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CUMULATIVE TABLE OF VIRGINIA ADMINISTRATIVE CODE SECTIONS ADOPTED, AMENDED, OR REPEALED

The table printed below lists regulation sections, by Virginia Administrative Code (VAC) title, that have been amended, added or repealed in the *Virginia Register* since the regulations were originally published or last supplemented in VAC (the Fall 2002 VAC Supplement includes final regulations published through *Virginia Register* Volume 18, Issue 24, dated August 12, 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
Title 4. Conservation and Natural Resources			
4 VAC 15-20-160	Amended	19:1 VA.R. 102	10/23/02
4 VAC 15-30-40	Amended	19:5 VA.R. 805	1/1/03
4 VAC 15-320-20	Repealed	19:5 VA.R. 805	1/1/03
4 VAC 15-320-25	Added	19:5 VA.R. 805	1/1/03
4 VAC 15-320-30	Repealed	19:5 VA.R. 805	1/1/03
4 VAC 15-320-40	Amended	19:5 VA.R. 805	1/1/03
4 VAC 15-320-50	Amended	19:5 VA.R. 805	1/1/03
4 VAC 15-330-10	Amended	19:5 VA.R. 805	1/1/03
4 VAC 15-330-100	Amended	19:5 VA.R. 805	1/1/03
4 VAC 15-330-120	Amended	19:5 VA.R. 805	1/1/03
4 VAC 15-330-160	Amended	19:5 VA.R. 805	1/1/03
4 VAC 15-330-190	Amended	19:5 VA.R. 805	1/1/03
4 VAC 15-340-60	Amended	19:5 VA.R. 806	1/1/03
4 VAC 15-350-30	Amended	19:5 VA.R. 806	1/1/03
4 VAC 15-360-10	Amended	19:5 VA.R. 806	1/1/03
4 VAC 15-370-10	Repealed	19:5 VA.R. 807	1/1/03
4 VAC 15-370-30	Repealed	19:5 VA.R. 807	1/1/03
4 VAC 15-370-50	Amended	19:5 VA.R. 807	1/1/03
4 VAC 15-370-51	Added	19:5 VA.R. 807	1/1/03
4 VAC 15-370-70	Added	19:5 VA.R. 807	1/1/03
4 VAC 15-370-80	Added	19:5 VA.R. 807	1/1/03
4 VAC 15-380-10	Repealed	19:5 VA.R. 807	1/1/03
4 VAC 15-380-20	Repealed	19:5 VA.R. 807	1/1/03
4 VAC 15-380-30	Amended	19:5 VA.R. 807	1/1/03
4 VAC 15-380-40	Amended	19:5 VA.R. 807	1/1/03
4 VAC 15-380-50	Amended	19:5 VA.R. 807	1/1/03
4 VAC 15-380-60	Repealed	19:5 VA.R. 807	1/1/03
4 VAC 15-380-70	Amended	19:5 VA.R. 807	1/1/03
4 VAC 15-380-80 through 4 VAC 15-380-130	Added	19:5 VA.R. 807	1/1/03
4 VAC 15-390-10	Amended	19:5 VA.R. 808	1/1/03
4 VAC 15-390-11	Added	19:5 VA.R. 808	1/1/03
4 VAC 15-390-20	Amended	19:5 VA.R. 808	1/1/03
4 VAC 15-390-30	Amended	19:5 VA.R. 808	1/1/03
4 VAC 15-390-50	Amended	19:5 VA.R. 808	1/1/03
4 VAC 15-390-70	Amended	19:5 VA.R. 808	1/1/03
4 VAC 15-390-90	Amended	19:5 VA.R. 808	1/1/03
4 VAC 15-390-100	Amended	19:5 VA.R. 808	1/1/03
4 VAC 15-390-110	Amended	19:5 VA.R. 808	1/1/03
4 VAC 15-390-130	Amended	19:5 VA.R. 808	1/1/03
4 VAC 15-390-140	Added	19:5 VA.R. 808	1/1/03
4 VAC 15-390-150	Added	19:5 VA.R. 808	1/1/03
4 VAC 15-390-160	Added	19:5 VA.R. 808	1/1/03
4 VAC 15-400-20	Amended	19:5 VA.R. 808	1/1/03
4 VAC 15-400-30	Amended	19:5 VA.R. 808	1/1/03

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
4 VAC 15-400-50	Added	19:5 VA.R. 808	1/1/03
4 VAC 15-420-10 through 4 VAC 15-420-120	Added	19:5 VA.R. 808	1/1/03
4 VAC 15-430-10 through 4 VAC 15-430-220	Added	19:5 VA.R. 809	1/1/03
4 VAC 15-440-10 through 4 VAC 15-440-60	Added	19:5 VA.R. 809	1/1/03
4 VAC 20-430-20	Amended	19:3 VA.R. 432	10/1/02
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 20-670-30	Amended	18:25 VA.R. 3550	8/1/02
4 VAC 20-720-20	Amended	19:3 VA.R. 432	10/1/02
4 VAC 20-720-40	Amended	19:3 VA.R. 433	10/1/02
4 VAC 20-720-50 through 4 VAC 20-720-80	Amended	19:3 VA.R. 434-436	10/1/02
4 VAC 20-720-80	Amended	19:5 VA.R. 809	11/1/02
4 VAC 20-752-20	Amended	19:1 VA.R. 102	9/1/02
4 VAC 20-754-10 emer	Amended	19:5 VA.R. 811	10/27/02-11/25/02
4 VAC 20-754-20 emer	Amended	19:5 VA.R. 811	10/27/02-11/25/02
4 VAC 20-754-30 emer	Amended	19:1 VA.R. 137	8/28/02-9/27/02
4 VAC 20-754-30 emer	Amended	19:5 VA.R. 811	10/27/02-11/25/02
4 VAC 20-754-30	Amended	19:3 VA.R. 440	9/26/02
Title 6. Criminal Justice and Corrections			
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
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
Title 9. Environment			
9 VAC 5-40-90	Amended	19:6 VA.R. 996	2/1/03
9 VAC 5-40-120	Amended	19:6 VA.R. 996	2/1/03
9 VAC 5-50-90	Amended	19:6 VA.R. 997	2/1/03
9 VAC 5-50-120	Amended	19:6 VA.R. 997	2/1/03
9 VAC 5-50-400	Amended	19:6 VA.R. 998	2/1/03
9 VAC 5-50-410	Amended	19:6 VA.R. 998	2/1/03
9 VAC 5-50-420	Amended	19:6 VA.R. 1003	2/1/03
9 VAC 5-60-60	Amended	19:6 VA.R. 1003	2/1/03

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 5-60-90	Amended	19:6 VA.R. 1003	2/1/03
9 VAC 5-60-100	Amended	19:6 VA.R. 1003	2/1/03
9 VAC 5-60-120 through 9 VAC 5-60-180	Amended	19:3 VA.R. 441-454	12/1/02
9 VAC 5-91-380	Amended	19:3 VA.R. 455	12/1/02
9 VAC 5-220-10 through 9 VAC 5-220-60	Added	19:3 VA.R. 456	12/1/02
9 VAC 5-221-10 through 9 VAC 5-221-60	Added	19:3 VA.R. 456	12/1/02
9 VAC 5-510-10 through 9 VAC 5-510-250	Added	19:3 VA.R. 457-466	12/1/02
9 VAC 20-60-1285	Erratum	18:25 VA.R. 3607	--
9 VAC 20-150-30	Amended	19:6 VA.R. 1008	11/13/02
9 VAC 20-150-40	Amended	19:6 VA.R. 1008	11/13/02
9 VAC 20-150-80	Amended	19:6 VA.R. 1008	11/13/02
9 VAC 20-150-100	Amended	19:6 VA.R. 1008	11/13/02
9 VAC 20-150-110	Amended	19:6 VA.R. 1008	11/13/02
9 VAC 20-150-130	Amended	19:6 VA.R. 1008	11/13/02
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 25-180-10	Amended	19:4 VA.R. 629	12/4/02
9 VAC 25-180-20	Amended	19:4 VA.R. 629	12/4/02
9 VAC 25-180-40	Amended	19:4 VA.R. 629	12/4/02
9 VAC 25-180-50	Amended	19:4 VA.R. 629	12/4/02
9 VAC 25-180-55	Added	19:4 VA.R. 629	12/4/02
9 VAC 25-180-60	Amended	19:4 VA.R. 629	12/4/02
9 VAC 25-180-70	Amended	19:4 VA.R. 630	12/4/02
9 VAC 25-260-5	Amended	18:20 VA.R. 2658	*
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	**
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	**
9 VAC 25-750-10 through 9 VAC 25-750-50	Added	19:4 VA.R. 645-658	12/9/02

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

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

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
Title 11. Gaming			
11 VAC 10-130-80	Amended	19:3 VA.R. 478	9/27/02
Title 12. Health			
12 VAC 5-30	Repealed	19:3 VA.R. 478	1/1/03
12 VAC 5-31	Added	19:3 VA.R. 479-529	1/1/03
12 VAC 5-410-230	Amended	19:1 VA.R. 103	11/1/02
12 VAC 5-410-230	Erratum	19:3 VA.R. 549	--
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 30-70-201 emer	Amended	18:26 VA.R. 3906	9/1/02-8/31/03
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 emer	Amended	18:25 VA.R. 3571	8/1/02-7/31/03
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 30-90-18 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 30-120-210	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 30-120-249	Erratum	19:3 VA.R. 549	--
12 VAC 30-120-250	Repealed	18:26 VA.R. 3893	10/16/02
12 VAC 30-120-360	Amended	19:3 VA.R. 530	12/1/02
12 VAC 30-120-370	Amended	19:3 VA.R. 531	12/1/02
12 VAC 30-120-380	Amended	19:3 VA.R. 531	12/1/02
12 VAC 30-120-385	Repealed	19:3 VA.R. 531	12/1/02
12 VAC 30-120-390 through 12 VAC 30-120-420	Amended	19:3 VA.R. 531	12/1/02
12 VAC 30-120-700 (emer)	Amended	19:3 VA.R. 536	10/1/02-9/30/03
12 VAC 30-120-710 (emer)	Amended	19:3 VA.R. 539	10/1/02-9/30/03
12 VAC 30-120-720 (emer)	Amended	19:3 VA.R. 539	10/1/02-9/30/03
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 30-141-10 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 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
Title 13. Housing			
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
Title 14. Insurance			
14 VAC 5-71-10 through 14 VAC 5-71-100	Amended	19:1 VA.R. 104	9/4/02
14 VAC 5-170-20	Amended	19:4 VA.R. 660	10/24/02
14 VAC 5-170-30	Amended	19:4 VA.R. 660	10/24/02
14 VAC 5-170-60	Amended	19:4 VA.R. 661	10/24/02

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
14 VAC 5-170-70	Amended	19:4 VA.R. 662	10/24/02
14 VAC 5-170-105	Amended	19:4 VA.R. 665	10/24/02
14 VAC 5-170-150	Amended	19:4 VA.R. 670	10/24/02
14 VAC 5-170-180	Amended	19:4 VA.R. 688	10/24/02
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 5-350 (Forms)	Amended	19:5 VA.R. 814	--
14 VAC 5-385-10 through 14 VAC 5-385-150	Added	19:2 VA.R. 351	10/1/02
Title 16. Labor and Employment			
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
Title 18. Professional and Occupational Licensing			
18 VAC 50-22-100	Amended	19:6 VA.R. 1011	1/1/03
18 VAC 50-22-140	Amended	19:6 VA.R. 1011	1/1/03
18 VAC 50-22-170	Amended	19:6 VA.R. 1011	1/1/03
18 VAC 50-22-250	Amended	19:6 VA.R. 1011	1/1/03
18 VAC 50-30-90 through 18 VAC 50-30-130	Amended	19:6 VA.R. 1011	1/1/03
18 VAC 50-30-150	Amended	19:6 VA.R. 1011	1/1/03
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
18 VAC 85-80-120	Repealed	19:1 VA.R. 109	10/23/02
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

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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 110-20-20	Amended	19:4 VA.R. 689	12/4/02
18 VAC 110-30-15	Amended	19:4 VA.R. 691	12/4/02
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
Title 20. Public Utilities and Telecommunications			
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	Amended	19:1 VA.R. 121	1/1/03
20 VAC 5-312-90	Erratum	19:5 VA.R. 819	--
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
Title 22. Social Services			
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 15-30 (Forms)	Amended	19:4 VA.R. 695	--
22 VAC 15-60-10 through 22 VAC 15-60-180	Repealed	19:2 VA.R. 351	11/6/02
22 VAC 20-20-10 through 22 VAC 20-20-110	Amended	19:4 VA.R. 694	1/1/03
22 VAC 40-60 (Forms)	Amended	19:4 VA.R. 695	--
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 40-92-10 through 22 VAC 40-92-180	Repealed	19:3 VA.R. 531	11/20/02
22 VAC 40-705-10	Amended	19:6 VA.R. 1011	1/1/03
22 VAC 40-705-30 through 22 VAC 40-705-160	Amended	19:6 VA.R. 1014-1023	1/1/03
22 VAC 40-705-180	Amended	19:6 VA.R. 1023	1/1/03
22 VAC 40-705-190	Amended	19:6 VA.R. 1023	1/1/03
22 VAC 40-720-10	Amended	19:3 VA.R. 531	11/20/02
22 VAC 40-730-10	Amended	19:3 VA.R. 532	11/20/02

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
22 VAC 40-730-20	Amended	19:3 VA.R. 533	11/20/02
22 VAC 40-730-40 through 22 VAC 40-730-90	Amended	19:3 VA.R. 533	11/20/02
Title 24. Transportation and Motor Vehicles			
24 VAC 30-270	Repealed	19:3 VA.R. 533	9/18/02
24 VAC 30-271-10	Added	19:3 VA.R. 533	9/18/02
24 VAC 30-271-20	Added	19:3 VA.R. 533	9/18/02

NOTICES OF INTENDED REGULATORY ACTION

Symbol Key

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

TITLE 8. EDUCATION

BOARD OF EDUCATION

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 that the Board of Education intends to consider amending regulations entitled: **8 VAC 20-21. Licensure Regulations for School Personnel.** The purpose of the proposed action is to incorporate recent enactments of federal and state laws: (i) the federal No Child Left Behind Act requires that all teachers of core academic subjects hired after the first day of the 2002-03 school year and teaching in a program supported with Title I, Part A, funds be "highly qualified"; and (ii) an amendment of § 22.1-298 of the Code of Virginia requires that persons seeking initial licensure or license renewal complete a study in child abuse recognition and intervention.

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

Statutory Authority: § 22.1-298 of the Code of Virginia and Title IX, Part C, § 9302 of ESEA (Public Law 107-110).

Public comments may be submitted until January 2, 2003.

Contact: Dr. Thomas Elliott, Assistant Superintendent, Teacher Licensure, P.O. Box 2120, Richmond, VA 23218-2120, telephone (804) 371-2522, FAX (804) 225-2524, or e-mail telliott@mail.vak12ed.edu.

VA.R. Doc. No. R03-67; Filed November 13, 2002, 9:41 a.m.

TITLE 9. ENVIRONMENT

STATE AIR POLLUTION CONTROL BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Air Pollution Control Board intends to consider amending regulations entitled: **9 VAC 5-20. General Provisions (Rev. G02).** The purpose of the proposed action is to enlarge the scope of the Hampton Roads Emissions Control Area in order to render four previously exempt jurisdictions subject to the VOC emission standards for existing sources. This action is being taken pursuant to Virginia's obligation to implement contingency measures as a result of this area's violation of the 1-hour ozone standard. (See 19:16 VA.R. 852-858 December 2, 2002, for more detailed information.)

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

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

Public comments may be submitted until 4:30 p.m. on January 10, 2003, to the Director, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240.

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

VA.R. Doc. No. R03-68; Filed November 13, 2002, 8:18 a.m.

STATE WATER CONTROL BOARD

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to consider amending regulations entitled: **9 VAC 25-190. Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Nonmetallic Mineral Mining.** The purpose of the proposed action is reissue the existing general permit which expires on June 30, 2004. The general permit will establish limitations and monitoring requirements for point source discharges from nonmetallic mineral mining facilities.

Need: This proposed regulatory action is needed in order to establish permitting requirements for discharges from nonmetallic mineral mining facilities. The existing general permit expires on June 30, 2004. The general permit regulation is being reissued in order to continue making it available after that date.

Substance: The general permit will establish limitations and monitoring requirements for point source discharges from nonmetallic mineral mines. As with an individual VPDES permit, the effluent limits in the general permit will be set to protect the quality of the waters receiving the discharges. No specific changes to the existing general permit have been identified at this time. Amendments may be identified following the submittal of public comments on this notice.

Alternatives: These discharges are considered to be point sources of pollutants and thus are subject to regulation under the VPDES permit program. There are two alternatives for compliance with federal and state requirements to permit discharges. One is to issue individual VPDES permits to each treatment works. The other is to reissue the general VPDES permit to cover this category of discharger.

Public Participation: The board is seeking comments on the intended regulatory action, including (i) ideas to assist in the

Notices of Intended Regulatory Action

development of a proposal, (ii) the costs and benefits of the amendments proposed in this notice or other alternatives and (iii) the impacts of the regulation on farm or forest lands. Comments must be received by 4 p.m. on Friday, January 17, 2003.

Anyone wishing to submit written comments for the public comment file may do so by mail, fax, or email to Michael Gregory, Office of Water Permit Programs, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4065, FAX (804) 698-4032, email mbgregory@deq.state.va.us. Written comments must include the commenter's name and address. In order to be considered, comments must be received by the close of the comment period.

Following publication of the draft general permit regulation in the Virginia Register, the board will hold at least one public hearing to provide opportunity for public comment.

Participatory Approach: The board will form a Technical Advisory Committee of relevant stakeholders to assist in the development of the regulation. Any person who desires to be on the committee should notify the agency contact in writing by the close of the public comment period and provide their name, address, telephone number and the name of the organization they represent.

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

Statutory Authority: § 62.1-44.15 of the Code of Virginia and § 402 of the Clean Water Act (40 CFR Parts 122, 123 and 124).

Public comments may be submitted until 4 p.m., January 17, 2003.

Contact: Michael B. Gregory, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4065 or e-mail mbgregory@deq.state.va.us.

VA.R. Doc. No. R03-73; Filed November 25, 2002, 9:57 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 Water Control Board intends to consider promulgating regulations entitled: **9 VAC 25-770. Financial Responsibility Requirements for Mitigation Associated with Tidal Dredging Projects.** The purpose of the proposed regulation is to specify the mechanisms by which the State Water Control Board may require demonstration of financial responsibility for the completion of compensatory mitigation requirements for dredging projects in tidal waters permitted under the Virginia Water Protection Permit (VWPP) Program. Financial responsibility may be demonstrated by letter of credit, certificate of deposit, or performance bond. When the U.S. Army Corps of Engineers requires demonstration of financial responsibility, then the mechanism and amount approved by the Corps shall be used to meet this requirement.

Need: VWP permits require compensatory mitigation for unavoidable impacts to tidal wetlands and subaqueous bottoms disturbed by dredging activities. In some cases, particularly when multiple property owners are involved in

dredging coves for boating access, these mitigation projects are not completed due to a lack of financial resources or clear responsibility. The U.S. Army Corps of Engineers sometimes but not always requires bonding to ensure project completion. This regulatory action would ensure that financial resources would be available to complete mitigation projects.

Substance: A permanent regulation will be developed to address this need using the emergency regulation adopted by the board as the basis for the permanent regulation. The emergency regulation specifies the mechanisms by which the board requires financial assurance to ensure completion of mitigation requirements for tidal dredging projects, but allows for the requirement to be satisfied by bonding required by the Corps, to avoid duplication. These requirements will apply only to tidal dredging projects and not to nontidal dredging projects or any other types of projects requiring VWP permits.

Alternatives: The alternative of not developing a regulation for the provision of financial assurance for mitigation for tidal dredging projects is not feasible as this regulatory development is mandated by action of the 2002 General Assembly. We are avoiding unnecessary duplication by including the provision that no additional financial assurance will be required if other regulatory entities are already requiring such assurance.

Public Participation: The board is seeking comments on the intended regulatory action, including (i) ideas to assist in the development of a proposal, (ii) the costs and benefits of the alternatives stated in this notice or other alternatives and (iii) impacts of the regulation on farm or forest lands. Anyone wishing to submit written comments for the public comment file may do so at the public meeting or by mail to Ellen Gilinsky, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240 or by email to egilinsky@deq.state.va.us. Written comments must include the name and address of the commenter. In order to be considered comments must be received by the close of the comment period.

A public meeting will be held on January 22, 2003, at 1 p.m., Department of Environmental Quality, Tidewater Regional Office, 5636 Southern Boulevard, Virginia Beach, Virginia. Both oral and written comments may be submitted at that time.

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

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

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

Public comments may be submitted until 5 p.m. January 31, 2003.

Contact: Ellen Gilinsky, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4375, FAX (804) 698-4032, or e-mail egilinsky@deq.state.va.us.

VA.R. Doc. No. R03-74; Filed November 25, 2002, 10:22 a.m.

Notices of Intended Regulatory Action

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TITLE 11. GAMING

VIRGINIA RACING COMMISSION

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Virginia Racing Commission intends to consider amending regulations entitled: **11 VAC 10-20. Regulations Pertaining to Horse Racing with Pari-Mutuel Wagering**. The purpose of the proposed action is to allow the Virginia Racing Commission to update the duties and responsibilities of the unlimited licensees contained in 11 VAC 10-20-190 as well as reassess the amendment of racing days for unlimited licenses in 11 VAC 10-20-200 and 11 VAC 10-20-220.

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

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

Public comments may be submitted until January 16, 2003.

Contact: William H. Anderson, Director of Policy and Planning, Virginia Racing Commission, 10700 Horsemen's Rd., New Kent, VA 23124, telephone (804) 966-7404, FAX (804) 966-7418, or e-mail Anderson@vrc.state.va.us.

VA.R. Doc. No. R03-78; Filed November 25, 2002, 3:23 p.m.

† Withdrawal of Notice of Intended Regulatory Action

Notice is hereby given that the Virginia Racing Commission has WITHDRAWN the Notice of Intended Regulatory Action for **11 VAC 10-20, Regulations Pertaining to Horse Racing with Pari-Mutuel Wagering**, which was published in 13:15 VA.R. 1636 April 14, 1997.

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) 966-7418, or e-mail anderson@vrc.state.va.us.

VA.R. Doc. No. R97-349; Filed November 25, 2003, 3:23 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 amending regulations entitled: **18 VAC 5-21. Board of Accountancy Rules and Regulations**. The purpose of the proposed action is to revise and clarify the following sections: (i) definitions; (ii) fees; (iii) qualifications for licensure (includes clarified language about the current CPA exam, and new language about the forthcoming computer-based CPA exam); (iv) issuance of a license to initial applicants, through endorsement, and by substantial equivalency; (v) registration of CPA firms (includes clarified language about the peer review requirements); (vi) standards of conduct and practice; and (vii) continuing professional education requirements for initial applicants, license holders and non-CPA owners. The board may propose new provisions governing: (i) the practice of CPAs in the Commonwealth who have not been issued a Virginia CPA license; (ii) the requirements for non-CPA owners in CPA firms; and (iii) enforcement actions against regulants.

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

Statutory Authority: §§ 54.1-4402 and 54.1-4403 of the Code of Virginia.

Public comments may be submitted until December 18, 2002.

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

VA.R. Doc. No. R03-64; Filed October 30, 2002, 10:55 a.m.

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TITLE 22. SOCIAL SERVICES

CHILD DAY-CARE COUNCIL

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Child Day-Care Council intends to consider repealing regulations entitled: **22 VAC 15-20. General Procedures and Information for Licensure**. The purpose of the proposed action is to repeal the existing regulation that was jointly promulgated with the State Board of Social Services and to promulgate a new regulation applicable only to child day centers.

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

Statutory Authority: §§ 63.2-1734 and 63.2-1735 of the Code of Virginia.

Public comments may be submitted until January 15, 2003.

Contact: Kathryn Thomas, Program Development Consultant, Department of Social Services, 730 E. Broad St., 7th Floor, Richmond, VA 23219, telephone (804) 692-1793, FAX (804) 692-2370, or e-mail kjt7@dss.state.va.us.

VA.R. Doc. No. R03-75; Filed November 25, 2002, 1:41 p.m.

Notices of Intended Regulatory Action

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Child Day-Care Council intends to consider promulgating regulations entitled: **22 VAC 15-21. General Procedures and Information for Licensure for Child Day Centers.** The purpose of the proposed action is to promulgate a new regulation that applies only to licensed child day centers.

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

Statutory Authority: §§ 63.2-1734 and 63.2-1735 of the Code of Virginia.

Public comments may be submitted until January 15, 2003.

Contact: Kathryn Thomas, Program Development Consultant, Department of Social Services, 730 E. Broad St., 7th Floor, Richmond, VA 23219, telephone (804) 692-1793, FAX (804) 692-2370, or e-mail kjt7@dss.state.va.us.

VA.R. Doc. No. R03-76; Filed November 25, 2002, 1:41 p.m.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Child Day-Care Council intends to consider amending regulations entitled: **22 VAC 15-30. Minimum Standards for Licensed Child Day Centers.** The purpose of the proposed action is to revise standards as appropriate to (i) provide more protection for children in care; (ii) be less intrusive and burdensome for providers; and (iii) clarify the language.

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

Statutory Authority: §§ 63.2-1734 and 63.2-1735 of the Code of Virginia.

Public comments may be submitted until January 15, 2003.

Contact: Arlene Kasper, Program Development Consultant, Department of Social Services, 730 E. Broad St., 7th Floor, Richmond, VA 23219, telephone (804) 692-1791, FAX (804) 692-2370, or e-mail adk7@dss.state.va.us.

VA.R. Doc. No. R03-77; Filed November 25, 2002, 1:41 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 40-770. Standards and Regulations for Agency Approved Providers.** The purpose of the proposed action is to consider amendments to make the regulation consistent with changes to federal and state laws. The regulation addresses standards used by local departments of social services to approve and regulate service providers including foster and adoptive parent, family and in-home day care providers, home-based

services providers, and adult foster care and day-care providers.

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

Statutory Authority: §§ 63.2-217 and 63.2-900 of the Code of Virginia.

Public comments may be submitted until January 2, 2003.

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

VA.R. Doc. No. R03-66; Filed November 13, 2002, 10:35 a.m.

† Withdrawal of Notice of Intended Regulatory Action

Notice is hereby given that the Child Day-Care Council has WITHDRAWN the Notice of Intended Regulatory Action for **22 VAC 15-50. Regulations for Criminal Record Checks for Child Welfare Agencies**, which was published in 15:23 VA.R. 2936 August 2, 1999. This action was taken at the council's August 8, 2002, meeting.

Contact: L. Richard Martin, Jr., Regulatory Coordinator, Department of Social Services, 730 E. Broad St., Richmond, VA 23219-1849, telephone (804) 692-1825.

PROPOSED REGULATIONS

For information concerning Proposed Regulations, see Information Page.

Symbol Key

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

TITLE 12. HEALTH

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Title of Regulation: **12 VAC 30-110. Eligibility and Appeals (adding 12 VAC 30-110-1350 through 12 VAC 30-110-1410).**

Statutory Authority: §§ 32.1-324 and 32.1-325 of the Code of Virginia; 42 CFR 435.906 and 435.907.

Public Hearing Date: N/A -- Public comments may be submitted until February 14, 2003.

(See Calendar of Events section for additional information)

Agency Contact: Pat Sykes, Manager, Policy Division, Department of Medical Assistance Services, 600 E. Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 786-7958, FAX (804) 786-1680 or e-mail psykes@dmas.state.va.us.

Basis: Section 32.1-325 of the Code of Virginia grants to the Board of Medical Assistance Services (BMAS) the authority to administer and amend the Plan for Medical Assistance. Federal regulations at 42 CFR 435.906 and 435.907 provide that an individual must be afforded an opportunity to apply for Medicaid. The agency must require a written application from the applicant, his authorized representative or, in the case of an incompetent or incapacitated individual, someone acting responsibly on his behalf.

Purpose: This regulation is essential to protect the health and welfare of citizens and for the efficient and economical performance of an important governmental function. This regulation is necessary to specify who is legally able to apply for Medicaid for himself or on behalf of another person and to prevent persons who are not legal representatives from making applications.

