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# CUMULATIVE TABLE OF VIRGINIA ADMINISTRATIVE CODE SECTIONS ADOPTED, AMENDED, OR REPEALED

The table printed below lists regulation sections, by Virginia Administrative Code (VAC) title, that have been amended, added or repealed in the *Virginia Register* since the regulations were originally published or last supplemented in VAC (the Spring 2002 VAC Supplement includes final regulations published through *Virginia Register* Volume 18, Issue 11, dated February 11, 2002). Emergency regulations, if any, are listed, followed by the designation "emer," and errata pertaining to final regulations are listed. Proposed regulations are not listed here. The table lists the sections in numerical order and shows action taken, the volume, issue and page number where the section appeared, and the effective date of the section.

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
<b>Title 2. Agriculture</b>			
2 VAC 5-400-10	Amended	18:21 VA.R. 2768	8/1/02
2 VAC 5-400-20	Amended	18:21 VA.R. 2768	8/1/02
2 VAC 5-400-30	Amended	18:21 VA.R. 2768	8/1/02
2 VAC 5-400-50	Amended	18:21 VA.R. 2768	8/1/02
2 VAC 5-400-80	Amended	18:21 VA.R. 2768	8/1/02
2 VAC 5-400-90	Added	18:21 VA.R. 2768	8/1/02
2 VAC 5-610-10 through 2 VAC 5-610-80	Amended	18:21 VA.R. 2768	8/1/02
<b>Title 3. Alcoholic Beverages</b>			
3 VAC 5-20-10	Amended	18:23 VA.R. 3094	8/28/02
3 VAC 5-20-60	Amended	18:23 VA.R. 3095	8/28/02
3 VAC 5-30-60	Amended	18:23 VA.R. 3095	8/28/02
3 VAC 5-50-170	Amended	18:23 VA.R. 3096	8/28/02
3 VAC 5-60-80	Amended	18:23 VA.R. 3096	8/28/02
3 VAC 5-70-20	Amended	18:23 VA.R. 3097	8/28/02
3 VAC 5-70-90	Amended	18:23 VA.R. 3097	8/28/02
<b>Title 4. Conservation and Natural Resources</b>			
4 VAC 5-35-10 through 4 VAC 5-35-50	Repealed	18:14 VA.R. 1800	4/25/02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 15-20-160	Amended	19:1 VA.R. 102	10/23/02
4 VAC 15-380-60 emer	Repealed	18:23 VA.R. 3102	7/1/02-6/30/03
4 VAC 15-380-120 emer	Added	18:23 VA.R. 3102	7/1/02-6/30/03
4 VAC 20-252-150	Amended	18:21 VA.R. 2836	5/29/02-6/27/02
4 VAC 20-252-150	Amended	18:22 VA.R. 2927	6/19/02
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 20-430-50	Amended	18:18 VA.R. 2287	5/1/02
4 VAC 20-430-60	Amended	18:18 VA.R. 2287	5/1/02
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 20-562-10 through 4 VAC 20-562-50 emer	Added	18:25 VA.R. 3570	8/16/02-8/30/02
4 VAC 20-610-60	Amended	18:25 VA.R. 3548	8/1/02
4 VAC 20-620-20	Amended	18:14 VA.R. 1828	3/5/02
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 20-620-50	Amended	18:21 VA.R. 2836	6/1/02-6/30/02
4 VAC 20-620-50	Amended	18:22 VA.R. 2927	6/19/02
4 VAC 20-620-60	Amended	18:14 VA.R. 1829	3/5/02
4 VAC 20-620-60	Erratum	18:21 VA.R. 2846	--
4 VAC 20-620-60	Amended	18:21 VA.R. 2836	6/1/02-6/30/02

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
4 VAC 20-620-60	Amended	18:22 VA.R. 2928	6/19/02
4 VAC 20-620-70	Amended	18:14 VA.R. 1829	3/5/02
4 VAC 20-620-70	Amended	18:21 VA.R. 2837	6/1/02-6/30/02
4 VAC 20-620-70	Amended	18:22 VA.R. 2928	6/19/02
4 VAC 20-670-30 emer	Amended	18:22 VA.R. 2935	6/20/02-7/20/02
4 VAC 20-670-30	Amended	18:25 VA.R. 3550	8/1/02
4 VAC 20-720-47 emer	Added	18:12 VA.R. 1697	2/1/02-2/28/02
4 VAC 20-752-10	Amended	18:21 VA.R. 2769	6/1/02
4 VAC 20-752-20	Amended	18:21 VA.R. 2769	6/1/02
4 VAC 20-752-20 emer	Amended	18:24 VA.R. 3300	7/15/02-8/14/02
4 VAC 20-752-20	Amended	19:1 VA.R. 102	9/1/02
4 VAC 20-752-30	Amended	18:21 VA.R. 2769	6/1/02
4 VAC 20-754-30 emer	Amended	19:1 VA.R. 137	8/28/02-9/27/02
4 VAC 20-910-45	Amended	18:21 VA.R. 2769	6/1/02
4 VAC 20-910-45	Erratum	18:21 VA.R. 2846	--
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	18:12 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 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 50-20-50	Erratum	18:17 VA.R. 2183	--
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
<b>Title 6. Criminal Justice and Corrections</b>			
6 VAC 15-40-10	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-40	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-90 through 6 VAC 15-40-130	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-150	Amended	18:20 VA.R. 2584	7/17/02
6 VAC 15-40-155	Added	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-160	Amended	18:20 VA.R. 2585	7/17/02
6 VAC 15-40-280	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-290	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-360 through 6 VAC 15-40-390	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-393	Added	18:20 VA.R. 2585	7/17/02
6 VAC 15-40-395	Added	18:20 VA.R. 2585	7/17/02
6 VAC 15-40-400	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-410	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-450	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-460	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-470	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-490	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-520	Amended	18:20 VA.R. 2585	7/17/02
6 VAC 15-40-540 through 6 VAC 15-40-580	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-620	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-640 through 6 VAC 15-40-670	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-690	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-740	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-800 through 6 VAC 15-40-830	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-833	Added	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-835	Added	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-840	Amended	18:20 VA.R. 2585	7/17/02
6 VAC 15-40-870	Amended	18:20 VA.R. 2585	7/17/02

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6 VAC 15-40-900	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-910	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-920	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-940 through 6 VAC 15-40-970	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-1020	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-1030	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-1040	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-1070	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-1080	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-1100	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-1110	Repealed	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-1130	Repealed	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-1190	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-1193	Added	18:20 VA.R. 2585	7/17/02
6 VAC 15-40-1195	Added	18:20 VA.R. 2585	7/17/02
6 VAC 15-40-1200	Amended	18:20 VA.R. 2585	7/17/02
6 VAC 15-40-1330	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-1350	Amended	18:20 VA.R. 2583	7/17/02
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 20-171-350	Erratum	18:20 VA.R. 2680	--
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
6 VAC 35-60-10	Amended	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-20	Repealed	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-30	Repealed	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-40	Amended	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-170	Amended	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-215	Amended	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-225	Added	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-236	Added	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-237	Added	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-280	Repealed	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-290	Amended	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-320	Amended	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-330	Amended	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-390	Amended	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-400	Repealed	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-410	Amended	18:25 VA.R. 3551	11/1/02

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

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
6 VAC 35-60-415	Added	18:25 VA.R. 3552	11/1/02
6 VAC 35-60-440	Repealed	18:25 VA.R. 3552	11/1/02
6 VAC 35-60-450	Amended	18:25 VA.R. 3552	11/1/02
6 VAC 35-60-460	Repealed	18:25 VA.R. 3552	11/1/02
6 VAC 35-60-480	Repealed	18:25 VA.R. 3552	11/1/02
6 VAC 35-60-490	Repealed	18:25 VA.R. 3552	11/1/02
6 VAC 35-60-495	Repealed	18:25 VA.R. 3552	11/1/02
6 VAC 35-60-500	Amended	18:25 VA.R. 3552	11/1/02
6 VAC 35-60-575	Added	18:25 VA.R. 3552	11/1/02
6 VAC 35-60-580	Amended	18:25 VA.R. 3552	11/1/02
6 VAC 35-60-600	Amended	18:25 VA.R. 3552	11/1/02
6 VAC 35-60-605	Repealed	18:25 VA.R. 3552	11/1/02
6 VAC 35-150-10	Amended	18:24 VA.R. 3284	10/1/02
6 VAC 35-150-35	Added	18:24 VA.R. 3285	10/1/02
6 VAC 35-150-55	Amended	18:24 VA.R. 3285	10/1/02
6 VAC 35-150-70 through 6 VAC 35-150-165	Amended	18:24 VA.R. 3285-3286	10/1/02
6 VAC 35-150-170	Repealed	18:24 VA.R. 3286	10/1/02
6 VAC 35-150-175	Amended	18:24 VA.R. 3286	10/1/02
6 VAC 35-150-180	Amended	18:24 VA.R. 3286	10/1/02
6 VAC 35-150-190	Amended	18:24 VA.R. 3286	10/1/02
6 VAC 35-150-200 through 6 VAC 35-150-350	Amended	18:24 VA.R. 3286-3288	10/1/02
6 VAC 35-150-360	Repealed	18:24 VA.R. 3288	10/1/02
6 VAC 35-150-370 through 6 VAC 35-150-420	Amended	18:24 VA.R. 3288	10/1/02
6 VAC 35-150-427	Added	18:24 VA.R. 3288	10/1/02
6 VAC 35-150-430	Amended	18:24 VA.R. 3288	10/1/02
6 VAC 35-150-435	Amended	18:24 VA.R. 3288	10/1/02
6 VAC 35-150-440	Amended	18:24 VA.R. 3289	10/1/02
6 VAC 35-150-450	Amended	18:24 VA.R. 3289	10/1/02
6 VAC 35-150-460	Amended	18:24 VA.R. 3289	10/1/02
6 VAC 35-150-490 through 6 VAC 35-150-540	Amended	18:24 VA.R. 3289	10/1/02
6 VAC 35-150-620 through 6 VAC 35-150-650	Amended	18:24 VA.R. 3289	10/1/02
6 VAC 35-150-670 through 6 VAC 35-150-720	Amended	18:24 VA.R. 3289	10/1/02
<b>Title 8. Education</b>			
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	18:12 VA.R. 1650	3/28/02
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 20-630-10 through 8 VAC 20-630-70	Added	18:12 VA.R. 1683-1684	3/28/02
8 VAC 40-70-10 through 8 VAC 40-70-50	Amended	18:21 VA.R. 2770-2773	7/1/02
8 VAC 40-120-10 through 8 VAC 40-120-50	Amended	18:21 VA.R. 2774-2778	7/31/02
8 VAC 40-120-55	Added	18:21 VA.R. 2778	7/31/02
8 VAC 40-120-60 through 8 VAC 40-120-140	Amended	18:21 VA.R. 2778-2787	7/31/02

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

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
8 VAC 40-120-190	Amended	18:21 VA.R. 2787	7/31/02
8 VAC 40-120-210 through 8 VAC 40-120-230	Amended	18:21 VA.R. 2787-2788	7/31/02
8 VAC 40-120-250	Amended	18:21 VA.R. 2788	7/31/02
8 VAC 40-120-270	Amended	18:21 VA.R. 2788	7/31/02
8 VAC 40-120-280	Amended	18:21 VA.R. 2788	7/31/02
8 VAC 40-130-10	Amended	18:21 VA.R. 2789	7/1/02
8 VAC 40-130-25	Added	18:21 VA.R. 2790	7/1/02
8 VAC 40-130-30	Amended	18:21 VA.R. 2790	7/1/02
8 VAC 40-130-50	Amended	18:21 VA.R. 2791	7/1/02
8 VAC 40-130-70	Amended	18:21 VA.R. 2791	7/1/02
8 VAC 40-130-90	Amended	18:21 VA.R. 2791	7/1/02
8 VAC 40-130-100	Repealed	18:21 VA.R. 2791	7/1/02
8 VAC 40-130-120	Amended	18:21 VA.R. 2791	7/1/02
8 VAC 40-130-130	Amended	18:21 VA.R. 2791	7/1/02
8 VAC 40-130-140	Repealed	18:21 VA.R. 2792	7/1/02
8 VAC 40-130-150 through 8 VAC 40-130-180	Amended	18:21 VA.R. 2792	7/1/02
8 VAC 40-130-200	Amended	18:21 VA.R. 2792	7/1/02
8 VAC 40-130-220	Amended	18:21 VA.R. 2793	7/1/02
<b>Title 9. Environment</b>			
9 VAC 5-10-10	Amended	18:21 VA.R. 2793	8/1/02
9 VAC 5-10-20	Amended	18:21 VA.R. 2794	8/1/02
9 VAC 5-20-180	Amended	18:21 VA.R. 2800	8/1/02
9 VAC 5-40-10	Amended	18:21 VA.R. 2802	8/1/02
9 VAC 5-40-20	Amended	18:21 VA.R. 2803	8/1/02
9 VAC 5-40-30	Amended	18:21 VA.R. 2807	8/1/02
9 VAC 5-40-40	Amended	18:21 VA.R. 2808	8/1/02
9 VAC 5-40-50	Amended	18:21 VA.R. 2809	8/1/02
9 VAC 5-40-160 through 9 VAC 5-40-230	Repealed	18:14 VA.R. 1836-1840	5/1/02
9 VAC 5-50-10	Amended	18:21 VA.R. 2810	8/1/02
9 VAC 5-50-20	Amended	18:21 VA.R. 2810	8/1/02
9 VAC 5-50-30	Amended	18:21 VA.R. 2813	8/1/02
9 VAC 5-50-40	Amended	18:21 VA.R. 2814	8/1/02
9 VAC 5-50-50	Amended	18:21 VA.R. 2815	8/1/02
9 VAC 5-50-160 through 9 VAC 5-50-230	Repealed	18:14 VA.R. 1840-1844	5/1/02
9 VAC 5-50-240	Amended	18:20 VA.R. 2586	9/1/02
9 VAC 5-50-250	Amended	18:20 VA.R. 2586	9/1/02
9 VAC 5-50-260	Amended	18:20 VA.R. 2587	9/1/02
9 VAC 5-50-320	Amended	18:20 VA.R. 2587	9/1/02
9 VAC 5-50-390	Amended	18:20 VA.R. 2587	9/1/02
9 VAC 5-60-10	Amended	18:21 VA.R. 2816	8/1/02
9 VAC 5-60-20	Amended	18:21 VA.R. 2816	8/1/02
9 VAC 5-60-30	Amended	18:21 VA.R. 2817	8/1/02
9 VAC 5-60-200 through 9 VAC 5-60-270	Added	18:14 VA.R. 1836-1840	5/1/02
9 VAC 5-60-200	Erratum	18:17 VA.R. 2183	--
9 VAC 5-60-300 through 9 VAC 5-60-370	Added	18:14 VA.R. 1840-1844	5/1/02
9 VAC 5-60-300	Erratum	18:17 VA.R. 2183	--
9 VAC 5-80-10	Repealed	18:20 VA.R. 2587	9/1/02
9 VAC 5-80-11	Repealed	18:20 VA.R. 2608	9/1/02
9 VAC 5-80-1100 through 9 VAC 5-80-1320	Added	18:20 VA.R. 2587-2612	9/1/02
9 VAC 5-80-1250	Erratum	18:23 VA.R. 3136	--
9 VAC 5-80-2000 through 9 VAC 5-80-2090	Amended	18:14 VA.R. 1845-1852	5/1/02
9 VAC 5-80-2100	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



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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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 5-91-20	Amended	18:20 VA.R. 2613	10/1/02
9 VAC 5-91-30	Amended	18:20 VA.R. 2619	10/1/02
9 VAC 5-91-41	Repealed	18:20 VA.R. 2621	10/1/02
9 VAC 5-91-50	Amended	18:20 VA.R. 2621	10/1/02
9 VAC 5-91-70	Amended	18:20 VA.R. 2622	10/1/02
9 VAC 5-91-120	Amended	18:20 VA.R. 2622	10/1/02
9 VAC 5-91-160 through 9 VAC 5-91-230	Amended	18:20 VA.R. 2622-2623	10/1/02
9 VAC 5-91-260	Amended	18:20 VA.R. 2623	10/1/02
9 VAC 5-91-270	Amended	18:20 VA.R. 2623	10/1/02
9 VAC 5-91-290 through 9 VAC 5-91-340	Amended	18:20 VA.R. 2623-2625	10/1/02
9 VAC 5-91-360	Amended	18:20 VA.R. 2625	10/1/02
9 VAC 5-91-370	Amended	18:20 VA.R. 2625	10/1/02
9 VAC 5-91-380	Amended	18:20 VA.R. 2626	10/1/02
9 VAC 5-91-410 through 9 VAC 5-91-450	Amended	18:20 VA.R. 2626-2636	10/1/02
9 VAC 5-91-460	Repealed	18:20 VA.R. 2636	10/1/02
9 VAC 5-91-470	Repealed	18:20 VA.R. 2636	10/1/02
9 VAC 5-91-480 through 9 VAC 5-91-620	Amended	18:20 VA.R. 2636-2639	10/1/02
9 VAC 5-91-650 through 9 VAC 5-91-720	Amended	18:20 VA.R. 2639-2641	10/1/02
9 VAC 5-91-680	Erratum	18:23 VA.R. 3136	--
9 VAC 5-91-740	Amended	18:20 VA.R. 2641	10/1/02
9 VAC 5-91-750	Amended	18:20 VA.R. 2641	10/1/02
9 VAC 5-91-770	Repealed	18:20 VA.R. 2641	10/1/02
9 VAC 5-91-780	Repealed	18:20 VA.R. 2641	10/1/02
9 VAC 5-91-790	Amended	18:20 VA.R. 2641	10/1/02
9 VAC 5-91-800	Amended	18:20 VA.R. 2642	10/1/02
9 VAC 5-140-10 through 9 VAC 5-140-940	Added	18:20 VA.R. 2654-2657	7/17/02
9 VAC 5-140-20	Erratum	18:22 VA.R. 2953	--
9 VAC 5-140-60	Erratum	18:22 VA.R. 2953	--
9 VAC 5-140-430	Erratum	18:22 VA.R. 2953	--
9 VAC 5-140-860	Erratum	18:22 VA.R. 2953	--
9 VAC 5-140-870	Erratum	18:22 VA.R. 2953	--
9 VAC 10-20-40	Erratum	18:13 VA.R. 1763	--
9 VAC 10-20-130	Erratum	18:13 VA.R. 1764	--
9 VAC 10-20-181	Erratum	18:13 VA.R. 1764	--
9 VAC 10-20-191	Erratum	18:13 VA.R. 1764	--
9 VAC 20-60	Erratum	18:12 VA.R. 1714	--
9 VAC 20-60-1285 emer	Amended	18:21 VA.R. 2837	7/1/02-6/30/03
9 VAC 20-60-1285	Erratum	18:25 VA.R. 3607	--
Appendix 3.1 of 9 VAC 20-90 emer	Amended	18:21 VA.R. 2838	7/1/02-6/30/03
9 VAC 20-120-10	Amended	18:18 VA.R. 2287	6/19/02
9 VAC 20-120-20	Repealed	18:18 VA.R. 2287	6/19/02
9 VAC 20-120-40 through 9 VAC 20-120-100	Amended	18:18 VA.R. 2287	6/19/02
9 VAC 20-120-120	Amended	18:18 VA.R. 2287	6/19/02
9 VAC 20-120-130	Amended	18:18 VA.R. 2287	6/19/02
9 VAC 20-120-150 through 9 VAC 20-120-180	Amended	18:18 VA.R. 2287	6/19/02
9 VAC 20-120-200 through 9 VAC 20-120-310	Amended	18:18 VA.R. 2287	6/19/02
9 VAC 20-120-330	Amended	18:18 VA.R. 2287	6/19/02
9 VAC 20-120-340	Amended	18:18 VA.R. 2287	6/19/02
9 VAC 20-120-360	Amended	18:18 VA.R. 2287	6/19/02

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

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 20-120-370	Amended	18:18 VA.R. 2287	6/19/02
9 VAC 20-120-380	Amended	18:18 VA.R. 2287	6/19/02
9 VAC 20-120-390	Amended	18:18 VA.R. 2287	6/19/02
9 VAC 20-120-410 through 9 VAC 20-120-480	Amended	18:18 VA.R. 2287	6/19/02
9 VAC 20-120-500	Amended	18:18 VA.R. 2287	6/19/02
9 VAC 20-120-530	Amended	18:18 VA.R. 2287	6/19/02
9 VAC 20-120-540	Amended	18:18 VA.R. 2287	6/19/02
9 VAC 20-120-560	Amended	18:18 VA.R. 2287	6/19/02
9 VAC 20-120-590	Amended	18:18 VA.R. 2287	6/19/02
9 VAC 20-120-640	Amended	18:18 VA.R. 2287	6/19/02
9 VAC 20-120-680 through 9 VAC 20-120-760	Amended	18:18 VA.R. 2287	6/19/02
9 VAC 20-120-770 through 9 VAC 20-120-800	Repealed	18:18 VA.R. 2287	6/19/02
9 VAC 20-120-810	Amended	18:18 VA.R. 2287	6/19/02
9 VAC 20-120-835	Added	18:18 VA.R. 2287	6/19/02
9 VAC 20-120-840	Amended	18:18 VA.R. 2287	6/19/02
9 VAC 20-120-880	Amended	18:18 VA.R. 2287	6/19/02
Appendix 10.1	Repealed	18:18 VA.R. 2287	6/19/02
Appendix 10.4	Repealed	18:18 VA.R. 2287	6/19/02
9 VAC 20-160-10 through 9 VAC 20-160-40	Amended	18:18 VA.R. 2288-2290	7/1/02
9 VAC 20-160-50	Repealed	18:18 VA.R. 2290	7/1/02
9 VAC 20-160-60 through 9 VAC 20-160-120	Amended	18:18 VA.R. 2290-2292	7/1/02
9 VAC 20-160-130	Repealed	18:18 VA.R. 2292	7/1/02
9 VAC 25-20-110 emer	Amended	18:21 VA.R. 2839	7/1/02-6/30/03
9 VAC 25-20-120 emer	Amended	18:21 VA.R. 2840	7/1/02-6/30/03
9 VAC 25-20-130 emer	Amended	18:21 VA.R. 2841	7/1/02-6/30/03
9 VAC 25-31-50	Amended	18:25 VA.R. 3552	9/25/02
9 VAC 25-31-100	Amended	18:25 VA.R. 3553	9/25/02
9 VAC 25-60	Repealed	18:20 VA.R. 2657	7/17/02
9 VAC 25-194-10	Amended	18:19 VA.R. 2452	10/15/02
9 VAC 25-194-40 through 9 VAC 25-194-70	Amended	18:19 VA.R. 2452	10/15/02
9 VAC 25-194-80	Repealed	18:19 VA.R. 2452	10/15/02
9 VAC 25-260-5	Amended	18:20 VA.R. 2658	*
9 VAC 25-260-50	Amended	17:16 VA.R. 2381	6/5/02**
9 VAC 25-260-55	Added	17:16 VA.R. 2381	6/5/02**
9 VAC 25-260-140	Amended	18:24 VA.R. 3289	*
9 VAC 25-260-140	Erratum	18:25 VA.R. 3607	--
9 VAC 25-260-155	Amended	18:24 VA.R. 3289	*
9 VAC 25-260-160	Amended	18:20 VA.R. 2658	*
9 VAC 25-260-170	Amended	18:20 VA.R. 2658	*
9 VAC 25-260-310	Amended	18:20 VA.R. 2659	*
9 VAC 25-260-390	Amended	18:20 VA.R. 2661	*
9 VAC 25-420	Repealed	18:26 VA.R. 3808	***
9 VAC 25-430	Repealed	18:26 VA.R. 3808	***
9 VAC 25-440	Repealed	18:26 VA.R. 3808	***
9 VAC 25-450	Repealed	18:26 VA.R. 3808	***
9 VAC 25-452	Repealed	18:26 VA.R. 3808	***
9 VAC 25-460	Repealed	18:26 VA.R. 3808	***
9 VAC 25-470	Repealed	18:26 VA.R. 3808	***
9 VAC 25-480	Repealed	18:26 VA.R. 3808	***
9 VAC 25-490	Repealed	18:26 VA.R. 3808	***
9 VAC 25-500	Repealed	18:26 VA.R. 3808	***

\* 30 days after notice in the *Virginia Register* of EPA approval.

\*\* Notice of effective date published in 18:17 VA.R. 2174.

\*\*\* Effective date suspended at publication for further public comment.

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

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 25-510	Repealed	18:26 VA.R. 3808	***
9 VAC 25-520	Repealed	18:26 VA.R. 3808	***
9 VAC 25-530	Repealed	18:26 VA.R. 3808	***
9 VAC 25-540	Repealed	18:26 VA.R. 3808	***
9 VAC 25-550	Repealed	18:26 VA.R. 3808	***
9 VAC 25-560	Repealed	18:26 VA.R. 3808	***
9 VAC 25-570	Repealed	18:26 VA.R. 3808	***
9 VAC 25-572	Repealed	18:26 VA.R. 3808	***
9 VAC 25-720-10 through 9 VAC 25-720-140	Added	18:26 VA.R. 3809-3852	***
<b>Title 10. Finance and Financial Institutions</b>			
10 VAC 5-160-50	Added	18:19 VA.R. 2453	5/15/02
10 VAC 5-200-10 through 10 VAC 5-200-80	Added	18:24 VA.R. 3296-3299	7/22/02
<b>Title 11. Gaming</b>			
11 VAC 10-20-260 through 11 VAC 10-20-310	Amended	18:20 VA.R. 2661-2664	5/22/02
11 VAC 10-20-330	Amended	18:20 VA.R. 2664	5/22/02
11 VAC 10-20-340	Amended	18:20 VA.R. 2671	5/22/02
11 VAC 10-100-80	Amended	18:23 VA.R. 3097	7/1/02
11 VAC 10-100-100	Amended	18:23 VA.R. 3097	7/1/02
11 VAC 10-100-110	Repealed	18:23 VA.R. 3097	7/1/02
11 VAC 10-100-140	Repealed	18:23 VA.R. 3097	7/1/02
11 VAC 10-100-150	Amended	18:23 VA.R. 3097	7/1/02
11 VAC 10-100-150	Erratum	18:23 VA.R. 3136	--
11 VAC 10-100-151	Added	18:23 VA.R. 3097	7/1/02
11 VAC 10-100-152	Added	18:23 VA.R. 3097	7/1/02
11 VAC 10-100-170	Amended	18:23 VA.R. 3097	7/1/02
11 VAC 10-100-190	Amended	18:23 VA.R. 3097	7/1/02
11 VAC 10-110-10	Amended	18:23 VA.R. 3098	7/1/02
11 VAC 10-110-20	Amended	18:23 VA.R. 3098	7/1/02
11 VAC 10-110-40	Amended	18:23 VA.R. 3098	7/1/02
11 VAC 10-110-60	Amended	18:23 VA.R. 3098	7/1/02
11 VAC 10-110-80	Amended	18:23 VA.R. 3098	7/1/02
11 VAC 10-110-90	Amended	18:23 VA.R. 3098	7/1/02
11 VAC 10-110-150	Amended	18:23 VA.R. 3098	7/1/02
11 VAC 10-110-180	Amended	18:23 VA.R. 3098	7/1/02
11 VAC 10-120-20	Amended	18:23 VA.R. 3098	7/1/02
11 VAC 10-120-40	Amended	18:23 VA.R. 3098	7/1/02
11 VAC 10-120-50	Amended	18:23 VA.R. 3098	7/1/02
11 VAC 10-120-80	Amended	18:23 VA.R. 3098	7/1/02
11 VAC 10-120-90	Repealed	18:23 VA.R. 3098	7/1/02
11 VAC 10-120-100	Amended	18:23 VA.R. 3098	7/1/02
11 VAC 10-130-10	Amended	18:20 VA.R. 2672	5/22/02
11 VAC 10-130-20	Amended	18:20 VA.R. 2673	5/22/02
11 VAC 10-130-51	Amended	18:20 VA.R. 2674	5/22/02
11 VAC 10-130-52	Added	18:20 VA.R. 2674	5/22/02
11 VAC 10-130-60	Amended	18:20 VA.R. 2674	5/22/02
11 VAC 10-140-10	Amended	18:23 VA.R. 3098	7/1/02
11 VAC 10-140-30	Amended	18:23 VA.R. 3098	7/1/02
11 VAC 10-140-40	Amended	18:23 VA.R. 3098	7/1/02
11 VAC 10-140-60	Amended	18:23 VA.R. 3098	7/1/02
11 VAC 10-140-130	Amended	18:23 VA.R. 3098	7/1/02
11 VAC 10-140-140	Amended	18:23 VA.R. 3098	7/1/02
11 VAC 10-140-170	Amended	18:23 VA.R. 3098	7/1/02
11 VAC 10-140-180	Amended	18:23 VA.R. 3098	7/1/02

\*\*\* Effective date suspended at publication for further public comment.

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

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
11 VAC 10-140-310	Amended	18:23 VA.R. 3098	7/1/02
11 VAC 10-150-130	Amended	18:23 VA.R. 3099	7/1/02
11 VAC 10-150-130	Erratum	18:23 VA.R. 3136	--
11 VAC 10-150-140	Amended	18:23 VA.R. 3099	7/1/02
11 VAC 10-150-190	Added	18:23 VA.R. 3099	7/1/02
11 VAC 10-150-200	Added	18:23 VA.R. 3099	7/1/02
11 VAC 10-160-10	Amended	18:23 VA.R. 3099	7/1/02
11 VAC 10-160-20	Amended	18:23 VA.R. 3099	7/1/02
11 VAC 10-160-90	Repealed	18:23 VA.R. 3099	7/1/02
11 VAC 10-160-120 through 11 VAC 10-160-150	Amended	18:23 VA.R. 3099	7/1/02
11 VAC 10-180-10	Amended	18:19 VA.R. 2453	5/10/02
11 VAC 10-180-20	Amended	18:19 VA.R. 2454	5/10/02
11 VAC 10-180-40 through 11 VAC 10-180-90	Amended	18:19 VA.R. 2455-2462	5/10/02
11 VAC 10-180-60	Erratum	18:20 VA.R. 2681	--
<b>Title 12. Health</b>			
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 5-410-230	Amended	19:1 VA.R. 103	11/1/02
12 VAC 5-410-390	Amended	19:1 VA.R. 103	11/1/02
12 VAC 5-410-1170	Amended	19:1 VA.R. 104	11/1/02
12 VAC 5-410-1180	Amended	19:1 VA.R. 104	11/1/02
12 VAC 5-120-10 through 12 VAC 5-120-90	Added	18:16 VA.R. 2057-2058	5/22/02
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 5-520-30	Erratum	18:18 VA.R. 2369	--
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 5-590-10	Amended	18:19 VA.R. 2462	7/3/02
12 VAC 5-590-370	Amended	18:19 VA.R. 2468	7/3/02
12 VAC 5-590-370	Erratum	18:22 VA.R. 2953	--
12 VAC 5-590-410	Amended	18:19 VA.R. 2474	7/3/02
12 VAC 5-590-420	Amended	18:19 VA.R. 2477	7/3/02
12 VAC 5-590-420	Erratum	18:22 VA.R. 2954	--
12 VAC 5-590-440	Amended	18:19 VA.R. 2490	7/3/02
12 VAC 5-590-500	Amended	18:19 VA.R. 2496	7/3/02
12 VAC 5-590-530	Amended	18:19 VA.R. 2496	7/3/02
12 VAC 5-590-540	Amended	18:19 VA.R. 2502	7/3/02
12 VAC 5-590-550	Amended	18:19 VA.R. 2504	7/3/02
12 VAC 5-590 Appendix B	Amended	18:19 VA.R. 2505	7/3/02
12 VAC 5-590 Appendix F	Amended	18:19 VA.R. 2506	7/3/02
12 VAC 5-615-10 through 12 VAC 5-615-470	Added	18:18 VA.R. 2293-2300	7/1/02
12 VAC 30-40-220	Amended	18:18 VA.R. 2304	7/1/02
12 VAC 30-40-280	Amended	18:18 VA.R. 2307	7/1/02
12 VAC 30-40-280	Amended	18:23 VA.R. 3099	9/1/02
12 VAC 30-40-290	Amended	18:18 VA.R. 2307	7/1/02
12 VAC 30-40-345	Amended	18:18 VA.R. 2308	7/1/02
12 VAC 30-50-190	Amended	18:18 VA.R. 2309	7/1/02
12 VAC 30-50-210	Amended	18:18 VA.R. 2310	7/1/02
12 VAC 30-60-300	Amended	18:18 VA.R. 2312	6/20/02
12 VAC 30-60-303	Added	18:18 VA.R. 2313	6/20/02
12 VAC 30-60-307	Added	18:18 VA.R. 2315	6/20/02

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 30-60-312	Added	18:18 VA.R. 2315	6/20/02
12 VAC 30-60-316	Added	18:18 VA.R. 2316	6/20/02
12 VAC 30-60-318	Added	18:18 VA.R. 2316	6/20/02
12 VAC 30-70-201 emer	Amended	18:26 VA.R. 3906	9/1/02-8/31/03
12 VAC 30-70-221 emer	Amended	18:22 VA.R. 2936	7/1/02-6/30/03
12 VAC 30-70-281 emer	Amended	18:22 VA.R. 2938	7/1/02-6/30/03
12 VAC 30-70-351 emer	Amended	18:22 VA.R. 2939	7/1/02-6/30/03
12 VAC 30-70-425 emer	Added	18:25 VA.R. 3571	8/1/02-7/31/03
12 VAC 30-70-426 emer	Added	18:25 VA.R. 3571	8/1/02-7/31/03
12 VAC 30-80-20	Amended	18:21 VA.R. 2818	8/1/02
12 VAC 30-80-20 emer	Amended	18:22 VA.R. 2939	7/1/02-6/30/03
12 VAC 30-80-20 emer	Amended	18:25 VA.R. 3571	8/1/02-7/31/03
12 VAC 30-80-25	Added	18:21 VA.R. 2820	8/1/02
12 VAC 30-80-30 emer	Amended	18:25 VA.R. 3573	8/1/02-7/31/03
12 VAC 30-80-30 emer	Amended	18:25 VA.R. 3576	8/1/02-7/31/03
12 VAC 30-80-40 emer	Amended	18:22 VA.R. 2941	7/1/02-6/30/03
12 VAC 30-90-10	Amended	18:18 VA.R. 2319	7/1/02
12 VAC 30-90-18 emer	Added	18:25 VA.R. 3575	8/1/02-7/31/03
12 VAC 30-90-19 emer	Amended	18:25 VA.R. 3575	8/1/02-7/31/03
12 VAC 30-90-20	Amended	18:18 VA.R. 2320	7/1/02
12 VAC 30-90-38	Amended	18:18 VA.R. 2321	7/1/02
12 VAC 30-90-40	Amended	18:18 VA.R. 2321	7/1/02
12 VAC 30-90-41	Amended	18:18 VA.R. 2321	7/1/02
12 VAC 30-90-41.1 emer	Added	18:23 VA.R. 3103	7/1/02-6/30/03
12 VAC 30-90-60	Amended	18:18 VA.R. 2324	7/1/02
12 VAC 30-90-271	Amended	18:18 VA.R. 2324	7/1/02
12 VAC 30-90-272	Amended	18:18 VA.R. 2325	7/1/02
12 VAC 30-90-280	Amended	18:18 VA.R. 2325	7/1/02
12 VAC 30-90-300	Repealed	18:18 VA.R. 2327	7/1/02
12 VAC 30-90-301	Repealed	18:18 VA.R. 2327	7/1/02
12 VAC 30-90-302	Repealed	18:18 VA.R. 2327	7/1/02
12 VAC 30-90-303	Repealed	18:18 VA.R. 2327	7/1/02
12 VAC 30-90-304	Repealed	18:18 VA.R. 2327	7/1/02
12 VAC 30-90-305	Added	18:18 VA.R. 2327	7/1/02
12 VAC 30-90-306	Added	18:18 VA.R. 2327	7/1/02
12 VAC 30-90-306	Erratum	18:20 VA.R. 2681	--
12 VAC 30-90-307	Added	18:18 VA.R. 2328	7/1/02
12 VAC 30-110-720	Amended	18:21 VA.R. 2821	8/1/02
12 VAC 30-110-741	Amended	18:21 VA.R. 2823	8/1/02
12 VAC 30-110-831	Added	18:21 VA.R. 2823	8/1/02
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	Repealed	18:26 VA.R. 3853	10/16/02
12 VAC 30-120-211 through 12 VAC 30-120-219	Added	18:26 VA.R. 3855-3865	10/16/02
12 VAC 30-120-220	Repealed	18:26 VA.R. 3865	10/16/02
12 VAC 30-120-221 through 12 VAC 30-120-229	Added	18:26 VA.R. 3867-3875	10/16/02
12 VAC 30-120-230	Repealed	18:26 VA.R. 3875	10/16/02
12 VAC 30-120-231 through 12 VAC 30-120-237	Added	18:26 VA.R. 3878-3883	10/16/02
12 VAC 30-120-240	Repealed	18:26 VA.R. 3883	10/16/02
12 VAC 30-120-241 through 12 VAC 30-120-249	Added	18:26 VA.R. 3885-3893	10/16/02
12 VAC 30-120-250	Repealed	18:26 VA.R. 3893	10/16/02
12 VAC 30-135-10 through 12 VAC 30-135-80 emer	Added	18:25 VA.R. 3579-3580	10/1/02-9/30/03
12 VAC 30-141-90	Erratum	18:18 VA.R. 2369	--

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

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 30-141-10 through 12 VAC 30-141-650 emer	Adding	19:1 VA.R. 138-150	9/1/02-8/31/02
12 VAC 30-141-10 through 12 VAC 30-141-650 emer	Added	18:25 VA.R. 3580-3590	8/1/02-7/31/03
12 VAC 30-150-10 through 12 VAC 30-150-100	Added	18:17 VA.R. 2174	6/6/02
12 VAC 30-150	Erratum	18:18 VA.R. 2370	--
12 VAC 35-20	Repealed	18:12 VA.R. 1691	3/27/02
12 VAC 35-102	Repealed	18:18 VA.R. 2330	9/19/02
12 VAC 35-105-10 through 12 VAC 35-105-1410	Added	18:18 VA.R. 2331-2365	9/19/02
12 VAC 35-105-20 emer	Amended	18:25 VA.R. 3591	9/19/02-9/18/03
12 VAC 35-105-30 emer	Amended	18:25 VA.R. 3597	9/19/02-9/18/03
12 VAC 35-105-280 emer	Amended	18:25 VA.R. 3598	9/19/02-9/18/03
12 VAC 35-105-590 emer	Amended	18:25 VA.R. 3598	9/19/02-9/18/03
12 VAC 35-105-660 emer	Amended	18:25 VA.R. 3598	9/19/02-9/18/03
12 VAC 35-105-800 emer	Amended	18:25 VA.R. 3599	9/19/02-9/18/03
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 35-170	Repealed	18:18 VA.R. 2330	9/19/02
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
<b>Title 13. Housing</b>			
13 VAC 5-51-11	Amended	18:22 VA.R. 2928	8/15/02
13 VAC 5-51-180	Amended	18:22 VA.R. 2929	8/15/02
13 VAC 5-51-181	Amended	18:22 VA.R. 2929	8/15/02
13 VAC 5-51-182	Amended	18:22 VA.R. 2930	8/15/02
13 VAC 10-20-20	Amended	19:2 VA.R. 349	9/20/02
13 VAC 10-20-40	Amended	19:2 VA.R. 349	9/20/02
13 VAC 10-20-90	Amended	19:2 VA.R. 349	9/20/02
13 VAC 10-40-20	Amended	19:2 VA.R. 349	9/20/02
13 VAC 10-50-90	Amended	19:2 VA.R. 349	9/20/02
<b>Title 14. Insurance</b>			
14 VAC 5-70-10 through 14 VAC 5-70-40	Amended	18:22 VA.R. 2931-2932	7/1/02
14 VAC 5-70-80	Amended	18:22 VA.R. 2932	7/1/02
14 VAC 5-70-130	Amended	18:22 VA.R. 2933	7/1/02
14 VAC 5-71-10 through 14 VAC 5-71-100	Amended	19:1 VA.R. 104	9/4/02
14 VAC 5-80-160 through 14 VAC 5-80-190	Repealed	18:14 VA.R. 1896	3/31/02
14 VAC 5-140-20 through 14 VAC 5-140-90	Amended	18:21 VA.R. 2824	7/1/02
14 VAC 5-210-70	Amended	18:26 VA.R. 3896	9/1/02
14 VAC 5-210-90	Amended	18:26 VA.R. 3896	9/1/02
14 VAC 5-350-20	Amended	19:1 VA.R. 107	9/1/02
14 VAC 5-350-30	Amended	19:1 VA.R. 107	9/1/02
14 VAC 5-350-40 through 14 VAC 5-350-80	Repealed	19:1 VA.R. 108	9/1/02
14 VAC 5-350-85	Added	19:1 VA.R. 108	9/1/02
14 VAC 5-350-95	Added	19:1 VA.R. 108	9/1/02
14 VAC 5-350-110 through 14 VAC 5-350-140	Repealed	19:1 VA.R. 108	9/1/02
14 VAC 5-350-150	Amended	19:1 VA.R. 108	9/1/02
14 VAC 5-350-155	Added	19:1 VA.R. 108	9/1/02
14 VAC 5-350-160	Amended	19:1 VA.R. 108	9/1/02
14 VAC 5-350-165	Added	19:1 VA.R. 108	9/1/02
14 VAC 5-350-170	Repealed	19:1 VA.R. 108	9/1/02
14 VAC 5-350-180	Repealed	19:1 VA.R. 108	9/1/02
14 VAC 5-350-210	Amended	19:1 VA.R. 108	9/1/02
14 VAC 5-385-10 through 14 VAC 5-385-150	Added	19:2 VA.R. 351	10/1/02
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

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
14 VAC 5-395-20	Amended	18:21 VA.R. 2825	6/3/02
14 VAC 5-395-30 through 14 VAC 5-395-60	Amended	18:21 VA.R. 2825	6/3/02
<b>Title 16. Labor and Employment</b>			
16 VAC 5-10-10	Amended	18:26 VA.R. 3897	11/3/02
16 VAC 5-10-20	Amended	18:26 VA.R. 3897	11/3/02
16 VAC 5-10-21	Added	18:26 VA.R. 3898	11/3/02
16 VAC 5-10-22	Added	18:26 VA.R. 3898	11/3/02
16 VAC 5-10-30	Amended	18:26 VA.R. 3898	11/3/02
16 VAC 5-20-10	Amended	18:26 VA.R. 3900	11/3/02
16 VAC 5-20-20	Amended	18:26 VA.R. 3900	11/3/02
16 VAC 5-32-10	Amended	18:26 VA.R. 3900	11/3/02
16 VAC 5-32-20	Amended	18:26 VA.R. 3900	11/3/02
16 VAC 5-60-10	Amended	18:26 VA.R. 3898	11/3/02
16 VAC 5-60-20	Amended	18:26 VA.R. 3900	11/3/02
16 VAC 5-60-40	Amended	18:26 VA.R. 3900	11/3/02
16 VAC 5-70-10	Amended	18:26 VA.R. 3900	11/3/02
16 VAC 5-70-20	Amended	18:26 VA.R. 3900	11/3/02
16 VAC 5-80-10	Amended	18:26 VA.R. 3900	11/3/02
16 VAC 5-80-20	Amended	18:26 VA.R. 3900	11/3/02
16 VAC 5-80-30	Amended	18:26 VA.R. 3900	11/3/02
16 VAC 5-80-40	Amended	18:26 VA.R. 3900	11/3/02
<b>Title 18. Professional and Occupational Licensing</b>			
18 VAC 41-20-10 through 18 VAC 41-20-280 emer	Added	18:23 VA.R. 3103-3113	7/2/02-7/1/03
18 VAC 45-10-10	Amended	18:19 VA.R. 2508	7/8/02
18 VAC 45-10-20	Amended	18:19 VA.R. 2508	7/8/02
18 VAC 45-10-30	Amended	18:19 VA.R. 2508	7/8/02
18 VAC 45-10-50	Amended	18:19 VA.R. 2508	7/8/02
18 VAC 45-10-90	Amended	18:19 VA.R. 2508	7/8/02
18 VAC 60-20-10 emer	Amended	18:24 VA.R. 3301	7/19/02-7/18/03
18 VAC 60-20-90 emer	Amended	18:24 VA.R. 3303	7/19/02-7/18/03
18 VAC 60-20-106 emer	Added	18:24 VA.R. 3303	7/19/02-7/18/03
18 VAC 60-20-200 emer	Amended	18:24 VA.R. 3302	7/19/02-7/18/03
18 VAC 60-20-210 emer	Amended	18:24 VA.R. 3302	7/19/02-7/18/03
18 VAC 60-20-220 emer	Amended	18:24 VA.R. 3302	7/19/02-7/18/03
18 VAC 85-20-225 emer	Added	18:24 VA.R. 3307	7/19/02-7/18/03
18 VAC 85-20-280 emer	Amended	18:22 VA.R. 2943	6/19/02-6/18/03
18 VAC 85-20-285 emer	Added	18:22 VA.R. 2944	6/19/02-6/18/03
18 VAC 85-20-290 emer	Amended	18:22 VA.R. 2944	6/19/02-6/18/03
18 VAC 85-20-300 emer	Amended	18:22 VA.R. 2944	6/19/02-6/18/03
18 VAC 85-40-55 emer	Added	18:24 VA.R. 3307	7/19/02-7/18/03
18 VAC 85-50-10 emer	Amended	18:24 VA.R. 3309	7/19/02-7/18/03
18 VAC 85-50-35	Added	18:21 VA.R. 2826	7/31/02
18 VAC 85-50-40 emer	Amended	18:24 VA.R. 3309	7/19/02-7/18/03
18 VAC 85-50-56	Amended	18:21 VA.R. 2826	7/31/02
18 VAC 85-50-59 emer	Added	18:24 VA.R. 3309	7/19/02-7/18/03
18 VAC 85-50-101 emer	Amended	18:24 VA.R. 3309	7/19/02-7/18/03
18 VAC 85-50-110 emer	Amended	18:24 VA.R. 3310	7/19/02-7/18/03
18 VAC 85-50-115	Amended	18:21 VA.R. 2826	7/31/02
18 VAC 85-50-115 emer	Amended	18:24 VA.R. 3310	7/19/02-7/18/03
18 VAC 85-50-170	Repealed	18:21 VA.R. 2826	7/31/02
18 VAC 85-80-10	Amended	19:1 VA.R. 108	10/23/02
18 VAC 85-80-26	Added	19:1 VA.R. 108	10/23/02
18 VAC 85-80-35	Amended	19:1 VA.R. 108	10/23/02
18 VAC 85-80-40	Amended	19:1 VA.R. 108	10/23/02
18 VAC 85-80-45	Added	19:1 VA.R. 108	10/23/02
18 VAC 85-80-60 through 18 VAC 85-80-110	Amended	19:1 VA.R. 108	10/23/02

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 85-80-120	Repealed	19:1 VA.R. 109	10/23/02
18 VAC 85-80-65 emer	Added	18:24 VA.R. 3307	7/19/02-7/18/03
18 VAC 85-101-10	Amended	19:1 VA.R. 109	10/23/02
18 VAC 85-101-60	Amended	19:1 VA.R. 109	10/23/02
18 VAC 85-101-70	Amended	19:1 VA.R. 110	10/23/02
18 VAC 85-101-150	Amended	19:1 VA.R. 110	10/23/02
18 VAC 85-101-145 emer	Added	18:24 VA.R. 3308	7/19/02-7/18/03
18 VAC 85-110-145 emer	Added	18:24 VA.R. 3308	7/19/02-7/18/03
18 VAC 85-120-85 emer	Added	18:24 VA.R. 3308	7/19/02-7/18/03
18 VAC 90-20-200	Amended	18:21 VA.R. 2826	7/31/02
18 VAC 90-20-210	Amended	18:21 VA.R. 2826	7/31/02
18 VAC 90-20-271 emer	Added	18:24 VA.R. 3311	7/19/02-7/18/03
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 105-20-75 emer	Added	18:24 VA.R. 3311	7/19/02-7/18/03
18 VAC 110-20-20	Amended	18:12 VA.R. 1693	3/27/02
18 VAC 110-20-75 emer	Added	18:24 VA.R. 3312	7/19/02-7/18/03
18 VAC 110-20-240 emer	Amended	18:24 VA.R. 3314	7/19/02-7/18/03
18 VAC 110-20-255 emer	Added	18:24 VA.R. 3315	7/19/02-7/18/03
18 VAC 110-20-270	Amended	18:12 VA.R. 1693	3/27/02
18 VAC 110-20-275 emer	Added	18:24 VA.R. 3315	7/19/02-7/18/03
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 110-20-320 emer	Amended	18:24 VA.R. 3316	7/19/02-7/18/03
18 VAC 110-20-400 emer	Amended	18:24 VA.R. 3316	7/19/02-7/18/03
18 VAC 110-20-430	Amended	18:12 VA.R. 1694	3/27/02
18 VAC 110-20-430 emer	Repealed	18:24 VA.R. 3316	7/19/02-7/18/03
18 VAC 110-20-530 emer	Amended	18:24 VA.R. 3316	7/19/02-7/18/03
18 VAC 110-20-730 emer	Added	18:24 VA.R. 3317	7/19/02-7/18/03
18 VAC 112-20-10	Amended	19:1 VA.R. 110	10/23/02
18 VAC 112-20-130	Amended	19:1 VA.R. 110	10/23/02
18 VAC 112-20-131	Added	19:1 VA.R. 110	10/23/02
18 VAC 112-20-135	Amended	19:1 VA.R. 110	10/23/02
18 VAC 112-20-136	Added	19:1 VA.R. 110	10/23/02
18 VAC 112-20-140	Amended	19:1 VA.R. 110	10/23/02
18 VAC 115-30-140	Amended	19:1 VA.R. 110	10/23/02
18 VAC 115-60-130	Amended	19:1 VA.R. 111	10/23/02
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



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

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 125-30-90	Amended	18:13 VA.R. 1755	4/10/02
18 VAC 150-20-135 emer	Added	18:24 VA.R. 3320	7/19/02-7/18/03
<b>Title 20. Public Utilities and Telecommunications</b>			
20 VAC 5-300-90	Amended	18:21 VA.R. 2832	6/7/02
20 VAC 5-302-20	Amended	19:1 VA.R. 115	8/21/02
20 VAC 5-302-25	Added	19:1 VA.R. 117	8/21/02
20 VAC 5-302-35	Added	19:1 VA.R. 118	8/21/02
20 VAC 5-312-90	Erratum	18:23 VA.R. 3136	--
20 VAC 5-312-90	Amended	19:1 VA.R. 121	1/1/03
20 VAC 5-312-100	Amended	18:26 VA.R. 3904	1/1/03
20 VAC 5-312-120	Added	18:26 VA.R. 3905	1/1/03
20 VAC 5-423-10 through 20 VAC 5-423-90	Added	18:14 VA.R. 1899-1902	3/6/02
<b>Title 22. Social Services</b>			
22 VAC 5-10-10	Amended	19:1 VA.R. 124	10/23/02
22 VAC 5-10-20	Amended	19:1 VA.R. 124	10/23/02
22 VAC 5-10-100	Amended	19:1 VA.R. 124	10/23/02
22 VAC 5-20-20 through 22 VAC 5-20-100	Amended	19:1 VA.R. 124-132	10/23/02
22 VAC 5-20-110	Repealed	19:1 VA.R. 132	10/23/02
22 VAC 5-20-120	Amended	19:1 VA.R. 132	10/23/02
22 VAC 5-20-140	Amended	19:1 VA.R. 133	10/23/02
22 VAC 5-20-150	Amended	19:1 VA.R. 134	10/23/02
22 VAC 5-20-170	Amended	19:1 VA.R. 134	10/23/02
22 VAC 5-20-180	Amended	19:1 VA.R. 134	10/23/02
22 VAC 5-20-190	Amended	19:1 VA.R. 134	10/23/02
22 VAC 5-20-210	Amended	19:1 VA.R. 134	10/23/02
22 VAC 5-20-230	Amended	19:1 VA.R. 134	10/23/02
22 VAC 5-20-250	Amended	19:1 VA.R. 134	10/23/02
22 VAC 5-20-300	Amended	19:1 VA.R. 134	10/23/02
22 VAC 5-20-310	Amended	19:1 VA.R. 134	10/23/02
22 VAC 5-20-330	Amended	19:1 VA.R. 134	10/23/02
22 VAC 5-20-450	Amended	19:1 VA.R. 135	10/23/02
22 VAC 5-20-460	Amended	19:1 VA.R. 135	10/23/02
22 VAC 5-20-580	Amended	19:1 VA.R. 135	10/23/02
22 VAC 5-20-600	Amended	19:1 VA.R. 136	10/23/02
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 15-60-10 through 22 VAC 15-60-180	Repealed	19:2 VA.R. 351	11/6/02
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 40-90-10	Amended	19:2 VA.R. 352	11/6/02
22 VAC 40-90-20	Amended	19:2 VA.R. 353	11/6/02
22 VAC 40-90-60	Amended	19:2 VA.R. 353	11/6/02
22 VAC 40-685-10 emer	Added	18:24 VA.R. 3320	9/1/02-8/31/03
22 VAC 40-685-20 emer	Added	18:24 VA.R. 3321	9/1/02-8/31/03
22 VAC 40-685-30 emer	Added	18:24 VA.R. 3321	9/1/02-8/31/03
22 VAC 40-690 (Forms)	Amended	18:22 VA.R. 2945	--
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

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

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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 40-880-270	Erratum	18:17 VA.R. 2183	--
22 VAC 40-880-290	Erratum	18:17 VA.R. 2183	--
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 40-910-10 through 22 VAC 40-910-100 emer	Added	18:24 VA.R. 3322-3325	9/1/02-8/31/03
<b>Title 24. Transportation and Motor Vehicles</b>			
24 VAC 15-100	Repealed	18:22 VA.R. 2933	6/26/02
24 VAC 15-110	Repealed	18:22 VA.R. 2933	6/26/02
24 VAC 15-120	Repealed	18:22 VA.R. 2933	6/26/02
24 VAC 15-130	Repealed	18:22 VA.R. 2933	6/26/02
24 VAC 15-140	Repealed	18:22 VA.R. 2933	6/26/02
24 VAC 15-150	Repealed	18:22 VA.R. 2933	6/26/02
24 VAC 15-160	Repealed	18:22 VA.R. 2933	6/26/02
24 VAC 15-170	Repealed	18:22 VA.R. 2933	6/26/02
24 VAC 15-180	Repealed	18:22 VA.R. 2933	6/26/02
24 VAC 15-190	Repealed	18:22 VA.R. 2933	6/26/02
24 VAC 15-200	Repealed	18:22 VA.R. 2933	6/26/02
24 VAC 15-210	Repealed	18:22 VA.R. 2933	6/26/02
24 VAC 30-550-10	Amended	18:23 VA.R. 3100	7/2/02

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# PETITIONS FOR RULEMAKING

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## BOARD OF ACCOUNTANCY

### Initial Agency Notice

Title of Regulation: **18 VAC 5-21. Board of Accountancy Regulations.**

Statutory Authority: §§ 2.2-4007 A, 54.1-4403 and 54.1-4410 of the Code of Virginia.

Name of Petitioner: Richard H. Agnew, Jr.

Nature of Request: The petitioner is requesting the board to consider amending the existing regulations about retaining records of continuing professional education and to adopt similar recording procedures of continuing education that are required by the Virginia State Bar.

Agency's Plan for Disposition of Request: The agency will submit the petition for publication in the Virginia Register. After public comment has been received, the board will meet on December 11, 2002, to consider whether to recommend such amendments to the regulations regarding the retention of continuing professional education records. Details about the board meeting, which will be available at a later date, will be published in the Virginia Register or be available by calling the agency office.

Public comments may be submitted until November 11, 2002.

Agency Contact: Nancy Taylor Feldman, Executive Director, Board of Accountancy, 3600 West Broad Street, Suite 696, Richmond, VA 23230-4916, telephone (804) 367-8505, FAX (804) 367-2174 or e-mail [boa@boa.state.va.us](mailto:boa@boa.state.va.us).

VA.R. Doc. No. R03-47; Filed October 2, 2002, 9:49 a.m.

states that goats for dairy or breeding purposes may enter the Commonwealth only if they are individually tested for tuberculosis and brucellosis within 30 days of entry or originate from a herd in which all animals tested negative for tuberculosis and brucellosis within 12 months prior to entry.

"Yet goats are not nearly as susceptible to tuberculosis and brucellosis as are cattle. In fact, many states no longer require the testing of goats for these two diseases before entry. Certainly the testing of goats entering Virginia from areas and states free of tuberculosis and brucellosis is not necessary as it has been determined already that it is not necessary even for cattle. Such nonessential testing creates an unreasonable economic burden which adversely impacts the dairy goat industry here in Virginia, especially with respect to exhibition animals which enter the state for a day or two and then return home.

"Petitioner therefore asks the agency to amend 2 VAC 5-140-100 (B) and (C) so that the regulations pertaining to goats conform to the same requirements as cattle entering the state from an area or state free of tuberculosis and brucellosis."

Agency's Plan for Disposition of Request: The agency plans to place this petition before the Board of Agriculture and Consumer Services for its consideration.

Public comments may be submitted until midnight, November 10, 2002.

Agency Contact: Marian Kimball, Program Supervisor, Department of Agriculture and Consumer Services, P.O. Box 1163, Division of Animal Industry Services, 6th Floor, Richmond, VA 23218, telephone (804) 786-2483, FAX (804) 371-2380 or e-mail [mkimball@vdacs.state.va.us](mailto:mkimball@vdacs.state.va.us).

VA.R. Doc. No. R03-46; Filed October 1, 2002, 3:52 p.m.

## DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

### Initial Agency Notice

Title of Regulation: **2 VAC 5-140. Health Requirements Governing the Admission of Livestock, Poultry, Companion Animals, and Other Animals or Birds into Virginia.**

Statutory Authority: §§ 2.2-4007 A and 3.1-726 A of the Code of Virginia.

Name of Petitioner: Christine Solem, President, Virginia State Dairy Goat Association, Inc.

Nature of Request: The petitioner writes:

"Under Section 3.1-726(A), Code of Virginia, the Board has the authority to adopt regulations as may be necessary to eradicate and prevent the spread of contagious and infectious diseases such as tuberculosis and Bangs abortion disease (brucellosis). Cattle for dairy or breeding purposes, under 2 VAC 5-140-50(A)(1) and (B)(3)(a), may enter the Commonwealth without tuberculosis and brucellosis testing if they originate from a certified tuberculosis-free area and a brucellosis-free state. However, 2 VAC5-140-100(B) and (C)

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# NOTICES OF INTENDED REGULATORY ACTION

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## Symbol Key

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

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## TITLE 6. CRIMINAL JUSTICE AND CORRECTIONS

### STATE BOARD OF JUVENILE JUSTICE

#### † 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 Juvenile Justice intends to consider amending regulations entitled: **6 VAC 35-30. Regulations for State Reimbursement of Local Juvenile Residential Facility Costs.** The purpose of the proposed action is to establish the process for evaluating requests from localities for state reimbursement of local juvenile residential facility construction costs, including criteria to assess need and establish priorities for construction projects, and a methodology for determining appropriate costs.

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

Statutory Authority: §§ 16.1-309.5 and 66-10 of the Code of Virginia.

Public comments may be submitted until December 13, 2002.

**Contact:** Donald R. Carignan, Regulatory Coordinator, Department of Juvenile Justice, 700 Centre, 700 E. Franklin St., Richmond, VA 23219, telephone (804) 371-0743 or FAX (804) 371-0773 or e-mail carigndr@djj.state.va.us.

VA.R. Doc. No. R03-50; Filed October 3, 2002, 11:26 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 Juvenile Justice intends to consider promulgating regulations entitled: **6 VAC 35-170. Minimum Standards for Research Involving Human Subjects or Records of the Department of Juvenile Justice.** The purpose of the proposed action is to establish minimum standards for research on human subjects under the care of the Department of Juvenile Justice. The goals of the new regulation are to provide a fair and thorough review of proposals to conduct human research, including review by a specifically established human research review committee, so as to protect the safety, rights and confidentiality of human subjects.

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

Statutory Authority: §§ 66-10 and 66-10.1 of the Code of Virginia.

Public comments may be submitted until November 6, 2002.

**Contact:** Donald R. Carignan, Regulatory Coordinator, Department of Juvenile Justice, 700 Centre, 700 E. Franklin

St., Richmond, VA 23219, telephone (804) 371-0743 or FAX (804) 371-0773 or e-mail carigndr@djj.state.va.us.

VA.R. Doc. No. R03-27; Filed September 18, 2002, 11:24 a.m.

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## 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 amending regulations entitled: **12 VAC 5-90. Regulations for Disease Reporting and Control.** The purpose of the proposed action is to amend the regulations by adding a section in response to the General Assembly's amending §§ 32.1-35 and 32.1-36 of the Code of Virginia, requiring laboratories to report their inventories and changes in inventories of dangerous microbes and pathogens to the Department of Health. Changes will also be made to the existing regulations to comply with current disease control policies, facilitating efforts to capture, measure and contain emerging diseases and protecting the health of the citizens of the Commonwealth.

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

Statutory Authority: §§ 32.1-12 and 32.1-35 of the Code of Virginia.

Public comments may be submitted until November 7, 2002.

**Contact:** Diane Wollard, Ph.D., MPH, Director, Division of Surveillance and Investigation, P.O. Box 2448, Room 113, Richmond, VA 23218-2448, telephone (804) 786-6261, FAX (804) 371-4050 or e-mail dwollard@vdh.state.va.us.

VA.R. Doc. No. R03-25; Filed September 17, 2002, 9:52 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 Health intends to consider repealing regulations entitled: **12 VAC 5-500. Rules and Regulations Governing the Construction and Maintenance of Migrant Labor Camps** and promulgating regulations entitled: **12 VAC 5-501. Rules and Regulations Governing the Construction and Maintenance of Migrant Labor Camps.** The purpose of the proposed action is to comprehensively update the current regulations. Due to the nature and extent of the changes and the desire to reorganize all the department's environmental regulations along a customer-friendly and familiar structure, the existing migrant labor camp regulations will be repealed and a new set of regulations adopted. Key changes being considered include (i) eliminating the requirement for all migrant labor camps that provide water via their own well to construct the well in

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# Notices of Intended Regulatory Action

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accordance with the Virginia Waterworks Regulations; (ii) eliminating provisional permits; and (iii) removing the biweekly inspection requirement. All other changes are for clarity and uniformity.

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

Statutory Authority: § 32.1-211 of the Code of Virginia.

Public comments may be submitted until November 22, 2002.

**Contact:** Gary L. Hagy, Director, Division of Food and Environmental Services, P.O. Box 2448, Room 115, Richmond, VA 23218-2448, telephone (804) 225-4022, FAX (804) 225-4003 or e-mail ghagy@vdh.state.va.us.

VA.R. Doc. No. R03-37; Filed September 24, 2002, 10:29 a.m.

## DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Medical Assistance Services intends to consider amending regulations entitled: **12 VAC 30-120. Waiver Services.** The purpose of the proposed action is to expand the existing waiver program to provide for the automatic transfer of children who do not have a diagnosis of mental retardation from the mental retardation waiver program to the individual and family developmental disabilities support (IFDDS) waiver program once they attain their sixth birthday..

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

Statutory Authority: §§ 32.1-324 and 32.1-325 of the Code of Virginia.

Public comments may be submitted until November 20, 2002.

**Contact:** Sherry Confer, Policy Analyst, Division of LTC, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-6995, FAX (804) 786-1680 or e-mail sconfer@dmas.state.va.us.

VA.R. Doc. No. R03-35; Filed September 23, 2002, 4:48 p.m.

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## TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

### BOARD OF ACCOUNTANCY

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Accountancy intends to consider repealing regulations entitled: **18 VAC 5-30. Continuing Professional Education Sponsor Registration Rules and Regulations.** The purpose of the proposed action is to repeal the existing regulations because the board deemed them no longer necessary to fulfill their statutory mandate as well as being repetitious and unduly burdensome

on CPE sponsors in the Commonwealth in light of regulations and programs on the national level.

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

Statutory Authority: §§ 2.2-4016, 54.1-4403 and 54.1-4410 of the Code of Virginia.

Public comments may be submitted until November 7, 2002.

**Contact:** Nancy Taylor Feldman, Executive Director, Board of Accountancy, 3600 W. Broad St., Suite 696, Richmond, VA 23230-4916, telephone (804) 367-8505, FAX (804) 367-2174 or e-mail boa@boa.state.va.us.

VA.R. Doc. No. R03-28; Filed September 18, 2002, 11:57 a.m.

## BOARD OF PHARMACY

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Pharmacy intends to consider amending regulations entitled: **18 VAC 110-20. Regulations Governing the Practice of Pharmacy.** The purpose of the proposed action is to address the numerous questions and recommendations that arose from the periodic review conducted by board members and advisors from all aspects of pharmacy practice. In some cases, there is a need for clarification of a rule; in others there is a need to amend the regulation to allow the practice of pharmacy to be more responsive to patient needs and changing times. The board intends to amend regulations that restrict practice or inhibit modernization and utilization of newer technology, provided the change is within the parameters of law and federal rules and provided it is good policy that protects the health, safety and welfare of the public.

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 33 (§§ 54.1-3300 et seq.) and 34 (§§ 54.1-3400 et seq.) of Title 54.1 of the Code of Virginia.

Public comments may be submitted until November 6, 2002.

**Contact:** Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6606 W. Broad St., Richmond, VA 23230-1717, telephone (804) 662-9911, FAX (804) 662-9943 or e-mail scottirussell@dhp.state.va.us.

VA.R. Doc. No. R03-26; Filed September 17, 2002, 10:02 a.m.

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## TITLE 22. SOCIAL SERVICES

### DEPARTMENT OF REHABILITATIVE SERVICES

#### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Rehabilitative Services intends to consider amending regulations entitled: **22 VAC 30-30. Provision of Independent Living Services.** The

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# Notices of Intended Regulatory Action

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purpose of the proposed action is to update the regulations to be consistent with federal regulations, exempt additional consumer groups from the requirement to pay for services and expand the list of services provided at no cost to clients.

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

Statutory Authority: § 51.5-14 of the Code of Virginia.

Public comments may be submitted until November 21, 2002, to Elizabeth E. Smith, Policy and Planning Director, Department of Rehabilitative Services, 8004 Franklin Farms Drive., P.O. Box K-300, Richmond, VA 23288-0300.

**Contact:** Theresa Preda, Program Manager, Independent Living, Department of Rehabilitative Services, 8004 Franklin Farms Dr., P.O. Box K-300, Richmond, VA 23288-0300, telephone (804) 662-7078, FAX (804) 662-7122, toll-free 1-800-552-5019 or e-mail [predaTR@dss.state.va.us](mailto:predaTR@dss.state.va.us).

VA.R. Doc. No. R03-36; Filed September 23, 2002, 4:04 p.m.

## 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 amending regulations entitled: **22 VAC 40-80. General Procedures and Information for Licensure.** The purpose of the proposed action is to amend the regulation to clarify and simplify some standards and to incorporate changes that have been made to the Code of Virginia since the last revision of this regulation. Many changes are the result of the recodification of Title 63.1 of the Code of Virginia that became effective October 1, 2002. The Code of Virginia mandates that the Department of Social Services license certain facilities that provide care to children and adults. Programmatic regulations are developed for these facilities. The current regulation contains general licensing requirements that are applicable to all licensed programs but are not included in the programmatic regulations. Previously, this regulation was promulgated jointly by the State Board of Social Services and the Child Day-Care Council for all the department's licensed programs. However, the Child Day-Care Council desires to promulgate a separate regulation that applies only to child day centers (the only program for which they have regulatory responsibility). This regulation will continue to contain references to child day centers, however, because of the board's sole authority to regulate some procedures and activities that are applicable to child day centers. The goal of the amended regulation is to provide clear and concise information and requirements for applicants, licensees, and licensing staff regarding the licensing process.

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

Statutory Authority: §§ 63.2-217 and 63.2-1734 of the Code of Virginia.

Public comments may be submitted until November 20, 2002.

**Contact:** Kathryn Thomas, Program Development Consultant, Department of Social Services, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone

(804) 692-1793, FAX (804) 692-2370 or e-mail [kjt7@dss.state.va.us](mailto:kjt7@dss.state.va.us).

VA.R. Doc. No. R03-41; Filed September 30, 2002, 2:23 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 amending regulations entitled: **22 VAC 40-141. Minimum Standards for Licensed Independent Foster Homes.** The purpose of the proposed action is to amend existing standards for licensed independent foster homes to clarify the intent of the regulation and to incorporate changes made in the Code of Virginia as a result of the recodification of Title 63.1, effective October 1, 2002. Proposed amendments include allowing placement agreements thereby allowing parental retention of custody; allowing children to remain in the independent foster home no longer than six months in certain circumstances; updating medical requirements; clarifying capacity; revising standards regarding physical restraint and time-out/separation; strengthening requirements surrounding care of infants; updating safety requirements; clarifying exceptions; and including language regarding respecting diversity and the responsibilities of the licensee.

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

Statutory Authority: §§ 63.2-217 and 63.2-1734 of the Code of Virginia.

Public comments may be submitted until November 20, 2002.

**Contact:** Cynthia Carneal, Operations Consultant, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-2421, FAX (804) 692-2370, or e-mail [cyc900@dss.state.va.us](mailto:cyc900@dss.state.va.us).

VA.R. Doc. No. R03-42; Filed September 30, 2002, 2:24 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 40-190. Regulation for Criminal Record Checks for Child Welfare Agencies** and adopting regulations entitled: **22 VAC 40-191. Background Checks for Child Welfare Agencies.** The purpose of the proposed action is to repeal the regulation, Regulation for Criminal Records Checks for Child Welfare Agencies, in order to promulgate a new regulation, Background Checks for Child Welfare Agencies. The new regulation establishes background checks for child welfare agencies and is needed to reflect changes to the Code of Virginia from 1995 to the present.

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

Statutory Authority: § 63.2-1704 of the Code of Virginia.

Public comments may be submitted until November 20, 2002.

**Contact:** Wenda Singer, Program Consultant, Department of Social Services, 730 E Broad St., Richmond, VA 23219, telephone (804) 692-2201, FAX (804) 692-2370 or e-mail [wxs2@dss.state.va.us](mailto:wxs2@dss.state.va.us).

VA.R. Doc. Nos. R03-43 and R03-44; Filed September 30, 2002, 2:23 p.m.

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# PROPOSED REGULATIONS

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For information concerning Proposed Regulations, see Information Page.

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## Symbol Key

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

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## TITLE 6. CRIMINAL JUSTICE AND CORRECTIONS

### STATE BOARD OF JUVENILE JUSTICE

Title of Regulation: **6 VAC 35-20. Regulations Governing the Monitoring, Approval, and Certification of Juvenile Justice Programs (amending 6 VAC 35-20-10, 6 VAC 35-20-30, 6 VAC 35-20-50, 6 VAC 35-20-60, 6 VAC 35-20-90, 6 VAC 35-20-100, 6 VAC 35-20-110, and 6 VAC 35-20-120; adding 6 VAC 35-20-35, 6 VAC 35-20-37, 6 VAC 35-20-63, 6 VAC 35-20-65, 6 VAC 35-20-67, 6 VAC 35-20-69, 6 VAC 35-20-75, 6 VAC 35-20-92, 6 VAC 35-20-94, and 6 VAC 35-20-150; repealing 6 VAC 35-20-20, 6 VAC 35-20-40, 6 VAC 35-20-70, 6 VAC 35-20-80, 6 VAC 35-20-130, and 6 VAC 35-20-140).**

Statutory Authority: §§ 16.1-233 and 66-10 of the Code of Virginia.

Public Hearing Date: November 13, 2002 - 10 a.m.

Public comments may be submitted until 5 p.m. on December 27, 2002.

(See Calendar of Events section for additional information)

Agency Contact: Donald Carignan, Regulatory Coordinator, Department of Juvenile Justice, 700 Centre, 700 E. Franklin St., 4th Floor, Richmond, VA 23219, telephone (804) 371-0743, FAX (804) 371-0773 or e-mail carigndr@djj.va.state.us.

Basis: Section 66-10 of the Code of Virginia gives the State Board of Juvenile Justice the power and the duty "to promulgate such regulations as may be necessary to carry out the provisions of this title and other laws of the Commonwealth administered by the Director or the Department." In addition to the authority to promulgate regulations, the Code of Virginia also gives the board the duty and the responsibility to exercise regulatory oversight in, for example, § 16.1-309.10 of the Code of Virginia, which provides that "[i]n the event that a detention home, group home or other residential care facility for children in need of services or delinquent or alleged delinquent youth is established by a county, city or any combination thereof, it shall be subject to visitation, inspection and regulation by the State Board or its agents...." Finally, § 16.1-309.9 gives the board enforcement powers in subsection B: "The State Board may prohibit, by its order, the placement of juveniles in any place of residence which does not comply with the minimum standards. It may limit the number of juveniles to be detained or housed in a detention home or other facility and may designate some other place of detention or housing for juveniles who would otherwise be held therein.... D. Orders of the State Board of Juvenile Justice shall be enforced by circuit courts as is provided for the enforcement of orders of the State Board of Corrections under § 53.1-70."

Purpose: The regulation is needed to provide an orderly and equitable process by which the board will exercise its regulatory oversight of juvenile justice programs and facilities. This procedural regulation establishes how the board will measure compliance with its regulations and standards, establishes the thresholds for various regulatory actions that the board might take, and sets minimum requirements for the department, as the board's regulatory agent, to monitor programs and report its findings. A number of changes are proposed to ensure that certification and enforcement actions taken by the board are consistent over time and across programs. The regulation also designates, from among other regulations promulgated by the board, a number of standards that are designated as "mandatory" and that must be complied with at all times, and provides for monitoring on conditions that affect the life, health and safety of juveniles and staff members in juvenile residential facilities.

Substance: The proposed regulation simplifies the process for scheduling, conducting, reviewing and approving certification audits in preparation for a final report to the board, allowing greater flexibility to accommodate organizational changes in the department. A major change is that the proposed regulation outlines the certification options that are available to the board at various thresholds of compliance with promulgated standards. The regulation also designates a number of "mandatory" standards from other board regulations. These must be complied with at all times in order for a program to maintain its certification status. Finally, the proposed regulation directs the department to monitor programs for violations that might pose a threat to the life, health or safety of juveniles or staff of juvenile residential facilities, and gives the department broad discretion in identifying such violations.

Issues: The primary advantages to the public, to public and private program providers, to the department and the board is that the revised regulation clarifies the process for monitoring and certifying juvenile justice programs. There are no known disadvantages resulting from the proposed revisions to the existing regulation.

The cost to the locality of receiving monitoring and auditing visits is incidental. When the results of the monitoring or audit visit are reported to the board for certification action, the locality may opt to send a representative to the board meeting. This may involve travel costs and the cost of staff time. However, the costs are impossible to generalize since attendance at the board meeting is optional, the number of persons attending is optional, and the cost of travel and time required will vary depending on the location of the board meeting. (The board varies its meeting locations to provide easier access to localities, but the schedule for program certifications does not always coincide with the rotation of board meeting locations.)

The regulation will affect all state and local programs that are subject to standards issued by the State Board of Juvenile Justice. In particular, it will apply to all residential programs, court service units and offices on youth, and all nonresidential programs established under the Virginia Juvenile Community Crime Control Act (Article 12.1 of Title 16.1 of the Code of Virginia) (see 6 VAC 35-20-60). There are no identified disadvantages to the public.

**Fiscal Impact:** The projected cost to the state to implement and enforce the proposed regulation on an annual basis is \$354,760 for personnel and \$19,165 for travel-related expenses, for a total annual cost of \$373,925.

1. Fund source/ fund detail: General Fund
2. Budget activity; program/ subprogram:  
Program: 31900 Program Administration and support services  
Subprogram: 31901 General Management and direction
3. All costs (personnel and travel-related) are ongoing expenses.

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The agency's best estimate of the number of entities affected by this regulation, defined as residential and nonresidential programs in the juvenile justice system is 450. This total includes 23 state-operated court service units; 3 locally operated court service units; eight state-operated juvenile correctional centers; one state-operated juvenile detention facility; 15 locally or regionally operated juvenile detention facilities; approximately 12 other residential programs including halfway houses, group homes and less secure detention facilities; 27 offices on youth; approximately 300 nonresidential programs, mostly operating under the Virginia Juvenile Community Crime Control Act.

Approximately 18,000 juveniles annually are residents, for varying lengths of time, in the residential programs covered by this regulation.

## Department of Planning and Budget's Economic Impact

**Analysis:** The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007 G of the Administrative Process Act and Executive Order Number 21 (02). 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 Juvenile Justice (the board) proposes to modify audit procedures for juvenile residential and nonresidential programs. The proposed changes include (i) removing strictly specified audit procedures, (ii) introducing a numerical standard to measure substantial compliance, (iii) and specifying what is required to secure a certain type of certification.

Estimated economic impact. The Department of Juvenile Justice (DJJ) audits residential and nonresidential programs to determine the programs' compliance with standards and procedures. An audit may involve a review of a program's policies, procedures, practices, records, and interviews with staff and resident juveniles.

The board proposes to remove strictly specified pre-audit, on-site audit, and appeal procedures from the regulations and replace them with more general language. The same procedures without a significant change will be specifically addressed in agency guidance documents. This is expected to give more flexibility to DJJ in determining the steps of the audit procedures. The public will be able to comment on these general terms rather than specific procedures during the standard public comment period involved in promulgation of a regulation.

The proposed regulations introduce 90% compliance level as a threshold for the substantial compliance designation. This type of numerical measurement does not exist in the current regulations. Inspectors measure compliance qualitatively. The purpose of using a numerical threshold level is to improve and standardize the measurement of compliance. Compliance measurement is difficult to standardize and depends on each inspector's subjective evaluation. One inspector may rank a facility 90% in compliance and yet another may rank the same facility 85% in compliance. Establishing a numerical threshold is essentially subjective. According to DJJ, requiring the audit team to use clear guidelines, consistency in audit team training, the centralization of the certification program, and working in teams are likely to help achieve objectivity. Although numerical compliance standards are not entirely objective, it seems that the proposed method is less subjective than the current qualitative compliance measurement practice. The proposed method is also consistent with the American Correctional Association's practices. The economic impact of the proposed method depends on how stringent the required compliance will be



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# Proposed Regulations

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relative to current compliance levels. The level of current compliance in terms of the proposed numerical standard is not known. Thus, there is insufficient information to quantify the economic impact of this proposed change.

The proposed regulations introduce certain benchmarks to be used in the certification process. Under the current system, programs with similar audit histories may be treated differently due to the lack of benchmarks. The benchmarks will clarify what attributes are necessary for each level of certification. If these attributes are deemed to be met through the certification audit, a certain resulting certification is specified. The certification designations include conditional certification up to six months, one-year certification, three-year certification, probation up to six months, and decertification or denial of certification. For example, a new program must meet 100% of all mandatory standards, achieve at least 90% compliance with all non-mandatory standards, and have no life, health, or safety violations to be eligible for a conditional certification up to six months. These benchmarks are expected to provide consistent resulting actions for the same audit findings to the degree that compliance is measured objectively. The operators of residential programs will benefit from this more consistent procedure in the sense that they will know what needs to be done for a certain certification outcome. The consistent procedures are expected to produce more predictable outcomes and reduce the costs associated with managing these facilities. In addition, this informational aspect of the proposed regulation will give incentives to the operators to meet and maintain minimum acceptable benchmarks.

Businesses and entities affected. Residential and nonresidential programs in the juvenile justice system are subject to the proposed changes. The types of programs include juvenile correctional centers, juvenile detention homes, group homes, boot camps, nonresidential programs, and alternative placements for committed juveniles. There are approximately 150 residential and 300 nonresidential programs currently.<sup>1</sup> The DJJ indicated that the residential facilities annually contain about 18,000 juveniles as residents, for varying lengths of time. Approximately, 1,400 juveniles are currently residing in the residential facilities. According to the data provided by DJJ, there were 20,839 placements into the nonresidential programs during the six-month period in fiscal year 1999. Thus, DJJ estimates that the number of placements in a given year may vary from 35,000 to 50,000 per year. The actual number of juveniles in these programs is lower than the number of placements as one person can be placed in more than one program.

Localities particularly affected. The proposed changes apply throughout the Commonwealth.

Projected impact on employment. No significant impact on employment is expected.

Effects on the use and value of private property. No significant effect on the use and value of private property is expected.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The Department of

Juvenile Justice concurs with the findings of the Department of Planning and Budget in its economic impact analysis of proposed amendments to Regulations Governing the Certification Process.

## Summary:

*The regulation provides the process by which the board and the Department of Juvenile Justice will monitor and approve residential and nonresidential programs that are part of the Commonwealth's juvenile justice system. Changes are required to the existing regulation because many procedural steps required in the regulation are no longer practical or in some cases even possible due to organizational changes in the Department of Juvenile Justice.*

## CHAPTER 20.

### REGULATIONS GOVERNING THE MONITORING, APPROVAL, AND CERTIFICATION PROCESS OF JUVENILE JUSTICE PROGRAMS.

#### PART I.

#### GENERAL PROVISIONS.

#### **6 VAC 35-20-10. Definitions.**

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

~~"Administrative probation" means the status granted to a program or facility in an emergency situation at the discretion of the director pending the next regularly scheduled board meeting.~~

~~"Administrative review" means the audit of the administrative records of a local jurisdiction or governing commission. The administrative review involves only a review of documentation housed at a central office.~~

~~"Appeal" means the action taken by a unit, facility or program administrator after an audit when there is disagreement with a team finding of noncompliance.~~

~~"Appropriate regional administrator" or "chief" means the regional administrator, Chief of Operations for Learning Centers or Chief of Operations for Community Funding responsible for planning, implementing, coordinating, monitoring and evaluating the program in question.~~

~~"Board" means the Virginia Board of Youth and Family Services (BYFS) Juvenile Justice.~~

~~"Certification" means the board's formal finding that a program meets (i) all mandatory standards; (ii) an acceptable percentage of all other standards as indicated in the chart at 6 VAC 35-20-100; and (iii) the requirements of applicable board policies; and is consequently approved to operate for a specific period of time.~~

~~"Certification audit report" means the report prepared for review by the board.~~

~~"Certification inspector" means a staff member of the DYFS Certification Unit who serves as the chairperson of the certification team. This person is referred to as team leader.~~

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<sup>1</sup> Source: DJJ.

