
TABLE OF CONTENTS

CUMULATIVE TABLE OF VIRGINIA ADMINISTRATIVE CODE SECTIONS ADOPTED, AMENDED, OR REPEALED

Cumulative Table.....2087

NOTICES OF INTENDED REGULATORY ACTION

TITLE 12. HEALTH

State Board of Health.....2102

State Board for Mental Health, Mental Retardation and Substance Abuse Services.....2102

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSURE

Board Of Audiology and Speech-Language Pathology2102

Board of Medicine.....2103

Board of Nursing.....2103

Boards of Nursing and Medicine.....2104

TITLE 22. SOCIAL SERVICES

State Board of Social Services2104

PROPOSED REGULATIONS

TITLE 9. ENVIRONMENT

STATE WATER CONTROL BOARD

Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Discharges of Storm Water from Construction Activities (amending 9 VAC 25-180-10, 9 VAC 25-180-20, 9 VAC 25-180-40, 9 VAC 25-180-50, and 9 VAC 25-180-70; adding 9 VAC 25-180-55).....2106

General Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation for Discharges of Storm Water from Small Municipal Separate Storm Sewer Systems. (9 VAC 25-750)2119

TITLE 12. HEALTH

STATE BOARD OF HEALTH

Regulations for Disease Reporting and Control (adding 12 VAC 5-90-185).....2131

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Waiver Services (Mental Retardation Waiver) (adding 12 VAC 30-120-211 through 12 VAC 30-120-219, 12 VAC 30-120-221 through 12 VAC 30-120-229, 12 VAC 30-120-231 through 12 VAC 30-120-237, and

12 VAC 30-120-241 through 12 VAC 30-120-249; repealing 12 VAC 30-120-210, 12 VAC 30-120-220, 12 VAC 30-120-230, 12 VAC 30-120-240, and 12 VAC 30-120-250)..... 2132

TITLE 14. INSURANCE

STATE CORPORATION COMMISSION

Bureau of Insurance

Rules Governing Settlement Agents (amending 14 VAC 5-395-20, 14 VAC 5-395-30, 14 VAC 5-395-40, 14 VAC 5-395-50, and 14 VAC 5-395-60)..... 2171

FINAL REGULATIONS

TITLE 9. ENVIRONMENT

STATE WATER CONTROL BOARD

Notice of Effective Date

Water Quality Standards. (9 VAC 25-260)..... 2174

TITLE 12. HEALTH

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Uninsured Medical Catastrophe Fund. (12 VAC 30-150) 2174

GOVERNOR

EXECUTIVE ORDERS

Declaration of a State of Emergency for the Commonwealth of Virginia Due to Significant Rainfall and Flooding throughout Southwest Virginia (10-2002) 2175

Declaration of a State of Emergency Due to a Tire Fire in Roanoke County, Virginia (11-2002) 2177

GENERAL NOTICES/ERRATA

DEPARTMENT OF EDUCATION

Consolidated State Application..... 2181

Notice of Intent to Revise the Standards of Learning 2181

STATE LOTTERY DEPARTMENT

DIRECTOR'S ORDERS

Virginia's Instant Game Lottery 227; "Aces and 8s" (effective 12/19/01) (83-01) 2181

Virginia's Instant Game Lottery 507; "Go for the Green" (effective 12/19/01) (84-01) 2181

Table of Contents

Virginia Instant Game Lottery 509; "Tons of Cash" (effective 01/11/02) (1-02) 2181

Virginia's Instant Game Lottery 226; "Bank Shot" (effective 01/11/02) (2-02) 2181

Virginia's Instant Game Lottery 319; "Special Edition Bingo" (effective 01/11/02) (3-02) 2181

Virginia's Instant Game Lottery 506; "Fat Cat Cash" (effective 01/28/02) (4-02) 2181

"3-4-5 Ca\$h Plus" Virginia Lottery Retailer Incentive Program Rules (effective 02/08/02) (5-02)..... 2181

Virginia's Instant Game Lottery 228; "Heads or Tails" (effective 02/11/02) (6-02) 2181

Virginia's Instant Game Lottery 500; "Paydirt" (effective 02/11/02) (7-02) 2181

Virginia's Instant Game Lottery 229; "Wild Hare" (effective 02/11/02) (8-02) 2181

Virginia's Instant Game Lottery 508; "Fast Cash" (effective 05/05/02) (10-02) 2181

Virginia's Instant Game Lottery 512; "Money Carlo" (effective 05/05/02) (11-02) 2181

Virginia's Instant Game Lottery 511; "Face Cards" (effective 03/08/02) (12-02) 2181

Certain Virginia Instant Game Lotteries; End of Games. (85-01)..... 2182

Certain Virginia Instant Game Lotteries; End of Games. (13-02)..... 2182

DEPARTMENT OF SOCIAL SERVICES

Periodic Review of Regulations 2182

STATE WATER CONTROL BOARD

Proposed Consent Special Order - City of Roanoke 2183

VIRGINIA CODE COMMISSION

Notice to State Agencies 2183

Forms for Filing Material for Publication in *The Virginia Register of Regulations* 2183

ERRATA

STATE AIR POLLUTION CONTROL BOARD

Title of Regulation: Regulations for the Control and Abatement of Air Pollution (Rev. G00)..... 2183

Hazardous Air Pollutant Sources. (9 VAC 5-60)..... 2183

STATE BOARD OF SOCIAL SERVICES

Child Support Enforcement Program. (22 VAC 40-880) .. 2183

VIRGINIA SOIL AND WATER CONSERVATION BOARD

Impounding Structure Regulations. (4 VAC 50-20) 2183

CALENDAR OF EVENTS

EXECUTIVE

Open Meetings and Public Hearings 2185

INDEPENDENT

Open Meetings and Public Hearings 2203

LEGISLATIVE

Open Meetings and Public Hearings 2203

CHRONOLOGICAL LIST

Open Meetings..... 2204

Public Hearings..... 2206

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 2001 VAC Supplement includes final regulations published through *Virginia Register* Volume 17, Issue 21, dated July 2, 2001). 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
Title 1. Administration			
1 VAC 17-20-10	Amended	17:24 VA.R. 3556	9/12/01
1 VAC 17-20-40	Amended	17:24 VA.R. 3557	9/12/01
1 VAC 17-20-70	Amended	17:24 VA.R. 3557	9/12/01
1 VAC 17-20-110	Amended	17:24 VA.R. 3557	9/12/01
1 VAC 17-20-180	Amended	17:24 VA.R. 3557	9/12/01
1 VAC 17-20-210	Amended	17:24 VA.R. 3557	9/12/01
1 VAC 17-20-250	Amended	17:24 VA.R. 3558	9/12/01
1 VAC 17-20-270	Amended	17:24 VA.R. 3558	9/12/01
1 VAC 17-20-280	Amended	17:24 VA.R. 3558	9/12/01
1 VAC 17-20-310	Amended	17:24 VA.R. 3558	9/12/01
Title 4. Conservation and Natural Resources			
4 VAC 5-35-10 through 4 VAC 5-35-50	Repealed	18:14 VA.R. 1800	4/25/02
4 VAC 5-36-10 through 4 VAC 5-36-210	Added	18:14 VA.R. 1800-1827	4/25/02
4 VAC 20-70-120	Amended	18:5 VA.R. 726	12/1/01
4 VAC 20-270-30	Amended	18:14 VA.R. 1827	3/5/02
4 VAC 20-270-40	Amended	18:14 VA.R. 1828	3/5/02
4 VAC 20-270-55	Amended	18:14 VA.R. 1828	3/5/02
4 VAC 20-270-56	Added	18:14 VA.R. 1828	3/5/02
4 VAC 20-380-20	Amended	17:23 VA.R. 3455	7/1/01
4 VAC 20-380-50	Amended	17:23 VA.R. 3455	7/1/01
4 VAC 20-398-10 through 4 VAC 20-398-90	Added	18:6 VA.R. 875-877	11/1/01
4 VAC 20-510-20	Amended	18:5 VA.R. 726	1/1/02
4 VAC 20-560-20	Erratum	18:14 VA.R. 1911	--
4 VAC 20-560-20 emer	Amended	18:14 VA.R. 1904	3/4/02-3/31/02
4 VAC 20-560-20	Amended	18:16 VA.R. 2054	4/1/02
4 VAC 20-560-50 emer	Amended	18:14 VA.R. 1905	3/4/02-3/31/02
4 VAC 20-560-50	Amended	18:16 VA.R. 2055	4/1/02
4 VAC 20-610-30	Amended	17:23 VA.R. 3456	7/1/01
4 VAC 20-610-40	Amended	18:8 VA.R. 1103	1/1/02
4 VAC 20-610-60	Amended	18:8 VA.R. 1103	1/1/02
4 VAC 20-620-10 emer	Amended	18:5 VA.R. 740	11/1/01-12/1/01
4 VAC 20-620-10 emer	Amended	18:9 VA.R. 1231	1/1/02-1/30/02
4 VAC 20-620-20 emer	Amended	18:5 VA.R. 740	11/1/01-12/1/01
4 VAC 20-620-20 emer	Amended	18:9 VA.R. 1231	1/1/02-1/30/02
4 VAC 20-620-20	Amended	18:14 VA.R. 1828	3/5/02
4 VAC 20-620-30	Amended	18:8 VA.R. 1104	12/1/01
4 VAC 20-620-40 emer	Amended	18:5 VA.R. 740	11/1/01-12/1/01
4 VAC 20-620-40	Amended	18:8 VA.R. 1105	12/1/01
4 VAC 20-620-40 emer	Amended	18:9 VA.R. 1231	1/1/02-1/30/02
4 VAC 20-620-40	Amended	18:12 VA.R. 1646	1/31/02
4 VAC 20-620-50	Amended	18:14 VA.R. 1828	3/5/02
4 VAC 20-620-60	Amended	18:14 VA.R. 1829	3/5/02
4 VAC 20-620-70	Amended	18:14 VA.R. 1829	3/5/02
4 VAC 20-670-20	Amended	18:1 VA.R. 31	9/15/01

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
4 VAC 20-670-30	Amended	18:1 VA.R. 31	9/15/01
4 VAC 20-670-40	Amended	18:1 VA.R. 31	9/15/01
4 VAC 20-720-20	Amended	18:3 VA.R. 354	10/1/01
4 VAC 20-720-40 through 4 VAC 20-720-80	Amended	18:3 VA.R. 354-357	10/1/01
4 VAC 20-720-40	Amended	18:9 VA.R. 1190	1/1/02
4 VAC 20-720-46 emer	Added	18:9 VA.R. 1232	1/1/02-1/30/02
4 VAC 20-720-47 emer	Added	18:12 VA.R. 1697	2/1/02-2/28/02
4 VAC 20-720-50	Amended	18:9 VA.R. 1190	1/1/02
4 VAC 20-890-25	Amended	17:23 VA.R. 3457	7/1/01
4 VAC 20-910-45	Amended	18:3 VA.R. 357	10/1/01
4 VAC 20-950-30	Amended	18:14 VA.R. 1829	3/4/02
4 VAC 20-950-40	Amended	18:14 VA.R. 1829	3/4/02
4 VAC 20-950-45	Amended	18:3 VA.R. 357	10/1/01
4 VAC 20-950-45 emer	Amended	18:9 VA.R. 1232	1/1/02-1/30/02
4 VAC 20-950-45	Amended	18:12 VA.R. 1647	1/31/02
4 VAC 20-950-45	Amended	18:14 VA.R. 1830	3/4/02
4 VAC 20-950-45	Amended	18:16 VA.R. 2055	4/1/02
4 VAC 20-970-30	Amended	18:5 VA.R. 727	1/1/02
4 VAC 25-30 (Forms)	Amended	18:8 VA.R. 1130	--
4 VAC 25-130 (Forms)	Amended	17:23 VA.R. 3473	--
4 VAC 25-130 (Forms)	Amended	18:8 VA.R. 1130	--
4 VAC 50-20-30	Amended	18:14 VA.R. 1831	7/1/02
4 VAC 50-20-50	Amended	18:14 VA.R. 1832	7/1/02
4 VAC 50-20-70	Amended	18:14 VA.R. 1832	7/1/02
4 VAC 50-20-120	Amended	18:14 VA.R. 1834	7/1/02
4 VAC 50-20-220	Amended	18:14 VA.R. 1834	7/1/02
4 VAC 50-20-320	Amended	18:14 VA.R. 1835	7/1/02
Title 5. Corporations			
5 VAC 5-30-10 through 5 VAC 5-30-70	Added	17:22 VA.R. 3312-3315	7/1/01
Title 6. Criminal Justice and Corrections			
6 VAC 20-60-10 through 6 VAC 20-60-90	Amended	18:11 VA.R. 1397-1400	1/1/03
6 VAC 20-60-25	Added	18:11 VA.R. 1398	1/1/03
6 VAC 20-60-100	Added	18:11 VA.R. 1400	1/1/03
6 VAC 20-171-10	Amended	18:15 VA.R. 1955	5/10/02
6 VAC 20-171-50	Amended	18:15 VA.R. 1957	5/10/02
6 VAC 20-171-120	Amended	18:15 VA.R. 1958	5/10/02
6 VAC 20-171-200	Amended	18:15 VA.R. 1958	5/10/02
6 VAC 20-171-220	Amended	18:15 VA.R. 1959	5/10/02
6 VAC 20-171-230	Amended	18:15 VA.R. 1960	5/10/02
6 VAC 20-171-240	Amended	18:15 VA.R. 1961	5/10/02
6 VAC 20-171-250	Amended	18:15 VA.R. 1961	5/10/02
6 VAC 20-171-260	Amended	18:15 VA.R. 1962	5/10/02
6 VAC 20-171-280	Amended	18:15 VA.R. 1963	5/10/02
6 VAC 20-171-310	Amended	18:15 VA.R. 1964	5/10/02
6 VAC 20-171-320	Amended	18:15 VA.R. 1964	5/10/02
6 VAC 20-171-330	Amended	18:15 VA.R. 1965	5/10/02
6 VAC 20-171-340	Amended	18:15 VA.R. 1965	5/10/02
6 VAC 20-171-350	Amended	18:15 VA.R. 1966	5/10/02
6 VAC 20-171-445	Amended	18:15 VA.R. 1968	5/10/02
6 VAC 20-171-450	Amended	18:15 VA.R. 1968	5/10/02
6 VAC 20-171-480	Amended	18:15 VA.R. 1968	5/10/02
6 VAC 20-171-520	Amended	18:15 VA.R. 1969	5/10/02
6 VAC 20-171-530	Amended	18:15 VA.R. 1969	5/10/02
6 VAC 20-171-540	Amended	18:15 VA.R. 1969	5/10/02
Title 8. Education			
8 VAC 20-21-10	Amended	18:9 VA.R. 1191	2/14/02

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
8 VAC 20-21-10	Amended	18:12 VA.R. 1648	3/28/02
8 VAC 20-21-40	Amended	18:12 VA.R. 1649	3/28/02
8 VAC 20-21-50	Amended	18:9 VA.R. 1192	2/14/02
8 VAC 20-21-50	Amended	18:12 VA.R. 1650	3/28/02
8 VAC 20-21-80	Amended	18:9 VA.R. 1193	2/14/02
8 VAC 20-21-90	Amended	18:12 VA.R. 1651	3/28/02
8 VAC 20-21-100	Amended	18:12 VA.R. 1651	3/28/02
8 VAC 20-21-120	Amended	18:12 VA.R. 1652	3/28/02
8 VAC 20-21-170	Amended	18:12 VA.R. 1653	3/28/02
8 VAC 20-21-590	Amended	18:12 VA.R. 1653	3/28/02
8 VAC 20-21-660	Amended	18:12 VA.R. 1655	3/28/02
8 VAC 20-21-680	Amended	18:12 VA.R. 1656	3/28/02
8 VAC 20-80-30	Amended	18:12 VA.R. 1657	3/27/02
8 VAC 20-80-40	Amended	18:12 VA.R. 1660	3/27/02
8 VAC 20-80-54	Amended	18:12 VA.R. 1661	3/27/02
8 VAC 20-80-56	Amended	18:12 VA.R. 1664	3/27/02
8 VAC 20-80-60	Amended	18:12 VA.R. 1666	3/27/02
8 VAC 20-80-66	Amended	18:12 VA.R. 1668	3/27/02
8 VAC 20-80-70	Amended	18:12 VA.R. 1671	3/27/02
8 VAC 20-80-76	Amended	18:12 VA.R. 1676	3/27/02
8 VAC 20-120-10 through 8 VAC 20-120-50	Amended	18:8 VA.R. 1106-1108	1/31/02
8 VAC 20-120-60	Repealed	18:8 VA.R. 1108	1/31/02
8 VAC 20-120-70 through 8 VAC 20-120-160	Amended	18:8 VA.R. 1109-1111	1/31/02
8 VAC 20-120-170	Added	18:8 VA.R. 1111	1/31/02
8 VAC 20-160-10	Amended	18:5 VA.R. 728	12/19/01
8 VAC 20-160-30	Amended	18:5 VA.R. 728	12/19/01
8 VAC 20-160-40	Amended	18:5 VA.R. 729	12/19/01
8 VAC 20-630-10 through 8 VAC 20-630-70	Added	18:12 VA.R. 1683-1684	3/28/02
Title 9. Environment			
9 VAC 5-10-20	Amended	18:7 VA.R. 998	2/1/02
9 VAC 5-20-21	Amended	18:7 VA.R. 1004	2/1/02
9 VAC 5-40-160 through 9 VAC 5-40-230	Repealed	18:14 VA.R. 1836-1840	5/1/02
9 VAC 5-40-240	Amended	18:4 VA.R. 586	1/1/02
9 VAC 5-40-250	Amended	18:4 VA.R. 586	1/1/02
9 VAC 5-40-310	Amended	18:4 VA.R. 587	1/1/02
9 VAC 5-40-311	Amended	18:4 VA.R. 587	1/1/02
9 VAC 5-40-460	Amended	18:7 VA.R. 1006	2/1/02
9 VAC 5-40-890	Amended	18:4 VA.R. 588	1/1/02
9 VAC 5-40-2930	Amended	18:7 VA.R. 1006	2/1/02
9 VAC 5-40-5210	Amended	18:7 VA.R. 1006	2/1/02
9 VAC 5-40-5230	Amended	18:7 VA.R. 1006	2/1/02
9 VAC 5-40-8130	Amended	18:7 VA.R. 1006	2/1/02
9 VAC 5-40-8150	Amended	18:7 VA.R. 1006	2/1/02
9 VAC 5-50-160 through 9 VAC 5-50-230	Repealed	18:14 VA.R. 1840-1844	5/1/02
9 VAC 5-50-400	Amended	18:7 VA.R. 1006	2/1/02
9 VAC 5-50-410	Amended	18:7 VA.R. 1007	2/1/02
9 VAC 5-50-420	Amended	18:7 VA.R. 1011	2/1/02
9 VAC 5-60-60	Amended	18:7 VA.R. 1012	2/1/02
9 VAC 5-60-80	Amended	18:7 VA.R. 1012	2/1/02
9 VAC 5-60-90	Amended	18:7 VA.R. 1012	2/1/02
9 VAC 5-60-100	Amended	18:7 VA.R. 1012	2/1/02
9 VAC 5-60-110	Amended	18:7 VA.R. 1016	2/1/02
9 VAC 5-60-200 through 9 VAC 5-60-270	Added	18:14 VA.R. 1836-1840	5/1/02
9 VAC 5-60-300 through 9 VAC 5-60-370	Added	18:14 VA.R. 1840-1844	5/1/02
9 VAC 5-80-10	Amended	18:7 VA.R. 1006	2/1/02
9 VAC 5-80-370	Amended	18:7 VA.R. 1006	2/1/02

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 5-80-390	Amended	18:7 VA.R. 1006	2/1/02
9 VAC 5-80-1710	Amended	18:7 VA.R. 1006	2/1/02
9 VAC 5-80-2000 through 9 VAC 5-80-2090	Amended	18:14 VA.R. 1845-1852	5/1/02
9 VAC 5-80-2010	Amended	18:7 VA.R. 1006	2/1/02
9 VAC 5-80-2100	Repealed	18:14 VA.R. 1852	5/1/02
9 VAC 5-80-2110	Amended	18:14 VA.R. 1852	5/1/02
9 VAC 5-80-2120	Amended	18:14 VA.R. 1852	5/1/02
9 VAC 5-80-2150	Amended	18:14 VA.R. 1853	5/1/02
9 VAC 5-80-2160	Repealed	18:14 VA.R. 1853	5/1/02
9 VAC 5-80-2180	Amended	18:14 VA.R. 1853	5/1/02
9 VAC 5-80-2190	Amended	18:14 VA.R. 1853	5/1/02
9 VAC 5-80-2200	Added	18:14 VA.R. 1853	5/1/02
9 VAC 5-80-2210	Added	18:14 VA.R. 1853	5/1/02
9 VAC 5-80-2220	Added	18:14 VA.R. 1853	5/1/02
9 VAC 5-80-2230	Added	18:14 VA.R. 1853	5/1/02
9 VAC 5-80-2240	Added	18:14 VA.R. 1853	5/1/02
9 VAC 10-20-30 through 9 VAC 10-20-100	Amended	18:9 VA.R. 1196-1200	3/1/02
9 VAC 10-20-40	Erratum	18:13 VA.R. 1763	--
9 VAC 10-20-105	Added	18:9 VA.R. 1200	3/1/02
9 VAC 10-20-110 through 9 VAC 10-20-130	Amended	18:9 VA.R. 1200-1207	3/1/02
9 VAC 10-20-130	Erratum	18:13 VA.R. 1764	--
9 VAC 10-20-140	Repealed	18:9 VA.R. 1207	3/1/02
9 VAC 10-20-150	Amended	18:9 VA.R. 1207	3/1/02
9 VAC 10-20-160	Repealed	18:9 VA.R. 1208	3/1/02
9 VAC 10-20-170	Amended	18:9 VA.R. 1208	3/1/02
9 VAC 10-20-171	Added	18:9 VA.R. 1208	3/1/02
9 VAC 10-20-180	Repealed	18:9 VA.R. 1208	3/1/02
9 VAC 10-20-181	Added	18:9 VA.R. 1209	3/1/02
9 VAC 10-20-181	Erratum	18:13 VA.R. 1764	--
9 VAC 10-20-190	Repealed	18:9 VA.R. 1208	3/1/02
9 VAC 10-20-191	Added	18:9 VA.R. 1209	3/1/02
9 VAC 10-20-191	Erratum	18:13 VA.R. 1764	--
9 VAC 10-20-200 through 9 VAC 10-20-210	Repealed	18:9 VA.R. 1208	3/1/02
9 VAC 10-20-211	Added	18:9 VA.R. 1211	3/1/02
9 VAC 10-20-215	Added	18:9 VA.R. 1211	3/1/02
9 VAC 10-20-220	Repealed	18:9 VA.R. 1208	3/1/02
9 VAC 10-20-221	Added	18:9 VA.R. 1211	3/1/02
9 VAC 10-20-225	Added	18:9 VA.R. 1211	3/1/02
9 VAC 10-20-230	Repealed	18:9 VA.R. 1211	3/1/02
9 VAC 10-20-231	Added	18:9 VA.R. 1211	3/1/02
9 VAC 10-20-250	Amended	18:9 VA.R. 1212	3/1/02
9 VAC 10-20-260	Amended	18:9 VA.R. 1212	3/1/02
9 VAC 10-20-270	Repealed	18:9 VA.R. 1212	3/1/02
9 VAC 10-20-280	Repealed	18:9 VA.R. 1212	3/1/02
9 VAC 20-60	Erratum	18:12 VA.R. 1714	--
9 VAC 20-60-14	Amended	18:11 VA.R. 1403	3/13/02
9 VAC 20-60-17	Amended	18:11 VA.R. 1404	3/13/02
9 VAC 20-60-18	Amended	18:3 VA.R. 359	11/21/01
9 VAC 20-60-18	Amended	18:11 VA.R. 1405	3/13/02
9 VAC 20-60-20	Amended	18:11 VA.R. 1405	3/13/02
9 VAC 20-60-30	Amended	18:11 VA.R. 1405	3/13/02
9 VAC 20-60-50	Amended	18:11 VA.R. 1405	3/13/02
9 VAC 20-60-60	Repealed	18:11 VA.R. 1405	3/13/02
9 VAC 20-60-70	Amended	18:11 VA.R. 1405	3/13/02
9 VAC 20-60-80	Amended	18:11 VA.R. 1406	3/13/02
9 VAC 20-60-124	Amended	18:11 VA.R. 1406	3/13/02

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 20-60-260	Amended	18:11 VA.R. 1406	3/13/02
9 VAC 20-60-261	Amended	18:11 VA.R. 1407	3/13/02
9 VAC 20-60-261	Amended	18:11 VA.R. 1422	3/13/02
9 VAC 20-60-262	Amended	18:11 VA.R. 1407	3/13/02
9 VAC 20-60-264	Amended	18:11 VA.R. 1407	3/13/02
9 VAC 20-60-265	Amended	18:11 VA.R. 1409	3/13/02
9 VAC 20-60-266	Amended	18:11 VA.R. 1409	3/13/02
9 VAC 20-60-270	Amended	18:11 VA.R. 1409	3/13/02
9 VAC 20-60-273	Amended	18:11 VA.R. 1412	3/13/02
9 VAC 20-60-315	Amended	18:11 VA.R. 1413	3/13/02
9 VAC 20-60-355	Added	18:11 VA.R. 1413	3/13/02
9 VAC 20-60-430	Amended	18:11 VA.R. 1413	3/13/02
9 VAC 20-60-440	Amended	18:11 VA.R. 1413	3/13/02
9 VAC 20-60-450	Amended	18:11 VA.R. 1413	3/13/02
9 VAC 20-60-480	Amended	18:11 VA.R. 1413	3/13/02
9 VAC 20-60-490	Amended	18:11 VA.R. 1414	3/13/02
Appendix 7.1	Repealed	18:11 VA.R. 1416	3/13/02
Part XI (9 VAC 20-60-960 through 9 VAC 20-60-1250, including Appendix 11.2)	Repealed	18:11 VA.R. 1416	3/13/02
9 VAC 20-60-1260	Amended	18:11 VA.R. 1416	3/13/02
9 VAC 20-60-1270	Amended	18:11 VA.R. 1416	3/13/02
9 VAC 20-60-1280	Amended	18:11 VA.R. 1418	3/13/02
Appendix 12.1	Repealed	18:11 VA.R. 1418	3/13/02
9 VAC 20-60-1285	Added	18:11 VA.R. 1418	3/13/02
9 VAC 20-60-1370	Amended	18:11 VA.R. 1419	3/13/02
9 VAC 20-60-1380	Amended	18:11 VA.R. 1419	3/13/02
9 VAC 20-60-1390	Amended	18:11 VA.R. 1419	3/13/02
9 VAC 20-60-1410	Amended	18:11 VA.R. 1420	3/13/02
9 VAC 20-60-1420	Amended	18:11 VA.R. 1420	3/13/02
9 VAC 20-60-1430	Amended	18:11 VA.R. 1421	3/13/02
9 VAC 20-60-1435	Added	18:11 VA.R. 1421	3/13/02
9 VAC 20-60-1505	Amended	18:11 VA.R. 1421	3/13/02
9 VAC 20-70 Appendices I through VI	Repealed	18:3 VA.R. 377-388	11/21/01
9 VAC 20-70-10	Amended	18:3 VA.R. 359	11/21/01
9 VAC 20-70-41	Repealed	18:3 VA.R. 361	11/21/01
9 VAC 20-70-50 through 9 VAC 20-70-75	Amended	18:3 VA.R. 362-363	11/21/01
9 VAC 20-70-81	Amended	18:3 VA.R. 363	11/21/01
9 VAC 20-70-90	Amended	18:3 VA.R. 363	11/21/01
9 VAC 20-70-111	Amended	18:3 VA.R. 364	11/21/01
9 VAC 20-70-112	Amended	18:3 VA.R. 364	11/21/01
9 VAC 20-70-113	Amended	18:3 VA.R. 365	11/21/01
9 VAC 20-70-150 through 9 VAC 20-70-230	Amended	18:3 VA.R. 366-376	11/21/01
9 VAC 20-70-240	Repealed	18:3 VA.R. 376	11/21/01
9 VAC 20-70-250	Amended	18:3 VA.R. 376	11/21/01
9 VAC 20-70-260	Amended	18:3 VA.R. 377	11/21/01
9 VAC 20-70-280	Repealed	18:3 VA.R. 377	11/21/01
9 VAC 20-70-290	Added	18:3 VA.R. 377	11/21/01
9 VAC 20-130 (Forms)	Added	17:26 VA.R. 3758-3759	--
9 VAC 20-130 (Forms)	Amended	18:6 VA.R. 909	--
9 VAC 20-190-10 through 9 VAC 20-190-80	Added	18:3 VA.R. 389-390	11/21/01
9 VAC 25-31-10	Amended	18:9 VA.R. 1213	2/15/02
9 VAC 25-31-30	Amended	18:9 VA.R. 1213	2/15/02
9 VAC 25-31-40	Amended	18:9 VA.R. 1213	2/15/02
9 VAC 25-31-100	Amended	18:9 VA.R. 1213	2/15/02
9 VAC 25-31-120	Amended	18:9 VA.R. 1213	2/15/02
9 VAC 25-31-121	Amended	18:9 VA.R. 1213	2/15/02

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 25-31-150	Amended	18:9 VA.R. 1213	2/15/02
9 VAC 25-31-190	Amended	18:9 VA.R. 1213	2/15/02
9 VAC 25-31-220	Amended	18:9 VA.R. 1213	2/15/02
9 VAC 25-31-230	Amended	18:9 VA.R. 1213	2/15/02
9 VAC 25-31-340	Amended	18:9 VA.R. 1213	2/15/02
9 VAC 25-31-470	Amended	18:9 VA.R. 1213	2/15/02
9 VAC 25-31-500	Amended	18:9 VA.R. 1213	2/15/02
9 VAC 25-31-750	Amended	18:9 VA.R. 1213	2/15/02
9 VAC 25-31-770 through 9 VAC 25-31-810	Amended	18:9 VA.R. 1213	2/15/02
9 VAC 25-31-840	Amended	18:9 VA.R. 1213	2/15/02
9 VAC 25-31-900	Amended	18:9 VA.R. 1213	2/15/02
9 VAC 25-31 (Forms)	Amended	18:6 VA.R. 909	--
9 VAC 25-210-80	Erratum	17:24 VA.R. 3604	--
9 VAC 25-430-20	Amended	17:25 VA.R. 3657	9/26/01
9 VAC 25-430-30	Amended	17:25 VA.R. 3657	9/26/01
9 VAC 25-430-60	Amended	17:25 VA.R. 3657	9/26/01
9 VAC 25-650-10 through 9 VAC 25-650-200	Added	18:4 VA.R. 590-604	12/5/01
9 VAC 25-650-50	Erratum	18:7 VA.R. 1064	--
9 VAC 25-660-10 through 9 VAC 25-660-100	Added	17:22 VA.R. 3316-3327	10/1/01
9 VAC 25-670-10 through 9 VAC 25-670-100	Added	17:22 VA.R. 3328-3344	10/1/01
9 VAC 25-680-30	Erratum	17:24 VA.R. 3604	--
9 VAC 25-680-50	Erratum	17:24 VA.R. 3604	--
9 VAC 25-680-100	Erratum	17:24 VA.R. 3604	--
9 VAC 25-690-30	Erratum	17:24 VA.R. 3604	--
9 VAC 25-690-40	Erratum	17:24 VA.R. 3604	--
Title 10. Finance and Financial Institutions			
10 VAC 5-10-10	Amended	17:22 VA.R. 3345	7/1/01
10 VAC 5-20-30	Amended	17:22 VA.R. 3346	6/27/01
10 VAC 5-20-40	Added	18:9 VA.R. 1214	12/20/01
10 VAC 5-40-30	Added	18:8 VA.R. 1111	12/15/01
Title 12. Health			
12 VAC 5-65	Repealed	18:12 VA.R. 1685	3/27/02
12 VAC 5-66-10 through 12 VAC 5-66-80	Added	18:12 VA.R. 1685-1688	3/27/02
12 VAC 5-66-10 through 12 VAC 5-66-80	Erratum	18:13 VA.R. 1764	--
12 VAC 5-90-80	Amended	18:9 VA.R. 1214	12/18/01
12 VAC 5-120-10 through 12 VAC 5-120-90	Added	18:16 VA.R. 2057-2058	5/22/02
12 VAC 5-218-10 through 12 VAC 5-218-90 emer	Added	18:4 VA.R. 634-637	11/1/01-10/31/02
12 VAC 5-371-40	Amended	18:10 VA.R. 1305	2/28/02
12 VAC 5-408-10 through 12 VAC 5-408-360	Amended	18:8 VA.R. 1112-1120	1/30/02
12 VAC 5-410-70	Amended	18:10 VA.R. 1305	2/28/02
12 VAC 5-420	Repealed	18:10 VA.R. 1305	3/1/02
12 VAC 5-421-10 through 12 VAC 5-421-4070	Added	18:10 VA.R. 1305	3/1/02
12 VAC 5-430	Repealed	18:10 VA.R. 1306	3/1/02
12 VAC 5-431-10 through 12 VAC 5-431-480	Added	18:10 VA.R. 1306-1309	3/1/02
12 VAC 5-475-10 through 12 VAC 5-475-90	Added	18:12 VA.R. 1691	3/27/02
12 VAC 5-520-10	Amended	18:15 VA.R. 1969	5/8/02
12 VAC 5-520-20	Amended	18:15 VA.R. 1969	5/8/02
12 VAC 5-520-30	Amended	18:15 VA.R. 1969	5/8/02
12 VAC 5-520-40 through 12 VAC 5-520-70	Repealed	18:15 VA.R. 1969	5/8/02
12 VAC 5-520-80	Amended	18:15 VA.R. 1969	5/8/02
12 VAC 5-520-90 through 12 VAC 5-520-120	Repealed	18:15 VA.R. 1969	5/8/02
12 VAC 5-520-130 through 12 VAC 5-520-210	Added	18:15 VA.R. 1969	5/8/02
12 VAC 5-581-10 through 12 VAC 5-581-1070	Added	18:10 VA.R. 1309	2/27/02
12 VAC 30-10-631	Added	18:7 VA.R. 1016	1/16/02
12 VAC 30-10-640	Amended	18:7 VA.R. 1016	1/16/02
12 VAC 30-30-10	Amended	18:7 VA.R. 1016	1/16/02

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 30-40-220	Amended	18:7 VA.R. 1020	1/16/02
12 VAC 30-50-20	Amended	18:7 VA.R. 1022	1/16/02
12 VAC 30-50-30	Amended	18:7 VA.R. 1023	1/16/02
12 VAC 30-50-60	Amended	18:7 VA.R. 1023	1/16/02
12 VAC 30-50-70	Amended	18:7 VA.R. 1023	1/16/02
12 VAC 30-50-100	Amended	18:6 VA.R. 882	1/2/02
12 VAC 30-50-100	Amended	18:7 VA.R. 1023	1/16/02
12 VAC 30-50-105	Amended	18:6 VA.R. 882	1/2/02
12 VAC 30-50-105	Amended	18:7 VA.R. 1025	1/16/02
12 VAC 30-50-140	Amended	18:6 VA.R. 882	1/2/02
12 VAC 30-50-140	Amended	18:7 VA.R. 1027	1/16/02
12 VAC 30-50-160	Amended	18:10 VA.R. 1311	2/27/02
12 VAC 30-50-165	Added	18:10 VA.R. 1313	2/27/02
12 VAC 30-50-210	Amended	18:4 VA.R. 605	12/5/01
12 VAC 30-50-229.1	Amended	18:7 VA.R. 1028	1/16/02
12 VAC 30-50-260	Amended	18:7 VA.R. 1031	1/16/02
12 VAC 30-60-21	Added	18:6 VA.R. 883	1/2/02
12 VAC 30-60-70	Amended	18:10 VA.R. 1315	2/27/02
12 VAC 30-60-75	Added	18:10 VA.R. 1317	2/27/02
12 VAC 30-60-170	Amended	18:7 VA.R. 1031	1/16/02
12 VAC 30-70-120	Repealed	18:6 VA.R. 883	1/2/02
12 VAC 30-70-201	Amended	18:7 VA.R. 1032	1/16/02
12 VAC 30-70-420	Amended	18:6 VA.R. 883	1/2/02
12 VAC 30-70-420	Amended	18:7 VA.R. 1032	1/16/02
12 VAC 30-70-435	Amended	18:7 VA.R. 1032	1/16/02
12 VAC 30-120-10 emer	Amended	18:12 VA.R. 1698	2/1/02-1/31/03
12 VAC 30-120-40 emer	Amended	18:12 VA.R. 1699	2/1/02-1/31/03
12 VAC 30-120-50 emer	Amended	18:12 VA.R. 1701	2/1/02-1/31/03
12 VAC 30-120-55 emer	Added	18:12 VA.R. 1702	2/1/02-1/31/03
12 VAC 30-120-60 emer	Amended	18:12 VA.R. 1704	2/1/02-1/31/03
12 VAC 30-120-210 emer	Amended	18:5 VA.R. 743	10/17/01-10/16/02
12 VAC 30-120-211 through 12 VAC 30-120-215 emer	Added	18:5 VA.R. 745-751	10/17/01-10/16/02
12 VAC 30-120-220 emer	Amended	18:5 VA.R. 752	10/17/01-10/16/02
12 VAC 30-120-230 emer	Amended	18:5 VA.R. 755	10/17/01-10/16/02
12 VAC 30-120-240 emer	Amended	18:5 VA.R. 758	10/17/01-10/16/02
12 VAC 30-120-241 through 12 VAC 30-120-249 emer	Added	18:5 VA.R. 760-771	10/17/01-10/16/02
12 VAC 30-120-250 emer	Amended	18:5 VA.R. 771	10/17/01-10/16/02
12 VAC 30-120-251 through 12 VAC 30-120-255 emer	Added	18:5 VA.R. 772-777	10/17/01-10/16/02
12 VAC 30-120-258 emer	Added	18:5 VA.R. 777	10/17/01-10/16/02
12 VAC 30-120-259 emer	Added	18:5 VA.R. 778	10/17/01-10/16/02
12 VAC 30-120-360 emer	Amended	18:8 VA.R. 1123	12/1/01-11/30/02
12 VAC 30-120-370 emer	Amended	18:8 VA.R. 1124	12/1/01-11/30/02
12 VAC 30-120-380 emer	Amended	18:8 VA.R. 1126	12/1/01-11/30/02
12 VAC 30-120-385 emer	Repealed	18:8 VA.R. 1127	12/1/01-11/30/02
12 VAC 30-120-390 through 420 emer	Amended	18:8 VA.R. 1127-1129	12/1/01-11/30/02
12 VAC 30-130-20	Amended	18:10 VA.R. 1318	2/27/02
12 VAC 30-141-10 et seq. emer	Added	17:25 VA.R. 3660-3670	8/1/01-7/31/02
12 VAC 30-141-100 emer	Amended	17:26 VA.R. 3757	8/22/01-7/31/02
12 VAC 35-20	Repealed	18:12 VA.R. 1691	3/27/02
12 VAC 35-110	Repealed	18:3 VA.R. 391	11/21/01
12 VAC 35-115-10 through 12 VAC 35-115-250	Added	18:3 VA.R. 392-414	11/21/01
12 VAC 35-115-50	Erratum	17:22 VA.R. 3371	--
12 VAC 35-115-70	Erratum	17:22 VA.R. 3371	--
12 VAC 35-115-250	Erratum	18:6 VA.R. 911	--
12 VAC 35-120	Repealed	18:3 VA.R. 414	11/21/01
12 VAC 35-130	Repealed	18:3 VA.R. 415	11/21/01

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 35-140	Repealed	18:12 VA.R. 1691	3/27/02
12 VAC 35-150	Repealed	18:12 VA.R. 1691	3/27/02
12 VAC 35-160	Repealed	18:12 VA.R. 1691	3/27/02
12 VAC 35-200-10	Amended	18:16 VA.R. 2059	5/22/02
12 VAC 35-200-20	Amended	18:16 VA.R. 2060	5/22/02
12 VAC 35-200-30	Amended	18:16 VA.R. 2061	5/22/02
Title 13. Housing			
13 VAC 5-175-10	Amended	18:7 VA.R. 1033	1/1/02
13 VAC 5-175-20	Amended	18:7 VA.R. 1033	1/1/02
13 VAC 5-175-30	Amended	18:7 VA.R. 1033	1/1/02
13 VAC 5-175-40	Amended	18:7 VA.R. 1034	1/1/02
13 VAC 10-40-30	Amended	17:22 VA.R. 3347	6/20/01
13 VAC 10-40-110	Amended	17:22 VA.R. 3347	6/20/01
13 VAC 10-40-130	Amended	17:22 VA.R. 3347	6/20/01
13 VAC 10-40-190	Amended	17:22 VA.R. 3347	6/20/01
13 VAC 10-40-230	Amended	17:22 VA.R. 3347	6/20/01
13 VAC 10-180-10	Amended	18:10 VA.R. 1318	1/9/02
13 VAC 10-180-50	Amended	18:10 VA.R. 1319	1/9/02
13 VAC 10-180-60	Amended	18:10 VA.R. 1319	1/9/02
13 VAC 10-180-100	Amended	18:10 VA.R. 1328	1/9/02
Title 14. Insurance			
14 VAC 5-80-160 through 14 VAC 5-80-190	Repealed	18:14 VA.R. 1896	3/31/02
14 VAC 5-170-20	Amended	17:24 VA.R. 3559	9/1/01
14 VAC 5-170-30	Amended	17:24 VA.R. 3559	9/1/01
14 VAC 5-170-70	Amended	17:24 VA.R. 3559	9/1/01
14 VAC 5-170-90	Amended	17:24 VA.R. 3559	9/1/01
14 VAC 5-170-105	Amended	17:24 VA.R. 3562	9/1/01
14 VAC 5-170-120	Amended	17:24 VA.R. 3563	9/1/01
14 VAC 5-170-130	Amended	17:24 VA.R. 3565	9/1/01
14 VAC 5-170-150	Amended	17:24 VA.R. 3566	9/1/01
14 VAC 5-170-180	Amended	17:24 VA.R. 3566	9/1/01
Appendix D	Added	17:24 VA.R. 3566	9/1/01
14 VAC 5-200-20 through 14 VAC 5-200-40	Amended	18:6 VA.R. 885	2/1/02
14 VAC 5-200-70	Amended	18:6 VA.R. 885	2/1/02
14 VAC 5-200-75	Added	18:6 VA.R. 885	2/1/02
14 VAC 5-200-80	Amended	18:6 VA.R. 886	2/1/02
14 VAC 5-200-160	Amended	18:6 VA.R. 886	2/1/02
14 VAC 5-200-175	Amended	18:6 VA.R. 886	2/1/02
14 VAC 5-210-70	Amended	18:7 VA.R. 1035	12/1/01
14 VAC 5-300-90	Amended	17:22 VA.R. 3347	8/1/01
14 VAC 5-330-10	Repealed	18:3 VA.R. 415	12/31/01
14 VAC 5-390-20	Amended	18:12 VA.R. 1692	2/1/02
14 VAC 5-390-30	Amended	18:12 VA.R. 1692	2/1/02
14 VAC 5-390-40	Amended	18:12 VA.R. 1692	2/1/02
Title 15. Judicial			
15 VAC 10-10	Amended	18:8 VA.R. 1120	12/3/01
Title 16. Labor and Employment			
16 VAC 25-60-50	Repealed	18:5 VA.R. 729	12/31/01
16 VAC 25-60-60	Repealed	18:5 VA.R. 730	12/31/01
16 VAC 25-60-70	Repealed	18:5 VA.R. 731	12/31/01
16 VAC 25-85-1904.0 through 16 VAC 25-85-1904.09	Amended	18:5 VA.R. 731	1/1/02
16 VAC 25-85-1904.10 (a)&(b)	Amended	18:5 VA.R. 731	1/1/03
16 VAC 25-85-1904.10 (c)	Amended	18:5 VA.R. 731	1/1/02
16 VAC 25-85-1904.11	Amended	18:5 VA.R. 731	1/1/02
16 VAC 25-85-1904.12	Amended	18:5 VA.R. 731	1/1/03
16 VAC 25-85-1904.13 through 16 VAC 25-85-1904.28	Amended	18:5 VA.R. 731	1/1/02

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
16 VAC 25-85-1904.29 except (b)(7)(vi) second sentence	Amended	18:5 VA.R. 731	1/1/02
16 VAC 25-85-1904.29 (b)(7)(vi) second sentence	Amended	18:5 VA.R. 731	1/1/03
16 VAC 25-85-1904.30 through 1904.46	Amended	18:5 VA.R. 731	1/1/02
16 VAC 25-90-1910.1030	Amended	17:23 VA.R. 3459	9/15/01
16 VAC 25-90-1910.1043	Amended	17:23 VA.R. 3458	9/15/01
16 VAC 25-175-1926.750 through 16 VAC 25-175-1926.759	Amended	18:5 VA.R. 732	1/18/02
16 VAC 25-175-1926.760 (d) & (e)	Amended	18:5 VA.R. 732	1/18/02
16 VAC 25-175-1926.761	Amended	18:5 VA.R. 732	1/18/02
16 VAC 25-175-1926.500	Amended	18:5 VA.R. 732	1/18/02
Title 18. Professional and Occupational Licensing			
18 VAC 5-21-10	Amended	18:7 VA.R. 1036	1/16/02
18 VAC 5-21-20	Amended	18:7 VA.R. 1035	1/1/02
18 VAC 5-21-30 through 18 VAC 5-21-70	Amended	18:7 VA.R. 1038-1042	1/16/02
18 VAC 5-21-90	Amended	18:7 VA.R. 1042	1/16/02
18 VAC 5-21-120	Amended	18:7 VA.R. 1042	1/16/02
18 VAC 5-21-170	Amended	18:7 VA.R. 1043	1/16/02
18 VAC 10-20-10	Amended	18:7 VA.R. 1045	3/1/02
18 VAC 10-20-15	Added	18:7 VA.R. 1046	3/1/02
18 VAC 10-20-20	Amended	18:7 VA.R. 1046	3/1/02
18 VAC 10-20-30	Amended	18:7 VA.R. 1046	3/1/02
18 VAC 10-20-40	Amended	18:7 VA.R. 1046	3/1/02
18 VAC 10-20-55	Added	18:7 VA.R. 1046	3/1/02
18 VAC 10-20-75	Added	18:7 VA.R. 1046	3/1/02
18 VAC 10-20-100	Repealed	18:7 VA.R. 1046	3/1/02
18 VAC 10-20-110 through 18 VAC 10-20-170	Amended	18:7 VA.R. 1046-1049	3/1/02
18 VAC 10-20-180	Repealed	18:7 VA.R. 1049	3/1/02
18 VAC 10-20-190 through 18 VAC 18 VAC 10-20-220	Amended	18:7 VA.R. 1049	3/1/02
18 VAC 10-20-240	Amended	18:7 VA.R. 1049	3/1/02
18 VAC 10-20-250	Repealed	18:7 VA.R. 1049	3/1/02
18 VAC 10-20-260	Amended	18:7 VA.R. 1049	3/1/02
18 VAC 10-20-270	Amended	18:7 VA.R. 1050	3/1/02
18 VAC 10-20-280	Amended	18:7 VA.R. 1050	3/1/02
18 VAC 10-20-280	Erratum	18:10 VA.R. 1342	--
18 VAC 10-20-290	Repealed	18:7 VA.R. 1050	3/1/02
18 VAC 10-20-295	Added	18:7 VA.R. 1050	3/1/02
18 VAC 10-20-300	Amended	18:7 VA.R. 1050	3/1/02
18 VAC 10-20-310	Amended	18:7 VA.R. 1050	3/1/02
18 VAC 10-20-320	Amended	18:7 VA.R. 1050	3/1/02
18 VAC 10-20-340 through 18 VAC 10-20-380	Amended	18:7 VA.R. 1050-1052	3/1/02
18 VAC 10-20-370	Erratum	18:10 VA.R. 1342	--
18 VAC 10-20-400	Amended	18:7 VA.R. 1052	3/1/02
18 VAC 10-20-410	Repealed	18:7 VA.R. 1052	3/1/02
18 VAC 10-20-420 through 18 VAC 10-20-450	Amended	18:7 VA.R. 1052-1053	3/1/02
18 VAC 10-20-480	Repealed	18:7 VA.R. 1053	3/1/02
18 VAC 10-20-490	Amended	18:7 VA.R. 1053	3/1/02
18 VAC 10-20-505	Amended	18:7 VA.R. 1053	3/1/02
18 VAC 10-20-530 through 18 VAC 10-20-570	Amended	18:7 VA.R. 1053-1054	3/1/02
18 VAC 10-20-590 through 18 VAC 10-20-620	Amended	18:7 VA.R. 1054-1055	3/1/02
18 VAC 10-20-640	Amended	18:7 VA.R. 1055	3/1/02
18 VAC 10-20-650	Amended	18:7 VA.R. 1055	3/1/02
18 VAC 10-20-660	Amended	18:7 VA.R. 1055	3/1/02
18 VAC 10-20-680	Amended	18:7 VA.R. 1055	3/1/02
18 VAC 10-20-720	Amended	18:7 VA.R. 1056	3/1/02
18 VAC 10-20-740	Amended	18:7 VA.R. 1056	3/1/02
18 VAC 10-20-750	Amended	18:7 VA.R. 1056	3/1/02

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 10-20-760	Amended	18:7 VA.R. 1056	3/1/02
18 VAC 10-20-780	Amended	18:7 VA.R. 1056	3/1/02
18 VAC 15-20	Erratum	18:7 VA.R. 1064	--
18 VAC 15-20-10	Amended	18:6 VA.R. 887	1/2/02
18 VAC 15-20-20	Amended	18:6 VA.R. 888	1/2/02
18 VAC 15-20-21	Added	18:6 VA.R. 890	1/2/02
18 VAC 15-20-30 through 18 VAC 15-20-90	Amended	18:6 VA.R. 890-893	1/2/02
18 VAC 15-20-100	Repealed	18:6 VA.R. 893	1/2/02
18 VAC 15-20-101	Added	18:6 VA.R. 893	1/2/02
18 VAC 15-20-110	Amended	18:6 VA.R. 893	1/2/02
18 VAC 15-20-120 through 18 VAC 15-20-140	Repealed	18:6 VA.R. 893	1/2/02
18 VAC 15-20-150	Amended	18:6 VA.R. 893	1/2/02
18 VAC 15-20-160 through 18 VAC 15-20-240	Repealed	18:6 VA.R. 893	1/2/02
18 VAC 15-20-250	Amended	18:6 VA.R. 893	1/2/02
18 VAC 15-20-251	Added	18:6 VA.R. 893	1/2/02
18 VAC 15-20-260	Repealed	18:6 VA.R. 893	1/2/02
18 VAC 15-20-270	Amended	18:6 VA.R. 893	1/2/02
18 VAC 15-20-271	Added	18:6 VA.R. 894	1/2/02
18 VAC 15-20-280	Repealed	18:6 VA.R. 894	1/2/02
18 VAC 15-20-290	Amended	18:6 VA.R. 894	1/2/02
18 VAC 15-20-291	Added	18:6 VA.R. 894	1/2/02
18 VAC 15-20-300 through 18 VAC 15-20-320	Repealed	18:6 VA.R. 894	1/2/02
18 VAC 15-20-330	Amended	18:6 VA.R. 894	1/2/02
18 VAC 15-20-331	Added	18:6 VA.R. 894	1/2/02
18 VAC 15-20-332	Added	18:6 VA.R. 894	1/2/02
18 VAC 15-20-340 through 18 VAC 15-20-360	Repealed	18:6 VA.R. 894	1/2/02
18 VAC 15-20-361	Added	18:6 VA.R. 894	1/2/02
18 VAC 15-20-370 through 18 VAC 15-20-390	Repealed	18:6 VA.R. 895	1/2/02
18 VAC 15-20-400 through 18 VAC 15-20-450	Amended	18:6 VA.R. 895	1/2/02
18 VAC 15-20-451 through 18 VAC 15-20-455	Added	18:6 VA.R. 895-896	1/2/02
18 VAC 15-20-455.1	Added	18:6 VA.R. 896	1/2/02
18 VAC 15-20-456 through 18 VAC 15-20-459	Added	18:6 VA.R. 896	1/2/02
18 VAC 15-20-459.1 through 18 VAC 15-20-459.15	Added	18:6 VA.R. 896-897	1/2/02
18 VAC 15-20-460 through 18 VAC 15-20-500	Amended	18:6 VA.R. 897-899	1/2/02
18 VAC 15-20-510	Repealed	18:6 VA.R. 899	1/2/02
18 VAC 15-20-511	Added	18:6 VA.R. 899	1/2/02
18 VAC 15-20-520 through 18 VAC 15-20-610	Amended	18:6 VA.R. 899-900	1/2/02
18 VAC 15-20-620 through 18 VAC 15-20-690	Repealed	18:6 VA.R. 900	1/2/02
18 VAC 15-20-700 through 18 VAC 15-20-880	Amended	18:6 VA.R. 900-907	1/2/02
18 VAC 15-20-890 through 18 VAC 15-20-960	Repealed	18:6 VA.R. 908	1/2/02
18 VAC 25-21-10 through 18 VAC 25-21-70	Amended	18:7 VA.R. 1058	2/1/02
18 VAC 25-21-90	Amended	18:7 VA.R. 1058	2/1/02
18 VAC 25-21-110	Amended	18:7 VA.R. 1058	2/1/02
18 VAC 25-21-180	Amended	18:7 VA.R. 1058	2/1/02
18 VAC 25-21-200	Amended	18:7 VA.R. 1058	2/1/02
18 VAC 25-21-210	Added	18:7 VA.R. 1058	2/1/02
18 VAC 25-21-220	Added	18:7 VA.R. 1059	2/1/02
18 VAC 50-30-10	Amended	17:26 VA.R. 3756	11/1/01
18 VAC 50-30-20	Amended	17:26 VA.R. 3756	11/1/01
18 VAC 50-30-40	Amended	17:26 VA.R. 3756	11/1/01
18 VAC 50-30-50	Amended	17:26 VA.R. 3756	11/1/01
18 VAC 50-30-50	Erratum	18:4 VA.R. 658	--
18 VAC 50-30-90	Amended	17:26 VA.R. 3756	11/1/01
18 VAC 50-30-90	Erratum	18:4 VA.R. 658	--
18 VAC 50-30-200	Amended	17:26 VA.R. 3756	11/1/01
18 VAC 60-10-10 through 18 VAC 60-10-40	Amended	17:24 VA.R. 3566	9/12/01