Medicaid is a multi-billion dollar program that expends public funds to purchase health care on behalf of eligible individuals. The department must ensure that program funds are expended only on behalf of eligible individuals and protect the program from fraud and abuse. Eligibility determination is based upon personal and financial information submitted by individuals applying for Medicaid or by individuals applying on behalf of others. In addition, certain legal assignments of rights must be provided as a condition of eligibility.

The adult caretaker relative who is allowed to apply for Medicaid for a child is the same individual who may apply for FAMIS program benefits.

Substance: This regulatory action proposes state regulations concerning which individuals are authorized to sign Medicaid applications. In the past, the department has found itself faced

with applications filed without the knowledge and approval of the applicant or filed on behalf of incompetent or incapacitated individuals by others who have no legal authority to conduct business on behalf of the applicant. The department proposes this regulation to ensure that applications are only filed with the full knowledge and consent of an applicant or by someone legally acting on his behalf.

Issues: The primary advantage in promulgating these regulations is to legally establish who may sign applications and otherwise conduct Medicaid business in the applicant's name. The regulations serve to protect individuals who are unable to sign applications on their own behalf by specifying who is authorized to act on their behalf and prohibit individuals who have no legal authority from acting on behalf of another when applying for Medicaid. There are no disadvantages to the public, agency or the Commonwealth.

Fiscal Impact: These changes in Medicaid regulations are necessary in order to develop uniform verification procedures between Medicaid and FAMIS for children. These changes, as well as other operational changes to the two programs, are designed to increase access to the child health insurance programs for Virginia's children. This will result in increased expenditures in these programs, which is being factored into projections of future expenditures for both programs.

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 proposed regulations will establish rules allowing a Medicaid applicant's parent, caretaker relative, legal guardian or conservator, attorney-in-fact or authorized representative to sign and file an official application form on behalf of the applicant. In addition, the proposed rules will define who can serve as an authorized representative for adult Medicaid applicants who are at least 18 years old, child applicants who are less than 18 years old, and for deceased applicants under various circumstances.

Estimated economic impact. The proposed regulations will establish rules for who can sign and file Medicaid applications on behalf of an applicant. Currently there are no regulations on who may file and sign a Medicaid application. Application procedure is handled under a departmental policy and

procedure. Medicaid serves aged, disabled, pregnant women, children, and families with children. In 2001, approximately 170,000 applications were received from these individuals for Medicaid.

The proposed regulations will allow an applicant's parent, caretaker relative, legal guardian or conservator, attorney-in-fact or authorized representative to sign and file an official application form on behalf of the applicant. In addition, the proposed rules will define who can serve as an authorized representative for adult applicants who are at least 18 years old, child applicants who are less than 18 years old, and for deceased applicants under various circumstances. For example, employees of the Department of Mental Health, Mental Retardation, and Substance Abuse will be allowed to submit a Medicaid application for patients, a minor child who is a parent will be allowed to apply for his or her own child, an authorized employee of a child placing agency will be allowed to apply for a child in foster care, etc.

In the past, the Department of Medical Assistance Services (the department) received a few Medicaid applications that were filed without the applicant's knowledge or consent. Examples include a bill collector or a healthcare provider applying for a patient, or two siblings having disagreement on whether to apply for Medicaid or not on behalf of their parent. These actions have resulted in inappropriate eligibility determinations and payment of health care expenses. As a response, the department implemented the Medicaid application policy and procedures, which have been in effect since 1996. The proposed regulations contain the same requirements as those currently enforced under the department's policy. Thus, no significant economic effect is expected upon promulgation of the proposed regulations. However, the proposed rules will provide regulatory authority to the department in enforcement of Medicaid application procedure already in place and may eliminate litigation costs that could arise if someone challenges the department's authority. Also, the proposed regulations will provide publicly available information as to who can file a Medicaid application and under what circumstances someone may act on behalf of another.

A significant change that has been implemented with regards to who can sign an application since 1996 is the change in September 2002 when a caretaker relative was allowed to apply for Medicaid on behalf of a child under the age of 18. Previously, the department did not allow relatives such as sister-in-laws or grandparents taking care of a grandchild to apply for Medicaid unless the relative had legal custody of the child or the parent designated the relative to act on the parent's behalf. The reason for this change was the statutory change enacted by the 2002 Session of the General Assembly, Item 324 C of the Appropriation Act, allowing any adult caretaker relative with whom a child lives to file an application for Family Access to Medical Insurance Security (FAMIS) Plan for children. The application procedures for Medicaid and FAMIS are interrelated. In fact, there is a combined application form for both programs. Though both may cover the same services for children, FAMIS is for uninsured children whose parents have too much income to

qualify for Medicaid.¹ For each child health application, the department must determine first if the child is eligible to receive services under Medicaid before making a FAMIS eligibility determination. Thus, it is critical that both programs, FAMIS and Medicaid, have similar rules regarding who can file the application. Without similar rules, an application may be submitted by a caretaker relative and deemed unacceptable for Medicaid. However, the FAMIS program would permit this application to be accepted. The problem arises because the child must be found ineligible for Medicaid due to excess income before a FAMIS eligibility determination can be performed. An application filed by someone not authorized to do so would prohibit an eligibility determination for Medicaid which in turn would prevent making an eligibility determination for FAMIS.

This change will affect all applications for Medicaid and is expected to increase the number of applications received on behalf of children for assistance under the Medicaid program, such as doctor visits, hospital coverage, prescription drugs, etc. The department believes that some children live with caretaker relatives that, in the past, were not able to apply for Medicaid on behalf of the child. With the proposed change, caretaker relatives will be authorized to apply on behalf of the child. Children who are affected by this change currently may not be receiving appropriate health care or, if they are, medical expenses may be paid out of pocket or by some other entity such as a charity. Thus, allowing caretaker relatives to apply for Medicaid on behalf of a child may increase the services provided to that child. If services are currently received, but paid by some other entity, the funding source for these health care expenses will shift to the Medicaid program. In both cases, the proposed change is expected to increase the health care payments under Medicaid. The department believes that the increase in the number of applications may be minimal, but does not have any estimate for the size of the potential increase in expenditures under Medicaid.

Businesses and entities affected. The proposed regulations will apply to approximately 170,000 Medicaid applicants annually. However, the substantive changes in the proposed regulations are estimated to affect only a small number of children who live with a caretaker relative who does not currently have custody of the child or authorization from the child's parent to file an application form.

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

Projected impact on employment. With the proposed changes, some additional children may receive services under Medicaid. To the extent this happens, there is likely to be an increase in demand for labor in the health care industry. Because of the minimal impact on the number of applications expected to be received as a result of this regulation, the department does not project a significant increase in staffing needs.

¹ Medicaid covers children with family income at or below 133% of the federal poverty guidelines. FAMIS covers children who have family income above 133% of the federal poverty guidelines, but below 200% of the federal poverty guidelines.

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Effects on the use and value of private property. To the extent the services provided to additional individuals improve the profitability of health care providers, there may be a positive impact on their value.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The agency concurs with the economic impact analysis prepared by the Department of Planning and Budget regarding the regulations concerning Authorized Applicant (12 VAC 30-110).

Summary:

This proposed regulation establishes which individuals and the circumstances in which those individuals who have been appointed by a Medicaid applicant as an authorized representative may sign applications and otherwise conduct business with Medicaid in the applicant's name.

PART IX. APPLICATIONS FOR MEDICAID.

12 VAC 30-110-1350. Definitions.

"Applicant" means a person who has directly or through his authorized representative made written application for Medicaid at the Department of Medical Assistance Services' Central Processing Unit or at the local social services department serving the locality in which he is a resident or, if institutionalized, the locality in which he last resided outside an institution.

"Authorized representative" means a person who is authorized to conduct the personal or financial affairs for an individual who is age 18 or older.

"Caretaker relative" means an individual who is age 18 or older, who is not a parent, but who is related to a child by blood or marriage and who lives with and assumes responsibility for day-to-day care of the child in a place of residence maintained as his or their own home.

"Competent individual" means a person who has not been judged by a court to be legally incapacitated.

"Conservator" means a person appointed by a court of competent jurisdiction to manage the estate and financial affairs of an incapacitated individual.

"Family substitute representative" means a spouse or designated relative who is willing and able to take responsibility for the individual's personal or financial affairs. The relatives who may be substitute representatives are, in this preferred order, the individual's adult child, parent, adult sibling, adult grandchild, adult niece or nephew, aunt or uncle.

"Guardian" means a person appointed by a court of competent jurisdiction to be responsible for the personal affairs of an incapacitated individual, including responsibility for making decisions regarding the person's support, care, health, safety, habilitation, education, therapeutic treatment, and, if not inconsistent with an order of commitment, residence.

"Incapacitated individual" means a person who, pursuant to an order of a court of competent jurisdiction, has been found to be incapable of receiving and evaluating information effectively or responding to people, events, or environments to

such an extent that the individual lacks the capacity to (i) meet the essential requirements of his health, care, safety, or therapeutic needs without the assistance or protection of a guardian or (ii) manage property or financial affairs or provide for his support or for the support of his legal dependents without the assistance or protection of a conservator.

"Legal emancipation" means the minor has been declared emancipated by a court of competent jurisdiction. A married minor is not emancipated unless a court has declared the married minor emancipated from his parents.

12 VAC 30-110-1360. Right to apply.

A competent individual who is at least 18 years of age cannot be refused the right to complete an application for himself and cannot be discouraged from asking for assistance for himself under any circumstances.

12 VAC 30-110-1370. Applicant's signature.

The applicant must sign a state-approved official application form, even if another person fills out the form, unless the application is filed and signed by the applicant's parent, caretaker relative, legal guardian or conservator, attorney-in-fact or authorized representative. If the applicant cannot sign his name, but can make a mark, the mark must be correctly designated and witnessed by one person.

12 VAC 30-110-1380. Authorized representative for individual age 18 or older.

A. Patients in the Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS) facilities may have applications submitted on their behalf by employees of the DMHMRSAS.

B. The authorized representative of an incapacitated individual shall be the individual's legally appointed guardian or conservator.

C. A competent individual may sign an application on his own behalf or may designate anyone to be his authorized representative to file a Medicaid application on his behalf. If a competent individual wants another person to file a Medicaid application for him, he must designate the authorized representative in a written statement that is signed by the individual applicant. The authorized representative statement is valid for the life of the Medicaid application or until the applicant changes or removes his authorized representative. If the application is approved, the authorized representative statement is valid for any subsequent review and redetermination until the applicant's Medicaid eligibility is cancelled. If the applicant reapplies for Medicaid after Medicaid is cancelled, he must sign the application or provide a new authorized representative statement.

D. When an individual has given power-of-attorney to another person that includes the power to conduct the applicant's business affairs, the attorney-in-fact is considered the applicant's authorized representative.

E. For an individual who has not been determined by a court to be legally incapacitated, but who is reported to be mentally unable to sign his name or to make a mark, an application may be signed under the following circumstances:

1. When it is reported that an individual cannot sign the application and the individual does not have an attorney-in-fact, an authorized representative or a family substitute representative, the individual's inability to sign the application must be verified by a written statement from the individual's physician that the individual is mentally unable to sign and file a Medicaid application because of the individual's diagnosis or condition.

2. If the individual does not have an attorney-in-fact and has not signed a statement authorizing another person or organization to apply for Medicaid on his behalf, the applicant's spouse will be considered to be the individual's authorized representative. If the individual is not married or is estranged from his spouse or his spouse is unable to represent him, the individual's authorized representative shall be a family substitute representative.

3. Treatment of an individual who is unable to sign and who has no authorized representative or family substitute representative:

a. When motion to appoint a guardian or conservator has been filed with the court, but a final determination has not been ordered. When an individual's physician has verified that he is unable to sign the Medicaid application and the individual has no legal representative, a determination of Medicaid eligibility shall not be completed until a guardian or conservator has been appointed. Any application filed on behalf of such individual shall be held in pending status until the appointment of a legal guardian or conservator. The eligibility worker shall mail the legal guardian or conservator a copy of the Medicaid application. The legal guardian or conservator shall have 10 working days after appointment to sign and return the Medicaid application and documentation of the guardian or conservator's appointment. If the application has not been signed by the deadline, eligibility for Medicaid shall be denied.

b. When motion to appoint a guardian or conservator has not been filed with the court. When a motion to appoint a guardian or conservator has not been filed with the court, the eligibility worker shall refer the individual to the Adult Protective Services unit in the local department of social services. The Medicaid application shall be held in pending status until the adult protective services investigation is complete. If the completed adult protective services investigation concludes that guardianship proceedings will not be initiated, the application must be signed by the applicant or the applicant must sign a statement designating an authorized representative. If after 10 working days the application is not signed, eligibility for Medicaid shall be denied.

12 VAC 30-110-1390. Authorized representative for children under 18 years of age.

A. Patients under 18 years of age in facilities operated by the DMHMRSAS may have applications submitted by employees of the DMHMRSAS.

B. A minor child under 18 years of age who is a parent may apply for Medicaid for his own child.

C. An authorized employee of the public or private child-placing agency that has custody of the child must sign the Medicaid application for a child under 18 years of age that is in foster care.

D. A child applicant who is under 18 years of age is not legally able to sign a Medicaid application for himself unless he is legally emancipated from his parents. If the child applicant is not legally emancipated, his parents shall sign the application on the child applicant's behalf. If the child applicant is married and the child applicant's spouse is 18 years of age or older, the spouse may sign the application on the child applicant's behalf. If the child applicant does not live with a parent or spouse who is 18 years of age or older, the adult who has legal custody or who is the legal guardian of the child applicant, or the caretaker relative with whom the child applicant lives must sign the application. A child applicant's parent, guardian, legal custodian or caretaker relative may designate an authorized representative to complete a Medicaid application on behalf of the child applicant. The authorization must be in writing in accordance with 12 VAC 30-110-1380.

E. If the child applicant has no adult guardian, adult caretaker relative, or legal custodian, then the caregiver for the child applicant is responsible for seeking custody or guardianship of the child applicant:

1. If a motion has been filed in court to appoint a guardian or seek legal custody of the child, the Medicaid application shall be held in a pending status. If verification is received within 10 working days that court action has been initiated, the application will be continued until the guardian is appointed or custody is awarded. When the guardian has been appointed or custody awarded, the eligibility worker must provide the Medicaid application to the guardian or custodian. The guardian or custodian must return the signed application and documentation of his appointment within 10 working days. If the application or documentation is not returned by either 10-day deadline, Medicaid eligibility shall be denied.

2. If guardianship or custody procedures have not been filed with the court, the eligibility worker must refer the child to the appropriate child welfare service worker. The application for Medicaid shall be held in a pending status until the service investigation is completed and any court proceedings are completed. If the court emancipates the child, the child must sign the application and return it to the eligibility worker within 10 working days. If a guardian is appointed or custody awarded, the eligibility worker must provide the Medicaid application to the guardian or custodian. The guardian or custodian must return the signed application and documentation of his appointment within 10 working days. If the application or documentation is not returned by the deadline, Medicaid eligibility shall be denied.

12 VAC 30-110-1400. Authorized representative for a deceased applicant.

An application may be made on behalf of a deceased person by his guardian or conservator, attorney-in-fact, executor or administrator of his estate, his surviving spouse, or his

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surviving family member, in this order of preference: adult child, parent, adult sibling, adult niece or nephew, or aunt or uncle. Such application must be filed within the three-month period subsequent to the month in which the death occurred if the deceased applicant received a Medicaid-covered service on or before the date of death and the date of service occurred within a month covered by the Medicaid application.

12 VAC 30-110-1410. Persons prohibited from signing an application.

An employee of, or an entity hired by, a medical service provider who could obtain Medicaid payments shall not sign a Medicaid application for a deceased individual or on behalf of an individual who cannot designate an authorized representative.

VA.R. Doc. No. R02-165; Filed November 21, 2002, 11:36 a.m.

TITLE 13. HOUSING

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

REGISTRAR'S NOTICE: The Virginia Housing Development Authority is exempt from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia) pursuant to § 2.2-4002 A 4; however, under the provisions of § 2.2-4031, it is required to publish all proposed and final regulations.

Title of Regulation: 13 VAC 10-40. Rules and Regulations for Single Family Mortgage Loans to Persons and Families of Low and Moderate Income (amending 13 VAC 10-40-110, 13 VAC 10-40-220, and 13 VAC 10-40-230).

Statutory Authority: § 36-55.30:3 of the Code of Virginia.

Public Hearing Date: January 3, 2003 - 10 a.m.

Public comments may be submitted until January 3, 2003.

Agency Contact: J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, 601 S. Belvidere Street, Richmond, VA 23220, telephone (804) 343-5540, FAX (804) 783-6701, toll-free 1-800-968-7837 or e-mail judson.mckellar@vhda.com.

Summary:

The proposed amendments (i) increase the maximum loan amount from 97% to 100% of the lesser of the sales price or appraised value for all programs other than the Flexible Alternative Program; (ii) in the FHA Plus Program increase the maximum second loan amount from 3.0% to 5.0% of the lesser of sales price or appraised value and further clarify that, in determining the maximum combined loan amount of the first and second loans, the closing costs and fees to be included must be closing costs and fees paid by the borrower; (iii) in the Flexible Alternative Program provide that the authority may increase the maximum gross income from 120% of the applicable median family income to up to 150%, if determined to be necessary to provide financing in underserved areas, to people with disabilities, to applicants with household size of two or more, or other similarly

underserved individuals; and (iv) in the Flexible Alternative Program provide that the authority may offer the borrower alternative pricing options with fewer points than currently required, provided the financial integrity of the program is protected by an adjustment to the interest rate or otherwise.

13 VAC 10-40-110. Calculation of maximum loan amount.

Single family detached residence, townhouse (fee simple ownership) and approved condominium--Maximum of 97 100% (or, in the case of an FHA, VA, Rural Development loan or a loan with private mortgage insurance, such other percentage as may be permitted by FHA, VA, Rural Development or the private mortgage insurance provider) of the lesser of the sales price or appraised value, except as may otherwise be approved by the authority.

In the case of an FHA, VA or Rural Development loan, the FHA, VA or Rural Development insurance fees or guarantee fees charged in connection with such loan (and, if an FHA loan, the FHA permitted closing costs as well) may be included in the calculation of the maximum loan amount in accordance with applicable FHA, VA or Rural Development requirements; provided, however, that in no event shall this revised maximum loan amount which includes such fees and closing costs be permitted to exceed the authority's maximum allowable sales price limits set forth herein.

13 VAC 10-40-220. FHA plus program.

A. Notwithstanding anything to the contrary herein, the authority may make loans secured by second deed of trust liens ("second loans") to provide downpayment and closing cost assistance to eligible borrowers who are obtaining FHA loans secured by first deed of trust liens. Second loans shall not be available to a borrower if the FHA loan is being made under the FHA buydown program or is subject to a step adjustment in the interest rate thereon or is subject to a reduced interest rate due to the financial support of the authority.

B. The second loans shall not be insured by mortgage insurance; accordingly, the requirements of 13 VAC 10-40-120 regarding mortgage insurance shall not be applicable to the second loan.

C. The requirements of 13 VAC 10-40-110 regarding calculation of maximum loan amount shall not be applicable to the second loan. In order to be eligible for a second loan, the borrower must obtain an FHA loan for the maximum loan amount permitted by FHA. The principal amount of the second loan shall not exceed ~~3.0~~ 5.0% of the lesser of the sales price or appraised value.

In no event shall the combined FHA loan and the second loan amount exceed (i) the sum of the lesser of the sales price or appraised value plus closing costs and fees to be paid by borrower or (ii) the authority's maximum allowable sales price.

Verified liquid funds (funds other than gifts, loans or retirement accounts) in an amount not less than 1.0% of the sales price must be: (i) contributed by the borrower towards closing costs or prepaid items; (ii) retained by the borrower as cash reserves after closing; or (iii) contributed and retained by the borrower for the purposes of clauses (i) and (ii), respectively. At the closing, the borrower may not receive any loan

proceeds in excess of the amount of funds paid by the borrower prior to closing.

D. With respect to underwriting, no additional requirements or criteria other than those applicable to the FHA loan shall be imposed on the second loan.

E. The second mortgage loan shall be assumable on the same terms and conditions as the FHA loan.

F. No origination fee or discount point shall be collected on the second loan.

G. Upon approval of the applicant, the authority will issue a mortgage loan commitment pursuant to 13 VAC 10-40-170. The mortgage loan commitment will include the terms and conditions of the FHA loan and the second loan and an addendum setting forth additional terms and conditions applicable to the second loan. Also enclosed in the commitment package will be other documents necessary to close the second loan.

13 VAC 10-40-230. Flexible alternative mortgage loan programs.

The executive director may establish flexible alternative mortgage loan programs. 13 VAC 10-40-10 through 13 VAC 10-40-220 shall apply to such flexible alternative mortgage loan programs, with the following modifications:

1. The following requirements shall not apply: (i) the new mortgage requirement; (ii) the requirements as to the use of the property in a trade or business; (iii) the requirements as to acquisition cost and sales price of the property to be financed; (iv) the requirement that the applicant shall not have had a present ownership interest in his principal residence within the preceding three years; (v) the net worth requirement; (vi) the requirements for the payment by the seller of an amount equal to 1.0% of the loan in 13 VAC 10-40-160 D 2; and (vii) the lot size restriction in 13 VAC 10-40-50 C 3.

2. The gross income of the applicant or applicants shall not exceed 120% of the applicable median family income without regard to household size, *provided, however, that the authority may increase such percentage of applicable median family income, not to exceed 150%, if the executive director determines that it is necessary to provide financing in underserved areas identified by the executive director to persons with disabilities (i.e., physically or mentally disabled, as determined by the executive director on the basis of medical evidence from a licensed physician or other appropriate evidence satisfactory to the executive director), to applicants with a household size of two or more persons, or other similarly underserved individuals identified by the executive director.*

3. At the time of closing, the applicant must occupy or intend to occupy within 60 days (90 days in the case of new construction) the property to be financed as his principal residence.

4. The property to be financed must be one of the following types: (i) a single family residence (attached or detached); (ii) a unit in a condominium or PUD which is approved for financing by FNMA or FHLMC or satisfies the requirements

for such financing, except that the executive director may waive any of such requirements if he determines that any additional risk as a result of such waiver is adequately compensated or otherwise covered by the terms of the mortgage loan or the financial strength or credit of the applicant; or (iii) a doublewide manufactured home permanently affixed to the land.

5. The land, residence and all other improvements on the property to be financed must be expected to be used by the borrower primarily for residential purposes.

6. Personal property which is related to the use and occupancy of the property as the principal residence of the borrower and is customarily transferred with single family residences may be included in the real estate contract, transferred with the residence and financed by the loan; however, the value of such personal property shall not be considered in the appraised value.

7. The principal amount of the mortgage loan shall not exceed the limits established by FNMA or FHLMC for single family residences.

8. Loan proceeds may be used to refinance the applicant's existing mortgage loan or loans on the property only if (i) the applicant receives no proceeds of the authority's loan; (ii) such loan proceeds are not used to refinance any authority mortgage loan or to refinance any bridge loan which refinanced any authority mortgage loan; and (iii) the existing mortgage loan was closed more than one year prior to submission of the application for the authority mortgage loan, and no advances on such existing mortgage loan have been made within the 12 months preceding the submission of such application. Clause (iii) shall not apply to existing mortgage loans which financed the applicant's acquisition of the property if the authority loan will not exceed the lesser of the sales price for such acquisition or the current appraised value.

9. Mortgage insurance shall not be required, except that in the case of manufactured homes mortgage insurance shall be required in accordance with this chapter.

10. The maximum combined loan amount (including any other loans, such as existing mortgage loans to be subordinated to the authority loan, to be secured by the property at the time of closing) shall be 100% of the lesser of appraised value or sales price. The executive director may approve the disbursement of additional amounts to finance closing costs and fees and costs of rehabilitation and improvements to be completed subsequent to the closing. Except for loans financed under the program described in subdivision 24 of this section, these additional amounts may not exceed 5.0% of the lesser of sales price or appraised value; provided however, that in addition to such 5.0%, amounts not to exceed 5.0% of the lesser of sales price or appraised value may be funded for the costs of rehabilitation and improvements to retrofit the residence or add accessibility features to accommodate the needs of a disabled occupant.

11. The applicant or applicants must have a history of receiving stable income from employment or other sources with a reasonable expectation that the income will continue

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in the foreseeable future; typically, verification of two years' stable income will be required; and education or training in a field related to the employment of the applicant or applicants may be considered to meet no more than one year of this requirement.

12. The applicant must possess a credit history as of the date of loan application satisfactory to the authority and, in particular, must satisfy the following: (i) no bankruptcy or foreclosure within the preceding three years; no housing payment past due for 30 days in the preceding 24 months; no more than one payment past due for 30 days or more on any other debt or obligation within the preceding 12 months; no outstanding collection, judgment, charge off, repossession or 30-day past due account; and a minimum credit score of 620 if the loan-to-value ratio is 95% or less or 660 if the loan-to-value ratio exceeds 95% (credit scores as referenced in these regulations shall be determined by obtaining credit scores for each applicant from a minimum of three repositories and using the middle score in the case of a single applicant and the lowest middle score in the case of multiple applicants); or (ii) no previous bankruptcy or foreclosure; no outstanding collection, judgment, charge off or repossession within the past 12 months or more than one 30-day past due account within the past 12 months and no more than four 30-day past due accounts within the past 24 months; no previous housing payment past due for 30 days; minimum of three sources of credit with satisfactory payment histories for the most recent 24-month period; no more than nine accounts currently open; and no more than three new accounts opened in the past 12 months (in establishing guidelines to implement the flexible alternative mortgage loan programs, the authority may refer to the credit requirements in clause (i) of this subdivision as the "alternative" credit requirements and the requirements in clause (ii) of this subdivision as the "standard" credit requirements).

If the executive director determines it is necessary to protect the financial integrity of the flexible alternative program, the executive director may require that applicants for loans having loan-to-value ratios in excess of 97% meet the alternative credit requirements in clause (i) of this subdivision.

13. Homeownership education approved by the authority shall be required for any borrower who is a first time homeowner if the loan-to-value ratio exceeds 95%. This requirement shall be waived if the applicant has a credit score of 660 or greater.

14. Seller contributions for closing costs and other amounts payable by the borrower in connection with the purchase or financing of the property shall not exceed 4.0% of the contract price.

15. Sources of funds for the down payment and closing costs payable by the borrower shall be limited to the borrower's funds, gifts or unsecured loans from relatives, grants from employers or nonprofit entities not involved in the transfer or financing of the property, and unsecured loans on terms acceptable to the authority (payments on any unsecured loans permitted under this subdivision shall be included in the calculation of the debt/income ratios

described below), and documentation of such sources of funds shall be in form and substance acceptable to the authority.

16. The maximum debt ratios shall be 35% and 43% in lieu of the ratios of 32% and 40%, respectively, set forth in 13 VAC 10-40-130 B 4.

17. Cash reserves at least equal to two months' loan payments must be held by the applicant if the loan-to-value ratio exceeds 95%; cash reserves at least equal to one month's loan payment must be held by the applicant if the loan-to-value ratio is greater than 90% and is less than or equal to 95%; and no cash reserves shall be required if the loan-to-value ratio is 90% or less.

18. The payment of points (a point being equal to 1.0% of the loan amount) in addition to the origination fee shall be charged as follows: if the loan-to-value ratio is 90% or less, one-half of one point shall be charged; if the loan-to-value ratio is greater than 90% and is less than or equal to 95%, one point shall be charged; and if the loan-to-value ratio exceeds 95%, one and one-half point shall be charged. *If the executive director determines that the financial integrity of the flexible alternative program is protected, by an adjustment to the rate of interest charged to the applicant or applicants or otherwise, the authority may provide the applicant or applicants with the option of an alternative point requirement not in excess of the preceding sentence.*

In addition to the above, a reduction of one-half of one point will be made to applicants meeting the credit requirements in clause 12 (i) above with a credit score of 700 or greater.

19. The interest rate which would otherwise be applicable to the loan shall be reduced by .25% if the loan-to-value ratio is 80% or less.

20. The documents relating to requirements of the federal tax code governing tax-exempt bonds shall not be required.

21. For assumptions of loans, the above requirements for occupancy of the property as the borrower's principal residence, the above income limit, and the underwriting criteria in the regulations as modified by this section must be satisfied.