~~"Certification status" means the three-year period of time during which the program must maintain its standards compliance levels and have acceptable plans of action.~~

~~"Certification team" means those persons designated by the Department of Youth and Family Services to conduct compliance audits, including the Certification Inspector.~~

~~"Certification training" means training provided by the certification unit for prospective team members or facility staff in need of audit preparation assistance.~~

~~"Certification unit" means the organizational unit of the Department of Youth and Family Services responsible for organizing and facilitating inspections of programs funded by the department.~~

~~"Certification unit manager" means that person employed by the Department of Youth and Family Services responsible for the administration of the certification unit.~~

~~"Certified" means that a program has achieved an acceptable level of compliance with standards promulgated by the board.~~

~~"Chief of Operations for Community Funding" means the individual responsible for the planning, implementing, coordinating, monitoring and evaluating of the DYFS funding of locally or privately operated community programs.~~

~~"Chief of Operations for Information and Evaluation" means that individual employed by the Department of Youth and Family Services accountable for the administration of information and evaluation.~~

~~"Chief of Operations for Learning Centers" means that individual employed by the Department of Youth and Family Services accountable for the administration and operation of learning centers.~~

~~"Complaint" means a report of a problem or concern made by staff, clients, parents or guardians, other agencies or the general public about a facility or program certified by the Board of Youth and Family Services.~~

~~"Compliance" means meeting the requirements of a standard.~~

~~"Compliance Certification audit" means an on-site review investigation by a certification team of designated personnel to assess a program's compliance with applicable board standards promulgated by the board and policies, the results of which are reported to the board for certification action.~~

~~"Compliance documentation" means those records, reports, pictures, blueprints, observations and interviews required to verify a program's adherence to standards.~~

~~"Decertification Decertified" means the Board of Youth and Family Services has determined that a previously certified program has does not meet a minimum acceptable level of compliance with standards meet the requirements to be certified and is no longer approved to operate.~~

~~"Deficiency" and "noncompliance" means that the program does not meet, or has not demonstrated that it meets, the requirements of a board standard or policy or does not comply with the Virginia Juvenile Community Crime Control Act local plan approved by the board.~~

~~"Department" means the Virginia Department of Youth and Family Services (DYFS) Juvenile Justice.~~

~~"Deputy Director for Programs" means the individual employed by the Department of Youth and Family Services, and designated by the director as the administrator of program operations and funding.~~

~~"Deputy Director for Administration and Finance" means the individual employed by the Department of Youth and Family Services, and designated by the director as responsible for the management of administrative and financial operations.~~

~~"Director" means the Director of the Department of Youth and Family Services.~~

~~"Interim audit" means an audit that occurs by special order of the board or the director.~~

~~"Interim certification report" means the program's verification of continued compliance with the standards.~~

~~"Life, health, safety standards (LHS) violation" means these standards related any action or omission that results in noncompliance with a board standard or policy and causes an immediate and potentially serious threat to the life, health or safety of the youth and or staff in residential programs as defined by the board that must be maintained in 100% compliance at all times.~~

~~"Mandatory standards" means those standards of performance for nonresidential programs as defined by the board which must be maintained in 100% compliance at all times.~~

~~"Monitoring visit" means an on-site review by designated personnel to assess a program's compliance with board-approved standards, policies and, when applicable, Virginia Juvenile Community Crime Control Act local plan.~~

~~"Newly opened facility" means both (i) a facility that is newly constructed and (ii) an existing facility that is being placed in service as a residential program.~~

~~"Not applicable standards" means standards which are not relevant to the program because of the structure of the program or the services it provides.~~

~~"Plan of action" means a written document which that explicitly states what has been or will be done to bring all deficiencies into compliance with board standards and policies.~~

~~"Preparatory audit" means an on-site review of a new program by regional office staff prior to an audit by a certification unit staff member to provide guidance in audit documentation and standards compliance.~~

~~"Probationary status" means the temporary status granted to a program by the Board of Youth and Family Services to provide a period of time in which to come into compliance with standards.~~

~~"Program" means a juvenile residential facility or a nonresidential service subject to standards or policies of the board.~~

~~"Program administrator" means the staff member responsible for the operation of a program, facility or institution.~~

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~~"Quality of life and services statement" means the portion of the audit report to the board which describes issues regarding staff (such as motivation, commitment to the program, personal development, interaction between staff and clients and team work), the building (such as suitability of building and furnishings for program and population, provisions for privacy, maintenance, safety); and program (such as use of community resources, community interaction, interagency cooperation, individualized treatment).~~

~~"Random sampling" means a system for selecting programs for monitoring visits, by which all programs in a given category have a similar likelihood of being selected for a visit, but which may not result in any given program receiving a monitoring visit during any given period of time.~~

~~"Regional administrator" means the individual responsible for the direction of activities in a designated area in the Commonwealth to include planning, implementing, coordinating, monitoring, and evaluating DYFS and DYFS utilized programs.~~

~~"Regional office staff" means those individuals assigned to a particular regional office responsible for assisting the regional administrator in the duties described above.~~

~~"Related professional agencies" means any unit within the Department of Youth and Family Services or any public or private agency, which serves a similar clientele or provides services similar to those of the program to be certified.~~

~~"Substantial compliance" means that the program meets all applicable mandatory standards and at least 90% of all other applicable standards.~~

~~"Standard Systemic deficiency" means that the performance of a unit, facility or program, or evidence supporting this performance, is insufficient to meet the requirements of a standard deficiencies have been found in three or more separate but related standards and have been cited by certification personnel as indicating that a program may have significant problems in a given area.~~

~~"Suggested compliance determination list" means a list of suggested documents or information sources which can be used to verify compliance with a standard.~~

~~"Unannounced interim visits" means periodic visits to a facility to monitor compliance with standards.~~

~~"Variance" means a decision by the board of Youth and Family Services to relieve action that relieves a program of from having to meet a specific standard or develop a plan of action for a specified that standard, either permanently or for a determined period of time, when (i) waiving these requirements will not result in a threat to the life, health or safety of juveniles or staff; (ii) enforcement will create an undue hardship; (iii) the standard is not specifically required by statute or by the regulations of another government agency; (iv) the standard is not designated as mandatory by the board; and (v) juveniles' care or services would not be adversely affected.~~

## **6 VAC 35-20-20. Code of Virginia References. (Repealed.)**

Code of Virginia:

~~§ 16.1-233. Department to develop court services, appointment and removal of employees, salaries.~~

~~§ 16.1-234. Duties of Department... (to insure that minimum standards are adhered to).~~

~~§ 16.1-311. Board to prescribe certain standards; how order of board enforced.~~

~~§ 16.1-312. Visitation and management of detention homes.~~

~~§ 66-10. Board to adopt regulations for the operation of halfway houses.~~

~~§ 66-28. Board to adopt standards for Delinquency Prevention and Youth Development Act Programs.~~

## **PART II. ADMINISTRATION.**

### **6 VAC 35-20-30. Legal base and regulatory history Purpose.**

~~Section 66-10 of the This regulation prescribes how, in accordance with Code of Virginia requires §§ 16.1-234, 16.1-309.1, 16.1-309.9 B, 16.1-309.10, 16.1-349, and 66-10, the Board and Department of Youth and Family Services to prescribe program standards and to Juvenile Justice will monitor the activities of the department in implementing the standards and approve residential and nonresidential programs that are part of the Commonwealth's juvenile justice system.~~

~~This chapter replaces and supersedes Department of Corrections Regulations Governing the Certification Process, 6 VAC 15-20-10 et seq.~~

### **6 VAC 35-20-35. Guidance documents.**

~~To help programs meet all regulatory and policy requirements, the department shall prepare guidance documents compiling all standards and policies applicable to each type of program and stating how compliance will be assessed. The guidance documents will serve as the basis for monitoring visits, certification audits, and the board's certification action.~~

### **6 VAC 35-20-37. Director's authority to take immediate administrative action.**

~~Nothing in this regulation shall be construed to limit the director's authority to take immediate administrative action in accordance with law whenever (i) evidence is found of any life, health or safety violation or (ii) a program is not in substantial noncompliance with board-approved standards, policies, or local plan for Virginia Community Crime Control Act programs. Such administrative action may include, but is not limited to (a) withholding funds; (b) removing juveniles from the program; or (c) placing the program on administrative probation for up to six months pending certification action by the board. In taking such action, the department shall notify both the program and the board, in writing, of the reason for the administrative action, and the action the program must take to correct the situation.~~

### **6 VAC 35-20-40. Effective date. (Repealed.)**

~~These regulations shall become effective on September 9, 1992.~~

PART III.  
AUDITS.

**6 VAC 35-20-50. Preaudit process.**

~~A. The certification unit manager shall develop a compliance audit schedule to cover a one-year period for dissemination to affected programs and staff.~~

~~Requests for rescheduling the compliance audit may be granted by the certification unit manager, provided the program requests the schedule change 90 days prior to the scheduled audit. Audits must occur before the expiration of the current certification.~~

~~B. Certification team members shall be appointed and notified of their appointment in writing by the appropriate regional administrator or the chief. Team members shall have completed certification training and shall be approved by the certification unit manager and the director or designee. The appropriate regional administrator or the chief shall be informed at least 10 days prior to the audit of any unacceptable team members. The appropriate regional administrator or chief shall be responsible for finding a replacement within five days of the audit and notifying the certification unit manager of that replacement.~~

~~C. The program administrator of the agency to be audited shall receive a list of team members and shall have the right to request alternate team members. The request shall be in writing and shall be approved by the appropriate regional administrator or chief assigning the team member. The appropriate regional administrator or chief shall be responsible for finding a replacement for the team member if approved.~~

~~D. The certification unit inspector shall notify the program administrator in writing at least 60 days in advance of the audit.~~

~~E. The certification inspector shall visit the program administrator prior to the audit to discuss the compliance audit process and procedures. Exceptions to this previsit shall be approved by the certification unit manager.~~

~~F. In instances where several programs are operated under the administration of a single commission, the certification unit manager and the program administrator may agree to an administrative review audit.~~

*A. At least six months in advance of an audit, personnel designated by the director shall notify each program to be audited of the scheduled audit date.*

*B. Up until 90 days before the scheduled audit, the program administrator may request that the audit be rescheduled. Except as provided in 6 VAC 35-20-100, audits, even if rescheduled, must occur before the expiration of the current certification.*

*C. At least 10 days prior to the scheduled audit, the program administrator may, for just cause, request that one or more members of the audit team be replaced. Every reasonable effort will be made to comply with the request.*

**6 VAC 35-20-60. Frequency of audits Monitoring visits.**

~~A. All state and local facilities, programs and units operated by or affiliated with the Department of Youth and Family Services subject to standards issued by the Board of Juvenile Justice shall be audited every three years by the certification unit or a designee of the unit. More frequent audits may occur as required by the board subject to periodic monitoring visits, scheduled and conducted in accordance with written department procedures. Whenever deemed necessary, the board may require that a monitoring visit be conducted of any program.~~

~~B. All programs referenced in subsection A shall receive announced or unannounced documented interim audits by regional office staff or staff of the appropriate chief at least once every six months. More frequent audits may occur as required. The department shall annually submit to the board a plan for monitoring programs, which shall provide for at least the following:~~

*1. All residential programs, court service units and offices on youth shall receive at least one announced monitoring visit per year. A certification audit may satisfy the requirement of a scheduled monitoring visit. In addition, all residential programs and court service units shall receive at least one unannounced monitoring visit per year.*

*2. All nonresidential programs established under the Virginia Juvenile Community Crime Control Act (Article 12.1 of Title 16.1 of the Code of Virginia) shall be reviewed at least once every two years to determine compliance with the approved local plans and standards promulgated by the board.*

*3. Individual nonresidential programs shall receive monitoring visits according to the department's annual plan, which may provide for random sampling of programs in various categories. However, during each calendar year at least one nonresidential program in each Virginia Juvenile Community Crime Control Act (VJCCCA) plan shall receive a monitoring visit.*

~~C. Exceptions to the frequency of audits as stated above shall be granted for the following reasons:~~

~~1. When a new program opens it shall undergo a documented preparatory audit by regional office staff or staff of the appropriate chief during the first six months of operation. A compliance audit shall be conducted between the sixth and twelfth month of operation as arranged by the certification unit manager and every three years thereafter. More frequent audits may occur as required by the board.~~

~~2. Exceptions to the required frequency of audits may be granted when circumstances beyond the control of the program staff prohibit compliance with the standards (for example, natural disaster). In no case shall the audit be postponed for more than six months after the original audit date.~~

**6 VAC 35-20-63. Reports of monitoring visits.**

*At each regular meeting of the board, the department shall report to the board in writing all programs receiving monitoring*

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visits since the last report and any significant areas where a program has failed to address needed corrective action.

## **6 VAC 35-20-65. Reports required of life, health and safety violations.**

A. Whenever department personnel become aware of a life, health or safety violation, the department shall report to the board no later than its next regularly scheduled meeting: (i) the nature and scope of the violation, and (ii) the action taken by the department or the program to correct the deficiency, which may include but is not limited to administrative probation, removal of residents, or suspension of funding.

B. When a life, health or safety violation has not been adequately corrected, the board may take certification action up to and potentially including decertification.

## **6 VAC 35-20-67. Disputes of noncompliance findings.**

Any program that is cited for noncompliance with board-approved standards, policies or local VJCCCA plan may:

1. Request a variance in accordance with 6 VAC 35-20-92; or
2. Appeal the finding, in writing, within 10 days of receiving notice of the finding, in accordance with department procedures and 6 VAC 35-20-94.

## **6 VAC 35-20-69. New construction, expansion or renovation of residential programs.**

A. New construction, expansions and renovations in all juvenile residential programs, whether or not the facility or its sponsor is seeking reimbursement for construction or operations, shall conform to applicable provisions in the board's Regulations for Local Juvenile Residential Facility Construction and Reimbursement of Local Construction Costs (6 VAC 35-30), and Standards for Interagency Regulation of Children's Residential Facilities (22 VAC 42-10). In addition, the department shall consider the facility's degree of compliance with the Guidelines for Minimum Standards in Design and Construction of Juvenile Facilities.

B. The department shall not approve the housing of juveniles in a newly opened facility if the facility does not meet the requirements for a conditional certification as provided in the table at 6 VAC 35-20-100.

C. The department shall not approve the housing of juveniles in any portion of a facility that has been modified through expansion or renovation, until designated department staff visit the facility and verify that:

1. The facility or applicable portion thereof complies with all applicable mandatory standards and physical plant standards; and
2. The current certification issued by the board is appropriate to the status of its program and construction.

## **6 VAC 35-20-70. Agency narrative. (Repealed.)**

~~No later than 30 days prior to the audit, the agency/program administrator shall submit a written description of the program to be audited.~~

## **6 VAC 35-20-75. Certification of individual programs.**

A. The board shall individually certify all juvenile residential facilities, court service units and offices on youth.

B. The department shall schedule and conduct certification audits in sufficient time for the board to take action on the audit report before a program's current certification expires. The department shall publish procedures for naming audit team members, conducting on-site audits, determining compliance, conducting exit interviews, reviewing and approving corrective plans of action, and instructing programs how to request variances or appeal findings.

C. Upon the completion of the audit, the certification audit findings shall be reported to the program's administrator and sponsor and to appropriate department personnel. The program administrator or sponsor may appeal any of the certification audit findings in accordance with department procedures that shall specify (i) the timeframes for filing the appeal and for the department's response; and (ii) the department personnel responsible for considering the appeal.

D. Appeals of audit findings that cannot be resolved by the department shall be forwarded to the board for resolution as provided in 6 VAC 35-20-94.

E. Designated department personnel shall review and approve plans of action to address deficiencies identified in the audit report, and summaries of the approved plans of action shall be forwarded to the board along with the audit report.

F. Requests for variances shall be forwarded to the board along with the department's recommendation to approve or disapprove the variance.

## **6 VAC 35-20-80. On-site audit procedures. (Repealed.)**

~~A. On-site audit procedures shall include the following:~~

- ~~1. Program administrator interview.~~
- ~~2. Facility tour.~~
- ~~3. Team orientation.~~
- ~~4. Data gathering.~~
- ~~5. Team voting on standards compliance.~~
- ~~6. Assessment and discussion of quality of life issues.~~
- ~~7. Predebriefing with the program administration to discuss audit findings.~~
- ~~8. Debriefing to inform program staff of audit findings.~~

~~B. Evidence of proof of compliance.~~

- ~~1. The burden of providing evidence of proof of compliance with standards rests with the program staff. Documentation created once the audit has begun shall not be accepted.~~
- ~~2. It is permissible to provide additional documentation should the certification team request it; however, such documentation shall already exist when the audit begins. Once the audit is concluded, an agency cannot bring itself into compliance with a standard for the purpose of changing the compliance rating for that standard. The changes become part of the program's plan of action.~~

3. The certification unit manager, the appropriate regional administrator or the chief where appropriate, and the director or designee shall be informed immediately of any serious problems or issues revealed to the team.

## 6 VAC 35-20-90. Certification audit reports.

### A. Post reporting process.

1. A report of the team's findings shall be submitted within 10 working days following the compliance audit to the program administrator and the appropriate regional administrator or the chief of operations for learning centers where appropriate.

2. The program administrator may respond to the findings described in the report in one of three ways:

- a. Submit a plan of action as described below.
- b. Request a variance as described in subsection C.
- c. Appeal the findings as described in subsection D.

3. The program administrator with assistance from the appropriate regional office or chief shall develop a plan of action to correct all noncompliance findings. The plan of action shall be submitted to the appropriate regional administrator or chief within 15 days of receipt of the report of the team's findings. In exceptional situations, the certification unit manager may grant a 30-day extension to a program administrator for the development of an action plan.

4. Each plan of action shall identify:

- a. The deficiency or deficiencies.
- b. The tasks required to correct each deficiency, including the steps necessary to prevent its recurrence.
- c. The responsible agency and staff position, which may include the regional office.
- d. The deadlines for the accomplishment of tasks.

5. Acceptable plans of action. Within five working days of receipt the appropriate regional administrator or chief shall review and upon finding the plan acceptable, approve the plan of action and forward it to the certification unit manager. Within five working days the certification unit manager shall review, and forward the plan of action to the director or designee with recommendations regarding certification and recommendations to deny or approve variance requests. Within five working days the director or designee shall sign the plan of action indicating review and approval and return it to the certification unit for inclusion in the audit report to the board.

6. Unacceptable plans of action.

- a. Regional office or appropriate chief level. Within five working days of receipt, the regional administrator shall review the plan of action and upon finding the plan unacceptable, return it to the program administrator with a cover letter clearly stating what areas are unacceptable and suggestions for appropriate corrective action. The program administrator shall have five working days in

which to resubmit an acceptable action plan. If the resubmitted action plan is unacceptable, the appropriate regional administrator or chief shall forward it to the director or designee for referral to the board for action with a copy to the certification unit manager.

b. Certification unit level. If a plan of action approved by the appropriate regional administrator or chief is unacceptable to the certification unit manager, the certification unit manager within five working days shall return the plan of action to the appropriate regional administrator or chief with a cover letter clearly stating what areas are unacceptable and suggestions for appropriate corrective action. The appropriate regional administrator or chief shall return the plan of action to the program administrator within five working days for revision. If the program administrator fails to submit an acceptable action plan within five working days, or the appropriate regional administrator or chief does not agree with the certification unit manager, the matter shall be referred to the director or designee for a decision or referral to the board for action.

c. Director or designee level. If a plan of action is unacceptable to the director or designee, it shall be returned within five working days to the appropriate regional administrator or chief with a cover letter clearly stating what areas are unacceptable and suggestions for appropriate corrective action. The certification unit manager shall receive a copy. The appropriate regional administrator or chief shall then have three working days to return the plan of action to the program administrator for revision. The program administrator shall have five working days to resubmit an acceptable plan of action. If an acceptable plan of action is not submitted within the required time frame, the director or designee shall refer the matter to the board for action.

B. Failure to submit an acceptable action plan. When a program administrator fails to submit an acceptable plan of action within the time frame specified in subsection A, the department shall refer the matter to the Board of Youth and Family Services with recommendations for action.

### C. Variance request.

1. A variance may be requested in those instances where a facility is unable to comply with a standard or a portion of a standard.

2. A variance shall state:

- a. The standard for which a variance is requested;
- b. The justification for the request;
- c. Any actions taken to come into compliance;
- d. The person and agency responsible for such action;
- e. The date at which time compliance is expected; and
- f. The specific number of months requested for this variance.

3. Variance requests approved by the appropriate regional administrator or chief reviewed by the certification unit

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~~manager and approved by the director or designee shall be forwarded to the board for final approval. The board shall be made aware of any denied requests.~~

~~4. Should the program be subject to a compliance audit during the period of the variance, a copy of the approved variance shall be provided to the certification team during the on-site audit.~~

## ~~D. Appeal process.~~

~~1. If an appeal of any audit findings is being made, the program administrator shall attach the appeal request to any plan of action.~~

~~2. A plan to correct the deficiency should the appeal be denied shall be included in the plan of action.~~

~~3. Appeals shall be forwarded to the certification unit manager by the appropriate regional administrator or the chief along with the plan of action. The certification unit manager shall prepare a report on the appeal for review by the appropriate levels of appeal. The levels of appeal review are as follows:~~

~~a. The appropriate regional administrator or chief, upon review of plan of action, shall make every effort to resolve the appeal with the program administrator. If the program administrator is not satisfied, the appeal must be forwarded to the certification unit manager;~~

~~b. Chief of operations for information and evaluation;~~

~~c. Deputy director of administration and finance and the deputy director for programs;~~

~~d. Director for the Department of Youth and Family Services; and~~

~~e. Board of Youth and Family Services.~~

~~4. The certification unit manager shall distribute required documents within three working days of receipt of appeal documents. The administrators cited above shall complete required reviews or appeal decisions within five working days from receipt of the appeals.~~

~~5. Upon completion of each appeal level, the certification unit manager shall notify all parties involved of the appeal decisions within three workdays. The parties involved shall then have five working days from receipt of each decision notification to decide whether or not to appeal to the next level and to inform the certification unit manager of that decision in writing.~~

~~6. If the appeal is granted at the administrative level, the certification unit manager shall note this decision on the plan of action and the deficiency shall be removed from the audit report.~~

~~E. Board review of audit report. The certification unit manager shall submit audit reports at the first regular board meeting which occurs 75 days or more after the audit. The board shall be notified of any extensions granted.~~

~~Audit reports shall be distributed to the regional offices, and to the appropriate chief, after official board action for distribution to the applicable programs.~~

*Each certification audit report submitted to the board shall contain:*

*1. The program's name, administrator, sponsor, location and purpose;*

*2. A summary of the program's target audience, its relation to other entities in the community and in the juvenile justice system, and other information relevant to its operation;*

*3. The date of the certification audit and the names of the audit team members;*

*4. Notation of all standards and policies for which noncompliance was found, including especially notation of any life, health or safety violations; a brief description of the circumstances, including extenuating and aggravating factors; and supplemented, when appropriate, with photographic evidence or other documentation; and*

*5. For each deficiency cited, a plan of corrective action that states:*

*a. The action taken or required to correct the deficiency and prevent its recurrence;*

*b. The person or agency responsible for the action; and*

*c. The deadline for taking the action.*

## **6 VAC 35-20-92. Variance request.**

*Any request for a variance must be submitted in writing and shall include:*

*1. The nonmandatory standard for which a variance is requested;*

*2. The justification for the request;*

*3. Any actions taken to come into compliance;*

*4. The person and agency responsible for such action;*

*5. The date at which time compliance is expected;*

*6. The specific time period requested for this variance; and*

*7. A draft plan of corrective action describing how the program would meet the standard should the variance not be granted.*

*The department's recommendation to the board as to the certification action to be taken shall address each of the program's variance requests.*

## **6 VAC 35-20-94. Appeal process.**

*If an appeal of any audit findings is being made, the program administrator shall attach the appeal request to any plan of action and submit the appeal to department personnel as designated in agency procedures within 30 days of written notification of the audit findings.*

*Department staff as designated in agency procedures shall make every effort to resolve the appeal with the program administrator within 15 days of receiving the appeal. If the program administrator is not satisfied, he may submit a written request to department staff as designated in department procedures within five days to have the matter reviewed by the Board of Juvenile Justice at its next scheduled meeting.*

The matter will be placed on the board's agenda pursuant to timeframes adopted by the board for submission of agenda items.

**6 VAC 35-20-100. Board certification action on audit results.**

A. The board may extend a current certification for a specified period of time, pending a certification audit and the completion of administrative reviews, provided the program meets all mandatory standards and the board and the department are not aware of any life, health or safety violations.

B. If a program's certification expires during a period when the board does not meet, the program's current certification status shall continue in effect until the board meets and takes certification action.

C. Once the board takes certification action, the board will issue a certificate or letter clearly identifying the program, the certification status, and the period of time during which the certification will be effective unless the certificate is revoked or surrendered sooner.

D. Based upon the certification audit report and supplementary information submitted by the department and the program, the board shall make one of the following findings: will take certification action in accordance with Table 1 of this section. Depending on the program's status as identified in Column I and the conditions described in Column II, the board will take the certification action listed in Column III.

TABLE 1.  
Certification Actions Available to the Board

<b>I. Current Certification Status</b>	<b>II. Current program conditions as identified through the certification audit</b>	<b>III. Resulting Certification Action</b>
<ul style="list-style-type: none"> <li>▪ New Program</li> </ul>	<ul style="list-style-type: none"> <li>▪ 100% compliance with all mandatory standards; AND</li> <li>▪ At least 90% compliance with all nonmandatory standards; AND</li> <li>▪ Has acceptable Plans of Action for all noncompliances</li> <li>▪ NO life, health or safety violations.</li> </ul>	<p>Conditional Certification for up to six months</p>
<ul style="list-style-type: none"> <li>▪ Conditional Certificate</li> <li>▪ Probation</li> </ul>	<ul style="list-style-type: none"> <li>▪ 100 % compliance with all mandatory standards; AND</li> <li>▪ At least 90% compliance with all other standards; AND</li> <li>▪ Has acceptable Plans of Action for all noncompliance; AND</li> <li>▪ NO life, health or safety violations; AND</li> <li>▪ No more than one systemic deficiency.</li> </ul>	<p>One-year Certification</p>
<ul style="list-style-type: none"> <li>▪ One-year Certificate</li> <li>▪ Three-year Certificate</li> </ul>	<ul style="list-style-type: none"> <li>▪ 100% compliance with all mandatory standards; AND</li> <li>▪ At least 95% compliance with all other standards, AND</li> <li>▪ Has acceptable Plans of Action for all noncompliance; AND</li> <li>▪ Has no life, health or safety violations; AND</li> <li>▪ Has no systemic deficiencies.</li> </ul>	<p>Three-year Certification</p>



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<ul style="list-style-type: none"> <li>▪ Any program</li> </ul>	<ul style="list-style-type: none"> <li>▪ Less than 100% compliance with all mandatory standards but has acceptable Plans of Action to address deficiencies; OR</li> <li>▪ Less than 90% compliance with all other standards; OR</li> <li>▪ Does not have acceptable plans of action for all noncompliance; OR</li> <li>▪ One or more life, health or safety violations; OR</li> <li>▪ Two or more systemic deficiencies.</li> </ul>	<p>Probation for up to six months</p>
	<ul style="list-style-type: none"> <li>▪ Less than 100% compliance with all mandatory standards without acceptable Plans of Action to address deficiencies; OR</li> <li>▪ Less than 90% compliance with all other standards AND does not have acceptable Plans of Action to address deficiencies; OR</li> <li>▪ The reasons cited in placing the program on probation or administrative probation have not been corrected to the point that the program would qualify for at least conditional certification.</li> <li>▪ The program's staff have (i) committed, permitted, aided or abetted any illegal act in the program; or (ii) violated child abuse or neglect laws; or (iii) deviated significantly from the program or services for which a certificate was issued without prior approval from the board; or (iv) failed to correct any such deviations within the time specified by the board; or (v) falsified records.</li> </ul>	<p>Decertification or Denial of Certification (See § 16.1-309.9 B of the Code of Virginia)</p>

1. The program is certified.  
 2. The program is placed on probationary status.  
 3. The program is decertified (or not certified if a new program).  
 The board may also place a program on administrative probation in emergency situations or continue an administrative probation status initiated by the director.

**6 VAC 35-20-110. Notice of certification status board action.**

A. Information regarding program status shall be made available to the appropriate departmental, state and local authorities Within two weeks of the board's actions. any certification action, a designated officer or agent of the board shall send formal notice of the board action to:

1. The program;
2. The program's sponsoring locality, commission or private operator, as applicable;
3. Designated department personnel; and
4. Other state and local authorities, as appropriate to the specific circumstances.

B. Administrators shall receive notification of their program's certification status in the following manner:

1. A certificate shall be issued by the board to each certified program.

2. A letter shall be issued by the board to programs that are placed on probationary status or decertified.

C. Public notice of certification status certificates and status letters shall be posted upon receipt B. The program shall post the certificate or letter issued by the board in a conspicuous place in the facility or program offices where it is visible to the public.

C. All variances approved by the board shall be made available at the program site to certification audit teams and department personnel conducting on-site visits.

D. When a certifiable level of compliance is not achieved, the director or designee shall:

1. Notify the program administrator of the board's action and provide 15 days to respond in writing.
2. Send a copy of such notice to the person or entity authorized to take action.

**6 VAC 35-20-120. Failure to achieve Actions following decertification or denial of certification.**

A. When a program fails to achieve operated by the department is decertified or denied certification, the following actions may be taken in compliance with statutes, policies, and procedures established by the board, the department and other state or federal agencies.

1. Department administered. If the Department of Youth and Family Services administers the program, actions may include, but are not limited to, the following:

~~a. the program administrator may reorganize the program, take necessary personnel actions and any other steps that will bring the program into compliance; b. will take whatever actions are necessary to qualify the program for at least a conditional certification within 90 days. If the program does not qualify for at least conditional certification within 90 days, the department may choose to close the program may be closed. The procedure for such action shall be in compliance with all board, department, state and federal regulations, policies, or requirements of law. If after 90 days the program has not met the requirements for at least conditional certification and the department has not closed the program, the board shall recommend to the Governor and the Secretary of Public Safety appropriate action to be taken under the circumstances.~~

~~2. Locally or privately operated. If the B. When a program that is locally, regionally or privately operated is decertified or denied certification, the board and affiliated with the department of Youth and Family Services, may take any and all of the following actions may include, but are not limited to, the following as appropriate to the circumstances:~~

~~a. A recommendation may be made to the person or entity authorized to take action, 1. The sponsor may be required to reorganize the program structure or take necessary personnel action or any other steps as may be necessary to bring qualify the program into compliance with standards for at least a conditional certification within 90 days; and~~

~~b. 2. The Director of the Department or the Board of Youth and Family Services may initiate proceedings, and under authority of, as applicable, reduce or suspend funding to the program in accordance with §§ 16.1-314, 16.1-322.1 through 16.1-322.3, and § 16.1-309.9 C, or § 66-30 of the Code of Virginia as well as any other applicable laws relating to child abuse to withdraw funding or to prohibit placement of children. or may withdraw the approval required by § 16.1-249 A (3) and (4) of the Code of Virginia; and~~

~~3. The board may enter an order, pursuant to § 16.1-309.9 B of the Code of Virginia, prohibiting the placement of children in the program.~~

**6 VAC 35-20-130. Grounds for decertification. (Repealed.)**

~~A. A facility or program may be decertified by the board at any time for the following reasons:~~

- ~~1. Staff of the facility or program have permitted, aided or abetted the commission of any illegal act in the facility or program;~~
- ~~2. Staff of the facility or program have engaged in conduct or practices which are in violation of statutes related to abuse or neglect of children;~~
- ~~3. Staff of the facility or program have deviated significantly from the program or services for which a certificate was issued without obtaining prior approval from the Board of Youth and Family Services, failing to correct such deviations within the time specified by the board, or both; or~~
- ~~4. Falsification of records.~~

~~B. If the program administrator wishes to appeal the decertification status, he shall forward the request to the appropriate regional administrator or chief for forwarding to the certification unit manager who shall, within five days, prepare a report on the appeal request at the first regularly scheduled board meeting following receipt by the board of the report from the certification unit manager.~~

~~C. A program or facility may also be placed on administrative probation at any time pending investigation of alleged occurrences of any or all of the items stated above, or in an emergency situation at the discretion of the director pending board approval at its next regularly scheduled meeting.~~

**6 VAC 35-20-140. Newly adopted standards. (Repealed.)**

~~A. When standards are adopted for newly developed programs or when new standards are adopted for existing programs, the programs affected shall be held responsible for demonstrating compliance with the standards 90 days after the effective date of the new standards.~~

~~B. New programs to be certified under existing standards will undergo a preparatory audit by the regional office or staff of the appropriate chief within 90 days of accepting the first client (residential programs) or hiring of the director (nonresidential programs). A full audit by the certification unit staff will be conducted no more than six months after the preparatory audit.~~

**6 VAC 35-20-150. Mandatory standards for juvenile residential facilities.**

*The following standards, selected from Standards for Juvenile Residential Facilities (6 VAC 35-140) and Standards for Interdepartmental Regulation of Children's Residential Facilities (22 VAC 42), are designated as "mandatory" as defined in 6 VAC 35-20-10. Programs that are subject to these standards must be in 100% compliance with the following standards in order to be approved to operate. Failure to comply with these mandatory standards will result in enforcement actions in accordance with the Code of Virginia and as set forth in this chapter.*

1. 6 VAC 35-140-190
2. 6 VAC 35-140-340
3. 6 VAC 35-140-460
4. 22 VAC 42-10-190
5. 22 VAC 42-10-300
6. 22 VAC 42-10-330 A, B and E
7. 22 VAC 42-10-490 B and C
8. 22 VAC 42-10-700 A and B
9. 22 VAC 42-10-710 B through I
10. 22 VAC 42-10-720
11. 22 VAC 42-10-730 A and C
12. 22 VAC 42-10-970
13. 22 VAC 42-10-1000.

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VA.R. Doc. No. R00-150; Filed September 20, 2002, 4:03 p.m.

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## TITLE 12. HEALTH

### DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

Title of Regulation: **12 VAC 35-40. Mandatory Certification/Licensure Standards for Treatment Programs for Residential Facilities for Children (repealing 12 VAC 35-40-10 through 12 VAC 35-40-340).**

Title of Regulation: **12 VAC 35-45. Regulations for Providers of Mental Health, Mental Retardation and Substance Abuse Residential Services for Children (adding 12 VAC 35-45-10 through 12 VAC 35-45-200).**

Statutory Authority: §§ 37.1-10, 37.1-179.1, and 37.1-182 of the Code of Virginia.

Public Hearing Date: November 13, 2002 - 6:30 p.m.

Public comments may be submitted until December 20, 2002.

(See Calendar of Events section for additional information)

Agency Contact: Leslie Anderson, Director, Office of Licensing, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 786-1747, FAX (804) 692-0066 or e-mail landerson@dmhmrsas.state.va.us.

Basis: Section 37.1-10 of the Code of Virginia authorizes the board to make, adopt and promulgate such rules and regulations as may be necessary to carry out the provisions of Title 37.1 and other laws of the Commonwealth administered by the Commissioner or the Department of Mental Health, Mental Retardation and Substance Abuse Services.

Section 37.1-179.1 of the Code of Virginia authorizes the commissioner to grant licenses to a provider to establish, maintain and operate, or to have charge of any service as defined in § 37.1-179.

Section 37.1-182 of the Code of Virginia authorizes the commissioner to inspect licensed providers.

Purpose: The regulations have not been revised since 1992. There has been a significant change in the needs of the populations served that are protected by these regulations. Mental health and substance abuse residential facilities, in particular, are now serving the needs of residents who, 10 years ago, were generally receiving such services in long-term or in acute care settings. With the emphasis now on community-based services, many of these children and adolescents are being served in residential group homes. The revised regulation is essential to protect the health, safety and welfare of the population served by the programs governed by the regulations. The revisions will help to ensure that this population receives an adequate level of services that is

responsive to their needs and providers are accountable for acceptable standards of practice and treatment.

The promulgation of the revised Standards for the Interdepartmental Regulation of Children's Residential Facilities (standards) in July 2000, and new Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers of Mental Health, Mental Retardation and Substance Abuse Services in November 2001, made entire sections of the current regulation redundant and in some cases conflictual. For example, the standards prohibit the self-administration of medication by children while the current regulation allows it. Also, the regulation cites references to the former human rights regulations, which have been repealed. Many of the definitions in the current regulation are either no longer needed because they are addressed in other applicable regulations, or are outdated.

Substance: Provisions that duplicate other regulations have been stricken from the proposed regulation. In addition, revisions have been made in consultation with providers, the Comprehensive Services Act Office (CSA), The Department of Medical Assistance Services (DMAS), the department's Office of Mental Health (OMH), and other consultants to ensure that the content of the revised regulation reflects current treatment practices in children's residential programs.

Regulatory provisions included in the proposed regulation are more specific to the needs of residents served in programs that are governed by the regulation. They require providers to specifically define the services they will provide to the disability group they intend to serve. A working definition of a residential treatment facility, taken in part from DMAS regulations, has been added to the definitions section of the proposed regulation. This term has not been previously defined in the licensing regulations promulgated by the board. Significant provisions incorporated into the replacement regulation include requirements that providers comply with their own policies and complete and submit acceptable corrective action for areas of noncompliance. There are also significant revisions to provisions regarding behavior management and time-out practices. Many of the changes from the current regulation are intended to address areas where it was determined that there is a significant need for improvement in performance based on the review of provider violations. For example, provisions are included to require providers to monitor medication errors on a quarterly basis and use that information to aid in staff development. These revisions were made consistent with the Rules and Regulations for the Licensing of Providers of Mental Health, Mental Retardation and Substance Abuse Services that were recently promulgated by the board.

Issues: There are no anticipated disadvantages as a result of the proposed regulation. Significant advantages to the public, providers, residents being served, and to the department's mandated responsibility of enforcing these regulations include revisions that reflect current standards of practice in the treatment of children in residential facilities, eliminating duplication with other existing regulations, deleting outdated and conflicting regulations, and adding regulations that reflect current standards of practice in behavioral healthcare regarding quality improvement. The revised provisions are

concise and intended to allow the department to effectively fulfill its statutory responsibility.

Fiscal Impact: Significant revisions are consistent with the department's existing licensing regulations and have been developed to be clear, concise and direct. Therefore, there should be no additional staff training or associated cost to implement the provisions.

As of June 24, 2002, there were 115 licensed providers affected by these regulations. Promulgating revised regulations will not, by itself, increase the number of providers (new applications for these services are received almost weekly; revised regulations will not affect the number of applications received). No new staff members will be required as a result of promulgating these regulations. No significant financial impact is anticipated on providers to achieve compliance, since most new requirements reflect current standards of care. The current budget for the department's Office of Licensing (for fiscal year 2003) is \$1,121,391. No change in this budget is expected as a result of promulgating these 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 H of the Administrative Process Act and Executive Order Number 21 (02). Section 2.2-4007 H 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 Mental Health, Mental Retardation and Substance Abuse Services proposes to repeal the existing Mandatory Certification/Licensure Standards for Treatment Programs for Children (12 VAC 35-40) and replace them with the proposed Regulations for Providers of Mental Health, Mental Retardation, and Substance Abuse Residential Services for Children (12 VAC 35-45). These regulations are an addendum to 22 VAC 42-10-10 et seq., Standards for Interdepartmental Regulation of Children's Residential Facilities (Standards), which are generic standards governing a wide variety of residential facilities licensed by the Departments of Mental Health, Mental Retardation and Substance Abuse Service, Social Services, Education and Juvenile Justice. The standards in this addendum, or "Mental Health Module" (Module) as it is operationally called, apply to all providers of residential treatment services for children who are mentally ill, mentally retarded or chemically dependent. Services covered by these regulations include a wide range of residential services from small group homes to large residential treatment facilities.

Estimated economic impact. The Module has not been revised since 1992. Many of the provisions in the existing Module were outdated as a result of changes in current treatment

practices and were either deleted or revised in the proposed Module to reflect current standards of care. Regulatory provisions in the existing Module that were in conflict with or duplicated other recently promulgated regulations were also deleted.

The majority of the changes will simply reorganize and streamline the regulatory requirements. Significant revisions were made to the provisions regarding behavior management and time out practices, but, according to the department, the only new requirement is that time limits for time outs be developmentally appropriate. A new provision was included to require providers to monitor medication errors on a quarterly basis and use that information to aid in staff development. This is currently in the Rules and Regulations for the Licensing of Providers of Mental Health, Mental Retardation, and Substance Abuse Services, but is a new requirement for residential providers. According to the department, this is one area where providers have many violations, and this is an attempt to require them to focus on these errors more systematically.

The department anticipates no need for additional staff training or associated costs to implement the proposed regulations, and no significant financial impact on providers to achieve compliance, since the new requirements reflect current standards of care. By developing a clearer and updated regulation, the proposed action can be expected to result in a net economic benefit with no clear disadvantages.

Businesses and entities affected. As of June 24, 2002, there were 115 licensed providers affected by these regulations.<sup>1</sup>

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

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

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

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

### Summary:

*The proposed action repeals the existing Mandatory Certification/Licensure Standards for Treatment Programs for Children (12 VAC 35-40) and replaces them with the proposed Regulations for Providers of Mental Health, Mental Retardation and Substance Abuse Residential Services for Children (12 VAC 35-45). Services covered by the regulation include a wide range of residential services from small group homes to large residential treatment facilities.*

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<sup>1</sup> Numbers provided by the Department of Mental Health, Mental Retardation, and Substance Abuse Services, 8/13/02.

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The majority of the changes reorganize and streamline the regulatory requirements and delete provisions that are redundant or that conflict with other regulations. Proposed changes delete or revise provisions that were outdated as a result of changes in current treatment practices to reflect current standards of care. The provisions regarding behavior management and time-out practices have been amended to require that time limits for time outs be developmentally appropriate. A provision is added to require providers to monitor medication errors on a quarterly basis and use that information to aid in staff development.

## CHAPTER 45.

### REGULATIONS FOR PROVIDERS OF MENTAL HEALTH, MENTAL RETARDATION, AND SUBSTANCE ABUSE RESIDENTIAL SERVICES FOR CHILDREN.

#### 12 VAC 35-45-10. Definitions.

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

"Care" or "treatment" means a set of individually planned interventions, training, habilitation, or supports that help a resident obtain or maintain an optimal level of functioning, reduce the effects of disability or discomfort, or ameliorate symptoms, undesirable changes or conditions specific to physical, mental, behavioral, or social functioning.

"Commissioner" means the Commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse Services or his authorized agent.

"Counseling" means certain formal treatment interventions such as individual, family, and group modalities, which provide for support and problem solving. Such interventions take place between provider staff and the resident, families, or groups and are aimed at enhancing appropriate psychosocial functioning or personal sense of well-being.

"Crisis" means any acute emotional disturbance in which a resident presents an immediate danger to self or others or is at risk of serious mental or physical health deterioration caused by acute mental distress, behavioral or situational factors, or acute substance abuse related problems.

"Crisis intervention" means those activities aimed at the rapid management of a crisis.

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

"Medication" means prescribed and over-the-counter drugs.

"Medication administration" means the direct application of medications by injection, inhalation, or ingestion or any other means to a resident by (i) persons legally permitted to administer medications or (ii) the resident at the direction and in the presence of persons legally permitted to administer medications.

"Mental retardation" means substantial subaverage general intellectual functioning that originates during the development period and is associated with impairment in adaptive behavior. It exists concurrently with related limitations in two or more of the following applicable adaptive skill areas: communication,

self-care, home living, social skills, community use, self-direction, health and safety, functional academics, leisure, and work.

"On-site" means services that are delivered by the provider and are an integrated part of the overall service delivery system.

"Residential treatment program" means 24-hour, supervised, medically necessary, out-of-home programs designed to provide necessary support and address mental health, behavioral, substance abuse, or training needs of a child or adolescent in order to prevent or minimize the need for more intensive inpatient treatment. Services must include, but shall not be limited to, assessment and evaluation, medical treatment (including medication), individual and group counseling, and family therapy necessary to treat the child. Active treatment shall be required. The service must provide active treatment or training beginning at admission and it must be related to the resident's principle diagnosis and admitting symptoms. These services do not include interventions and activities designed only to meet the supportive nonmental health special needs, including but not limited to personal care, habilitation or academic educational needs of the resident.

"Restraint" means the use of an approved mechanical device, physical intervention or hands-on hold, or pharmacologic agent to involuntarily prevent a resident receiving services from moving his body to engage in a behavior that places him or others at risk. This term includes restraints used for behavioral, medical, or protective purposes.

1. A restraint used for "behavioral" purposes means the use of an approved physical hold, a psychotropic medication, or a mechanical device that is used for the purpose of controlling behavior or involuntarily restricting the freedom of movement of the resident in an instance in which there is an imminent risk of a resident harming himself or others, including staff when nonphysical interventions are not viable and safety issues require an immediate response.

2. A restraint used for "medical" purposes means the use of an approved mechanical or physical hold to limit the mobility of the resident for medical, diagnostic, or surgical purposes and the related post-procedure care processes when the use of such a device is not a standard practice for the resident's condition.

3. A restraint used for "protective" purposes means the use of a mechanical device to compensate for a physical deficit when the resident does not have the option to remove the device. The device may limit a resident's movement and prevent possible harm to the resident (e.g., bed rail or geri-chair) or it may create a passive barrier to protect the resident (e.g., helmet).

4. A "mechanical restraint" means the use of an approved mechanical device that involuntarily restricts the freedom of movement or voluntary functioning of a limb or a portion of a person's body as a means to control his physical activities, and the resident receiving services does not have the ability to remove the device.

5. A "pharmacological restraint" means a drug that is given involuntarily for the emergency control of behavior when it is not standard treatment for the resident's medical or psychiatric condition.

6. A "physical restraint" (also referred to "manual hold") means the use of approved physical interventions or "hands-on" holds to prevent a resident from moving his body to engage in a behavior that places him or others at risk of physical harm. Physical restraint does not include the use of "hands-on" approaches that occur for extremely brief periods of time and never exceed more than a few seconds duration and are used for the following purposes:

a. To intervene in or redirect a potentially dangerous encounter in which the resident may voluntarily move away from the situation or hands-on approach; or

b. To quickly de-escalate a dangerous situation that could cause harm to the resident or others.

"Serious injury" means any injury resulting in bodily hurt, damage, harm, or loss that requires medical attention by a licensed physician.

"Service" or "services" means individually planned interventions intended to reduce or ameliorate mental illness, mental retardation or substance addiction or abuse through care and treatment, training, habilitation or other supports that are delivered by a provider to residents with mental illness, mental retardation, or substance addiction or abuse.

"Social skill training" means activities aimed at developing and maintaining interpersonal skills.

"Time out" means assisting a resident to regain emotional control by removing the resident from his immediate environment to a different, open location until he is calm or the problem behavior has subsided.

#### **12 VAC 35-45-20. Allowable variance.**

The commissioner may grant a variance to a specific provision of these regulations if he determines that such a variance will not jeopardize the health, safety, or welfare of residents and upon demonstration by the provider requesting such variance that complying with the regulation would be a hardship unique to the provider. A provider shall submit a request for a variance in writing to the commissioner. A variance may be time limited or have other conditions attached to it. The commissioner must approve a variance prior to implementation.

#### **12 VAC 35-45-30. Rights.**

Each provider shall guarantee resident rights as outlined in § 37.1-84.1 of the Code of Virginia and in the Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers of Mental Health, Mental Retardation and Substance Abuse Services (12 VAC 35-115).

#### **12 VAC 35-45-40. Audio and visual recordings.**

Each provider shall have written policies and procedures regarding the photographing and audio or audio-video recordings of residents that shall ensure and provide that:

1. The written consent of the resident or the resident's legal guardian shall be obtained before the resident is photographed or recorded for research or provider publicity purposes.

2. No photographing or recording by provider staff shall take place without the resident or the resident's family or legal guardian being informed.

3. All photographs and recordings shall be used in a manner that respects the dignity and confidentiality of the resident.

#### **12 VAC 35-45-50. Compliance with applicable laws, regulations, and policies.**

The provider, including employees, contract service providers, students, and volunteers shall comply with:

1. The applicable regulations for licensed services, including, but not limited to, the Standards for Interdepartmental Regulation of Children's Residential Facilities (22 VAC 42-10), and Department of Medical Assistance Services' Regulations, Amount, Duration and Scope of Selected Services, 12 VAC 30-130-860;

2. The terms of the license;

3. Other applicable federal, state or local laws and regulations; and

4. The provider's own policies.

#### **12 VAC 35-45-60. Written plans of correction for noncompliance.**

A. If there is noncompliance with any of the applicable regulations during an initial or ongoing review or investigation, the department shall issue a licensing report describing the noncompliance and requesting the provider to submit a corrective action plan.

B. The provider shall submit to the department and implement a written corrective action plan for each regulation that is found to be in noncompliance as identified on the licensing report.

C. The corrective action plan shall include a:

1. Description of the corrective actions to be taken;

2. Date of completion for each action; and

3. Signature of the person responsible for the service.

D. The provider shall submit corrective action plans to the department within 15 business days of the issuance of the Licensing Report. Extensions may be granted by the department when requested prior to the due date, but extensions shall not exceed an additional 10 business days. An immediate corrective action shall be required if the department determines that the violations pose a danger to residents.

E. The department shall approve a corrective action plan. The provider has an additional 10 business days to submit a revised corrective action plan after receiving notice that the plan submitted has not been approved.

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F. The provider shall monitor implementation of pledged corrective action and include such reviews in the annual review of program objectives as specified in 22 VAC 42-10-110 D.

## **12 VAC 35-45-70. Service description; required elements.**

A. The provider shall develop, implement, review and revise its services according to the provider's mission and shall have that information available for public review.

B. Each provider shall have a written service description that accurately describes its structured program of care and treatment consistent with the treatment, habilitation, or training needs of the residential population it serves. Service description elements shall include:

1. The mental health, substance abuse or mental retardation population it intends to serve;
2. The mental health, substance abuse or mental retardation interventions it will provide;
3. Provider goals;
4. Services provided; and
5. Contract services, if any.

## **12 VAC 35-45-80. Minimum service requirements.**

A. At the time of the admission of any resident, the provider shall identify in writing, the staff member responsible for providing the social services outlined in the Standards for Interdepartmental Regulation of Children's Residential Facilities (22 VAC 42-10).

B. The provider shall have and implement written policies and procedures that address the provision of:

1. Psychiatric care;
2. Family therapy; and
3. Staffing appropriate to the needs and behaviors of the residents served.

C. The provider shall have and implement written policies and procedures for the on-site provision of a structured program of care or treatment of residents with mental illness, mental retardation, or substance abuse. The provision, intensity, and frequency of mental health, mental retardation, or substance abuse interventions shall be based on the assessed needs of the resident. These interventions, applicable to the population served, shall include, but are not limited to:

1. Individual counseling;
2. Group counseling;
3. Training in decision making, family and interpersonal skills, problem solving, self-care, social, and independent living skills;
4. Training in functional skills;
5. Assistance with activities of daily living (ADL's);
6. Social skills training in therapeutic recreational activities, e.g., anger management, leisure skills education and development, and community integration;

7. Providing positive behavior supports;
8. Physical, occupational and/or speech therapy; and
9. Substance abuse education and counseling.

D. Each provider shall have formal arrangements for the evaluation, assessment, and treatment of the mental health needs of the resident.

## **12 VAC 35-45-90. Admission applications.**

In addition to the requirements of the Standards for Interdepartmental Regulation of Children's Residential Facilities (22 VAC 42-10), the provider will complete an assessment of each resident that addresses:

1. Family history and relationships;
2. Social and development history;
3. Current behavioral functioning and social competence;
4. History of previous treatment for mental health, mental retardation, substance abuse, and behavior problems; and
5. Medication and drug use profile, which shall include:
  - a. History of prescription, nonprescription, and illicit drugs that were taken over the six months prior to admission;
  - b. Drug allergies, unusual and other adverse drug reactions; and
  - c. Ineffective medications.

## **12 VAC 35-45-100. Least restrictive programming.**

Each resident shall be placed in the least restrictive level of programming appropriate to individual functioning and available services.

## **12 VAC 35-45-110. Documentation policy.**

A. The provider shall define, by policy, a system of documentation, which supports appropriate service planning, and methods of updating a resident's record by employees or contractors. Such system shall include the frequency and format for documentation.

B. Entries in a resident's record shall be current, dated and authenticated by the person making the entry. Errors shall be corrected by striking through and initialing. If records are electronic, the provider shall develop and implement a policy and procedure to identify how corrections to the record will be made.

## **12 VAC 35-45-120. Record reviews.**

Complete, written policies and procedures for record reviews shall be developed and implemented that shall evaluate records for completeness, accuracy, and timeliness of documentation. Such policies shall include provisions for ongoing review to determine whether records contain all required service documentation, and release of information documents required by the provider.

## **12 VAC 35-45-130. Medication administration.**

A. The provider shall develop and implement written policies and procedures regarding the delivery and administration of

prescription and nonprescription medications used by residents. At a minimum these policies will address:

1. Identification of the staff member responsible for routinely communicating to the prescribing physician:
  - a. The effectiveness of prescribed medications; and
  - b. Any adverse reactions, or any suspected side effects.
2. Storage of controlled substances;
3. Documentation of medication errors and drug reactions;
4. Documentation of any medications prescribed and administered following admission that at a minimum shall include:
  - a. The date prescribed;
  - b. Drug product name;
  - c. Dosage;
  - e. Strength;
  - f. Route;
  - g. Schedule and time administered; and
  - h. Dates medication discontinued or changed.

B. The use of medications shall be consistent with the Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers of Mental Health, Mental Retardation and Substance Abuse Services (12 VAC 115-35).

#### **12 VAC 35-45-140. Medication error reviews.**

The provider shall keep a log of all medication errors and review it at least quarterly. Such quarterly reviews shall be used to plan for continued staff development needs, as applicable.

#### **12 VAC 35-45-150. Written policies and procedures for a crisis or clinical emergency.**

The provider shall develop and implement written policies and procedures for a crisis or clinical emergency that shall include:

1. Procedures for crisis or clinical stabilization, and immediate access to appropriate internal and external resources, including a provision for obtaining physician and mental health clinical services if on-call physician back-up or mental health clinical services are not available; and
2. Employee or contractor responsibilities.

#### **12 VAC 35-45-160. Documenting crisis intervention and clinical emergency services.**

A. The provider shall develop and implement a method for documenting the provision of crisis intervention and clinical emergency services. Documentation shall include the following:

1. Date and time;
2. Nature of crisis or emergency;
3. Name of resident;
4. Precipitating factors;

5. Interventions/treatment provided;
6. Employees or contractors involved;
7. Outcome; and
8. Any required follow-up.

B. If a crisis or clinical emergency involves a resident who receives medical or mental health services, the crisis intervention documentation shall become part of his record.

C. There shall be written policies and procedures for referring to or receiving residents from:

1. Hospitals;
2. Law-enforcement officials;
3. Physicians;
4. Clergy;
5. Schools;
6. Mental health facilities;
7. Court services;
8. Private outpatient providers; and
9. Support groups or others, as applicable.

#### **12 VAC 35-45-170. Behavior management.**

Each provider shall develop and implement written policies and procedures concerning behavior management that are directed toward maximizing the growth and development of the resident. These policies and procedures shall:

1. Emphasize positive approaches;
2. Define and list techniques that are used and are available for use in the order of their relative degree of intrusiveness or restrictiveness;
3. Specify the staff members who may authorize the use of each technique;
4. Specify the processes for implementing such policies and procedures;
5. Specify the mechanism for monitoring and controlling the use of behavior management techniques; and
6. Specify the methods for documenting the use of behavior management techniques.

#### **12 VAC 35-45-180. Time out.**

Each provider shall develop and implement written policies and procedures regarding the use and application of time out. The policy shall, at a minimum:

1. Comply with the Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers of Mental Health, Mental Retardation and Substance Abuse Services (12 VAC 35-115);
2. Specify how staff will be trained in the use and application of time out; and



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3. Require developmentally appropriate time limits in the application of time out.

## 12 VAC 35-45-190. Seclusion rooms requirements.

A. The room used for seclusion shall meet the design requirements for buildings used for detention or seclusion of persons.

B. The seclusion room shall be at least six feet wide and six feet long with a minimum ceiling height of eight feet.

C. The seclusion room shall be free of all protrusions, sharp corners, hardware, fixtures, or other devices, which may cause injury to the occupant.

D. Windows in the seclusion room shall be constructed to minimize breakage and otherwise prevent the occupant from harming himself.

E. Light fixtures and other electrical receptacles in the seclusion room shall be recessed or so constructed as to prevent the occupant from harming himself. Light controls shall be located outside the seclusion room.

F. Doors to the seclusion room shall be at least 32 inches wide, shall open outward and shall contain observation view panels of transparent wire glass or its approved equivalent, not exceeding 120 square inches but of sufficient size for someone outside the door to see into all corners of the room.

G. The seclusion room shall contain only a mattress with a washable mattress covering designed to avoid damage by tearing.

H. The seclusion room shall maintain temperatures appropriate for the season.

I. All space in the seclusion room shall be visible through the locked door, either directly or by mirrors.

## 12 VAC 35-45-200. Emergency reporting.

A. Any serious incident, accident, serious injury or death of a resident; any overnight absence from the facility without permission; any runaway; and any other unexplained absence shall be reported to the Office of Licensing within 24 hours. Such reports shall include:

1. The date and time the incident occurred;
2. A brief description of the incident;
3. The action taken as a result of the incident;
4. The name of the person who completed the report;
5. The name of the person who made the report to the placing agency, guardian, or other applicable authorities; and
6. The name of the person to whom the report was made.

B. In the case of a serious injury or death, the report shall be made on forms approved by the department.

VA.R. Doc. No. R02-78; Filed September 19, 2002, 1:56 p.m.

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# TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

## REAL ESTATE BOARD

### Extension of Public Comment Period

Title of Regulation: 18 VAC 135-50. Fair Housing Regulations (amending 18 VAC 135-50-10, 18 VAC 135-50-30, 18 VAC 135-50-70 through 18 VAC 135-50-120, 18 VAC 135-50-140, 18 VAC 135-50-160 through 18 VAC 135-50-210, 18 VAC 135-50-220, 18 VAC 135-50-270, 18 VAC 135-50-290, 18 VAC 135-50-300, 18 VAC 135-50-330, 18 VAC 135-50-350, 18 VAC 135-50-390, 18 VAC 135-50-400, 18 VAC 135-50-420, 18 VAC 135-50-440, 18 VAC 135-50-450, 18 VAC 135-50-470, 18 VAC 135-50-480, and 18 VAC 135-50-510; adding 18 VAC 135-50-212, 18 VAC 135-50-215, and 18 VAC 135-50-217; repealing 18 VAC 135-50-40, 18 VAC 135-50-50, 18 VAC 135-50-130, 18 VAC 135-50-150, 18 VAC 135-50-230, 18 VAC 135-50-240, 18 VAC 135-50-250, 18 VAC 135-50-310, 18 VAC 135-50-330, 18 VAC 135-50-340, 18 VAC 135-50-360, 18 VAC 135-50-370, 18 VAC 135-50-380, 18 VAC 135-50-460, 18 VAC 135-50-530, 18 VAC 135-50-540, and 18 VAC 135-50-560 through 18 VAC 135-50-590).

The Real Estate Board noticed a public comment period on the proposed Fair Housing Regulations (18 VAC 135-50) in the July 29, 2002, issue of the *Virginia Register of Regulations* (18:23 VA.R. 3075-3093 July 29, 2002). The board is extending the public comment period on the proposal until November 20, 2002.

Written comment on the proposed regulations may be submitted until 5 p.m. on November 20, 2002.

Agency Contact: Karen W. O'Neal, Deputy Director for Regulatory Programs, Real Estate Board, 3600 W. Broad Street, Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475 or e-mail oneal@dpor.state.va.us.

VA.R. Doc. No. R01-55; Filed September 26, 2002, 1:44 p.m.

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# TITLE 20. PUBLIC UTILITIES AND TELECOMMUNICATIONS

## STATE CORPORATION COMMISSION

### Withdrawal

Title of Regulation: 20 VAC 5-200. Proposed Revision of Commission Rules Governing Public Utility Rate Increase Applications and Annual Review Filings.

The State Corporation Commission has dismissed case proceeding PUE910076, Rules Governing Utility Rate Increase Applications and Annual Review Filings. The proposed action was published in 8:8 VA.R. January 13, 1992,

and an amended proposed action was published in 9:16 VA.R. May 3, 1993. No further action will be taken on this proceeding. The action was dismissed pursuant to the December 12, 1995 order for the case.

VA.R. Doc. No. R92-171; Filed October 4, 2002, 10:22 a.m.



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# FINAL REGULATIONS

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For information concerning Final Regulations, see Information Page.

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## Symbol Key

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

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## TITLE 4. CONSERVATION AND NATURAL RESOURCES

### MARINE RESOURCES COMMISSION

**REGISTRAR'S NOTICE:** The following regulations filed by the Marine Resources Commission are exempt from the Administrative Process Act in accordance with § 2.2-4006 A 12 of the Code of Virginia; however, the commission is required to publish the full text of final regulations.

**Title of Regulation:** 4 VAC 20-430. Pertaining to Marking and Minimum Mesh Size of Gill Nets (amending 4 VAC 20-430-20).

**Statutory Authority:** §§ 28.2-201 and 28.2-236 of the Code of Virginia.

**Effective Date:** October 1, 2002.

**Summary:**

*The amendment eases gill net marking requirements that are considered excessive in the identification of gill net end-marker flags and floating balls.*

**Agency Contact:** Deborah Cawthon, Agency Regulatory Coordinator, Marine Resources Commission, 2600 Washington Avenue, 3rd Floor, Newport News, VA 23607, telephone (757) 247-2248, FAX (757) 247-2002 or e-mail dcawthon@mrc.state.va.us.

#### 4 VAC 20-430-20. Marking procedures for drift and anchored gill nets.

Except as provided in 4 VAC 20-430-40 and 4 VAC 20-430-50 of this chapter, it shall be unlawful for any person to place, set or fish any gill net, except when licensed as a fixed fishing device, that is not marked in the following manner:

1. One end of each gill net shall be marked by a flag of square dimensions, which shall measure at least 144 square inches.
2. The end of each gill net opposite the square flag marker, shall be marked by either a triangular flag of at least 144 square inches or a floating ball of at least 50 inches circumference.
3. Each flag described in subdivisions 1 and 2 of this section shall be supported on a staff sufficient to maintain the bottom of the flag at least three feet above the surface of the water.
4. The end-marker flags on the same net, or flag and floating ball on the same net shall be of identical color.

~~5. An easily visible number or symbol shall be attached to end marker flags and floating balls, and the same number or symbol shall be used for both ends of the same net.~~

~~6. Each fisherman shall not use the same number or symbol for identification on more than one of the gill nets licensed by that fisherman.~~

7. 5. All flag staffs shall be marked with two stripes of two-inch wide reflective material that shall be visible from all sides; all end-marker floating balls shall be marked on three sides with patches of approximately two-inch by two-inch reflective material that shall be visible from all sides above the water line.

VA.R. Doc. No. R03-45; Filed October 1, 2002, 10:29 a.m.

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**Title of Regulation:** 4 VAC 20-720. Pertaining to Restrictions on Oyster Harvest (amending 4 VAC 20-720-20 and 4 VAC 20-720-40 through 4 VAC 20-720-80).

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

**Effective Date:** October 1, 2002.

**Summary:**

*The amendments establish Deep Rock Dredge and Drumming Ground Hand Scrape as oyster harvest areas; establish open areas and harvest seasons for 2002-2003; allow harvest by hand tong and hand scrape in the Nomini, Lower Machodoc, Coan, Yeocomico and Little Wicomico Rivers; allow oyster harvest from open public oyster grounds from sunrise to 2 p.m. daily, excluding the Seaside of Eastern Shore; establish restriction for harvesting with a standard oyster dredge in the Deep Rock Dredge area; and designate an eight-bushel daily limit per registered commercial fisherman licensee in designated areas.*

**Agency Contact:** Katherine V. Leonard, Marine Resources Commission, 2600 Washington Avenue, 3rd Floor, Newport News, VA 23607, telephone (757) 247-2120.

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

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

*"Deep Rock Dredge Area" means the area described as follows: starting at Cherry Point, Swynns Island, thence northeast to G"1P" along the south side of channel to Piankatank River; thence east-southeast to G"1R"; thence southwest to Sandy Point, Gwynns Island, north of Hole in Wall (see map).*

*"Deep Water Shoal State Replenishment Seed Area (DWS)" in the James River (574.66 Acres) means the areas beginning*

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

"*Hand scrape*" means any device or instrument with a catching bar having an inside measurement of no more than 22 inches, which is used or usable for the purpose of extracting or removing shellfish from a water bottom or the bed of a body of water.

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

"*Pocomoke Sound*" means that area northeast from a line from Beach Island Light to the house on the Great Fox Island.

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

"*Rappahannock River Drumming Ground Hand Scrape Area*" means that portion of the Rappahannock and Corrotoman River, west of the Route 3 bridge (Norris Bridge), and north of a line from the center of the Route 3 bridge (Norris Bridge) following westward along the channel to Towles Point at Buoy "R6," excluding the Corrotoman River north of a line from Balls Point to Corrotoman Point (see map).

"*Rappahannock River Hand Scrape Area*" means that area including all public grounds between a line extending from the eastern-most point of Long Point thence in an easterly direction to flashing red buoy "8"; thence due east to Rogue Point, upriver to a line extending from Tarpley Point; thence in a southwesterly direction to flashing green buoy "13"; thence south-southwesterly to Jones Point. (See map.)

"*Tangier Sound*" means that area west of the Tangier Channel from Tangier Light North to the Maryland-Virginia line (red buoy #6).

"*Tangier Sound Hand Tong Area*" means that area in the PTSMA south and west of a line from Fishbone Island thence southeast to bell buoy "5", thence south southwest to buoy "3" (such area to include all of Public Ground 3 and Flat Rock) and shall be a hand tong area only (see map) and Cod Harbor (approximately 1,124 acres) beginning at a point of East Point Marsh, said point having the Virginia state coordinates, south section, coordinates of north 555,414.89, east 2,730,388.85; thence south 79°59', east 2,260 feet to a line designating the western extent of the PTSMA as described in § 28.2-524 of the Code of Virginia; thence south 10°16', west 2,800 feet; thence south 28°46', west 8,500 feet to a point on Sand Spit, position north 545,131.78, east, 2,728,014.94; thence along

the mean low water line of Cod Harbor in a west, north and northeast direction crossing Canton Creek and Mailboat Harbor from headland to headland to the point of beginning. (See map.)

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

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

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

1. James River Seed Area, including the Deep Water Shoal State Replenishment Seed Area: October 1, ~~2004~~ 2002, through April 30, ~~2002~~ 2003.
2. James River Jail Island and Point of Shoals Clean Cull Areas: October 1, ~~2004~~ 2002, through April 30, ~~2002~~ 2003.
3. Seaside of Eastern Shore: for clean cull oysters only, November 1, ~~2004~~ 2002, through January 31, ~~2002~~ 2003.
4. That area of Piankatank River, west of the Route 3 bridge: October 1, ~~2004~~ 2002, through December 31, ~~2004~~ 2002.
5. The area of the Rappahannock River west of the ~~Route 3 bridge, including the Corrotoman River: October 1, 2001, through December 31, 2001~~ line drawn from Tarpley Point to Green Buoy #13 to Jones Point and the area of the Corrotoman River, north of the line drawn from Balls Point to Corrotoman Point: October 15, 2002, through January 15, 2003.
6. The Rappahannock River Hand Scrape Area: October 4, ~~2004~~ 15, 2002, through January 31, ~~2002~~ 15, 2003.
7. ~~The Rappahannock River Drumming Ground Hand Scrape Area: October 15, 2002, through January 15, 2003.~~
- ~~7- 8. That area of the Nomini and Lower Machodoc Rivers to the Virginia-Maryland state line (Nomini-PRV6A to PRV6B; Lower Machodoc and PRV5A to PRV5C, respectively): October 4, 2004 15, 2002, through December 31, 2004 January 15, 2003.~~
- ~~8- 9. That area of the Coan River to the Virginia-Maryland state line (PRV1A to PRV1B), except for that area above a line from Walnut Point (Survey Station Walnut) to Stephens Point (Survey Station Arthur): October 4, 2004 15, 2002, through December 31, 2004 January 15, 2003.~~
- ~~9- 10. That area of the Yeocomico River inside Public Grounds 102, 104, 107, 112 and 113: October 4, 2004 15, 2002, through December 31, 2004 January 15, 2003.~~
- ~~10- 11. That area The following areas of the PTSMA in Tangier Sound, west of the Tangier Channel from Tangier Light north to the Maryland-Virginia Line (red buoy #6) and in the Pocomoke Sound, northeast from a line from Beach Island Light to the house on the Great Fox Island, including the Tangier Sound Hand Tong Areas: December 1, 2004 2002, through December 31, 2004 January 31, 2003.~~

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12. *Tangier Sound Hand Tong Areas: December 1, 2002, through January 31, 2003.*

~~13. Little Wicomico River: October 1, 2004~~ 15, 2002, through ~~December 31, 2004~~ January 15, 2003.

14. *Deep Rock Dredge Area: February 1, 2003, through March 31, 2003.*

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

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

1. All public oyster grounds and unassigned grounds in the Chesapeake Bay and its tributaries, including the tributaries of the Potomac River, except ~~that the following areas: the area of the Rappahannock River west of the Route 3 bridge, including the Corrotoman River and line drawn from Tarpley Point to Green Buoy #13 to Jones Point; the area of the Corrotoman River north of the line drawn from Balls Point to Corrotoman Point; the Rappahannock River Hand Scrape Area; the Drumming Ground Hand Scrape Area; that area of the Piankatank River west of the Route 3 bridge; that area of the Nomini and Lower Machodoc Rivers to the Virginia-Maryland state line (Nomini PRV6A to PRV6B; Lower Machodoc PRV5A to PRV5C); that area of the Coan River to the Virginia-Maryland state line (Coan PRV1A to PRV1B), except for above a line from Walnut Point (Survey Station Walnut) to Stephens Point (Survey Station Arthur), and; that area of the Yeocomico River inside Public Grounds 102, 104, 107, 112 and 113; the Little Wicomico River, that area in; the PTSMA in Tangier Sound, west of the Tangier Channel from Tangier Light north to the Maryland-Virginia Line (red buoy #6) and in; the Pocomoke Sound, northeast from a line from Beach Island Light to the house on the Great Fox Island, including; the Tangier Sound Hand Tong Area; the James River Seed Area and; the James River Jail Island and Point of Shoals Clean Cull Areas; and the Deep Rock Dredge Area: October 1, 2004~~ 2002, through September 30, ~~2002-2003.~~

2. James River Seed Area, including the Deep Water Shoal State Replenishment Seed Area, and James River Jail Island and Point of Shoals Clean Cull Areas: May 1, 2002 2003, through September 30, ~~2002 2003.~~

3. All public oyster grounds and unassigned grounds on the Seaside of Eastern Shore: for clean cull oysters, October 1 through October 31, ~~2004~~ 2002, and February 1, 2002 2003, through September 30, ~~2002 2003;~~ and for seed oysters, all year. Oyster harvest from leased oyster ground and fee simple oyster ground shall require a permit from the Marine Resources Commission as set forth in 4 VAC 20-720-90.

4. That area of the Rappahannock River west of the ~~Route 3 bridge, including the Corrotoman River, and line drawn from Tarpley Point to Green Buoy #13 to Jones Point; the area of the Corrotoman River, north of the line drawn from Balls Point to Corrotoman Point;~~ that area of the Nomini and Lower Machodoc Rivers to the Virginia-Maryland state line (Nomini PRV6A to PRV6B; Lower Machodoc PRV5A to PRV5C); that area of the Coan River to the Virginia-Maryland state line (Coan PRV1A to PRV1B), except for

above a line from Walnut Point (~~Survey Station Walnut~~) to Stephens Point (~~Survey Station Arthur~~); that area of the Piankatank River west of the Route 3 bridge; and that area of the Yeocomico River inside Public Grounds 102, 104, 107, 112 and 113: ~~October 1, 2002, through October 14, 2002 and January 1, 2002~~ 16, 2003, through September 30, ~~2002 2003.~~

5. The Rappahannock River Hand Scrape Area: ~~February 1, 2002~~ October 1, 2002, through October 14, 2002, and January 16, 2003, through September 30, ~~2002 2003.~~

6. ~~The Rappahannock River Drumming Ground Hand Scrape Area: October 1, 2002, through October 14, 2002, and January 16, 2003, through September 30, 2003.~~

~~6. That area~~ 7. The following areas of the PTSMA: in Tangier, west of the Tangier Channel from Tangier Light north to the Maryland-Virginia line (red buoy #6), and in the area of the PTSMA in the Pocomoke Sound, northeast from a line from Beach Island Light to the house on the Great Fox Island, including the Tangier Sound Hand Tong Area: October 1, ~~2004~~ 2002, through November 30, ~~2004~~ 2002, and January 1, 2002 February 1, 2003, through September 30, ~~2002 2003.~~

~~7. 8. Little Wicomico River: October 1, 2002, through October 14, 2002, and January 1, 2002~~ 16, 2003, through September 30, ~~2002 2003.~~

9. *Deep Rock Dredge Area: October 1, 2002, through January 31, 2003, and April 1, 2003, through September 30, 2003.*

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

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

B. ~~Harvest on the public oyster grounds in that area of the Rappahannock River west of the Route 3 bridge, including the Corrotoman River and the Rappahannock River Hand Scrape Area, that area of the Piankatank River west of the Route 3 bridge, and that area of the Nomini and Lower Machodoc Rivers to the Virginia-Maryland state line (Nomini PRV6A to PRV6B; Lower Machodoc PRV5A to PRV5C), that area of the Coan River to the Virginia-Maryland state line (Coan PRV1A to PRV1B) except for above a line from Walnut Point (Survey Station Walnut) to Stephens Point (Survey Station Arthur), and that area of the Yeocomico River inside Public Grounds 102, 104, 107, 112 and 113, the James River Seed Area, including the Deep Water Shoal State Replenishment Seed Area, the James River Jail Island and Point of Shoals Clean Cull Areas, Little Wicomico River, and that area in the PTSMA in Tangier Sound, west of the Tangier Channel from Tangier Light north to the Maryland-Virginia Line (red buoy #6) and in~~

~~the Pocomoke Sound, northeast from a line from Beach Island Light to the house on the Great Fox Island, including the Tangier Sound Hand Tong area shall be from sunrise to 2 p.m. daily. It shall be unlawful for any person to harvest or attempt to harvest oysters from the public grounds in that area of the Rappahannock River west of the Route 3 bridge, including the Corrotoman River and the Rappahannock River Hand Scrape Area, that area of the Piankatank River west of the Route 3 bridge, and that area of the Nomini and Lower Machodoc Rivers to the Virginia-Maryland state line (Nomini PRV6A to PRV6B; Lower Machodoc PRV5A to PRV5C), that area of the Coan River to the Virginia-Maryland state line (Coan PRV1A to PRV1B) except for above a line from Walnut Point (Survey Station Walnut) to Stephens Point (Survey Station Arthur), and that area of the Yeocomico River inside Public Grounds 102, 104, 107, 112 and 113, the James River Seed Area, including the Deep Water Shoal State Replenishment Seed Area, the Jail Island and Point of Shoals Clean Cull Areas, Little Wicomico River, and that area in the PTsMA in Tangier Sound, west of the Tangier Channel from Tangier Light north to the Maryland-Virginia Line (red buoy #6) and in the Pocomoke Sound, northeast from a line from Beach Island Light to the house on the Great Fox Island, including the Tangier Sound Hand Tong Area prior to sunrise or after 2 p.m. daily from the areas described in subdivisions 1, 2 and 4 through 14 of 4 VAC 20-720-40.~~

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

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

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

A. It shall be unlawful for any person to harvest oysters *with shaft tongs longer than 18 feet in total overall length* from the following public oyster grounds or unassigned grounds in: the James River, including the Deep Water Shoal State Replenishment Seed Area; that area of the Rappahannock River west of the Route 3 bridge, including the Corrotoman River, line drawn from Tarpley Point to Green Buoy #13 to Jones Point; the area of the Corrotoman River north of the line drawn from Balls Point to Corrotoman Point; that area of the Piankatank River west of the Route 3 bridge and; that area of the Nomini and Lower Machodoc Rivers to the Virginia-Maryland state line (Nomini PRV6A to PRV6B; Lower Machodoc PRV5A to PRV5C); the Little Wicomico River; and that area of the Coan River to the Virginia-Maryland state line (Coan PRV1A to PRV1B), except for above a line from Walnut

~~Point (Survey Station Walnut) to Stephens Point (Survey Station Arthur), that area known as; the Tangier Sound Hand Tong Area; and that area of the Yeocomico River inside Public Grounds 102, 104, 107, 112 and 113 with shaft tongs longer than 18 feet in total overall length, except shaft tongs may exceed 18 feet in total overall length from Morattico Bar to the Route 3 bridge in the Rappahannock River. It shall be unlawful for any person to have a hand scrape on board a boat that is harvesting or attempting to harvest oysters from public grounds by hand tong.~~

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

~~C. The use of the hand scrape shall be allowed in the Rappahannock River Hand Scrape Area. In order to be allowed to operate a hand scrape for harvesting oysters from any public oyster grounds, a harvester must have a current hand scrape gear license and the cost of this license shall be \$50. It shall be unlawful for any person to harvest shellfish with a hand scrape from the public oyster grounds that has not first obtained a current gear license to use said hand scrape and only at times and in areas as established by the commission can this hand scrape be used for harvesting on public oyster grounds. No more than one license may be issued to any one boat for hand scrape and no more than one hand scrape may be on board any boat so licensed at any time. No hand tongs may be used or possessed aboard the licensed boat at the same time as said hand scrape from the Rappahannock River Hand Scrape Area; Drumming Ground Hand Scrape Area; and the Little Wicomico, Nomini, Coan, Yeocomico, and Lower Machodoc Rivers without first obtaining a valid hand scrape license at a cost of \$50.~~

~~D. It shall be unlawful for any person to harvest shellfish with a hand scrape from any public oyster grounds without first obtaining a valid hand scrape license and in accordance with times and areas established by the commission.~~

~~E. It shall be unlawful for any person to have more than one hand scrape on board any boat that is harvesting oysters or attempting to harvest oysters from public grounds. It shall be unlawful for any person to have a hand tong on board a boat that is harvesting or attempting to harvest oysters from public grounds by hand scrape.~~

~~D. F. Harvesting with a standard oyster dredge shall be allowed in that area in the Deep Rock Dredge Area and in the PTsMA in Tangier Sound, west of the Tangier Channel from Tangier Light north to the Maryland-Virginia line (red buoy #6), and in the Pocomoke Sound, northeast from a line from Beach Island Light to the house on the Great Fox Island, except for the designated hand tong areas. Only standard oyster dredges (maximum weights 100 pounds with attachment, maximum width of 50 inches, maximum tooth length of four inches, minimum teeth spacing of three inches) may be used.~~

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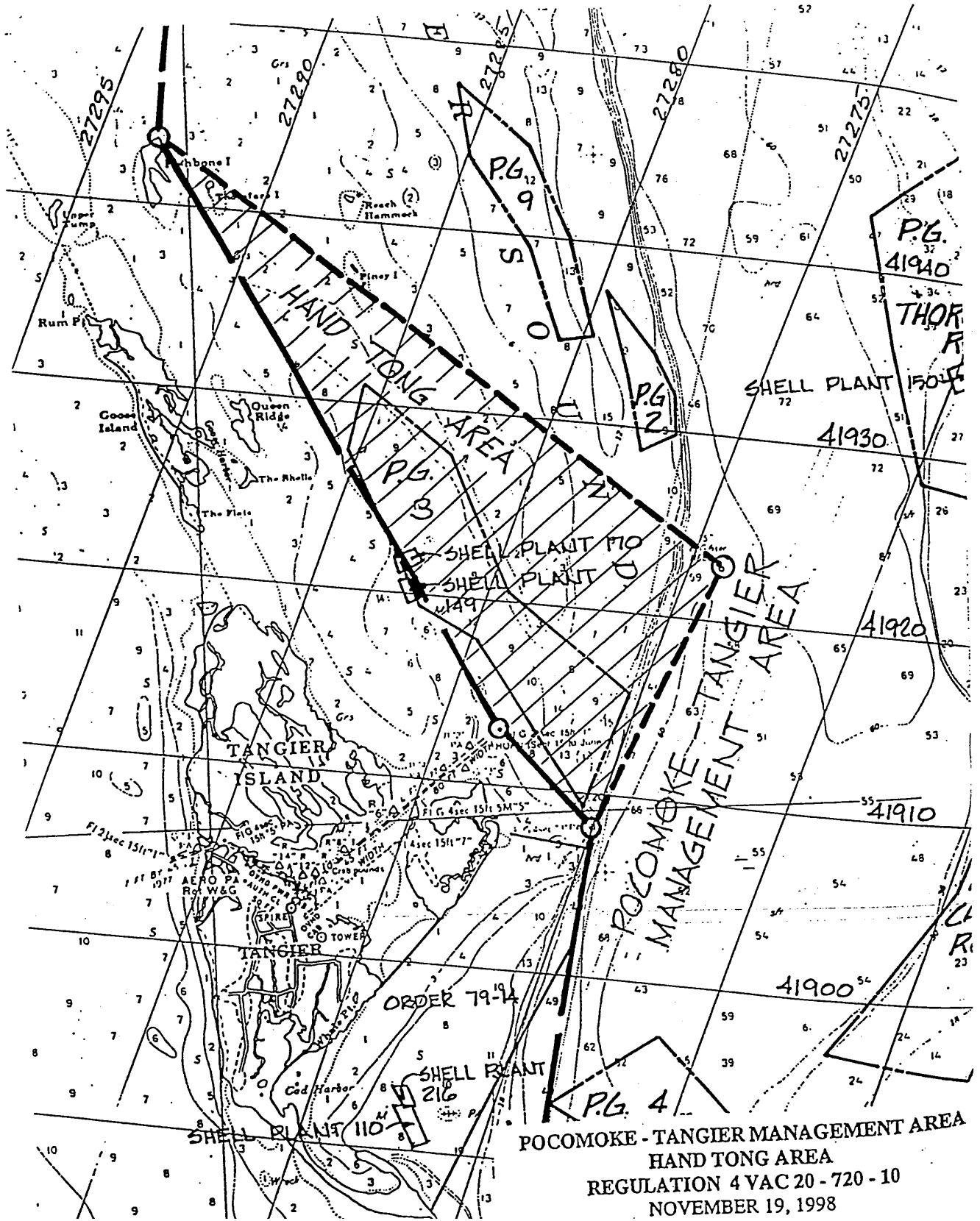
## 4 VAC 20-720-80. Quotas and ~~catch~~ harvest limits.

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

~~B. In the Rappahannock River west of the Route 3 bridge, including the Corrotoman River and the Rappahannock River Hand Scrape Area, and in the Little Wicomico, Nomini, Lower Machodoc, Coan, Piankatank, and Yeocomico Rivers, and the Tangier Sound Hand Tong Areas there shall be a six bushel per licensed harvester. The lawful daily limit of clean cull oysters harvested from the areas as described in subdivisions 4 through 10 and 12 and 13 of 4 VAC 20-720-40 shall be determined by the number of registered certified fishermen licenses on board the vessel multiplied by eight bushels. It shall be unlawful to possess on board any vessel or to land more than six bushels the daily limit of clean cull oysters per licensed harvester in the Rappahannock River west of the Route 3 bridge, including the Corrotoman River and the Rappahannock River Hand Scrape Area, and in the Little Wicomico River, Nomini, Lower Machodoc, Coan, Piankatank, and Yeocomico Rivers and the Tangier Sound Hand Tong Areas.~~

C. In the PTSMA in Tangier Sound, ~~west of the Tangier Channel~~ from Tangier Light north to the Maryland-Virginia line (red buoy #6), and in the Pocomoke Sound, northeast from a line from Beach Island Light to the house on the Great Fox Island, where harvesting is allowed by dredge, there shall be a ~~catch~~ harvest limit of 15 bushels per day, per ~~boat~~ vessel. It shall be unlawful to ~~catch~~ possess on board any vessel more than 15 bushels per day, per ~~boat~~. No hard clam or blue crab bycatch is allowed. ~~Harvest shall be reported for each day of harvest.~~ Failure to report oysters harvested on a daily basis or violation of any requirements for the harvesting of oysters shall result in the forfeiture of all harvested oysters and revocation of the dredge gear license for the remainder of the season.

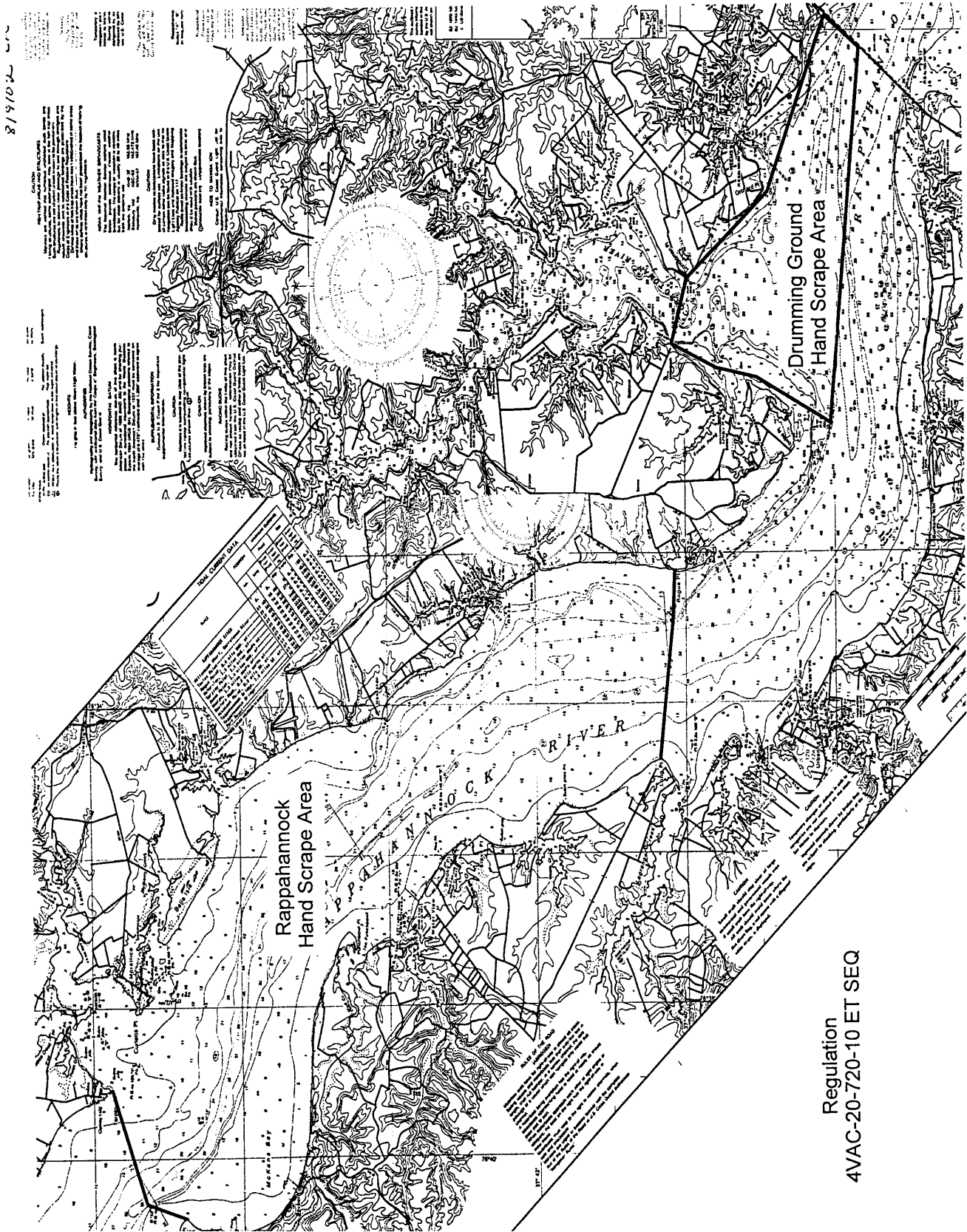
D. In the Deep Rock Dredge Area there shall be a harvest limit of 15 bushels per day per vessel. It shall be unlawful to possess on board any vessel or to land more than 15 bushels per day per vessel. No hard clam or blue crab bycatch is allowed.

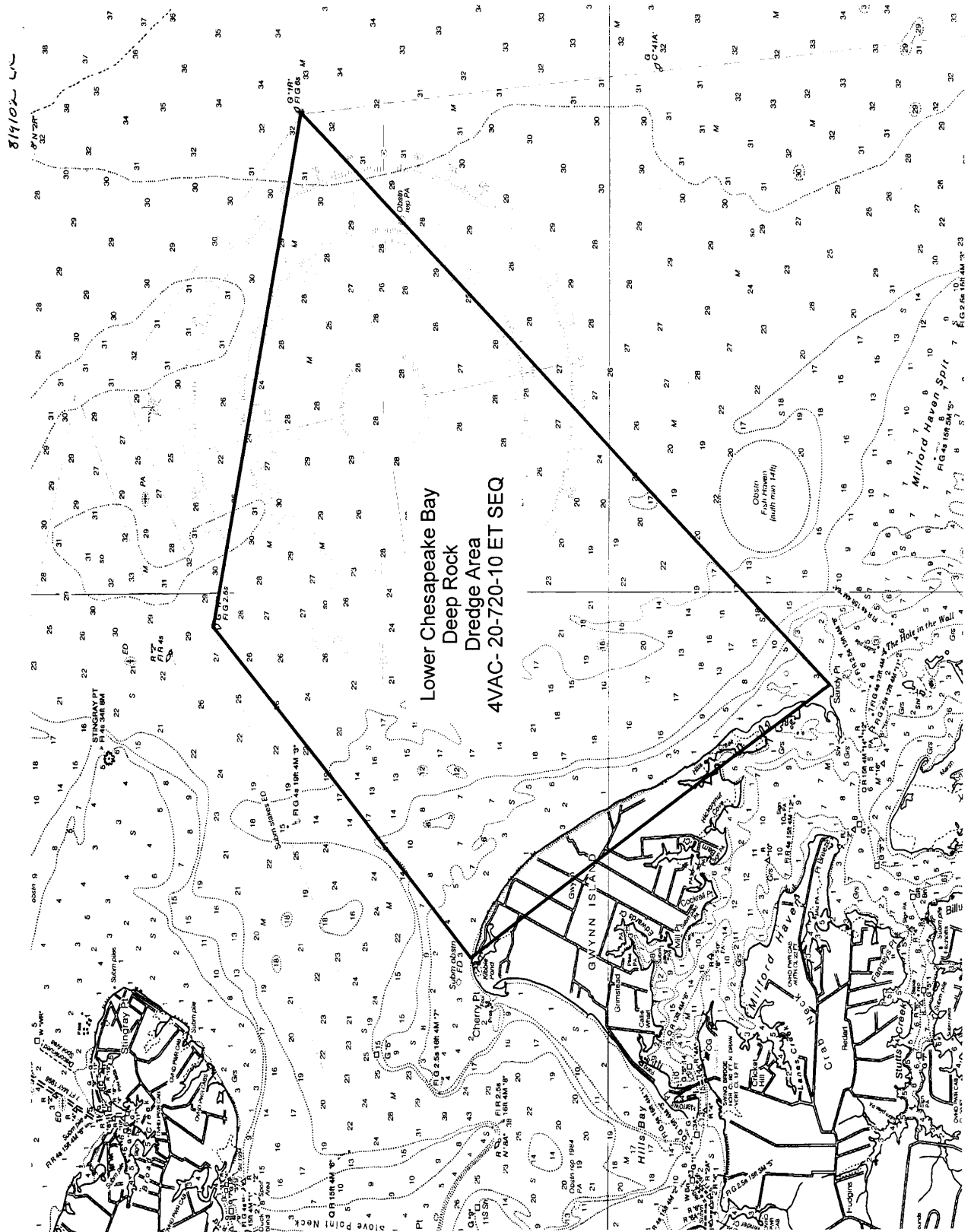


POCOMOKE - TANGIER MANAGEMENT AREA  
HAND TONG AREA  
REGULATION 4 VAC 20 - 720 - 10  
NOVEMBER 19, 1998



# Final Regulations





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# Final Regulations

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**Title of Regulation:** 4 VAC 20-754. Pertaining to Importation of Fish, Shellfish or Crustacea (amending 4 VAC 20-754-30).