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 60-10-60	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 60-10-70	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 60-10-80	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 60-10-100	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 60-20-10 emer	Amended	18:5 VA.R. 780	12/1/01-10/30/02
18 VAC 60-20-250 through 18 VAC 60-20-330 emer	Added	18:5 VA.R. 780-782	12/1/01-10/30/02
18 VAC 75-10-10	Amended	17:26 VA.R. 3756	10/10/01
18 VAC 75-10-20	Amended	17:26 VA.R. 3756	10/10/01
18 VAC 75-10-30	Amended	17:26 VA.R. 3756	10/10/01
18 VAC 75-10-40	Amended	17:26 VA.R. 3756	10/10/01
18 VAC 75-10-60	Amended	17:26 VA.R. 3756	10/10/01
18 VAC 75-10-70	Amended	17:26 VA.R. 3756	10/10/01
18 VAC 75-10-80	Amended	17:26 VA.R. 3756	10/10/01
18 VAC 75-10-100	Amended	17:26 VA.R. 3756	10/10/01
18 VAC 85-20-131	Amended	18:4 VA.R. 607	12/5/01
18 VAC 85-110-100	Amended	18:4 VA.R. 607	12/5/01
18 VAC 90-20-36	Added	18:7 VA.R. 1059	1/16/02
18 VAC 90-30-20	Amended	18:15 VA.R. 1970	5/8/02
18 VAC 90-30-100	Amended	18:15 VA.R. 1970	5/8/02
18 VAC 90-30-105	Added	18:15 VA.R. 1970	5/8/02
18 VAC 90-30-220	Amended	18:15 VA.R. 1970	5/8/02
18 VAC 90-40-20	Amended	18:15 VA.R. 1977	5/8/02
18 VAC 90-40-50	Amended	18:15 VA.R. 1977	5/8/02
18 VAC 90-40-55	Added	18:15 VA.R. 1977	5/8/02
18 VAC 90-40-60	Amended	18:15 VA.R. 1977	5/8/02
18 VAC 90-40-130	Amended	18:15 VA.R. 1977	5/8/02
18 VAC 95-10-10 through 18 VAC 95-10-40	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 95-10-60	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 95-10-70	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 95-10-80	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 95-10-100	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 105-10-10 through 18 VAC 105-10-40	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 105-10-60	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 105-10-70	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 105-10-80	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 105-10-100	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 110-20-20	Amended	18:12 VA.R. 1693	3/27/02
18 VAC 110-20-270	Amended	18:12 VA.R. 1693	3/27/02
18 VAC 110-20-280	Amended	18:12 VA.R. 1693	3/27/02
18 VAC 110-20-285	Amended	18:12 VA.R. 1694	3/27/02
18 VAC 110-20-430	Amended	18:12 VA.R. 1694	3/27/02
18 VAC 112-10-10 through 18 VAC 112-10-120	Added	18:5 VA.R. 733	12/19/01
18 VAC 112-20-10	Amended	17:25 VA.R. 3657	9/12/01
18 VAC 112-20-10 emer	Amended	18:3 VA.R. 429	11/1/01-10/31/02
18 VAC 112-20-90	Amended	17:25 VA.R. 3658	9/12/01
18 VAC 112-20-130 emer	Amended	18:3 VA.R. 430	11/1/01-10/31/02
18 VAC 112-20-131 emer	Added	18:3 VA.R. 430	11/1/01-10/31/02
18 VAC 112-20-135 emer	Amended	18:3 VA.R. 431	11/1/01-10/31/02
18 VAC 112-20-135	Amended	18:8 VA.R. 1121	1/30/02
18 VAC 112-20-136 emer	Added	18:3 VA.R. 431	11/1/01-10/31/02
18 VAC 112-20-140 emer	Amended	18:3 VA.R. 431	11/1/01-10/31/02
18 VAC 112-20-150	Amended	18:8 VA.R. 1121	1/30/02
18 VAC 112-20-151	Added	18:8 VA.R. 1121	1/30/02
18 VAC 115-10-10	Amended	18:1 VA.R. 32	10/24/01
18 VAC 115-10-20	Amended	18:1 VA.R. 32	10/24/01
18 VAC 115-10-30	Amended	18:1 VA.R. 32	10/24/01

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 115-10-40	Amended	18:1 VA.R. 32	10/24/01
18 VAC 115-10-60	Amended	18:1 VA.R. 32	10/24/01
18 VAC 115-10-70	Amended	18:1 VA.R. 32	10/24/01
18 VAC 115-10-80	Amended	18:1 VA.R. 32	10/24/01
18 VAC 115-10-100	Amended	18:1 VA.R. 32	10/24/01
18 VAC 125-10-10	Amended	18:12 VA.R. 1694	3/27/02
18 VAC 125-10-20	Amended	18:12 VA.R. 1694	3/27/02
18 VAC 125-10-30	Amended	18:12 VA.R. 1695	3/27/02
18 VAC 125-10-40	Amended	18:12 VA.R. 1695	3/27/02
18 VAC 125-10-60	Amended	18:12 VA.R. 1695	3/27/02
18 VAC 125-10-70	Amended	18:12 VA.R. 1695	3/27/02
18 VAC 125-10-80	Amended	18:12 VA.R. 1695	3/27/02
18 VAC 125-10-100	Amended	18:12 VA.R. 1695	3/27/02
18 VAC 125-30 (Forms)	Amended	18:15 VA.R. 1985	--
18 VAC 125-30-10 through 18 VAC 125-30-50	Amended	18:13 VA.R. 1753-1754	4/10/02
18 VAC 125-30-60	Repealed	18:13 VA.R. 1754	4/10/02
18 VAC 125-30-80	Amended	18:13 VA.R. 1755	4/10/02
18 VAC 125-30-90	Amended	18:13 VA.R. 1755	4/10/02
18 VAC 145-20-10	Amended	18:7 VA.R. 1059	1/16/02
18 VAC 145-20-20 through 18 VAC 145-20-50	Repealed	18:7 VA.R. 1059	1/16/02
18 VAC 145-20-70	Amended	18:7 VA.R. 1059	1/16/02
18 VAC 145-20-80	Repealed	18:7 VA.R. 1059	1/16/02
18 VAC 145-20-90	Amended	18:7 VA.R. 1059	1/16/02
18 VAC 145-20-91	Added	18:7 VA.R. 1060	1/16/02
18 VAC 145-20-100	Amended	18:7 VA.R. 1060	1/16/02
18 VAC 145-20-110	Repealed	18:7 VA.R. 1060	1/16/02
18 VAC 145-20-111	Added	18:7 VA.R. 1060	1/16/02
18 VAC 145-20-120	Amended	18:7 VA.R. 1060	1/16/02
18 VAC 145-20-130	Amended	18:7 VA.R. 1060	1/16/02
18 VAC 145-20-140	Amended	18:7 VA.R. 1060	1/16/02
18 VAC 145-20-150	Repealed	18:7 VA.R. 1060	1/16/02
18 VAC 145-20-151	Added	18:7 VA.R. 1060	1/16/02
18 VAC 145-20-160	Amended	18:7 VA.R. 1060	1/16/02
18 VAC 145-20-170	Amended	18:7 VA.R. 1060	1/16/02
18 VAC 150-10-10 through 18 VAC 150-10-40	Amended	17:24 VA.R. 3567	9/12/01
18 VAC 150-10-60	Amended	17:24 VA.R. 3567	9/12/01
18 VAC 150-10-70	Amended	17:24 VA.R. 3567	9/12/01
18 VAC 150-10-80	Amended	17:24 VA.R. 3567	9/12/01
18 VAC 150-10-100	Amended	17:24 VA.R. 3567	9/12/01
Title 20. Public Utilities and Telecommunications			
20 VAC 5-302-10	Amended	18:9 VA.R. 1222	12/14/01
20 VAC 5-302-20	Amended	18:9 VA.R. 1222	12/14/01
20 VAC 5-302-30	Repealed	18:9 VA.R. 1225	12/14/01
20 VAC 5-302-40	Added	18:9 VA.R. 1226	12/14/01
20 VAC 5-312-10 through 20 VAC 5-312-110	Added	17:22 VA.R. 3351-3364	8/1/01
20 VAC 5-312-10	Amended	18:4 VA.R. 613	10/10/01
20 VAC 5-312-10	Erratum	18:7 VA.R. 1064	--
20 VAC 5-312-70	Amended	18:4 VA.R. 614	10/10/01
20 VAC 5-312-70	Erratum	18:7 VA.R. 1064	--
20 VAC 5-312-80	Amended	18:4 VA.R. 615	10/10/01
20 VAC 5-312-80	Erratum	18:7 VA.R. 1064	--
20 VAC 5-325-10 through 20 VAC 5-325-110	Added	17:23 VA.R. 3464-3466	7/1/01
20 VAC 5-400-10 through 20 VAC 5-400-60	Repealed	18:4 VA.R. 619-628	10/17/01
20 VAC 5-400-90	Repealed	18:9 VA.R. 1228	12/14/01
20 VAC 5-400-100 through 20 VAC 5-400-170	Repealed	18:4 VA.R. 629	10/17/01
20 VAC 5-400-190	Repealed	18:4 VA.R. 630	10/17/01

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
20 VAC 5-400-200	Repealed	18:4 VA.R. 632	10/17/01
20 VAC 5-401-10 through 20 VAC 5-401-50	Added	18:4 VA.R. 619-620	10/17/01
20 VAC 5-403-10 through 20 VAC 5-403-70	Added	18:4 VA.R. 621-627	10/17/01
20 VAC 5-405-10 through 20 VAC 5-405-130	Added	18:5 VA.R. 735-736	10/23/01
20 VAC 5-407-10 through 20 VAC 5-407-70	Added	18:9 VA.R. 1228-1230	12/14/01
20 VAC 5-409-10 through 20 VAC 5-409-70	Added	18:4 VA.R. 627-628	10/17/01
20 VAC 5-411-10 through 20 VAC 5-411-90	Added	18:4 VA.R. 628-629	10/17/01
20 VAC 5-413-10 through 20 VAC 5-413-40	Added	18:4 VA.R. 629	10/17/01
20 VAC 5-415-10	Added	18:4 VA.R. 629	10/17/01
20 VAC 5-415-20	Added	18:4 VA.R. 629	10/17/01
20 VAC 5-419-10 through 20 VAC 5-419-40	Added	18:4 VA.R. 630-632	10/17/01
20 VAC 5-421-10	Added	18:4 VA.R. 632	10/17/01
20 VAC 5-421-20	Added	18:4 VA.R. 632	10/17/01
20 VAC 5-423-10 through 20 VAC 5-423-90	Added	18:14 VA.R. 1899-1902	3/6/02
Title 22. Social Services			
22 VAC 15-10-10	Amended	18:14 VA.R. 1902	5/1/02
22 VAC 15-10-30	Amended	18:14 VA.R. 1902	5/1/02
22 VAC 15-10-40	Amended	18:14 VA.R. 1902	5/1/02
22 VAC 15-10-50	Amended	18:14 VA.R. 1902	5/1/02
22 VAC 15-10-60	Amended	18:14 VA.R. 1902	5/1/02
22 VAC 15-10-70	Amended	18:14 VA.R. 1902	5/1/02
22 VAC 20-30-10 through 22 VAC 20-30-60	Amended	17:23 VA.R. 3466-3468	*
22 VAC 20-30-70	Repealed	17:23 VA.R. 3468	*
22 VAC 20-30-80 through 22 VAC 20-30-140	Amended	17:23 VA.R. 3468-3469	*
22 VAC 20-30-150	Added	17:23 VA.R. 3469	*
22 VAC 40-41-10	Amended	18:12 VA.R. 1696	4/1/02
22 VAC 40-41-20	Amended	18:12 VA.R. 1696	4/1/02
22 VAC 40-41-40	Amended	18:12 VA.R. 1696	4/1/02
22 VAC 40-41-50	Amended	18:12 VA.R. 1696	4/1/02
22 VAC 40-41-55	Added	18:12 VA.R. 1696	4/1/02
22 VAC 40-71-10 emer	Amended	17:24 VA.R. 3568	10/9/01-10/8/02
22 VAC 40-71-20 emer	Amended	17:24 VA.R. 3571	10/9/01-10/8/02
22 VAC 40-71-30 emer	Amended	17:24 VA.R. 3572	10/9/01-10/8/02
22 VAC 40-71-50 emer	Amended	17:24 VA.R. 3572	10/9/01-10/8/02
22 VAC 40-71-60 emer	Amended	17:24 VA.R. 3572	10/9/01-10/8/02
22 VAC 40-71-80 emer	Amended	17:24 VA.R. 3573	10/9/01-10/8/02
22 VAC 40-71-90 emer	Amended	17:24 VA.R. 3573	10/9/01-10/8/02
22 VAC 40-71-110 emer	Amended	17:24 VA.R. 3573	10/9/01-10/8/02
22 VAC 40-71-130 emer	Amended	17:24 VA.R. 3574	10/9/01-10/8/02
22 VAC 40-71-150 through 22 VAC 40-71-180 emer	Amended	17:24 VA.R. 3574-3579	10/9/01-10/8/02
22 VAC 40-71-210 emer	Amended	17:24 VA.R. 3579	10/9/01-10/8/02
22 VAC 40-71-270 emer	Amended	17:24 VA.R. 3579	10/9/01-10/8/02
22 VAC 40-71-275 emer	Added	17:24 VA.R. 3580	10/9/01-10/8/02
22 VAC 40-71-280 emer	Amended	17:24 VA.R. 3580	10/9/01-10/8/02
22 VAC 40-71-290 emer	Amended	17:24 VA.R. 3580	10/9/01-10/8/02
22 VAC 40-71-310 emer	Amended	17:24 VA.R. 3580	10/9/01-10/8/02
22 VAC 40-71-330 emer	Amended	17:24 VA.R. 3580	10/9/01-10/8/02
22 VAC 40-71-360 emer	Amended	17:24 VA.R. 3580	10/9/01-10/8/02
22 VAC 40-71-410 emer	Amended	17:24 VA.R. 3580	10/9/01-10/8/02
22 VAC 40-71-440 emer	Amended	17:24 VA.R. 3580	10/9/01-10/8/02
22 VAC 40-71-450 emer	Amended	17:24 VA.R. 3580	10/9/01-10/8/02
22 VAC 40-71-460 emer	Amended	17:24 VA.R. 3581	10/9/01-10/8/02
22 VAC 40-71-480 emer	Amended	17:24 VA.R. 3581	10/9/01-10/8/02

* Effective date suspended in 18:1 VA.R. 32.

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
22 VAC 40-71-490 emer	Amended	17:24 VA.R. 3581	10/9/01-10/8/02
22 VAC 40-71-530 through 22 VAC 40-71-600 emer	Amended	17:24 VA.R. 3582-3584	10/9/01-10/8/02
22 VAC 40-71-630 through 22 VAC 40-71-700 emer	Amended	17:24 VA.R. 3584-3589	10/9/01-10/8/02
22 VAC 40-560	Repealed	18:5 VA.R. 736	12/19/01
22 VAC 40-690 (Forms)	Amended	18:7 VA.R. 1061	--
22 VAC 40-705-10 emer	Amended	18:5 VA.R. 784	1/1/02-12/31/02
22 VAC 40-705-40 through 22 VAC 40-705-90 emer	Amended	18:5 VA.R. 786-790	1/1/02-12/31/02
22 VAC 40-705-110 through 22 VAC 40-705-160 emer	Amended	18:5 VA.R. 790-794	1/1/02-12/31/02
22 VAC 40-705-180 emer	Amended	18:5 VA.R. 794	1/1/02-12/31/02
22 VAC 40-705-190 emer	Amended	18:5 VA.R. 794	1/1/02-12/31/02
22 VAC 40-730-10	Erratum	17:25 VA.R. 3679	--
22 VAC 40-790	Repealed	18:5 VA.R. 736	12/19/01
22 VAC 40-880-10	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-30	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-60	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-80	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-110	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-120	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-130	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-170	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-190	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-200 through 22 VAC 40-880-300	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-320	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-330	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-340	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-360	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-380	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-385	Added	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-410	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-430	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-440	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-480 through 22 VAC 40-880-520	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-550	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-560	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-650	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-670	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-680	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-700	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-720	Added	18:14 VA.R. 1903	4/24/02
22 VAC 45-60	Repealed	18:11 VA.R. 1422	3/13/02
22 VAC 45-70-10 through 22 VAC 45-70-40	Amended	18:11 VA.R. 1423-1424	3/13/02
22 VAC 45-70-50	Repealed	18:11 VA.R. 1424	3/13/02
22 VAC 45-70-60 through 22 VAC 45-70-80	Amended	18:11 VA.R. 1424-1425	3/13/02
22 VAC 45-90	Repealed	18:11 VA.R. 1425	3/13/02
22 VAC 45-110-10 through 22 VAC 45-110-50	Amended	18:11 VA.R. 1425-1426	3/13/02
22 VAC 45-110-60	Repealed	18:11 VA.R. 1426	3/13/02
Title 23. Taxation			
23 VAC 10-110-225 through 23 VAC 10-110-229	Added	18:11 VA.R. 1426-1430	3/13/02
Title 24. Transportation and Motor Vehicles			
24 VAC 20-70-30 emer	Amended	18:3 VA.R. 433	9/21/01-9/20/02
24 VAC 30-40	Repealed	18:3 VA.R. 416	11/21/01
24 VAC 30-41-10 through 24 VAC 30-41-760	Added	18:3 VA.R. 416-427	11/21/01
24 VAC 30-71-160	Amended	18:5 VA.R. 737	12/19/01
24 VAC 30-260-10 et seq.	Repealed	17:25 VA.R. 3658	7/26/01
24 VAC 30-370-10 et seq.	Repealed	17:24 VA.R. 3567	9/12/01
24 VAC 30-520-10	Amended	17:25 VA.R. 3658	7/26/01

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
24 VAC 30-520-20	Amended	17:25 VA.R. 3658	7/26/01
24 VAC 30-540-10	Added	17:23 VA.R. 3472	6/29/01
24 VAC 30-540-20	Added	17:23 VA.R. 3472	6/29/01
24 VAC 30-540-30	Added	17:23 VA.R. 3472	6/29/01
24 VAC 30-540-40	Added	17:23 VA.R. 3472	6/29/01

NOTICES OF INTENDED REGULATORY ACTION

Symbol Key

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

TITLE 12. HEALTH

STATE BOARD OF HEALTH

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Health intends to consider repealing regulations entitled: **12 VAC 5-480. Radiation Protection Regulations**, and promulgating regulations entitled: **12 VAC 5-481. Radiation Protection Regulations**. The purpose of the proposed action is to repeal the current regulation concurrently with the promulgation of a new regulation (12 VAC 5-481). The current regulation was revised in 1987 and is seriously outdated and inconsistent with federal regulations and other national standards. The regulations will include adoption of the Suggested State Regulations for Control of Radiation published by the Conference of Radiation Control Program Directors, Inc., and adoption of the changes made in 1992 to the federal radiation protection standards, Part 10 CFR 20. In addition, the agency will implement legislation enacted in the 1999 and 2000 sessions of the General Assembly regarding civil penalties for violations of radioactive materials licenses and inspections of mammography machines.

The agency does not intend to hold a public hearing on the proposed regulations after publication in the Virginia Register.

Statutory Authority: §§ 32.1-12 and 32.1-229 of the Code of Virginia.

Public comments may be submitted until May 24, 2002.

Contact: Leslie P. Foldesi, Director, Radiological Health, Department of Health, 1500 E. Main St., Room 240, Richmond, VA 23219, telephone (804) 371-4029, FAX (804) 786-6979, toll-free 1-800-468-0138, e-mail LFOLDESI@vdh.state.va.us.

VA.R. Doc. No. R02-157; Filed April 4, 2002, 11:26 a.m.

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

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 that the State Mental Health, Mental Retardation and Substance Abuse Services Board intends to consider amending regulations entitled: **12 VAC 35-180. Regulations to Assure the Protection of Participants in Human Research**. The purpose of the proposed action is to update the definitions to be consistent with the current Code of Virginia. Other revisions will be made to comply with the requirements of the

federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) and other applicable federal regulations, as necessary.

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

Statutory Authority: §§ 37.1-10 and 37.1-24.01 of the Code of Virginia.

Public comments may be submitted until May 24, 2002.

Contact: Wendy V. Brown, Policy Analyst, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 225-2252, FAX (804) 371-0092, e-mail wbrown@dmhmrsas.state.va.us.

VA.R. Doc. No. R02-153; Filed March 27, 2002, 10:12 a.m.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSURE

BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Audiology and Speech-Language Pathology intends to consider amending regulations entitled: **18 VAC 30-20. Regulations of the Board of Audiology and Speech-Language Pathology**. The purpose of the proposed action is to amend the requirements for licensure, supervision of unlicensed assistants, and standards for practice as a result of the board's periodic review of its regulations. Amendments under consideration include:

1. Modifying the definition of "supervision" to clarify the responsibilities of a licensee in delegating and supervising tasks to an unlicensed person. Also, a definition of an "unlicensed person," similar to the one in the nursing regulations may be added.
2. Recognizing additional accrediting bodies for credentialing candidates for licensure consistent with professional standards and with the authority of the board to approve accrediting bodies.
3. Modifying the requirement for either completion of the qualifying examination or employment for one of the past three years or two of the past five years to remove any unnecessary barrier to licensure.

Notices of Intended Regulatory Action

4. Requiring 1,500 hours of documented practice under supervision of a licensed audiologist or speech-language pathologist as a prerequisite for licensure.
5. Adding provisions to clarify supervisory responsibilities to address concerns about unlicensed practice by assistive personnel.
6. Clarifying the current rule that prohibits diagnosis or treatment solely by written correspondence to cover situations other than written correspondence.
7. Clarifying or deleting unnecessary provisions.

The agency intends to hold a public hearing on the proposed regulation after publication in the Virginia Register of Regulations.

Statutory Authority: § 54.1-2400 and Chapter 26 (§ 54.1-2600 et seq.) of Title 54.1 of the Code of Virginia.

Public comments may be submitted until 5 p.m. on May 8, 2002.

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.

VA.R. Doc. No. R02-144; Filed March 20, 2002, 10:32 a.m.

BOARD OF MEDICINE

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Medicine intends to consider amending regulations entitled: **18 VAC 85-20. Regulations Governing the Practice of Medicine, Osteopathy, Podiatry, and Chiropractic.** The purpose of the proposed action is to comply with a statutory mandate for all physician and podiatrists to report information on the physician profile system about the conviction of any felony.

The agency intends to hold a public hearing on the proposed action after publication in the Virginia Register.

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 5 p.m. on May 8, 2002.

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, FAX (804) 662-9943, or e-mail wharp@dhp.state.va.us.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Medicine intends to consider amending regulations entitled: **18 VAC 85-101. Regulations Governing the Licensure of Radiologic**

Technologists and Radiologic Technologists-Limited. The purpose of the proposed action is to address concerns about the adequacy of training for the limited licensees and to provide greater clarity for the regulated entities.

The agency intends to hold a public hearing on the proposed action after publication in the Virginia Register.

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 5 p.m. on May 8, 2002.

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, FAX (804) 662-9943, or e-mail wharp@dhp.state.va.us.

VA.R. Doc. No. R02-145; Filed March 20, 2002, 10:33 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Medicine intends to consider amending regulations entitled: **18 VAC 85-110. Licensed Acupuncturists.** The purpose of the proposed action is to provide consistency with the national certifying body in the educational requirements and to address concerns about the unnecessary burden placed on applicants with a foreign education in acupuncture. Other amendments are recommended to clarify certain provisions of the regulations.

The agency intends to hold a public hearing on the proposed action after publication in the Virginia Register.

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 5 p.m. on May 8, 2002.

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, FAX (804) 662-9943, or e-mail: wharp@dhp.state.va.us.

VA.R. Doc. No. R02-141; Filed March 20, 2002, 10:32 a.m.

BOARD OF NURSING

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Nursing intends to consider amending regulations entitled: **18 VAC 90-20. Regulations of the Board of Nursing.** The purpose of the proposed action is to clarify regulations that have been confusing to applicants, regulants or educational programs. Amendments to nursing and nurse aide education program address concerns about the quality of instruction, the reporting of changes in the program, and other issues related to meeting the educational needs of students. To ease the burden of nursing education programs that undergo extensive review for accreditation by a national nursing credentialing body, it is proposed to allow

Notices of Intended Regulatory Action

acceptance of that accreditation for the purpose of continued approval by the board. Additional requirements are proposed to provide specificity about evidence of continued competency necessary for reinstatement of a license, to provide certain grounds for disciplinary action for the protection of patients or clients, to specify the number of hours of training necessary in a medication administration training program, to update the protocol for adult immunizations, and to state in regulation a policy of the board on the delegation of tasks in an operating room.

The agency intends to hold a public hearing on the proposed action after publication in the Virginia Register.

Statutory Authority: § 54.1-2400 and Chapter 30 (§ 54.1-3000 et seq.) of Title 54.1 of the Code of Virginia.

Public comments may be submitted until 5 p.m. on May 8, 2002.

Contact: Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909, FAX (804) 662-9512, or e-mail ndurrett@dhp.state.va.us.

VA.R. Doc. No. R02-143; Filed March 20, 2002, 10:32 a.m.

BOARDS OF NURSING AND MEDICINE

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Boards of Nursing and Medicine intend to consider amending regulations entitled: **18 VAC 90-30. Regulations Governing the Licensure of Nurse Practitioners.** The purpose of the proposed action is to ensure that the certifying agencies for nurse practitioner specialties are accredited by a reliable entity.

The agency intends to hold a public hearing on the proposed action after publication in the Virginia Register.

Statutory Authority: § 54.1-2400 and Chapters 29 (§ 54.1-2900 et seq.) and 30 (§ 54.1-3000 et seq.) of Title 54.1 of the Code of Virginia.

Public comments may be submitted until 5 p.m. on May 8, 2002.

Contact: Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909, FAX (804) 662-9512, or e-mail ndurrett@dhp.state.va.us.

VA.R. Doc. No. R02-142; Filed March 20, 2002, 10:32 a.m.

TITLE 22. SOCIAL SERVICES

STATE BOARD OF SOCIAL SERVICES

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Social Services intends to consider repealing regulations entitled: **22 VAC 40-110. Minimum Standards for Licensed Family Day Homes** and promulgating regulations entitled: **22 VAC 40-111. Minimum Standards for Licensed Family Day Homes.** The purpose of the proposed action is to incorporate the repealed Minimum Standards for Licensed Family Day Homes (22 VAC 40-110) into a proposed regulation entitled Minimum Standards for Licensed Family Day Homes (22 VAC 40-111). The text will be reorganized and reworded for clarity as requested by regional licensing staff, child care advocates, and licensed family day home providers. This action is taken as a result of the department's periodic review of regulations.

The agency intends to hold a public hearing on the proposed regulations after publication in the Virginia Register.

Statutory Authority: §§ 63.1-25 and 63.1-202 of the Code of Virginia.

Public comments may be submitted until May 22, 2002.

Contact: Doris Sherrod, Human Services Program Consultant, Division of Licensing Programs, Department of Social Services, 730 E. Broad St., 7th Floor, Richmond, VA 23219, telephone (804) 692-1748, FAX (804) 692-2370 or e-mail dss7@e-mail1.dss.state.va.us.

VA.R. Doc. Nos. R02-149 and R02-150; Filed March 21, 2002, 1:41 p.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Social Services intends to consider repealing regulations entitled: **22 VAC 40-120. Minimum Standards for Licensed Family Day Care Systems.** The purpose of the proposed action is to repeal the current regulation and incorporate the provisions of the repealed regulation and necessary amendments into the proposed regulation, Minimum Standards for Licensed Family Day Systems (22 VAC 40-121). This action is taken as a result of the periodic review.

The agency intends to hold a public hearing on the proposed action after publication in the Virginia Register.

Statutory Authority: §§ 63.1-25, 63.1-195, 63.1-196 and 63.1-202 of the Code of Virginia.

Public comments may be submitted until May 8, 2002.

Contact: Doris Sherrod, Human Services Program Consultant, Division of Licensing Programs, Department of Social Services, 730 E. Broad St., 7th Floor, Richmond, VA 23219, telephone (804) 692-1748, FAX (804) 692-2370 or e-mail dss7@dss.state.va.us.

VA.R. Doc. No. R02-148; Filed March 20, 2002, 11:34 a.m.

Notices of Intended Regulatory Action

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Social Services intends to consider promulgating regulations entitled: **22 VAC 40-121. Minimum Standards for Licensed Family Day Systems.** The purpose of the proposed action is to promulgate a regulation that incorporates the provisions of the repealed regulation, Minimum Standards for Licensed Family Day Care Systems (22 VAC 40-120) and incorporate amendments. This action is taken as a result of the periodic review where it was determined that the regulation needed extensive changes to improve clarity and readability, to incorporate statutory changes, and to incorporate current health and safety requirements.

The agency intends to hold a public hearing on the proposed action after publication in the Virginia Register.

Statutory Authority: §§ 63.1-25, 63.1-195, 63.1-196 and 63.1-202 of the Code of Virginia.

Public comments may be submitted until May 8, 2002.

Contact: Doris Sherrod, Human Services Program Consultant, Division of Licensing Programs, Department of Social Services, 730 E. Broad St., 7th Floor, Richmond, VA 23219, telephone (804) 692-1748, FAX (804) 692-2370 or e-mail dss7@dss.state.va.us.

VA.R. Doc. No. R02-146; Filed March 20, 2002, 11:34 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Social Services intends to consider repealing regulations entitled: **22 VAC 40-220. Agency Placement Adoption-Guiding Principles.** The purpose of the proposed action is to repeal 22 VAC 40-220, which addresses agency adoption guiding principles. Provisions of the regulation conflict with current federal law, and another is mandated by the Code of Virginia. The remainder addresses suggested practices, rather than statute.

The agency does not intend to hold a public hearing on the proposed regulation after publication in the Virginia Register.

Statutory Authority: §§ 63.1-25 and 63.1-56 of the Code of Virginia.

Public comments may be submitted until May 22, 2002.

Contact: Karin Clark, Adoption Program Consultant, Department of Social Services, 730 E. Broad St., 7th Floor, Richmond, VA 23219, telephone (804) 692-1251, FAX (804) 692-1284 or e-mail kac900@email1.state.va.us.

VA.R. Doc. No. R02-152; Filed March 21, 2002, 1:42 p.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Social Services intends to consider adopting regulations entitled: **22 VAC 40-375. Economic and Employment Improvement Program for Disadvantaged Persons.** The purpose of the proposed action is to adopt regulations to improve employability of disadvantaged persons through education and training. The program also extends eligibility for education and job training services to certain other hard-to-employ persons. The goal of the program is to promote self-sufficiency enabling participants to move from minimum wage jobs to college and to employment and occupations that will facilitate career development and economic independence.

The agency does not intend to hold a public hearing on the proposed regulation after publication in the Virginia Register.

Statutory Authority: § 63.1-133.57 of the Code of Virginia.

Public comments may be submitted until May 22, 2002.

Contact: William Stith, Program Coordinator, Division of Community Programs, Department of Social Services, 730 E. Broad St., 7th Floor, Richmond, VA 23219, telephone (804) 692-0382, FAX (804) 225-2202 or e-mail wgs2@email1.dss.state.va.us.

VA.R. Doc. No. R02-151; Filed March 20, 2002, 1:41 p.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 that the State Board of Social Services intends to consider amending regulations entitled: **22 VAC 40-700. Child Protective Services Central Registry Information.** The purpose of the proposed action is to make this regulation consistent with (i) 22 VAC 40-705, which requires "Preponderance of the Evidence" for Founded Disposition and (ii) Virginia Court of Appeals decision, Jackson v. Marshall (1995), barring "Reason to Suspect" disposition.

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

Statutory Authority: §§ 63.1-25 and 63.1-248.1 of the Code of Virginia.

Public comments may be submitted until May 8, 2002.

Contact: Jesslyn Cobb, CPS Program Consultant, Department of Social Services, 730 E. Broad St., 2nd Floor, Richmond, VA 23219, telephone (804) 692-1255.

VA.R. Doc. No. R02-147; Filed March 20, 2002, 11:32 a.m.

PROPOSED REGULATIONS

For information concerning Proposed Regulations, see Information Page.

Symbol Key

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

TITLE 9. ENVIRONMENT

STATE WATER CONTROL BOARD

REGISTRAR'S NOTICE: The following regulations (9 VAC 25-180 and 9 VAC 25-750) filed by the State Water Control Board are exempt from the Administrative Process Act in accordance with § 2.2-4006 A 9 of the Code of Virginia, which exempts general permits issued by the State Water Control Board pursuant to the State Water Control Law (§ 62.1-44.2 et seq.), Chapter 24 (§ 62.1-242 et seq.) of Title 62.1 and Chapter 25 (§ 62.1-254 et seq.) of Title 62.1 of the Code of Virginia if the board (i) provides a Notice of Intended Regulatory Action in conformance with the provisions of § 2.2-4007 B, (ii) following the passage of 30 days from the publication of the Notice of Intended Regulatory Action forms a technical advisory committee composed of relevant stakeholders, including potentially affected citizens groups, to assist in the development of the general permit, (iii) provides notice and receives oral and written comment as provided in § 2.2-4007 F, and (iv) conducts at least one public hearing on the proposed general permit.

Title of Regulation: 9 VAC 25-180. Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Discharges of Storm Water from Construction Activities (amending 9 VAC 25-180-10, 9 VAC 25-180-20, 9 VAC 25-180-40, 9 VAC 25-180-50, and 9 VAC 25-180-70; adding 9 VAC 25-180-55).

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

Public Hearing Dates: June 11, 2002 - 2 p.m. (Roanoke)
June 13, 2002 - 2 p.m. (Glen Allen)

Public comments may be submitted until 4 p.m. on July 8, 2002.

(See Calendar of Events section for additional information)

Agency Contact: Burton Tuxford, Storm Water Coordinator, Department of Environmental Quality, 629 E. Main Street, Richmond, VA 23219, telephone (804) 698-4086, FAX (804) 698-4032 or e-mail brtuxford@deq.state.va.us.

Summary:

The EPA Phase 2 storm water regulations, which were published in the Federal Register on December 8, 1999, and incorporated into the state VPDES Permit Regulation (9 VAC 25-31) effective September 27, 2000, require small construction activities to apply for VPDES permit coverage. Small construction activities include clearing, grading, and excavation that results in land disturbance of equal to or greater than one acre and less than five acres. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common

plan will ultimately disturb equal to or greater than one and less than five acres.

Storm water discharges from small construction activities require permit authorization by March 10, 2003, unless designated for coverage before then. Small construction sites would be "designated for coverage" as soon as this amendment becomes effective.

The revisions to the existing regulation are as follows:

1. Added a definition of "construction activity" to make it clear that the term included both "industrial activity" (which is how large construction activities five acres and above are defined), and "small construction activity."

2. Modified the first part of the definition of "final stabilization" to make it consistent with Minimum Standard #3 from the Department of Conservation and Recreation's Erosion and Sediment Control Regulations.

3. Revised the definition of "industrial activity" to make it consistent with the revised definition in the VPDES Permit Regulation, and added a definition for "small construction activity."

4. Added the definition of "point source" to the regulation to clarify this term.

5. Added a waiver provision that allows small construction sites to be exempted from the permitting requirements if a total maximum daily load (or equivalent analysis, for nonimpaired waters) has been developed that shows, for the pollutants of concern, that storm water controls are not needed to protect water quality.

6. Added a section to the regulation on "qualifying state, tribal and local programs" that allows permittees to incorporate qualifying programs (such as local erosion and sediment control programs) by reference into the Storm Water Pollution Prevention Plan (SWPPP) required by the permit. If the qualifying program does not contain all of the elements required by the permit SWPPP, then the permittee must develop the missing elements and include them in the SWPPP.

7. Modified the permit authorization to add "small construction activities" to the authorized discharges.

8. Modified the permit Part III "boilerplate" to incorporate the new "signatory requirements" section from the VPDES Permit Regulation.

All other permit requirements and provisions will remain the same.

9 VAC 25-180-10. Definitions.

The words and terms used in this chapter shall have the meanings defined in the State Water Control Law (§ 62.1-44.2 et seq. of the Code of Virginia) and 9 VAC 25-31-~~40 et seq.~~ (VPDES Permit Regulation) unless the context clearly

indicates otherwise, except that for the purposes of this chapter:

"Commencement of construction" means the initial disturbance of soils associated with clearing, grading, or excavating activities or other construction activities.

"Construction activity" means any clearing, grading or excavation associated with industrial activity, or associated with small construction activity.

"Control measure" means any best management practice or other method used to prevent or reduce the discharge of pollutants to surface waters.

"Final stabilization" means that one of the following situations has occurred:

1. All soil disturbing activities at the site have been completed and a ~~uniform (i.e., evenly distributed, without large bare areas)~~ perennial vegetative cover equal to at least 70% of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed. ~~Establishing at least 70% of the natural cover of the native vegetation meets the vegetative cover criteria for final stabilization (e.g., if the native vegetation covers 50% of the ground, 70% of 50% would require 35% total cover for final stabilization; on a beach with no natural vegetation, no stabilization is required)~~ permanent vegetative cover has been established on denuded areas not otherwise permanently stabilized. Permanent vegetation shall not be considered established until a ground cover is achieved that is uniform, mature enough to survive, and will inhibit erosion.

2. For individual lots in residential construction, final stabilization can occur by either:

a. The homebuilder completing final stabilization as specified in subdivision 1 of this definition; or

b. The homebuilder establishing temporary stabilization, including perimeter controls for an individual lot prior to occupation of the home by the homeowner, and informing the homeowner of the need for, and benefits of, final stabilization.

3. For construction projects on land used for agricultural purposes (e.g., pipelines across crop or range land), final stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to surface waters, and areas which are not being returned to their preconstruction agricultural use must meet the final stabilization criteria specified in subdivision 1 or 2 of this definition.

"Industrial activity" means construction activity including clearing, grading and excavation activities except: operations that result in the disturbance of less than five acres of total land area ~~which are not part of a larger common plan of development or sale.~~ Industrial activity also includes the

disturbance of less than five acres of total land area that is a part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more.

"Municipal separate storm sewer" means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under § 208 of the Clean Water Act (CWA) (33 USC § 1251 et seq.) that discharges to surface waters of the state; (ii) designed or used for collecting or conveying storm water; (iii) that is not a combined sewer; and (iv) that is not part of a POTW.

"Operator" means, in the context of storm water associated with construction activity, any person associated with a construction project that meets either of the following two criteria: (i) the person has direct operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications or (ii) the person has day-to-day operational control of those activities at a project which are necessary to ensure compliance with a storm water pollution prevention plan for the site or other permit conditions (i.e., they are authorized to direct workers at a site to carry out activities required by the storm water pollution prevention plan or comply with other permit conditions).

"Permittee" means any operator whose construction site is covered under this general permit.

"Point source" means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

"Runoff coefficient" means the fraction of total rainfall that will appear at the conveyance as runoff.

"Small construction activity" means construction activity including clearing, grading, and excavating that results in land disturbance of equal to or greater than one acre and less than five acres. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one and less than five acres. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility.

"Storm water" means storm water runoff, snow melt runoff, and surface runoff and drainage.

Proposed Regulations

"Storm water discharge associated with industrial activity" means a discharge of pollutants in storm water runoff from construction activities where soil disturbing activities (e.g., clearing, grading, or excavation); construction materials or equipment storage or maintenance (e.g., fill piles, borrow area, fueling); or other industrial storm water discharges directly related to the construction process (e.g., concrete or asphalt batch plants) are located.

9 VAC 25-180-20. Purpose.

This general permit regulation governs storm water discharges from construction activities. For the purposes of this chapter, these discharges are defined as storm water discharges associated with industrial activity, *and storm water discharges associated with small construction activity*. Storm water discharges associated with other types of industrial activity shall not have coverage under this general permit. This general permit covers only discharges through a point source to a surface water or through a municipal or nonmunicipal separate storm sewer system to surface waters. Storm water discharges associated with industrial activity that originate from the site after construction activities have been completed and the site has undergone final stabilization are not authorized by this permit.

9 VAC 25-180-40. Effective date of the permit.

This general permit ~~will become~~ *became* effective on June 30, 1999. This general permit will expire five years from the effective date. *This general permit was modified on _____ to address amendments to the VPDES Permit Regulation (9 VAC 25-31). The effective date of the modification is _____.*

9 VAC 25-180-50. Authorization to discharge.

A. Any operator governed by this general permit is authorized by this to discharge to surface waters of the Commonwealth of Virginia provided that the operator files the registration statement of 9 VAC 25-180-60 and any fees required by ~~9 VAC 25-20-40 et seq.~~, complies with the requirements of 9 VAC 25-180-70, and provided that:

1. The operator shall not have been required to obtain an individual permit according to 9 VAC 25-31-170 B;
2. The operator shall not be authorized by this general permit to discharge to state waters specifically named in other board regulations or policies which prohibit such discharges;
3. The operator shall obtain prior approval of an erosion and sediment control plan from the locality in which the construction activity is to occur or from another appropriate plan approving authority authorized under the Erosion and Sediment Control Regulations, (4 VAC 50-30-~~40 et seq.~~), unless the operator is exempt from the requirement to submit an erosion and sediment control plan by ~~4 VAC 50-30-40 et seq.~~;
4. Storm water discharges which the director determines cause, may reasonably be expected to cause, or contribute to a violation of water quality standards are not covered by this permit; and

5. The storm water discharge authorized by this permit may be combined with other sources of storm water which are not required to be covered under a VPDES permit, so long as the combined discharge is in compliance with this permit. Any discharge authorized by a different VPDES permit may be commingled with discharges authorized by this permit.

B. This permit may also be used to authorize storm water discharges from support activities (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas) located onsite or offsite provided that:

1. The support activity is directly related to a construction site that is required to have VPDES permit coverage for discharges of storm water associated with construction activity;
2. The support activity is not a commercial operation serving multiple unrelated construction projects by different operators, and does not operate beyond the completion of the construction activity at the last construction project it supports; and
3. Appropriate controls and measures are identified in a storm water pollution prevention plan covering the discharges from the support activity areas.

C. Support activities located offsite are not required to be covered under this general permit. Discharges of storm water from off-site support activities may be authorized under another VPDES permit. Where storm water discharges from off-site support activities are not authorized under this general permit, the land area of the off-site support activity need not be included in determining the total land disturbance acreage of the construction activity seeking general permit coverage.

D. Receipt of this general permit does not relieve any operator of the responsibility to comply with any other applicable federal, state or local statute, ordinance or regulation.

E. The board may waive the otherwise applicable requirements in this general permit regulation for a storm water discharge from small construction activity where storm water controls are not needed based on a "total maximum daily load" (TMDL) established by DEQ and approved by EPA that addresses the pollutants of concern or, for nonimpaired waters that do not require TMDLs, an equivalent analysis that determines allocations for small construction sites for the pollutants of concern or that determines that such allocations are not needed to protect water quality based on consideration of existing in-stream concentrations, expected growth in pollutant contributions from all sources, and a margin of safety. For the purpose of this section, the pollutants of concern include sediment or a parameter that addresses sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the construction activity. In order to obtain this waiver, prior to the commencement of construction the operator must certify to the board that the construction activity will take place, and storm water discharges will occur, within the drainage area addressed by a TMDL, or within the drainage area addressed by an equivalent analysis.

9 VAC 25-180-55. Qualifying state, tribal and local programs.

For storm water discharges associated with industrial activity, and storm water discharges associated with small construction activity, qualifying state, tribal, or local erosion and sediment control program requirements may be incorporated by reference into the Storm Water Pollution Prevention Plan (SWPPP) required by 9 VAC 25-180-70 of this permit. Where a qualifying state, tribal, or local program does not include one or more of the elements in this section, then the permittee must include those elements as part of the SWPPP required by 9 VAC 25-180-70 of this permit. A qualifying state, tribal, or local erosion and sediment control program is one that includes:

1. Requirements for construction site operators to implement appropriate erosion and sediment control best management practices;
2. Requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality;
3. Requirements for construction site operators to develop and implement an SWPPP. (An SWPPP includes site descriptions, descriptions of appropriate control measures, copies of approved state, tribal or local requirements, maintenance procedures, inspection procedures, and identification of nonstorm water discharges); and
4. Requirements to submit a site plan for review that incorporates consideration of potential water quality impacts.

9 VAC 25-180-70. General permit.

Any operator whose registration statement is accepted by the director will receive the following permit and shall comply with the requirements in it and be subject to all requirements of the VPDES Permit Regulation, (9 VAC 25-31-40 et seq).

General Permit No.: VAR4

Effective Date:

Expiration Date:

GENERAL PERMIT FOR STORM WATER DISCHARGES OF STORM WATER FROM CONSTRUCTION ACTIVITIES

AUTHORIZATION TO DISCHARGE UNDER THE VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM AND THE VIRGINIA STATE WATER CONTROL LAW

In compliance with the provisions of the Clean Water Act, as amended, and pursuant to the State Water Control Law and regulations adopted pursuant to that, operators of construction activities (those sites or common plans of development or sale that will result in the disturbance of ~~five~~ *one or more* acres of total land area) with storm water discharges from these construction activities are authorized to discharge to surface waters within the boundaries of the Commonwealth of Virginia, except those specifically named in board regulation or policies which prohibit such discharges.

The authorized discharge shall be in accordance with this cover page, Part I Discharge Authorization and Special Conditions, Part II Storm Water Pollution Prevention Plan and Part III--Conditions Applicable To All VPDES Permits as set forth herein.

**PART I
DISCHARGE AUTHORIZATION AND SPECIAL
CONDITIONS**

A. Coverage under this permit.

1. During the period beginning with the date of coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to discharge storm water from construction activities.
2. This permit also authorizes storm water discharges from off-site support activities (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas) provided that:
 - a. The support activity is directly related to a construction site that is required to have VPDES permit coverage for discharges of storm water associated with construction activity;
 - b. The support activity is not a commercial operation serving multiple unrelated construction projects by different operators, and does not operate beyond the completion of the construction activity at the last construction project it supports; and
 - c. Appropriate controls and pollution prevention measures for the discharges from the support activity areas are identified in the storm water pollution prevention plan for the construction activity.
3. There shall be no discharge of floating solids or visible foam in other than trace amounts.

B. Limitation on coverage.

1. Postconstruction discharges. This permit does not authorize storm water discharges that originate from the site after construction activities have been completed and the site, including any temporary support activity site, has undergone final stabilization. ~~Industrial~~ Postconstruction *industrial* storm water discharges may need to be covered by a separate VPDES permit.
2. Discharges mixed with nonstorm water. This permit does not authorize discharges that are mixed with sources of nonstorm water, other than those discharges which are identified in Part I D 2 (exceptions to prohibition of nonstorm water discharges) and are in compliance with Part II D 5 (Nonstorm water discharges).
3. Discharges covered by another permit. This permit does not authorize storm water discharges associated with construction activity that have been covered under an individual permit or required to obtain coverage under an alternative general permit in accordance with Part III X.

Proposed Regulations

C. Commingled discharges. Any discharge authorized by a different VPDES permit may be commingled with discharges authorized by this permit.

D. Prohibition of nonstorm water discharges.

1. Except as provided in Parts I A 2, I C and I D 2, all discharges covered by this permit shall be composed entirely of storm water associated with construction activity.

2. The following nonstorm water discharges from active construction sites are authorized by this permit provided the nonstorm water component of the discharge is in compliance with Part II D 5 (Nonstorm water discharges): discharges from fire fighting activities; fire hydrant flushings; waters used to wash vehicles where detergents are not used; water used to control dust; potable water sources, including waterline flushings; water used for hydrostatic testing of new pipeline construction; routine external building wash down which does not use detergents; pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used; air conditioning condensate; uncontaminated compressor condensate; uncontaminated ground water or spring water; and foundation or footing drains where flows are not contaminated with process materials such as solvents.

E. Releases of hazardous substances or oil in excess of reportable quantities. The discharge of hazardous substances or oil in the storm water discharges from a facility shall be prevented or minimized in accordance with the applicable storm water pollution prevention plan for the facility. Where a release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110 (1998), 40 CFR Part 117 (1998) or 40 CFR Part 302 (1998) occurs during a 24-hour period, the permittee is required to notify the department in accordance with the requirements of Part III G as soon as he has knowledge of the discharge. In addition, the storm water pollution prevention plan required under Part II of this permit must be reviewed to identify measures to prevent the reoccurrence of such releases and to respond to such releases, and the plan must be modified where appropriate. This permit does not relieve the permittee of the reporting requirements of 40 CFR Part 110 (1998), 40 CFR Part 117 (1998) and 40 CFR Part 302 (1998) or § 62.1-44.34:19 of the Code of Virginia.

F. Spills. This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill.

G. Notice of termination.

1. Where a site has been finally stabilized and all storm water discharges from construction activities that are authorized by this permit are eliminated, the permittee of the facility shall submit a notice of termination that is signed in accordance with Part III K.

2. The terms and conditions of this permit shall remain in effect until a completed notice of termination is submitted. Coverage under the permit will be deemed terminated two

days after the operator submits the notice of termination to the department.

PART II STORM WATER POLLUTION PREVENTION PLAN

A storm water pollution prevention plan shall be developed for the construction activity covered by this permit. Storm water pollution prevention plans shall be prepared in accordance with good engineering practices. The plan shall identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges from the construction site. In addition, the plan shall describe and ensure the implementation of practices which will be used to reduce the pollutants in storm water discharges at the construction site and to assure compliance with the terms and conditions of this permit. Permittees must implement the provisions of the storm water pollution prevention plan required under this part as a condition of this permit.

The storm water pollution prevention plan requirements of this general permit may be fulfilled by incorporating by reference other *state, tribal or local* plans such as an erosion and sediment control plan, a spill prevention control and countermeasure (SPCC) plan developed for the facility under § 311 of the federal Clean Water Act or best management practices (BMP) programs otherwise required for the facility provided that the incorporated plan meets or exceeds the *storm water pollution prevention* plan requirements of Part II D. If an erosion and sediment control plan for the construction activity is being incorporated by reference, it shall have been approved by the locality in which the construction activity is to occur or by another appropriate plan approving authority authorized under the Erosion and Sediment Control Regulations (4 VAC 50-30-40 ~~et seq.~~). All plans incorporated by reference into the storm water pollution prevention plan become enforceable under this permit. *If a plan incorporated by reference does not contain all of the required elements of the storm water pollution prevention plan of Part II D, the permittee must develop the missing elements and include them in the required storm water pollution prevention plan.*

A. Deadlines for plan preparation and compliance.

1. For construction activities that have begun on or before June 30, 1999, the storm water pollution prevention plan shall be prepared and provide for compliance with the terms and schedule of the plan beginning within 30 days after the date of coverage under this permit.

2. For construction activities that have begun after June 30, 1999, the plan shall be prepared prior to submittal of the registration statement and provide for compliance with the terms and schedule of the plan beginning with the initiation of construction activities.

3. For ongoing construction activity involving a change of operator, the new operator shall accept and maintain the existing storm water pollution prevention plan or prepare and implement a new storm water pollution prevention plan prior to taking over operations at the site.

B. Signature and plan review.

1. The plan shall be signed in accordance with Part III K, and be retained with a copy of this permit on-site at the

facility which generates the storm water discharge in accordance with Part III B of this permit.

2. The permittee shall make plans available upon request to the department; a state or local agency approving sediment and erosion plans, grading plans, or storm water management plans; or in the case of a storm water discharge which discharges through a municipal separate storm sewer system to the operator of the municipal system from the date of project initiation to the date of final stabilization. Permittees with day-to-day operation control over plan implementation shall have a copy of the plan available at a central location onsite for the use of all operators and those identified as having responsibilities under the plan whenever they are on the construction site. The copy of the plan that is required to be kept onsite must be made available to the department for review at the time of an on-site inspection.

3. The director may notify the permittee at any time that the plan does not meet one or more of the minimum requirements of this part. Such notification shall identify those provisions of the permit which are not being met by the plan and identify which provisions require modifications in order to meet the minimum requirements of this permit. Within seven days of such notification the permittee shall make the required changes and shall submit to the department a written certification that the requested changes have been made. The director may take appropriate enforcement action for the period of time the permittee was operating under a plan that did not meet the minimum requirements of this permit.

C. Keeping plans current. The permittee shall amend the plan whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to surface waters and which has not otherwise been addressed in the plan or if the storm water pollution prevention plan proves to be ineffective in eliminating or significantly minimizing pollutants from sources identified under Part III D 1 of this permit, or in otherwise achieving the general objectives of controlling pollutants in storm water discharges from construction activities. The plan shall be amended in accordance with Part III E to identify any new contractor that will implement a measure of the plan.

D. Contents of plan. The storm water pollution prevention plan shall include the following items:

1. Site description. Each plan shall provide a description of pollutant sources and other information as indicated:

- a. A description of the nature of the construction activity.
- b. A description of the intended sequence of major activities which disturb soils for major portions of the site (e.g. grubbing, excavation, grading, utilities and infrastructure installation).
- c. Estimates of the total area of the site and the total area of the site that is expected to be disturbed by excavation, grading, or other activities including off-site borrow and fill areas covered by the plan.
- d. An estimate of the runoff coefficient of the site prior to construction and after construction activities are

completed and existing data describing the soil or the quality of any discharge from the site.

- e. A description of existing vegetation at the site.
- f. A description of any other potential pollution sources, such as vehicle fueling, storage of fertilizers or chemicals, sanitary waste facilities, etc.
- g. The name of the receiving waters and the ultimate receiving waters, and areal extent of wetland acreage at the site.
- h. A site map indicating:
 - (1) Drainage patterns and approximate slopes or contours anticipated after major grading activities;
 - (2) Areas of soil disturbance and areas of the site which will not be disturbed;
 - (3) The location of major structural and nonstructural controls identified in the plan;
 - (4) The location of areas where stabilization practices are expected to occur including the types of vegetative cover;
 - (5) Surface waters (including wetlands);
 - (6) Locations where storm water is discharged to a surface water with an outline of the drainage area for each discharge point;
 - (7) Existing and planned paved areas and buildings;
 - (8) Locations of permanent storm water management practices to be used to control pollutants in storm water after construction activities have been completed;
 - (9) Locations of off-site material, waste, borrow or equipment storage areas covered by the plan; and
 - (10) Locations of other potential pollution sources as described in Part II D 1 f.
- i. The location and description on any discharge associated with industrial activity other than construction, including storm water discharges from dedicated asphalt plants and dedicated concrete plants, which is covered by this permit.

Two site maps may be developed, one indicating preconstruction site conditions and the second indicating final site conditions. The two maps should be on the same scale.

2. Controls. Each plan shall include a description of appropriate controls and measures that will be implemented to control pollutants in storm water discharges at the construction site. The plan will clearly describe for each major activity identified in the site plan appropriate control measures and the timing during the construction process that the measures will be implemented. (For example, perimeter controls for one portion of the site will be installed after the clearing and grubbing necessary for installation of the measure, but before the clearing and grubbing for the remaining portions of the site. Perimeter controls will be actively maintained until final stabilization of those portions

Proposed Regulations

of the site upward of the perimeter control. Temporary perimeter controls will be removed after final stabilization.) The description and implementation of controls shall address the following minimum components:

a. Erosion and sediment controls.

(1) Short- and long-term goals and criteria.

(a) The construction-phase erosion and sediment controls shall be designed to retain sediment on site to the maximum extent practicable.

(b) All control measures must be properly selected, installed, and maintained in accordance with the manufacturers' specifications and good engineering practices. If periodic inspections or other information indicates a control has been used inappropriately or incorrectly, the permittee must replace or modify the control for site situations.

(c) If sediment escapes the construction site, off-site accumulations of sediment must be removed at a frequency sufficient to minimize off-site impacts (e.g., fugitive sediment in the street could be washed into storm sewers by the next rain and/or pose a safety hazard to users of public streets).

(d) Sediment must be removed from sediment traps or sedimentation ponds when design capacity has been reduced by 50%.

(e) Litter, construction debris, and construction chemicals exposed to storm water shall be prevented from becoming a pollutant source for storm water discharges (e.g., screening outfalls, picked up daily).

(f) Off-site material storage areas (also including overburden and stockpiles of dirt, borrow areas, etc.) where storm water discharges are authorized by this permit are considered a part of the project and shall be addressed in the plan.

(2) Stabilization practices. The storm water pollution prevention plan shall include a description of interim and permanent stabilization practices, including site-specific scheduling of the implementation of the practices. Site plans should ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized. Stabilization practices may include, but are not limited to: temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, riprap, gabions, facines, biologs and other appropriate measures. Use of impervious surfaces for stabilization should be avoided.

A record of the dates when major grading activities occur, when construction activities temporarily or permanently cease on a portion of the site, and when stabilization measures are initiated shall be maintained and included in the plan.

Except as provided in Part III D 2 a (2) (a) and (b), stabilization measures shall be initiated as soon as

practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than seven days after the construction activity in that portion of the site has temporarily or permanently ceased.

(a) Where the initiation of stabilization measures by the seventh day after construction activity temporarily or permanently ceases is precluded by snow cover or frozen ground conditions, stabilization measures shall be initiated as soon as practicable.

(b) Where construction activity on a portion of the site is temporarily ceased, and earth disturbing activities will be resumed within 30 days, temporary stabilization measures do not have to be initiated on that portion of the site.

(3) Structural practices. The plan shall include a description of structural practices to divert flows from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable. Such practices may include, but are not limited to: silt fences, earth dikes, drainage swales, sediment traps, check dams, subsurface drains, pipe slope drains, level spreaders, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins. Structural practices should be placed on upland soils to the degree attainable. The installation of these devices may be subject to § 404 of the CWA.

