROVIDE ASSISTANCE TO MEET SOCIAL NEEDS (HJR 291, 2000; HJR 764, 1999)**

† **December 12, 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 agenda  
should be addressed to Gayle Vergara, Division of  
Legislative Services, (804) 786-3591. Individuals  
requiring interpreter services or other special assistance  
should contact the committee operations office at least  
10 working days prior to the meeting.


**Contact:** Hudaidah Bhimdi, House Committee Operations,  
P.O. Box 406, Richmond, VA 23218, telephone (804) 698-  
1540 or (804) 786-2369/TTY 

## **HOUSE COMMITTEE ON FINANCE**


† **December 20, 2000 - 9:30 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, House  
Room D, Richmond, Virginia.  (Interpreter for the deaf  
provided upon request)

A joint meeting of the House Appropriations, House  
Finance and Senate Finance Committees. Questions  
regarding the meeting should be addressed to Joan  
Putney or David Rosenberg, Division of Legislative  
Services, (804) 786-3591. Individuals requiring  
interpreter services or other special assistance should  
contact the committee operations office at least 10  
working days prior to the meeting.


**Contact:** Lois V. Johnson, House Committee Operations,  
P.O. Box 406, Richmond, VA 23218, telephone (804) 698-  
1540 or (804) 786-2369/TTY 

† **December 20, 2000 - 1 p.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, House  
Room D, Richmond, Virginia.  (Interpreter for the deaf  
provided upon request)


A meeting for consideration of Finance carry-over  
legislation. Please contact Joan Putney or David  
Rosenberg, Division of Legislative Services, (804) 786-  
3591, concerning legislation that remains in committee.  
Individuals requiring interpreter services or other special  
assistance should contact the committee operations  
office at least 10 working days prior to the meeting.

**Contact:** Lois V. Johnson, House Committee Operations,  
P.O. Box 406, Richmond, VA 23218, telephone (804) 698-  
1540 or (804) 786-2369/TTY 


## **SENATE COMMITTEE ON GENERAL LAWS**

**December 6, 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 meeting to consider legislation continued to the 2001  
Session of the General Assembly.

**Contact:** John McE. Garrett, Senate Committee Operations,  
P.O. Box 396, Richmond, VA 23218, telephone (804) 698-  
7450 or (804) 698-7419/TTY 


## **HAMPTON ROADS THIRD CROSSING BRIDGE- TUNNEL COMMISSION**

† **January 15, 2001 - 4 p.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, 6th Floor,  
Speakers Conference Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


A meeting to be held in conjunction with the Hampton  
Roads Caucus to update caucus members on the plans  
for the Hampton Roads Third Crossing Bridge-Tunnel.  
Questions regarding the agenda should be addressed to  
Alan Wambold, Division of Legislative Services, (804)  
786-3591. Individuals requiring interpreter services or  
other special assistance should contact the committee  
operations office at least 10 working days prior to the  
meeting.

**Contact:** Dawn B. Smith, House Committee Operations,  
P.O. Box 406, Richmond, VA 23218, telephone (804) 698-  
1540 or (804) 786-2369/TTY 


## **HOUSE COMMITTEE ON HEALTH, WELFARE AND INSTITUTIONS**

**December 11, 2000 - 10 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, House  
Room C, Richmond, Virginia.  (Interpreter for the deaf  
provided upon request)

A regular meeting to consider carry-over legislation.  
Individuals requiring interpreter services or other special  
assistance should contact the committee operations  
office at least 10 working days prior to the meeting.

**Contact:** Dawn B. Smith, House Committee Operations,  
P.O. Box 406, Richmond, VA 23218, telephone (804) 698-  
1540 or (804) 786-2369/TTY 

## **JOINT SUBCOMMITTEE TO STUDY CREATION OF A NORTHERN VIRGINIA REGIONAL TRANSPORTATION AUTHORITY (SJR 121, 2000)**

**December 13, 2000 - 9:30 a.m.** -- Open Meeting  
Northern Virginia Planning District Commission Headquarters,  
7535 Little River Turnpike, Suite 100, Annandale, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting. Please direct all questions regarding  
the agenda to Senate Committee Operations. Individuals  
requiring interpreter services or other accommodations  
should contact the committee operations office at least  
10 working days prior to the meeting.

**Contact:** Thomas G. Gilman, Senate Committee Operations, P.O. Box 396, Richmond, VA 23218, telephone (804) 698-7450 or (804) 698-7419/TTY ☎

## SENATE COMMITTEE ON PRIVILEGES AND ELECTIONS

**December 20, 2000 - 2 p.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, Senate Room A, Richmond, Virginia. ♿

A meeting to consider legislation continued to the 2001 Session. Patrons of continued legislation should contact Mary Spain, Division of Legislative Services, (804) 786-3591, if they do not wish their bill to be considered at this meeting. Individuals requiring interpreter services or other accommodations should contact the committee operations office at least seven working days prior to the meeting.