**Statutory Authority:** §§ 28.2-201 and 28.2-825 of the Code of Virginia.

**Effective Date:** September 26, 2002.

**Summary:**

*The amendments establish a ban on importation from select geographic locations of hatchery seed clams of the genus Mercenaria for a period of 180 days and reinforce importation requirements.*

**Agency Contact:** Deborah Cawthon, Agency Regulatory Coordinator, Marine Resources Commission, 2600 Washington Avenue, 3rd Floor, Newport News, VA 23607, telephone (757) 247-2248, FAX (757) 247-2002 or e-mail jcaawthon@mrcc.state.va.us.

**4 VAC 20-754-30. Approved species and criteria for importation.**

A. Pursuant to the provisions of § 28.2-825 of the Code of Virginia *and under the following conditions*, it shall be lawful to import into the Commonwealth, with the intent of placing such animals into the waters of the Commonwealth, any species listed below, *except as prohibited in the exception contained in subdivision 1 of this subsection*:

1. Any hard clam of the species *Mercenaria mercenaria* from the waters of any coastal area or state within the continental United States and ~~which~~ *that* is absent of any known shellfish pathogen, *as specified in subsection B of this section, except that any importation of hatchery-produced seed of the genus Mercenaria from Pacific coastal states within the continental United States, South Carolina or Florida shall be prohibited for a period of 180 days, starting August 28, 2002.*

2. Any American oyster shellstock of the species *Crassostrea virginica* greater than 25mm in shell height from the waters of New England, Mid-Atlantic, or South Atlantic coastal areas or states and ~~which~~ *that* is absent of any known shellfish pathogen, *as specified in subsection B of this section.*

3. Any American oyster hatchery-produced seed of the species *Crassostrea virginica* less than 25mm in shell height from the waters of any coastal area or state within the Continental United States and ~~which~~ *that* is absent of any known shellfish pathogen, *as specified in subsection B of this section.*

4. Any bay scallop hatchery-produced seed of the species *Argopecten irradians* less than 25mm in shell height from the waters of any coastal area or state within the continental United States and *that* is absent of any known shellfish pathogen, *as specified in subsection B of this section.*

5. Any surf clam hatchery-produced seed of the species *Spisula solidissima* less than 25mm in shell length from the

waters of any coastal area or state within the continental United States and ~~which~~ *that* is absent of any known shellfish pathogen, *as specified in subsection B of this section.*

6. Any soft shell clam-hatchery-produced-seed of the species *Mya arenaria* less than 25mm in shell length from the waters of any coastal area or state within the United States ~~which~~ *and that* is absent of any known shellfish pathogen.

7. Any pre-molt (peeler) blue crab of the species *Callinectes sapidus* from the waters of the states of New Jersey, Delaware, Maryland, North Carolina, South Carolina, or Georgia.

B. *In order to import any species described in subsection A of this section, a certified statement from an approved shellfish pathologist as to the complete absence of known shellfish pathogens in a random sample shall be provided. That certified statement shall be provided to the Virginia Marine Resources Commission, Fisheries Management Division, at least 10 days prior to the shipment of any molluscan shellfish specified above for introduction into the waters of the Commonwealth. The test for shellfish pathogens in all shellfish species except oysters shall be from a random sample of 60 individuals from the shipment or population in question that was examined by histological and fluid thioglycollate methods within 60 days of each importation. For oysters, samples shall be tested within 30 days of each importation.*

C. Shipments of any molluscan shellfish specified above, upon entry into the Commonwealth for introduction into the waters of the Commonwealth, shall be accompanied by a certified statement from an approved shellfish pathologist as to the complete absence of known shellfish pathogens in a random sample of 60 individuals from the shipment or population in question and written acknowledgement from the Virginia Marine Resources Commission on the receipt of such statement.

D. Shipments of any species under the provisions of this chapter shall be accompanied by documentation of the quantity imported.

E. The provisions of the chapter shall not apply to the importation of any molluscan shellfish from the waters of the Delaware Bay or the Maryland portion of the Chesapeake Bay and its tributaries.

VA.R. Doc. No. R03-38; Filed September 26, 2002, 4:04 p.m.



**TITLE 9. ENVIRONMENT**

**STATE AIR POLLUTION CONTROL BOARD**

**REGISTRAR'S NOTICE:** The following regulatory action is exempt from the Administrative Process Act in accordance with § 2.2-4006 A 4 c of the Code of Virginia, which excludes regulations that are necessary to meet the requirements of federal law or regulations provided such regulations do not differ materially from those required by federal law or regulation. The State Air Pollution Control Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

**Title of Regulation:** 9 VAC 5-60. Hazardous Air Pollutant Sources (Rev. E02) (amending 9 VAC 5-60-120 through 9 VAC 5-60-180).

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

**Effective Date:** December 1, 2002.

**Summary:**

*As required under the federal Clean Air Act, the federal § 112(j) rule applies if EPA misses a deadline for the promulgation of a standard established in the source category schedule for standards. In such a case, the owner of a major source in a source category for which EPA has failed to promulgate a standard is required to submit a Title V permit application 18 months after the missed promulgation deadline. If the applicable criteria for voluntary early reductions are met, then this alternative emission limit satisfies the requirements of § 112(j) provided that the emission reductions are achieved by the missed promulgation date.*

*The federal § 112(j) rule establishes requirements for the content of permit applications, contains provisions governing the establishment of the maximum achievable control technology (MACT)-equivalent emission limitations by a state, includes the criteria for the state to determine completeness, allows the applicant up to six months to revise and resubmit the application, and establishes compliance dates.*

*9 VAC 5 Chapter 60, Article 3 (9 VAC 5-60-120 et seq.) is Virginia's equivalent to this federal rule. Adopted by the State Air Pollution Control Board on January 1, 2001, this regulation conforms to recent changes in the federal regulations.*

*The amendments change the new source maximum achievable control technology (MACT) applicability date to the date on which an affected source is issued a Title V permit containing requirements establishing new and existing source MACT for that affected source. From this date onward, future changes at the facility can be made with knowledge of what the new source MACT is for that facility. The amendments also create a two-part MACT application process.*

**Agency Contact:** Alma Jenkins, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4070.

**9 VAC 5-60-120. Applicability.**

A. The provisions of this article apply to any owner of a ~~major source of hazardous air pollutants, which includes one or more stationary sources included in~~ an affected source within a source category or subcategory for which the administrator has failed to promulgate a MACT standard by the § 112(j) of the federal Clean Air Act deadline.

B. The provisions of this article apply throughout the Commonwealth of Virginia.

C. *The provisions of this article do not apply to research or laboratory activities.*

D. *If federal operating permit program applicability has been deferred for a source category, the provisions of this article shall not apply for sources in that category until those sources become subject to federal operating permit requirements.*

**9 VAC 5-60-130. Definitions.**

A. For the purpose of applying this article in the context of the Regulations for the Control and Abatement of Air Pollution and subsequent amendments or any orders issued by the board related uses, the words or terms shall have the meaning given them in subsection C of this section.

B. As used in this article, all terms not defined herein shall have the meanings given them in 9 VAC 5 Chapter 10 (9 VAC 5-10-40 et seq.), unless otherwise required by context.

C. Terms defined.

"Administrator" means the Administrator of the United States Environmental Protection Agency or his authorized representative.

"Affected source" means the collection of equipment, activities, or both within a single contiguous area and under common control that is in a source category or subcategory under § 112(c) of the federal Clean Air Act for which the administrator has failed to promulgate a MACT standard by the § 112(j) deadline, and that is addressed by an applicable MACT emission limitation established pursuant to this article.

"Affected states" means all states (i) whose air quality may be affected and that are contiguous to the Commonwealth of Virginia, and (ii) whose air quality may be affected and that are within 50 miles of the major source for which a MACT determination is made in accordance with 40 CFR Part 63.

"Alternative emission limitation" means conditions established pursuant to § 112(i)(5) or § 112(i)(6) of the federal Clean Air Act by the administrator or the board.

"Alternative emission standard" means an alternative means of emission limitation that, after notice and opportunity for public comment, has been demonstrated by an owner to the administrator's satisfaction to achieve a reduction in emissions of any air pollutant at least equivalent to the reduction in emissions of such pollutant achieved under a relevant design, equipment, work practice, or operational emission standard, or

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combination thereof, established under 40 CFR Part 63 pursuant to § 112(h) of the federal Clean Air Act.

"Area source" means any stationary source of hazardous air pollutants that is not a major source.

"Available information" means, for purposes of conducting a MACT floor finding and identifying control technology options for emission units subject to the provisions of this article, any information that is available as of the date on which the first Part 2 MACT application is filed for a source in the relevant source category or subcategory, and, pursuant to the requirements of this article, is additional relevant information that can be expeditiously provided by the board or administrator, is submitted by the applicant or others prior to or during the public comment period on the equivalent emission limitation for that source under § 112(j) of the federal Clean Air Act, or information contained in the following information sources as of the § 112(j) deadline:

1. A relevant proposed regulation, including all supporting information.
2. ~~Background~~ Relevant background information documents for a draft or proposed regulation.
3. Any relevant regulation, information, or guidance collected by the board or administrator establishing a MACT floor finding or a case-by-case MACT determination.
4. ~~Data~~ Relevant data and information available from the Clean Air Control Technology Center developed pursuant to § 112(l)(3) of the federal Clean Air Act.
5. ~~Data~~ Relevant data and information contained in the Aerometric Informational Retrieval System (AIRS), ~~including information in the MACT database.~~
6. Any additional information that can be expeditiously provided by the board or administrator.
7. Any information provided by applicants in an application for a federal operating permit, permit modification, administrative amendment, or hazardous air pollutant new source review permit pursuant to the requirements of this article.
8. Any additional relevant information provided by the applicant.

"Case-by-case MACT determination" means a determination by the board, pursuant to the requirements of this article, which establishes a MACT emission limitation, MACT work practice standard, or other MACT requirements for an affected source subject to this article.

"Commenced" means, with respect to construction or reconstruction of an affected source, that an owner has undertaken a continuous program of construction or reconstruction or that an owner has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or reconstruction.

"Construction" means the on-site fabrication, erection, or installation of an affected source. Construction does not include the removal of all equipment comprising an affected source from an existing location and reinstallation of such

equipment at a new location. The owner of an existing source that is relocated may elect not to reinstall minor ancillary equipment including, but not limited to, piping, ductwork, and valves. However, removal and reinstallation of an affected source will be construed as reconstruction if it satisfies the criteria for reconstruction as defined in this section. The costs of replacing minor ancillary equipment must be considered in determining whether the existing affected source is reconstructed.

"Control technology" means measures, processes, methods, systems, or techniques to limit the emission of hazardous air pollutants including, but not limited to, measures which:

1. Reduce the quantity, or eliminate emissions, of such pollutants through process changes, substitution of materials or other modifications;
2. Enclose systems or processes to eliminate emissions;
3. Collect, capture, or treat such pollutants when released from a process, stack, storage or fugitive emissions point;
4. Are design, equipment, work practice, or operational standards (including requirements for operator training or certification) as provided in 42 USC 7412(h); or
5. Are a combination of subdivisions 1 through 4 of this definition.

"Effective date" means:

1. With regard to a ~~MACT standard~~ an emission standard established under 40 CFR Part 63, the date of promulgation in the Federal Register of such standard; or
2. With regard to an alternative emission limitation or equivalent emission limitation determined by the administrator or board, the date that the alternative emission limitation or equivalent emission limitation becomes effective according to the provisions of 40 CFR Part 63.

"Emission point" means any part or activity of a major source that emits or has the potential to emit, under current operational design, any hazardous air pollutant.

"Emission standard" means ~~an emission~~ a national standard, limitation, prohibition, or other regulation promulgated in a subpart of 40 CFR Part 63 pursuant to § 112(d), § 112(f), or § 112(h) of the federal Clean Air Act and incorporated by reference in 9 VAC 5 Chapter 60 (9 VAC 5-60-40 et seq.).

~~"Emission unit" means any building, structure, facility, or installation. This could include an emission point or collection of emission points, within a major source, which the board determines is the appropriate entity for making a case-by-case MACT determination, i.e., any of the following:~~

1. ~~An emission point that can be individually controlled.~~
2. ~~The smallest grouping of emission points, that, when collected together, can be commonly controlled by a single control device or work practice.~~
3. ~~Any grouping of emission points, that, when collected together, can be commonly controlled by a single control device or work practice.~~

~~4. A grouping of emission points that are functionally related. Equipment is functionally related if the operation or action for which the equipment was specifically designed could not occur without being connected with or without relying on the operation of another piece of equipment.~~

~~5. The entire geographical entity comprising a major source in a source category subject to a case-by-case MACT determination under this article.~~

*"Enhanced review"* means a review process containing all administrative steps needed to ensure that the terms and conditions resulting from the review process can be incorporated into the federal operating permit by an administrative amendment using federal operating permit program procedures.

*"EPA"* means the United States Environmental Protection Agency.

*"Equivalent emission limitation"* means an emission limitation, established under this article, which is at least as stringent as equivalent to the MACT emission standard that EPA would have promulgated under § 112(d) or § 112(h) of the federal Clean Air Act.

~~*"Existing major source"* means a major source, construction or reconstruction of which is commenced before EPA proposed a MACT standard, applicable to the major source, or if no proposal was published, then on or before the § 112(j) deadline.~~

*"Existing source means any affected source that is not a new source.*

*"Federal operating permit"* means a permit issued under Article 1 (9 VAC 5-80-50 et seq.) or Article 3 (9 VAC 5-80-360 et seq.) of Part II of 9 VAC 5 Chapter 80.

*"Federal operating permit program"* means the operating permit system established pursuant to Title V of the federal Clean Air Act and regulations codified in Article 1 (9 VAC 5-80-50 et seq.), Article 2 (9 VAC 5-80-310 et seq.), Article 3 (9 VAC 5-80-360 et seq.), and Article 4 (9 VAC 5-80-710 et seq.) of Part II of 9 VAC 5 Chapter 80.

*"Federally enforceable"* means all limitations and conditions that are enforceable by the administrator and citizens under the federal Clean Air Act or that are enforceable under other statutes administered by the administrator. Federally enforceable limitations and conditions include, but are not limited to the following:

1. Emission standards, alternative emission standards, alternative emission limitations, and equivalent emission limitations established pursuant to § 112 of the federal Clean Air Act as amended in 1990.

2. New source performance standards established pursuant to § 111 of the federal Clean Air Act, and emission standards established pursuant to § 112 of the federal Clean Air Act before it was amended in 1990.

3. All terms and conditions in a federal operating permit, including any provisions that limit a source's potential to emit, unless expressly designated as not federally enforceable.

4. Limitations and conditions that are part of an approved implementation plan.

5. Limitations and conditions that are part of a federal construction permit issued under 40 CFR 52.21 or a new source review program permit issued under regulations approved by the EPA into the implementation plan.

6. Limitations and conditions that are part of a state operating permit issued under regulations approved by the EPA into the implementation plan as meeting the EPA's minimum criteria for federal enforceability, including adequate notice and opportunity for EPA and public comment prior to issuance of the final permit and practicable enforceability, where the permit and the permitting program pursuant to which it was issued meet all of the following criteria:

a. The operating permit program has been submitted to and approved by EPA into a state implementation plan (SIP) under § 110 of the federal Clean Air Act;

b. The SIP imposes a legal obligation that operating permit holders adhere to the terms and limitations of such permits and provides that permits that do not conform to the operating permit program requirements and the requirements of EPA's underlying regulations may be deemed not "federally enforceable" by EPA;

c. The operating permit program requires that all emission limitations, controls, and other requirements imposed by such permits will be at least as stringent as any other applicable limitations and requirements contained in the SIP or enforceable under the SIP, and that the program may not issue permits that waive, or make less stringent, any limitations or requirements contained in or issued pursuant to the SIP, or that are otherwise "federally enforceable";

d. The limitations, controls, and requirements in the permit in question are permanent, quantifiable, and otherwise enforceable as a practical matter; and

e. The permit in question was issued only after adequate and timely notice and opportunity for comment for EPA and the public.

7. Limitations and conditions in a Virginia regulation or program that has been approved by the EPA under subpart E of 40 CFR Part 63 for the purposes of implementing and enforcing § 112 of the federal Clean Air Act.

8. Individual consent agreements that the EPA has legal authority to create.

*"Fugitive emissions"* means those emissions from a stationary source that could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening. Under § 112 of the Clean Air Act, all fugitive emissions are to be considered in determining whether a stationary source is a major source.

*"Hazardous air pollutant"* means any air pollutant listed in § 112(b) of the federal Clean Air Act, as amended by 40 CFR 63.60.

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"Hazardous air pollutant new source review permit" means a document issued pursuant to Article 7 (9 VAC 5-80-1400 et seq.) of Part II of 9 VAC 5 Chapter 80 containing all federally enforceable conditions necessary to enforce the application and operation of any maximum achievable control technology or other control technologies such that the MACT emission limitation is met.

"Hazardous air pollutant new source review program" means a program for the preconstruction review and permitting of new stationary sources that emit hazardous air pollutants in accordance with Article 7 (9 VAC 5-80-1400 et seq.) of Part II of 9 VAC 5 Chapter 80, promulgated to implement the requirements of § 112 (relating to permits for hazardous air pollutants) of the federal Clean Air Act.

"Major source" means any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants, unless the board establishes a lesser quantity, or in the case of radionuclides, different criteria from those specified in this sentence.

"Maximum achievable control technology (MACT) emission limitation for existing sources" means the emission limitation reflecting the maximum degree of reduction in emissions of hazardous air pollutants (including a prohibition on such emissions, where achievable) that the board, taking into consideration the cost of achieving such emission reductions, and any nonair quality health and environmental impacts and energy requirements, determines is achievable by sources in the category or subcategory to which such a MACT standard applies. This limitation shall not be less stringent than the MACT floor.

"Maximum achievable control technology (MACT) emission limitation for new sources" means the emission limitation which is not less stringent than the emission limitation achieved in practice by the best controlled similar source, and which reflects the maximum degree of reduction in emissions of hazardous air pollutants (including a prohibition on such emissions, where achievable) that the board, taking into consideration the cost of achieving such emission reduction, and any nonair quality health and environmental impacts and energy requirements, determines is achievable by sources in the category or subcategory to which such a MACT standard applies.

"Maximum achievable control technology (MACT) floor" means:

1. For existing sources:
  - a. The average emission limitation achieved by the best performing 12% of the existing sources ~~in the United States~~ (for which the administrator has emissions information), excluding those sources that have, within 18 months before the MACT emission standard is proposed or within 30 months before such standard is promulgated, whichever is later, first achieved a level of emission rate or emission reduction which complies, or would comply if the source is not subject to such standard, with the lowest

achievable emission rate (as defined in ~~9 VAC 5-80-30-B~~ 9 VAC 5-80-2010) applicable to the source category and prevailing at the time, in the category or subcategory, for categories and subcategories of stationary sources with 30 or more sources; or

- b. The average emission limitation achieved by the best performing five sources ~~in the United States~~ (for which the administrator has or could reasonably obtain emissions information) in the category or subcategory, for a category or subcategory of stationary sources with fewer than 30 sources;

2. For new sources, the emission limitation achieved in practice by the best controlled similar source.

"Maximum achievable control technology (MACT) standard" means:

- (i) 1. An emission standard;
- (ii) 2. An alternative emission standard; or
- (iii) 3. An alternative emission limitation; or
4. ~~Promulgated in 40 CFR Part 63 that applies to the stationary source, the group of stationary sources, or the portion of a stationary source~~ An equivalent emission limitation established pursuant to § 112 of the federal Clean Air Act that applies to the collection of equipment, activities, or both, regulated by such standard or limitation.

A MACT standard may include or consist of a design, equipment, work practice, or operational requirement, or other measure, process, method, system, or technique (including prohibition of emissions) that the administrator or board establishes for new or existing sources to which such standard or limitation applies. Every MACT standard established pursuant to § 112 of the federal Clean Air Act includes Subpart A of 40 CFR Part 63, as provided by 40 CFR 63.1(a)(4), and all applicable appendices of 40 CFR Part 63 or of other parts of Title 40 of the Code of Federal Regulations that are referenced in that standard.

"Minor new source review (MNSR) permit" means a document issued pursuant to ~~9 VAC 5-80-10~~ Article 6 (9 VAC 5-80-1100 et seq.) of Part II of 9 VAC 5 Chapter 80 containing all federally enforceable conditions necessary to enforce the application and operation of any best achievable control technology or other requirements such that the applicable requirements are met.

"New affected source" means the collection of equipment, activities, or both, that if constructed after the issuance of a permit for the source pursuant to 9 VAC 5-60-140, is subject to the applicable MACT emission limitation for new sources. Each permit shall define the term "new affected source," which will be the same as the "affected source" unless a different collection is warranted based on consideration of factors including:

1. Emission reduction impacts of controlling individual sources versus groups of sources;
2. Cost effectiveness of controlling individual equipment;
3. Flexibility to accommodate common control strategies;

4. Cost and benefits of emissions averaging;
5. Incentives for pollution prevention;
6. Feasibility and cost of controlling processes that share common equipment (e.g., product recovery devices);
7. Feasibility and cost of monitoring; and
8. Other relevant factors.

~~"New emission unit" means an emission unit for which construction or reconstruction is commenced after the § 112(j) deadline, or after proposal of a MACT standard, whichever comes first, except that, as provided by 9 VAC 5-60-140 F 1, an emission unit, at a major source, for which construction or reconstruction is commenced before the date upon which the area source becomes a major source, shall not be considered a new emission unit if, after the addition of such emission unit, the source is still an area source.~~

~~"New major source" means a major source for which construction or reconstruction is commenced after the § 112(j) deadline, or after proposal of a MACT standard, whichever comes first.~~

~~"New source" means any affected source the construction or reconstruction of which is commenced after the administrator first proposes a MACT standard under 40 CFR Part 63 establishing an emission standard applicable to such source.~~

~~"New source review program" means a program for the preconstruction review and permitting of new stationary sources or expansions to existing ones in accordance with 9 VAC 5-80-10 or Article 6 (9 VAC 5-80-1100 et seq.), Article 7 (9 VAC 5-80-1400 et seq.), Article 8 (9 VAC 5-80-1700 et seq.), or Article 9 (9 VAC 5-80-2000 et seq.) of Part II of 9 VAC 5 Chapter 80 promulgated to implement the requirements of §§ 110(a)(2)(c), 112 (relating to permits for hazardous air pollutants), 165 (relating to permits in prevention of significant deterioration areas), and 173 (relating to permits in nonattainment areas), and 112 (relating to permits for hazardous air pollutants) of the federal Clean Air Act.~~

~~"Potential to emit" means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the stationary source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is state and federally enforceable. Fugitive emissions count in determining the potential to emit of a stationary source. Secondary emissions do not count in determining the potential to emit of a stationary source.~~

~~"Reconstruction," unless otherwise defined in a MACT standard, means the replacement of components of an affected or a previously nonaffected source to such an extent that:~~

1. The fixed capital cost of the new components exceeds 50% of the fixed capital cost that would be required to construct a comparable new source; and

2. It is technologically and economically feasible for the reconstructed source to meet the MACT standards established by the administrator (or the board) pursuant to § 112 of the Clean Air Act. Upon reconstruction, an affected source, or a stationary source that becomes an affected source, is subject to MACT standards for new sources, including compliance dates, irrespective of any change in emissions of hazardous air pollutants from that source.

~~"Research or laboratory activities" means activities whose primary purpose is to conduct research and development into new processes and products where such activities are operated under the close supervision of technically trained personnel and are not engaged in the manufacture of products for commercial sale in commerce, except in a de minimis manner, and where the source is not in a source category, specifically addressing research or laboratory activities, that is listed pursuant to § 112(c)(7) of the federal Clean Air Act.~~

~~"Section 112(j) deadline" means the date 18 months after the date by which a MACT standard is scheduled to be promulgated under 40 CFR Part 63, except that for all major sources listed in the source category schedule for which a MACT standard is scheduled to be promulgated by November 15, 1994, the § 112(j) deadline is November 15, 1996, and for all major sources listed in the source category schedule for which a MACT standard is scheduled to be promulgated by November 15, 1997, the § 112(j) deadline is December 15, 1999.~~

~~"Similar source" means an emission unit that has comparable emissions and is structurally similar in design and capacity to other emission units such that the emission units could be controlled using the same control technology that equipment or collection of equipment that, by virtue of its structure, operability, type of emissions and volume and concentration of emissions, is substantially equivalent to the new affected source and employs control technology for control of emissions of hazardous air pollutants that is practical for use on the new affected source.~~

~~"Source category schedule for standards" means the schedule issued pursuant to § 112(e) of the federal Clean Air Act for promulgating MACT standards issued pursuant to § 112(d) of the federal Clean Air Act and published in the Federal Register at 63 FR 7155, February 12, 1998 67 FR 6521, February 12, 2002.~~

~~"United States" means the United States, its possessions and territories.~~

**9 VAC 5-60-140. Approval process for new and existing emission units.**

A. The procedures for submitting an application are as follows:

1. Except as provided in subdivision 3 of this subsection, if the administrator fails to promulgate a MACT standard on or before an applicable § 112(j) deadline for a source category or subcategory, the owner of an existing major source that includes one or more stationary sources in such category or subcategory, shall submit an application for a federal operating permit or application for a significant permit



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modification, whichever is applicable, by the § 112(j) deadline.

2. If the administrator fails to promulgate a MACT standard on or before an applicable § 112(j) deadline for a source category or subcategory, the owner of a new emission unit in such source category or subcategory shall submit an application for a federal operating permit or application for a significant permit modification or administrative amendment, whichever is applicable, in accordance with procedures established under the federal operating permit program.

3. The circumstances under which an application shall be submitted are as follows:

a. The owner of an existing major source that already has a federal operating permit requiring compliance with a limit that would meet the requirements of this article shall submit an application for an administrative permit amendment by the § 112(j) deadline in accordance with procedures established under the federal operating permit program.

b. The owner of a new emission unit that currently complies with a federally enforceable alternative emission limitation, or has a federal operating permit that already contains emission limitations substantively meeting the requirements of this article, shall submit an application for an administrative permit amendment confirming compliance with the requirements of this article in accordance with procedures established under the federal operating permit program and not later than the date 30 days after the date construction or reconstruction is commenced.

4. In addition to meeting the requirements of subdivision 2 of this subsection, the owner of a new emission unit shall submit an application for a hazardous air pollutant new source review permit before construction, pursuant to 9 VAC 5-60-160.

B. The procedures for permit review are as follows:

1. Permit applications submitted under this section shall be reviewed and approved or disapproved according to procedures established under the federal operating permit program. In the event that the board disapproves a permit application submitted under this section or determines that the application is incomplete, the owner shall revise and resubmit the application to meet the objections of the board not later than six months after first being notified that the application was disapproved or is incomplete.

2. If the owner has submitted a timely and complete application for a federal operating permit, significant permit modification, or administrative amendment required by this section, any failure to have this permit shall not be a violation of the requirements of this subsection unless the delay in final action is due to the failure of the applicant to submit, in a timely manner, information required or requested to process the application.

C. The federal operating permit or applicable new source review permit, whichever is applicable, shall contain an equivalent emission limitation (or limitations) for that category or subcategory determined on a case-by-case basis by the

board; or, if the applicable criteria in Subpart D of 40 CFR Part 63 are met, the federal operating permit or applicable new source review permit may contain an alternative emission limitation. For the purposes of the preceding sentence, early reductions made pursuant to § 112(i)(5)(A) of the federal Clean Air Act shall be achieved not later than the date on which the MACT standard should have been promulgated according to the source category schedule for standards.

1. The federal operating permit or applicable new source review permit shall contain an emission standard or an emission limitation to control the emissions of hazardous air pollutants. The MACT emission limitation shall be determined by the board and shall be based on the degree of emission reductions that can be achieved if the control technologies or work practices are installed, maintained, and operated properly. Such emission limitation shall be established consistent with the principles contained in 9 VAC 5-60-170.

2. The federal operating permit or applicable new source review permit shall specify any notification, operation and maintenance, performance testing, monitoring, reporting and recordkeeping requirements. The federal operating permit or applicable new source review permit shall include the following information:

a. In addition to the MACT emission limitation required by subdivision 1 of this subsection, additional emission limits, production limits, operational limits or other terms and conditions necessary to ensure federal enforceability of the MACT emission limitation;

b. Compliance certifications, testing, monitoring, reporting and recordkeeping requirements that are consistent with requirements established pursuant to the federal operating permit program, subsection E of this section, and, at the discretion of the board, to Subpart A of 40 CFR Part 63;

c. A statement requiring the owner to comply with all requirements contained in Subpart A of 40 CFR Part 63 deemed by the board to be applicable;

d. A compliance date(s) by which the owner shall be in compliance with the MACT emission limitation and all other applicable terms and conditions of the permit.

D. The compliance schedule is as follows:

1. The owner of an existing major source subject to the requirements of this section shall comply with the emission limitation(s) established in the source's federal operating permit. In no case shall such compliance date exceed three years after the issuance of the federal operating permit for that source, except where the board issues a federal operating permit that grants an additional year to comply in accordance with § 112(i)(3)(B), or unless otherwise specified in § 112(i), or in Subpart D of 40 CFR Part 63.

2. The owner of a new emission unit subject to the requirements of this section shall comply with a new source MACT level of control immediately upon issuance of the federal operating permit for the emission unit.

~~E. In accordance with § 114(a)(3) of the federal Clean Air Act, monitoring shall be capable of detecting deviations from each applicable emission limitation or other standard with sufficient reliability and timeliness to determine continuous compliance over the applicable reporting period. Such monitoring data may be used as a basis for enforcing emission limitations established under this article.~~

~~F. Provisions concerning area sources that become major sources are as follows:~~

~~1. After the effective date of this article, the owner of a new or existing area source that increases its emissions of, or its potential to emit, hazardous air pollutants such that the source becomes a major source that is subject to this article shall submit an application for a federal operating permit or application for a significant permit modification, or administrative amendment, whichever is applicable, by the date that such source becomes a major source.~~

~~a. If an existing area source becomes a major source by the addition of an emission unit or as a result of reconstructing, that added emission unit or reconstructed emission unit shall comply with all requirements of this article that affect new emission units, including the compliance date for new emission units established in subsection D of this section.~~

~~b. If an area source, constructed after the § 112(j) deadline, becomes a major source solely by virtue of a relaxation in any federally enforceable emission limitation, established after the § 112(j) deadline, on the capacity of an emission unit or units to emit a hazardous air pollutant, such as a restriction on hours of operation, then that emission unit or units shall comply with all requirements of this article that affect new emission units, on or before the date of such relaxation.~~

~~2. After the effective date of this article, if the administrator establishes a lesser quantity emission rate under § 112(a)(1) of the federal Clean Air Act that results in an area source becoming a major source, then the owner of such major source shall submit an application for a federal operating permit or application for a significant permit modification, or administrative amendment, whichever is applicable, on or before the date six months from the date that such source becomes a major source. If an existing area source becomes a major source as a result of the administrator establishing a lesser quantity emission rate, then any emission unit, at that source, for which construction or reconstruction is commenced before the date upon which the source becomes major shall not be considered a new emission unit.~~

*A. The requirements of subdivisions 1 and 2 of this subsection apply to major sources that include, as of the § 112(j) deadline, one or more sources in a category or subcategory for which the administrator has failed to promulgate an emission standard under 40 CFR Part 63 on or before an applicable § 112(j) deadline. Existing source MACT requirements (including relevant compliance deadlines), as specified in a federal operating permit issued to the source pursuant to the requirements of this article, shall apply to such sources.*

*1. The owner shall submit an application for a federal operating permit or for a revision to an existing federal operating permit or a pending federal operating permit meeting the requirements of 9 VAC 5-60-150 A by the § 112(j) deadline if the owner can reasonably determine that one or more sources at the major source belong in the category or subcategory subject to this article.*

*2. If an application was not submitted under subdivision A 1 of this section and if notified by the board, the owner shall submit an application for a federal operating permit or for a revision to an existing federal operating permit or a pending federal operating permit meeting the requirements of 9 VAC 5-60-150 A within 30 days after being notified in writing by the board that one or more sources at the major source belong to such category or subcategory.*

*3. The requirements in this subdivision apply when the owner has obtained a federal operating permit that incorporates a case-by-case MACT determination by the board under the hazardous air pollutant new source review program or has submitted a federal operating permit application for a revision that incorporates a case-by-case MACT determination under the hazardous air pollutant new source review program, but has not submitted an application for a federal operating permit revision that addresses the emission limitation requirements of this article.*

*a. When the owner has a federal operating permit that incorporates a case-by-case MACT determination by the board under the hazardous air pollutant new source review program, the owner shall submit an application meeting the requirements of 9 VAC 5-60-150 A for a federal operating permit revision within 30 days of the § 112(j) deadline or within 30 days of being notified in writing by the board that one or more sources at the major source belong in such category or subcategory. Using the procedures established in subsection E of this section, the board shall determine whether the emission limitations prescribed pursuant to the prior case-by-case MACT determination under the hazardous air pollutant new source review program are substantially as effective as the emission limitations which the board would otherwise prescribe pursuant to this article for the source in question. If the board determines that the emission limitations previously prescribed to effectuate the hazardous air pollutant new source review program are substantially as effective as the emission limitations that the board would otherwise prescribe to effectuate this article for the source, then the board shall retain the existing emission limitations in the permit as the emission limitations to effectuate this article. The federal operating permit applicable to that source shall be revised accordingly. If the board does not retain the existing emission limitations in the permit as the emission limitations to effectuate this article, the MACT requirements of this article are satisfied upon issuance of a revised federal operating permit incorporating any additional requirements of this article.*

*b. When the owner has submitted a federal operating permit application that incorporates a case-by-case*

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MACT determination by the board under the hazardous air pollutant new source review program, but has not received the permit incorporating the hazardous air pollutant new source review program requirements, the owner shall continue to pursue a federal operating permit that addresses the emission limitation requirements of the hazardous air pollutant new source review program. Within 30 days of issuance of that federal operating permit, the owner shall submit an application meeting the requirements of 9 VAC 5-60-150 A for a change to the existing federal operating permit. Using the procedures established in subsection E of this section, the board shall determine whether the emission limitations prescribed pursuant to the prior case-by-case MACT determination under the hazardous air pollutant new source review program are substantially as effective as the emission limitations that the board would otherwise prescribe pursuant to this article for the source in question. If the board determines that the emission limitations previously prescribed to effectuate the hazardous air pollutant new source review program are substantially as effective as the emission limitations that the board would otherwise prescribe to effectuate this article for the source, then the board shall retain the existing emission limitations in the permit as the emission limitations to effectuate this article. The federal operating permit applicable to that source shall be revised accordingly. If the board does not retain the existing emission limitations in the permit as the emission limitations to effectuate this article, the MACT requirements of this article are satisfied upon issuance of a revised federal operating permit incorporating any additional requirements of this article.

B. The requirements of this subsection apply to sources that do not meet the criteria in subsection A of this section on the § 112(j) deadline and are, therefore, not subject to this article on that date, but where events occur subsequent to the § 112(j) deadline that would bring the source under the requirements of this article, and the source does not have a federal operating permit that addresses the requirements of this article.

1. When one or more sources in a category or subcategory subject to the requirements of this article are installed at a major source, or result in the source becoming a major source due to the installation, and the installation does not invoke the hazardous air pollutant new source review program requirements, the owner shall submit an application meeting the requirements of 9 VAC 5-60-150 A within 30 days of startup of the source. This application shall be reviewed using the procedures established in subsection E of this section. Existing source MACT requirements (including relevant compliance deadlines), as specified in a federal operating permit issued pursuant to the requirements of this article, shall apply to such sources.

2. The requirements in this subdivision apply when one or more sources in a category or subcategory subject to this article are installed at a major source, or result in the source becoming a major source due to the installation, and the installation does require emission limitations to be established and permitted under the hazardous air pollutant new source review program, and the owner has not

submitted an application for a federal operating permit revision that addresses the emission limitation requirements of this article. In this case, the owner shall apply for and obtain a federal operating permit that addresses the emission limitation requirements of the hazardous air pollutant new source review program. Within 30 days of issuance of that federal operating permit, the owner shall submit an application meeting the requirements of 9 VAC 5-60-150 A for a revision to the existing federal operating permit. Using the procedures established in subsection E of this section, the board shall determine whether the emission limitations prescribed pursuant to the prior case-by-case MACT determination under the hazardous air pollutant new source review program are substantially as effective as the emission limitations that the board would otherwise prescribe pursuant to this article for the source in question. If the board determines that the emission limitations previously prescribed to effectuate the hazardous air pollutant new source review program are substantially as effective as the emission limitations that the board would otherwise prescribe to effectuate this article for the source, then the board shall retain the existing emission limitations in the permit as the emission limitations to effectuate this article. The federal operating permit applicable to that source shall be revised accordingly. If the board does not retain the existing emission limitations in the permit as the emission limitations to effectuate this article, the MACT requirements of this article are satisfied upon issuance of a revised federal operating permit incorporating any additional requirements of this article.

3. The owner of an area source that, due to a relaxation in any federally enforceable emission limitation (such as a restriction on hours of operation), increases its potential to emit hazardous air pollutants such that the source becomes a major source that is subject to this article, shall submit an application meeting the requirements of 9 VAC 5-60-150 A for a federal operating permit or for an application for a federal operating permit revision within 30 days after the date that such source becomes a major source. This application shall be reviewed using the procedures established in subsection E of this section. Existing source MACT requirements (including relevant compliance deadlines), as specified in a federal operating permit issued pursuant to the requirements of this article, shall apply to such sources.

4. After December 1, 2002, if the administrator establishes a lesser quantity emission rate under § 112(a)(1) of the federal Clean Air Act that results in an area source becoming a major source that is subject to this article, then the owner of such a major source shall submit an application meeting the requirements of 9 VAC 5-60-150 A for a federal operating permit or for a change to an existing federal operating permit or pending federal operating permit on or before the date six months after the date that such source becomes a major source. Existing source MACT requirements (including relevant compliance deadlines), as specified in a federal operating permit issued pursuant to the requirements of this article, shall apply to such sources.

C. The requirements of this subsection apply to major sources that include one or more sources in a category or subcategory

for which the administrator fails to promulgate an emission standard under 40 CFR Part 63 on or before an applicable § 112(j) deadline, and the owner has a permit meeting the requirements of this article, and where changes occur at the major source to equipment, activities, or both, subsequent to the § 112(j) deadline.

1. If the federal operating permit already provides the appropriate requirements that address the events that occur under this subsection subsequent to the § 112(j) deadline, then the source shall comply with the applicable new source MACT or existing source MACT requirements as specified in the permit, and the requirements of this article are thus satisfied.

2. If the federal operating permit does not contain the appropriate requirements that address the events that occur under this subsection subsequent to the § 112(j) deadline, then the owner shall submit an application for a revision to the existing federal operating permit that meets the requirements of 9 VAC 5-60-150 A. The application shall be submitted within 30 days of beginning construction and shall be reviewed using the procedures established in subsection E of this section. Existing source MACT requirements (including relevant compliance deadlines), as specified in a federal operating permit issued pursuant to the requirements of this article, shall apply to such sources.

**D. Provisions concerning requests for applicability determination for MNSR permits are as follows:**

1. An owner who is unsure of whether one or more sources at a major source belong in a category or subcategory for which the administrator has failed to promulgate an emission standard under 40 CFR Part 63 may, on or before an applicable § 112(j) deadline, request an applicability determination from the board by submitting an application meeting the requirements of 9 VAC 5-60-150 A by the applicable deadlines specified in subsection A, B, or C of this section.

2. In addition to meeting the requirements of subsections A, B, and C of this section, the owner of a new affected source may submit an application for a MNSR permit before construction, pursuant to 9 VAC 5-60-160.

**E. Provisions concerning permit application review are as follows:**

1. Within 24 months after an owner submits a Part 1 MACT application meeting the requirements of 9 VAC 5-60-150 A, the owner shall submit a Part 2 MACT application meeting the requirements of 9 VAC 5-60-150 B. Part 2 MACT applications shall be reviewed by the board according to procedures established in 9 VAC 5-60-170. The resulting MACT determination shall be incorporated into the source's federal operating permit according to procedures established under the federal operating permit program and any other regulations approved under the federal operating permit program in the Commonwealth of Virginia.

2. Notwithstanding subdivision 1 of this subsection, the owner may request either an applicability determination or an equivalency determination by the board as provided in subdivisions 2 a and b of this subsection.

a. As specified in subdivision D 1 of this section, an owner may request, through submittal of an application pursuant to 9 VAC 5-60-150 A, a determination by the board of whether one or more sources at a major source belong in a category or subcategory for which the administrator has failed to promulgate an emission standard under 40 CFR Part 63. If the applicability determination is positive, the owner shall comply with the applicable provisions of this article. The owner shall submit a Part 2 MACT application within 24 months after being notified of the positive applicability determination. If the applicability determination is negative, then no further action by the owner is necessary.

b. As specified in subsections A and B of this section, an owner may request, through submittal of an application meeting the requirements of 9 VAC 5-60-150 A, a determination by the board of whether emission limitations prescribed pursuant to a prior case-by-case MACT determination under the hazardous air pollutant new source review program that apply to one or more sources at a major source in a relevant category or subcategory are substantially as effective as the emission limitations that the board would otherwise prescribe pursuant to this article for the source in question. The process for determination by the board of whether the emission limitations in the prior case-by-case MACT determination are substantially as effective as the emission limitations that the board would otherwise prescribe under this article shall include the opportunity for full public, EPA, and affected state review prior to a final determination. If the board determines that the emission limitations in the prior case-by-case MACT determination are substantially as effective as the emission limitations that the board would otherwise prescribe under this article, then the board shall prescribe the existing emission limitations in the permit as the emission limitations to effectuate this article for the source in question. If more than three years remain on the current federal operating permit, the owner shall submit an application for a federal operating permit revision to make any conforming changes in the permit required to prescribe the existing emission limitations as the MACT emission limitations of this article. If less than three years remain on the current federal operating permit, any required conforming changes shall be made when the permit is renewed. If the board determines that the emission limitations in the prior case-by-case MACT determination under the hazardous air pollutant new source review program are not substantially as effective as the emission limitations that the board would otherwise prescribe for the source in question under this article, the owner shall comply with the applicable provisions of this article. The owner shall submit a Part 2 MACT application within 24 months of being notified of such a negative determination. A negative determination under this section constitutes final action for purposes of judicial review under § 10.1-1318 of the Air Pollution Control Law of Virginia.

3. Within 60 days of submittal of the Part 2 MACT application, the board shall notify the owner in writing whether the application is complete or incomplete. The Part

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2 MACT application shall be deemed complete on the date it was submitted unless the board notifies the owner in writing within 60 days of the submittal that the Part 2 MACT application is incomplete. A Part 2 MACT application is complete if it is sufficient to begin processing the application for a federal operating permit addressing the requirements of this article. In the event that the board disapproves a permit application or determines that the application is incomplete, the owner shall revise and resubmit the application to meet the objections of the board. The board shall specify a reasonable period in which the owner is required to remedy the deficiencies in the disapproved or incomplete application. This period may not exceed six months from the date the owner is first notified that the application has been disapproved or is incomplete.

4. Following submittal of a Part 1 or Part 2 MACT application, the board may request additional information from the owner. The owner shall respond to such requests in a timely manner.

5. If the owner has submitted a timely and complete application as required by this section, any failure to have a federal operating permit addressing the requirements of this article shall not be a violation of this article, unless the delay in final action is due to the failure of the applicant to submit, in a timely manner, information required or requested to process the application. Once a complete application is submitted, the owner shall not be in violation of the requirement to have a federal operating permit addressing the requirements of this article.

F. The federal operating permit shall contain an equivalent emission limitation (or limitations) for the relevant category or subcategory determined on a case-by-case basis by the board, or, if the applicable criteria in subpart D of 40 CFR Part 63 are met, the federal operating permit may contain an alternative emission limitation. For the purposes of the preceding sentence, early reductions made pursuant to § 112(i)(5)(A) of the federal Clean Air Act shall be achieved not later than the date on which the MACT standard should have been promulgated according to the source category schedule for standards.

1. The federal operating permit shall contain an emission standard or emission limitation that is equivalent to existing source MACT and an emission standard or emission limitation that is equivalent to new source MACT for control of emissions of hazardous air pollutants. The MACT emission standards or limitations shall be determined by the board and shall be based on the degree of emission reductions that can be achieved if the control technologies or work practices are installed, maintained, and operated properly. The permit shall also specify the affected source and the new affected source. If construction of a new affected source or reconstruction of an affected source commences after a federal operating permit meeting the requirements of this article has been issued for the source, the new source MACT compliance dates shall apply.

2. The federal operating permit shall specify any notification, operation and maintenance, performance testing, monitoring, and reporting and recordkeeping requirements. In developing the federal operating permit, the board shall

consider and specify the appropriate provisions of subpart A of 40 CFR Part 63. The federal operating permit shall also include the information in subdivisions 2 a through c of this subsection.

a. In addition to the MACT emission limitation required by subdivision F 1 of this section, additional emission limits, production limits, operational limits or other terms and conditions necessary to ensure practicable enforceability of the MACT emission limitation;

b. Compliance certifications, testing, monitoring, reporting and recordkeeping requirements that are consistent with requirements established pursuant to the federal operating permit program and subsection H of this section; and

c. Compliance dates by which the owner shall be in compliance with the MACT emission limitation and all other applicable terms and conditions of the permit.

(1) The owner of an affected source subject to the requirements of this subdivision shall comply with the emission limitations by the date established in the source's federal operating permit. In no case shall such compliance date be later than three years after the issuance of the permit for that source, except where the board issues a permit that grants an additional year to comply in accordance with § 112(i)(3)(B) of the federal Clean Air Act, or unless otherwise specified in § 112(i) of the federal Clean Air Act, or in subpart D of 40 CFR Part 63.

(2) The owner of a new affected source, as defined in the federal operating permit meeting the requirements of this article, that is subject to the requirements of this article shall comply with a new source MACT level of control immediately upon startup of the new affected source.

G. The board shall issue a federal operating permit meeting the requirements of this article within 18 months after submittal of the complete Part 2 MACT application.

H. In accordance with § 114(a)(3) of the federal Clean Air Act, monitoring shall be capable of demonstrating continuous compliance for each compliance period during the applicable reporting period. Such monitoring data shall be of sufficient quality to be used as a basis for directly enforcing all applicable requirements established under this article, including emission limitations.

I. Provisions concerning MACT emission limitations are as follows:

1. The owner of affected sources subject to subsections A, B, and C of this section shall comply with all requirements of this article that are applicable to affected sources, including the compliance date for affected sources established in subdivision F 2 c (1) of this section.

2. The owner of new affected sources subject to subdivision C 1 of this section shall comply with all requirements of this article that are applicable to new affected sources, including the compliance date for new affected sources established in subdivision F 2 c (2) of this section.

**9 VAC 5-60-150. Application content for case-by-case MACT determinations.**

~~A. Except as provided by 9 VAC 5-60-170 A 3, an application for a case-by-case MACT determination shall demonstrate how an emission unit shall obtain the degree of emission reduction that the board has determined is at least as stringent as the emission reduction that would have been obtained had the MACT standard been promulgated according to the source category schedule for standards for the source category of which the emission unit is a member.~~

~~B. A. The Part 1 application for a case-by-case MACT determination shall contain the following information:~~

- ~~1. The name and address (physical location) of the major source;~~
- ~~2. A brief description of the major source, its source category or categories, a description of the emission unit(s) requiring a case-by-case MACT determination pursuant to other requirements in this article, and a description of whether the emission unit(s) require new source MACT or existing source MACT based on the definitions established in 9 VAC 5-60-130 and an identification of the relevant source category;~~
- ~~3. For a new emission unit, the expected date of commencement of construction; An identification of the types of emissions points belonging to the relevant source category; and~~
- ~~4. For a new emission unit, the expected date of completion of construction; An identification of any affected sources for which a hazardous air pollutant new source review program MACT determination has been made.~~

~~B. The Part 2 application for a MACT determination shall contain the following information:~~

- ~~5. 1. For a new emission unit affected source, the anticipated date of startup of operation;~~
- ~~6. 2. The hazardous air pollutants emitted by each emission point affected source, and an estimated total uncontrolled and controlled emission rate for each hazardous air pollutant; pollutants from the affected source;~~
- ~~7. 3. Any existing federally enforceable emission federal, state, or local limitations or requirements applicable to the emission point; affected source;~~
- ~~8. The maximum and expected utilization of capacity of each emission point and the associated uncontrolled emission rates for each emission point;~~
- ~~9. 4. The controlled emissions for each emission point in tons/year at expected and maximum utilization of capacity and For each affected emission point or group of emission points, an identification of control technology in place;~~
- ~~10. 5. Except as provided in 9 VAC 5-60-170 A 3, the MACT floor as specified by the board. Information relevant to establishing the MACT floor, and, at the option of the owner, a recommended MACT floor; and~~
- ~~11. 6. Except as provided in 9 VAC 5-60-170 A 3, recommended emission limitations for the emission unit(s);~~

~~and supporting information, consistent with 9 VAC 5-60-140 C and 9 VAC 5-60-170 A. Any other information reasonably needed by the board including, at the discretion of the board, information required pursuant to subpart A of 40 CFR Part 63.~~

~~C. The Part 2 application for a MACT determination may, but is not required to, contain the following information:~~

- ~~1. Recommended emission limitations for the affected source and support information consistent with 40 CFR 63.52(f). The owner may recommend a specific design, equipment, work practice, or operational standard, or combination thereof, as an emission limitation;~~
- ~~12. 2. Except as provided in 9 VAC 5-60-170 A 3A A description of the control technologies that shall apply to meet the emission limitations including technical information on the design, operation, size, estimated control efficiency, and any other information deemed appropriate by the board, and identification of the emission points affected sources to which the control technologies shall be applied; and~~
- ~~13. 3. Except as provided in 9 VAC 5-60-170 A 3A Relevant parameters to be monitored and frequency of monitoring to demonstrate continuous compliance with the MACT emission limitation over the applicable reporting period.~~
- ~~14. Any other information required by the board including, at the discretion of the board, information required pursuant to Subpart A of 40 CFR Part 63.~~

**9 VAC 5-60-160. Preconstruction review procedures for new emission units affected sources subject to 9 VAC 5-60-140 C 1.**

~~A. The review process for new emission units affected sources is as follows:~~

- ~~1. If the board requires an owner to obtain or revise a federal operating permit before construction of the new emission unit affected source, or when the owner chooses to obtain or revise a federal operating permit before construction, the owner shall follow the administrative procedures established under the federal operating permit program before construction of the new emission unit affected source.~~
- ~~2. If an owner is not required to obtain or revise a federal operating permit before construction of the new emission unit affected source (and has not elected to do so), but the new emission unit affected source is covered by any preconstruction or pre-operation review requirements established pursuant to the hazardous air pollutant new source review program, then the owner shall comply with those requirements. If the new emission unit affected source is not subject to the hazardous air pollutant new source review program, the board shall will issue a minor new source review (MNSR) MNSR permit in accordance with the MNSR permit procedures supplemented by the procedures set forth in subsections B through H of this section before construction or operation of the new emission unit affected source.~~

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3. Regardless of the review process, the case-by-case MACT determination ~~shall will~~ be consistent with the principles established in 9 VAC 5-60-170. The application for the applicable new source review permit or a federal operating permit, permit modification, or administrative amendment, whichever is applicable, ~~shall will~~ include the documentation required by 9 VAC 5-60-150.

B. The board ~~shall will~~ provide for an enhanced review of MNSR permits used to implement case-by-case MACT determinations in accordance with the following review procedures and compliance requirements:

1. The board ~~shall will~~ notify the owner in writing as to whether the application for a case-by-case MACT determination is complete or whether additional information is required.

2. The board ~~shall will~~ approve an applicant's proposed control technology, or the board ~~shall will~~ notify the owner in writing of its intention to disapprove a control technology.

3. The owner may present in writing, within a time frame specified by the board, additional information, considerations, or amendments to the application before the board's issuance of a final disapproval.

4. The board ~~shall will~~ issue a preliminary approval or issue a disapproval of the application taking into account additional information received from the owner.

5. A determination to disapprove any application ~~shall will~~ be in writing and ~~shall will~~ specify the grounds on which the disapproval is based.

6. Approval of an applicant's proposed control technology ~~shall will~~ be set forth in a MNSR permit as described in 9 VAC 5-60-140 ~~§ F~~.

C. The board ~~shall will~~ provide opportunity for public comment on the preliminary MNSR permit prior to issuance, including, at a minimum:

1. Availability for public inspection, in at least one location in the area affected, of the information submitted by the owner and of the board's tentative determination;

2. A period for submittal of public comment of at least 30 days; ~~and~~

3. A notice by prominent advertisement in the area affected of the location of the source information and analysis specified in 9 VAC 5-60-140 ~~§ F~~. The form and content of the notice shall be substantially equivalent to that found in 9 VAC 5-80-270 or 9 VAC 5-80-670-; ~~and~~

4. An opportunity for a public hearing if one is requested. The board ~~shall will~~ give at least 30 days' notice in advance of any hearing.

D. The board ~~shall will~~ send copies of the preliminary permit (in time for comment) and final permit required by subsection C of this section to the administrator through the appropriate regional office, *to affected states*, and to all other state and local air pollution control agencies having jurisdiction in the region in which the new source would be located. The board ~~shall will~~ provide EPA with a review period for the final ~~notice~~

*permit* of at least 45 days, and ~~shall will~~ not issue the final MNSR permit ~~unless until~~ EPA objections are satisfied.

~~E. The effective date for new sources under this subsection shall be the date a MNSR permit is issued to the owner of a new emission unit.~~

~~F. New emission units shall comply with case-by-case MACT determination upon issuance of a federal operating permit for the emission unit or as prescribed in the MNSR permit, whichever is applicable.~~

~~G. E.~~ An owner of a major source that is subject to a case-by-case MACT determination shall comply with notification, operation and maintenance, performance testing, monitoring, reporting, and recordkeeping requirements established under 9 VAC 5-60-140 ~~§ F 2~~, under the federal operating permit program, and at the discretion of the board, under Subpart A of 40 CFR Part 63. The board ~~shall will~~ provide the EPA with the opportunity to review compliance requirements for consistency with requirements established pursuant to the federal operating permit program during the review period under subsection D of this section.

~~H. F.~~ If ~~a the~~ board requires a new source review permit for a new source case-by-case MACT ~~determinations determination~~ under this article, such requirement shall not necessitate a determination under Subpart E of 40 CFR Part 63.

## **9 VAC 5-60-170. Maximum achievable control technology (MACT) determinations for emission units affected sources subject to case-by-case determination of equivalent emission limitations.**

~~A. The owner of a major source submitting an application pursuant to 9 VAC 5-60-140 or 9 VAC 5-60-160 shall include elements specified in 9 VAC 5-60-150, taking into consideration the following requirements:~~

~~1. When the administrator has proposed a MACT standard for the source category, then the control technologies recommended by the owner under 9 VAC 5-60-150 B 12, when applied to the emission points recommended by the applicant for control, shall be capable of achieving all emission limitations and requirements of the proposed standard unless the application contains information adequate to support a contention that:~~

~~a. Different emissions limitations represent the maximum achievable control technology emission limitations for the source category, or~~

~~b. Requirements different from those proposed by EPA shall be effective in ensuring that MACT emissions limitations are achieved.~~

~~2. When the administrator or the board has issued guidance or distributed information establishing a MACT floor finding for the source category or subcategory by the § 112(j) deadline, then the recommended MACT emission limitations required by 9 VAC 5-60-150 B 11 must be at least as stringent as the MACT floor, unless the application contains information adequately supporting an amendment to such MACT floor.~~

3. When neither the administrator nor the board has issued guidance or distributed information establishing a MACT floor finding and case-by-case MACT determination for a source category or subcategory by the § 112(j) deadline, then the owner shall submit an application for a federal operating permit or application for a hazardous air pollutant new source review permit, whichever is applicable, containing the elements required by 9 VAC 5-60-150 B 1 through 9 and 14, by the § 112(j) deadline.

4. The owner may recommend a control technology that either achieves a level of control at least as stringent as the emission control that is achieved in practice by the best controlled similar source, or obtains at least the maximum reduction in emissions of hazardous air pollutants that is achievable considering costs, non-air quality health and environmental impacts, and energy requirements.

5. The owner may select a specific design, equipment, work practice, or operational standard, or combination thereof, when it is not feasible to prescribe or enforce an equivalent emission limitation due to the nature of the process or pollutant. It is not feasible to prescribe or enforce a limitation when the board determines that a hazardous air pollutant (HAP) or HAPs cannot be emitted through a conveyance designed and constructed to capture such pollutant, or that any requirement for, or use of, such a conveyance would be inconsistent with any federal, state, or local law, or the application of measurement methodology to a particular class of sources is not practicable due to technological and economic limitations.

B. The board shall determine whether the federal operating permit application or application for the applicable new source review permit is approvable. If approvable, the board shall establish hazardous air pollutant emissions limitations equivalent to the limitation that would apply if a MACT standard had been issued in a timely manner. The board shall establish these emissions limitations consistent with the following requirements and principles:

1. Emission limitations shall be established for all emission units within a source category or subcategory for which the § 112(j) deadline has passed.

2. Each emission limitation for an existing emission unit shall reflect the maximum degree of reduction in emissions of hazardous air pollutants (including a prohibition on such emission, where achievable) that the board, taking into consideration the cost of achieving such emission reduction and any non-air quality health and environmental impacts and energy requirements, determines is achievable by emission units in the category or subcategory for which the § 112(j) deadline has passed. This limitation shall not be less stringent than the MACT floor and shall be based upon available information and information generated by the board before or during the application review process, including information provided in public comments.

3. Each emission limitation for a new emission unit shall not be less stringent than the emission limitation achieved in practice by the best controlled similar source, and must reflect the maximum degree of reduction in emissions of hazardous air pollutants (including a prohibition on such

emissions, where achievable) that the board, taking into consideration the cost of achieving such emission reduction, and any non-air quality health and environmental impacts and energy requirements, determines is achievable. This limitation shall be based at a minimum upon available information and information provided in public comments.

4. When the administrator has proposed a MACT standard for the source category, then the equivalent emission limitation established by the board shall ensure that all emission limitations and requirements of the proposed standard are achieved, unless the board determines based on additional information that:

a. Different emissions limitations represent the maximum achievable control technology emission limitations for the source category; or

b. Requirements different from those proposed by EPA shall be effective in ensuring that MACT emissions limitations are achieved.

5. When the administrator or the board has issued guidance or collected information establishing a MACT floor finding for the source category or subcategory, the equivalent emission limitation for an emission unit must be at least as stringent as that MACT floor finding unless, based on additional information, the board determines that the additional information adequately supports an amendment to the MACT floor. In that case, the equivalent emission limitation must be at least as stringent as the amended MACT floor.

6. The board shall select a specific design, equipment, work practice, or operational standard, or combination thereof, when it is not feasible to prescribe or enforce an equivalent emission limitation due to the nature of the process or pollutant. It is not feasible to prescribe or enforce a limitation when the board determines that a hazardous air pollutant (HAP) or HAPs cannot be emitted through a conveyance designed and constructed to capture such pollutant, or that any requirement for, or use of, such a conveyance would be inconsistent with any federal, state, or local law, or the application of measurement methodology to a particular class of sources is not practicable due to technological and economic limitations.

7. Nothing in this article shall prevent the board from establishing an emission limitation more stringent than required by federal regulations.

C. The owner shall submit additional copies of its application for a federal operating permit, permit modification, administrative amendment, or applicable new source review permit, whichever is applicable, to the EPA by the § 112(j) deadline for existing emission units, or by the date of the application for a federal operating permit or applicable new source review permit for new emission units.

A. The board shall determine whether the Part 1 and Part 2 MACT application is complete or an application for a MNSR permit is approvable. In either case, when the application is complete or approvable, the board shall establish hazardous air pollutant emissions limitations equivalent to the limitations that would apply if an emission standard had been issued in a



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timely manner under § 112(d) or (h) of the federal Clean Air Act. The board shall establish these emissions limitations consistent with the following requirements and principles:

1. Emission limitations shall be established for the equipment and activities within the affected sources within a source category or subcategory for which the deadline in § 112(j) of the federal Clean Air Act has passed.
  2. Each emission limitation for an existing affected source shall reflect the maximum degree of reduction in emissions of hazardous air pollutants (including a prohibition on such emissions, where achievable) that the board, taking into consideration the cost of achieving such emission reduction and any nonair quality health and environmental impacts and energy requirements, determines is achievable by affected sources in the category or subcategory for which the deadline in § 112(j) of the federal Clean Air Act has passed. This limitation shall not be less stringent than the MACT floor, which shall be established by the board according to the requirements of § 112(d)(3)(A) and (B) of the federal Clean Air Act and shall be based upon available information.
  3. Each emission limitation for a new affected source shall reflect the maximum degree of reduction in emissions of hazardous air pollutants (including a prohibition on such emissions, where achievable) that the board, taking into consideration the cost of achieving such emission reduction and any nonair quality health and environmental impacts and energy requirements, determines is achievable. This limitation shall not be less stringent than the emission limitation achieved in practice by the best controlled similar source that shall be established by the board according to the requirements of § 112(d)(3) of the federal Clean Air Act. This limitation shall be based upon available information.
  4. The board shall select a specific design, equipment, work practice, or operational standard, or combination thereof, when it is not feasible to prescribe or enforce an equivalent emission limitation due to the nature of the process or pollutant. It is not feasible to prescribe or enforce a limitation when the administrator determines that hazardous air pollutants cannot be emitted through a conveyance designed and constructed to capture such pollutant, or that any requirement for, or use of, such a conveyance would be inconsistent with any federal, state, or local law, or the application of measurement methodology to a particular class of sources is not practicable due to technological and economic limitations.
  5. Nothing in this article shall prevent the board from establishing an emission limitation more stringent than required by federal regulations.
- B. The owner shall submit additional copies of its Part 1 and Part 2 MACT application for a federal operating permit, permit revision, or MNSR permit, whichever is applicable, to the EPA at the same time the material is submitted to the board.

## **9 VAC 5-60-180. Requirements for case-by-case determination of equivalent emission limitations after promulgation of a subsequent MACT standard.**

- A. If the administrator promulgates a MACT standard that is applicable to one or more ~~emission units~~ affected source within a major source before the date a federal operating permit application under this subsection is approved, the permit shall contain the promulgated standard rather than the emission limitation determined under 9 VAC 5-60-140, and the owner shall comply with the promulgated standard by the compliance date in the promulgated standard.
- B. If the administrator promulgates a MACT standard under § 112(d) or § 112(h) of the federal Clean Air Act that is applicable to a source after the date a federal operating permit is issued pursuant to 9 VAC 5-60-140 or 9 VAC 5-60-160, the board shall ~~revise the federal operating~~ incorporate requirements of that standard in the permit upon its next renewal ~~to reflect the promulgated standard~~. The board shall establish a compliance date in the revised federal operating permit that assures that the owner shall comply with the promulgated standard within a reasonable time, but not longer than eight years after such standard is promulgated or eight years after the date by which the owner was first required to comply with the emission limitation established by the federal operating permit, whichever is earlier. However, in no event shall the period for compliance for existing sources be shorter than that provided for existing sources in the promulgated standard.
- C. Notwithstanding the requirements of subsections A ~~or~~ and B of this section, the requirements of subdivisions 1 and 2 of this subsection apply.
1. If the administrator promulgates a MACT standard under § 112 (d) or (h) of the federal Clean Air Act that is applicable to a an affected source after the date a federal operating permit application is approved under 9 VAC 5-60-140 or 9 VAC 5-60-160, the board is not required to change the emission limitation in the federal operating permit to reflect the promulgated standard if the board determines that the level of control required by the emission limitation in the federal operating permit is ~~at least as stringent~~ substantially as effective as that required by the promulgated standard pursuant to 40 CFR 63.1 (e).
  2. If the administrator promulgates an emission standard under § 112(d) or (h) of the federal Clean Air Act that is applicable to an affected source after the date a permit application is approved under 9 VAC 5-60-140 or 9 VAC 5-60-160, and the level of control required by the promulgated standard is less stringent than the level of control required by any emission limitation in the prior MACT determination, the board is not required to incorporate any less stringent emission limitation of the promulgated standard in the federal operating permit and may in its discretion consider any more stringent provisions of the MACT determination to be applicable legal requirements when issuing or revising such a federal operating permit.

VA.R. Doc. No. R03-48; Filed October 2, 2002, 10:37 a.m.

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**REGISTRAR'S NOTICE:** The State Air Pollution Control Board is claiming an exemption from the Administrative Process Act in accordance with § 2.2-4006 A 3 of the Code of Virginia, which excludes regulations that consist only of changes in style or form or corrections of technical errors. The State Air Pollution Control Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

**Title of Regulation:** 9 VAC 5-91. Regulations for the Control of Motor Vehicle Emissions in the Northern Virginia Area (Rev. MI) (amending 9 VAC 5-91-380).

**Statutory Authority:** § 46.2-1176 through 46.2-1187.3 of the Code of Virginia.

**Effective Date:** December 1, 2002.

**Summary:**

*The amendment corrects a technical error that resulted in a conflict between 9 VAC 5-91-380 F 4, which says an inspector is not to provide his identification number to anyone except department personnel, and 9 VAC 5-91-300 G, which requires stations to maintain a file of the name, address and inspector identification numbers of the currently employed inspectors.*

**Agency Contact:** Alma Jenkins, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4070, FAX (804) 698-4510, toll free 1-800-592-5482 or (804) 698-4021/TTY.

**9 VAC 5-91-380. Emissions inspector licenses and renewals.**

A. The director shall issue, suspend, revoke or deny licenses, and establish procedures and other instructions for emissions inspectors.

B. Applicants shall qualify under 9 VAC 5-91-390 and shall demonstrate to the department proof of identification and the ability to properly conduct vehicle emissions inspections according to this chapter prior to being issued an emissions inspector license.

C. Application for licenses shall be made to, and in accordance with procedures approved by, the department.

D. Licenses shall be valid for time periods determined by the department, not to exceed three years from the end of the month in which issued.

1. Upon expiration of the license, the emissions inspector shall no longer be authorized to perform emissions inspections.

2. Upon expiration of the license, the applicant shall be required to pass the testing requirements in 9 VAC 5-91-390 before being relicensed.

E. When supported by justification which the department deems adequate, the director may, upon written request by an emissions inspector, extend the expiration date of a license by a period not to exceed three months beyond the original

expiration date for the purpose of allowing sufficient time for an inspector to correct such deficiencies in the application, such as completion of the required instruction, as have been identified by the department and to allow completion of the application review by the department. Such application for license extension may require demonstration of the applicant's ability to perform an emissions inspection at an emissions inspection or referee facility to the satisfaction of the department.

F. No person shall represent themselves as an emissions inspector without holding a valid emissions inspector license issued by the director and a valid motor vehicle driver's or operator's license.

1. All required licenses shall be made available to department personnel upon request.

2. It is the responsibility of the emissions inspector to have both a current valid emissions inspector and a valid motor vehicle driver's or operator's license. The department will endeavor to notify inspectors prior to the expiration of their emissions inspector license.

3. Licenses shall be valid only for the person to whom they are issued.

4. Emissions inspector identification numbers and access codes are valid only for the person to whom they are issued. Emissions inspectors shall not provide ~~identification numbers~~ or access codes to anyone except department personnel upon request.

G. Upon notification of revocation, the inspector shall surrender to the department all licenses issued by the director. It is the responsibility of the emissions inspector to notify the department of the termination of a suspension period.

H. Emissions inspectors shall keep their current mailing address and place of employment on file with the department and must notify the department of any changes in employment or mailing address.

I. Emissions inspectors may perform emissions inspections at more than one permitted emission inspection station after notification to the department and with the authorization of the emissions inspection station owners.

J. The provisions of this part apply to current license holders and applicants for initial, renewal or reinstatement of licenses.

K. Requalification may be required at any time by the department based on the results of monitoring of the performance of the emissions inspector or based on changes in applicable vehicle emissions control or inspection technology. Inspectors may be required to complete instruction or testing to satisfy any deficiencies identified by the department and, if necessary, require demonstration of the inspector's ability to perform an emissions inspection at an emissions inspection station or referee facility. Failure to requalify within three months of notification shall result in expiration of the emissions inspector's licenses.

VA.R. Doc. No. R03-49; Filed October 2, 2002, 10:37 a.m.

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**REGISTRAR'S NOTICE:** The State Air Pollution Control Board is claiming exemptions from §§ 2.2-4007, 2.2-4013, 2.2-4014 and 2.2-4015 of the Administrative Process Act. Sections 2.2-4007 M, 2.2-4013 E, 2.2-4014 D and 2.2-4015 C of the Administrative Process Act provide that these sections shall not apply to the issuance by the State Air Pollution Control Board of variances to its regulations.

**Title of Regulation:** 9 VAC 5-220. **Variance for Rocket Motor Test Operations at Atlantic Research Corporation Orange County Facility (adding 9 VAC 5-220-10 through 9 VAC 5-220-60).**

**Title of Regulation:** 9 VAC 5-221. **Variance for Rocket Motor Test Operations at Atlantic Research Corporation Gainesville Facility (adding 9 VAC 5-221-10 through 9 VAC 5-221-60).**

**Statutory Authority:** § 10.1-1307 C of the Code of Virginia.

**Effective Date:** December 1, 2002.

**Summary:**

Two variances are granted to the Atlantic Research Corporation for rocket motor test operations. One variance is for the facility in Orange County, Virginia, from the opacity standard for new sources specified in 9 VAC 5-50-80. The other variance is for the facility in Gainesville (Prince William County), Virginia, from the opacity standard for existing sources specified in 9 VAC 5-40-80. The variances are granted in consideration of the two facilities' effective limitation of the emissions of particulate matter from rocket motor test operations to 714 pounds per hour in lieu of the opacity limitations.

**Agency Contact:** Alma Jenkins, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4070, FAX (804) 698-4510, toll-free 1-800-592-5482 or (804) 698-4021/TTY.

**REGISTRAR'S NOTICE:** The proposed regulations were adopted as published in 18:6 VA.R. 868-870 December 3, 2001, without change. Therefore, pursuant to § 2.2-4031 of the Code of Virginia, the texts of the final regulations are not set out.

VA.R. Doc. No. R02-75; Filed October 2, 2002, 10:37 a.m.

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**REGISTRAR'S NOTICE:** Section 2.2-4006 A 9 of the Code of Virginia excludes from Article 2 of the Administrative Process Act general permits issued by the State Air Pollution Control Board pursuant to Chapter 13 (§ 10.1-1300 et seq.) of Title 10.1 of the Code of Virginia if the board proceeds under the following conditions: (i) provides a Notice of Intended Regulatory Action (NOIRA) in conformance with the provisions of § 2.2-4007 B; (ii) following the passage of 30 days from publication of the NOIRA, 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. The State Air Pollution Control Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

**Title of Regulation:** 9 VAC 5-510. **Nonmetallic Mineral Processing General Permit (adding 9 VAC 5-510-10 through 9 VAC 5-510-250).**

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

**Effective Date:** December 1, 2002.

**Summary:**

The general permit establishes terms and conditions that form the legally enforceable basis for the implementation of all regulatory and statutory requirements applicable to new and existing emissions units in nonmetallic mineral mining facilities. Application for coverage under the general permit is voluntary; however, for any nonmetallic mineral processing facility to be covered by the general permit, all equipment and emissions units at a stationary source that make up the nonmetallic mineral processing facility shall be covered by the general permit. The general permit requires the owners of existing and new emissions units in the nonmetallic mineral processing industry to construct, modify, relocate and operate within the terms and conditions of the general permit. The terms and conditions of the general permit cover emission standards, emission testing, emission monitoring, recordkeeping, reporting, compliance and enforcement.

The department made changes to the proposed general permit. Provisions are added to:

1. Address the issue of granting authorizations to operate under the general permit should the general permit regulation be amended;
2. Allow reauthorizations to operate under the general permit;
3. Incorporate the particulate matter emission standard for AQCR 7 (Northern Virginia), which differs from the remainder of the state; and
4. Require the use of particulate matter in determining compliance with the 99 tons per annual period cap only if particulate matter ( $PM_{10}$ ) emissions cannot be quantified in a manner acceptable to the department.

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

**Agency Contact:** Alma Jenkins, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4070.

**REGISTRAR'S NOTICE:** The proposed regulation was adopted as published in 16:7 VA.R. 768-789 December 20, 1999, with the additional changes shown below. Therefore,

pursuant to § 2.2-4031 A of the Code of Virginia, the text of the final regulation is not set out at length; however, the changes from the proposed regulation are printed below.

CHAPTER 510.  
NONMETALLIC MINERAL PROCESSING GENERAL  
PERMIT.

PART I.  
DEFINITIONS.

**9 VAC 5-510-10. [ No change from proposed. ]**

**9 VAC 5-510-20. Terms defined.**

"Actual emissions" means the actual emissions of a pollutant from a stationary source or emissions unit reflecting the rate, in tons per year, at which the source or unit actually emitted the pollutant during the most recent annual period. Actual emissions shall be calculated using the source or unit's actual operating hours, in place emission controls, production rates, and types of materials processed, stored, or combusted during the annual period. Valid continuous emission monitoring data or source test data shall be preferentially used to determine actual emissions. In the absence of valid continuous emissions monitoring data or source test data, the basis for determining actual emissions shall be any or all of the following as may be determined by the department: throughputs of process materials; throughputs of materials stored; usage of materials; data provided in manufacturer's product specifications, material volatile organic compound content reports or laboratory analyses; other information required by this chapter and other regulations of the board; or information requested in writing by the department. All calculations of actual emissions shall use U.S. [ EPA Environmental Protection Agency ] or department-approved methods, including emission factors and assumptions.

"Annual period" means a period of 12 consecutive months determined on a rolling basis with a new 12-month period beginning on the first day of each calendar month.

"Federal operating permit" means a permit issued pursuant to Article 1 (9 VAC 5-80-50 et seq.) of Part II of 9 VAC 5 Chapter 80.

"Fugitive dust" means particulate matter composed of soil or other materials, or both, of natural origin. Fugitive dust may include emissions from haul roads, wind erosion of exposed surfaces and storage piles and other activities in which the material is either removed, stored, transported or redistributed.

"Fugitive emissions" means emissions which are generated by industrial or other activities and which do not pass through a stack, chimney, vent or other functionally equivalent opening, but which may escape from openings (such as windows, doors, ill-fitting closures or poorly maintained equipment) or material handling equipment.

"General permit" means the terms and conditions in Part IV [ (9 VAC 5-510-170 et seq.) ] of this chapter that meet the requirements of Part III [ (9 VAC 5-510-90 et seq.) ] of this chapter and issued under the provisions 9 VAC 5-80-1030 and 9 VAC 5-80-1250.

"New source review program" means a program for the preconstruction review and permitting of new stationary sources or emissions units or expansions to existing ones in accordance with regulations promulgated to implement the requirements of §§ 110(a)(2)(C), [ 112 (relating to permits for hazardous air pollutants), ] 165 (relating to permits in prevention of significant deterioration areas), [ and ] 173 (relating to permits in nonattainment areas) [ ~~and 112 (relating to permits for hazardous air pollutants)~~ ] of the federal Clean Air Act.

"Nonmetallic mineral" means any of the following minerals or any mixture of which the majority is any of the following minerals:

1. Crushed and broken stone, including limestone, dolomite, granite, traprock, sandstone, quartz, quartzite, marl, marble, slate, shale, oil shale, and shell.
2. Sand and gravel.
3. Clay including kaolin, fireclay, bentonite, fuller's earth, ball clay, and common clay.
4. Rock salt.
5. Gypsum.
6. Sodium compounds, including sodium carbonate, sodium chloride, and sodium sulfate.
7. Pumice.
8. Gilsonite.
9. Talc and pyrophyllite.
10. Boron, including borax, kernite, and colemanite.
11. Barite.
12. Fluorospars.
13. Feldspar.
14. Diatomite.
15. Perlite.
16. Vermiculite.
17. Mica.
18. Kyanite, including andalusite, sillimanite, topaz, and dumortierite.

"Nonmetallic mineral processing facility" means any combination of equipment that is used to crush or grind any nonmetallic mineral wherever located, including lime plants, power plants, steel mills, asphalt concrete plants, portland cement plants, or any other facility processing nonmetallic minerals. Includes activity at facilities where the primary purpose is classified as Standard Industrial Classification (SIC) Code 1411, 1422, 1423, 1429, 1442, 1446, 1455, 1459, and 1499 as described in the Standard Industrial Classification Manual (see 9 VAC 5-20-21). Includes stationary diesel engines. Also includes activity at facilities classified under other SIC codes that may be colocated within the nonmetallic mineral processing area, unless they are expressly excluded by this chapter.

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"Permittee" means the owner of a nonmetallic mineral processing facility covered under this general permit.

"Portable facility" means any nonmetallic mineral processing facility that is mounted on any chassis or skids and may be moved by the application of a lifting or pulling force. In addition, there shall be no cable, chain, turnbuckle, bolt or other means (except electrical connections) by which any piece of equipment is attached or clamped to any anchor, slab, or structure, including bedrock that must be removed prior to the application of a lifting or pulling force for the purpose of transporting the unit.

"Potential to emit" means the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation is state and federally enforceable.

"Relocation" means a change in physical location of a nonmetallic mineral processing facility or an emissions unit from one nonmetallic mineral processing facility to another nonmetallic mineral processing facility.

"Spreadsheet" means the Aggregate Processing Emission Calculation Spreadsheet and the Stationary Diesel Engine Emission Calculation Spreadsheet.

"State operating permit" means a permit issued pursuant to Article 5 (9 VAC 5-80-800 et seq.) of Part II of 9 VAC 5 Chapter 80.

## PART II. GENERAL PROVISIONS.

**9 VAC 5-510-30. [ No change from proposed. ]**

**9 VAC 5-510-40. Applicability.**

A. This chapter applies to any nonmetallic mineral processing facility.

B. This chapter applies throughout the Commonwealth of Virginia.

C. Nothing in this section shall prevent any owner of a stationary source from obtaining authorization to operate the nonmetallic mineral processing facilities under the general permit while operating the remainder of the source under any permit issued pursuant to 9 VAC 5 Chapter 80 [ (9 VAC 5-80) ].

**9 VAC 5-510-50. General.**

A. The permittee shall operate the stationary source in conformance with all applicable regulations of the board.

B. Nonmetallic mineral processing facilities desiring authority to operate under the general permit shall register with the department as required under 9 VAC 5-20-160. For emissions units or groups of emissions units covered, the completion or updating of the spreadsheet shall be considered registration.

C. No provision of this chapter shall limit the power of the board to issue an operating permit pursuant to 9 VAC 5 Chapter 80 [ (9 VAC 5-80) ].

D. This chapter shall not relieve any stationary source from complying with the requirements of (i) any otherwise applicable permit issued under 9 VAC 5 Chapter 80 [ (9 VAC 5-80) ], (ii) any condition or term of any permit issued under 9 VAC 5 Chapter 80 [ (9 VAC 5-80) ], or (iii) any provision of a permit program. This chapter shall not preclude issuance of any permit with conditions or terms necessary to ensure compliance with this chapter.

E. For any nonmetallic mineral processing facility to be covered by the general permit, all equipment and emissions units at a stationary source that make up the nonmetallic mineral processing facility shall be covered by the general permit.

F. By the adoption of this chapter, the board confers upon the department the administrative, enforcement and decision making authority enumerated herein.

G. [ ~~The act of granting or denying an application for authority to operate under the general permit shall not be subject to judicial review.~~ The promulgating of amendments to this regulation shall invalidate any authorization to operate under the general permit one year after the effective date of the amendments. Owners may reapply for authorization to operate under the amended general permit and the department may grant the authorization to operate as provided in 9 VAC 5-510-150. ]

H. Any decisions of the board or department made pursuant to this chapter may be appealed pursuant to 9 VAC 5-170-200 [ , § 10.1-1318 of the Virginia Air Pollution Control Law, and the Administrative Process Act ].

I. This general permit may not be used to meet the requirements of 9 VAC 5-80-120.

**9 VAC 5-510-60. [ No change from proposed. ]**

**9 VAC 5-510-70. [ No change from proposed. ]**

**9 VAC 5-510-80. Enforcement of a general permit.**

A. The following general requirements apply:

1. Pursuant to § 10.1-1322 of the Code of Virginia, failure to comply with any term or condition of the general permit shall be considered a violation of the Virginia Air Pollution Control Law.

2. Authorization to operate under the general permit may be revoked [ ~~or terminated~~ ] if the owner does any of the following:

a. Knowingly makes material misstatements in the application for coverage or any amendments thereto.

b. Violates, fails, neglects or refuses to comply with (i) the terms or conditions of the permit, (ii) any applicable requirements, or (iii) the applicable provisions of this chapter.

3. The department may suspend, under such conditions and for such period of time as the department may prescribe,

any authorization to operate under the general permit for any of the grounds for revocation [~~or termination~~] contained in subdivision 2 of this subsection or for any other violations of the regulations of the board.

[ 4. Upon revocation of the authorization to operate under the general permit, the owner may request reauthorization to operate under the general permit and the department may grant the request at its discretion upon resolution of the issues that led to revocation. ]

**B. The following requirements apply with respect to penalties:**

1. An owner who violates or fails, neglects or refuses to obey any provision of this chapter or the Virginia Air Pollution Control Law, any applicable requirement, or any permit term or condition shall be subject to the provisions of § 10.1-1316 of the Virginia Air Pollution Control Law.

2. Any owner who knowingly violates any provision of this chapter or the Virginia Air Pollution Control Law, any applicable requirement, or any permit term or condition shall be subject to the provisions of § 10.1-1320 of the Virginia Air Pollution Control Law.

3. Any owner who knowingly makes any false statement, representation or certification in any form, in any notice or report required by a permit, or who knowingly renders inaccurate any required monitoring device or method shall be subject to the provisions of § 10.1-1320 of the Virginia Air Pollution Control Law.

**C. The following requirements apply with respect to appeals:**

1. The department [~~shall~~ will] notify the applicant in writing of its decision, with its reasons, to [ deny ] suspend [ , or ] revoke [~~or terminate~~] the authorization to operate under the general permit in accordance with the Administrative Process Act.

2. Appeal from any decision of the department under subdivision 1 of this subsection may be taken [ pursuant to as provided by ] 9 VAC 5-170-200, § 10.1-1318 of the Virginia Air Pollution Control Law, and the Administrative Process Act.

**D. The following requirements apply with respect to inspections and right of entry:**

1. The director, as authorized under § 10.1-1307.3 of the Virginia Air Pollution Control Law and 9 VAC 5-170-60, has the authority to require that air pollution records and reports be made available upon request and to require owners to develop, maintain, and make available such other records and information as are deemed necessary for the proper enforcement of the general permit.

2. The director, as authorized under § 10.1-1307.3 of the Virginia Air Pollution Control Law, has the authority, upon presenting appropriate credentials to the owner, to do the following:

a. Enter without delay and at reasonable times any business establishment, construction site, or other area, workplace, or environment in the Commonwealth; and

b. Inspect and investigate during regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, without prior notice, unless such notice is authorized by the department or its representative, any such business establishment or place of employment and all pertinent conditions, structures, machines, apparatus, devices, equipment, and materials therein, and question privately any such employer, officer, owner, operator, agent, or employee. If such entry or inspection is refused, prohibited, or otherwise interfered with, the department shall have the power to seek from a court having equity jurisdiction an order compelling such entry or inspection.

E. The board may enforce the general permit through the use of other enforcement mechanisms such as consent orders and special orders. The procedures for using these mechanisms are contained in 9 VAC 5-170-80 and 9 VAC 5-170-120 and in §§ 10.1-1307 D, 10.1-1309, and 10.1-1309.1 of the Virginia Air Pollution Control Law.

**PART III.  
GENERAL PERMIT ADMINISTRATIVE PROCEDURES.**

**9 VAC 5-510-90. Requirements for [~~department issuance of authority granting an authorization~~] to [~~construct, modify, relocate and~~] operate under the general permit.**

A. The department may [~~issue~~ grant] an authorization to [~~construct, modify, relocate and~~] operate under the general permit for a source that meets the applicability criteria in 9 VAC 5-510-40. [ The authorization to operate may include an authorization to construct, modify and relocate the source operating under the general permit. ]

B. After [~~issuance of~~] the initial authorization to construct, modify, relocate and operate under the general permit [ has been granted ] for a nonmetallic mineral processing facility, new and modified emissions units at the facility may operate under the general permit in accordance with the terms and conditions of the general permit.

C. Stationary sources or emissions units subject to the general permit shall comply with all requirements applicable to other permits issued under 9 VAC 5 Chapter 80 [ (9 VAC 5-80) ].

D. The general permit [~~shall be~~ is] issued in accordance with § [ ~~9-6-14:4.1 C-14~~ 2.2-4006 A 9 ] of the Administrative Process Act.