(a) For common drainage locations that serve an area with three or more acres at one time, a temporary (or permanent) sediment basin providing 3,618 cubic feet of storage per acre drained, or equivalent control measures, shall be provided where attainable until final stabilization of the site. The 3,618 cubic feet of storage area per acre drained does not apply to flows from offsite areas and flows from onsite areas that are either undisturbed or have undergone final stabilization where such flows are diverted around both the disturbed area and the sediment basin. In determining whether installing a sediment basin is attainable, the permittee may consider factors such as site soils, slope, available area on site, etc. In any event, the permittee must consider public safety, especially as it relates to children, as a design factor for the sediment basin and alternative sediment controls shall be used where site limitations would preclude a safe design. For drainage locations which serve three or more acres at one time and where a temporary sediment basin or equivalent controls is not attainable, smaller sediment basins and/or sediment traps should be used. Where neither the sediment basin nor equivalent controls are attainable due to site limitations, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries of the construction area and for those side slope boundaries deemed appropriate as dictated by individual site conditions. The

department encourages the use of a combination of sediment and erosion control measures in order to achieve maximum pollutant removal.

(b) For drainage locations serving less than three acres, smaller sediment basins or sediment traps or both should be used. At a minimum, silt fences, vegetative buffer strips or equivalent sediment controls are required for all downslope boundaries, and for those side slope boundaries deemed appropriate as dictated by individual site conditions, of the construction area unless a sediment basin providing storage for 3,618 cubic feet of storage per acre drained is provided. The department encourages the use of a combination of sediment and erosion control measures in order to achieve maximum pollutant removal.

b. Storm water management. A description of measures that will be installed during the construction process to control pollutants in storm water discharges that will occur after construction operations have been completed must be included in the storm water pollution prevention plan. Structural measures should be placed on upland soils to the degree attainable. The installation of these devices may be subject to § 404 of the Clean Water Act. This permit only addresses the installation of storm water management measures, and not the ultimate operation and maintenance of such structures after the construction activities have been completed and the site has undergone final stabilization. Permittees are only responsible for the installation and maintenance of storm water management measures prior to final stabilization of the site, and are not responsible for maintenance after storm water discharges from construction activities have been eliminated from the site. Postconstruction storm water BMPs that discharge pollutants from point sources once construction is completed, may in themselves need authorization under a separate VPDES permit.

(1) Such practices may include, but are not limited to: storm water detention structures (including dry ponds); storm water retention structures; flow attenuation by use of open vegetated swales and natural depressions; infiltration of runoff onsite; storm water wetlands; sand filters; bioretention systems; water quality structures; and sequential systems (which combine several practices). The pollution prevention plan shall include an explanation of the technical basis used to select the practices to control pollution where flows exceed predevelopment levels.

(2) Velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel as necessary to provide a nonerosive velocity flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected.

c. Other controls.

(1) No solid materials, including building materials, garbage, and debris shall be discharged to surface

waters of the state, except as authorized by a Clean Water Act § 404 permit.

(2) Where construction vehicle access routes intersect paved public roads, provisions shall be made to minimize the transport of sediment by vehicular tracking onto the paved surface. Where sediment is transported onto a public road surface, the road shall be cleaned thoroughly at the end of each day. Sediment shall be removed from the roads by shoveling or sweeping and transported to a sediment control disposal area. Street washing shall be allowed only after sediment is removed in this manner.

(3) The plan shall ensure and demonstrate compliance with applicable state or local waste disposal, sanitary sewer or septic system regulations.

(4) The plan shall include a description of construction and waste materials expected to be stored onsite with updates as appropriate. The plan shall also include a description of controls to reduce pollutants from these materials, including storage practices to minimize exposure of the materials to storm water, and for spill prevention and response.

(5) The plan shall include a description of pollutant sources from areas other than the permitted construction activity (including storm water discharges from dedicated asphalt plants and dedicated concrete plants) that contribute to the permitted discharge.

d. Approved state or local plans.

(1) Permittees which discharge storm water associated with construction activities must ensure their storm water pollution prevention plan is consistent with requirements specified in applicable sediment and erosion site plans or site permits, or storm water management site plans or site permits approved by state or local officials.

(2) Storm water pollution prevention plans must be updated as necessary to remain consistent with any changes applicable to protecting surface water resources in sediment erosion site plans or site permits, or storm water management site plans or site permits approved by state or local officials for which the permittee receives written notice.

3. Maintenance. The storm water pollution prevention plan must include a description and schedule of procedures to maintain in good and effective operating conditions vegetation, erosion and sediment control measures and other protective measures during construction identified in the site plan. If site inspections required by Part II D 4 identify BMPs that are not operating effectively, maintenance shall be performed before the next anticipated storm event, or as necessary to maintain the continued effectiveness of storm water controls. If maintenance prior to the next anticipated storm event is impracticable, maintenance must be scheduled and accomplished as soon as practicable.

4. Inspections. Facility personnel who are familiar with the construction activity, the BMPs and the storm water

Proposed Regulations

pollution prevention plan shall inspect disturbed areas of the construction site that have not been finally stabilized, and areas used for storage of materials that are exposed to precipitation, structural control measures, and locations where vehicles enter or exit the site. These inspections shall be conducted at least once every 14 calendar days and within 48 hours of the end of a storm event that is 0.5 inches or greater. Where areas have been finally or temporarily stabilized or runoff is unlikely due to winter conditions (e.g., the site is covered with snow or ice, or frozen ground exists) such inspections shall be conducted at least once every month.

a. Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of, or the potential for, pollutants entering the drainage system. Erosion and sediment control measures identified in the plan shall be observed to ensure that they are operating correctly. Where discharge locations or points are accessible, they shall be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to receiving waters. Where discharge locations are inaccessible, nearby downstream locations shall be inspected to the extent that such inspections are practicable. Locations where vehicles enter or exit the site shall be inspected for evidence of off-site sediment tracking.

b. Based on the results of the inspection, the site description identified in the plan in accordance with Part II D 1 of this permit and pollution prevention measures identified in the plan in accordance with Part II D 2 of this permit shall be revised as appropriate, but in no case later than seven calendar days following the inspection. If existing BMPs need to be modified or if additional BMPs are necessary, implementation shall be completed before the next anticipated storm event. If implementation before the next anticipated storm event is impracticable, they shall be implemented as soon as practicable.

c. A report summarizing the scope of the inspection, names and qualifications of personnel making the inspection, the dates of the inspection, major observations relating to the implementation of the storm water pollution prevention plan, and actions taken in accordance with Part II D 4 b of the permit shall be made and retained as part of the storm water pollution prevention plan in accordance with Part III B of this permit. Major observations should include: the location(s) of discharges of sediment or other pollutants from the site; location(s) of BMPs that need to be maintained; location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location; and location(s) where additional BMPs are needed that did not exist at the time of inspection. Such reports shall identify any incidents of noncompliance. Where a report does not identify any incidents of noncompliance, the report shall contain a certification that the facility is in compliance with the storm water pollution prevention plan and this permit. The report shall be signed in accordance with Part III K of this permit.

5. Nonstorm water discharges. Except for flows from fire fighting activities, sources of nonstorm water listed in Part I D 2 of this permit that are combined with storm water discharges from the construction site must be identified in the plan. The plan shall identify and ensure the implementation of appropriate pollution prevention measures for the nonstorm water components of the discharge.

E. Contractors.

1. The storm water pollution prevention plan must clearly identify for each measure identified in the plan, the contractors or subcontractors that will implement the measure. All contractors and subcontractors identified in the plan must sign a copy of the certification statement in Part II E 2 of this permit in accordance with Part III K of this permit. All certifications must be included in the storm water pollution prevention plan.

2. All contractors and subcontractors identified in a storm water pollution prevention plan in accordance with Part II E 1 of this permit shall sign a copy of the following certification statement before conducting any professional service at the site identified in the storm water pollution prevention plan:

"I certify under penalty of law that I understand the terms and conditions of this Virginia Pollutant Discharge Elimination System (VPDES) general permit that authorizes the storm water discharges from the construction activity identified as part of this certification."

The certification must include the name and title of the person providing the signature in accordance with Part III K of this permit; the name, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.

PART III CONDITIONS APPLICABLE TO ALL VPDES PERMITS

A. Monitoring.

1. Samples and measurements taken as required by this permit shall be representative of the monitored activity.

2. Monitoring shall be conducted according to procedures approved under 40 CFR Part 136 or alternative methods approved by the U.S. Environmental Protection Agency, unless other procedures have been specified in this permit.

3. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will ensure accuracy of measurements.

B. Records.

1. Records of monitoring information shall include:

a. The date, exact place, and time of sampling or measurements;

b. The individual(s) who performed the sampling or measurements;

c. The date(s) and time(s) analyses were performed;

- d. The individual(s) who performed the analyses;
- e. The analytical techniques or methods used; and
- f. The results of such analyses.

2. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years, the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the registration statement for this permit, for a period of at least three years from the date of the sample, measurement, report or request for coverage. This period of retention shall be extended automatically during the course of any unresolved litigation regarding the regulated activity or regarding control standards applicable to the permittee, or as requested by the board.

C. Reporting monitoring results.

1. The permittee shall submit the results of the monitoring required by this permit not later than the 10th day of the month after monitoring takes place, unless another reporting schedule is specified elsewhere in this permit. Monitoring results shall be submitted to the department's regional office.

2. Monitoring results shall be reported on a discharge monitoring report (DMR) or on forms provided, approved or specified by the department.

3. If the permittee monitors any pollutant specifically addressed by this permit more frequently than required by this permit using test procedures approved under 40 CFR Part 136 or using other test procedures approved by the U.S. Environmental Protection Agency or using procedures specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or reporting form specified by the department.

4. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.

D. Duty to provide information. The permittee shall furnish to the department, within a reasonable time, any information which the board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The board may require the permittee to furnish, upon request, such plans, specifications, and other pertinent information as may be necessary to determine the effect of the wastes from his discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of the State Water Control Law. The permittee shall also furnish to the department, upon request, copies of records required to be kept by this permit.

E. Compliance schedule reports. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of

this permit shall be submitted no later than 14 days following each schedule date.

F. Unauthorized discharges. Except in compliance with this permit or another permit issued by the board, it shall be unlawful for any person to:

1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances; or
2. Otherwise alter the physical, chemical or biological properties of such state waters and make them detrimental to the public health, or to animal or aquatic life, or to the use of such waters for domestic or industrial consumption, or for recreation, or for other uses.

G. Reports of unauthorized discharges. Any permittee who discharges or causes or allows a discharge of sewage, industrial waste, other wastes or any noxious or deleterious substance into or upon state waters in violation of Part III F, or who discharges or causes or allows a discharge that may reasonably be expected to enter state waters in violation of Part III F, shall notify the department of the discharge immediately upon discovery of the discharge, but in no case later than 24 hours after said discovery. A written report of the unauthorized discharge shall be submitted to the department within five days of discovery of the discharge. The written report shall contain:

1. A description of the nature and location of the discharge;
2. The cause of the discharge;
3. The date on which the discharge occurred;
4. The length of time that the discharge continued;
5. The volume of the discharge;
6. If the discharge is continuing, how long it is expected to continue;
7. If the discharge is continuing, what the expected total volume of the discharge will be; and
8. Any steps planned or taken to reduce, eliminate and prevent a recurrence of the present discharge or any future discharges not authorized by this permit.

Discharges reportable to the department under the immediate reporting requirements of other regulations are exempted from this requirement.

H. Reports of unusual or extraordinary discharges. If any unusual or extraordinary discharge including a bypass or upset should occur from a treatment works and the discharge enters or could be expected to enter state waters, the permittee shall promptly notify, in no case later than 24 hours, the department by telephone after the discovery of the discharge. This notification shall provide all available details of the incident, including any adverse effects on aquatic life and the known number of fish killed. The permittee shall reduce the report to writing and shall submit it to the department within five days of discovery of the discharge in accordance with Part III I 2. Unusual and extraordinary discharges include but are not limited to any discharge resulting from:

Proposed Regulations

1. Unusual spillage of materials resulting directly or indirectly from processing operations;
2. Breakdown of processing or accessory equipment;
3. Failure or taking out of service some or all of the treatment works; and
4. Flooding or other acts of nature.

I. Reports of noncompliance. The permittee shall report any noncompliance which may adversely affect state waters or may endanger public health.

1. An oral report shall be provided within 24 hours from the time the permittee becomes aware of the circumstances. The following shall be included as information which shall be reported within 24 hours under this paragraph:

- a. Any unanticipated bypass; and
- b. Any upset which causes a discharge to surface waters.

2. A written report shall be submitted within five days and shall contain:

- a. A description of the noncompliance and its cause;
- b. The period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
- c. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The board may waive the written report on a case-by-case basis for reports of noncompliance under Part III I if the oral report has been received within 24 hours and no adverse impact on state waters has been reported.

3. The permittee shall report all instances of noncompliance not reported under Part III I 1 or 2 in writing at the time the next monitoring reports are submitted. The reports shall contain the information listed in Part III I 2.

NOTE: The immediate (within 24 hours) reports required in Part III G, H and I may be made to the department's regional office. Reports may be made by telephone or by fax. For reports outside normal working hours, leaving a recorded message shall fulfill the immediate reporting requirement. For emergencies, the Virginia Department of Emergency Services maintains a 24-hour telephone service at 1-800-468-8892.

J. Notice of planned changes.

1. The permittee shall give notice to the department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

- a. The permittee plans an alteration or addition to any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:

(1) After promulgation of standards of performance under § 306 of the federal Clean Water Act which are applicable to such source; or

(2) After proposal of standards of performance in accordance with § 306 of the Clean Water Act which are applicable to such source, but only if the standards are promulgated in accordance with § 306 within 120 days of their proposal;

b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations nor to notification requirements specified elsewhere in this permit; or

c. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

2. The permittee shall give advance notice to the department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

K. Signatory requirements.

1. Registration statement. All registration statements shall be signed as follows:

a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy-making or decision-making functions for the corporation; or (ii) the manager of one or more manufacturing, production, or operating facilities ~~employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars) if, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;~~

b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

c. For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a public agency includes: (i) the chief executive officer of the agency or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

2. Reports, etc. All reports required by permits and other information requested by the board shall be signed by a person described in Part III K 1 or by a duly authorized representative of that person. A person is a duly authorized representative only if:

a. The authorization is made in writing by a person described in Part III K 1;

b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. A duly authorized representative may thus be either a named individual or any individual occupying a named position; and

c. The written authorization is submitted to the department.

3. Changes to authorization. If an authorization under Part III K 2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part III K 2 shall be submitted to the department prior to or together with any reports or information to be signed by an authorized representative.

4. Certification. Any person signing a document under Part III K 1 or 2 shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

L. Duty to comply. The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the State Water Control Law and the Clean Water Act, except that noncompliance with certain provisions of this permit may constitute a violation of the State Water Control Law but not the Clean Water Act. Permit noncompliance is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

The permittee shall comply with effluent standards or prohibitions established under § 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under § 405(d) of the Clean Water Act within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if this permit has not yet been modified to incorporate the requirement.

M. Duty to reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall submit a new registration statement at least 90 days before the expiration date of the existing permit, unless permission for a later date has been granted by the board. The board shall not grant permission for registration statements to be submitted later than the expiration date of the existing permit.

N. Effect of a permit. This permit does not convey any property rights in either real or personal property or any exclusive privileges, nor does it authorize any injury to private property or invasion of personal rights, or any infringement of federal, state or local law or regulations.

O. State law. Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any other state law or regulation or under authority preserved by § 510 of the Clean Water Act. Except as provided in permit conditions on "bypassing" (Part III U), and "upset" (Part III V) nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance.

P. Oil and hazardous substance liability. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under §§ 62.1-44.34:14 through 62.1-44.34:23 of the State Water Control Law.

Q. Proper operation and maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes effective plant performance, adequate funding, adequate staffing, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

R. Disposal of solids or sludges. Solids, sludges or other pollutants removed in the course of treatment or management of pollutants shall be disposed of in a manner so as to prevent any pollutant from such materials from entering state waters.

S. Duty to mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

T. Need to halt or reduce activity not a defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

U. Bypass.

1. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility. The

Proposed Regulations

permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to ensure efficient operation. These bypasses are not subject to the provisions of Part III U 2 and 3.

2. Notice.

- a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, prior notice shall be submitted, if possible at least 10 days before the date of the bypass.
- b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Part III I.

3. Prohibition of bypass.

a. Bypass is prohibited, and the board may take enforcement action against a permittee for bypass unless:

- (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
- (3) The permittee submitted notices as required under Part III U 2.

b. The board may approve an anticipated bypass, after considering its adverse effects, if the board determines that it will meet the three conditions listed in Part III U 3 a.

V. Upset.

1. An upset constitutes an affirmative defense to an action brought for noncompliance with technology-based permit effluent limitations if the requirements of Part III V 2 are met. A determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is not a final administrative action subject to judicial review.

2. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that:

- a. An upset occurred and that the permittee can identify the cause(s) of the upset;
- b. The permitted facility was at the time being properly operated;
- c. The permittee submitted notice of the upset as required in Part III I; and
- d. The permittee complied with any remedial measures required under Part III S.

3. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

W. Inspection and entry. The permittee shall allow the director, or an authorized representative, upon presentation of credentials and other documents as may be required by law to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
4. Sample or monitor at reasonable times, for the purposes of ensuring permit compliance or as otherwise authorized by the Clean Water Act and the State Water Control Law, any substances or parameters at any location.

For purposes of this section, the time for inspection shall be deemed reasonable during regular business hours, and whenever the facility is discharging. Nothing contained herein shall make an inspection unreasonable during an emergency.

X. Permit actions. Permits may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

Y. Transfer of permits.

1. Permits are not transferable to any person except after notice to the department. Except as provided in Part III Y 2, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued, or a minor modification made, to identify the new permittee and incorporate such other requirements as may be necessary under the State Water Control Law and the Clean Water Act.

2. As an alternative to transfers under Part III Y 1, this permit may be automatically transferred to a new permittee if:

- a. The current permittee notifies the department at least two days in advance of the proposed transfer of the title to the facility or property;
- b. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
- c. The board does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Part III Y 2 b.

Z. Severability. The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.

FORMS

Department of Environmental Quality, Water Division, Permit Application Fee (rev. 6/30/99).

Virginia Pollutant Discharge Elimination System (VPDES) General Permit Registration Statement for Storm Water Discharges from Construction Activities ~~(with instructions)~~, ~~Permit Number~~ (VAR4), SWGP99-004-REG (rev. 6/99).

Virginia Pollutant Discharge Elimination System (VPDES) General Permit Notice of Termination for Storm Water Discharges from Construction Activities ~~(with instructions)~~, ~~Permit Number~~ (VAR4), SWGP99-004-NOT (rev. 6/99).

DOCUMENTS INCORPORATED BY REFERENCE

SIC Manual, OMB, 1987.

Title of Regulation: **9 VAC 25-750. General Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation for Discharges of Storm Water from Small Municipal Separate Storm Sewer Systems.**

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

Public Hearing Dates: June 11, 2002 - 2 p.m. (Roanoke)
June 13, 2002 - 2 p.m. (Glen Allen)

Public comments may be submitted until 4 p.m. on July 8, 2002.

(See Calendar of Events section for additional information)

Agency Contact: Burton Tuxford, Storm Water Coordinator, Department of Environmental Quality, 629 E. Main Street, Richmond, VA 23219, telephone (804) 698-4086, FAX (804) 698-4032 or e-mail brtuxford@deq.state.va.us.

Summary:

The EPA Phase 2 storm water regulations, published in the Federal Register on December 8, 1999, and incorporated into the VPDES Permit Regulation (9 VAC 25-31), effective September 27, 2000, require small municipal separate storm sewer systems (small MS4's) in urbanized areas to apply for VPDES permit coverage by March 10, 2003. Small MS4's include systems owned or operated by municipalities, federal facilities (such as military bases), state facilities (such as VDOT, prisons, large hospitals, etc.), and universities. The term does not include separate storm sewers in very discrete areas, such as individual buildings.

This general permit regulation establishes standard language for control of storm water discharges from small MS4's through the development, implementation and enforcement of a Storm Water Management Program (SWMP) to reduce the impacts of the storm water discharges on the receiving streams to the maximum extent

practicable. The SWMP will require that the small MS4 identify best management practices (BMP's) to control storm water discharges, and measurable goals for each identified BMP for each of the following six minimum control measures: (i) public education and outreach on storm water impacts, (ii) public involvement/participation, (iii) illicit discharge detection and elimination, (iv) construction site storm water runoff control, (v) post-construction storm water management in new development and redevelopment, and (vi) pollution prevention/good housekeeping for municipal operations.

The general permit regulation requires that the permittee evaluate program compliance, the appropriateness of the identified BMP's, and progress towards achieving the identified measurable goals. The permit also requires the permittee to submit annual reports to DEQ by the first, second and fourth anniversaries of the date of coverage under the permit.

9 VAC 25-750-10. Definitions.

The words and terms used in this chapter shall have the meanings defined in the State Water Control Law and 9 VAC 25-31 (VPDES Permit Regulation) unless the context clearly indicates otherwise, except that for the purposes of this chapter:

"Best management practices (BMPs)" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of surface waters. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

"Illicit discharge" means any discharge to a municipal separate storm sewer that is not composed entirely of storm water except: discharges pursuant to a VPDES permit (other than the VPDES permit for discharges from the municipal separate storm sewer), discharges resulting from fire-fighting activities, and discharges identified by and in compliance with 9 VAC 25-750-30 C 2.

"Infiltration" means water other than wastewater that enters a sewer system (including sewer service connections and foundation drains) from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.

"Inflow" means water other than wastewater that enters a sewer system (including sewer service connections) from sources such as, but not limited to, roof leaders, cellar drains, yard drains, area drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm waters, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, infiltration.

"Large municipal separate storm sewer system" means all municipal separate storm sewers that are either:

- 1. Located in an incorporated place with a population of 250,000 or more as determined by the latest Decennial Census by the Bureau of Census (40 CFR Part 122 Appendix F (2001)); or*

Proposed Regulations

2. Located in the counties listed in 40 CFR Part 122 Appendix H (2001), except municipal separate storm sewers that are located in the incorporated places, townships or towns within such counties; or

3. Owned or operated by a municipality other than those described in subdivision 1 or 2 of this definition and that are designated by the board as part of the large or medium municipal separate storm sewer system due to the interrelationship between the discharges of the designated storm sewer and the discharges from municipal separate storm sewers described under subdivision 1 or 2 of this definition. In making this determination the board may consider the following factors:

- a. Physical interconnections between the municipal separate storm sewers;
- b. The location of discharges from the designated municipal separate storm sewer relative to discharges from municipal separate storm sewers described in subdivision 1 of this definition;
- c. The quantity and nature of pollutants discharged to surface waters;
- d. The nature of the receiving waters; and
- e. Other relevant factors; or

4. The board may, upon petition, designate as a large municipal separate storm sewer system, municipal separate storm sewers located within the boundaries of a region defined by a storm water management regional authority based on a jurisdictional, watershed, or other appropriate basis that includes one or more of the systems described in subdivision 1, 2, or 3 of this definition.

"Major municipal separate storm sewer outfall (or major outfall)" means a municipal separate storm sewer outfall that discharges from a single pipe with an inside diameter of 36 inches or more or its equivalent (discharge from a single conveyance other than circular pipe which is associated with a drainage area of more than 50 acres); or municipal separate storm sewers that receive storm water from lands zoned for industrial activity (based on comprehensive zoning plans or the equivalent), with an outfall that discharges from a single pipe with an inside diameter of 12 inches or more or from its equivalent (discharge from other than a circular pipe associated with a drainage area of two acres or more).

"Medium municipal separate storm sewer system" means all municipal separate storm sewers that are either:

1. Located in an incorporated place with a population of 100,000 or more but less than 250,000, as determined by the latest Decennial Census by the Bureau of Census (40 CFR Part 122 Appendix G (2001)); or
2. Located in the counties listed in 40 CFR Part 122 Appendix I (2001), except municipal separate storm sewers that are located in the incorporated places, townships or towns within such counties; or
3. Owned or operated by a municipality other than those described in subdivision 1 or 2 of this definition and that are designated by the board as part of the large or medium

municipal separate storm sewer system due to the interrelationship between the discharges of the designated storm sewer and the discharges from municipal separate storm sewers described under subdivision 1 or 2 of this definition. In making this determination the board may consider the following factors:

- a. Physical interconnections between the municipal separate storm sewers;
- b. The location of discharges from the designated municipal separate storm sewer relative to discharges from municipal separate storm sewers described in subdivision 1 of this subsection;
- c. The quantity and nature of pollutants discharged to surface waters;
- d. The nature of the receiving waters; or
- e. Other relevant factors; or

4. The board may, upon petition, designate as a medium municipal separate storm sewer system, municipal separate storm sewers located within the boundaries of a region defined by a storm water management regional authority based on a jurisdictional, watershed, or other appropriate basis that includes one or more of the systems described in subdivisions 1, 2, or 3 of this definition.

"Municipal separate storm sewer" means a conveyance or system of conveyances, including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains:

1. Owned or operated by a state, city, town, county, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under § 208 of the Clean Water Act (CWA) that discharges to surface waters;
2. Designed or used for collecting or conveying storm water;
3. Which is not a combined sewer; and
4. Which is not part of a Publicly Owned Treatment Works (POTW).

"Municipal separate storm sewer system or MS4" means all separate storm sewers that are defined as "large" or "medium" or "small" municipal separate storm sewer systems, or designated under 9 VAC 25-31-120 A 1.

"Municipality" means a city, town, county, district, association, or other public body created by or under state law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under § 208 of CWA.

"Outfall" means, when used in reference to municipal separate storm sewers, a point source at the point where a municipal separate storm sewer discharges to surface waters and does

not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels or other conveyances that connect segments of the same stream or other surface waters and are used to convey surface waters.

"Owner" means the Commonwealth or any of its political subdivisions, including, but not limited to, sanitation district commissions and authorities, and any public or private institution, corporation, association, firm or company organized or existing under the laws of this or any other state or country, or any officer or agency of the United States, or any person or group of persons acting individually or as a group that owns, operates, charters, rents, or otherwise exercises control over or is responsible for any actual or potential discharge of sewage, industrial wastes, or other wastes to state waters, or any facility or operation that has the capability to alter the physical, chemical, or biological properties of state waters in contravention of § 62.1-44.5 of the State Water Control Law.

"Small municipal separate storm sewer system" or "Small MS4" means all separate storm sewers that are: (i) owned or operated by the United States, a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under § 208 of the CWA that discharges to surface waters; and (ii) not defined as "large" or "medium" municipal separate storm sewer systems, or designated under 9 VAC 25-31-120 A 1. This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings.

"Storm water" means storm water runoff, snow melt runoff, and surface runoff and drainage.

9 VAC 25-750-20. Purpose; delegation of authority; effective date of the permit.

A. This general permit regulation governs storm water discharges from regulated small municipal separate storm sewer systems (regulated small MS4s) to surface waters of the Commonwealth of Virginia.

1. Unless the MS4 qualifies for a waiver under subdivision 3 of this subsection, owners are regulated if they operate a small MS4, including but not limited to systems operated by federal, state, tribal, and local governments, including the Virginia Department of Transportation; and:

a. The small MS4 is located in an urbanized area as determined by the latest Decennial Census by the Bureau of the Census. If the small MS4 is not located entirely within an urbanized area, only the portion that is within the urbanized area is regulated; or

b. The small MS4 is designated by the board, including where the designation is pursuant to 40 CFR Part 123.35

(b)(3) or (b)(4) (2001), or is based upon a petition under 9 VAC 25-31-120 E.

2. An MS4 may be the subject of a petition to the board to require a VPDES permit for their discharge of storm water. If the board determines that an MS4 needs a permit and the owner applies for coverage under this general permit, the owner is required to comply with the requirements of 9 VAC 25-750-50.

3. The board may waive the requirements otherwise applicable to a small MS4 if it meets the criteria of subdivision 4 or 5 of this subsection. If a waiver is received under this subsection, the owner may subsequently be required to seek coverage under a VPDES permit in accordance with 9 VAC 25-31-121 C 1 if circumstances change. (See also 40 CFR Part 123.35 (b) (2001))

4. The board may waive permit coverage if the MS4 serves a population of less than 1,000 within the urbanized area and meets the following criteria:

a. The system is not contributing substantially to the pollutant loadings of a physically interconnected MS4 that is regulated by the VPDES storm water program; and

b. If pollutants are discharged that have been identified as a cause of impairment of any water body to which the MS4 discharges, storm water controls are not needed based on wasteload allocations that are part of a DEQ-established and EPA-approved "total maximum daily load" (TMDL) that addresses the pollutants of concern.

5. The board may waive permit coverage if the MS4 serves a population under 10,000 and meets the following criteria:

a. The board has evaluated all surface waters, including small streams, tributaries, lakes, and ponds, that receive a discharge from the MS4;

b. For all such waters, the board has determined that storm water controls are not needed based on wasteload allocations that are part of a DEQ-established and EPA-approved TMDL that addresses the pollutants of concern or, if a TMDL has not been developed and approved, an equivalent analysis that determines sources and allocations for the pollutants of concern;

c. For the purpose of this subdivision, the pollutants of concern include biochemical oxygen demand (BOD), sediment or a parameter that addresses sediment (such as total suspended solids, turbidity or siltation), pathogens, oil and grease, and any pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the MS4; and

d. The board has determined that future discharges from the MS4 do not have the potential to result in exceedances of water quality standards, including impairment of designated uses, or other significant water quality impacts, including habitat and biological impacts.

B. The director, or an authorized representative, may perform any act of the board provided under this regulation, except as limited by § 62.1-44.14 of the Code of Virginia.

Proposed Regulations

C. This general permit will become effective on December 9, 2002, and will expire five years from the effective date.

9 VAC 25-750-30. Authorization to discharge.

A. Any owner governed by this general permit is hereby authorized to discharge storm water from the regulated small MS4 to surface waters of the Commonwealth of Virginia provided that the owner files and receives acceptance by the director of the registration statement of 9 VAC 25-750-40, files the permit fee required by 9 VAC 25-20, complies with the requirements of 9 VAC 25-750-50, and provided that the owner shall not have been required to obtain an individual permit according to 9 VAC 25-31-170 B.

B. The owner shall not be authorized by this general permit to discharge to state waters specifically named in other board regulations or policies which prohibit such discharges.

C. Nonstorm water discharges or flows into the MS4 are authorized by this permit and do not need to be addressed in the Storm Water Management Program required under 9 VAC 25-750-50, Part II B 3, if:

1. The nonstorm water discharges or flows are covered by a separate individual or general VPDES permit for nonstorm water discharges; or

2. The following categories of nonstorm water discharges or flows must be addressed only if they are identified by the permittee or by the board as significant contributors of pollutants to the small MS4: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration, uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, street wash water, and discharges or flows from fire-fighting activities.

D. Receipt of this general permit does not relieve any owner of the responsibility to comply with any other applicable federal, state or local statute, ordinance or regulation.

9 VAC 25-750-40. Registration statement.

A. Deadline for submitting a registration statement.

1. Owners of regulated small MS4s designated under 9 VAC 25-750-20 A 1 a, that are applying for coverage under this VPDES general permit shall submit a complete registration statement to the department by March 10, 2003, unless the MS4 serves a jurisdiction with a population under 10,000 and the board has established a schedule for phasing-in permit coverage with a final deadline of March 8, 2007.

2. Owners of regulated small MS4s designated under 9 VAC 25-750-20 A 1 b, that are applying for coverage under this VPDES general permit shall submit a complete registration statement to the department within 180 days of notice of designation, unless the board grants a later date.

B. Registration statement. The registration statement shall include the following information:

1. The name and location (county or city name) of the regulated small MS4 for which the registration statement is submitted;

2. The name, address, and telephone number of the owner of the regulated small MS4;

3. The name or names of the receiving waters;

4. The best management practices (BMPs) that the owner or another entity proposes to implement for each of the storm water minimum control measures at 9 VAC 25-750-50, Part II B;

5. The measurable goals for each of the BMPs including, as appropriate, the months and years in which the required actions will be undertaken, including interim milestones and the frequency of the action; and

6. The person or persons responsible for implementing or coordinating the storm water management program.

7. The following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

C. The registration statement shall be signed in accordance with 9 VAC 25-31-110.

D. An owner may file his own registration statement, or the owner and other municipalities or governmental entities may jointly submit a registration statement. If responsibilities for meeting the minimum measures will be shared with other municipalities or governmental entities, the registration statement must describe which minimum measures the owner will implement and identify the entities that will implement the other minimum measures within the area served by the MS4.

E. Where to submit. The registration statement shall be submitted to the DEQ regional office that serves the area where the small MS4 is located.

9 VAC 25-750-50. General permit.

Any owner whose registration statement is accepted by the director will receive the following permit and shall comply with the requirements therein and be subject to all applicable requirements of the VPDES Permit Regulation (9 VAC 25-31).

General Permit No.: VAR06

Effective Date: December 9, 2002

Expiration Date: December 9, 2007

GENERAL PERMIT FOR STORM WATER DISCHARGES OF STORM WATER FROM SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS

AUTHORIZATION TO DISCHARGE UNDER THE VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM AND THE VIRGINIA STATE WATER CONTROL LAW

In compliance with the provisions of the Clean Water Act, as amended, and pursuant to the State Water Control Law and regulations adopted pursuant thereto, this permit authorizes operators of small municipal separate storm sewer systems to discharge to surface waters within the boundaries of the Commonwealth of Virginia, except those waters specifically named in board regulation or policies that prohibit such discharges.

The authorized discharge shall be in accordance with this cover page, Part I - Discharge Authorization and Special Conditions, Part II - Storm Water Management Program and Part III - Conditions Applicable To All VPDES Permits, as set forth herein.

PART I DISCHARGE AUTHORIZATION AND SPECIAL CONDITIONS

A. Coverage under this permit. During the period beginning with the date of coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to discharge storm water from the small municipal separate storm sewer system identified in the registration statement.

B. Special conditions.

1. Total Maximum Daily Load (TMDL) allocations. If a TMDL is approved for any waterbody into which the small MS4 discharges, the board will review the TMDL to determine whether the TMDL includes requirements for control of storm water discharges. If discharges from the MS4 are not meeting the TMDL allocations, the board will notify the permittee of that finding and may require that the Storm Water Management Program required in Part II be modified to implement the TMDL within a timeframe consistent with the TMDL. Any such new requirement will constitute a case decision by the board.

2. Releases of hazardous substances or oil in excess of reportable quantities. The discharge of hazardous substances or oil in the storm water discharges from the small MS4 shall be prevented or minimized in accordance with the applicable Storm Water Management Program required in Part II. Where a release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110 (2001), 40 CFR Part 117 (2001) or 40 CFR Part 302 (2001) occurs during a 24-hour period, the permittee is required to notify the department in accordance with the requirements of Part III G as soon as he has knowledge of the discharge. In addition, the Storm Water Management

Program required under Part II of this permit must be reviewed to identify measures to prevent the reoccurrence of such releases and to respond to such releases, and the program must be modified where appropriate. This permit does not relieve the permittee of the reporting requirements of 40 CFR Part 110 (2001), 40 CFR Part 117 (2001) and 40 CFR Part 302 (2001) or § 62.1-44.34:19 of the Code of Virginia.

PART II STORM WATER MANAGEMENT PROGRAM

A. The permittee must develop, implement, and enforce a storm water management program designed to reduce the discharge of pollutants from the MS4 to the maximum extent practicable (MEP), to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act and the State Water Control Law. The storm water management program must include the minimum control measures described in subsection B of this part. For purposes of this part, narrative effluent limitations requiring implementation of best management practices (BMPs) are generally the most appropriate form of effluent limitations when designed to satisfy technology requirements (including reductions of pollutants to the maximum extent practicable) and to protect water quality. Implementation of best management practices consistent with the provisions of the storm water management program required pursuant to this part constitutes compliance with the standard of reducing pollutants to the "maximum extent practicable." The storm water management program must be developed and implemented within five years of the date of coverage under this permit.

B. Minimum control measures.

1. Public education and outreach on storm water impacts. Implement a public education program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of storm water discharges on water bodies and the steps that the public can take to reduce pollutants in storm water runoff.

2. Public involvement/participation. At a minimum, comply with state, tribal, and local public notice requirements when implementing a public involvement/participation program.

3. Illicit discharge detection and elimination.

a. Develop, implement and enforce a program to detect and eliminate illicit discharges, as defined at 9 VAC 25-750-10, into the small MS4.

b. (1) Develop, if not already completed, a storm sewer system map, showing the location of all major outfalls and the names and location of all surface waters that receive discharges from those outfalls;

(2) To the extent allowable under state, tribal or local law, effectively prohibit, through ordinance or other regulatory mechanism, nonstorm water discharges into the storm sewer system and implement appropriate enforcement procedures and actions;

Proposed Regulations

(3) Develop and implement a plan to detect and address nonstorm water discharges, including illegal dumping, to the system; and

(4) Inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste.

c. The following categories of nonstorm water discharges or flows (i.e., illicit discharges) must be addressed only if they are identified by the permittee or by the board as significant contributors of pollutants to the small MS4: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration, uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, street wash water, and discharges or flows from fire fighting activities.

4. Construction site storm water runoff control.

a. Develop, implement, and enforce a program to reduce pollutants in any storm water runoff to the small MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of storm water discharges from construction activity disturbing less than one acre must be included in the program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more. If the board waives requirements for storm water discharges associated with small construction activity in accordance with the definition in 9 VAC 25-31-10, the permittee is not required to develop, implement, or enforce a program to reduce pollutant discharges from such sites.

b. The program must include the development and implementation of, at a minimum:

(1) An ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under state, tribal, or local law;

(2) Requirements for construction site operators to implement appropriate erosion and sediment control best management practices;

(3) Requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality; or procedures to ensure that construction site operators have secured a VPDES construction permit;

(4) Procedures for site plan review that incorporate consideration of potential water quality impacts;

(5) Procedures for receipt and consideration of information submitted by the public, and

(6) Procedures for site inspection and enforcement of control measures.

5. Postconstruction storm water management in new development and redevelopment.

a. Develop, implement, and enforce a program to address storm water runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into the small MS4. The program must ensure that controls are in place that would prevent or minimize water quality impacts.

b. (1) Develop and implement strategies that include a combination of structural or nonstructural, or both, best management practices (BMPs) appropriate for the community;

(2) Use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under state, tribal or local law; and

(3) Ensure adequate long-term operation and maintenance by the owner of BMPs.

6. Pollution prevention/good housekeeping for municipal operations. Develop and implement an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations. Using training materials that are available from EPA, state, tribe, or other organizations, the program must include employee training to prevent and reduce storm water pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and storm water system maintenance.

C. Qualifying state, tribal or local program. If an existing qualifying local program requires the implementation of one or more of the minimum control measures of Part II B, the permittee may follow that qualifying program's requirements rather than the requirements of Part II B. A qualifying local program is a local, state or tribal municipal storm water management program that imposes, at a minimum, the relevant requirements of Part II B.

The permittee's storm water management program must identify and fully describe any qualifying local program that will be used to satisfy one or more of the minimum control measures of Part II B.

If the qualifying local program the permittee is using requires the approval of a third party, the program must be fully approved by the third party, or the permittee must be working towards getting full approval. Documentation of the qualifying local program's approval status, or the progress towards achieving full approval, must be included in the annual report required by Part II E 2.

D. Sharing responsibility. The permittee may rely on another entity to satisfy the VPDES permit obligations to implement a minimum control measure if: (i) the other entity, in fact, implements the control measure; (ii) the particular control

measure, or component thereof, is at least as stringent as the corresponding VPDES permit requirement; and (iii) the other entity agrees to implement the control measure on behalf of the permittee. The agreement between the parties must be documented in writing and retained by the permittee with the Storm Water Management Program for the duration of this permit.

In the annual reports that must be submitted under Part II E 2, the permittee must specify that another entity is being relied on to satisfy some of the permit obligations.

If the permittee is relying on another governmental entity regulated under 9 VAC 25-31-120 to satisfy all of the permit obligations, including the obligation to file periodic reports required by Part II E 2, the permittee must note that fact in the registration statement, but is not required to file the periodic reports.

The permittee remains responsible for compliance with the permit obligations if the other entity fails to implement the control measure (or component thereof).

E. Evaluation and assessment.

1. *Evaluation.* The permittee must evaluate program compliance, the appropriateness of the identified best management practices, and progress towards achieving the identified measurable goals.

2. *Annual reports.* The permittee must submit an annual report to the director by the first, second and fourth anniversaries of the date of coverage under this permit. The reports must include:

a. The status of compliance with permit conditions, an assessment of the appropriateness of the identified best management practices and progress towards achieving the identified measurable goals for each of the minimum control measures;

b. Results of information collected and analyzed, including monitoring data, if any, during the reporting period;

c. A summary of the storm water activities the permittee plans to undertake during the next reporting cycle;

d. A change in any identified best management practices or measurable goals for any of the minimum control measures;

e. Notice that the permittee is relying on another government entity to satisfy some of the permit obligations (if applicable), and

f. The approval status of any qualifying local programs (if appropriate), or the progress towards achieving full approval of these programs.

F. *Program modifications.* The department may require modifications to the Storm Water Management Program as needed to address adverse impacts on receiving water quality caused, or contributed to, by discharges from the MS4. Modifications requested by the department shall be made in writing and set forth the time schedule to develop and implement the modification. The permittee may propose

alternative program modifications and time schedules to meet the objective of the requested modification.

PART III CONDITIONS APPLICABLE TO ALL VPDES PERMITS

NOTE: Monitoring is not required for this permit. If you choose to monitor your storm water discharges or BMP's in support of your Storm Water Management Program, or as required by a TMDL, you must comply with the requirements of subsections A, B, and C, as appropriate.

A. Monitoring.

1. Samples and measurements taken as required by this permit shall be representative of the monitored activity.

2. Monitoring shall be conducted according to procedures approved under 40 CFR Part 136 (2001) or alternative methods approved by the U.S. Environmental Protection Agency, unless other procedures have been specified in this permit.

3. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will ensure accuracy of measurements.

B. Records.

1. Records of monitoring information shall include:

a. The date, exact place, and time of sampling or measurements;

b. The individuals who performed the sampling or measurements;

c. The dates and times analyses were performed;

d. The individuals who performed the analyses;

e. The analytical techniques or methods used; and

f. The results of such analyses.

2. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years, the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the registration statement for this permit, for a period of at least three years from the date of the sample, measurement, report or request for coverage. This period of retention shall be extended automatically during the course of any unresolved litigation regarding the regulated activity or regarding control standards applicable to the permittee, or as requested by the board.

C. Reporting monitoring results.

1. The permittee shall submit the results of the monitoring required by this permit not later than the 10th day of the month after monitoring takes place, unless another reporting schedule is specified elsewhere in this permit.

Proposed Regulations

Monitoring results shall be submitted to the department's regional office.

2. Monitoring results shall be reported on a Discharge Monitoring Report (DMR) or on forms provided, approved or specified by the department.

3. If the permittee monitors any pollutant specifically addressed by this permit more frequently than required by this permit using test procedures approved under 40 CFR Part 136 (2001) or using other test procedures approved by the U.S. Environmental Protection Agency or using procedures specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or reporting form specified by the department.

4. Calculations for all limitations that require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.

D. Duty to provide information. The permittee shall furnish to the department, within a reasonable time, any information that the board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The board may require the permittee to furnish, upon request, such plans, specifications, and other pertinent information as may be necessary to determine the effect of the wastes from his discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of the State Water Control Law. The permittee shall also furnish to the department upon request, copies of records required to be kept by this permit.

E. Compliance schedule reports. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

F. Unauthorized discharges. Except in compliance with this permit, or another permit issued by the board, it shall be unlawful for any person to:

1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances; or

2. Otherwise alter the physical, chemical or biological properties of such state waters and make them detrimental to the public health, or to animal or aquatic life, or to the use of such waters for domestic or industrial consumption, or for recreation, or for other uses.

G. Reports of unauthorized discharges. Any permittee who discharges or causes or allows a discharge of sewage, industrial waste, other wastes or any noxious or deleterious substance into or upon state waters in violation of Part III F; or who discharges or causes or allows a discharge that may reasonably be expected to enter state waters in violation of Part III F, shall notify the department of the discharge immediately upon discovery of the discharge, but in no case later than 24 hours after said discovery. A written report of the unauthorized discharge shall be submitted to the department, within five days of discovery of the discharge. The written report shall contain:

1. A description of the nature and location of the discharge;
2. The cause of the discharge;
3. The date on which the discharge occurred;
4. The length of time that the discharge continued;
5. The volume of the discharge;
6. If the discharge is continuing, how long it is expected to continue;
7. If the discharge is continuing, what the expected total volume of the discharge will be; and
8. Any steps planned or taken to reduce, eliminate and prevent a recurrence of the present discharge or any future discharges not authorized by this permit.

Discharges reportable to the department under the immediate reporting requirements of other regulations are exempted from this requirement.

H. Reports of unusual or extraordinary discharges. If any unusual or extraordinary discharge including a bypass or upset should occur from a treatment works and the discharge enters or could be expected to enter state waters, the permittee shall promptly notify, in no case later than 24 hours, the department by telephone after the discovery of the discharge. This notification shall provide all available details of the incident, including any adverse effects on aquatic life and the known number of fish killed. The permittee shall reduce the report to writing and shall submit it to the department within five days of discovery of the discharge in accordance with Part III I 2. Unusual and extraordinary discharges include but are not limited to any discharge resulting from:

1. Unusual spillage of materials resulting directly or indirectly from processing operations;
2. Breakdown of processing or accessory equipment;
3. Failure or taking out of service some or all of the treatment works; and
4. Flooding or other acts of nature.

I. Reports of noncompliance. The permittee shall report any noncompliance that may adversely affect state waters or may endanger public health.

1. An oral report shall be provided within 24 hours from the time the permittee becomes aware of the circumstances. The following shall be included as information that shall be reported within 24 hours under this subdivision:

- a. Any unanticipated bypass; and
- b. Any upset that causes a discharge to surface waters.

2. A written report shall be submitted within five days and shall contain:

- a. A description of the noncompliance and its cause;
- b. The period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and

c. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The board may waive the written report on a case-by-case basis for reports of noncompliance under Part III I if the oral report has been received within 24 hours and no adverse impact on state waters has been reported.

3. The permittee shall report all instances of noncompliance not reported under Parts III I 1 or 2, in writing, at the time the next monitoring reports are submitted. The reports shall contain the information listed in Part III I 2.

NOTE: The immediate (within 24 hours) reports required in Parts III G, H and I may be made to the department's Regional Office. Reports may be made by telephone or by fax. For reports outside normal working hours, leave a message and this shall fulfill the immediate reporting requirement. For emergencies, the Virginia Department of Emergency Services maintains a 24-hour telephone service at 1-800-468-8892.

J. Notice of planned changes.

1. The permittee shall give notice to the department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

a. The permittee plans alteration or addition to any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:

(1) After promulgation of standards of performance under § 306 of the Clean Water Act that are applicable to such source; or

(2) After proposal of standards of performance in accordance with § 306 of the Clean Water Act that are applicable to such source, but only if the standards are promulgated in accordance with § 306 within 120 days of their proposal;

b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are subject neither to effluent limitations nor to notification requirements specified elsewhere in this permit; or

c. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

2. The permittee shall give advance notice to the department of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements.

K. Signatory requirements.

1. Registration statement. All registration statements shall be signed as follows:

a. For a corporation: by a responsible corporate officer. For the purpose of this subsection, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation or (ii) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

c. For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this subsection, a principal executive officer of a public agency includes:

(1) The chief executive officer of the agency, or

(2) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

2. Reports, etc. All reports required by permits, and other information requested by the board shall be signed by a person described in Part III K 1, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

a. The authorization is made in writing by a person described in Part III K 1;

b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and

c. The written authorization is submitted to the department.

3. Changes to authorization. If an authorization under Part III K 2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part III K 2 shall be submitted to the department prior to or together with any reports, or information to be signed by an authorized representative.

Proposed Regulations

4. *Certification.* Any person signing a document under Parts III K 1 or 2 shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

L. *Duty to comply.* The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the State Water Control Law and the Clean Water Act, except that noncompliance with certain provisions of this permit may constitute a violation of the State Water Control Law but not the Clean Water Act. Permit noncompliance is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

The permittee shall comply with effluent standards or prohibitions established under § 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under § 405(d) of the Clean Water Act within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if this permit has not yet been modified to incorporate the requirement.

M. *Duty to reapply.* If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall submit a new registration statement at least 90 days before the expiration date of the existing permit, unless permission for a later date has been granted by the board. The board shall not grant permission for registration statements to be submitted later than the expiration date of the existing permit.

N. *Effect of a permit.* This permit does not convey any property rights in either real or personal property or any exclusive privileges, nor does it authorize any injury to private property or invasion of personal rights, or any infringement of federal, state or local law or regulations.

O. *State law.* Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any other state law or regulation or under authority preserved by § 510 of the Clean Water Act. Except as provided in permit conditions on "bypassing" (Part III U), and "upset" (Part III V) nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance.

P. *Oil and hazardous substance liability.* Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be

subject under §§ 62.1-44.34:14 through 62.1-44.34:23 of the State Water Control Law.

Q. *Proper operation and maintenance.* The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes effective plant performance, adequate funding, adequate staffing, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems that are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

R. *Disposal of solids or sludges.* Solids, sludges or other pollutants removed in the course of treatment or management of pollutants shall be disposed of in a manner so as to prevent any pollutant from such materials from entering state waters.

S. *Duty to mitigate.* The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

T. *Need to halt or reduce activity not a defense.* It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

U. *Bypass.*

1. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility. The permittee may allow any bypass to occur that does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Parts III U 2 and U 3.

2. *Notice.*

a. *Anticipated bypass.* If the permittee knows in advance of the need for a bypass, prior notice shall be submitted, if possible at least 10 days before the date of the bypass.

b. *Unanticipated bypass.* The permittee shall submit notice of an unanticipated bypass as required in Part III I.

3. *Prohibition of bypass.*

a. *Bypass is prohibited, and the board may take enforcement action against a permittee for bypass, unless:*

(1) *Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;*

(2) *There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable*

engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and

(3) The permittee submitted notices as required under Part III U 2.

b. The board may approve an anticipated bypass, after considering its adverse effects, if the board determines that it will meet the three conditions listed above in Part III U 3 a.

V. Upset.

1. An upset constitutes an affirmative defense to an action brought for noncompliance with technology-based permit effluent limitations if the requirements of Part III V 2 are met. A determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is not a final administrative action subject to judicial review.

2. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- a. An upset occurred and that the permittee can identify the causes of the upset;
- b. The permitted facility was at the time being properly operated;
- c. The permittee submitted notice of the upset as required in Part III I; and
- d. The permittee complied with any remedial measures required under Part III S.

3. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

W. Inspection and entry. The permittee shall allow the director, or an authorized representative, upon presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act and the State Water Control Law, any substances or parameters at any location.

For purposes of this subsection, the time for inspection shall be deemed reasonable during regular business hours, and

whenever the facility is discharging. Nothing contained herein shall make an inspection unreasonable during an emergency.

X. Permit actions. Permits may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

Y. Transfer of permits.

1. Permits are not transferable to any person except after notice to the department. Except as provided in Part III Y 2, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued, or a minor modification made, to identify the new permittee and incorporate such other requirements as may be necessary under the State Water Control Law and the Clean Water Act.

2. As an alternative to transfers under Part III Y 1, this permit may be automatically transferred to a new permittee if:

- a. The current permittee notifies the department at least two days in advance of the proposed transfer of the title to the facility or property;
- b. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
- c. The board does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Part III Y 2 b.

Z. Severability. The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

FORMS

Virginia Pollutant Discharge Elimination System (VPDES) General Permit Registration Statement for Storm Water Discharges From Small Municipal Separate Storm Sewer Systems (VAR06), SWGP-MS4-001-RS (eff. 12/02).

Proposed Regulations

VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM (VPDES) GENERAL PERMIT REGISTRATION STATEMENT FOR STORM WATER DISCHARGES FROM SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS [VAR06]

(Please Type or Print All Information)

1. Regulated Small MS4

Name: _____

Location (County or City): _____

2. Regulated Small MS4 Owner

Name: _____

Address: _____

City: _____ State: _____ Zip: _____ Phone: _____

3. Name(s) of the receiving water(s) into which the small MS4 discharges: _____

4. Attach a description of the Best Management Practices (BMP's) that the owner or another entity proposes to implement for each of the following storm water minimum control measures:

- (1) public education and outreach on storm water impacts,
- (2) public involvement/participation,
- (3) illicit discharge detection and elimination,
- (4) construction site storm water runoff control,
- (5) post-construction storm water management in new development and redevelopment, and
- (6) pollution prevention/good housekeeping for municipal operations.

5. For each of the BMP's described in (4), list the measurable goals for each BMP including, as appropriate, the months and years in which the required actions will be undertaken, including interim milestones and the frequency of the action.

6. Attach a list of the person or persons responsible for implementing or coordinating the small MS4 storm water management program.

7. Certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations."

Print Name: _____ Title: _____

Signature: _____ Date: _____

For Department of Environmental Quality Use Only

DEQ-WATER FORM SWGP-MS4-001-RS (12/02)

Accepted/Not Accepted by: _____ Date: _____

Basin _____ Stream Class _____ Section _____ Special Standards _____

VA.R. Doc. No. R01-163; Filed April 17, 2002, 9:52 a.m.

TITLE 12. HEALTH

STATE BOARD OF HEALTH

Title of Regulation: 12 VAC 5-90-185. Regulations for Disease Reporting and Control (adding 12 VAC 5-90-185).

Statutory Authority: §§ 32.1-12 and 32.1-70.2 of the Code of Virginia.

Public Hearing Date: May 30, 2002 - 2 p.m.

Public comments may be submitted until July 8, 2002

(See Calendar of Events section for additional information)

Agency Contact: Diane Woolard, Ph.D., Director, Division of Surveillance and Investigation, Department of Health, 1500 E. Main Street, Suite 123, Richmond, VA 23219, telephone (804) 786-6261, FAX (804) 786-1076 or e-mail dwoolard@vdh.state.va.us.

Basis: Section 32.1-70.2 of the Code of Virginia mandates the Board of Health to promulgate regulations regarding patient notification.

Purpose: The purpose of the amendment is to incorporate the provisions of an emergency regulation required by Virginia law. The amendment will provide information about the process that the Virginia Cancer Registry will use to notify cancer patients that they have been reported to the Registry. It does not otherwise affect the health, safety or welfare of Virginia's citizens.

Substance: The amendment explains the procedure for the notification of patients reported to the statewide registry. The regulatory action is required to fully implement the emergency regulations regarding the notification of cancer patients about their inclusion in the statewide cancer registry.

Issues: The primary advantage of the regulation is that it will explain the process by which cancer patients will be notified that they have been reported to the state cancer registry. The advantage of notification is that everyone included in the registry will be aware of the registry and their inclusion in it. The potential disadvantage to the public is that persons receiving the information could have concerns about the registry and how the data are used and protected. The advantage to the agency is that the existence of the state cancer registry will be more well known. The primary disadvantage is that resources have to be diverted from other registry business to carry out the notifications, and the funding supplied is not sufficient to cover the expenses. The patient notification provisions have already been promulgated through emergency regulations.

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 § 2.2-4007 G of the Administrative Process Act and Executive Order Number 25 (98). Section 2.2-4007 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. Legislation passed by the 2000 General Assembly required mandatory notification of patients diagnosed after January 1, 2001, that their identifying information has been included in the Virginia Cancer Registry (VCR). The proposed amendment to the cancer reporting section of the Regulations for Disease Reporting and Control explains the process VDH will use for the notification of patients reported to the statewide cancer registry. Notification will be made within 30 days of receipt of the patient's case record and will include the purpose, objectives, reporting requirements, confidentiality policies, and procedures of the VCR and a copy of the Virginia Privacy Protection Act.

Estimated economic impact. Virginia law requires hospitals, clinics, pathology laboratories, and physicians that diagnose or treat cancer to report demographic, diagnostic, and treatment information on patients diagnosed with certain cancers to the VCR. The registry also receives information for Virginia residents who receive cancer care in neighboring states through special interstate agreements with their state cancer registries. This information is used to conduct epidemiological analyses and produce statistical reports of the incidence, prevalence, survival, and risk factors associated with the occurrence of cancer in Virginia. These reports are used to promote cancer prevention, early detection, and successful treatments for cancer.