**Contact:** Patricia J. Lung, Senate Committee Operations, P.O. Box 396, Richmond, VA 23218, telephone (804) 698-7450 or (804) 225-4749/TTY ☎

## JOINT REAPPORTIONMENT COMMITTEE

**December 4, 2000 - 2 p.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, Senate Room A, Richmond, Virginia. ♿

A regular meeting. Questions regarding the agenda should be directed to Mary Spain or Jack Austin, Division of Legislative Services, (804) 786-3591. Individuals requiring interpreter services or other accommodations should contact the committee operations office at least seven working days prior to the meeting.

**Contact:** Patricia J. Lung, Senate Committee Operations, P.O. Box 396, Richmond, VA 23218, telephone (804) 698-7450 or (804) 698-7419/TTY ☎

## HOUSE COMMITTEE ON GENERAL LAWS' SUBCOMMITTEE STUDYING REDEEMABLE BEVERAGE CONTAINERS (HB 659)

**December 7, 2000 - 2 p.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting. Questions regarding the meeting should be addressed to Maria Everett, Division of Legislative Services, (804) 786-3591. Individuals requiring interpreter services or other special assistance should contact the committee operations office at least 10 working days prior to the meeting.

**Contact:** Lois V. Johnson, House Committee Operations, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY ☎

## JOINT SUBCOMMITTEE STUDYING SATELLITE CHIP MILLS (HJR 730)

NOTE: CHANGE IN MEETING DATE

**December 6, 2000 - 1 p.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia.

A regular meeting. Questions regarding the retreat or the agenda should be directed to Marty Farber, Division of Legislative Services, (804) 786-3591. The meeting scheduled for December 14, 2000, has been canceled.

**Contact:** Barbara Regen, House Committee Operations, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY ☎

## JOINT COMMISSION ON TECHNOLOGY AND SCIENCE

### Advisory Committee 2 (Economic Development)

**December 5, 2000 - 1 p.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

Continuing discuss on economic development issues facing Virginia's high technology sectors.

**Contact:** Mitchell Goldstein, Director, Joint Commission on Technology and Science, General Assembly Bldg., 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 371-0169, e-mail [JJung@leg.state.va.us](mailto:JJung@leg.state.va.us).

### Advisory Committee 4 (Digital Divide)

† **December 14, 2000 - 10 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, House Appropriations Conference Room, 9th Floor, Richmond, Virginia. ♿

A continuation of the committee's study on the Digital Divide.

**Contact:** Mitchell P. Goldstein, Director, Joint Commission on Technology and Science, 910 Capitol Street, Second Floor, Richmond, VA 23219, telephone (804) 786-3591, e-mail [MGoldstein@leg.state.va.us](mailto:MGoldstein@leg.state.va.us).

† **January 9, 2001 - 10 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. ♿

A review of committee final reports and the commission's legislative agenda.

**Contact:** Mitchell P. Goldstein, Director, Joint Commission on Technology and Science, 901 Capitol Street, Second Floor, Richmond, VA 23219, telephone (804) 786-3591, e-mail [MGoldstein@leg.state.va.us](mailto:MGoldstein@leg.state.va.us).

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# Calendar of Events

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## JOINT SUBCOMMITTEE STUDYING THE FEASIBILITY OF DEVELOPING A CENTER FOR CONTINUING AND VOCATIONAL EDUCATION (SJR 242, 2000)

**December 13, 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)

Continuing discuss on economic development issues  
facing Virginia's high technology sectors.

**Contact:** Thomas C. Gilman, Senate Committee Operations,  
P.O. Box 396, Richmond, VA 23218, telephone (804) 698-  
7450 or (804) 698-7419/TTY

## CHRONOLOGICAL LIST

### OPEN MEETINGS

#### December 4

Barbers and Cosmetology, Board for  
Nursing, Board of  
- Special Conference Committee  
† Pharmacy, Board of  
Reapportionment Committee, Joint

#### December 5

Competition Council, Commonwealth  
- Taskforce Studying Commercial Activities of Not-for-  
Profit Organizations  
Educational Infrastructure and Technology, Commission  
on  
Eminent Domain, Joint Subcommittee To Examine the  
Current Means and Adequacy of Compensation To  
Virginia's Citizens Whose Properties Are Taken  
Through the Exercise of  
Hopewell Industrial Safety Council  
† Museum of Fine Arts, Virginia  
- Executive Committee  
Nursing, Board of  
- Special Conference Committee  
Outdoors Foundation, Virginia  
- Board of Trustees  
People with Disabilities, Virginia Board for  
- Disability Commission  
Pharmacy, Board of  
- Special Conference Committee  
Technology and Science, Joint Commission on  
- Advisory Committee 2 (Economic Development)  
Veterinary Medicine, Board of  
- Informal Conference Committee