**9 VAC 5-510-100. Applications for coverage under the general permit and notices of termination.**

A. Nonmetallic mineral processing facilities that qualify for the general permit may apply to the department for coverage under the terms and conditions of the general permit.

B. A single application is required identifying each emissions unit or groups of emissions units to be covered by the general permit. The application shall be submitted according to the requirements of this section, 9 VAC 5-510-110 and procedures approved by the department. Where several emissions units are included in one stationary source, a single application covering all units in the source shall be submitted.

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A separate application is required for each stationary source subject to this chapter.

C. The application shall meet the requirements of this chapter and include all information necessary to determine qualification for and to assure compliance with the general permit.

D. Coverage under the general permit may be terminated by the permittee by filing a completed notice of termination [ as specified in 9 VAC 5-510-130 B ]. The notice of termination shall be filed in situations (i) where all emissions associated with the facility authorized by the general permit are eliminated, (ii) when the facility authorized by the general permit has been determined to be shutdown in accordance with 9 VAC 5-20-220, or (iii) where the facility is covered by a permit issued under the provisions of 9 VAC 5 Chapter 80 [ (9 VAC 5-80) ].

E. Any application form, report, compliance certification, or other document required to be submitted to the department under this chapter shall meet the requirements of 9 VAC 5-20-230.

F. Any applicant who fails to submit any relevant facts or who has submitted incorrect information in an application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information.

## **9 VAC 5-510-110. Required information for initial applications.**

A. The department [ ~~shall~~ will ] furnish application forms to applicants. The information required by this section shall be determined and [ ~~presented~~ submitted ] according to procedures and methods acceptable to the department.

B. Each initial application for coverage under the general permit shall include, but not be limited to, the following:

1. Information specified in 9 VAC 5-510-130 [ A ].
2. Additional information that the department deems necessary to implement and enforce other requirements of the regulations of the board or to determine the applicability of such requirements.
3. Any additional information or documentation that the department deems necessary to review and analyze the air pollution aspects of the source.
4. A certification of compliance with all applicable requirements by a responsible official.

## **9 VAC 5-510-120. [ No change from proposed. ]**

## **9 VAC 5-510-130. Application statement and notice of termination forms.**

A. The required statement for initial applications shall be in the following form:

## **NONMETALLIC MINERAL PROCESSING GENERAL PERMIT APPLICATION STATEMENT (please print or type)**

1. Name of company:
2. Name of owner:
3. Name of plant:
4. Mailing address:
5. Plant site manager or contact:
6. Telephone number:
7. Fax number:
8. Registration number:  
(new sites leave blank)
9. Project name:
10. Description of activity (minerals processed):
11. Primary standard industrial classification (SIC) code:  
Secondary SIC codes:
12. County:
13. Location:
14. A spreadsheet and a plant layout or flow diagram for all emissions units at the nonmetallic mineral processing facility for which the application is submitted. The following information shall be included for each piece of equipment:
  - a. The total rated crushing capacity for all primary crushers at the facility.
  - b. A description of the equipment, including applicability of any standard of performance under 40 CFR Part 60, as follows:
    - (1) Widths of belt conveyors.
    - (2) Dimensions of the top screen and configuration (e.g. triple deck) of the screening unit.
    - (3) Rated capacity (ton/hr) of each crusher.
    - (4) Rated capacity (ton or ton/hr) of all other equipment not exempt from new source review program requirements.
  - c. A unique ID number.
  - d. The date the equipment was manufactured.
  - e. The dates any required performance testing was conducted and submitted to the regional director.
  - f. Total rated horsepower of all stationary diesel engines.
  - g. Maximum hours of operation or gallons of fuel to be consumed, for each stationary diesel engine.
  - h. A description and accounting of all emissions of regulated air pollutants from all emissions units or groups of emissions units. Emissions shall be determined in a manner acceptable to the department. Fugitive emissions

shall be included in the application as provided in the spreadsheet.

15. Calculations on which the information in subdivision 14 h of this subsection is based to the extent not covered in the spreadsheet. Any calculations shall include sufficient detail to permit assessment of the validity of the calculations and to enable the department to verify the actual emissions and potential to emit for the stationary source. This may include, but not be limited to, the following:

- a. Actual and potential emissions in tons per annual period for each emissions unit or group of emission units.
- b. Information needed to determine emissions as follows: fuels, fuel use, raw materials, production rates, loading rates, and operating schedules.
- c. Identification and description of air pollution control equipment and compliance monitoring devices or activities.

16. Attach to this application an aerial photo or scale map which clearly shows the property boundaries and plant site.

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 and evaluating 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."

Signatures: \_\_\_\_\_ Date: \_\_\_\_\_  
 Signatures: \_\_\_\_\_ Date: \_\_\_\_\_  
 Name of persons signing above: (printed or typed)  
 (printed or typed)

Titles:

For Department use only:

Accepted/Not accepted by: \_\_\_\_\_ Date: \_\_\_\_\_

Required attachments:

- 1. Local government certification form (greenfield sites only)
- 2. Spreadsheet and a plant layout or flow diagram
- 3. Aerial photo or scale map

B. The required notice of termination shall be in the following form:

NONMETALLIC MINERAL PROCESSING GENERAL  
 PERMIT  
 NOTICE OF TERMINATION

- 1. Nonmetallic mineral processing general permit number:
- 2. Reason for termination request (Choose one):

a. The emissions associated with facility have been eliminated.

b. The facility authorized by the general permit has been determined to be shutdown in accordance with 9 VAC 5-20-220.

c. A permit has been issued for the facility covered by the general permit issued under the provisions of 9 VAC 5 Chapter 80 [ (9 VAC 5-80) ].

3. On what date do you wish coverage under this general permit to terminate?

4. Facility owner

Name:

Mailing address:

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip code: \_\_\_\_\_

Phone:

5. Facility location

Name:

Address:

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip code: \_\_\_\_\_

6. Certification:

"I certify under penalty of law that all emissions associated with the identified facility have been eliminated, that the facility authorized by the general permit has been determined to be shutdown in accordance with 9 VAC 5-20-220, or that a permit has been issued covering the facility under the provisions of 9 VAC 5 Chapter 80 [ (9 VAC 5-80) ]. I understand that by submitting this notice of termination, I am no longer authorized to operate under the general permit. I also understand that the submittal of this notice of termination does not release an owner from liability for any violations of this permit under the Air Pollution Control Law."

Signatures: \_\_\_\_\_ Date: \_\_\_\_\_  
 \_\_\_\_\_ Date: \_\_\_\_\_  
 Name of persons signing above: (printed or typed)  
 (printed or typed)

Titles:

**9 VAC 5-510-140. General permit content.**

A. The general permit issued under this chapter [ shall will ] include the elements provided in this section.

B. The general permit [ shall will ] contain terms and conditions setting forth the applicable emission standards and requirements sufficient to assure compliance with the regulations of the board.

C. The general permit [ shall will ] contain terms and conditions setting forth the following requirements with respect to emission testing sufficient to assure compliance with the emission standards and requirements of the permit:



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1. Requirements providing that owners of nonmetallic mineral processing facilities subject to the general permit may conduct emission tests, establish and maintain records, and make periodic emission reports as necessary to determine the actual emissions for the facility.

2. For cases where the owner elects to use the emission testing to determine the actual emissions for the facility, the permit [ ~~shall will~~ ] prescribe the procedures for the conduct of the emission tests.

D. The general permit [ ~~shall will~~ ] contain terms and conditions setting forth the following requirements with respect to emission monitoring sufficient to assure compliance with the emission standards and requirements of the permit:

1. Requirements providing that owners of nonmetallic mineral processing facilities subject to the general permit may install, calibrate, operate and maintain equipment for continuously monitoring and recording emissions or process parameters or both, and establish and maintain records, and make periodic emission reports as necessary to determine the actual emissions for the facility.

2. For cases where the owner elects to use the emission monitoring to determine the actual emissions for the facility, the permit [ ~~shall will~~ ] prescribe the procedures for the installation, calibration, operation and maintenance of equipment for continuously monitoring and recording emissions or process parameters or both.

E. The general permit [ ~~shall will~~ ] contain terms and conditions setting forth the following requirements concerning recordkeeping and reporting sufficient to assure compliance with the emission standards and requirements of the permit:

1. Requirements providing that owners of nonmetallic mineral processing facilities subject to the general permit shall establish and maintain records, provide notifications and reports, revise reports, report emission tests or monitoring results in a manner and form and using procedures as the general permit may prescribe.

2. [ ~~The permit shall prescribe the~~ ] Procedures for providing notifications and reports, revising reports, maintaining records or reporting emission test or monitoring [ ~~result~~ results ].

F. The general permit [ ~~shall will~~ ] contain terms and conditions with respect to enforcement sufficient to assure compliance with the emission standards and requirements of the permit.

G. The general permit [ ~~shall will~~ ] contain terms and conditions setting forth the following requirements with respect to compliance sufficient to assure compliance with the terms and conditions of the permit:

1. Requirements providing for compliance certification, testing, monitoring, reporting, and recordkeeping requirements sufficient to assure compliance with the terms and conditions of the permit.

2. Requirements providing for inspection and entry sufficient to assure compliance with the terms and conditions of the permit. At a minimum the permit [ ~~shall will~~ ] require that,

upon presentation of credentials and other documents as may be required by law, the owner shall allow the department to perform the following:

a. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.

b. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.

c. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.

d. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

H. The permit [ ~~shall will~~ ] contain terms and conditions pertaining to other requirements as may be necessary to ensure compliance with the regulations of the board, the Virginia Air Pollution Control Law and the federal Clean Air Act.

## **9 VAC 5-510-150. [ ~~Issuance of Granting~~ ] an authorization to operate under the general permit.**

A. The department [ ~~shall will~~ ] grant authorization to operate under the conditions and terms of the general permit to sources that meet the applicability criteria set forth in 9 VAC 5-510-40.

B. [ ~~The issuance of Granting~~ ] an authorization to operate under the general permit to a nonmetallic mineral processing facility covered by the general permit [ ~~shall not require compliance with~~ is not subject to ] the public participation procedures under § [ ~~9-6-14:4.1 C-11~~ 2.2-4006 A 9 ] of the Administrative Process Act.

C. A response to each application for coverage under the general permit [ ~~shall will~~ ] be provided within 30 days.

D. Nonmetallic mineral processing facilities covered under a general permit [ ~~shall will~~ ] be issued a letter, a certificate, or any other document which would attest that the facility is authorized to operate under the general permit. The document [ ~~shall will~~ ] be accompanied by a copy of the general permit and the application submitted by the permittee.

E. The letter, certificate or other document, along with the copy of the general permit, application and 40 CFR Part 60, subpart 000, shall be retained by the department and at the stationary source.

## **9 VAC 5-510-160. Transfer of authorizations to operate under the general permit.**

A. No person shall transfer an authorization to operate under the general permit from one stationary source to another or from one piece of equipment to another.

B. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any permit issued [ or authorization to operate under the general permit granted ]

to the previous owner. The new owner shall notify the department of the change in ownership within 30 days of the transfer.

C. In the case of a name change of a stationary source, the owner shall comply with any permit issued [ or authorization to operate under the general permit granted ] under the previous source name. The owner shall notify the department of the change in source name within 30 days of the name change.

PART IV.  
GENERAL PERMIT TERMS AND CONDITIONS.

**9 VAC 5-510-170. General permit.**

Any owner whose application 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 this chapter and the regulations of the board.

General Permit No.: [ Air510 ]

Effective date: [ (effective date of chapter) ]

GENERAL PERMIT FOR NONMETALLIC MINERAL PROCESSING

In compliance with the provisions of the Air Pollution Control Law and regulations adopted pursuant to it, owners of nonmetallic mineral processing facilities are authorized to operate under the authority of this permit, except those where board regulations or policies prohibit such operation.

This general permit covers all owners of activities located at nonmetallic mineral processing facilities where the primary purpose is classified as Standard Industrial Classifications 1411, 1422, 1423, 1429, 1442, 1446, 1455, 1459, and 1499.

The authorization to operate under this permit shall be in accordance with this cover page, 9 VAC 5-510-180 - [ ~~Emission Standards and Requirements~~ General Terms and Conditions ], 9 VAC 5-510-190 - Emission Standards, 9 VAC 5-510-200 - Compliance Determination and Verification by Emission Testing, 9 VAC 5-510-210 - Compliance Determination and Verification by Emission Monitoring, 9 VAC 5-510-220 - Recordkeeping Requirements, 9 VAC 5-510-230 - Reporting Requirements, 9 VAC 5-510-240 - Compliance Certifications, and 9 VAC 5-510-250 - Enforcement, as specified in 9 VAC 5-510-180 through 9 VAC 5-510-250.

**9 VAC 5-510-180. [ ~~Emission standards and requirements~~ General terms and conditions ].**

A. The permittee may construct and operate a nonmetallic mineral processing facility in accordance with conditions of this permit located within the boundaries of the Commonwealth of Virginia, except those where board regulations or policies prohibit such activities.

B. Sources operating under this permit shall operate in compliance with the standards set in 9 VAC 5 Chapters 40 [ (9 VAC 5-40) ], 50 [ (9 VAC 5-50) ] and 60 [ (9 VAC 5-60) ] and other applicable provisions of the regulations of the board.

C. Sources operating under this permit shall meet the emission standards in 9 VAC 5-510-190 [ ~~of this general permit~~ ] in order to continue to operate under the authority of this permit.

D. The permittee shall comply with the terms and conditions of the general permit prior to commencing any physical or operational change or activity which will result in making the facility subject to the new source review program.

E. If the permittee makes any change in the design or operation of the facility which will result in making the facility subject to the new source review program, he shall evidence the change in writing to the department within 30 days of implementation of the change.

F. The permittee shall not make any changes in design or operation of the affected facility which will result in actual emissions that exceed the emission standards specified in 9 VAC 5-510-190 [ ~~of this general permit~~ ].

**9 VAC 5-510-190. Emissions standards.**

A. The permittee shall not cause or allow to be discharged into the atmosphere from any covered emissions units any visible emissions in excess of the limits specified in subdivisions 1, 2 and 3 of this subsection.

1. Equipment manufactured or fabricated on or prior to August 31, 1983, shall not exceed an opacity of 20% when averaged over a six-minute period.

2. Equipment manufactured or fabricated after August 31, 1983, shall comply with 40 CFR Part 60, Subpart 000, 9 VAC 5-50-260 and the following standards:

a. Crushing: primary and secondary--15% opacity, tertiary--7% opacity.

b. Screening, conveyor transfers, and surge bins--10% opacity.

c. Fabric filter exhausts--7% opacity.

d. Wash plants--no visible emissions from wet screening and subsequent processing up to next crusher or storage bin.

3. Other nonspecific emission points including loadout and stationary diesel engines are limited to 10% opacity.

4. The opacity standards prescribed under this [ ~~article~~ subsection ] shall apply at all times except during periods of startup, shutdown, malfunction, and as otherwise provided in the applicable standard. [ This subdivision shall apply only to (i) emission units, the construction, modification or relocation of which commenced on or after March 17, 1972; and (ii) emission units, the reconstruction of which commenced on or after December 10, 1976. ]

B. The permittee shall not cause or allow to be discharged into the atmosphere from any covered emissions units any particulate matter in excess of the limits specified in subdivisions 1 and 2 of this subsection.

1. Fabric filter exhausts controlling equipment manufactured or fabricated on or prior to August 31, 1983, shall not exceed [ ~~0.05 grains/dscf as provided in Article 14 (9 VAC 5-40-1820 et seq.) of 9 VAC 5 Chapter 40.~~ the following limits:

a. For facilities located in AQCR 7, the limits in Table 510A (ref: 9 VAC 5-40-270).

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b. For facilities located in the remainder of the Commonwealth, 0.05 grains/dscf (ref: Article 14 (9 VAC 5-40-1820 et seq.) of 9 VAC 5 Chapter 40).

TABLE 510A

Process Weight Rate		Maximum Allowable Emission Rate
Lb/Hr	Tons/Hr	Lb/HR
100	0.050	0.46
150	0.075	0.66
200	0.100	0.85
250	0.125	1.03
300	0.150	1.20
350	0.175	1.35
400	0.200	1.50
450	0.225	1.63
500	0.250	1.77
550	0.275	1.85
600	0.300	2.01
650	0.325	2.12
700	0.350	2.24
750	0.375	2.34
800	0.400	2.43
850	0.425	2.53
900	0.450	2.62
950	0.475	2.72
1000	0.500	2.80
1100	0.55	2.97
1200	0.60	3.12
1300	0.65	3.26
1400	0.70	3.40
1500	0.75	3.54
1600	0.80	3.66
1700	0.85	3.79
1800	0.90	3.91
1900	0.95	4.03
2000	1.00	4.14
2100	1.05	4.24
2200	1.10	4.34
2300	1.15	4.44
2400	1.20	4.55
2500	1.25	4.64
2600	1.30	4.74
2700	1.35	4.84
2800	1.40	4.92
2900	1.45	5.02
3000	1.50	5.10
3100	1.55	5.18
3200	1.60	5.27
3300	1.65	5.36
3400	1.70	5.44
3500	1.75	5.52
3600	1.80	5.61
3700	1.85	5.69
3800	1.90	5.77
3900	1.95	5.85
4000	2.00	5.93
4100	2.05	6.01
4200	2.10	6.08
4300	2.15	6.15

4400	2.20	6.22
4500	2.25	6.30
4600	2.30	6.37
4700	2.35	6.45
4800	2.40	6.52
4900	2.45	6.60
5000	2.50	6.67
5500	2.75	7.03
6000	3.00	7.37
6500	3.25	7.71
7000	3.50	8.05
7500	3.75	8.39
8000	4.00	8.71
8500	4.25	9.03
9000	4.50	9.36
9500	4.75	9.67
10000	5.00	10.00
11000	5.50	10.63
12000	6.00	11.28
13000	6.50	11.89
14000	7.00	12.50
15000	7.50	13.13
16000	8.00	13.74
17000	8.50	14.36
18000	9.00	14.97
19000	9.50	15.58
20000	10.00	16.19
30000	15.00	22.22
40000	20.00	28.30
50000	25.00	34.30
60000 or more	30.00 or more	40.00

2. Fabric filter exhausts controlling equipment manufactured or fabricated after August 31, 1983, shall not exceed 0.05 g/dscm (0.022 grains/dscf) [ ~~as provided in~~ (ref: ) 40 CFR Part 60, Subpart 000 [ ) ].

C. Fugitive dust/emissions controls shall include the following or equivalent as a minimum:

1. Fugitive dust/emissions from drills, stockpiles, material handling, screens, crushers, load-outs, and traffic areas shall be controlled by wet suppression or equivalent.

2. All material being stockpiled subject to windblown emissions shall be kept moist to control dust during storage and handling or covered at all times to minimize emissions.

3. Haul roads shall be controlled by wet suppression or equivalent.

4. Reasonable precautions shall be taken to prevent deposition of dirt on public roads and subsequent dust emissions. Materials spilled or tracked onto public paved surfaces shall be promptly removed to prevent particulate matter from becoming airborne.

D. In order to operate under the authority of this permit, a nonmetallic mineral processing facility shall not exceed any of the following:

1. The total rated crushing capacity for all primary crushers at the facility, including portable stone processing equipment temporarily located at the site, shall not exceed 5,000 tons per hour.

2. The total amount of fuel to be consumed by all stationary diesel engines, including portable equipment temporarily located at the site, shall not exceed 331,022 gallons of fuel per annual period.

3. The total actual emissions of any regulated pollutant from the stationary source shall not exceed 99 tons per annual period. [ Particulate matter emissions shall be used to determine compliance with this subdivision only if particulate matter (PM<sub>10</sub>) emissions cannot be quantified in a manner acceptable to the department. ]

E. The fuel used in stationary diesel engines shall be distillate oil or diesel fuel meeting ASTM specifications for No. 1 or No. 2 distillate oil or diesel fuel.

**9 VAC 5-510-200. Compliance determination and verification by emission testing.**

A. The permittee may conduct emission tests, establish and maintain records, and make periodic emission reports as necessary to determine the actual emissions for the nonmetallic mineral processing facility.

B. Upon request of the department, the permittee shall conduct emission tests as are necessary to determine the type or amount or both of the pollutants emitted from the facility or whether the facility will be in compliance with 9 VAC 5-510-190 or any other provisions of any regulation of the board.

C. The emission testing conducted under this section shall be carried out in accordance with subdivisions 1 and 2 of this subsection or the provisions of 9 VAC 5 Chapters 40 [ 9 VAC 5-40), 50 [ 9 VAC 5-50) ] and 60 [ 9 VAC 5-60) ], as applicable, or by other means acceptable to the department.

1. Visible emissions evaluations shall be conducted in accordance with 40 CFR Part 60, Subpart A, Method 9 or Method 22, as applicable.

2. Grain loading evaluations shall be conducted in accordance with 40 CFR Part 60, Subpart A, Method 5 or Method 17, as applicable.

**9 VAC 5-510-210. Compliance determination and verification by emission monitoring.**

A. The permittee may install, calibrate, operate and maintain equipment for continuously monitoring and recording emissions or process parameters or both, and establish and maintain records, and make periodic emission reports as necessary to determine the actual emissions for the nonmetallic mineral processing facility.

B. Upon request of the department, the permittee shall install, calibrate, maintain and operate equipment for continuously monitoring and recording emissions or process parameters or both as are necessary to determine the type or amount or both of the pollutants emitted from the facility or whether the facility will be in compliance with 9 VAC 5-510-190 or any other provisions of any regulation of the board.

C. The emission monitoring conducted under this [ article section ] shall be carried out in accordance with the provisions of 9 VAC 5 Chapters 40 [ (9 VAC 5-40) ], 50 [ (9 VAC 5-50) ]

or 60 [ (9 VAC 5-60) ], as applicable, [ and 40 CFR 60.674 ] or by other means acceptable to the department.

D. Where the applicable requirement cited in subsection C of this section does not require periodic testing or instrumental or noninstrumental monitoring (which may consist of recordkeeping designed to serve as monitoring), periodic monitoring shall be conducted sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the general permit, as reported pursuant to [ ~~subdivision 1 of~~ ] 9 VAC 5-510-220 [ C 1]. Such monitoring requirements shall assure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement. Recordkeeping provisions may be sufficient to meet the requirements of this subsection.

**9 VAC 5-510-220. Recordkeeping requirements.**

A. The permittee shall comply with the recordkeeping requirements in this section. The recordkeeping requirements of this permit shall not replace any recordkeeping requirement contained in other state or federal rules or regulations.

B. The permittee shall maintain records for each emission unit or groups of emission units sufficient to determine the actual emissions of the nonmetallic mineral processing facility. The permittee shall maintain records of emission data and operating parameters necessary to demonstrate compliance with this permit. These records shall be available for inspection by the department and shall be current for the most recent three years.

C. To meet the requirements of 9 VAC 5-510-210 with respect to recordkeeping, the permittee shall comply with the following:

1. Records of monitoring information shall include the following:

- a. The date, place as defined in the [ authorization to operate under the general ] permit, and time of sampling or measurements.
- b. The [ ~~date(s)~~ date or dates ] analyses were performed.
- c. The company or entity that performed the analyses.
- d. The analytical techniques or methods used.
- e. The results of such analyses.
- f. The operating conditions existing at the time of sampling or measurement.

2. Records of all monitoring data and support information shall be retained for at least three years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

D. The recordkeeping requirements under this section shall be carried out in accordance with the provisions of 9 VAC 5 Chapters 40 [ (9 VAC 5-40) ], 50 [ (9 VAC 5-50) ] and 60 [ (9 VAC 5-60) ], as applicable, or by other means acceptable to the department.

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E. In order to ensure the proper operation of air pollution control equipment, the permittee shall perform the following:

1. Develop a maintenance schedule and maintain records of all scheduled and nonscheduled maintenance to air pollution control equipment. These records shall be maintained on site for three years and shall be made available to department upon request.
2. Maintain an inventory of spare parts needed to minimize the duration of air pollution control equipment breakdowns.

## 9 VAC 5-510-230. [ No change from proposed. ]

### 9 VAC 5-510-240. Compliance.

A. The department [ ~~shall~~ will ] evaluate a nonmetallic mineral processing facility's compliance with the emission standards in 9 VAC 5-510-190 as part of the department's annual compliance process. In performing the evaluation, the department [ ~~shall~~ will ] consider any annual emission update submitted pursuant to 9 VAC 5-510-230.

B. Upon presentation of credentials and other documents as may be required by law, the permittee shall allow the department to perform the following:

1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
4. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

Department representatives [ ~~shall~~ will ] report to the site office and notify a company official or representative of their presence immediately upon entering any operation, as required by Mine Safety and Health Agency standards. For purposes of this condition, the time for inspection shall be deemed reasonable during regular business hours or whenever the facility is in operation. Nothing contained herein shall make an inspection time unreasonable during an emergency.

### 9 VAC 5-510-250. Enforcement.

A. Violation of this permit is subject to the enforcement provisions including, but not limited to, those contained in 9 VAC 5 Chapter 170 [ (9 VAC 5-170) ] and §§ 10.1-1309, [ 10.1-1309.1, ] 10.1-1311 and 10.1-1316 of the Virginia Air Pollution Control Law.

B. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.

C. The permittee shall comply with all conditions of the permit. Any permit noncompliance constitutes a violation of the Virginia Air Pollution Control Law and is grounds (i) for enforcement action or (ii) for [ ~~termination, suspension or~~ ] revocation [ ~~and reissuance, or modification~~ ] of the authorization to operate under the general permit.

D. 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.

E. The authorization to operate under the general permit may be [ suspended or ] revoked [ ~~and reissued or terminated~~ ] for cause as specified in 9 VAC 5-510-80. The filing [ by a permittee ] of a [ (i) ] request [ ~~by the permittee~~ ] for [ ~~authorization revocation and reissuance~~ ] reauthorization to operate under a general permit, [ ~~or termination,~~ ] or [ ~~of a~~ (ii) ] notification of [ ~~termination,~~ ] planned changes or anticipated noncompliance does not stay any permit condition.

F. The owner of the nonmetallic mineral processing facility shall be subject to enforcement action under 9 VAC 5-510-80 for operation without a permit if the facility is later determined by the department not to qualify for the conditions and terms of the general permit.

G. The general permit does not convey any property rights of any sort, or any exclusive privilege.

H. The permittee shall furnish to the department, within a reasonable time, any information that the department may request in writing to determine whether cause exists for [ ~~modifying, suspending or~~ ] revoking [ ~~and reissuing, or terminating~~ ] the authorization to operate under the general permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the department copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the department along with a claim of confidentiality [ meeting the requirements of 9 VAC 5-170-60 ].

**NOTICE:** The forms used in administering 9 VAC 5-510, Nonmetallic Mineral Processing General Permit, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.

### FORMS

Spreadsheet for Aggregate Processing Emission Calculation, STONECALCV4.XLS (eff. 9/30/02).

Stationary Diesel Engine Emission Calculation Spreadsheet (eff. 9/30/02).

# SPREADSHEET FOR AGGREGATE PROCESSING EMISSION CALCULATION

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY  
 AGGREGATE PROCESSING EMISSION CALCULATION SPREADSHEET  
 September 30, 2002  
 VERSION 2.0

PROCESS DEFINITIONS:  
 MANF. = Equipment Manufacturer's Name  
 MODEL # = Manufacturer's Model Number

MODIFICATION CODES - Choose a code and insert:

- 0. - No Change.
- 1. - for increase in regulated limit.
- 2. - for physical change in emissions unit.
- 3. - for changes in related equipment.
- 4. - for new emissions unit(s).
- 5. - for replacement emissions unit(s).

COMPANY NAME: \_\_\_\_\_  
 PLANT REGISTRATION #: \_\_\_\_\_  
 PLANT NAME: \_\_\_\_\_  
 PLANT STREET ADDRESS: \_\_\_\_\_  
 COUNTY/CITY: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_  
 COMPLETED BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
 COMMENTS: \_\_\_\_\_

PROCESS TYPE	DESCRIPTION	Flags	---FACTORS---			-ACTUAL EMISSIONS-			-POTENTIAL EMISSIONS-			TITLE V			
			PM	PM10	PM10	PM	PM10	PM	PM10	PM	PM10	PM	PM10	PM10	
			LBS/TON	LBS/TON	TONS/YR	LBS/HR	LBS/HR	TONS/YR	LBS/HR	LBS/HR	TONS/YR	LBS/HR	LBS/HR	TONS/YR	TONS/YR
PRIMARY CRUSHER	PROCESS ID #	NSPS?													
Manf.	Actual Processed (t/yr)	Dry	0.000730	0.000710	0.000007	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Model #	Rated Capacity (t/yr)	Wet	0.000037	0.000036											
Mod. Code	Allowable (t/yr)	Bag	0.000007	0.000007											
PRIMARY CRUSHER	PROCESS ID #	NSPS?													
Manf.	Actual Processed (t/yr)	Dry	0.000730	0.000710	0.000007	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Model #	Rated Capacity (t/yr)	Wet	0.000037	0.000036											
Mod. Code	Allowable (t/yr)	Bag	0.000007	0.000007											
SECONDARY CRUSHER	PROCESS ID #	NSPS?													
Manf.	Actual Processed (t/yr)	Dry	0.035000	0.002400	0.000024	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Model #	Rated Capacity (t/yr)	Wet	0.001440	0.000500											
Mod. Code	Allowable (t/yr)	Bag	0.000360	0.000024											
SECONDARY CRUSHER	PROCESS ID #	NSPS?													
Manf.	Actual Processed (t/yr)	Dry	0.036000	0.002400	0.000024	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Model #	Rated Capacity (t/yr)	Wet	0.001440	0.000500											
Mod. Code	Allowable (t/yr)	Bag	0.000360	0.000024											
SECONDARY CRUSHER	PROCESS ID #	NSPS?													
Manf.	Actual Processed (t/yr)	Dry	0.036000	0.002400	0.000024	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Model #	Rated Capacity (t/yr)	Wet	0.001440	0.000500											
Mod. Code	Allowable (t/yr)	Bag	0.000360	0.000024											

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EXCEL VERSION 2.0

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

STONE PROCESSING SPREADSHEET

PROCESS TYPE	DESCRIPTION	Flags	---FACTORS---			-ACTUAL EMISSIONS- ---CONTROLLED---			-POTENTIAL EMISSIONS- ---CONTROLLED---			TITLE V POTENTIAL					
			PM LBS/TON	PM10 LBS/TON	TONS/YR	PM LBS/HR	PM10 LBS/HR	TONS/YR	PM LBS/HR	PM10 LBS/HR	TONS/YR	PM TONS/YR	PM10 TONS/YR	TONS/YR			
SECONDARY CRUSHER	Manf.																
	Model #	Actual Processed (t/yr)	NSPS?	0.036000	0.002400	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	
	Mod. Code	Rated Capacity (t/yr) Allowable (t/yr)	Dry Wet Bag	0.001440 0.000360	0.000600 0.000024	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
TERTIARY CRUSHER	Manf.																
	Model #	Actual Processed (t/yr)	NSPS?	0.036000	0.002400	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
	Mod. Code	Rated Capacity (t/yr) Allowable (t/yr)	Dry Wet Bag	0.001440 0.000360	0.000600 0.000024	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
TERTIARY CRUSHER	Manf.																
	Model #	Actual Processed (t/yr)	NSPS?	0.036000	0.002400	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
	Mod. Code	Rated Capacity (t/yr) Allowable (t/yr)	Dry Wet Bag	0.001440 0.000360	0.000600 0.000024	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
TERTIARY CRUSHER	Manf.																
	Model #	Actual Processed (t/yr)	NSPS?	0.036000	0.002400	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
	Mod. Code	Rated Capacity (t/yr) Allowable (t/yr)	Dry Wet Bag	0.001440 0.000360	0.000600 0.000024	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
FINES CRUSHING	Manf.																
	Model #	Actual Processed (t/yr)	NSPS?	0.720000	0.015000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
	Mod. Code	Rated Capacity (t/yr) Allowable (t/yr)	Dry Wet Bag	0.129600 0.007200	0.001950 0.000150	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
FINES CRUSHING	Manf.																
	Model #	Actual Processed (t/yr)	NSPS?	0.720000	0.015000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
	Mod. Code	Rated Capacity (t/yr) Allowable (t/yr)	Dry Wet Bag	0.129600 0.007200	0.001950 0.000150	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
SCREENING (P.S. OR T)	Manf.																
	Model #	Actual Processed (t/yr)	NSPS?	0.150000	0.015000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
	Mod. Code	Rated Capacity (t/yr) Allowable (t/yr)	Dry Wet Bag	0.009000 0.000150	0.000600 0.000150	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000

EXCEL VERSION 2.0

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

STONE PROCESSING SPREADSHEET

PROCESS TYPE	DESCRIPTION	Flags	---FACTORS---			-ACTUAL EMISSIONS- ---CONTROLLED---			-POTENTIAL EMISSIONS- ---CONTROLLED---			TITLE V POTENTIAL	
			PM LBS/TON	PM10 LBS/TON	PM TONS/YR	PM LBS/HR	PM10 LBS/HR	PM TONS/YR	PM LBS/HR	PM10 LBS/HR	PM TONS/YR	PM10 TONS/YR	PM10 TONS/YR
SCREENING (P.S OR T)	PROCESS ID # Actual Processed (t/yr) Rated Capacity (t/yr) Allowable (t/yr)	NSPS? Dry Wet Bag	0.150000 0.009000 0.001500	0.015000 0.000900 0.000150	0.000 0.000 0.000	0.000 0.000 0.000	0.000 0.000 0.000	0.000 0.000 0.000	0.000 0.000 0.000	0.000 0.000 0.000	0.000 0.000 0.000	0.000 0.000 0.000	
SCREENING (P.S OR T)	PROCESS ID # Actual Processed (t/yr) Rated Capacity (t/yr) Allowable (t/yr)	NSPS? Dry Wet Bag	0.150000 0.009000 0.001500	0.015000 0.000900 0.000150	0.000 0.000 0.000	0.000 0.000 0.000	0.000 0.000 0.000	0.000 0.000 0.000	0.000 0.000 0.000	0.000 0.000 0.000	0.000 0.000 0.000	0.000 0.000 0.000	
SCREENING (P.S OR T)	PROCESS ID # Actual Processed (t/yr) Rated Capacity (t/yr) Allowable (t/yr)	NSPS? Dry Wet Bag	0.150000 0.009000 0.001500	0.015000 0.000900 0.000150	0.000 0.000 0.000	0.000 0.000 0.000	0.000 0.000 0.000	0.000 0.000 0.000	0.000 0.000 0.000	0.000 0.000 0.000	0.000 0.000 0.000	0.000 0.000 0.000	
SCREENING (P.S OR T)	PROCESS ID # Actual Processed (t/yr) Rated Capacity (t/yr) Allowable (t/yr)	NSPS? Dry Wet Bag	0.150000 0.009000 0.001500	0.015000 0.000900 0.000150	0.000 0.000 0.000	0.000 0.000 0.000	0.000 0.000 0.000	0.000 0.000 0.000	0.000 0.000 0.000	0.000 0.000 0.000	0.000 0.000 0.000	0.000 0.000 0.000	
SCREENING (P.S OR T)	PROCESS ID # Actual Processed (t/yr) Rated Capacity (t/yr) Allowable (t/yr)	NSPS? Dry Wet Bag	0.150000 0.009000 0.001500	0.015000 0.000900 0.000150	0.000 0.000 0.000	0.000 0.000 0.000	0.000 0.000 0.000	0.000 0.000 0.000	0.000 0.000 0.000	0.000 0.000 0.000	0.000 0.000 0.000	0.000 0.000 0.000	
SCREENING (P.S OR T)	PROCESS ID # Actual Processed (t/yr) Rated Capacity (t/yr) Allowable (t/yr)	NSPS? Dry Wet Bag	0.150000 0.009000 0.001500	0.015000 0.000900 0.000150	0.000 0.000 0.000	0.000 0.000 0.000	0.000 0.000 0.000	0.000 0.000 0.000	0.000 0.000 0.000	0.000 0.000 0.000	0.000 0.000 0.000	0.000 0.000 0.000	
SCREENING (P.S OR T)	PROCESS ID # Actual Processed (t/yr) Rated Capacity (t/yr) Allowable (t/yr)	NSPS? Dry Wet Bag	0.150000 0.009000 0.001500	0.015000 0.000900 0.000150	0.000 0.000 0.000	0.000 0.000 0.000	0.000 0.000 0.000	0.000 0.000 0.000	0.000 0.000 0.000	0.000 0.000 0.000	0.000 0.000 0.000	0.000 0.000 0.000	
SCREENING (P.S OR T)	PROCESS ID # Actual Processed (t/yr) Rated Capacity (t/yr) Allowable (t/yr)	NSPS? Dry Wet Bag	0.150000 0.009000 0.001500	0.015000 0.000900 0.000150	0.000 0.000 0.000	0.000 0.000 0.000	0.000 0.000 0.000	0.000 0.000 0.000	0.000 0.000 0.000	0.000 0.000 0.000	0.000 0.000 0.000	0.000 0.000 0.000	
SCREENING (P.S OR T)	PROCESS ID # Actual Processed (t/yr) Rated Capacity (t/yr) Allowable (t/yr)	NSPS? Dry Wet Bag	0.150000 0.009000 0.001500	0.015000 0.000900 0.000150	0.000 0.000 0.000	0.000 0.000 0.000	0.000 0.000 0.000	0.000 0.000 0.000	0.000 0.000 0.000	0.000 0.000 0.000	0.000 0.000 0.000	0.000 0.000 0.000	



# Final Regulations

PROCESS TYPE		DESCRIPTION		Flags		---FACTORS---			-ACTUAL EMISSIONS- ---CONTROLLED---			-POTENTIAL EMISSIONS- ---CONTROLLED---			-UNCONTROLLED---			TITLE V POTENTIAL			
SCREENING (FINE)	Model #	Mod. Code	Actual Processed (t/yr)	Rated Capacity (t/yr)	Allowable (t/yr)	NSPS?	PM	PM10	TONS/YR	PM	PM10	LBS/HR	PM	PM10	LBS/HR	PM	PM10	TONS/YR	PM	PM10	TONS/YR
SCREENING (FINE)							0.300000	0.071000	0.000000	0.003000	0.002130	0.000000	0.003000	0.002130	0.000000	0.003000	0.002130	0.000000	0.003000	0.002130	0.000000
SCREENING (FINE)							0.300000	0.071000	0.000000	0.003000	0.002130	0.000000	0.003000	0.002130	0.000000	0.003000	0.002130	0.000000	0.003000	0.002130	0.000000
SCREENING (FINE)							0.300000	0.071000	0.000000	0.003000	0.002130	0.000000	0.003000	0.002130	0.000000	0.003000	0.002130	0.000000	0.003000	0.002130	0.000000
CONVEYOR							0.026000	0.001400	0.000260	0.000042	0.000014	0.000000	0.000260	0.000042	0.000014	0.000260	0.000042	0.000000	0.000260	0.000042	0.000000
CONVEYOR							0.026000	0.001400	0.000260	0.000042	0.000014	0.000000	0.000260	0.000042	0.000014	0.000260	0.000042	0.000000	0.000260	0.000042	0.000000
CONVEYOR							0.026000	0.001400	0.000260	0.000042	0.000014	0.000000	0.000260	0.000042	0.000014	0.000260	0.000042	0.000000	0.000260	0.000042	0.000000
CONVEYOR							0.026000	0.001400	0.000260	0.000042	0.000014	0.000000	0.000260	0.000042	0.000014	0.000260	0.000042	0.000000	0.000260	0.000042	0.000000
CONVEYOR							0.026000	0.001400	0.000260	0.000042	0.000014	0.000000	0.000260	0.000042	0.000014	0.000260	0.000042	0.000000	0.000260	0.000042	0.000000

EXCEL VERSION 2.0

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

STONE PROCESSING SPREADSHEET

PROCESS TYPE	DESCRIPTION	Flags	---FACTORS---			-ACTUAL EMISSIONS- ---CONTROLLED---			-POTENTIAL EMISSIONS- ---CONTROLLED---			TITLE V POTENTIAL		
			PM LBS/STON	PM10 LBS/STON	TONS/YR	PM TONS/YR	PM10 LBS/HR	PM LBS/HR	PM TONS/YR	PM10 LBS/HR	PM TONS/YR	PM10 TONS/YR	PM10 TONS/YR	
CONVEYOR	PROCESS ID # Actual Processed (t/yr) Rated Capacity (t/yr) Allowable (t/yr)	NSPS? Dry Wet Bag	0.026000 0.000260 0.000260	0.001400 0.000042 0.000014	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	
CONVEYOR	PROCESS ID # Actual Processed (t/yr) Rated Capacity (t/yr) Allowable (t/yr)	NSPS? Dry Wet Bag	0.026000 0.000260 0.000260	0.001400 0.000042 0.000014	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	
CONVEYOR	PROCESS ID # Actual Processed (t/yr) Rated Capacity (t/yr) Allowable (t/yr)	NSPS? Dry Wet Bag	0.026000 0.000260 0.000260	0.001400 0.000042 0.000014	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	
CONVEYOR	PROCESS ID # Actual Processed (t/yr) Rated Capacity (t/yr) Allowable (t/yr)	NSPS? Dry Wet Bag	0.026000 0.000260 0.000260	0.001400 0.000042 0.000014	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	
CONVEYOR	PROCESS ID # Actual Processed (t/yr) Rated Capacity (t/yr) Allowable (t/yr)	NSPS? Dry Wet Bag	0.026000 0.000260 0.000260	0.001400 0.000042 0.000014	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	
CONVEYOR	PROCESS ID # Actual Processed (t/yr) Rated Capacity (t/yr) Allowable (t/yr)	NSPS? Dry Wet Bag	0.026000 0.000260 0.000260	0.001400 0.000042 0.000014	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	
CONVEYOR	PROCESS ID # Actual Processed (t/yr) Rated Capacity (t/yr) Allowable (t/yr)	NSPS? Dry Wet Bag	0.026000 0.000260 0.000260	0.001400 0.000042 0.000014	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	
CONVEYOR	PROCESS ID # Actual Processed (t/yr) Rated Capacity (t/yr) Allowable (t/yr)	NSPS? Dry Wet Bag	0.026000 0.000260 0.000260	0.001400 0.000042 0.000014	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	
CONVEYOR	PROCESS ID # Actual Processed (t/yr) Rated Capacity (t/yr) Allowable (t/yr)	NSPS? Dry Wet Bag	0.026000 0.000260 0.000260	0.001400 0.000042 0.000014	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	

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EXCEL VERSION 2.0

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

STONE PROCESSING SPREADSHEET

PROCESS TYPE	DESCRIPTION	Flags	--FACTORS--			-ACTUAL EMISSIONS- ---CONTROLLED---			-POTENTIAL EMISSIONS- ----CONTROLLED----			TITLE V POTENTIAL				
			PM LBS/TON	PM10 LBS/TON	PM TONS/YR	PM TONS/YR	PM LBS/HR	PM LBS/HR	PM TONS/YR	PM TONS/YR	PM10 TONS/YR	PM10 TONS/YR	PM10 TONS/YR			
CONVEYOR	PROCESS ID #	NSPS?														
Mant.	Actual Processed (t/yr)	Dry	0.026000	0.001400	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Model #	Rated Capacity (t/yr)	Wet	0.000260	0.000042												
Mod. Code	Allowable (t/yr)	Bag	0.000260	0.000014												
CONVEYOR	PROCESS ID #	NSPS?														
Mant.	Actual Processed (t/yr)	Dry	0.026000	0.001400	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Model #	Rated Capacity (t/yr)	Wet	0.000260	0.000042												
Mod. Code	Allowable (t/yr)	Bag	0.000260	0.000014												
CONVEYOR	PROCESS ID #	NSPS?														
Mant.	Actual Processed (t/yr)	Dry	0.026000	0.001400	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Model #	Rated Capacity (t/yr)	Wet	0.000260	0.000042												
Mod. Code	Allowable (t/yr)	Bag	0.000260	0.000014												
CONVEYOR	PROCESS ID #	NSPS?														
Mant.	Actual Processed (t/yr)	Dry	0.026000	0.001400	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Model #	Rated Capacity (t/yr)	Wet	0.000260	0.000042												
Mod. Code	Allowable (t/yr)	Bag	0.000260	0.000014												
CONVEYOR	PROCESS ID #	NSPS?														
Mant.	Actual Processed (t/yr)	Dry	0.026000	0.001400	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Model #	Rated Capacity (t/yr)	Wet	0.000260	0.000042												
Mod. Code	Allowable (t/yr)	Bag	0.000260	0.000014												
CONVEYOR	PROCESS ID #	NSPS?														
Mant.	Actual Processed (t/yr)	Dry	0.026000	0.001400	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Model #	Rated Capacity (t/yr)	Wet	0.000260	0.000042												
Mod. Code	Allowable (t/yr)	Bag	0.000260	0.000014												
CONVEYOR	PROCESS ID #	NSPS?														
Mant.	Actual Processed (t/yr)	Dry	0.026000	0.001400	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Model #	Rated Capacity (t/yr)	Wet	0.000260	0.000042												
Mod. Code	Allowable (t/yr)	Bag	0.000260	0.000014												

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EXCEL VERSION 2.0

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

STONE PROCESSING SPREADSHEET

PROCESS TYPE	DESCRIPTION	Flags	---FACTORS---			-ACTUAL EMISSIONS- ---CONTROLLED---			-POTENTIAL EMISSIONS- ---CONTROLLED---			TITLE V POTENTIAL		
			PM LBS/TON	PM10 TONS/YR	PM LBS/HR	PM TONS/YR	PM10 LBS/HR	PM LBS/HR	PM TONS/YR	PM10 LBS/HR	PM TONS/YR	PM10 TONS/YR	PM10 TONS/YR	
CONVEYOR	PROCESS ID #	NSPS?												
Mant.	Actual Processed (t/yr)	Dry	0.026000	0.001400										
Model #	Rated Capacity (t/yr)	Wet	0.000260	0.000042										
Mod. Code	Allowable (t/yr)	Bag	0.000260	0.000014										0.000
CONVEYOR	PROCESS ID #	NSPS?												
Mant.	Actual Processed (t/yr)	Dry	0.026000	0.001400										
Model #	Rated Capacity (t/yr)	Wet	0.000260	0.000042										
Mod. Code	Allowable (t/yr)	Bag	0.000260	0.000014										0.000
CONVEYOR	PROCESS ID #	NSPS?												
Mant.	Actual Processed (t/yr)	Dry	0.026000	0.001400										
Model #	Rated Capacity (t/yr)	Wet	0.000260	0.000042										
Mod. Code	Allowable (t/yr)	Bag	0.000260	0.000014										0.000
CONVEYOR	PROCESS ID #	NSPS?												
Mant.	Actual Processed (t/yr)	Dry	0.026000	0.001400										
Model #	Rated Capacity (t/yr)	Wet	0.000260	0.000042										
Mod. Code	Allowable (t/yr)	Bag	0.000260	0.000014										0.000
CONVEYOR	PROCESS ID #	NSPS?												
Mant.	Actual Processed (t/yr)	Dry	0.026000	0.001400										
Model #	Rated Capacity (t/yr)	Wet	0.000260	0.000042										
Mod. Code	Allowable (t/yr)	Bag	0.000260	0.000014										0.000
CONVEYOR	PROCESS ID #	NSPS?												
Mant.	Actual Processed (t/yr)	Dry	0.026000	0.001400										
Model #	Rated Capacity (t/yr)	Wet	0.000260	0.000042										
Mod. Code	Allowable (t/yr)	Bag	0.000260	0.000014										0.000
CONVEYOR	PROCESS ID #	NSPS?												
Mant.	Actual Processed (t/yr)	Dry	0.026000	0.001400										
Model #	Rated Capacity (t/yr)	Wet	0.000260	0.000042										
Mod. Code	Allowable (t/yr)	Bag	0.000260	0.000014										0.000
CONVEYOR	PROCESS ID #	NSPS?												
Mant.	Actual Processed (t/yr)	Dry	0.026000	0.001400										
Model #	Rated Capacity (t/yr)	Wet	0.000260	0.000042										
Mod. Code	Allowable (t/yr)	Bag	0.000260	0.000014										0.000

# Final Regulations

EXCEL VERSION 2.0

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

STONE PROCESSING SPREADSHEET

PROCESS TYPE	DESCRIPTION	Flags	---FACTORS---			-ACTUAL EMISSIONS- ---CONTROLLED---			-POTENTIAL EMISSIONS- ---CONTROLLED---			TITLE V POTENTIAL		
			PM LBS/TON	PM10 LBS/TON	PM10 TONS/YR	PM LBS/HR	PM10 LBS/HR	PM10 TONS/YR	PM LBS/HR	PM10 LBS/HR	PM10 TONS/YR	PM LBS/HR	PM10 TONS/YR	PM10 TONS/YR
CONVEYOR	PROCESS ID #	NSPS?												
Manf.	Actual Processed (t/yr)	Dry	0.026000	0.001400	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Model #	Rated Capacity (t/yr)	Wet	0.000260	0.000042										
Mod. Code	Allowable (t/yr)	Bag	0.000260	0.000014										
CONVEYOR	PROCESS ID #	NSPS?												
Manf.	Actual Processed (t/yr)	Dry	0.026000	0.001400	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Model #	Rated Capacity (t/yr)	Wet	0.000260	0.000042										
Mod. Code	Allowable (t/yr)	Bag	0.000260	0.000014										
CONVEYOR	PROCESS ID #	NSPS?												
Manf.	Actual Processed (t/yr)	Dry	0.026000	0.001400	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Model #	Rated Capacity (t/yr)	Wet	0.000260	0.000042										
Mod. Code	Allowable (t/yr)	Bag	0.000260	0.000014										
CONVEYOR	PROCESS ID #	NSPS?												
Manf.	Actual Processed (t/yr)	Dry	0.026000	0.001400	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Model #	Rated Capacity (t/yr)	Wet	0.000260	0.000042										
Mod. Code	Allowable (t/yr)	Bag	0.000260	0.000014										
CONVEYOR	PROCESS ID #	NSPS?												
Manf.	Actual Processed (t/yr)	Dry	0.026000	0.001400	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Model #	Rated Capacity (t/yr)	Wet	0.000260	0.000042										
Mod. Code	Allowable (t/yr)	Bag	0.000260	0.000014										
CONVEYOR	PROCESS ID #	NSPS?												
Manf.	Actual Processed (t/yr)	Dry	0.026000	0.001400	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Model #	Rated Capacity (t/yr)	Wet	0.000260	0.000042										
Mod. Code	Allowable (t/yr)	Bag	0.000260	0.000014										
CONVEYOR	PROCESS ID #	NSPS?												
Manf.	Actual Processed (t/yr)	Dry	0.026000	0.001400	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Model #	Rated Capacity (t/yr)	Wet	0.000260	0.000042										
Mod. Code	Allowable (t/yr)	Bag	0.000260	0.000014										
CONVEYOR	PROCESS ID #	NSPS?												
Manf.	Actual Processed (t/yr)	Dry	0.026000	0.001400	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Model #	Rated Capacity (t/yr)	Wet	0.000260	0.000042										
Mod. Code	Allowable (t/yr)	Bag	0.000260	0.000014										
SURGE BIN	PROCESS ID #	NSPS?												
Manf.	Actual Processed (t/yr)	Dry	0.052000	0.002800	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Model #	Rated Capacity (t/yr)	Wet	0.000520	0.000084										
Mod. Code	Allowable (t/yr)	Bag	0.000520	0.000028										
SURGE BIN	PROCESS ID #	NSPS?												
Manf.	Actual Processed (t/yr)	Dry	0.052000	0.002800	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Model #	Rated Capacity (t/yr)	Wet	0.000520	0.000084										
Mod. Code	Allowable (t/yr)	Bag	0.000520	0.000028										

PROCESS TYPE	DESCRIPTION	Flags	---FACTORS---			-ACTUAL EMISSIONS- ---CONTROLLED---			-POTENTIAL EMISSIONS- ---CONTROLLED---			---UNCONTROLLED---			TITLE V POTENTIAL		
			PM	PM10	PM10	PM	PM10	PM	PM10	PM	PM10	PM	PM10	PM	PM10	PM	PM10
			LBS/TON	LBS/TON	TONS/YR	LBS/HR	LBS/HR	TONS/YR	LBS/HR	LBS/HR	TONS/YR	LBS/HR	LBS/HR	TONS/YR	LBS/HR	LBS/HR	TONS/YR
SURGE BIN	PROCESS ID #	NSPS?															
	Actual Processed (t/yr)	Dry	0.052000	0.002800													
	Rated Capacity (t/yr)	Wet	0.000520	0.000084													
Mod. Code	Allowable (t/yr)	Bag	0.000520	0.000028	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
SURGE BIN	PROCESS ID #	NSPS?															
	Actual Processed (t/yr)	Dry	0.052000	0.002800													
	Rated Capacity (t/yr)	Wet	0.000520	0.000084													
Mod. Code	Allowable (t/yr)	Bag	0.000520	0.000028	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
SURGE BIN	PROCESS ID #	NSPS?															
	Actual Processed (t/yr)	Dry	0.052000	0.002800													
	Rated Capacity (t/yr)	Wet	0.000520	0.000084													
Mod. Code	Allowable (t/yr)	Bag	0.000520	0.000028	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
STOCKPILE EMISSIONS	PROCESS ID #	NSPS?															
	Actual Processed (t/yr)	Dry	0.330000	0.156000													
	Rated Capacity (t/yr)	Wet	0.016500	0.007800													
Mod. Code	Allowable (t/yr)	N/A			0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	N/A
CEMENT SILO	PROCESS ID #	NSPS?															
	Actual Processed (t/yr)	Dry	0.260000	0.130000													
	Rated Capacity (t/yr)	Bag	0.000260	0.000130													
Mod. Code	Allowable (t/yr)			0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
CEMENT SILO	PROCESS ID #	NSPS?															
	Actual Processed (t/yr)	Dry	0.260000	0.130000													
	Rated Capacity (t/yr)	Bag	0.000260	0.000130													
Mod. Code	Allowable (t/yr)			0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
LOADOUT EMISSIONS	PROCESS ID #	NSPS?															
	Actual Processed (t/yr)	Dry	0.060000	0.030000													
	Rated Capacity (t/yr)	Wet	0.003000	0.001500													
Mod. Code	Allowable (t/yr)	Bag	0.000600	0.000300	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
TRUCK UNLOADING	PROCESS ID #	NSPS?															
	Actual Processed (t/yr)	Dry	0.000030	0.000010													
	Rated Capacity (t/yr)	Wet	0.000002	0.000001													
Mod. Code	Allowable (t/yr)	Bag	0.000002	0.000001	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000

### EMISSION SUMMARY

PROCESS TYPE	ACTUAL EMISSIONS ---CONTROLLED---		POTENTIAL EMISSIONS ---CONTROLLED---		UNCONTROLLED		TITLE V POTENTIAL	
	PM TONS/YR	PM10 TONS/YR	PM LBS/HR	PM10 LBS/HR	PM TONS/YR	PM10 TONS/YR	PM TONS/YR	PM10 TONS/YR
PRIMARY CRUSHING	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
SECONDARY CRUSHING	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
TERTIARY CRUSHING	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
FINES CRUSHING	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
SCREENING (P.S. OR T)	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
SCREENING (FINES)	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
CONVEYORS	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
SURGE BINS	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
STOCKPILE EMISSIONS	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
CEMENT SILOS	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
LOADOUT EMISSIONS	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
TRUCK UNLOADING	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
<b>FACILITY GRAND TOTAL</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>

**NOTE 1:** If this spreadsheet is altered, other than entering process/plant information, then it is no longer considered to be DEQ approved. Altered spreadsheets must not be distributed with the DEQ name.

**Note 2:** If the equipment is not covered by a state air permit, (ie. having a registration statement only), then the equipment is considered to be without controls and assume operation of 8760 hours/yr at rated capacity for purposes of Title V. Title V potential will be calculated using the dry emission factors multiplied by the rated capacity of the equipment at 8760 hours/yr.

**Note 3:** The emission factors used in this spreadsheet are based on the final Jan 1995 version of AP-42, section 11.19.2, Crushed Stone Processing. Emission factors are summarized in Table 11.19.2-2.

**Note 4:** The wet suppression emission factors include all wet suppression (natural and manmade) and no extra control efficiency should be added.

**Note 5:** Title V Potential: The maximum potential will be based on the dry emission factors multiplied by the rated capacity of the equipment at 8760 hours.

**Note 6:** Cement silo emission factors includes pneumatic loading and silo discharge. Spreadsheet user should only enter tons of cement in the "Actual Processed" field instead of tons of cement treated aggregate processed.

**Note 7:** For wet processing, enter "W/P" in "Flags" field adjacent to "WET". For conveyors with no transfer point, enter "NTP" in "Flags" field.

**DISCLAIMER:**

DEQ does not guarantee the accuracy of the information contained herein. This is a draft spreadsheet and is continually being revised and updated. It is your responsibility to be aware of the most current information available. DEQ is not responsible for errors or omissions that may be contained herein.

Address all comments to:

DEQ, South Central Regional Office  
 Attn: Dave Skelly  
 7705 Timberlake Road  
 Lynchburg, VA 24502  
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VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY  
STATIONARY DIESEL ENGINE EMISSION CALCULATION SPREADSHEET  
SEPTEMBER 30, 2002  
VERSION 1.0

COMPANY NAME:	
PLANT REGISTRATION #:	
PLANT NAME:	
PLANT STREET ADDRESS:	
COUNTY/CITY:	ZIP CODE:
COMPLETED BY:	DATE:
COMMENTS:	

Diesel generator	
1500 Max. rated engine capacity (horsepower)	
1 Gal. fuel (1) or hours/year (2)	
76.6 Max. expected hourly consump. (gal/hr)	76.6 Est. gal/hr
30000 Max. expected annual consump. (gal/yr)	
392 Max. expected annual operation (hrs/yr)	392 hrs/yr
0.5 Fuel Sulfur Content (%)	

**Notes to Users:**  
Cells with yellow background and blue numbers are required to be completed by the user. This spreadsheet will accept either fuel consumption (gallons) or operating scheduling (hours). Cells with light blue background and red numbers are the expected annual emissions (tons/yr). The emission factors may be changed by the user to represent actual engine emissions. If vendor supplied emission factors are used, attach copy to the spreadsheet.  
Average fuel sulfur content: 0.3%-0.5% for #2 oil, over-the-road diesel 0.05%.

UNCONTROLLED Activity	8760 HR/YR Diesel-Electric Generator SCC 20200401		CONTROLLED ACTUAL Diesel-Electric Generator SCC 20200401	
	(lb/1000 gal)	(lb/hr)	(lb/hr)	(ton/yr)
Pollutant		Note 1 (%)	Note 2 (%)	
PM	13.703	1.05	4.6	0.2
PM-10	11.26387	0.86	3.8	0.2
SOx	79.18376	6.07	25.6	1.2
NOx	469.8171	36.00	157.7	7.0
CO	116.4755	8.93	39.1	1.7
VOC	12.5588	0.96	4.2	0.2

Note 1: most diesel engines do not have add on controls for emissions control  
Note 2: red shaded number represent actual annual emissions

**CRITERIA EMISSION FACTORS**

Diesel-Gal/(hr&yr) EIS SCC 20200401	Diesel-hours EIS SCC 20200401
137,030 Btus/gal (lb/1000 gal)	137,030 Btus/gal (lb-hp-hr)
13.7 lb/1000 gal	0.0007 lb/hp-hr
11.3 lb/1000 gal	0.000575 lb/hp-hr
158.4 %S lbs/1000 gal	0.00809 %S lb/hp-hr
469.8 lb/1000 gal	0.024 lb/hp-hr
116.5 lb/1000 gal	0.00595 lb/hp-hr
12.6 lb/1000 gal	0.000642 lb/hp-hr

**HAPS EMISSION FACTORS**

Diesel-Gal/(hr&yr) EIS SCC 20200401	Diesel-hours EIS SCC 20200401
137,030 Btus/gal (lb/10E6 Btu)	137,030 Btus/gal (lb-hp-hr)
7.89E-05 lbs/10E6 Btu	5.52E-07 lbs/hp-hr
2.12E-04 lbs/10E6 Btu	1.48E-06 lbs/hp-hr
4.15E-06 lbs/10E6 Btu	2.91E-08 lbs/hp-hr

**HAZARDOUS AIR POLLUTANT (HAP) EMISSIONS CALCULATIONS**

Pollutant	Diesel generator	
	Em. Fact. (lb/10E6 Btu)	Annual Ton/yr
formaldehyde	7.89E-05	1.6E-04
POM	2.12E-04	4.4E-04
Total HAPs	4.15E-06	8.5E-06

Annual Factors from AP-42(5th ed.) Large Bore Diesel engines, Section 3.4

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# Final Regulations

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## TITLE 11. GAMING

### VIRGINIA RACING COMMISSION

**REGISTRAR'S NOTICE:** The Virginia Racing Commission is exempt from the Administrative Process Act pursuant to subdivision B 21 of § 2.2-4002 of the Code of Virginia when promulgating regulations regulating the Virginia Breeder's Fund.

**Title of Regulation:** 11 VAC 10-130. Virginia Breeders Fund (amending 11 VAC 10-130-80).

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

**Effective Date:** September 27, 2002.

**Summary:**

*The amendments expand participation in the Standardbred portion of the Virginia Breeders Fund by (i) making horses four-years-old and older eligible for purse money, and (ii) paying owner awards for horses that win or earn purse money in nonsupplemented races.*

**Agency Contact:** William H. Anderson, Director of Policy and Planning, Virginia Racing Commission, 10700 Horsemen's Road, New Kent, VA 23124, telephone (804) 966-7404, FAX (804) 996-7418 or e-mail Anderson@vrc.state.va.us.

#### 11 VAC 10-130-80. Allocation and restriction of funds.

A. Allocation. The funds generated by harness racing through pari-mutuel wagering shall be allocated according to the following schedule:

1. 15% may be set aside for payment to the breeders of Virginia-bred Standardbred horses that win races at horse racing facilities licensed by the commission;
2. 10% may be set aside for payment to the owners or lessees of Virginia Standardbred stallions that sire Virginia-bred Standardbred horses that win races at horse racing facilities licensed by the commission; and
3. 75% may be paid to supplement purses according to the following provisions:
  - a. Not less than 75% may be set aside to develop a stakes program for ~~two- and three-year-old~~ Virginia-bred Standardbred horses; and
  - b. Any remaining amounts shall be set aside and may be paid to the owner or owners of a Virginia-bred Standardbred horse each time the horse wins *or earns purse money in* a nonrestricted race at a horse racing facility licensed by the commission.

B. Restriction. During the first five calendar years of live pari-mutuel harness racing in the Commonwealth, payment of stallion owner and breeder awards shall be limited to an amount not exceeding 20% of that horse's nonmaiden nonsupplemented first-place purse used in the calculation and 40% of that horse's maiden nonsupplemented first-place purse used in the calculation.

C. Restricted races. The racing secretary at each unlimited race meeting licensed by the commission shall include on the condition sheet at least one race each day restricted to Virginia-bred Standardbred horses and the race shall be run if six separate betting interests are entered. If there is not a sufficient number of registered Virginia-bred horses entered to fill the race, then the racing secretary may substitute another race.

VA.R. Doc. No. R03-39; Filed September 27, 2002, 2:19 p.m.



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## TITLE 12. HEALTH

### STATE BOARD OF HEALTH

**Title of Regulation:** 12 VAC 5-30. Rules and Regulations Governing Emergency Medical Services (REPEALED).

**Title of Regulation:** 12 VAC 5-31. Virginia Emergency Medical Services Regulations.

**Statutory Authority:** §§ 32.1-12 and 32.1-111.4 of the Code of Virginia.

**Effective Date:** January 1, 2003.

**Summary:**

*The existing regulations are repealed and replaced by a regulation that consolidates the Commonwealth's regulations regarding emergency medical services in a logical and "user-friendly" manner, removes unnecessary requirements, and updates regulatory provisions so that vital improvements in practice and technology are reflected, thus providing Virginians with an enhanced level of emergency medical services.*

*Significant changes to the final amendments include: (i) for clarification purposes, definitions were added for commercial mobile radio services and private mobile radio services and for medical practitioner; (ii) barrier crimes for EMS certification were clarified; and (iii) the prohibition on BLS course coordinators receiving reimbursement from the state when also receiving reimbursement from another agency or organization was removed.*

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

**Agency Contact:** Dave Cullen, Compliance Manager, Office of Emergency Medical Services, Department of Health, 1538 E. Parham Rd., Richmond, VA 23228, telephone (804) 371-3500, ext. 3512, toll-free 1-800-523-6019, FAX (804) 371-3543 or e-mail dcullen@vdh.state.va.us.

CHAPTER 31.  
VIRGINIA EMERGENCY MEDICAL SERVICES  
REGULATIONS.

PART I.  
GENERAL PROVISIONS.

Article 1.  
Definitions.

**12 VAC 5-31-10. Definitions.**

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

"Abandonment" means the termination of a health care provider-patient relationship without assurance that an equal or higher level of care meeting the assessed needs of the patient's condition is present and available.

"Acute" means a medical condition having a rapid onset and a short duration.

"Acute care hospital" means any hospital that provides emergency medical services on a 24-hour basis.

"Administrative Process Act" or "APA" means Chapter 40 (§ 2.2-4000 et seq.) of Title 2.2 of the Code of Virginia.

"Advanced life support" or "ALS" means the application by EMS personnel of invasive and noninvasive medical procedures or the administration of medications that is authorized by the Office of Emergency Medical Services, or both.

"Advanced life support certification course" means a training program that allows a student to become eligible for a new ALS certification level. Programs must meet the educational requirements established by the Office of EMS as defined by the respective advanced life support curriculum. Initial certification courses include:

1. Emergency Medical Technician-Enhanced;
2. EMT-Enhanced to EMT-Intermediate Bridge;
3. Emergency Medical Technician-Intermediate;
4. EMT-Intermediate to EMT-Paramedic Bridge;
5. Emergency Medical Technician-Paramedic;
6. Registered Nurse to EMT-Paramedic Bridge; and
7. Other programs approved by the [ ~~commissioner~~ Office of EMS ] .

"Advanced life support (ALS) coordinator" means a person who has met the criteria established by the Office of EMS to assume responsibility for conducting ALS training programs.

"Advanced life support transport" means the transportation of a patient who is receiving ALS level care.

"Affiliated" means a person who is employed by or a member of an EMS agency, early defibrillation service or wheelchair interfacility transport service.

"Air medical specialist" means a person trained in the concept of flight physiology and the effects of flight on patients through

documented completion of a program approved by the Office of EMS. This training must include but is not limited to aerodynamics, weather, communications, safety around aircraft/ambulances, scene safety, landing zone operations, flight physiology, equipment/aircraft familiarization, basic flight navigation, flight documentation, and survival training specific to service area.

"Ambulance" means (as defined by § 32.1-111.1. of the Code of Virginia) any vehicle, vessel or craft that holds a valid permit issued by the Office of EMS and that is specially constructed, equipped, maintained and operated, and intended to be used for emergency medical care and the transportation of patients who are sick, injured, wounded, or otherwise incapacitated or helpless. The word "ambulance" may not appear on any vehicle, vessel or aircraft that does not hold a valid EMS vehicle permit.

"Approved locking device" means a mechanism that prevents removal or opening of a medication kit by means other than securing the medication kit by the handle only.

"Assistant director" means the Assistant Director of the Office of Emergency Medical Services.

"Attendant-in-charge" or "AIC" means the certified or licensed person who is qualified and designated to be primarily responsible for the provision of emergency medical care.

"Attendant" means a certified or licensed person qualified to assist in the provision of emergency medical care.

"Basic life support" or "BLS" means the application by EMS personnel of invasive and noninvasive medical procedures or administration of medications that is authorized by the Office of EMS.

"BLS certification course" means a training program that allows a student to become eligible for a new BLS certification level. Programs must meet the educational requirements established by the Office of EMS as defined by the respective basic life support curriculum. Initial certification courses include:

1. EMS First Responder;
2. [ EMS First Responder Bridge to EMT; ]
- [ 3. ] Emergency Medical Technician; and
- [ 3. 4. ] Other programs approved by the Office of EMS.

"Board" or "state board" means the State Board of Health.

"Bypass" means to transport a patient past a commonly used medical care facility to another hospital for accessing a more readily available or appropriate level of medical care.

"CDC" means the United States Centers for Disease Control and Prevention.

"Certification" means a credential issued by the Office of EMS for a specified period of time to a person who has successfully completed an approved training program.

"Certification candidate" means a person seeking EMS certification from the Office of EMS.

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"Certification examiner" means an individual designated by the Office of EMS to administer a state certification examination.

"Certification transfer" means the issuance of certification through reciprocity, legal recognition, challenge or equivalency based on prior training, certification or licensure.

"Chief executive officer" means the person authorized or designated by the agency or service as the highest in administrative rank or authority.

"Chief operations officer" means the person authorized or designated by the agency or service as the highest operational officer.

[ "Commercial mobile radio service" or "CMRS" as defined in §§ 3 (27) and 332 (d) of the Federal Telecommunications Act of 1996, 47 USC § 151 et seq., and the Omnibus Budget Reconciliation Act of 1993, Public Law 103-66, 107 USC § 312. It includes the term "wireless" and service provided by any wireless real time two-way voice communication device, including radio-telephone communications used in cellular telephone service or personal communications service (e.g., cellular telephone, 800/900 MHz Specialized Mobile Radio, Personal Communications Service, etc.). ]

"Commissioner" means the State Health Commissioner, the commissioner's duly authorized representative, or in the event of the commissioner's absence or a vacancy in the office of State Health Commissioner, the Acting Commissioner or Deputy Commissioner.

"Course" means a basic or advanced life support training program leading to certification or award of continuing education credit hours.

"Critical criteria" means an identified essential element of a state practical certification examination that must be properly performed to successfully pass the station.

"Defibrillation" means the discharge of an electrical current through a patient's heart for the purpose of restoring a perfusing cardiac rhythm. For the purpose of these regulations, defibrillation includes cardioversion.

"Defibrillator – automated external" or "AED" means an automatic or semi-automatic device, or both, capable of rhythm analysis and defibrillation after electronically detecting the presence of ventricular fibrillation and ventricular tachycardia, approved by the United States Food and Drug Administration.

"Defibrillator – combination unit" means a single device designed to incorporate all of the required capabilities of both an Automated External Defibrillator and a Manual Defibrillator.

"Defibrillator – manual" means a monitor/defibrillator that has no capability for rhythm analysis and will charge and deliver a shock only at the command of the operator. For the purpose of compliance with these regulations, a manual defibrillator must be capable of synchronized cardioversion and noninvasive external pacing. A manual defibrillator must be approved by the United States Food and Drug Administration.

"Designated emergency response agency" means an EMS agency recognized by an ordinance or a resolution of the governing body of any county, city or town as an integral part

of the official public safety program of the county, city or town with a responsibility for providing emergency medical response.

"Director" means the Director of the Office of Emergency Medical Services.

"Diversion" means a change in the normal or established pattern of patient transport at the direction of a medical care facility.

"Early defibrillation service" or "EDS" means a person who is registered to provide care to victims of cardiac arrest and who wishes to employ or retain personnel within its organization who are trained in the use of automated external defibrillation and related patient care. An early defibrillation service is not an EMS agency.

"Emergency medical services" or "EMS" means the services used in responding to an individual's perceived needs for immediate medical care in order to prevent loss of life or aggravation of physiological or psychological illness or injury including any or all of the services that could be described as first response, basic life support, advanced life support, neonatal life support, communications, training and medical control.

"EMS Advisory Board" means the Emergency Medical Services Advisory Board as appointed by the Governor.

"Emergency medical services agency" or "EMS agency" means a person licensed by the Office of EMS to engage in the business, service, or regular activity, whether or not for profit, of transporting or rendering immediate medical care to persons who are sick, injured, or otherwise incapacitated.

"EMS agency status report" means a report submitted on forms specified by the Office of EMS that documents the operational capabilities of an EMS agency or wheelchair interfacility transport service including data on personnel, vehicles and other related resources.

"Emergency medical services communications plan" or "EMS communications plan" means the state plan for the coordination of electronic telecommunications by EMS agencies as approved by the Office of EMS.

"Emergency medical services personnel" or "EMS personnel" means a person, affiliated with an EMS agency, responsible for the provision of emergency medical services including any or all persons who could be described as an attendant, attendant-in-charge, operator or operational medical director.

"Emergency medical services physician" or "EMS physician" means a physician who holds current endorsement from the Office of EMS and may serve as an EMS agency operational medical director or training program physician course director.

"Emergency medical services provider" or "EMS provider" means a person who holds a valid certification issued by the Office of EMS.

"Emergency medical services system" or "EMS system" means a system that provides for the arrangement of personnel, facilities, equipment, and other system components for the effective and coordinated delivery of

emergency medical services in an appropriate geographical area that may be local, regional, state or national.

"Emergency medical services vehicle" or "EMS vehicle" means any vehicle, vessel, aircraft, or ambulance that holds a valid emergency medical services vehicle permit issued by the Office of EMS that is equipped, maintained or operated to provide emergency medical care or transportation of patients who are sick, injured, wounded, or otherwise incapacitated or helpless.

"Emergency medical services vehicle permit" means an authorization issued by the Office of EMS for any vehicle, vessel or aircraft meeting the standards and criteria established by regulation for emergency medical services vehicles.

"Emergency operations plan" means the Commonwealth of Virginia Emergency Operations Plan.

"Emergency vehicle operator's course" or "EVOC" means an approved course of instruction for EMS vehicle operators that includes safe driving skills, knowledge of the state motor vehicle code affecting emergency vehicles, and driving skills necessary for operation of emergency vehicles during response to an incident or transport of a patient to a health care facility. This course must include classroom and driving range skill instruction.

"Exam series" means a sequence of opportunities to complete a certification examination with any allowed retest.

"FAA" means the U.S. Federal Aviation Administration.

"FCC" means the U.S. Federal Communications Commission.

[ "~~Fund~~" means the ~~Virginia Rescue Squad Assistance Fund~~. ]

"Financial Assistance Review Committee" or "FARC" means the committee appointed by the EMS Advisory Board to administer the Rescue Squad Assistance Fund.

[ "~~Fund~~" means the Virginia Rescue Squad Assistance Fund. ]

"Grant administrator" means the Office of EMS personnel directly responsible for administration of the Rescue Squad Assistance Fund program.

"Instructor" means the teacher for a specific class or lesson of an EMS training program.

"License" means an authorization issued by the Office of EMS to provide emergency medical services in the state as an EMS agency or wheelchair interfacility transport service.

"Local EMS resource" means a person recognized by the Office of EMS to perform specified functions for a designated geographic area. This person may be designated to perform one or more of the functions otherwise provided by regional EMS councils.

"Local EMS response plan" means a written document that details the primary service area, the unit mobilization interval and responding interval standards as approved by the local government, the operational medical director and the Office of EMS.

"Major medical emergency" means an emergency that cannot be managed through the use of locally available emergency medical resources and that requires implementation of special procedures to ensure the best outcome for the greatest number of patients as determined by the EMS provider in charge or incident commander on the scene. This event includes local emergencies declared by the locality's government and states of emergency declared by the Governor.

"Medic" means an EMS provider certified at the level of EMT-Cardiac, EMT-Intermediate or EMT-Paramedic.

"Medical care facility" means (as defined by § 32.1-123 of the Code of Virginia) any institution, place, building or agency, whether licensed or required to be licensed by the board or the State Mental Health, Mental Retardation and Substance Abuse Services Board, whether operated for profit or nonprofit and whether privately owned or privately operated or owned or operated by a local governmental unit, by or in which health services are furnished, conducted, operated or offered for the prevention, diagnosis or treatment of human disease, pain, injury, deformity or physical condition, whether medical or surgical.

"Medical community" means the physicians and allied healthcare specialists located and available within a definable geographic area.

"Medical control" means the direction and advice provided through a communications device (on-line) to on-site and in-transit EMS personnel from a designated medical care facility staffed by appropriate personnel and operating under physician supervision.

"Medical direction" means the direction and supervision of EMS personnel by the Operational Medical Director of the EMS agency with which he is affiliated.

"Medical emergency" means the sudden onset of a medical condition that manifests itself by symptoms of sufficient severity, including severe pain, that the absence of immediate medical attention could reasonably be expected by a prudent layperson who possesses an average knowledge of health and medicine to result in (i) serious jeopardy to the mental or physical health of the individual, (ii) danger of serious impairment of the individual's bodily functions, (iii) serious dysfunction of any of the individual's bodily organs, or (iv) in the case of a pregnant woman, serious jeopardy to the health of the fetus.

[ "~~Medical practitioner~~" means a physician, dentist, podiatrist, licensed nurse practitioner, licensed physician's assistant, or other person licensed, registered or otherwise permitted to distribute, dispense, prescribe and administer, or conduct research with respect to, a controlled substance in the course of professional practice or research in this Commonwealth. ]

"Medical protocol" means preestablished written physician authorized procedures or guidelines for medical care of a specified clinical situation based on patient presentation.

"Mutual aid agreement" means a written document specifying a formal understanding to lend aid to an EMS agency.

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"Neonatal life support" means a sophisticated and specialized level of out-of-hospital and interfacility emergency and stabilizing care that includes basic and advanced life support functions for the newborn or infant patient.

"Nonprofit" means without the intention of financial gain, advantage, or benefit as defined by federal tax law.

"OSHA" means the U.S. Occupational Safety and Health Administration or Virginia Occupational Safety and Health, the state agency designated to perform its functions in Virginia.

"Office of EMS" means the Office of Emergency Medical Services within the Virginia Department of Health.

"Operational medical director" or "OMD" means an EMS physician, currently licensed to practice medicine or osteopathic medicine in the Commonwealth, who is formally recognized and responsible for providing medical direction, oversight and quality improvement to an EMS agency.

"Operator" means a person qualified and designated to drive or pilot a specified class of permitted EMS vehicle.

"Patient" means a person who needs immediate medical attention or transport, or both, whose physical or mental condition is such that he is in danger of loss of life or health impairment, or who may be incapacitated or helpless as a result of physical or mental condition or a person who requires medical attention during transport from one medical care facility to another.

"Person" means (as defined in the Code of Virginia) any person, firm, partnership, association, corporation, company, or group of individuals acting together for a common purpose or organization of any kind, including any government agency other than an agency of the United States government.

"Physician" means an individual who holds a valid, unrestricted license to practice medicine or osteopathy in the Commonwealth.

[ "Physician Assistant" means an individual who holds a valid, unrestricted license to practice as a Physician Assistant in the Commonwealth. ]

"Physician course director" or "PCD" means an EMS physician who is responsible for the clinical aspects of emergency medical care training programs, including the clinical and field actions of enrolled students.

"Prehospital patient care report" or "PPCR" means a document used to summarize the facts and events of an EMS incident and includes, but is not limited to, the type of medical emergency or nature of the call, the response time, the treatment provided and other minimum data items as prescribed by the board. "PPCR" includes any supplements, addenda, or other related attachments that document patient information or care provided.

"Prehospital patient data report" or "PPDR" means a document designed to be optically scanned that may be used to report to the Office of EMS, the minimum patient care data items as prescribed by the board.

"Primary service area" means the specific geographic area designated or prescribed by a locality (county, city or town) in

which an EMS agency provides prehospital emergency medical care or transportation. This designated or prescribed geographic area served must include all locations for which the EMS agency is principally dispatched (i.e., first due response agency).

[ "Private Mobile Radio Service" or "PMRS" as defined in § 20.3 of the Federal Communications Commission's Rules, 47 CFR 20.3. (For purposes of this definition, PMRS includes "industrial" and "public safety" radio services authorized under Part 90 of the Federal Communications Commission's Rules, 47 CFR 90.1 et seq., with the exception of certain for-profit commercial paging services and 800/900 MHz Specialized Mobile Radio Services that are interconnected to the public switched telephone network and are therefore classified as CMRS.) ]

"Program site accreditation" means the verification that a training program has demonstrated the ability to meet criteria established by the Office of EMS to conduct basic or advanced life support certification courses.

"Public safety answering point" or "PSAP" means a facility equipped and staffed on a 24-hour basis to receive requests for emergency medical assistance for one or more EMS agencies.

"Quality management program" or "QM" means the continuous study of and improvement of an EMS agency or system including the collection of data, the identification of deficiencies through continuous evaluation, the education of personnel and the establishment of goals, policies and programs that improve patient outcomes in EMS systems.

"Recertification" means the process used by certified EMS personnel to maintain their training certifications.

"Reentry" means the process by which EMS personnel may regain a training certification that has lapsed within the last two years.

"Regional EMS council" means an organization designated by the board that is authorized to receive and disburse public funds in compliance with established performance standards and whose function is to plan, develop, maintain, expand and improve an efficient and effective regional emergency medical services system within a designated geographical area pursuant to § 32.1-111.11 of the Code of Virginia.

"Regional trauma triage plan" means a formal written plan developed by a regional EMS council or local EMS resource and approved by the commissioner that incorporates the region's geographic variations, trauma care capabilities and resources for the triage of trauma patients pursuant to § 32.1-111.3 of the Code of Virginia.

[ "Registered Nurse" means an individual who holds a valid, unrestricted license to practice as a Registered Nurse in the Commonwealth. ]

"Regulated medical device" means equipment or other items that may only be purchased or possessed upon the approval of a physician and that the manufacture or sale of which is regulated by the U.S. Food and Drug Administration (FDA).

"Regulated waste" means liquid or semi-liquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or potentially infectious materials and are capable of releasing these materials during handling; items dripping with liquid product; contaminated sharps; pathological and microbiological waste containing blood or other potentially infectious materials.

"Regulations" means (as defined in the Code of Virginia) any statement of general application, having the force of law, affecting the rights or conduct of any person, promulgated by an authorized board or agency.

"Rescue" means a service that may include the search for lost persons, gaining access to persons trapped, extrication of persons from potentially dangerous situations and the rendering of other assistance to such persons.

"Rescue vehicle" means a vehicle, vessel or aircraft that is maintained and operated to assist with the location and removal of victims from a hazardous or life-threatening situation to areas of safety or treatment.

"Responding interval" means the elapsed time in minutes between the "dispatch" time and the "arrive scene" time (i.e., when the wheels of the EMS vehicle stop).

"Responding interval standard" means a time standard in minutes for the responding interval, established by the EMS agency, the locality and OMD, in which the EMS agency will comply with 90% or greater reliability.

"Response obligation to locality" means a requirement of a designated emergency response agency to lend aid to all other designated emergency response agencies within the locality or localities in which the EMS agency is based.

"Revocation" means the permanent removal of an EMS agency license, early defibrillation service registration, wheelchair interfacility transport service license, vehicle permit, training certification, ALS coordinator endorsement, EMS physician endorsement or any other designation issued by the Office of EMS.

"Special conditions" means a notation placed upon an EMS agency, early defibrillation service or wheelchair interfacility transport service's license, registration, variance or exemption documents that modifies or restricts specific requirements of these regulations.

"Specialized air medical training" means a course of instruction and continuing education in the concept of flight physiology and the effects of flight on patients that has been approved by the Office of EMS. This training must include but is not limited to aerodynamics, weather, communications, safety around aircraft/ambulances, scene safety, landing zone operations, flight physiology, equipment/aircraft familiarization, basic flight navigation, flight documentation, and survival training specific to service area.

"Standard of care" means the established approach to the provision of basic and advanced medical care that is considered appropriate, prudent and in the best interests of patients within a geographic area as derived by consensus

among the physicians responsible for the delivery and oversight of that care. The standard of care is dynamic with changes reflective of knowledge gained by research and practice.

"Standard operating procedure" or "SOP" means preestablished written agency authorized procedures and guidelines for activities performed by affiliated EMS agency or wheelchair interfacility transport service personnel.

"Supplemented transport" means an interfacility transport for which the sending physician has determined that the medically necessary care and equipment needs of a critically injured or ill patient is beyond the scope of practice of the available EMS personnel of the EMS agency.

"Suspension" means the temporary removal of an EMS agency license, early defibrillation service registration, wheelchair interfacility transport service license, vehicle permit, training certification, ALS coordinator endorsement, EMS physician endorsement or any other designation issued by the Office of EMS.

"Test site coordinator" means an individual designated by the Office of EMS to coordinate the logistics of a state certification examination site.

"Trauma center" means a specialized hospital facility distinguished by the immediate availability of specialized surgeons, physician specialists, anesthesiologists, nurses, and resuscitation and life support equipment on a 24-hour basis to care for severely injured patients or those at risk for severe injury. In Virginia, trauma centers are designated by the Virginia Department of Health as Level I, II or III.

"Trauma center designation" means the formal recognition by the board of a hospital as a provider of specialized services to meet the needs of the severely injured patient. This usually involves a contractual relationship based on adherence to standards.

"Triage" means the process of sorting patients to establish treatment and transportation priorities according to severity of injury and medical need.

"Unit mobilization interval" means the elapsed time (in minutes) between the "dispatched" time of the EMS agency and the "responding" time (the wheels of the EMS vehicle start moving).

"Unit mobilization interval standard" means a time standard (in minutes) for the unit mobilization interval, established by a designated emergency response agency, the locality and OMD, in which the EMS agency will comply.

"USDOT" means the United States Department of Transportation.

"Vehicle operating weight" means the combined weight of the vehicle, vessel or craft, a full complement of fuel, and all required and optional equipment and supplies.

"Virginia Statewide Trauma Registry" or "Trauma Registry" means a collection of data on patients who receive hospital care for certain types of injuries. The collection and analysis of such data is primarily intended to evaluate the quality of trauma care and outcomes in individual institutions and

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trauma systems. The secondary purpose is to provide useful information for the surveillance of injury morbidity and mortality.

"Wheelchair" means a chair with wheels specifically designed and approved for the vehicular transportation of a person in an upright, seated (Fowler's) position.

"Wheelchair interfacility transport service" means a person licensed to engage in the business, service, or regular activity, whether or not for profit, of transporting wheelchair bound passengers between medical facilities. A wheelchair interfacility transport service is not an EMS agency.

"Wheelchair interfacility transport service personnel" means a person affiliated with a wheelchair interfacility transport service who is responsible for the provision of interfacility transport of wheelchair bound passengers.

"Wheelchair interfacility transport vehicle" means a vehicle that holds a valid permit issued by the Office of EMS that is maintained or operated to provide nonemergency transportation of wheelchair bound passengers between medical facilities. Wheelchair interfacility transport vehicle excludes any vehicle that could be described as an ambulance.

"Wheelchair interfacility transport vehicle permit" means an authorization issued by the Office of EMS for any vehicle meeting the standards and criteria established by regulation for wheelchair interfacility transport vehicles.

Article 2.  
Purpose and Applicability.