The cost of implementing the mandated patient notification process is estimated to be between \$50,000 to \$60,000 per year (\$2 per case, approximately 28,000 new cases added to the registry each year). General funds have been provided for approximately one-half that amount, and VDH intends to absorb the remaining cost. In addition, this will require staff time to be diverted away from other registry business, thereby increasing the costs of this proposal. The benefits associated with notifying patients of their inclusion in the cancer registry cannot be estimated at this time. Patients may place significant value on being aware that extensive personal health information on them has been included in the VCR and is being compiled and used for public health purposes. However, this must be weighed against the potential alarm and sadness that this notification might bring to recipients and a possible increase in public concern about how data in the registry is used and protected. Without data on how much patients will value this notification, it is not possible to determine if the benefits will outweigh the costs associated with providing it.

Businesses and entities affected. The proposed regulatory change will affect any patient diagnosed with cancer after January 1, 2001. There are approximately 28,000 new cases added to the registry each year.

Localities particularly affected. The proposed regulatory change will not uniquely affect any particular localities.

Proposed Regulations

Projected impact on employment. The proposed regulatory change is not expected to have any impact on employment.

Effects on the use and value of private property. The proposed regulatory change is not expected to have any effects on the use and value of private property.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The Department of Health concurs with the economic impact assessment prepared by the Department of Planning and Budget regarding this regulation.

Summary:

The proposed amendment to the cancer reporting section of the regulations identifies the process that the department will use for the notification of patients reported to the statewide cancer registry. Notification is required within 30 days of receipt of the patient's case record and will include the purpose, objectives, reporting requirements, confidentiality policies and procedures of the Virginia Cancer Registry, and a copy of the Government Data Collection and Dissemination Practices Act.

12 VAC 5-90-185. Patient notification.

In accordance with § 32.1-71.02 of the Code of Virginia, the Virginia Cancer Registry shall inform each person reported with a malignant tumor or cancer to the registry by a Virginia hospital, clinic, laboratory, or physician that personal identifying information about him has been included in the registry. Beginning with cases diagnosed on January 1, 2001, notification will be made within 30 days of receipt of a case record containing complete patient identity and address information. The notification will include the purpose, objectives, reporting requirements, confidentiality policies and procedures of the statewide cancer registry and a copy of § 2.2-3800 of the Government Data Collection and Dissemination Practices Act.

VA.R. Doc. No. R01-95; Filed April 16, 2002, 2:20 p.m.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Title of Regulation: 12 VAC 30-120. Waiver Services (Mental Retardation Waiver) (adding 12 VAC 30-120-211 through 12 VAC 30-120-219, 12 VAC 30-120-221 through 12 VAC 30-120-229, 12 VAC 30-120-231 through 12 VAC 30-120-237, and 12 VAC 30-120-241 through 12 VAC 30-120-249; repealing 12 VAC 30-120-210, 12 VAC 30-120-220, 12 VAC 30-120-230, 12 VAC 30-120-240, and 12 VAC 30-120-250).

Statutory Authority: § 32.1-325 of the Code of Virginia.

Public Hearing Date: N/A - Public comments may be submitted until July 5, 2002.

(See Calendar of Events section for additional information)

Agency Contact: Vicki Simmons, Department of Medical Assistance Services, 600 E. Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 786-7959, FAX (804) 786-1680 or e-mail vsimmons@dmas.state.va.us.

Basis: Section 32.1-325 of the Code of Virginia grants to the Board of Medical Assistance Services (BMAS) the authority to administer and amend the Plan for Medical Assistance. Section 32.1-324 grants to the Director of the Department of Medical Assistance Services (DMAS) the authority to administer and amend the Plan for Medical Assistance in lieu of board action pursuant to the board's requirements.

42 CFR 430.25 permits states to operate, consistent with federal approval, programs that waive certain basic overarching Medicaid requirements. The broad overarching requirements that can be waived are the coverage of a service across the entire state, comparability of amount, duration, and scope of services (coverage of the same service for all persons within an eligibility category), and freedom of choice of providers.

Purpose: The Department of Medical Assistance Services' (DMAS) original home and community-based care waiver for individuals with mental retardation first became effective in 1990. Since that time, HCFA (now CMS) has granted successive renewal approvals. In 1999, HCFA conducted an audit review of Virginia's waiver and cited issues that the Commonwealth was required to address before further waiver approval would be granted. Loss of federal approval, and the concomitant loss of federal funding dollars would mean the re-institutionalization of the individuals who have been served in the community through these waiver services; in addition, it would mean institutionalization of individuals who had previously avoided institutionalization due to the availability of the waiver services. For those individuals who could be expected to refuse to enter an institution, it would mean serious threats to their health, safety, and welfare as well as significant disruptions to their families and support systems.

The purpose of this proposal is to promulgate permanent regulations to supersede the existing emergency regulations. This regulatory action is expected to help protect the health, safety, and welfare of participants in the new waiver. These regulations will help improve the health and welfare of families with children and adults who are affected by mental retardation and will provide community support services to enable these children and adults to live successfully in their homes and communities.

Substance: The Governor announced in October 2000, that the Commonwealth would develop a new mental retardation (MR) waiver to replace the existing waiver. The Secretary of Health and Human Resources appointed an MR waiver task force to advise the Department of Medical Assistance Services (DMAS) on the development of this new waiver. The MR waiver task force is comprised of family members and consumers, as well as staff of DMAS; the Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS); and other state agencies and advocacy groups. The work of this task force resulted in a new waiver application being sent to CMS in April of 2001. Revisions to the application were made in September 2001 per CMS, and DMAS was notified of CMS approval of the revised application also in September of 2001. The approval is contingent upon the Commonwealth implementing the waiver as proposed and also upon the following assurances that the Commonwealth made to CMS:

1. All facilities providing MR waiver services licensed by the Department of Social Services (DSS) will apply for licensing by DMHMRSAS;
2. DMHMRSAS' Offices of Mental Retardation and Licensing will jointly conduct training for all assisted living facilities serving as MR waiver providers;
3. Consumers whose conditions or services in these assisted living facilities raise health and safety issues will be immediately transferred to a more suitable setting; and
4. Case managers are required to conduct monthly on-site visits for all consumers residing in DSS-licensed facilities.

In order to comply with the new waiver and to adhere to the assurances made to CMS, new permanent regulations are required. Without these regulations, DMAS lacks the regulatory authority to require these actions of the entities. The new licensing action must be completed within one year from its initiation in order for providers to continue to receive Medicaid reimbursement for these waiver individuals. Assisted living facilities failing to secure the new license within the designated time period will lose their MR waiver provider agreement with DMAS and the affected waiver participants will be moved to other suitable settings. In addition, the proposed regulations address the following changes from the old waiver:

1. Implement consumer directed personal assistance, companion and respite services in the MR waiver in addition to agency directed services;
2. Increase the work allowance for waiver recipients, as mandated by the General Assembly. This permits waiver recipients who are capable of paid employment to retain more of their earnings, rather than having to contribute more to their costs of care to defray some of the costs of such employment (appropriate clothing, transportation meal expenses, etc). Employment enhances one's self-esteem and generally contributes to one's sense of overall well-being;
3. Include coverage of personal emergency response systems; and
4. Enhance utilization review procedures.

Consumer direction of personal assistant, companion and respite services and the personal emergency response systems are the least intrusive methods of providing these services under the MR waiver. Because of the federal (CMS) health and safety concerns, DMAS is not permitted to continue to offer services and to conduct utilization reviews in the previous manner. DMAS must change the way services are provided and monitored or face not having the federal authority and dollars to provide the waiver services.

Issues: The primary advantage for the Commonwealth's citizens will be that individuals with mental retardation will be able to live as independently as possible in their communities. It will allow some of these individuals to live on their own and enable others to remain with their families. To the extent of their abilities, they will be able to function in their communities, attending school, obtaining employment and participating in the management of their own care.

To date, the Commonwealth has been very successful in serving people in the community as opposed to institutions at less than half the institutional cost per person. Currently, far more people are receiving services from the waiver than are in institutions. Indeed, the community programs have been so successful that the Commonwealth does not even have the institutional bed space required if all waiver program recipients were to be institutionalized. With over 5,000 recipients depending on the MR waiver alone for needed services, not providing services would result in far greater health and welfare concerns as well as huge increases in the number of individuals in the Commonwealth's institutions. Such cost increases for the Commonwealth would be astronomical.

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 § 2.2-4007 G of the Administrative Process Act and Executive Order Number 25 (98). Section 2.2-4007 G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. The Board of Medical Assistance Services (board) proposes to replace the existent home and community-based care waiver for individuals with mental retardation with a revised waiver that has been approved by the federal centers for Medicare and Medicaid (CMS).

Estimated economic impact. The home and community-based care waiver details how and under what circumstances individuals with mental retardation receive care outside of an institutional setting. In order to receive federal funding for such care, the Commonwealth must receive federal approval for its waiver program. In order to receive approval, states are required to demonstrate that under their waiver program home and community-based care is no more expensive than institutional care, provides adequate services, and is no less safe.

The Department of Medical Assistance Services' (DMAS) original home and community-based care waiver for individuals with mental retardation first became effective in 1990. Since that time CMS (formerly HCFA) has granted successive renewal approvals. In 1999, HCFA conducted an audit review of Virginia's waiver and cited issues that the Commonwealth was required to address before further waiver approval would be granted. The primary required change was that any home being paid as a congregate residential provider must be licensed by the Department of Mental Health, Mental Retardation, and Substance Abuse Services (DMHMRSAS).

Federal Medicaid regulations require that any home being paid as a congregate residential provider provide training services for resident recipients. In their 1999 audit, HCFA found that some assisted living facilities, which are licensed by

Proposed Regulations

the Department of Social Services (DSS), were being paid as congregate residential providers, but were not providing training services for resident recipients. The DSS license for assisted living facilities does not require training services; and thus DSS was not checking for training services. Under the proposed regulations, any home being paid as a congregate residential provider must be licensed as a group home by DMHMRSAS. In order to obtain a group home license from DMHMRSAS, training services must be provided. This proposed change amounts to an effort to improve enforcement of the requirement that training services that are paid for are actually provided. It seems likely that enforcement will improve under the proposed licensing change.

In addition, as mandated by the 2000 General Assembly, the amount that a recipient may earn in employment without reductions in government payments for services is raised from the federally determined Supplemental Security Income (SSI) required for one person,¹ to 300% of SSI.² The General Assembly provided additional funds to pay for the anticipated difference. Allowing mentally retarded individuals to retain more of their earnings will encourage more recipients to work and to work more hours.

The board proposes to create additional service categories. Some of the new categories, Prevocational Services and Companion Services, are a result of splitting existing categories.³ Reimbursement rates will not differ between the separated categories; thus, these new categories will not likely affect cost or use of the specified services. The board also proposes to create the Consumer Directed Respite Services, Consumer Directed Companion Services, and Consumer Directed Personal Assistance Services categories, in addition to the current and continuing agency directed versions of those categories. None of these services require individuals with significant training.⁴ For instance, an example of respite services would be a care-giving parent hiring a trusted individual to provide herself with an occasional break in watching their mentally retarded child. Recipients and their parents or guardians may in some instances be more likely and more quickly able to find suitable people to hire for such positions.

Finally, the proposed new waived services regulations include a new category called personal emergency response systems services. A personal emergency response system (PERS) is an electronic device that enables recipients who live alone or are alone for extended periods to get help in case of an emergency. It is thought that some relatively high-functioning recipients would benefit from such devices and perhaps save expenditures by substituting the PERS device for a more costly personal attendant who is only truly needed for emergencies. To the extent that PERS are used for individuals who are actually high-functioning enough to do

without an attendant, this new category appears to provide a net benefit.

Businesses and entities affected. This proposed regulation amendment affects the 40 Community Service Board community mental health clinics in Virginia, providers of the various categories services, and the 5,386⁵ recipients of waived services.

Localities particularly affected. The proposed amendments potentially affect all Virginia localities.

Projected impact on employment. Some mentally retarded individuals may increase their hours of work due to the higher amount that a recipient may earn in employment without reductions in government payments for services.

Effects on the use and value of private property. The sale of personal emergency response systems may increase with the new approved expenditure of Medicaid funds on such devices.

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 regarding the regulations concerning Home and Community Based Waiver Services for Individuals with Mental Retardation.

Summary:

The proposed permanent regulations allow full implementation of the new Mental Retardation (MR) Waiver, as approved by the Centers for Medicare and Medicaid Services (CMS) (formerly HCFA) and address the following: (i) continued coverage of consumer-directed personal attendant, companion, and respite services; (ii) continued coverage of personal emergency response systems; (iii) continuing the prevocational service that had been deleted in 1994; (iv) maintaining the work allowance for individuals on this waiver pursuant to the 2000 Appropriation Act; and (v) continuing to address CMS' concerns about the health and welfare of MR waiver recipients.

PART V.

HOME AND COMMUNITY-BASED CARE SERVICES FOR INDIVIDUALS WITH MENTAL RETARDATION WAIVER.

Article 1.

Definitions and General Requirements.

12 VAC 30-120-210. Definitions. (Repealed.)

~~The following words and terms as used in this part shall have the following meanings unless the context indicates otherwise:~~

~~"Assistive technology" means specialized medical equipment and supplies including those devices, controls, or appliances specified in the plan of care but not available under the State Plan for Medical Assistance, which enable individuals to increase their abilities to perform activities of daily living, or to perceive, control or communicate with the environment in which they live or which are necessary to the proper functioning of such items.~~

¹ The current SSI is \$545 per month (Source: DMAS).

² The actual earnings ceiling before reductions in government payments is actually somewhat more complicated; but this accurately provides the general idea.

³ Source: DMAS.

⁴ Ibid.

⁵ Ibid.

"Case management" means the assessment, planning, linking and monitoring for individuals referred for mental retardation community-based care waiver services. Case management (i) ensures the development, coordination, implementation, monitoring, and modification of the individual service plan; (ii) links the individual with appropriate community resources and supports; (iii) coordinates service providers; and (iii) monitors quality of care.

"Case managers" means individuals possessing a combination of mental retardation work experience and relevant education which indicates that the individual possesses the knowledge, skills and abilities, as established by DMHMRSAS, necessary to perform case management services.

"Community based care waiver services" or "waiver services" means the range of community support services approved by the Health Care Financing Administration pursuant to § 1915(e) of the Social Security Act to be offered to mentally retarded and developmentally disabled individuals who would otherwise require the level of care provided in an intermediate care facility for the mentally retarded.

"Community services board" or "CSB" means the public organization authorized by the Code of Virginia to provide services to individuals with mental illness or retardation, operating autonomously but in partnership with the DMHMRSAS.

"Consumer Service Plan" or "CSP" means that document addressing the needs of the recipient of home and community-based care mental retardation services, in all life areas. The Individual Service Plans developed by service providers are to be incorporated in the CSP by the case manager. Factors to be considered when this plan is developed may include, but are not limited to, the recipient's age, primary disability, and level of functioning.

"Crisis stabilization" means direct intervention to persons with mental retardation who are experiencing serious psychiatric or behavioral problems, or both, which jeopardize their current community living situation by providing temporary intensive services and supports that avert emergency psychiatric hospitalization or institutional admission or prevent other out of home placement. This service shall be designed to stabilize the individual and strengthen the current living situation so that the individual can be maintained in the community during and beyond the crisis period. Services will include, as appropriate, psychiatric, neuropsychiatric, and psychological assessment and other functional assessments and stabilization techniques; medication management and monitoring; behavior assessment and positive behavioral support; intensive care coordination with other agencies and providers to assist planning and delivery of services and supports to maintain community placement of the recipient; training of family members, other care givers, and service providers in positive behavioral supports to maintain the individual in the community; and temporary crisis supervision to ensure the safety of the individual and others.

"DMAS" means the Department of Medical Assistance Services.

"DMHMRSAS" means the Department of Mental Health, Mental Retardation and Substance Abuse Services.

"DMHMRSAS staff" means individuals employed by the Department of Mental Health, Mental Retardation and Substance Abuse Services to perform utilization review, recommendation of preauthorization for service type and intensity, and review of individual level of care criteria.

"DRS" means the Department of Rehabilitative Services.

"DSS" means the Department of Social Services.

"Day support" means training in intellectual, sensory, motor, and affective social development including awareness skills, sensory stimulation, use of appropriate behaviors and social skills, learning and problem solving, communication and self-care, physical development, transportation to and from training sites, services and support activities, and prevocational services aimed at preparing an individual for paid or unpaid employment.

"Developmental risk" means the presence before, during or after an individual's birth of conditions typically identified as related to the occurrence of a developmental disability and for which no specific developmental disability is identifiable through diagnostic and evaluative criteria.

"Environmental modifications" means physical adaptations to a house, place of residence, vehicle, or work site, when the modification exceeds reasonable accommodation requirements of the Americans with Disabilities Act, necessary to ensure the individual's health and safety or enable functioning with greater independence when the adaptation is not being used to bring a substandard dwelling up to minimum habitation standards and is of direct medical or remedial benefit to the individual.

"EPSDT" means the Early Periodic Screening, Diagnosis and Treatment program administered by the Department of Medical Assistance Services for children under the age of 21 according to federal guidelines which prescribe specific preventive and treatment services for Medicaid-eligible children.

"HCFA" means the Health Care Financing Administration as that unit of the federal Department of Health and Human Services which administers the Medicare and Medicaid programs.

"Individual Service Plan" or "ISP" means the service plan developed by the individual service provider related solely to the specific tasks required of that service provider. ISPs help to comprise the overall Consumer Service Plan of care for the individual. The ISP is defined in DMHMRSAS licensing regulations 12 VAC 35-102-10 et seq.

"Mental retardation" means the diagnostic classification of substantial subaverage general intellectual functioning which originates during the developmental period and is associated with impairment in adaptive behavior.

"Nursing services" means skilled nursing services listed in the plan of care which are ordered by a physician and required to prevent institutionalization, not available under the State Plan for Medical Assistance, are within the scope of the state's

Proposed Regulations

~~Nurse Practice Act and are provided by a registered professional nurse, or licensed practical nurse under the supervision of a registered nurse, licensed to practice in the state.~~

~~"Personal assistance" means assistance with activities of daily living, medication and/or other medical needs and monitoring health status and physical condition for individuals who do not receive residential support services and for whom training and skills development are not primary objectives or are provided through another program or service.~~

~~"Persons with related conditions served by this waiver" means persons residing in nursing facilities who have been determined through annual resident review to require specialized services and who, consistent with 42 CFR 435.1009, are individuals who have severe, chronic disabilities that meet all of the following conditions:~~

- ~~1. It is attributable to:
 - a. Cerebral palsy or epilepsy; or
 - b. Any other condition other than mental illness found to be closely related to mental retardation because this condition results in impairment of general intellectual functioning or adaptive behavior similar to that of mentally retarded persons and requires treatment or services similar to those required for these persons.~~
- ~~2. It is manifested before the person reaches age 22.~~
- ~~3. It is likely to continue indefinitely.~~
- ~~4. It results in substantial functional limitations in three or more of the following areas of major life activity:
 - a. Self-care.
 - b. Understanding and use of language.
 - c. Learning.
 - d. Mobility.
 - e. Self-direction.
 - f. Capacity for independent living.~~

~~"Provocational services" means services aimed at preparing an individual for paid or unpaid employment. The services do not include activities that are specifically job or task oriented but focus on goals such as attention span and motor skills. Compensation, if provided, would be for persons whose productivity is less than 50% of the minimum wage.~~

~~"Qualified mental retardation professional" means individuals possessing (i) at least one year of documented experience working directly with individuals who have mental retardation or developmental disabilities; (ii) a bachelor's degree in a human services field including, but not limited to, sociology, social work, special education, rehabilitation counseling, and psychology; and (iii) the required Virginia or national license, registration or certification in accordance with his profession.~~

~~"Residential support services" means support provided in a licensed or certified residence or in the individual's home. This service is one in which support and supervision is routinely provided. Support includes training, assistance, and~~

~~supervision in enabling individuals to maintain or improve their health, to develop skills in activities of daily living, and safety, in the use of community resources, and adapting their behavior to community and home-like environments. Reimbursement for residential support shall not include the cost of room, board, and general supervision.~~

~~"Respite care" means services given to individuals unable to care for themselves provided on a short-term basis because of the absence or need for relief of those persons normally providing the care.~~

~~"State Plan for Medical Assistance" or "Plan" means the regulations identifying the covered groups, covered services and their limitations, and provider reimbursement methodologies as provided for under Title XIX of the Social Security Act.~~

~~"Supported employment" means training in specific skills related to paid employment and provision of ongoing or intermittent assistance or specialized supervision to enable a consumer to maintain paid employment provided to mentally retarded individuals.~~

~~"Therapeutic consultation" means consultation provided by members of psychology, social work, behavioral analysis, speech therapy, occupational therapy, therapeutic recreation, physical therapy disciplines, or behavior consultation to assist the individual, parents/family members, Part H early intervention providers, residential support, day support and any other providers of support services in implementing an individual service plan.~~

12 VAC 30-120-211. Definitions.

"Activities of daily living" or "ADL" means personal care tasks, e.g., bathing, dressing, toileting, transferring, and eating/feeding. An individual's degree of independence in performing these activities is a part of determining appropriate level of care and service needs.

"Assistive technology" or "AT" means specialized medical equipment and supplies to include devices, controls, or appliances, specified in the consumer service plan but not available under the State Plan for Medical Assistance, which enable individuals to increase their abilities to perform activities of daily living, or to perceive, control, or communicate with the environment in which they live. This service also includes items necessary for life support, ancillary supplies and equipment necessary to the proper functioning of such items, and durable and nondurable medical equipment not available under the Medicaid State Plan.

"Behavioral health authority" or "BHA" means the local agency, established by a city or county under Chapter 15 (§ 37.1-242 et seq.) of Title 37.1 of the Code of Virginia that plans, provides, and evaluates mental health, mental retardation, and substance abuse services in the locality that it serves.

"CMS" means the Centers for Medicare and Medicaid Services, which is the unit of the federal Department of Health and Human Services that administers the Medicare and Medicaid programs.

"Case management" means the assessment and planning of services; linking the individual to services and supports identified in the consumer service plan; assisting the individual directly for the purpose of locating, developing or obtaining needed services and resources; coordinating services and service planning with other agencies and providers involved with the individual; enhancing community integration; making collateral contacts to promote the implementation of the consumer service plan and community integration; monitoring to assess ongoing progress and ensuring services are delivered; and education and counseling that guides the individual and develops a supportive relationship that promotes the consumer service plan.

"Case manager" means the community services board or behavioral health authority staff possessing a combination of mental retardation work experience and relevant education that indicates that the staff possesses the knowledge, skills and abilities, at entry level, as established by the Department of Mental Health, Mental Retardation and Substance Abuse Services, necessary to perform case management services.

"Community services board" or "CSB" means the local agency, established by a city or county or combination of counties or cities or cities and counties under Chapter 10 (§ 37.1-194 et seq.) of Title 37.1 of the Code of Virginia, that plans, provides, and evaluates mental health, mental retardation, and substance abuse services in the jurisdiction or jurisdictions it serves.

"Companion" means, for the purpose of these regulations, a person who provides companion services.

"Companion services" means nonmedical care, support, and socialization, provided to an adult (age 18 and over). The provision of companion services does not entail hands-on nursing care. It is provided in accordance with a therapeutic goal in the consumer service plan and is not purely diversional in nature.

"Comprehensive assessment" means the gathering of relevant social, psychological, medical and level of care information by the case manager and is used as a basis for the development of the consumer service plan.

"Consumer-directed services" means services for which the individual or family/caregiver is responsible for hiring, training, supervising, and firing of the staff.

"Consumer-directed (CD) services facilitator" means the DMAS-enrolled provider who is responsible for supporting the individual and family/caregiver by ensuring the development and monitoring of the Consumer-Directed Services Individual Service Plan, providing employee management training, and completing ongoing review activities as required by DMAS for consumer-directed companion, personal assistance, and respite services.

"Consumer service plan" or "CSP" means that document addressing needs in all life areas of individuals who receive home and community-based mental retardation waiver services, and is comprised of individual service plans as dictated by the individual's health care and support needs. The individual service plans are incorporated in the CSP by the case manager.

"Crisis stabilization" means direct intervention to persons with mental retardation who are experiencing serious psychiatric or behavioral challenges that jeopardize their current community living situation, by providing temporary intensive services and supports that avert emergency psychiatric hospitalization or institutional placement or prevent other out-of-home placement. This service must stabilize the individual and strengthen the current living situation so the individual can be supported in the community during and beyond the crisis period.

"DMAS" means the Department of Medical Assistance Services.

"DMAS staff" means persons employed by the Department of Medical Assistance Services.

"DMHMRSAS" means the Department of Mental Health, Mental Retardation and Substance Abuse Services.

"DMHMRSAS staff" means persons employed by the Department of Mental Health, Mental Retardation and Substance Abuse Services.

"DRS" means the Department of Rehabilitative Services.

"DSS" means the Department of Social Services.

"Day support" means training, assistance, and specialized supervision in the acquisition, retention, or improvement of self-help, socialization, and adaptive skills, which typically take place separately from the home in which the individual resides. Day support services shall focus on enabling the individual to attain or maintain his or her maximum functional level.

"Developmental risk" means the presence before, during or after an individual's birth of conditions typically identified as related to the occurrence of a developmental disability and for which no specific developmental disability is identifiable through existing diagnostic and evaluative criteria.

"Direct marketing" means either (i) conducting directly or indirectly door-to-door, telephonic or other "cold call" marketing of services at residences and provider sites; (ii) mailing directly; (iii) paying "finders' fees"; (iv) offering financial incentives, rewards, gifts or special opportunities to eligible individuals or family/caregivers as inducements to use the providers' services; (v) continuous, periodic marketing activities to the same prospective individual or family/caregiver, for example, monthly, quarterly, or annual giveaways as inducements to use the providers' services; or (vi) engaging in marketing activities that offer potential customers rebates or discounts in conjunction with the use of the providers' services or other benefits as a means of influencing the individual's or family/caregiver's use of the providers' services.

"Entrepreneurial model" means a small business employing fewer than eight individuals who have disabilities on a shift and usually involves interactions with the public and with coworkers without disabilities.

"Environmental modifications" means physical adaptations to a house, place of residence, or vehicle that are necessary to ensure the individual's health and safety or enable functioning

Proposed Regulations

with greater independence when the adaptation is not being used to bring a substandard dwelling up to minimum habitation standards and is of direct medical or remedial benefit to the individual.

"EPSDT" means the Early Periodic Screening, Diagnosis and Treatment program administered by DMAS for children under the age of 21 according to federal guidelines that prescribe preventive and treatment services for Medicaid-eligible children.

"Fiscal agent" means an agency or organization within DMAS or contracted by DMAS to handle employment, payroll, and tax responsibilities on behalf of individuals who are receiving consumer-directed personal assistance, respite, and companion services.

"Health and safety standard" means that an individual's right to receive a service is dependent on a finding that the individual needs the service, based on appropriate assessment criteria and a written plan of care.

"Home and community-based waiver services" or "waiver services" means the range of community support services approved by the Centers for Medicare and Medicaid Services (CMS) pursuant to § 1915(c) of the Social Security Act to be offered to persons with mental retardation and children younger than age six who are at developmental risk who would otherwise require the level of care provided in an Intermediate Care Facility for the Mentally Retarded (ICF/MR.)

"ICF/MR" means a facility or distinct part of a facility certified by the Virginia Department of Health, as meeting the federal certification regulations for an Intermediate Care Facility for the Mentally Retarded and persons with related conditions. These facilities must address the total needs of the residents, which include physical, intellectual, social, emotional, and habilitation, and must provide active treatment.

"Individual" means the person receiving the services and evaluations established in these regulations.

"Individual service plan" or "ISP" means the service plan related solely to the specific waiver service. Multiple ISPs help to comprise the overall consumer service plan.

"Instrumental activities of daily living" or "IADLs" means tasks such as meal preparation, shopping, housekeeping, laundry, and money management.

"Legally responsible relative" means the individual's spouse or parent (for children under age 18).

"Mental retardation" or "MR" means mental retardation as defined by the American Association on Mental Retardation (AAMR).

"Nursing services" means skilled nursing services that are ordered by a physician and required to prevent institutionalization, that are not otherwise available under the State Plan for Medical Assistance, that are within the scope of the Chapters 30 (§ 54.1-3000 et seq.) and 34 (§ 54.1-3400 et seq.) of Subtitle III of Title 54.1 of the Code of Virginia, and that are provided by a registered professional nurse or by a licensed practical nurse under the supervision of a registered nurse who is licensed to practice in the Commonwealth.

"Participating provider" means an entity that meets the standards and requirements set forth by DMAS and DMHMRSAS, and has a current, signed provider participation agreement with DMAS.

"Pend" means delaying the consideration of an individual's request for services until all required information is received by DMHMRSAS.

"Personal assistance services" means assistance with activities of daily living, access to the community, self-administration of medication, or other medical needs, and the monitoring of health status and physical condition.

"Personal assistant" means a person who provides personal assistance services.

"Personal emergency response system (PERS)" is an electronic device that enables certain individuals at high risk of institutionalization to secure help in an emergency. PERS services are limited to those individuals who live alone or are alone for significant parts of the day and who have no regular caregiver for extended periods of time, and who would otherwise require extensive routine supervision.

"Prevocational services" means services aimed at preparing an individual for paid or unpaid employment. The services do not include activities that are specifically job-task oriented but focus on concepts such as accepting supervision, attendance, task completion, problem solving and safety. Compensation, if provided, is less than 50% of the minimum wage.

"Qualified mental retardation professional" means a professional possessing: (i) at least one year of documented experience working directly with individuals who have mental retardation or developmental disabilities; (ii) a bachelor's degree in a human services field including, but not limited to, sociology, social work, special education, rehabilitation counseling, or psychology; and (iii) the required Virginia or national license, registration, or certification in accordance with his profession, if applicable.

"Residential support services" means support provided in the individual's home by a DMHMRSAS-licensed residential provider or a DSS-approved provider. This service is one in which training, assistance, and supervision is routinely provided to enable individuals to maintain or improve their health, to develop skills in activities of daily living and safety in the use of community resources, and in adapting their behavior to community and home-like environments.

"Respite services" means services provided to individuals who are unable to care for themselves, furnished on a short-term basis because of the absence or need for relief of those unpaid persons normally providing the care.

"Slot" means an opening or vacancy of waiver services for an individual.

"State Plan for Medical Assistance" or "Plan" means the regulations identifying the covered groups, covered services and their limitations, and provider reimbursement methodologies as provided for under Title XIX of the Social Security Act.

"Supported employment" means work in settings in which persons without disabilities are typically employed. It includes training in specific skills related to paid employment and the provision of ongoing or intermittent assistance and specialized supervision to enable an individual with mental retardation to maintain paid employment.

"Therapeutic consultation" means activities to assist the individual, family/caregivers, staff of residential support, day support, and any other providers in implementing an individual program plan.

12 VAC 30-120-213. General coverage and requirements for home and community-based MR waiver services.

A. Waiver service populations. Home and community-based services shall be available through a § 1915(c) of the Social Security Act waiver for the following individuals who have been determined to require the level of care provided in an ICF/MR.

1. Individuals with mental retardation.
2. Individuals younger than the age of six who are at developmental risk. At the age of six years, these individuals must have a diagnosis of mental retardation to continue to receive home and community-based services specifically under this program.

B. Covered services.

1. Covered services shall include: residential support services, day support, supported employment, personal assistance (both consumer and agency-directed), respite services (both consumer and agency-directed), assistive technology, environmental modifications, skilled nursing services, therapeutic consultation, crisis stabilization, prevocational services, personal emergency response systems (PERS), and companion services (both consumer and agency-directed.)

2. These services shall be clinically appropriate and necessary to maintain the individual in the community. Federal waiver requirements provide that the average per capita fiscal year expenditures under the waiver must not exceed the average per capita expenditures for the level of care provided in Intermediate Care Facilities for the Mentally Retarded under the State Plan that would have been provided had the waiver not been granted.

3. Under this § 1915(c) waiver, DMAS waives § 1902(a)(10)(B) of the Social Security Act related to comparability.

C. All requests for increased services by MR waiver recipients will be reviewed under the health and safety standard. This standard assures that an individual's right to receive a service is dependent on a finding that the individual needs the service, based on appropriate assessment criteria.

D. Appeals. Individual appeals shall be considered pursuant to 12 VAC 30-110-10 through 12 VAC 30-110-380. Provider appeals shall be considered pursuant to 12 VAC 30-10-1000 and 12 VAC 30-20-500 through 12 VAC 30-20-560.

E. Urgent criteria. The CSB/BHA will determine, from among the individuals included in the urgent category, who should be

served first, based on the needs of the individual at the time a slot becomes available and not on any predetermined numerical or chronological order.

1. The urgent category will be assigned when the individual is in need of services because he is determined to meet one of the criteria established in subdivision 2 of this subsection. Assignment to the urgent category may be requested by the individual, his legally responsible relative, or primary caregiver. The urgent category may be assigned only when the individual or legally responsible relative would accept the preferred service if it were offered. Only after all individuals in the Commonwealth who meet the urgent criteria have been served can individuals in the nonurgent category be served. In the event that a CSB/BHA has a vacant slot and does not have an individual who meets the urgent criteria, the slot can be held by the CSB/BHA for 90 days from the date it is identified as vacant, in case someone in an urgent situation is identified. If no one meeting the urgent criteria is identified within 90 days, the slot will be made available for allocation to another CSB/BHA in the Health Planning Region (HPR). If there is no urgent need at the time that the HPR is to make a regional reallocation of a waiver slot, the HPR shall notify DMHMRSAS. DMHMRSAS shall have the authority to reallocate said slot to another HPR or CSB/BHA where there is unmet urgent need. Said authority must be exercised, if at all, within 30 days from receiving such notice.

2. Satisfaction of one or more of the following criteria shall indicate that the individual should be placed on the urgent need of waiver services list:

- a. Primary caregiver or caregivers is or are 55 years of age or older;
- b. The individual is living with a primary caregiver, who is providing the service voluntarily and without pay, and the primary caregiver indicates that he can no longer care for the individual with mental retardation;
- c. There is a clear risk of abuse, neglect, or exploitation;
- d. The primary caregiver has a chronic or long term physical or psychiatric condition or conditions which significantly limit his ability to care for the individual with mental retardation;
- e. Individual is aging out of publicly funded residential placement or otherwise becoming homeless (exclusive of children who are graduating from high school); or
- f. The individual with mental retardation lives with the primary caregiver and there is a risk to the health or safety of the individual, primary caregiver, or other individual living in the home due to either of the following conditions:

(1) The individual's behavior or behaviors present a risk to himself or others which cannot be effectively managed by the primary caregiver even with generic or specialized support arranged or provided by the CSB/BHA; or

Proposed Regulations

(2) *There are physical care needs (such as lifting or bathing) or medical needs that cannot be managed by the primary caregiver even with generic or specialized supports arranged or provided the CSB/BHA.*

F. *Reevaluation of service need and utilization review. Providers shall meet the documentation requirements as specified in 12 VAC 30-120-214 B.*

1. *The consumer service plan (CSP).*

a. *The CSP shall be developed by the case manager mutually with the individual, the individual's family/caregiver, other service providers, consultants, and other interested parties based on relevant, current assessment data. The CSP development process identifies the services to be rendered to individuals, the frequency of services, the type of service provider or providers, and a description of the services to be offered. The ISP from each waiver service provider shall be incorporated into the CSP. Only services authorized on the CSP by DMHMRSAS according to DMAS policies will be reimbursed by DMAS. There shall be a limit of 780 units per CSP year for day support, prevocational and supported employment services, either as stand-alone services or combined.*

b. *The case manager is responsible for continuous monitoring of the appropriateness of the individual's supporting documentation and revisions to the CSP as indicated by the changing needs of the individual. At a minimum, the case manager must review the CSP every three months to determine whether service goals and objectives are being met and whether any modifications to the CSP are necessary.*

c. *Any modification to the amount or type of services in the CSP must be authorized by DMHMRSAS staff or DMAS.*

2. *Review of level of care.*

a. *The case manager shall complete a comprehensive assessment annually, in coordination with the individual, family/caregiver, and service providers. If warranted, the case manager shall coordinate a medical examination and a psychological evaluation for the individual. The reassessment shall include an update of the level of care and functional assessment instrument and any other appropriate assessment data. The CSP shall be revised if appropriate.*

b. *A medical examination must be completed for adults based on need identified by the individual, family/caregiver, provider, case manager, or DMHMRSAS staff. Medical examinations for children must be completed according to the recommended frequency and periodicity of the EPSDT program.*

c. *A psychological evaluation or standardized developmental assessment for children under six years of age must reflect the current psychological status (diagnosis), adaptive level of functioning, and cognitive abilities. A new psychological evaluation shall be required whenever the individual's functioning has undergone*

significant change and is no longer reflective of the past psychological evaluation.

3. *Case manager must ensure the receipt of an updated DMAS-122 form annually. The case manager must forward a copy of the updated DMAS-122 form to all service providers.*

12 VAC 30-120-215. Individual eligibility requirements.

A. *Individuals receiving services under this waiver must meet the following requirements. Virginia will apply the financial eligibility criteria contained in the State Plan for the categorically needy. Virginia has elected to cover the optional categorically needy groups under 42 CFR 435.211, 435.217, and 435.230. The income level used for 42 CFR 435.211, 435.217 and 435.230 is 300% of the current Supplemental Security Income payment standard for one person.*

1. *Under this waiver, the coverage groups authorized under § 1902(a)(10)(A)(ii)(VI) of the Social Security Act will be considered as if they were institutionalized for the purpose of applying institutional deeming rules. All recipients under the waiver must meet the financial and nonfinancial Medicaid eligibility criteria and meet the institutional level of care criteria. The deeming rules are applied to waiver eligible individuals as if the individual were residing in an institution or would require that level of care.*

2. *Virginia shall reduce its payment for home and community-based services provided to an individual who is eligible for Medicaid services under 42 CFR 435.217 by that amount of the individual's total income (including amounts disregarded in determining eligibility) that remains after allowable deductions for personal maintenance needs, deductions for other dependents, and medical needs have been made, according to the guidelines in 42 CFR 435.735 and § 1915(c)(3) of the Social Security Act as amended by the Consolidated Omnibus Budget Reconciliation Act of 1986. DMAS will reduce its payment for home and community-based waiver services by the amount that remains after the deductions listed below:*

a. *For individuals to whom § 1924(d) applies and for whom Virginia waives the requirement for comparability pursuant to § 1902(a)(10)(B), deduct the following in the respective order:*

(1) *The basic maintenance needs for an individual, which is equal to the SSI payment for one person. For the period beginning with October 17, 2001, through December 31, 2001, those individuals involved in a planned habilitation program carried out as either a supported employment, prevocational, or vocational training shall be allowed to retain an additional amount not to exceed the first \$75.00 of gross earnings each month and up to 50% of any additional gross earnings up to a maximum earnings allowance of \$190 monthly. As of January 1, 2002, due to expenses of employment, a working individual shall have an additional income allowance. For an individual employed 20 hours or more per week, earned income shall be disregarded up to a maximum of both earned and unearned income up to 300% SSI; for an individual employed at least eight but less than 20 hours per*

week, earned income shall be disregarded up to a maximum of both earned and unearned income up to 200% of SSI. If the individual requires a guardian or conservator who charges a fee, the fee, not to exceed an amount greater than 5.0% of the individual's total monthly income, is added to the maintenance needs allowance. However, in no case shall the total amount of the maintenance needs allowance (basic allowance plus earned income allowance plus guardianship fees) for the individual exceed 300% of SSI. (The guardianship fee is not to exceed 5.0% of the individual's total monthly income.)

(2) For an individual with only a spouse at home, the community spousal income allowance determined in accordance with § 1924(d) of the Social Security Act.

(3) For an individual with a family at home, an additional amount for the maintenance needs of the family determined in accordance with § 1924(d) of the Social Security Act.

(4) Amounts for incurred expenses for medical or remedial care that are not subject to payment by a third party including Medicare and other health insurance premiums, deductibles, or coinsurance charges and necessary medical or remedial care recognized under state law but not covered under the plan.

b. For individuals to whom § 1924(d) does not apply and for whom Virginia waives the requirement for comparability pursuant to § 1902(a)(10)(B), deduct the following in the respective order:

(1) The basic maintenance needs for an individual, which is equal to the SSI payment for one person. For the period beginning with October 17, 2001, through December 31, 2001, those individuals involved in a planned habilitation program carried out as either supported employment, prevocational, or vocational training shall be allowed to retain an additional amount not to exceed the first \$75 of gross earnings each month and up to 50% of any additional gross earnings up to a maximum earnings allowance of \$190 monthly. As of January 1, 2002, due to expenses of employment, a working individual shall have an additional income allowance. For an individual employed 20 hours or more per week, earned income shall be disregarded up to a maximum of both earned and unearned income up to 300% SSI; for an individual employed at least eight but less than 20 hours per week, earned income shall be disregarded up to a maximum of both earned and unearned income up to 200% of SSI. If the individual requires a guardian or conservator who charges a fee, the fee, not to exceed an amount greater than 5.0% of the individual's total monthly income, is added to the maintenance needs allowance. However, in no case shall the total amount of the maintenance needs allowance (basic allowance plus earned income allowance plus guardianship fees) for the individual exceed 300% of SSI. (The guardianship fee is not to exceed 5.0% of the individual's total monthly income.)

(2) For an individual with a dependent child or children, an additional amount for the maintenance needs of the child or children, which shall be equal to the Title XIX medically needy income standard based on the number of dependent children.

(3) Amounts for incurred expenses for medical or remedial care that are not subject to payment by a third party including Medicare and other health insurance premiums, deductibles, or coinsurance charges and necessary medical or remedial care recognized under state law but not covered under the State Medical Assistance Plan.

3. The following four criteria shall apply to all mental retardation waiver services:

a. Individuals qualifying for mental retardation waiver services must have a demonstrated clinical need for the service resulting in significant functional limitations in major life activities. The need for the service must arise from either (i) an individual having a diagnosed condition of mental retardation or (ii) a child younger than six years of age being at developmental risk of significant functional limitations in major life activities;

b. The CSP and services that are delivered must be consistent with the Medicaid definition of each service;

c. Services must be recommended by the case manager based on a current functional assessment using a DMHMRSAS approved assessment instrument and a demonstrated need for each specific service; and

d. Individuals qualifying for mental retardation waiver services must meet the ICF/MR level of care criteria.

B. Assessment and authorization of home and community-based services.

1. To ensure that Virginia's home and community-based waiver programs serve only individuals who would otherwise be placed in an ICF/MR, home and community-based services shall be considered only for individuals who are eligible for admission to an ICF/MR with a diagnosis of mental retardation, or who are under six years of age and at developmental risk. Home and community-based services shall be the critical service that enables the individual to remain at home and in the community rather than being placed in an ICF/MR.

2. The individual's need for home and community-based services shall be determined by the case manager after completion of a comprehensive assessment of the individual's needs and available supports. The comprehensive assessment includes relevant medical, social, level of care and psychological data, and identifies all services received by the individual. Medical examinations and social assessments shall be current, completed prior to the individual's entry to the waiver, and no earlier than 12 months prior to beginning waiver services. Psychological evaluations or standardized developmental evaluations for children under the age of six years must reflect the current psychological status (diagnosis), current cognitive abilities, and current adaptive level of functioning of the individuals.

Proposed Regulations

3. An essential part of the case manager's assessment process shall be determining the level of care required by applying the existing DMAS ICF/MR criteria (12 VAC 30-130-430 et seq.).

4. The case manager shall complete the assessment, determine whether the individual meets the ICF/MR criteria and develop the CSP with input from the individual, family/caregivers, and service and support providers involved in the individual's support in the community. Completion of this assessment process for home and community-based services by the case manager is mandatory before Medicaid will assume payment responsibility of home and community-based services. For the case manager to make a recommendation for waiver services, community-based waiver services must be determined to be an appropriate service alternative to delay or avoid placement in an ICF/MR, or promote exiting from either an ICF/MR placement or inappropriate institutional placement.

5. The case manager shall provide the individual and family/caregiver with the choice of MR waiver services or ICF/MR placement, choice of medically necessary services available under the MR waiver, including agency or consumer-directed services, and explore alternative settings and services to provide the services needed by the individual. A CSP shall be developed for the individual based on the assessment of needs as reflected in the level of care and functional assessment instruments and the individual's, family/caregiver's preferences.

6. The case manager must submit the results of the comprehensive assessment and a recommendation to the DMHMRSAS staff for final determination of ICF/MR level of care and authorization for community-based services. DMHMRSAS will communicate in writing to the case manager whether the recommended services have been approved and the amounts and type of services authorized or if any have been denied. Medicaid will not pay for any home and community-based services delivered prior to the authorization date approved by DMHMRSAS if prior authorization is required.

7. Community-based waiver services may be recommended by the case manager only if:

a. The individual is Medicaid eligible as determined by the local office of the Department of Social Services;

b. The individual has a diagnosis of mental retardation as defined by the American Association on Mental Retardation, or is a child under the age of six at developmental risk, who would in the absence of waiver services, require the level of care provided in an ICF/MR facility the cost of which would be reimbursed under the Plan;

c. The contents of the individual service plans are consistent with the Medicaid definition of each service; and

d. The individual requesting waiver services is not receiving such services while an inpatient of a nursing facility, an ICF/MR, or hospital.

8. All consumer service plans are subject to approval by DMAS. DMAS shall be the single state agency authority responsible for the supervision of the administration of the community-based waiver and is responsible for conducting utilization review activities. DMAS has contracted with DMHMRSAS for recommendation of preauthorization of waiver services.

C. Waiver approval process: accessing services.

1. Once the case manager has determined an individual meets the functional criteria for mental retardation (MR) waiver services, has determined that a slot is available and that the individual has chosen this service, the case manager and the individual or individual's family/caregiver will meet within 30 calendar days to discuss the individual's needs and existing supports, and to develop a CSP that will establish and document the needed services.

2. The case manager submits enrollment information to DMHMRSAS to confirm level of care eligibility and the availability of a slot. DMHMRSAS shall only enroll the individual if a slot is identified. If no slot is available, the individual's name will be placed on the statewide waiting list until such time as a slot becomes available.

3. Once the individual has been enrolled by DMHMRSAS, the case manager will submit a DMAS-122 along with a written confirmation from DMHMRSAS of level of care eligibility, to the local DSS to determine financial eligibility for the waiver program and any patient pay responsibilities. After the case manager has received written notification of Medicaid eligibility by DSS and written enrollment from DMHMRSAS, the case manager shall inform the individual so that services listed in the CSP can be initiated. The individual or case manager shall contact service providers so that the individual may receive services within 60 days. If services are not initiated by the provider within 60 days, the case manager must submit written information to DMHMRSAS requesting more time to initiate services. A copy of the request must be provided to the individual or the individual's family/caregiver. DMHMRSAS has the authority to approve the request in 30-day extensions or deny the request to retain the waiver slot for that individual.

4. The service providers will develop Individual Service Plans (ISP) for each service and will submit a copy of these plans to the case manager. The case manager will review and ensure the ISP meets the established service criteria for the identified needs and forward the required documentation to DMHMRSAS for prior authorization. DMHMRSAS shall, within 10 working days of receiving all supporting documentation, either approve, pend for more information, or deny the individual service requests.

5. The case manager will monitor the service providers' ISPs to ensure that all providers are working toward the identified goals of the affected individuals.

6. Case managers will be required to conduct monthly onsite visits for all MR waiver individuals residing in DSS-licensed or approved placements.

12 VAC 30-120-217. General requirements for home and community-based participating providers.

A. Providers approved for participation shall, at a minimum, perform the following activities:

1. Immediately notify DMAS and DMHMRSAS, in writing, of any change in the information that the provider previously submitted to DMAS and DMHMRSAS;
2. Assure freedom of choice to individuals in seeking medical care from any institution, pharmacy, practitioner, or other provider qualified to perform the service or services required and participating in the Medicaid program at the time the service or services were performed;
3. Assure the individual's freedom to refuse medical care and treatment;
4. Accept referrals for services only when staff is available to initiate services and perform such services on an ongoing basis;
5. Provide services and supplies to individuals in full compliance with Title VI of the Civil Rights Act of 1964, as amended (42 USC § 2000d et seq.), which prohibits discrimination on the grounds of race, color, or national origin; the Virginians with Disabilities Act (§ 51.5-1 et seq. of the Code of Virginia); § 504 of the Rehabilitation Act of 1973, as amended (29 USC § 794), which prohibits discrimination on the basis of a disability; and the Americans with Disabilities Act, as amended (42 USC § 12101 et seq.), which provides comprehensive civil rights protections to individuals with disabilities in the areas of employment, public accommodations, state and local government services, and telecommunications;
6. Provide services and supplies to individuals of the same quality and in the same mode of delivery as provided to the general public;
7. Submit charges to DMAS for the provision of services and supplies to individuals in amounts not to exceed the provider's usual and customary charges to the general public. The provider must accept as payment in full the amount established by DMAS payment methodology from the individual's authorization date for the waiver services;
8. Use program-designated billing forms for submission of charges;
9. Maintain and retain business and professional records sufficient to document fully and accurately the nature, scope, and details of the services provided;
 - a. In general, such records shall be retained for at least five years from the last date of service or as provided by applicable state laws, whichever period is longer. However, if an audit is initiated within the required retention period, the records shall be retained until the audit is completed and every exception resolved. Records of minors shall be kept for at least five years after such minor has reached the age of 18 years.
 - b. Policies regarding retention of records shall apply even if the provider discontinues operation. DMAS shall be notified in writing of storage location and procedures for

obtaining records for review should the need arise. The location, agent, or trustee shall be within the Commonwealth of Virginia.

10. The provider agrees to furnish information on request and in the form requested to DMAS, DMHMRSAS, the Attorney General of Virginia or his authorized representatives, federal personnel, and the state Medicaid Fraud Control Unit. The Commonwealth's right of access to provider agencies and records shall survive any termination of the provider agreement;

11. Disclose, as requested by DMAS, all financial, beneficial, ownership, equity, surety, or other interests in any and all firms, corporations, partnerships, associations, business enterprises, joint ventures, agencies, institutions, or other legal entities providing any form of health care services to recipients of Medicaid;

12. All providers shall hold confidential and use for authorized DMAS or DMHMRSAS purposes only all medical assistance information regarding individuals served. A provider shall disclose information in his possession only when the information is used in conjunction with a claim for health benefits or the data is necessary for the functioning of the DMAS;

13. Change of ownership. When ownership of the provider changes, DMAS shall be notified at least 15 calendar days before the date of change;

14. All facilities covered by § 1616(e) of the Social Security Act in which home and community-based services will be provided shall be in compliance with applicable standards that meet the requirements for board and care facilities. Health and safety standards shall be monitored through the DMHMRSAS' licensure standards or through DSS-approved standards for adult foster care providers;

15. Suspected abuse or neglect. Pursuant to § 63.1-55.3 of the Code of Virginia, if a participating provider knows or suspects that a home and community-based service individual is being abused, neglected, or exploited, the party having knowledge or suspicion of the abuse, neglect, or exploitation shall report this immediately from first knowledge to the local DSS adult or child protective services worker and to DMHMRSAS Offices of Licensing and Human Rights as applicable; and

16. Adherence to provider participation agreement and the DMAS provider service manual. In addition to compliance with the general conditions and requirements, all providers enrolled by DMAS shall adhere to the conditions of participation outlined in their individual provider participation agreements and in the DMAS provider manual.

B. Documentation requirements.

1. The case manager must maintain the following documentation for utilization review by DMAS for a period of not less than five years from each individual's last date of service:

a. The comprehensive assessment and all CSPs completed for the individual;

Proposed Regulations

b. All ISPs from every provider rendering waiver services to the individual;

c. All supporting documentation related to any change in the CSP;

d. All related communication with the individual, family/caregiver, consultants, providers, DMHMRSAS, DMAS, DSS, DRS or other related parties; and

e. An ongoing log that documents all contacts made by the case manager related to the individual and family/caregiver.

2. The service providers must maintain, for a period of not less than five years, documentation necessary to support services billed. Utilization review of individual-specific documentation shall be conducted by DMAS staff. This documentation shall contain, up to and including the last date of service, all of the following:

a. All assessments and reassessments.

b. All ISP's developed for that individual and the written reviews.

c. An attendance log that documents the date services were rendered and the amount and type of services rendered.

d. Appropriate data, contact notes, or progress notes reflecting an individual's status and, as appropriate, progress or lack of progress toward the goals on the ISP.

e. Any documentation to support that services provided are appropriate and necessary to maintain the individual in the home and in the community.

12 VAC 30-120-219. Participation standards for home and community-based participating providers.

A. Requests for participation will be screened to determine whether the provider applicant meets the basic requirements for participation.

B. For DMAS to approve provider agreements with home and community-based providers, the following standards shall be met:

1. For services that have licensure and certification requirements, licensure and certification requirements pursuant to 42 CFR 441.352;

2. Disclosure of ownership pursuant to 42 CFR 455.104 and 455.105;

3. Administrative and financial management capacity to meet state and federal requirements; and

4. The ability to document and maintain individual case records in accordance with state and federal requirements.

C. Providers must inform the waiver individual of all other available waiver providers in the community in which he desires services and he shall have the option of selecting the provider of his choice from among those providers meeting the individual's needs.

D. DMAS shall be responsible for assuring continued adherence to provider participation standards. DMAS shall conduct ongoing monitoring of compliance with provider participation standards and DMAS policies and periodically recertify each provider for participation agreement renewal with DMAS to provide home and community-based services. A provider's noncompliance with DMAS policies and procedures, as required in the provider's participation agreement, may result in a written request from DMAS for a corrective action plan that details the steps the provider must take and the length of time permitted to achieve full compliance with the plan to correct the deficiencies that have been cited.

E. A participating provider may voluntarily terminate his participation in Medicaid by providing 30 days' written notification. DMAS shall be permitted to administratively terminate a provider from participation upon 30 days' written notification. DMAS may also cancel a participation agreement immediately or may give notification of cancellation in the event of a breach of the agreement by the provider as specified in the DMAS participation agreement. Such action precludes further payment by DMAS for services provided to individuals subsequent to the date specified in the termination notice.

F. A provider shall have the right to appeal adverse action taken by DMAS. Adverse actions may include, but shall not be limited to, termination of the provider agreement by DMAS, and retraction of payments from the provider by DMAS for noncompliance with applicable law, regulation, policy, or procedure. All disputes regarding provider reimbursement or termination of the agreement by DMAS for any reason shall be resolved through administrative proceedings conducted at the office of DMAS in Richmond, Virginia. These administrative proceedings and judicial review of such administrative proceedings shall be conducted pursuant to the Virginia Administrative Process Act, Chapter 40 (§ 2.2-4000 et seq.) of Title 2.2 of the Code of Virginia, the State Plan for Medical Assistance provided for in § 32.1-325 of the Code of Virginia, and duly promulgated regulations. Court review of final agency determinations concerning provider reimbursement shall be made in accordance with the Administrative Process Act.

G. Section 32.1-325 of the Code of Virginia mandates that "any such [Medicaid] agreement or contract shall terminate upon conviction of the provider of a felony." A provider convicted of a felony in Virginia or in any other of the 50 states or Washington, DC, must, within 30 days, notify the Medicaid Program of this conviction and relinquish its provider agreement. Reinstatement will be contingent upon provisions of state law. In addition, termination of a provider participation agreement will occur as may be required for federal financial participation.

H. Case manager's responsibility for the Individual Information Form (DMAS-122). It shall be the responsibility of the case management provider to notify DMHMRSAS and DSS, in writing, when any of the following circumstances occur. Furthermore, it shall be the responsibility of DMHMRSAS to update DMAS when any of the following events occur:

1. Home and community-based services are implemented.

2. A recipient dies.
3. A recipient is discharged from all MR waiver services.
4. Any other circumstances (including hospitalization) that cause home and community-based services to cease or be interrupted for more than 30 days.
5. A selection by the individual or family/caregiver of a different community services board/behavioral health authority providing case management services.

I. Changes or termination of services. It is the DMHMRSAS staff's responsibility to authorize changes to an individual's CSP based on the recommendations of the case management provider. Providers of direct service are responsible for modifying their individual service plans with the involvement of the individual or family/caregiver, and submitting it to the case manager any time there is a change in the individual's condition or circumstances which may warrant a change in the amount or type of service rendered. The case manager will review the need for a change and may recommend a change to the ISP to the DMHMRSAS staff. DMHMRSAS will review and approve, deny, or request additional information regarding the requested change to the individual's ISP and communicate this to the case manager within 10 working days of receipt of the request for change or in the case of an emergency, within 72 hours of receipt of the request for change.