#### December 6

Architects, Professional Engineers, Land Surveyors,  
Certified Interior Designers and Landscape Architects,  
Board for  
- Certified Interior Designer Section  
Funeral Directors and Embalmers, Board of  
General Laws, Senate Committee on

Historic Resources, Department of  
- State Review Board and Historic Resources Board  
Human Resource Management, Department of  
Medicine, Board of  
- Informal Conference Committee  
Outdoors Foundation, Virginia  
- Board of Trustees  
Real Estate Board  
- Real Estate Education Committee  
Satellite Chip Mills, Joint Subcommittee Studying  
Soil and Water Conservation Board, Virginia  
Water Control Board, State  
Workforce Council, Virginia

#### December 7

† Agriculture and Consumer Services, Board of  
At-Risk Youth and Families, Comprehensive Services for  
- State and Local Advisory Team  
Conservation and Recreation, Department of  
- Falls of the James Scenic River Advisory Board  
Corporations, Insurance and Banking, House Committee  
on  
- Subcommittee 2  
† Fire Services Board, Virginia  
- Administration and Policy Committee  
- Education and Training Committee  
- Finance Committee  
- Fire Prevention and Control Committee  
Funeral Directors and Embalmers, Board of  
† Museum of Fine Arts, Virginia  
- Architect Search Committee  
Old Dominion University  
- Board of Visitors  
† Outdoors Foundation, Virginia  
Real Estate Board  
- Fair Housing Committee  
Redeemable Beverage Containers, House Committee on  
General Laws' Subcommittee Studying

#### December 8

Environmental Quality, Department of  
- Virginia Environmental Education Advisory  
Committee  
† Fire Services Board, Virginia  
Health Professions, Department of  
- Health Practitioners' Intervention Program  
† Longwood College  
- Academic and Student Affairs Committee  
- Administration, Finance and Facilities Committee  
- Audit Committee  
- Institutional Advancement Committee  
Optometry, Board of

#### December 9

Environmental Quality, Department of  
- Virginia Environmental Education Advisory  
Committee  
† Longwood College

#### December 11

Air Pollution Control Board, State  
† Chesapeake Bay Local Assistance Board  
Health Professions, Department of



Health, Welfare and Institutions, Committee on  
Hearing Aid Specialists, Board for  
Nursing, Board of  
- Special Conference Committee  
Soil Scientists, Board for Professional

## December 12

† Agriculture and Consumer Services, Department of  
- Virginia State Apple Board  
- Virginia Soybean Board  
† Alcoholic Beverage Control Board  
Branch Pilots, Board for  
† Conservation and Recreation, Board of  
† Corrections, Board of  
- Correctional Services/Policy and Regulations  
Committee  
- Liaison Committee  
† Criminal Justice Services Board  
- Private Security Services Advisory Board  
† Electrical Utility Restructuring Act, Legislative  
Transition Task Force  
† Faith-Based Community Service Groups Who May  
Provide Assistance to Meet Social Needs, Special Task  
Force Studying  
† Funeral Directors and Embalmers, Board of  
- Regulatory/Bylaws Committee  
Higher Education Center, Southwest Virginia  
† Housing Development Authority, Virginia  
† Medical Assistance Services, Department of  
- Pharmacy Liaison Committee  
† Small Business Financing Authority, Virginia  
Water Control Board, State

## December 13

Branch Pilots, Board for  
Code Commission, Virginia  
Conservation and Recreation, Department of  
- Board on Conservation and Development of Public  
Beaches  
† Corrections, Board of  
- Administration Committee  
† Electrical Utility Restructuring Act, Legislation  
Transition Task Force  
Northern Virginia Regional Transportation Authority, Joint  
Subcommittee to Study Creation of a  
Polygraph Examiners Advisory Board  
Professional and Occupational Regulation, Board for  
† Social Services, State Board of  
† Transportation Board, Commonwealth  
Vocational Education, Joint Subcommittee Studying the  
Feasibility of Developing a Center for Continuing and  
Water Control Board, State

## December 14

Agriculture and Consumer Services, Department of  
- Virginia Corn Board  
Assistive Technology Loan Fund Authority  
† Charitable Gaming Commission  
† Child Day-Care Council  
Competition Council, Commonwealth  
- Taskforce Studying Commercial Activities of Not-for-  
Profit Organizations  
Criminal Justice Services Board

- Committee on Training  
Medicine, Board of  
- Informal Conference Committee  
Nursing, Board of  
- Special Conference Committee  
† Nursing Home Administrators, Board of  
- Ad Hoc Committee for Regulatory Review  
- Informal Conference Committee  
† Social Services, State Board of  
† Technology and Science, Joint Commission on  
- Advisory Committee 4 (Digital Divide)  
† Transportation Board, Commonwealth