**12 VAC 5-31-20. Responsibility for regulations; application of regulations.**

A. These regulations shall be administered by the following:

1. State Board of Health. The Board of Health has the responsibility to promulgate, amend, and repeal, as appropriate, regulations for the provision of emergency medical services per Article 2.1 (§ 32.1-111.1 et seq.) of Chapter 4 of Title 32.1 of the Code of Virginia.
2. State Health Commissioner. The commissioner, as executive officer of the board, will administer these regulations per § 32.1-16 of the Code of Virginia.
3. The Virginia Office of EMS. The director, assistant director and specified staff positions will have designee privileges for the purpose of enforcing these regulations.
4. Emergency Medical Services Advisory Board. The EMS Advisory Board has the responsibility to review and advise the board regarding EMS policies and programs.

B. These regulations have general application throughout Virginia to include:

1. No person may establish, operate, maintain, advertise or represent themselves, any service or any organization as an EMS agency or as EMS personnel without a valid license or certification, or in violation of the terms of a valid license or certification issued by the Office of EMS.

2. A person providing EMS to a patient received within Virginia and transported to a location within Virginia must comply with these regulations.

**12 VAC 5-31-30. Powers and procedures of regulations not exclusive.**

The board reserves the right to authorize any procedure for the enforcement of these regulations that is not inconsistent with the provisions set forth herein or the provisions of Article 2.1 (§ 32.1-111.1 et seq.) of Chapter 4 of Title 32.1 of the Code of Virginia.

Article 3.  
Exceptions, Variances, and Exemptions.

**12 VAC 5-31-40. Exceptions.**

Exceptions to any provision of these regulations are specified as part of the regulation concerned. Any deviation not specified in these regulations is not allowed except by variance or exemption.

**12 VAC 5-31-50. Variances.**

A. The Office of EMS is authorized to grant variances for any part or all of these regulations in accordance with the procedures set forth herein. A variance permits temporary specified exceptions to these regulations. An applicant, licensee, or permit or certificate holder may file a written request for a variance with the Office of EMS on specified forms. If the applicant, licensee, or permit or certificate holder is an EMS agency or wheelchair interfacility transport service, the following additional requirements apply:

1. The written variance request must be submitted for review and recommendations to the governing body of the locality in which the principal office of the EMS agency, early defibrillation service or wheelchair interfacility transport service is located prior to submission to the Office of EMS.
2. An EMS agency operating in multiple localities will be required to notify all other localities in writing of conditions of approved variance requests.
3. Issuance of a variance does not obligate other localities to allow the conditions of such variance if they conflict with local ordinances or regulations.

B. Both the written request and the recommendation of the governing body must be submitted together to the Office of EMS.

**12 VAC 5-31-60. Issuance of a variance.**

A request for a variance may be approved and issued by the Office of EMS provided all of the following conditions are met:

1. The information contained in the request is complete and correct;
2. The agency, service, vehicle or person concerned is licensed, permitted or certified by the Office of EMS;
3. The Office of EMS determines the need for such a variance is genuine, and extenuating circumstances exist;

4. The Office of EMS determines that issuance of such a variance would be in the public interest and would not present any risk to, or threaten or endanger the public health, safety or welfare;

5. If the request is made by an EMS agency, early defibrillation service or wheelchair interfacility transport service, the Office of EMS will consider the recommendation of the governing body provided all of the above conditions are met; and

6. The person making the request will be notified in writing of the approval and issuance within 30 days of receipt of the request unless the request is awaiting approval or disapproval of a license or certificate. In such case, notice will be given within 30 days of the issuance of the license or certificate.

### **12 VAC 5-31-70. Content of variance.**

A variance shall include but not be limited to the following information:

1. The name of the agency, service or vehicle to which, or the person to whom, the variance applies;
2. The expiration date of the variance;
3. The provision of the regulations that is to be varied and the type of variations authorized; and
4. Any special conditions that may apply.

### **12 VAC 5-31-80. Conditions of variance.**

A variance shall be issued and remain valid with the following conditions:

1. A variance will be valid for a period not to exceed one year unless and until terminated by the Office of EMS; and
2. A variance is neither transferable nor renewable under any circumstances.

### **12 VAC 5-31-90 Termination of variance.**

A. The Office of EMS may terminate a variance at any time based upon any of the following:

1. Violations of any of the conditions of the variance;
2. Falsification of any information;
3. Suspension or revocation of the license, permit or certificate affected; or
4. A determination by the Office of EMS that continuation of the variance would present a risk to or threaten or endanger the public health, safety or welfare.

B. The Office of EMS will notify the license, permit or certificate holder of the termination by certified mail to his last known address.

C. Termination of a variance will take effect immediately upon receipt of notification unless otherwise specified.

### **12 VAC 5-31-100. Denial of a variance.**

A request for a variance will be denied by the Office of EMS if any of the conditions of 12 VAC 5-31-60 fail to be met.

### **12 VAC 5-31-110. Exemptions.**

A. The board is authorized to grant exemptions from any part or all of these regulations in accordance with the procedures set forth herein. An exemption permits specified or total exceptions to these regulations for an indefinite period.

B. Request. A person may file a written request for an exemption with the Office of EMS on specified forms. If the request is made by an EMS agency, early defibrillation service or wheelchair interfacility transport service, the following additional requirements apply:

1. The written request for exemption must be submitted for review and recommendation to the governing body of the locality in which the principal office of the EMS agency, early defibrillation service or wheelchair interfacility transport service is located before submission to the Office of EMS.

2. The written request must be submitted to the Office of EMS a minimum of 30 days before the scheduled review by the governing body. At the time of submission, the agency or service must provide the Office of EMS with the date, time and location of the scheduled review by the governing body.

### **12 VAC 5-31-120. Public notice of request for exemption.**

Upon receipt of a request for an exemption, the Office of EMS will cause notice of such request to be published in a newspaper of general circulation in the area wherein the person making the request resides and in other major newspapers of general circulation in major regions of the Commonwealth. The cost of such public notice will be borne by the person making the request.

### **12 VAC 5-31-130. Public hearing for exemption request.**

If the board determines that there is substantial public interest in a request for an exemption, a public hearing may be held.

### **12 VAC 5-31-140. Issuance of an exemption.**

A. A request for an exemption may be approved and an exemption issued provided all of the following conditions are met:

1. The information contained in the request is complete and correct.
2. The need for such an exemption is determined to be genuine.
3. The issuance of an exemption would not present any risk to, threaten or endanger the public health, safety or welfare of citizens.

B. If the request is made by an EMS agency, early defibrillation service or wheelchair interfacility transport service, the board may accept the recommendation of the governing body provided all of the conditions in subsection A of this section are met.

C. The person making the request will be notified in writing of the approval or denial of a request.



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## **12 VAC 5-31-150. Content of exemption.**

An exemption includes but is not limited to the following information:

1. The name of the agency, service or vehicle to which, or the person to whom, the exemption applies;
2. The provisions of the regulations that will be exempted; and
3. Any special conditions that may apply.

## **12 VAC 5-31-160. Conditions of exemption.**

A. An exemption remains valid for an indefinite period of time unless and until terminated by the board or the Office of EMS, or unless an expiration date is specified.

B. An exemption is neither transferable nor renewable.

## **12 VAC 5-31-170. Termination of exemption.**

A. The Office of EMS may terminate an exemption at any time based upon any of the following:

1. Violation of any of the conditions of the exemption;
2. Suspension or revocation of any licenses, permits or certificates involved; or
3. A determination by the Office of EMS that continuation of the exemption would present risk to, or threaten or endanger the public health, safety or welfare.

B. The Office of EMS will notify the person to whom the exemption was issued of the termination by certified mail to his last known address.

C. Termination of an exemption takes effect immediately upon receipt of notification unless otherwise specified.

## **12 VAC 5-31-180. Denial of an exemption.**

A request for an exemption will be denied by the Office of EMS if any of the conditions of these regulations fail to be met.

## **12 VAC 5-31-190. General exemptions from these regulations.**

The following are exempted from these regulations except as noted:

1. A person or privately owned vehicle not engaged in the business, service, or regular activity of providing medical care or transportation of persons who are sick, injured, wounded, or otherwise disabled;
2. A person or vehicle assisting with the rendering of emergency medical services or medical transportation in the case of a major medical emergency as reasonably necessary when the EMS agencies, vehicles, and personnel based in or near the location of such major emergency are insufficient to render the services required;
3. An EMS agency, early defibrillation service or wheelchair interfacility transport service operated by the United States government within this state. Any person holding a United States government contract is not exempt from these

regulations unless the person only provides services within an area of exclusive federal jurisdiction;

4. A medical care facility, but only with respect to the provision of emergency medical services within such facility;

5. Personnel employed by or associated with a medical care facility that provides emergency medical services within that medical care facility, but only with respect to the services provided therein;

6. An EMS agency based in a state bordering Virginia when requested to respond into Virginia for the purpose of providing mutual aid in the primary service area of a designated emergency response agency with the following conditions:

- a. This agency must comply with the terms of a written mutual aid agreement with the EMS agency; and
- b. This agency must comply with applicable EMS regulations of its home state.

7. An EMS agency that operates in Virginia for the exclusive purpose of interstate travel.

## **Article 4. Enforcement Procedures.**

## **12 VAC 5-31-200. Right to enforcement.**

A. The Office of EMS may use the enforcement procedures provided in this article when dealing with any deficiency or violation of these regulations or any action or procedure that varies from the intent of these regulations.

B. The Office of EMS may determine that a deficiency or violation of these regulations or any action or procedure that varies from the intent of these regulations occurred.

C. The enforcement procedures provided in this article are not mutually exclusive. The Office of EMS may invoke as many procedures as the situation may require.

D. The commissioner empowers the Office of EMS to enforce the provisions of these regulations.

## **12 VAC 5-31-210. Enforcement actions.**

An enforcement action must be delivered to the affected person and must specify information concerning the violations, the actions required to correct the violations and the specific date by which correction must be made as follows:

1. Warning: a verbal notification of an action or situation potentially in violation of these regulations.
2. Citation: a written notification for violations of these regulations.
3. Suspension: a written notification of the deactivation and removal of authorization issued under a license, permit, certification, endorsement or designation.
4. Action of the commissioner: the commissioner may command a person operating in violation of these regulations or state law pursuant to the commissioner's authority under § 32.1-27 of the Code of Virginia and the Administrative Process Act to halt such operation or to

comply with applicable law or regulation. A separate and distinct offense will be deemed to have been committed on each day during which any prohibited act continues after written notice to the offender.

5. *Criminal enforcement: the commissioner may elect to enforce any part of these regulations or any provision of Title 32.1 of the Code of Virginia by seeking to have criminal sanctions imposed. The violation of any of the provisions of these regulations constitutes a misdemeanor. A separate and distinct offense will be deemed to have been committed on each day during which any prohibited act continues after written notice by the commissioner to the offender.*

**12 VAC 5-31-220. Suspension of a license, permit, certificate, endorsement or designation.**

A. The Office of EMS may suspend an EMS license, permit, certificate, endorsement or designation without a hearing, pending an investigation or revocation procedure.

1. Reasonable cause for suspension must exist before such action is taken by the Office of EMS. The decision must be based upon a review of evidence available to the Office of EMS.

2. The Office of EMS may suspend an agency or service license, vehicle permit, personnel certificate, endorsement or designation for failure to adhere to the standards set forth in these regulations.

3. An EMS agency, early defibrillation service or wheelchair interfacility transport service license or registration may be suspended if the agency, service or any of its vehicles or personnel are found to be operating in a manner that presents a risk to, or threatens, or endangers the public health, safety or welfare.

4. An EMS vehicle permit may be suspended if the vehicle is found to be operated or maintained in a manner that presents a risk to, threatens, or endangers the public health, safety or welfare, or if the EMS agency, early defibrillation service or wheelchair interfacility transport service license has been suspended.

5. EMS personnel may be suspended if found to be operating or performing in a manner that presents a risk to, or threatens, or endangers the public health, safety or welfare.

6. An EMS training certification may be suspended if the certificate holder is found to be operating or performing in a manner that presents a risk to, or threatens, or endangers the public health, safety or welfare.

B. Suspension of an EMS agency, early defibrillation service or wheelchair interfacility transport service license shall result in the simultaneous and concurrent suspension of the vehicle permits.

C. The Office of EMS will notify the licensee, or permit or certificate holder of the suspension in person or by certified mail to his last known address.

D. A suspension takes effect immediately upon receipt of notification unless otherwise specified. A suspension remains in effect until the Office of EMS further acts upon the license,

permit, certificate, endorsement or designation or until the order is overturned on appeal as specified in the Administrative Process Act.

E. The licensee, or permit or certificate holder shall abide by any notice of suspension and shall return all suspended licenses, permits and certificates to the Office of EMS within 10 days of receipt of notification.

F. The Office of EMS may invoke any procedure set forth in this part to enforce the suspension.

**12 VAC 5-31-230. Revocation of a license, permit or certificate.**

A. The Office of EMS may revoke an EMS license, permit, certificate, endorsement or designation after a hearing or waiver thereof.

1. Reasonable cause for revocation must exist before such action by the Office of EMS.

2. The Office of EMS may revoke an EMS agency license, early defibrillation service registration, wheelchair interfacility transport service license, EMS vehicle permit, vehicle permit, certification, endorsement or designation for failure to adhere to the standards set forth in these regulations.

3. The Office of EMS may revoke an EMS agency license, early defibrillation service registration or wheelchair interfacility transport service license, an EMS vehicle permit, or EMS personnel certificate for violation of a correction order or for engaging in or aiding, abetting, causing, or permitting any act prohibited by these regulations.

4. The Office of EMS may revoke an EMS training certificate for failure to adhere to the standards as set forth in [ ~~the Administrative Procedures and Guidelines~~ these regulations and the "Training Program Administration Manual" ] in effect for the level of instruction concerned, or for lack of competence at such level as evidenced by lack of basic knowledge or skill, or for incompetent or unwarranted acts inconsistent with the standards in effect for the level of certification concerned.

5. The Office of EMS may revoke an EMS agency license, early defibrillation service registration or wheelchair interfacility transport service license for violation of federal or state laws resulting in a civil monetary penalty.

B. Revocation of an EMS agency license, early defibrillation service registration or wheelchair interfacility transport service license shall result in the simultaneous and concurrent revocation of vehicle permits.

C. The Office of EMS will notify the holder of a license, certification, endorsement or designation of the intent to revoke by certified mail to his last known address.

D. The holder of a license, certification, endorsement or designation will have the right to a hearing.

1. If the holder of a license, certification, endorsement or designation desires to exercise his right to a hearing, he must notify the Office of EMS in writing of his intent within 10 days of receipt of notification. In such cases, a hearing

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must be conducted and a decision rendered in accordance with the Administrative Process Act.

2. Should the holder of a license, certification, endorsement or designation fail to file such notice, he will be deemed to have waived the right to a hearing. In such case, the Office of EMS may revoke the license or certificate.

E. A revocation takes effect immediately upon receipt of notification unless otherwise specified. A revocation order is permanent unless and until overturned on appeal.

F. The holder of a license, certification, endorsement or designation shall abide by any notice of revocation and shall return all revoked licenses, permits and certificates to the Office of EMS within 10 days of receipt of the notification of revocation.

G. The Office of EMS may invoke any procedures set forth in this part to enforce the revocation.

## **12 VAC 5-31-240. Correction order.**

A. The Office of EMS may order the holder of a license, certification, endorsement or designation to correct a deficiency, cease any violations or comply with these regulations by issuing a written correction order as follows:

1. Correction orders may be issued in conjunction with any other enforcement action in response to individual violations or patterns of violations.

2. The Office of EMS will determine that a deficiency or violation exists before issuance of any correction order.

B. The Office of EMS will send a correction order to the licensee or permit or certificate holder by certified mail to his last known address. Notification will include, but not be limited to, a description of the deficiency or violation to be corrected, and the period within which the deficiency or situation must be corrected, which shall not be less than 30 days from receipt of such order, unless an emergency has been declared by the Office of EMS.

C. A correction order takes effect upon receipt and remains in effect until the deficiency is corrected or until the license, permit, certificate, endorsement or designation is suspended, revoked, or allowed to expire or until the order is overturned or reversed.

D. Should the licensee or permit, certificate, endorsement or designation holder be unable to comply with the correction order by the prescribed date, he may submit a request for modification of the correction order with the Office of EMS. The Office of EMS will approve or disapprove the request for modification of the correction order within 10 days of receipt.

E. The licensee or permit, certificate, endorsement or designation holder shall correct the deficiency or situation within the period stated in the order.

1. The Office of EMS will determine whether the correction is made by the prescribed date.

2. Should the licensee or permit, certificate, endorsement or designation holder fail to make the correction within the time period cited in the order, the Office of EMS may invoke any of the other enforcement procedures set forth in this part.

## **12 VAC 5-31-250. Judicial review.**

A. The procedures of the Administrative Process Act controls all judicial reviews.

B. A licensee; permit, certificate, endorsement or designation holder; or applicant has the right to appeal any decision or order of the Office of EMS except as may otherwise be prohibited, and provided such a decision or order was not the final decision of an appeal.

C. The licensee; permit, certificate, endorsement or designation holder; or applicant shall abide by any decision or order of the Office of EMS, or he must cease and desist pending any appeal.

D. If the person who sought the appeal is aggrieved by the final decision, that person may seek judicial review as provided in the Administrative Process Act.

## **Article 5. Complaints.**

### **12 VAC 5-31-260. Submission of complaints.**

Any person may submit a complaint. A complaint is submitted in writing to the Office of EMS, signed by the complainant and includes the following information:

1. The name and address of the complainant;

2. The name of the agency, service or person involved;

3. A description of any vehicle involved; and

4. A detailed description of the complaint, including the date, location and conditions and the practice or act that exists or has occurred.

### **12 VAC 5-31-270. Investigation process.**

A. The Office of EMS may investigate complaints received about conditions, practices, or acts that may violate any provision of either Article 2.1 of Chapter 4 (§ 32.1-111.1 et seq.) of Title 32.1 of the Code of Virginia or provision of these regulations.

B. If the Office of EMS determines that the conditions, practices, or acts cited by the complainant are not in violation of applicable sections of the Code of Virginia or these regulations, then the Office of EMS will investigate no further.

C. If the Office of EMS determines that the conditions, practices, or acts cited by the complainant may be in violation of applicable sections of the Code of Virginia or these regulations, then the Office of EMS will investigate the complaint fully in order to determine if a violation took place.

D. The Office of EMS may investigate or continue to investigate and may take appropriate action on a complaint even if the original complainant withdraws his complaint or otherwise indicates a desire not to cause it to be investigated to completion.

E. The Office of EMS may initiate a formal investigation or action based on an anonymous or unwritten complaint.

## **12 VAC 5-31-280. Action by the Office of EMS.**

A. If the Office of EMS determines that a violation has occurred, it may apply all provisions of these regulations that it deems necessary and appropriate.

B. At the completion of an investigation and following any appeals, the Office of EMS will notify the complainant.

## **12 VAC 5-31-290. Exclusions from these regulations.**

A. Any person or privately owned vehicle not engaged in the business, service, or regular activity of providing medical care or transportation of persons who are sick, injured, wounded, or otherwise disabled.

B. Any person or vehicle rendering emergency medical services or medical transportation in the case of a major medical emergency when the EMS agencies, vehicles and personnel based in or near the location of such major emergency are insufficient to render services required.

C. EMS agencies, vehicles or personnel based outside of Virginia, except that any agency, vehicle or person responding from outside Virginia to an emergency within Virginia and providing emergency medical services to a patient within Virginia, whether or not the service includes transportation, shall comply with the provisions of these regulations.

D. An agency of the United States government providing emergency medical services in Virginia and any EMS vehicles operated by the agency.

E. Any EMS [agency] vehicle used exclusively for the provision of rescue services.

F. Any medical facility, but only with respect to the provision of emergency medical services within the facility.

G. Personnel employed by, or associated with, a medical facility who provides emergency medical services within the medical facility, but only with respect to the services provided therein.

### PART II.

### EMS AGENCY, EMS VEHICLE AND EMS PERSONNEL STANDARDS.

#### Article 1.

#### EMS Agency Licensure and Requirements.

## **12 VAC 5-31-300. Requirement for EMS agency licensure and EMS certification.**

No person may establish, operate, maintain, advertise or represent themselves or any service or organization as an EMS agency or as EMS personnel without a valid license or certification, or in violation of the terms of a valid license or certification, issued by the Office of EMS.

## **12 VAC 5-31-310. Provision of EMS within Virginia.**

A person providing EMS to a patient received within Virginia and transported to a location within Virginia shall comply with these regulations.

## **12 VAC 5-31-320. General applicability of the regulations.**

These regulations have general application throughout Virginia for an EMS agency and an applicant for EMS agency licensure.

## **12 VAC 5-31-330. Compliance with regulations.**

A. A person shall comply with these regulations. The Office of EMS will publish the Virginia EMS Compliance Manual, a document that describes and provides guidance to EMS agencies, vehicles and personnel on how to comply with these regulations.

B. An EMS agency, including its EMS vehicles and EMS personnel, shall comply with these regulations, the applicable regulations of other state agencies, the Code of Virginia and the United States Code. ~~[ An EMS agency and EMS personnel shall report any known or suspected violation of these regulations in writing to the Office of EMS within 15 days. ]~~

## **12 VAC 5-31-340. EMS agency name.**

A person may not apply to conduct business under a name that is the same as or misleadingly similar to the name of a person licensed or registered by the Office of EMS.

## **12 VAC 5-31-350. Ability to pay.**

In the case of an emergency illness or injury, an EMS agency may not refuse to provide required services including dispatch, response, rescue, life support, emergency transport and interfacility transport based on the inability of the patient to provide means of payment for services rendered by the agency. An EMS agency's decision to refer or refuse to provide service must be based upon the "prudent layperson" standard for determination of the existence of a medical emergency as defined under "emergency services" in § 38.2-4300 of the Code of Virginia.

## **12 VAC 5-31-360. Public access.**

An EMS agency shall provide for a publicly listed telephone number to receive calls for service from the public.

1. The number must be answered in person on a 24-hour basis.

2. Exception: An EMS agency that does not respond to calls from the public but responds only to calls from a unique population shall provide for a telephone number known to the unique population it serves. The number must be answered during all periods when that population may require service and at all other times must direct callers to the nearest available EMS agency.

## **12 VAC 5-31-370. Designated emergency response agency.**

An EMS agency that responds to medical emergencies for its primary service area shall be a designated emergency response agency.

## **12 VAC 5-31-380. EMS agency availability.**

An EMS agency shall provide service within its primary service area on a 24-hour continuous basis.

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## **12 VAC 5-31-390. Destination/trauma triage.**

An EMS agency shall participate in the regional Trauma Triage Plan established in accordance with § 32.1-111.3 of the Code of Virginia.

## **12 VAC 5-31-400. Nondiscrimination.**

An EMS agency may not discriminate due to a patient's race, gender, creed, color, national origin, location, medical condition or any other reason.

## **12 VAC 5-31-410. EMS agency licensure classifications.**

An EMS agency license may be issued for any combination of the following classifications of EMS services:

1. Nontransport first response.
  - a. Basic life support.
  - b. Advanced life support.
2. Ground ambulance.
  - a. Basic life support.
  - b. Advanced life support.
3. Neonatal ambulance.
4. Air ambulance.

## **12 VAC 5-31-420. Application for EMS agency license.**

A. An applicant for EMS agency licensure shall file a written application specified by the Office of EMS.

B. The Office of EMS may use whatever means of investigation necessary to verify any or all information contained in the application.

C. An ordinance or resolution from the governing body of each locality where the agency maintains an office, stations an EMS vehicle for response within a locality or is a Designated Emergency Response Agency as required by § 15.2-955 of the Code of Virginia confirming approval. This ordinance or resolution must specify the geographic boundaries of the agency's primary service area within the locality.

D. The Office of EMS will determine whether an applicant or licensee is qualified for licensure based upon the following:

1. An applicant or licensee must meet the personnel requirements of these regulations.
2. If the applicant is a company or corporation, as defined in § 12.1-1 of the Code of Virginia, it must clearly disclose the identity of its owners, officers and directors.
3. An applicant or licensee must provide information on any previous record of performance in the provision of emergency medical service or any other related licensure, registration, certification or endorsement within or outside Virginia.

E. An applicant agency and all places of operation shall be subject to inspection by the Office of EMS for compliance with these regulations. The inspection may include any or all of the following:

1. All fixed places of operations, including all offices, stations, repair shops or training facilities.

2. All applicable records maintained by the applicant agency.

3. All EMS vehicles and required equipment used by the applicant agency.

## **12 VAC 5-31-430. Issuance of an EMS agency license.**

A. An EMS agency license may be issued by the Office of EMS provided the following conditions are met:

1. All information contained in the application is complete and correct; and
2. The applicant is determined by the Office of EMS to be eligible for licensure in accordance with these regulations.

B. The issuance of a license hereunder may not be construed to authorize any agency to operate any emergency medical services vehicle without a franchise or permit in any county or municipality which has enacted an ordinance pursuant to § 32.1-111.14 of the Code of Virginia making it unlawful to do so.

C. An EMS agency license may include the following information:

1. The name and address of the EMS agency;
2. The expiration date of the license;
3. The types of services for which the EMS agency is licensed; and
4. Any special conditions that may apply.

D. An EMS agency license will be issued and remain valid with the following conditions:

1. An EMS agency license is valid for a period of no longer than two years from the last day of the month of issuance unless and until revoked or suspended by the Office of EMS.
2. An EMS agency license is not transferable.
3. An EMS agency license issued by the Office of EMS remains the property of the Office of EMS and may not be altered or destroyed.

## **12 VAC 5-31-440. Display of EMS agency license.**

An EMS agency license is publicly displayed in the headquarters of the EMS agency and a copy displayed in each place of operations.

## **12 VAC 5-31-450. EMS agency licensure renewal.**

A. An EMS agency license renewal may be granted following an inspection as set forth in these regulations based on the following conditions:

1. The renewal inspection results demonstrate that the EMS agency complies with these regulations.
2. There have been no documented violations of these regulations that preclude a renewal.

B. If the Office of EMS is unable to take action on a renewal application of a license before expiration, the license remains in full force and effect until the Office of EMS completes processing of a renewal application.

## **12 VAC 5-31-460. Denial of an EMS agency license.**

An application for a new EMS agency license or renewal of an EMS agency license may be denied by the Office of EMS if the applicant or agency does not comply with these regulations.

## **12 VAC 5-31-470. Modification of an EMS agency license.**

A. Any change in the classifications of the EMS vehicles or medical equipment packages permitted to an EMS agency or in any of the conditions that may apply to the EMS agency requires the notification of the Office of EMS and the modification of the EMS agency license.

B. The procedure for modification of a license is as follows:

1. The licensee shall request the modifications in writing on a form prescribed by the Office of EMS.
2. The Office of EMS may use the full provisions of these regulations in processing a request as an application.
3. Upon receiving a modified license, an EMS agency shall return the original license to the Office of EMS within 15 days and destroy all copies.
4. The issuance of a modified license hereunder may not be construed to authorize an EMS agency to provide emergency medical services or to operate an EMS vehicle without a franchise in any county or municipality that has enacted an ordinance requiring it.

C. A request for modification of an EMS agency license may be denied by the Office of EMS if the applicant or agency does not comply with these regulations.

## **12 VAC 5-31-480. Termination of EMS agency licensure.**

A. An EMS agency terminating service shall surrender the EMS agency license to the Office of EMS.

B. An EMS agency terminating service shall submit written notice to the Office of EMS at least 90 days in advance. Written notice of intent to terminate service must verify the following:

1. Notification of the applicable OMDs, regional EMS councils or local EMS resource agencies, PSAPs and governing bodies of each locality served.
2. Termination of all existing contracts for EMS services, Mutual Aid Agreements, or both.
3. Advertised notice of its intent to discontinue service has been published in a newspaper of general circulation in its service area.

C. Within 30 days following the termination of service, the EMS agency shall provide written verification to the Office of EMS of the following:

1. The return of its EMS agency license and all associated vehicle permits to the Office of EMS.

2. The removal of all signage or insignia that advertise the availability of EMS to include but not be limited to facility and roadway signs, vehicle markings and uniform items.

3. The return of all medication kits that are part of a local or regional medication exchange program or provision for the proper disposition of medications maintained under a Board of Pharmacy controlled substance registration.

4. The maintenance and secure storage of required agency records and prehospital patient care reports (PPCRs) for a minimum of five years from the date of termination of service.

## **12 VAC 5-31-490. EMS agency insurance.**

A. An EMS agency shall have in effect and be able to furnish proof on demand of contracts for vehicular insurance as follows:

1. Insurance coverage for emergency vehicles shall meet or exceed the minimum requirements as set forth in § 46.2-920 of the Code of Virginia.
2. Insurance coverage for nonemergency vehicles shall meet or exceed the minimum requirements as set forth in § 46.2-472 of the Code of Virginia.
3. Insurance coverage for both classes of aircraft shall meet or exceed the minimum requirements as set forth in § 5.1-88.2 of the Code of Virginia.

B. Nothing in this section prohibits an authorized governmental agency from participating in an authorized "self-insurance" program as long as the program provides for the minimum coverage levels specified in this section.

## **12 VAC 5-31-500. Place of operations.**

A. An EMS agency shall maintain a fixed physical location. Any change in the address of this location requires notification to the Office of EMS before relocation of the office space.

B. Adequate, clean and enclosed storage space for linens, equipment and supplies shall be provided at each place of operation.

C. The following sanitation measures are required at each place of operation in accordance with standards established by the Centers for Disease Control and Prevention (CDC) and the Virginia occupational safety and health laws (Title 40.1-1 of the Code of Virginia):

1. All areas used for storage of equipment and supplies shall be kept neat, clean, and sanitary.
2. All soiled supplies and used disposable items shall be stored or disposed of in plastic bags, covered containers or compartments provided for this purpose. Regulated waste shall be stored in a red or orange bag or container clearly marked with a biohazard label.

## **12 VAC 5-31-510. Equipment and supplies.**

A. An EMS agency shall hold the permit to an EMS vehicle or have a written agreement for the access to and use of an EMS vehicle.

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An EMS agency that does not use an EMS vehicle shall maintain the required equipment and supplies for a nontransport response vehicle.

B. Adequate stocks of supplies and linens shall be maintained as required for the classes of vehicles in service at each place of operations. An EMS agency shall maintain a supply of at least 75 triage tags of a design approved by the Office of EMS. These tags must be maintained in a location readily accessible by all agency personnel.

## **12 VAC 5-31-520. Storage and security of medications and related supplies.**

A. An area used for storage of medications and administration devices and a medication kit used on an EMS vehicle shall comply with requirements established by the Virginia Board of Pharmacy and the applicable drug manufacturer's recommendations for climate-controlled storage.

B. Medications and medication kits shall be maintained within their expiration date at all times.

C. Medications and medication kits shall be removed from vehicles and stored in a properly maintained and locked secure area when the vehicle is not in use unless the ambient temperature of the vehicle's interior medication storage compartment is maintained within the climate requirements specified in this section.

D. An EMS agency shall notify the Office of EMS in writing of any diversion of (i.e., loss or theft) or tampering with any controlled substances, medication delivery devices or other regulated medical devices from an agency facility or vehicle. Notification shall be made within 15 days of the discovery of the occurrence.

E. An EMS agency shall protect [ ~~a parked~~ ] EMS vehicle [ ~~and~~ ] contents from climate extremes.

## **12 VAC 5-31-530. Preparation and maintenance of records and reports.**

An EMS agency is responsible for the preparation and maintenance of records that shall be available for inspection by the Office of EMS as follows:

1. Records and reports shall be stored in a manner to ensure reasonable safety from water and fire damage and from unauthorized disclosure to persons other than those authorized by law.

2. EMS agency records shall be prepared and securely maintained at the principal place of operations or a secured storage facility for a period of not less than five years.

## **12 VAC 5-31-540. Personnel records.**

A. An EMS agency shall have a current personnel record for each individual affiliated with the EMS agency. Each file shall contain documentation of certification (copy of EMS certification, healthcare provider license or EVOC, or both), training and qualifications for the positions held.

B. An EMS agency shall have a record for each individual affiliated with the EMS agency documenting the results of a criminal history background check conducted through the Central Criminal Records Exchange operated by the Virginia

State Police no more than 60 days prior to the individual's affiliation with the EMS agency.

## **12 VAC 5-31-550. EMS vehicle records.**

An EMS agency shall have records for each vehicle currently in use to include maintenance reports demonstrating adherence to manufacturer's recommendations for preventive maintenance, valid vehicle registration, safety inspection, vehicle insurance coverage and any reportable motor vehicle collision as defined by the Motor Vehicle Code (Title 46.2 of the Code of Virginia).

## **12 VAC 5-31-560. Patient care records.**

A. An original prehospital patient care report (PPCR) shall specifically identify by name the personnel who meet the staffing requirements of the EMS vehicle.

B. The PPCR shall include the [ ~~signature~~ name ] and identification number of all EMS Personnel on the EMS vehicle [ and the signature of the attendant-in-charge ] .

C. The required minimum data set shall be submitted on a schedule established by the Office of EMS as authorized in § 32.1-116.1 of the Code of Virginia. This requirement for data collection and submission shall not apply to patient care rendered during local emergencies declared by the locality's government and states of emergency declared by the Governor. During such an incident, an approved triage tag shall be used to document patient care provided unless a standard patient care report is completed.

## **12 VAC 5-31-570. EMS Agency Status Report.**

A. An EMS agency must submit an "EMS Agency Status Report" to the Office of EMS within 30 days of a request or change in status of the following:

1. Chief executive officer.
2. Chief of operations.
3. Training officer
4. Designated infection control officer.
5. Other information as required.

B. The EMS agency shall provide the leadership position held, to include title, term of office, mailing address, home and work telephone numbers and other available electronic addresses for each individual.

## **12 VAC 5-31-580. Availability of these regulations.**

An EMS agency shall have readily available at each station a current copy of these regulations for reference use by its officers and personnel.

## **12 VAC 5-31-590. Operational Medical Director requirement.**

A. An EMS agency shall have a minimum of one operational medical director (OMD) who is a licensed physician holding endorsement as an EMS physician from the Office of EMS.

An EMS agency shall enter into a written agreement with an EMS physician to serve as OMD with the EMS agency. This

agreement shall at a minimum specify the following responsibilities and authority:

1. This agreement must describe the process or procedure by which the OMD or EMS agency may discontinue the agreement with prior notification of the parties involved in accordance with these regulations.

2. This agreement must identify the specific responsibilities of each EMS physician if an EMS agency has multiple OMDs.

3. This agreement must specify that EMS agency personnel may only provide emergency medical care and participate in associated training programs while acting under the authority of the operational medical director's license and within the scope of the EMS agency license in accordance with these regulations.

4. This agreement must provide for EMS agency personnel to have direct access to the agency OMD in regards to discussion of issues relating to provision of patient care, application of patient care protocols or operation of EMS equipment used by the EMS agency.

5. This agreement must ensure that the adequate indemnification exists for:

- a. Medical malpractice; and
- b. Civil liability.

**B. EMS agency and OMD conflict resolution.** In the event of an unresolved conflict between an EMS agency and its OMD, the issues involved shall be brought before the regional EMS council or local EMS resource's medical direction committee (or approved equivalent) for review and resolution. When an EMS agency determines that the OMD presents an immediate significant risk to the public safety or health of citizens, the EMS agency shall attempt to resolve the issues in question. If an immediate risk remains unresolved, the EMS agency shall contact the Office of EMS for assistance.

**C. Change of operational medical director.**

1. An EMS agency choosing to secure the services of another OMD shall provide a minimum of 30 days advance written notice of intent to the current OMD and the Office of EMS.

2. An OMD choosing to resign shall provide the EMS agency and the Office of EMS with a minimum of 30 days written notice of such intent.

3. When extenuating circumstances require an immediate change of an EMS agency's OMD (e.g., death, critical illness, etc.), the Office of EMS shall be notified by the OMD within one business day so that a qualified replacement may be approved. In the event that the OMD is not capable of making this notification, the EMS agency shall be responsible for compliance with this requirement. Under these extenuating circumstances, the Office of EMS will make a determination whether the EMS agency will be allowed to continue its operations pending the approval of a permanent or temporary replacement OMD.

4. When temporary circumstances require a short-term change of an EMS agency's OMD for a period not expected to exceed one year (e.g., military commitment, unexpected clinical conflict, etc.), the Office of EMS shall be notified by the OMD within 15 days so that a qualified replacement may be approved.

5. The Office of EMS may delay implementation of a change in an EMS agency's OMD pending the completion of any investigation of an unresolved conflict or possible violation of these regulations or the Code of Virginia.

## **12 VAC 5-31-600. Quality management reporting.**

An EMS agency shall have an ongoing Quality Management (QM) Program designed to objectively, systematically and continuously monitor, assess and improve the quality and appropriateness of patient care provided by the agency. The QM Program shall be integrated and include activities related to patient care, communications, and all aspects of transport operations and equipment maintenance pertinent to the agency's mission. The agency shall maintain a QM report that documents quarterly PPCR reviews, supervised by the operational medical director.

## **12 VAC 5-31-610. Designated emergency response agency standards.**

A. A designated emergency response agency shall develop or participate in a written local EMS response plan that addresses the following items:

1. The designated emergency response agency or another designated emergency response agency through mutual aid shall respond to all calls for emergency medical services.

2. A designated emergency response agency shall conform to the local unit mobilization interval standard, or in the absence of a local standard, the EMS agency shall develop a standard in conjunction with OMD and local government, in the best interests of the patient and the community.

a. If the designated emergency response agency finds it is unable to respond within the established unit mobilization interval standard, the call shall be referred to the closest available mutual aid EMS agency.

b. If the designated emergency response agency finds it is able to respond to the patient location sooner than the mutual aid EMS agency, the EMS agency shall notify the PSAP of its availability to respond.

c. If the designated emergency response agency is unable to respond (e.g., lack of operational response vehicle or available personnel), the EMS agency shall notify the PSAP.

d. If a designated emergency response agency determines in advance that it will be unable to respond for emergency service for a specified period of time, it shall notify its PSAP.

3. A designated emergency response agency shall conform to the local responding interval standard, or in the absence of a local standard, the EMS agency shall develop a standard in conjunction with the OMD and local government in the best interests of the patient and the community. The



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EMS agency shall use the responding interval standard to establish a time frame that the EMS agency complies with on a 90% basis within its primary service area (i.e., a time frame in which the EMS agency can arrive at the scene of a medical emergency in 90% or greater of all calls).

B. A designated emergency response agency shall have available for review, a copy of the local EMS response plan that shall include the established EMS Responding Interval standards.

C. A designated emergency response agency shall document its compliance with the established EMS response capability, unit mobilization interval and responding interval standards.

D. A designated emergency response agency shall document an annual review of exceptions to established EMS response capability and time interval standards. The results of this review shall be provided to the agency's operational medical [~~director~~, director. Copies shall be provided to the] local governing [~~body~~, body] and the Office of EMS [upon request].

## **12 VAC 5-31-620. Designated emergency response agency staffing capability.**

A. A designated emergency response agency shall have a minimum of eight EMS personnel qualified to function as attendants-in-charge.

B. A designated emergency response agency with less than 12 EMS certified personnel shall submit to the Office of EMS for approval a written plan to provide 24-hour coverage of the agency's primary service area with the available personnel.

C. A designated emergency response agency shall maintain a sufficient number of qualified EMS personnel to meet the staffing requirements for all permitted vehicles operated by the EMS agency.

## **12 VAC 5-31-630. Designated emergency response agency mutual aid.**

A. A designated emergency response agency shall provide aid to all other designated emergency response agencies within the locality.

B. A designated emergency response agency shall maintain written mutual aid agreements with adjacent designated emergency response agencies in another locality with which it shares a common border. [Mutual aid agreements shall specify the types of assistance to be provided and any conditions or limitations for providing this assistance.]

### Article 2.

#### Emergency Medical Services Vehicle Permit.

## **12 VAC 5-31-640. EMS vehicle permit requirement.**

A. A person may not operate or maintain any motor vehicle, vessel or craft as an EMS vehicle without a valid permit or in violation of the terms of a valid permit.

B. An EMS agency shall file written application for a permit on forms specified by the Office of EMS.

C. The Office of EMS may verify any or all information contained in the application before issuance.

D. The Office of EMS shall inspect the EMS vehicle for compliance with the vehicle requirements for the class in which a permit is sought.

E. An EMS vehicle permit may be issued provided all of the following conditions are met:

1. All information contained in the application is complete and correct.
2. The applicant is an EMS agency.
3. The EMS vehicle is registered or permitted by the Department of Motor Vehicles or approved equivalent.
4. The inspection meets the minimum requirements as defined in these regulations.
5. The issuance of an EMS vehicle permit does not authorize any person to operate an EMS vehicle without a franchise or permit in any county or municipality that has enacted an ordinance requiring one.

F. An EMS vehicle permit may include but is not be limited to the following information:

1. The name and address of the agency.
2. The expiration date of the permit.
3. The classification and type of the EMS vehicle.
4. The motor vehicle license plate number of the vehicle.
5. Any special conditions that may apply.

G. An EMS vehicle permit may be issued and remain valid with the following conditions:

1. An EMS vehicle permit remains the property of the Office of EMS and may not be altered or destroyed.
2. An EMS vehicle permit is valid only as long as the EMS agency license is valid.
3. An EMS vehicle permit is not transferable.
4. An EMS agency must equip an EMS vehicle in compliance with these regulations at all times unless the vehicle is permitted as "reserved." A designated emergency response Agency may be issued a "reserved" permit by the Office of EMS.

## **12 VAC 5-31-650. Temporary EMS vehicle permit.**

A. A temporary EMS vehicle permit may be issued for a permanent replacement or additional EMS vehicle pending inspection. A temporary EMS vehicle permit will not be issued for a vehicle requesting a "reserved" permit.

B. An EMS agency shall file written application for a temporary permit on forms specified by the Office of EMS. Submission of this application requires the EMS agency to attest that the vehicle complies with these regulations.

C. The Office of EMS may verify any or all information contained in the application before issuance.

D. The procedure for issuance of a temporary EMS vehicle permit is as follows:

1. An EMS agency requesting a temporary permit shall submit a completed application for an EMS vehicle permit attesting that the vehicle complies with these regulations.

2. The Office of EMS may inspect an EMS vehicle issued a temporary permit at any time for compliance with these regulations and issuance of an EMS vehicle permit.

E. A temporary EMS vehicle permit may include but not be limited to the following information:

1. The name and address of the EMS agency.
2. The expiration date of the EMS vehicle permit.
3. The classification and type of the EMS vehicle.
4. The motor vehicle license plate number of the vehicle.
5. Any special conditions that may apply.

F. A temporary EMS vehicle permit will be issued and remain valid with the following conditions:

1. A temporary EMS vehicle permit is valid for 60 days from the end of the month issued.
2. A temporary EMS vehicle permit is not transferable.
3. A temporary EMS vehicle permit is not renewable.
4. A temporary EMS vehicle permit shall be affixed on the vehicle to be readily visible and in a location and manner specified by the Office of EMS. An EMS vehicle may not be operated without a properly displayed permit.

#### **12 VAC 5-31-660. Denial of an EMS vehicle permit.**

A. An application for an EMS vehicle permit shall be denied by the Office of EMS if any conditions of these regulations fail to be met.

B. The Office of EMS will notify the applicant or licensee of the denial in writing in the event that a permit is denied.

#### **12 VAC 5-31-670. Display of EMS vehicle permit.**

A. An EMS vehicle permit shall be affixed on the EMS vehicle, readily visible, and in a location and manner specified by the Office of EMS.

B. An EMS vehicle may not be operated without a properly displayed EMS vehicle permit.

#### **12 VAC 5-31-680. EMS vehicle advertising.**

An EMS vehicle may not be marked or lettered to indicate a level of care or type of service other than that for which it is permitted.

#### **12 VAC 5-31-690. Renewal of an EMS vehicle permit.**

A. Renewal of an EMS vehicle permit may be granted following an inspection if the EMS agency and EMS vehicle comply with these regulations.

B. If the Office of EMS is unable to take action on renewal of an EMS vehicle permit before expiration, the permit will remain in effect until the Office of EMS completes processing of the renewal inspection.

#### **Article 3.**

#### **Emergency Medical Services Vehicle Classifications and Requirements.**

#### **12 VAC 5-31-700. EMS vehicle safety.**

An EMS vehicle shall be maintained in good repair and safe operating condition and shall meet the same motor vehicle, vessel or aircraft safety requirements as apply to all vehicles, vessels or craft in Virginia:

1. Virginia motor vehicle safety inspection, FAA Airworthiness Permit or Coast Guard Safety Inspection or approved equivalent must be current.
2. Exterior surfaces of the vehicle including windows, mirrors, warning devices and lights shall be kept clean of dirt and debris.
3. Ground vehicle operating weight shall be no more than the manufacturer's gross vehicle weight (GVW) minus 700 pounds (316 kg).
4. Emergency operating privileges including the use of audible and visible emergency warning devices shall be exercised in compliance with the Code of Virginia and local motor vehicle ordinances.
5. Smoking is prohibited in an EMS transport vehicle at all times.
6. Possession of a firearm, weapon, or explosive or incendiary device on any EMS vehicle is prohibited, except:
  - a. A sworn law-enforcement officer authorized to carry a concealed weapon pursuant to § 18.2-308 of the Code of Virginia.
  - b. Any rescue line gun or other rescue device powered by an explosive charge carried on a nontransport response vehicle.

#### **12 VAC 5-31-710. EMS vehicle occupant safety.**

A. An occupant shall use mechanical restraints as required by the Code of Virginia.

B. Equipment and supplies in the patient compartment shall be stored within a closed and latched compartment or fixed securely in place while not in use.

C. While the vehicle is in motion, equipment and supplies at or above the level of the patient's head while supine on the primary ambulance stretcher shall be secured in place to prevent movement.

#### **12 VAC 5-31-720. EMS vehicle sanitation.**

The following requirements for sanitary conditions and supplies apply to an EMS vehicle in accordance with standards established by the Centers for Disease Control and Prevention (CDC) and the Virginia Occupational Safety and Health Law:

1. The interior of an EMS vehicle, including storage areas, linens, equipment, and supplies shall be kept clean and sanitary.

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2. Linen or disposable sheets and pillowcases or their equivalent used in the transport of patients shall be changed after each use.

3. Blankets, pillows and mattresses used in an EMS vehicle shall be intact and kept clean and in good repair.

4. A device inserted into the patient's nose or mouth that is single-use shall be disposed of after use. A reusable item shall be sterilized or high-level disinfected according to current CDC guidelines before reuse. If not individually wrapped, this item shall be stored in a separate closed container or bag.

5. A used sharp item shall be disposed of in a leakproof, puncture-resistant and appropriately marked biohazard container (needle-safe device/sharps box) that is securely mounted.

6. Following patient treatment/transport within the vehicle and before being occupied by another patient:

a. Contaminated surfaces shall be cleaned and disinfected using a method recommended by the Centers for Disease Control and Prevention.

b. All soiled supplies and used disposable items shall be stored or disposed of in plastic bags, covered containers or compartments provided for this purpose. Regulated waste shall be stored in a red or orange bag or container clearly marked with a biohazard label.

## 12 VAC 5-31-730. EMS vehicle operational readiness.

A. Required equipment and supplies shall be carried on an EMS vehicle except when the vehicle is unavailable to respond due to maintenance, repairs or as otherwise provided for in these regulations.

B. Equipment and supplies shall be stored, maintained and operational at all times in accordance with the standards established by the manufacturer, the Virginia Board of Pharmacy and the U.S. Food and Drug Administration (FDA).

## 12 VAC 5-31-740. EMS vehicle inspection.

A. An EMS vehicle is subject to, and shall be available for, inspection by the Office of EMS or its designee, for compliance with these regulations. An inspection may be in addition to other federal, state or local inspections required for the EMS vehicle by law.

B. The Office of EMS may conduct an inspection at any time without prior notification.

## 12 VAC 5-31-750. EMS vehicle warning lights and devices.

An EMS vehicle shall have emergency warning lights and audible devices as approved by the Superintendent of Virginia State Police, Virginia Department of Game and Inland Fisheries or the Federal Aviation Administration (FAA) as applicable.

1. A Ground EMS vehicle shall have flashing or blinking lights installed to provide adequate visible warning from all four sides.

2. A Ground EMS vehicle shall have flashing or blinking red or red and white lights installed on or above the front bumper and below the bottom of the windshield.

3. An EMS vehicle shall have an audible warning device installed to project sound forward from the front of the EMS vehicle.

## 12 VAC 5-31-760. EMS vehicle communications.

A. An EMS vehicle shall have fixed communications equipment that provides direct two-way voice communications capabilities between the EMS vehicle, other EMS vehicles of the same agency, and either the agency's base of operations (dispatch point) or a governmental public safety answering point (PSAP). This communication capability must be available within the agency's primary service area or within a 25-mile radius of its base of operations, whichever is greater. Service may be provided by private [~~land~~] mobile radio service [~~(LMR)~~ (PMRS)] or by [~~cellular~~ commercial] mobile radio service (CMRS), but shall have direct and immediate communications via push-to-talk technology.

B. An ambulance transporting outside its primary service area shall have fixed or portable communications equipment that provides two-way voice communications capabilities between the EMS vehicle and either the agency's base of operations (dispatch point) or a governmental public safety answering point (PSAP) during the period of transport. Service may be provided by private [~~land~~] mobile radio service [~~(LMR)~~ (PMRS)] or by [~~cellular~~ commercial] mobile radio service (CMRS). When operating outside the agency's primary service area or a 25-mile radius of its base of operations, the requirement for direct and immediate communications via push-to-talk technology does not apply. This requirement does not apply in areas where CMRS is not available.

C. An ambulance or an advanced life support-equipped, nontransport response vehicle shall have communications equipment that provides two-way voice communications capabilities between the EMS vehicle's attendant-in-charge and the receiving medical facilities to which it regularly transports or a designated central medical control on one or more of the following frequencies:

155.340 MHz (statewide HEAR);

155.400 MHz (Tidewater HEAR);

155.280 MHz (Inter-Hospital HEAR);

462.950/467.950 (MED 9 or CALL 1);

462.975/467.975 (MED 10 or CALL 2);

462.950-463.19375/467.950-468.19375 (UHF MED CHANNELS 1-103); and

220 MHz, 700MHz, 800MHz, or 900MHz frequency and designated talkgroup or channel identified as part of an agency, jurisdictional, or regional communications plan for ambulance to hospital communications.

1. Patient care communications with medical facilities may not be conducted on the same frequencies or talkgroups as those used for dispatch and on-scene operations.

2. Before establishing direct push-to-talk communications with the receiving medical facility or central medical control, EMS vehicles may be required to dial an access code. Radios in ambulances or advanced life support-equipped, nontransport response vehicles must be programmed or equipped with encoding equipment necessary to activate tone-coded squelched radios at medical facilities to which they transport on a regular basis.

3. Nothing herein prohibits the use of CMRS for primary or secondary communications with medical facilities, provided that the requirements of this section are met.

D. *Mutual aid interoperability.* An EMS vehicle must have fixed communications equipment that provides direct two-way voice communications capabilities between the EMS vehicle and EMS vehicles of other EMS agencies within the jurisdiction and those EMS agencies with which it has mutual aid agreements. Service may be provided by private [~~land~~] mobile radio service [(LMR) (PMRS)] or by [cellular commercial] mobile radio service (CMRS), but requires direct and immediate communications via push-to-talk technology. This requirement may be met by interoperability on a common radio frequency or talkgroup, or by fixed or interactive cross-patching under supervision of an agency dispatch center or governmental PSAP. The means of communications interoperability must be identified in any mutual aid agreements required by these regulations.

E. *Air ambulance interoperability.* A nontransport EMS vehicle or ground ambulance must have fixed communications equipment that provides direct two-way voice communications capabilities between the EMS vehicle and air ambulances designated to serve its primary response area by the State Medevac Plan. An air ambulance must have fixed communications equipment that provides direct two-way voice communications capabilities between the air ambulance, other EMS vehicles in its primary response area, and public safety vehicles or personnel at landing zones on frequencies adopted in accordance with this section. Radio communications must be direct and immediate via push-to-talk technology. This requirement may be met by interoperability on a common radio frequency or talkgroup, or by fixed or interactive cross-patching under supervision of an agency dispatch center or governmental PSAP. The frequencies used for this purpose will be those set forth by an agreement among air ambulance providers and EMS agencies for a specific jurisdiction or region, and must be identified in agency, jurisdictional, or regional protocols for access and use of air ambulances. Any nontransport EMS vehicle or ground ambulance not participating in such an agreement must be capable of operating on VHF frequency 155.205 MHz (carrier squelch), which is designated as the Statewide EMS Mutual Aid Frequency. An air ambulance must be capable of operating on VHF frequency 155.205 MHz (carrier squelch) in addition to any other frequencies adopted for jurisdictional or regional interoperability.

F. *FCC licensure.* An EMS agency shall maintain appropriate FCC radio licensure for all radio equipment operated by the EMS agency. If the FCC radio license for any radio frequency utilized is held by another person, the EMS agency shall have

written documentation on file of their assigned authority to operate on such frequencies.

G. *In-vehicle communications.* An ambulance shall have a means of voice communications (opening, intercom, or radio) between the patient compartment and operator's compartment.

## **12 VAC 5-31-770. Ground EMS vehicle markings.**

A. The vehicle body of a nontransport response vehicle, a ground ambulance or a neonatal ambulance must be marked with a reflective horizontal band permanently affixed to the sides and rear of the vehicle body. This horizontal reflective band must be of a material approved for exterior use, a minimum of four inches continuous in height.

B. The Star of Life emblem may appear on an EMS vehicle that conforms to the appropriate U.S. Department of Transportation specifications for the type and class of vehicle concerned. If used on any ground ambulance or neonatal ambulance, the emblem (14-inch size minimum) must appear on both sides of the EMS vehicle.

C. The following must appear in permanently affixed lettering that is a minimum of three inches in height and of a color that contrasts with the surrounding vehicle background. Lettering must comply with the restrictions and specifications listed in these regulations.

1. *Nontransport response vehicle.* The name of the EMS agency that the vehicle is permitted to shall appear on both sides of the vehicle body in reflective lettering.

*Exception:* A designated emergency response agency must have the approval of the Office of EMS for a vehicle to display an alternate name.

2. *Ground ambulance:*

a. The name of the EMS agency that the vehicle is permitted to must appear on both sides of the vehicle body in reflective lettering.

*Exception:* A designated emergency response agency must have the approval of the Office of EMS for a vehicle to display an alternate name.

b. The word "AMBULANCE" in reverse on the vehicle hood or bug deflector.

c. The word "AMBULANCE" on or above rear doors.

3. *Neonatal Ambulance:*

a. The name of the EMS agency to which the vehicle is permitted must appear on both sides of the vehicle body in reflective lettering.

b. "NEONATAL CARE UNIT" or other similar designation, approved by the Office of EMS, must appear on both sides of the vehicle body.

## **12 VAC 5-31-780. Air Ambulance markings.**

A. On a primary air ambulance, the following must appear in permanently affixed lettering that is a minimum of three inches in height and of a color that contrasts with its surrounding

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background. Lettering must comply with the restrictions and specifications listed in these regulations.

1. The name of the EMS agency that the aircraft is permitted to must appear on both sides of the aircraft body. This lettering may appear as part of an organization logo or emblem as long as the agency name appears in letters of the required height.

Exception: A Designated Emergency Response Agency must have the approval of the Office of EMS for a vehicle to display an alternate name.

2. Agency or FAA assigned unit/vehicle identification number must appear on both sides of the aircraft.

B. The Star of Life emblem may appear on an air ambulance. If used, the emblem (14-inch size minimum) shall appear on both sides, and/or front and rear of the air ambulance.

## **12 VAC 5-31-790. EMS vehicle letter restrictions and specifications.**

A. The following specifications apply to an EMS vehicle: the EMS agency name must appear in lettering larger than any optional lettering on an EMS vehicle, other than "Ambulance," the unit identification number or any lettering on the roof. Optional lettering, logos or emblems may not appear on an EMS vehicle in a manner that interferes with the public's ability to readily identify the EMS agency to which the EMS vehicle is permitted.

1. Additional lettering, logos or emblems must not advertise or imply a specified patient care level (i.e., Advanced Life Support Unit) unless the EMS vehicle is so equipped at all times.

2. The terms "Paramedic" or "Paramedical" may only be used when the EMS vehicle is both equipped and staffed by a state certified EMT-Paramedic at all times.

B. A nontransport response vehicle with a primary purpose as a fire apparatus or law-enforcement vehicle is not required to comply with the specifications for vehicle marking and lettering, provided the vehicle is appropriately marked and lettered to identify it as an authorized emergency vehicle.

C. An unmarked vehicle operated by an EMS agency is not eligible for issuance of an EMS vehicle permit except a vehicle used and operated by law-enforcement personnel.

## **12 VAC 5-31-800. Nontransport response vehicle specifications.**

A. A vehicle maintained and operated for response to the location of a medical emergency to provide immediate medical care at the basic or advanced life support level (excluding patient transport) shall be permitted as a nontransport response vehicle unless specifically authorized under Part VI (12 VAC 5-31-2100 et seq.) of this chapter.

A nontransport response vehicle may not be used for the transportation of patients except in the case of a major medical emergency. In such an event, the circumstances of the call shall be documented.

B. A nontransport response vehicle must be constructed to provide sufficient space for safe storage of required equipment and supplies specified in these regulations.

A nontransport response vehicle used for the delivery of advanced life support must have a locking storage compartment or approved locking bracket for the security of medications and medication kits. When not in use, medications and medication kits must be kept locked in the required storage compartment or approved bracket at all times. The EMS agency shall maintain medications and medication kits as specified in these regulations.

1. Sedan/zone car must have an approved locking device attached within the passenger compartment or trunk, inaccessible by the public.

2. Utility vehicle/van must have an approved locking device attached within the vehicle interior, inaccessible by the public.

3. Rescue vehicle/fire apparatus must have an approved locking device attached within the vehicle interior or a locked compartment, inaccessible by the public.

C. A nontransport response vehicle must have a motor vehicle safety inspection performed following completion of conversion and before applying for an EMS vehicle permit.

## **12 VAC 5-31-810. Ground ambulance specifications.**

A. A vehicle maintained and operated for response to the location of a medical emergency to provide immediate medical care at the basic or advanced life support level and for the transportation of patients shall be permitted as a ground ambulance.

B. A ground ambulance must be commercially constructed and certified to comply with the current federal specification for the Star of Life ambulance (U.S. General Services Administration KKK-A-1822 standards) as of the date of vehicle construction, with exceptions as specified in these regulations.

C. A ground ambulance must be constructed to provide sufficient space for the safe storage of all required equipment and supplies.

1. A ground ambulance must have a locking interior storage compartment or approved locking bracket used for the secure storage of medications and medication kits that is accessible from within the patient compartment. Medications and medication kits must be kept in a locked storage compartment or approved bracket at all times when not in use. The EMS agency must maintain medications and medication kits as specified in these regulations.

2. Required equipment and supplies specified in these regulations, excluding those in 12 VAC 5-31-860 I, J and K, must be available for access and use from inside the patient compartment.

## **12 VAC 5-31-820. Advanced Life Support Equipment Package.**

A. An EMS agency licensed to operate nontransport response vehicles or ground ambulances with ALS personnel shall

maintain a minimum of one vehicle equipped with an ALS equipment package of the highest category licensed. ALS equipment packages consist of the following categories:

1. ALS – EMT-enhanced equipment package; and
2. ALS – EMT-intermediate/EMT-paramedic equipment package.

B. ALS equipment packages shall consist of the equipment and supplies as specified in these regulations.

**12 VAC 5-31-830. Neonatal ambulance specifications.**

A. A vehicle maintained and operated exclusively for the transport of neonatal patients between medical facilities shall be permitted as a neonatal ambulance. A neonatal ambulance shall not be used for response to out-of-hospital medical emergencies.

B. A neonatal ambulance must be commercially constructed and certified to comply with the current U.S. General Services Administration KKK-A-1822 standards as of the date of vehicle construction.

C. A neonatal ambulance must be constructed to provide sufficient space for safe storage of required equipment and supplies specified in these regulations.

1. A neonatal ambulance must be equipped to transport two incubators using manufacturer-approved vehicle mounting devices.

2. A neonatal ambulance must have an installed auxiliary power unit that is capable of supplying a minimum of 1.5 Kw of 110 VAC electric power. The auxiliary power unit must operate independent of the vehicle with starter and power controls located in the patient compartment.

3. A neonatal ambulance must have a locking interior storage compartment or approved locking bracket used for the secure storage of medications and medication kits that is accessible from within the patient compartment. Medications and medication kits must be kept in a locked storage compartment or approved bracket at all times when not in use. The EMS agency must maintain medications and medication kits as specified in these regulations.

4. Required equipment and supplies specified in these regulations must be available for access and use from inside the patient compartment.

**12 VAC 5-31-840. Air ambulance specifications.**

A. An aircraft maintained and operated for response to the location of a medical emergency to provide immediate medical care at the basic or advanced life support level and for the transportation of patients shall be permitted as an air ambulance.

B. An air ambulance must be commercially constructed and certified to comply with the current U.S. Federal Aviation Administration standards as of the date of aircraft construction. An air ambulance must be constructed to provide sufficient space for safe storage of required equipment and supplies specified in these regulations.

C. Required equipment and supplies specified in these regulations, excluding those in 12 VAC 5-31-860 I and J, must be available for access and use from inside the patient compartment. A rotary wing air ambulance must be equipped with a 180-degree controllable searchlight of at least 400,000 candle power.

**12 VAC 5-31-850. EMS vehicle equipment requirements.**

In addition to the items otherwise listed in this article, an EMS vehicle must be equipped with all of the items required for its vehicle classification and any ALS equipment package it carries as listed in 12 VAC 5-31-860.

**12 VAC 5-31-860. Required vehicle equipment.**

<b>REQUIRED VEHICLE EQUIPMENT</b>	Nontransport Vehicle	Ambulance	EMT-E Package	EMT-I/P Package	Air Ambulance	Neonatal Ambulance
<b>A. Basic life support equipment.</b>						
Automated external defibrillator (AED) with a set of patient pads. This may be a combination device that also has manual defibrillation capability.	1	1				
Pocket mask or disposable airway barrier device with one-way valve.	2	2			1	2
Oropharyngeal airways, set of 6, nonmetallic in infant, child and adult sizes, ranging from 43mm to 100 mm (sizes 0-5).	2	2			1	2
Nasopharyngeal airways, set of 4, varied sizes, with water-soluble lubricant.	1	1			1	1
Self-inflating bag-valve-mask resuscitator with oxygen reservoir in adult size with transparent mask in adult size.	1	1			1	1
Self-inflating bag-valve-mask resuscitator with oxygen reservoir in child size with transparent masks in infant and child sizes.	1	1			1	1
<b>B. Oxygen apparatus.</b>						

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Portable oxygen unit containing a quantity of oxygen sufficient to supply the patient at the appropriate flow rate for the period of time it is anticipated oxygen will be needed, but not less than 10 liters per minute for 15 minutes. This unit must be capable of being manually controlled and have an appropriate flowmeter.	1	1			1	1	Stethoscope in adult size.	1	2			1	1
Installed oxygen system containing a sufficient quantity of oxygen to supply two patient flowmeters at the appropriate flow rate for the period of time it is anticipated oxygen will be needed, but not less than 10 liters per minute for 30 minutes. This unit must be capable of being manually controlled, have two flowmeters, and have an attachment available for a single-use humidification device.		1			1	1	Stethoscope in pediatric size.	1	1			1	1
High concentration oxygen masks (80% or higher delivery) in child and adult sizes. These masks must be made of single use soft see-through plastic or rubber.	2	4			2	4	Stethoscopes in infant and neonate sizes.						2
Oxygen nasal cannulae, in infant, child and adult sizes. These cannulae must be made of single use soft see-through plastic or rubber.	2	4			2	4	Sphygmomanometer in child, adult and large adult sizes.	1	1			1	1
<b>C. Suction apparatus.</b>							Sphygmomanometer in infant size.						2
Portable suction apparatus capable of providing a minimum of twenty minutes of continuous operation at a vacuum of 300 millimeters of mercury or greater and free air flow of over 30 liters per minute at the delivery tube. A manually powered device does not meet this requirement.	1	1			1	1	Vinyl triage tape, rolls, minimum of 150 ft. each of red, black, green and yellow.	1	1				
Installed suction apparatus capable of providing a minimum of twenty minutes of continuous operation at a vacuum of 500 millimeters of mercury or greater and free air flow of over 30 liters per minute at the delivery tube.		1			1	1	<b>E. Dressings and supplies.</b>						
Suction catheters that are sterile, individually wrapped, disposable, and made of rubber or plastic in sizes as follows: Rigid Tonsil Tip, [ FR16 FR18 ] , FR14,FR 8 and FR 6.	2	2			2	2	First aid kit of durable construction and suitably equipped. The contents of this kit may be used to satisfy these supply requirements completely or in part.	1	1			1	1
<b>D. Patient assessment equipment.</b>							Trauma dressings, a minimum of 8" x 10" - 5/8 ply when folded, sterile and individually wrapped.	4	4			2	4
							4" x 4" gauze pads, sterile and individually wrapped.	24	24			10	24
							Occlusive dressings, sterile 3" x 8" or larger.	4	4			2	4
							Roller or conforming gauze of assorted widths.	12	12			12	12
							Cloth Triangular bandages, 36" x 36" x 51", triangle unfolded.	10	10				
							Medical adhesive tape, rolls of 1" and 2".	4	4			4	4
							Trauma scissors.	1	1			1	1
							Alcohol preps.	12	12			12	12
							Emesis basin containers or equivalents.	2	2			2	2
							Suspension of Activated Charcoal, 50 grams.	1	1				1
							Sterile normal saline for irrigation, 1000 ml containers (or the equivalent volume in other container sizes).	1	4			2	4
							<b>F. Obstetrical kits, containing the following:</b>	1	2			1	2
							Sterile surgical gloves (pairs).	2	2			2	2
							Scissors or other cutting instrument.	1	1			1	1
							Umbilical cord ties (10" long) or disposable cord clamps.	4	4			4	4
							Sanitary pads.	1	1			1	1

Cloth or disposable hand towels.	2	2			2	2
Soft-tipped bulb syringe.	1	1			1	1
<b>G. Personal protection equipment.</b>						
Waterless antiseptic handwash.	1	1			1	1
Exam gloves, nonsterile, pairs in sizes small through extra large.	5	10			5	10
Disposable gowns/coveralls, each in assorted sizes if not one-size-fits-all style.	2	4				4
Faceshield/eyewear.	2	4			2	4
Infectious waste trash bags.	2	4			2	4
<b>H. Linen and bedding.</b>						
Towels, cloth.	2	2			2	2
Pillows.		2				
Pillow cases.		2				
Sheets.		4			2	4
Blankets.	2	2			2	2
Male urinal.		1				
Bedpan with toilet paper.		1				
<b>I. Splints and immobilization devices.</b>						
Rigid cervical collars in sizes small adult, medium adult, large adult and pediatric. If adjustable type adult collars are used, then a minimum of three are sufficient.	2	2			1	2
Traction splint with ankle hitch and stand, or equivalent. Capable of adult and pediatric application.		1				
Padded board splints or equivalent for splinting fractures of the upper extremities.		2			1	
Padded board splints or equivalent for splinting fractures of the lower extremities.		2			1	
Long spineboards 16" x 72" minimum size, with at least four (4) appropriate restraint straps, cravats or equivalent restraint devices for each spine board.		2			1	
Short spineboard 16" x 34" minimum size or equivalent spinal immobilization devices.		1				
Pediatric immobilization device.		1				1
<b>Cervical immobilization devices (i.e., set of foam blocks/towels or other approved materials).</b>						
		2				1
<b>J. Safety equipment.</b>						
Wheeled ambulance cot with a minimum 350 lb. capacity, three restraint straps and the manufacturer-approved vehicle-mounting device.		1				
Removable cot or spineboard with a minimum of three restraint straps and the manufacturer approved aircraft-mounting device.						1
"D" Cell or larger flashlight.	1	2	2	2	1	2
Five-pound ABC or equivalent fire extinguisher securely mounted in the vehicle in a quick release bracket. One accessible to the patient compartment. *FAA requirements must be satisfied by Air Ambulances.*	1	2	2	2	1*	2
"No Smoking" sign located in the patient compartment.		1			1	1
<b>K. Tools and hazard warning devices.</b>						
Adjustable wrench, 10".	1	1				1
Screwdriver, regular #1 size blade.	1	1				1
Screwdriver, Phillips #1 size blade.	1	1				1
Hammer, minimum 2 lb.	1	1				1
Locking pliers, (vise grip type) 10".	1	1				1
Spring-loaded center punch.	1	1				
Hazard warning devices (reflective cone, triangle or approved equivalent).	3	3				3
Current U.S.-D.O.T. approved Emergency Response Guidebook.	1	1			1	1
<b>L. Advanced life support equipment.</b>						
ECG monitor/manual defibrillator capable of synchronized cardioversion and noninvasive external pacing with capability for monitoring and defibrillating adult and pediatric patients.					1	1 1
ECG monitoring electrodes, set, in adult and pediatric sizes as required by device used.					2	2



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ECG monitoring electrodes, set, in infant size as required by device used.						2
Defibrillation and pacing electrodes in adult and pediatric sizes as required by device used.			2	2		2
Medication kit with all controlled medications authorized for use by the EMS agency's EMT-enhanced personnel and other appropriately licensed advanced level personnel. The medication kit may contain additional medications if the kit is a standardized box utilized by multiple EMS agencies operating under a joint box exchange program.			1			
Medication kit with all controlled medications authorized for use by the EMS agency's EMT-intermediate, EMT-paramedic and other authorized licensed personnel. The medication kit may contain additional medications if the kit is a standardized box utilized by multiple EMS agencies operating under a joint box exchange program.			1	1		1
Assorted intravenous, intramuscular, subcutaneous and other medication delivery devices and supplies as specified by the agency OMD.			1	1	1	1
<b>M. Advanced airway equipment that must consist of:</b>						
Dual lumen airway device (e.g., EOA, Combi-tube, PTL) or laryngeal mask airway (LMA).			1	1		
Intubation kit to include all of the following items as indicated:			1	1	1	1
Laryngoscope handle with two sets of batteries, adult and pediatric blades in sizes 0-4.			1	1	1	
Laryngoscope handle with two sets of batteries, blades in sizes 0-1.						1
McGill forceps, in adult and pediatric sizes.			1	1	1	
Single-use disposable endotracheal tubes in sizes 8.0, 7.0, 6.0, 5.0, 4.0, 3.0 and 2.5mm or equivalent sizes.			2	2	2	

Single-use disposable endotracheal tubes in sizes 4.0, 3.0 and 2.5mm or equivalent sizes.						2
Rigid adult stylettes.			2	2	2	
10 cc disposable syringes.			2	2	2	2
5 ml of water-soluble surgical lubricant.			1	1	1	1

**12 VAC 5-31-870 to 12 VAC 5-31-890. (Reserved.)**

Article 4.

EMS Personnel Requirements and Standard of Conduct.

**12 VAC 5-31-900. General requirements.**

EMS personnel shall meet and maintain compliance with the following general requirements:

1. Be a minimum of 16 years of age. (An EMS agency may have associated personnel who are less than 16 years of age. This person is not allowed to participate in any EMS response, or any training program or other activity that may involve exposure to a communicable disease, hazardous chemical or other risk of serious injury.)
2. Be clean and neat in appearance;
3. Be proficient in reading, writing and speaking the English language in order to clearly communicate with a patient, family or bystander to determine a chief complaint, nature of illness, mechanism of injury and/or assess signs and symptoms.
4. Have no physical or mental impairment that would render him unable to perform all practical skills required for that level of training. Physical and mental performance skills include the ability of the individual to function and communicate independently to perform appropriate patient care, physical assessments and treatments without the need for an assistant.

**12 VAC 5-31-910. Criminal or enforcement history.**

EMS personnel shall meet and maintain compliance with the following general requirements:

1. Has never been convicted or found guilty of any crime involving sexual misconduct where the lack of affirmative consent by the victim is an element of the crime, such as forcible rape.
2. Has never been [~~the subject of a founded complaint of child or elderly abuse or neglect within or outside the Commonwealth~~ convicted of a felony involving the sexual or physical abuse of children, the elderly or the infirm, such as sexual misconduct with a child, making or distributing child pornography or using a child in a sexual display, incest involving a child, or assault on an elderly or infirm person ] .
3. Has never been convicted or found guilty of any crime (including abuse, neglect, theft from, or financial exploitation) of a person entrusted to his care or protection in which the victim is a patient or is a resident of a health care facility.

4. Has never been convicted or found guilty of any crime involving the use, possession, or distribution of illegal drugs except that the person is eligible for affiliation five years after the date of final release if no additional crimes of this type have been committed during that time.

5. Has never been convicted or found guilty of any other act that is a felony except that the felon is eligible for affiliation five years after the date of final release if no additional felonies have been committed during that time.

6. Is not currently under any disciplinary or enforcement action from another state EMS office or other recognized state or national healthcare provider licensing or certifying body. Personnel subject to these disciplinary or enforcement actions may be eligible for certification provided there have been no further disciplinary or enforcement actions for five years prior to application for certification in Virginia.

7. Has never been subject to a permanent revocation of license or certification by another state EMS office or other recognized state or national healthcare provider licensing or certifying body.

B. EMS personnel [~~acting~~ may not act] as an operator of an EMS vehicle [~~may not have~~ if he has] been convicted [~~or found guilty~~ upon a charge] of driving under the influence [~~(DUI)~~ of alcohol or drugs, convicted of a felony or assigned to any alcohol safety action program or driver alcohol rehabilitation program pursuant to § 18.2-271.1 of the Code of Virginia], hit and run, or operating on a suspended or revoked license within the past five years. A person having any of these convictions in Virginia or another state may be eligible for reinstatement as an operator after five years and after successful completion of an approved emergency vehicle operator's course (EVOC) within the year prior to reinstatement.

C. All references to criminal acts or convictions under this section refer to substantially similar laws or regulations of any other state or the United States. Convictions include prior adult convictions, juvenile convictions and adjudications of delinquency based on an offense that would have been, at the time of conviction, a felony conviction if committed by an adult within or outside Virginia.

**12 VAC 5-31-920. [~~EMS regulation compliance. Reserved~~**

~~EMS personnel shall comply with these regulations and report in writing to the Office of EMS any suspected violations within 15 days.]~~

**12 VAC 5-31-930. State and federal law compliance.**

EMS personnel shall comply with all federal, state, and local laws applicable to their EMS operations.

**12 VAC 5-31-940. Drugs and substance [~~addiction~~ use] .**

A. EMS personnel may not be [~~addicted to or~~] under the influence of any drugs or intoxicating substances [~~that impair his ability to provide patient care or operate a motor vehicle~~] while on duty or when responding or assisting in the care of a patient.

B. EMS personnel shall submit to testing for drugs or intoxicating substances upon request by the Office of EMS.

**12 VAC 5-31-950. Disclosure of patient information.**

EMS personnel may not share or disclose medical information concerning the names, treatments, conditions or medical history of patients treated. This information must be maintained as confidential, except:

1. To provide a copy of the prehospital patient care report completed by the attendant-in-charge to the receiving facility for each patient treated or transported;
2. To provide a copy of the prehospital patient care report completed by the attendant-in-charge for each patient treated to the agency that responds and transports the patients. The prehospital patient care report copy may be released to the transporting agency upon request after the patient transport to complete the transporting agency's records of all care provided to the patients transported;
3. To provide for the continuing medical care of the patient;
4. To the extent necessary and authorized by the patient or his representative in order to collect insurance payments due;
5. To provide continuing medical education of EMS personnel who provide the care or assistance when patient identifiers have been removed; or
6. To assist investigations conducted by the board, department or Office of EMS.

**12 VAC 5-31-960. Misrepresentation of qualifications.**

EMS personnel may not misrepresent themselves as authorized to perform a level of care for which they are not currently qualified, licensed or certified. This requirement does not prohibit the performance of patient care by students currently enrolled in a training program when properly supervised as required by these regulations.

**12 VAC 5-31-970. Weapon possession.**

EMS personnel may not carry or possess on an EMS vehicle any firearm, weapon, explosive or incendiary device, except those weapons carried by sworn law-enforcement officers authorized to carry concealed weapons pursuant to § 18.2-308 of the Code of Virginia.

**12 VAC 5-31-980. False application for license, permit, certificate, endorsement or designation.**

EMS personnel may not obtain or aid another person in obtaining agency licensure, vehicle permitting, certification, endorsement or designation through fraud, deceit, forgery or deliberate misrepresentation or falsification of information.

**12 VAC 5-31-990. False statements or submissions.**

EMS personnel may not make false statements, misrepresentations, file false credentials or willfully conceal material information to the board, the department, or the Office of EMS regarding application for agency licensure, vehicle permitting, certification, endorsement or designation or

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in connection with an investigation conducted by the board, the department or the Office of EMS.

## **12 VAC 5-31-1000. Falsification of materials.**

EMS personnel may not willfully alter or change the appearance or wording of any license, permit, certificate, endorsement, designation, prehospital patient care report, official agency documents, or any forms submitted to the Office of EMS.

## **12 VAC 5-31-1010. Misappropriation or theft of medications.**

EMS personnel may not possess, remove, use or administer any controlled substances, medication delivery devices or other regulated medical devices from any EMS agency, EMS vehicle, health care facility, academic institution or other location without proper authorization.

## **12 VAC 5-31-1020. Discrimination in provision of care.**

EMS personnel may not discriminate in the provision of emergency medical services based on race, gender, religion, age, national origin, medical condition or any other reason.

## **12 VAC 5-31-1030. Sexual harassment.**

EMS personnel may not engage in sexual harassment of patients or coworkers. Sexual harassment includes making unwelcome sexual advances, requesting sexual favors, and engaging in other verbal or physical conduct of a sexual nature as a condition of:

1. The provision or denial of emergency medical care to a patient;
2. The provision or denial of employment;
3. The provision or denial of promotions to a coworker;
4. For the purpose or effect of creating an intimidating, hostile, or offensive environment for the patient or unreasonably interfering with a patient's ability to recover; or
5. For the purpose or effect of creating an intimidating, hostile or offensive working environment or unreasonably interfering with a coworker's ability to perform his work.

## **12 VAC 5-31-1040. Operational medical director authorization to practice.**

EMS personnel may only provide emergency medical care while acting under the authority of the operational medical director for the EMS agency for which they are affiliated and within the scope of the EMS agency license.

## **12 VAC 5-31-1050. Scope of practice.**

EMS personnel shall only perform those procedures, treatments or techniques for which he is currently licensed or certified, provided that he is acting in accordance with local medical control protocols and medical direction provided by the OMD of the EMS agency with which he is affiliated [ and as authorized in the Emergency Medical Services Procedure and Medication Schedule ] .

## **12 VAC 5-31-1060. Transport without required personnel.**

An EMS provider may provide care in the event that the required EMS personnel do not respond to a call to fully staff the ambulance that has responded to the scene. The circumstances of the call must be documented in writing. Based on circumstances and documentation, the EMS agency or the EMS provider may be subject to enforcement action.

## **12 VAC 5-31-1070. Extraordinary care outside of protocols.**

In the event of an immediate threat to loss of life or limb, medical control may authorize an EMS provider with specific training to provide care not authorized under existing protocol. The circumstances must be documented on the patient care report.

## **12 VAC 5-31-1080. Inability to carry out medical control orders.**

In the following circumstances, EMS personnel may refuse to perform specific procedures or treatments, provided medical control is informed of the refusal and the refusal of care is documented on the prehospital patient care report:

1. If not adequately trained and proficient to perform the procedure;
2. If the procedure is not fully understood; or
3. If the procedure is judged not to be in the best interests of the patient.

## **12 VAC 5-31-1090. Refusal of care.**

A decision not to treat or transport a patient shall be fully documented on the prehospital patient care report.

## **12 VAC 5-31-1100. [ ~~Informed~~ ] Consent or refusal.**

A. Whenever care is rendered without first obtaining [ ~~informed~~ ] consent, the circumstances shall be documented on the prehospital patient care report.

B. [ ~~Informed~~ ] Refusal of care must be obtained and documented on the prehospital patient care report.

## **12 VAC 5-31-1110. Transfer of patient care/patient abandonment.**

EMS personnel may not leave a patient in need of emergency medical care without first providing for a level of care capable of meeting the assessed and documented needs of the patient's condition is present and available or a refusal is obtained.

## **12 VAC 5-31-1120. Provider disagreement over patient's needs.**

In the event that responding EMS personnel at the scene of a medical emergency have made differing assessments as to a patient's treatment needs or transport destination, medical control shall be contacted to resolve the conflict.

## **12 VAC 5-31-1130. Attending of the patient during transports.**

During transportation, the patient shall be attended in the patient compartment of the vehicle by the required attendant-

in-charge. Where additional attendants are required by these regulations, they must attend the patient in the patient compartment of the vehicle during transportation unless otherwise allowed.

**12 VAC 5-31-1140. Provision of patient care documentation.**

A. EMS personnel and EMS agencies shall provide the receiving medical facility or transporting EMS agency with a copy of the prehospital patient care report for each patient treated, either with the patient or within 24 hours.

B. The signature of the [~~physician~~ medical practitioner] who assumes responsibility for the patient shall be included on the prehospital patient care report for an incident when a medication is administered, or self-administration is assisted (excluding oxygen), or an invasive procedure is performed. The [~~physician~~ medical practitioner's] signature shall document that the physician has been notified of the medications administered and procedures performed by the EMS personnel. EMS personnel shall not infer that the [~~physician's~~ medical practitioner's] signature denotes approval, authorization or verification of compliance with protocol, standing orders or medical control orders.

The receiving [~~physician~~ medical practitioner] signature requirement above does not apply to medications that are maintained by EMS personnel during transport of patients between healthcare facilities, provided adequate documentation of ongoing medications are transferred with the patient by the sending facility.

If a patient is not transported to the hospital or if the attending [~~physician~~ medical practitioner] at the hospital refuses to sign the prehospital patient care report, this prehospital patient care report shall be signed by the agency's operational medical director within seven days of the administration and a signed copy delivered to the hospital pharmacy that was responsible for any medication kit exchange.

**12 VAC 5-31-1150. Emergency operation of EMS vehicle.**

EMS personnel are only authorized to operate an EMS vehicle under emergency conditions, as allowed by § 46.2-920 of the Code of Virginia:

1. When responding to medical emergencies for which they have been dispatched or have witnessed.
2. When transporting patients to a hospital or other medical clinic when the attendant-in-charge has determined that the patient's condition is unstable or life threatening.

**12 VAC 5-31-1160. Provision of care by mutual aid.**

EMS personnel who have not been specifically requested to respond to a call may assist a responding EMS agency at the scene of a medical emergency if the provider is licensed or certified to provide a level of care at the scene that is required to meet the assessed needs of the patient, and

1. A response obligation to locality or a mutual aid agreement exists between the provider's EMS agency and the responding EMS agency, or

2. Medical control shall be contacted to obtain approval to provide patient care as the AIC. If contact with medical control is not possible or would unduly delay the provision of care, then the EMS provider may proceed with the indicated treatment with approval of the responding EMS agency's personnel on the scene. In such event, the circumstances of the incident must be documented on the prehospital patient care report.

**12 VAC 5-31-1170. Provision of care by students.**

A student enrolled in an approved EMS certification training program may perform the clinical skills and functions of EMS personnel who are certified at the level of the course of instruction while participating in clinical and field internship training as provided for in these regulations when:

1. The student is caring for patients in the affiliated hospitals or other facilities approved by the training program's PCD, provided that the related didactic subject matter and practical skills laboratory have been completed and the students are under the direct supervision of a preceptor who is a physician, physician assistant, nurse practitioner, registered nurse or an EMS provider certified at or above the level of the training program. The affiliated hospital or facility must approve preceptors.

2. The student is caring for patients during a required course internship program with an EMS agency approved by the training program's PCD and EMS agency's OMD, provided that the related didactic subject matter and practical skills laboratory have been completed and the student is under direct supervision of and accompanied by an EMS provider certified at or above the level of the training program, or under the direct supervision of a licensed physician.

3. Nothing in subdivision 1 or 2 of this section removes the obligation of the supervising hospital, facility or licensed EMS agency for ultimate responsibility for provision of appropriate patient care during clinical or internship training.

4. Nothing in subdivision 1 or 2 of this section may be construed to authorize a noncertified or unlicensed individual to provide care outside of the approved supervised settings of the training program in which they are enrolled.

5. Nothing in subdivision 1 or 2 of this section may be construed to authorize a noncertified or unlicensed individual to provide care or to operate an emergency medical services vehicle in a county or municipality that has enacted an ordinance pursuant to § 32.1-111.14 A 8 of the Code of Virginia making it unlawful to do so.

**12 VAC 5-31-1180. Adequate response staffing.**

An EMS agency shall provide for an adequate number of trained or certified EMS personnel to perform all essential tasks necessary for provision of timely and appropriate patient care on all calls to which the EMS agency responds.

1. A responding EMS vehicle shall be staffed with the appropriately trained and qualified personnel to fulfill the staffing requirements for its vehicle classification. An operator may respond alone with an EMS vehicle to a

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medical emergency if the required EMS providers is known to be responding to the scene.

2. An EMS agency shall respond with a sufficient number of agency or mutual aid agency personnel to lift and move all patients who are in need of treatment or transport.

## **12 VAC 5-31-1190. Attendant-in-charge authorization.**

An attendant-in-charge shall be authorized by the EMS agency's OMD to use all skills and equipment required for his level of certification and the type of transport to be performed.

## **12 VAC 5-31-1200. Minimum age of EMS vehicle personnel.**

A. EMS personnel serving in a required staffing position on an EMS vehicle shall be at a minimum 18 years of age.

B. An EMS agency may allow assistants or observers in addition to the required personnel. An assistant or observer must be at a minimum 16 years of age.

## **12 VAC 5-31-1210. Nontransport response vehicle staffing.**

At a minimum, one person may satisfy both of the following requirements:

1. An operator shall at a minimum possess a valid motor vehicle operator's permit issued by Virginia or another state and have successfully completed an approved emergency vehicle operator's course (EVOC) training course or an equivalent.

2. Attendant-in-charge shall be currently certified as an EMS first responder or emergency medical technician or an equivalent approved by the Office of EMS.

## **12 VAC 5-31-1220. Transfer of ALS package.**

Advanced life support equipment may be transferred from one EMS vehicle to another EMS vehicle not otherwise equipped to provide the needed level of ALS. When this equipment is transferred, the EMS vehicle shall have required EMS personnel in compliance with these regulations.