22. The authority may require that any or all loans financed under such alternative mortgage programs be serviced by the authority.

23. The authority may accept an approval of an automated underwriting system in lieu of satisfaction of the foregoing requirements for the flexible alternative program if the executive director determines that such delegated underwriting system is designed so as to adequately protect the financial integrity of the flexible alternative program.

24. The executive director may establish a flexible alternative rehabilitation mortgage loan program. The regulations set forth in subdivisions 1 through 23 of this section shall apply to such flexible alternative rehabilitation mortgage loan program, with the following modifications:

a. At the time of closing, the applicant must occupy or intend to occupy within 180 days the property to be financed as his principal residence;

b. The provision of clause (iii) of subdivision 4 of this section permitting the financing of a doublewide manufactured home permanently affixed to the land shall not apply.

c. The maximum loan amount for a purchase shall be 100% of the lesser of (i) the sum of purchase price plus rehabilitation costs; or (ii) the as completed appraised value. The maximum loan amount for a refinance shall be 100% of the lesser of (i) the outstanding principal balance plus rehabilitation costs; or (ii) the as completed appraised value.

d. The rehabilitation costs to be financed may not exceed an amount equal to 50% of the as completed appraised value.

e. Loan proceeds may be used to finance the purchase and installation of eligible improvements. Improvements that are eligible for financing are structural alterations, repairs, additions to the residence itself, or other improvements (including appliances) upon or in connection with the residence. In order to be eligible, such improvements must substantially protect or improve the basic livability or utility of the residence. Improvements that are physically removed from the residence but that are located on the property occupied by the residence may be eligible for financing if these improvements substantially protect or improve the basic livability or utility of the residence (i.e., installation of a septic tank or the drilling of a well). Luxury items (such as swimming pools and spas) shall not be eligible for financing hereunder.

f. Loan proceeds may not be used to finance any improvements that have been completed at the time the application is submitted to the authority.

g. All work financed with the loan proceeds shall be performed by a contractor duly licensed in Virginia to perform such work and be performed pursuant to a validly issued building permit, if required, and shall comply with all applicable state and local health, housing, building, fire prevention and housing maintenance codes and other applicable standards and requirements. Compliance with the foregoing shall be evidenced by such documents and certifications as shall be prescribed by the executive director.

h. The executive director may require the applicant to establish a contingency fund for the mortgage loan in an amount adequate to ensure sufficient reserve funds for the proper completion of the proposed improvements in the event of cost over runs. The executive director may also require a holdback from each disbursement of loan proceeds until completion of the residence.

i. The executive director may approve originating agents to originate the acquisition/rehabilitation loans. To be so approved, the originating agent must have a staff with demonstrated ability and experience in

acquisition/rehabilitation mortgage loan origination, processing and administration.

j. In addition to the payment of points set forth in subdivision 18 of this section, the originating agent may collect an escrow administration fee and an inspection fee in an amount determined by the executive director to compensate the originating agent for administering the disbursement of the mortgage loan during the rehabilitation of the residence.

Except as modified hereby, all of the requirements, terms and conditions set forth in 13 VAC 10-40-10 through 13 VAC 10-40-220 shall apply to the flexible alternative mortgage loan programs.

VA.R. Doc. No. R03-79; Filed November 25, 2002, 3:47 p.m.

◆ ◆

FINAL REGULATIONS

For information concerning Final Regulations, see Information Page.

Symbol Key

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

TITLE 4. CONSERVATION AND NATURAL RESOURCES

BOARD OF GAME AND INLAND FISHERIES

REGISTRAR'S NOTICE: The Board of Game and Inland Fisheries is exempt from the Administrative Process Act pursuant to subdivision A 3 of § 2.2-4002 of the Code of Virginia when promulgating regulations regarding the management of wildlife. The department is required by § 2.2-4031 of the Code of Virginia to publish all proposed and final wildlife management regulations, including length of seasons and bag limits allowed on the wildlife resources within the Commonwealth of Virginia.

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

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

Effective Date: November 25, 2002.

Summary:

The amendment removes deer, elk, and all other members of the deer family (Cervidae) from the exception that allows certain nonnative mammals to be imported into the Commonwealth under license or registration from the U.S. Department of Agriculture without a Virginia DGIF permit.

Agency Contact: Phil Smith, Policy Analyst and Regulatory Coordinator, Department of Game and Inland Fisheries, 4010 West Broad Street, Richmond, VA 23230, telephone (804) 367-1000, FAX (804) 367-0488, or e-mail regcomments@dgif.state.va.us.

REGISTRAR'S NOTICE: The proposed regulation was adopted as published in 19:5 VA.R. 760-762 November 18, 2002, without change. Therefore, pursuant to § 2.2-4031 A of the Code of Virginia, the text of the final regulation is not set out.

VA.R. Doc. No. R03-63; Filed November 25, 2002, 10:27 a.m.

TITLE 9. ENVIRONMENT

STATE WATER CONTROL BOARD

Notice of Effective Date

Title of Regulation: **9 VAC 25-260. Water Quality Standards (amending 9 VAC 25-260-5, 9 VAC-25-260-160 and 9 VAC 25-260-170).**

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

Effective Date: January 15, 2003.

On May 6, 2002, the State Water Control Board adopted revisions to the Water Quality Standards in 9 VAC 25-260-5, 9 VAC 25-260-160, and 9 VAC 25-260-170. These revisions relate to water quality criteria for bacterial indicators for shellfish and recreational uses. The amendments were published as final in 18:20 VA.R. 2657-2661 (register.state.va.us/vol18/welcome.htm) June 17, 2002, with an effective date of 30 days after notice in the Virginia Register of U.S. Environmental Protection Agency (EPA) approval. The State Water Control Board hereby notices EPA approval of these revisions to the water quality standards via a letter dated November 8, 2002, from Jon M. Capacasa, Acting Director of the Water Protection Division, EPA Region 3 to Robert G. Burnley, Director of the Virginia Department of Environmental Quality. The effective date of these amendments is January 15, 2003. Copies are available online at <http://www.deq.state.va.us/wqs> or call toll free at 1-800-592-5482 ext. 4111, local 698-4111, written request to Eleanore Daub at P.O. Box 10009, Richmond, VA 23240; or e-mail request to emdaub@deq.state.va.us. EPA approval of the remaining revisions to the Water Quality Standards in 9 VAC 25-260-310 and 9 VAC 25-260-390 published in the Virginia Register on June 17, 2002, is still pending. A notice establishing the effective date of these sections will be published when EPA approval is received.

VA.R. Doc. No. R01-13; Filed November 26, 2002, 11:28 a.m.

TITLE 12. HEALTH

STATE MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

Title of Regulation: **12 VAC 35-190. Regulations Establishing Procedures for Voluntarily Admitting Persons Who Are Mentally Retarded to State Mental Retardation Facilities (amending 12 VAC 35-190-10 and 12 VAC 35-190-30; adding 12 VAC 35-190-21, 12 VAC 35-**

190-41, and 12 VAC 35-190-51; repealing 12 VAC 35-190-20, 12 VAC 35-190-40, and 12 VAC 35-190-50).

Statutory Authority: §§ 37.1-10 and 37.1-65.1 of the Code of Virginia.

Effective Date: January 15, 2003.

Summary:

The amendments revise provisions relating to voluntary admission to residential training facilities for the mentally retarded to require the case management community services board to be responsible for arranging admissions to and discharges from state training centers; update definitions of terms; and generally update the existing provisions to be consistent with current practice and statutory requirements. The amendments also include provisions for an applicant to seek reconsideration from the commissioner of an application to deny admission to a training center.

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: Cynthia Smith, Office of Mental Retardation Services, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 786-0946 or e-mail csmith@dmhmrsas.state.va.us.

REGISTRAR'S NOTICE: The proposed regulation was adopted as published in 18:16 VA.R. 2037-2042 April 22, 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 35-190-10. Definitions.

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

"Admission" means placement of an individual in a residential facility for ~~the mentally retarded individuals with mental retardation~~ as defined in this chapter so that the facility becomes the individual's primary residence and primary locus of his care, treatment, and training. ~~Specifically excluded from this definition of admission are respite care and transfers as defined in this section.~~

"Clinical psychologist" ~~means an individual possessing a doctorate or master's degree from an accredited program with specialized training and one year's experience in treating the mentally retarded.~~

"Case management community services board (CSB)" means a citizens board established pursuant to § 37.1-195 of the Code of Virginia that serves the area in which an adult resides or in which a minor's parent, guardian or legally authorized representative resides. The case management CSB is responsible for case management, liaison with the facility when an individual is admitted to a state training center, and

pre-discharge planning. If an individual, or the parents, guardian or legally authorized representative on behalf of an individual, chooses to reside in a different locality after the individual's discharge from the facility, the community services board serving that locality becomes the case management CSB and works with the original case management CSB, the individual receiving services and the state facility to effect a smooth transition and discharge.

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

"Discharge plan" or "pre-discharge plan" means a written plan prepared by the case management CSB in consultation with the state facility pursuant to § 37.1-197.1 of the Code of Virginia. This plan is prepared when the individual is admitted to the facility and documents the planning for services after discharge.

"Facility" means a state institutions, ~~hospitals, or training centers with a rated capacity of more than 16 beds and devoted to, or having, facilities for the residential care, treatment and training of mentally retarded persons center for individuals with mental retardation under the supervision and management of the Commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse Services.~~

"Less restrictive alternative" means a program, facility, or other setting which is of a less confining or structured setting than institutional care and which can adequately provide for the individual's care, treatment, and training in a less confining manner than that provided in an institutional program.

[*"Guardianship" "Guardian"*] means:

For Minors - An adult who is either appointed by the court as a legal guardian of said minor or exercises the rights and responsibilities of legal custody by delegation from a biological or adoptive parent, upon provisional adoption or otherwise by operation of law.

For Adults - a person appointed by the court who is responsible for the personal affairs of an incapacitated adult under the order of appointment. The responsibilities may include making decisions regarding the individual's support, care, health, safety, habilitation, education and therapeutic treatment. Refer to definition of "incapacitated person" at § 37.1-134.6 of the Code of Virginia.

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

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

"Physician" ~~means a medical doctor licensed to practice medicine in the Commonwealth with specialized training or one year's experience in treating mentally retarded individuals.~~

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~~"Respite care" means the placement of an individual into a facility for the mentally retarded for a period not exceeding 21 consecutive days or more than 75 days in a calendar year when that placement is solely for the purpose of providing temporary care so that parents, guardians, or other persons responsible for the individual may be relieved of that responsibility because of medical or other emergency conditions of the responsible persons or to allow the responsible persons to take a vacation. It shall be the responsibility of the director of a facility to clearly state in the respite admission letter the temporary nature and purpose of such a respite admission and to obtain the agreement of the parents, guardian, or persons responsible for the individual's care to these conditions before accepting the individual into the facility.~~

~~"Responsible person" means those persons having a legitimate concern for the health, safety, and welfare of the person under consideration for admission including, but not limited to relatives, state or local agencies, or the person or persons having responsibility for the primary care of the individual.~~

~~"Transfers" means the transfer of an individual already admitted to a state facility to another state facility by order of the commissioner.~~

12 VAC 35-190-20 through 12 VAC 35-190-50. [No change from proposed.]

12 VAC 35-190-51. Procedure for admission.

Upon receipt of written notification from the facility director that an individual is suitable for admission, the case management CSB will inform the individual or the individual's parent, guardian or legally authorized representative of this decision and assist the parent, guardian or legally authorized representative in initiating a judicial proceeding pursuant to § 37.1-65.1 of the Code of Virginia. When the judge has certified that the individual is eligible for admission to a facility in accordance with [subsection C3 of] § 37.1-65 [C3] of the Code of Virginia, a date for admission to the facility will be established.

VA.R. Doc. No. R01-173; Filed November 20, 2002, 10:07 a.m.



TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARDS OF NURSING AND MEDICINE

Title of Regulation: 18 VAC 90-40. Regulations for Prescriptive Authority for Nurse Practitioners (amending 18 VAC 90-40-100, 18 VAC 90-40-110 and 18 VAC 90-40-120).

Statutory Authority: §§ 54.1-2400, 54.1-2957, and 54.1-2957.01 of the Code of Virginia.

Effective Date: January 15, 2003.

Summary:

The amendments provide less burdensome requirements for site visits by supervising physicians, make certain changes related to expanded prescriptive authority, and clarify requirements or terminology that are not easily understood.

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: Elaine J. Yeatts, Agency Regulatory Coordinator, Boards of Nursing and Medicine, 6603 W. Broad Street, Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.state.va.us.

REGISTRAR'S NOTICE: The proposed regulation was adopted as published in 18:19 VA.R. 2406-2408 June 3, 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.

NOTICE: The forms used in administering 18 VAC 90-40. Regulations for Prescriptive Authority for Nurse Practitioners, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.

[FORMS

Application for Prescriptive Authority for Licensed Nurse Practitioners (rev. ~~42/04~~ 10/02).

Practice Agreement (rev. ~~42/04~~ 10/02).

License Renewal Notice and Application (rev. ~~2004~~ 2002).]

FOR OFFICE USE ONLY:	
Fee Received: _____	
Pending #0017 _____ P	
Practice Agreement Approved: _____	
Permanent #0017 _____	
Date Issued: _____	

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF HEALTH PROFESSIONS
BOARDS OF NURSING AND MEDICINE
6603 WEST BROAD STREET, 5TH FLOOR
RICHMOND, VIRGINIA 23230-1712
(804) 662-9909
(804) 662-9512 FAX
www.dhp.state.va.us

APPLICATION FOR PRESCRIPTIVE AUTHORITY FOR LICENSED NURSE PRACTITIONERS
Please provide the information below and on the back of this page.

I hereby make application for approval of prescriptive authority. The following information in support of my application is submitted with a check or money order for **\$50.00**, made payable to the **Treasurer of Virginia**.

Disclosure of Addresses

Some licensees have expressed concern that their residence address is accessible. Consistent with Virginia law and the mission of the Department of Health Professions addresses of licensees are made available to the public. This has been the policy and the practice of the Commonwealth for many years. However, the application of new technology makes such information more accessible.

In most cases it is permissible for an individual to provide an address of record other than a residence, such as a Post Office Box or a practice location. Changes of address may be made at the time of renewal or at anytime by written notification to the appropriate health regulatory board. Please be advised that all notices from the board, to include renewal notices, licenses, and other legal documents, will be mailed to the address provided.

PART A. IDENTIFYING INFORMATION

Last Name	First Name	Middle Name	Maiden Name	
Street Address (include Apt. #)		City	State	Zip Code
Social Security # or Virginia DMV Control #	Virginia LNP #	Date of Birth	Telephone Number	

PART B. REQUIRED QUALIFICATIONS

Circle the number of ONE of the following and provide the documentation indicated:

1. Copy of document that verifies current professional certification as a nurse practitioner or nurse-midwife (such as ANCC, NCC or ACNM); **OR**
2. Transcript or letter sent to the Board of Nursing office from an educational program verifying satisfactory completion of a graduate level course in pharmacology or pharmacotherapeutics obtained as a part of your nurse practitioner or nurse-midwifery education within the past five years; **OR**
3. A statement from a superior or a personal affidavit in "Part F. EXPLANATIONS" on the back of this page attesting to no less than 1000 hours of practice in each of the last two years and copies of documents verifying 15 hours of continuing education in each of the last two years; **OR**
4. Evidence of 30 hours of education in pharmacology or pharmacotherapeutics taken within the last five years which includes applicable federal and state laws, prescription writing, drug selection, dosage, route and interactions, information resources, and clinical application related to your area of practice. This evidence must be either an official transcript from the institution offering a formal course or copies of documents verifying non-credit continuing education offerings.

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Circle the number of your LNP category. If you have more than one NP license, circle each in which you wish to use prescriptive authority:

- | | | |
|--------------------------|----------------------------|--------------------------|
| 01 Adult | 06 Emergency | 12 Maternal/Child Health |
| 02 Family | 07 Geriatric | 13 Neonatology |
| 03 Pediatric | 09 Certified Nurse Midwife | 14 Women's Health |
| 04 Family Planning | 10 School | 16 Acute Care |
| 05 Obstetric/Gynecologic | 11 Medical | |

PART C. PRACTICE AGREEMENTS

Complete and submit. (See attached.)

PART D. EMPLOYER (If Applicable)

Name:

Address:

Name of Primary Supervising Physician (if different from above):

Address (if different from above):

PART E. ANSWER THE FOLLOWING QUESTIONS. If either is answered "YES," explain in "PART F" below:

1. Have you ever had disciplinary action taken against your license or certification in Virginia or any jurisdiction? YES ___ NO ___
2. Is there any investigation of you or action pending against you in Virginia or any other jurisdiction? YES ___ NO ___

PART F. EXPLANATIONS

PART G. AFFIDAVIT

TO BE COMPLETED BEFORE A NOTARY PUBLIC

State of _____ County/City of _____

Name _____, being duly sworn, says that he/she is the person who is referred to in the foregoing application; that the statements contained herein are true; that he/she has complied with all requirements of the law, and that he/she has read and understands this affidavit.

Signature of Applicant

Sworn and subscribed to before me this ____ day of _____, _____.

Signature of Notary Public

SEAL

My commission expires on : _____

Revised 10/02

Final Regulations

For office use only:

Approved: _____
Date: _____

**VIRGINIA BOARDS OF NURSING AND MEDICINE
PRESCRIPTIVE AUTHORITY FOR LICENSED NURSE PRACTITIONERS
Practice Agreement**

This form is to be completed and submitted with the application for prescriptive authority. Attach additional pages if needed for any section.

Name of Licensed Nurse Practitioner:

Last

First

Middle/Maiden

Social Security # or Virginia DMV Control #:

Virginia LNP #:

Place of Employment:

Work Telephone #:

Check the categories of Schedule IV, V and VI drugs and devices **AUTHORIZED** by this practice agreement:

- | | | |
|--|--|--|
| <input type="checkbox"/> Alzheimer's Disease Management | <input type="checkbox"/> Central Nervous System Depressants –
Sedatives, Hypnotics, Anxiolytics | <input type="checkbox"/> Muscle Relaxants |
| <input type="checkbox"/> Analgesics | <input type="checkbox"/> Central Nervous System Stimulants -
Anorexic Agents | <input type="checkbox"/> Nasal Preparations |
| <input type="checkbox"/> Anesthetics | <input type="checkbox"/> Contraceptives | <input type="checkbox"/> Obesity Management |
| <input type="checkbox"/> Anticonvulsants | <input type="checkbox"/> Cystic Fibrosis Management | <input type="checkbox"/> Ophthalmic Preparations |
| <input type="checkbox"/> Antidepressants | <input type="checkbox"/> Devices | <input type="checkbox"/> Osteoporosis Preparations |
| <input type="checkbox"/> Antidiabetic Agents | <input type="checkbox"/> Diagnostics | <input type="checkbox"/> Otic Preparations |
| <input type="checkbox"/> Antidotes | <input type="checkbox"/> Dietary Supplements | <input type="checkbox"/> Oxytocics |
| <input type="checkbox"/> Antihistamines & Combinations | <input type="checkbox"/> Enzymes | <input type="checkbox"/> Psychotherapeutic Agents |
| <input type="checkbox"/> Anti-Infective Agents | <input type="checkbox"/> Erectile Dysfunction Therapy | <input type="checkbox"/> Respiratory Agents |
| <input type="checkbox"/> Antineoplastics | <input type="checkbox"/> Fertility Agents | <input type="checkbox"/> Sclerosing Agents |
| <input type="checkbox"/> Antiparkinsonian Agents | <input type="checkbox"/> Gastrointestinal Agents | <input type="checkbox"/> Skin & Mucous Membrane Agents |
| <input type="checkbox"/> Antirheumatic Agents | <input type="checkbox"/> Gout Preparations | <input type="checkbox"/> Smoking Cessation Aids |
| <input type="checkbox"/> Antitussives | <input type="checkbox"/> Hormones | <input type="checkbox"/> Urinary Tract Agents |
| <input type="checkbox"/> Appetite Stimulants | <input type="checkbox"/> Migraine Preparations | <input type="checkbox"/> Vaginal Preparations |
| <input type="checkbox"/> Autonomic Nervous System Agents | <input type="checkbox"/> Motion Sickness Products | <input type="checkbox"/> Vasodilators |
| <input type="checkbox"/> Biologicals | <input type="checkbox"/> Multiple Sclerosis Management | <input type="checkbox"/> Vertigo Agents |
| <input type="checkbox"/> Blood Modifiers | | <input type="checkbox"/> Other |
| <input type="checkbox"/> Cardiovascular Agents | | |

Although only categories are required on this form, it is expected that the parties to the agreements will identify and periodically review the drugs and devices within the categories as part of the ongoing practice relationship.

List any specific drugs from these categories which the Licensed Nurse Practitioner **IS NOT AUTHORIZED TO PRESCRIBE**:

Check the applicable statement in this section:

___ This is an initial practice agreement.

___ This practice agreement replaces one previously submitted and approved.

___ This practice agreement is in addition to the one previously submitted and approved.

4

This practice agreement has been reviewed and agreed to by the following parties on _____, _____.

_____, R.N., L.N.P.

Licensed Nurse Practitioner Signature

_____, M.D.

Primary Supervising Physician's Name (print or type)

_____, M.D.

Primary Supervising Physician's Signature

Secondary Physician(s):

By signing below the physician accepts responsibility for the supervision of the nurse practitioner on a regular basis if the primary supervising physician is unavailable. There should not be more than four secondary physicians per employer. This does not preclude consultation with other physicians who have not signed the form.

_____, M.D.

Name (print or type)

_____, M.D.

Signature

_____, M.D.

Name (print or type)

_____, M.D.

Signature

_____, M.D.

Name (print or type)

_____, M.D.

Signature

Mail To: Virginia Board of Nursing
6603 West Broad Street, 5th Floor
Richmond, VA 23230-1712

revised 10/02

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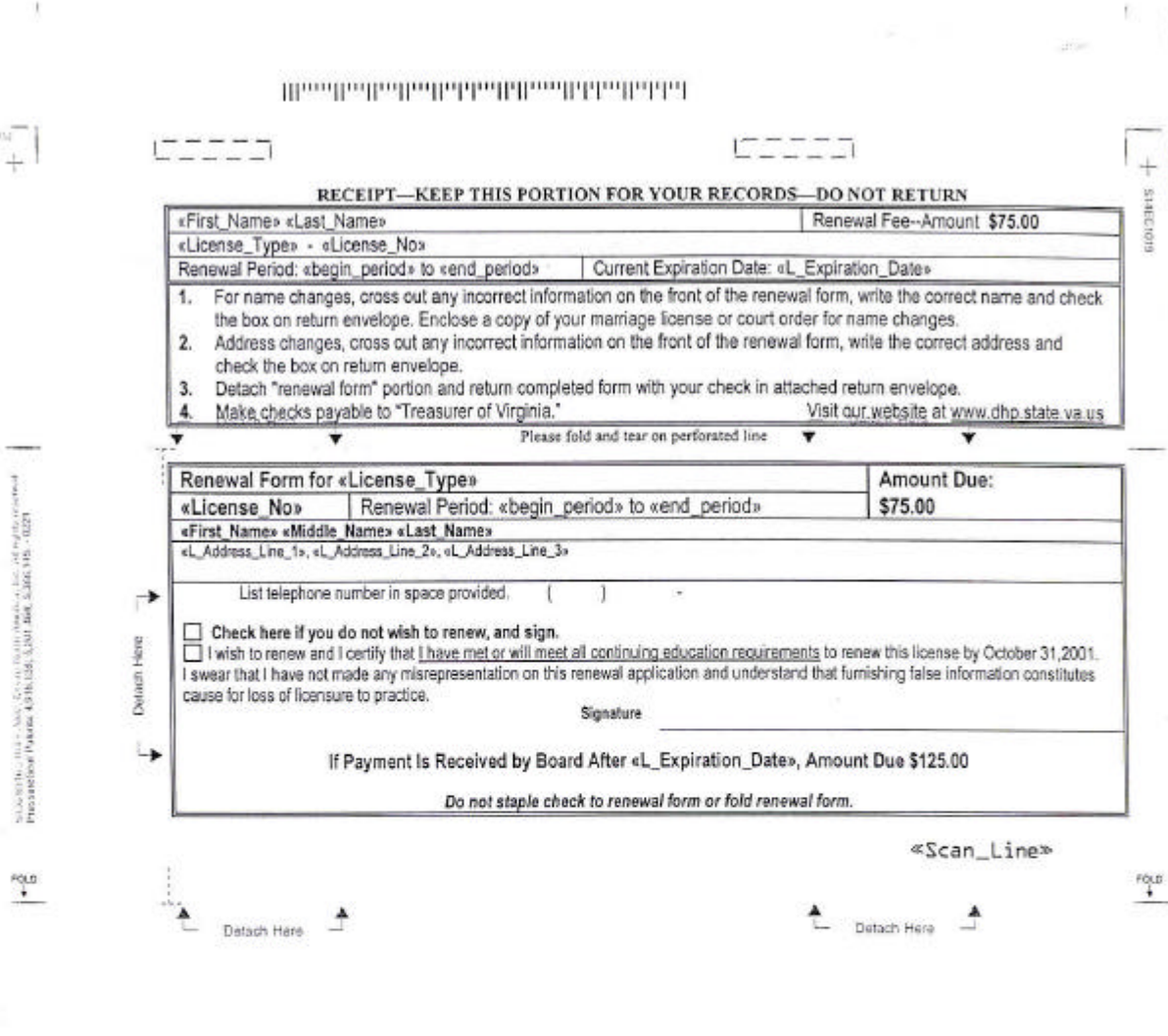
RECEIPT—KEEP THIS PORTION FOR YOUR RECORDS—DO NOT RETURN

«First_Name» «Last_Name»	Renewal Fee--Amount \$75.00
«License_Type» - «License_No»	
Renewal Period: «begin_period» to «end_period»	Current Expiration Date: «L_Expiration_Date»
<ol style="list-style-type: none"> For name changes, cross out any incorrect information on the front of the renewal form, write the correct name and check the box on return envelope. Enclose a copy of your marriage license or court order for name changes. Address changes, cross out any incorrect information on the front of the renewal form, write the correct address and check the box on return envelope. Detach "renewal form" portion and return completed form with your check in attached return envelope. Make checks payable to "Treasurer of Virginia." Visit our website at www.dhp.state.va.us 	

Please fold and tear on perforated line

Renewal Form for «License_Type»		Amount Due:
«License_No»	Renewal Period: «begin_period» to «end_period»	\$75.00
«First_Name» «Middle_Name» «Last_Name»		
«L_Address_Line_1», «L_Address_Line_2», «L_Address_Line_3»		
List telephone number in space provided. () -		
<input type="checkbox"/> Check here if you do not wish to renew, and sign. <input type="checkbox"/> I wish to renew and I certify that I <u>have met or will meet all continuing education requirements</u> to renew this license by October 31, 2001. I swear that I have not made any misrepresentation on this renewal application and understand that furnishing false information constitutes cause for loss of licensure to practice.		
Signature _____		
If Payment Is Received by Board After «L_Expiration_Date», Amount Due \$125.00		
Do not staple check to renewal form or fold renewal form.		

«Scan_Line»



Final Regulations

BOARD OF NURSING

Title of Regulation: 18 VAC 90-50. Regulations Governing the Certification of Massage Therapists (amending 18 VAC 90-50-10, 18 VAC 90-50-40, 18 VAC 90-50-50, [18 VAC 90-50-60,] 18 VAC 90-50-70, 18 VAC 90-50-80, and 18 VAC 90-50-90; adding 18 VAC 90-50-75 [~~repealing 18 VAC 90-50-60~~]).

Statutory Authority: §§ 54.1-2400, 54.1-103 and 54.1-3005 of the Code of Virginia.

Effective Date: January 15, 2002.

Summary:

The amendments address concerns about the competency of certificate holders by requiring recertification by the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) or the obtaining of at least 25 hours of continuing education in the biennium before renewal. The amendments further specify the requirements for licensure by endorsement, delete outdated "grandfathering" provisions, and incorporate by reference the code of ethics and standards of practice of the NCBTMB.