## December 15

African-American Students in Special Education  
Programs, Joint Subcommittee Studying  
Overrepresentation of  
Architects, Professional Engineers, Land Surveyors,  
Certified Interior Designers and Landscape Architects,  
Board for  
† Correctional Education, Board of  
Medicine, Board of  
- Informal Conference Committee  
† Optometry, Board of  
- Legislative/Regulatory Committee  
Physical Therapy, Board of  
† Social Work, Board of

## December 19

Branch Pilots, Board for  
† Compensation Board  
Marine Resources Commission

## December 20

At-Risk Youth and Families, Comprehensive Services for  
- State Executive Council  
† Finance, House Committee on  
- Joint Meeting of House Appropriations, House  
Finance and Senate Finance Committees  
Privileges and Elections, Senate Committee on  
Retirement System, Virginia  
- Investment Advisory Committee

## December 21

Retirement System, Virginia  
- Board of Trustees  
Waterworks and Wastewater Works Operators, Board for

## January 2, 2001

† Museum of Fine Arts, Virginia  
- Executive Committee

## January 4

† Alcoholic Beverage Control Board  
† Conservation and Recreation, Department of  
- Virginia Land Conservation Foundation  
Nursing, Board of  
- Special Conference Committee

## January 5

† Art and Architectural Review Board

## January 8

† Local Government, Commission on

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# Calendar of Events

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**January 9**

† Technology and Science, Joint Commission on

**January 10**

† Education, Board of  
- State Special Education Advisory Committee

**January 11**

† Education, Board of  
- State Special Education Advisory Committee

**January 12**

† Education, Board of  
- State Special Education Advisory Committee

**January 15**

† Hampton Roads Third Crossing Bridge-Tunnel  
Commission

**January 16**

† Visually Handicapped, Board for the

**January 18**

Soil and Water Conservation Board, Virginia

**January 19**

Library Board  
- Archival and Information Services Committee  
- Collection Management Services Committee  
- Legislative and Finance Committee  
- Public Library Development Committee  
- Publications and Educational Services Committee  
- Records Management Committee

**January 22**

Old Dominion University  
- Executive Committee  
Nursing, Board of

**January 23**

† Social Services, State Board of

**January 24**

Nursing, Board of

**January 25**

Nursing, Board of

**January 26**

† Medicine, Board of

**January 27**

Conservation and Recreation, Department of  
- Cave Board

**February 2**

† Art and Architectural Review Board

**February 12**

Nursing, Board of  
- Special Conference Committee

**February 13**

Nursing, Board of  
- Special Conference Committee  
Retirement System, Virginia  
- Investment Advisory Committee

**February 15**

† Asbestos and Lead, Board for  
† Education, Board of  
Nursing, Board of  
- Special Conference Committee  
Retirement System, Virginia  
- Board of Trustees  
- Administration and Personnel Committee  
- Audit and Compliance Committee  
- Benefits and Actuarial Committee

**February 19**

Old Dominion University  
- Board of Visitors Executive Committee

**February 22**

Nursing, Board of  
- Special Conference Committee

**February 23**

Nursing, Board of  
- Special Conference Committee

**February 28**

† At-Risk Youth and Families, Comprehensive Services  
for  
† Funeral Directors and Embalmers, Board of  
- Legislative Committee

**March 19**

Library Board  
- Archival and Information Services Committee  
- Collection Management Services Committee  
- Legislative and Finance Committee  
- Public Library Development Committee  
- Publications and Educational Services Committee  
- Records Management Committee  
Old Dominion University  
- Board of Visitors Executive Committee

**March 22**

† Education, Board of

## PUBLIC HEARINGS

**December 4**

Air Pollution Control Board, State  
Health, Department of  
Rehabilitative Services, Department of  
Waste Management Board, Virginia  
Water Control Board, State

**December 6**

Waste Management Board, Virginia

**December 7**

Rehabilitative Services, Department of  
Water Control Board, State

**December 11**

Health, Department of  
Rehabilitative Services, Department of

**December 12**

Waste Management Board, Virginia  
Water Control Board, State

**December 13**

Mental Health, Mental Retardation and Substance Abuse  
Services Board, State

**December 14**

Mental Health, Mental Retardation and Substance Abuse  
Services Board, State  
Waste Management Board, Virginia

**December 15**

Social Work, Board of

**December 19**

Waste Management Board, Virginia

**January 9, 2001**

Waste Management Board, Virginia

**January 10**

Mental Health, Mental Retardation and Substance Abuse  
Services Board, State

**January 11**

Mental Health, Mental Retardation and Substance Abuse  
Services Board, State  
Waste Management Board, Virginia