The individual will be notified, in writing, of the right to appeal the decision or decisions to reduce, terminate, suspend or deny services pursuant to DMAS client appeals regulations, Part I (12 VAC 30-110-10 et seq.) of 12 VAC 30-110. All CSPs are subject to approval by the Medicaid agency.

1. *In a nonemergency situation, the participating provider shall give the individual or family/caregiver and case manager 10 days written notification of the provider's intent to discontinue services. The notification letter shall provide the reasons and the effective date the provider is discontinuing services. The effective date shall be at least ten days from the date of the notification letter. The individual is not eligible for appeal rights in this situation and may pursue services from another provider.*
2. *In an emergency situation when the health and safety of the individual or provider personnel is endangered, the case manager and DMHMRSAS must be notified prior to discontinuing services. The 10 day written notification period shall not be required. If appropriate, the local DSS adult protective services or child protective services and DMHMRSAS Offices of Licensing and Human Rights must be notified immediately.*
3. *In the case of termination of home and community-based services by the CSB/BHA, DMHMRSAS or DMAS staff, individuals shall be notified of their appeal rights by the case manager pursuant to Part I (12 VAC 30-110-10 et seq.) of 12 VAC 30-110. The case manager shall have the responsibility to identify those individuals who no longer meet the level of care criteria or for whom home and community-based services are no longer an appropriate alternative.*

~~12 VAC 30-120-220. General coverage and requirements for home and community-based care services. (Repealed.)~~

~~A. Waiver service populations. Home and community-based services shall be available through a § 1915(c) waiver. Coverage shall be provided under the waiver for the following individuals who have been determined to require the level of care provided in an intermediate care facility for the mentally retarded:~~

- ~~1. Individuals with mental retardation.~~
- ~~2. Individuals with related conditions currently residing in nursing facilities but who are being discharged to the community and determined to require specialized services.~~
- ~~3. Individuals under the age of six at developmental risk. At age six, these individuals must be determined to be mentally retarded to continue to receive home and community-based care services.~~

~~B. Covered services:~~

~~1. Covered services shall include: residential support, day support, supported employment, personal assistance, respite care, assistive technology, environmental modifications, nursing services, therapeutic consultation, and crisis stabilization.~~

~~2. These services shall be clinically appropriate and necessary to maintain these individuals in the community. Federal waiver requirements provide that the average per capita fiscal year expenditure under the waiver must not exceed the average per capita expenditures for the level of care provided in an intermediate care facility for the mentally retarded under the State Plan that would have been made had the waiver not been granted.~~

~~C. Patient eligibility requirements:~~

~~1. Virginia shall apply the financial eligibility criteria contained in the State Plan for the categorically needy. Virginia has elected to cover the optional categorically needy group under 42 CFR 435.211, 435.217 and 435.230. The income level used for 435.211, 435.217 and 435.230 is 300% of the current Supplemental Security Income payment standard for one person.~~

~~2. Under this waiver, the coverage groups authorized under § 1902(a)(10)(A)(ii)(VI) of the Social Security Act will be considered as if they were institutionalized for the purpose of applying institutional deeming rules. All recipients under the waiver must meet the financial and nonfinancial Medicaid eligibility criteria and be Medicaid eligible in an institution. The deeming rules are applied to waiver eligible individuals as if the individual were residing in an institution or would require that level of care.~~

~~3. Virginia shall reduce its payment for home and community-based services provided to an individual who is eligible for Medicaid services under 42 CFR 435.217 by that amount of the individual's total income (including amounts disregarded in determining eligibility) that remains after allowable deductions for personal maintenance needs, deductions for other dependents, and medical needs have~~

Proposed Regulations

been made, according to the guidelines in 42 CFR 435.735 and §1915(e)(3) of the Social Security Act as amended by the Consolidated Omnibus Budget Reconciliation Act of 1986. DMAS will reduce its payment for home and community-based waiver services by the amount that remains after deducting the following amounts in the following order from the individual's income:

a. For individuals to whom §1924(d) applies, Virginia intends to waive the requirement for comparability pursuant to §1902(a)(10)(B) to allow for the following:

(1) An amount for the maintenance needs of the individual which is equal to the categorically needy income standard for a noninstitutionalized individual unless the individual is a working patient. Those individuals involved in a planned habilitation program carried out as a supported employment or prevocational or vocational training shall be allowed to retain an additional amount not to exceed the first \$75 of gross earnings each month and up to 50% of any additional gross earnings up to a maximum personal needs allowance of \$575 per month (149% of the SSI payment level for a family of one with no income).

(2) For an individual with only a spouse at home, the community spousal income allowance determined in accordance with §1924(d) of the Social Security Act, the same as that applied for the institutionalized patient.

(3) For an individual with a family at home, an additional amount for the maintenance needs of the family determined in accordance with §1924(d) of the Social Security Act, the same as that applied for the institutionalized patient.

(4) Amounts for incurred expenses for medical or remedial care that are not subject to payment by a third party including Medicare and other health insurance premiums, deductibles, or coinsurance charges and necessary medical or remedial care recognized under state law but covered under the Plan.

b. For all other individuals:

(1) An amount for the maintenance needs of the individual which is equal to the categorically needy income standard for a noninstitutionalized individual unless the individual is a working patient. Those individuals involved in a planned habilitation program carried out as a supported employment or prevocational or vocational training will be allowed to retain an additional amount not to exceed the first \$75 of gross earnings each month and up to 50% of any additional gross earnings up to a maximum personal needs allowance of \$575 per month (149% of the SSI payment level for a family of one with no income).

(2) For an individual with a family at home, an additional amount for the maintenance needs of the family which shall be equal to the medically needy income standard for a family of the same size.

(3) Amounts for incurred expenses for medical or remedial care that are not subject to payment by a third

party including Medicare and other health insurance premiums, deductibles, or coinsurance charges and necessary medical or remedial care recognized under state law but covered under the state Medical Assistance Plan.

4. The following four criteria shall apply to all mental retardation waiver services:

a. Individuals qualifying for mental retardation waiver services must have a demonstrated clinical need for the service resulting in significant functional limitations in major life activities. The need for the service must arise from (i) a diagnosed condition of mental retardation; (ii) a child younger than six years of age who is at developmental risk of significant functional limitations in major life activities; or (iii) a person with a related condition as defined in these regulations;

b. The Plan of Care and services which are delivered must be consistent with the Medicaid definition of each service;

c. Services must be approved by the case manager based on a current functional assessment using the Inventory for Client and Agency Planning (ICAP) or other DMHMRSAS approved assessment and demonstrated need for each specific service; and

d. Individuals qualifying for mental retardation waiver services must meet the ICF/MR level of care criteria.

D. Assessment and authorization of home and community-based care services.

1. The individual's need for home and community-based care services shall be determined by the CSB case manager after completion of a comprehensive assessment of the individual's needs and available support. The case manager shall complete the assessment, determine whether the individual meets the intermediate care facility for the mentally retarded (ICF/MR) criteria and develop the Consumer Service Plan (CSP) with input from the recipient, family members, service providers and any other individuals involved in the individual's maintenance in the community.

2. An essential part of the case manager's assessment process shall be determining the level of care required by applying the existing DMAS ICF/MR criteria (12 VAC 30-130-430 et seq.).

3. The case manager shall gather relevant medical, social, and psychological data and identify all services received by the individual. Medical examinations shall be current, completed prior to the individual's entry to the waiver, no earlier than 12 months prior to beginning waiver services. Social assessments must have been completed within 12 months prior to beginning waiver services. Psychological evaluations or standardized developmental evaluations for children under the age of six years must reflect the current psychological status (diagnosis), current cognitive abilities, and current adaptive level of functioning of the individuals.

4. The case manager shall explore alternative settings to provide the care needed by the individual. Based on the individual's preference, preference of parents or guardian

~~for minors, or preference of guardian or authorized representative for adults, and the assessment of needs, a plan of care shall be developed for the individual. For the case manager to make a recommendation for waiver services, community-based care services must be determined to be an appropriate service alternative to delay, avoid placement in an ICF/MR, or promote exiting from either an ICF/MR placement or inappropriate nursing facility placement.~~

~~5. Community-based care waiver services may be recommended by the case manager only if:~~

~~a. The individual is Medicaid eligible as determined by the local office of the Department of Social Services;~~

~~b. The individual is either mentally retarded as defined in § 37.1-1 of the Code of Virginia, is a child under the age of six at developmental risk, or is a person with a related condition who would, in the absence of waiver services, require the level of care provided in an ICF/MR facility, the cost of which would be reimbursed under the Plan;~~

~~c. The individual requesting waiver services shall not receive such services while an inpatient of a nursing facility or hospital.~~

~~6. The case manager must submit the results of the comprehensive assessment and a recommendation to the DMHMRSAS staff for final determination of ICF/MR level of care and authorization for community-based care services. DMHMRSAS authorization must be obtained prior to referral for service initiation and Medicaid reimbursement for waiver services. DMHMRSAS will communicate in writing to the case manager whether the recommended service plan has been approved or denied and, if approved, the amounts and type of services authorized.~~

~~7. All Consumer Service Plans are subject to approval by DMAS. DMAS is the single state authority responsible for the supervision of the administration of the community-based care waiver. DMAS has contracted with DMHMRSAS for recommendation of preauthorization of waiver services and utilization review of those services.~~

Article 2.

Covered Services and Limitations and Related Provider Requirements.

12 VAC 30-120-221. Assistive technology.

A. *Service description.* Assistive technology (AT) is the specialized medical equipment and supplies including those devices, controls, or appliances, specified in the consumer service plan but not available under the State Plan for Medical Assistance, which enable individuals to increase their abilities to perform activities of daily living, or to perceive, control, or communicate with the environment in which they live. This service also includes items necessary for life support, ancillary supplies, and equipment necessary to the proper functioning of such items.

B. *Criteria.* In order to qualify for these services, the individual must have a demonstrated need for equipment or modification for remedial or direct medical benefit primarily in the individual's home, vehicle, community activity setting, or day

program to specifically serve to improve the individual's personal functioning. This shall encompass those items not otherwise covered under the State Plan for Medical Assistance. AT shall be covered in the least expensive, most cost-effective manner.

C. *Service units and service limitations.* Assistive technology is available to individuals who are receiving at least one other waiver service and may be provided in a residential or nonresidential setting. A maximum limit of \$5,000 may be reimbursed per CSP year. Costs for assistive technology cannot be carried over from year to year and must be preauthorized each CSP year. AT shall not be approved for purposes of convenience of the caregiver or restraint of the individual. An independent professional consultation must be obtained from staff knowledgeable of that item for each AT request prior to approval by DMHMRSAS. All AT must be preauthorized by DMHMRSAS each CSP year. Any equipment/supplies/technology not available through a durable medical equipment provider may be purchased and billed to DMAS for Medicaid reimbursement as documented in the ISP, recommended by the case manager, and authorized by DMHMRSAS.

D. *Provider requirements.* In addition to meeting the general conditions and requirements for home and community-based participating providers as specified in 12 VAC 30-120-217 and 12 VAC 30-120-219, assistive technology shall be provided by providers having participation agreements with DMAS.

12 VAC 30-120-223. Companion services (agency-directed model).

A. *Service description.* Companion services provide nonmedical care, socialization, or support to an adult (age 18 or older). Companions may assist or support the individual with such tasks as meal preparation, community access, laundry and shopping, but do not perform these activities as discrete services. Companions may also perform light housekeeping tasks. This service is provided in accordance with a therapeutic goal in the CSP and is not purely diversional in nature.

B. *Criteria.* In order to qualify for companion services, the individual shall have demonstrated a need for assistance with IADLs, light housekeeping, community access, medication self-administration or support to assure safety. The provision of companion services does not entail hands-on nursing care.

C. *Service units and service limitations.*

1. The unit of service for companion services is one hour and the amount that may be included in the ISP shall not exceed eight hours per 24-hour day. There is a limit of 8 hours per 24-hour day for agency-directed and consumer-directed companion services, either as stand-alone services or combined.

2. A companion shall not be permitted to provide the care associated with ventilators, continuous tube feedings, or suctioning of airways.

D. *Provider requirements.* In addition to meeting the general conditions and requirements for home and community-based participating providers as specified in 12 VAC 30-120-217 and

Proposed Regulations

12 VAC 30-120-219, companion service providers must meet the following qualifications:

1. Companion services provider shall include DMHMRSAS-licensed residential services providers, DMHMRSAS-licensed supportive residential services providers, DMHMRSAS-licensed day support service providers, DMHMRSAS-licensed respite service providers, and DMAS-enrolled personal care/respite care providers.

2. Companion qualifications. Providers must employ staff to provide companion services who meet the following requirements:

- a. Be at least 18 years of age;
- b. Possess basic reading, writing, and math skills;
- c. Be capable of following an ISP with minimal supervision;
- d. Submit to a criminal history record check. The companion will not be compensated for services provided to the individual if the records check verifies the companion has been convicted of crimes described in § 37.1-183.3 of the Code of Virginia;
- e. Possess a valid Social Security number; and
- f. Be capable of aiding in instrumental activities of daily living.

3. Companion service providers may not be the parents of individuals who are minors, the individual's spouse, or the legally responsible relative of the individual. Payment may not be made for services furnished by other family members living under the same roof as the individual being served unless there is objective written documentation as to why there are no other providers available to provide the service. Companion services shall not be provided by adult foster care/family care providers or any other paid caregivers. This service shall not be provided in congregate settings by staff employed by the congregate provider.

4. Family members must meet the companion qualifications.

5. Companions will be employees of providers that will have participation agreements with DMAS to provide companion services. Providers will be required to have a companion services supervisor to monitor companion services. The supervisor must have a bachelor's degree in a human services field and at least one year of experience working in the mental retardation field, or be an LPN or an RN with at least one year of experience working in the mental retardation field. An LPN or RN must have a current license or certification to practice nursing in the Commonwealth within his or her profession.

6. The provider must conduct an initial home visit prior to initiating companion services to document the efficacy and appropriateness of services and to establish an individual service plan for the individual. The provider must provide follow-up home visits to monitor the provision of services quarterly or as often as needed. A written quarterly review is required and must be sent to the case manager. The individual must be reassessed for services annually.

7. Required documentation in the individual's record. The provider must maintain a record of each individual receiving companion services. At a minimum these records must contain:

- a. An initial assessment completed prior to or on the date services are initiated and subsequent reassessments and changes to the supporting documentation;
- b. The ISP goals, objectives, and activities. The ISP must be reviewed at least annually by the provider, the individual receiving the services, and the case manager. In addition, the ISP must be reviewed by the provider quarterly, modified as appropriate and submitted to the case manager;
- c. All correspondence to the individual, family/caregiver, case manager, DMAS, and DMHMRSAS;
- d. Contacts made with family/caregiver, physicians, formal and informal service providers, and all professionals concerning the individual;
- e. All companion records. The companion record must contain:

(1) The specific services delivered to the individual by the companion, dated the day of service delivery, and the individual's responses;

(2) The companion's arrival and departure times;

(3) The companion's weekly comments or observations about the individual to include observations of the individual's physical and emotional condition, daily activities, and responses to services rendered; and

(4) The companion's and individual's or family/caregiver's weekly signatures recorded on the last day of service delivery for any given week to verify that companion services during that week have been rendered.

f. A copy of the most recently completed DMAS-122. The provider must clearly document efforts to obtain the completed DMAS-122 from the case manager.

12 VAC 30-120-225. Consumer-directed services: personal assistance, companion, and respite.

A. Service definition.

1. Consumer-directed personal services assistance is hands-on care of either a supportive or health-related nature, or both, and may include, but is not limited to, assistance with activities of daily living, access to the community, monitoring of self-administration of medication or other medical needs, monitoring health status and physical condition, and work-related personal assistance that will extend the ability of the personal assistant to provide assistance to the individual in the workplace. When specified, such supportive services may include assistance with instrumental activities of daily living (IADLs). Personal assistance does not include either practical or professional nursing services or those practices regulated in Chapters 30 (§ 54.1-3000 et seq.) and 34 (§ 54.1-3400 et seq.) of

Subtitle III of Title 54.1 of the Code of Virginia, as appropriate.

2. Consumer-directed respite services are specifically designed to provide temporary, periodic, or routine relief to the unpaid primary caregiver of an individual. Respite services include, but are not limited to, assistance with personal hygiene, nutritional support, and environmental support. This service may be provided in the individual's home or other community settings.

3. Consumer-directed companion services provide nonmedical care, socialization, and support to an adult (age 18 and older).

4. DMAS shall either provide for fiscal agent services or contract for the services of a fiscal agent for consumer-directed personal assistance services, consumer-directed companion services, and consumer-directed respite services. The fiscal agent will be reimbursed by DMAS to perform certain tasks as an agent for the individual/employer who is receiving consumer-directed services. The fiscal agent will handle responsibilities for the individual for employment taxes. The fiscal agent will seek and obtain all necessary authorizations and approvals of the Internal Revenue Services in order to fulfill all of these duties.

5. Individuals choosing consumer-directed services must receive support from a CD services facilitator. This is not a separate waiver service, but is required in conjunction with consumer-directed personal assistance, respite, or companion services. The CD Service Facilitator will be responsible for assessing the individual's particular needs for a requested CD service, assisting in the development of the ISP, providing training to the individual and family/caregiver on his responsibilities as an employer, and providing ongoing support of the consumer-directed services. The CD service facilitator cannot be the individual or family/caregiver employing the assistant/companion.

B. Criteria.

1. In order to qualify for consumer-directed personal assistance services, the individual must demonstrate a need for personal assistance in activities of daily living, community access, self-administration of medication, or other medical needs, or monitoring health status or physical condition.

2. Consumer-directed respite services may only be offered to individuals who have an unpaid caregiver living in the home that requires temporary relief to avoid institutionalization of the individual. Respite services are designed to focus on the need of the unpaid caregiver for temporary relief and to help prevent the breakdown of the unpaid caregiver due to the physical burden and emotional stress of providing continuous support and care to the individual.

3. The inclusion of consumer-directed companion services in the CSP shall be appropriate when the individual has a demonstrated need for assistance with IADLs, community access, self-administration of medication, or support to assure safety.

4. Individuals who are eligible for consumer-directed services must have the capability to hire and train their own personal assistants or companions and supervise the assistant's or companion's performance. If an individual is unable to direct his own care, a family/caregiver may serve as the employer on behalf of the individual.

5. The individual, or if the individual is unable, then a family/caregiver, shall be the employer in this service, and therefore shall be responsible for hiring, training, supervising, and firing assistants and companions. Specific employer duties include checking of references of personal assistants/companions, determining that personal assistants/companions meet basic qualifications, training assistants/companions, supervising the assistant's/companion's performance, and submitting timesheets to the fiscal agent on a consistent and timely basis. The individual or family/caregiver must have a back-up plan in case the assistant/ companion does not show up for work as expected or terminates employment without prior notice.

C. Service units and service limitations.

1. Consumer-directed respite services are limited to a maximum of 720 hours per calendar year. Individuals who receive consumer-directed respite and agency-directed respite services may not receive more than 720 hours combined.

2. No more than two individuals who live in the same home are permitted to share the authorized work hours of the assistant or companion.

3. The amount of consumer-directed companion time must be included in the ISP. The amount of companion services included in the ISP may not exceed eight hours per 24-hour day. There is a limit of 8 hours per 24-hour day for agency-directed and consumer-directed companion services, either as stand-alone services or combined. A companion shall not be permitted to provide the care associated with ventilators, continuous tube feedings, or suctioning of airways.

4. For consumer-directed personal assistance, consumer-directed companion, and consumer-directed respite services, individuals or family/caregivers will hire their own personal assistants/companions and manage and supervise their performance. The assistant/companion must meet the following requirements:

a. Be 18 years of age or older;

b. Have the required skills to perform consumer-directed services as specified in the individual's supporting documentation;

c. Possess basic math, reading, and writing skills;

d. Possess a valid Social Security number;

e. Submit to a criminal records check and, if the individual is a minor, the child protective services registry review. The personal assistant/companion will not be compensated for services provided to the individual if either of these records checks verifies the personal

Proposed Regulations

assistant/companion has been convicted of crimes described in § 37.1-183.3 of the Code of Virginia or if the personal assistant/companion has a complaint confirmed by the DSS child protective services registry.

f. Be willing to attend training at the individual's or family/caregiver's request;

g. Understand and agree to comply with the DMAS MR waiver requirements; and

h. Receive periodic tuberculosis (TB) screening, cardiopulmonary resuscitation (CPR) training and an annual flu shot (unless medically contra-indicated).

5. Assistants/companions may not be the parents of individuals who are minors, the individuals' spouses, or legally responsible relatives of the individuals. Payment may not be made for services furnished by other family/caregivers living under the same roof as the individual being served unless there is objective written documentation as to why there are no other providers available to provide the care. Companion services shall not be provided by adult foster care/family care providers or any other paid caregivers. This service shall not be provided in congregate settings by staff employed by the congregate provider.

6. Family members must meet the assistant/companion qualifications.

7. Upon the individual's request, the CD services facilitator shall provide the individual or family/caregiver with a list of persons who can provide temporary assistance until the assistant/companion returns or the individual is able to select and hire a new personal assistant/companion. If an individual is consistently unable to hire and retain the employment of an assistant/companion to provide consumer-directed personal assistance, companion, or respite services, the CD services facilitator will make arrangements with the case manager to have the services transferred to an agency-directed services provider.

D. Provider qualifications. In addition to meeting the general conditions and requirements for home and community-based services participating providers as specified in 12 VAC 30-120-217 and 12 VAC 30-120-219, the CD services facilitator must meet the following qualifications:

1. To be enrolled as a Medicaid CD services facilitator and maintain provider status, the CD services facilitator shall have sufficient resources to perform the required activities. In addition, the CD services facilitator must have the ability to maintain and retain business and professional records sufficient to document fully and accurately the nature, scope, and details of the services provided.

2. It is preferred that the CD services facilitator possess a minimum of an undergraduate degree in a human services field or be a registered nurse currently licensed to practice in the Commonwealth. In addition, it is preferable that the CD services facilitator have two years of satisfactory experience in a human service field working with persons with mental retardation. The facilitator must possess a combination of work experience and relevant education that indicates possession of the following knowledge, skills, and

abilities. Such knowledge, skills, and abilities must be documented on the provider's application form, found in supporting documentation, or be observed during a job interview. Observations during the interview must be documented. The knowledge, skills, and abilities include:

a. Knowledge of:

(1) Types of functional limitations and health problems that are common to persons with mental retardation, different disability types, as well as strategies to reduce limitations and health problems;

(2) Physical assistance that may be required by people with mental retardation, such as transferring, bathing techniques, bowel and bladder care, and the approximate time those activities normally take;

(3) Equipment and environmental modifications that may be required by people with mental retardation that reduces the need for human help and improves safety;

(4) Various long-term care program requirements, including nursing home and ICF/MR placement criteria, Medicaid waiver services, and other federal, state, and local resources that provide personal assistance, respite, and companion services;

(5) MR waiver requirements, as well as the administrative duties for which the services facilitator will be responsible;

(6) Conducting assessments (including environmental, psychosocial, health, and functional factors) and their uses in service planning;

(7) Interviewing techniques;

(8) The individual's right to make decisions about, direct the provisions of, and control his consumer-directed personal assistance, companion, and respite services, including hiring, training, managing, approving time sheets, and firing an assistant/companion;

(9) The principles of human behavior and interpersonal relationships; and

(10) General principles of record documentation.

b. Skills in:

(1) Negotiating with individuals, family/caregivers, and service providers;

(2) Managing, observing, recording, and reporting behaviors;

(3) Identifying, developing, or providing services to individuals with mental retardation; and

(4) Identifying services within the established services system to meet the individual's needs.

c. Abilities to:

(1) Report findings of the assessment or onsite visit, either in writing or an alternative format for individuals who have visual impairments;

(2) Demonstrate a positive regard for individuals and their families;

(3) Be persistent and remain objective;

(4) Work independently, performing position duties under general supervision;

(5) Communicate effectively, orally and in writing; and

(6) Develop a rapport and communicate with persons of diverse cultural backgrounds.

3. If the CD services facilitator is not a RN, the CD services facilitator must have RN consulting services available, either by a staffing arrangement, a letter of agreement, or through a contracted consulting arrangement. The RN consultant is to be available as needed to consult with the individual and CD services facilitator on issues related to the health needs of the individual.

4. Initiation of services and service monitoring.

a. For consumer-directed personal assistance services, the CD services facilitator must make an initial comprehensive home visit to collaborate with the individual and family/caregiver to identify the needs, assist in the development of the ISP with the individual or family/caregiver, and provide employee management training. The CD services facilitator will continue to monitor the ISP quarterly and on an as-needed basis. The initial comprehensive home visit is done only once upon the individual's initial entry into the service. If a waiver individual changes CD services facilitators, the new CD services facilitator must bill for a reassessment in lieu of a comprehensive visit.

b. For consumer-directed respite and companion services, the CD services facilitator must make an initial comprehensive home visit to collaborate with the individual and family/caregiver to identify the needs, assist with the development of the ISP with the individual or family/caregiver, and provide employee management training. The initial comprehensive home visit is done only once upon the individual's initial entry into the service. After the initial visit, the CD services facilitator will review the utilization of consumer-directed companion services quarterly or for respite services, either every six months or upon the use of 300 respite services hours, whichever comes first. If an individual changes CD services facilitators, the new CD services facilitator must bill for a reassessment in lieu of a comprehensive visit.

c. A face-to-face meeting with the individual must be conducted at least every six months to ensure appropriateness of any CD services received by the individual.

5. During visits to the individual's home, the CD services facilitator must observe, evaluate, and consult with the individual or family/caregiver, and document the adequacy and appropriateness of consumer-directed services with regard to the individual's current functioning and cognitive status, medical, and social needs. The CD services facilitator's written summary of the visit must include, but is not necessarily limited to:

a. Discussion with the individual or family/caregiver whether the service is adequate to meet the individual's needs;

b. Any suspected abuse, neglect, exploitation suspected and who it was reported to;

c. Any special tasks performed by the assistant/companion and the assistant's/companion's qualifications to perform these tasks;

d. Individual's or family/caregiver's satisfaction with the service;

e. Any hospitalization or change in medical condition, functioning, or cognitive status; and

f. The presence or absence of the assistant/companion in the home during the CD services facilitator's visit.

6. The CD services facilitator must be available to the individual by telephone.

7. The CD services facilitator must submit a criminal record check pertaining to the personal assistant/companion on behalf of the individual and report findings of the criminal record check to the individual or the family/caregiver and the program's fiscal agent. If the individual is a minor, the personal assistant/companion must also be screened through the DSS Child Protective Services Registry. Personal assistants/companions will not be reimbursed for services provided to the individual effective with the date that the criminal record check confirms a personal assistant/companion has been found to have been convicted of a crime as described in § 37.1-183.3 of the Code of Virginia or if the personal assistant/companion has a confirmed record on the DSS Child Protective Services Registry. The criminal record check and DSS Child Protective Services Registry finding must be requested by the CD services facilitator prior to beginning CD services.

8. The CD services facilitator shall review timesheets during the face-to-face visits to ensure that the number of ISP-approved hours are not exceeded. If discrepancies are identified, the CD services facilitator must discuss these with the individual to resolve discrepancies and must notify the fiscal agent.

9. The CD services facilitator must maintain a list of persons whose availability the facilitator is aware of to provide consumer-directed personal assistance, consumer-directed companion, or consumer-directed respite services.

10. The CD services facilitator must maintain records of each individual. At a minimum these records must contain:

a. Results of the initial comprehensive home visit completed prior to or on the date services are initiated and subsequent reassessments and changes to the supporting documentation;

b. The ISP goals and activities. The ISP must be reviewed at least annually by the CD services facilitator, the individual and family/caregiver receiving the services, and the case manager. In addition, the ISP must be reviewed by the CD services facilitator quarterly, modified as appropriate, and submitted to the case manager;

Proposed Regulations

c. CD services facilitator's dated notes documenting any contacts with the individual, family/caregiver, and visits to the individual's home;

d. All correspondence to the individual, case manager, DMAS, and DMHMRSAS;

e. Records of contacts made with family/caregiver, physicians, formal and informal service providers, and all professionals concerning the individual;

f. All training provided to the assistants/companions on behalf of the individual or family/caregiver;

g. All employee management training provided to the individual or family/caregiver, including the individual's or family/caregiver's receipt of training on their responsibility for the accuracy of the assistant's/companion's timesheets;

h. All documents signed by the individual or the individual's family/caregiver that acknowledge the responsibilities as the employer; and

i. A copy of the most recently completed DMAS-122. The facilitator must clearly document efforts to obtain the completed DMAS-122 from the case manager.

12 VAC 30-120-227. Crisis stabilization services.

A. Crisis stabilization services involve direct interventions to persons with mental retardation who are experiencing serious psychiatric or behavioral problems that jeopardize their current community living situation by providing temporary intensive services and supports that avert emergency psychiatric hospitalization or institutional placement. Crisis stabilization services will include, as appropriate, neuro-psychiatric, psychiatric, psychological, and other functional assessments and stabilization techniques, medication management and monitoring, behavior assessment and positive behavioral support, and intensive service coordination with other agencies and providers. This service shall be designed to stabilize the individual and strengthen the current living situation, so that the individual remains in the community during and beyond the crisis period. These services shall be provided to:

1. Assist with planning and delivery of services and supports to enable the individual to remain in the community;
2. Train family/caregivers and service providers in positive behavioral supports to maintain the individual in the community; and
3. Provide temporary crisis supervision to ensure the safety of the individual and others.

B. Criteria.

1. In order to receive crisis stabilization services, the individual must meet at least one of the following criteria:
 - a. The individual is experiencing a marked reduction in psychiatric, adaptive, or behavioral functioning;
 - b. The individual is experiencing extreme increase in emotional distress;

c. The individual needs continuous intervention to maintain stability; or

d. The individual is causing harm to self or others.

2. The individual must be at risk of at least one of the following:

a. Psychiatric hospitalization;

b. Emergency ICF/MR placement;

c. Disruption of community status (living arrangement, day placement, or school); or

d. Causing harm to self or others.

C. Service units and service limitations. Crisis stabilization services may only be authorized following a documented face-to-face assessment conducted by a qualified mental retardation professional.

1. The unit for each component of the service is one hour. This service may only be authorized in 15-day increments but no more than 60 days in a calendar year may be used. The actual service units per episode shall be based on the documented clinical needs of the individual being served. Extension of services, beyond the 15-day limit per authorization, may only be authorized following a documented face-to-face reassessment conducted by a qualified mental retardation professional.

2. Crisis stabilization services may be provided directly in the following settings (examples below are not exclusive):

a. The home of an individual who lives with family, friends, or other primary caregiver or caregivers;

b. The home of an individual who lives independently or semi-independently to augment any current services and supports;

c. A community-based residential program to augment current services and supports;

d. A day program or setting to augment current services and supports; or

e. A respite care setting to augment current services and supports.

3. Crisis supervision may be provided as a component of crisis stabilization only if clinical or behavioral interventions allowed under this service are also provided during the authorized period. Crisis supervision must be provided one-to-one and face-to-face with the individual. Crisis supervision, if provided as a part of this service, shall be separately billed in hourly service units.

4. Crisis stabilization services shall not be used for continuous long-term care. Room, board, and general supervision are not components of this service.

5. If appropriate, the assessment and any reassessments, shall be conducted jointly with a licensed mental health professional or other appropriate professional or professionals.

D. Provider requirements. In addition to the general conditions and requirements for home and community-based participating providers as specified in 12 VAC 30-120-217 and 12 VAC 30-120-219, the following crisis stabilization provider qualifications apply:

1. Crisis stabilization services shall be provided by providers licensed by DMHMRSAS as a provider of outpatient services, residential, or supportive residential services, or day support services. The provider must employ or utilize qualified mental retardation professionals, licensed mental health professionals or other qualified personnel competent to provide crisis stabilization and related activities to individuals with mental retardation who are experiencing serious psychiatric or behavioral problems. The qualified mental retardation professional shall have: (i) at least one year of documented experience working directly with individuals who have mental retardation or developmental disabilities; (ii) a bachelor's degree in a human services field including, but not limited to, sociology, social work, special education, rehabilitation counseling, or psychology; and (iii) the required Virginia or national license, registration, or certification in accordance with his profession;

2. To provide the crisis supervision component, agencies must be licensed by DMHMRSAS as providers of residential services, supportive residential services, or day support services;

3. Required documentation in the individual's record. The provider must maintain a record regarding each individual receiving crisis stabilization services. At a minimum, the record must contain the following:

a. Documentation of the face-to-face assessment and any reassessments completed by a qualified mental retardation professional;

b. An ISP which contains, at a minimum, the following elements:

(1) The individual's strengths, desired outcomes, required or desired supports, and training needs;

(2) The individual's goals and, for a training goal, a sequence of measurable objectives to meet the above identified outcomes;

(3) Services to be rendered and the frequency of services to accomplish the above goals and objectives;

(4) A timetable for the accomplishment of the individual's goals and objectives;

(5) The estimated duration of the individual's needs for services; and

(6) The provider staff responsible for the overall coordination and integration of the services specified in the ISP;

c. An ISP must be developed or revised and submitted to the case manager for submission to DMHMRSAS within 72 hours of assessment or reassessment;

d. Documentation indicating the dates and times of crisis stabilization services, the amount and type of service or

services provided, and specific information regarding the individual's response to the services and supports as agreed to in the ISP objectives; and

e. Documentation of qualifications of providers must be maintained for review by DMHMRSAS and DMAS staff.

12 VAC 30-120-229. Day support services.

A. Service description. Day support services shall include a variety of training, support, and specialized supervision typically offered in a nonresidential setting that allows peer interactions and community and social integration.

B. Criteria. For day support services, individuals must demonstrate the need for functional training, assistance, and specialized supervision offered primarily in settings other than the individual's own residence that allows an opportunity for being productive and contributing members of communities.

C. Levels of day support. The amount and type of day support included in the individual's service plan is determined according to the services required for that individual. There are two types of day support: center-based, which is provided partly or entirely at one location/building, or noncenter-based, which is provided entirely in community settings. Both types of day support may be provided at either intensive or regular levels.

D. To be authorized at the intensive level, the individual must meet at least one of the following criteria: (i) requires physical assistance to meet the basic personal care needs (toileting, feeding, etc); (ii) have extensive disability-related difficulties and require additional, ongoing support to fully participate in programming and to accomplish his service goals; or (iii) the individual requires extensive constant supervision to reduce or eliminate behaviors that preclude full participation in the program. In this case, written behavioral objectives are required to address behaviors such as, but not limited to, withdrawal, self-injury, aggression, or self-stimulation.

E. Service units and service limitations. Day support cannot be regularly or temporarily provided in an individual's home or other residential setting (e.g., due to inclement weather or individual illness) without prior written approval from DMHMRSAS. Noncenter-based day support services must be separate and distinguishable from either residential support services or personal assistance services. There must be separate supporting documentation for each service and each must be clearly differentiated in documentation and corresponding billing. The supporting documentation must provide an estimate of the amount of day support required by the individual. Service providers are reimbursed only for the amount and type of day support services included in the individual's approved ISP based on the setting, intensity, and duration of the service to be delivered. This service, either as a stand-alone service or in combination with prevocational and supported employment services shall be limited to 780 units per CSP year.

F. Provider requirements. In addition to meeting the general conditions and requirements for home and community-based participating providers as specified in 12 VAC 30-120-217 and 12 VAC 30-120-219, day support providers need to meet additional requirements.

Proposed Regulations

1. The provider of day support services must be licensed by DMHMRSAS as a provider of day support services. Day support staff must also have training in the characteristics of mental retardation and appropriate interventions, training strategies, and support methods for persons with mental retardation and functional limitations.

2. A functional assessment must be conducted by the provider to evaluate each individual in the day support environment and community settings.

3. An ISP must be developed which contains, at a minimum, the following elements:

a. The individual's strengths, desired outcomes, required or desired supports and training needs;

b. The individual's goals and, for a training goal, a sequence of measurable objectives to meet the above identified outcomes;

c. Services to be rendered and the frequency of services to accomplish the above goals and objectives;

d. A timetable for the accomplishment of the individual's goals and objectives;

e. The estimated duration of the individual's needs for services; and

f. The provider staff responsible for the overall coordination and integration of the services specified in the ISP.

4. Documentation must confirm the individual's attendance and amount of time in services and provide specific information regarding the individual's response to various settings and supports as agreed to in the ISP objectives.

a. The ISP goals, objectives, and activities must be reviewed by the provider annually, or more often as needed with the individual receiving the services, and this review submitted to the case manager. In addition, the ISP goals, objectives, and activities must be reviewed by the provider quarterly, modified as appropriate and submitted to the case manager.

b. An attendance log or similar document must be maintained that indicates the date, type of services rendered, and the number of hours and units provided.

c. Documentation must indicate whether the services were center-based or noncenter-based.

d. In instances where staff are required to ride with the individual to and from day support activities, the staff time can be billed as day support, provided that the billing for this time does not exceed 25% of the total time spent in the day support activity for that day. Documentation must be maintained to verify that billing for staff coverage during transportation does not exceed 25% of the total time spent in the day support activity for that day.

e. If intensive day support services are requested, documentation must be present in the individual's record to indicate the specific supports and the reasons they are needed. For ongoing intensive day support services,

there must be clear documentation of the ongoing needs and associated staff supports.

f. Copy of the most recently completed DMAS-122 form. The provider must clearly document efforts to obtain the completed DMAS-122 form from the case manager.

12 VAC 30-120-230. General conditions and requirements for all home and community-based care participating providers. (Repealed.)

~~A. General requirements. Providers approved for participation shall, at a minimum, perform the following:~~

~~1. Immediately notify DMAS in writing of any change in the information which the provider previously submitted to DMAS.~~

~~2. Assure freedom of choice to recipients in seeking medical care from any institution, pharmacy, practitioner, or other provider qualified to perform the services required and participating in the Medicaid Program at the time the service was performed.~~

~~3. Assure the recipient's freedom to refuse medical care and treatment.~~

~~4. Accept referrals for services only when staff is available to initiate services.~~

~~5. Provide services and supplies to recipients in full compliance with Title VI of the Civil Rights Act of 1964 which prohibits discrimination on the grounds of race, color, religion, or national origin and of Section 504 of the Rehabilitation Act of 1973 which prohibits discrimination on the basis of a handicap and both the Virginians with Disabilities Act and the Americans with Disabilities Act.~~

~~6. Provide services and supplies to recipients in the same quality and mode of delivery as provided to the general public.~~

~~7. Charge DMAS for the provision of services and supplies to recipients in amounts not to exceed the provider's usual and customary charges to the general public.~~

~~8. Accept Medicaid payment from the first day of the recipient's eligibility.~~

~~9. Accept as payment in full the amount established by DMAS.~~

~~10. Use program-designated billing forms for submission of charges.~~

~~11. Maintain and retain business and professional records sufficient to document fully and accurately the nature, scope, and details of the services provided.~~

~~a. Such records shall be retained for at least five years from the last date of service or as provided by applicable state laws, whichever period is longer. If an audit is initiated within the required retention period, the records shall be retained until the audit is completed and every exception resolved. Records of minors shall be kept for at least five years after such minor has reached the age of 18 years.~~

~~b. Policies regarding retention of records shall apply even if the agency discontinues operation. DMAS shall be notified in writing of the storage location and procedures for obtaining records for review should the need arise. The location, agent, or trustee shall be within the Commonwealth of Virginia.~~

~~12. Furnish to authorized state and federal personnel, in the form and manner requested, access to records and facilities.~~

~~13. Disclose, as requested by DMAS, all financial, beneficial, ownership, equity, surety, or other interests in any and all firms, corporations, partnerships, associations, business enterprises, joint ventures, agencies, institutions, or other legal entities providing any form of health care services to recipients of Medicaid.~~

~~14. Hold confidential and use for authorized DMAS or DMHMRSAS purposes only all medical assistance information regarding recipients.~~

~~15. When ownership of the provider agency changes, DMAS shall be notified within 15 calendar days of such change.~~

~~B. Requests for participation. DMAS will screen requests to determine whether the provider applicant meets the following basic requirements for participation.~~

~~C. Provider participation standards. For DMAS to approve contracts with home and community-based care providers the following standards shall be met:~~

~~1. The provider must have the ability to serve individuals in need of waiver services regardless of the individual's ability to pay or eligibility for Medicaid reimbursement.~~

~~2. The provider must have the administrative and financial management capacity to meet state and federal requirements.~~

~~3. The provider must have the ability to document and maintain individual case records in accordance with state and federal requirements.~~

~~4. The provider of residential and day support services must be licensed by DMHMRSAS as a provider of residential services, supportive residential services, or day support services. These licensing requirements address standards for personnel, residential and day program environments, and program and service content. They must also have training in the characteristics of mental retardation and appropriate interventions, training strategies, and support methods for persons with mental retardation and functional limitations. Residential support services may also be provided in programs licensed by DSS (adult care residences) or in adult foster care homes approved by local DSS offices pursuant to state DSS regulations. In addition to licensing requirements, persons providing residential support services are required to pass an objective, standardized test of skills, knowledge and abilities developed by DMHMRSAS and administered according to DMHMRSAS policies.~~

~~5. Supported employment or prevocational training services shall be provided by agencies that are either licensed by DMHMRSAS as a day support service or are vendors of extended employment services, long-term employment support services or supportive employment services for DRS.~~

~~6. Services provided by members of professional disciplines shall meet all applicable state licensure or certification requirements. Persons providing behavior consultation shall be certified by DMHMRSAS based on the individual's work experience, education and demonstrated knowledge, skills, and abilities. Persons providing rehabilitation engineering shall be contracted with DRS.~~

~~7. All facilities covered by § 1616(e) of the Social Security Act in which home and community-based care services will be provided shall be in compliance with applicable standards that meet the requirements of 45 CFR Part 1397 for board and care facilities. Health and safety standards shall be monitored through the DMHMRSAS's licensure standards, 12 VAC 35-102-10 et seq. or through DSS licensure standards 22 VAC 40-70-10 et seq.~~

~~8. Personal assistance services shall be provided by a DMAS certified personal care provider whose staff has passed the DMHMRSAS objective standardized test for residential support services, or by a DMHMRSAS licensed residential support provider.~~

~~9. Respite care services shall be provided by a DMAS certified personal care provider; a DMHMRSAS licensed supportive residential provider, respite care services provider (center based or out of home) or in-home respite care provider; an approved DSS foster care home for children or adult foster home provider; or be registered with the CSB as an individual provider of respite care as defined in 12 VAC 35-102-10.~~

~~10. Nursing services shall be provided by a DMAS certified private duty nursing or home health provider or by a licensed registered nurse or licensed practical nurse contracted or employed by the CSB.~~

~~11. Environmental modifications shall be provided in accordance with all applicable state or local building codes by contractors of the CSB or DRS who shall be reimbursed for the amount charged by said contractors.~~

~~12. Assistive technology shall be provided by agencies under contract with DMAS as a durable medical equipment and supply provider. Any equipment/supplies/technology not available through a durable medical equipment provider may be purchased and billed to DMAS for Medicaid reimbursement as documented in the Plan of Care, approved by the case manager, and monitored by DMHMRSAS.~~

~~13. Crisis stabilization services shall be provided by agencies licensed by DMHMRSAS as a provider of outpatient services or residential or supportive residential services or day support services. To provide the crisis supervision component, agencies must be licensed by DMHMRSAS as providers of residential services or supportive residential services. The provider agency must~~

Proposed Regulations

~~employ or utilize qualified mental retardation professionals, licensed mental health professionals or other qualified personnel competent to provide crisis stabilization and related activities to individuals with mental retardation who are experiencing serious psychiatric or behavioral problems. The qualified mental retardation professional shall have (i) at least one year of documented experience working directly with individuals who have mental retardation or developmental disabilities; (ii) a bachelor's degree in a human services field including, but not limited to, sociology, social work, special education, rehabilitation counseling, or psychology; and (iii) the required Virginia or national license, registration, or certification in accordance with his profession.~~

~~D. Adherence to provider contract and DMAS provider service manual. In addition to compliance with the general conditions and requirements, all providers enrolled by DMAS shall adhere to the conditions of participation outlined in their individual provider contracts and in the DMAS provider service manual.~~

~~E. Recipient choice of provider agencies. The waiver recipient shall be informed of all available providers in the community and shall have the option of selecting the provider agency of his choice from among those agencies which can appropriately meet the individual's needs.~~

~~F. Termination of provider participation. DMAS may administratively terminate a provider from participation upon 60 days' written notification. DMAS may also cancel a contract immediately or may give such notification in the event of a breach of the contract by the provider as specified in the DMAS contract. Such action precludes further payment by DMAS for services provided recipients subsequent to the date specified in the termination notice.~~

~~G. Reconsideration of adverse actions. Adverse actions may include, but are not limited to, disallowed payment of claims for services rendered which are not in accordance with DMAS policies and procedures, contract limitation or termination. The following procedures shall be available to all providers when DMAS takes adverse action which includes termination or suspension of the provider agreement.~~

~~1. The reconsideration process shall consist of three phases:~~

- ~~a. A written response and reconsideration of the preliminary findings.~~
- ~~b. The informal conference.~~
- ~~c. The formal evidentiary hearing.~~

~~2. The provider shall have 30 days to submit information for written reconsideration, 15 days from the date of the notice to request the informal conference, and 15 days from the date of the notice to request the formal evidentiary hearing.~~

~~3. An appeal of adverse actions shall be heard in accordance with the Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia) and the State Plan for Medical Assistance provided for in § 32.1-325 of the Code of Virginia. Court review of the final agency determination~~

~~shall be made in accordance with the Administrative Process Act.~~

~~H. Responsibility for sharing recipient information. It shall be the responsibility of the case management provider to notify DMHMRSAS and DSS, in writing, when any of the following circumstances occur. Furthermore, it shall be the responsibility of DMHMRSAS to update DMAS when any of the following events occur:~~

- ~~1. Home and community-based care services are implemented.~~
- ~~2. A recipient dies.~~
- ~~3. A recipient is discharged or terminated from services.~~
- ~~4. Any other circumstances (including hospitalization) which cause home and community-based care services to cease or be interrupted for more than 30 days.~~

~~I. Changes or termination of care. It is the DMHMRSAS staff's responsibility to authorize any changes to a recipient's CSP based on the recommendation of the case management provider.~~

~~1. Agencies providing direct service are responsible for modifying their individual service plan and submitting it to the case manager any time there is a change in the recipient's condition or circumstances which may warrant a change in the amount or type of service rendered.~~

~~2. The case manager will review the need for a change and may recommend a change to the plan of care to the DMHMRSAS staff.~~

~~3. The DMHMRSAS staff will approve or deny the requested change to the recipient's plan of care and communicate this authorization to the case manager within 10 days of receipt of the request for change or in the case of an emergency, within 72 hours of receipt of the request for change.~~

~~4. The case manager will communicate in writing the authorized change in the recipient's plan of care to the individual service provider and the recipient, in writing, providing the recipient with the right to appeal the decision pursuant to DMAS Client Appeals Regulations (12 VAC 30-110-10 et seq.).~~

~~5. Nonemergency termination of home and community-based care services by the individual service provider. The individual service provider shall give the recipient and/or family and case manager 10 days written notification of the intent to terminate services. The letter shall provide the reasons for and effective date of the termination. The effective date of services termination shall be at least 10 days from the date of the termination notification letter.~~

~~6. Emergency termination of home and community-based care services by the individual service provider. In an emergency situation when the health and safety of the recipient or provider agency personnel is endangered, the case manager and DMHMRSAS staff must be notified prior to termination. The 10 day written notification to the individual shall not be required.~~

~~7. Termination of home and community-based care services for a recipient by the DMHMRSAS staff. The effective date of termination shall be at least 10 days from the date of the termination notification letter. The case manager has the responsibility to identify those recipients who no longer meet the criteria for care or for whom home and community-based services are no longer an appropriate alternative. The DMHMRSAS staff has the authority to terminate home and community-based care services.~~

~~J. Suspected abuse or neglect. Pursuant to § 63.1-55.3 of the Code of Virginia, if a participating provider agency knows or suspects that a home and community-based care recipient is being abused, neglected, or exploited, the party having knowledge or suspicion of the abuse/neglect/exploitation shall report this to the local DSS.~~

~~K. DMAS monitoring. DMAS is responsible for assuring continued adherence to provider participation standards. DMAS shall conduct ongoing monitoring of compliance with provider participation standards and DMAS policies and periodically recertify each provider for contract renewal with DMAS to provide home and community-based services. A provider's noncompliance with DMAS policies and procedures, as required in the provider's contract, may result in a written request from DMAS for a corrective action plan which details the steps the provider will take and the length of time required to achieve full compliance with deficiencies which have been cited.~~

12 VAC 30-120-231. Environmental modifications.

A. Service description. Environmental modifications shall be defined as those physical adaptations to the home or vehicle, required by the individual's CSP, that are necessary to ensure the health, welfare, and safety of the individual, or which enable the individual to function with greater independence and without which the individual would require institutionalization. Such adaptations may include the installation of ramps and grab-bars, widening of doorways, modification of bathroom facilities, or installation of specialized electric and plumbing systems which are necessary to accommodate the medical equipment and supplies which are necessary for the welfare of the individual. All services shall be provided in the individual's home in accordance with applicable federal, state, and local building codes and laws. Modifications can be made to an automotive vehicle if it is the primary vehicle being used by the individual.

B. Criteria. In order to qualify for these services, the individual must have a demonstrated need for equipment or modifications of a remedial or medical benefit offered in an individual's home or vehicle to specifically improve the individual's personal functioning. This service shall encompass those items not otherwise covered in the State Plan for Medical Assistance or through another program.

C. Service units and service limitations. Environmental modifications shall be available to individuals who are receiving at least one other waiver service in addition to targeted mental retardation case management. A maximum limit of \$5,000 may be reimbursed per CSP year. Costs for environmental modifications shall not be carried over from CSP year to CSP year and must be prior authorized by

DMHMRSAS for each CSP year. Modifications may not be used to bring a substandard dwelling up to minimum habitation standards. Excluded are those adaptations or improvements to the home that are of general utility, such as carpeting, roof repairs, central air conditioning, etc., and are not of direct medical or remedial benefit to the individual. Also excluded are modifications that are reasonable accommodation requirements of the Americans with Disabilities Act. Adaptations that add to the total square footage of the home shall be excluded from this service.

D. Provider requirements. In addition to meeting the general conditions and requirements for home and community-based participating providers as specified in 12 VAC 30-120-217 and 12 VAC 30-120-219, environmental modifications must be provided in accordance with all applicable federal, state or local building codes and laws by contractors of the CSB/BHA or providers who have a participation agreement with DMAS who shall be reimbursed for the amount charged by said contractors. The following are provider documentation requirements:

- 1. Documentation that the modifications are needed by the individual;*
- 2. An ISP that documents the need for the service, the process to obtain the service, and the time frame during which the services are to be provided. The ISP must include documentation of the reason that a rehabilitation engineer or specialist is needed, if one is to be involved;*
- 3. Documentation of the time frame involved to complete the modification and the amount of services and supplies;*
- 4. Any other relevant information regarding the modification;*
- 5. Documentation of notification by the individual or family/caregiver of satisfactory completion of the service; and*
- 6. Instructions regarding any warranty, repairs, complaints, and servicing that may be needed.*

12 VAC 30-120-233. Personal assistance services (agency-directed model).

A. Service description. Personal assistance services are provided to individuals in the areas of activities of daily living, access to the community, monitoring of self-administered medications or other medical needs, and the monitoring of health status and physical condition. It may be provided in home and community settings to enable an individual to maintain the health status and functional skills necessary to live in the community or participate in community activities.

B. Criteria. In order to qualify for these services, the individual must demonstrate a need for assistance with activities of daily living, self-administration of medications or other medical needs, or monitoring of health status or physical condition.

C. Service units and service limitations. The unit of service for personal assistance services is one hour. Each individual must have a back-up plan in case the personal assistant does not show up for work as expected or terminates employment without prior notice. Personal assistance is not available: (i) to individuals who receive residential services or live in assisted

Proposed Regulations

living facilities; (ii) who would benefit from personal assistance training and skill development; or (iii) who receive services provided through another program or service.

D. Provider requirements. In addition to meeting the general conditions and requirements for home and community-based participating providers as specified in 12 VAC 30-120-217 and 12 VAC 30-120-219, personal assistance providers must meet additional provider requirements.

1. Personal assistance services shall be provided by an enrolled DMAS personal care/respice care provider or by a DMHMRSAS-licensed residential support provider. All personal assistants must pass the DMHMRSAS objective standardized test of skills, knowledge, and abilities developed by DMHMRSAS and administered according to DMHMRSAS policies;

2. For DMAS-enrolled personal care/respice care providers, the personal assistance provider must employ or subcontract with and directly supervise a RN or an LPN who will provide ongoing supervision of all personal assistants. The supervising RN or LPN must be currently licensed to practice nursing in the Commonwealth and have at least two years of related clinical nursing experience that may include work in an acute care hospital, public health clinic, home health agency, ICF/MR or nursing facility. For DMHMRSAS-licensed providers, a residential supervisor will provide ongoing supervision of all personal assistants.

a. The supervisor must make a home visit to conduct an initial assessment prior to the start of services for all individuals newly admitted to personal assistance services. The supervisor must also perform any subsequent reassessments or changes to the supporting documentation.

b. The supervisor must make supervisory home visits as often as needed to ensure both quality and appropriateness of services. The minimum frequency of these visits is every 30 to 90 days depending on the individual's needs.

c. Based on continuing evaluations of the assistant's performance and individual's needs, the supervisor shall identify any gaps in the assistant's ability to function competently and shall provide training as indicated.

d. The supervisor's written summary of the supervision visits must note the following:

(1) The supervising RN and LPN must be currently licensed to practice nursing in the Commonwealth and have at least two years of related clinical nursing experience that may include work in an acute care hospital, public health clinic, home health agency, ICF/MR or nursing facility.

(2) The supervisor must make an initial assessment comprehensive home visit prior to the start of services for all new individuals admitted to personal assistance. The supervisor must also perform any subsequent reassessments or changes to the supporting documentation.

(3) The supervisor must make supervisory visits as often as needed to ensure both quality and appropriateness of services. The minimum frequency of these visits is every 30 to 90 days depending on the individual's needs.

(4) Based on continuing evaluations of the assistant's performance and the individual's needs, the supervisor shall identify any gaps in the assistant's ability to function competently and shall provide training as indicated.

(5) The written summary of the supervision visits must note:

(a) Whether personal assistance services continue to be appropriate;

(b) Whether the ISP is adequate to meet the need or if changes are indicated in the ISP;

(c) Any special tasks performed by the assistant and the assistant's qualifications to perform these tasks;

(d) The individual's satisfaction with the service;

(e) Any hospitalization or change in medical condition or functioning status;

(f) Other services received and their amount; and

(g) The presence or absence of the assistant in the home during the supervisor's visit.

e. The personal assistance provider must employ and directly supervise personal assistants who will provide direct service to individuals receiving personal assistance. Each assistant hired by the provider shall be evaluated by the provider to ensure compliance with minimum qualifications as required by the DMAS. Each assistant must:

(1) Be 18 years of age or older;

(2) Be able to read and write;

(3) Complete a training curriculum consistent with DMAS requirements. Prior to assigning an assistant to an individual, the provider must obtain documentation that the assistant has satisfactorily completed a training program consistent with DMAS requirements. DMAS requirements may be met in one of three ways;

(a) Registration as a certified nurse aide;

(b) Graduation from an approved educational curriculum that offers certificates qualifying the student as a nursing assistant, geriatric assistance, or home health aide;

(c) Completion of provider-offered training, which is consistent with the basic course outline approved by DMAS;

(4) Be physically able to do the work;

(5) Have a satisfactory work record, as evidenced by two references from prior job experiences, including no

evidence of possible abuse, neglect, or exploitation of aged or incapacitated adults or children; and

(6) Personal assistants may not be the parents of individuals who are minors, the individuals' spouses, or legally responsible relatives of the individuals. Payment may not be made for services furnished by other family members living under the same roof as the individual receiving services unless there is objective written documentation as to why there are no other providers available to provide the service.

(7) These family members who are approved to be reimbursed for providing this service must meet the personal assistant qualifications.