In response to comment on the proposed regulation, the board reinserted language for provisional certification (18 VAC 90-50-60), which had been repealed in the proposed regulation. The board also deleted in the section on unprofessional conduct (18 VAC 90-50-90) a requirement to practice in accordance with the Standards of Practice of the NCBTMB, as incorporated by reference. The board also retained the Code of Ethics of the NCBTMB, but added an exception to the requirement that massage therapists "follow all policies, procedures, guidelines, regulations, codes and requirements promulgated by the NCBTMB." To have that requirement in the Code of Ethics was considered excessive and would reinsert the Standards of Practice that the board chose to delete.

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: Nancy K. Durrett, R.N., Executive Director, Board of Nursing, Department of Health Professions, 6603 W. Broad Street, Richmond, VA 23230, telephone (804) 662-9909, FAX (804) 662-9512 or e-mail nancy.durrett@dhp.state.va.us.

18 VAC 90-50-10. Definitions.

The following words and terms "board," "certified massage therapist" and "massage therapy," when used in this chapter, shall have the following meanings ascribed to them in § 54.1-3000 of the Code of Virginia, unless the context clearly indicates otherwise:

"Board" means the Board of Nursing.

"Category A" means continuing education courses or programs offered by an organization or individual approved as a provider by the NCBTMB.

"Category B" means continuing education courses, programs or experiences that are related to the clinical practice of massage therapy but which may not be offered by a provider approved by the NCBTMB.

"Certified massage therapist" means a person who meets the qualifications specified in this chapter and who is currently certified by the board. Only someone who is certified by the board as a massage therapist may use any designation tending to imply that he is a certified massage therapist or massage therapist.

"Massage therapy" means the treatment of soft tissues for therapeutic purposes by the application of massage and bodywork techniques based on the manipulation or application of pressure to the muscular structure or soft tissues of the human body. The terms "massage therapy" and "therapeutic massage" do not include the diagnosis or treatment of illness or disease or any service or procedure for which a license to practice medicine, nursing, chiropractic therapy, physical therapy, occupational therapy, acupuncture, or podiatry is required by law.

"NCBTMB" means the National Certification Board for Therapeutic Massage and Bodywork.

18 VAC 90-50-40. Initial certification.

A. An applicant seeking initial certification shall submit a completed application and required fee and verification of meeting the requirements of § 54.1-3029 A ~~or B~~ of the Code of Virginia, as follows:

1. Is at least 18 years old;
2. Has successfully completed a minimum of 500 hours of training from a massage therapy program, having received programmatic approval from the Virginia Board of Education, Division of Proprietary Schools, or been certified or approved by the Virginia Board of Education, Division of Proprietary Schools; the State Council of Higher Education; or an agency in another state, the District of Columbia or a United States territory that approves educational programs, notwithstanding the provisions of § 22.1-320 of the Code of Virginia;
3. Has passed the National Certification Exam for Therapeutic Massage and Bodywork or an exam deemed acceptable to the board leading to national certification; and
4. Has not committed any acts or omissions that would be grounds for disciplinary action or denial of certification as set forth in § 54.1-3007 of the Code of Virginia and 18 VAC 90-50-90.

~~B. An applicant who does not meet the education and examination requirements of § 54.1-3029 A of the Code of Virginia shall provide satisfactory evidence that the applicant:~~

- ~~1. Is at least 18 years old;~~
- ~~2. Has not committed any acts or omissions that would be grounds for disciplinary action or denial of certification as set forth in this chapter; and~~
- ~~3. Has competed at least 200 hours of training in a massage therapy education program as provided in~~

~~§ 54.1-3029 B of the Code of Virginia and has been practicing massage therapy prior to July 1, 1997, or has completed 20 hours of such training and has at least 10 years of practice in massage therapy, or has passed the National Certification Exam for Therapeutic Massage and Bodywork prior to 1994.~~

~~Applicants for certification under the provisions of § 54.1-3029 B of the Code of Virginia shall have met all requirements and paid the required fee prior to July 1, 1998. A completed application shall be postmarked on or before June 30, 1998.~~

~~B. No application for certification under provisions of § 54.1-3029 B of the Code of Virginia shall be considered unless submitted prior to July 1, 1998.~~

~~C. An applicant who has been licensed or certified in another country and who, in the opinion of the board, meets the educational requirements shall take and pass the national certifying examination as required in subsection A of this section in order to become certified.~~

18 VAC 90-50-50. Certification by endorsement.

A. A massage therapist who has been licensed or certified in another U.S. jurisdiction with requirements substantially equivalent to those stated in 18 VAC 90-50-40, and who is in good standing or is eligible for reinstatement, if lapsed, shall be eligible to apply for certification by endorsement in Virginia.

B. An applicant for certification by endorsement shall submit a completed application and required fee to the board and shall submit the required form to the appropriate credentialing agency in the state of original licensure or certification for verification. Applicants will be notified by the board after 30 days if the completed verification form has not been received from that state.

~~C. An applicant who has been licensed or certified in another country shall take a national certifying examination and become nationally certified as required by § 54.1-3029 of the Code of Virginia.~~

18 VAC 90-50-60. [Provisional certification. (~~Repealed.~~)]

[A. An eligible candidate who has filed an application for certification in Virginia may practice massage therapy in Virginia for a period not to exceed 90 days between completion of the education program and the receipt of the results of the candidate's first certifying examination.

B. The designation of "massage therapist" or "certified massage therapist" shall not be used by the applicant during the 90 days of provisional certification.

C. An applicant who fails the certifying examination shall have his provisional certification withdrawn upon the receipt of the examination results and shall not be eligible for certification until he passes such examination and becomes nationally certified.]

18 VAC 90-50-70. Renewal of certification.

A. Certificate holders born in even-numbered years shall renew their certificates by the last day of the birth month in even-numbered years. Certificate holders born in

odd-numbered years shall renew their certificates by the last day of the birth month in odd-numbered years.

B. The certificate holder shall complete the application and return it with the required fee and attest that he has complied with continuing competency requirements of 18 VAC 90-50-75.

C. Failure to receive the application for renewal shall not relieve the certified massage therapist of the responsibility for renewing the certificate by the expiration date.

D. The certificate shall automatically lapse by the last day of the birth month if not renewed; and use of the title "massage therapist" or "certified massage therapist" is prohibited.

18 VAC 90-50-75. Continuing competency requirements.

A. In order to renew a certificate biennially on and after [~~(insert date that is two years after the effective date of regulation)~~ January 15, 2005], a certified massage therapist shall:

1. Hold current certification by the NCBTMB; or
2. Complete at least 25 hours of continuing education or learning activities with at least one hour in professional ethics. Hours chosen shall be those that enhance and expand the skills and knowledge related to the clinical practice of massage therapy and may be distributed as follows:
 - a. A minimum of 12.5 of the 25 hours shall be in Category A activities or courses provided by an NCBTMB-approved provider and may include seminars, workshops, home study courses, and continuing education courses.
 - b. No more than 12.5 of the 25 hours may be Category B activities or courses that may include consultation, independent reading or research, preparation for a presentation or other such experiences that promote continued learning.

B. A massage therapist shall be exempt from the continuing competency requirements for the first biennial renewal following the date of initial certification in Virginia.

C. The massage therapist shall retain in his records the completed form with all supporting documentation for a period of four years following the renewal of an active certificate.

D. The board shall periodically conduct a random audit of certificate holders to determine compliance. The persons selected for the audit shall provide evidence of current NCBTMB certification or the completed continued competency form provided by the board and all supporting documentation within 30 days of receiving notification of the audit.

E. Failure to comply with these requirements may subject the massage therapist to disciplinary action by the board.

F. The board may grant an extension of the deadline for continuing competency requirements, for up to one year, for good cause shown upon a written request from the certificate holder prior to the renewal date.

G. The board may grant an exemption for all or part of the requirements for circumstances beyond the control of the

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certificate holder, such as temporary disability, mandatory military service, or officially declared disasters.

18 VAC 90-50-80. Reinstatement of lapsed certificates.

A. A massage therapist whose certificate has lapsed may reinstate his certification within one renewal period by *attesting to completion of continuing competency requirements for the period and* payment of the current renewal fee and the late renewal fee.

B. A massage therapist whose certificate has lapsed for more than one renewal period shall file a reinstatement application, *attest to completion of continuing competency requirements for the period in which the certificate has been lapsed, not to exceed four years,* and pay the reinstatement fee.

C. A massage therapist whose certificate has been suspended or revoked may apply for reinstatement by filing a reinstatement application and paying the fee for reinstatement after suspension or revocation.

D. The board may require evidence that the massage therapist is prepared to resume practice in a competent manner.

18 VAC 90-50-90. Disciplinary provisions.

The board has the authority to deny, revoke or suspend a certificate issued by it or to otherwise discipline a certificate holder upon proof that the practitioner has violated any of the provisions of § 54.1-3007 of the Code of Virginia or of this chapter or has engaged in the following:

1. Fraud or deceit which shall mean, but shall not be limited to:
 - a. Filing false credentials;
 - b. Falsely representing facts on an application for initial certification, or reinstatement or renewal of a certificate; or
 - c. Misrepresenting one's qualifications including scope of practice.
2. Unprofessional conduct which shall mean, but shall not be limited to:
 - a. Performing acts which constitute the practice of any other health care profession for which a license or a certificate is required or acts which are beyond the limits of the practice of massage therapy as defined in § 54.1-3000 of the Code of Virginia;
 - b. Assuming duties and responsibilities within the practice of massage therapy without adequate training or when competency has not been maintained;
 - c. Failing to acknowledge the limitations of and contraindications for massage and bodywork or failing to refer patients to appropriate health care professionals when indicated;
 - d. Initiating or engaging in any sexual conduct involving a patient;
 - e. Falsifying or otherwise altering patient or employer records;

f. Violating the privacy of patients or the confidentiality of patient information unless required to do so by law;

g. Employing or assigning unqualified persons to practice under the title of "massage therapist" or "certified massage therapist"; ~~or~~

h. Engaging in any material misrepresentation in the course of one's practice as a massage therapist; ~~or~~

i. ~~Failing to practice in a manner consistent with [the standards of practice and]~~ the code of ethics of the NCBTMB, as incorporated by reference into this chapter [with the exception of the requirement to follow all policies, procedures, guidelines, regulations, codes, and requirements promulgated by the NCBTMB].

DOCUMENT INCORPORATED BY REFERENCE

NCBTMB National Certification Examination Candidate Handbook (eff. 8/00).

NOTICE: The forms used in administering 18 VAC 90-50, Regulations Governing the Certification of Massage Therapists, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.

FORMS

Instructions for Filing Application for Certification as a Massage Therapist (rev. [~~40/00~~ 10/02]).

Application for Certification -- Massage Therapist (rev. ~~40/00~~ [~~4/04~~ 10/02]).

Instructions for Filing Application for Certification as a Massage Therapist by Endorsement (rev. [~~40/00~~ 10/02]).

Application for Certification by Endorsement -- Massage Therapist (rev. [~~40/00~~ 10/02]).

Massage Therapist Certification/Licensure Verification Form (rev. [~~40/00~~ 10/02]).

Application for Reinstatement of Certificate as a Massage Therapist (rev. ~~4/99~~ [~~4/04~~ 10/02]).

Renewal Notice and Application (rev. ~~40/00~~ 6/02).

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF HEALTH PROFESSIONS
BOARD OF NURSING
6603 WEST BROAD STREET, 5th FLOOR
RICHMOND, VIRGINIA 23230-1712
(804) 662-9909 (804) 662-9512 - FAX
www.dhp.state.va.us TDD 804-662-7197

**INSTRUCTIONS FOR FILING APPLICATION
FOR CERTIFICATION AS A MASSAGE THERAPIST**

APPLICATION

Complete the application form and return it with the required fee to the address shown above. Complete the affidavit on page 3 and have it *notarized* by a notary public.

SUPPORTING DOCUMENTS

The following is required to support the application:

1. A transcript from your massage therapy education program sent directly to this office from the massage therapy program.
2. Verification of having passed the national certification exam for massage and bodywork sent directly to this office from the testing service or national certifying agency.
3. *If applying for provisional certification*, a copy of your eligibility letter from the national certifying agency.

PROVISIONAL CERTIFICATION

1. An eligible candidate who has filed an application for certification in Virginia may practice massage therapy in Virginia for a period not to exceed 90 days between completion of the education program and receipt of the results of the candidate's first certifying examination.
2. During the 90 days of provisional certification, the designation of "massage therapist" or "certified massage therapist" may not be used.
3. An applicant who fails the certifying examination will have his provisional certification withdrawn and will not be eligible for certification until he passes such examination and becomes nationally certified.

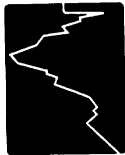
An incomplete application for licensure will be retained on file only as required for audit. If not completed within one year, a new application may be necessary.

PLEASE NOTIFY THIS OFFICE WITHIN THIRTY DAYS OF A NAME CHANGE OR ADDRESS CHANGE.

***** In accordance with §54.1-116 of the *Code of Virginia*, you are required to submit your Social Security Number or your Control Number issued by the *Virginia* Department of Motor Vehicles. If you fail to do so, the processing of your application will be suspended and fees will not be refunded.**

This number will be used by the Department of Health Professions for identification and will not be disclosed for other purposes except as provided for by law. Federal and state law requires that this number be shared with other agencies for child support enforcement activities.

REVISED 10/02



COMMONWEALTH OF VIRGINIA
 Board of Nursing
 Department of Health Professions
 6603 West Broad Street, 5th Floor
 Richmond, Virginia 23230-1712
 (804) 662-9909 (804) 662-9512 - FAX
 www.dhp.state.va.us TDD 804-662-7197

FOR OFFICE USE ONLY				
Class #	File #	Suffix	Program Code #	Fee
0019 -	P			
Acknowledgment Sent	Approved	Certificate Number	Date Issued	Provisional #
		0019-		
			Transcript Filed	National Cert. Filed

APPLICATION FOR CERTIFICATION MESSAGE THERAPIST

I hereby make application for certification as a **message therapist** in the Commonwealth of Virginia. The following evidence of my qualifications is submitted with a **check or money order** in the amount of \$105 made payable to the *Treasurer of Virginia*. **The application fee is non-refundable.**

Disclosure of Addresses

Some licensees have expressed concern that their residence address is accessible. Consistent with Virginia law and the mission of the Department of Health Professions addresses of licensees are made available to the public. This has been the policy and the practice of the Commonwealth for many years. However, the application of new technology makes such information more accessible.

In most cases it is permissible for an individual to provide an address of record other than a residence, such as a Post Office Box or a practice location. Changes of address may be made at the time of renewal or at anytime by written notification to the appropriate health regulatory board. Please be advised that all notices from the board, to include renewal notices, licenses, and other legal documents, will be mailed to the address provided.

I. Identifying Information
APPLICANT - Please provide the information requested below and on the next two pages. (Print or Type)
 Use full name, not initials.

Name: Last Suffix First Middle Maiden

Street Address

City State Zip Code

Date of Birth (M/D/Y) Social Security Number or Virginia DMV Control Number Area Code & Telephone Number

Print your name as you wish it to appear on your certificate:

2. Education Information
 Name and address of Education Program: _____

Date Program Completed: _____ Length of Program in Hours: _____

Program accredited/approved by: (Accrediting Authority) _____

3. Examination and Certification Information

Title of Examination: _____ Date Passed: _____

Name of Certifying Organization: _____ Expiration Date: _____

4. PLEASE RESPOND TO THE FOLLOWING QUESTIONS:

- Have you ever *applied* for licensure or certification as a health care provider in Virginia? Yes ___ No ___
 If yes: Year _____ Type of license/certificate _____
 - Have you ever *applied* for licensure or certification as a health care provider in another state? Yes ___ No ___
 If yes: State _____ Year Certified/Licensed _____ Type of License/Certificate _____
 - (1) Have you ever been certified or licensed as a massage therapist in any jurisdiction? Yes ___ No ___
 If yes: State of original licensure/certification _____ Year licensed/certified _____
 License/Certificate number _____
 - (2) In what other states have you been licensed or certified as a massage therapist?
 State _____ Year licensed/certified _____ License/Certificate number _____
- d. Please answer YES or NO to EACH of the following:
- Have you ever been denied a license or certificate in a health related field or jurisdiction? YES ___ NO ___
 - Has any license or certificate issued to you been voluntarily surrendered? YES ___ NO ___
 - Have you ever had any of the following disciplinary actions taken against your license or certificate by any licensing/certifying authority in any jurisdiction: placed on probation, suspended, revoked or otherwise disciplined?
 YES ___ NO ___
 - Has your practice ever been the subject of an investigation by any licensing/certifying authority? YES ___ NO ___

If you answered yes to any of the above questions, please explain in detail below and have certified copies of any applicable orders sent directly to this office.

- Have you ever been convicted, pled guilty to or pled Nolo Contendere to the violation of any federal, state or other statute or ordinance constituting a felony or misdemeanor? (Including convictions for driving under the influence, but excluding traffic violations)? YES ___ NO ___
 If yes, explain below and have a certified copy of the court order sent directly to the Board of Nursing.
- Do you have a mental, physical or chemical dependency condition which could interfere with your current ability to practice as a massage therapist? YES ___ NO ___
 If yes, explain below and have a letter from your treating licensed professional summarizing diagnosis, treatment and prognosis sent directly to the Board of Nursing.

PLEASE BE SURE THAT YOU HAVE ANSWERED EACH OF THE ABOVE QUESTIONS.

EXPLANATIONS:

COMMONWEALTH OF VIRGINIA
 DEPARTMENT OF HEALTH PROFESSIONS
 BOARD OF NURSING
 6603 WEST BROAD STREET, 5TH FLOOR
 RICHMOND, VIRGINIA 23230-1712
 (804) 662-9909 (804) 662-9512 - FAX TDD 804-662-7197
 www.dhp.state.va.us

**INSTRUCTIONS FOR FILING APPLICATION
 FOR CERTIFICATION AS A MASSAGE THERAPIST BY ENDORSEMENT**

APPLICATION FORM
 COMPLETE THE APPLICATION FORM AND RETURN IT WITH THE REQUIRED FEE TO THE BOARD OFFICE. COMPLETE THE AFFIDAVIT ON PAGE 3 AND HAVE IT NOTARIZED BY A NOTARY PUBLIC.

LICENSE VERIFICATION FORM
 COMPLETE ONLY THE TOP PORTION OF THE LICENSE VERIFICATION FORM AND SEND IT TO THE LICENSING AUTHORITY WHERE YOU WERE ORIGINALLY CERTIFIED OR LICENSED BY EXAMINATION. YOU ARE RESPONSIBLE FOR ANY FEE YOUR ORIGINAL AUTHORITY MAY REQUIRE TO COMPLETE THE FORM. DELAYS MAY BE AVOIDED BY INQUIRING ABOUT THESE FEES IN ADVANCE. YOUR ORIGINAL LICENSING AUTHORITY WILL SEND THE FORM TO THIS OFFICE. VERIFICATION FORMS RECEIVED IN THIS OFFICE PRIOR TO RECEIPT OF THE APPLICATION WILL BE RETAINED ON FILE FOR NO LONGER THAN 90 DAYS. IF THE APPLICATION IS NOT RECEIVED WITHIN THIS TIME, YOU MUST REQUEST ANOTHER FORM TO BE COMPLETED AND SENT TO THIS OFFICE.

NAME CHANGE
 IF YOUR NAME ON THE APPLICATION FOR VIRGINIA CERTIFICATION IS DIFFERENT FROM THE NAME ON FILE WITH YOUR ORIGINAL LICENSING AUTHORITY, A COPY OF YOUR MARRIAGE CERTIFICATE OR THE COURT ORDER AUTHORIZING THE CHANGE MUST ACCOMPANY YOUR APPLICATION.

FOR APPLICANTS EDUCATED IN OTHER COUNTRIES
 IF YOUR MASSAGE THERAPY EDUCATION WAS RECEIVED IN ANOTHER COUNTRY AND YOU ARE NOT LICENSED IN ANOTHER STATE IN THE U.S.A., CONTACT THIS OFFICE BEFORE FILING THIS APPLICATION.

AN INCOMPLETE APPLICATION FOR LICENSURE WILL BE RETAINED ON FILE ONLY AS REQUIRED FOR AUDIT. IF NOT COMPLETED WITHIN ONE YEAR, A NEW APPLICATION MAY BE NECESSARY.

PLEASE NOTIFY THIS OFFICE WITHIN THIRTY DAYS OF A NAME CHANGE OR ADDRESS CHANGE.

*** In accordance with §54.1-116 of the Code of Virginia, you are required to submit your Social Security Number or your Control Number, issued by the Virginia Department of Motor Vehicles. If you fail to do so, the processing of your application will be suspended and fees will not be refunded. This number will be used by the Department of Health Professions for identification and will not be disclosed for other purposes except as provided for by law. Federal and state law requires that this number be shared with other agencies for child support enforcement activities.

AFFIDAVIT
 (To be completed before a Notary Public)

State of _____ County/City of _____

Name _____, being duly sworn, says that he/she is the person who is referred to in the foregoing application for certification as a massage therapist in the Commonwealth of Virginia; that the statements herein contained are true in every respect; that he/she has complied with all requirements of the law; and that he/she has read and understands the affidavit.

Subscribed to and sworn to before me this _____ day of _____


My commission expires on _____

Signature of Applicant _____

Signature of Notary Public _____

SEAL

REVISED 10/02



COMMONWEALTH OF VIRGINIA
 Board of Nursing
 Department of Health Professions
 6603 West Broad Street, 5th Floor
 Richmond, Virginia 23230-1712
 (804) 662-9909 (804) 662-9512 – FAX
 www.dhp.state.va.us TDD 804-662-7197

APPLICATION FOR CERTIFICATION BY ENDORSEMENT MESSAGE THERAPIST

I hereby make application for certification as a message therapist. The following information in support of my application is submitted with a **check or money order** in the amount of \$105 made payable to the *Treasurer of Virginia*. **The application fee is non-refundable.**

For Office Use Only		Approval: Certification No: 0019- Date Issued:
Fee Rec'd:	Ack. Sent:	Pt. 3 Rec'd:
	Pt. 2 Rec'd:	

Disclosure of Addresses

Some licensees have expressed concern that their residence address is accessible. Consistent with Virginia law and the mission of the Department of Health Professions addresses of licensees are made available to the public. This has been the policy and the practice of the Commonwealth for many years. However, the application of new technology makes such information more accessible.

In most cases it is permissible for an individual to provide an address of record other than a residence, such as a Post Office Box or a practice location. Changes of address may be made at the time of renewal or at anytime by written notification to the appropriate health regulatory board. Please be advised that all notices from the board, to include renewal notices, licenses, and other legal documents, will be mailed to the address provided.

1. Identifying Information

APPLICANT - Please print or type the information requested below and on the succeeding pages. Use full name, not initials.

Name: Last _____ Suffix _____ First _____ Middle _____ Maiden _____

Street Address _____

City _____ State _____ Zip Code _____

Date of Birth (M/D/Y) _____ Social Security or Virginia DMV Control Number _____ Area Code & Telephone Number _____

Print your name as you wish it to appear on your certificate: _____

2. Education Information

Name of Education Program: _____

Program Address: _____

Date Program Completed: _____ Length of Program in hours: _____

Program accredited/approved by: (Accrediting Authority) _____

3. Examination and Certification Information

Title of Examination:	Date Passed:
Name of Certifying Organization:	Expiration Date:

4. Certification/Licensure History

a. For applicants who have been certified or licensed in another state:
 State of original certification/licensure _____
 Year _____ Certificate/License number _____

1. In what other states have you been certified or licensed as a massage therapist?

State _____	Year Certified/Licensed _____	Certificate/License Number _____
State _____	Year Certified/Licensed _____	Certificate/License Number _____
State _____	Year Certified/Licensed _____	Certificate/License Number _____
State _____	Year Certified/Licensed _____	Certificate/License Number _____


b. Please answer **YES** or **NO** to EACH of the following:
 Has any certificate or license issued to you been voluntarily surrendered to any licensing authority in any jurisdiction _____, placed on probation _____, suspended _____, revoked _____, or otherwise disciplined below.
 Has your practice ever been the subject of an investigation by any licensing board _____? If yes, explain in detail below.

Is your certificate or license in good standing in all jurisdictions where licensed? Yes _____ No _____. If no, explain in detail below.

5. Have you ever been convicted, pled guilty to or pled Nolo Contendere to the violation of any federal, state or other statute or ordinance constituting a felony or misdemeanor? (Including convictions for driving under the influence, but excluding traffic violations)? Yes _____ No _____. If yes, explain below and have a **certified copy** of the court order sent directly to the Board of Nursing.

6. Do you have a mental, physical or chemical dependency condition which could interfere with your current ability to practice as a massage therapist? Yes _____ No _____. If yes, explain below and have a letter from your treating licensed professional summarizing diagnosis, treatment and prognosis sent **directly** to the Board of Nursing.

PLEASE BE SURE THAT YOU HAVE ANSWERED EACH OF THE ABOVE QUESTIONS.
EXPLANATIONS:



COMMONWEALTH OF VIRGINIA
 Board of Nursing
 Department of Health Professions
 6603 West Broad Street, 5th Floor
 Richmond, Virginia 23230-1712
 (804) 662-9909 - PHONE (804) 662-9512 - FAX
www.dhnp.state.va.us TDD 804-662-7197

**MASSAGE THERAPIST
 CERTIFICATION/LICENSURE VERIFICATION FORM**

TO THE APPLICANT - Complete the top portion only and send to the licensing authority in the state where you were certified or licensed a message therapist (fee may be required).

Name - Last _____ First _____ Middle _____ Social Security Number or Virginia DMV Control Number _____

Address _____
 License or certification number: _____ Year issued: _____

Name on Original License: _____

TO THE LICENSING AUTHORITY: Please provide information requested and return to the form to the Virginia Board of Nursing

APPLICANT'S FULL NAME: Last _____ First _____ Middle _____ Maiden _____
 Was school approved/accredited at time applicant graduated? Yes No Date Program Completed: _____

Name of School _____
 Location: _____

Title of Examination _____
 Name of National Certifying Organization _____

LICENSE/CERTIFICATE NUMBER _____ was granted on _____ by examination
 _____ by waiver _____ Status of license/certification: Current _____ Lapsed _____
 Inactive _____

Has license/certificate ever been suspended, revoked or otherwise disciplined? Yes No If yes, please attach certified copy of order any order by the certifying/licensing body.

I certify the above information to be true in every respect, according to the record on file with the Licensing/Certifying Authority.

Date _____ Executive Director _____

SEAL

AFFIDAVIT
 (To be completed before a Notary Public)

State of _____ County/City of _____
 Name _____, being duly sworn, says that he/she is the person who is referred to in the foregoing application for certification as a massage therapist in the Commonwealth of Virginia; that the statements herein contained are true in every respect; that he/she has complied with all requirements of the law; and that he/she has read and understands the affidavit.

Subscribed to and sworn to before me this _____ day of _____
 My commission expires on _____
 Signature of Applicant _____
 Signature of Notary Public _____

SEAL

Revised 10/02

COMMONWEALTH OF VIRGINIA
 Board of Nursing
 Department of Health Professions
 6603 West Broad Street, 5th Floor
 Richmond, Virginia 23230-1712
 (804) 662-9909 (804) 662-9512 - FAX
 www.dhlp.state.va.us TDD804-662-7197



FOR OFFICE USE ONLY			
Fee Amount	Code	Approved	Date of Reinstatement

APPLICATION FOR REINSTATEMENT OF CERTIFICATE AS A MASSAGE THERAPIST

I hereby make application to reinstate my certificate as a **Massage Therapist** in the Commonwealth of Virginia. The following information in support of my application is submitted with a **check or money order** made payable to the *Treasurer of Virginia* in the amount of **\$120.00**. The fees are **non-refundable**.

Disclosure of Addresses
 Some licensees have expressed concern that their residence address is accessible. Consistent with Virginia law and the mission of the Department of Health Professions addresses of licensees are made available to the public. This has been the policy and the practice of the Commonwealth for many years. However, the application of new technology makes such information more accessible. In most cases it is permissible for an individual to provide an address of record other than a residence, such as a Post Office Box, or a practice location. Changes of address may be made at the time of renewal or at anytime by written notification to the appropriate health regulatory board. Please be advised that all notices from the board, to include renewal notices, licenses, and other legal documents, will be mailed to the address provided.