## **12 VAC 5-31-1230. Ground ambulance staffing requirements.**

A ground ambulance transport requires a minimum of two persons:

1. An operator shall at a minimum possess a valid motor vehicle operator's permit issued by Virginia or another state and have successfully completed an approved Emergency Vehicle Operator's Course (EVOC) training course or an equivalent.

2. An attendant-in-charge who must meet the requirements listed for the type of transport to be performed.

## **12 VAC 5-31-1240. Basic life support vehicle transport.**

During a basic life support transport, the attendant-in-charge must be certified as an emergency medical technician or an equivalent approved by the Office of EMS.

## **12 VAC 5-31-1250. Advanced life support vehicle transport.**

Advanced life support transport requirements:

1. A ground ambulance equipped with an ALS equipment package. An ALS equipment package may be transferred to a ground ambulance not otherwise equipped to provide the needed level of ALS patient care from another appropriately equipped EMS vehicle. This transfer must include all items required for the type of ALS equipment package that the attendant-in-charge is authorized to use.

2. The attendant-in-charge must be certified as an advanced life support level provider or an equivalent approved by the Office of EMS.

3. An attendant must be certified as an emergency medical technician or an equivalent approved by the Office of EMS in addition to the attendant-in-charge. The attendant must not serve as the attendant-in-charge. An operator may serve as the attendant if certified as an emergency medical technician or an equivalent approved by the Office of EMS.

## **12 VAC 5-31-1260. Supplemented transport requirements.**

A. Supplemented transports require the following:

1. An ambulance equipped with an ALS intermediate/paramedic equipment package;

2. A determination by the sending physician that the patient's medically necessary care exceeds the scope of practice of available personnel certified at an advanced life support level or an equivalent approved by the Office of EMS; or

3. A determination by the sending physician that the specific equipment needed to care for the patient exceeds that required for a ground ambulance equipped with an ALS intermediate/paramedic equipment package.

B. An attendant-in-charge who must be a physician, registered nurse or physician assistant who is trained and experienced in the care and the equipment needed for the patient being transported.

C. An attendant who must be certified as an emergency medical technician or an equivalent approved by the Office of EMS in addition to the attendant-in-charge. The attendant must be a third person who is not the Operator.

D. An EMS agency requested to perform a supplemented transport, is responsible for the following:

1. Obtaining a written statement from the sending physician detailing the specific nature of the patient's medical condition and the medical equipment necessary for the transport. The written statement may be in the form of transport orders documented in the patient's medical record.

2. Verifying that the individual acting as attendant-in-charge for the transport is experienced in the patient care required and the operation of all equipment to be used for the patient to be transported.

An EMS agency requested to perform a supplemented transport shall refuse to perform the transport if compliance with the requirements of this section cannot be satisfied. Refusal to provide the transport must be documented by the EMS agency.

## **12 VAC 5-31-1270. Neonatal transport requirements.**

A. Neonatal transports require a neonatal ambulance. If a ground ambulance is utilized to perform an interfacility neonatal transport, the vehicle must be equipped with the additional items listed in 12 VAC 5-31-860 D, L and M and staffed in compliance with this section.

B. A minimum of three persons is required:

1. An operator who at a minimum possesses a valid motor vehicle operator's permit issued by Virginia or another state, and who has successfully completed an approved emergency vehicle operator's course (EVOC) training course or an equivalent approved by the Office of EMS.

2. An attendant-in-charge who must be one of the following:

a. Physician;

b. Registered nurse or physician's assistant, licensed for a minimum of two years, with specialized neonatal transport training; or

c. Other health care personnel with equivalent training or experience as approved by the Office of EMS.

3. An attendant.

The operator, attendant-in-charge or attendant must be certified as an emergency medical technician or an equivalent approved by the Office of EMS.

## **12 VAC 5-31-1280. Air ambulance transport requirements.**

An air ambulance transport requires a minimum of three persons, the aircraft flight crew and two air medical personnel.

1. Rotary Wing Air Ambulance.

a. A pilot in command shall meet all the requirements of the Federal Aviation Administration, including possession of a valid commercial pilot's certificate for rotor craft and must have a minimum of 1,000 hours in category, of which a minimum of 200 hours must be nighttime.

b. An attendant-in-charge shall be an air medical specialist who must be one of the following:

(1) Physician;

(2) Registered nurse or physician's assistant, licensed for a minimum of two years with specialized air medical training and possessing the equivalent skills of an emergency medical technician - paramedic;

(3) Emergency medical technician – paramedic, certified for a minimum of two years with specialized air medical training; or

(4) Other health care personnel with equivalent training or experience as approved by the Office of EMS.

c. An attendant who shall be an emergency medical technician or an equivalent approved by the Office of EMS.

d. The attendant-in-charge and the attendant shall not be members of the required flight crew.

2. Fixed Wing Air Ambulance.

a. A pilot in command shall meet all the requirements of the Federal Aviation Administration Regulations Part 135.

b. An attendant-in-charge who at a minimum shall be an air medical specialist who shall be one of the following:

(1) A physician;

(2) A registered nurse or physician's assistant, licensed for a minimum of two years with specialized air medical training and possessing the equivalent skills of an emergency medical technician - paramedic;

(3) An emergency medical technician – paramedic, certified for a minimum of two years with specialized air medical training; or

(4) Any other health care personnel with equivalent training or experience as approved by the Office of EMS.

c. An attendant shall be an emergency medical technician or an equivalent approved by the Office of EMS.

d. The attendant-in-charge and the attendant shall not be members of the required flight crew.

## **12 VAC 5-31-1290. Exemptions.**

A. On [ ~~(insert the effective date of these regulations)~~ January 1, 2003 ], an EMS vehicle must meet the requirements for vehicle construction and required markings in effect at the time the EMS vehicle was permitted. This exception does not apply to the medication kit storage requirements or if the EMS vehicle permit is surrendered or expires.

B. An EMS vehicle permitted before [ ~~(insert the effective date of these regulations)~~ January 1, 2003, ] is exempted as follows:

1. From 12 VAC 5-31-860 A (AED requirement) and 12 VAC 5-31-860 L (ECG monitor/manual defibrillator with synchronized cardioversion and non-invasive pacing requirement) until [ ~~(insert date 12 months from the effective date of these regulations)~~ January 1, 2004 ].

2. From 12 VAC 5-31-760 (EMS vehicle communications requirement) until [ ~~(insert date 12 months from the effective date of these regulations)~~ January 1, 2004 ]. [ The communications requirements of 12 VAC 5-30-200 B e shall remain in effect until January 1, 2004. ]

C. On [ ~~(insert the effective date of these regulations)~~ January 1, 2003 ], an EMS vehicle may be reclassified as follows:

1. An immediate response vehicle (Class A) becomes a nontransport response vehicle.

2. A basic life support vehicle (Class B) or an advanced life support vehicle (Class C) becomes a ground ambulance.

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3. A specialized life support transport unit (Class D) becomes a ground ambulance unless the EMS agency applies for an EMS vehicle permit as a neonatal ambulance.

4. A life support vehicle for air transportation (Class F) becomes an air ambulance.

D. Existing forms, licenses, certificates, and other materials may be used by the Office of EMS or modified as considered necessary by the Office of EMS until existing stocks are depleted.

E. Current specialized air medical training programs as approved by the Office of EMS comply with these regulations.

F. A designated emergency response agency shall comply with 12 VAC 5-31-620 (staffing capability) by [~~insert date 12 months after the effective date of these regulations~~] January 1, 2004].

## PART III. EMS EDUCATION AND CERTIFICATION.

### 12 VAC 5-31-1300. Applicability.

This part applies to initial, refresher or bridge certification courses and EMS continuing education (CE) programs.

### 12 VAC 5-31-1310. BLS certification programs.

A. BLS certification programs authorized for issuance of certification in Virginia are:

1. EMS First Responder;
2. EMS First Responder Bridge [ to EMT ] ; and
3. Emergency Medical Technician (EMT).

B. A course coordinator for a BLS certification program must be an EMT instructor.

C. A course coordinator for a BLS certification program must use the following curriculum:

1. The Virginia standard curriculum for the EMS first responder for an EMS First Responder certification program.
2. The U.S. Department of Transportation National Standard Curriculum for the EMT-Basic for an EMS First Responder Bridge certification program or an EMT certification program.

### 12 VAC 5-31-1320. ALS certification programs.

A. ALS certification programs authorized for issuance of certification in Virginia are:

1. EMT-Enhanced;
2. EMT-Enhanced to EMT Intermediate Bridge;
3. EMT-Intermediate;
4. EMT-Intermediate to EMT-Paramedic Bridge;
5. Registered Nurse to Paramedic Bridge; and
6. EMT-Paramedic.

B. Transitional ALS certification programs that are authorized for issuance of certification in Virginia for six years from [~~insert the effective date of these regulations~~] January 1, 2003, ] are:

1. EMT-Shock Trauma to EMT-Enhanced.
2. EMT-Cardiac to EMT-Intermediate.

a. After recertifying once at his current certification level, an EMS provider with EMT-Shock Trauma or EMT-Cardiac certification shall complete the designated "transition" program to certify at the corresponding replacement certification level listed in this subsection.

b. An EMS provider in an initial or bridge EMT-Shock Trauma or EMT-Cardiac certification program who completes the program and attains certification shall complete the designated "transition" program to certify at the corresponding replacement certification level listed in this subsection.

c. An EMS provider with EMT-Shock Trauma or EMT-Cardiac certification shall complete the requirements for the designated "transition" certification level by [~~insert date six years from the effective date of these regulations~~] January 1, 2009].

C. A course coordinator for an ALS certification program shall be an ALS coordinator who is certified or licensed at or above the certification level of the course to be announced.

D. A course coordinator for an ALS certification program shall use the following curriculum:

1. The Virginia Standard Curriculum for the EMT-Enhanced or an equivalent approved by the Office of EMS for an EMT-Enhanced certification program.
2. The U.S. Department of Transportation National Standard Curriculum for the EMT-Intermediate or a bridge certification program approved by the Office of EMS for an EMT Enhanced to EMT-Intermediate Bridge or an EMT-Intermediate certification program.
3. The U.S. Department of Transportation National Standard Curriculum for the EMT-Paramedic or a bridge certification program approved by the Office of EMS for an EMT-Intermediate to EMT-Paramedic Bridge, a Registered Nurse to EMT-Paramedic Bridge or EMT-Paramedic certification program.

### 12 VAC 5-31-1330. EMT Instructor certification program.

The EMS Instructor certification program authorized for issuance of certification in Virginia is EMT-Instructor.

### 12 VAC 5-31-1340. Program site accreditation.

A. Program site accreditation. Training programs that lead to eligibility for [ initial ] certification at [ ~~an initial or higher certification~~ the EMT-Intermediate and EMT-Paramedic ] level shall hold a valid "Program Site Accreditation" issued by the Office of EMS. [~~This requirement for program site accreditation will apply for all programs and certification levels for which the Office of EMS has adopted a program site accreditation process and requirement.~~ ("Program Site

Accreditation" is not required when conducting continuing education programs for recertification purposes.) ]

B. All certification programs seeking accreditation in Virginia must comply with these regulations and the standards for an Accredited Educational Program for the Emergency Medical Technician-Paramedic established by the Committee on Accreditation of Educational Programs for the Emergency Medical Services Professions (CoAEMSP) as initially adopted in 1978, and revised in 1989 and 1999, by the American Academy of Pediatrics, American College of Cardiology, American College of Emergency Physicians, American College of Surgeons, American Society of Anesthesiologists, Commission on Accreditation of Allied Health Education Programs, National Association of Emergency Medical Technicians, and National Registry of Emergency Medical Technicians.

C. The CoAEMSP standards are adopted by reference with the following provisions:

1. In any instance where the CoAEMSP standards conflict with these regulations, these regulations will prevail.
2. The CoAEMSP standards, as adopted by reference, will apply equally to all training programs required to hold accreditation by these regulations with these exclusions:

a. ~~Accreditation is not required for programs leading to certification at any Basic Life Support certification level.~~ The following are optional components of the Virginia Paramedic Accreditation Standards:

- (1) Section 1: General Requirements, A. Sponsorship, 1. Institutional Accreditation.
- (2) Section 1: General Requirements, A. Sponsorship, 2. Institutional Authority.
- (3) Section 1: General Requirements, A. Sponsorship, 4. Eligible Sponsors.
- (4) Section 1: General Requirements, A. Sponsorship, 6. Institutional Commitment.
- (5) Section 1: General Requirements, B. Resources, 1 Personnel, a. Administrative Personnel, (1) Program Director/Direction, (c) Qualifications or Equivalents, 1).
- (6) Section 1: General Requirements, B. Resources, 1 Personnel, c. Support Staff.
- (7) Section 1: General Requirements, B. Resources, 1 Personnel, d. Professional Development.
- (8) Section 1: General Requirements, D. Operation Policies, 1. Fair Practices, j. ]

b. ~~Accreditation is not required for programs leading to certification at the EMT-Enhanced certification level.~~ The following are optional components of the Virginia Intermediate Accreditation Standards:

- (1) Section 1: General Requirements, A. Sponsorship, 1. Institutional Accreditation.
- (2) Section 1: General Requirements, A. Sponsorship, 2. Institutional Authority.

(3) Section 1: General Requirements, A. Sponsorship, 4. Eligible Sponsors.

(4) Section 1: General Requirements, A. Sponsorship, 6. Institutional Commitment.

(5) Section 1: General Requirements, B. Resources, 1 Personnel, a. Administrative Personnel, (1) Program Director/Direction, (c) Qualifications or Equivalents, 1).

(6) Section 1: General Requirements, B. Resources, 1 Personnel, c. Support Staff.

(7) Section 1: General Requirements, B. Resources, 1 Personnel, d. Professional Development.

(8) Section 1: General Requirements, D. Operation Policies, 1. Fair Practices, j.

c. Training programs that hold current "Program Site Accreditation" to conduct EMT-Paramedic programs may also conduct EMT-Intermediate programs. ]

3. The program director for an EMT-Intermediate program is not required to hold a bachelor's degree as specified in subsection B 1 a (1) (c) 1) of the CoAEMSP standards.

4. The medical director required by subsection B 1 a (2) of the CoAEMSP standards shall also meet the requirements for a physician course director (PCD) as required by these regulations.

5. The guidelines accompanying the CoAEMSP standards and printed in that document in italics typeface provide examples intended to assist in interpreting the CoAEMSP standards. These guidelines are not regulations as defined by the Code of Virginia.

## **12 VAC 5-31-1350. Training site accreditation process.**

A. The accreditation process will begin upon the receipt by the Office of EMS of a written request for accreditation.

B. The Office of EMS will forward the request to a site reviewer who will conduct the accreditation analysis. Independent site reviewers utilized by the Office of EMS shall be persons who are not affiliated with the applicant training program or another similar program located in the same geographical region.

C. The applicable regional EMS council or local EMS resource shall submit to the site reviewer an evaluation indicating its position toward the applicant program's accreditation request.

D. The Office of EMS will determine the suitability of the training site for program site accreditation upon review of the accreditation analysis submitted to the Office of EMS by the site reviewer. The Office of EMS may either accept or deny the application for accreditation.

1. If the accreditation analysis determines that the training program is in full compliance with the requirements for accreditation, the Office of EMS will issue full accreditation for a period of five years.

2. The Office of EMS will issue conditional accreditation for a period of less than five years if the accreditation analysis identifies deficiencies that are determined to be of concern



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but do not justify prohibiting the program from starting and completing an initial training program. Before starting any additional certification courses, the program site must receive full accreditation by correcting the identified deficiencies.

3. The Office of EMS will deny an application for accreditation if the accreditation analysis identifies deficiencies that are determined to be sufficient to prohibit the program from starting an initial training program.

## **12 VAC 5-31-1360. Renewal of program site accreditation.**

A. A training program site shall apply for renewal not less than 90 days before expiration of its current accreditation period. Reaccreditation will require review by a site reviewer of the program's performance and a recommendation to the Office of EMS for approval. However, programs conducting training courses leading to certification at the EMT-Paramedic level may be renewed only through compliance with the requirements of 12 VAC 5-31-1390. Renewal of a "Program Site Accreditation" will be valid for an additional five-year period.

B. If the site reviewer does not recommend renewal of a program site's accreditation, the Office of EMS will review all supporting documentation and make a determination of suitability for "Program Site Accreditation" renewal.

## **12 VAC 5-31-1370. Appeal of site accreditation application results.**

Appeals by a program concerning the denial of initial or renewal accreditation, or the issuance of conditional accreditation by the Office of EMS will be reviewed by a committee of the State EMS Advisory Board and follow the Administrative Process Act.

## **12 VAC 5-31-1380. Program site accreditation administration.**

A. State accreditation will be administered through the process established in the "Training Program Administration Manual" for the certification levels of the training programs conducted by the program site.

B. Any program that has achieved accreditation issued by the Committee on Accreditation of Educational Programs for the Emergency Medical Services Professions (CoAEMSP) or an equivalent organization approved by the Office of EMS will be considered in compliance with this Section. State "Program Site Accreditation" will be issued for a period concurrent with that issued by the CoAEMSP or other approved organization up to a maximum of five years.

1. As a condition for equivalent accreditation, a representative from the Office of EMS must be included with each visit by the CoAEMSP or any other approved accreditation organization.

2. The program must notify the Office of EMS immediately upon receiving the dates for any visits and include:

- a. Dates;
- b. Times; and
- c. The schedule of events.

3. Accreditation issued by CoAEMSP or other organization approved by the Office of EMS must remain current during any certification training program that requires accreditation by the Office of EMS. Revocation, removal or expiration of accreditation issued by CoAEMSP or other another organization approved by the Office of EMS will invalidate the corresponding state accreditation of the training program.

C. Each program must meet all other requirements as outlined in these regulations and the state-approved curriculum and course guide.

## **12 VAC 5-31-1390. Program site accreditation of EMT-Paramedic programs.**

A. A training program that leads to eligibility for certification at the EMT-Paramedic level must be an accredited program before the course begins.

B. Initial accreditation can be issued by the Office of EMS pursuant to 12 VAC 5-31-1340 or by acceptance of accreditation issued by the Committee on Accreditation of Educational Programs for the Emergency Medical Services Professions (CoAEMSP) or another approved equivalent accreditation organization.

C. Following an initial five-year state accreditation period, renewal of accreditation at the EMT-Paramedic level will be issued only upon verification of accreditation issued by the CoAEMSP or another approved equivalent accreditation organization per 12 VAC 5-31-1380.

## **12 VAC 5-31-1400. Course approval request.**

A. A course coordinator shall submit to the Office of EMS a complete course approval request form 30 days before the beginning date of a certification or continuing education course that includes the following:

1. The signature of the course coordinator.
2. The signature of the physician course director if requesting a BLS or ALS certification program or "Required (Category 1)" CE hours.

B. The course coordinator shall use the course number assigned by the Office of EMS to identify the certification or CE program.

C. The course coordinator shall only use those CE topic and subtopic numbers assigned for the specific course approved by the Office of EMS when submitting a CE record/scandard.

D. In addition, training programs leading to certification at an initial or higher certification level shall also comply with the requirements for "Program Site Accreditation" listed in 12 VAC 5-31-1340 through 12 VAC 5-31-1390, if an accreditation process for the involved certification level has been adopted by the Office of EMS.

## **12 VAC 5-31-1410. Physician course director involvement.**

A course coordinator must inform the physician course director of the program schedule, progress of individual student performance, student or instructor complaints and the status of other program activities.

## **12 VAC 5-31-1420. Course coordinator and instructor accountability.**

A. A course coordinator or instructor who violates these regulations is subject to enforcement action by the Office of EMS. The Office of EMS may suspend the instruction of an ongoing course or withhold issuance of certification until an investigation is concluded.

B. A course coordinator or instructor found to be in violation of these regulations following an investigation may be subject to the following:

1. Termination of the certification program.
2. Invalidation of certificates or CE hours issued to students.
3. Suspension or revocation of any or all certifications of the course coordinator.
4. Suspension or revocation of any or all certifications of an instructor.

## **12 VAC 5-31-1430. Certification examination.**

A Test Site Coordinator shall comply with the requirements for certification examinations. The Office of EMS will publish the "Virginia EMS Certification Examination Manual," a document that describes and provides guidance to a test site coordinator on how to comply with these regulations.

## **12 VAC 5-31-1440. Certification course enrollment.**

A. For all courses leading to certification at a new or higher level, the course coordinator shall have each student complete a "Virginia EMS Training Program Enrollment" form. These forms shall be reviewed by the course coordinator and submitted to the Office of EMS no later than 15 days following instruction of the third lesson of the training program and no later than 15 days prior to the course's end date. (Earlier submission is allowed and encouraged.)

B. Only students listed as enrolled in the designated training program will be allowed to test for certification using the assigned course number for the specified training program.

All students attending a certification course for recertification must submit the necessary CE record/scan form for award of CE credits and issuance of a "Recertification Eligibility Notice" from the Office of EMS.

## **12 VAC 5-31-1450. BLS student enrollment requirements.**

The enrolled student, certification candidate or EMS provider must comply with the following:

1. Be proficient in reading, writing and speaking the English language in order to clearly communicate with a patient, family or bystander to determine a chief complaint, nature of illness, mechanism of injury or to assess signs and symptoms.
2. Be a minimum of 16 years of age at the beginning date of the certification program. If less than 18 years of age, he shall provide the course coordinator with a completed parental permission form with the signature of a parent or guardian verifying approval for enrollment in the course.

3. Have no physical or mental impairment that would render him unable to perform all practical skills required for that level of certification including the ability to function and communicate independently and perform appropriate patient care, physical assessments and treatments without the need for an assistant.

4. Hold current certification in an approved course in cardio-pulmonary resuscitation (CPR) at the beginning date of the certification program. This certification shall also be current at the time of state testing.

5. May not have been convicted or found guilty of any crime, offense or regulatory violation, or participated in any other prohibited conduct identified in these regulations.

6. If in a bridge certification program, he shall hold current Virginia certification at the EMS first responder level.

7. Meet other requirements for course enrollment as set by the regional EMS council or local EMS resource, the PCD or the course coordinator, approved by the Office of EMS.

## **12 VAC 5-31-1460. ALS student enrollment requirements.**

An enrolled student in an ALS certification program (EMT-Enhanced, EMT-Intermediate or EMT-Paramedic) must comply with the following:

1. Be proficient in reading, writing and speaking the English language in order to clearly communicate with a patient, family or bystander to determine a chief complaint, nature of illness, mechanism of injury or to assess signs and symptoms.

2. Be a minimum of 18 years of age at the beginning date of the certification program.

3. [ Hold current certification as an EMT or higher EMS certification level.

4.] Hold, at a minimum, a high school or general equivalency diploma.

[ 4. 5. ] Have no physical or mental impairment that would render him unable to perform all practical skills required for that level of training. Physical performance skills must include the ability of the student to function and communicate independently, to perform appropriate patient care, physical assessments and treatments without the need for an assistant.

[ ~~5.~~ 6. ] Not have been convicted or found guilty of any crime, offense or regulatory violation, or participated in any other prohibited conduct identified in these regulations.

[ ~~6.~~ 7. ] Meet requirements for course enrollment as set by the regional EMS council or local EMS resource, the PCD or the course coordinator, approved by the Office of EMS.

[ ~~7.~~ 8. ] If in an ALS bridge certification program between certification levels, have completed the eligibility requirements for certification at the prerequisite lower ALS level at the beginning date of the ALS bridge certification program. He shall also become certified at the lower ALS certification level before certification testing for the higher level of the ALS bridge certification program.

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## **12 VAC 5-31-1470. Course coordinator responsibility for certification candidate eligibility.**

A course coordinator shall provide the successful certification candidate the following documentation of eligibility for testing:

1. A "Virginia EMS Certification Application" with required signature attesting to the eligibility for certification testing.
  - a. If a BLS certification program, the course coordinator shall by his signature attest to the eligibility of the certification candidate for certification testing.
  - b. If an ALS certification program, the physician course director shall by his signature attest to the eligibility of the certification candidate for certification testing.
2. If a certification candidate is less than 18 years of age on the beginning date of the program, the parental permission form that was completed and signed at the beginning of the program.
3. A completed individual skill performance, clinical training or field internship record, or a combination of these, as applicable for the EMS certification program.

## **12 VAC 5-31-1480. Eligibility for certification examination.**

A. A certification candidate shall take the initial EMS certification examination within 180 days of the end date of the EMS certification program by presenting the following at a state certification examination:

1. A completed "Virginia EMS Certification Application" form signed by the course coordinator for BLS programs or the physician course director for ALS programs.
2. A parental permission form if the certification candidate was less than 18 years of age on the beginning date of a BLS program.
3. A completed individual skill performance, clinical training or field internship record, or a combination of these, as applicable for the EMS certification program.
4. For BLS certification courses, a current CPR card or a valid copy of the course roster from a CPR course approved by the Office of EMS unless an individual skill performance record verifies this information.
5. Positive identification in the form of a government issued picture identification card.

B. A certification candidate in recertification, reentry, equivalency challenge or legal recognition status shall present the following at a state certification examination:

1. A "Recertification Eligibility Notice" or test authorization letter from the Office of EMS.
2. Positive identification in the form of a government-issued picture identification card.

## **12 VAC 5-31-1490. Recertification Eligibility Notice.**

[A.] An EMS provider who has satisfied the CE hours specified for his certification level may be issued a "Recertification Eligibility Notice."

B. A "Recertification Eligibility Notice" remains valid until the expiration of the current certification period or the two-year "reentry" period for the level indicated unless the requirements for recertification are changed by the Office of EMS.

## **12 VAC 5-31-1500. Eligibility for EMT-Instructor certification program.**

A. An EMS provider must comply with the following in order to be eligible to take the EMT Instructor written examination:

1. Be a minimum of 21 years of age.
2. Hold current certification as an EMT or higher EMS certification level, and have been certified as an EMT for a minimum of two years.
3. Be a high school graduate or equivalent.
4. Have completed any other prerequisite training required by the Office of EMS.
5. Obtain a minimum score of 85% on a written pretest examination.
  - a. Instructor pretest results are valid for a period of two years from the date of the written examination.
  - b. An EMS provider failing a written pretest examination is not eligible to repeat the examination for a period of 90 days from the date of the examination.

B. An EMT instructor candidate shall demonstrate competency during a formal practical pretest examination. An EMT instructor candidate shall provide the Office of EMS the following to be eligible for the practical examination:

1. An EMT instructor candidate affiliated with an EMS agency shall be recommended by the EMS physician serving as the agency's OMD.
2. An EMT instructor candidate who is not affiliated with an EMS agency shall provide both a recommendation from an EMS physician and a statement from his employer or perspective employer attesting to the need for instructor certification to meet the EMS training needs of the organization.

C. An EMT instructor candidate shall receive an invitation from the Office of EMS to attend an instructor institute.

1. An EMT instructor candidate shall successfully complete an EMT-instructor institute conducted by the Office of EMS. Attendance of some portions of the EMT-instructor institute may be waived for qualified candidates who present documentation of completion of equivalent programs in adult education approved by the Office of EMS.
2. An EMT instructor candidate shall demonstrate application of the knowledge and skills required of an Instructor during a teaching presentation made at the Instructor Institute.

- a. An EMT instructor candidate who performs to an acceptable level may be certified.
- b. An EMT instructor candidate who performs at an unacceptable level will be deemed to have failed the instructor institute. The candidate will be required to

repeat the entire EMT Instructor certification process to apply for EMT-instructor certification.

c. An EMT instructor candidate who performs at a marginal level may be granted "Conditional Instructor Status."

## **12 VAC 5-31-1510. EMS certification written examination.**

A certification candidate shall pass the written certification examination with a minimum score of:

1. 70% on a BLS certification examination.
2. 80% on an ALS certification examination.
3. 85% on an EMT-Instructor pretest examination.
4. 80% on an EMT-Instructor recertification examination.

## **12 VAC 5-31-1520. EMS certification practical examination.**

A. A certification candidate shall pass all practical stations required for the certification level being tested.

B. A grade of UNSATISFACTORY on a critical criteria within a practical station will result in failure of that station.

C. A grade of UNSATISFACTORY on a practical station that uses numeric scoring will include failure to obtain the minimum required points.

## **12 VAC 5-31-1530. Certification examination retest.**

A. A certification candidate may have up to two series of state certification examinations before being required to repeat an entire BLS or ALS certification program.

B. A certification candidate failing the written or practical certification examination of an exam series shall retest within 90 days from the date of the original examination.

C. A certification candidate failing a practical examination but passing the written examination of an exam series shall only repeat the practical examination of an exam series. A certification candidate failing the written examination but passing the practical examination shall only repeat the written examination for the exam series.

D. A certification candidate who has failed the retest of the initial examination series or has not taken the retest within the 90 day series retest period, shall satisfy the following before an additional certification test may be attempted:

1. Completion of the recertification CE hour requirements for the level to be tested.
2. Receipt of a "Second Certification Testing Eligibility Notice" from the Office of EMS.

E. A certification candidate who has received a "Second Certification Testing Eligibility Notice" must pass both the written and practical certification examinations for the certification level.

F. A certification candidate who fails a retest during the second certification examination series must complete an initial certification program or applicable bridge course in order to be eligible for further certification examination.

G. A certification candidate shall complete all certification examination series within 12 months from the date of the first certification examination attempt. This 12-month maximum testing period may shorten the time available for retesting specified in subsection B of this section.

## **12 VAC 5-31-1540. Prohibition of oral examination administration.**

A certification candidate may not use another person or any electronic or mechanical means to translate certification examination material into an audible or tactile format.

## **12 VAC 5-31-1550. Certification examination security.**

A person found to have given or obtained information or aid before, during or following a certification examination may be subject to disqualification of eligibility for certification examination and to further enforcement action. Unauthorized giving or obtaining of information will include but not be limited to:

1. Unauthorized access to a certification examination question;
2. Copying, reproducing or obtaining all or any portion of material from a certification examination;
3. Divulging any material from a certification examination;
4. Altering in any manner the response of a certification candidate, except by the Office of EMS;
5. Providing false certification or identification on any certification examination form;
6. Taking a certification examination on behalf of another person; or
7. Participating in, directing, aiding, or assisting in any of the acts prohibited by this section.

## **12 VAC 5-31-1560. BLS course coordinator reimbursement.**

A. The BLS course coordinator for approved first responder and emergency medical technician certification courses and Category 1 "Required" CE programs is eligible to request reimbursement. Reimbursement is designed to cover estimated costs for instruction and coordination of approved programs.

B. A BLS course coordinator [~~not receiving payment or reimbursement from any other source for instruction of the same course~~] is eligible for reimbursement [if he is not receiving payment or reimbursement from any source other than a rescue squad or other emergency medical services organization that operates on a nonprofit basis exclusively for the benefit of the general public for instruction of the same course].

1. [Reasonable] Fees [not exceeding actual cost] may be charged to students for textbooks, handouts, disposable medical supplies [, and] other course materials [and payment of assisting instructors] actually utilized in [the instruction of] the course. Upon request, a schedule of fees charged shall be provided to the Office of EMS.

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2. Tuition [~~or unusually large~~] enrollment or institutional fees charged students for taking the course may be reason for denial of reimbursement payment.

[ 3. The sponsoring rescue squad or other emergency medical services organization may make payment to the course coordinator in an amount up to the hourly reimbursement rate established by the Office for BLS programs. ]

C. Requirements for Reimbursement Approval. A BLS course coordinator requesting reimbursement shall complete and sign the "Independent Contractor" agreement section of the Course Approval Request form.

1. A BLS course coordinator requesting reimbursement is an "Independent Contractor" and is not an employee of the Office of EMS or any agency of the Commonwealth of Virginia while fulfilling this independent contractor agreement.

2. The training program shall be "open" to any qualified student up to the maximum of 30 allowed in a single program. No requirement for specific agency or employment affiliation may be imposed to limit or exclude enrollment by any individual in reimbursed courses.

3. There shall be a minimum enrollment of 13 students at the start of the program to qualify for full reimbursement, unless the Office of EMS has granted specific prior approval.

a. Programs with enrollments of less than 13 students at the time of instruction of the third lesson of the course curriculum shall submit a "Small Course Special Approval Request" form to the Office of EMS. This form requires justification of the need for continued instruction of this program for reimbursement.

b. Programs approved for reimbursement with enrollments of less than 13 will be reimbursed at a lower rate than larger programs.

4. "Small Course Special Approval Request" forms will be reviewed by Office of EMS staff and returned to the course coordinator indicating approval or denial. Programs are initially approved for reimbursement based upon the information provided at the time of request. Failure to properly coordinate and instruct the program, or other violations of applicable sections of these regulations may be deemed as grounds to deny or modify reimbursement payments at course completion.

D. Final Payment. Upon course completion, and after all requirements of these regulations and the reimbursement contract have been satisfied, the course coordinator may request reimbursement.

1. To make application for payment, the Reimbursement Claim Form shall be submitted to the Office of EMS for review and final approval.

2. A course coordinator may request that payment be made out in his name or that of a sole proprietorship or partnership he operates as a principal party. Checks made to organizations require submission of the business' federal

employers identification number (FEIN) in place of the course coordinator's social security number in these cases. Reimbursement may not be paid to anyone other than the course coordinator who announced and contracted for the involved course.

## **12 VAC 5-31-1570. EMS training grant program.**

A reimbursement fund has been established to support certification and continuing education programs through the "Virginia Rescue Squad Assistance Fund" grant program. Reimbursement for coordination and instruction of approved programs will be administered through the separate regulations established for the "Virginia Rescue Squad Assistance Fund."

## **12 VAC 5-31-1580. Certification period.**

An EMS certification may be issued for the following certification period unless suspended or revoked by the Office of EMS:

1. A BLS certification is valid for four years from the end of the month of issuance, except as noted below.

2. An ALS certification is valid for three years from the end of the month of issuance. An EMS provider with ALS certification may be simultaneously issued an EMT certification for an additional two years.

3. An EMT instructor certification is valid for two years from the end of the month of issuance. An EMS provider with EMT instructor certification may be simultaneously issued an EMT certification for an additional two years.

## **12 VAC 5-31-1590. Certification through reciprocity.**

[ Upon demonstration of Virginia residency, Virginia EMS agency affiliation or a recognized need for Virginia EMS certification, ] a person holding valid EMS certification from another state or a recognized EMS certifying body with which Virginia has a formal written agreement of reciprocity may be issued a certification.

## **12 VAC 5-31-1600. Certification through legal recognition.**

[ Upon demonstration of Virginia residency, Virginia EMS agency affiliation or a recognized need for Virginia EMS certification, ] a person [ ~~having~~ holding valid EMS certification from another state or a recognized EMS certifying body with which Virginia does not have a formal written agreement of reciprocity but who has ] completed a training program in compliance with the minimum training standards established by the National Standard Curriculum for the level requested, may be issued certification for a period of one year or the duration of their current certification, whichever is shorter. [ Legal recognition is not available for any Virginia certification level if the Office of EMS has determined that no equivalent National Standard Curriculum exists at the level requested. ]

## **12 VAC 5-31-1610. Certification through equivalency.**

A Virginia licensed practical nurse, registered nurse, physician assistant or military corpsman with current credentials may be issued EMT certification through equivalency after completing the requirements of 12 VAC 5-31-1640 B, including passing a written and practical certification examination.

## **12 VAC 5-31-1620. Certification through reentry.**

A. An EMS provider whose EMS certification has expired within the previous two years may be issued certification after completing the requirements of 12 VAC 5-31-1640 B, including passing a written or practical certification examination, or both, as required by the Office of EMS. An EMS provider who fails to complete the reentry process by the end of the two-year period following expiration is required to complete an initial certification program.

B. An EMS provider who has resided outside of Virginia for a minimum of two years, has maintained certification through another state or the national registry of EMTs and whose eligibility to regain certification through reentry has expired, may be issued certification through 12 VAC 5-31-1590 or 12 VAC 5-31-1600 as applicable.

## **12 VAC 5-31-1630. Voluntary inactivation of certification.**

Requests from individuals desiring to permanently surrender or downgrade their current certification on a voluntary basis will not be processed except upon verification of the individual's ineligibility for continued certification under these regulations (e.g., felony conviction, permanent disability, etc.).

1. Any individual holding a current EMS certification who is affiliated with a licensed EMS agency and no longer wishes to practice at their current level of certification; may request to have their certification placed in inactive status by the Office of EMS.

2. Requests for inactive status will require a minimum inactive period of 180 days during which time requests for reinstatement to active status will not be allowed.

## **12 VAC 5-31-1640. EMS recertification requirement.**

A. An EMS provider must complete the requirements for recertification [ and the Office of EMS must receive the required documentation ] within the issued certification period to maintain a current certification.

B. An EMS provider requesting recertification must complete the CE hour requirements for the level to be recertified.

C. An EMS provider requesting recertification must pass the written state certification examination.

1. Except an EMS provider under legal recognition, 12 VAC 5-31-1600, must pass a written and practical EMS certification examination.

2. An EMS provider affiliated with an EMS agency may be granted an exam waiver from the state written certification examination by the OMD of the EMS agency, provided:

a. The EMS provider meets the recertification requirements including those established by the OMD; and

b. The EMS provider must submit a completed "Virginia EMS Certification Application" with the exam waiver approval signed by the EMS agency OMD, which must be received by the Office of EMS within 30 days following the expiration of his certification.

(1) If the "Virginia EMS Certification Application" form is received by the Office of EMS after the EMS provider's certification expiration date, the EMS provider may not practice at the expired certification level until a valid certification is received from the Office of EMS.

(2) If the "Virginia EMS Certification Application" form is received by the Office of EMS more than 30 days after the EMS provider's certification expiration date, his certification will be in reentry and he will be required to test pursuant to 12 VAC 5-31-1620.

## **12 VAC 5-31-1650. EMT instructor recertification.**

An EMT instructor requesting recertification must complete the following requirements within the two-year certification period to maintain current certification:

1. Instruct a minimum of 50 hours in BLS certification courses or other programs approved for BLS (Category 1) CE hours;

2. Attend one EMT-Instructor/ALS Coordinator Update Seminar;

3. Attend a minimum of 10 hours of approved continuing education. An instructor holding an ALS level certification is not required to attend these additional 10 hours of continuing education if his ALS certification is current at the time of EMT-Instructor recertification;

4. Pass the EMT-basic written certification examination with a minimum passing score of 80%. This examination may be attempted only after attending an EMT-Instructor/ALS Coordinator Update Seminar. If the EMT-instructor is affiliated with a licensed EMS agency, this examination may be waived by the EMS agency's OMD per 12 VAC 5-31-1580; and

5. Have no physical or mental impairment that would render the EMT Instructor unable to perform and evaluate all practical skills and tasks required of an EMT.

An EMT instructor's certification will revert back to his highest level of EMS certification remaining current upon expiration.

## **12 VAC 5-31-1660. EMT instructor reentry.**

An EMS provider whose EMT instructor certification has expired may regain certification through completion of the reentry program within two years of the expiration date of his EMT Instructor certification:

1. If the EMT instructor had completed the teaching requirements of subdivision 1 of 12 VAC 5-31-1650, but was unable to fulfill one or more of the requirements of subdivisions 2-5 of 12 VAC 5-31-1650, the remaining requirements shall be completed within two years following the expiration date. If the EMT basic examination required under subdivision 4 of 12 VAC 5-31-1650 was not completed before expiration, this examination may not be waived by an EMS agency OMD.

2. If an EMT instructor does not complete the teaching requirements of 12 VAC 5-31-1650, the following requirements will be necessary for reentry:

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a. Successful completion of the EMT-instructor written and practical pretest examinations as specified under 12 VAC 5-31-1480; and

b. Attendance of the administrative portions of an EMT-Instructor Institute.

## 12 VAC 5-31-1670. Continuing education categories.

A CE hour may be issued for one of the following categories:

1. "Required" (Category 1). CE hours may be issued provided the objectives listed in the applicable "Basic Life Support Category 1 Training Modules" or "Advanced Life Support Category 1 Training Modules" are followed, a qualified instructor is present and available to respond to students, requirements for specific contact hours are met and the course coordinator complies with these regulations.

2. "Approved" (Category 2). CE hours may be issued provided that a qualified instructor is present and available to respond to students, topics are approved and the course coordinator complies with these regulations.

3. "Multimedia" (Category 3). CE hours may be issued for contact with periodicals, videotapes, and other multimedia sources provided that specific contact hours for the certification level involved are met.

## 12 VAC 5-31-1680. Submission of continuing education.

A CE hour may be issued for attendance of a program approved by the Office of EMS provided:

1. A course coordinator must submit a CE record/scancard within 15 days of the course end date or the student's attendance of an individual lesson for an EMS provider attending a training program for recertification hours.

2. An EMS provider is responsible for the accuracy of all information submitted for CE hours.

## 12 VAC 5-31-1690. Recertification Eligibility Notice.

An EMS provider who has satisfied the CE hours specified for his certification level may be issued a "Recertification Eligibility Notice" that remains valid until the expiration of the current certification period for the level indicated or the two-year "reentry" period.

## 12 VAC 5-31-1700. ALS coordinator endorsement.

A. A person applying for endorsement as an ALS coordinator must:

1. Be a minimum of 21 years of age.
2. Hold ALS certification or licensure as one of the following:
  - a. Registered nurse;
  - b. Physician assistant; or
  - c. Physician.
3. Submit an "ALS Coordinator Application" form with the required recommendations and supporting documentation of qualifications to the Office of EMS including:

a. A recommendation for acceptance from an EMS physician knowledgeable of the applicant's qualifications.

If the applicant is an EMS physician, the support of another EMS physician is not required on his "ALS Coordinator Application."

b. A recommendation for acceptance of the applicant's qualifications from the regional EMS council or local EMS resource.

B. A separate ALS Coordinator Application is required for each region in which the applicant intends to coordinate ALS certification or CE programs. An application submitted for approval to serve in additional regions will not alter the expiration date of the current ALS coordinator endorsement and all regional endorsements will be due for renewal on the current expiration date.

C. An ALS coordinator candidate meeting the requirements for endorsement shall attend an ALS Coordinator Seminar.

D. An ALS coordinator candidate that completes all requirements for ALS coordinator endorsement may be issued an endorsement that is valid for two years. An ALS coordinator endorsement does not provide concurrent provider credentials at any EMS certification level.

E. An ALS coordinator endorsement alone does not authorize the performance of any medical procedure.

## 12 VAC 5-31-1710. Renewal of ALS coordinator endorsement.

A. An ALS coordinator shall maintain current and unrestricted certification as an ALS provider, or licensure as a registered nurse, physician assistant or physician.

B. An ALS coordinator shall resubmit an ALS coordinator application before the expiration date of his ALS coordinator endorsement. A separate ALS coordinator application is required for each region in which the applicant desires to continue to coordinate an ALS certification or CE programs.

C. An ALS coordinator must attend one EMT Instructor/ALS Coordinator Update Seminar within his certification period.

D. An ALS coordinator attempting to regain endorsement through the reentry program shall, within two years of his expiration date, complete the ALS coordinator application and the requirements of subsections A, B and C of this section.

## 12 VAC 5-31-1720 to 12 VAC 5-31-1790. (Reserved.)

### PART IV. EMS PHYSICIAN REGULATIONS.

## 12 VAC 5-31-1800. Requirement for EMS physician endorsement.

A physician wishing to serve as an EMS agency operational medical director (OMD) or an EMS training program physician course director (PCD) shall hold current endorsement as an EMS physician issued by the Office of EMS.

## 12 VAC 5-31-1810. Qualifications for EMS physician endorsement.

A physician seeking endorsement as an EMS physician shall hold a current unrestricted license to practice medicine or osteopathy issued by the Virginia Board of Medicine. The

applicant must submit documentation of his qualifications for review by the medical direction committee of the regional EMS council or local EMS resource on a form prescribed by the Office of EMS. The documentation required shall present evidence of the following:

1. Board certification in emergency medicine or that applicant is [ in the ] active [ ~~in the~~ ] application process for board certification in emergency medicine issued by a national organization recognized by the Office of EMS.

2. Board certification in family practice, internal medicine or surgery or that applicant is [ in the ] active [ ~~in the~~ ] application process for board certification in family practice, internal medicine or surgery issued by a national organization recognized by the Office of EMS. As an applicant under this section, a physician must also submit documentation of successful course completion or current certification in ACLS, ATLS and PALS (or present documentation of equivalent education in cardiac care, trauma care and pediatric care) completed within the past five years.

3. [ ~~A physician must submit documentation of~~ ] Completion of an EMS medical direction program approved by the Office of EMS within the past five years.

4. In the event that an EMS agency or training program is located in a geographic area that does not have available a physician meeting the requirements stated in subdivisions 1 or 2 of this section, or if an EMS agency has a specific need for a physician meeting specialized knowledge requirements (i.e., pediatrics, neonatology, etc.), then an available physician may submit their qualifications to serve as an EMS physician under these circumstances. An EMS physician endorsed under this subsection by the Office of EMS is limited to service within the designated geographic areas of the recommending regional EMS councils or local EMS resources.

a. A physician seeking review for endorsement under this section may apply to any number of regional EMS councils or local EMS resources for service within each respective geographic service area.

b. A physician seeking endorsement under this section must provide documentation of successful course completion or current certification in cardiac care, trauma care and pediatric care or equivalent education (such as ACLS, ATLS and PALS) completed within one year of endorsement. All or part of this requirement may be waived if the Office of EMS determines this training is not required due to the specialized nature of the EMS agency to be served.

## **12 VAC 5-31-1820. Application for EMS physician endorsement.**

A. Physicians seeking endorsement as an EMS physician must make application on forms prescribed by the Office of EMS. The physician must submit the application with all requested documentation of their qualifications to the regional EMS council or local EMS resource for review.

B. Upon receipt of the application, the regional EMS council or local EMS resource will review the physician's qualifications,

verify credentials and review the application at the next scheduled meeting of the medical direction committee of the regional EMS council or local EMS resource. The review will specify either recommendation or rejection with justification documented on the physician's application. The application will be submitted to the Office of EMS within 15 days of the review.

C. The Office of EMS will review the application and the enclosed documents and notify the physician in writing of the status of his application within 30 days of receipt. Final disposition of an application may be delayed pending further review by the EMS advisory board medical direction committee as applicable.

## **12 VAC 5-31-1830. Conditional endorsement.**

Physicians who are otherwise eligible but who have not completed an approved EMS Medical Direction Program as required by 12 VAC 5-31-1810 within the past five years will be issued a conditional endorsement for a period of one year.

1. Upon verification of EMS medical direction program attendance and the training required pursuant to 12 VAC 5-31-1810, the Office of EMS will reissue endorsement with an expiration date five years from the date of original issuance.

2. If the conditional EMS physician fails to complete the required EMS medical direction program or the training pursuant to 12 VAC 5-31-1810 within the initial one-year period, his endorsement will lapse.

## **12 VAC 5-31-1840. Lapse of EMS physician endorsement.**

A. If an EMS physician fails to reapply for endorsement prior to expiration, the Office of EMS will notify the EMS physician, applicable regional EMS councils or local EMS resources, and any EMS agency or training course that the EMS physician is associated with, of the loss of endorsement. Any training programs already begun may be completed under the direction of the involved EMS physician, but no other programs may be started or announced.

B. Any EMS agency notified of the loss of their OMD's EMS physician endorsement will be required to immediately obtain the services of another endorsed EMS physician to serve as operational medical director pursuant to Part II (12 VAC 5-31-300 et seq.) of these regulations.

C. Upon loss of EMS physician endorsement, a new endorsement may only be issued upon completion of the application requirements of these regulations.

## **12 VAC 5-31-1850. Change in EMS physician contact information.**

An EMS physician must report any changes of his name, contact addresses and contact telephone numbers to the Office of EMS within 15 days.

## **12 VAC 5-31-1860. Renewal of endorsement.**

A. Continued endorsement as an EMS physician requires submission of an application for renewal to the Office of EMS before expiration of the five-year endorsement period. Renewal of an EMS physician endorsement is based upon the



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physician's continuing to meet and maintain the qualifications specified in 12 VAC 5-31-1810.

B. Completion of equivalent related continuing education programs may be substituted for formal certification in ACLS, ATLS and PALS for the purposes of endorsement renewal. Acceptance of these continuing education hours is subject to approval by the Office of EMS.

## **12 VAC 5-31-1870. Service by an EMS physician.**

A. An endorsed EMS physician may serve within the limits of his endorsement as an operational medical director (OMD) or as a physician course director (PCD), or both.

B. The Office of EMS may limit the number and type of agencies or training programs an EMS physician may oversee in order to insure that appropriate medical direction and clinical oversight is available.

## **12 VAC 5-31-1880. Agreement to serve as an operational medical director.**

A. An EMS physician may serve as the sole operational medical director (OMD) or one of multiple OMDs required for licensure of an EMS agency.

B. The EMS physician shall enter into a written agreement to serve as OMD with the EMS agency. This agreement shall at a minimum incorporate the specific responsibilities and authority specified below:

1. Must describe the process or procedure by which the OMD or EMS agency may discontinue the agreement with prior notification of the parties involved pursuant to 12 VAC 5-31-1910;
2. Must identify the specific responsibilities of each EMS physician if an agency has multiple OMDs; and
3. Must ensure that adequate indemnification exists for:
  - a. Medical malpractice; and
  - b. Civil liability.

## **12 VAC 5-31-1890. Responsibilities of operational medical directors.**

A. Responsibilities of the operational medical director regarding medical control functions include but are not limited to medical directions provided directly to prehospital providers by the OMD or a designee either on-scene or through direct voice communications.

B. Responsibilities of the operational medical director regarding medical direction functions include but are not limited to:

1. Using protocols, operational policies and procedures, medical audits, reviews of care and determination of outcomes, direction of education, and limitation of provider patient care functions.
2. Verifying that qualifications and credentials for the agency's patient care or emergency medical dispatch personnel are maintained on an ongoing basis through training, testing and certification that, at a minimum, meet the requirements of these regulations, other applicable state

regulations and including, but not limited to, § 32.1-111.5 of the Code of Virginia.

3. Functioning as a resource to the agency in planning and scheduling the delivery of training and continuing education programs for agency personnel.

4. Taking or recommending appropriate remedial or corrective measures for EMS personnel, consistent with state, regional and local EMS policies that may include but are not limited to counseling, retraining, testing, probation, and in-hospital or field internships.

5. Suspending certified EMS personnel from medical care duties pending review and evaluation. Following final review, the OMD shall notify the provider, the EMS agency and the Office of EMS in writing of the nature and length of any suspension of practice privileges that are the result of disciplinary action.

6. ~~[ Reporting in writing to the Office of EMS any known or suspected violation of these regulations within 15 days of becoming aware of the suspected violation. 7.]~~ Reviewing and auditing agency activities to ensure an effective quality management program for continuous system and patient care improvement, and functioning as a resource in the development and implementation of a comprehensive mechanism for the management of records of agency activities including prehospital patient care and dispatch reports, patient complaints, allegations of substandard care and deviations from patient care protocols or other established standards.

~~[ 8. 7.]~~ Interacting with state, regional and local EMS authorities to develop, implement, and revise medical, operational and dispatch protocols, policies and procedures designed to deliver quality patient care. This function includes the selection and use of appropriate medications, supplies, and equipment.

~~[ 9. 8.]~~ Maintaining appropriate professional relationships with the local community including but not limited to medical care facilities, emergency departments, emergency physicians, allied health personnel, law enforcement, fire protection and dispatch agencies.

~~[ 40. 9.]~~ Establishing any other agency rules or regulations pertaining to proper delivery of patient care by the agency.

~~[ 44. 10.]~~ Providing for the maintenance of written records of actions taken by the OMD to fulfill the requirements of this section.

## **12 VAC 5-31-1900. OMD and EMS agency conflict resolution.**

A. In the event of an unresolved conflict between the OMD and an EMS agency, the issues involved must be brought before the medical direction committee of the regional EMS council or local EMS resource for review and resolution.

B. When the EMS agency presents a significant risk to public safety or health, the OMD must attempt to resolve the issues in question. If a risk remains unresolved and presents an immediate threat to public safety or health, the OMD shall contact the Office of EMS for assistance.

## **12 VAC 5-31-1910. Change of operational medical director.**

A. An OMD choosing to resign must provide the agency and the Office of EMS a minimum of 30 days written notice of intent. When possible, the OMD should assist the agency in securing a successor for this position.

B. An agency choosing to secure the services of another OMD must provide a minimum of 30 days advance written notice of intent to the current OMD and the Office of EMS.

C. When extenuating circumstances require an immediate change of an agency's OMD (e.g., death, critical illness, etc.), the Office of EMS must be notified by the OMD within one business day so that a qualified replacement may be approved. In the event that the OMD is not capable of making this notification, the EMS agency will be responsible for compliance with this requirement. Under these extenuating circumstances, the Office of EMS may authorize the EMS agency to continue its operations pending the approval of a permanent or temporary replacement OMD.

D. When temporary circumstances make an agency's OMD unavailable to serve for a period not expected to exceed one year (e.g., military commitment, unexpected clinical conflict, etc.), the OMD must notify the Office of EMS within 10 business days so that a qualified interim replacement may be approved. Any circumstances that make an agency's OMD unavailable to serve for a period expected to exceed one-year will require a change in the agency OMD as required by this section.

E. The Office of EMS may delay implementation of a change in an EMS agency's OMD pending the completion of any investigation of an unresolved conflict or possible violation of these regulations or the Code of Virginia.

## **12 VAC 5-31-1920. Responsibilities of physician course directors.**

A. Every basic or advanced life support training program and course requesting the award of certification or "Required" (Category 1) continuing education (CE) credits must have a minimum of one physician course director (PCD) who is a licensed physician holding endorsement as an EMS physician from the Office of EMS.

B. The PCD will have the following responsibilities as they relate to the selection and training of basic and advanced life support personnel:

1. The PCD must verify that all students accepted into the course of training meet state, regional, and local prerequisites for certification.
2. The PCD must confirm that all instructors for the course are certified at or above the level being instructed or have expertise in the particular subject being taught.
3. The PCD must regularly monitor and confirm that the training program adheres to the following criteria:
  - a. Satisfaction of the minimum objectives prescribed in the Office of EMS-approved training curriculum for the course of instruction. Upon presentation of an individual's "Virginia EMS Certification Application" for the PCD's

signature by the course coordinator (ALS Coordinator) of an advanced life support training program, the PCD should confirm the student's successful completion of the course including their assessed competency to perform all required skills;

b. Continuing education programs are based upon the objectives prescribed in the Office of EMS approved recertification curriculum;

c. Consistency is maintained with local medical direction protocols and guidelines;

d. Consistency is maintained with any other local guidelines established by the regional EMS council or local EMS resource; and

e. Any additional requirements imposed for programs conducted for a single EMS agency or other organization must comply with the minimum guidelines defined in subdivisions 3 a through d of this subsection.

## **12 VAC 5-31-1930. Compliance with training regulations.**

A. The PCD must verify that the course coordinator and all instructors are aware that possession or distribution of study guides or other written materials obtained through reconstruction of any state or national registry of EMTs certification examination is not permitted.

B. Where violations of this section or any part of these regulations are suspected of any PCD, the Office of EMS may suspend the instruction of any ongoing courses, withhold issuance of certifications, or suspend certifications issued to the course's students, instructors, or the course coordinator until an investigation is concluded.

Investigations resulting in a finding of a violation of these regulations by a PCD may result in an enforcement action. The Office of EMS may report the results of any investigation to the State Board of Medicine for further review and action as deemed necessary.

## **12 VAC 5-31-1940. Physician course director responsibility to students.**

A. PCD/student relationship. The PCD shall assure that students are made aware of the PCD's responsibilities for the course, and of how to contact and if possible meet the PCD during the first lessons of any certification course.

B. Hospital-based experiences and field internships. The PCD shall provide clinical oversight and operational authority for the field practice of students enrolled in an approved EMS certification training program while the students are participating in clinical and field internship training. During these training programs the enrolled students may perform the clinical skills and functions of EMS personnel who are certified at the level of the course of instruction when:

1. The students are caring for patients in the affiliated hospitals or other healthcare-related facilities approved by the PCD, provided that the related didactic subject matter and practical skills laboratory have been completed and the students are under the direct supervision of a preceptor who is a physician, physician's assistant, nurse practitioner, registered nurse or an EMS provider certified at or above

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the level of the training program. All preceptors must be approved by the affiliated hospital or facility.

2. The students are caring for patients during a required course field internship program with a licensed EMS agency approved by the PCD, provided that the related didactic subject matter and practical skills laboratory have been completed and the students are under the direct supervision of and accompanied by an EMS provider certified at or above the level of the training program, or under the direct supervision of a licensed physician.

Nothing in this subsection removes the obligation of the supervising hospital, facility or licensed EMS agency for ultimate responsibility for provision of appropriate patient care by students participating in clinical or internship training.

## **12 VAC 5-31-1950. Physician endorsement exemptions.**

A. On [~~insert effective date of these regulations~~] January 1, 2003], endorsement as an EMS physician will be initially issued to each licensed physician currently recorded as having previously been endorsed to serve as an operational medical director by the Office of EMS. Issuance of an EMS physician endorsement will be subject to renewal pursuant to 12 VAC 5-31-1820.

B. EMS physicians initially endorsed through the "grandfather" clause who fail to request renewal before expiration will be subject to compliance with the full provisions of 12 VAC 5-31-1810 in order to regain endorsement as an EMS physician.

## **12 VAC 5-31-1960 through 12 VAC 5-31-1990. (Reserved.)**

### PART V.

#### WHEELCHAIR INTERFACILITY TRANSPORT SERVICES, VEHICLES AND PERSONNEL STANDARDS.

## **12 VAC 5-31-2000. Wheelchair interfacility transport service licensure.**

### A. General provisions.

1. No person may establish operate, maintain, advertise or represent himself or herself, any service or any organization as a wheelchair interfacility transport service without a valid license or in violation of the terms of a valid license issued by the Office of EMS.

2. A person holding a wheelchair interfacility transport service license must operate, at a minimum, one wheelchair interfacility transport vehicle.

3. Wheelchair interfacility transport services, vehicles, or personnel based outside this Commonwealth receiving a person within this Commonwealth for transportation to a location within this Commonwealth must comply with the regulations.

4. These regulations have general application throughout the Commonwealth for wheelchair interfacility transport services and applicants for wheelchair interfacility transport service licensure.

B. A person may not apply to conduct business under a name that is the same as, or misleadingly similar to, the name of a person licensed or registered by the Office of EMS. Further,

no person may advertise for services other than those for which the wheelchair interfacility transport service is licensed, or imply such services in the service name.

C. Each wheelchair interfacility transport service shall provide for a publicly listed telephone number to receive calls for service from the public within its regular operating area. This number is required to be answered by a person during all periods when the wheelchair interfacility transport service has advertised its availability or has vehicles in operation.

Exception: any wheelchair interfacility transport service that limits its services to scheduled transports between specified health care facilities are not required to provide for a publicly listed telephone number. However, the wheelchair interfacility transport service shall provide for a telephone number and must make this number known to the unique population it serves.

D. A wheelchair interfacility transport service providing service to the public shall ensure that service is available during all periods when the wheelchair interfacility transport service has advertised its availability.

E. A wheelchair interfacility transport service must not discriminate due to the passenger's race, creed, gender, color, national origin, location or medical condition or any other reason.

## **12 VAC 5-31-2010. Application and issuance of wheelchair interfacility transport service license.**

A. An applicant for a wheelchair interfacility transport service license must file a written application specified by the Office of EMS.

B. The Office of EMS may use whatever means of investigation necessary to verify any or all information contained in the application.

C. The Office of EMS will determine whether an applicant or licensee is qualified for licensure based upon the following:

1. Any applicant or licensee must meet the personnel requirements found in these regulations.

2. If the applicant is a company or corporation, as defined in § 12.1-1 of the Code of Virginia, it must clearly disclose the identity of its owners, officers and directors.

3. Any previous record of performance in the provision of wheelchair interfacility transport service or any other related licensure, registration, certification or endorsement within or outside Virginia.

4. Availability of sufficient resources (such as personnel and equipment) for the provision of the proposed service in compliance with these regulations.

5. A statement of approval for the wheelchair interfacility transport service's operations from the governing body of the jurisdiction where the service maintains its primary office. Evidence of the governing body's approval to operate within its jurisdiction may take the form of a valid business license, permit, franchise or other documentation of operating authority. If a wheelchair interfacility transport service maintains its primary office outside of the

Commonwealth, the service must maintain a place of operations in the Commonwealth.

D. All places of operation must be subject to and available for inspection by the Office of EMS for compliance with these regulations. This inspection may be in addition to any other federal, state, or local inspections required by law. The inspection may include any or all of the following:

1. All fixed places of operations, including all offices, stations, repair shops or training facilities.
2. All applicable records maintained by the applicant service;
3. All wheelchair interfacility transport vehicles used by the applicant service.

E. Issuance.

1. A wheelchair interfacility transport service license may be issued by the Office of EMS provided both of the following conditions are met:

- a. All information contained in the application is complete and correct.
- b. The applicant is determined by the Office of EMS to be qualified for licensure in accordance with these regulations.

2. The applicant will be notified in writing of the disposition of the application upon receipt of the completed application and required supporting documents.

3. The issuance of a license does not authorize any service to operate any vehicle without a franchise or permit in any county or municipality that has enacted an ordinance requiring one.

F. The wheelchair interfacility transport service license will include the following information:

1. The name and address of the wheelchair interfacility transport service;
2. The expiration date of the license; and
3. Any special conditions that may apply.

G. Wheelchair interfacility transport service licenses will be issued and remain valid with the following conditions:

1. Wheelchair interfacility transport service licenses are valid for a period of two years from the last day of the month of issuance unless and until revoked or suspended by the Office of EMS.
2. Wheelchair interfacility transport service licenses are not transferable.

H. A wheelchair interfacility transport service license renewal may be granted following an inspection as set forth in these regulations based on the following conditions:

1. The renewal inspection results demonstrate that the service complies with these regulations.
2. There have been no documented violations of these regulations that preclude renewal.

I. Should the Office of EMS be unable to take action on an application for renewal of a license prior to expiration, the license will remain in effect until such time as the Office of EMS completes processing of the renewal application.

J. An application for new wheelchair interfacility transport service licensure or renewal of a wheelchair interfacility transport service license may be denied by the Office of EMS if the applicant or service does not comply with these regulations.

K. Termination of service by a wheelchair interfacility transport service requires the service to surrender the wheelchair interfacility transport service license.

A wheelchair interfacility transport service must notify the Office of EMS at least 30 days in advance of its intention to discontinue service. Written notice of intent to terminate service shall include verification that a notice of its intent to discontinue service has been published in a newspaper of general circulation in its service area.

L. Within 30 days following the termination of service, the wheelchair interfacility transport service must:

1. Return the wheelchair interfacility transport service license and all associated vehicle permits to the Office of EMS.
2. Remove all signage or insignia that advertise the availability of wheelchair interfacility transport services to include but not be limited to facility and roadway signs, vehicle markings and uniform items.
3. Provide for maintenance and secure storage of required service records for a minimum of five years from the date of termination of service.

M. Failure of a wheelchair interfacility transport service to comply with these regulations may result in the denial of a future application for wheelchair interfacility transport service licensure or an enforcement action, or both.

## **12 VAC 5-31-2020. General requirements governing service operations.**

A. The wheelchair interfacility transport service is responsible for ensuring that all wheelchair interfacility transport vehicles and associated wheelchair interfacility transport service personnel comply with these regulations, the Motor Vehicle Code, the Child Labor Laws and the Virginia Occupational Safety and Health Law.

B. All wheelchair interfacility transport services must comply with the following requirements.

1. The service must maintain a fixed physical location. Any change in the address of this location requires notification to the Office of EMS before relocation of the office space.
2. The following sanitation measures are required at each place of operation in accordance with standards established by the Centers for Disease Control (CDC) and the Virginia Occupational Safety and Health Law:
  - a. All areas used for storage of equipment and supplies must be kept neat, clean and sanitary.

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b. All soiled supplies and used disposable items must be stored or disposed of in plastic bags, covered containers or compartments provided for this purpose. Regulated waste must be stored in a red or orange bag or container clearly marked with a biohazard label.

C. A wheelchair interfacility transport service is responsible for the preparation and maintenance of the following:

1. Records and reports must be stored in a manner to assure reasonable safety from water and fire damage and from unauthorized disclosure to persons other than those authorized by law.

2. The following records must be maintained at the primary place of operation or a secured storage facility, for a period of not less than five years:

a. Current personnel records, including a file for each wheelchair interfacility transport service member or employee, that provide documentation of qualifications for the positions held.

b. Records for each vehicle currently in use to include maintenance reports, valid vehicle registration, safety inspections, vehicle insurance coverage, and any reportable motor vehicle collision as defined by the Motor Vehicle Code.

c. Records of wheelchair interfacility transport service activity including call reports that specifically identify the vehicle operator, dispatch records and summary data for a period of not less than five years.

3. Each wheelchair interfacility transport service must submit a complete service status report to the Office of EMS providing requested information within 30 days of request on a form prescribed by the Office of EMS. The form will include the following and other information as required:

This report must list all personnel affiliated to include name, social security number or equivalent federal identification number, mailing address, home telephone numbers and other electronic addresses. The list must specifically identify the chief executive officer and chief operations officer and include, if applicable, their work numbers.

4. Each wheelchair interfacility transport service must have readily available a current copy of these regulations for reference use by its officers and personnel.

E. Insurance.

1. Each wheelchair interfacility transport service must have in effect and be able to furnish proof on demand of contracts for vehicular insurance coverage that must meet or exceed the minimum requirements as set forth in § 46.2-472 of the Code of Virginia.

2. Nothing in this section prohibits authorized governmental agencies from participating in authorized "self-insurance" programs as long as the programs provide for the minimum coverage levels specified.

F. Display of license. The wheelchair interfacility transport service license must be publicly displayed in the primary office

space of the wheelchair interfacility transport service and a copy displayed in each other fixed place of operations.

## **12 VAC 5-31-2030. Wheelchair interfacility transport vehicle permitting.**

A. No person may operate or maintain any motor vehicle as a wheelchair interfacility transport vehicle without a valid permit or in violation of the terms of a valid permit.

B. The wheelchair interfacility transport service must file written application for a permit on forms specified by the Office of EMS.

C. The Office of EMS may verify any or all information contained in the application before issuance.

D. The Office of EMS will inspect the wheelchair interfacility transport vehicle for compliance with these regulations.

E. A wheelchair interfacility transport permit will be issued as follows:

1. The application may be approved and a permit may be issued for the wheelchair interfacility transport vehicle by the Office of EMS provided all of the following conditions are met:

a. All information contained in the application is complete and correct;

b. The applicant is a wheelchair interfacility transport service licensed by the Office of EMS;

c. The wheelchair interfacility transport vehicle is registered or permitted by the Department of Motor Vehicles; and

d. The inspection meets the minimum requirements as defined in these regulations.

2. The issuance of a permit does not authorize any person to operate a wheelchair interfacility transport vehicle without a franchise in any county or municipality that has enacted an ordinance requiring it.

F. The wheelchair interfacility transport vehicle permit will include but not be limited to the following information:

1. The name and address of the Service;

2. The expiration date of the permit; and

3. Any special conditions that may apply.

G. Wheelchair interfacility transport vehicle permits will be issued and remain valid with the following conditions:

1. A regularly issued wheelchair interfacility transport vehicle permit is valid for a period coincident with the wheelchair interfacility transport service license unless and until revoked or suspended by the Office of EMS.

2. Wheelchair interfacility transport vehicle permits are not transferable under any circumstances.

H. Renewal of a wheelchair interfacility transport vehicle permit may be granted without reapplication if the wheelchair interfacility transport service and wheelchair interfacility transport vehicle comply with these regulations.

Should the Office of EMS be unable to take action on renewal of a wheelchair interfacility transport vehicle permit before expiration, the permit will remain in effect until the Office of EMS completes processing of the renewal application.

I. The permit must be affixed on the vehicle to be readily visible and in a location and manner specified by the Office of EMS. A wheelchair interfacility transport vehicle may not be operated without a properly displayed permit.

J. A wheelchair interfacility transport vehicle may not be marked to indicate a type of service other than that for which it is permitted.

**12 VAC 5-31-2040. Denial of a wheelchair interfacility transport vehicle permit.**

A. An application for a wheelchair interfacility transport vehicle permit will be denied by the Office of EMS if any conditions of these regulations fail to be met.

B. In the event that a permit is denied, the Office of EMS will notify the applicant or licensee of the denial in writing.

**12 VAC 5-31-2050. Wheelchair interfacility transport vehicle requirements.**

A. Each wheelchair interfacility transport vehicle must be maintained in good repair and safe operating condition and shall meet the same motor vehicle safety requirements as apply to all vehicles in Virginia:

1. State motor vehicle safety inspection must be current.
2. Exterior surfaces of the vehicle including windows, mirrors, warning devices and lights must be kept clean of dirt and debris.

B. All occupants must use mechanical restraints while the vehicle is in motion as required by the Code of Virginia.

All equipment and supplies must be secured in place to prevent movement while the vehicle is in motion.

C. The following requirements for sanitary conditions and supplies apply to all wheelchair interfacility transport vehicles in accordance with recommendations and standards established by the Centers for Disease Control and Prevention (CDC) and the Virginia Occupational Safety and Health Law:

1. The interior of the wheelchair interfacility transport vehicle, including all storage areas, equipment, and supplies must be kept clean and sanitary.
2. Waterless antiseptic handwash must be available on the unit.
3. Following transport and before being occupied by another passenger, all contaminated surfaces must be cleaned and disinfected using a method recommended by the Centers for Disease Control. Cleaning and disinfection supplies must be carried on each vehicle.
4. All soiled supplies and used disposable items must be stored or disposed of in plastic bags, covered containers or compartments provided for this purpose. Red or orange bags must be used for regulated waste.

D. All wheelchair interfacility transport vehicles are subject to, and available for, inspection by the Office of EMS or its designee, for compliance with these regulations. Inspections are in addition to other federal, state, or local inspections required for the wheelchair interfacility transport vehicle by law. The Office of EMS may conduct inspection at any time and without prior notification.

**12 VAC 5-31-2060. Wheelchair interfacility transport vehicle specifications.**

A. Capabilities. The wheelchair interfacility transport vehicles is intended for the transportation of a person in a wheelchair who requires transportation for nonemergency purposes between medical care facilities.

1. A passenger who requires emergency medical services, transport on a stretcher or transport in a supine position must not be transported in a wheelchair interfacility transport vehicle.
2. A wheelchair interfacility transport vehicle must not be used for emergency transportation.

B. Dimensions and construction. All wheelchair interfacility transport vehicles must be constructed to provide sufficient space for safe storage of all required equipment and supplies. All wheelchair interfacility transport vehicles must have a state motor vehicle safety inspection performed following completion of conversion and before the application for a wheelchair interfacility transport permit.

1. A wheelchair interfacility transport vehicle must comply with the following:
  - a. Adequate height for safe passenger loading and transport in an upright position for the size and style of wheelchair in use.
  - b. A minimum width of 48 inches as measured from a distance 15 inches above floor level where the wheelchair is to be secured.
  - c. A minimum length of 60 inches as measured from the rear of the driver's seat to the rear door.
  - d. Interior surfaces must be designed for passenger safety. Protruding sharp edges and corners shall be padded.
  - e. All interior surfaces must be of a material easily cleaned and nonstainable. All aisles, steps, floor areas where people walk and floors in securement locations must have slip-resistant surfaces.
  - f. The door openings must include a passenger door for the loading or unloading of an occupied wheelchair on the right side or rear of the vehicle. This door opening must be a minimum of 56 inches measured from the top of the door opening and the raised lift platform or the highest point of a ramp to permit the loading and unloading of a person occupying any size or style of wheelchair.
  - g. A loading device, consisting of a mechanized lift or a ramp, must be provided to load and unload an occupied wheelchair. If a mechanized lift is used, the lift must be equipped with a barrier, 1.5 inches tall, to prevent any of

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the wheels of the wheelchair from rolling off the lift's platform during operation. The barrier must be in place and secure the passenger at all times that the platform is more than three inches above the ground. If a ramp is used, it must have raised edges and be securely fastened to the vehicle while in use.

h. Safety and security restraints adequate to stabilize and secure any size or style of wheelchair transported must be provided. Safety and security devices must conform to the standards established by 49 CFR § 571.222, S5.4.1 to S5.4.4 (Rev. October 1, 1999), as amended.

i. Safety belts must be provided for all passengers including those transported in wheelchairs.

j. A climate environmental system must supply and maintain clean air conditions and a controlled temperature inside the passenger compartment.

2. Warning lights and devices. Wheelchair interfacility transport vehicles are prohibited from having any emergency warning lights or audible devices not approved by the Superintendent of Virginia State Police for a general passenger vehicle.

## C. Vehicle markings general requirements.

Lettering. On a wheelchair interfacility transport vehicle the following must appear in permanently affixed lettering that is a minimum of three inches in height and of a color that contrasts with its surrounding background:

1. The name of the wheelchair interfacility transport service that the vehicle is permitted to must appear on both sides of the vehicle body.

a. This lettering may appear as part of an organization's logo or emblem as long as the service name appears in letters of the required height.

b. If the wheelchair interfacility transport service is also licensed by the Office of EMS as an EMS agency, the terms "Ambulance" or "Emergency Medical Service" or any combination of similar terms may appear on the vehicle only as a part of the service's name.

2. Any additional lettering, logos or emblems may appear on the vehicle at the discretion of the wheelchair interfacility transport service. The height of any additional lettering must be less than the lettering used for the service's name.

a. All additional lettering, logos or emblems may not advertise or imply the capability to provide emergency medical services (EMS).

b. The Star of Life emblem may not appear on any wheelchair interfacility transport vehicle.

## 12 VAC 5-31-2070. General personnel requirements and standards of conduct.

A. All wheelchair interfacility transport personnel must meet and maintain compliance with the general requirements specified in subsections B through D of this section.

B. Personnel shall:

1. Be a minimum of 18 years of age.

2. Be clean and neat in appearance.

3. Be proficient in reading, writing and speaking the English language. English proficiency must be sufficient to allow the individual to clearly communicate with a passenger, family or bystanders. Personnel shall be able to read, write and speak the English language as necessary to perform all assigned duties.

4. Have no physical impairment that would render him or her unable to perform all required skills.

5. Have never been convicted or found guilty of any crime involving sexual misconduct where the lack of affirmative consent by the victim is an element of the crime, such as forcible rape.

6. Have never been convicted or found guilty of any crime (including abuse, neglect, theft from, or financial exploitation of a person entrusted to his care or protection) in which the victim is a patient or is a resident of a health care facility.

7. Not have been convicted or found guilty of any crime involving the use, possession, or distribution of illegal drugs except that the person is eligible for affiliation five years after the date of final release if no additional crimes of this type have been committed during that time.

8. Not have been convicted or found guilty of any other act that is a felony except that the felon is eligible for affiliation five years after the date of final release if no additional felonies have been committed during that time.

9. Not [~~, when an EMS Personnel acting act~~] as an operator [~~, have if he has~~] been convicted [~~or found guilty~~] upon a charge of driving under the influence [~~(DUI)~~] of alcohol or drugs, convicted of a felony or assigned to any alcohol safety action program or driver alcohol rehabilitation program pursuant to § 18.2-271.1 of the Code of Virginia], hit and run or operating on a suspended or revoked license within the past five years. Personnel having such a conviction, in Virginia or another state, are eligible for reinstatement after five years, without further convictions.

10. Not currently be under any disciplinary or enforcement action from the Office of EMS or another state EMS office, state regulatory agency or other recognized state or national healthcare provider licensing or certifying body. Personnel having this disciplinary or enforcement action may be eligible for service provided there have been no further disciplinary or enforcement actions for five years.

11. Have never been subject to a permanent revocation of license or certification by the Office of EMS or another state EMS office, state regulatory agency or other recognized state or national healthcare provider licensing or certifying body.

12. References to criminal acts or convictions under this section refer to substantially similar laws or regulations of any other state or the United States. When used in these regulations, a conviction includes prior adult convictions and juvenile convictions and adjudications of delinquency based on an offense that would have been, at the time of

conviction, a felony conviction if committed by an adult within or outside the Commonwealth.

## C. Standards of conduct.

1. Wheelchair interfacility transport personnel shall comply with the requirements of these regulations.

2. Wheelchair interfacility transport personnel shall comply with all federal, state, and local laws applicable to their wheelchair interfacility transport operations.

3. Wheelchair interfacility transport personnel may not be addicted to or under the influence of any drugs or intoxicating substances while on duty;

4. Wheelchair interfacility transport personnel may not share or disclose medical information concerning the names, treatment or conditions of passengers transported. This information is confidential and may be disclosed only to:

a. Provide for the continuing medical care of the passenger;

b. Collect insurance payments due and then only to the extent necessary and authorized by the passenger or his representative;

c. Provide continuing education of wheelchair interfacility transport personnel who provide this assistance; and

d. Assist investigations conducted by the board, department or Office of EMS.

5. Wheelchair interfacility transport personnel may not represent themselves as authorized to perform any level of patient care.

6. Wheelchair interfacility transport personnel may not obtain or aid another person in obtaining a license, permit, certification, endorsement or designation through fraud, deceit, forgery or deliberate misrepresentation or falsification of information.

7. Wheelchair interfacility transport personnel may not make false statements, misrepresentations to or willfully conceal information from the board, department, or Office of EMS.

8. Wheelchair interfacility transport personnel may not possess, remove, use or administer any narcotics, drugs, supplies or equipment from any EMS agency or wheelchair interfacility transport service, EMS or wheelchair interfacility transport vehicle, health care facility, academic institution or other location, without proper authorization.

9. Wheelchair interfacility transport personnel may not discriminate in the provision of service based on race, gender, religion, age, national origin, location or medical condition or any other reason.

10. Wheelchair interfacility transport personnel may not under any circumstances engage in sexual harassment of passengers or coworkers. Sexual harassment includes making unwelcome sexual advances, requesting sexual favors, and engaging in other verbal or physical conduct of a sexual nature as a condition of:

a. The provision or denial of services to a passenger;

b. The provision or denial of employment;

c. The provision or denial of promotions to a coworker;

d. For the purpose or effect of creating an intimidating, hostile or offensive environment for the passenger, or unreasonably interfering with a passenger's ability to recover; or

e. For the purpose or effect of creating an intimidating, hostile, or offensive working environment or unreasonably interfering with a coworker's ability to perform his work.

D. Provision of services. Wheelchair interfacility transport personnel are expected to provide consistently high quality transportation to all passengers.

1. Wheelchair interfacility transport personnel are responsible for providing only those services allowed within the scope of licensure of the wheelchair interfacility transport service with which they are operating.

2. During transportation, the passenger shall be transported in the passenger compartment of the vehicle involved.

3. Wheelchair interfacility transport personnel may not leave a passenger unattended at the destination facility without properly informing the facility staff of the passenger's arrival and location.

4. Wheelchair interfacility transport personnel may not leave a passenger unattended except while loading or unloading another passenger.

## **12 VAC 5-31-2080. Wheelchair interfacility transport vehicle personnel.**

The following minimum wheelchair interfacility transport vehicle personnel requirements apply to all wheelchair interfacility transport vehicles:

1. Personnel serving as the operator of a wheelchair interfacility transport vehicle must be a minimum of 18 years of age.

2. It is the responsibility of each wheelchair interfacility transport service to ensure that adequate numbers of trained wheelchair interfacility transport personnel are available to perform all essential tasks necessary for provision of timely and appropriate transportation for all passengers.

## **12 VAC 5-31-2090. Exemptions.**

A. A wheelchair interfacility transport vehicle on (insert the effective date of these regulations) must meet the requirements for vehicle construction in effect at the time the wheelchair interfacility transport vehicle was permitted.

B. On [ ~~(insert the effective date of these regulations)~~ January 3, 2003 ], a medical wheelchair transport vehicle (Class E) may be reclassified as a wheelchair interfacility transport vehicle.

C. Existing forms, licenses, certificates and other materials may be used by the Office of EMS or modified as considered necessary by the Office of EMS until existing stocks are depleted.



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## PART VI.

### EARLY DEFIBRILLATION SERVICE REGISTRATION.

#### **12 VAC 5-31-2100. Requirement for early defibrillation service registration.**

A. A person may not operate or maintain an automated external defibrillator for use on or to provide service to the public without an early defibrillation service registration unless specifically exempted by § 32.1-111.2 of the Code of Virginia.

B. A person obtaining an AED for use on the public shall register it with the Office of EMS, unless specifically exempted, before placing the AED in use.

C. An early defibrillation service shall not provide emergency medical services.

#### **12 VAC 5-31-2110. [ Report violations. Reserved**

~~An early defibrillation service and its personnel shall report any known or suspected violation of these regulations in writing to the Office of EMS within 15 days of the suspected violation. ]~~

#### **12 VAC 5-31-2120. Specific exemptions of registration.**

The following are exempted from registration under these regulations:

1. A vehicle used by an interstate commercial passenger carrier regulated by an agency of the United States government. This exemption includes but is not limited to a commercial airline, an interstate bus service and passenger rail service.

2. A person conducting research into the effectiveness of an early defibrillation program provided he complies with state and federal human research guidelines and has obtained approval from the Office of EMS.

#### **12 VAC 5-31-2130. Application and issuance of early defibrillation service registration.**

A. An applicant for early defibrillation service registration shall submit a complete application to the Office of EMS. The application must include a registration fee of \$25 for each distinct geographic location where an AED is to be maintained or [ available for use based ] .

B. The Office of EMS may use whatever means of investigation necessary to verify information contained in the application.

C. The Office of EMS will determine qualification for registration based upon the applicant's or registrant's:

1. Meeting the personnel qualifications in these regulations.
2. Previous record of performance as an EMS agency or early defibrillation service in or outside of Virginia.
3. Availability of sufficient resources needed to comply with these regulations.

D. The location of an AED shall be subject to and available for inspection by the Office of EMS.

E. Issuance.

1. An early defibrillation service registration may be issued by the Office of EMS provided the following conditions are met:

- a. Information contained in the application is complete and correct;
- b. An applicant is determined by the Office of EMS to be qualified and suitable for registration.

2. An applicant will be notified in writing of the disposition of the application upon receipt of the completed application and required supporting documents.

3. The issuance of a registration does not authorize a registrant to operate an AED without a franchise or permit in any county or municipality that has enacted an ordinance requiring one.

F. The early defibrillation service registration may include the following information:

1. The name and address of the early defibrillation service;
2. The expiration date of the registration;
3. The serial number and the manufacturer of each AED operated and maintained by the early defibrillation service; and
4. Any special conditions that may apply.

G. An early defibrillation service registration may be issued and remain valid with the following conditions:

1. An early defibrillation service registration is valid for a period of four years from the date of issuance unless and until revoked or suspended by the Office of EMS.
2. An early defibrillation service registration is not transferable.

#### **12 VAC 5-31-2140. Renewal of a registration.**

A. Renewal of an early defibrillation service registration may be issued based upon the following conditions:

1. An application for renewal shall be submitted a minimum of 60 days prior to expiration of the current registration;
2. The application for renewal shall include a registration fee of \$25 for each distinct geographic location where an AED is to be maintained or [ available for use based ] .

B. If the Office of EMS is unable to take action on renewal of a registration before expiration, the registration will remain in effect until the Office of EMS completes processing of the renewal application.

#### **12 VAC 5-31-2150. Modification of a registration.**

A. An early defibrillation service registration shall be modified whenever there is a change in the location [ ~~of an~~ where the ] AED [ is based ] , the number of AEDs or the ownership of the early defibrillation service.

B. The procedure for modification of a registration is as follows:

1. A registrant shall request the modifications in writing;

2. The Office of EMS may use the full provisions of these regulations in processing the request; and

3. A registrant will be notified in writing of the disposition of the request.

**12 VAC 5-31-2160. Denial of a registration.**

A. An application for an early defibrillation service registration or renewal of registration may be denied by the Office of EMS if any of the conditions of these regulations are not met.

B. A request for modification of any early defibrillation service registration may be denied by the Office of EMS if any of the conditions of these regulations are not met.

C. In the event that a registration or application is denied, the Office of EMS will notify the applicant or registrant of the denial in writing.

**12 VAC 5-31-2170. Termination of early defibrillation service.**

A. An early defibrillation service intending to discontinue service shall:

1. Notify the Office of EMS, in writing, of its intent to terminate service and verify that the local public safety agencies have been notified of its intent to discontinue service at least 30 days in advance.

2. Provide for secure storage of required service records for a minimum of five years from the date of termination of service.

B. An early defibrillation service shall surrender its early defibrillation service registration in order to terminate service.

**12 VAC 5-31-2180. General requirements for early defibrillation service.**

A. An early defibrillation service must provide service only at a specified geographic location [ -, except as follows: ]

1. [~~Exception:~~] A law-enforcement agency, as defined in § [ ~~9-1-165~~ 9.1-165 ] of the Code of Virginia, may provide early defibrillation service to the public within the agency's jurisdiction.

2. [~~Exception:~~] A fire company or fire department as defined under § 27-8 of the Code of Virginia that is not an EMS agency, may provide early defibrillation service if the agency is not dispatched for a medical emergency or otherwise prohibited by these regulations.

[ 3. An early defibrillation service may transport an AED for the purpose of having the device available to service personnel at remote locations. A vehicle transporting an AED for this purpose may not be used to respond to medical emergencies. ]

B. An early defibrillation service and its personnel must maintain each automated external defibrillator and required equipment in compliance with manufacturer's recommendations and federal, state or local laws and regulations.

The following equipment and supplies must be available for each automated external defibrillator in use:

1. Pocket mask or other CPR barrier device.

2. CDC-recommended protective gloves, four pairs.

[ ~~3. Equipment bag of durable construction to store the required supplies. ]~~

C. An early defibrillation service must comply with the following:

1. Equipment, supplies and storage areas must be kept clean and sanitary.

2. [~~Plastic bags, covered containers or compartments must be used for storage of soiled supplies and used disposable items. Red or orange (biohazard) bags must be used for infectious waste.~~ Any soiled supplies or infectious waste generated must be disposed of in compliance with current CDC guidelines. ]

3. Devices inserted into the patient's nose or mouth that are single-use must be disposed of after use. Reusable items must be sterilized or high-level disinfected according to current CDC guidelines before reuse. If not individually wrapped, these items must be stored in a closed container or bag.

4. Waterless antiseptic handwash must be available with the AED [ if other handwashing facilities are not available ] .

D. The early defibrillation service coordinator and the medical director must provide sufficient training to personnel for optional first aid equipment used by the service.

E. An early defibrillation service must maintain the following records:

1. A personnel record for each personnel including documentation of training.

2. The following records must be maintained at the primary place of operation or a secured storage facility, for a period of not less than five years to insure reasonable safety from water and fire damage and from disclosure to persons other than those authorized by law:

a. Maintenance records for each automated external defibrillator in use.

b. Records of early defibrillation service activity including call reports that specifically identify service personnel, dispatch records and summary data.