3. Provider inability to render services and substitution of assistants.

a. When a personal assistant is absent and the provider has no other assistant available to provide services, the provider is responsible for ensuring that services continue to be provided to individuals. The provider may either obtain a substitute assistant from another provider, if the lapse in coverage is to be less than two weeks in duration, or transfer the individual's services to another provider. The personal assistance provider that has the authorization to provide services to the individual must contact the case manager to determine if additional preauthorization is necessary.

b. If no other provider is available who can supply a substitute assistant, the provider shall notify the individual, family caregiver and case manager so that the case manager may find another available provider.

c. During temporary, short-term lapses in coverage not to exceed two weeks in duration, the following procedures must apply:

(1) The preauthorized personal assistance provider must provide the supervision for the substitute assistant;

(2) The provider of the substitute assistant must send a copy of the assistant's daily documentation signed by the individual and the assistant to the personal assistance provider having the authorization; and

(3) The preauthorized provider must bill DMAS for services rendered by the substitute assistant.

d. If a provider secures a substitute assistant, the provider agency is responsible for ensuring that all DMAS requirements continue to be met including documentation of services rendered by the substitute assistant and documentation that the substitute assistant's qualifications meet DMAS' requirements.

4. Required documentation in the individual's record. The provider must maintain records regarding each personal assistance individual. At a minimum these records must contain:

a. An initial assessment by the supervisor completed prior to or on the date services are initiated;

b. An ISP, that contains, at a minimum, the following elements:

(1) The individual's strengths, desired outcomes, required or desired supports and training needs;

(2) The individual's goals and, for a training goal, a sequence of measurable objectives to meet the above identified outcomes;

(3) Services to be rendered and the frequency of services to accomplish the above goals and objectives;

(4) A timetable for the accomplishment of the individual's goals and objectives;

(5) The estimated duration of the individual's needs for services; and

(6) The provider staff responsible for the overall coordination and integration of the services specified in the ISP.

c. The ISP goals, objectives, and activities must be reviewed by the provider annually, or more often as needed with the individual receiving the services, and this review submitted to the case manager. In addition, the ISP goals, objectives, and activities must be reviewed by the provider quarterly, modified as appropriate and submitted to the case manager;

d. Dated notes of any contacts with the personal assistant and during supervisory visits to the individual's home;

e. All correspondence to the individual, family/caregiver, case manager, DMAS, and DMHMRSAS;

f. Reassessments and any changes to supporting documentation made during the provision of services;

g. Contacts made with family/caregivers, physicians, formal and informal service providers, and all professionals concerning the individual;

h. All personal assistant records. The personal assistant record must contain:

(1) The specific services delivered to the individual by the assistant, dated the day of service delivery, and the individual's responses;

(2) The assistant's arrival and departure times;

(3) The assistant's weekly comments or observations about the individual to include observations of the individual's physical and emotional condition, daily activities, and responses to services rendered; and

(4) The assistant's and individual's or family/caregiver's weekly signatures recorded on the last day of service delivery for any given week to verify that personal assistance services during that week have been rendered.

i. Copy of the most recently completed DMAS-122 form. The provider must clearly document efforts to obtain the completed DMAS-122 form from the case manager.

Proposed Regulations

12 VAC 30-120-235. Personal Emergency Response System (PERS).

A. *Service description.* PERS is a service which monitors individual safety in the home and provides access to emergency assistance for medical or environmental emergencies through the provision of a two-way voice communication system that dials a 24-hour response or monitoring center upon activation and via the individual's home telephone line. PERS may also include medication monitoring devices.

B. *Criteria.* PERS can be authorized when there is no one else in the home who is competent or continuously available to call for help in an emergency.

C. *Service units and service limitations.*

1. A unit of service shall include administrative costs, time, labor, and supplies associated with the installation, maintenance, and monitoring of the PERS. A unit of service is the one-month rental price set by DMAS. The one-time installation of the unit includes installation, account activation, individual and caregiver instruction, and removal of PERS equipment.

2. PERS services must be capable of being activated by a remote wireless device and be connected to the individual's telephone line. The PERS console unit must provide hands-free voice-to-voice communication with the response center. The activating device must be waterproof, automatically transmit to the response center an activator low battery alert signal prior to the battery losing power, and be able to be worn by the individual.

D. *Provider requirements.* In addition to meeting the general conditions and requirements for home and community-based participating providers as specified in 12 VAC 30-120-217 and 12 VAC 30-120-219, PERS providers must also meet the following qualifications:

1. A PERS provider is a personal assistance agency, a durable medical equipment provider, a hospital, a licensed home health provider, or a PERS manufacturer that has the ability to provide PERS equipment, direct services (i.e. installation, equipment maintenance and service calls), and PERS monitoring.

2. The PERS provider must provide an emergency response center with fully trained operators who are capable of receiving signals for help from an individual's PERS equipment 24-hours a day, 365, or 366, days per year as appropriate, of determining whether an emergency exists, and of notifying an emergency response organization or an emergency responder that the PERS individual needs emergency help.

3. A PERS provider must comply with all applicable Virginia statutes, applicable regulations of DMAS, and all other governmental agencies having jurisdiction over the services to be performed.

4. The PERS provider has the primary responsibility to furnish, install, maintain, test, and service the PERS equipment, as required, to keep it fully operational. The provider shall replace or repair the PERS device within 24

hours of the individual's notification of a malfunction of the console unit, activating devices, or medication-monitoring unit while the original equipment is being repaired.

5. The PERS provider must properly install all PERS equipment into a PERS individual's functioning telephone line and must furnish all supplies necessary to ensure that the system is installed and working properly. The PERS provider must test the PERS device monthly or more frequently as needed to ensure that the device is operational.

6. The PERS installation includes local seize line circuitry, which guarantees that the unit will have priority over the telephone connected to the console unit should the phone be off the hook or in use when the unit is activated.

7. A PERS provider must maintain a data record for each PERS individual at no additional cost to DMAS. The record must document the following:

a. Delivery date and installation date of the PERS;

b. Individual or family/caregiver signature verifying receipt of PERS device;

c. Verification by a test that the PERS device is operational, monthly or more frequently as needed;

d. Updated and current individual responder and contact information, as provided by the individual, the individual's family/caregiver, or case manager; and

e. A case log documenting the individual's utilization of the system and contacts and communications with the individual, family/caregiver, case manager, and responders.

8. The PERS provider must have back-up monitoring capacity in case the primary system cannot handle incoming emergency signals.

9. Standards for PERS equipment. All PERS equipment must be approved by the Federal Communications Commission and meet the Underwriters' Laboratories, Inc. (UL) safety standard Number 1635 for Digital Alarm Communicator System Units and Number 1637, which is the UL safety standard for home health care signaling equipment. The UL listing mark on the equipment will be accepted as evidence of the equipment's compliance with such standard. The PERS device must be automatically reset by the response center after each activation, ensuring that subsequent signals can be transmitted without requiring manual reset by the individual.

10. A PERS provider must furnish education, data, and ongoing assistance to DMHMRSAS and case managers to familiarize staff with the service, allow for ongoing evaluation and refinement of the program, and must instruct the individual, family/caregiver, and responders in the use of the PERS service.

11. The emergency response activator must be activated either by breath, by touch, or by some other means, and must be usable by individuals who are visually or hearing impaired or physically disabled. The emergency response communicator must be capable of operating without

external power during a power failure at the individual's home for a minimum period of 24-hours and automatically transmit a low battery alert signal to the response center if the back-up battery is low. The emergency response console unit must also be able to self-disconnect and redial the back-up monitoring site without the individual resetting the system in the event it cannot get its signal accepted at the response center.

12. Monitoring agencies must be capable of continuously monitoring and responding to emergencies under all conditions, including power failures and mechanical malfunctions. It is the PERS provider's responsibility to ensure that the monitoring agency and the agency's equipment meets the following requirements. The monitoring agency must be capable of simultaneously responding to signals for help from multiple individuals' PERS equipment. The monitoring agency's equipment must include the following:

- a. A primary receiver and a back-up receiver, which must be independent and interchangeable;
- b. A back-up information retrieval system;
- c. A clock printer, which must print out the time and date of the emergency signal, the PERS individual's identification code, and the emergency code that indicates whether the signal is active, passive, or a responder test;
- d. A back-up power supply;
- e. A separate telephone service;
- f. A toll free number to be used by the PERS equipment in order to contact the primary or back-up response center; and
- g. A telephone line monitor, which must give visual and audible signals when the incoming telephone line is disconnected for more than 10 seconds.

13. The monitoring agency must maintain detailed technical and operations manuals that describe PERS elements, including the installation, functioning, and testing of PERS equipment, emergency response protocols, and recordkeeping and reporting procedures.

14. The PERS provider shall document and furnish within 30 days of the action taken a written report to the case manager for each emergency signal that results in action being taken on behalf of the individual. This excludes test signals or activations made in error.

15. The PERS provider is prohibited from performing any type of direct marketing activities to Medicaid recipients.

16. The provider must obtain and keep on file a copy of the most recently completed DMAS-122 form. The provider must clearly document efforts to obtain the completed DMAS-122 form from the case manager.

12 VAC 30-120-237. Prevocational services.

A. Service description. Prevocational services are services aimed at preparing an individual for paid or unpaid employment, but are not job-task oriented. Prevocational

services are provided to individuals who are not expected to be able to join the general work force without supports or to participate in a transitional sheltered workshop within one year of beginning waiver services, (excluding supported employment programs). Activities included in this service are not primarily directed at teaching specific job skills but at underlying habilitative goals such as accepting supervision, attendance, task completion, problem solving, and safety.

B. Criteria. In order to qualify for prevocational services, the individual shall have a demonstrated need for support in skills that are aimed toward preparation of paid employment that may be offered in a variety of community settings.

C. Service units and service limitations. This service, either as a stand-alone service or in combination with day support and supported employment services is limited to 780 units per CSP year. Prevocational services can be provided in center- or noncenter-based settings.

There must be documentation regarding whether prevocational services are available in vocational rehabilitation agencies through § 110 of the Rehabilitation Act of 1973 or in Special Education services through § 602 (16) and (17) of the Individuals with Disabilities Education Act. If the individual is older than 22 years, and therefore not eligible for special education funding, documentation is required only for lack of DRS funding. When services are provided through these sources, the ISP shall not authorize them as a waiver expenditure. Prevocational services can only be provided when the individual's compensation is less than 50% of the minimum wage.

D. Provider requirements. In addition to meeting the general conditions and requirements for home and community-based services participating providers as specified in 12 VAC 30-120-217 and 12 VAC 30-120-219, prevocational providers must also meet the following qualifications:

1. The provider of prevocational services must be a vendor of extended employment services, long-term employment services, or supported employment services for DRS, or be licensed by DMHMRSAS as a provider of day support services. Providers must ensure and document that persons providing prevocational services have training in the characteristics of mental retardation and appropriate interventions, training strategies, and support methods for persons with mental retardation and functional limitations.

2. Required documentation in the individual's record. The provider must maintain a record regarding each individual receiving prevocational services. At a minimum, the records must contain the following:

- a. A functional assessment must be conducted by the provider to evaluate each individual in the prevocational environment and community settings.

- b. An ISP, which contains, at a minimum, the following elements:

- (1) The individual's strengths, desired outcomes, required or desired supports, and training needs;

Proposed Regulations

(2) *The individual's goals and, for a training goal, a sequence of measurable objectives to meet the above identified outcomes;*

(3) *Services to be rendered and the frequency of services to accomplish the above goals and objectives;*

(4) *A timetable for the accomplishment of the individual's goals and objectives;*

(5) *The estimated duration of the individual's needs for services; and*

(6) *The provider staff responsible for the overall coordination and integration of the services specified in the ISP.*

3. *The ISP goals, objectives, and activities must be reviewed by the provider annually, or more often as needed, with the individual receiving the services, and this written review submitted to the case manager. In addition, the ISP goals, objectives, and activities must be reviewed by the provider quarterly, modified as appropriate, and the results of such review must be submitted to the case manager.*

4. *Documentation must confirm the individual's attendance, amount of time spent in services, and type of services rendered, and provide specific information regarding the individual's response to various settings and supports as agreed to in the ISP objectives.*

5. *In instances where staff are required to ride with the individual to and from prevocational services, the staff time can be billed for prevocational services, provided that billing for this time does not exceed 25% of the total time spent in prevocational services for that day. Documentation must be maintained to verify that billing for staff coverage during transportation does not exceed 25% of the total time spent in the prevocational services for that day.*

6. *A copy of the most recently completed DMAS-122. The provider must clearly document efforts to obtain the completed DMAS-122 form from the case manager.*

12 VAC 30-120-240. Covered services and limitations. (Repealed.)

~~A. Residential support services shall be provided in the recipient's home (including the home of a relative or other person, a foster home or an adult family care home), in a licensed adult care residence or licensed group home. The service shall be designed to enable individuals qualifying for the mental retardation waiver to be maintained in living arrangements in the community and shall include: (i) training in or reinforcement of functional skills and appropriate behavior related to a recipient's health and safety, personal care, activities of daily living and use of community resources; (ii) assistance with medication management and monitoring health, nutrition and physical condition; and (iii) assistance with personal care activities of daily living and use of community resources. Service providers shall be reimbursed only for the amount and type of residential support services included in the individual's approved plan of care. Residential support services shall not be authorized in the plan of care unless the individual requires these services and these services exceed the care included in the individual's room and~~

~~board arrangement for individuals residing in an adult care residence or group home, or, for other individuals, if these services exceed services provided by the family or other caregiver. In order to qualify for this service in an adult care residence or a group home, the individual shall have a demonstrated need for continuous training, assistance, and supervision for up to 24 hours in a residential setting provided by paid staff. For other individuals, services will not routinely be provided across a continuous 24-hour period.~~

~~1. All individuals must meet the following criteria in order for Medicaid to reimburse for mental retardation residential support services. The individual must meet the eligibility requirements for this waiver service as herein defined. The individual shall have a demonstrated need for supports to be provided by paid staff by the residential support provider.~~

~~2. An individual's case manager shall not be the direct service staff person or the immediate supervisor of a staff person who provides supported living services to the individual.~~

~~3. This service must be provided on an individualized basis according to the plan of care and service setting requirements.~~

~~4. This service may not be provided to any individual who receives personal assistance services under the mental retardation community waiver or other residential program that provides a comparable level of care.~~

~~5. Room and board and general supervision shall not be components of this service.~~

~~6. This service shall not be used solely to provide routine or emergency respite care for parent or other care givers with whom the individual lives.~~

~~B. Day support services include a variety of training, support, and supervision offered in a setting which allows peer interactions and community integration. If prevocational services are offered, the plan of care must contain documentation regarding whether prevocational services are available in vocational rehabilitation agencies through § 110 of the Rehabilitation Act of 1973 or in special education services through § 602(16) and (17) of the Individuals with Disabilities Education Act. When services are provided through these sources, the plan of care shall not authorize them as a waiver funded expenditure. Compensation for prevocational services can only be made when the individual's productivity is less than 50% of the minimum wage. Service providers are reimbursed only for the amount and type of day support services included in the individual's approved plan of care based on the setting, intensity and duration of the service to be delivered. In order to qualify for prevocational service, the individual shall have a demonstrated need for support in skills which are aimed towards preparation of paid employment which may be offered in a variety of community settings. For day support services, individuals shall have demonstrated the need for functional training, assistance and specialized supervision offered in settings, other than the individual's own residence, which allow an opportunity for being productive and contributing members of their communities.~~

~~C. Supported employment services shall include training in specific skills related to paid employment and provision of ongoing or intermittent assistance or specialized supervision to enable a consumer to maintain paid employment. Each plan of care must contain documentation regarding whether supported employment services are available in vocational rehabilitation agencies through § 110 of the Rehabilitation Act of 1973 or in special education services through § 602(16) and (17) of the Individuals with Disabilities Education Act. When services are provided through these sources, the plan of care shall not authorize them as a waiver funded expenditure. Service providers are reimbursed only for the amount and type of habilitation services included in the individual's approved plan of care based on the intensity and duration of the service delivered. Reimbursement shall be limited to actual interventions by the provider of supported employment, not for the amount of time the individual is in the supported employment environment. In order to qualify for these services, the individual shall have a demonstrated need for training, specialized supervision, or assistance in paid employment and for whom competitive employment at or above the minimum wage is unlikely without this support and who, because of the disability, needs ongoing support, including supervision, training and transportation to perform in a work setting.~~

~~D. Therapeutic consultation is available under the waiver for Virginia licensed or certified practitioners in psychology, social work, occupational therapy, physical therapy, therapeutic recreation, rehabilitation engineering, and speech therapy. Behavior consultation performed by persons certified by DMHMRSAS based on the individual's work experience, education and demonstrated knowledge, skills, and abilities may also be a covered waiver service. These services may be provided, based on the individual plan of care, for those individuals for whom specialized consultation is clinically necessary to enable their utilization of waiver services. Therapeutic consultation services, other than behavior consultation, may be provided in residential or day support settings or in office settings in conjunction with another waiver service. Behavior consultation may be offered in the absence of any other waiver service when the consultation provided to informal caregivers is determined to be necessary to prevent institutionalization. Service providers are reimbursed according to the amount and type of service authorized in the plan of care based on an hourly fee for service. In order to qualify for these services, the individual shall have a demonstrated need for consultation in any of these services. Documented need indicates that the Plan of Care could not be implemented effectively and efficiently without such consultation from this service.~~

~~E. Environmental modifications shall be available to individuals who are receiving at least one other waiver service. It is provided primarily in the individual's home or other community residence in accordance with all applicable state or local building codes. A maximum limit of \$5,000 may be reimbursed in a year. In order to qualify for these services, the individual shall have a demonstrated need for equipment or modifications of a remedial or medical benefit offered primarily in a consumer's home, vehicle, community activity setting, or day program to specifically serve to improve the individual's personal functioning. This service shall~~

~~encompass those items not otherwise covered in the State Plan for Medical Assistance.~~

~~F. Personal assistance is available only for individuals who do not receive residential services or live in adult care residences and for whom training and skills development are not objectives or are provided through another program or service. In order to qualify for these services, the individual shall have demonstrated a need for personal assistance in activities of daily living, medication or other medical needs or monitoring health status or physical condition.~~

~~G. Respite care services are limited to a maximum of 30 days or 720 hours per year. In order to qualify for these services, the individual shall have a demonstrated need for substitute care/temporary care which is normally provided by a primary care giver to provide relief for the family or surrogate family/care giver. This care shall not be provided to relieve group home or adult care residence staff where residential care is provided in paid shifts.~~

~~H. Nursing services are for individuals with serious medical conditions and complex health care needs which require specific skilled nursing services which cannot be provided by non-nursing personnel. Skilled nursing is provided in the individual's home or other community setting on a regularly scheduled or intermittent need basis. The plan of care must indicate that the service is necessary to prevent institutionalization and is not available under the State Plan for Medical Assistance. In order to qualify for these services, the individual shall have demonstrated complex health care needs which require specific skilled nursing services which are ordered by a physician and which cannot be otherwise accessed under the Title XIX State Plan.~~

~~I. Assistive technology is available to individuals who are receiving at least one other waiver service and may be provided in a residential or nonresidential setting. A maximum limit of \$5,000 may be reimbursed in a year. In order to qualify for these services, the individual shall have a demonstrated need for equipment or modification for remedial or medical benefit primarily in a consumer's home, vehicle, community activity setting, or day program to specifically serve to improve the individual's personal functioning. This shall encompass these items not otherwise covered under the State Plan.~~

~~J. Crisis stabilization services shall provide, as appropriate, neuropsychological, psychiatric, psychological and other assessments and stabilization, functional assessments, medication management and behavior assessment, behavior support, intensive care coordination with other agencies and providers to assist planning and delivery of services and supports to maintain community placement of the recipient; training of family members and other care givers and service providers in positive behavioral supports to maintain the recipient in the community; and temporary crisis supervision to ensure the safety of the recipient and others. The unit for each component of the service shall equal one hour. This service may be authorized for provision of a maximum period of 15 days and during no more than 60 days in a calendar year. The actual service units per episode shall be based on the documented clinical needs of the individuals being served.~~

Proposed Regulations

1. ~~These services shall be available to individuals who meet at least one of the following criteria:~~

- ~~a. Individual is experiencing a marked reduction in psychiatric, adaptive, or behavioral functioning;~~
- ~~b. Individual is experiencing extreme increase in emotional distress;~~
- ~~c. Individual needs continuous intervention to maintain stability; or~~
- ~~d. Individual is causing harm to himself or others.~~

2. ~~This service shall be designed to stabilize the recipient and strengthen the current semi-independent living situation, or situation with family or other primary care givers so the recipient can be maintained during and beyond the crisis period. These services may be provided directly in, but not limited to, the following settings:~~

- ~~a. The home of an individual who lives with family, friends, or other primary care giver or givers;~~
- ~~b. The home of an individual who lives independently/semi-independently to augment any current services and supports;~~
- ~~c. A community-based residential program to augment current services and supports;~~
- ~~d. A day program or setting to augment current services and supports; or~~
- ~~e. A respite care setting to augment current services and supports.~~

3. ~~These services may be initiated following a documented face-to-face assessment by a qualified mental retardation professional. If appropriate, the assessment shall be conducted jointly with a licensed mental health professional or other appropriate professional or professionals. Crisis supervision, if provided as part of this service, shall be separately billed in hourly service units. The need for this service or an extension of the authorization for this service must be clearly documented following a documented face-to-face reassessment conducted by a qualified mental retardation professional. If appropriate, the reassessment will be conducted jointly with a licensed mental health professional or other appropriate professional or professionals.~~

4. ~~An Individualized Service Plan (ISP) must be developed or revised within 72 hours of assessment or reassessment. Crisis supervision may be provided as a component of this service only if clinical/behavioral intervention allowable under this service also is provided during authorized period. Crisis supervision must be provided one-to-one and face-to-face with the recipient.~~

5. ~~This service shall not be used for continuous long-term care beyond the service limits. Room and board and general supervision shall not be components of this service and shall not be included in reimbursement.~~

12 VAC 30-120-241. Residential support services.

A. Service description. Residential support services are designed to assist individuals in acquiring, retaining and improving the self-help, socialization, and adaptive skills necessary to reside successfully in home and community-based settings.

Service providers shall be reimbursed only for the amount and type of residential support services included in the individual's approved ISP. Residential support services shall be authorized in the ISP only when the individual requires these services and these services exceed the services included in the individual's room and board arrangements for individuals residing in group homes, or, for other individuals, if these services exceed services provided by the family/caregiver. Services will not be routinely reimbursed for a continuous 24-hour period.

B. Criteria.

1. In order for Medicaid to reimburse for residential support services, the individual shall have a demonstrated need for supports to be provided by staff who are paid by the residential support provider.

2. In order to qualify for this service in a congregate setting, the individual shall have a demonstrated need for continuous training, assistance, and supervision for up to 24 hours per day provided by a DMHMRSAS-licensed residential provider.

3. A functional assessment must be conducted to evaluate each individual in his home environment and community settings.

4. The residential support ISP must indicate the necessary amount and type of activities required by the individual, the schedule of residential support services, and the total number of projected hours per day of waiver reimbursed residential support.

C. Service units and service limitations. Residential supports shall be reimbursed on an hourly basis for time the residential support staff is working directly with the individual. Total monthly billing cannot exceed the total hours authorized in the ISP. The provider must maintain documentation of the date and times that services were provided, and specific circumstances that prevented provision of all of the scheduled services.

1. This service must be provided on an individual-specific basis according to the ISP and service setting requirements;

2. Residential support services (in-home and congregate) may not be provided to any individual who receives personal assistance services under the MR Waiver or other residential services that provide a comparable level of care. Respite services may be provided in conjunction with in-home residential support services to unpaid caregivers.

3. Room, board, and general supervision shall not be components of this service;

4. This service shall not be used solely to provide routine or emergency respite for the family/caregiver with whom the individual lives;

5. Medicaid reimbursement is available only for residential support services provided when the individual is present and when a qualified provider is providing the services; and

6. An individual's case manager shall not be the direct service staff person or the immediate supervisor of a staff person who provides residential support services to the individual.

D. Provider requirements.

1. In addition to meeting the general conditions and requirements for home and community-based participating providers as specified in 12 VAC 30-120-217 and 12 VAC 30-120-219, the provider of residential services must have the appropriate DMHMRSAS residential license.

2. Residential support services may also be provided in adult foster care homes approved by local DSS offices pursuant to state DSS regulations.

3. In addition to licensing requirements, persons providing residential support services are required to participate in training in the characteristics of mental retardation and appropriate interventions, training strategies, and support methods for individuals with mental retardation and functional limitations. All persons providing residential support services must pass an objective, standardized test of skills, knowledge, and abilities developed by DMHMRSAS and administered according to DMHMRSAS policies.

4. Required documentation in the individual's record. The provider agency must maintain records of each individual receiving residential support services. At a minimum these records must contain the following:

a. A functional assessment must be conducted by the provider to evaluate each individual in the residential environment and community settings.

b. An ISP containing the following elements:

(1) The individual's strengths, desired outcomes, required or desired supports, or both, and training needs;

(2) The individual's goals and, for a training goal, a sequence of measurable objectives to meet the above identified outcomes;

(3) The services to be rendered and the schedule of services to accomplish the above goals and objectives;

(4) A timetable for the accomplishment of the individual's goals and objectives;

(5) The estimated duration of the individual's needs for services; and

(6) The provider staff responsible for the overall coordination and integration of the services specified in the ISP.

c. The ISP goals, objectives, and activities must be reviewed by the provider annually, or more often as needed with the individual receiving the services, and the results of this review submitted to the case manager. In

addition, the ISP goals, objectives, and activities must be reviewed by the provider quarterly, modified as appropriate and submitted to the case manager.

d. Documentation must confirm attendance, the amount of time in services, and provide specific information regarding the individual's response to various settings and supports as agreed to in the ISP objectives.

e. A copy of the most recently completed DMAS-122. The provider must clearly document efforts to obtain the completed DMAS-122 form from the case manager.

12 VAC 30-120-243. Respite services (agency-directed model).

A. Service description. Respite services are provided to individuals unable to care for themselves, furnished on a short-term basis because of the absence or need for relief of those unpaid caregivers normally providing the care for the individuals.

B. Criteria. Respite services may only be offered to individuals who have an unpaid primary caregiver living in the home who requires temporary relief to avoid institutionalization of the individual. Respite services are designed to focus on the need of the unpaid caregiver for temporary relief and to help prevent the breakdown of the unpaid caregiver due to the physical burden and emotional stress of providing continuous support and care to the individual.

C. Service units and service limitations. The unit of service is one hour. Respite services shall be limited to a maximum of 720 hours per calendar year. This service shall not be provided to relieve group home or assisted living facility staff where residential care is provided in shifts. Respite services shall not be provided by adult foster care/family care providers for an individual residing in that home. Training of the individual is not provided with respite services. Individuals who are receiving consumer-directed respite and agency-directed respite services cannot exceed 720 hours per calendar year combined.

D. Provider requirements. In addition to meeting the general conditions and requirements for home and community-based participating providers as specified in 12 VAC 30-120-217 and 12 VAC 30-120-219, respite providers must meet the following qualifications:

1. Respite services shall be provided by a DMAS enrolled personal care/respite care provider, a DMHMRSAS-licensed residential provider, a DMHMRSAS-licensed respite services provider, or a DSS-approved foster care home for children or adult foster home provider;

2. Basic qualifications for respite assistants include:

a. Be at least 18 years of age or older;

b. Be physically able to do the work;

c. Have the ability to read and write;

d. Have completed a training curriculum consistent with DMAS requirements. Prior to assigning an assistant to an individual, the provider must obtain documentation that the assistant has satisfactorily completed a training

Proposed Regulations

program consistent with DMAS requirements. DMAS requirements may be met in one of three ways:

- (1) Registration as a certified nurse aide;
- (2) Graduation from an approved educational curriculum which offers certificates qualifying the student as a nursing assistant, geriatric assistance, or home health aide; or
- (3) Provider-offered training, which is consistent with the basic course outline approved by DMAS.

e. Have a satisfactory work record, as evidenced by two references from prior job experiences, including no evidence of possible abuse, neglect, or exploitation of aged or incapacitated adults or children;

f. Respite assistants may not be the parents of individuals who are minors, the individuals' spouses, or legally responsible relatives for the individuals. Payment may not be made for services furnished by other family members living under the same roof as the individual receiving services unless there is objective written documentation as to why there are no other providers available to provide the care.

g. Family members who are approved to provide paid respite services must meet the qualifications for respite assistants.

h. For DMAS-enrolled personal care/respite care providers, the respite services provider must employ or subcontract with and directly supervise an RN or an LPN who will provide ongoing supervision of all respite assistants. The supervising RN or LPN must be currently licensed to practice nursing in the Commonwealth and have at least two years of related clinical nursing experience that may include work in an acute care hospital, public health clinic, home health agency, ICF/MR or nursing facility. For DMHMRSAS-licensed providers, a residential supervisor will provide ongoing supervision of all respite assistants.

(1) The RN and LPN must be currently licensed to practice in the Commonwealth and have at least two years of related clinical nursing experience, which may include work in an acute care hospital, ICF/MR, public health clinic, home health agency, or nursing facility;

(2) Based on continuing evaluations of the assistants' performances and individuals' needs, the supervisor shall identify any gaps in the assistants' ability to function competently and shall provide training as indicated;

(3) The supervisor must make an initial assessment visit prior to the start of care for any individual admitted to respite services. The supervisor must also perform any subsequent reassessments or changes to the supporting documentation; and

(4) The supervisor must make supervisory visits as often as needed to ensure both quality and appropriateness of services;

(a) When respite services are received on a routine basis, the minimum acceptable frequency of these supervisory visits shall be every 30 to 90 days based on the needs of the individual;

(b) When respite services are not received on a routine basis, but are episodic in nature, the supervisor is not required to conduct a supervisory visit every 30 to 90 days. Instead, the supervisor must conduct the initial home visit with the respite assistant immediately preceding the start of services and make a second home visit within the respite period;

(c) When respite services are routine in nature and offered in conjunction with personal assistance, the 30- to 90-day supervisory visit conducted for personal assistance may serve as the supervisory visit for respite services. However, the supervisor must document supervision of respite services separately. For this purpose, the same individual record can be used with a separate section for respite services documentation;

i. The supervisor must document in a summary note of the supervision visit:

(1) Whether respite services continue to be appropriate;

(2) Whether the supporting documentation is adequate to meet the individual's needs or if changes need to be made;

(3) The individual's or family/caregiver's satisfaction with the service;

(4) Any hospitalization or change in medical condition or functioning status;

(5) Other services received and the amount; and

(6) The presence or absence of the assistant in the home during the supervisor's visit;

3. Inability to provide services and substitution of assistants. When a respite assistant is absent and the respite provider has no other assistant available to provide services, the provider is responsible for ensuring that services continue to individuals.

a. If a provider cannot supply a respite assistant to render authorized services, the provider may either obtain a substitute assistant from another provider, if the lapse in coverage is to be less than two weeks in duration, or may transfer the individual's services to another provider. The personal assistance provider that has the authorization to provide services to the individual must contact the case manager to determine if additional preauthorization is necessary.

b. If no other provider is available who can supply an assistant, the provider shall notify the individual, family/caregiver, and case manager so that the case manager may locate another available provider.

c. During temporary, short-term lapses in coverage, not to exceed two weeks in duration, a substitute assistant may be secured from another respite provider. Under these circumstances, the following requirements apply:

(1) The preauthorized respite services provider is responsible for providing the supervision for the substitute assistant;

(2) The preauthorized respite services provider must obtain a copy of the assistant's daily records signed by the individual and the substitute assistant from the respite services provider providing the substitute assistant. All documentation of services rendered by the substitute assistant must be in the individual's record. The documentation of the substitute assistant's qualifications must also be obtained and recorded in the personnel files of the provider having individual care responsibility. The two providers involved are responsible for negotiating the financial arrangements of paying the substitute assistant; and

(3) Only the provider authorized for services may bill DMAS for services rendered by the substitute assistant.

d. Substitute assistants obtained from other providers may be used only in cases where no other arrangements can be made for individual respite services coverage and may be used only on a temporary basis. If a substitute assistant is needed for more than two weeks, the case must be transferred to another respite services provider that has the assistant capability to serve the individual or individuals.

4. Required documentation for individual's record. The provider must maintain records of each individual receiving respite services. These records must be separated from those of other services. At a minimum these records must contain:

a. Initial assessment completed prior to or on the date services are initiated and subsequent reassessments and changes to supporting documentation by the supervisor, if required;

b. An ISP, which contains, at a minimum, the following elements:

(1) The individual's strengths, desired outcomes, required or desired supports, and training needs;

(2) The individual's goals and, for a training goal, a sequence of measurable objectives to meet the above identified outcomes;

(3) Services to be rendered, the approximate hours that will be allowed for each activity, and the frequency of services to accomplish the above goals and objectives;

(4) A timetable for the accomplishment of the individual's goals and objectives;

(5) The estimated duration of the individual's needs for services; and

(6) The provider staff responsible for the overall coordination and integration of the services specified in the ISP;

c. Dated contact notes documenting contacts with the respite services assistant and of supervisory visits to the individual's home when required;

d. All correspondence to the individual, family/caregiver, case manager, DMAS, and DMHMRSAS;

e. Significant contacts made with family/caregiver, physicians, formal and informal service providers, and all professionals concerning the individual; and

f. A copy of the most recently completed DMAS-122. The provider must clearly document efforts to obtain the completed DMAS-122 from the case manager.

5. Respite assistant record of services rendered and individual's responses. The assistant record must contain:

a. The specific services delivered to the individual by the respite assistant and the individual's response;

b. The arrival and departure time of the assistant for respite services only;

c. Comments or observations recorded weekly about the individual. Assistant comments must include, at a minimum, observation of the individual's physical and emotional condition, daily activities, and the individual's responses to services rendered; and

d. The signature of the assistant, individual, or family/caregiver as appropriate, for each respite event to verify that respite services have been rendered.

6. Respite assistants may not be the parents of individuals who are minors, the individuals' spouses, or legally responsible relatives for the individuals. Payment may not be made for services furnished by other family members living under the same roof as the individual receiving services unless there is objective written documentation as to why there are no other providers available to provide the service.

7. Family members who have been approved for paid reimbursement must meet the respite assistant qualifications.

12 VAC 30-120-245. Skilled nursing services.

A. Service description. Skilled nursing services shall be provided for individuals with serious medical conditions and complex health care needs that require specific skilled nursing services that cannot be provided by non-nursing personnel. Skilled nursing may be provided in the individual's home or other community setting on a regularly scheduled or intermittent need basis.

B. Criteria. In order to qualify for these services, the individual shall have demonstrated complex health care needs that require specific skilled nursing services ordered by a physician and that cannot be otherwise accessed under the Title XIX State Plan for Medical Assistance. The CSP must indicate that the service is necessary in order to prevent institutionalization

Proposed Regulations

and is not available under the State Plan for Medical Assistance.

C. *Service units and service limitations.* Skilled nursing services to be rendered by either registered or licensed practical nurses are provided in hourly units. The services must be explicitly detailed in an ISP and must be specifically ordered by a physician as medically necessary to prevent institutionalization.

D. *Provider requirements.* In addition to meeting the general conditions and requirements for home and community-based participating providers as specified in 12 VAC 30-120-217 and 12 VAC 30-120-219, participating skilled nursing providers must maintain the following documentation:

1. An ISP that contains, at a minimum, the following elements:

a. The individual's strengths, desired outcomes, required or desired supports, and training needs;

b. The individual's goals and, for a training goal, a sequence of measurable objectives to meet the above identified outcomes;

c. Services to be rendered and the frequency of services to accomplish the above goals and objectives;

d. A timetable for the accomplishment of the individual's goals and objectives;

e. The estimated duration of the individual's needs for services;

f. The provider staff responsible for the overall coordination and integration of the services specified in the ISP; and

g. Any training of family/caregivers or staff, or both, to be provided, including the person or persons being trained and the content of the training, consistent with the Nurse Practice Act.

2. Documentation of the determination of medical necessity by a physician prior to services being rendered;

3. Documentation of nursing license/qualifications of providers;

4. Documentation indicating the dates and times of nursing services and the amount and type of service or training provided;

5. The ISP must be reviewed by the provider with the individual receiving the services, and the results of this review must be submitted to the case manager, at least annually and as needed. In addition, the ISP with goals, objectives, and activities modified as appropriate, must be reviewed quarterly and submitted to the case manager;

6. Documentation that the ISP has been reviewed by a physician within 30 days of initiation of services, when any changes are made to the ISP, and also reviewed and approved annually by a physician; and

7. A copy of the most recently completed DMAS-122. The provider must clearly document efforts to obtain the completed DMAS-122 form from the case manager.

E. *Skilled nursing services shall be provided by either a DMAS-enrolled private duty nursing provider or a home health provider, or by a registered nurse or licensed practical nurse, (under the supervision of a registered nurse licensed by the Commonwealth of Virginia) and contracted or employed by DMHMRSAS-licensed day support, respite, or residential providers.*

1. Skilled nursing services providers may not be the parents of individuals who are minors, the individual's spouse, or legally responsible relatives for the individual. Payment may not be made for services furnished by other family members living under the same roof as the individual receiving services unless there is objective written documentation as to why there are no other providers available to provide the care. Family members must meet the skilled nursing requirements.

2. Foster care providers may not be the skilled nursing services providers for the same individuals to whom they provide foster care.

12 VAC 30-120-247. Supported employment services.

A. *Service description.*

1. Supported employment services is work in settings in which persons without disabilities are employed. It is especially designed for individuals with developmental disabilities, including individuals with mental retardation, who face severe impediments to employment due to the nature and complexity of their disabilities, irrespective of age or vocational potential.

2. Supported employment services are available to individuals for whom competitive employment at or above the minimum wage is unlikely without ongoing supports and who because of their disability need ongoing support to perform in a work setting.

3. Supported employment can be provided in one of two models. Individual supported employment shall be defined as intermittent support, usually provided one-on-one by a job coach to an individual in a supported employment position. Group supported employment shall be defined as continuous support provided by staff to eight or fewer individuals with disabilities in an enclave, work crew, bench work, or entrepreneurial model. The individual's assessment and CSP must clearly reflect the individual's need for training and supports.

B. *Criteria.*

1. Only job development tasks that specifically include the individual are allowable job search activities under the MR waiver supported employment and only after determining this service is not available from DRS.

2. In order to qualify for these services, the individual shall have demonstrated that competitive employment at or above the minimum wage is unlikely without ongoing

supports, and who because of his disability, needs ongoing support to perform in a work setting.

3. A functional assessment must be conducted to evaluate the individual in his work environment and related community settings.

4. The ISP must document the amount of supported employment required by the individual. Service providers are reimbursed only for the amount and type of supported employment included in the individual's ISP based on the intensity and duration of the service delivered.

C. Service units and service limitations.

1. Supported employment for individual job placement is provided in one hour units. This service is limited to 780 units per CSP year. This service, either as a stand-alone service or in combination with prevocational and day support, is limited to 780 units per CSP year.

2. Group models of supported employment (enclaves, work crews, bench work and entrepreneurial model of supported employment) will be billed at the unit rate. This service is limited to 780 units per CSP year. This service, either as a stand-alone service or in combination with prevocational and day support, is limited to 780 units per CSP year.

3. For the individual job placement model, reimbursement of supported employment will be limited to actual documented interventions or collateral contacts by the provider, not the amount of time the individual is in the supported employment situation.

D. Provider requirements. In addition to meeting the general conditions and requirements for home and community-based participating providers as specified in 12 VAC 30-120-217 and 12 VAC 30-120-219, supported employment provider qualifications include:

1. Supported employment shall be provided only by agencies that are DRS vendors of supported employment services;

2. Individual ineligibility for supported employment services through DRS or special education services must be documented in the individual's record, as applicable. If the individual is older than 22 years and therefore not eligible for special education funding, documentation is required only for the lack of DRS funding;

3. There must be an ISP that contains, at a minimum, the following elements:

a. The individual's strengths, desired outcomes, required/desired supports and training needs;

b. The individual's goals and, for a training goal, a sequence of measurable objectives to meet the above identified outcomes;

c. Services to be rendered and the frequency of services to accomplish the above goals and objectives;

d. A timetable for the accomplishment of the individual's goals and objectives;

e. The estimated duration of the individual's needs for services; and

f. Provider staff responsible for the overall coordination and integration of the services specified in the plan.

4. The ISP must be reviewed by the provider with the individual receiving the services and this written review submitted to the case manager, at least annually or as needed. In addition, the ISP with goals, objectives, and activities modified as appropriate, must be reviewed quarterly and submitted to the case manager.

5. In instances where staff are required to ride with the individual to and from supported employment activities, the staff time can be billed for supported employment provided that the billing for this time does not exceed 25% of the total time spent in the supported employment activity for that day. Documentation must be maintained to verify that billing for staff coverage during transportation does not exceed 25% of the total time spent in the supported employment activity for that day.

6. There must be a copy of the completed DMAS-122 in the record. Providers must clearly document efforts to obtain the DMAS-122 form from the case manager.

12 VAC 30-120-249. Therapeutic consultation.

A. Service description. Therapeutic consultation is available under the waiver and may be provided by Virginia licensed or certified practitioners in psychology, psychiatry, social work, counseling, occupational therapy, physical therapy, therapeutic recreation, rehabilitation, psychiatric clinical nursing, and speech/language therapy. The need for any of these services, is based on the individuals' CSPs, and provided to those individuals for whom specialized consultation is clinically necessary and who have additional challenges restricting their ability to function in the community. Therapeutic consultation services may be provided in the individuals' homes or in appropriate community settings and are intended to enhance the individuals' utilization of waiver services.

B. Criteria. In order to qualify for these services, the individual shall have a demonstrated need for consultation in any of these services. Documented need must indicate that the CSP cannot be implemented effectively and efficiently without such consultation from this service.

1. The individual's ISP must clearly reflect the individual's needs, as documented in the social assessment, for specialized consultation provided to family/caregivers and providers in order to implement the ISP effectively.

2. Therapeutic consultation services may not include direct therapy provided to waiver individuals or monitoring activities, and may not duplicate the activities of other services that are available to the individual through the State Plan for Medical Assistance.

C. Service units and service limitations. The unit of service shall equal one hour. The services must be explicitly detailed in the ISP. Travel time, written preparation, and telephone communication are in-kind expenses within this service and are not billable as separate items. Therapeutic consultation

Proposed Regulations

may not be billed solely for purposes of monitoring. Only behavioral consultation may be offered in the absence of any other waiver service when the consultation is determined to be necessary to prevent institutionalization.

D. Provider requirements. In addition to meeting the general conditions and requirements for home and community-based participating providers as specified in 12 VAC 30-120-217 and 12 VAC 30-120-219, professionals rendering therapeutic consultation services shall meet all applicable state licensure or certification requirements. Persons providing rehabilitation consultation shall be rehabilitation engineers or certified rehabilitation specialists. Behavioral consultation may be performed by professionals based on the professionals' work experience, education, and demonstrated knowledge, skills, and abilities.

The following documentation is required for therapeutic consultation:

1. An ISP, that contains at a minimum, the following elements:
 - a. Identifying information;
 - b. Targeted objectives, time frames, and expected outcomes; and
 - c. Specific consultation activities;
2. Ongoing documentation of consultative services rendered in the form of contact-by-contact notes.
3. If the consultation service extends beyond the one year, the ISP must be reviewed by the provider with the individual receiving the services and the case manager, and this written review must be submitted to the case manager, at least annually, or as needed. If the consultation services extend three months or longer, written quarterly reviews are required to be completed by the service provider and are to be forwarded to the case manager.
4. A copy of the most recently completed DMAS-122. The provider must clearly document efforts to obtain a copy of the completed DMAS-122 from the case manager.
5. A written support plan, detailing the interventions and strategies for providers and family/caregivers to use to better support the individual in the service; and
6. A final disposition summary that must be forwarded to the case manager within 30 days following the end of this service.

12 VAC 30-120-250. ~~Reevaluation of service need and utilization review. (Repealed.)~~

A. ~~The Consumer Service Plan.~~

~~1. The Consumer Service Plan shall be developed by the case manager mutually with other service providers, the individual, consultants, and other interested parties based on relevant, current assessment data. The plan of care process determines the services to be rendered to individuals, the frequency of services, the type of service provider, and a description of the services to be offered. Only services authorized on the CSP by DMHMRSAS according to DMAS policies will be reimbursed by DMAS.~~

~~2. The case manager is responsible for continuous monitoring of the appropriateness of the individual's plan of care and revisions to the CSP as indicated by the changing needs of the recipient. At a minimum, the case manager shall review the plan of care every three months to determine whether service goals and objectives are being met and whether any modifications to the CSP are necessary.~~

~~3. DMHMRSAS staff shall review the plan of care every 12 months or more frequently as required to assure proper utilization of services. Any modification to the amount or type of services in the CSP must be authorized by DMHMRSAS staff or DMAS.~~

B. ~~Review of level of care.~~

~~1. The case manager shall complete an annual comprehensive reassessment, in coordination with the consumer, family, and service providers. If warranted, the case manager shall coordinate a medical examination and a psychological evaluation for every waiver recipient. The reassessment shall include an update of the assessment instrument and any other appropriate assessment data.~~

~~2. A medical examination shall be completed for adults based on need identified by the provider, consumer, case manager, or DMHMRSAS staff. Medical examinations for children shall be completed according to the recommended frequency and periodicity of the EPSDT program.~~

~~3. A psychological evaluation or standardized developmental assessment for children under six years of age must reflect the current psychological status (diagnosis), adaptive level of functioning, and cognitive abilities. A new psychological evaluation shall be required whenever the individual's functioning has undergone significant change and is no longer reflective of the past psychological evaluation.~~

C. ~~Documentation required.~~

~~1. The case management agency must maintain the following documentation for review by the DMHMRSAS staff and DMAS utilization review staff for each waiver recipient:~~

~~a. All assessment summaries and CSP's completed for the recipient maintained for a period not less than five years from the recipient's start of care.~~

~~b. All ISP's from any provider rendering waiver services to the recipient.~~

~~c. All supporting documentation related to any change in the plan of care.~~

~~d. All related communication with the providers, recipient, consultants, DMHMRSAS, DMAS, DSS, DRS or other related parties.~~

~~e. An ongoing log which documents all contacts made by the case manager related to the waiver recipient.~~

~~2. The individual service providers must maintain the following documentation for review by the DMHMRSAS staff and DMAS utilization review staff for each waiver recipient:~~

a. All ISP's developed for that recipient maintained for a period not less than five years from the date of the recipient's entry to waiver services.

b. An attendance log which documents the date services were rendered and the amount and type of service rendered.

c. Appropriate progress notes reflecting recipient's status and, as appropriate, progress toward the goals on the ISP.

VA.R. Doc. No. R02-53; Filed April 11, 2002, 11:31 a.m.

TITLE 14. INSURANCE

STATE CORPORATION COMMISSION

Bureau of Insurance

REGISTRAR'S NOTICE: The State Corporation Commission is exempt from the Administrative Process Act in accordance with § 2.2-4002 A 2 of the Code of Virginia, which exempts courts, any agency of the Supreme Court, and any agency which by the Constitution is expressly granted any of the powers of a court of record.

Title of Regulation: 14 VAC 5-395. Rules Governing Settlement Agents (amending 14 VAC 5-395-20, 14 VAC 5-395-30, 14 VAC 5-395-40, 14 VAC 5-395-50, and 14 VAC 5-395-60).

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

Public Comments: N/A -- Public comments may be submitted until May 25, 2002.

Summary:

The proposed amendments (i) change the definitions of "agent," "title insurance agency," and "title insurance agent" to make them consistent with the recent changes to these definitions in Title 38.2 of the Code of Virginia; (ii) add the term "settlement agent" to the definitions section of the regulation; (iii) eliminate the requirement that agents and agencies submit their errors and omissions policies and employee dishonesty policies to the Bureau of Insurance. Agents and agencies may now submit a certification that they have and will maintain these coverages; (iv) eliminate the requirement that title insurers have their escrow accounts audited if the insurer's financial statements are audited annually by an independent CPA; and (v) allow agents and agencies to keep excess funds in their escrow accounts to guarantee the adequacy of the accounts.

Agency Contact: Michael Beavers, Supervisor of Agents Investigation Section, Bureau of Insurance, State Corporation Commission, P.O. Box 1157, Richmond, VA 23218, telephone (804) 371-9465, FAX (804) 371-9396, toll-free 1-800-552-7945 or e-mail mbeavers@scc.state.va.us.

AT RICHMOND, APRIL 16, 2002

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. INS-2002-00107

Ex Parte: In the matter of Adopting Revisions to the Rules Governing Settlement Agents

ORDER TO TAKE NOTICE

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

WHEREAS, the rules and regulations issued by the Commission pursuant to § 6.1-2.25 of the Code of Virginia are set forth in Title 14 of the Virginia Administrative Code;

WHEREAS, the Bureau of Insurance has submitted to the Commission proposed revisions to Chapter 395 of Title 14 of the Virginia Administrative Code entitled "Rules Governing Settlement Agents," which amend the rules at 14 VAC 5-395-20, 14 VAC 5-395-30, 14 VAC 5-395-40, 14 VAC 5-395-50, and 14 VAC 5-395-60; and

WHEREAS, the Commission is of the opinion that the proposed revisions should be considered for adoption with a proposed effective date of June 3, 2002;

THEREFORE, IT IS ORDERED THAT:

(1) The proposed revisions to the "Rules Governing Settlement Agents," which amend the rules at 14 VAC 5-395-20, 14 VAC 5-395-30, 14 VAC 5-395-40, 14 VAC 5-395-50, and 14 VAC 5-395-60, be attached hereto and made a part hereof;

(2) All interested persons who desire to comment in support of or in opposition to, or to request a hearing to oppose the adoption of, the proposed revisions shall file such comments or hearing request on or before May 28, 2002, in writing with the Clerk of the Commission, Document Control Center, P.O. Box 2118, Richmond, Virginia 23218 and shall refer to Case No. INS-2002-00107;

(3) If no written request for a hearing on the proposed revisions is filed on or before May 28, 2002, the Commission, upon consideration of any comments submitted in support of or in opposition to the proposed revisions, may adopt the revisions proposed by the Bureau of Insurance;

(4) AN ATTESTED COPY hereof, together with a copy of the proposed revisions, shall be sent by the Clerk of the Commission to the Virginia State Bar, the Virginia Real Estate Board, the Virginia Land Title Association, the Bureau of Financial Institutions in care of Senior Counsel Jonathan B. Orne, and the Bureau of Insurance in care of Deputy

Proposed Regulations

Commissioner Mary M. Bannister, who forthwith shall give further notice of the proposed adoption of the revisions to the rules by mailing a copy of this Order, together with a draft of the proposed revisions, to all title insurance companies, title insurance agents, and title insurance agencies licensed in the Commonwealth of Virginia; and by forwarding a copy of this Order, together with a draft of the proposed revisions, to the Virginia Registrar of Regulations for appropriate publication in the *Virginia Register of Regulations*; and

(5) The Bureau of Insurance shall file with the Clerk of the Commission an affidavit of compliance with the notice requirements of paragraph (4) above.

14 VAC 5-395-20. Definitions.

As used in this chapter:

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

~~"Agent" or "insurance agent," when used without qualification, means an individual, partnership, limited liability company, or corporation that solicits, negotiates, procures or effects contracts of insurance or annuity in this Commonwealth shall have the same meaning as set forth in § 38.2-1800 of the Code of Virginia.~~

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

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

"Settlement agent" shall have the same meaning as set forth in § 6.1-2.20 of the Code of Virginia.

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

~~"Title insurance agent" means an agent licensed in this Commonwealth to solicit, negotiate, procure, or effect title insurance on behalf of title insurance companies licensed under Chapter 46 (§ 38.2-4600 et seq.) of Title 38.2 shall have the same meaning as set forth in § 38.2-1800 of the Code of Virginia.~~

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

14 VAC 5-395-30. Registration.

Every title insurance agent, title insurance agency and title insurance company that ~~(i) provides escrow, closing or settlement services involving the purchase of or lending on the security of real estate containing not more than four residential dwelling units in the Commonwealth of Virginia and (ii) is listed as the settlement agent on the settlement statement for such~~

~~transaction acts as a settlement agent~~ shall be required to be registered as a settlement agent with the Virginia State Bar in accordance with the provisions of § 6.1-2.26 of the Code of Virginia.

14 VAC 5-395-40. Insurance and bonding requirements.

~~A. At the time of registration with the Virginia State Bar, every title insurance agent and title insurance agency acting as a settlement agent shall file with the bureau a certification on a form prescribed by the bureau, that the settlement agent has, and thereafter shall keep in force for as long as they are acting as a settlement agent, the following:~~

~~A. Every title insurance agent and title insurance agency that acts as a settlement agent in the Commonwealth of Virginia shall file with the bureau at the time of registration with the Virginia State Bar and on or before July 1, every year thereafter, a copy of its 1. An errors and omissions insurance policy, or evidence of such insurance policy, providing limits of at least \$250,000 per occurrence or per claim and issued by an insurer authorized to do business in the Commonwealth of Virginia.~~

~~B. Every title insurance agent and title insurance agency that acts as a settlement agent in the Commonwealth of Virginia shall file with the bureau at the time of registration with the Virginia State Bar and on or before July 1, every year thereafter, a copy of its 2. A blanket fidelity bond or employee dishonesty insurance policy, or evidence of such bond or insurance policy, providing limits of at least \$100,000 per occurrence or per claim and issued by an insurer authorized to do business in the Commonwealth of Virginia. Settlement agents that have no employees except the owners, partners, shareholders, or members may file annually with the bureau a waiver of the fidelity bond or employee dishonesty insurance policy. Such waiver shall be on a form prescribed by the bureau request a waiver of this requirement on their certification form.~~

~~C. B. Every title insurance agent and title insurance agency that acts as a settlement agent in the Commonwealth of Virginia or is registered with the Virginia State Bar shall file with the bureau a surety bond in an amount not less than \$100,000 on a form prescribed by the bureau. The original surety bond shall be filed with the bureau at the time of registration with the Virginia State Bar and, if such bond is canceled, at the time a replacement bond is issued.~~

14 VAC 5-395-50. Audits.

~~A. Every title insurance agent, and title insurance agency, and title insurance company that acts as a settlement agent in the Commonwealth of Virginia shall, at its expense, have an audit of its escrow accounts conducted by an independent certified public accountant at least once each consecutive 12-month period. Such audit shall conform with the standards established by the American Institute of Certified Public Accountants, Statement on Auditing Standards, Special Reports, and shall be filed by the settlement agent with the bureau no later than 60 days after the date on which the audit is completed. A title insurance company shall be subject to the requirements of this subsection unless such company's financial statements are audited annually by an independent certified public accountant.~~

B. Every title insurance agent or title insurance agency acting as a settlement agent shall file a copy of its audit report with each title insurance company it represents.

C. In lieu of an audit conducted by a certified public accountant, a title insurance agent or title insurance agency acting as a settlement agent shall allow each title insurance company for which it has an appointment to conduct an analysis of its escrow accounts at least once each consecutive 12-month period. The form of such analysis shall be prescribed by the bureau. The title insurance company shall submit a copy of its analysis to the bureau no later than 60 days after the date on which the analysis is completed. With the consent of the title insurance agent *or agency*, a title insurance company may share the results of its analysis with other title insurance companies that will accept the same in lieu of conducting a separate analysis.

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

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

VA.R. Doc. No. R02-159; Filed April 17, 2002, 11:07 a.m.



FINAL REGULATIONS

For information concerning Final Regulations, see Information Page.

Symbol Key

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

TITLE 9. ENVIRONMENT

STATE WATER CONTROL BOARD

Notice of Effective Date

Title of Regulation: **9 VAC 25-260. Water Quality Standards.**

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

Effective Date: June 5, 2002.