APPLICANT - Please provide the information requested below and on the back of this page. (Print or Type)

Name: Last	Suffix	First	Middle	Maiden
Street Address				
City		State		Zip Code
Date of Birth (M/D/Y)	Social Security Number or Virginia DMV Control Number*			Virginia Certificate Number CMT #0019-_____
School of Massage Therapy	Location			Date of Graduation
Date First Certificate Issued	Last	Name at Time of Original Certification		Maiden
If proof of name change to current name has not been filed with this office, submit a copy of marriage certificate or court order authorizing the change.				
Reinstatement due to lapse of certificate _____ or suspension or revocation of certificate _____				

* In accordance with §54.1-116 of the Code of Virginia, you are required to submit your Social Security Number or your Control Number issued by the Virginia Department of Motor Vehicles. If you fail to do so, the processing of your application will be suspended and fees will not be refunded. This number will be used by the Department of Health Professions for identification and will not be disclosed for other purposes except as provided for by law. Federal and state law requires that this number be shared with other agencies for child support enforcement activities.

- This question applies to any license or certificate as a health care provider that may have been issued to you. Please answer YES or NO to EACH of the following: (If you answer yes to any of the questions, please explain in detail below and have certified copies of any applicable orders sent directly to this office.)
 - Has any license or certificate issued to you ever been voluntarily surrendered? YES ___ NO ___
 - Have you ever had any of the following disciplinary actions taken against your license or certificate by any licensing authority in any jurisdiction: placed on probation, suspended, revoked or otherwise disciplined? YES ___ NO ___
 - Has your practice ever been the subject of an investigation by any licensing authority? YES ___ NO ___
 - Have you ever been denied a license or certification in a health-related field or jurisdiction? YES ___ NO ___
- Is your license or certificate in good standing in all jurisdictions where licensed or certified? YES ___ NO ___
- Please respond in full to the following questions. You will need to provide documentation only if the response is different from that on your last application with this office. Please answer YES or NO to each question.
 - Have you ever been convicted, pled guilty to or pled Nolo Contendere to the violation of any federal, state or other statute or ordinance constituting a felony or misdemeanor? (Including convictions for driving under the influence, but excluding traffic violations)? Yes ___ No ___ If yes, explain below and have a certified copy of the court order sent directly to the Board of Nursing.
 - Do you have a mental, physical or chemical dependency condition which could interfere with your current ability to practice massage? Yes ___ No ___ If yes, explain below and have a letter from your treating licensed professional summarizing diagnosis, treatment and prognosis sent directly to the Board of Nursing.

EXPLANATIONS:

AFFIDAVIT
(To be completed before a Notary Public)

State of _____ County/City of _____

Name _____, being duly sworn, says that he/she is the person who is referred to in the foregoing application for certification as a massage therapist in the Commonwealth of Virginia; that the statements herein contained are true in every respect; that he/she has complied with all requirements of the law; and that he/she has read and understands the affidavit.

Signature of Applicant

Subscribed to and sworn to before me this _____ day of _____, _____.

My commission expires on _____.

SEAL _____
Signature of Notary Public

Revised 10/02

VA.R. Doc. No. R01-188; Filed November 20, 2002, 9:53 a.m.

Final Regulations

FORMS

BOARD OF NURSING HOME ADMINISTRATORS

Title of Regulation: 18 VAC 95-20. Regulations of the Board of Nursing Home Administrators (amending 18 VAC 95-20-80).

Statutory Authority: §§ 54.1-113 and 54.2-2400 of the Code of Virginia.

Effective Date: January 15, 2003.

Summary:

The amendments increase certain fees for the regulants of the board, including nursing home administrators and preceptors, as necessary to provide sufficient funding for the licensing and disciplinary functions of the board. The annual renewal fee for a nursing home administrator is increased from \$125 to \$225 and for a preceptor from \$60 to \$100. The application fee for licensure is increased from \$150 to \$200, but application fees for preceptors and administrators-in-training remain the same. Other fees are increased correspondingly, and some miscellaneous fees, such as the duplicate license and wall certificate charge, are reduced.

Agency Contact: Elaine J. Yeatts, Agency Regulatory Coordinator, Department of Health Professions, 6603 West Broad Street, Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114, or e-mail elaine.yeatts@dhp.state.va.us.

18 VAC 95-20-80. Required fees.

The applicant shall submit all fees below which apply:

1. A.I.T. program application	\$185
2. Preceptor application	\$125
3. Licensure application	\$150 200
4. Verification of licensure requests from other states	\$40 25
5. Nursing home administrator license renewal	\$125 225
6. Preceptor renewal	\$60 100
7. Penalty for nursing home administrator late renewal	\$50 65
8. Penalty for preceptor late renewal	\$25 35
9. Nursing home administrator reinstatement	\$225 315
10. Preceptor reinstatement	\$440 150
11. Duplicate license	\$25 15
12. Duplicate wall certificates	\$50 25

NOTICE: The forms used in administering 18 VAC 95-20, Regulations of the Board of Nursing Home Administrators, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.

Application for [*Nursing Home Administrator*] Licensure (rev. [~~4/98~~ 11/02]).

Endorsement Certification Form (rev. [~~4/98~~ 11/02]).


Application for Administrator-in-Training [*Registration*] (rev. [~~4/98~~ 11/02]).

Application for Preceptor Registration (rev. [~~4/98~~ 11/02]).

Application for Reinstatement of License (rev. [~~4/98~~ 2002]).

[*License*] Renewal Notice and Application (rev. [~~7/97~~ 2002]).

DEPARTMENT OF HEALTH PROFESSIONS
VIRGINIA BOARD OF NURSING HOME ADMINISTRATORS
 6603 W. BROAD STREET, 5TH FL
 RICHMOND, VIRGINIA 23230-1712
 (804) 662-7457 [TELEPHONE]
 (804) 662-7246 [FAX]



APPLICATION FOR NURSING HOME ADMINISTRATOR LICENSURE

INSTRUCTIONS:

- Please type or print clearly.
- Enclose \$200 Application Fee
- Include all applicable documents.
- A resume is not an acceptable substitute for any questions on this application.

DISCLOSURE OF SOCIAL SECURITY OR VIRGINIA DMV CONTROL NUMBER. In accordance with § 54.1-116 of the Code of Virginia, you are required to submit your social security number or your control number* issued by the Virginia Department of Motor Vehicles. If you fail to do so, the processing of your application will be suspended and fees will not be refunded. This number will be used by the Department of Health Professions for identification and will not be disclosed for other purposes except as provided for by law. **NO LICENSE, CERTIFICATION OR REGISTRATION WILL BE ISSUED TO ANY INDIVIDUAL WHO FAILS TO DISCLOSE ONE OF THESE NUMBERS.** * In order to obtain a Virginia driver's license control number, it is necessary to appear in person at an office of the Department of Motor Vehicles in Virginia. A fee and disclosure of your Social Security Number will be required.

APPLICATION BY: Check Application Method:
 Examination - Education or AIT Training
 Endorsement - Currently licensed by another state **Desired Test Date:** _____

PART I - PERSONAL INFORMATION

NAME: First Middle Last (Maiden)

NAME AS YOU WISH TO APPEAR ON YOUR LICENSE: _____

HOME ADDRESS: Street City State Zip

BUSINESS ADDRESS: Street City State Zip

CHECK PREFERRED MAILING ADDRESS: HOME BUSINESS

HOME PHONE: () DATE OF BIRTH: MM / DD / YY
 OFFICE PHONE: ()


SOCIAL SECURITY NUMBER OR *VA DMV CONTROL NUMBER: _____

FOR OFFICE USE ONLY

EXAMINATION: NATIONAL STATE

SCORE: NATL STATE APPROVED _____
 LICENSE # _____

DEPARTMENT OF HEALTH PROFESSIONS
VIRGINIA BOARD OF NURSING HOME ADMINISTRATORS
 6603 W. BROAD STREET, 5TH FL
 RICHMOND, VIRGINIA 23230-1712
 (804) 662-7457 [TELEPHONE]
 (804) 662-7246 [FAX]



APPLICATION FOR NURSING HOME ADMINISTRATOR LICENSURE

***** GENERAL INFORMATION *****

Dear Nursing Home Administrator Applicant:

INCLUDED IN THIS PACKET

- GENERAL INFORMATION
- APPLICATION FOR NURSING HOME ADMINISTRATOR LICENSURE
- ENDORSEMENT CERTIFICATION FORM A
- NURSING HOME ADMINISTRATOR RULES AND REGULATIONS

Please read these materials thoroughly. If you have additional questions, please contact the Board office. IF YOU ARE TAKING THE NATIONAL EXAMINATION, PLEASE CALL TO REQUEST AN APPLICATION

INSTRUCTIONS:

- Please type or print legibly.
- Please provide a passport type photo

APPLICATION FEE: \$200 (Make check or money order payable to the "Treasurer of Virginia")

- All fees are non-refundable.
- Applications received without the appropriate fees will be returned to applicant.

NAME AND ADDRESS CHANGES

- Applicants are responsible for keeping the Board office informed of any change of name or mailing address.
- Such notice must be in writing, referencing the profession and this Board in your correspondence.
- A change of name request must be notarized, state the reason for the change (marriage, divorce, etc.) and be accompanied with a copy of the documentation (court order, marriage license).

APPLICATION MATERIALS: Submit documents applicable to your qualifications.

- OFFICIAL COLLEGE TRANSCRIPTS
- VERIFICATION OF PRACTICUM
- ENDORSEMENT CERTIFICATION FORM
- EMPLOYMENT VERIFICATION

- Your application is not considered complete until the Board receives all required materials and information.
- If upon initial review of your file application materials, documents and information are missing, you will be notified, in writing, by the Board office.


Revised 11/15/2002


Final Regulations


PART VI - PROFESSIONAL BACKGROUND
<p>INSTRUCTIONS:</p> <ul style="list-style-type: none"> ▪ If you answer "Yes" to any of the following questions, attach an explanation, relevant documents and a description of the current status. ▪ For the purpose of the following questions, the terms "licensee," "registration," and "certification" are synonymous. <p><input type="checkbox"/> Yes <input type="checkbox"/> No Do you now hold, or have you in the past held anywhere a professional license?</p> <p>License Title _____ Date Issued _____ Exp. Date _____ State _____</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No Have you had revoked or suspended or otherwise sanctioned any license issued to you by any Board or agency in Virginia or any other state? or</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No Were you denied issuance of or, pursuant to disciplinary proceedings, refused renewal of a license or the privilege of taking an examination by any state licensing board?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No To the best of your knowledge, is there any disciplinary action pending against you by any licensing board or professional organization?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No Have you been convicted of a felony or any crime involving moral turpitude?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No Have you ever been convicted of a felony or misdemeanor (other than a traffic violation)?</p>
PART VII - AFFIDAVIT
<p>I, the undersigned Applicant, do hereby affirm under penalty of perjury that all statements made and information contained in this application are true and correct to the best of my knowledge and belief. Further, I consent to a thorough investigation of my education, employment record and other information that may be necessary to verify my qualification for practice as a Nursing Home Administrator. I will at all times abide by the laws of the Commonwealth and Regulations of the Board of Nursing Home Administrators governing such practice. I understand that should I violate any of these laws or regulations, that action may be taken against my license by due process.</p> <p>Date _____ Signature of Applicant _____</p> <p>Subscribed to and sworn before me this _____ day of _____, 19____</p> <p>Notary Public _____ Printed Name _____ My Commission Expires _____</p> <p style="text-align: center;">NOTARY SEAL</p>

Revised 11/15/2002

PART II - LICENSURE CRITERIA												
<p>Check the criteria in which you qualify under, then complete that applicable section. Check only ONE although you may qualify under more.</p> <p><input type="checkbox"/> EDUCATION <input type="checkbox"/> CERTIFICATE PROGRAM <input type="checkbox"/> AIT PROGRAM <input type="checkbox"/> ENDORSEMENT</p>												
PART III - EDUCATION												
<p>I AM SUBMITTING PROOF OF: <input type="checkbox"/> Degree and Practicum <input type="checkbox"/> Certificate Program</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 25%;">UNIVERSITY/COLLEGE</th> <th style="width: 25%;">CITY/STATE</th> <th style="width: 25%;">DATES ATTENDED</th> <th style="width: 25%;">DEGREE</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table> <p>Area of Coursework: _____ Nursing Home Adm. _____ Health Adm. _____ Other _____</p>	UNIVERSITY/COLLEGE	CITY/STATE	DATES ATTENDED	DEGREE								
UNIVERSITY/COLLEGE	CITY/STATE	DATES ATTENDED	DEGREE									
PART IV - ADMINISTRATOR-IN-TRAINING PROGRAM												
<p><input type="checkbox"/> Yes <input type="checkbox"/> No Did you complete an AIT Program in Virginia? If "Yes," complete this section.</p>												
<p>NURSING HOME: _____</p>												
<p>PRECEPTOR: _____</p>												
<p>DATES: _____ NUMBER OF HOURS COMPLETED: _____</p>												
PART V - PROFESSIONAL LICENSURE HELD IN ANOTHER JURISDICTION												
<p>If you are currently licensed or have been licensed in another jurisdiction, please list the information below and complete the Endorsement Certification Form for each state and forward to the jurisdiction indicated for further completion.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;">JURISDICTION</th> <th style="width: 30%;">DATE OF LICENSURE</th> <th style="width: 40%;">LICENSE #</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	JURISDICTION	DATE OF LICENSURE	LICENSE #									
JURISDICTION	DATE OF LICENSURE	LICENSE #										
<p>Have you held employment as an administrator for one year or have education and experience equivalent to the qualifications for licensure? <input type="checkbox"/> Yes <input type="checkbox"/> No (If yes, please provide documentation of such)</p> <p>Should the status of your nursing home administrator's license(s) change pending consideration of this application, you are required to inform this board in detail immediately. The failure to do so may constitute grounds for denial of your application or subsequent disciplinary action.</p>												

	
DEPARTMENT OF HEALTH PROFESSIONS VIRGINIA BOARD OF NURSING HOME ADMINISTRATORS 6603 W. BROAD STREET, 5 TH FL RICHMOND, VIRGINIA 23230-1712 (804) 662-7457 [TELEPHONE] (804) 662-7246 [FAX]	
ENDORSEMENT CERTIFICATION FORM A	
<ul style="list-style-type: none"> Applicant - Complete Part I. Mail a form to the Board or Agency of each state or jurisdiction by which you are currently licensed as a Nursing Home Administrator. State Licensure Board or Regulatory Agency - Complete Part II. Return to the address given above. 	
PART I - APPLICANT	
Full Name:	
Address:	
Date of Birth:	Social Security Number:
Jurisdiction:	Description of License Held in Other State/Jurisdiction:
Date Issued:	License Number:
	Expiration Date:
TO WHOM IT MAY CONCERN I, the undersigned applicant, am applying for a license with the Virginia State Board of Nursing Home Administrators. I hereby consent to the release of any information, favorable or otherwise, which you may have, concerning my license to practice. Please return the completed form directly to the Virginia Board at the above address.	
Date	Signature of Applicant
PART II - LICENSURE BOARD OR REGULATORY AGENCY CERTIFICATION	
<input type="checkbox"/> Yes <input type="checkbox"/> No	The information contained in Part I conforms with our records.
<input type="checkbox"/> Yes <input type="checkbox"/> No	The Applicant obtained the original license from our state/jurisdiction.
<input type="checkbox"/> Yes <input type="checkbox"/> No	The Applicant took a written examination for licensure. If "Yes," please state: Name of Examination: _____ Examination Sense# _____ Score: _____ The license is current. If "Yes," give Expiration Date: _____ The Applicant is in good standing at this time. If "No," please explain.
Date	Signature of Board Officer/Designated Official
Title of Board	Street Address
BOARD SEAL	City/State/Zip

	
DEPARTMENT OF HEALTH PROFESSIONS VIRGINIA BOARD OF NURSING HOME ADMINISTRATORS 6603 W. BROAD STREET, 5 TH FL RICHMOND, VIRGINIA 23230-1712 (804) 662-7457 [TELEPHONE] (804) 662-7246 [FAX]	
APPLICATION FOR ADMINISTRATOR-IN-TRAINING REGISTRATION	
*** GENERAL INFORMATION ***	
Dear Administrator-In-Training Applicant: INCLUDED IN THIS PACKET <input type="checkbox"/> GENERAL INFORMATION <input type="checkbox"/> APPLICATION FOR ADMINISTRATOR-IN-TRAINING REGISTRATION <input type="checkbox"/> MONTHLY REPORT OF ADMINISTRATOR-IN-TRAINING FORM <input type="checkbox"/> DOCUMENTATION OF COMPLETION OF ADMINISTRATOR-IN-TRAINING FORM <input type="checkbox"/> NURSING HOME ADMINISTRATOR RULES AND REGULATIONS <input type="checkbox"/> NURSING HOME ADMINISTRATOR DOMAINS OF PRACTICE Please read these materials thoroughly. If you have additional questions, please contact the Board office.	
INSTRUCTIONS: <ul style="list-style-type: none"> Please type or print legibly. 	
NAME AND ADDRESS CHANGES <ul style="list-style-type: none"> Applicants are responsible for keeping the Board office informed of any change of name or mailing address. Such notice must be in writing, referencing the profession and this Board in your correspondence. A change of name request must be notarized, state the reason for the change (marriage, divorce, etc.) and be accompanied with a copy of the documentation (court order, marriage license). 	
APPLICATION FEE: \$185 <ul style="list-style-type: none"> Application fees are non-refundable. Applications received without the appropriate fees will be returned to applicant. Make check or money order payable to the "Treasurer of Virginia". 	
APPLICATION MATERIALS: <ul style="list-style-type: none"> OFFICIAL COLLEGE TRANSCRIPTS (MIN. 60 SEMESTERS HOURS) OUTLINE OF PROPOSED PROGRAM DOCUMENTATION FOR MODIFIED PROGRAM REQUEST Your application is not considered complete until the Board receives all required materials and information. If upon initial review of your file application materials, documents and information are missing, you will be notified, in writing, by the Board office. Revised 11/15/2002	

 <p>DEPARTMENT OF HEALTH PROFESSIONS VIRGINIA BOARD OF NURSING HOME ADMINISTRATORS 6603 W. BROAD STREET, 5th Floor RICHMOND, VIRGINIA 23230-1712 (804) 662-7457 (TELEPHONE) (804) 662-7246 [FAX]</p>	<p style="text-align: center;">APPLICATION FOR ADMINISTRATOR-IN-TRAINING REGISTRATION</p> <p>INSTRUCTIONS:</p> <ul style="list-style-type: none"> • Please type or print clearly. • Enclose Application Fee of \$185. • Include all applicable documents. • A resume is not an acceptable substitute for any questions on this application. <p>DISCLOSURE OF SOCIAL SECURITY OR VIRGINIA DMV CONTROL NUMBER: In accordance with § 54.1-116 of the Code of Virginia, you are required to submit your social security number or your control number* issued by the Virginia Department of Motor Vehicles. If you fail to do so, the processing of your application will be suspended and fees will not be refunded. This number will be used by the Department of Health Professions for identification and will not be disclosed for other purposes except as provided for by law. NO LICENSE, CERTIFICATION OR REGISTRATION WILL BE ISSUED TO ANY INDIVIDUAL WHO FAILS TO DISCLOSE ONE OF THESE NUMBERS. * In order to obtain a Virginia driver's license control number, it is necessary to appear in person at an office of the Department of Motor Vehicles in Virginia. A fee and disclosure of your Social Security Number will be required.</p>
PART I - PERSONAL INFORMATION	
NAME: _____ First _____ Middle _____ Last _____ (Maiden)	
HOME ADDRESS: _____ Street _____ City _____ State _____ Zip _____	
BUSINESS ADDRESS: _____ Street _____ City _____ State _____ Zip _____	
<input checked="" type="checkbox"/> CHECK PREFERRED MAILING ADDRESS: <input type="checkbox"/> HOME <input type="checkbox"/> BUSINESS HOME PHONE: () _____ OFFICE PHONE: () _____	
DATE OF BIRTH: _____ / _____ / _____ SOCIAL SECURITY OR * VA DMV CONTROL #: _____	
PART II - EDUCATION	
Have you received a passing grade on a total of 60 semester hours of education from an accredited college or university? <input type="checkbox"/> Yes <input type="checkbox"/> No	
COLLEGE/UNIVERSITY ATTENDED: _____	
DEGREE: _____ DATE CONFERRED: _____	

PART III - MODIFIED PROGRAM REQUEST

Do you meet one of the following criteria's to qualify for a modified program? Yes No
 If yes, please specify _____

Employed full-time four (4) of the past five consecutive years immediately prior to application as an assistant administrator or director of nursing in a facility as prescribed in 18 VAC 95-20-330 of the Board's regulation. [1,000 hour credit]

Employed as a hospital administrator for three (3) of the past five years immediately prior to application as a hospital administrator-of-record or an assistant hospital administrator having responsibilities in all of the following areas: Regulatory, fiscal, supervisory, personnel; and management. [1,000 hour credit]

Hold a Master's degree in health care administration or a comparable field or have both a Bachelor's degree and an internship in health care administration, long term care or a comparable field. [1,000 hour credit]

Hold a Bachelor's degree in health care administration, long term care or a comparable field w/o an internship. [500 hour credit]

PART IV - AIT SUPERVISOR

NAME OF PRECEPTOR: _____ LICENSE #: _____

NAME OF FACILITY: _____

ADDRESS OF FACILITY: _____ Street _____ City/State _____ Zip _____

TRAINING BEGINS ON: _____

I HAVE ATTACHED AN INDIVIDUALIZED PROGRAM

PART V - PROFESSIONAL BACKGROUND

INSTRUCTIONS:

- If you answer "Yes" to any of the following questions, attach an explanation, relevant documents and a description of the current status.
- For the purpose of the following questions, the terms "licensee," "registration," and "certification" are synonymous.

Yes No Do you now hold, or have you in the past held anywhere a professional license?

License Title _____ Date Issued _____ Exp. Date _____
 State _____

Yes No Have you had revoked or suspended or otherwise sanctioned any license issued to you by any Board or agency in Virginia or any other state? or

Yes No Were you denied issuance of or, pursuant to disciplinary proceedings, refused renewal of a license or the privileges of taking an examination by any state licensing board?

Yes No Have you been convicted of a felony or any crime involving moral turpitude?

Yes No Have you ever been convicted of a felony or misdemeanor (other than a traffic violation)?

DEPARTMENT OF HEALTH PROFESSIONS
 VIRGINIA BOARD OF NURSING HOME ADMINISTRATORS
 6603 W. BROAD STREET, 5TH FL
 RICHMOND, VIRGINIA 23230-1712
 (804) 662-7457 [TELEPHONE]
 (804) 662-7246 [FAX]



APPLICATION FOR PRECEPTOR REGISTRATION

INSTRUCTIONS:

- Please type or print clearly.
- Enclose Application Fee of \$125.
- Include all applicable documents.
- A resume is not an acceptable substitute for any questions on this application.
- To be approved as a Preceptor, the Applicant must be a nursing home administrator, currently licensed in Virginia, employed and working fulltime at the nursing home for a minimum of two (2) of the past three years prior to application. Documentation is required.

DISCLOSURE OF SOCIAL SECURITY OR VIRGINIA DMV CONTROL NUMBER In accordance with § 54.1-116 of the Code of Virginia, you are required to submit your social security number or your control number* issued by the Virginia Department of Motor Vehicles. If you fail to do so, the processing of your application will be suspended and fees will not be refunded. This number will be used by the Department of Health Professions for identification and will not be disclosed for other purposes except as provided for by law. **NO LICENSE, CERTIFICATION OR REGISTRATION WILL BE ISSUED TO ANY INDIVIDUAL WHO FAILS TO DISCLOSE ONE OF THESE NUMBERS.** * In order to obtain a Virginia driver's license control number, it is necessary to appear in person at an office of the Department of Motor Vehicles in Virginia. A fee and disclosure of your Social Security Number will be required.

PART I - PERSONAL INFORMATION

NAME: First _____ Middle _____ Last _____ (Maiden)

NAME AS YOU WISH TO APPEAR ON YOUR LICENSE: _____

HOME ADDRESS: Street _____ City _____ State _____ Zip _____

BUSINESS ADDRESS: Street _____ City _____ State _____ Zip _____

CHECK PREFERRED MAILING ADDRESS: HOME BUSINESS

HOME PHONE: (_____) _____ / _____ / _____
 OFFICE PHONE: (_____) _____ / _____ / _____

DATE OF BIRTH: MM / DD / YY

SOCIAL SECURITY NUMBER OR *VA DMV CONTROL NUMBER: _____

FOR OFFICE USE ONLY

APPROVED _____

LICENSE # _____

PART VI - AFFIDAVIT

I, the undersigned Applicant, do hereby affirm under penalty of perjury that all statements made and information contained in this application are true and correct to the best of my knowledge and belief. Further, I consent to a thorough investigation of my education, employment record and other information that may be necessary to verify my qualification for practice as a Nursing Home Administrator. I will at all times abide by the laws of the Commonwealth and Regulations of the Board of Nursing Home Administrators governing such practice. I understand that should I violate any of these laws or regulations, that action may be taken against my license by due process. I understand that my internship may not begin until notification of approval of my application, in addition to the receipt of notification from the Board that the program may begin.

Date _____ Signature of Applicant _____

Subscribed to and sworn before me this _____ day of _____, 19 _____ Printed Name _____

Notary Public _____
 My Commission Expires _____ NOTARY SEAL

Revised 11/15/2002

FOR OFFICE USE ONLY


DATE: _____

PROGRAM APPROVED: _____

PROGRAM START DATE: _____

FULL MODIFIED (# of hrs _____)

DEPARTMENT OF HEALTH PROFESSIONS
VIRGINIA BOARD OF NURSING HOME ADMINISTRATORS
 6603 W. BROAD STREET, 5th Floor
 RICHMOND, VIRGINIA 23230-1712
 (804) 662-7457 [TELEPHONE]
 (804) 662-7246 [FAX]



APPLICATION FOR REINSTATEMENT OF LICENSE

INSTRUCTIONS:

- Please type or print clearly.
- Enclose Application Fee of \$225.
- Include all applicable documents.
- A resume is not an acceptable substitute for any questions on this application.

DISCLOSURE OF SOCIAL SECURITY OR VIRGINIA DMV CONTROL NUMBER: In accordance with § 54.1-116 of the Code of Virginia, you are required to submit your social security number or your control number* issued by the Virginia Department of Motor Vehicles. If you fail to do so, the processing of your application will be suspended and fees will not be refunded. This number will be used by the Department of Health Professions for identification and will not be disclosed for other purposes except as provided for by law. **NO LICENSE, CERTIFICATION OR REGISTRATION WILL BE ISSUED TO ANY INDIVIDUAL WHO FAILS TO DISCLOSE ONE OF THESE NUMBERS.** * In order to obtain a Virginia driver's license control number, it is necessary to appear in person at an office of the Department of Motor Vehicles in Virginia. A fee and disclosure of your Social Security Number will be required.

PART I - PERSONAL INFORMATION

NAME: _____ First _____ Middle _____ Last _____ (Maiden)

HOME ADDRESS: _____ Street _____ City _____ State _____ Zip _____

BUSINESS ADDRESS: _____ Street _____ City _____ State _____ Zip _____

CHECK PREFERRED MAILING ADDRESS: HOME BUSINESS

HOME PHONE: (_____) _____ OFFICE PHONE: (_____) _____

DATE OF BIRTH: _____ / _____ / _____ SOCIAL SECURITY OR * VA DMV CONTROL #:

PART II - LICENSE INFORMATION

NAME AT TIME OF INITIAL VA. LICENSE: _____

FORMER VA LICENSE #: _____ DATE EXPIRED: _____

CURRENTLY LICENSED IN ANOTHER JURISDICTION? YES NO STATE LICENSED: _____

DATE LICENSED: _____ IS LICENSE CURRENT? YES NO

PART II - PRECEPTOR QUALIFICATIONS

VIRGINIA NHA LICENSE #: _____ ISSUANCE DATE: _____

DOCUMENT TWO (2) YEARS OF EXPERIENCE AS A LICENSED NURSING HOME ADMINISTRATOR

1. From: _____ To: _____ Years: _____ Months: _____

Name of Nursing Home: _____

Address: _____

2. From: _____ To: _____ Years: _____ Months: _____

Name of Nursing Home: _____

Address: _____

PART VI - PROFESSIONAL BACKGROUND

INSTRUCTIONS:

- If you answer "Yes" to any of the following questions, attach an explanation, relevant documents and a description of the current status.
- For the purpose of the following questions, the terms "licensee," "registration," and "certification" are synonymous.