3. An early defibrillation service must complete an "incident report" for each instance where the AED is deployed and eventually applied to an actual or potential patient. This report form, provided by the Office of EMS, will consist of an original and two copies to be distributed as follows:

a. Original shall be maintained by the early defibrillation service as prescribed in this section;

b. Copy 2 shall be forwarded to the Office of EMS for review not more than five days following the patient care incident;

c. Copy 3 shall be provided to the responding EMS agency that assumed care for the patient. This copy of the completed report may be provided either during the

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patient care incident or at a later time, not more than five days following the patient care incident.

F. The registration must be publicly displayed in the headquarters of the early defibrillation service.

G. No person may advertise for services other than those for which the early defibrillation service is registered, or imply such services in the business' name.

## **12 VAC 5-31-2190. Registration identification.**

An early defibrillation service shall be registered under the name of the sponsoring organization and [ ~~is the~~ ] specific geographical location [ where it is maintained or based ] .

## **12 VAC 5-31-2200. Notification of public safety.**

An early defibrillation service shall notify local public safety agencies as required by these regulations.

## **12 VAC 5-31-2210. Availability of service.**

An early defibrillation service shall be available to the service's population within its regular operating areas and hours.

## **12 VAC 5-31-2220. Nondiscrimination.**

No early defibrillation service may refuse to provide required services based on the inability of the patient to provide means of payment or based on the race, creed, color, national origin, location or medical condition or any other reason.

## **12 VAC 5-31-2230. Communication capability.**

An early defibrillation service shall have telephone or radio service available at all times to notify the local EMS agency in the event of a medical emergency at the location of the AED. [ This requirement may be satisfied by availability of a public telephone. ]

## **12 VAC 5-31-2240. Communication responsibilities with public safety.**

An early defibrillation service shall notify the following local public safety agencies of current information about the location and extent of its operations:

1. The EMS agencies with primary responsibility for providing emergency response and patient transport service.
2. The Public Safety Answering Point (PSAP) responsible for dispatch of EMS response. (The PSAP may be a municipal dispatch center, law-enforcement, fire or independent EMS agency with primary EMS dispatch responsibility.)

## **12 VAC 5-31-2250. Early defibrillation service medical direction.**

A. An early defibrillation service shall have a medical director.

1. The medical director shall be a physician and meet the following qualifications:
  - a. The physician shall hold valid, unrestricted licensure to practice in Virginia.
  - b. The physician shall provide proof of licensure with the service registration materials.

- c. The physician shall provide proof of having completed training in cardiopulmonary resuscitation and automated external defibrillation equal to that required of the early defibrillation service personnel.

2. An early defibrillation service shall report current information about the name, address, and telephone number of the medical director to the Office of EMS

B. The responsibilities of the medical director include but are not limited to the following:

1. Functioning as a resource to the service in planning, scheduling, and delivery of training and continuing education programs for the service's personnel;
2. In consultation with the coordinator, developing and monitoring a mechanism to ensure the continued competency of the service's personnel to include periodic training and [ ~~skill—proficiency—demonstrations~~ AED operation review ] at least every six months;
3. Reviewing and evaluating periodic reviews of the service's activities to ensure an effective patient care quality assurance program; and
4. Establishing and maintaining policies and procedures needed to ensure the delivery of proper patient care within the early defibrillation service's scope of practice.

## **12 VAC 5-31-2260. Personnel requirements and standards of conduct.**

A. Early defibrillation service personnel shall comply with the requirements to serve as an "AED Operator" as specified in subsections B through D of this section.

B. Personnel qualifications:

1. Be a minimum of 16 years of age.
2. Have successfully completed training in cardiopulmonary resuscitation and the use of automated external defibrillators in a course or courses approved by the Office of EMS. Any person certified by the Office of EMS as an EMS First Responder, Emergency Medical Technician or an equivalent approved by the Office of EMS, without restriction of EMS certification, meets this training requirement.
3. Be capable of performing all assigned duties necessary for the performance of cardiopulmonary resuscitation and automated external defibrillation.

C. Standards of conduct.

1. Early defibrillation service personnel shall comply with the requirements of these regulations.
2. Early defibrillation service personnel shall comply with all federal, state or local laws applicable to early defibrillation service operations.
3. Early defibrillation service personnel may not share or disclose medical information concerning the names, treatment or conditions of patients treated. This information is confidential and may be disclosed only to:
  - a. Provide for continuing medical care of the patient;

b. The extent necessary and authorized by the patient or his representative in order to collect insurance payments;

c. Provide continuing education of early defibrillation service personnel who provide patient care;

d. Assist investigations conducted by the board, department or Office of EMS.

4. Early defibrillation service personnel may not represent themselves as qualified to perform a level of care for which they are not trained or qualified to provide.

5. Early defibrillation service personnel may not leave a patient [ in need of medical care ] without assuring that [ ~~an equal or higher level of~~ ] care is [ ~~provided~~ available from EMS or other trained medical personnel who are present at the scene ] .

D. Personnel are expected to provide consistently high quality care to all patients.

1. Early defibrillation service personnel shall provide automated external defibrillation consistent with their levels of training and within the scope of the early defibrillation service with which they may be affiliated.

2. Early defibrillation service personnel are permitted to perform only those procedures, treatments or techniques for which they are trained to perform.

**NOTICE:** The forms used in administering 12 VAC 5-31, Virginia Emergency Medical Services Regulations, are not being published due to the large number; however, the name of each form is listed below. The forms are available for public inspection at the Office of Emergency Medical Services, Department of Health, 1538 E. Parham Rd., Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 910 Capitol St., 2nd Floor, Richmond, Virginia.

## FORMS

Clinical Training Record, EMS-TR-05 (rev. 4/95).

Training Program/Instructor Complaint Form, EMS-TR-30 (rev. 8/93).

Virginia Course Approval Request Form, EMS-TR-01 (rev. 9/99).

Consolidated Test Site – Reimbursement Claim Form, EMS-TR-02C (rev. 10/98).

Student Course Fee Summary for State Reimbursed BLS Training Programs, EMS-TR-01-SF (rev. 9/97).

Application for EMS Variance/Exemption, EMS-TR-10 (rev. 4/00).

Course Summary Form, EMS-TR-03 (rev. 9/97).

EMS Continuing Education (CE) Registration Card Scan Form, EM-156839:6543 (rev. 1/96).

Virginia EMS Training Program Enrollment Form, EM-234503-1:6543 (rev. 1/01).

Virginia EMS Certification Application, EM-210983-5:65432 (rev. 1/97).

Application for EMS Agency License, EMS-AGENCY-APP (rev. 1/00).

Application for EMS Vehicle Permit, EMS-6010F (rev. 2/02).

Complaint Form (rev. 1/00).

OMD Personnel Information Form/Agreement To Serve, OMD-PIS (rev. 1/02).

Certified Advanced Life Support Coordinator Application, Certified ALS Coordinator Application 2000.doc (rev. 1/00).

Reimbursement Claim Form, EMS-TR-02 (rev. 5/99).

Small Course Approval Request Form, EMS-TR-01-S (rev. 9/99).

Pre-Hospital Patient Care Report, 5936-0225-1306 (rev. 6/01).

Registered Automated External Defibrillation Service Patient Care Incident Report, EMS-AED-001 (rev. 7/99).

## DOCUMENTS INCORPORATED BY REFERENCE

Standards and Guidelines for an Accredited Education Program for the Emergency Medical Technician-Paramedic. Standards initially adopted in 1978, revised in 1989 and 1999, by the American Academy of Pediatrics, American College of Cardiology, American College of Emergency Physicians, American College of Surgeons, American Society of Anesthesiologists, Commission on Accreditation of Allied Health Education Programs, National Association of Emergency Medical Technicians, and National Registry of Emergency Medial Technicians.

V.A.R. Doc. No. R01-71; Filed October 3, 2002, 11:31 a.m.

## DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

**Title of Regulation: Managed Care: Medallion II.**

**12 VAC 30-120. Waivered Services (amending 12 VAC 30-120-360, 12 VAC 30-120-370, 12 VAC 30-120-380, and 12 VAC 30-120-390 through 12 VAC 30-120-420; repealing 12 VAC 30-120-385).**

**Statutory Authority:** § 32.1-325 of the Code of Virginia; Chapter 1073 of the 2000 Acts of Assembly (Item 319 J); 42 USC § 1396 b (m).

**Effective Date:** December 1, 2002.

**Summary:**

Chapter 1073 of the 2000 Acts of Assembly, Item 319 J, directed the agency to seek federal approval of certain changes to its Medallion II program. The purpose of the mandated changes was to bring this waiver program into compliance with recent federal law changes as well as changes in Centers for Medicare and Medicaid Services (CMAS) requirements and changes that reflect industry standards of practice.

DMAS amends the regulations governing its Medallion II managed care program to (i) allow expansion of the

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program into regions that have only one contracted MCO, (ii) shorten the preassignment process, and (iii) remove language pertaining to the carve-out of mental health services provided in Northern Virginia. Other editorial and clarifying changes are also made. The regulations supercede emergency regulations that went into effect December 1, 2001.

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

Agency Contact: Adrienne Fegans, Manager, Division of Managed Care, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 225-4714, FAX (804) 786-1680 or e-mail afegans@dmas.state.va.us.

**REGISTRAR'S NOTICE:** The proposed regulation was adopted as published in 18:20 VA.R. 2555-2564 June 17, 2002, with the additional changes shown below. Therefore, pursuant to § 2.2-4031 A of the Code of Virginia, the text of the final regulation is not set out at length; however, the changes from the proposed regulation are printed below.

## 12 VAC 30-120-360. Definitions.

The following words and terms when used in this part shall have the following meanings, unless the context clearly indicates otherwise [ ÷ ]

"*Appeal*" means any written communication from a client or his representative which clearly expresses that he wants to present his case to a reviewing authority.

"*Area of residence*" means the recipient's address in the Medicaid eligibility file.

"*Capitation payment*" means ~~the payment issued to an HMO contractor by DMAS on behalf of a client, in return for which the HMO accepts responsibility for the services to be provided under a contract a payment the department makes periodically to a contractor for each recipient enrolled under a contract for the provision of medical services under the State Plan, regardless of whether the recipient receives services during the period covered by the [ fee payment ]~~.

"*Client,*" "*clients,*" "*recipient,*" or "*enrollee,*" or "*participant*" means an individual or individuals having current Medicaid eligibility who shall be authorized by DMAS to be a member or members of Medallion II.

"*Covered services*" means Medicaid services as defined in the State Plan for Medical Assistance.

"*Disenrollment*" means ~~a change in the process of changing enrollment from one Medallion II HMO Managed Care Organization (MCO) plan to another MCO or to the Primary Care Case Management (PCCM) program, if applicable.~~

"*DMAS*" means the Department of Medical Assistance Services.

"*Eligible person*" means ~~any person determined by DMAS as eligible to receive services and benefits under eligible for Virginia Medicaid in accordance with the State Plan for Medical Assistance under Title XIX of the Social Security Act.~~

"*Emergency services*" means ~~those health care services provided in a hospital, clinic, office, or other facility that is equipped to furnish the required care, that are rendered by participating or nonparticipating providers after the sudden onset of a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in:~~

1. Placing the client's health or, with respect to a pregnant woman, the health of the woman or her unborn child in serious jeopardy;
2. Serious impairment to bodily functions; or
3. Serious dysfunction of any bodily organ or part.

*Emergency services provided within the MCO plan's service area shall include covered health care services from nonaffiliated providers only when delay in receiving care from a provider affiliated with the managed care organization could reasonably be expected to cause the recipient's condition to worsen if left unattended.*

"*Enrollment broker*" means ~~the individual who an independent contractor that enrolls recipients in the contractor plan, and who is responsible for the operation and documentation of a toll-free recipient service helpline. The responsibilities of the enrollment broker may include, but shall not be limited to, recipient education and enrollment, assistance with and tracking of recipients' complaints resolutions, and may include recipient marketing and outreach.~~

"*Exclusion from Medallion II*" means *the removal of an enrollee from the Medallion II program on a temporary or permanent basis.*

"*Foster care*" means a child who received either foster care assistance under Title IV-E of the Social Security Act or state and local foster care assistance.

"*Grievance*" means ~~any request by a client, or a provider on behalf of a client, to an HMO to resolve a dispute regarding coverage or payment for services under the Medallion II Program an oral or written communication made by or on behalf of a member expressing dissatisfaction with the resolution of a complaint. Grievances are usually handled by the MCO's Internal Grievance Committee and are related to:~~ (i) *the availability, delivery or quality of health care services including the utilization review decisions that are adverse to the member or (ii) payment or reimbursement of health care service claims.*

"*Health care plan*" means any arrangement in which any health maintenance organization undertakes to provide, arrange for, pay for, or reimburse any part of the cost of any health care services.

"~~HMO~~" "*Managed care organization*" or "*MCO*" means ~~a health maintenance organization, as licensed by the State Corporation Commission's Bureau of Insurance, which undertakes to provide or arrange for one or more health care plans an organization that offers managed care health insurance plans (MCHIP) as defined by § 38.2-5800 of the Code of Virginia. Any health maintenance organization as~~

defined in § 38.2-4300 of the Code of Virginia or health carrier that offers preferred provider contracts or policies as defined in § 38.2-3407 of the Code of Virginia or preferred provider subscription contracts as defined in § 38.2-4209 of the Code of Virginia shall be deemed to be offering one or more MCHIPs.

"Network" means doctors, hospitals or other health care providers who participate or contract with an HMO MCO and, as a result, agree to accept a mutually-agreed upon sum or fee schedule as payment in full for covered services that are rendered to eligible participants.

"Nonparticipating provider" means a facility not in the HMO's network or a provider not in the HMO's network practicing at a facility not in the HMO's health care entity or health care professional not in the contractor's participating provider network.

"Primary care case management" or "PCCM" means a system under which a primary care case manager contracts with the Commonwealth to furnish case management services (which include the location, coordination, and monitoring of primary health care services) to Medicaid recipients.

"School-based services" means those therapy services, nursing services, psychiatric/psychological screenings, and well-child screenings, rendered to children who qualify for these services under the federal Individuals with Disabilities Education Act (20 USC § 1471 et seq.) by (i) employees of the school divisions or (ii) providers that subcontract with school divisions.

"Spend-down" means the process of reducing countable income by deducting incurred medical expenses for medically needy individuals, as determined in the State Plan for Medical Assistance.

"Subsidized adoption" means any child for whom an adoption assistance agreement is in effect.

**12 VAC 30-120-370 through 12 VAC 30-120-420. [ No change from proposed. ]**

VA.R. Doc. No. R02-85; Filed September 30, 2002, 4:32 p.m.



**TITLE 22. SOCIAL SERVICES**

**STATE BOARD OF SOCIAL SERVICES**

**REGISTRAR'S NOTICE:** The State Board of Social Services is claiming an exclusion from the Administrative Process Act in accordance with § 2.2-4006 A 4 a of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law where no agency discretion is involved. The State Board of Social Services will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

**Title of Regulation:** 22 VAC 40-92. Standards and Regulations for Licensed Child Day Center Systems (repealing 22 VAC 40-92-10 through 22 VAC 40-92-180).

**Statutory Authority:** § 63.1-196.01:1 of the Code of Virginia (repealed effective October 1, 2002).

**Effective Date:** November 20, 2002.

**Summary:**

The regulation provides standards for any entity that voluntarily applies to operate, manage, or accredit as members of its system, 50 or more child day center sites. The regulation is repealed because effective October 1, 2002, the State Board of Social Services will not have joint responsibility with the Child Day-Care Council to promulgate this regulation.

**Agency Contact:** Arlene Kasper, Program Development Consultant, Department of Social Services, Division of Licensing Programs, 730 East Broad Street, Richmond, VA 23219, telephone (804) 692-1791, FAX (804) 692-2370 or e-mail adk7@dss.state.va.us.

VA.R. Doc. No. R03-23; Filed September 11, 2002, 10:26 a.m.

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**Title of Regulation:** 22 VAC 40-720. Child Protective Services Release of Information to Family Advocacy Representatives of the United States Armed Forces (amending 22 VAC 40-720-10).

**Statutory Authority:** §§ 63.2-217 and 63.2-1503 of the Code of Virginia.

**Effective Date:** November 20, 2002.

**Summary:**

The amendment conforms the definition of "founded" in this regulation with the definition of "founded" in the Child Protective Services regulation (22 VAC 40-705), which requires "preponderance of the evidence" for a founded disposition.

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

**Agency Contact:** Jesslyn Cobb, Child Protective Services Program Consultant, Department of Social Services, 730 East Broad Street, 2nd Floor, Richmond, VA 23219, telephone (804) 692-1255, FAX (804) 692-2215, or e-mail jqc900@email1.dss.state.va.us.

**22 VAC 40-720-10. Definitions.**

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

"Abuser/neglector" means any person who is the subject of a complaint and is suspected of or is found to have committed the abuse or neglect of a child pursuant to Chapter [ 42-1 15 ] (§ 63.1-248 [ 63.1-248.1 63.2-1500 ] et seq.) of Title [ 63.1 63.2 ] of the Code of Virginia.

"Administrative appeal rights" means the child protective services appeals procedures for a local level informal conference and a state level hearing pursuant to Chapter [ 42-1 15 ] (§ 63.1-248 [ 63.1-248.1 63.2-1500 ] et seq.) of

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Title [ ~~63.1~~ 63.2 ] of the Code of Virginia, under which an individual who is suspected of or is found to have committed abuse or neglect may request that the Department of Social Services' records be amended.

"*Child protective services*" means the identification, receipt and immediate investigation of complaints and reports of child abuse and neglect for children under 18 years of age. It also includes documenting, arranging for, and providing social casework and other services for the child, his family, and the alleged abuser or neglector.

"*Complaint*" means a valid report of suspected child abuse or neglect which must be investigated by the local department of social services.

"*Family Advocacy Program representative*" means the professional employed by the United States Armed Forces who has responsibility for the program which is designed to address prevention, identification, evaluation, treatment, rehabilitation, follow-up and reporting of family violence.

"*Founded*" means that a review of the facts shows ~~clear and convincing~~ a preponderance of evidence that child abuse or neglect has occurred.

"*Investigation*" means the formal fact-finding process utilized by the local department of social services in determining whether or not abuse or neglect has occurred. This process is employed for each valid complaint received by the local department.

"*Report*" means any information transmitted to the local department of social services relating the suspicion of possible abuse or neglect of a child pursuant to *Chapter [ ~~42-4~~ 15 ]* (§ ~~63.1-248 [ ~~63.1-248.1~~ 63.2-1500 ]~~ et seq.) of Title [ ~~63.1~~ 63.2 ] of the Code of Virginia.

VA.R. Doc. No. R00-63; Filed September 30, 2002, 2:24 p.m.

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**Title of Regulation:** 22 VAC 40-730. Investigation of Child Abuse and Neglect in Out of Family Complaints (amending 22 VAC 40-730-10, 22 VAC 40-730-20, and 22 VAC 40-730-40 through 22 VAC 40-730-90).

**Statutory Authority:** §§ 63.2-217, 63.2-1502 and 63.2-1503 of the Code of Virginia.

**Effective Date:** November 20, 2002.

**Summary:**

*The amendments require the Department of Social Services to invite all associated parties to participate in investigations of alleged child abuse and neglect in designated out of family settings.*

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

**Agency Contact:** Jesslyn Cobb, Program Specialist III, Child Protective Services Program, Department of Social Services, Theater Row Building, 2nd Floor, 730 East Broad Street, Richmond, VA 23219, telephone (804) 692-1255, FAX (804) 692-2215, or e-mail jqc900@email1.dss.state.va.us.

<p><b>REGISTRAR'S NOTICE:</b> The proposed regulation was adopted as published in 18:15 VA.R. 1950-1954 April 8, 2002, with the additional changes shown below. Therefore, pursuant to § 2.2-4031 A of the Code of Virginia, the text of the final regulation is not set out at length; however, the changes from the proposed regulation are printed below.</p>
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**22 VAC 40-730-10. Definitions.**

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

"*Caretaker*," for the purpose of this chapter, means any individual determined to have the responsibility of caring for a child.

~~"Central Registry" means the name index of individuals involved in child abuse and neglect reports maintained by the Virginia Department of Social Services.~~

"*Child Protective Services*" means the identification, receipt and immediate investigation of complaints and reports of child abuse and neglect for children under 18 years of age. It also includes documenting, arranging for, and providing social casework and other services for the child, his family, and the alleged abuser.

"*Complaint*" means a valid report of suspected child abuse or neglect which must be investigated by the local department of social services.

"*Child day center*" means a child day program operated in other than the residence of the provider or any of the children in care, responsible for the supervision, protection, and well-being of children during absence of a parent or guardian, as defined in § [ ~~63.1-495~~ 63.2-100 ] of the Code of Virginia. For the purpose of this chapter, the term shall be limited to include only state licensed child day centers and religiously exempted child day centers.

"*Department*" means the Department of Social Services.

"*Disposition*" means the determination of whether abuse or neglect occurred.

"*Facility*" means the generic term used to describe the setting in out of family abuse or neglect and for the purposes of this regulation includes schools (public and private), private or state-operated hospitals or institutions, child day centers, state regulated family day homes, and residential facilities.

"*Facility administrator*" means the on-site individual responsible for the day-to-day operation of the facility.

"*Family day home*," for the purpose of this chapter, means a child day program as defined in § [ ~~63.1-495~~ 63.2-100 ] of the Code of Virginia where the care is provided in the provider's home and is state regulated; locally approved or regulated homes are not included in this definition.

~~"Identifying information" means name, race, sex, and date of birth of the subject.~~

"*Local agency*" means the local department of social services responsible for conducting investigations of child abuse or

neglect complaints as per § [ ~~63.1-248.6~~ 63.2-1503 ] of the Code of Virginia.

"Participate" means to take part in the activities of the joint investigation as per a plan for investigation developed by the CPS worker with the facility administrator or regulatory authority or both.

"Physical plant" means the physical structure/premises of the facility.

"Regulatory authority" means the department or state board that is responsible under the Code of Virginia for the licensure or certification of a facility for children.

"Residential facility" means a publicly or privately owned facility, other than a private family home, where 24-hour care is provided to children separated from their legal guardians, that is subject to licensure or certification pursuant to the provisions of the Code of Virginia and includes, but is not limited to, group homes, group residences, secure custody facilities, self-contained residential facilities, temporary care facilities, and respite care facilities.

**22 VAC 40-730-20 through 22 VAC 40-730-90. [ No change from proposed. ]**

VA.R. Doc. No. R01-123; Filed September 30, 2002, 2:25 p.m.



## TITLE 24. TRANSPORTATION AND MOTOR VEHICLES

### COMMONWEALTH TRANSPORTATION BOARD

**REGISTRAR'S NOTICE:** The following regulation filed by the Commonwealth Transportation Board is exempt from the Administrative Process Act in accordance with § 2.2-4002 B 3 of the Code of Virginia, which exempts regulations relating to the location, design, specifications or construction of public buildings or other facilities and in accordance with § 2.2-4002 B 4 of the Code of Virginia, which exempts regulations relating to grants of state or federal funds or property.

**Title of Regulation:** 24 VAC 30-270. Industrial Access Program Guide (REPEALED).

**Title of Regulation:** 24 VAC 30-271. Industrial Access Policy (adding 24 VAC 30-271-10 and 24 VAC 30-271-20).

**Statutory Authority:** §§ 33.1-12 and 33.1-221 of the Code of Virginia.

**Effective Date:** September 18, 2002.

**Summary:**

*This regulation, 24 VAC 30-271, replaces 24 VAC 30-270 filed by description in 1994 that established guidelines, policies, and procedures that VDOT follows in providing funding under the Industrial Access Fund Program, as administered by the Commonwealth Transportation Board.*

24 VAC 30-270 is repealed simultaneously when this regulation becomes effective.

This Commonwealth Transportation Board made changes from the 1989 original policy and the previous Industrial Access Fund Program filed in 1994 as follows:

1. Added a second purpose for the use of industrial access funds – improving existing roads that may be inadequate to serve new or substantially expanding eligible establishments and added the term “licensed” to “publicly owned airports”;
2. Incorporated a five-year maximum time limit for bonds or other surety guaranteed by the local governing body when an eligible establishment is not yet constructed or under firm contract, and extended bond periods for projects approved between March 21, 1996, and July 1, 1999, for an additional two years, provided the local governing body continues to provide surety;
3. Provided for a case-by-case evaluation of projects needing additional improvements to make access to the site adequate (either to improve safety or facilitate traffic flow), provided that the local governing body requests such evaluation by resolution;
4. Addressed the funding of eligible sites owned by regional industrial facility authorities provided by § 15.2-6400 et seq.; and
5. Updated obsolete nomenclature (e.g., “Department of Business Assistance” for “Governor’s Department of Economic Development”).

**Agency Contact:** W.R. Dandridge, Transportation Engineer Senior, Secondary Roads Division, Department of Transportation, 1401 East Broad Street, 4th Floor, Richmond, VA 23219, telephone (804) 786-2743, FAX (804) 786-2603 or e-mail William.Dandridge@VirginiaDOT.org.

**CHAPTER 271.  
INDUSTRIAL ACCESS POLICY.**

**24 VAC 30-271-10. Purpose.**

*The policies and procedures set forth in this chapter govern the use of industrial access funds derived from taxes on motor fuels, fees and charges on motor vehicle registrations, road taxes or any other state revenue allocated for highway purposes. Any access road constructed or improved under this chapter shall constitute a part of the secondary system of state highways or the road system of the locality in which it is located and shall thereafter be constructed, reconstructed, maintained and improved as other roads in the system of which it is a part.*

**24 VAC 30-271-20. General provisions.**

- A. The use of industrial access funds shall be limited to:
1. Providing adequate access to new or substantially expanding manufacturing, processing and industrial facilities, or other establishments; and
  2. Improving existing roads that may not be adequate to serve new industry or substantially expanding



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*manufacturing, processing and industrial facilities, or other establishments.*

*B. Industrial access funds shall not be used for the acquisition of rights of way or adjustment of utilities. These funds are to be used only for the actual construction and engineering of a road facility adequate to serve the traffic generated by the new or expanding establishments.*

*C. Industrial access funds may not be used for the construction of access roads to schools, hospitals, libraries, airports, armories, speculative office buildings, shopping centers, apartment buildings, professional offices, residential developments, churches, hotels, motels, government installations, or similar facilities, whether public or private. (Access roads to licensed, public-use airports, while provided for in § 33.1-221 of the Code of Virginia, are funded and administered separately through 24 VAC 30-450, Airport Access Funding.)*

*D. No cost incurred prior to the board's approval of an allocation from the industrial access funds may be reimbursed by such funds. Industrial access funds shall be authorized only after certification that the manufacturing, processing or other establishment will be built under firm contract, or is already constructed, or upon presentation of acceptable surety in accordance with § 33.1-221 A of the Code of Virginia.*

*E. When an eligible establishment is not yet constructed or under firm contract and a local governing body guarantees by bond or other acceptable surety that such will occur, the maximum time limit for such bond shall be five years, beginning on the date of the allocation of the industrial access funds by the Commonwealth Transportation Board. At the end of the five-year period, the amount of industrial access funds expended on the project and not justified by eligible capital outlay of one or more establishments acceptable to the board shall be reimbursed to the Department of Transportation by forfeiture of the surety. The bonded period for projects approved between March 21, 1996, and July 1, 1999, shall be extended for a period of two additional years beyond their original expiration dates, contingent upon the affected locality providing acceptable surety for the extended period.*

*F. The following restrictions or allowances apply to the use of industrial access funds:*

*1. Industrial access funds shall not be used to construct or improve roads on a privately owned plant site. Nor shall the construction of a new access road to serve any industrial site on a parcel of land that abuts a road constituting a part of the systems of state highways or the road system of the locality in which it is located be eligible for industrial access funds, unless the existing road is a limited access highway and no other access exists. Further, where the existing road is part of the road system of the locality in which it is located, or the secondary system of state highways, industrial access funds may be used to upgrade the existing road only to the extent required to meet the needs of traffic generated by the new or expanding industrial facility.*

*2. In the event an industrial site has access according to the foregoing provisions of this chapter, but it can be determined that such access is not adequate in that it does*

*not provide for safe and efficient movement of the industrial traffic generated by the industry on the site or that the site's traffic conflicts with the surrounding road network to the extent that it poses a safety hazard to the general public, consideration will be given to funding additional improvements. Such projects shall be evaluated on a case-by-case basis upon request, by resolution, from the local governing body. Localities are encouraged to establish planning policies that will discourage incompatible mixes such as industrial and residential traffic.*

*G. The following funding limitations and procedures apply to the use of industrial access funds:*

*1. Not more than \$300,000 of unmatched industrial access funds may be allocated in any fiscal year for use in any county, city or town that receives highway maintenance payments under § 33.1-41.1 of the Code of Virginia. A town whose streets are maintained under either § 33.1-79 or § 33.1-82 of the Code of Virginia shall be considered as part of the county in which it is located. The maximum eligibility of unmatched funds shall be limited to 10% of the capital outlay of the designated industry or industries. The unmatched eligibility may be supplemented with additional industrial access funds, in which case the supplemental access funds shall be not more than \$150,000, to be matched dollar-for-dollar from funds other than those administered by this board. The supplemental industrial access funds over and above the unmatched eligibility shall be limited to 5.0% of the capital outlay of the designated industry or industries. Such supplemental funds shall be considered only if the total estimated cost of eligible items for the individual access improvement exceeds \$300,000.*

*2. If an eligible site is owned by a regional industrial facility authority, as defined in § 15.2-6400 et seq., of the Code of Virginia, funds may be allocated for construction of an access road project to that site without penalty to the jurisdiction in which the site is located. This provision may be applied to one regional project per fiscal year in any jurisdiction with the same funding limitations as prescribed for other individual projects.*

*H. Eligible items of construction and engineering shall be limited to those that are essential to providing an adequate facility to serve the anticipated traffic. Items such as storm sewers, curb and gutter, and extra pavement width will not normally be eligible. However, additional pavement width may be eligible where necessary to qualify the road facility in a city or town for maintenance payments under § 33.1-41.1 of the Code of Virginia.*

*I. It is the intent of the board that industrial access funds not be anticipated from year to year. Unused eligibility cannot be allowed to accumulate and be carried forward from one fiscal year to another.*

*J. The Commonwealth Transportation Board will consult and work closely with the Department of Business Assistance in determining the use of industrial access funds and may rely on the recommendations of this department in making decisions as to the allocation of these funds. In making its recommendations to this board, the Department of Business Assistance will take into consideration the impact of the*

*proposed facility on the employment and tax base of both the area in which the facility is to be located and the Commonwealth of Virginia. The determination by the Department of Business Assistance that the subject establishment impacts the economic growth of the Commonwealth to such an extent that an allocation should be made regardless of the manufacturing or distributive classification will be given considerable weight by this board.*

*K. Prior to the formal request for the use of industrial access funds to provide access to new or expanding industries, the location of the access road shall be submitted for approval of the engineers of the Virginia Department of Transportation. The engineers shall take into consideration the cost of the facility as it relates to the possibility of the future extension of the road to serve other possible industrial establishments, as well as the future development of the area traversed.*

*L. Prior to this board's allocation of funds for such construction or road improvements to an industry proposing to locate or expand in a county, city or town, the governing body shall by resolution request the access funds and shall be responsible for the preliminary negotiations with the industries and others interested. Engineers of the Virginia Department of Transportation will be available for consultation with the governing bodies and others, and may prepare surveys, plans, engineering studies, and cost estimates.*

*M. The Commonwealth Transportation Commissioner is directed to establish administrative procedures to assure the provisions of this chapter and legislative directives are adhered to and complied with.*

VA.R. Doc. No. R03-29; Filed September 18, 2002, 2:10 p.m.



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# EMERGENCY REGULATIONS

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## TITLE 12. HEALTH

### DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

**Title of Regulation:** 12 VAC 30-120. **Waivered Services: Individual and Family Developmental Disabilities Support Waiver (IFDDS) (amending 12 VAC 30-120-700, 12 VAC 30-120-710, and 12 VAC 30-120-720).**

**Statutory Authority:** §§ 32.1-324 and 32.1-325 of the Code of Virginia.

**Effective Dates:** October 1, 2002, through September 30, 2003.

**Preamble:**

*This regulatory action qualifies as an emergency, pursuant to § 2.2-4011 of the Code of Virginia because it is responding to a change in the Virginia Appropriation Act that must be effective within 280 days from the date of enactment of the Appropriation Act (the 2002 Acts of Assembly, Chapter 899, Item 325 W) and this regulatory action is not otherwise exempt under the provisions of § 2.2-4006 of the Code of Virginia.*

*These suggested emergency regulations are necessary for the Department of Medical Assistance Services (DMAS) to comply with the 2002 Acts of Assembly, Chapter 899, Item 325.W, which states:*

*"The Department of Medical Assistance Services shall provide for the transfer from the Mental Retardation Waiver to the Individual and Family Developmental Disabilities Support Waiver for children who reach age 6, are receiving services under the Mental Retardation Waiver, and who have been determined not to have a diagnosis of mental retardation. Contingent upon approval of these changes by the Centers for Medicare and Medicaid Services, the Department shall promulgate emergency regulations to become effective within 280 days or less from the enactment date of this act. The Department shall implement these necessary changes to be consistent with federal approval of the waiver changes."*

*DMAS received federal approval of these waiver changes on July 1, 2002.*

**Agency Contact:** Sherry Confer, Policy Analyst, Division of LTC, Department of Medical Assistance Services, 600 E. Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 371-6995, FAX (804) 786-1680 or e-mail sconfer@dmass.state.va.us.

#### 12 VAC 30-120-700. Definitions.

*"Activities of daily living (ADL)" means personal care tasks, e.g., bathing, dressing, toileting, transferring, and eating/feeding. A recipient's degree of independence in performing these activities is a part of determining appropriate level of care and services.*

*"Assistive technology" means 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 that enable recipients to increase their abilities to perform activities of daily living, or to perceive, control, or communicate with the environment in which they live or that are necessary to their proper functioning.*

*"Attendant care" means long-term maintenance or support services necessary to enable the recipient to remain at or return home rather than enter or remain in an Intermediate Care Facility for the Mentally Retarded (ICF/MR). The recipient will be responsible for hiring, training, supervising and firing the personal attendant. If the recipient is unable to independently manage his own attendant care, a family caregiver can serve as the employer on behalf of the recipient. Recipients with cognitive impairments will not be able to manage their own care.*

*"Behavioral health authority" or "BHA" means the local agency, established by a city or county or combination of counties or cities or cities and counties under § 37.1-194 et seq. 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.*

*"CARF" means Commission on Accreditation of Rehabilitation Facilities.*

*"Case manager" means the individual on behalf of the community services board or behavioral health authority staff possessing a combination of mental retardation work experience and relevant education which indicates that the individual possesses the knowledge, skills and abilities, at entry level, as established by the Department of Medical Assistance Services, 12 VAC 30-50-450.*

*"Community-based care waiver services" or "waiver services" means the range of community support services approved by the Health Care Financing Administration (HCFA) pursuant to § 1915(c) of the Social Security Act to be offered to developmentally disabled recipients who would otherwise require the level of care provided in an ICF/MR.*

*"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 § 37.1-194 et seq. 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 aide" means, for the purpose of these regulations, a domestic servant who is also exempt from workers' compensation.*

*"Companion services" means nonmedical care, supervision and socialization, provided to a functionally or cognitively impaired adult. The provision of companion services does not entail hands-on nursing care and is provided in accordance with a therapeutic goal in the consumer service plan. This shall not be the sole service used to divert recipients from institutional care.*

*"Consumer-directed companion care" means nonmedical care, supervision and socialization provided to a functionally or cognitively impaired adult. The provision of companion*

services does not entail hands-on nursing care and is provided in accordance with a therapeutic goal in the consumer service plan. This shall not be the sole service used to divert recipients from institutional care. The recipient will be responsible for hiring, training, supervising, and firing the personal attendant. If the recipient is unable to independently manage his own consumer-directed respite care, a family caregiver can serve as the employer on behalf of the recipient. Recipients with cognitive impairments will not be able to manage their own care.

*"Consumer-directed respite care"* means services given to caretakers of eligible individuals who are unable to care for themselves that are provided on an episodic or routine basis because of the absence or need for relief of those persons residing with the recipient who normally provide the care. The recipient will be responsible for hiring, training, supervising, and firing the personal attendant. If the recipient is unable to independently manage his own consumer-directed respite care, a family caregiver can serve as the employer on behalf of the recipient. Recipients with cognitive impairments will not be able to manage their own care.

*"Consumer-directed (CD) services facilitator"* means the provider contracted by DMAS that is responsible for ensuring development and monitoring of the CSP, management training, and review activities as required by DMAS for attendant care, consumer-directed companion care, and consumer-directed respite care services.

*"Consumer service plan" or "CSP"* means that document addressing all needs of recipients of home and community-based care developmental disability services, in all life areas. Supporting documentation developed by service providers are to be incorporated in the CSP by the support coordinator. Factors to be considered when these plans are developed may include, but are not limited to, recipients' ages and levels of functioning.

*"Crisis stabilization"* means direct intervention to persons with developmental disabilities who are experiencing serious psychiatric or behavioral problems, or both, that jeopardize their current community living situation. This service must provide temporary intensive services and supports that avert emergency psychiatric hospitalization or institutional placement or prevent other out-of-home placement. This service shall be designed to stabilize recipients and strengthen the current living situations so that recipients can be maintained in the community during and beyond the crisis period.

*"Current functional status"* means recipients' degree of dependency in performing activities of daily living.

*"DMAS"* means the Department of Medical Assistance Services.

*"DMAS staff"* means individuals who perform utilization review, recommendation of preauthorization for service type and intensity, and review of recipient level of care criteria.

*"DMHMRSAS"* means 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 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, services and support activities.

*"Environmental modifications"* means physical adaptations to a house, place of residence, vehicle or work site, when the work site modification exceeds reasonable accommodation requirements of the Americans with Disabilities Act, necessary to ensure recipients' 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 recipients.

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

*"Family/caregiver training"* means training and counseling services provided to families or caregivers of recipients receiving services in the IFDDS Waiver.

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

*"Home"* means, for purposes of the IFDDS Waiver, an apartment or single family dwelling in which no more than two individuals who require services live with the exception of siblings living in the same dwelling with family. This does not include an assisted living facility or group home.

*"Home and community-based care"* means a variety of in-home and community-based services reimbursed by DMAS as authorized under a § 1915(c) waiver designed to offer recipients an alternative to institutionalization. Recipients may be preauthorized to receive one or more of these services either solely or in combination, based on the documented need for the service or services to avoid ICF/MR placement.

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

*"IFDDS Waiver"* means the Individual and Family Developmental Disabilities Support Waiver.

*"In-home residential support services"* means support provided in the developmentally disabled recipient's home, which includes training, assistance, and supervision in enabling the recipient to maintain or improve his health; assisting in performing recipient care tasks; training in activities of daily living; training and use of community resources; providing life skills training; and adapting behavior to community and home-like environments.

*"Instrumental activities of daily living (IADL)"* means social tasks (e.g., meal preparation, shopping, housekeeping,

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laundry, money management). A recipient's degree of independence in performing these activities is part of determining appropriate level of care and services.

*"Legal guardian"* means a person who has been legally invested with the authority and charged with the duty to take care of, manage the property of, and protect the rights of a recipient who has been declared by the circuit court to be incapacitated and incapable of administering his own affairs. The powers and duties of the guardian are defined by the court and are limited to matters within the areas where the recipient has been determined to be incapacitated.

*"Mental retardation"* means, as defined by the American Association on Mental Retardation (AAMR), being substantially limited in present functioning as characterized by significantly subaverage intellectual functioning, existing concurrently with related limitations in two or more of the following applicable adaptive skill areas: communication, self-care, home living, social skills, community use, self-direction, health and safety, functional academics, leisure, and work. Mental retardation manifests itself before age 18. A diagnosis of mental retardation is made if the person's intellectual functioning level is approximately 70 to 75 or below, as diagnosed by a licensed clinical professional; and there are related limitations in two or more applicable adaptive skill areas; and the age of onset is 18 or below. If a valid IQ score is not possible, significantly subaverage intellectual capabilities means a level of performance that is less than that observed in the vast majority of persons of comparable background. In order to be valid, the assessment of the intellectual performance must be free of errors caused by motor, sensory, emotional, language, or cultural factors.

*"MR Waiver"* means the *Mental Retardation Waiver*.

*"Nursing services"* means skilled nursing services listed in the consumer service plan which are ordered by a physician and required to prevent institutionalization, not otherwise available under the State Plan for Medical Assistance, are within the scope of the state's Nurse Practice Act (Chapters 30 (§ 54.1-3000 et seq.) and 34 (§ 54.1-3400 et seq.) of the Code of Virginia, and 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 state.

*"Participating provider"* means an institution, facility, agency, partnership, corporation, or association that meets the standards and requirements set forth by DMAS, and has a current, signed contract with DMAS.

*"Personal attendant"* means, for purposes of this regulation, a domestic servant who is also exempt from Workers' Compensation.

*"Personal care agency"* means a participating provider that renders services designed to prevent or reduce inappropriate institutional care by providing eligible recipients with personal care aides who provide personal care services.

*"Personal care services"* means long-term maintenance or support services necessary to enable recipients to remain in or return to the community rather than enter an Intermediate Care Facility for the Mentally Retarded. Personal care services include assistance with activities of daily living,

nutritional support, and the environmental maintenance necessary for recipients to remain in their homes and in the community.

*"Personal emergency response system (PERS)"* is an electronic device that enables certain recipients at high risk of institutionalization to secure help in an emergency. PERS services are limited to those recipients 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.

*"Qualified mental health professional"* means a professional having: (i) at least one year of documented experience working directly with recipients who have developmental disabilities; (ii) at least 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.

*"Related conditions"* means those persons who have autism or who have a severe chronic disability that meets all of the following conditions identified in 42 CFR 435.1009:

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.

*"Respite care"* means services provided to unpaid caretakers of eligible recipients who are unable to care for themselves that is provided on an episodic or routine basis because of the absence of or need for relief of those persons residing with the recipient who normally provide the care.

*"Respite care agency"* means a participating provider that renders services designed to prevent or reduce inappropriate institutional care by providing respite care services to eligible recipients for their caregivers.

*"Screening"* means the process to evaluate the medical, nursing, and social needs of recipients referred for screening; determine Medicaid eligibility for an ICF/MR level of care; and

authorize Medicaid-funded ICF/MR care or community-based care for those recipients who meet ICF/MR level of care eligibility and require that level of care.

"Screening team" means the entity contracted with DMAS which is responsible for performing screening for the IFDDS Waiver.

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

"Support coordination" means the assessment, planning, linking, and monitoring for recipients referred for the IFDDS community-based care waiver. Support coordination: (i) ensures the development, coordination, implementation, monitoring, and modification of consumer service plans; (ii) links recipients with appropriate community resources and supports; (iii) coordinates service providers; and (iv) monitors quality of care. Support coordination providers cannot be service providers to recipients in the IFDDS waiver with the exception of consumer-directed service facilitators.

"Supporting documentation" means the specific service plan developed by the recipient service provider related solely to the specific tasks required of that service provider. Supporting documentation helps to comprise the overall CSP for the recipient.

"Supported employment" means training in specific skills related to paid employment and provision of ongoing or intermittent assistance and specialized supervision to enable a recipient to maintain paid employment.

"Therapeutic consultation" means consultation provided by members of psychology, social work, behavioral analysis, speech therapy, occupational therapy, therapeutic recreation, or physical therapy disciplines or behavior consultation to assist recipients, parents, family members, in-home residential support, day support and any other providers of support services in implementing a CSP.

## **12 VAC 30-120-710. General coverage and requirements for all home and community-based care waiver services.**

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 recipients six years of age and older with related conditions as defined in 42 CFR 435.1009, including autism, who have been determined to require the level of care provided in an intermediate care facility for the mentally retarded. The individual must not also have a diagnosis of mental retardation as defined by the American Association on Mental Retardation (AAMR).

*Mental Retardation (MR) Waiver recipients who are six years of age, on or after October 1, 2002, who are determined to not have a diagnosis of mental retardation and meet all IFDDS Waiver eligibility criteria, shall be eligible for and transfer to the IFDDS Waiver effective with their sixth birthday. Psychological evaluations confirming diagnoses must be completed no more than one year prior to the child's sixth birthday. These recipients transferring from the MR Waiver will automatically be assigned a slot in the IFDDS waiver.*

## **B. Coverage statement.**

1. Covered services shall include in-home residential supports, day support, supported employment, personal care (agency directed), attendant care (consumer directed), respite care (both agency and consumer directed), assistive technology, environmental modifications, nursing services, therapeutic consultation, crisis stabilization, personal emergency response systems (PERS), family/caregiver training, and companion care.

2. These services shall be medically appropriate and necessary to maintain these recipients 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 made had the waiver not been granted.

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

C. Appeals. Recipient 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 30-20-599.

## **12 VAC 30-120-720. Recipient qualification and eligibility requirements; intake process.**

A. Recipients 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 435.121 and 435.217. The income level used for 42 CFR 435.121 and 435.217 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 recipients as if the recipient 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 following deductions:

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a. For recipients 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. 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 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 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.

(2) For an individual with 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. 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 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 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.

(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 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.

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

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

2. The recipient's status as an individual in need of IFDDS home and community-based care services shall be determined by the IFDDS screening team after completion of a thorough assessment of the recipient's needs and available support. Screening of home and community-based care services by the IFDDS screening team or DMAS staff is mandatory before Medicaid will assume payment responsibility of home and community-based care services.

3. The IFDDS screening team shall gather relevant medical, social, and psychological data and identify all services received by the recipient. *For children who are on the MR Waiver and transition to the IFDDS waiver at age six, case managers shall submit to DMAS the most recent level of functioning, CSP and a psychological evaluation completed no more than one year prior to the child's sixth birthday that determines no diagnosis of mental retardation exists.*

4. *The case manager is responsible for notifying DMAS, DMHMRSAS, and DSS, via the DMAS-122, when a child transfers from the MR Waiver to the IFDDS Waiver.*

4. 5. Children under six years of age shall not be screened until three months prior to the month of their sixth birthday. Children under six years of age shall not be added to the waiver/wait list until the month in which their sixth birthday occurs.

~~5.~~ 6. An essential part of the IFDDS screening team's assessment process is determining the level of care required by applying existing DMAS ICF/MR criteria (12 VAC 30-130-430 et seq.).

~~6.~~ 7. The team shall explore alternative settings and services to provide the care needed by the individual. If placement in an ICF/MR or a combination of other services is determined to be appropriate, the IFDDS screening team shall initiate a referral for service. If Medicaid-funded home and community-based care services are determined to be the critical service to delay or avoid placement in an ICF/MR or promote exiting from an institutional setting, the IFDDS

screening team shall initiate a referral for service to a support coordinator of the recipient's choice.

~~7.~~ 8. Home and community-based care services shall not be provided to any individual who also resides in a nursing facility, an ICF/MR, a hospital, an adult family home licensed by the DSS, or an assisted living facility licensed by the DSS.

~~8.~~ 9. Medicaid will not pay for any home and community-based care services delivered prior to the authorization date approved by DMAS. Any Consumer Service Plan for home- and community-based care services must be pre-approved by DMAS prior to Medicaid reimbursement for waiver services.

~~9.~~ 10. The following five criteria shall apply to all IFDDS Waiver services:

a. Individuals qualifying for IFDDS Waiver services must have a demonstrated clinical need for the service resulting in significant functional limitations in major life activities. In order to be eligible, a person must be six years of age or older, have a related condition as defined in these regulations and cannot have a diagnosis of mental retardation, and 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;

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

c. Services must be approved by the support coordinator based on a current functional assessment tool approved by DMAS or other DMAS approved assessment and demonstrated need for each specific service;

d. Individuals qualifying for IFDDS Waiver services must meet the ICF/MR level of care criteria; and

e. The individual must be eligible for Medicaid as determined by the local office of DSS.

~~10.~~ 11. The IFDDS screening teams must submit the results of the comprehensive assessment and a recommendation to DMAS staff for final determination of ICF/MR level of care and authorization for community-based care services.

## C. Screening for the IFDDS Waiver.

1. Individuals requesting IFDDS Waiver services will be screened and will receive services on a first-come, first-served basis in accordance with available funding based on the date the recipients' applications are received. Individuals who meet at least one of the emergency criteria pursuant to 12 VAC 30-120-790 shall be eligible for immediate access to waiver services if funding is available.

2. To be eligible for IFDDS Waiver services, the individual must:

a. Be determined to be eligible for the ICF/MR level of care;

b. Be six years of age or older,

c. Meet the related conditions definition as defined in 42 CFR 435.1009 or be diagnosed with autism; and

d. Not have a diagnosis of mental retardation as defined by the American Association on Mental Retardation (AAMR) as contained in 12 VAC 30-120-710.

## D. Waiver approval process: available funding.

1. In order to ensure cost effectiveness of the IFDDS Waiver, the funding available for the waiver will be allocated between two budget levels. The budget will be the cost of waiver services only and will not include the costs of other Medicaid covered services. Other Medicaid services, however, must be counted toward cost effectiveness of the IFDDS Waiver. All services available under the waiver are available to both levels.

2. Level one will be for individuals whose comprehensive consumer service plan (CSP) is expected to cost less than \$25,000 per fiscal year. Level two will be for individuals whose CSP is expected to cost equal to or more than \$25,000. There will not be a threshold for budget level two; however, if the actual cost of waiver services exceeds the average annual cost of ICF/MR care for an individual, the recipient's care will be coordinated by DMAS staff.

3. Fifty-five percent of available waiver funds will be allocated to budget level one, and 40% of available waiver funds will be allocated to level two in order to ensure that the waiver will be cost effective. The remaining 5.0% of available waiver funds will be allocated for emergencies as defined in 12 VAC 30-120-790. Recipients who have been placed in budget level one and who subsequently require additional services that would exceed \$25,000 per fiscal year must meet the emergency criteria as defined in 12 VAC 30-120-790 to receive additional funding for services.

## E. Waiver approval process: accessing services.

1. Once the screening entity has determined that an individual meets the eligibility criteria for IFDDS Waiver services and the individual has chosen this service, the screening entity will provide the individual with a list of available support coordinators. *For MR Waiver recipients transferring to the IFDDS Waiver, the case manager must provide the recipient with a list of support coordinators.* The individual will choose a support coordinator within 10 calendar days and the screening entity/case manager will forward the screening materials, *CSP and all MR Waiver related documentation* within 10 calendar days to the selected support coordinator.

2. The support coordinator will contact the recipient within 10 calendar days of receipt of screening materials. The support coordinator and the recipient or recipient's family will meet within 30 calendar days to discuss the recipient's needs, existing supports and to develop a preliminary consumer service plan (CSP) which will identify services needed and will estimate the annual waiver cost of the recipient's CSP. If the recipient's annual waiver cost is expected to exceed the average annual cost of ICF/MR care for an individual, the recipient's support coordination will be managed by DMAS.



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## Emergency Regulations

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3. Once the CSP has been initially developed, the support coordinator will contact DMAS to receive prior authorization to enroll the recipient in the IFDDS Waiver. DMAS shall, within 14 days of receiving all supporting documentation, either approve for Medicaid coverage or deny for Medicaid coverage the CSP. DMAS shall only authorize waiver services for the recipient if funding is available for the entire CSP. Once this authorization has been received, the support coordinator shall inform the recipient so that the recipient can begin choosing service providers for services listed in the CSP. If DMAS does not have the available funding for this recipient, the recipient will be held on the waiting list until such time as funds are available to cover the cost of the CSP.

4. Once the recipient has been authorized for the waiver, the recipient or support coordinator shall contact service providers and initiate services within 60 days. During this time, the consumer, support coordinator, and service providers will meet to complete the CSP. If services are not initiated within 60 days, the support coordinator must submit information to DMAS demonstrating why more time is needed to initiate services. DMAS has authority to approve or deny the request in 30-day extensions. The service providers will develop supporting documentation for each service and will submit a copy of these plans to the support coordinator. The support coordinator will monitor the service providers' supporting documentation to ensure that all providers are working toward the identified goals of recipients. The support coordinator will review and sign off on the supporting documentation and will contact DMAS for prior authorization of services and will notify the service providers when services are approved.

5. The support coordinator will contact the recipient at a minimum on a monthly basis and as needed to coordinate services and maintain the recipient's CSP. DMAS will conduct annual level of care reviews in which the recipient is assessed to ensure he continues to meet waiver criteria. DMAS will review recipients' CSPs and will review the services provided by support coordinators as well as service providers.

/s/ Mark R. Warner  
Governor

Date: September 18, 2002

VA.R. Doc. No. R03-30; Filed September 23, 2002, 4:48 p.m.



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# GOVERNOR

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## EXECUTIVE ORDER NUMBER 32 (2002)

### **EMPLOYEE WORKPLACE GIVING AND VOLUNTEERISM**

By virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, including but not limited to Sections 2.2-103A and 2.2-104 of the Code of Virginia, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby authorize a Commonwealth of Virginia Campaign (CVC).

Employees of the Commonwealth have demonstrated their generosity and share a strong sense of civic responsibility with other members of their communities, the Commonwealth, and the United States by contributing millions of dollars and significant hours annually to charitable organizations. The Commonwealth of Virginia has an interest in assisting its employees in their charitable giving through a single state employee initiative that minimizes the disruption of the workplace and maximizes contributions to these organizations. The program will provide a responsive and convenient system to facilitate charitable giving and volunteerism. The goals of this program are to:

1. Provide assistance to communities and non-profit organizations in serving the needs of the community;
2. Provide an efficient and cost-effective vehicle by which state employees can voluntarily contribute to charity;
3. Recognize the generosity of state employees in giving of time and money;
4. Ensure fiscal accountability;
5. Coordinate a statewide program for workplace giving to minimize interruptions to employees from outside fundraising;

The Secretary of Administration is designated as the chief administrator and shall develop and implement operating procedures for the campaign's organization and administration. These procedures shall be in concert with the goals as set forth in this Executive Order. An advisory council of state employees shall provide recommendations for all procedures and management. The Secretary is also authorized to designate a campaign manager and other personnel as may be required for the efficient and effective conduct of the program.

This Executive Order shall become effective upon its signing and shall remain in full force and effect until June 30, 2006, unless amended or rescinded by a future executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 17th day of August 2002.

/s/ Mark R. Warner  
Governor

VA.R. Doc. No. R03-31; Filed September 30, 2002, 9:43 a.m.

## EXECUTIVE ORDER NUMBER 34 (2002)

### **ONE VIRGINIA, ONE FUTURE: ESTABLISHING THE GOVERNOR'S ECONOMIC DEVELOPMENT STRATEGIC PLANNING COUNCIL**

Economic development is the engine by which citizens can improve their standard of living and sustain their communities to achieve the goal of One Virginia, One Future. The economy changes constantly, as does every business sector. The Commonwealth, her localities, and her regions must re-evaluate economic development strategies to take into account these evolutionary changes and incorporate them into economic development strategic planning.

By virtue of the authority vested in me as Governor under Article V, Section 1 of the Constitution of Virginia and Section 2.2-205 of the Code of Virginia, I hereby establish the Governor's Economic Development Strategic Planning Council (herein known as the "Planning Council"). The purpose of this Planning Council is to create a four-year strategic plan for economic development, in collaboration with interested citizens and economic development and related professionals.

The Secretary of Commerce and Trade will chair the Governor's Economic Development Strategic Planning Council on my behalf. The Planning Council shall include the Secretaries of Administration, Education, Health and Human Resources, Natural Resources, and Transportation, as specified in Section 2.2-205 B of the Code of Virginia. The Planning Council shall also include high-level representatives, designated by the Secretary of Commerce and Trade, from local and regional economic development organizations across Virginia, from all sectors significant to Virginia's economy, and from other groups interested in economic development. All agencies deemed appropriate by the Secretary of Commerce and Trade shall participate and provide assistance as requested. In addition, I may designate such citizens as I deem appropriate to sit on the Planning Council.

Staff support for the Planning Council shall be provided by the Office of the Governor, the Office of the Secretary of Commerce and Trade, the various secretariats and their agencies represented on the Planning Council, and such other agencies as may be designated by the Secretary of Commerce and Trade. All executive branch agencies shall cooperate fully with the Planning Council and shall render such assistance as may be requested by the Chairman.

The Planning Council shall provide its final report to the Governor on or before December 10, 2002, setting forth the Commonwealth's proposed economic development strategic plan.

This Executive Order shall become effective immediately upon signing, and shall remain in full force and effect until amended or rescinded by further executive order.

Given under my hand and under the seal of the Commonwealth of Virginia this 9th day of September 2002.

/s/ Mark R. Warner  
Governor

EXECUTIVE ORDER NUMBER 35 (2002)

**ESTABLISHING THE GOVERNOR'S ADVISORY  
COMMISSION ON MINORITY BUSINESS  
ENTERPRISE**

Meeting the challenges of the 21st century and the New Economy demands that the Commonwealth of Virginia maximize the participation of all of its citizens in the commercial life of the Commonwealth. Promoting the inclusion of minority businesses in state procurement and in the economy generally make both good public policy and good business sense.

With the importance of promoting minority business enterprise in mind and by virtue of the authority vested in me under Article V of the Constitution of Virginia, and by Section 2.2-134 of the Code of Virginia, I hereby establish the Governor's Advisory Commission on Minority Business Enterprise (hereinafter referred to as "the Commission").

The Commission is classified as a gubernatorial advisory commission in accordance with Sections 2.2-134, 2.2-135, and 2.2-2100 of the Code of Virginia. The purposes of the Commission shall be to:

1. Examine the effectiveness of the state's minority business enterprise programs, including its certification program, and recommend changes to make them more efficient, effective and valuable to minority business enterprises.
2. Develop strategies for improving the state's utilization of and support for minority business enterprises.
3. Identify strategies for increasing the resources of the executive branch for utilizing and promoting minority business enterprises.
4. Recommend needed legislation, regulatory changes, or agency or program streamlining or consolidation to enhance the efficiency and effectiveness of the state's minority business enterprise efforts and improve the state's utilization of minority business enterprises.
5. Examine the policies, programs and practices of state agencies regarding the inclusion of minority business enterprises in state procurement activities and make recommendations for needed changes.

The Commission shall have no more than 15 members, including a Chairman and a Vice Chairman. All members shall be appointed by the Governor and shall serve at his pleasure. The Governor may appoint additional members at his discretion.

Members of the Commission shall serve without compensation. They may receive reimbursement for expenses incurred in the discharge of their official duties upon approval by the Governor's Chief of Staff or his designee.

The Commission shall present a final report and recommendations to the Governor by no later than March 31,

2003. The Commission shall make such interim reports and recommendations to the Governor as it deems appropriate.

Staff support necessary for the conduct of the Commission's work during the term of its existence shall be furnished by the Office of the Governor, the Offices of the Governor's Secretaries, the Department of Business Assistance, the Department of Minority Business Enterprise, the Department of General Services, the Department of Planning and Budget, and such other executive agencies as the Governor may designate. An estimated 500 hours of staff time will be required to support the Commission. Such funding as is necessary for the term of the Commission's existence shall be provided from sources, including both private and appropriated funds, contributed or appropriated for purposes related to the work of the Commission, as authorized by Section 2.2-135(B) of the Code of Virginia. Direct expenditures for the Commission's work are estimated to be \$10,000, exclusive of staff support.

This Executive Order shall be effective upon its signing, and shall remain in full force and effect until June 30, 2003, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 13th day of September 2002.

/s/ Mark R. Warner  
Governor

EXECUTIVE ORDER NUMBER 36 (2002)

**CONTINUING THE GOVERNOR'S INITIATIVE  
AGAINST NARCOTICS TRAFFIC (GIANT)**

By the virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and Section 2.2-103 of the Code of Virginia, and subject to my continuing authority and responsibility to act in such matters, I hereby continue the Governor's Initiative Against Narcotics Trafficking (GIANT).

There exists within the Commonwealth of Virginia, as in every other state, a continuing traffic in illicit drugs. While valiant efforts have been made and continue to be made by federal, state, and local law enforcement agencies to overcome this illegal drug trafficking, the effort has not been fully coordinated. By continuing GIANT, I hereby take action to prevent these problems and to continue a leadership team that will make the Commonwealth's efforts against illegal drugs second to none.

The following agencies and individuals shall comprise the steering committee for this effort:

Agency	Individual
Department of State Police	Superintendent (Chair of GIANT)
Department of Military Affairs	Plans, Operations, and Military Support Officer
Department of Alcoholic Beverage Control	Director, Bureau of Law Enforcement Operations

Department of Aviation	Director
Marine Resources Commission	Commissioner
Virginia Port Authority	Chief
Department of Forestry	State Forester
Department of Game and Inland Fisheries	Director

In order to carry out the mission of GIANT, all agencies listed except the Department of Forestry and Department of Aviation shall participate on a full-time basis, and shall assign personnel and equipment as determined by the steering committee. The Department of Forestry and Department of Aviation shall participate on a part-time basis and shall assign personnel and equipment as needed.

The steering committee of GIANT shall establish procedures to facilitate and assure coordination and cooperation among the various agencies. Such procedures shall be directed toward:

- Developing intelligence pertaining to domestically grown marijuana, both indoor and outdoor, with the eradication of this marijuana and successful prosecution of the growers as a primary goal;
- Developing intelligence concerning the smuggling into Virginia by the use of contacts to monitor all suspicious activities throughout the Commonwealth;
- Reducing the supply of illegal drugs entering and being transported within the Commonwealth by interdicting drug shipments via land, air and waterway;
- Eliminating duplication of activities and breakdowns in communication among the various state agencies and law enforcement authorities; and
- Using the resources of county and city law enforcement agencies to the maximum extent possible.

The GIANT steering committee shall meet at the call of the Chair. Regular meetings may be established for the purpose of ensuring that any operational difficulties may be remedied on an ongoing basis.

All other agencies of the Commonwealth not specifically named herein shall cooperate with and provide assistance to GIANT to the fullest extent allowed by law and consistent with their various missions.

This Executive Order rescinds Executive Order Number Twenty-one (98), issued by Governor James S. Gilmore on June 29, 1998.

This Executive Order shall become effective upon its signing and shall remain in full force and effect until June 30, 2006 unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 18th day of September 2002.

/s/ Mark R. Warner  
Governor

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# GENERAL NOTICES/ERRATA

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## DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

### Agricultural Stewardship Act 2002 Annual Report

The Commissioner of Agriculture and Consumer Services announces the availability of the 2002 annual report of the Agricultural Stewardship Act entitled *Virginia Agricultural Stewardship Act Annual Report, April 1, 2001 - March 31, 2002: A Positive Approach*. Copies of this report can be obtained by contacting Joyce Knight at (804) 786-3538 or e-mail at [jknight@vdacs.state.va.us](mailto:jknight@vdacs.state.va.us). A written request may be sent to Ms. Joyce Knight, Virginia Department of Agriculture and Consumer Services, Office of Policy, Planning and Research, 1100 Bank Street, Suite 211, P.O. Box 1163, Richmond, VA 23219. Copies of the annual report are available without charge.

## STATE WATER CONTROL BOARD

### Proposed Consent Special Order Mr. Charles Ayers

The State Water Control Board proposes to issue a consent special order to Mr. Charles Ayers to resolve certain alleged violations of environmental laws and regulations occurring at the Cloverhill Estates residential community located in Chesterfield County, Virginia. The proposed order requires Mr. Ayers to submit proof of recordation of the written protection for compensatory wetland mitigation areas, restoration for unpermitted impacts to state waters (an unnamed tributary to Dry Creek), and the payment of a civil charge.

On behalf of the State Water Control Board, the Department of Environmental Quality will receive for 30 days from the date of publication of this notice written comments relating to the proposed consent special order. Comments should be addressed to Cynthia Akers, Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia 23060 or sent to the e-mail address of [ecakers@deq.state.va.us](mailto:ecakers@deq.state.va.us) and must include name, address and phone number of commenters. A copy of the order may be obtained in person or by mail from the above office.

### Proposed Consent Special Order Richmond International Raceway

The State Water Control Board proposes to issue a consent special order to the Richmond International Raceway (RIR) to resolve certain alleged violations of environmental laws and regulations that occurred at the RIR complex located in Henrico County, Virginia. The proposed order requires that RIR pay a civil charge in settlement of the alleged violations.

On behalf of the State Water Control Board, the Department of Environmental Quality will receive for 30 days from the date of publication of this notice written comments relating to the proposed consent special order. Comments should be

addressed to Cynthia Akers, Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia 23060 or sent to the e-mail address of [ecakers@deq.state.va.us](mailto:ecakers@deq.state.va.us) and must include name, address and phone number of commenters. A copy of the order may be obtained in person or by mail from the above office.

### Proposed Consent Special Order Virginia State Golf Association, Inc.

The State Water Control Board proposes to issue a consent special order to the Virginia State Golf Association (VSGA) to resolve certain alleged violations of environmental laws and regulations occurring at the Founders Bridge residential golf community located in Powhatan and Chesterfield Counties, Virginia. The proposed order requires VSAG to record protective buffers, submit and implement a stream restoration plan, clearly flag nonimpacted wetlands in accordance with the VWP permit, and the payment of a civil charge.

On behalf of the State Water Control Board, the Department of Environmental Quality will receive for 30 days from the date of publication of this notice written comments relating to the proposed consent special order. Comments should be addressed to Cynthia Akers, Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia 23060 or sent to the e-mail address of [ecakers@deq.state.va.us](mailto:ecakers@deq.state.va.us) and must include name, address and phone number of commenters. A copy of the order may be obtained in person or by mail from the above office.

## 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://register.state.va.us>

#### 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  
PETITION FOR RULEMAKING - RR13

United States Postal Service

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*J. Chaffin, Virginia Code Commission, General Assembly Bldg.,  
2nd Floor, 910 Capitol St., Richmond, VA 23219*

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*same as above*

10. Owner (Do not leave blank. If the publication is owned by a corporation, give the name and address of the corporation immediately followed by the names and addresses of all stockholders owning or holding 1 percent or more of the total amount of stock. If not owned by a corporation, give the names and addresses of the individual owners. If owned by a partnership or other unincorporated firm, give its name and address as well as those of each individual owner. If the publication is published by a nonprofit organization, give its name and address.)

Full Name	Complete Mailing Address
<i>Virginia Code Commission (Nonprofit State Agency)</i>	<i>General Assembly Bldg. 2nd Floor 910 Capitol St. Richmond, VA 23219</i>

11. Known Bondholders, Mortgagees, and Other Security Holders Owning or Holding 1 Percent or More of Total Amount of Bonds, Mortgages, or Other Securities. If none, check box  None

Full Name	Complete Mailing Address
<i>None</i>	

12. Tax Status (For completion by nonprofit organizations authorized to mail at nonprofit rates) (Check one)  
 The purpose, function, and nonprofit status of this organization and the exempt status for federal income tax purposes have not changed during the preceding 12 months.  
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(See Instructions on Reverse)

# General Notices/Errata

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f. Total Free Distribution (Sum of 15d. and 15e.)		<i>20</i>	<i>20</i>
g. Total Distribution (Sum of 15c. and 15f.)		<i>438</i>	<i>413</i>
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16. Publication of Statement of Ownership <input checked="" type="checkbox"/> Publication required. Will be printed in the <i>Oct 21, 2002</i> issue of this publication. <input type="checkbox"/> Publication not required.			
17. Signature and Title of Editor, Publisher, Business Manager, or Owner <i>Jane Chaffin, Registrar of Regulations</i>			Date <i>10/1/02</i>
I certify that all information furnished on this form is true and complete. I understand that anyone who furnishes false or misleading information on this form or who omits material or information requested on the form may be subject to criminal sanctions (including fines and imprisonment) and/or civil sanctions (including civil penalties).			

## Instructions to Publishers

- Complete and file one copy of this form with your postmaster annually on or before October 1. Keep a copy of the completed form for your records.
- In cases where the stockholder or security holder is a trustee, include in items 10 and 11 the name of the person or corporation for whom the trustee is acting. Also include the names and addresses of individuals who are stockholders who own or hold 1 percent or more of the total amount of bonds, mortgages, or other securities of the publishing corporation. In item 11, if none, check the box. Use blank sheets if more space is required.
- Be sure to furnish all circulation information called for in item 15. Free circulation must be shown in items 15d, e, and f.
- Item 15h., Copies not Distributed, must include (1) newsstand copies originally stated on Form 3541, and returned to the publisher, (2) estimated returns from news agents, and (3), copies for office use, leftovers, spoiled, and all other copies not distributed.
- If the publication had Periodicals authorization as a general or requester publication, this Statement of Ownership, Management, and Circulation must be published; it must be printed in any issue in October or, if the publication is not published during October, the first issue printed after October.
- In item 16, indicate the date of the issue in which this Statement of Ownership will be published.
- Item 17 must be signed.

*Failure to file or publish a statement of ownership may lead to suspension of Periodicals authorization.*

PS Form 3526, October 1999 (Reverse)

## ERRATA

### STATE BOARD OF HEALTH

Title of Regulation: **12 VAC 5-410. Regulations for the Licensure of Hospitals in Virginia.**

Date of Publication: 19:1 VA.R. 103-104 September 23, 2002.

Correction to Final Regulation:

Page 103, in 12 VAC 5-410-230 C, line 4, change "January 2002" to "January 2000"

Page 104, under Documents Incorporated by Reference, change "January 2002" to "January 2000"

### DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Title of Regulation: **12 VAC 30-120. Waivered Services (Mental Retardation Waiver).**

Date of Publication: 18:26 VA.R. 3893 September 9, 2002.

Correction to Final Regulation:

Page 3893, 12 VAC 30-120-249 A, clause (iii), change "therapeutic consultation" to "therapeutic recreation"



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# CALENDAR OF EVENTS

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## Symbol Key

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

♿ Location accessible to persons with disabilities

☎ Teletype (TTY)/Voice Designation

## NOTICE

Only those meetings which are filed with the Registrar of Regulations by the filing deadline noted at the beginning of this publication are listed. Since some meetings are called on short notice, please be aware that this listing of meetings may be incomplete. Also, all meetings are subject to cancellation and the *Virginia Register* deadline may preclude a notice of such cancellation. If you are unable to find a meeting notice for an organization in which you are interested, please check the Commonwealth Calendar at [www.vipnet.org](http://www.vipnet.org) or contact the organization directly.

For additional information on open meetings and public hearings held by the standing committees of the legislature during the interim, please call Legislative Information at (804) 698-1500 or Senate Information and Constituent Services at (804) 698-7410 or (804) 698-7419/TTY☎, or visit the General Assembly web site's Legislative Information System (<http://leg1.state.va.us/lis.htm>) and select "Meetings."

VIRGINIA CODE COMMISSION

## EXECUTIVE

### BOARD OF ACCOUNTANCY

**November 6, 2002 - 10 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Suite 696, Richmond Virginia.♿  
(Interpreter for the deaf provided upon request)

A meeting of the Enforcement Committee to review cases and discuss dispute resolution mediation and a volunteer network.

**Contact:** Nancy Taylor Feldman, Executive Director, Board of Accountancy, 3600 W. Broad St., Suite 696, Richmond VA 23230, telephone (804) 367-8505, FAX (804) 367-2174, (804) 367-9753/TTY☎, e-mail [boa@boa.state.va.us](mailto:boa@boa.state.va.us).

† **November 22, 2002 - 10 a.m.** -- Open Meeting  
Courtyard-Marriott Richmond West, 6400 West Broad Street, Richmond, Virginia.♿ (Interpreter for the deaf provided upon request)

A meeting to discuss matters requiring board action including regulatory review. A public comment period will be held at the beginning of the meeting.

**Contact:** Nancy Taylor Feldman, Executive Director, Board of Accountancy, 3600 W Broad St., Suite 696 Richmond, VA 23230-4916, telephone (804) 367-8505, FAX (804) 367-2174, (804) 367-9753/TTY☎, e-mail [boa@boa.state.va.us](mailto:boa@boa.state.va.us).

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

**November 6, 2002 - 9:30 a.m.** -- Open Meeting  
Washington Building, 1100 Bank Street, Second 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 2003. Members will also nominate or recommend reappointment for citizens to terms that are due to expire December 31, 2002, and will elect a chairperson for 2003. 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 the person identified in this notice 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☎, e-mail [ejez@vdacs.state.va.us](mailto:ejez@vdacs.state.va.us).

### Virginia State Apple Board

† **November 13, 2002 - 1 p.m.** -- Open Meeting  
Rowe's Restaurant, 74 Rowe Road (intersection of I-81/Route 250), Staunton, Virginia.♿

A meeting to approve the minutes of the last meeting held on June 19, 2002. In addition, the board will review its financial statement. The board is expected to discuss old business arising from the last board meeting and any new business to come before the board. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact the person identified in this notice at least five days before the meeting date so that suitable arrangements can be made.

**Contact:** Dave Robishaw, Secretary, Department of Agriculture and Consumer Services, 900 Natural Resources Dr., Suite 300, Charlottesville, VA 22903, telephone (434) 984-0573, FAX (434) 984-4156, e-mail [drobishaw@vdacs.state.va.us](mailto:drobishaw@vdacs.state.va.us).

**STATE BOARD OF AGRICULTURE AND  
CONSUMER SERVICES**

**March 13, 2003 - 10 a.m.** -- Public Hearing  
Washington Building, 1100 Bank Street, 2nd Floor Board  
Room, Richmond, Virginia.

**December 9, 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 Agriculture and  
Consumer Services intends to amend regulations entitled:  
**2 VAC 5-320. Rules and Regulations for the  
Enforcement of the Endangered Plant and Insect  
Species Act.** The purpose of the proposed action is to  
review the regulation for effectiveness and continued need,  
including the following: amending the regulation to (i)  
remove the currently named plants that are no longer  
considered globally rare and (ii) add those threatened or  
endangered plant and insect species that are considered  
rare both globally and in Virginia.

Statutory Authority: § 3.1-1025 of the Code of Virginia.

**Contact:** Frank M. Fulgham, Program Manager, Department  
of Agriculture and Consumer Services, 1100 Bank St., Room  
703, Richmond, VA 23219, telephone (804) 786-3515, FAX  
(804) 371-7793 or e-mail ffulgham@vdacs.state.va.us.

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**March 13, 2003 - 10 a.m.** -- Public Hearing  
Washington Building, 1100 Bank Street, 2nd Floor Board  
Room, Richmond, Virginia.

**December 9, 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 Agriculture and  
Consumer Services intends to amend regulations entitled:  
**2 VAC 5-360. Regulations for the Enforcement of the  
Virginia Commercial Feed Act.** The purpose of the  
proposed action is to amend the current regulation to  
incorporate the changes made to the commercial feed  
industry standards by the Association of American Feed  
Control Officials in the last decade and statutory changes  
made to Virginia's Commercial Feed Law in 1994.

Statutory Authority: § 3.1-828.4 of the Code of Virginia.

**Contact:** J. Alan Rogers, Program Manager, Department of  
Agriculture and Consumer Services, 1100 Bank St., Room  
402, Richmond, VA 23219, telephone (804) 786-2476, FAX  
(804) 371-1571 or e-mail jrogers@vdacs.state.va.us.

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**March 13, 2003 - 10 a.m.** -- Public Hearing  
Washington Building, 1100 Bank Street, 2nd Floor Board  
Room, Richmond, Virginia.

**December 9, 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 Agriculture and  
Consumer Services intends to amend regulations entitled:  
**2 VAC 5-440. Rules and Regulations for Enforcement of  
the Virginia Pest Law - Cotton Boll Weevil Quarantine.**  
The purpose of the proposed regulatory action is to amend  
the regulation to (i) establish the fixed date of July 1 as the  
official reporting and payment date for acreage assessment,  
(ii) reduce penalties assessed on farm operators for the late  
payment or nonpayment of fees from \$10 to \$5.00 per acre,  
and (iii) eliminate the mandate for destruction of the cotton  
crop for nonpayment of fees and assessments by farm  
operators.

Statutory Authority: § 3.1-188.23 of the Code of Virginia.

**Contact:** Frank M. Fulgham, Program Manager, Department  
of Agriculture and Consumer Services, 1100 Bank St., Room  
703, Richmond, VA 23219, telephone (804) 786-3515, FAX  
(804) 371-7793 or e-mail ffulgham@vdacs.state.va.us.

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**March 13, 2003 - 10 a.m.** -- Public Hearing  
Washington Building, 1100 Bank Street, 2nd Floor Board  
Room, Richmond, Virginia.

**December 9, 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 Agriculture and  
Consumer Services intends to **repeal** regulations entitled:  
**2 VAC 5-500. Rules and Regulations Governing the  
Cooling, Storing, Sampling, and Transporting of Milk or  
Milk Samples from the Farm to the Processing Plant or  
Laboratory** and **adopt** regulations entitled: **2 VAC 5-501.  
Regulations Governing the Cooling, Storing, Sampling,  
and Transporting of Milk.** The purpose of the proposed  
action is to (i) make the regulations applicable to the milk of  
goats, sheep, water buffalo, and other mammals if the milk  
or dairy products are intended for human consumption and  
(ii) require permits for milk pickup trucks, milk transport  
tanks, laboratories, persons testing milk samples for pay  
purposes, persons collecting official milk samples in dairy  
plants, and milk tank truck cleaning facilities.

Statutory Authority: §§ 3.1-530.1, 3.1-530.2, 3.1-535, and 3.1-  
535.1 of the Code of Virginia.

**Contact:** John A. Beers, Program Supervisor, Department of  
Agriculture and Consumer Services, 1100 Bank St., Room  
505, Richmond, VA 23219, telephone (804) 786-1453, FAX  
(804) 371-7792 or e-mail jbeers@vdacs.state.va.us.

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**March 13, 2003 - 10 a.m.** -- Public Hearing  
Washington Building, 1100 Bank Street, 2nd Floor Board  
Room, Richmond, Virginia.

**December 9, 2002** -- Public comments may be submitted until  
this date.

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# Calendar of Events


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Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Agriculture and Consumer Services intends to **repeal** regulations entitled: **2 VAC 5-530. Rules and Regulations Governing the Production, Handling and Processing of Milk for Manufacturing Purposes and Establishing Minimum Standards for Certain Dairy Products to be Used for Human Food** and **adopt** regulations entitled: **2 VAC 5-531. Regulations Governing Milk for Manufacturing Purposes**. The purpose of the proposed action is to adopt regulations consistent with the most recent USDA recommendations on milk for manufacturing purposes and regulate manufactured milk and milk products from goats, sheep, water buffalo and other noncow sources in the interest of public health and safety.

Statutory Authority: §§ 3.1-530.1 and 3.1-530.2 of the Code of Virginia.

**Contact:** John A. Beers, Program Supervisor, Department of Agriculture and Consumer Services, 1100 Bank St., Room 505, Richmond, VA 23219, telephone (804) 786-1453, FAX (804) 371-7792 or e-mail jbeers@vdacs.state.va.us.

## STATE AIR POLLUTION CONTROL BOARD

† **October 21, 2002 - 6 p.m.** -- Open Meeting  
Brunswick County Government Building, 102 Tobacco Street, Auditorium, Lawrenceville, Virginia. 

A public briefing to inform the public of the contents of the Kinder Morgan Virginia, LLC's draft permit to the construction and operation of a 560 megawatt electric power generating facility in Brunswick County prior to the commencement of the public comment period.

**Contact:** Jaime Bauer, Department of Environmental Quality, 4949-A Cox Rd., Glen Allen, VA 23060, telephone (804) 527-5020, e-mail jlbauer@deq.state.va.us.

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
**November 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 Air Pollution Control Board intends to amend regulations entitled: **9 VAC 5-40. Existing Stationary Sources (Rev. J00)**. The purpose of the proposed action is to establish emission standards that will require the owners of commercial/industrial solid waste incinerators (CISWIs) to limit emissions of organics (such as dioxins/furans), metals (such as particulate matter), and acid gases (such as sulfur dioxide and hydrogen chloride) to a specified level necessary to protect public health and welfare. The regulation is being proposed to meet the requirements of §§ 111(d) and 129 of the federal Clean Air Act and 40 CFR Part 60, Subpart DDDD, of federal regulations.

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

Public comments may be submitted until 4:30 p.m. on November 8, 2002, to Director, Office of Air Regulatory

Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240.

**Contact:** Karen G. Sabasteanski, Policy Analyst, Office of Air Regulatory Development, State Air Pollution Control Board, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4426, FAX (804) 698-4510, toll-free 1-800-592-5482, (804) 698-4021/TTY , or e-mail kgsabastea@deq.state.va.us.


\* \* \* \* \*


**November 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 Air Pollution Control Board intends to amend regulations entitled: **9 VAC 5-40. Existing Stationary Sources (Rev. K00)**. The purpose of the proposed action is to control emissions from small municipal waste combustors as required by §§ 111(d) and 129 of the Clean Air Act.

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

Public comments may be submitted until 4:30 p.m. on November 8, 2002, to Director, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240.

**Contact:** Karen G. Sabasteanski, Policy Analyst, Office of Air Regulatory Development, State Air Pollution Control Board, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4426, FAX (804) 698-4510, toll-free 1-800-592-5482, (804) 698-4021/TTY , or e-mail kgsabastea@deq.state.va.us.

**November 12, 2002 - 7 p.m.** -- Public Hearing  
Pepsi Building at The Crossing at the Dan, 629 Craighead Street, Danville, Virginia. 

A public hearing to receive comments on the proposed draft permit for Mirant Danville, LLC to construct and operate a merchant electric generating facility in the Airside Industrial Park approximately one mile east of the Danville Municipal Airport in the City of Danville. The public comment period on the draft permit closes November 27, 2002.

**Contact:** Thomas H. Berkeley, Department of Environmental Quality, 7705 Timberlake Rd., Lynchburg, VA 24502, telephone (434) 582-5120, e-mail thberkeley@deq.state.va.us.

## ALCOHOLIC BEVERAGE CONTROL BOARD

† **October 28, 2002 - 9 a.m.** -- Open Meeting  
† **November 12, 2002 - 9 a.m.** -- Open Meeting  
† **November 25, 2002 - 9 a.m.** -- Open Meeting  
† **December 9, 2002 - 9 a.m.** -- Open Meeting  
† **December 23, 2002 - 9 a.m.** -- Open Meeting  
Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, Virginia. 

A meeting to discuss reports and activities from staff members and other board business.

**Contact:** W. Curtis Coleburn, Secretary to the Board, Alcoholic Beverage Control Board, 2901 Hermitage Rd., P.O.

Box 27491, Richmond, VA 23261, telephone (804) 213-4409, FAX (804) 213-4442.

## ALZHEIMER'S DISEASE AND RELATED DISORDERS COMMISSION

**November 14, 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 special 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) 662-9333, FAX (804) 662-9354, toll-free (800) 552-3402, (804) 662-9354/TTY , e-mail [jlhoneycutt@vdh.state.va.us](mailto:jlhoneycutt@vdh.state.va.us).

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

† **October 30, 2002 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

A meeting of the Architect Section to conduct board business.

**Contact:** Mark N. Courtney, Assistant Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail [apels@dpor.state.va.us](mailto:apels@dpor.state.va.us).

† **October 31, 2002 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

A meeting of the Landscape Architect Section to conduct board business.

**Contact:** Mark N. Courtney, Assistant Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail [apels@dpor.state.va.us](mailto:apels@dpor.state.va.us).

† **November 5, 2002 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

A meeting of the Interior Design Section to conduct board business.

**Contact:** Mark N. Courtney, Assistant Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX

(804) 367-2475, (804) 367-9753/TTY , e-mail [apels@dpor.state.va.us](mailto:apels@dpor.state.va.us).

† **November 6, 2002 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

A meeting of the Professional Engineers Section to conduct board business.

**Contact:** Mark N. Courtney, Assistant Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail [apels@dpor.state.va.us](mailto:apels@dpor.state.va.us).

† **November 14, 2002 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

A meeting of the Land Surveyor Section to conduct board business.

**Contact:** Mark N. Courtney, Assistant Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail [apels@dpor.state.va.us](mailto:apels@dpor.state.va.us).

† **December 11, 2002 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

A meeting to conduct board business.

**Contact:** Mark N. Courtney, Assistant Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail [apels@dpor.state.va.us](mailto:apels@dpor.state.va.us).

## ART AND ARCHITECTURAL REVIEW BOARD

**November 1, 2002 - 10 a.m.** -- Open Meeting  
**December 6, 2002 - 10 a.m.** -- Open Meeting  
Virginia War Memorial, 601 South Belvidere Street, 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](http://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

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# Calendar of Events

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## VIRGINIA BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS

**October 29, 2002 - 10 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Conference Room 5 West,  
Richmond, Virginia.

A meeting to conduct routine business and review and respond to comments received on the proposed regulations for certified home inspectors during the 60-day public comment period and public hearing, and adopt final regulations. 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.

## OFFICE OF THE ATTORNEY GENERAL

† **October 22, 2002 - 10 a.m.** -- Open Meeting  
George Mason University, Mason Hall, Mason Pond Drive,  
Fairfax, Virginia.

A meeting of the Advisory Council on Domestic Violence and Sexual Assault to discuss the availability of services for victims of domestic violence and sexual assault.

**Contact:** Greer D. Saunders, Office of the Attorney General, 900 E. Main St., Richmond, VA, telephone (804) 786-2071, e-mail mail@oag.state.va.us.

## BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

**November 7, 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 as may be included 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.

## VIRGINIA AVIATION BOARD

**October 22, 2002 - 3 p.m.** -- Open Meeting  
Ivor Massey Building, Richmond International Airport,  
Richmond, Virginia ☎

**October 23, 2002 - 9 a.m.** -- Open Meeting  
Wyndham Hotel, Richmond Airport, 4700 South Laburnum Ave., Richmond, Virginia ☎

A regular bimonthly meeting. An application for state funding will be presented to the board and other matters of interest to the Virginia aviation community will be discussed. Individuals with disabilities should contact Carolyn Toth 10 days prior to the meeting if assistance is needed.

**Contact:** Carolyn Toth, Administrative Assistant, Virginia Aviation Board, 5702 Gulfstream Rd., Richmond, VA 23250, telephone (804) 236-3637, FAX (804) 236-3635, toll-free (800) 292-1034, (804) 236-3624/TTY ☎, e-mail toth@doav.state.va.us.

## BOARD FOR BARBERS AND COSMETOLOGY

**October 21, 2002 - 8:30 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia ☎

A general business meeting that will include adoption of final Board for Barbers and Cosmetology Regulations, final Board for Barbers and Cosmetology Public Participation Guidelines, and proposed Wax Technician Regulations.

**Contact:** William H. Ferguson, II, Assistant Director, Board for Barbers and Cosmetology, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8575, FAX (804) 367-2474, (804) 367-9753/TTY ☎, e-mail barbercosmo@dpor.state.va.us.