On March 26, 2001, the State Water Control Board adopted revisions to the Water Quality Standards in 9 VAC 25-260-50 (amended) and 9 VAC 25-260-55 (added). These revisions relate to dissolved oxygen and natural conditions. The amendments were published as final in 17:16 VA.R. 2380-2381 April 23, 2001 (legis.state.va.us/codecomm/register/vol17/vol17.htm), with an effective date of 30 days after notice in the Virginia Register of EPA approval. The State Water Control Board hereby notices EPA approval of these revisions to the water quality standards via a letter dated March 8, 2002, from Rebecca W. Hanmer, Director of the Water Protection Division, EPA Region 3, to Robert Burnley, Director of the Virginia Department of Environmental Quality. The effective date of these amendments is June 5, 2002. Copies are available online at www.deq.state.va.us/wqs/dofinal.pdf or by contacting the Department of Environmental Quality at 1-800-592-5482 ext. 4111, or (804) 698-4111. Written requests should be addressed to Elleanore Daub, P.O. Box 10009, Richmond, VA 23240 or email emdaub@deq.state.va.us

VA.R. Doc. No. R00-57; Filed April 10, 2002, 1:56 p.m.

TITLE 12. HEALTH

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Title of Regulation: **12 VAC 30-150. Uninsured Medical Catastrophe Fund.**

Statutory Authority: § 32.1-324.3 and 32.1-325 of the Code of Virginia.

Effective Date: June 6, 2002.

Summary:

The regulation sets forth rules to administer the Uninsured Medical Catastrophe Fund. The regulation (i) further defines an uninsured medical catastrophe, (ii) establishes

procedures for distribution of moneys in the fund to pay for the costs of treating uninsured medical catastrophes, (iii) establishes application and appeals procedures, and (iv) establishes eligibility criteria for assistance from the fund and the prioritization and allocation of available moneys among applicants.

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

REGISTRAR'S NOTICE: The proposed regulation was adopted as published in 18:3 VA.R. 322-327 October 21, 2001, without change. Therefore, pursuant to § 2.2-4031 of the Code of Virginia, the text of the final regulation is not set out.

VA.R. Doc. No. R00-99; Filed April 17, 2002, 10:45 a.m.

GOVERNOR

EXECUTIVE ORDER NUMBER TEN (2002)

DECLARATION OF A STATE OF EMERGENCY FOR THE COMMONWEALTH OF VIRGINIA DUE TO SIGNIFICANT RAINFALL AND FLOODING THROUGHOUT SOUTHWEST VIRGINIA

On March 18, 2002, I verbally declared a state of emergency to exist within the Commonwealth of Virginia due to damaging flash flooding beginning on March 17, 2002, resulting from heavy rainfall throughout the southwestern portion of the state.

The health and general welfare of the citizens of the localities that are affected required that state action be taken to help alleviate the conditions resulting from this situation. I feel that the effects of this significant flooding constitute a natural disaster wherein human life and public and private property are imperiled, as described in § 44-75.1 A 4 of the Code of Virginia.

Therefore, by virtue of the authority vested in me by § 44-146.17 of the Code of Virginia, as Governor and as Director of Emergency Management, and by virtue of the authority vested in me by Article V, Section 7 of the Constitution of Virginia and by § 44-75.1 of the Code of Virginia, as Governor and Commander-in-Chief of the armed forces of the Commonwealth, and subject always to my continuing and ultimate authority and responsibility to act in such matters, I hereby confirm, ratify, and memorialize in writing my verbal orders issued March 18, 2002. In these orders I proclaimed that a state of emergency exists and directed that appropriate assistance be rendered by agencies of both state and local governments to alleviate any conditions resulting from significant flooding, and to implement recovery and mitigation operations and activities so as to return impacted areas to pre-event conditions insofar as possible. Pursuant to § 44-75.1 A 3 and A 4 of the Code of Virginia, I also directed that the Virginia National Guard and the Virginia Defense Force be called forth to state duty to assist in providing such aid. This shall include Virginia National Guard assistance to the Virginia State Police to direct traffic, prevent looting, and perform such other law enforcement functions as the Superintendent of State Police, in consultation with the State Coordinator of Emergency Management, the Adjutant General, and the Secretary of Public Safety, may find necessary.

In order to marshal all public resources and appropriate preparedness, response and recovery measures to meet this potential threat and recover from its effects, and in accordance with my authority contained in § 44-146.17 of the Emergency Services and Disaster Laws, I hereby order the following protective and restoration measures:

A. The full implementation by agencies of the state and local governments of Volumes 1 (Basic Plan) and Volume 2 (Disaster Recovery Plan) of the Virginia Emergency Operations Plan, as amended, along with other appropriate state agency plans.

B. Full activation of the Virginia Emergency Operations Center (VEOC) and State Emergency Response Team (SERT). Furthermore, I am directing that the VEOC and SERT

coordinate state operations in support of affected localities and the Commonwealth, to include issuing mission assignments to agencies designated in the Commonwealth of Virginia Emergency Operations Plan (COVEOP) and others that may be identified by the State Coordinator of Emergency Management, in consultation with the Secretary of Public Safety, which are needed to provide for the preservation of life, protection of property, and implementation of recovery activities.

C. The authorization to assume control over the Commonwealth's state-operated telecommunications systems, as required by the State Coordinator of Emergency Management, in coordination with the Department of Information Technology, and with the prior consent of the Secretary of Public Safety, making all systems assets available for use in providing adequate communications, intelligence and warning capabilities for the event, pursuant to § 44-146.18 of the Code of Virginia.

D. The evacuation of areas threatened or stricken by this flooding. Following a declaration of a local emergency pursuant to § 44-146.21 of the Code of Virginia, if a local governing body determines that evacuation is deemed necessary for the preservation of life or other emergency mitigation, response or recovery, pursuant to § 44-146.17 (1) of the Code of Virginia, I direct the evacuation of all or part of the populace therein from such areas and upon such timetable as the local governing body, in coordination with the Virginia Emergency Operations Center (VEOC), acting on behalf of the State Coordinator of Emergency Management, shall determine. Notwithstanding the foregoing, I reserve the right to direct and compel evacuation from the same and different areas and determine a different timetable both where local governing bodies have made such a determination and where local governing bodies have not made such a determination. Violations of any order to citizens to evacuate shall constitute a violation of this Executive Order and are punishable as a Class 1 misdemeanor.

E. The activation, implementation and coordination of appropriate mutual aid agreements and compacts, including the Emergency Management Assistance Compact, and the authorization of the State Coordinator of Emergency Management to enter into any other supplemental agreements, pursuant to §§ 44-146.17(5) and 44-146.28:1 of the Code of Virginia, to provide for the evacuation and reception of injured and other persons and the exchange of medical, fire, police, National Guard personnel and equipment, public utility, reconnaissance, welfare, transportation and communications personnel, and equipment and supplies. The State Coordinator of Emergency Management is hereby designated as Virginia's authorized representative within the meaning of the Emergency Management Assistance Compact, § 44-146.28:1 of the Code of Virginia.

F. The authorization of the Departments of State Police, Transportation and Motor Vehicles to grant temporary overweight, overwidth, registration, or license exemptions to carriers transporting essential emergency relief supplies into and through the Commonwealth in order to support the disaster response and recovery.

Governor

The axle and gross weights shown below are the maximum allowed, unless otherwise posted.

Any One Axle	24,000 Pounds
Tandem Axles (more than 40 inches but not more than 96 inches spacing between axle centers)	44,000 Pounds
Single Unit (2 Axles)	44,000 Pounds
Single Unit (3 Axles)	54,500 Pounds
Tractor-Semitrailer (4 Axles)	64,500 Pounds
Tractor-Semitrailer (5 or more Axles)	90,000 Pounds
Tractor-Twin Trailers (5 or more Axles)	90,000 Pounds
Other Combinations (5 or more Axles)	90,000 Pounds
Per Inch of Tire Width in Contact with Road Surface	850 Pounds

All overwidth loads, up to a maximum of 16 feet, must follow Virginia Department of Transportation (VDOT) hauling permit and safety guidelines.

In addition to described overweight/overwidth transportation privileges, carriers are also exempt from registration with the Department of Motor Vehicles. This includes the vehicles enroute and returning to their home base. The above-cited agencies shall communicate this information to all staff responsible for permit issuance and truck legalization enforcement.

This authorization shall apply to hours worked by any carrier when transporting passengers, property, equipment, food, fuel, construction materials and other critical supplies to or from any portion of the Commonwealth for purpose of providing relief or assistance as a result of this disaster, pursuant to § 52-8.4 of the Code of Virginia.

The foregoing overweight/overwidth transportation privileges as well as the regulatory exemption provided by § 52-8.4.A of the Code of Virginia, and implemented in § 19 VAC 30-20-40.B of the "Motor Carrier Safety Regulations," shall remain in effect for 30 days from the onset of the disaster, or until emergency relief is no longer necessary, as determined by the Secretary of Public Safety in consultation with the Secretary of Transportation, whichever is earlier.

G. The discontinuance of provisions authorized in paragraph F above may be implemented and disseminated by publication of administrative notice to all affected and interested parties by the authority I hereby delegate to the Secretary of Public Safety, after consultation with other affected Cabinet-level Secretaries.

H. The authorization of appropriate oversight boards, commissions and agencies to ease building code restrictions, and to permit emergency demolition, hazardous waste disposal, debris removal, emergency landfill siting and operations and other activities necessary to address immediate health and safety needs without regard to time-consuming procedures or formalities and without regard to

application or permit fees or royalties. This state of emergency constitutes a major medical emergency under the Rules and Regulations of the Board of Health Governing Emergency Medical Services, pursuant to Article 3.01 (§ 32.1-111.1 et seq.) of Chapter 4 of Title 32.1, of the Code of Virginia, Statewide Emergency Medical Services System and Services, and exemptions specified in the Rules and Regulations regarding patient transport and provider certification in disasters apply.

I. The implementation by public agencies under my supervision and control of their emergency assignments as directed in the COVEOP without regard to normal procedures pertaining to performance of public work, entering into contracts, incurring of obligations, or other logistical and support measures of the Emergency Services and Disaster Laws, as provided in § 44-146.28 (b) of the Code of Virginia. Section 44-146.24 of the Code of Virginia also applies to the disaster activities of state agencies.

J. Designation of members and personnel of volunteer, auxiliary and reserve groups including search and rescue (SAR), Virginia Associations of Volunteer Rescue Squads (VAVRS), Civil Air Patrol (CAP), member organizations of the Voluntary Organizations Active in Disaster (VOAD), Radio Amateur Civil Emergency Services (RACES), volunteer fire fighters, and others identified and tasked by the State Coordinator of Emergency Management for specific disaster-related mission assignments as representatives of the Commonwealth engaged in emergency services activities within the meaning of the immunity provisions of § 44-146.23 (a) of the Code of Virginia, in the performance of their specific disaster-related mission assignments.

The following conditions apply to the deployment of the Virginia National Guard and the Virginia Defense Force:

1. The Adjutant General of Virginia, after consultation with the State Coordinator of Emergency Management, shall make available on state active duty such units and members of the Virginia National Guard and Virginia Defense Force and such equipment as may be necessary or desirable to assist in preparations and in alleviating the human suffering and damage to property.
2. Pursuant to § 52-6 of the Code of Virginia, I authorize and direct the Superintendent of State Police to appoint any and all such Virginia Army and Air National Guard personnel called to state active duty as additional police officers. These police officers shall have the same powers and perform the same duties as the regular State Police officers appointed by the Superintendent. However, they shall nevertheless remain members of the Virginia National Guard, subject to military command as members of the State Militia. Any bonds and/or insurance required by § 52-7 of the Code of Virginia shall be provided for them at the expense of the Commonwealth.
3. In all instances, members of the Virginia National Guard and Virginia Defense Force shall remain subject to military command as prescribed by § 44-78.1 of the Code of Virginia and not subject to the civilian authorities of county or municipal governments. This shall not be deemed to prohibit working in close cooperation with members of the

Virginia Departments of State Police or Emergency Management or local law enforcement or emergency management authorities or receiving guidance from them in the performance of their duties.

4. Should service under this Executive Order result in the injury or death of any member of the Virginia National Guard, the following will be provided to the member and the member's dependents or survivors:

(a) Workers Compensation benefits provided to members of the National Guard by the Virginia Workers Compensation Act, subject to the requirements and limitations thereof; and, in addition,

(b) The same benefits, or their equivalent, for injury, disability and/or death, as would be provided by the federal government if the member were serving on federal active duty at the time of the injury or death. Any such federal-type benefits due to a member and his or her dependents or survivors during any calendar month shall be reduced by any payments due under the Virginia Workers Compensation Act during the same month. If and when the time period for payment of Workers Compensation benefits has elapsed, the member and his or her dependents or survivors shall thereafter receive full federal-type benefits for as long as they would have received such benefits if the member had been serving on federal active duty at the time of injury or death. Any federal-type benefits due shall be computed on the basis of military pay grade E-5 or the member's military grade at the time of injury or death, whichever produces the greater benefit amount. Pursuant to § 44-14 of the Code of Virginia, and subject to the availability of future appropriations which may be lawfully applied to this purpose, I now approve of future expenditures out of appropriations to the Department of Military Affairs for such federal-type benefits as being manifestly for the benefit of the military service.

5. The costs incurred by the Department of Military Affairs and the Virginia Defense Force in performing these missions shall be paid out of the sum sufficient appropriation for Disaster Planning and Operations contained in Item 488 of Chapter 1073, 2000 Virginia Acts of Assembly.

The following conditions apply to service by the Virginia Defense Force:

1. Compensation shall be at a daily rate that is equivalent of base pay only for a National Guard Unit Training Assembly, commensurate with the grade and years of service of the member, not to exceed 20 years of service;
2. Lodging and meals shall be provided by the Adjutant General or reimbursed at standard state per diem rates;
3. All privately owned equipment, including, but not limited to, vehicles, boats, and aircraft, will be reimbursed for expense of fuel. Damage or loss of said equipment will be reimbursed, minus reimbursement from personal insurance, if said equipment was authorized for use by the Adjutant General in accordance with § 44-54.12 of the Code of Virginia; and

4. In the event of death or injury, benefits shall be provided in accordance with the Virginia Workers Compensation Act, subject to the requirements and limitations thereof.

Upon my approval, the costs incurred by state agencies and other agents in performing mission assignments through the VEOC of the Commonwealth as defined herein and in § 44-146.28 of the Code of Virginia, other than costs defined in Item 5 of the paragraph above pertaining to the Virginia National Guard and the Virginia Defense Force, in performing these missions shall be paid out of the sum sufficient appropriation for Disaster Planning and Operations contained in Item 45 of Chapter 1073, 2000 Virginia Acts of Assembly.

This Executive Order shall be effective retroactive to March 18, 2002, and shall remain in full force and effect until June 30, 2002, unless sooner amended or rescinded by further executive order. Termination of the Executive Order is not intended to terminate any Federal-type benefits granted or to be granted due to injury or death as a result of service under this Executive Order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 21st day of March 2002.

/s/ Mark Warner, Governor

VA.R. Doc. No. R02-158; Filed April 11, 2002, 12:40 p.m.

EXECUTIVE ORDER NUMBER ELEVEN (2002)

DECLARATION OF A STATE OF EMERGENCY DUE TO A TIRE FIRE IN ROANOKE COUNTY, VIRGINIA

On March 24, 2002, I verbally declared a state of emergency to exist within the Commonwealth of Virginia due to a large fire burning discarded tires in Roanoke County, Virginia, and affecting surrounding localities.

The health and general welfare of the citizens of the localities that are affected required that state action be taken to help alleviate the conditions resulting from this situation. I feel that the effects of this fire constitute a man-made disaster wherein human life and public and private property are imperiled, as described in § 44-146.16 of the Code of Virginia.

Therefore, by virtue of the authority vested in me by § 44-146.17 of the Code of Virginia, as Governor and as Director of Emergency Management, and by virtue of the authority vested in me by Article V, Section 7 of the Constitution of Virginia and by § 44-75.1 of the Code of Virginia, as Governor and Commander-in-Chief of the armed forces of the Commonwealth, and subject always to my continuing and ultimate authority and responsibility to act in such matters, I hereby confirm, ratify, and memorialize in writing my verbal orders issued March 24, 2002, wherein I proclaimed that a state of emergency exists and directed that appropriate assistance be rendered by agencies of both state and local governments to alleviate any conditions resulting from continued burning of the tire disposal area, and to implement recovery and mitigation operations and activities so as to return impacted areas to pre-event conditions insofar as possible. Pursuant to § 44-75.1 A 3 and A 4 of the Code of Virginia, I also directed that the Virginia National Guard and the Virginia Defense Force be called forth to state duty as

Governor

necessary to assist in providing such aid. This shall include Virginia National Guard assistance to the Virginia State Police to direct traffic, prevent looting, and perform such other law enforcement functions as the Superintendent of State Police, in consultation with the State Coordinator of Emergency Management, the Adjutant General, and the Secretary of Public Safety, may find necessary.

In order to marshal all public resources and appropriate preparedness, response and recovery measures to meet this potential threat and recover from its effects, and in accordance with my authority contained in § 44-146.17 of the Emergency Services and Disaster Laws, I hereby order the following protective and restoration measures:

A. The full implementation by agencies of the state and local governments of Volumes 1 (Basic Plan), Volume 2 (Disaster Recovery Plan), and Volume 4 (Hazardous Materials) of the Virginia Emergency Operations Plan, as amended, along with other appropriate state agency plans.

B. Full activation of the Virginia Emergency Operations Center (VEOC) and State Emergency Response Team (SERT). Furthermore, I am directing that the VEOC and SERT coordinate state operations in support of affected localities and the Commonwealth, to include issuing mission assignments to agencies designated in the Commonwealth of Virginia Emergency Operations Plan (COVEOP) and others that may be identified by the State Coordinator of Emergency Management, in consultation with the Secretary of Public Safety, which are needed to provide for the preservation of life and health, protection of property, and implementation of recovery activities.

C. The authorization to assume control over the Commonwealth's state-operated telecommunications systems, as required by the State Coordinator of Emergency Management, in coordination with the Department of Information Technology, and with the prior consent of the Secretary of Public Safety, making all systems assets available for use in providing adequate communications, intelligence and warning capabilities for the event, pursuant to § 44-146.18 of the Code of Virginia.

D. The evacuation of areas that are threatened by this event. Following a declaration of a local emergency pursuant to § 44-146.21 of the Code of Virginia, if a local governing body determines that evacuation is deemed necessary for the preservation of life, the protection of health, or other emergency mitigation, response or recovery, pursuant to § 44-146.17 (1) of the Code of Virginia, I direct the evacuation of all or part of the populace therein from such areas and upon such timetable as the local governing body, in coordination with the Virginia Emergency Operations Center (VEOC), acting on behalf of the State Coordinator of Emergency Management, shall determine. Notwithstanding the foregoing, I reserve the right to direct and compel evacuation from the same and different areas and determine a different timetable both where local governing bodies have made such a determination and where local governing bodies have not made such a determination. Violations of any order to citizens to evacuate shall constitute a violation of this Executive Order and are punishable as a Class 1 misdemeanor.

E. The activation, implementation and coordination of appropriate mutual aid agreements and compacts, including the Emergency Management Assistance Compact, and the authorization of the State Coordinator of Emergency Management to enter into any other supplemental agreements, pursuant to § § 44-146.17(5) and 44-146.28:1 of the Code of Virginia, to provide for the evacuation and reception of injured and other persons and the exchange of medical, fire, police, National Guard personnel and equipment, public utility, reconnaissance, welfare, transportation and communications personnel, and equipment and supplies. The State Coordinator of Emergency Management is hereby designated as Virginia's authorized representative within the meaning of the Emergency Management Assistance Compact, § 44-146.28:1 of the Code of Virginia.

F. The authorization of the Departments of State Police, Transportation and Motor Vehicles to grant temporary overweight, overwidth, registration, or license exemptions to carriers transporting essential emergency relief supplies into and through the Commonwealth in order to support the disaster response and recovery.

The axle and gross weights shown below are the maximum allowed, unless otherwise posted.

Any One Axle	24,000 Pounds
Tandem Axles (more than 40 inches but not more than 96 inches spacing between axle centers)	44,000 Pounds
Single Unit (2 axles)	44,000 Pounds
Single Unit (3 axles)	54,500 Pounds
Tractor-Semitrailer (4 axles)	64,500 Pounds
Tractor-Semitrailer (5 or more Axles)	90,000 Pounds
Tractor-Twin Trailers (5 or more Axles)	90,000 Pounds
Other Combinations (5 or more Axles)	90,000 Pounds
Per Inch of Tire Width in Contact with Road Surface	850 Pounds

All overwidth loads, up to a maximum of 16 feet, must follow Virginia Department of Transportation (VDOT) hauling permit and safety guidelines.

In addition to described overweight/overwidth transportation privileges, carriers are also exempt from registration with the Department of Motor Vehicles. This includes the vehicles enroute and returning to their home base. The above-cited agencies shall communicate this information to all staff responsible for permit issuance and truck legalization enforcement.

This authorization shall apply to hours worked by any carrier when transporting passengers, property, equipment, food, fuel, construction materials and other critical supplies to or from any portion of the Commonwealth for purpose of providing relief or assistance as a result of this disaster, pursuant to § 52-8.4 of the Code of Virginia.

The foregoing overweight/overwidth transportation privileges as well as the regulatory exemption provided by § 52-8.4 A of the Code of Virginia, and implemented in § 19 VAC 30-20-40 B of the "Motor Carrier Safety Regulations," shall remain in effect for 30 days from the onset of the disaster, or until emergency relief is no longer necessary, as determined by the Secretary of Public Safety in consultation with the Secretary of Transportation, whichever is earlier.

G. The discontinuance of provisions authorized in paragraph F above may be implemented and disseminated by publication of administrative notice to all affected and interested parties by the authority I hereby delegate to the Secretary of Public Safety, after consultation with other affected Cabinet-level Secretaries.

H. The authorization of appropriate oversight boards, commissions and agencies to ease building code restrictions, and to permit emergency demolition, hazardous waste disposal, debris removal, emergency landfill siting and operations and other activities necessary to address immediate health and safety needs without regard to time-consuming procedures or formalities and without regard to application or permit fees or royalties. This state of emergency constitutes a major medical emergency under the Rules and Regulations of the Board of Health Governing Emergency Medical Services, pursuant to Article 3.01 (§ 32.1-111.1 et seq.) of Chapter 4 of Title 32.1, of the Code of Virginia, Statewide Emergency Medical Services System and Services, and exemptions specified in the Rules and Regulations regarding patient transport and provider certification in disasters apply.

I. The implementation by public agencies under my supervision and control of their emergency assignments as directed in the COVEOP without regard to normal procedures pertaining to performance of public work, entering into contracts, incurring of obligations, or other logistical and support measures of the Emergency Services and Disaster Laws, as provided in § 44-146.28 (b) of the Code of Virginia. Section 44-146.24 of the Code of Virginia also applies to the disaster activities of state agencies.

J. Designation of members and personnel of volunteer, auxiliary and reserve groups including search and rescue (SAR), Virginia Associations of Volunteer Rescue Squads (VAVRS), Civil Air Patrol (CAP), member organizations of the Voluntary Organizations Active in Disaster (VOAD), Radio Amateur Civil Emergency Services (RACES), volunteer fire fighters, and others identified and tasked by the State Coordinator of Emergency Management for specific disaster-related mission assignments, as representatives of the Commonwealth engaged in emergency services activities within the meaning of the immunity provisions of § 44-146.23 (a) of the Code of Virginia, in the performance of their specific disaster-related mission assignments.

The following conditions apply to the deployment of the Virginia National Guard and the Virginia Defense Force:

1. The Adjutant General of Virginia, after consultation with the State Coordinator of Emergency Management, shall make available on state active duty such units and members of the Virginia National Guard and Virginia

Defense Force and such equipment as may be necessary or desirable to assist in preparations and in alleviating the human suffering and damage to property.

2. Pursuant to § 52-6 of the Code of Virginia, I authorize and direct the Superintendent of State Police to appoint any and all such Virginia Army and Air National Guard personnel called to state active duty as additional police officers. These police officers shall have the same powers and perform the same duties as the regular State Police officers appointed by the Superintendent. However, they shall nevertheless remain members of the Virginia National Guard, subject to military command as members of the State Militia. Any bonds and/or insurance required by § 52-7 of the Code of Virginia shall be provided for them at the expense of the Commonwealth.

3. In all instances, members of the Virginia National Guard and Virginia Defense Force shall remain subject to military command as prescribed by § 44-78.1 of the Code of Virginia and not subject to the civilian authorities of county or municipal governments. This shall not be deemed to prohibit working in close cooperation with members of the Virginia Departments of State Police or Emergency Management or local law enforcement or emergency management authorities or receiving guidance from them in the performance of their duties.

4. Should service under this Executive Order result in the injury or death of any member of the Virginia National Guard, the following will be provided to the member and the member's dependents or survivors:

(a) Workers Compensation benefits provided to members of the National Guard by the Virginia Workers Compensation Act, subject to the requirements and limitations thereof; and, in addition,

(b) The same benefits, or their equivalent, for injury, disability and/or death, as would be provided by the federal government if the member were serving on federal active duty at the time of the injury or death. Any such federal-type benefits due to a member and his or her dependents or survivors during any calendar month shall be reduced by any payments due under the Virginia Workers Compensation Act during the same month. If and when the time period for payment of Workers Compensation benefits has elapsed, the member and his or her dependents or survivors shall thereafter receive full federal-type benefits for as long as they would have received such benefits if the member had been serving on federal active duty at the time of injury or death. Any federal-type benefits due shall be computed on the basis of military pay grade E-5 or the member's military grade at the time of injury or death, whichever produces the greater benefit amount. Pursuant to § 44-14 of the Code of Virginia, and subject to the availability of future appropriations which may be lawfully applied to this purpose, I now approve of future expenditures out of appropriations to the Department of Military Affairs for such federal-type benefits as being manifestly for the benefit of the military service.

Governor

5. The costs incurred by the Department of Military Affairs and the Virginia Defense Force in performing these missions shall be paid out of the sum sufficient appropriation for Disaster Planning and Operations contained in Item 488 of Chapter 1073, 2000 Virginia Acts of Assembly.

The following conditions apply to service by the Virginia Defense Force:

1. Compensation shall be at a daily rate that is equivalent of base pay only for a National Guard Unit Training Assembly, commensurate with the grade and years of service of the member, not to exceed 20 years of service;
2. Lodging and meals shall be provided by the Adjutant General or reimbursed at standard state per diem rates;
3. All privately owned equipment, including, but not limited to, vehicles, boats, and aircraft, will be reimbursed for expense of fuel. Damage or loss of said equipment will be reimbursed, minus reimbursement from personal insurance, if said equipment was authorized for use by the Adjutant General in accordance with § 44-54.12 of the Code of Virginia; and
4. In the event of death or injury, benefits shall be provided in accordance with the Virginia Workers Compensation Act, subject to the requirements and limitations thereof.

Upon my approval, the costs incurred by state agencies and other agents in performing mission assignments through the VEOC of the Commonwealth as defined herein and in § 44-146.28 of the Code of Virginia, other than costs defined in Item 5 of the paragraphs above pertaining to the Virginia National Guard and the Virginia Defense Force, in performing these missions shall be paid out of the sum sufficient appropriation for Disaster Planning and Operations contained in Item 45 of Chapter 1073, 2000 Virginia Acts of Assembly.

This Executive Order shall be effective retroactive to March 23, 2002, and shall remain in full force and effect until June 30, 2002, unless sooner amended or rescinded by further executive order. Termination of the Executive Order is not intended to terminate any Federal-type benefits granted or to be granted due to injury or death as a result of service under this Executive Order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 1st day of April 2002.

/s/ Mark Warner, Governor

VA.R. Doc. No. R02-156; Filed April 11, 2002, 12:40 p.m.

GENERAL NOTICES/ERRATA

DEPARTMENT OF EDUCATION

Consolidated State Application

The Board of Education is seeking public comment on Virginia's Consolidated State Application (P.L. 107-110). A copy of the Consolidated State Application may be viewed on the Virginia Department of Education's web page at <http://www.pen.k12.va.us/> or by contacting Mr. George Irby, director of compensatory programs at the Virginia Department of Education, P.O. Box 2120, Richmond, VA 23218-2120, telephone (804) 225-2869, FAX (804) 225-2524, or e-mail girby@mail.vak12ed.edu.

The public is encouraged to submit comments, ideas, and suggestions in writing via mail, fax, or e-mail. Comments may be sent to Mr. Irby at the above address.

Comments must be postmarked by May 17, 2002.

For more information, please contact Mr. Irby at the Department of Education.

Notice of Intent to Revise the Standards of Learning

The Board of Education at its March 27, 2002, meeting adopted a revised schedule for the review of the English Standards of Learning. The English Standards of Learning review has begun and is to be completed by November 2002.

Consistent with the schedule adopted by the board in September 2000, the Department of Education will proceed with the Science Standards of Learning review beginning this spring. It is anticipated that the science standards review will be completed on a timeline similar to that for the English Standards of Learning.

An important part of this review process for both the English and Science Standards of Learning is the solicitation of comments from classroom teachers, administrators, curriculum supervisors, science educators, and anyone else who has worked with the current standards. Forms for comments regarding the current English and science standards are located on the Virginia Department of Education Web site at <http://www.pen.k12.va.us/VDOE/engsolcomments.html> and <http://www.pen.k12.va.us/VDOE/scisolcomments.html>, respectively. Comments will be received at these addresses from April 5, 2002, until May 15, 2002.

If you have any questions about the English or Science Standards of Learning reviews, please contact Linda Poorbaugh, English specialist, Office of Elementary Instructional Services at lpoorbau@mail.vak12ed.edu or (804) 786-3925 or Jim Firebaugh, science specialist, Office of Middle Instructional Services at jfirebau@mail.vak12ed.edu or (804) 225-2651.

STATE LOTTERY DEPARTMENT

The following Director's Orders of the State Lottery Department were filed with the Virginia Registrar of Regulations on December 13, 2001. The orders may be viewed at the State Lottery Department, 900 E. Main Street, Richmond, Virginia or at the office of the Registrar of Regulations, 910 Capitol Street, 2nd Floor, Richmond, Virginia.

DIRECTOR'S ORDER NUMBER EIGHTY-THREE (01)

Virginia's Instant Game Lottery 227; "Aces and 8s" (effective 12/19/01)

DIRECTOR'S ORDER NUMBER EIGHTY-FOUR (01)

Virginia's Instant Game Lottery 507; "Go for the Green" (effective 12/19/01)

DIRECTOR'S ORDER NUMBER ONE (02)

Virginia Instant Game Lottery 509; "Tons of Cash" (effective 01/11/02)

DIRECTOR'S ORDER NUMBER TWO (02)

Virginia's Instant Game Lottery 226; "Bank Shot" (effective 01/11/02)

DIRECTOR'S ORDER NUMBER THREE (02)

Virginia's Instant Game Lottery 319; "Special Edition Bingo" (effective 01/11/02)

DIRECTOR'S ORDER NUMBER FOUR (02)

Virginia's Instant Game Lottery 506; "Fat Cat Cash" (effective 01/28/02)

DIRECTOR'S ORDER NUMBER FIVE (02)

"3-4-5 Ca\$h Plus" Virginia Lottery Retailer Incentive Program Rules (effective 02/08/02)

DIRECTOR'S ORDER NUMBER SIX (02)

Virginia's Instant Game Lottery 228; "Heads or Tails" (effective 02/11/02)

DIRECTOR'S ORDER NUMBER SEVEN (02)

Virginia's Instant Game Lottery 500; "Paydirt" (effective 02/11/02)

DIRECTOR'S ORDER NUMBER EIGHT (02)

Virginia's Instant Game Lottery 229; "Wild Hare" (effective 02/11/02)

DIRECTOR'S ORDER NUMBER TEN (02)

Virginia's Instant Game Lottery 508; "Fast Cash" (effective 05/05/02)

DIRECTOR'S ORDER NUMBER ELEVEN (02)

Virginia's Instant Game Lottery 512; "Money Carlo" (effective 05/05/02)

DIRECTOR'S ORDER NUMBER TWELVE (02)

Virginia's Instant Game Lottery 511; "Face Cards" (effective 03/08/02)

General Notices/Errata

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DIRECTOR'S ORDER NUMBER EIGHTY-FIVE (01)

Certain Virginia Instant Game Lotteries; End of Games.

In accordance with the authority granted by §§ 9-6.14:4.1 B (15) and 58.1-4006 A of the Code of Virginia, I hereby give notice that the following Virginia Lottery instant games will officially end at midnight on January 12, 2002:

Game 181 - Loose Change
Game 188 - 7-11-21
Game 191 - Deuces Wild
Game 200 - Beat the Dealer
Game 202 - Poker Face
Game 204 - Lucky Streak
Game 207 - 2,000 Clams
Game 316 - Mystery Bingo
Game 462 - Club Casino
Game 474 - Triple Action
Game 479 - Monster Truck Bucks
Game 486 - Lifetime Cash Reward
Game 492 - Spooky Loot

The last day for lottery retailers to return for credit unsold tickets from any of these games will be Saturday, February 16, 2002. The last day to redeem winning tickets for any of these games will be Thursday, July 11, 2002, 180 days from the declared official end of the game. Claims for winning tickets from any of these games will not be accepted after that date. Claims that are mailed and received in an envelope bearing a United States Postal Service postmark of July 11, 2002, will be deemed to have been received on time. This notice amplifies and conforms to the duly adopted State Lottery Board regulations for the conduct of instant game lotteries.

This order is available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia; and at any State Lottery Department regional office. A copy may be requested by mail by writing to: Public Affairs Office, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ Richard G. Wilkinson
Director, Lottery Operations
Date: December 19, 2001

DIRECTOR'S ORDER NUMBER THIRTEEN (02)

Certain Virginia Instant Game Lotteries; End of Games.

In accordance with the authority granted by §§ 2.2-4002 B (15) and 58.1-4006 A of the Code of Virginia, I hereby give notice that the following Virginia Lottery instant games will officially end at midnight on April 26, 2002:

Game 149 – Gold Card
Game 199 – Lucky Duck
Game 206 – Wild Hearts
Game 209 – Virginia Lighthouses
Game 217 – Barrels of Bugs

Game 218 – Winner Wonderland
Game 221 – Turkey Triple
Game 476 – Silver Dollars
Game 477 – Millionaire Party
Game 488 – Pole Position
Game 498 – Frosty the Doughman
Game 499 – Holiday Cash Express

The last day for lottery retailers to return for credit unsold tickets from any of these games will be May 31, 2002. The last day to redeem winning tickets for any of these games will be October 23, 2002, 180 days from the declared official end of the game. Claims for winning tickets from any of these games will not be accepted after that date. Claims that are mailed and received in an envelope bearing a United States Postal Service postmark of October 23, 2002, will be deemed to have been received on time. This notice amplifies and conforms to the duly adopted State Lottery Board regulations for the conduct of instant game lotteries.

This order is available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, VA; and at any State Lottery Department regional office. A copy may be requested by mail by writing to: Public Affairs Office, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ Richard G. Wilkinson
Director, Lottery Operations
Date: March 25, 2002

DEPARTMENT OF SOCIAL SERVICES

Periodic Review of Regulations

Pursuant to Executive Order Number Twenty-five (98), the Department of Social Services is currently reviewing the below listed regulation to determine if it should be repealed, amended, or retained in its current form. The review will be guided by the principles listed in Executive Order Number Twenty-five (98) and in the department's Plan for Review of Existing Agency Regulations.

The department seeks public comment regarding the regulation's interference in private enterprise and life, essential need of the regulation, less burdensome and intrusive alternatives to the regulation, specific and measurable goals that the regulation is intended to achieve, and whether the regulation is clearly written and easily understandable.

The regulation under review is **22 VAC 40-141, Minimum Standards for Licensed Independent Foster Homes**. Written comments may be submitted until May 26, 2002, in care of Cynthia L. Carneal, Operations Consultant, Division of Licensing Programs, Department of Social Services, 730 East Broad Street, Richmond, VA 23219-1849; by e-mail to

cyc900@email1.dss.state.va.us; or by facsimile to (804) 692-2370.

STATE WATER CONTROL BOARD

Proposed Consent Special Order City of Roanoke

The State Water Control Board (SWCB) proposes to issue a Consent Special Order (CSO) to the City of Roanoke regarding compliance with the Permit Regulation, 9 VAC 25-31-10 et seq., at the Roanoke Regional Water Pollution Control Plant. On behalf of the SWCB, the Department will consider written comments relating to this Order for thirty (30) days after the date of publication of this notice. Comments should be addressed to: Robert Steele, DEQ - West Central Regional Office, 3019 Peters Creek Road, NW, Roanoke, VA 24019.

The final CSO may be examined at the department during regular business hours. It may also be viewed or downloaded from the DEQ homepage at www.deq.state.va.us/info. Copies are available from Mr. Steele at the address above or by calling him at (540) 562-6777.

VIRGINIA CODE COMMISSION

Notice to State Agencies

Mailing Address: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219, FAX (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

ERRATA

STATE AIR POLLUTION CONTROL BOARD

Title of Regulation: **Regulations for the Control and Abatement of Air Pollution (Rev. G00).**

9 VAC 5-60. Hazardous Air Pollutant Sources.

Publication: 18:14 VA.R. 1835-1844 March 25, 2002

Correction to Final Regulation:

Page 1837, 9 VAC 5-60-200 C 6, lines 1 and 2, change "as defined in 9 VAC 5-60-10" to "as defined in 40 CFR 260.10"

Page 1841, 9 VAC 5-60-300 C 6, lines 1 and 2, change "as defined in 9 VAC 5-60-10" to "as defined in 40 CFR 260.10"

STATE BOARD OF SOCIAL SERVICES

Title of Regulation: **22 VAC 40-880. Child Support Enforcement Program.**

Publication: 18:14 VA.R. 1902-1903 March 25, 2002

Correction to Final Regulation:

In 22 VAC 40-880-270 B and 22 VAC 40-880-290, insert "See" between the open parenthesis and the section mark

In 22 VAC 40-880-290, insert "federal" before "Consumer Credit Protection Act"

VIRGINIA SOIL AND WATER CONSERVATION BOARD

Title of Regulation: **4 VAC 50-20. Impounding Structure Regulations.**

Publication: 18:14 VA.R. 1830-1835 March 25, 2002

Correction to Final Regulation:

Page 1832, 4 VAC 50-20-50, Table 1, is corrected to read as follows:

General Notices/Errata

TABLE 1 - Impounding Structure Regulations

Class of Dam	Hazard Potential If Impounding Structure Fails	SIZE CLASSIFICATION		Spillway Design Flood (SDF) ^b
		Maximum Capacity (Ac-Ft) ^a	Height(Ft) ^a	
I	Probable Loss of Life; Excessive Economic Loss	Large $\geq 50,000$ Medium $\geq 1,000$ & < 50,000 Small ≥ 50 & < 1,000	≥ 100 ≥ 40 & < 100 ≥ 25 & < 40	PMF ^c PMF 1/2 PMF to PMF
II	Possible Loss of Life; Appreciable Economic Loss	Large $\geq 50,000$ Medium $\geq 1,000$ & < 50,000 Small ≥ 50 & < 1,000	≥ 100 ≥ 40 & < 100 ≥ 25 & < 40	PMF 1/2 PMF to PMF 100-YR to 1/2 PMF
III	No Loss of Life Expected; Minimal Economic Loss	Large $\geq 50,000$ Medium $\geq 1,000$ & < 50,000 Small ≥ 50 & < 1,000	≥ 100 ≥ 40 & < 100 ≥ 25 & < 40	1/2 PMF to PMF 100-YR to 1/2 PMF 50-YR ^d to 100-YR ^e
IV	No Loss of Life Expected; No Economic Loss to Others	≥ 50 (nonagricultural) ≥ 100 (agricultural)	≥ 25 (both)	50-YR to 100-YR

CALENDAR OF EVENTS

Symbol Key

-  Location accessible to persons with disabilities
 Teletype (TTY)/Voice Designation

NOTICE

Only those meetings which are filed with the Registrar of Regulations by the filing deadline noted at the beginning of this publication are listed. Since some meetings are called on short notice, please be aware that this listing of meetings may be incomplete. Also, all meetings are subject to cancellation and the *Virginia Register* deadline may preclude a notice of such cancellation. 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 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

COMMONWEALTH COUNCIL ON AGING

May 9, 2002 - 9 a.m. -- Open Meeting

Virginia Department for the Aging, 1600 Forest Avenue, Suite 102, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the Public Relations Committee.

Contact: Marsha Mucha, Department for the Aging, 1600 Forest Ave., Suite 102, Richmond, VA 23229, telephone (804) 662-9312.

May 9, 2002 - 10 a.m. -- Open Meeting

Virginia Department for the Aging, 1600 Forest Avenue, Suite 102, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular business meeting. Public comments will be received.

Contact: Marsha Mucha, Department for the Aging, 1600 Forest Ave., Suite 102, Richmond, VA 23229, telephone (804) 662-9312.

BOARD OF AGRICULTURE AND CONSUMER SERVICES

† May 16, 2002 - 9 a.m. -- Open Meeting

Washington Building, 1100 Bank Street, 2nd Floor Board Room, Richmond, Virginia. 

A meeting to discuss issues related to Virginia agriculture and consumer services, including regulations. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate in the meeting should contact Roy E. Seward at least five days before the meeting date so that suitable arrangements can be made.

Contact: Roy E. Seward, Board Secretary, Department of Agriculture and Consumer Services, Washington Building,

1100 Bank St., Suite 211, Richmond, VA 23219, telephone (804) 786-3538, FAX (804) 371-2945, e-mail jknight@vdacs.state.va.us.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

May 21, 2002 - 9:30 a.m. -- Open Meeting

Department of Agriculture and Consumer Services, 1100 Bank Street, Washington Building, 2nd Floor Board Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

The Consumer Affairs Advisory Committee communicates the views and interests of Virginians on issues related to the Department of Agriculture and Consumer Services' consumer education and fraud prevention programs and their availability to citizens. Members will review the consumer education outreach efforts for the past six months and assist with planning for events in 2002. Members 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 Evelyn A. Jez at least five days before the meeting date so that suitable arrangements can be made.

Contact: Evelyn A. Jez, Consumer Affairs Specialist, Department of Agriculture and Consumer Services, 1100 Bank St., Suite 1101, Richmond, VA 23219, telephone (804) 786-1308, FAX (804) 786-5112, toll-free (800) 552-9963, (800) 828-1120/TTY 

STATE AIR POLLUTION CONTROL BOARD

May 8, 2002 - 9 a.m. -- Public Hearing

Department of Environmental Quality, 629 East Main Street, 1st Floor, Conference Room, Richmond, Virginia. 

A public hearing to receive testimony concerning a proposed revision to the Commonwealth of Virginia § 111(d) Plan. The proposed plan is intended to control emissions of designated pollutants to the atmosphere from hospital/medical/infectious waste incinerators, and consists

Calendar of Events

of (i) emission limitations and other regulatory requirements; (ii) an inventory of emissions from the affected facilities; and (iii) other supporting documentation. The department is seeking comment on the overall plan and on the issue of whether any regulations included in the plan should be submitted to the U.S. Environmental Protection Agency as part of the plan.

Contact: Karen G. Sabastanski, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4426, FAX (804) 698-4510, (804) 698-4021/TTY ☎, e-mail kgsabastea@deq.state.va.us.

† **May 16, 2002 - 7 p.m.** -- Public Hearing
Cheriton Fire House, 4083 Sunnyside Road, Cheriton, Virginia. ♿

A public hearing to receive comment on an application from Eastern Shore Composites, L.L.C., to operate a fiberglass composite manufacturing plant in Cheriton.

Contact: Laura D. Corl, State Air Pollution Control Board, 5636 Southern Blvd., Virginia Beach, VA 23462, telephone (757) 518-2158, e-mail ldcorl@deq.state.va.us.

ALZHEIMER'S DISEASE AND RELATED DISORDERS COMMISSION

May 21, 2002 - Noon -- Open Meeting
National Capital Chapter of the Alzheimer's Association, 11240 Waples Mill Road, Fairfax, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting.

Contact: Janet L. Honeycutt, Director of Grant Operations, Alzheimer's Disease and Related Disorders Commission, 1600 Forest Ave., Suite 102, Richmond, VA 23229, telephone (804) 662-9341, FAX (804) 662-9354, toll-free (800) 552-3402, (804) 662-9333/TTY ☎, e-mail jlhoneycutt@vdh.state.va.us.

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

May 6, 2002 - 9 a.m. -- Open Meeting
May 7, 2002 - 9 a.m. -- Open Meeting
Holiday Inn Crossroads, 2000 Staples Mill Road, Richmond, Virginia. ♿

A meeting of the Land Surveyors Section and invited subject matter experts to conduct an exam workshop. A public comment period will be held at the beginning of the workshop. After the public comment period, the workshop will be conducted in closed executive session under authority of § 2.1-344 A 11 of the Code of Virginia due to the confidential nature of the examination. The public will not be admitted to the closed executive session.

Contact: Sharon M. Sweet, Examination Director, Department of Professional and Occupational Regulation, 3600 W. Broad

St., Richmond, VA 23230-4917, telephone (804) 367-8569 or (804) 367-9753/TTY ☎.

May 8, 2002 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting of the Professional Engineers Section to conduct general 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., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail apelsla@dpor.state.va.us.

May 9, 2002 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting of the Certified Interior Designers Section to conduct general 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., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail apelsla@dpor.state.va.us.

† **May 17, 2002 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting of the Regulatory Review Committee to discuss the board's regulations and any other board business, as necessary. 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., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail apelsla@dpor.state.va.us.

June 6, 2002 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to conduct general business of the board. 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., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail apelsla@dpor.state.va.us.

ART AND ARCHITECTURAL REVIEW BOARD

June 7, 2002 - 10 a.m. -- Open Meeting

July 12, 2002 - 10 a.m. -- Open Meeting

† August 2, 2002 - 10 a.m. -- Open Meeting

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. AARB submittal forms and submittal instructions can be downloaded by visiting the DGS forms center at www.dgs.state.va.us. Request submittal form DGS-30-905 or submittal instructions form DGS-30-906.

Contact: Richard L. Ford, AIA, 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 ☎

VIRGINIA BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS

July 16, 2002 - 10 a.m. -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 5W, Richmond, Virginia. ♿

A meeting to conduct routine business. A public comment period will be held at the beginning of the meeting.

Contact: David 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 asbestos@dpor.state.va.us.

BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

† May 16, 2002 - 10 a.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia ♿

A meeting of the Legislative/Regulatory Committee to develop proposed amendments pursuant to its periodic review of regulations and consider other regulatory or legislative matters as may be presented on the agenda. Public comment will be received at the beginning of the meeting.

Contact: Elizabeth Young, Executive Director, Board of Audiology and Speech-Language Pathology, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9111, FAX (804) 662-9523, (804) 662-7197/TTY ☎, e-mail elizabeth.young@dhp.state.va.us.

† May 16, 2002 - 1 p.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia ♿

A meeting of the board to conduct general business including consideration of regulatory and disciplinary matters as presented on the agenda. Public comment will be received at the beginning of the meeting.

Contact: Elizabeth Young, Executive Director, Board of Audiology and Speech-Language Pathology, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9111, FAX (804) 662-9523, (804) 662-7197/TTY ☎, e-mail elizabeth.young@dhp.state.va.us.

DEPARTMENT FOR THE BLIND AND VISION IMPAIRED

Statewide Rehabilitation Council for the Blind

† June 8, 2002 - 10 a.m. -- Open Meeting

Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

The council meets quarterly to advise the Department for the Blind and Vision Impaired on matters related to vocational rehabilitation services for the blind and visually impaired citizens of the Commonwealth.

Contact: James G. Taylor, Vocational Rehabilitation Program Director, Department for the Blind and Vision Impaired, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3111, FAX (804) 371-3390, toll-free (800) 622-2155, (804) 371-3140/TTY ☎, e-mail taylorjg@dbvi.state.va.us.

CEMETERY BOARD

† May 15, 2002 - 9:30 a.m. -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular business meeting.

Contact: Karen O'Neal, Assistant Director, Cemetery Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8526, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail cemetery@dpor.state.va.us.

CHARITABLE GAMING COMMISSION

† May 22, 2002 - 10 a.m. -- Open Meeting

General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. ♿

Calendar of Events

A regular commission meeting. The agenda will be posted on the agency's web site at <http://www.state.va.us/cgchome>.

Contact: Frances C. Jones, Administrative Staff Assistant, Charitable Gaming Commission, James Monroe Bldg., 101 N. 14th St., 17th Floor, Richmond, VA 23219, telephone (804) 786-3014, FAX (804) 786-1079, e-mail jones@cg.state.va.us.

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

May 14, 2002 - 10 a.m. -- Open Meeting
Chesapeake Bay Local Assistance Department, James Monroe Building, 101 North 14th Street, 17th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the Northern Area Review Committee to conduct general business, including review of local Chesapeake Bay Preservation Area programs for the Northern Area. Persons interested in observing should call the Chesapeake Bay Local Assistance Department to verify meeting time and location. No comments from the public will be entertained during the meeting; however, written comments are welcome.

Contact: Carolyn J. Elliott, Administrative Assistant, Chesapeake Bay Local Assistance Department, James Monroe Bldg., 101 N. 14th St., 17th Floor, Richmond, VA, telephone (804) 371-7505, FAX (804) 225-3447, toll-free (800) 243-7229, (800) 243-7229/TTY , e-mail celliott@cblad.state.va.us.

May 14, 2002 - 2 p.m. -- Open Meeting
Chesapeake Bay Local Assistance Department, James Monroe Building, 101 North 14th Street, 17th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the Southern Area Review Committee to conduct general business, including review of local Chesapeake Bay Preservation Area programs for the Southern Area. Persons interested in observing should call the Chesapeake Bay Local Assistance Department to verify meeting time and location. No comments from the public will be entertained during the meeting; however, written comments are welcome.

Contact: Carolyn J. Elliott, Administrative Assistant, Chesapeake Bay Local Assistance Department, James Monroe Bldg., 101 N. 14th St., 17th Floor, Richmond, VA, telephone (804) 371-7505, FAX (804) 225-3447, toll-free (800) 243-7229, (800) 243-7229/TTY , e-mail celliott@cblad.state.va.us.

CHILD DAY-CARE COUNCIL

† May 8, 2002 - 2 p.m. -- Open Meeting
Department of Social Services, Theater Row Building, 730 East Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

New member orientation. There will not be a public comment period.

Contact: Arlene Kasper, Program Development Consultant, Child Day-Care Council, 730 E. Broad St., Richmond, VA 23219-1849, telephone (804) 692-1791, FAX (804) 692-2370.

† May 9, 2002 - 9 a.m. -- Open Meeting

† May 10, 2002 - 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 Development Consultant, Child Day-Care Council, 730 E. Broad St., Richmond, VA 23219-1849, telephone (804) 692-1791, FAX (804) 692-2370.

STATE CHILD FATALITY REVIEW TEAM

May 10, 2002 - 10 a.m. -- Open Meeting

Department of Social Services, 730 East Broad Street, Richmond, Virginia. 

The business portion of the meeting is open to the public. At the conclusion of the open meeting, there will be a closed session for confidential case review.

Contact: Virginia Powell, Coordinator, State Child Fatality Review Team, 400 E. Jackson St., Richmond, VA 23219, telephone (804) 786-6047, FAX (804) 371-8595, toll-free (800) 447-1708, e-mail vpowell@vdh.state.va.us.

STATE BOARD FOR COMMUNITY COLLEGES

† May 15, 2002 - 2:30 p.m. -- Open Meeting

Virginia Community College System, James Monroe Building, 101 North 14th Street, 15th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

Meetings of the Academic and Student Affairs Committee, the Budget and Finance Committee, and the Audit Committee will be held at 2:30 p.m. Meetings of the Facilities Committee and the Personnel Committee will be held at 3:30 p.m.

Contact: D. Susan Hayden, Public Relations Manager, Virginia Community College System, 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 819-4961, FAX (804) 819-4768, (804) 371-8504/TTY 

† May 16, 2002 - 9 a.m. -- Open Meeting

Virginia Community College System, James Monroe Building, 101 North 14th Street, 15th Floor, Godwin-Hamel Board Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting. Public comment will be received at the beginning of the meeting.

Contact: D. Susan Hayden, Public Relations Manager, State Board for Community Colleges, Virginia Community College System, 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 819-4961, FAX (804) 819-4768, (804) 371-8504/TTY 

COMPENSATION BOARD

† **May 28, 2002 - 11 a.m.** -- Open Meeting
Compensation Board, 202 North 9th Street, 10th Floor, Richmond, Virginia. 

A monthly board meeting.

Contact: Cindy P. Waddell, Administrative Staff Assistant, Compensation Board, P.O. Box 710, Richmond, VA 23218, telephone (804) 786-0786, FAX (804) 371-0235, e-mail cwaddell@scb.state.va.us.

DEPARTMENT OF CONSERVATION AND RECREATION

May 8, 2002 - 9 a.m. -- Open Meeting
Cedar Crest Conference Center, Twin Lakes State Park, 788 Twin Lakes Road, Green Bay, Virginia.  (Interpreter for the deaf provided upon request)

The second meeting of the Sailors Creek Battlefield Historic State Park Technical Advisory Committee on preparation of a new Sailors Creek Battlefield Historic State Park Master Plan. The Conference Center is located within the park at 22 Cedar Crest Road. Requests for interpreter services for the deaf should be made two weeks prior to the meeting.

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.

May 15, 2002 - 7 p.m. -- Open Meeting
Cumberland County High School, 15 School Road, Band Room, Cumberland, Virginia.  (Interpreter for the deaf provided upon request)

A meeting regarding the Bear Creek Lake State Park Master Plan. The state park master planning process will be explained, and public input will be received on the draft park mission statement and draft goals and objectives. Requests for interpreter services for the deaf should be made two weeks prior to the meeting.

Contact: Jim Guyton, Environmental Program Manager, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-2093, FAX (804) 371-7899, e-mail jguyton@dcr.state.va.us.

† **May 16, 2002 - 7 p.m.** -- Open Meeting
Clarksville Community Center, 102 Willow Drive, Clarksville, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the Oconeechee State Park Technical Advisory Committee to discuss preparation of the park

master plan and potential future developments at Oconeechee.

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.

May 23, 2002 - 9 a.m. -- Open Meeting
NOTE: CHANGE IN MEETING LOCATION
Mason Neck State Park, Visitor's Center, 7301 High Point Road, Lorton, Virginia.  (Interpreter for the deaf provided upon request)

The second meeting of the Mason Neck State Technical Advisory Committee in preparation of a new Mason Neck State Park Master Plan. Requests for interpreter services for the deaf should be filed two weeks prior to the meeting.

Contact: John R. Davy, Director of Planning and Recreation Resources, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-1119, FAX (804) 371-7899, e-mail jdavy@dcr.state.va.us.

† **June 12, 2002 - 9 a.m.** -- Open Meeting
Cumberland Central Bank, 1422 Anderson Highway, Cumberland, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting of the Bear Creek Lake Park Technical Committee regarding the park's master plan.

Contact: Jim Guyton, Environmental Program Manager, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-2093, FAX (804) 371-7899, e-mail jguyton@dcr.state.va.us.

† **June 13, 2002 - 7 p.m.** -- Open Meeting
Gunston Hall, 10709 Gunston Road, Mason Neck, Virginia.  (Interpreter for the deaf provided upon request)

The Mason Neck State Park Technical Advisory Committee will explain the state park master planning process will be explained and public input will be received on the draft park mission statement and draft goals and objectives.

Contact: John R. Davy, Director, Division of Planning and Recreation Resources, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-1119, FAX (804) 371-7899, e-mail jdavy@dcr.state.va.us.

Falls of the James Scenic River Advisory Board

June 6, 2002 - Noon -- Open Meeting
Richmond City Hall, 900 East Broad Street, Planning Commission Conference Room, 5th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to discuss river issues.

Contact: Richard G. Gibbons, Environmental Program Manager, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone

Calendar of Events

(804) 786-4132, FAX (804) 371-7899, e-mail rgibbons@dcr.state.va.us.

Virginia Soil and Water Conservation Board

May 16, 2002 - 9 a.m. -- Open Meeting
Virginia Department of Forestry, Charlottesville, Virginia. 
(Interpreter for the deaf provided upon request)

A regular business meeting. Requests for interpreter services for the deaf should be filed two weeks prior to the 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.

Virginia State Parks Foundation

May 13, 2002 - 10 a.m. -- Open Meeting
Department of Conservation and Recreation, 203 Governor Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular business meeting of the Board of Trustees. Requests for interpreter services for the deaf should be filed two weeks prior to the meeting date.

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.

BOARD OF CORRECTIONS

† May 14, 2002 - 10 a.m. -- Open Meeting
Board of Corrections, 6900 Atmore Drive, Board Room, Richmond, Virginia. 