Yes No Do you now hold, or have you in the past held anywhere a professional license?

License Title _____ State _____ Date Issued _____ Exp. Date _____

Yes No Have you had revoked or suspended or otherwise sanctioned any license issued to you by any Board or agency in Virginia or any other state? or

Yes No Were you denied issuance of or, pursuant to disciplinary proceedings, refused renewal of a license or the privilege of taking an examination by any state licensing board?

Yes No To the best of your knowledge, is there any disciplinary action pending against you by any licensing board or professional organization?

Yes No Have you been convicted of a felony or any crime involving moral turpitude?

Yes No Have you ever been convicted of a felony or misdemeanor (other than a traffic violation)?

PART V - AFFIDAVIT

State of _____ County/City of _____ I, _____, am applying to be licensed as a preceptor in the Commonwealth of Virginia. I will at all times abide by the laws of the Commonwealth and Regulations of the Board of Nursing Home Administrators governing such practice. I understand should I violate any of these laws or regulations, that action may be taken against my license by due process. I certify that all statements made in this application are true and correct.

Subscribed and sworn before me this _____ day of _____, _____
 My Commission expires _____

 Signature of Applicant

 Notary Public

Revised 11/15/2002

PART VI - AFFIDAVIT

I, the undersigned Applicant, do hereby affirm under penalty of perjury that all statements made and information contained in this application are true and correct to the best of my knowledge and belief. Further, I consent to an investigation of my employment record and other information that may be necessary to verify my qualification for practice as a Nursing Home Administrator. I will at all times abide by the laws of the Commonwealth and Regulations of the Board of Nursing Home Administrators governing such practice. I understand that should I violate any of these laws or regulations, that action may be taken against my license by due process.

Date _____ Signature of Applicant _____

Subscribed to and sworn before me this _____ day of _____, 19____ Printed Name _____

Notary Public _____

My Commission Expires _____ **NOTARY SEAL**

Revised 11/15/2002

FOR OFFICE USE ONLY

APPROVED: _____

DATE: _____

LICENSE NUMBER: _____

LICENSE EXPIRES: _____

PART III - QUALIFICATION

Do you meet one of the following criteria's to qualify for reinstatement? Yes No

- Evidence of attendance of 20 classroom hours of continuing education for each year since last renewal. (provide documentation)
- Evidence of active practice in another state or in the US armed services during the period licensure in Virginia was lapsed. (complete endorsement certification form A)
- Evidence of re-qualifying for licensure by meeting the requirements prescribed in 18 VAC 95-20-220 or 18 VAC 95-20-225.

PART IV - EMPLOYMENT HISTORY

NAME OF FACILITY: _____

ADDRESS OF FACILITY: Street _____ City/State _____ Zip _____

DATES OF EMPLOYMENT: _____

Check if served as administrator-of-record ADMINISTRATOR-OF-RECORD

NAME OF FACILITY: _____

ADDRESS OF FACILITY: Street _____ City/State _____ Zip _____

DATES OF EMPLOYMENT: _____

Check if served as administrator-of-record ADMINISTRATOR-OF-RECORD

PART V - PROFESSIONAL BACKGROUND

INSTRUCTIONS:

- If you answer "Yes" to any of the following questions, attach an explanation, relevant documents and a description of the current status.
- For the purpose of the following questions, the terms "licensee," "registration," and "certification" are synonymous.

Yes No Do you now hold, or have you in the past held anywhere a professional license?

License Title _____ Date Issued _____ Exp. Date _____

State _____

Yes No Have you had revoked or suspended or otherwise sanctioned any license issued to you by any Board or agency in Virginia or any other state? or

Yes No Were you denied issuance of or, pursuant to disciplinary proceedings, refused renewal of a license or the privilege of taking an examination by any state licensing board?

Yes No Have you been arrested, charged or sentenced for the commission of a felony or any crime involving moral turpitude?

Yes No Have you ever been convicted of a felony or misdemeanor (other than a traffic violation)?

Department of Health Professions
6606 West Broad Street, Fourth Floor
Richmond, Virginia 23230-1717

Presorted
First-Class Mail
US Postage Paid
Richmond, VA
Permit No. 1902

«License_No»

LICENSE RENEWAL NOTICE AND APPLICATION

«First Name» «Last Name»
«L_Address_Line_1»
«L_Address_Line_2»
«L_Address_Line_3»

To Open - Fold & Tear Along Perforation

FOLD

To Open - Fold & Tear Along Perforation

FOLD

To Open This Side - Slide Finger Under This Edge

Name/Address Change Enclosed
 Licensure Status Change Enclosed

Place Postage Stamp Here

The diagram shows a rectangular form with several key features: a header with the Department of Health Professions address and a postage-paid box; a central title 'LICENSE RENEWAL NOTICE AND APPLICATION' with a license number field above it; a recipient address field with fields for first name, last name, and three address lines; and a bottom section with checkboxes for 'Name/Address Change Enclosed' and 'Licensure Status Change Enclosed', a postage stamp area, and a tear-off edge instruction. Arrows and dashed lines indicate where to fold and tear the form.

To Open - Fold & Tear Along

«First_Name» «Last_Name»
«L_Address_Line_1»
«L_Address_Line_2»
«L_Address_Line_3»

To Open - Fold & Tear Along Perforation

fold

To Open This Side - Slide Finger Under This Edge

- Name/Address Change Enclosed
- Licensure Status Change Enclosed



Place
Postage
Stamp
Here

Department of Health Professions
P.O. Box 26566
Richmond, VA 23261-6566



Final Regulations

RECEIPT—KEEP THIS PORTION FOR YOUR RECORDS—DO NOT RETURN

«First Name» «Last Name»		Renewal Fee—Amount \$225.00
«License Type» - «License No»		License Status: «License Status»
Renewal Period: «begin period» to «end period»		Current Expiration Date: «L_Expiration Date»

1. For name changes, cross out any incorrect information on the front of the renewal form, write the correct name and check the box on return envelope. Enclose a copy of your marriage license or court order for name changes.
2. Address changes, cross out any incorrect information on the front of the renewal form, write the correct address and check the box on return envelope.
3. Detach "renewal form" portion and return completed form with your check in attached return envelope.
4. Make checks payable to "Treasurer of Virginia." Visit our website at www.dhp.state.va.us

Please fold and tear on perforated line

Renewal Form for «License Status» «License Type»		Amount Due:
«License No»	Renewal Period: «begin period» to «end period»	\$225.00
«First Name» «Middle Name» «Last Name»		
«L_Address_Line_1», «L_Address_Line_2», «L_Address_Line_3»		

I wish to renew and I certify that I have met all continuing education requirements to renew an active license.

I swear that I have not made any misrepresentation on this renewal application and understand that furnishing false information constitutes cause for loss of licensure to practice.

Signature _____

If Payment for active licensure is received by Board After «L_Expiration Date», Amount Due **\$290.00**

Do not staple check to renewal form or fold renewal form.

«Scan_Line»

Disclosure of Addresses

Some licensees have expressed concern that their residence address is accessible. Consistent with Virginia law and the mission of the Department of Health Professions addresses of licensees are made available to the public. This has been the policy and the practice of the Commonwealth for many years. However, the application of new technology makes such information more accessible.

In most cases it is permissible for an individual to provide an address of record other than a residence, such as a Post Office Box or a practice location. Changes of address may be made at the time of renewal or at anytime by written notification to the appropriate health regulatory board. Please be advised that all notices from the board, to include renewal notices, licenses, and other legal documents, will be mailed to the address provided.

**Detach Along Perforation
MOISTEN AND FOLD TO SEAL**

03062015141 02001, Moore North America, Inc. 7/19/01, 10/1/01
Professional Papers LTR# 131-2-01-156, 2-06-03, 1-03/01

Renewal Form for «License_Status» «License_Type»		Amount Due:
«License_No»	Renewal Period: «begin_period» to «end_period»	\$225.00
«First_Name» «Middle_Name» «Last_Name»		
«L_Address_Line_1», «L_Address_Line_2», «L_Address_Line_3»		

I wish to renew and I certify that I have met all continuing education requirements to renew an active license.

I swear that I have not made any misrepresentation on this renewal application and understand that furnishing false information constitutes cause for loss of licensure to practice.

Signature _____

If Payment for active licensure is received by Board After «L_Expiration_Date», Amount Due \$290.00

Do not staple check to renewal form or fold renewal form.

«Scan_Line»

Disclosure of Addresses

Some licensees have expressed concern that their residence address is accessible. Consistent with Virginia law and the mission of the Department of Health Professions addresses of licensees are made available to the public. This has been the policy and the practice of the Commonwealth for many years. However, the application of new technology makes such information more accessible.

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Detach Along Perforation
MOISTEN AND FOLD TO SEAL

FOLO

VA.R. Doc. No. R02-20; Filed November 21, 2002, 10:23 a.m.

Final Regulations

BOARD OF OPTOMETRY

Title of Regulation: 18 VAC 105-20. Regulations of the Virginia Board of Optometry (amending 18 VAC 105-20-10, 18 VAC 105-20-15, 18 VAC 105-20-20, and 18 VAC 105-20-40 through 18 VAC 105-20-70).

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

Effective Date: January 15, 2003.

Summary:

The amendments revise certain requirements of licensure by endorsement, reduce the burden of reinstatement, add some miscellaneous fees consistent with other boards, clarify certain provisions related to the provision of patient records if a practice is to be terminated, and clarify the use of professional designations. The board recommends several changes in requirements for continuing education including an increase in the number of continuing education hours to the statutory limit of 16 but allowing two of those hours to be in recordkeeping and two in CPR.

The following changes are made to 18 VAC 105-20-70 of the proposed regulation: in subsection D, the phrase "within 14 days of the renewal date" has been added to the requirement to submit documentation of continuing education upon an audit request on the renewal form; in subsection G, the board added "or approved" to the requirement that an approved continuing education course or program be sponsored by one of the listed entities; in subsection G, subdivision 11 is modified to allow the board to accept category 2 courses approved by the Accreditation Council for Continuing Medical Education of the AMA as well as Category 1.

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: Elaine J. Yeatts, Agency Regulatory Coordinator, Board of Optometry, 6603 W. Broad Street, Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.state.va.us.

REGISTRAR'S NOTICE: The proposed regulation was adopted as published in 18:20 VA.R. 2565-2570 June 17, 2002, with the changes identified below. Pursuant to § 2.2-4031 of the Code of Virginia, the adopted regulation is not published at length; however, the sections that have changed since publication of the proposed are set out.

18 VAC 105-20-10 through 18 VAC 105-20-60. [No change from proposed.]

18 VAC 105-20-70. Requirements for continuing education.

A. Each license renewal shall be conditioned upon submission of evidence to the board of 14 16 hours of continuing education taken by the applicant during the previous license period.

1. Fourteen of the 16 hours shall pertain directly to the care of the patient. The 16 hours may include up to two hours of recordkeeping for patient care and up to two hours of training in cardiopulmonary resuscitation (CPR).

2. For optometrists who are certified in the use of therapeutic pharmaceutical agents, at least two of the required continuing education hours shall be directly related to the prescribing and administration of such drugs.

3. Courses that are solely designed to promote the sale of specific instruments or products and courses offering instruction on augmenting income are excluded and will not receive credit by the board.

B. Each licensee shall attest to fulfillment of continuing education hours on the required annual renewal form. All continuing education shall be completed prior to ~~October~~ December 31 unless an extension or waiver has been granted by the Continuing Education Committee.

C. All continuing education courses shall be offered by an approved sponsor listed in subsection G of this section. Courses that are not approved by a board-recognized sponsor in advance shall not be accepted for continuing education credit. For those courses that have a post-test requirement, credit will only be given if the optometrist receives a passing grade as indicated on the certificate.

D. Licensees shall maintain continuing education documentation for a period of not less than three years. A random audit of licensees may be conducted by the board which will require that the licensee provide evidence substantiating participation in required continuing education courses [within 14 days of the renewal date].

E. Documentation of hours shall clearly indicate the name of the continuing education provider and its affiliation with an approved sponsor as listed in subsection G of this section. Documents that do not have the required information shall not be accepted by the board for determining compliance. Correspondence courses shall be credited according to the date on which the post-test was graded as indicated on the continuing education certificate.

F. A licensee shall be exempt from the continuing competency requirements for the first renewal following the date of initial licensure by examination in Virginia.

~~G.~~ G. An approved continuing education course or program, whether offered by correspondence, electronically or in person, shall be sponsored [or approved] by one of the following:

1. The American Optometric Association and its constituent organizations.
2. Regional optometric organizations.
3. State optometric associations and their affiliate local societies.
4. Accredited colleges and universities providing optometric or medical courses.
5. The American Academy of Optometry and its affiliate organizations.

- 6. The American Academy of Ophthalmology and its affiliate organizations.
- 7. The Virginia Academy of Optometry.
- 8. Council on Optometric Practitioner Education (C.O.P.E.).
- 9. State or federal governmental agencies.
- 10. College of Optometrists in Vision Development.
- 11. ~~Specialty organizations~~ *The Accreditation Council for Continuing Medical Education of the American Medical Association for Category 1 [or Category 2] credit.*
- 12. ~~Journals or optometric information networks as recognized by the board~~ *Providers of training in cardiopulmonary resuscitation (CPR).*
- 13. Optometric Extension Program.

Form A, Application for a License to Practice Optometry (eff. 6/99 rev. [5/02 11/02]).

Form B, Licensure Verification (rev. [5/02 11/02]).

Diagnostic Pharmaceutical Agents Endorsement Application (eff. 2/99 rev. [5/02 11/02]).

~~Application for Approval of a Continuing Education Course (eff. 4/99).~~

~~Application for Professional Designation~~ *Application (eff. 7/99 rev. [5/02 11/02]).*

~~Professional Designation Application Letter (eff. 7/99 rev. 7/01).~~

~~Application for Reinstatement of License (eff. 6/04 rev. [5/02 11/02]).~~

~~Renewal Notice and Application (eff. 1999 rev. 5/02).~~

~~[Clearance from Other State Boards (eff. 11/02).]~~

VA.R. Doc. No. R02-49; Filed November 20, 2002, 9:46 a.m.

Title of Regulation: 18 VAC 105-30. Regulations on Certification of Optometrists to Use Therapeutic Pharmaceutical Agents (amending 18 VAC 105-30-90, 18 VAC 105-30-100, and 18 VAC 105-30-120).

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

Effective Date: January 15, 2003.

Summary:

The amendments reduce the burden of reinstating an expired certification, reduce the late renewal fee and add some miscellaneous fees consistent with other boards, and specify that two of the continuing education hours required for renewal of licensure must be directly related to prescribing and administration of prescription drugs.

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: Elaine J. Yeatts, Senior Policy Analyst, Department of Health Professions, 6603 W. Broad Street, Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.state.va.us.

~~D. For board approval of courses offered by other sponsors, the board will review courses for purposes of continuing education requirements if the course review fee as prescribed in 18 VAC 105-20-20 has been paid and the following is provided:~~

- 1. The title of the course;
- 2. The sponsoring organization(s);
- 3. The name of the lecturer;
- 4. The qualifications of the lecturer;
- 5. An outline of the course's content;
- 6. The length of the course in clock hours;
- 7. The method of certification of attendance or completion if offered as a correspondence course; and
- 8. Number of credit hours requested.

~~E. Courses approved by the board will be kept on a list maintained by the board. All courses approved by the board shall pertain directly to the care of the patient.~~

~~F. Courses excluded by the board shall include:~~

- 1. Courses which are solely designed to promote the sale of specific instruments or products;
- 2. Courses offering instruction on augmenting income; and
- 3. Courses which are neither advertised nor in fact available to all optometrists.

NOTICE: The forms used in administering 18 VAC 105-20, Regulations of the Virginia Board of Optometry, 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 Board of Optometry, 6603 W. Broad Street, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

REGISTRAR'S NOTICE: The proposed regulation was adopted as published in 18:20 VA.R. 2570-2578 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.

FORMS

~~Optometry Licensure Applicant Instructions to Applicant (eff. 6/99 rev. [5/02 11/02]).~~

Final Regulations

NOTICE: The forms used in administering 18 VAC 105-30, Regulations on Certification of Optometrists to Use Therapeutic Pharmaceutical Agents, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.

FORMS

TPA Certification Applicant Instructions (rev. [~~5/02~~ 11/02]).

Form C, Application for Therapeutic Pharmaceutical Agents Certification (rev. ~~8/24/98~~ [~~5/02~~ 11/02]).

Form A D, Certificate of Training (rev. ~~2/2/99~~ [~~5/02~~ 11/02]).

~~*Form B, Clearance from Other State Boards* (rev. 2/2/99).~~

Application for TPA Certification Reinstatement (rev. [~~5/17/02~~ 11/02).]

~~*Renewal Notice and Application, C-46454* (eff. ~~7/1/97~~ rev. 5/02).~~

TPA CERTIFICATION APPLICANT INSTRUCTIONS

In Virginia, a license to practice optometry, alone, does not entitle the holder to prescribe for and treat certain diseases or abnormal conditions of the human eye and its adnexa with certain therapeutic pharmaceutical agents (TPA's); a separate TPA certification is required. Please review all of the following instructions before submitting your application. The application will not be considered complete until all items have been forwarded to the Virginia Board office as specified.

- A Virginia optometry license with authorization to use diagnostic pharmaceutical agents is required. (NOTE: You may apply for TPA certification and licensure at the same time but you will not be issued a TPA certificate until your license has been issued. If you are licensed in Virginia, you do not have to request verification.) (See also "Optometry Licensure Applicant Instructions," the "Regulations of the Virginia Board of Optometry," "Regulations on Certification for Therapeutic Pharmaceutical Agents").
- A transcript verifying your doctorate in optometry must be sent directly from the registrar. (NOTE: If you are applying for licensure at this time, as well, one transcript will suffice for both licensure and TPA applications).
- Proof of TPA Training. Check the enclosed listing entitled, "Graduate Optometric Programs Approved" to determine whether you graduated before or after the curriculum met the requirements for approved TPA training.
 - a. If you graduated on or after the beginning graduation date adopted for approval in lieu of postdoctoral training, your O.D. transcript is all that is needed.. Ignore the "Certificate of Training" (Form D).
 - b. If you graduated before the approved graduation date, check to see if your postgraduate program, residency or fellowship is on the list entitled, "Postgraduate TPA Optometric Programs Approved" or "Postdoctoral Residencies or Fellowships". If it is on the list, have the institution complete the "Certificate of Training" and have them return it directly to the Board office.
 - c. If you graduated prior to the approval date for graduate programs and your program is NOT on the approved postgraduate or postdoctoral lists, your course of study must be submitted to the Board for review. Have the institution complete the "Certificate of Training," and provide details of the curriculum and faculty and return the information directly to the Board office.
- Completed "Application for Therapeutic Pharmaceutical Agents Certification" – Form C
- Payment of the \$200 TPA application fee made payable to the *Treasurer of Virginia*.
- Passing score on the Treatment and Management of Ocular Disease Examination (TMOD) taken from 1985 forward. The score must be sent directly from NBEO to the Board office.
- Licensure verification. If you are or ever have been licensed in any other jurisdiction, send a copy of "Clearance From Other State Boards" (Form B) with your signature on the front of the form to each state optometry board where you have ever been licensed and request that they verify your licensure status. They must send the verifications directly to the Virginia Board of Optometry. (NOTE: Just as with transcripts, if you are applying for licensure at this time, you need not duplicate the licensure verifications provided for license application.)

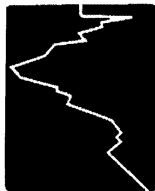
Contact Information: Carol Stamey
Virginia Board of Optometry
(804) 662-9910 or carol.stamey@dhp.state.va.us

g:/tpainstr revised 11/2002

APPLICATION FOR THERAPEUTIC PHARMACEUTICAL AGENTS CERTIFICATION

To the Board of Optometry:

I hereby make application for a certificate to practice as a TPA Certified Optometrist in the Commonwealth of Virginia and submit the following statements:



APPLICANT: Please complete all sections (Print or type)

LAST NAME		FIRST		MIDDLE/MAIDEN	
HOUSE/APT #, STREET NAME			CITY	STATE	ZIP CODE
TELEPHONE NUMBER	FAX NUMBER	E-MAIL ADDRESS			
DATE OF BIRTH	PLACE OF BIRTH	SOCIAL SECURITY NUMBER OR DMV NUMBER*			
Mo Day Yr	Prof. School Degree	School, City, State			
GRADUATION DATE	Mo Day Yr	PRINT NAME AS YOU WISH IT TO APPEAR ON WALL CERTIFICATE			

APPLICANTS DO NOT USE SPACES BELOW THIS LINE – FOR OFFICE USE ONLY

CLASS	APPLICANT NO.	FEE	SUPERIOR LICENSE NO.	TMOD EXAM DATE
CERTIFICATE NUMBER	EXPIRATION DATE	ISSUE DATE		

*In accordance with § 54.1-116 of the Code of Virginia, you are required to submit your Social Security Number or your control number issued by the Virginia Department of Motor Vehicles. If you fail to do so, the processing of your application will be suspended and fees will not be refunded.

This number will be used by the Department of Health Professions for identification and will not be disclosed for other purposes except as provided for by law. Federal and state law requires that this number be shared with other agencies for child support enforcement activities.

FORM C (Page 1 of 3)

- I hereby certify that I studied optometry and received the degree of _____ (Type of Degree) from _____ (School) _____ (Date)
- Do you hold a current license to practice optometry in Virginia? If Yes, give license number _____
- List all jurisdictions in which you have been certified/licensed to practice optometry _____
- List all didactic and clinical postgraduate training in the treatment of diseases or abnormal conditions of the human eye and its adnexa with therapeutic pharmaceutical agents: _____

ALL QUESTIONS MUST BE ANSWERED. If any of the following questions is answered yes, explain and substantiate with available documentation.

- Have you ever been reprimanded, had your license suspended, or canceled, or revoked by a jurisdiction? If yes, give jurisdiction, reasons and dates. Yes No
- Have you ever voluntarily surrendered your license in any state? If yes, give jurisdiction, reasons and dates.
- Have you ever been convicted of a violation of a federal, state, or local statute, regulation or ordinance, or entered into any plea bargaining relating to a felony or misdemeanor? (Excluding traffic violations, except convictions for driving under the influence). Yes No
- Have you ever had hospital privileges or any membership in a state or local professional society revoked, suspended, or sanctioned in any manner? Yes No
- Have you voluntarily withdrawn from a hospital staff or from any professional society while under investigation? Yes No
- Have you had any malpractice suits brought against you in the last ten years? If so, how many? _____. Provide a letter from your attorney explaining each case. Yes No
- Have you, within the last two (2) years, received treatment for or been hospitalized for a nervous, emotional, or mental disorder which could impair your practice? If yes, please provide a letter from each of your treating professionals summarizing diagnosis, treatment, and prognosis. Yes No
- Do you have a physical disease or diagnosis which could affect your performance of professional duties? If yes, please provide a letter from each of your treating professionals summarizing diagnosis, treatment and prognosis. Yes No
- Have you, within the last two (2) years, been treated by, consulted with or been under the care of a professional for any substance abuse? If yes, please provide a letter from the treating professional summarizing diagnosis, treatment and prognosis. Yes No
- Have you, within the last five (5) years, been adjudged mentally incompetent or been committed to a mental institution? If yes, please provide a letter from the treating professional summarizing diagnosis, treatment and prognosis. Yes No

Page 2 of 3

COMMONWEALTH OF VIRGINIA
Department of Health Professions

Board of Optometry
6603 West Broad Street, 6th Floor
Richmond, Virginia 23230-1717
(804) 662-3910
carol.stamey@dhpp.state.va.us



CERTIFICATE OF TRAINING

Every applicant applying for certification to prescribe for and treat certain diseases, including abnormal conditions, of the human eye and its adnexa with certain therapeutic pharmaceutical agents shall provide evidence of having completed a full-time approved postgraduate optometric training program, or a full-time approved graduate optometric training program to the Board.

I hereby authorize the director of the postgraduate or graduate training program to release to the Virginia Board of Optometry the information listed below in connection with the processing of my application.

_____ Signature of Applicant

It is hereby certified that _____ completed
the program for _____

from _____ to _____ (Month/Day/Year)
_____ Title of Postgraduate Optometric Program

School of Optometry _____

Address _____

City, State, Zip Code _____

Program Director _____ Date _____

Please return to: Board of Optometry
6603 West Broad Street, 6th Floor
Richmond, VA 23230-1717

SCHOOL SEAL

FORM D

Revised 11/5/2002
CERT_OF_TRAINING

THIS SECTION MUST BE NOTARIZED

I, _____, being first duly sworn, depose and say that I am the person referred to in the foregoing application and supporting documents.

I hereby authorize all hospitals, institutions, or organizations, my references, personal physicians, employers (past and present), business and professional associates (past and present), and all governmental agencies and instrumentalities (local, state, federal or foreign) to release to the Virginia Board of Optometry any information, files or records requested by the Board in connection with the processing of individuals and groups listed above, any information which is material to me and my application.

I have carefully read the questions in the foregoing application and have answered them completely, without reservations of any kind, and I declare under penalty of perjury that my answers and all statements made by me herein are true and correct. Should I furnish any false information in this application, I hereby agree that such act shall constitute cause for the denial, suspension or revocation of my certificate to practice as a certified optometrist in the Commonwealth of Virginia.

_____ Signature of Applicant

City/County of _____ State of _____

Subscribed and sworn to before me this _____ day of _____, 20____

My Commission expires _____

_____ Signature of Notary Public

NOTARY SEAL

TPA_APPLICATION
Revised 1/12/02

Final Regulations

COMMONWEALTH OF VIRGINIA
BOARD OF OPTOMETRY
 6603 West Broad Street, 6th Floor
 Richmond, Virginia 23230-1717
 (804) 662-9910 or e-mail: carol.stamey@dhp.state.va.us



TPA REINSTATEMENT APPLICATION

APPLICANT - Please provide the information requested below and on the back of this page.

NAME - LAST		FIRST		MIDDLE/MAIDEN	
STREET ADDRESS		CITY	STATE	ZIP CODE	
AREA CODE/TELEPHONE NUMBER		E-MAIL ADDRESS			
DATE OF BIRTH (M/D/Y)	VIRGINIA LICENSE NUMBER	ORIGINAL ISSUE DATE			

Reinstatement requested due to lapse of certification _____ or suspension or revocation of certification _____.

- Why do you seek reinstatement at this time?

- Please attach a detailed summary of your professional activities, affiliations, employment and education since the expiration of your certification. Explain any absences from practice and work. Please account for all time. (Include copies of CE certificates)
- Date(s) you took the NBEO/TMOD examination(s):

- Do you have a mental, physical or chemical dependency condition which could interfere with your current ability to practice optometry? Yes No If yes, explain response in detail and have a letter from your treating licensed professional sent to the Board of Optometry.
- Has your license ever been voluntarily surrendered to a licensing authority in any jurisdiction or revoked, suspended, placed on probation, or otherwise disciplined by any licensing authority in any jurisdiction? If yes, explain response in detail.

- Have you ever been convicted, pled guilty to or pled Nolo Contendere to the violation of any federal, state or other state's ordinance constituting a felony or misdemeanor? (Including convictions for driving under the influence, but excluding traffic violations. Yes No If yes, explain in detail and have a certified copy of the court order mailed to the Board of Optometry.
- List all states in which you are or have been licensed to practice optometry and request that each state provide licensure verification to the Board office:

OFFICE SPACE ONLY
 Fees Paid \$ _____
 APPROVED BY EXEC DIRECTOR _____ APPROVED BY BOARD _____
 Applicant # _____ Reinstatement Certification # _____ Date Issued _____

AFFIDAVIT
 (To be completed before a notary public)

State of _____ County/City _____

Name _____ being duly sworn, says that he/she is the person who is referred to in the foregoing application for certification to use therapeutic pharmaceutical agents in the Commonwealth of Virginia; that the statements herein contained are true in every respect; that he/she has complied with all requirements of the law; and that he/she has read and understands this affidavit.