## DEPARTMENT FOR THE BLIND AND VISION IMPAIRED

**October 22, 2002 - 6:30 p.m.** -- Open Meeting  
Virginia Rehabilitation Center for the Blind and Vision Impaired, 401 Azalea Avenue, Richmond, Virginia ☎ (Interpreter for the deaf provided upon request)

**October 23, 2002 - 1 p.m.** -- Open Meeting  
111 Commonwealth Avenue, Bristol, Virginia ☎ (Interpreter for the deaf provided upon request)

**October 24, 2002 - 4 p.m.** -- Open Meeting  
United Methodist Church, 750 Henton Avenue, Charlottesville, Virginia ☎ (Interpreter for the deaf provided upon request)

**November 1, 2002 - 4:30 p.m.** -- Open Meeting  
Ramada Inn-South, 5324 Jefferson Davis Highway, Fredericksburg, Virginia ☎ (Interpreter for the deaf provided upon request)

**November 7, 2002 - 7 p.m.** -- Open Meeting  
Sammy and Nick's Family Restaurant, 2718 West Mercury Boulevard, Hampton, Virginia ☎ (Interpreter for the deaf provided upon request)

A meeting to obtain input from blind and visually impaired consumers, vendors of services, and other interested parties regarding vocational rehabilitation services provided by the Department for the Blind and Vision Impaired.

**Contact:** James G. Taylor, Vocational Rehabilitation Program Director, Department for the Blind and Vision Impaired, 397 Azalea Ave., Richmond, VA, telephone (804) 371-3111, FAX (804) 371-3190, toll-free (800) 622-2155, (804) 371-3140/TTY ☎, e-mail taylorjg@dbvi.state.va.us.

## Statewide Rehabilitation Council for the Blind

† **December 7, 2002 - 10 a.m.** -- Open Meeting  
Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting 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](mailto:taylorjg@dbvi.state.va.us).

## BOARD FOR BRANCH PILOTS

† **November 4, 2002 - 8:30 a.m.** -- Open Meeting  
Virginia Port Authority, 600 World Trade Center, Norfolk, Virginia.

A meeting to conduct examinations. The board will meet at 9:30 a.m.

**Contact:** Mark N. Courtney, Assistant Director, Board for Branch Pilots, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail [branchpilots@dpor.state.va.us](mailto:branchpilots@dpor.state.va.us).

## CEMETERY BOARD

† **November 13, 2002 - 9:30 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

A general business meeting.

**Contact:** Christine Martine, Assistant Director, Cemetery Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail [cemetery@dpor.state.va.us](mailto:cemetery@dpor.state.va.us).

## CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

**October 29, 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)

The Policy Committee of the Chesapeake Bay Local Assistance Board will meet to consider new regulatory guidance, including guidance pertaining to Intensely Developed Area Designations.

**Contact:** Martha Little, Chief of Environmental Planning, Chesapeake Bay Local Assistance Board, James Monroe Bldg., 101 N. 14th St., 17th Floor, Richmond, VA 23219, telephone (804) 371-7504, FAX (804) 225-3447, toll-free (800) 243-7229, (800) 243-7229/TTY , e-mail [mlittle@cblad.state.va.us](mailto:mlittle@cblad.state.va.us).

**October 29, 2002 - 1 p.m.** -- Open Meeting  
Chesapeake Bay Local Assistance Department, James Monroe Building, 101 North 14th Street, 17th Floor, Richmond, Virginia. (Interpreter for the deaf provided upon request)

The Regulatory Committee of the Chesapeake Bay Local Assistance Board will meet to consider staff recommendations to the periodic review of the public participation guidelines.

**Contact:** David J. Kovacs, Regulatory Coordinator, Chesapeake Bay Local Assistance Board, James Monroe Bldg., 101 N. 14th St., 17th Floor, Richmond, VA 23219, telephone (804) 786-1518, FAX (804) 225-3447, toll-free (800) 243-7229, (800) 243-7229/TTY , e-mail [dkovacs@cblad.state.va.us](mailto:dkovacs@cblad.state.va.us).

**October 29, 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)

The Southern Area Review Committee will conduct general business, including review of local Chesapeake Bay Preservation Area programs for the southern area.

**Contact:** Carolyn J. Elliott, Administrative Assistant, Chesapeake Bay Local Assistance Board, James Monroe Bldg., 101 N. 14th St., 17th Floor Richmond, VA 23219, telephone (804) 371-7505, FAX (804) 225-3447, toll-free (800) 243-7229, (800) 243-7229/TTY , e-mail [celliott@cblad.state.va.us](mailto:celliott@cblad.state.va.us).

## STATE CHILD FATALITY REVIEW TEAM

**November 8, 2002 - 10 a.m.** -- Open Meeting  
Office of the Chief Medical Examiner, 400 East Jackson Street, Richmond, Virginia.

A business meeting. At 10:30 a.m. the team will go into closed session for confidential case review.

**Contact:** Virginia Powell, Coordinator, State Child Fatality Review Team, Office of the Chief Medical Examiner, 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](mailto:vpowell@vdh.state.va.us).

## COMPENSATION BOARD

**October 29, 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](mailto:cwaddell@scb.state.va.us).

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# Calendar of Events

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## DEPARTMENT OF CONSERVATION AND RECREATION

† **November 6, 2002 - 7 p.m.** -- Open Meeting  
Emmanuel Episcopal Delaplane Church, 9668 Maidstone Drive, Delaplane, Virginia.  (Interpreter for the deaf provided upon request)

Proposed developments in the Sky Meadows State Park master plan will be discussed and public comments are invited.

**Contact:** Derral Jones, Planning Bureau Manager, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-9042, FAX (804) 371-7899, e-mail djones@dcr.state.va.us


### Chippokes Plantation Farm Foundation Board of Trustees

**November 25, 2002 - 2 p.m.** -- Open Meeting  
Chippokes Farm and Forestry Museum Workshop Building, Chippokes Plantation State Park Surry, Virginia.  (Interpreter for the deaf provided upon request)

A regular business meeting.

**Contact:** Donna Steward Sharits, Development Manager, Chippokes Plantation Farm Foundation, Department of Conservation and Recreation, Monroe Bldg., 101 N. 14th St., 11th Floor, Richmond, VA 23219, telephone (804) 786-3692, FAX (804) 371-8500, e-mail dsharits@dcr.state.va.us.


### Falls of the James Scenic River Advisory Board

**November 7, 2002 - Noon** -- Open Meeting  
**December 5, 2002 - Noon** -- Open Meeting  
Richmond City Hall, 900 East Broad Street, 5th Floor Conference Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


A discussion of river issues.


**Contact:** Richard G. Gibbons, Environmental Program Manager, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-4132, FAX (804) 371-7899, e-mail rgibbons@dcr.state.va.us.

## BOARD FOR CONTRACTORS


**November 13, 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 regular meeting of the Tradesman/Education Committee to consider items of interest relating to the tradesmen, backflow workers, education and other appropriate matters relating to tradesmen and the Board for Contractors.


**Contact:** Karen Feagin, Regulatory Boards Administrator, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2961, FAX (804) 367-2474, (804) 367-9753/TTY , e-mail feagin@dpor.state.va.us.

**December 4, 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 regularly scheduled meeting to address policy and procedural issues; review and render decisions on applications for contractors' licenses, and review and render case decisions on matured complaints against licensees. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session.

**Contact:** Eric L. Olson, Assistant Director, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-2474, (804) 367-9753/TTY , e-mail olsone@dpor.state.va.us.


## BOARD OF CORRECTIONS

† **October 31, 2002 - 10 a.m.** -- Open Meeting  
Department of Corrections, 6900 Atmore Drive, Board Room, Richmond, Virginia. 


A meeting to discuss correctional matters that may be brought before the full board.

**Contact:** Barbara Woodhouse, Administrative Staff Assistant, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3124, FAX (804) 674-3509, e-mail woodhousebl@vadoc.state.va.us.


## DEPARTMENT FOR THE DEAF AND HARD-OF-HEARING

**November 4, 2002 - 10 a.m.** -- Open Meeting  
Department for the Deaf and Hard-of-Hearing, 1602 Rolling Hills Drive, 2nd Floor Conference Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

Board orientation for new and returning members will be held from 10 a.m. until noon with a regular board meeting to follow at 1 p.m., at which time public comment will be received.

**Contact:** Leslie Hutcheson, Policy and Planning Manager, Department for the Deaf and Hard-of-Hearing, 1602 Rolling Hills Dr., Suite 203, Richmond, VA, telephone (804) 662-9502, FAX (804) 662-9718, toll-free (800) 552-7917, (804) 662-9502/TTY , e-mail hutchelg@ddhh.state.va.us.

## BOARD OF DENTISTRY

† **October 25, 2002 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia. 

† **November 22, 2002 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 

A Special Conference Committee will meet to hold informal hearings. There will not be a public comment period.

**Contact:** Cheri Emma-Leigh, Operations Manager, Board of Dentistry, 6606 W. Broad St., 4th Floor, Richmond, VA, telephone (804) 662-9906, FAX (804) 662-7246, (804) 662-7197/TTY ☎, e-mail CEmma-Leigh@dhp.state.va.us.

† **November 8, 2002 - 8:30 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia. ♿

A panel of the board will meet to hold formal hearings. There will not be a public comment period.

**Contact:** Cheri Emma-Leigh, Operations Manager, Board of Dentistry, 6606 W. Broad St., 4th Floor, Richmond, VA, telephone (804) 662-9906, FAX (804) 662-7246, (804) 662-7197/TTY ☎, e-mail CEmma-Leigh@dhp.state.va.us.

† **November 15, 2002 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia ♿

A task force will consider issues related to the shortage of dental hygienists. Public comment will be received at the beginning of the meeting.

**Contact:** Sandra Reen, Executive Director, Board of Dentistry, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, 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

**November 21, 2002 - 11 a.m.** -- Open Meeting

**December 19, 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](http://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

† **October 21, 2002 - 7 p.m.** -- Public Hearing  
Abingdon High School, 705 Thompson Drive, Auditorium, Abingdon, Virginia.

Chantilly High School, 4201 Stringfellow Road, Auditorium, Chantilly, Virginia.

Lake Taylor High School, 1384 Kempsville Road, Auditorium, Norfolk, Virginia.

Thomas Dale High School, 3626 Hundred Road, Auditorium, Chester, Virginia.

A public hearing to solicit comments on the proposed revisions to the English Standards of Learning and the proposed English Language Proficiency (ELP) Standards of Learning for Limited English Proficient (LEP) Students. The proposed standards are available on the Internet at: <http://www.pen.k12.va.us>. There will be a three-minute limit per speaker. Persons requesting services of interpreter for the deaf should do so in advance.

**Contact:** Dr. Margaret N. Roberts, Office of Policy and Public Affairs, Board 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.

**November 6, 2002 - 10 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

**December 4, 2002 - 10 a.m.** -- Open Meeting  
State Capitol, House Room 2, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A working session of the Committee to Implement NCLB. Public comment will not be received. Persons requesting services of an interpreter for the deaf are asked to do so in advance.

**Contact:** Dr. Margaret N. Roberts, Office of Policy and Public Affairs, Board of Education, P.O. Box 2120, 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, e-mail mroberts@mail.vak12ed.edu.

**November 20, 2002 - 9 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular 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 and Public Affairs, 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.

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**November 25, 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 Education intends to amend regulations entitled: **8 VAC 20-70. Regulations Governing Pupil Transportation Including Minimum Standards for School Buses in Virginia.** The current regulations are being amended in order to comport with federal and state laws and regulations.



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# Calendar of Events

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Statutory Authority: §§ 2.2-16, 2.2-177 and 2.2-178 of the Code of Virginia.

**Contact:** June Eanes, Director of Pupil Transportation, Department of Education, P.O. Box 2120, Richmond, VA 23219, telephone (804) 225-2924, FAX (804) 225-2524 or e-mail jeanes@mail.vak12ed.edu.

† **January 9, 2003 - 8:30 a.m.** -- Open Meeting

† **January 10, 2003 - 8:30 a.m.** -- Open Meeting

Radisson Hotel Historic Richmond, 301 West Franklin Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A working session of the State Special Education Advisory Committee. Public comment will not be received. Persons requesting the services of an interpreter for the deaf should do so in advance.

**Contact:** Dr. Margaret N. Roberts, Office of Policy and Public Affairs, 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

**October 22, 2002 - 9 a.m.** -- Open Meeting

Department of Environmental Quality, 629 East Main Street, First Floor Conference Room, Richmond, Virginia. (Interpreter for the deaf provided upon request)

The department is convening a meeting of stakeholders to discuss the draft Virginia Plan for Nutrient Criteria Development. Department staff will brief invited stakeholders and other interested public on the draft plan and receive stakeholder comment on the plan before submittal to the Environmental Protection Agency.

**Contact:** Jean Gregory, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4113, e-mail jwgregory@deq.state.va.us.

† **November 5, 2002 - 7 p.m.** -- Public Hearing

Waverly Public Library, 352 West Main Street, Waverly, Virginia. (Interpreter for the deaf provided upon request)

A public hearing to receive comments on a draft solid waste permit amendment for the Sussex County Gin Hill Landfill located less than half a mile east of I-95 and approximately 25 miles south of Petersburg in a rural area of Sussex County. The permit amendment will establish modules IX and XI and attach a ground water monitoring plan to the permit. In addition, a variance is proposed for use of alternate concentration limits. The comment period closes on November 20, 2002.

**Contact:** Rachel Cole, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4233, e-mail rbcole@deq.state.va.us.

† **November 5, 2002 - 7 p.m.** -- Public Hearing

Waverly Public Library, 352 West Main Street, Waverly, Virginia. (Interpreter for the deaf provided upon request)

A public hearing to receive comments on a draft solid waste permit amendment for the Sussex County Robinson Road

Sanitary Landfill located on Rouge 632 in Sussex County. The permit amendment will establish modules IX and XI and attach a ground water monitoring plan to the permit. In addition, a variance is proposed for use of alternate concentration limits. The comment period closes on November 20, 2002.

**Contact:** Rachel Cole, Department of Environmental Quality, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4233, e-mail rbcole@deq.state.va.us.

**November 19, 2002 - 9 a.m.** -- Open Meeting

Department of Environmental Quality, 629 East Main Street, First Floor Conference Room, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting of the Ground Water Protection Steering Committee, an interagency advisory committee formed to stimulate, strengthen and coordinate ground water protection activities in the Commonwealth. For more information and an agenda contact Mary Ann Massie.

**Contact:** Mary Ann Massie, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4042, e-mail mamassie@deq.state.va.us.

## BOARD OF FUNERAL DIRECTORS AND EMBALMERS

**November 19, 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)

The board will hear possible violations of the laws and regulations governing the practice of funeral service.

**Contact:** Elizabeth Young, Executive Director, Board of Funeral Directors and Embalmers, 6603 W. Broad St., 5th Floor, telephone (804) 662-9907, FAX (804) 662-9523, (804) 662-7197/TTY, e-mail elizabeth.young@dhp.state.va.us.

**December 3, 2002 - 9 a.m.** -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A general business meeting, including disciplinary and regulatory 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 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

**October 24, 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)

The board will meet and intends to consider for final adoption amendments to regulations governing fish and

fishing, and wildlife diversity (i.e., wildlife other than in the contexts of hunting, trapping, or fishing). This is the regular biennial review for these regulations, with the resulting amended regulations intended to be in effect 2003 through 2004. The board also intends to adopt final regulations or regulation amendments governing boating. Under board procedures, regulatory actions occur over two sequential board meetings. At the October 24, 2002, meeting, the board will determine whether the regulations and amendments that were proposed at its August 22, 2002, meeting will be adopted as final regulations. The board will solicit comments from the public during the public hearing portion of the meeting on October 24, at which time any interested citizen present shall be heard. The board reserves the right to adopt final amendments that may be more liberal than, or more stringent than, the regulations currently in effect or the regulation amendments proposed at the August 22, 2002, meeting, as necessary for the proper management of wildlife resources and boating. The board is exempted from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia) in promulgating wildlife management regulations, including the length of seasons, bag limits and methods of take set on the wildlife resources within the Commonwealth of Virginia; it promulgates boating regulations under the authority of § 29.1-701(E) of the Code of Virginia. The board is required by § 2.2-4031 to publish all proposed and final regulations. The board also may discuss general and administrative issues; hold a closed session at some time during the meeting; and elect to hold a dinner Wednesday evening, October 23, 2002, at a location and time to be determined.

**Contact:** Phil Smith, Department of Game and Inland Fisheries, 4010 W. Broad St., Richmond, VA 23230, telephone (804) 367-1000, FAX (804) 367-0488, e-mail RegComments@dgif.state.va.us.

## CHARITABLE GAMING COMMISSION

† **October 21, 2002 - 10 a.m.** -- Open Meeting  
**November 13, 2002 - 10 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. ♿

**December 4, 2002 - 10 a.m.** -- Open Meeting  
James Monroe Building, 101 North 14th Street, First Floor, Conference Room E, Richmond, Virginia. ♿

A meeting to discuss standard agenda items.

**Contact:** Frances C. Jones, Administrative Staff Assistant, Charitable Gaming Commission, 101 N. 14th St., 17th Floor, Richmond, VA 23219, telephone (804) 786-3014, FAX (804) 786-1079, e-mail jones@cgc.state.va.us.

## GEORGE MASON UNIVERSITY

**November 21, 2002 - 9 a.m.** -- Open Meeting  
† **January 30, 2002 - 9 a.m.** -- Open Meeting  
George Mason University, Mason Hall, Lower Level, Fairfax, Virginia. ♿

A meeting of the Board of Visitors. Agenda to be announced.

**Contact:** Mary Roper, Secretary Pro Tem, George Mason University, MSN 3A1, 4400 University Dr., Fairfax, VA 22030, telephone (703) 993-8703, FAX (703) 993-8707, e-mail mroper@gmu.edu.

## GOVERNOR'S COMMISSION ON EFFICIENCY AND EFFECTIVENESS

† **October 30, 2002 - 10 a.m.** -- Open Meeting  
† **November 13, 2002 - 10 a.m.** -- Open Meeting  
State Capitol Building, Senate Room 4, Richmond, Virginia. ♿

A meeting of the Streamlining Team.

**Contact:** Kelly Dalch, Office of the Governor, State Capitol, 3rd Floor, Richmond, VA 23219, telephone (804) 786-2211.

† **November 15, 2002 - 10 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, Senate Room A, Richmond, Virginia. ♿

A meeting of the full commission.

**Contact:** Kelly Dalch, Office of the Governor, State Capitol, 3rd Floor, Richmond, VA 23219, telephone (804) 786-2211.

† **December 5, 2002 - 2 p.m.** -- Public Hearing  
General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia. ♿

A public hearing of the Governor's Commission on Efficiency and Effectiveness.

**Contact:** Kelly Dalch, Office of the Governor, State Capitol, 3rd Floor, Richmond, VA 23219, telephone (804) 786-2211.

## DEPARTMENT OF HEALTH

### State Emergency Medical Services Advisory Board

† **November 15, 2002 - 1 p.m.** -- Open Meeting  
Hilton Richmond Airport, Richmond, Virginia. ♿

A quarterly meeting.

**Contact:** Gary Brown, Director, Office of Emergency Medical Services, Department of Health, 1538 E. Parham Rd., Richmond, VA 23228, telephone (804) 371-3500, FAX (804) 371-3543, toll-free (800) 523-6019, e-mail gbrown@vdh.state.va.us.

### Radiation Advisory Board

**October 28, 2002 - 9 a.m.** -- Open Meeting  
James Monroe Building, 101 North 14th Street, Conference Room B, Richmond, Virginia. ♿

An annual meeting to review and evaluate policies and programs relating to ionizing radiation, and to discuss specifically regulations, the Conference of Radiation Control program director's peer review, stockpiling and distribution of potassium iodine, emergency preparedness for terrorist

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# Calendar of Events

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attacks, and other matters properly before the advisory board.

**Contact:** Les Foldesi, Director, Radiological Health, Department of Health, 1500 E. Main St., Suite 240, Richmond VA 23219, telephone (804) 371-4029, FAX (804) 786-6979, toll-free (800) 468-0138, (800) 828-1120/TTY ☎, e-mail lfoldesi@vdh.state.va.us.

## DEPARTMENT OF HEALTH PROFESSIONS

**October 30, 2002 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. ♿

The department will conduct training for new and returning board members. There will be no opportunity for public comment, but members of the public are welcome to attend.

**Contact:** Elaine J. Yeatts, Senior Policy Analyst, Department of Health Professions, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9918, FAX (804) 662-9114, (804) 662-7197/TTY ☎, e-mail elaine.yeatts@dhp.state.va.us.

**December 12, 2002 - 9 a.m.** -- Open Meeting

**December 13, 2002 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. ♿

A bimonthly meeting of the Intervention Program Committee for the Health Practitioners' Intervention Program.

**Contact:** Donna P. Whitney, Intervention Program Manager, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9424, FAX (804) 662-7358, e-mail donna.whitney@dhp.state.va.us.

## BOARD FOR HEARING AID SPECIALISTS

**October 25, 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 for Hearing Aid Specialists intends to amend regulations entitled: **18 VAC 80-20.**

**Board for Hearing Aid Specialists Regulations.** The purpose of the proposed action is to clarify entry requirements for licensure, modify the procedures and provisions regarding renewal and reinstatement, and ensure that the standards of practice and conduct meet statutory requirements.

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

**Contact:** William H. Ferguson, II, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8575, FAX (804) 367-2474, or e-mail hearingaidspec@dpor.state.va.us.

## DEPARTMENT OF HISTORIC RESOURCES

**November 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 Department of Historic Resources intends to adopt regulations entitled: **17 VAC 10-30. Historic Rehabilitation Tax Credits Regulations.** The purpose of the proposed action is to promulgate regulations for state historic rehabilitation tax credits.

Statutory Authority: §§ 10.1-2202 and 58.1-339.2 of the Code of Virginia.

**Contact:** Virginia E. McConnell, Manager, Office of Preservation Incentives, Department of Historic Resources, 2801 Kensington Ave., Richmond, VA 23221, telephone (804) 367-2323, FAX (804) 367-2391, (804) 367-2386/TTY ☎, e-mail gmccconnell@dhr.state.va.us.

## VIRGINIA ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

**October 21, 2002 - 1:30 p.m.** -- Open Meeting  
Waterside Convention Center, Norfolk, Virginia. ♿

**November 11, 2002 - 3:30 p.m.** -- Open Meeting  
The Homestead, Hot Springs (Bath County), Virginia. ♿

A regular meeting. Contact the commission for an agenda.

**Contact:** Alda Wilkinson, Secretary, Virginia Advisory Commission on Intergovernmental Relations, 900 E. Main St., Suite 103, Richmond, VA 23219-3513, telephone (804) 786-6508, FAX (804) 371-7999, (804) 828-1120/TTY ☎, e-mail awilkinson@clg.state.va.us

## JAMESTOWN-YORKTOWN FOUNDATION

NOTE: CHANGE IN MEETING LOCATION

† **November 7, 2002 - Noon** -- Open Meeting  
Radisson Fort Magruder Inn, 6945 Pocahontas Trail, Williamsburg, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting of the Executive Committee of the Jamestown 2007 Steering Committee. Public comment will not be heard.

**Contact:** Laura W. Bailey, Executive Assistant to the Boards, Jamestown-Yorktown Foundation, P.O. Box 1607, Williamsburg, VA 23187, telephone (757) 253-4840, FAX (757) 253-5299, toll-free (888) 593-4682, (757) 253-7236/TTY ☎, e-mail lwbailey@jyf.state.va.us.

NOTE: CHANGE IN MEETING DATE AND TIME

† **November 8, 2002 - 8 a.m.** -- Open Meeting  
Radisson Fort Magruder Inn, 6945 Pocahontas Trail, Williamsburg, Virginia. ♿ (Interpreter for the deaf provided upon request)

Semiannual board meeting. Agenda to be determined. No public comment will be heard.

**Contact:** Laura W. Bailey, Executive Assistant to the Board, Jamestown-Yorktown Foundation, P.O. Box 1607, Williamsburg, VA 23187, telephone (804) 253-4840, FAX (804) 253-5299, (804) 253-7236/TTY ☎, e-mail lwbailey@jyf.state.va.us.

**December 12, 2002 - Noon** -- Open Meeting  
The Library of Virginia, 800 East Broad Street, Room A, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A Jamestown 2007 Steering Committee meeting. Public comment will not be heard.

**Contact:** Laura W. Bailey, Executive Assistant to the Boards, Jamestown-Yorktown Foundation, P.O. Box 1607, Williamsburg, VA 23187, telephone (757) 253-4840, FAX (757) 253-5299, toll-free (888) 593-4682, (757) 253-7236/TTY ☎, e-mail lwbailey@jyf.state.va.us.

## STATE BOARD OF JUVENILE JUSTICE

† **November 13, 2002 - 9 a.m.** -- Public Hearing  
700 East Franklin Street, 4th Floor, Richmond, Virginia. ♿

Committees of the board meet at 9 a.m. to receive certification audit reports on residential and non-residential programs. The full board meets at 10 a.m. to take certification action and to receive comments from the public concerning proposed amendments to 6 VAC 35-140, Standards for Juvenile Residential Facilities and 6 VAC 35-20, Regulations Governing the Certification Process.

**Contact:** Donald Carignan, Regulatory Coordinator, State Board of Juvenile Justice, 700 Centre, 700 E. Franklin St., 4th Floor Richmond, VA 23219, telephone (804) 371-0743, FAX (804) 371-0773, e-mail carigndr@dji.state.va.us.

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† **November 13, 2002 - 10 a.m.** -- Public Hearing  
700 East Franklin Street, 4th Floor, Richmond, Virginia. ♿

**December 27, 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 Juvenile Justice intends to amend regulations entitled: **6 VAC 35-20. Regulations Governing the Certification Process.** The purpose of the proposed action is to govern the process for monitoring compliance with substantive standards by programs in Virginia's juvenile justice system. The process includes audits and unscheduled visits; administrative review of findings; an appeals process; and the issuance of a variance when a particular standard is inappropriate for a given program. Revisions are sought to simplify the procedural steps in the process.

Statutory Authority: §§ 16.1-233, 16.1-234, 16.1-311, 16.1-312 and 66-10 of the Code of Virginia.

**Contact:** Donald Carignan, Regulatory Coordinator, 700 Centre, 700 E. Franklin St., 4th Floor, Richmond, VA 23219,

telephone (804) 371-0743, FAX (804) 371-0773 or e-mail carigndr@dji.state.va.us.

## DEPARTMENT OF LABOR AND INDUSTRY

**October 25, 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 Labor and Industry intends to amend regulations entitled: **16 VAC 15-10. Public Participation Guidelines.** The purpose of the proposed action is to conform the regulation language to current Administrative Process Act requirements; include references to agency website and Virginia Regulatory Town Hall; and remove redundant language.

Statutory Authority: §§ 2.2-4007 and 40.1-6(3) of the Code of Virginia

**Contact:** Bonnie R. Hopkins, Regulatory Coordinator, Department of Labor and Industry, Powers-Taylor Building, 13 S. 13th St., Richmond, VA 23219, telephone (804) 371-2631, FAX (804) 371-6524 or e-mail brh@doli.state.va.us.

## Apprenticeship Council

**December 19, 2002 - 10 a.m.** -- Open Meeting  
Confederate Hills Recreation Building, 302 Lee Avenue, Highland Springs, Virginia. ♿ (Interpreter for the deaf provided upon request)

A quarterly meeting of the council.

**Contact:** Beverley Donati, Assistant Program Director, 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.

## Virginia Migrant and Seasonal Farmworkers Board

**October 23, 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:** Betty B. Jenkins, Board Administrator, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA, telephone (804) 786-2391, FAX (804) 371-6524, (804) 786-2376/TTY ☎, e-mail bbj@doli.state.va.us.

## Safety and Health Codes Board

**November 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 Safety and Health Codes Board intends to amend regulations entitled: **16 VAC 25-50. Boiler and Pressure Vessel Rules and Regulations.** The purpose of the proposed action is to eliminate possible conflicts with the Code of Virginia, allow fees to be paid by credit card, adopt current Part CW provisions for burner

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# Calendar of Events

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controls and safety devices, and update references in the Documents Incorporated by Reference.

Statutory Authority: §§ 40.1-51.6 through 40.1-51.10 of the Code of Virginia.

**Contact:** Fred P. Barton, Boiler Safety Compliance Director/Chief Boiler Inspector, Department of Labor and Industry, Powers-Taylor Building, 13 S. Thirteenth St., Richmond, VA 23219, telephone (804) 786-3262, FAX (804) 371-2324, or e-mail [fpb@doli.state.va.us](mailto:fpb@doli.state.va.us).

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**October 25, 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 Safety and Health Codes Board intends to amend regulations entitled: **16 VAC 25-10. Public Participation Guidelines**. The purpose of the proposed action is to conform the regulation language to current Administrative Process Act requirements; include references to agency website and Virginia Regulatory Town Hall; and remove redundant language.

Statutory Authority: §§ 2.2-4007 and 40.1-22(5) of the Code of Virginia.

**Contact:** Bonnie R. Hopkins, Regulatory Coordinator, Department of Labor and Industry, Powers-Taylor Building, 13 S. 13th St., Richmond, VA 23219, telephone (804) 371-2631, FAX (804) 371-6524 or e-mail [brh@doli.state.va.us](mailto:brh@doli.state.va.us).

## STATE LIBRARY BOARD


**November 18, 2002 - 8:15 a.m.** -- Open Meeting  
**† January 17, 2003 - 8:15 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:


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](mailto:jtaylor@lva.lib.va.us).

## COMMISSION ON LOCAL GOVERNMENT

**November 18, 2002 - 10 a.m.** -- Open Meeting  
Pocahontas Building, 900 East Main Street, Suite 103, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting to consider such matters as may be presented.

**Contact:** Barbara Bingham, Administrative Assistant, Commission on Local Government, 900 E. Main St., Suite 103, Richmond, VA 23219-3513, telephone (804) 786-6508, FAX (804) 371-7999, (800) 828-1120/TTY , e-mail [bbingham@clg.state.va.us](mailto:bbingham@clg.state.va.us).


## LONGWOOD UNIVERSITY

**† November 7, 2002 - 9:30 a.m.** -- Open Meeting  
Rennie Petroleum Corporation, 9030 Stony Point Parkway, Suite 110, Richmond, Virginia.

A meeting to conduct routine business of the Board of Visitors' Executive Committee.

**Contact:** Jeanne Hayden, Administrative Staff Assistant, Longwood University, Longwood University, 201 High Street, Farmville, VA 23909, telephone (804) 395-2004.


## VIRGINIA MANUFACTURED HOUSING BOARD

**† November 21, 2002 - 10 a.m.** -- Open Meeting  
The Jackson Center, 501 North Second Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting to review complaints involving manufactured housing licensees, review and process claims to the Manufactured Housing Transaction Recovery Fund, and administer the licensing and recovery fund regulations.

**Contact:** Curtis L. McIver, State Building Code Administrator, Virginia Manufactured Housing Board, State Building Code Administrative Office, 501 N. Second St., Richmond, VA 23219, telephone (804) 371-7160, FAX (804) 371-7092, (804) 371-7089/TTY , e-mail [cmciver@dhcd.state.va.us](mailto:cmciver@dhcd.state.va.us).

## MARINE RESOURCES COMMISSION

**October 22, 2002 - 9:30 a.m.** -- Open Meeting  
**November 19, 2002 - 9:30 a.m.** -- Open Meeting  
Marine Resources Commission, 2600 Washington Avenue, 4th Floor, Newport News, Virginia. 

A monthly commission meeting.

**Contact:** Stephanie Montgomery, Commission Secretary, Marine Resources Commission, 2600 Washington Ave., Suite 107, 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](mailto:smont@mrc.state.va.us).

## BOARD OF MEDICAL ASSISTANCE SERVICES

**December 10, 2002 - 10 a.m.** -- Open Meeting  
Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Board Room, Richmond, Virginia. ☎

A routine business meeting. An agenda will be posted.

**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 nmalczewski@dmas.state.va.us.

## DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

**October 25, 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.** The current regulations for the Elderly and Disabled Waiver program describe the criteria that must be met in order for providers to be reimbursed for the services rendered. The current services offered in this waiver include personal emergency response systems (PERS) to the waiver. The changes to the regulation include the following: (i) the addition of PERS as a permanent covered service; (ii) the addition of language regarding waiver desk reviews, which the Centers for Medicare and Medicaid Services require DMAS to perform; (iii) the addition of language referencing the Code of Virginia regarding criminal records checks for all compensated employees of personal care, respite care and adult day health care agencies; (iv) the addition of language that states that personal care recipients may continue to work and attend post-secondary school while receiving services under this waiver; (v) a change in the requirement of supervisory visits from every 30 days in general to every 30 days for recipients with a cognitive impairment, and up to every 90 days for recipients who do not have a cognitive impairment; (vi) the addition of "some family members" to the definition of who is qualified to perform personal care services; (vii) the addition of the required qualifications for LPNs for respite care; and (viii) clarifications and corrections to the existing language.

Statutory Authority: §§ 32.1-324 and 32.1-325 of the Code of Virginia.

**Contact:** Vivian Horn, Policy Analyst, Division of LTC, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-0527 or vhorn@dmas.state.va.us.

**November 7, 2002 - 2 p.m.** -- Open Meeting  
Department of Medical Assistance Services, 600 East Broad St., Suite 1300, Board Room, Richmond, Virginia. ☎

A meeting to conduct routine business of the Medicaid Drug Utilization Review Board.

**Contact:** Marianne Rollings, Pharmacist, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 225-4268, FAX (804) 786-1680, (800) 343-0634/TTY ☎, e-mail mrollings@dmas.state.va.us.

## BOARD OF MEDICINE

**November 22, 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 85-20. Regulations Governing the Practice of Medicine, Osteopathy, Podiatry, and Chiropractic.** The purpose of the proposed action is to promulgate regulations governing the practice of medicine related to the administration of anesthesia in physicians' offices in accordance with Chapter 324 of the 2002 Acts of Assembly.

Statutory Authority: §§ 54.1-2400 and 54.1-2912.1 of the Code of Virginia.

Public comments may be submitted until November 22, 2002, to William L. Harp, M.D., Executive Director, Board of Medicine, 6606 West Broad Street, Richmond, VA 23230.

**Contact:** Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6606 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.state.va.us.

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**December 6, 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 85-40. Regulations Governing the Practice of Respiratory Care Practitioners.** The purpose of the proposed action is to establish requirements for 20 hours of continuing education per biennium from an approved sponsor or organization, provide for exemptions or extensions of time for compliance, maintenance and provision of documentation upon request, and evidence of continuing education for reinstatement or reactivation of a license. Other amendments are recommended for greater clarity for the regulated entities or for adaptability to computerized testing.

Statutory Authority: §§ 54.1-2400 and 54.1-2912.1 of the Code of Virginia.

Public comments may be submitted until December 6, 2002, to William L. Harp, M.D., Executive Director, Board of Medicine, 6606 West Broad Street, Richmond, VA 23230.

**Contact:** Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6606 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.state.va.us.

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# Calendar of Events

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## Informal Conference Committee

**November 22, 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 85-110. Regulations Governing the Practice of Licensed Acupuncturists.** The purpose of the proposed action is to amend regulations in response to a periodic review of regulations to provide consistency in the educational requirements with the national certifying body 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.

Statutory Authority: §§ 54.1-2400 and 54.1-2956.9 of the Code of Virginia.

Public comments may be submitted until November 22, 2002, to William L. Harp, M.D., Executive Director, Board of Medicine, 6606 West Broad Street, Richmond, VA 23230.

**Contact:** Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6606 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail [elaine.yeatts@dhp.state.va.us](mailto:elaine.yeatts@dhp.state.va.us).

**December 13, 2002 - 8 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room, Richmond, Virginia. ♿

A meeting of the Executive Committee will be held in open and closed session to review disciplinary files requiring administrative action, adopt amendments and approve for promulgation regulations as presented, interview applicants, and act on other issues that come before the board. The chairman will entertain public comments on agenda items for 15 minutes following adoption of the agenda.

**Contact:** William L. Harp, M.D., Executive Director, Board of Medicine, 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](mailto:wharp@dhp.state.va.us).

**December 13, 2002 - 1 p.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room, Richmond, Virginia. ♿

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 to discuss any other items that may come before the committee. The credentials committee will receive public comments of those persons appearing on behalf of candidates.

**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](mailto:wharp@dhp.state.va.us).

**October 23, 2002 - 9 a.m.** -- Open Meeting  
Clarion Hotel, 3315 Ordway Drive, Roanoke, Virginia.

**October 24, 2002 - 8:45 a.m.** -- Open Meeting  
**November 14, 2002 - 9 a.m.** -- Open Meeting  
Holiday Inn Select, 2801 Plank Road, Fredericksburg, Virginia. ♿

**October 30, 2002 - 9:30 a.m.** -- Open Meeting  
Williamsburg Marriott Hotel, 50 Kingsmill Road, Williamsburg, Virginia.

**November 13, 2002 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, Richmond, Virginia.

A meeting to inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine and other healing arts in Virginia. The committee will meet in open and closed sessions pursuant to the Code of Virginia. Public comment will not be received.

**Contact:** Peggy Sadler or Renee Dixson, Staff, Department of Health Professions, 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](mailto:Peggy.Sadler@dhp.state.va.us).

## DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

† **October 21, 2002 - 10 a.m.** -- Open Meeting  
Department of Rehabilitative Services, 8004 Franklin Farms Drive, 1st Floor Conference Room, Richmond, Virginia. ♿  
(Interpreter for the deaf provided upon request)

The second meeting of the Prevention and Transition Services Team of the Olmstead Task Force.

**Contact:** Fran M. Sadler, Administrative Specialist, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218, telephone (804) 786-8019, FAX (804) 786-9248, (804) 371-8977/TTY ☎, e-mail [fsadler@dmhmrsas.state.va.us](mailto:fsadler@dmhmrsas.state.va.us).

† **October 21, 2002 - 2:30 p.m.** -- Open Meeting  
Department for the Deaf and Hard-of-Hearing, Ratcliffe Building, 1602 Rolling Hills Drive, 2nd Floor, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

The second meeting of the Steering Committee of the Olmstead Task Force.

**Contact:** Fran M. Sadler, Administrative Specialist, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218, telephone (804) 786-8019, FAX (804) 786-9248, (804) 371-8977/TTY ☎, e-mail [fsadler@dmhmrsas.state.va.us](mailto:fsadler@dmhmrsas.state.va.us).

**October 31, 2002 - 9:30 a.m.** -- Open Meeting  
Ninth Street Office Building, 202 North 9th Street, 9th Floor, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

The Educating the Public, Consumers and Families Team of the Olmstead Task Force will hold its second meeting.

**Contact:** Fran M. Sadler, Administrative Specialist, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218, telephone (804) 786-8019, FAX (804) 786-9248, (804) 371-8977/TTY ☎, e-mail fsadler@dmhmrsas.state.va.us.

† **November 4, 2002 - 1 p.m.** -- Open Meeting  
Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

The third meeting of the Prevention and Transition Services Team of the Olmstead Task Force.

**Contact:** Fran M. Sadler, Administrative Specialist, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218, telephone (804) 786-8019, FAX (804) 786-9248, (804) 371-8977/TTY ☎, e-mail fsadler@dmhmrsas.state.va.us.

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† **November 13, 2002 - 6:30 p.m.** -- Public Hearing  
Dumbarton Area Library, 6800 Staples Mill Road, Richmond, Virginia.

**December 20, 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 repeal regulations entitled: **12 VAC 35-40. Mandatory Certification/Licensure Standards for Treatment Programs for Residential Facilities for Children**, and adopt regulations entitled: **12 VAC 35-45. Regulations for Providers of Mental Health, Mental Retardation and Substance Abuse Residential Services for Children**. The purpose of the proposed action is to repeal the existing regulation and promulgate a replacement regulation to eliminate provisions that are duplicative of Standards for Interdepartmental Regulation of Children's Residential Facilities (22 VAC 42-10). The provisions will be updated to reflect current treatment practices in residential treatment facilities for children.

Statutory Authority: §§ 37.1-10, 37.1-179.1 and 37.1-182 of the Code of Virginia.

**Contact:** Leslie Anderson, Director, Office of Licensing, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 786-1747, FAX (804) 692-0066 or e-mail dmhmrsas.state.va.us.

## STATE MILK COMMISSION

**December 11, 2002 - 10:30 a.m.** -- Open Meeting  
Department of Forestry, 900 Natural Resources Drive, Room 2063, Charlottesville, 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. Anyone 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.

## DEPARTMENT OF MINES, MINERALS AND ENERGY

**October 26, 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 Mines, Minerals and Energy intends to repeal regulations entitled: **4 VAC 25-30. Minerals Other than Coal Surface Mining Regulations**, and adopt regulations entitled: **4 VAC 25-31. Reclamation Regulations for Mineral Mining**. The purpose of the proposed regulation is to provide for the beneficial development of mineral resources and to minimize the effects of mining on the environment. The regulation will replace the present reclamation regulations, 4 VAC 25-30, Minerals Other Than Coal Surface Mining Regulations.

Statutory Authority: §§ 45.1-161.3 and 45.1-180.3 of the Code of Virginia.

**Contact:** William Lassetter, Environmental Engineer Consultant, Department of Mines, Minerals and Energy, Fontaine Research Park, 900 Natural Resources Dr., P.O. Box 3727, Charlottesville, VA 22903, telephone (804) 951-6310, FAX (804) 951-6325, or e-mail cts@mme.state.va.us.

## Virginia Coal Mine Safety Board

**October 24, 2002 - 10 a.m.** -- Open Meeting  
Department of Mines, Minerals and Energy, Buchanan-Smith Building, Room 219, Route 23 South, Big Stone Gap, Virginia. ♿ (Interpreter for the deaf provided upon request)

The CMSB is the department regulatory work committee on all coal mine health and safety regulations not under jurisdiction of the BCME. The CMSB will review the status of proposed regulations as well as the status of the mine safety profile for the past year. The board will also review current issues with regard to mining near underground mine workings and miner continuing education. Comments will be received at the end of the meeting. Special accommodations for the disabled will be made available at the hearing on request. Anyone needing special accommodations for the hearing should contact the Department of Mines, Minerals, and Energy at (276) 523-8224 or by calling the Virginia Relay Center at 1-800-828-1120 or 1140/TTY by October 11, 2002.

**Contact:** Frank A. Linkous, Mine Chief, Department of Mines, Minerals and Energy, P.O. Drawer 900, Big Stone Gap, VA



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# Calendar of Events

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24219, telephone (276) 523-8224, FAX (276) 523-8239, (800) 828-1120/TTY ☎, e-mail fal@mme.state.va.us.

## MOTOR VEHICLE DEALER BOARD

† **November 12, 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@mva.state.va.us.

## DEPARTMENT OF MOTOR VEHICLES

**November 9, 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 Motor Vehicles intends to repeal regulations entitled: **24 VAC 20-70. Requirements for Proof of Residency to Obtain a Virginia Driver's License or Photo Identification Card.** The purpose of the proposed action is to repeal the residency regulations governing requirements for proof of residency to obtain a Virginia driver's license or photo identification card.

The hearing will also address issues surrounding incorporation of biometric identifiers as part of the driver's license/identification card issuance process.

Statutory Authority: §§ 46.2-203, 46.2-323, and 46.2-345 of the Code of Virginia.

**Contact:** Maxine Carter, Special Assistant for Outreach, Department of Motor Vehicles, P.O. Box 27412, Richmond, VA 23269-0001, telephone (804) 367-1417, FAX (804) 367-

6631, toll-free 1-800-435-5137, (800) 272-9268/TTY ☎, e-mail dmvmwc@dmv.state.va.us.

**December 12, 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 a.m.

**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 or e-mail dmvvrc@dmv.state.va.us.

## VIRGINIA MUSEUM OF FINE ARTS

† **November 6, 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 update the Executive 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.

## VIRGINIA MUSEUM OF NATURAL HISTORY

**November 4, 2002 - 10 a.m.** -- Open Meeting  
**December 6, 2002 - 10 a.m.** -- Open Meeting  
LeClair Ryan Consulting, 1010 First Union Building, 213 South Jefferson Street, Roanoke, Virginia. ♿

A meeting of the Board of Trustees Executive Committee to discuss management and direction of museum.

**Contact:** Cindy Rorrer, Director's Assistant, Virginia Museum of Natural History, 1001 Douglas Ave., Martinsville, VA 24112, telephone (276) 666-8616, FAX (276) 632-6487, (276) 666-8638/TTY ☎, e-mail crorrer@vmnh.org.

## BOARD OF NURSING

**November 18, 2002 - 9 a.m.** -- Open Meeting  
**November 21, 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.

## Special Conference Committee

**October 21, 2002 - 9 a.m.** -- Open Meeting  
**October 22, 2002 - 9 a.m.** -- Open Meeting  
**October 29, 2002 - 9 a.m.** -- Open Meeting  
**December 4, 2002 - 9 a.m.** -- Open Meeting  
**December 9, 2002 - 9 a.m.** -- Open Meeting  
**December 10, 2002 - 9 a.m.** -- Open Meeting  
**December 16, 2002 - 9 a.m.** -- Open Meeting  
**December 18, 2002 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, 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.

## BOARDS OF NURSING AND MEDICINE

**November 22, 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 Boards of Nursing and Medicine intend to amend regulations entitled: **18 VAC 90-30. Regulations Governing the Licensure of Nurse Practitioners.** The purpose of the proposed action is to ensure that certifying agencies providing professional certification necessary for licensure as a nurse practitioner are accredited by an accrediting agency recognized by the U.S. Department of Education or are deemed acceptable to the National Council of State Boards of Nursing. An amendment is also proposed to add a specialty category of nurse practitioner.

Statutory Authority: §§ 54.1-2400 and 54.1-2957 of the Code of Virginia.

Public comments may be submitted until November 22, 2002, to Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6606 West Broad Street, Richmond, VA 23230.

**Contact:** Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6606 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.state.va.us.

## OLD DOMINION UNIVERSITY

**October 21, 2002 - 3 p.m.** -- Open Meeting  
**November 18, 2002 - 3 p.m.** -- Open Meeting  
**December 13, 2002 - 1:15 p.m.** -- Open Meeting  
Old Dominion University, Webb University Center, Norfolk, Virginia. ☎ (Interpreter for the deaf provided upon request)

A regular meeting of the executive committee of the governing board of the institution to discuss business of the

board and the institution as determined by the rector and the president.

**Contact:** Donna Meeks, Executive Secretary to the Board of Visitors, Old Dominion University, 204 Koch Hall, Norfolk, VA 23529, telephone (757) 683-3072, FAX (757) 683-5678, e-mail dmeeks@odu.edu.

## BOARD FOR OPTICIANS

**November 8, 2002 - 9:30 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ☎

A general business meeting.

**Contact:** William H. Ferguson, II, Assistant Director, Board for Opticians, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8575, FAX (804) 367-2474, (804) 367-9753/TTY ☎, e-mail opticians@dpor.state.va.us.

## BOARD OF PHARMACY

**October 30, 2002 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia. ☎

The Special Conference Committee will discuss disciplinary matters. Public comments will not be received.

**Contact:** Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9911, FAX (804) 662-9313.

**November 4, 2002 - 2 p.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia. ☎

A meeting of the Informal Conference Committee to discuss disciplinary matters.

**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.

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**November 8, 2002** -- Public comments may be submitted until 9 a.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Pharmacy intends to amend regulations entitled: **18 VAC 110-20. Virginia Board of Pharmacy Regulations.** The purpose of the proposed action is to comply with Chapter 317 of the 2001 Acts of Assembly requiring the board to promulgate regulations for the registration of pharmacy technicians. The statute requires regulations to specify criteria for the training program, examination, and evidence of continued competency. It further specifies that current certification from the Pharmacy Technician Certification Board qualifies a person for registration.

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# Calendar of Events


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Statutory Authority: §§ 54.1-2400, 54.1-3321, and 54.1-3322 of the Code of Virginia.


Public comments may be submitted until 9 a.m. on November 8, 2002, to Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6606 W. Broad St., Richmond, VA 23230.

**Contact:** Elaine J. Yeatts, Agency Regulatory Coordinator, Department of Health Professions, 6606 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.state.va.us.


## BOARD OF PHYSICAL THERAPY

**November 1, 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 consideration of regulatory and disciplinary issues 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 Physical Therapy, Southern States Bldg., 6606 W. Broad St., Richmond, VA 23230, telephone (804) 662-9924, FAX (804) 662-9523, (804) 662-7197/TTY , e-mail elizabeth.young@dhp.state.va.us.

## POLYGRAPH EXAMINERS ADVISORY BOARD


**† December 4, 2002 - 10 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 

A meeting to conduct board business.


**Contact:** Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail polygraph@dpor.state.va.us.

## VIRGINIA OFFICE FOR PROTECTION AND ADVOCACY

### Developmental Disabilities Advisory Council

**† October 24, 2002 - 10 a.m.** -- Open Meeting  
Hampton Inn and Suites, 900 West Main Street, Charlottesville, Virginia.  (Interpreter for the deaf provided upon request)

A regular quarterly meeting. Public comment is welcome and will be received at approximately 10:15 a.m.

**Contact:** Kim Ware, Program Operations Coordinator, Virginia Office for Protection and Advocacy, 202 N. 9th St., 9th Floor, Richmond, VA 23219, telephone (804) 225-2061, FAX (804) 225-3221, toll-free (800) 552-3962, (804) 225-2042/TTY , e-mail wareka@vopa.state.va.us.

## BOARD OF PSYCHOLOGY

**November 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 Board of Psychology intends to amend regulations entitled: **18 VAC 125-20. Regulations Governing the Practice of Psychology**. The purpose of the proposed action is increase renewal and other fees charged to licensees and change the renewal cycle from biennial to annual.

Statutory Authority: Chapter 36 (§ 54.1-3600 et seq.) of Title 54.1 of the Code of Virginia.

Public comments may be submitted until November 8, 2002, to Evelyn B. Brown, Executive Director, Board of Psychology, 6606 W. Broad St., Richmond, VA 23230.

**Contact:** Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6606 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.state.va.us.


## VIRGINIA PUBLIC BROADCASTING BOARD

**† November 13, 2002 - 10 a.m.** -- Open Meeting  
State Capitol, House Room 2, Richmond, Virginia.   
(Interpreter for the deaf provided upon request)


A regular quarterly meeting.

**Contact:** James Roberts, Deputy Secretary of Administration, Virginia Public Broadcasting Board, 202 N. 9th St., Richmond, VA. 23219, telephone (804) 786-1201, FAX (804) 372-0038, e-mail jroberts@gov.state.va.us.


## REAL ESTATE APPRAISER BOARD

**† November 5, 2002 - 10 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 

A general business meeting.

**Contact:** Christine Martine, Assistant Director, Real Estate Appraiser Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail reappraisers@dpor.state.va.us.

## REAL ESTATE BOARD

**October 23, 2002 - 1 p.m.** -- Open Meeting  
**December 19, 2002 - 9 a.m.** -- Open Meeting  
**December 20, 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 informal fact finding conferences. 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:** Debbie Amaker, Legal Assistant, Real Estate Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8582, FAX (804) 367-0194, (804) 367-9753/TTY ☎, e-mail amaker@dpor.state.va.us, homepage http://www.state.va.us/dpor.

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**October 23, 2002 - 3 p.m.** -- Public Hearing  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

**November 9, 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 Real Estate Board intends to amend regulations entitled: **18 VAC 135-60. Common Interest Community Management Information Fund Regulations.** The purpose of the proposed action is to implement the provisions of § 55-529 of the Code of Virginia relating to the Common Interest Community Management Information Fund.

Statutory Authority: § 55-530 of the Code of Virginia.

**Contact:** Karen W. O'Neal, Deputy Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475 or e-mail oneal@dpor.state.va.us.

† **October 23, 2002 - 4 p.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

A general business meeting of the Education Committee.

**Contact:** Werner Versch II, Education Administrator, Real Estate Board, 3600 W. Broad St., telephone (804) 367-8510, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail reboard@dpor.state.va.us.

† **October 24, 2002 - 8:30 a.m.** -- Public Hearing  
Department of Professional and Occupational Regulation 3600 West Broad Street, Richmond, Virginia. ♿

A public hearing on Proposed Common Interest Community Management Information Fund regulations.

**Contact:** Karen W. O'Neal, Regulatory Programs Coordinator, Real Estate Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail oneal@dpor.state.va.us.

† **October 24, 2002 - 8:30 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

A general business meeting of the Fair Housing Committee.

**Contact:** Liz Hayes, Investigations Supervisor, Real Estate Board, 3600 W. Broad St., telephone (804) 367-8530, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail fairhousing@dpor.state.va.us.

**October 24, 2002 - 9 a.m.** -- Open Meeting  
† **December 5, 2002 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

A general business meeting.

**Contact:** Christine Martine, Assistant Director, Real Estate Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail reboard@dpor.state.va.us.

**November 13, 2002 - 9 a.m.** -- Open Meeting  
**November 14, 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 informal fact-finding conferences. Persons desiring to participate in the meeting and requiring special accommodations or interpretive 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:** Debbie Amaker, Legal Assistant, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8582, FAX (804) 367-0194, (804) 367-9753/TTY ☎, e-mail amaker@dpor.state.va.us.

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NOTE: PUBLIC COMMENT PERIOD EXTENDED  
**November 20, 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 Real Estate Board intends to amend regulations entitled: **18 VAC 135-50. Real Estate Board Fair Housing Regulations.** The purpose of the proposed action is to amend existing fair housing regulations to reflect changes in the Code of Virginia and federal law.

Statutory Authority: §§ 36-96.20 and 54.1-2105 of the Code of Virginia.

**Contact:** Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail reboard@dpor.state.va.us.

## VIRGINIA RECYCLING MARKETS DEVELOPMENT COUNCIL

**October 21, 2002 - 10 a.m.** -- Open Meeting  
Clarion Hotel and Conference Center, 500 Merrimac Trail, Williamsburg, Virginia. ♿

A meeting of the council in conjunction with the first day of the annual Virginia Recycling Association Conference and Tradeshow.


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# Calendar of Events


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**Contact:** William K. Norris, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4022, e-mail wknorris@deq.state.va.us.


## BOARD OF REHABILITATIVE SERVICES


† **October 24, 2002 - 10 a.m.** -- Open Meeting  
Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, Virginia. 


A meeting to conduct business of the board. Public comments will be received at approximately 10:15 a.m.

**Contact:** Barbara Tyson, Department of Rehabilitative Services, 8004 Franklin Farms Dr., P.O. Box K-300, Richmond, VA 23288-0300, telephone (804) 662-7010, toll-free (800) 552-5019, (804) 662-9040/TTY , e-mail tysonbg@drs.state.va.us.


## DEPARTMENT OF REHABILITATIVE SERVICES

**November 7, 2002 - 4 p.m.** -- Public Hearing  
Department of Rehabilitative Services, Fairfax Office, 11150 Main Street, Suite 300, Fairfax, Virginia  (Interpreter for the deaf provided upon request)


**November 13, 2002 - 4 p.m.** -- Public Hearing  
Department of Rehabilitative Services, Tidewater Regional Office, 5700 Thurston Avenue, Suite 107, Portsmouth, Virginia.  (Interpreter for the deaf provided upon request)

**November 18, 2002 - 4 p.m.** -- Public Hearing  
Woodrow Wilson Rehabilitation Center, William Cashett Chapel, State Route 250, Fishersville, Virginia.  (Interpreter for the deaf provided upon request)

The Virginia Department of Rehabilitative Services will hold public forums to seek input regarding vocational rehabilitation and supported employment services provided to Virginians with disabilities. The state plan is available for review at [www.vadrs.org](http://www.vadrs.org), the Department of Rehabilitative Services sponsored website, or at [www.va-src.org](http://www.va-src.org), the website sponsored by the State Rehabilitation Council.

**Contact:** Elizabeth Smith, Policy and Planning Director, Department of Rehabilitative Services, 8004 Franklin Farms Dr., P.O. Box K-300, Richmond, VA 23288-0300, telephone (804) 662-7071, FAX (804) 662-7696, toll-free (800) 552-5019, (800) 464-9950/TTY , e-mail smithee@drs.state.va.us.

## VIRGINIA RESOURCES AUTHORITY

† **November 15, 2002 - 9 a.m.** -- Open Meeting  
† **December 10, 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., Richmond, VA 23219, telephone (804) 644-3100, FAX (804) 644-3109, e-mail bmcræ@vra.state.va.us.

## SCIENCE MUSEUM OF VIRGINIA

**October 23, 2002 - Noon** -- Open Meeting

A quarterly meeting of the Board of Trustees Finance Committee.

**Contact:** Nina Johnson, Administrative Assistant, Science Museum of Virginia, 2500 W. Broad St., Richmond, VA, telephone (804) 864-1493, FAX (804) 864-1560, toll-free (800) 659-1727, e-mail njohnson@smv.org.

**October 24, 2002 - 3 p.m.** -- Open Meeting  
Science Museum of Virginia, 2500 W. Broad Street, Richmond, Virginia. 

A quarterly meeting of the Board of Trustees Finance Committee.

**Contact:** Karen Raham, Administrative Assistant, Science Museum of Virginia, 2500 W. Broad St., Richmond, VA, telephone (804) 864-1499, FAX (804) 864-1560, toll-free (800) 659-1727, e-mail kraham@smv.org.


## SEWAGE HANDLING AND DISPOSAL APPEAL REVIEW BOARD

**October 23, 2002 - 10 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia.

A meeting to hear appeals of Department of Health denials of septic tank permits.

**Contact:** Susan C. Sherertz, Business Manager, Department of Health, 1500 E. Main St., Room 115, Richmond, VA 23219, telephone (804) 371-4236, FAX (804) 225-4003, e-mail ssherertz@vdh.state.va.us.

## VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

**October 24, 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) 371-8256, FAX (804) 225-3384, e-mail sparsons@dba.state.va.us.

## STATE BOARD OF SOCIAL SERVICES

**December 18, 2002 - 9 a.m.** -- Open Meeting

**December 19, 2002 - 9 a.m.** -- Open Meeting

Ramada Inn 1776, 725 Bypass Road, Williamsburg, Virginia. ♿

A formal business meeting of the board.

**Contact:** Pat Rengnerth, Board Liaison, State Board of Social Services, 730 E. Broad St., Suite 812, Richmond, VA 23219-1849, telephone (804) 692-1826, FAX (804) 692-1962, (800) 828-1120/TTY ♿, e-mail pvr2@email1.dss.state.va.us.

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**November 22, 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 adopt regulations entitled: **22 VAC 40-375. Economic and Employment Improvement Program for Disadvantaged Persons.** The purpose of the proposed action is to establish a regulation that implements the Economic and Employment Improvement Program for Disadvantaged Persons.

Statutory Authority: §§ 63.2-217 and 63.2-700 et seq. of the Code of Virginia.

**Contact:** Faye Palmer, Manager, Job Readiness and Employment, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1065, FAX (804) 225-2202 or e-mail afp900@email1.dss.state.va.us.

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**November 22, 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 40-700. Child Protective Services Central Registry Information.** The purpose of the proposed action is to ensure that the regulation is consistent with the regulation entitled Child Protective Services, 22 VAC 40-705, which requires preponderance of the evidence for founded disposition; and to ensure consistency with the Virginia Court of Appeals decision of Jackson v. Marshall, which determined that only categories of "founded" and "unfounded" are allowed under § 63.1-248 of the Code of Virginia. The department officially ceased use of the Reason to Suspect category on March 9, 1995.

Statutory Authority: §§ 63.2-217 and 63.2-1515 of the Code of Virginia.

**Contact:** Jesslyn Cobb, Program Specialist, Department of Social Services, 730 E. Broad St., Richmond, VA 23219-1849, telephone (804) 692-1255, FAX (804) 692-2215 or e-mail jqc900@email1.dss.state.va.us.

## DEPARTMENT OF SOCIAL SERVICES

**December 6, 2002 - 10 a.m.** -- Open Meeting

Department of Social Services, 730 East Broad Street, 8th Floor, Conference Room, Richmond, Virginia. ♿

A regular business meeting of the Family and Children's Trust Fund Board of Trustees.

**Contact:** Nan McKenney, Executive Director, State Board of Social Services, 730 E. Broad St., Richmond, VA 23219-1849, telephone (804) 692-1823, FAX (804) 692-1869.

## DEPARTMENT OF TECHNOLOGY PLANNING

### Virginia Research and Technology Advisory Commission

**December 12, 2002 - 1:30 p.m.** -- Open Meeting

Jefferson Labs, Newport News, Virginia.

A quarterly meeting to coincide with the Virginia Biotechnology Summit.

**Contact:** K.C. Das, Department of Technology Planning, 110 S. 7th Street, Suite 135, Richmond, VA 23219, telephone (804) 371-5599, FAX (804) 371-2795, e-mail kcdas@dit.state.va.us.

### Virginia Geographic Information Network Advisory Board

**November 7, 2002 - 1:30 p.m.** -- Open Meeting

**January 2, 2002 - 1:30 p.m.** -- Open Meeting

Richmond Plaza Building, 110 South 7th Street, 3rd Floor Training Room, Richmond, Virginia. ♿

A regular meeting.

**Contact:** Bill Shinar, VGIN Coordinator, Department of Technology Planning, 110 S. 7th St., Suite 135, Richmond, VA 23219, telephone (804) 786-8175, FAX (804) 371-2795, e-mail bshinar@vgin.state.va.us.

### Wireless E-911 Services Board

**November 13, 2002 - 9 a.m.** -- Open Meeting

Department of Information Technology, 110 South 7th Street, 3rd Floor Conference Room, Richmond, Virginia. ♿

(Interpreter for the deaf provided upon request)

The CMRS subcommittee will meet in closed session at 9 a.m. A regular meeting of the board will begin at 10 a.m.

**Contact:** Steven Marzolf, Public Safety Communications Coordinator, Department of Technology Planning, 110 S. 7th


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# Calendar of Events

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St., Richmond, VA 23219, telephone (804) 371-0015, e-mail smarzolf@ntp.state.va.us.


## VIRGINIA TOBACCO SETTLEMENT FOUNDATION

† **December 3, 2002 - 1:30 p.m.** -- Open Meeting  
The Hilton Garden Inn, Richmond Innsbrook, 4050 Cox Road, Glen Allen, Virginia. 

A meeting of the Board of Trustees to discuss the initial evaluation results of our marketing campaign.

**Contact:** Eloise Burke, Administrative Specialist, Virginia Tobacco Settlement Foundation, 701 E. Franklin St., Suite 501, Richmond, VA 23219, telephone (804) 786-2523, FAX (804) 225-2272, e-mail eburke@tsf.state.va.us.

## COMMONWEALTH TRANSPORTATION BOARD

† **November 20, 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:** Sandra M. Mills, Assistant Legislative Coordinator, Department of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-7712, FAX (804) 371-0074, e-mail Sandee.Mills@VirginiaDOT.org.

† **November 21, 2002 - 9 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:** Sandra M. Mills, Assistant Legislative Liaison, Department of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 225-4701, FAX (804) 225-4700, e-mail Sandee.Mills@VirginiaDOT.org.

## BOARD OF VETERINARY MEDICINE


**October 31, 2002 - 10 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. 

The board will conduct a general business meeting including consideration of regulatory and disciplinary issues as may be presented on the agenda. 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.

**November 7, 2002 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. 

A general business meeting, including regulatory and disciplinary matters as may be presented on the agenda. 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.

## VIRGINIA VOLUNTARY FORMULARY

**October 22, 2002 - 10 a.m.** -- Public Hearing  
Washington Building, 1100 Bank Street, 2nd Floor Conference Room, Richmond, Virginia. 

A public hearing to consider the adoption and issuance of revisions to the Virginia Voluntary Formulary. The proposed revisions to the Virginia Voluntary Formulary add drugs to the Formulary that became effective April 9, 2001, and the most recent supplement to that revision. Copies of the proposed revisions to the Formulary are available for inspection at the Bureau of Pharmacy Services. Written comments received by the bureau prior to 5 p.m. on October 22, 2002, will be made a part of the hearing record and considered by the board.


**Contact:** James K. Thomson, Director, Bureau of Pharmacy Services, Department of Health, 101 North 14th St., Room S-45, Richmond, VA 23219, telephone (804) 786-4326.

**November 12, 2002 - 10:30 a.m.** -- Open Meeting  
Washington Building, 1100 Bank Street, 2nd Floor Conference Room, Richmond, Virginia. 

A meeting to consider public hearing comments and evaluate data submitted by pharmaceutical manufacturers and distributors for products being considered for inclusion in the Virginia Voluntary Formulary.

**Contact:** James K. Thomson, Director, Bureau of Pharmacy Services, Department of Health, 101 North 14th St., Room S-45, Richmond, VA 23219, telephone (804) 786-4326.

## VIRGINIA WASTE MANAGEMENT BOARD

**October 24, 2002 - 2 p.m.** -- Public Hearing  
Department of Environmental Quality, 629 East Main Street, Richmond, Virginia. 

**November 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 Virginia Waste Management Board intends to amend regulations entitled: **9 VAC 20-110. Regulations Governing the Transportation of Hazardous Materials.** The purpose of the proposed action is to revise definitions as necessary for consistency with federal regulations, update references to cite current federal regulations, remove obsolete sections and revise, as necessary, requirements for registration of shippers.

Statutory Authority: § 10.1-1450 of the Code of Virginia.

**Contact:** Melissa Porterfield, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4238, e-mail mporterfi@deq.state.va.us.

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**November 12, 2002 - 2:30 p.m.** -- Public Hearing  
Department of Environmental Quality, 629 East Main Street, First Floor Conference Room, Richmond, Virginia. ♿

**December 6, 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 Virginia Waste Management Board intends to amend regulations entitled: **9 VAC 20-80. Solid Waste Management Regulations.** The purpose of the proposed action is to address the remaining statutory changes passed during recent General Assembly sessions that are not addressed in Amendment 2.

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

**Contact:** Michael J. Dieter, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4238, e-mail mjdieter@deq.state.va.us.

## STATE WATER CONTROL BOARD

**October 31, 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 Water Control Board intends to amend regulations entitled: **9 VAC 25-120. General Pollutant Discharge Elimination System (VPDES) Permit Regulation for Discharges from Petroleum Contaminated Sites and Hydrostatic Tests.** The purpose of the proposed action is to receive public comment on the draft General VPDES Regulation for Discharges from Petroleum Contaminated Sites and Hydrostatic Tests and the proposed reissuance of the General VPDES Permit (VAG83) to discharge to state waters.

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

**Contact:** Jon van Soestbergen, P.E., Environmental Manager II, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4117, FAX (804) 698-4032 or e-mail jvansoest@deq.state.va.us.

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**October 31, 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 Water Control Board intends to amend regulations entitled: **9 VAC 25-196. General Pollutant Discharge Elimination System (VPDES) Permit Regulation for Cooling Water Discharges.** The purpose of the proposed action is to receive public comment on the draft General VPDES Regulation for Cooling Water Discharges and the proposed reissuance of the General VPDES Permit (VAG25) to discharge to state waters.

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

**Contact:** Jon van Soestbergen, P.E., Environmental Manager II, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4117, FAX (804) 698-4032 or e-mail jvansoest@deq.state.va.us.

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**November 1, 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 Water Control Board intends to amend regulations entitled: **9 VAC 25-260. Water Quality Standards** and adopt regulations entitled: **9 VAC 25-280. Groundwater Quality Standards.** The purpose of the proposed action is to include updates and revisions to water quality criteria, use designations, mixing zones and the antidegradation policy. Substantive changes include the addition of secondary contact bacteria criteria, the revision of approximately 30 existing numerical criteria and the addition of approximately 33 new numerical criteria and the placement of several waters in the Class VII "swamp waters" classification along with a new pH criteria for those streams. The changes are based on EPA requirements and recommendations, the Department of Environmental Quality staff requests, and public comments. The amendments also move the groundwater standards into a separate regulation (9 VAC 25-280). This regulation contains the existing groundwater standards, criteria and antidegradation policy as well as pertinent definitions, general requirements, requirements for modification, amendment, and cancellation of standards and designations of authority.

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

**Contact:** Eleanore Daub, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4111 or e-mail: emdaub@deq.state.va.us.

**November 7, 2002 - 10 a.m.** -- Open Meeting  
Department of Environmental Quality, 629 East Main Street, Richmond, Virginia. ♿

A meeting of the advisory committee assisting the department in the development of a draft General VPDES Permit for Ready-Mixed Concrete Plants.



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# Calendar of Events

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**Contact:** Lily Choi, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4054, FAX (804) 698-4032, e-mail ychoi@deq.state.va.us.

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**November 12, 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 Water Control Board intends to repeal regulations entitled: **9 VAC 25-70. Regulation No. 5 - Control of Pollution from Boats** and **9 VAC 25-730. Smith Mountain Lake No-Discharge Zone** and adopt regulations entitled: **9 VAC 25-71. Regulations Governing the Discharge of Sewage and Other Wastes from Boats.** The purpose of the proposed action is to repeal 9 VAC 25-70 and 9 VAC 25-730 and concurrently adopt 9 VAC 25-71 in order to provide a state regulation to address discharges of sewage and other wastes (decayed wood, sawdust, oil, etc.) from boats, especially with regard to implementation of no discharge zones.

Statutory Authority: §§ 62.1-44.15 and 62.1-44.33 of the Code of Virginia.

**Contact:** Michael B. Gregory, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4065, FAX (804) 698-4032 or e-mail mbgregory@deq.state.va.us.

## VIRGINIA BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

**December 12, 2002 - 8:30 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 5W, Richmond, Virginia. ☎

The board will 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.

## INDEPENDENT

### STATE LOTTERY BOARD

**October 30, 2002 - 9:30 a.m.** -- Open Meeting  
Pocahontas Building, 900 East Main Street, Richmond, Virginia. ☎

A regular meeting.

**Contact:** Barbara L. Robertson, Legislative and Regulatory Coordinator, State Lottery Board, 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

**November 19, 2002 - Noon** -- Open Meeting  
**December 18, 2002 - Noon** -- Open Meeting  
VRS Headquarters, 1200 East Main Street, Richmond, Virginia. ☎

A regular meeting of the Optional Retirement Plan Advisory Committee.

**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.

† **October 21, 2002 - 11 a.m.** -- Open Meeting  
† **November 20, 2002 - 11 a.m.** -- Open Meeting  
**December 18, 2002 - 3 p.m.** -- Open Meeting  
Bank of America Building, 1111 East Main Street, 4th Floor Conference Room, Richmond, Virginia. ☎

A regular meeting of the Investment Advisory Committee. No public comment will be received at the meeting.

**Contact:** Phyllis Henderson, Virginia Retirement System, 1111 E. Main St., 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.

**November 20, 2002 - Noon** -- Open Meeting  
VRS Headquarters, 1200 East Main Street, Richmond, Virginia. ☎

Committees will meet as follows:

- Noon - Audit and Compliance Committee
- 1 p.m. - Benefits and Actuarial Committee
- 2:30 p.m. - Administrative and Personnel Committee
- 3 p.m. - Investment Advisory Committee

**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.

**November 21, 2002 - 9 a.m.** -- Open Meeting  
**December 19, 2002 - 9 a.m.** -- Open Meeting  
VRS Headquarters, 1200 East Main Street, Richmond, Virginia. ☎

A regular meeting of the Board of Trustees. No public comment will be received.

**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 dkstner@vrs.state.va.us.

† **November 21, 2002 - 12:15 p.m.** -- Open Meeting  
† **December 19, 2002 - 12:15 p.m.** -- Open Meeting  
† **January 23, 2003 - 12:15 p.m.** -- Open Meeting  
VRS Investment Department, Bank of America Building, 1111 East Main Street, 4th Floor, Richmond, Virginia. ☎

A regular meeting of the Corporate Governance Task Force.

**Contact:** Phyllis Henderson, Investment Department Administrative Assistant, Virginia Retirement System, 1111 E. Main St., Richmond, VA 23219, telephone (804) 697-6675, FAX (804) 786-1541, toll-free (888) 827-3847, e-mail phenderson@vrs.state.va.us.

## LEGISLATIVE

### VIRGINIA CODE COMMISSION

† **November 7, 2002 - 10 a.m.** -- Open Meeting  
† **December 3, 2002 - 10 a.m.** -- Open Meeting  
General Assembly Building, 910 Capitol Street, 6th Floor, Speaker's Conference Room, Richmond, Virginia. ♿  
(Interpreter for the deaf provided upon request)

A meeting to continue with the recodification of Title 25, Eminent Domain. Public comments will be received at the end of the meeting.

**Contact:** Jane D. Chaffin, Registrar of Regulations, Virginia Code Commission, 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 692-0625, e-mail jchaffin@leg.state.va.us.

### DR. MARTIN LUTHER KING JR. MEMORIAL COMMISSION

**October 24, 2002 - 10 a.m.** -- Open Meeting  
**November 15, 2002 - 10 a.m.** -- Open Meeting  
**December 17, 2002 - 10 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, Senate Room A, Richmond, Virginia. ♿

A regular meeting. Questions about the agenda should be addressed to Brenda Edwards or Norma Szakal, Division of Legislative Services, (804) 786-3591.

**Contact:** Anne R. Howard, House Committee Operations, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY ♿

### VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL

† **November 18, 2002 - 2 p.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting.

**Contact:** Maria J.K. Everett, Executive Director, Virginia Freedom of Information Advisory Council, General Assembly Bldg., 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 225-3056, FAX (804) 371-0169, toll-free (866) 448-4100, e-mail foiaocouncil@leg.state.va.us.

### JOINT SUBCOMMITTEE TO STUDY THE EFFECTIVENESS AND COSTS OF THE GUARDIAN AD LITEM PROGRAM

† **November 12, 2002 - 4:30 p.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, 6th Floor Conference Room, Richmond, Virginia. ♿

A regular meeting. Questions about the agenda should be addressed to Robie Ingram or Jescey French, Division of Legislative Services, (804) 786-3591.

**Contact:** Anne R. Howard, House Committee Operations, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY ♿

### JOINT COMMISSION ON TECHNOLOGY AND SCIENCE

**October 24, 2002 - 10 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. ♿

A regular meeting of the Integrated Government Advisory Committee.

**Contact:** Eric Link, Staff Attorney, Joint Commission on Technology and Science, General Assembly Building, 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, e-mail elink@leg.state.va.us.

† **October 29, 2002 - 10 a.m.** -- Open Meeting  
General Assembly Building, House Room D, Richmond, Virginia. ♿

A meeting of the Center for Innovative Technology Advisory Committee.

**Contact:** Mitchell Goldstein, Director, Joint Commission on Technology and Science, General Assembly Building, 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, e-mail mgoldstein@leg.state.va.us.

**October 30, 2002 - 10 a.m.** -- Open Meeting  
Old Dominion University, Webb University Center, Board of Visitors Conference Room, Norfolk, Virginia.

A regular meeting of the Intellectual Property and Entrepreneurial Development Advisory Committee.

**Contact:** Eric Link, Staff Attorney, Joint Commission on Technology and Science, General Assembly Building, 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, e-mail elink@leg.state.va.us.

† **November 7, 2002 - 10 a.m.** -- Open Meeting  
General Assembly Building, House Room D, Richmond, Virginia. ♿

A meeting of the Privacy Advisory Committee.

**Contact:** Mitchell Goldstein, Director, Joint Commission on Technology and Science, General Assembly Building, 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, e-mail mgoldstein@leg.state.va.us.

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# Calendar of Events

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## CHRONOLOGICAL LIST

### OPEN MEETINGS

#### October 21

- † Air Pollution Control Board, State
- Barbers and Cosmetology, Board for
- Environmental Quality, Department of
- † Gaming Commission, Charitable
- Intergovernmental Relations, Virginia Advisory Commission on
- † Mental Health, Mental Retardation and Substance Abuse Services, Department of
- Nursing, Board of
  - Special Conference Committee
- Old Dominion University
  - Executive Committee
- † Retirement System, Virginia
  - Investment Advisory Committee

#### October 22

- † Attorney General, Office of the
  - Advisory Council on Domestic Violence and Sexual Assault
- Aviation Board, Virginia
- Blind and Vision Impaired, Board for the
- Environmental Quality, Department of
- Marine Resources Commission
- Nursing, Board of
  - Special Conference Committee

#### October 23

- Aviation Board, Virginia
- Blind and Vision Impaired, Department for the
- Labor and Industry, Department of
  - Virginia Migrant and Seasonal Farmworkers Board
- Medicine, Board of
  - Informal Conference Committee
- † Real Estate Board
  - Education Committee
- Science Museum of Virginia
  - Board of Trustees Finance Committee
- Sewage Handling and Disposal Appeal Review Board

#### October 24

- Blind and Vision Impaired, Department for the
- Game and Inland Fisheries, Department of
- Dr. Martin Luther King, Jr. Memorial Commission
- Medicine, Board of
- Mines, Minerals and Energy, Department of
  - Virginia Coal Mine Safety Board
- † Protection and Advocacy, Virginia Office for
  - Developmental Disabilities Advisory Council
- † Real Estate Board
  - Fair Housing Committee
- † Rehabilitative Services, Board of
- Science Museum of Virginia
  - Board of Trustees Finance Committee
- Small Business Financing Authority, Virginia
- Technology and Science, Joint Commission on
  - Integrated Government Advisory Committee

#### October 25

- † Dentistry, Board of
  - Special Conference Committee

#### October 28

- † Alcoholic Beverage Control Board
- Health, Department of
  - Radiation Advisory Board

#### October 29

- Asbestos, Lead, and Home Inspectors, Virginia Board for
- Chesapeake Bay Local Assistance Board
  - Policy Committee
  - Regulatory Committee
  - Southern Area Review Committee
- Compensation Board
- Nursing, Board of
  - Special Conference Committee
- † Technology and Science, Joint Commission on
  - Center for Innovative Technology Advisory Committee

#### October 30

- † Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, Board for
  - Architect Section
- † Governor, Office of the
  - Governor's Commission on Efficiency and Effectiveness
- Health Professions, Department of
- Lottery Board, State
- Medicine, Board of
- Pharmacy, Board of
  - Special Conference Committee
- Technology and Science, Joint Commission on
  - Intellectual Property and Entrepreneurial Development Advisory Committee

#### October 31

- † Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, Board for
  - Landscape Architects Section
- † Corrections, Board of
- Mental Health, Mental Retardation and Substance Abuse Services, Department of
- Veterinary Medicine, Board of

#### November 1

- Art and Architectural Review Board
- Blind and Vision Impaired, Department for the
- Physical Therapy, Board of

#### November 4

- † Branch Pilots, Board for
- Deaf and Hard-of-Hearing, Department for the
- † Mental Health, Mental Retardation and Substance Abuse Services, Department of
- Museum of Natural History, Virginia
  - Board of Trustees Executive Committee
- Pharmacy, Board of
  - Informal Conference Committee

#### November 5

- † Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, Board for
  - Interior Designers Section
- † Real Estate Appraiser Board

#### November 6

- Accountancy, Board of
  - Enforcement Committee
- Agriculture and Consumer Services, Department of

- Consumer Affairs Advisory Committee
- † Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, Board for
  - Professional Engineers Section
- † Conservation and Recreation, Department of Education, Board of
  - Committee to Implement NCLB
- † Museum of Fine Arts, Virginia
  - Executive Committee

## November 7

- Audiology and Speech-Language Pathology, Board of Blind and Vision Impaired, Department for the
- † Code Commission, Virginia
- Conservation and Recreation, Department of
  - Falls of the James Scenic River Advisory Board
- Jamestown-Yorktown Foundation
- † Longwood University
  - Executive Committee
- Medical Assistance Services, Department of
  - Medicaid Drug Utilization Review Board
- Technology Planning, Department of
  - VGIN Advisory Board
- † Technology and Science, Joint Commission on
  - Privacy Advisory Committee
- Veterinary Medicine, Board of
- Water Control Board, State

## November 8

- Child Fatality Review Team, State
- † Dentistry, Board of
- † Jamestown-Yorktown Foundation
- Opticians, Board for

## November 11

- Intergovernmental Relations, Virginia Advisory Commission on

## November 12

- † Alcoholic Beverage Control Board
- † Guardian Ad Litem Program, Joint Subcommittee to Study the Effectiveness and Costs of the
- † Motor Vehicle Dealer Board
  - Advertising Committee
  - Dealer Practices Committee
  - Franchise Law Committee
  - Licensing Committee
  - Transaction Recovery Fund Committee
- Voluntary Formulary Board, Virginia

## November 13

- † Agriculture and Consumer Services, Department of
  - Virginia State Apple Board
- † Cemetery Board
- Contractors, Board for
  - Tradesman/Education Committee
- Gaming Commission, Charitable
- † Governor, Office of the
  - Governor's Commission on Efficiency and Effectiveness
- † Juvenile Justice, State Board of
- Medicine, Board of
- † Public Broadcasting Board, Virginia
- Real Estate Board
- Technology Planning, Department of
  - Wireless E-911 Services Board

## November 14

- Alzheimer's Disease and Related Disorders Commission
- † Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, Board for
  - Land Surveyor Section
- Medicine, Board of
- Real Estate Board

## November 15

- † Dentistry, Board of
- Dr. Martin Luther King Jr. Memorial Commission
- † Governor, Office of the
  - Governor's Commission on Efficiency and Effectiveness
- † Health, Department of
  - State Emergency medical Services Advisory Board
- † Resources Authority, Virginia
  - Board of Directors

## November 18

- † Freedom of Information Advisory Council, Virginia
- Jamestown-Yorktown Foundation
- Library Board, State
  - Archival and Information Systems
  - Collection Management Services Committee
  - Legislative and Finance Committee
  - Publications and Educational Services Committee
  - Public Library Development Committee
  - Records Management Committee
- Local Government, Commission on
- Nursing, Board of
- Old Dominion University
  - Executive Committee

## November 19

- Environmental Quality, Department of
  - Ground Water Protection Steering Committee
- Funeral Directors and Embalmers, Board of
- Marine Resources Commission
- Retirement System, Virginia
  - Optional Retirement Plan Advisory Committee

## November 20

- Education, Board of
- Retirement System, Virginia
  - Administration and Personnel Committee
  - Audit and Compliance Committee
  - Benefits and Actuarial Committee
  - Investment Advisory Committee
- † Transportation Board, Commonwealth

## November 21

- Design-Build/Construction Management Review Board
- George Mason University
  - Board of Visitors
- † Manufactured Housing Board, Virginia
- Nursing, Board of
- Retirement System, Virginia
  - Board of Trustees
  - Corporate Governance Task Force
- † Transportation Board, Commonwealth

## November 22

- † Accountancy, Board of
- † Dentistry, Board of
  - Special Conference Committee

## November 25

- † Alcoholic Beverage Control Board

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# Calendar of Events

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Conservation and Recreation, Department of  
- Chippokes Plantation Farm Foundation Board of Trustees

**December 3**  
† Code Commission, Virginia  
Funeral Directors and Embalmers, Board of  
† Tobacco Settlement Foundation, Virginia  
- Board of Trustees

**December 4**  
Contractors, Board for  
Education, Board of  
- Committee to Implement NCLB  
Gaming Commission, Charitable  
Nursing, Board of  
- Special Conference Committee  
† Polygraph Examiners Advisory Board

**December 5**  
Conservation and Recreation, Department of  
- Falls of the James Scenic River Advisory Board  
† Governor, Office of the  
- Governor's Commission on Efficiency and Effectiveness  
† Real Estate Board

**December 6**  
Art and Architectural Review Board  
Museum of Natural History, Virginia  
- Board of Trustees Executive Committee  
Social Services, State Board of  
- Family and Children's Trust Fund Board

**December 7**  
† Blind and Vision Impaired, Department for the  
- Statewide Rehabilitation Council for the Blind

**December 9**  
† Alcoholic Beverage Control Board  
Nursing, Board of  
- Special Conference Committee

**December 10**  
Medical Assistance Services, Board of  
Nursing, Board of  
- Special Conference Committee  
† Resources Authority, Virginia

**December 11**  
† Architects, Professional Engineers, Land Surveyors,  
Certified Interior Designers and Landscape Architects,  
Board for  
Milk Commission, State

**December 12**  
Health Professions, Department of  
- Intervention Program Committee  
Jamestown-Yorktown Foundation  
- Jamestown 2007 Steering Committee  
Motor Vehicles, Department of  
- Digital Signature Implementation Workgroup  
Technology Planning, Department of  
- Virginia Research and Technology Advisory  
Commission  
Waterworks and Wastewater Works Operators, Virginia  
Board for

**December 13**  
Health Professions, Department of  
- Intervention Program Committee  
Medicine, Board of  
- Credentials Committee

- Executive Committee  
Old Dominion University  
- Executive Committee

**December 16**  
Nursing, Board of  
- Special Conference Committee

**December 17**  
Dr. Martin Luther King, Jr. Memorial Commission

**December 18**  
Nursing, Board of  
- Special Conference Committee  
Retirement System, Virginia  
- Investment Advisory Committee  
- Optional Retirement Plan Advisory Committee  
Social Services, State Board of

**December 19**  
Design-Build/Construction Management Review Board  
Labor and Industry, Department of  
- Virginia Apprenticeship Council  
Real Estate Board  
Retirement System, Virginia  
- Board of Trustees  
- Corporate Governance Task Force  
Social Services, State Board of

**December 20**  
Real Estate Board

**December 23**  
† Alcoholic Beverage Control Board

**January 2, 2003**  
Technology Planning, Department of  
- Virginia Geographical Information Network Advisory  
Board

**January 9**  
† Education, Board of  
- State Special Education Advisory Committee

**January 10**  
† Education, Board of  
- State Special Education Advisory Committee

**January 17**  
† Library Board  
- Archival and Information Services Committee  
- Collection Management Services Committee  
- Legislative and Finance Committee  
- Publications and Education Services Committee  
- Public Library Development Committee  
- Records Management Committee

**January 23**  
† Retirement System, Virginia  
- Corporate Governance Task Force

**January 30**  
† George Mason University  
- Board of Visitors

## PUBLIC HEARINGS

**October 21**  
† Education, Board of

**October 22**  
Voluntary Formulary Board, Virginia

**October 23**  
Real Estate Board

**October 24**

† Real Estate Board  
Waste Management Board, Virginia

**November 5**

† Environmental Quality, Department of

**November 7**

Rehabilitative Services, Department of

**November 12**

Air Pollution Control Board, State  
Waste Management Board, Virginia

**November 13**

Rehabilitative Services, Department of

**November 18**

Rehabilitative Services, Department of

**December 5**

† Governor, Office of the  
- Governor's Commission on Efficiency and Effectiveness  
Mental Health, Mental Retardation and Substance Abuse  
Services Board, State

**March 13, 2003**

Agriculture and Consumer Services, State Board of