A meeting of the Liaison Committee to discuss matters for possible presentation to the full board.

Contact: Janice T. Dow, Agency Regulatory Coordinator, Board of Corrections, 6900 Atmore Dr., Richmond, VA 23225 telephone (804) 674-3119, FAX (804) 674-3509, e-mail dowjt@vadoc.state.va.us.

† May 14, 2002 - 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 correctional services/policy and regulation matters for possible presentation to the full board.

Contact: Janice T. Dow, Agency Regulatory Coordinator, Board of Corrections, 6900 Atmore Dr., Richmond, VA 23225 telephone (804) 674-3119, FAX (804) 674-3509, e-mail dowjt@vadoc.state.va.us.

† May 15, 2002 - 8:30 a.m. -- Open Meeting
Board of Corrections, 6900 Atmore Drive, Board Room, Richmond, Virginia. 

A meeting of the Administration Committee to discuss matters for possible presentation to the full board.

Contact: Janice T. Dow, Agency Regulatory Coordinator, Board of Corrections, 6900 Atmore Dr., Richmond, VA 23225 telephone (804) 674-3119, FAX (804) 674-3509, e-mail dowjt@vadoc.state.va.us.

† May 15, 2002 - 10 a.m. -- Open Meeting
Board of Corrections, 6900 Atmore Drive, Board Room, Richmond, Virginia. 

A meeting of the full board.

Contact: Janice T. Dow, Agency Regulatory Coordinator, Board of Corrections, 6900 Atmore Dr., Richmond, VA 23225 telephone (804) 674-3119, FAX (804) 674-3509, e-mail dowjt@vadoc.state.va.us.

CRIMINAL JUSTICE SERVICES BOARD

† May 9, 2002 - 9 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia.

A regular meeting of the Committee on Training. The agenda will include training related issues, a report on the Virginia Center for School Safety, a report on the Virginia Community Policing Institute, and other items.

Contact: Thomas Nowlin, Executive Secretary, Criminal Justice Services Board, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-6348, FAX (804) 371-8981, e-mail tnowlin@dcjs.state.va.us.

† May 9, 2002 - 11 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia.

The agenda will include a director's report; some private security matters concerning PSSAB appointments for 2002, a proposal to amend the CJSB by-laws, and a review of the proposed criminal history waiver guidelines; a DNA database update and information on the new DNA legislation; grant considerations, and new business.

Contact: Christine Wiedemer, Administrative Staff Assistant to the Director, Criminal Justice Services Board, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-8718, FAX (804) 371-8981, e-mail cwiedemer@dcjs.state.va.us.

BOARD OF DENTISTRY

Special Conference Committee

† May 10, 2002 - 9:30 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. 

† May 17, 2002 - 9 a.m. -- Open Meeting
† May 31, 2002 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia. 

Informal hearings will be heard to discuss disciplinary matters. Public comment will not be received.

Contact: Cheri Emma-Leigh, Operations Manager, Board of Dentistry, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9906, FAX (804) 662-7246, (804) 662-7197/TTY ☎, e-mail denbd@dhp.state.va.us.

DESIGN-BUILD/CONSTRUCTION MANAGEMENT REVIEW BOARD

May 16, 2002 - 11 a.m. -- Open Meeting

June 20, 2002 - 11 a.m. -- Open Meeting

July 18, 2002 - 11 a.m. -- Open Meeting

Virginia War Memorial, 601 South Belvidere Street, Auditorium, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to review requests submitted by localities to use design-build or construction management-type contracts. Contact the Division of Engineering and Buildings to confirm the meeting. Board rules and regulations can be obtained online at www.dgs.state.va.us under the DGS Forms, Form DGS-30-904.

Contact: Freddie M. Adcock, Administrative Assistant, Department of General Services, 805 E. Broad St., Room 101, Richmond, VA 23219, telephone (804) 786-3263, FAX (804) 371-7934, (804) 786-6152/TTY ☎, e-mail fadcock@dgs.state.va.us.

BOARD OF EDUCATION

† **May 6, 2002 - 7 p.m.** -- Public Hearing

Lake Taylor High School, 1384 Kempsville Road, Auditorium, Norfolk, Virginia. ♿ (Interpreter for the deaf provided upon request)

† **May 7, 2002 - 7 p.m.** -- Public Hearing

Chatham High School, 100 Cavalier Circle, Auditorium, Chatham, Virginia. ♿ (Interpreter for the deaf provided upon request)

† **May 9, 2002 - 7 p.m.** -- Public Hearing

George Wythe High School, 1 Maroon Way, Auditorium, Wytheville, Virginia. ♿ (Interpreter for the deaf provided upon request)

† **May 13, 2002 - 7 p.m.** -- Public Hearing

Hidden Valley Jr. High School, 4902 Hidden Valley Road, Auditorium, Roanoke, Virginia. ♿ (Interpreter for the deaf provided upon request)

† **May 14, 2002 - 7 p.m.** -- Public Hearing

Abingdon High School, 705 Thompson Drive, Auditorium, Abingdon, Virginia. ♿ (Interpreter for the deaf provided upon request)

A series of meetings to hear the suggestions and concerns of educators, parents, employers, civic and community leaders, and other interested citizens in addressing the needs, priorities, and programs in public schools across the state. The hearings seek comment from the public about the standards of quality, which define what constitutes a

basic quality education in Virginia. Specific topics include teacher-student ratios in grades K-12; support staffing requirements, including principals and teacher's aides; services which support student achievement; professional development requirements for teachers and principals; and the state-local funding formula applicable to the SOQ. Registration of speakers will begin at 6:30 p.m. In order to give everyone a chance to speak, each speaker is asked to limit comments to three minutes. Speakers are encouraged to provide a written copy of their comments. The written copy may contain more detail than the three-minute public presentation. Where possible, speakers are asked to specifically identify the standards they are addressing. The board also encourages written comment by mail, FAX or e-mail. Comments may be mailed by September 1, 2002, to Margaret N. Roberts or e-mailed to SOQ@mail.vak12ed.edu. Where possible, persons are asked to specifically identify the standards they are addressing. A copy of the Standards of Quality and additional information are available on the Internet at <http://www.pen.k12.va.us>.

Contact: Dr. Margaret N. Roberts, Office of Policy, Department of Education, P.O. Box 2120, James Monroe Bldg., 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, e-mail mroberts@mail.vak12ed.edu.

May 23, 2002 - 9 a.m. -- Open Meeting

June 26, 2002 - 9 a.m. -- Open Meeting

† **July 25, 2002 - 9 a.m.** -- Open Meeting

General Assembly Building, 910 Capitol Square, Senate Room B, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular business meeting of the board. Persons who wish to speak or who require the services of an interpreter for the deaf should contact the agency in advance. Public comment will be received.

Contact: Dr. Margaret N. Roberts, Office of Policy, Department of Education, P.O. Box 2120, James Monroe Bldg., 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, e-mail mroberts@mail.vak12ed.edu.

DEPARTMENT OF ENVIRONMENTAL QUALITY

May 21, 2002 - 9 a.m. -- Open Meeting

Department of Environmental Quality, 629 East Main Street, 1st Floor Conference Room, Richmond, Virginia. ♿

A regular meeting of the Virginia Ground Water Protection Steering Committee. Anyone interested in ground water protection issues is welcome to attend. Meeting minutes and agenda are available from the contact person.

Contact: Mary Ann Massie, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4042, (804) 698-4021/TTY ☎, e-mail mamassie@deq.state.va.us.

Calendar of Events

May 22, 2002 - 10 a.m. -- Open Meeting
Virginia Historical Society, 428 North Boulevard, Richmond, Virginia. 

A meeting of the Virginia Pollution Prevention Advisory Committee.

Contact: Sharon Baxter, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4344, e-mail skbaxter@deq.state.va.us.

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

† May 7, 2002 - 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 discuss legislative issues that the board may consider proposing for the 2003 Session of the General Assembly. Public comment will be received at the beginning of the meeting.

Contact: Elizabeth Young, 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 elizabeth.young@dhp.state.va.us.

BOARD OF GAME AND INLAND FISHERIES

† June 7, 2002 - 9 a.m. -- Open Meeting
Department of Game and Inland Fisheries, 4000 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to address the Department of Game and Inland Fisheries' Fiscal Year 2002-2003 operating and capital budgets. The board may also discuss general and administrative issues. The board may elect to hold a dinner Thursday evening, June 6, at a location and time to be determined, and it may hold a closed session at some time during the June 7 meeting.

Contact: Phil Smith, Policy Analyst, Department of Game and Inland Fisheries, 4010 W. Broad St., Richmond, VA, telephone (804) 367-1000, FAX (804) 367-0488, e-mail DGIFRegs@dgif.state.va.us.

STATE BOARD OF HEALTH

May 9, 2002 - 7 p.m. -- Public Hearing
Richmond Airport Hilton, 5501 Eubank Road, Sandston, Virginia.

June 21, 2002 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Health intends to repeal regulations entitled: **12 VAC 5-30. Rules and Regulations Governing Emergency Medical Services** and adopt regulations entitled: **12 VAC 5-31. Virginia Emergency Medical Services Regulations**. The purpose

of the proposed action is to consolidate diverse provisions and place them in a logical order, remove outdated provision, and reflect current technological standards.

Statutory Authority: §§ 32.1-12 and 32.1-111.4 of the Code of Virginia.

Contact: Dave Cullen, Compliance Manager, Office of EMS, Department of Health, 1538 E. Parham Rd., Richmond, VA, telephone (804) 371-3500, FAX (804) 371-3543, toll-free 1-800-523-6019, or e-mail dcullen@vdh.state.va.us.

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† May 30, 2002 - 2 p.m. -- Public Hearing
Department of Health, Main Street Station Train Shed, 1500 East Main Street, 1st Floor, EPI Conference Room, Richmond, Virginia.

July 8, 2002 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Health intends to amend regulations entitled: **12 VAC 5-90. Regulations for Disease Reporting and Control**. The purpose of the proposed action is to adopt a provision required by law regarding notification of patients reported to the state cancer registry.

Statutory Authority: §§ 32.1-12 and 32.1-70.2 of the Code of Virginia.

Contact: Diane Wollard, Ph.D., Director, Division of Surveillance and Investigation, Office of Epidemiology, Department of Health, 1500 E. Main St., Suite 123, Richmond, VA 23219, telephone (804) 786-6261, FAX (804) 786-1076, e-mail dwoollard@vdh.state.va.us.

DEPARTMENT OF HEALTH

May 10, 2002 - 1 p.m. -- Open Meeting
Richmond Airport Hilton, 5501 Eubank Rd., Sandston, Virginia. 

A quarterly meeting of the State Emergency Medical Services Advisory Board.

Contact: Gary R. Brown, Director, Department of Health, 1538 E. Parham Rd., Richmond, VA, telephone (804) 371-3500, FAX (804) 371-3543, toll-free (800) 523-6019, e-mail gbrown@vdh.state.va.us.

† June 7, 2002 - 10 a.m. -- Open Meeting
Fontaine Research Park, Natural Resources Building, 900 Natural Resources Drive, Charlottesville, Virginia.

A meeting of the Biosolids Use Regulations Advisory Committee to discuss issues involving the land application and agricultural uses of biosolids as governed by the Biosolids Use Regulations and proposed revisions to those regulations.

Contact: Cal Sawyer, Director of Wastewater Engineering, Department of Health, Main Street Station, 1500 E. Main St.,

Room 109, Richmond, Virginia 23219, telephone (804) 786-1755, e-mail csawyer@vdh.state.va.us.

† **June 7, 2002 - 1 p.m.** -- Open Meeting
Fontaine Research Park, Natural Resources Building, 900 Natural Resources Drive, Charlottesville, Virginia.

A meeting of the Biosolids Use Information Committee to discuss issues involving land application and agricultural uses of biosolids as governed by the Biosolids Use Regulations.

Contact: Cal Sawyer, Director of Wastewater Engineering, Department of Health, Main Street Station, 1500 E. Main St., Room 109, Richmond, Virginia 23219, telephone (804) 786-1755, e-mail csawyer@vdh.state.va.us.

DEPARTMENT OF HISTORIC RESOURCES

State Review Board and Historic Resources Board

† **June 12, 2002 - 10 a.m.** -- Open Meeting
Virginia Historical Society Auditorium, 428 North Boulevard, Richmond, Virginia. 

A meeting to place nominations on the National Register of Historic Places and Virginia Landmarks Register, and to approve highway markers and easements.

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

May 7, 2002 - 9 a.m. -- Open Meeting
June 4, 2002 - 9 a.m. -- Open Meeting
Hopewell Community Center, 100 West City Point Road, Hopewell, Virginia.  (Interpreter for the deaf provided upon request)

A Local Emergency Preparedness committee meeting as required by SARA Title III.

Contact: Robert Brown, Emergency Services Coordinator, Hopewell Industrial Safety Council, 300 N. Main St., Hopewell, VA 23860, telephone (804) 541-2298.

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

† **May 21, 2002 - 9 a.m.** -- Open Meeting
Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, Virginia. 

A regular meeting of the Board of Commissioners to review and, if appropriate, approve the minutes from the prior monthly meeting; consider for approval and ratification mortgage loan commitments under its various programs; review the authority's operations for the prior month; and consider such other matters and take such other actions as it may deem appropriate. Various committees of the Board of Commissioners, including the Programs Committee, the

Operations Committee, the Policy Committee, and the Committee of the Whole, may also meet during the day preceding 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 one week prior to the date of the meeting.

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 

VIRGINIA INTERAGENCY COORDINATING COUNCIL

† **June 12, 2002 - 9:30 a.m.** -- Open Meeting
Children's Hospital, 2924 Brook Road, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)

A quarterly meeting to advise and assist the Department of Mental Health, Mental Retardation and Substance Abuse Services as lead agency for Part C (of IDEA), early intervention for infants and toddlers with disabilities and their families. Discussion will focus on issues related to Virginia's implementation of the Part C program.

Contact: LaKeishia L. White, Office Services Specialist, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 786-3710 or FAX (804) 371-7959.

DEPARTMENT OF LABOR AND INDUSTRY

† **May 9, 2002 - 9:30 a.m.** -- Open Meeting
Department of Labor and Industry, Powers-Taylor Building, 13 South 13th Street, Mezzanine Conference Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A general meeting of the Virginia Apprenticeship Council subcommittee.

Contact: Beverley Donati, Assistant Program Manager, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-2382, FAX (804) 786-8418, (804) 786-2376/TTY , e-mail bgd@doli.state.va.us.

† **June 20, 2002 - 10 a.m.** -- Open Meeting
J. Sargeant Reynolds Community College, North Run Business Park, 1630 E. Parham Road, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)

A quarterly meeting of the Virginia Apprenticeship Council.

Contact: Beverley Donati, Assistant Program Manager, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-2382, FAX (804) 786-8418, (804) 786-2376/TTY , e-mail bgd@doli.state.va.us.

Calendar of Events

LIBRARY OF VIRGINIA

June 10, 2002 - 7:30 a.m. -- Open Meeting
The Library of Virginia, 800 East Broad Street, Richmond, Virginia. 

Meetings of the board to discuss matters pertaining to The Library of Virginia and the board. Committees of the board will meet as follows:

7:30 a.m. - Executive Committee, Conference Room B.

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. - Library Board, Conference Room 2M.

Contact: Jean H. Taylor, Executive Secretary to the Librarian, The Library of Virginia, 800 E. Broad St., Richmond, VA 23219-2000, telephone (804) 692-3535, FAX (804) 692-3594, (804) 692-3976/TTY , e-mail jtaylor@lva.lib.va.us.

COMMISSION ON LOCAL GOVERNMENT

May 13, 2002 - 10 a.m. -- Open Meeting
Commission on Local Government, 900 East Main Street, Suite 103, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting to consider such matters as may be presented.

Contact: Barbara Bingham, Administrative Assistant, Commission on Local Government, 900 East Main 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

May 11, 2002 - 1:30 p.m. -- Open Meeting
Longwood College, Lancaster 319, 201 High Street, Farmville, Virginia. 

A meeting of the Executive Committee to conduct routine business.

Contact: Jeanne Hayden, Office of the President, Longwood College, 201 High St., Farmville, VA 23909, telephone (804) 395-2004.

May 23, 2002 - 10 a.m. -- Open Meeting
The Capital Club, James River East Room, 1051 East Cary Street, Richmond, Virginia. 

A meeting to conduct routine business of the Board of Visitors' Administration, Finance and Facilities Committee.

Contact: Jeanne Hayden, Office of the President, Longwood College, 201 High St., Farmville, VA 23909, telephone (804) 395-2004.

MARINE RESOURCES COMMISSION

May 28, 2002 - 9:30 a.m. -- Open Meeting
June 25, 2002 - 9:30 a.m. -- Open Meeting
Marine Resources Commission, 2600 Washington Avenue, 4th Floor, Newport News, Virginia. 

A monthly meeting.

Contact: Stephanie Montgomery, Commission Secretary, Marine Resources Commission, 2600 Washington Ave., Newport News, VA 23607, telephone (757) 247-8088, FAX (757) 247-2020, toll-free (800) 541-4646, (757) 247-2292/TTY , e-mail smont@mrc.state.va.us.

BOARD OF MEDICAL ASSISTANCE SERVICES

June 11, 2002 - 10 a.m. -- Open Meeting
Department of Medical Assistance Services, 600 East Broad Street, Board Room, Suite 1300, Richmond, Virginia. 

A general meeting. An agenda will be posted prior to the meeting date.

Contact: Nancy Malczewski, Communications Office, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-4626, FAX (804) 371-4981, (800) 343-0634/TTY , e-mail nmalczewskir@dmas.state.va.us.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

May 9, 2002 - 2 p.m. -- Open Meeting
Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Boardroom, Richmond, Virginia. 

A meeting of the Medicaid Drug Utilization Review Board to train new members and conduct regular business.

Contact: Marianne Rollings, R.Ph., Board Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 225-4268, FAX (804) 786-1680, (800) 343-0634/TTY , e-mail mrollings@dmas.state.va.us.

† **May 23, 2002 - 10:30 a.m.** -- Open Meeting
Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Boardroom, Richmond, Virginia. 

A meeting to conduct routine committee business.

Contact: Marianne Rollings, Pharmacist, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 225-4268, FAX (804) 225-4393, (800) 343-0634/TTY , e-mail mrollings@dmas.state.va.us.

July 5, 2002 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Medical Assistance Services intends to amend regulations entitled: **12 VAC 30-120. Waivered Services (Mental Retardation)**. The purpose of the proposed action is to significantly amend the mental retardation waiver program in response to issues raised by the Health Care Financing Administration and affected constituent groups.

Statutory Authority: § 32.1-325 of the Code of Virginia.

Public comments may be submitted until July 5, 2002, to Sherry Confer, Analyst, LTC Division, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

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

BOARD OF MEDICINE

May 8, 2002 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia ☎

A meeting of the Advisory Committee on Acupuncture to consider regulatory issues as presented on the agenda. Public comment will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail wharp@dhp.state.va.us.

May 9, 2002 - 9 a.m. -- Public Hearing
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia ☎

June 21, 2002 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Medicine intends to amend regulations entitled: **18 VAC 85-80. Regulations Governing the Practice of Occupational Therapy**. The purpose of the proposed action is to address concerns about the adequacy of supervision for unlicensed assistants and to provide greater clarity about practice by graduates waiting for examination results. Minor changes are proposed for greater accuracy and consistency.

Statutory Authority: §§ 54.1-2400, 54.1-2956.1, and 54.1-2956.2 of the Code of Virginia.

Public comments may be submitted until June 21, 2002, to William L. Harp, M.D., Executive Director, Board of Medicine, 6606 W. Broad St. Richmond, VA 23230.

Contact: Elaine J. Yeatts, Agency Regulatory Coordinator, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.state.va.us.

May 8, 2002 - 1 p.m. -- Public Hearing
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia ☎

June 21, 2002 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Medicine intends to amend regulations entitled: **18 VAC 85-101. Regulations Governing the Licensure of Radiologic Technologists and Radiologic Technologists-Limited**. The purpose of the proposed action is to provide an additional credential qualifying an applicant to be licensed as a radiologic technologist-limited in bone densitometry and to recognize the training course, examination and certification by the International Society for Clinical Densitometry for a limited license in that anatomical area. The proposed regulations would also clarify that a licensee who performs bone densitometry would have to get additional training and pass ARRT examinations in order to add other anatomical areas. Finally, an amendment would allow the board to accept other approved entities offering continuing education courses for bone densitometry.

Statutory Authority: §§ 54.1-2400 and 54.1-2956.8:1 of the Code of Virginia.

Public comments may be submitted until June 21, 2002, to William L. Harp, M.D., Executive Director, Board of Medicine, 6606 W. Broad St., Richmond, VA 23230.

Contact: Elaine J. Yeatts, Agency Regulatory Coordinator, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.state.va.us.

May 8, 2002 - 1 p.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia ☎

A meeting of the Advisory Board on Radiologic Technology to consider regulatory issues as presented on the agenda. Public comment will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail wharp@dhp.state.va.us.

May 9, 2002 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia ☎

Calendar of Events

A meeting of the Advisory Board on Occupational Therapy to consider regulatory issues as presented on the agenda. Public comment will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail wharp@dhp.state.va.us.

May 9, 2002 - 1 p.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia ♿

A meeting of the Advisory Board on Respiratory Care to consider regulatory issues as presented on the agenda. Public comment will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail wharp@dhp.state.va.us.

May 10, 2002 - 9 a.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia ♿

A meeting of the Advisory Board on Athletic Training to consider regulatory issues as presented on the agenda. Public comment will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail wharp@dhp.state.va.us.

May 10, 2002 - 1 p.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia ♿

A meeting of the Advisory Board on Physicians Assistants to consider regulatory issues as presented on the agenda. Public comment will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail wharp@dhp.state.va.us.

May 17, 2002 - 8:30 a.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, Conference Room 2, Richmond, Virginia.

A meeting of the Legislative Committee to discuss issues related to the regulation of the healing arts and consider regulatory actions as may be presented on the agenda. Public comment will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail wharp@dhp.state.va.us.

June 6, 2002 - 8 a.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

The board will conduct general board business, receive committee and board reports, and discuss any other items that may come before the board. The board will also meet on Friday and Saturday, June 7 and 8, to review reports, interview licensees/applicants, conduct administrative proceedings, and make decisions on disciplinary matters. The board will also review any regulations that may come before it. The board will entertain public comments during the first 15 minutes on agenda items.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail wharp@dhp.state.va.us.

June 7, 2002 - 1 p.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting of the Credentials Committee will be held in open and closed session to conduct general business, interview and review medical credentials of applicants applying for licensure in Virginia, and discuss any other items which may come before the Committee.

Contact: William L. Harp, MD, Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-7005, FAX (804) 662-9517, (804) 662-7197/TTY ☎

Informal Conference Committee

May 16, 2002 - 9 a.m. -- Open Meeting

June 13, 2002 - 9:30 a.m. -- Open Meeting
Holiday Inn Select, 2801 Plank Road, Fredericksburg, Virginia. ♿

May 17, 2002 - 12:30 p.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, Richmond, Virginia.

May 22, 2002 - 9 a.m. -- Open Meeting

June 19, 2002 - 8:45 a.m. -- Open Meeting
Williamsburg Marriott Hotel, 50 Kingsmill Road, Williamsburg, 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 the Code of Virginia. Public comment will not be received.

Contact: Peggy Sadler or Renee Dixson, Staff, Board of Medicine, 6606 W. Broad St., Richmond, VA 23230, telephone (804) 662-7332, FAX (804) 662-9517, (804) 662-7197/TTY ☎, e-mail Peggy.Sadler@dhp.state.va.us.

STATE MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

June 5, 2002 - 6:30 p.m. -- Public Hearing
Dumbarton Area Library, 6800 Staples Mill Road, Richmond, Virginia.

June 21, 2002 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Mental Health, Mental Retardation and Substance Abuse Services Board intends to amend regulations entitled: **12 VAC 35-190. Regulations Establishing Procedures for Voluntarily Admitting Persons who are Mentally Retarded to State Mental Retardation Facilities.** The purpose of the proposed action is to amend the regulations to update current provisions in order to reflect current practice and promote appropriate admissions to state training centers.

Statutory Authority: §§ 37.1-10 and 37.1-65.1 of the Code of Virginia.

Contact: Wendy V. Brown, Policy Analyst, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 225-2252, FAX (804) 371-0092 or e-mail wbrown@dmhmrsas.state.va.us.

STATE MILK COMMISSION

May 22, 2002 - 11 a.m. -- Open Meeting
102 East Buck Avenue, Rural Retreat, Virginia.

A regular meeting to consider industry issues, distributor licensing, base transfers, and reports from staff. The commission offers anyone in attendance an opportunity to speak at the conclusion of the agenda. Those persons requiring special accommodations should notify the agency meeting contact at least five working days prior to the meeting date so that suitable arrangements can be made.

Contact: Edward C. Wilson, Jr., Deputy Administrator, State Milk Commission, Ninth St. Office Bldg., 202 N. Ninth St., Room 915, Richmond, VA 23219, telephone (804) 786-2013, FAX (804) 786-3779, e-mail ewilson@smc.state.va.us.

MOTOR VEHICLE DEALER BOARD

† **May 13, 2002 - 8:30 a.m.** -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Room 702, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

Committees will meet as follows:

Dealer Practices Committee - 8:30 a.m.

Franchise Law Committee - Five minutes after Dealer Practices Committee
Licensing Committee - 9:30 a.m. or five minutes after Franchise Law
Advertising Committee - 10 a.m. or five minutes after Licensing Committee
Finance Committee - 10:30 a.m. or five to 45 minutes after Personnel Committee
Personnel Committee - Five minutes after Advertising Committee
Transaction Recovery Fund Committee - 11 a.m. or five to 45 minutes after Finance

The full board will meet at 1 p.m. Meetings may begin later, but not earlier than scheduled. Meeting end times are approximate. Any person who needs any accommodation in order to participate in the meeting should contact the board at least 10 days before the meeting so that suitable arrangements can be made.

Contact: Alice R. Weedon, Administrative Assistant, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104, Richmond, VA 23220, telephone (804) 367-1100, FAX (804) 367-1053, toll-free (877) 270-0203, e-mail dboard@mvb.state.va.us.

DEPARTMENT OF MOTOR VEHICLES

† **June 12, 2002 - 8 a.m.** -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Richmond Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular business meeting of the Medical Advisory Board.

Contact: Jacquelin Branche, Assistant Division Manager, Department of Motor Vehicles, 2300 W. Broad St., Richmond VA 23220, telephone (804) 367-0531, FAX (804) 367-1604, e-mail dmvj3b@dmv.state.va.us.

June 13, 2002 - 9 a.m. -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Room 702, Richmond, Virginia. ♿

A meeting of the Digital Signature Implementation Workgroup. Meetings will be held on the second Thursday of every other month from 9 a.m. until noon at the location noted above unless otherwise noted. The room will be open for coffee and pre-session business at 8:30 a.m.; the business session will begin at 9.

Contact: Vivian Cheatham, Executive Staff Assistant, Department of Motor Vehicles, 2300 W. Broad St., Richmond, VA 23220, telephone (804) 367-6870, FAX (804) 367-6631, toll-free (866) 68-5463, e-mail dmvrc@dmv.state.va.us.

VIRGINIA MUSEUM OF FINE ARTS

May 7, 2002 - 8 a.m. -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Main Lobby Conference Room, Richmond, Virginia. ♿

A meeting for staff to brief the Executive Committee. Public comment will not be received.

Calendar of Events

Contact: Suzanne Broyles, 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.

May 15, 2002 - 9 a.m. -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Main Lobby Conference Room, Richmond, Virginia. ♿

The following committees will meet:
9 a.m. - Exhibitions Committee
9 a.m. - Program Review Committee - Canceled
10:30 a.m. - Museum Expansion Committee
12:30 p.m. - Legislative Committee - Canceled
2 p.m. - Education and Programs Committee
3:15 p.m. - Communications and Marketing Committee

Public comment will not be received.

Contact: Suzanne Broyles, 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.

May 16, 2002 - 8:30 a.m. -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, CEO Building, 2nd Floor Conference Room, Richmond, Virginia. ♿

The following committees will meet:
8:30 a.m. - Buildings and Grounds Committee
9:30 a.m. - Collections Committee
11 a.m. - Finance Committee

Contact: Suzanne Broyles, 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.

May 16, 2002 - 12:30 p.m. -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Auditorium, Richmond, Virginia ♿

The full board will meet to receive reports from the President, Director, and Museum Foundation and committees, and for approval of acquisition of art works. Portions of the meeting will be held in closed session. Public comment will not be received.

Contact: Suzanne Broyles, 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.

June 20, 2002 - Noon -- Open Meeting
Virginia Museum of Fine Arts, CEO 2nd Floor Meeting Room, 2800 Grove Avenue, Richmond, Virginia ♿

A meeting of the Executive/Finance Committee to approve the annual budget. Public comment will not be received.

Contact: Suzanne Broyles, 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

May 20, 2002 - 9 a.m. -- Open Meeting
May 22, 2002 - 9 a.m. -- Open Meeting
May 23, 2002 - 8:30 a.m. -- Open Meeting
July 15, 2002 - 9 a.m. -- Open Meeting
July 17, 2002 - 9 a.m. -- Open Meeting
July 18, 2002 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. ♿

A panel of the board will conduct formal hearings with licensees or certificate holders. Public comment will not be received.

Contact: Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY ☎, e-mail nursebd@dhp.state.va.us.

† May 21, 2002 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. ♿

A general business meeting including action on several regulatory and disciplinary matters as presented on the agenda. The board may adopt emergency regulations for volunteer practice by out-of-state nurses and may adopt proposed regulations pursuant to regulatory review recommendations. Public comment will be received at approximately 11 a.m.

Contact: Nancy K. Durrett, R.N., Executive Director, Board of Nursing, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY ☎, e-mail ndurrett@dhp.state.va.us.

Special Conference Committee

June 4, 2002 - 8:30 a.m. -- Open Meeting
June 10, 2002 - 8:30 a.m. -- Open Meeting
June 12, 2002 - 8:30 a.m. -- Open Meeting
June 18, 2002 - 8:30 a.m. -- Open Meeting
June 20, 2002 - 8:30 a.m. -- Open Meeting
June 25, 2002 - 8:30 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. ♿

June 26, 2002 - 8:30 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, 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 St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY ☎, e-mail nursebd@dhp.state.va.us.

BOARD OF PHARMACY

May 6, 2002 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Richmond, Virginia. 

A meeting of the Regulation Committee to discuss promulgation of emergency regulations for implementation.

Contact: Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9911, FAX (804) 662-9313, e-mail pharmbd@dhp.state.va.us.

May 6, 2002 - 1 p.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 2, Richmond, Virginia. 

A panel of the board will discuss disciplinary matters. Public comments will not be received.

Contact: Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9911, FAX (804) 662-9913.

May 7, 2002 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 4, Richmond, Virginia. 

A meeting of the Special Conference Committee to discuss disciplinary matters. Public comments will not be received.

Contact: Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9911, FAX (804) 662-9313.

POLYGRAPH EXAMINERS ADVISORY BOARD

June 19, 2002 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A 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 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 polygraph@dpor.state.va.us.

VIRGINIA PUBLIC BROADCASTING BOARD

May 8, 2002 - 10 a.m. -- Open Meeting
State Capitol, House Room 1, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)

A regular quarterly meeting.

Contact: Jim Roberts, Deputy Secretary of Administration, 202 N. Ninth St., Richmond, VA 23219, telephone (804) 786-1201, FAX (804) 371-0038, e-mail jroberts@gov.state.va.us.

VIRGINIA PUBLIC GUARDIAN AND CONSERVATOR ADVISORY BOARD

† May 7, 2002 - 11 a.m. -- Open Meeting
Virginia Department for the Aging, 1600 Forest Avenue, Suite 102, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular business meeting. Public comments will be received.

Contact: Terry Raney, Public Guardianship Coordinator, Virginia Public Guardian and Conservator Advisory Board, Virginia Department for the Aging, 1600 Forest Ave., Suite 102, Richmond, VA 23229, telephone (804) 662-7049.

REAL ESTATE APPRAISER BOARD

† May 7, 2002 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A general business meeting.

Contact: Karen O'Neal, Assistant Director, Real Estate Appraiser Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8526, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail reappraisers@dpor.state.va.us.

REAL ESTATE BOARD

† May 9, 2002 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A general business meeting.

Contact: Karen O'Neal, Assistant Director, Real Estate Board, 3600 W Broad St., Richmond, VA 23230, telephone (804) 367-8526, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail reboard@dpor.state.va.us.

DEPARTMENT OF REHABILITATIVE SERVICES

† May 10, 2002 - 11 a.m. -- Open Meeting
Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the Disability Services Council to review appeal letters for FY 2003 Rehabilitative Services Incentive Fund Grant.

Contact: LaDonna Rogers, Administrative Staff Assistant, Department of Rehabilitative Services, 8004 Franklin Farms Dr., Richmond, VA, telephone (804) 662-7154, FAX (804)

Calendar of Events

662-9533, toll-free (800) 552-5019, (804) 662-7154/TTY ☎, e-mail rogersll@drs.state.va.us.

VIRGINIA RESOURCES AUTHORITY

May 14, 2002 - 9 a.m. -- Open Meeting

June 11, 2002 - 9 a.m. -- Open Meeting

Virginia Resources Authority, 707 East Main Street, 2nd Floor Conference Room, Richmond, Virginia.

A regular meeting of the Board of Directors to (i) review and, if appropriate, approve the minutes from the most recent monthly meeting; (ii) review the authority's operations for the prior month; (iii) review applications for loans submitted to the authority for approval; (iv) consider loan commitments for approval and ratification under its various programs; (v) approve the issuance of any bonds; (vi) review the results of any bond sales; and (vii) consider such other matters and take such other actions as it may deem appropriate. Various committees of the Board of Directors may also meet immediately before or after the regular meeting and consider matters within their purview. The planned agenda of the meeting and any committee meetings will be available at the offices of the authority one week prior to the date of the meeting. Any person who needs any accommodation in order to participate in the meeting should contact the authority at least 10 days before the meeting so that suitable arrangements can be made.

Contact: Bonnie R.C. McRae, Executive Assistant, Virginia Resources Authority, 707 E. Main St., Suite 1350, Richmond, VA 23219, telephone (804) 644-3100, FAX (804) 644-3109, e-mail bmcrac@vra.state.va.us.

SEWAGE HANDLING AND DISPOSAL APPEAL REVIEW BOARD

May 22, 2002 - 10 a.m. -- Open Meeting

General Assembly Building, 910 Capitol Street, Senate Room B, Richmond, Virginia. ♿

A meeting to hear appeals of health department denials of septic tank permits.

Contact: Susan C. Sherertz, Business Manager, Department of Health, 1500 E. Main St., Room 115, Richmond, VA, telephone (804) 371-4236, FAX (804) 225-4003, e-mail ssherertz@vdh.state.va.us.

VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

† **May 28, 2002 - 10 a.m.** -- Open Meeting

Department of Business Assistance, 707 East Main Street, 3rd Floor, Richmond, Virginia. ♿

A meeting to review applications for loans submitted to the authority for approval and to conduct general business of the board. Meeting time is subject to change depending upon the agenda of the board.

Contact: Scott E. Parsons, Executive Director, Department of Business Assistance, P.O. Box 446, Richmond, VA 23218-

0446, telephone (804) 371-8254, FAX (804) 225-3384, e-mail sparsons@dba.state.va.us.

STATE BOARD OF SOCIAL SERVICES

May 8, 2002 - 10 a.m. -- Public Hearing

Department of Social Services, Theater Row Building, 730 East Broad Street, Lower Level Room 1, Richmond, Virginia.

June 7, 2002 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 that the State Board of Social Services intends to adopt regulations entitled: **22 VAC 40-730. Investigation of Child Abuse and Neglect in Out of Family Complaints.** The purpose of the proposed action is to emphasize that child protective services out of family investigations are to be conducted as joint investigations in cases involving an employee at a state licensed facility for children, or an employee of a public or private school.

Statutory Authority: §§ 63.1-25, 63.1-248.6 and 63.1-248.7:1 of the Code of Virginia.

Contact: Jesslyn Cobb, CPS Program Consultant, State Board of Social Services, 730 E. Broad St., 2nd Floor, Richmond, VA 23219, telephone (804) 692-1255 or FAX (804) 692-2215.

June 7, 2002 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Social Services intends to amend regulations entitled: **22 VAC 40-720. Child Protective Services Release of Information to Family Advocacy Representatives of the United States Armed Forces.** The regulation mandates sharing of information in founded cases of child abuse between social services and the Family Advocacy Program; the definition of "founded" is being amended to conform with the definition of "founded" in the Child Protective Services regulation (22 VAC 40-705).

Statutory Authority: §§ 63.1-25 and 63.248.6 of the Code of Virginia.

Contact: Jesslyn Cobb, CPS Program Consultant, State Board of Social Services, 730 E. Broad St., 2nd Floor, Richmond, VA 23219, telephone (804) 692-1255 or FAX (804) 692-2215.

† **May 23, 2002 - 9 a.m.** -- Open Meeting

General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. ♿

A meeting of the Secretary's Child Support Guideline Review Panel. All states are required to establish guidelines for determining the amount of financial and medical child support owed by both parents. Virginia's guideline is contained in §§ 20-108.1 and 20-108.2 of the Code of Virginia. Virginia law requires a panel review of the

guideline every three years. The panel consists of noncustodial parents, custodial parents, child advocates, attorneys, judges, the Executive Branch and members of the Virginia Senate and House of Delegates.

Contact: Bill Brownfield, Staff Director, State Board of Social Services, 730 E. Broad St., 4th Floor, Richmond, VA 23219-1849, telephone (804) 692-2401, FAX (804) 692-2410.

BOARD OF SOCIAL WORK

† **May 16, 2002 - 10 a.m.** -- Open Meeting

† **May 17, 2002 - 10 a.m.** -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. 

A meeting of the Special Conference Committee to hold informal conferences pursuant to § 2.2-4019 of the Code of Virginia. Public comment will not be heard.

Contact: Evelyn B. Brown, Executive Director, Board of Social Work, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9914, FAX (804) 662-7250, (804) 662-7197/TTY , e-mail coun@dhp.state.va.us.

COUNCIL ON TECHNOLOGY SERVICES

May 7, 2002 - 9:15 a.m. -- Open Meeting

June 13, 2002 - 9:15 a.m. -- Open Meeting

Department of Technology Planning, 110 South 7th Street, Suite 135, Conference Room, Richmond, Virginia. 

A monthly meeting of the Dashboard Project Workgroup. To expedite security procedures, please contact George Williams at gwilliams@ntp.state.va.us or (804) 371-2771 to include your name on the list of attendees that will be given to building security.

Contact: Chris Saneda, Chief Information Officer, Department of Alcoholic Beverage Control, 2901 Hermitage Rd., Richmond, VA 23220, telephone (804) 213-4483, FAX (804) 213-4486, e-mail chris.saneda@abc.state.va.us.

May 8, 2002 - 10 a.m. -- Open Meeting

Department of Information Technology, 110 South 7th Street, 3rd Floor, Executive Conference Room, Richmond, Virginia. 

A regular meeting of the Telecommunications Workgroup. For more information about the agenda, visit the COTS website at www.cots.state.va.us.

Contact: Leslie Carter, Deputy Director, Department of Information Technology, Richmond Plaza Building, 110 S. 7th St., Richmond, VA 23219, telephone (804) 371-5577, e-mail lcarter@dit.state.va.us.

May 9, 2002 - 9:30 a.m. -- Open Meeting

George Mason University, Fairfax, Virginia.

A bimonthly meeting of the council.

Contact: Jenny Wootton, Executive Director, Council on Technology Services, Office of the Secretary of Technology,

202 N. 9th St., Suite 506, Richmond, VA 23219, telephone (804) 786-9579, FAX (804) 786-9584, e-mail jwootton@gov.state.va.us.

May 13, 2002 - 2 p.m. -- Open Meeting

Department of Technology Planning, 110 South 7th Street, 3rd Floor, Conference Room, Richmond, Virginia. 

A monthly meeting of the COTS Executive Committee. Agenda and materials can be viewed on the COTS website at www.cots.state.va.us. For security reasons, please contact Jenny Wootton if you plan to attend to expedite security procedures.

Contact: Jenny Wootton, Executive Director, Council on Technology Services, Office of the Secretary of Technology, 202 N. 9th St., Richmond, VA 23219, telephone (804) 786-9579, FAX (804) 786-9584, e-mail jwootton@gov.state.va.us.

COMMONWEALTH TRANSPORTATION BOARD

† **May 15, 2002 - 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: Carol Mathis, Commonwealth Transportation Board, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-2713, FAX (804) 786-6683, e-mail Mathis_ca@vdot.state.va.us.

† **May 16, 2002 - 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 five minutes. Large groups are asked to select one individual to speak for the group. The board reserves the right to amend these conditions. Separate committee meetings may be held on call of the chairman. Contact VDOT Public Affairs at (804) 786-2715 for schedule.

Contact: Carol A. Mathis, Administrative Assistant, Commonwealth Transportation Board, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-2713, FAX (804) 786-6683, e-mail Mathis_ca@vdot.state.va.us.

BOARD OF VETERINARY MEDICINE

† **May 15, 2002 - 9 a.m.** -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

Informal conferences and disciplinary hearings of the Special Conference Committee. The hearings are open to the public, but public comment will not be received.

Calendar of Events

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 terri.behr@dhp.state.va.us.

† **May 16, 2002 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia ☎

A general business meeting including regulatory and disciplinary actions. Among the agenda items will be the adoption of emergency regulations for volunteer practice by out-of-state licensees and consideration of endorsement requests and continuing education exemptions. Public comment will be received at the beginning 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.

STATE WATER CONTROL BOARD

† **June 11, 2002 - 2 p.m.** -- Public Hearing
Department of Environmental Quality, West Central Regional Office, 3019 Peters Creek Road, Roanoke, Virginia.

† **June 11, 2002 - 2 p.m.** -- Public Hearing
Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia.

July 8, 2002 - Public comments will be received until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled: **9 VAC 25-180. Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Discharges of Storm Water from Construction Activities.** The purpose of the proposed action is to amend the existing construction general permit regulation to add coverage for storm water discharges from small construction activities. A question and answer period will be held one half hour prior to the public hearing at each location.

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

Contact: Burton Tuxford, Storm Water Coordinator, Department of Environmental Quality, 629 E. Main St., Richmond, VA 23219, telephone (804) 698-4086, FAX (804) 698-4032, e-mail brtuxford@deq.state.va.us.

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† **June 11, 2002 - 2 p.m.** -- Public Hearing
Department of Environmental Quality, West Central Regional Office, 3019 Peters Creek Road, Roanoke, Virginia.

† **June 11, 2002 - 2 p.m.** -- Public Hearing
Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia.

July 8, 2002 - Public comments will be received until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to adopt regulations entitled: **9 VAC 25-750. Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Discharges of Storm Water from Small Municipal Separate Storm Sewer Systems.** The purpose of the proposed action is to adopt a general permit regulation to authorize storm water discharges from small regulated municipal separate storm sewer systems. A question and answer period will be held one half hour prior to the public hearing at each location.

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

Contact: Burton Tuxford, Storm Water Coordinator, Department of Environmental Quality, 629 E. Main St., Richmond, VA 23219, telephone (804) 698-4086, FAX (804) 698-4032, e-mail brtuxford@deq.state.va.us.

BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

June 20, 2002 - 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.

Contact: David 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.

VIRGINIA WORKFORCE COUNCIL

NOTE: CHANGE IN MEETING TIME

June 12, 2002 - 2:30 p.m. -- Open Meeting
Holiday Inn University Area and Conference Center, 1901 Emmet Street, Monroe and Madison Rooms, Charlottesville, Virginia ☎ (Interpreter for the deaf provided upon request)

Agenda items are WIA local strategic plans, training provider waivers, council strategic plan, and local WIB report. Public comment will be received at 3:30 p.m. Five minutes per speaker and a written copy of the remarks is requested.

Contact: Gail Robinson, Liaison, Virginia Employment Commission, P.O. Box 1358, Richmond, VA 23218-1358, telephone (804) 225-3070, FAX (804) 225-2190, (800) 828-1120/TTY ☎, e-mail grobinson@vec.state.va.us.

INDEPENDENT

STATE LOTTERY BOARD

† **June 19, 2002 - 9:30 a.m.** -- Open Meeting
Pocahontas Building, 900 East Main Street, Richmond,
Virginia. 

A regular meeting. Public comment will be received at the beginning of the meeting.

Contact: Barbara L. Robertson, Board, Legislative and Regulatory Coordinator, State Lottery Department, 900 E. Main St., Richmond, VA 23219, telephone (804) 692-7105, FAX (804) 692-7775, e-mail brobertson@valottery.state.va.us.

VIRGINIA RETIREMENT SYSTEM

May 14, 2002 - Noon -- Open Meeting
VRS Headquarters, 1200 East Main Street, Richmond,
Virginia. 

A regular meeting of the Optional Retirement Plan Advisory Committee of the VRS Board of Trustees.

Contact: Darla K. Glazier, Office Manager, Virginia Retirement System, 1200 E. Main St., Richmond, VA 23219, telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY , e-mail dglazier@vrs.state.va.us.

May 15, 2002 - Noon -- Open Meeting
Bank of America Building, 1111 East Main Street, 4th Floor Conference Room, Richmond, Virginia. 

A regular meeting of the Investment Advisory Committee.

Contact: Phyllis Henderson, Virginia Retirement System, 1111 East Main Street, Richmond, Virginia 23219, telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY , e-mail phenderson@vrs.state.va.us.

May 15, 2002 - 2:30 p.m. -- Open Meeting
VRS Headquarters, 1200 East Main Street, Richmond,
Virginia. 

A regular meeting of the Administration and Personnel 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 dkestner@vrs.state.va.us.

NOTE: CHANGE IN MEETING TIME

May 15, 2002 - 3 p.m. -- Open Meeting
Virginia Retirement System Headquarters, 1200 East Main Street, Richmond, Virginia. 

A regular meeting of the Benefits and Actuarial 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.

NOTE: CHANGE IN MEETING TIME

May 15, 2002 - 4:30 p.m. -- Open Meeting
VRS Headquarters, 1200 East Main Street, Richmond,
Virginia. 

Meeting of the Audit and Compliance 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 dkestner@vrs.state.va.us.

May 16, 2002 - 9 a.m. -- Open Meeting
VRS 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 dkestner@vrs.state.va.us.

LEGISLATIVE

VIRGINIA CODE COMMISSION

† **June 19, 2002 - 10 a.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, 6th Floor, Speaker's Conference Room, Richmond, Virginia. 

A regular meeting.

Contact: Jane Chaffin, Registrar of Regulations, Virginia Code Commission, General Assembly Bldg., 910 Capitol Street, Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 692-0625, e-mail jchaffin@leg.state.va.us.

JOINT LEGISLATIVE AUDIT AND REVIEW COMMISSION

† **May 13, 2002 - 10 a.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, Senate Room A, Richmond, Virginia.

A staff briefing on the 2002 JLARC workplan and 2002 APA workplan.

Contact: Becky C. Torrence, Administrative Support and Legislative Activities Specialist, Joint Legislative Audit and Review Commission, General Assembly Bldg., 910 Capitol St., Suite 1100, Richmond, VA 23219, telephone (804) 786-1258, e-mail btorrence@leg.state.va.us.

Calendar of Events

CHRONOLOGICAL LIST

OPEN MEETINGS

May 6

Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers, and Landscape Architects,
Board for
- Land Surveyors Section
Pharmacy, Board of
- Regulation Committee

May 7

Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers, and Landscape Architects,
Board for
- Land Surveyors Section
† Funeral Directors and Embalmers, Board of
- Legislative Committee
Hopewell Industrial Safety Council
Museum of Fine Arts, Virginia
- Executive Committee
Pharmacy, Board of
- Special Conference Committee
† Public Guardian and Conservator Advisory Board, Virginia
† Real Estate Appraiser Board
Technology Services, Council on
- Dashboard Project Workgroup

May 8

Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers, and Landscape Architects,
Board for
- Professional Engineers Section
† Child Day-Care Council
Conservation and Recreation, Department of
- Sailors Creek Battlefield Historic Park Technical
Advisory Committee
Medicine, Board of
- Advisory Committee on Acupuncture
- Advisory Board on Radiologic Technology
Public Broadcasting Board, Virginia
Technology Services, Council on
- Telecommunications Workgroup

May 9

Aging, Commonwealth Council on
- Public Relations Committee
Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers, and Landscape Architects,
Board for
- Certified Interior Designers Section
† Child Day-Care Council
† Criminal Justice Services Board
- Committee on Training
† Labor and Industry, Department of
- Virginia Apprenticeship Council
Medical Assistance Services, Department of
- Medicaid Drug Utilization Review Board
Medicine, Board of
- Advisory Board on Occupational Therapy
- Advisory Board on Respiratory Care
† Real Estate Board
Technology Services, Council on

May 10

† Child Day-Care Council
Child Fatality Review Team, State
† Dentistry, Board of
- Special Conference Committee
Health, Department of
- State Emergency Medical Services Advisory Board
Medicine, Board of
- Advisory Board on Athletic Training
- Advisory Board on Physician Assistants
† Rehabilitative Services, Department of
- Disability Services Council

May 11

Longwood College
- Executive Committee

May 13

Conservation and Recreation, Department of
- Virginia State Parks Foundation Board of Trustees
† Legislative Audit and Review Commission, Joint
Local Government, Commission on
† Motor Vehicle Dealer Board
- Advertising Committee
- Dealer Practices Committee
- Finance Committee
- Franchise Law Committee
- Licensing Committee
- Personnel Committee
- Transaction Recovery Fund Committee
Technology Services, Council on
- Executive Committee

May 14

Chesapeake Bay Local Assistance Board
- Northern Area Review Committee
- Southern Area Review Committee
† Corrections, Board of
- Correctional Services/Policy and Regulations Committee
- Liaison Committee
Resources Authority, Virginia
- Board of Directors
Retirement System, Virginia
- Optional Retirement Plan Advisory Committee

May 15

† Cemetery Board
† Community Colleges, State Board for
- Academic and Student Affairs Committee
- Audit Committee
- Budget and Finance Committee
- Facilities Committee
- Personnel Committee
Conservation and Recreation, Department of
- Bear Creek Lake State Park Advisory Committee
† Corrections, Board of
- Administration Committee
Museum of Fine Arts, Virginia
- Communications and Marketing Committee
- Education and Programs Committee
- Exhibitions Committee
- Museum Expansion Committee
Retirement System, Virginia
- Administration and Personnel Committee
- Audit and Compliance Committee
- Benefits and Actuarial Committee

- Investment Advisory Committee
- † Transportation Board, Commonwealth
- † Veterinary Medicine, Board of
 - Special Conference Committee

May 16

- † Agriculture and Consumer Services, Board of
- † Audiology and Speech-Language Pathology, Board of
 - Legislative/Regulatory Committee
- † Community Colleges, State Board for
- † Conservation and Recreation, Department of
 - Occoneechee State Park Technical Advisory Committee
 - Virginia Soil and Water Conservation Board
- Design-Build/Construction Management Review Board
- Medicine, Board of
 - Informal Conference Committee
- Museum of Fine Arts, Virginia
 - Buildings and Grounds Committee
 - Collections Committee
 - Finance Committee
- Retirement System, Virginia
- † Social Work, Board of
 - Special Conference Committee
- † Transportation Board, Commonwealth
- † Veterinary Medicine, Board of

May 17

- † Architects, Professional Engineers, Land Surveyors, Certified Interior Designers, and Landscape Architects, Board for
 - Regulatory Review Committee
- † Dentistry, Board of
 - Special Conference Committee
- Medicine, Board of
 - Informal Conference Committee
 - Legislative Committee
- † Social Work, Board of
 - Special Conference Committee

May 20

- Nursing, Board of

May 21

- Agriculture and Consumer Services, Department of
 - Consumer Affairs Advisory Committee
- Alzheimer's Disease and Related Disorders Commission
- Environmental Quality, Department of
 - Virginia Ground Water Protection Steering Committee
- † Housing Development Authority, Virginia
 - Board of Commissioners
- † Nursing, Board of

May 22

- † Charitable Gaming Commission
- Environmental Quality, Department of
 - Pollution Prevention Advisory Committee
- Medicine, Board of
 - Informal Conference Committee
- Milk Commission, State
- Nursing, Board of
- Sewage Handling and Disposal Appeal Review Board

May 23

- Conservation and Recreation, Department of
 - Mason Neck State Park Technical Advisory Committee
- Education, Board of
- Longwood College
 - Administration, Finance and Facilities Committee

- † Medical Assistance Services, Department of
- Nursing, Board of
- † Social Services, State Board of
 - Secretary's Child Support Guideline Review Panel

May 28

- † Compensation Board
- Marine Resources Commission
- † Small Business Financing Authority, Virginia

May 31

- † Dentistry, Board of
 - Special Conference Committee

June 4

- Hopewell Industrial Safety Council
- Nursing, Board of
 - Special Conference Committee

June 6

- Architects, Professional Engineers, Land Surveyors, Certified Interior Designers, and Landscape Architects, Board for
- Conservation and Recreation, Department of
 - Falls of the James Scenic River Advisory Board
- Medicine, Board of

June 7

- Art and Architectural Review Board
- † Game and Inland Fisheries, Board of
- † Health, Department of
 - Biosolids Use Information Committee
 - Biosolids Use Regulations Advisory Committee
- Medicine, Board of
 - Credentials Committee

June 8

- † Blind and Vision Impaired, Department for the
 - Statewide Rehabilitation Council for the Blind

June 10

- Library of Virginia
 - Archival and Information Services Committee
 - Collection Management Services Committee
 - Executive Committee
 - Legislative and Finance Committee
 - Publications and Educational Services Committee
 - Public Library Development Committee
 - Records Management Committee
- Nursing, Board of
 - Special Conference Committee

June 11

- Medical Assistance Services, Board of
- Resources Authority, Virginia
 - Board of Directors

June 12

- † Conservation and Recreation, Department of
 - Bear Creek Lake State Park Technical Advisory Committee
- † Historic Resources, Department of
 - State Review Board and Historic Resources Board
- † Interagency Coordinating Council, Virginia
- † Motor Vehicles, Department of
 - Medical Advisory Board
- Nursing, Board of
 - Special Conference Committee
- Workforce Council, Virginia

Calendar of Events

June 13

- † Conservation and Recreation, Department of
 - Mason Neck State Park Technical Advisory Committee
- Medicine, Board of
 - Informal Conference Committee
- Motor Vehicles, Department of
 - Digital Signature Implementation Workgroup
- Technology Services, Council on
 - Dashboard Project Workgroup

June 18

- Nursing, Board of
 - Special Conference Committee

June 19

- † Code Commission, Virginia
- † Lottery Board, State
- Medicine, Board of
 - Informal Conference Committee
- Polygraph Examiners Advisory Board

June 20

- Design-Build/Construction Management Review Board
- † Labor and Industry, Department of
 - Virginia Apprenticeship Council
- Museum of Fine Arts, Virginia
 - Executive/Finance Committee
- Nursing, Board of
 - Special Conference Committee
- Waterworks and Wastewater Works Operators, Virginia Board for

June 25

- Marine Resources Committee
- Nursing, Board of
 - Special Conference Committee

June 26

- Education, Board of
- Nursing, Board of
 - Special Conference Committee

July 12

- Art and Architectural Review Board

July 15

- Nursing, Board of

July 16

- Asbestos, Lead, and Home Inspectors, Virginia Board for

July 17

- Nursing, Board of

July 18

- Design-Build/Construction Management Review Board
- Nursing, Board of

July 25

- † Education, Board of

August 2

- † Art and Architectural Review Board

May 9

- † Education, Board of
- † Health, State Board of Medicine, Board of

May 13

- † Education, Board of

May 14

- † Education, Board of

May 16

- † Air Pollution Control Board, State

May 30

- † Health, State Board of

June 5

- Mental Health, Mental Retardation and Substance Abuse Services Board, State

June 11

- † Water Control Board, State

PUBLIC HEARINGS

May 6

- † Education, Board of

May 7

- † Education, Board of

May 8

- Air Pollution Control Board, State
- Medicine, Board of
- Social Services, State Board of