 Signature of Applicant

Subscribed to and sworn to before me this _____ day of _____ 20____
 My commission expires on _____

 Signature of Notary Public

SEAL

A reinstatement application fee of \$300 is required to process the application.
 Make check or money order payable to the Treasurer of Virginia.

HTPA REINSTATEM
 Application # 00002
 Page 1 of 2

FORMS

BOARD OF VETERINARY MEDICINE

Title of Regulation: 18 VAC 150-20. Regulations Governing the Practice of Veterinary Medicine (amending 18 VAC 150-20-100).

Statutory Authority: § 54.1-2400 and Chapter 38 (§ 54.1-3800 et seq.) of Title 54.1 of the Code of Virginia.

Effective Date: January 15, 2003.

Summary:

The amendments increase certain fees for the regulants of the board, including veterinarians, veterinary technicians and facilities, as necessary to provide sufficient funding for the licensing, inspection and disciplinary functions of the board. An annual renewal fee for a veterinarian is increased from \$125 to \$135, for a veterinary technician from \$25 to \$30 and for a veterinary facility from \$50 to \$140. Other fees are increased correspondingly, and some miscellaneous fees remain the same.

Summary of Public Comments and Agency's Response: No public comments were received by the promulgating agency.

Agency Contact: Elaine J. Yeatts, Senior Policy Analyst, Board of Veterinary Medicine, 6603 West Broad Street, Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.state.va.us.

18 VAC 150-20-100. Fees.

Veterinary initial license or renewal (active)	\$125 [\$140 \$135]
Veterinary license renewal (inactive)	\$50 [\$70 \$65]
Veterinary reinstatement of expired license	\$175
Veterinary license late renewal	\$25 \$45
Veterinarian reinstatement after disciplinary action	\$200 \$300
Veterinary technician initial license or renewal	\$25 [\$35 \$30]
Veterinary technician license renewal (inactive)	[\$20 \$15]
Veterinary technician license late renewal	\$15
Veterinary technician reinstatement of expired license	\$50
Veterinary technician reinstatement after disciplinary action	\$75
Initial animal facility permit registration	\$150 \$200
Animal facility renewal	\$50 [\$150 \$140]
Animal facility late renewal	\$25 [\$50 \$45]
Animal facility reinstatement	\$100
Animal facility reinspection	\$150 \$200
Animal facility--change of location	\$150 \$200
Animal facility--change of veterinarian-in-charge	\$20 \$30
Duplicate license	\$10
Duplicate wall certificate	\$25
Returned check	\$25
Licensure verification to another jurisdiction	\$40 \$15

NOTICE: The forms used in administering 18 VAC 150-20, Regulations Governing the Practice of Veterinary Medicine, 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 Board of Veterinary Medicine, 6603 W. Broad Street, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

~~[Instructions to Applicants for Licensure to Practice Veterinary Medicine Licensure Procedure for Veterinarians] (rev. 7/97 [7/02 10/02]).~~

~~Application for a License to Practice Veterinary Medicine (rev. 10/98 [7/02 10/02]).~~

~~Instructions to [Applicants for Licensure to Practice Veterinary Technology the Veterinary Technician Applicant (rev. 7/97 [7/02 10/02]).~~

~~Application for a License to Practice Veterinary Technology (rev. 10/98 [7/02 10/02]).~~

~~Applicant Instructions for New, Upgrading to Full Service, or Change of Location Inspections (eff. [7/02 10/02]).~~

~~Application for an Animal Facility Veterinary Establishment Permit (rev. 7/97 7/02).~~

~~Application for Reinstatement [of License to Practice Veterinary Medicine] (rev. [7/97 10/02]).~~

~~[Application for Reinstatement of Veterinary Technician License (rev. 7/97).]~~

~~Renewal Notice and Application -0301 (rev. 7/97 7/02).~~

~~Renewal Notice and Application -0302 (rev. 7/02).~~

~~[Instructions to Applicants for Veterinary Licensure by Endorsement (rev. 7/02).~~

~~Instructions to Applicants for Veterinary Technician Licensure by Endorsement (rev. 7/02).~~

~~Licensure Verification - Veterinarian (rev. 11/02).~~

~~Licensure Verification - Veterinary Technician (rev. 11/02).]~~

VA.R. Doc. No. R02-19; Filed November 20, 2002, 9:52 a.m.



EMERGENCY REGULATIONS

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF MEDICINE

Title of Regulation: 18 VAC 85-20. Regulations Governing the Practice of Medicine, Osteopathy, Podiatry and Chiropractic (adding 18 VAC 85-20-310 through 18 VAC 85-20-390).

Statutory Authority: § 54.1-2912.1 and 54.1-2400 of the Code of Virginia.

Effective Dates: November 18, 2002, through November 17, 2003.

Preamble:

Chapter 324 of the 2002 Acts of the Assembly requires the board to "promulgate regulations governing the practice of medicine related to the administration of anesthesia in physicians' offices." Amendments to the regulations are required to establish the applicability of the rules, qualifications of providers, protocols for anesthesia/procedure selection, requirements for informed consent, and procedures for monitoring, emergency transfers, and discharge. The enactment clause required the board to adopt regulations within 280 days or by January 7, 2003.

In response to a petition for rulemaking concerning the use of anesthesia in physician offices, ambulatory surgery centers and other nonhospital settings, the Board of Medicine had already published a Notice of Intended Regulatory Action and proposed regulations but will be unable to complete the regulatory process by the deadline set in the legislation. Therefore, emergency regulations are required in the interim until the adoption and approval of a final regulation.

Substance: The board has adopted a new section to set forth the rules for "Office-Based Anesthesia," including definitions that are applicable to these regulations. First, the rules establish applicability, excluding the delivery of anesthesia in hospital settings or federal facilities and excluding the administration of levels of anesthesia with little potential for complications, such as local, topical or minimal sedation. General provisions set out the responsibilities of the doctor of medicine, osteopathy or podiatry and require that all procedures and protocols be in writing and available for inspection.

Requirements for the providers of anesthesia include training in the level of anesthesia being given as well as in advanced resuscitative techniques. If the doctor administers anesthesia without a qualified anesthesia provider, he is required to devote four of his 60 hours of continuing education to anesthesia. Higher levels of anesthesia with greater risks to patients can only be delivered by qualified anesthesia providers who are anesthesiologists or nurse anesthetists.

Regulations establish a requirement for a written protocol on procedure and anesthesia selection and on the evaluation of a

patient to determine preexisting conditions, physical classification, risks and benefits. Anesthesia in an office-based setting is not permitted for certain patients who are at very high risk. All patients must give informed consent after the anesthesia plan has been discussed.

Requirements for monitoring are established to include appropriate equipment that has been maintained up to industry standards. The equipment, drugs and supplies necessary for different levels of anesthesia are set out in the regulation. Procedures for monitoring patients during and after the procedure must be in writing and must include continuous clinical observation; and for deep sedation or general anesthesia, the practitioner is required to be present in the facility until discharge criteria have been met.

Finally, there are requirements for emergencies and transfer to a hospital, for discharge protocols and for reporting of serious incidents resulting from the delivery of office-based anesthesia.

Agency Contact: Elaine J. Yeatts, Agency Regulatory Coordinator, 6603 W. Broad Street, Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.state.va.us.

PART VIII. OFFICE-BASED ANESTHESIA.

18 VAC 85-20-310. Definitions.

"Advanced resuscitative techniques" means methods learned in certification courses for Advanced Cardiopulmonary Life Support (ACLS), or Pediatric Advanced Life Support (PALS).

"Deep sedation" means a drug-induced depression of consciousness during which patients cannot be easily aroused but respond purposefully following repeated or painful stimulation. The ability to independently maintain ventilatory function may be impaired. Patients often require assistance in maintaining a patent airway, and spontaneous ventilation may be inadequate. Cardiovascular function is usually maintained.

"General anesthesia" means a drug-induced loss of consciousness during which patients are not arousable even by painful stimulation. The ability to independently maintain ventilatory function is often impaired. Patients often require assistance in maintaining a patent airway, and positive-pressure ventilation may be required because of depressed spontaneous ventilation or drug-induced depression of neuromuscular function. Cardiovascular function may be impaired.

"Local anesthesia" means a transient and reversible loss of sensation in a circumscribed portion of the body produced by a local anesthetic agent.

"Minimal sedation/analgesia" means a drug-induced state during which a patient responds normally to verbal commands. Although cognitive function and coordination may be impaired, ventilatory and cardiovascular functions are usually not affected.

"Moderate sedation/conscious sedation" means a drug-induced depression of consciousness during which patients respond purposefully to verbal commands, either alone or

accompanied by light tactile stimulation. No interventions are usually required to maintain a patent airway, and spontaneous ventilation is usually adequate. Cardiovascular function is usually maintained.

"Monitoring" means the continual clinical observation of patients and the use of instruments to measure and display the values of certain physiologic variables such as pulse, oxygen saturation, level of consciousness, blood pressure and respiration.

"Office-based" means any setting other than (1) a licensed hospital as defined in § 32.1-123 of the Code of Virginia or state-operated hospitals and their associated, contiguous clinics with immediate access to anesthesia services available within two minutes; or (2) a facility directly maintained or operated by the federal government.

"Physical status classification" means a description used in determining the physical status of a patient as specified by the American Society of Anesthesiologists. Classifications are Class 1 for a normal healthy patient; Class 2 for a patient with mild systemic disease; Class 3 for a patient with severe systemic disease limiting activity but not incapacitation; Class 4 for a patient with incapacitating systemic disease that is a constant threat to life; and Class 5 for a moribund patient not expected to live 24 hours with or without surgery.

"Regional anesthesia" means the administration of anesthetic agents to a patient to interrupt nerve impulses without the loss of consciousness and includes minor and major conductive blocks.

"Minor conductive block" means the injection of local anesthesia to stop or prevent a painful sensation in a circumscribed area of the body (local infiltration or local nerve block), or the block of a nerve by refrigeration. Minor conductive nerve blocks include, but are not limited to, peribulbar blocks, pudendal blocks and ankle blocks.

"Major conductive block" means the use of local anesthesia to stop or prevent the transmission of painful sensations from large nerves, groups of nerves, nerve roots or the spinal cord. Major nerve blocks include, but are not limited to epidural, spinal, caudal, femoral, interscalene and brachial plexus.

"Topical anesthesia" means an anesthetic agent applied directly to the skin or mucous membranes, intended to produce a transient and reversible loss of sensation to a circumscribed area.

18 VAC 85-20-320. General provisions.

A. Applicability of requirements for office-based anesthesia.

1. The administration of topical anesthesia, local anesthesia, minor conductive blocks, or minimal sedation/anxiolysis, not involving a drug-induced alteration of consciousness other than minimal pre-operative tranquilization, is not subject to the requirements for office-based anesthesia. A health care practitioner administering such agents shall adhere to an accepted standard of care as appropriate to the level of anesthesia or sedation, including evaluation, drug selection, administration and management of complications.

2. The administration of moderate sedation/ conscious sedation, deep sedation, general anesthesia, or regional anesthesia consisting of a major conductive block are subject to these requirements for office-based anesthesia.

B. A doctor of medicine, osteopathic medicine, or podiatry administering office-based anesthesia or supervising such administration shall:

1. Perform a pre-anesthetic evaluation and examination or ensure that it has been performed;
2. Develop the anesthesia plan or ensure that it has been developed;
3. Ensure that the anesthesia plan has been discussed and informed consent obtained;
4. Ensure patient assessment and monitoring through the pre-, peri-, and post-procedure phases, addressing not only physical and functional status, but also physiological and cognitive status.
5. Ensure provision of indicated post-anesthesia care;
6. Remain physically present or immediately available, as appropriate, for diagnosis, treatment and management of anesthesia-related complications or emergencies.

C. All written policies, procedures and protocols required for office-based anesthesia shall be maintained and available for inspection at the facility.

18 VAC 85-20-330. Qualifications of providers.

A. Doctors who utilize office-based anesthesia shall ensure that all medical personnel assisting in providing patient care are appropriately trained, qualified and supervised, are sufficient in numbers to provide adequate care, and maintain training in basic cardiopulmonary resuscitation.

B. All providers of office-based anesthesia shall hold the appropriate license and have the necessary training and skills to deliver the level of anesthesia being provided.

1. Deep sedation, general anesthesia or a major conductive block shall only be administered by an anesthesiologist or by a certified registered nurse anesthetist.
2. Moderate sedation/conscious sedation may be administered by the operating doctor with the assistance of and monitoring by a licensed nurse, a physician assistant or a licensed intern or resident.

C. Additional training.

1. The doctor who provides office-based anesthesia or who supervises the administration of anesthesia shall maintain current certification in advanced resuscitation techniques.
2. Any doctor who administers office-based anesthesia without the use of an anesthesiologist or certified registered nurse anesthetist shall obtain four hours of continuing education in anesthesia each biennium.

Emergency Regulations

18 VAC 85-20-340. Procedure/anesthesia selection and patient evaluation.

A. A written protocol shall be developed and followed for procedure selection to include but not be limited to:

1. The doctor providing or supervising the anesthesia shall ensure that the procedure to be undertaken is within the scope of practice of the health care practitioners and the capabilities of the facility.

2. The procedure shall be of a duration and degree of complexity that will permit the patient to recover and be discharged from the facility in less than 24 hours.

3. The level of anesthesia used shall be appropriate for the patient, the surgical procedure, the clinical setting, the education and training of the personnel, and the equipment available. The choice of specific anesthesia agents and techniques shall focus on providing an anesthetic that will be effective, appropriate and will address the specific needs of patients while also ensuring rapid recovery to normal function with maximum efforts to control post-operative pain, nausea or other side effects.

B. A written protocol shall be developed for patient evaluation to include but not be limited to:

1. The pre-operative anesthesia evaluation of a patient shall be performed by the health care practitioner administering the anesthesia or supervising the administration of anesthesia. It shall consist of performing an appropriate history and physical examination, determining the patient's physical status classification, developing a plan of anesthesia care, acquainting the patient or the responsible individual with the proposed plan and discussing the risks and benefits.

2. The condition of the patient, specific morbidities that complicate anesthetic management, the specific intrinsic risks involved, and the nature of the planned procedure shall be considered in evaluating a patient for office-based anesthesia.

3. Patients who have pre-existing medical or other conditions that may be of particular risk for complications shall be referred to a facility appropriate for the procedure and administration of anesthesia. Nothing relieves the licensed health care practitioner of the responsibility to make a medical determination of the appropriate surgical facility or setting.

C. Office-based anesthesia shall only be provided for patients in physical status classifications for Classes I, II and III. Patients in Classes IV and V shall not be provided anesthesia in an office-based setting.

18 VAC 85-20-350. Informed consent.

Prior to administration, the anesthesia plan shall be discussed with the patient or responsible party by the health care practitioner administering the anesthesia or supervising the administration of anesthesia. Informed consent for the nature and objectives of the anesthesia planned shall be in writing and obtained from the patient or responsible party before the procedure is performed. Informed consent shall only be

obtained after a discussion of the risks, benefits, and alternatives, contain the name of the anesthesia provider and be documented in the medical record.

18 VAC 85-20-360. Monitoring.

A. A written protocol shall be developed for monitoring equipment to include but not be limited to:

1. Monitoring equipment shall be appropriate for the type of anesthesia and the nature of the facility. At a minimum, provisions shall be made for a reliable source of oxygen, suction, resuscitation equipment and emergency drugs.

2. In locations where anesthesia is administered, there shall be adequate anesthesia apparatus and equipment to ensure appropriate monitoring of patients. All equipment shall be maintained, tested and inspected according to manufacturer's specifications, and back-up power shall be sufficient to ensure patient protection in the event of an emergency.

3. When anesthesia services are provided to infants and children, the required equipment, medication and resuscitative capabilities shall be appropriately sized and calibrated for children.

B. To administer office-based moderate sedation/conscious sedation, the following equipment, supplies and pharmacological agents are required:

1. Appropriate equipment to manage airways;

2. Drugs and equipment to treat shock and anaphylactic reactions;

3. Precordial stethoscope;

4. Pulse oximeter with appropriate alarms or an equivalent method of measuring oxygen saturation;

5. Continuous electrocardiograph with paper recorder;

6. Devices for measuring blood pressure, heart rate and respiratory rate;

7. Defibrillator;

8. Accepted method of identifying and preventing the interchangeability of gases.

C. In addition to requirements in subsection B, to administer general anesthesia, deep sedation or major conductive blocks, the following equipment, supplies and pharmacological agents are required:

1. Drugs to treat malignant hyperthermia, when triggering agents are used;

2. Peripheral nerve stimulator, if a muscle relaxant is used; and

3. If using an anesthesia machine, the following shall be included:

a. End-tidal carbon dioxide monitor (capnograph);

b. In-circuit oxygen analyzer designed to monitor oxygen concentration within breathing circuit by displaying oxygen percent of the total respiratory mixture;

c. Oxygen failure-protection devices (fail-safe system) which have the capacity to announce a reduction in oxygen pressure and, at lower levels of oxygen pressure, to discontinue other gases when the pressure of the supply of oxygen is reduced;

d. Vaporizer exclusion (interlock) system, which ensures that only one vaporizer, and therefore only a single anesthetic agent can be actualized on any anesthesia machine at one time;

e. Pressure-compensated anesthesia vaporizers, designed to administer a constant non-pulsatile output, which shall not be placed in the circuit downstream of the oxygen flush valve;

f. Flow meters and controllers, which can accurately gauge concentration of oxygen relative to the anesthetic agent being administered and prevent oxygen mixtures of less than 21 percent from being administered;

g. Alarm systems for high (disconnect), low (subatmospheric) and minimum ventilatory pressures in the breathing circuit for each patient under general anesthesia; and

h. A gas evacuation system.

D. A written protocol shall be developed for monitoring procedures to include but not be limited to:

1. Physiologic monitoring of patients shall be appropriate for the type of anesthesia and individual patient needs, including continuous monitoring and assessment of ventilation, oxygenation, cardiovascular status, body temperature, neuromuscular function and status, and patient positioning.

2. Intra-operative patient evaluation shall include continuous clinical observation and continuous anesthesia monitoring.

3. A health care practitioner administering general anesthesia or deep sedation shall remain present and available in the facility to monitor a patient until the patient meets the discharge criteria. A health care practitioner administering moderate sedation/conscious sedation shall routinely monitor a patient according to procedures consistent with such administration.

18 VAC 85-20-370. Emergency and transfer protocols.

A. There shall be written protocols for handling emergency situations, including medical emergencies and internal and external disasters. All personnel shall be appropriately trained in and regularly review the protocols and the equipment and procedures for handling emergencies.

B. There shall be written protocols for the timely and safe transfer of patients to a pre-specified hospital or hospitals within a reasonable proximity. There shall be a transfer agreement with such hospital or hospitals.

18 VAC 85-20-380. Discharge policies and procedures.

A. There shall be written policies and procedures outlining discharge criteria. Such criteria shall include stable vital signs, responsiveness and orientation, ability to move voluntarily, controlled pain, and minimal nausea and vomiting.

B. Discharge from anesthesia care is the responsibility of the health care practitioner providing the anesthesia care and shall only occur when patients have met specific physician-defined criteria.

C. Written instructions and an emergency phone number shall be provided to the patient. Patients shall be discharged with a responsible individual who has been instructed with regard to the patient's care.

D. At least one person trained in advanced resuscitative techniques shall be immediately available until all patients are discharged.

18 VAC 85-20-390. Reporting requirements.

The doctor administering the anesthesia or supervising such administration shall report to the board within 30 days any incident relating to the administration of anesthesia that results in patient death, either intraoperatively or within the immediate 72-hour postoperative period or in transport of a patient to a hospital for a stay of more than 24 hours.

/s/ Mark R. Warner
Governor

Date: November 15, 2002

VA.R. Doc. No. R03-72; Filed November 18, 2002, 1:47 p.m.

◆

AGENCY RESPONSE TO LEGISLATIVE OBJECTION

STATE BOARD OF HEALTH

REGISTRAR'S NOTICE: In compliance with § 2.2-4014 of the Code of Virginia, the Department of Health has responded to a legislative objection filed by the Joint Commission on Administrative Rules filed on November 6, 2002, which was published in 19:6 VA.R. 1026 December 2, 2002.

Title of Regulation: 12 VAC 5-610. Sewage Handling and Disposal Regulations.

Proposed Regulations Published: 18:23 VA.R. 2999-3011 July 29, 2002.

Legislative objection filed: November 6, 2002, by the Joint Commission on Administrative Rules.

November 22, 2002

The Honorable Frank W. Wagner
Chairman of the Joint Commission on Administrative Rules
General Assembly Building
910 Capitol Street, Second Floor
Richmond, Virginia 23219

Dear Senator Wagner:

On November 4, 2002, I received your letter expressing the Joint Commission on Administrative Rules' (JCAR) unanimous objection to the proposed revisions to the Sewage Handling and Disposal Regulations concerning rock and mass sewage disposal systems. Section 2.2-4014 of the Code of Virginia requires an agency response to Commission objections within 21 days. This letter is the Virginia Department of Health's (VDH) response.

During the 60 day public comment period that closed on October 1, 2002, VDH earnestly solicited comments and suggestions from citizens interested in these proposed regulations. We held four public hearings and received twelve letters commenting on the proposed regulations. We also received complaints after the close of the public comment period and we heard the testimony presented at JCAR's October 30th meeting which formed the basis of Commission's objections. It has always been our intent and desire to consider and incorporate constructive suggestions for improving these regulations.

VDH possesses real evidence showing ground water contamination from mass sewage disposal systems that have been installed in Virginia. VDH would be remiss in its duty to protect the environment and groundwater, if it ignored this data supporting the scientific theory and laboratory data that originally suggested potential risks of installing mass sewage disposal systems under our current regulations. We have observed mass sewage systems failing because of "groundwater mounding." Mass sewage disposal systems have contributed nitrogen contamination of ground water, sometimes in excess of public health standards. Mass sewage disposal systems installed in Virginia after 1987 have a ten percent failure rate. This failure rate is much higher than occurs in residential sized systems installed during the same time period.

VDH wants to remedy this situation and improve mass drainfield performance so that they can provide an environmentally safe option, improve public health, and provide a higher level of reliability for consumers. Our mission requires VDH to implement programs designed to prevent problems and protect the environment and public health. We believe it is preferable to regulate before we are confronted with an immediate health threat. The proposed regulations will provide long term benefits to consumers served by mass sewage disposal systems and address existing challenges.

Consequently, VDH believes there must be appropriate planning during the siting and design phases of mass sewage disposal systems to protect public health and there must be proper operation and maintenance, if these systems are to work properly for their design life. Currently there are no regulatory requirements for mass sewage disposal systems.

We appreciate the Commission's concerns and objections. There are still many opportunities for the public to participate in the outcome of the regulatory process. Executive Order 21 provides VDH with 150 days to consider the concerns and objections so far expressed. VDH plans to reconvene the Mass Drainfield Ad Hoc Committee to review proposed changes in response to public comments we have received.

VDH believes that mass sewage disposal system regulations are necessary to protect public health and the environment and that such regulations are possible without significant economic impact. We would welcome an opportunity to review hard data to support claims concerning economic impact. VDH remains committed to finding this middle ground. The remaining adoption process is designed to assure adequate public input. VDH will continue to be receptive to comments and will fully consider them all within the context and limits of our mission.

Sincerely yours,

/s/ Robert B. Stroube, M.D., M.P.H.
State Health Commissioner

c: Jane Chaffin, Registrar of Regulations
The Honorable Jane H. Woods, Secretary of Health and Human Resources

VA.R. Doc. No. R01-192; Filed November 25, 2002; 3:56 p.m.

GENERAL NOTICES/ERRATA

STATE CORPORATION COMMISSION

AT RICHMOND, NOVEMBER 7, 2002

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

CASE NO. BFI-2002-00014

Ex Parte: In re: proposed regulation relating to bank acquisitions of real estate brokerage subsidiaries

SCHEDULING ORDER

On July 12, 2002, the State Corporation Commission ("Commission") entered an Order to Take Notice in this matter in which the Commission permitted interested persons to comment on a regulation proposed by the Bureau of Financial Institutions ("Bureau") that would authorize, subject to application and approval, state-chartered banks to acquire controlled subsidiary corporations engaging in real estate brokerage activities. On September 6, 2002, the Commission, by further Order, extended the deadline for filing comments until October 25, 2002.

As of October 25, 2002, approximately 4,500 comments have been received regarding the proposed regulation. The Virginia Association of Realtors ("VAR") submitted comments in which, *inter alia*, it recommended that the Commission defer action on the proposed regulation to allow the General Assembly to address the issue. The VAR further requested that if the Commission decides to proceed with further consideration of this matter, then a hearing should be held for the purpose of presenting oral argument on the proposed regulation.

The Virginia Bankers Association ("VBA") also submitted comments in this matter supporting the regulation proposed by the Bureau and did not object to the recommendation that the Commission defer consideration of this case until after the 2003 Session of the General Assembly.

There does not appear to be any detriment to the public interest in continuing this matter to provide an opportunity for the General Assembly to address the issues involved in this case. We will, therefore, set this matter for hearing after the 2003 General Assembly session is completed.

Accordingly, IT IS ORDERED THAT:

(1) A public hearing is hereby scheduled before the Commission on March 4, 2003, at 10:00 a.m., in the Commission's Courtroom, Second Floor, Tyler Building, 1300 East Main Street, Richmond, Virginia, to hear evidence and argument on the proposed regulation designated 10 VAC 5-20-50; and

(2) This matter is continued.

AN ATTESTED COPY HEREOF shall be sent by the Clerk of the Commission to: John G. "Chip" Dicks, Esquire, FutureLaw, L.L.C., 1015 East Main Street, Third Floor, Richmond, Virginia 23219; Raphael C. La Mura, Director of Legislative Affairs, Virginia Bankers Association, P.O. Box 462, Richmond, Virginia 23218; Walter C. Ayers, Executive Vice President, Virginia Bankers Association, P.O. Box 462, Richmond,

Virginia 23218; and to the Commission's Office of General Counsel and Bureau of Financial Institutions.

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

ERRATA

STATE AIR POLLUTION CONTROL BOARD

Title of Regulation: **9 VAC 5-510. Nonmetallic Mineral Processing General Permit.**

Publication: 19:3 VA.R. 456-477 October 21, 2002

Correction to Final Regulation:

On page 463, in 9 VAC 5-510-170, strike "(effective date of chapter)" and insert "*December 1, 2002*"

STATE BOARD OF HEALTH

Title of Regulation: **12 VAC 5-31. Virginia Emergency Medical Services Regulations.**

Publication: 19:3 VA.R. 478-529 October 21, 2002

Correction to Final Regulation:

On page 525, in 12 VAC 5-31-2090 A, strike "(insert the effective date of these regulations)" and insert "*January 1, 2003*,"

On page 525, in 12 VAC 5-31-2090 B, change "*January 3, 2003*" to "*January 1, 2003*"

CALENDAR OF EVENTS

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 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

† **December 20, 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 policy development, reinstatement cases and dispute resolution mediation and conciliations.

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.

† **January 8, 2003 - 10 a.m.** -- Open Meeting
The Manor House, 9400 Charter Crossing, Mechanicsville, 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. All meetings are subject to cancellation. The time of the meeting is subject to change. Any person desiring to attend the meeting and requiring special accommodations or interpreter services should contact the board at (804) 367-8505 or (804) 367-9753/TTY at least 10 days prior to the meeting so suitable arrangements can be made. The board fully complies with the American with Disabilities Act.

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.

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.

NOTE: EXTENSION OF PUBLIC COMMENT PERIOD
January 15, 2003 -- 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.

NOTE: EXTENSION OF PUBLIC COMMENT PERIOD
January 15, 2003 -- 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.

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.

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.

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 5-530. 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.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Virginia Charity Food Assistance Advisory Board

† **January 9, 2003 - 10 a.m.** -- Open Meeting
Washington Building, 1100 Bank Street, Second Floor Board Room, Richmond, Virginia. ☎

A routine meeting of the board to discuss issues related to hunger, malnutrition, and food insecurity in the Commonwealth, and potential opportunities to alleviate the problem. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact Steven W. Thomas at least five days before the meeting date so that suitable arrangements can be made.

Calendar of Events

Contact: Steven W. Thomas, Executive Secretary, Department of Agriculture and Consumer Services, 1100 Bank St., Room 809, Richmond, VA 23219, telephone (804) 786-3936, FAX (804) 371-7788, e-mail sthomas@vdacs.state.va.us.

Virginia Soybean Board

December 17, 2002 - 8 a.m. -- Open Meeting
Tidewater Agricultural Research and Extension Center, 6321 Holland Road, Suffolk, Virginia. ☎

The board will discuss checkoff revenues resulting from the sale of the 2002 Virginia soybean crop and approve previous meeting minutes. Drought conditions coupled with fairly low prices will be major topics of discussion. In addition, reports will be heard from the Chairman, Program Director, United Soybean Board representative, and the Virginia Soybean Association. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact Philip T. Hickman at least five days before the meeting date so that suitable arrangements can be made.

Contact: Philip T. Hickman, Program Director, Department of Agriculture and Consumer Services, 1100 Bank St., Room 1005, Richmond, VA 23219, telephone (804) 371-6157, FAX (804) 371-7786, e-mail phickman@vdacs.state.va.us.

STATE AIR POLLUTION CONTROL BOARD

January 10, 2003 - 10 a.m. -- Open Meeting
Department of Environmental Quality, Tidewater Regional Office, 5636 Southern Boulevard, Virginia Beach, Virginia. ☎

A public meeting to receive comments on the notice of intended regulatory action to amend the regulations for the control and abatement of air pollution to enlarge the scope of the Hampton Roads Emissions Control Area in order to include four previously exempt jurisdictions subject to the VOC emission standards for existing sources.

Contact: Kathleen R. Sands, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4413, FAX (804) 698-4510, (804) 698-4021/TTY ☎, e-mail krsands@deq.state.va.us.

ALCOHOLIC BEVERAGE CONTROL BOARD

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.

BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

January 31, 2003 - 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 Audiology and Speech-Language Pathology intends to amend regulations entitled: **18 VAC 30-20. Regulations Governing the Practice of Audiology and Speech-Language Pathology.** The purpose of the amended regulation is to revise certain prerequisites for licensure that may be unnecessarily restrictive and adopt requirements that are reasonable and essential to protect the public health, safety and welfare. The intent of the changes is to eliminate barriers to licensure, such as the requirement that an applicant who passed the qualifying examination more than three years ago be engaged in active practice for the 24 months immediately preceding application. The amendments will also update the unprofessional conduct section to ensure that a practitioner can use electronic communication in the follow-up with a patient or another practitioner.

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

Public comments may be submitted until January 31, 2003, to Elizabeth Young, Executive Director, Board of Audiology and Speech-Language Pathology, 6603 W. Broad St., Richmond, VA 23230.

Contact: Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.state.va.us.

VIRGINIA AVIATION BOARD

† **December 17, 2002 - 3 p.m.** -- Open Meeting
Ivor Massey Building, Richmond International Airport, Richmond, Virginia. ☎

† **December 18, 2002 - 9 a.m.** -- Open Meeting
Wyndham Hotel, Richmond Airport, 4700 South Laburnum Avenue, Richmond, Virginia. ☎

A regular bimonthly meeting. Applications 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 BRANCH PILOTS

December 16, 2002 - 9:30 a.m. -- Open Meeting
Virginia Port Authority, 600 World Trade Center, Norfolk, Virginia. ☎

A meeting to conduct board business.

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 courtney@dpwr.state.va.us.

COMPENSATION BOARD

December 17, 2002 - 11 a.m. -- Open Meeting
Compensation Board, 202 North 9th Street, 10th Floor, Richmond, Virginia. ♿

A monthly board meeting.

Contact: Cindy P. Waddell, Administrative Staff Assistant, Compensation Board, P.O. Box 710, Richmond, VA 23218, telephone (804) 786-0786, FAX (804) 371-0235, e-mail cwaddell@scb.state.va.us.

DEPARTMENT OF CONSERVATION AND RECREATION

Virginia State Parks Foundation

December 16, 2002 - 10 a.m. -- Open Meeting
Department of Conservation and Recreation, 203 Governor Street, Suite 302, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular business meeting of the Board of Trustees.

Contact: Leon E. App, Acting Deputy Director, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-6124, FAX (804) 786-6141, e-mail leonapp@dcr.state.va.us.

BOARD FOR CONTRACTORS

January 22, 2003 - 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@dpwr.state.va.us.

BOARD OF COUNSELING

January 24, 2003 - 10 a.m. -- Public Hearing
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 1, Richmond, Virginia.

January 31, 2003 - 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 Counseling intends to amend regulations entitled: **18 VAC 115-30. Regulations Governing the Certification of Substance Abuse Counselors and Assistants.** The purpose of the proposed action is to comply with House Bill 2095 (Chapter 460 of the 2001 Acts of the Assembly) to promulgate regulations for certification of substance abuse counselors and assistants. Two new sections of the Code of Virginia (§§ 54.1-3507.1 and 54.1-3507.2) require the board to establish in regulation a specific number of hours of substance abuse education and supervised experience for both levels of certification.

Statutory Authority: §§ 54.1-2400 and 54.1-3505 of the Code of Virginia.

Public comments may be submitted until January 31, 2003, to Evelyn B. Brown, Executive Director, Board of Counseling, 6603 W. Broad St., Richmond, VA 23230.

Contact: Elaine J. Yeatts, Regulatory Coordinator, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.state.va.us.

DESIGN-BUILD/CONSTRUCTION MANAGEMENT REVIEW BOARD

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 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

January 6, 2003 - 9 a.m. -- Open Meeting
February 26, 2003 - 9 a.m. -- Open Meeting
James Monroe Building, 101 N. 14th Street, Rooms C and D, 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.

Calendar of Events

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.

January 27, 2003 - 9 a.m. -- Open Meeting

Hilton Garden Inn, Richmond Innsbrook, 4050 Cox Road, Glen Allen, Virginia. (Interpreter for the deaf provided upon request)

A meeting of the Advisory Board for Teacher Education and Licensure. Persons requesting the services of an interpreter for the deaf should do so at least 72 hours in advance. This will be a work session and public comment will not be received.

Contact: Dr. Margaret N. Roberts, Office of Policy and Public Affairs, Department 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.

DEPARTMENT OF ENVIRONMENTAL QUALITY

December 19, 2002 - 7 p.m. -- Public Hearing

Department of Environmental Quality, South Central Regional Office, 7705 Timberlake Road, Lynchburg, Virginia.

A public hearing to receive comments on the draft permit amendment that will establish a ground water monitoring plan and a variance for alternate concentration limits for the Falwell Industrial Landfill located south of Route 460 and north and east of the Falwell Airport. The comment period ends on January 20, 2003.

Contact: Larry Syverson, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4271, e-mail lwsyverson@deq.state.va.us.

† December 23, 2002 - 7 p.m. -- Public Hearing

Hanover County Board of Supervisors Room, 7516 County Complex Road, Hanover, Virginia.

A public hearing on a draft permit amendment for the Hanover County Sanitary Landfill concerning provisions for closure, gas management and leachate management at the facility.

Contact: John P. Godfrey, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 527-5020, e-mail jpgodfrey@deq.state.va.us.

Ground Water Protection Steering Committee

† January 7, 2003 - 9 a.m. -- Open Meeting

Department of Environmental Quality, 629 East Main Street, Richmond, Virginia.

A regular 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. Additional information is available from the contact listed below.

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.

Litter Control and Recycling Fund Advisory Board

† December 16, 2002 - 10:30 a.m. -- Open Meeting

Department of Environmental Quality, 629 East Main Street, 1st Floor, Conference Room, Richmond, Virginia.

A regular meeting.

Contact: G. Steven Coe, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4029, e-mail gscoe@deq.state.va.us.

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

† December 17, 2002 - 9 a.m. -- Public Hearing

Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia.

A meeting to 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 West Broad Street, 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9907, FAX (804) 662-9523, (804) 662-7197/TTY, e-mail elizabeth.young@dhp.state.va.us.

GEORGE MASON UNIVERSITY

January 30, 2003 - 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.

STATE BOARD OF HEALTH

January 6, 2003 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Health intends to amend regulations entitled: **12 VAC 5-585. Biosolids Use Regulations.** The purpose of the proposed action is to adopt regulations requiring the payment of fees for the land application of biosolids within local jurisdictions with adopted ordinances providing for such monitoring to ensure compliance with applicable laws and regulations.

Statutory Authority: §§ 32.1-164.5 and 62.1-44.19:3 of the Code of Virginia.

Contact: C.M. Sawyer, Division Director, Division of Wastewater Engineering, Department of Health, 1500 E. Main St., Room 109, Richmond, VA 23219, telephone (804) 786-1755 or FAX (804) 786-5567.

NOTE: CHANGE IN MEETING DATE

† **January 31, 2003 - 9 a.m.** -- Open Meeting
Department of Health, Main Street Station, 1500 East Main Street, 3rd Floor Conference Room, Richmond, Virginia. ♿

A general business and working meeting.

Contact: Rene Cabral-Daniels, Director, Office of Health Policy, Department of Health, 1500 E. Main St., Richmond, VA 23219, telephone (804) 786-3561.

February 3, 2003 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Health intends to amend regulations entitled: **12 VAC 5-550. Regulations Governing Vital Records.** The purpose of the proposed action is to amend the regulations to ensure the accurate, uniform, efficient and confidential administration of Virginia's system for maintaining vital records.

Statutory Authority: §§ 32.1-12 and 32.1-250 of the Code of Virginia.

Contact: Deborah Little-Bowser, State Registrar of Regulations, Department of Health, 1601 Willow Lawn Dr., Richmond, VA 23220, telephone (804) 662-6600, FAX (804) 786-0648, or e-mail dlittle@vdh.state.va.us.

DEPARTMENT OF HEALTH PROFESSIONS

February 21, 2003 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 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, 6603 W. Broad St., 5th

Floor, Richmond, VA 23230, telephone (804) 662-9424, FAX (804) 662-7358, e-mail donna.whitney@dhp.state.va.us.

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

† **January 21, 2003 - 10 a.m.** -- Open Meeting
The Jackson Center, 501 North Second Street, Richmond, Virginia. ♿

A regular business meeting.

Contact: Steve Calhoun, Senior Policy Analyst, Department of Housing and Community Development, The Jackson Center, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7015, FAX (804) 371-7090, (804) 371-7089/TTY ♿, e-mail scalhoun@dhcd.state.va.us.

January 31, 2003 - 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 Housing and Community Development intends to amend regulations entitled: **13 VAC 5-21. Virginia Certification Standards.** The purpose of the proposed action is to (i) add the following definitions: "certificate," "guidance document," "and "training"; (ii) delete the list of categories of BHCD certificates and the list of approved testing agencies and examinations; (iii) require the Department of Housing and Community Development to develop a training and certification guidance document that lists the approved testing agencies and examinations that meet nationally accepted standards for each type of certificate and the categories of board certificates; and (iv) establish circumstances and conditions under which a person may be issued a board provisional certificate.

Statutory Authority: § 36-137 of the Code of Virginia.

Contact: Steve Calhoun, Senior Policy Analyst, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7015, FAX (804) 371-7091, or e-mail scalhoun@dhcd.state.va.us.

January 31, 2003 - 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 Housing and Community Development intends to amend regulations entitled: **13 VAC 5-31. Virginia Amusement Device Regulations.** The purpose of the proposed action is to (i) clarify that the provisions of the Uniform Statewide Building Code, including but not limited to all administrative procedures, shall apply in the administration and enforcement of this chapter and to amusement devices to the extent such provisions are not superseded by the provisions of this regulation and § 36-98.3 of the Code of Virginia; (ii) update the incorporated-by-reference standards to the latest editions of the American National Standards Institute (ANSI)

Calendar of Events

for the regulation of passenger tramways and the American Society for Testing and Materials (ASTM) for the regulation of amusement devices; (iii) to regulate "go-karts" by the adoption of the new referenced standards; (iv) limit the permit fee charged by the local building and department to operate an amusement device to a "maximum of \$150 for one site" when the inspection for obtaining a certificate of inspection for that device is conducted by a private inspector; and (v) allow appeals to the State Building Code Technical Review Board following a final determination by the local board of building code appeals.

Statutory Authority: § 36-98.3 of the Code of Virginia.

Contact: Steve Calhoun, Senior Policy Analyst, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7015, FAX (804) 371-7091, or e-mail scalhoun@dhcd.state.va.us.

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January 31, 2003 - 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 Housing and Community Development intends to amend regulations entitled: **13 VAC 5-51. Virginia Statewide Fire Prevention Code Regulations.** The major substantive amendments to this regulation proposed by the Board of Housing and Community Development are to: (1) update the referenced model codes and standards; (2) add that the official must notify the Department of Housing and Community Development (department) of the employment of assistants; (3) change from three years to one and a half years the time allowed for enforcement personnel to become certified; (4) add that officials and assistants may be held responsible for failure to discharge any duty required by law; (5) add that fire apparatus access roads be identified to the owner prior to the issuance of the building permit and (6) amend the permit fees of the State Fire Marshal's office for the storage, use, sale or manufacture of explosives or blasting agents, and for the display of fireworks on state-owned property; (7) add a fee for obtaining or renewing a background clearance card from the department; and (8) amend the fee for obtaining or renewing a blaster certificate from the department.

Statutory Authority: § 37-97 of the Code of Virginia.

Contact: Steve Calhoun, Senior Policy Analyst, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7015, FAX (804) 371-7091, or e-mail scalhoun@dhcd.state.va.us.

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January 31, 2003 - 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 Housing and Community Development intends to repeal regulations entitled: **13 VAC 5-61. Virginia Uniform Statewide Building Code Regulations** and adopt regulations entitled: **13 VAC 5-62.**

Virginia Uniform Statewide Building Code Regulations.

The major substantive amendments to this regulation proposed by the Board of Housing and Community Development are to: (i) update the referenced model codes and standards; (ii) add that the USBC applies to amusement devices; (iii) add that officials and assistants may be held responsible for failure to discharge any duty required by law; (iv) add that the official must notify the Department of Housing and Community Development (department) of the employment of assistants; (v) change from three years to one and a half years the time allowed for a person to become certified; (vi) add that fire apparatus access road requirements be identified to the owner prior to the issuance of a building permit; (vii) add that when the fuel source is changed the chimney be certified safe; (viii) amend the time limits for certain reviews and issuance of building permits; and (ix) add annual testing of certain plumbing devices.

Statutory Authority: § 36-98 of the Code of Virginia.

Contact: Steve Calhoun, Senior Policy Analyst, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7015, FAX (804) 371-7091, or e-mail scalhoun@dhcd.state.va.us.

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January 31, 2003 - 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 Housing and Community Development intends to amend regulations entitled: **13 VAC 5-80. Virginia Standards for Individual and Regional Code Academies.** The purpose of the proposed action is to bring the Virginia Standards for Individual and Regional Code Academies into line with the other building- and fire-related regulations promulgated by the board. The only substantive change is the deletion of the maximum amount of levy funds that may be carried over to the next fiscal year for operation of the individual or regional, training academies.

Statutory Authority: § 36-137 of the Code of Virginia.

Contact: Steve Calhoun, Senior Policy Analyst, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7015, FAX (804) 371-7091, or e-mail scalhoun@dhcd.state.va.us.

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January 31, 2003 - 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 Housing and Community Development intends to amend regulations entitled: **13 VAC 5-91. Virginia Industrialized Building Safety Regulations.** The purpose of the proposed action is to update the construction model codes and standards to the same editions of the International Code Council (ICC) and National Fire Protection Association (NFPA) codes and standards being proposed for the Uniform Statewide

Building Code (USBC), and to increase the registration seal fee for an industrialized building from \$50 to \$75 per seal.

Statutory Authority: § 36-73 of the Code of Virginia.

Contact: Steve Calhoun, Senior Policy Analyst, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7015, FAX (804) 371-7091, or e-mail scalhoun@dhcd.state.va.us.

STATE BOARD OF JUVENILE JUSTICE

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, 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.state.va.us.

DEPARTMENT OF LABOR AND INDUSTRY


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.

STATE LIBRARY BOARD


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.


COMMISSION ON LOCAL GOVERNMENT

† **January 13, 2003 - 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 W. Bingham, Administrative Assistant, Commission on Local Government, Pocahontas Building, 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.

MARINE RESOURCES COMMISSION

December 17, 2002 - 9:30 a.m. -- Open Meeting
Marine Resources Commission, 2600 Washington Avenue, 4th Floor, Newport News, Virginia. 

A monthly commission meeting.

Contact: Ginny Chappell, Commission Secretary, Marine Resources Commission, 2600 Washington Ave., Suite 107, Newport News, VA 23607, telephone (757) 247-2206, FAX (757) 247-2020, toll-free (800) 541-4646, (757) 247-2292/TTY , e-mail gchappell@mrc.state.va.us.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

February 14, 2003 - 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 adopt regulations entitled: **12 VAC 30-110. Eligibility and Appeals.** The purpose of the proposed action is to promulgate state regulations concerning which individuals are authorized to sign Medicaid applications to ensure that applications are only filed with the full knowledge and consent of the applicant or be someone legally acting on his behalf.

Calendar of Events

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

Contact: Pat Sykes, Policy Division, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7958, FAX (804) 786-1680, or e-mail psykes@dmas.state.va.us.

BOARD OF MEDICINE

January 8, 2003 - 1:15 p.m. -- Public Hearing
Department of Health Professions, 6603 West Broad Street,
5th Floor, Board Room 4, Richmond, Virginia.

January 31, 2003 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Medicine intends to amend regulations entitled: **18 VAC 85-101. Regulations Governing the Licensure of Radiologic Technologists and Radiologic Technologists-Limited.** The purpose of the proposed action is to require persons training as a radiologic technologist-limited to gain practical experience in the radiologic procedures for which they are seeking licensure, and provisions that are established for a traineeship similar to that currently in effect for the radiologic technologists. In addition, the scope of practice for the limited licensee is further specified to exclude certain procedures for which they are not trained or tested. Regulations for endorsement are eliminated since the grandfathering provisions expired in 1999; persons licensed in other states who are seeking licensure in Virginia are licensed based on passage of the national examination. Finally, the provisions for the implementation of continuing education requirements are added.

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

Public comments may be submitted until January 31, 2003, to William L. Harp, M.D., Executive Director, Board of Medicine, 6603 West Broad Street, Richmond, VA 23230.

Contact: Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 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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January 31, 2003 - 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 clarify the board policies on (i) payment of late fees for failure to renew a license; (ii) advertising ethics; and (iii) utilization of acupuncture as a treatment modality. Amendments will also reduce the regulatory burden for applicants discharged from the military, for foreign medical

graduates seeking a limited license, and for practitioners seeking to return to reinstate or reactive a license.

Statutory Authority: Chapter 29 of Title 54.1 of the Code of Virginia..

Public comments may be submitted until January 31, 2003, to William L. Harp, M.D., Executive Director, Board of Medicine, 6603 West Broad Street, Richmond, VA 23230.

Contact: Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.state.va.us.

Informal Conference Committee

† **December 18, 2002 - 9:45 a.m.** -- Open Meeting

† **January 29, 2003 - 9:30 a.m.** -- Open Meeting
Clarion Hotel, 3315 Ordway Drive, Roanoke, Virginia.

† **January 15, 2003 - 8:45 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
Richmond, Virginia.

† **January 22, 2003 - 9:30 a.m.** -- Open Meeting
Williamsburg Marriott, 50 Kingsmill Road, Williamsburg,
Virginia.

† **January 30, 2003 - 9 a.m.** -- Open Meeting

† **February 27, 2003 - 9:15 a.m.** -- Open Meeting
Holiday Inn Select, 2801 Plank Road, Fredericksburg,
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, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-7332, FAX (804) 662-9517, (804) 662-7197/TTY ☎, e-mail Peggy.Sadler@dhp.state.va.us.

STATE MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

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.

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January 17, 2003 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Mental Health, Mental Retardation and Substance Abuse Services Board intends to amend regulations entitled: **12 VAC 35-11. Public Participation Guidelines**. The purpose of the proposed action is to update and revise the regulations to be consistent with the current law.

Statutory Authority: §§ 2.2-4007 and 37.1-10 of the Code of Virginia.

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

DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

† **December 16, 2002 - 10 a.m.** -- Open Meeting
Department of Rehabilitative Services, Lee Building, 8004 Franklin Farms Drive, Room 101, Richmond, Virginia. (Interpreter for the deaf provided upon request)

The Prevention and Transition Services Team of the Olmstead Task Force will hold its fourth 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.

December 17, 2002 - 10 a.m. -- Public Hearing
Jefferson Building, 1220 Bank Street, 8th Floor, Conference Room, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A public hearing to receive comments on the Synar Annual Report for the Virginia Substance Abuse Prevention and Treatment Block Grant Application for federal fiscal year 2003. Copies of the report are available for review at the Office of Substance Abuse Services, Jefferson Building, 1220 Bank Street, Room 818, Richmond, Virginia, and at each community services board office. Comments may be

made at the hearing or in writing no later than December 17, 2002, to the Office of the Commissioner, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218. Any person wishing to make a presentation at the hearing should contact Sterling Deal. Copies of oral presentations should be filed at the time of the hearing.

Contact: Sterling Deal, Ph.D., Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218, telephone (804) 371-2148, FAX (804) 786-4320, (804) 371-8977/TTY

† **January 7, 2003 - 10 a.m.** -- Open Meeting
Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

The fourth meeting of the Olmstead Task Force. Video conferencing will be available from the Central Virginia Training Center, Northern Virginia Training Center, and Southwestern Virginia Mental Health Institute.

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.

DEPARTMENT OF MINES, MINERALS AND ENERGY

Virginia Gas and Oil Board

† **December 17, 2002 - 9 a.m.** -- Open Meeting
Southwest Virginia Higher Education Center on the Campus of Virginia Highlands Community College, Abingdon, Virginia. (Interpreter for the deaf provided upon request)

A regular meeting to consider petitions filed by applicants for consideration for orders to disburse funds from escrow, establish units, pool and approve location exceptions. The public may address the board on individual items as they are called. Special accommodations for the disabled will be made available at the public meeting or hearing on request. Anyone needing special accommodations should contact the Department of Mines, Minerals and Energy at least seven days prior to the meeting or hearing date.

Contact: Bob Wilson, Division Director, Department of Mines, Minerals and Energy, P.O. Box 1416, Abingdon, VA 24212, telephone (276) 676-5423, FAX (276) 676-5459, (800) 828-1120/TTY, e-mail bxw@mme.state.va.us.

VIRGINIA MUSEUM OF FINE ARTS

† **January 7, 2003 - 8 a.m.** -- Open Meeting
† **February 4, 2003 - 9 a.m.** -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Main Lobby Conference Room, Richmond, Virginia.

A monthly meeting for staff to update the Executive Committee. Public comment will not be received.

Calendar of Events

Contact: Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, Virginia 23221, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY ☎, e-mail sbroyles@vmfa.state.va.us.

BOARD OF NURSING

January 27, 2003 - 9 a.m. -- Open Meeting

January 29, 2003 - 9 a.m. -- Open Meeting

January 30, 2003 - 9 a.m. -- Open Meeting

Department of Health Professions, 6603 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, 6603 W. Broad St., 5th 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

December 16, 2002 - 9 a.m. -- Open Meeting

December 18, 2002 - 9 a.m. -- Open Meeting

Department of Health Professions, 6603 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, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY ☎, e-mail nursebd@dhp.state.va.us.

BOARD OF NURSING HOME ADMINISTRATORS

January 15, 2003 - 9:30 a.m. -- Public Hearing

Department of Health Professions, 6603 West Broad Street, Richmond, Virginia.

January 31, 2003 - 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 Nursing Home Administrators intends to amend regulations entitled: **18 VAC 95-20. Regulations Governing the Practice of Nursing Home Administrators.** The purpose of the proposed action is to allow additional hours of credit in an administrator in training program for persons with certain educational or professional credentials, to clarify certain sections and to enable a trainee to work in a practicum or administrator-in-training program outside of Virginia in a licensed nursing care facility under the supervision of a nursing home administrator licensed in that jurisdiction.

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

Public comments may be submitted until January 31, 2003, to Sandra K. Reen, Executive Director, Board of Nursing Home Administrators, 6603 West Broad Street, Richmond, VA 23230.

Contact: Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 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 PHARMACY

December 19, 2002 - 9 a.m. -- Canceled

Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ♿

The meeting of the Special Conference Committee to discuss disciplinary matter has been canceled.

Contact: Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9911, FAX (804) 662-9313.

REAL ESTATE BOARD

December 19, 2002 - 9 a.m. -- Open Meeting

December 20, 2002 - 9 a.m. -- Open Meeting

February 19, 2003 - 9 a.m. -- Open Meeting

February 20, 2003 - 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.

BOARD OF REHABILITATIVE SERVICES


January 23, 2003 - 10 a.m. -- Open Meeting

Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to conduct quarterly business of the board.

Contact: Barbara G. Tyson, Administrative Staff Specialist, Department of Rehabilitative Services, 8004 Franklin Farms Dr., Richmond, VA, telephone (804) 662-7010, FAX (804) 662-7644, toll-free (800) 552-5019, (804) 464-9950/TTY ☎, e-mail tysonbg@drs.state.va.us.


VIRGINIA RESOURCES AUTHORITY

† **January 14, 2003 - 8 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 bonds; (vi) review the results of 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 bmcrac@vra.state.va.us.


VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

† **December 17, 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 general business of the board. The 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.

January 31, 2003 - 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 consider repealing regulations entitled: **22 VAC 40-220. Agency Placement Adoptions-Guiding Principles.** The purpose of the proposed action is to repeal the regulation as the state and federal laws reflected in the regulation are no longer in effect.

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

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

DEPARTMENT OF TECHNOLOGY PLANNING

Virginia Research and Technology Advisory Commission


† **March 10, 2003 - 2 p.m.** -- Open Meeting
Washington, DC; location to be determined.

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

January 2, 2003 - 1:30 p.m. -- Open Meeting

† **March 6, 2003 - 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.

COMMONWEALTH TRANSPORTATION BOARD

December 16, 2002 - 7 p.m. -- Public Hearing
Department of Transportation, 1221 East Broad Street, 1st
Floor, Auditorium, Richmond, Virginia.

January 17, 2003 - 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 Commonwealth Transportation Board intends to amend regulations entitled: **24 VAC 30-71. Minimum Standards of Entrances to State Highways.**

Calendar of Events

The purpose of the proposed action is to update regulatory content and documents referenced, and incorporate suggested changes pursuant to the most recent periodic review.

Statutory Authority: §§ 33.1-12, 33.1-197 and 33.1-198 of the Code of Virginia.

Contact: Steve D. Edwards, Transportation Engineer Senior, Mobility Engineer Senior, Department of Transportation, 1100 Bank St., Richmond, VA 23219, telephone (804) 786-0121, FAX (804) 225-2448 or e-mail Steve.Edwards@VirginiaDOT.org.

December 18, 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 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.

December 19, 2002 - 10 a.m. -- Open Meeting
Department of Transportation, 1221 East Broad Street, Auditorium, Richmond, Virginia. ♿

A monthly meeting to vote on proposals presented regarding bids, permits, additions and deletions to the highway system, and any other matters requiring board approval. Public comment will be received at the outset of the meeting on items on the meeting agenda for which the opportunity for public comment has not been afforded the public in another forum. Remarks will be limited to five minutes. Large groups are asked to select one individual to speak for the group. The board reserves the right to amend these conditions. Separate committee meetings may be held on call of the chairman. Contact VDOT Public Affairs at (804) 786-2715 for schedule.

Contact: 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.

DEPARTMENT OF THE TREASURY

Debt Capacity Advisory Committee

† **December 20, 2002 - 1:30 p.m.** -- Open Meeting
Monroe Building, 101 North 14th Street, 3rd Floor Conference Room, Richmond, Virginia. ♿

A regular meeting.

Contact: Tim O'Brien, Department of the Treasury, 101 N. 14th St., 3rd Floor, Richmond, VA, telephone (804) 371-6235, FAX (804) 225-3187, e-mail tim.obrien@trs.state.va.us.

Virginia Public Building Authority

† **December 16, 2002 - 11 a.m.** -- Open Meeting
Monroe Building, 101 North 14th Street, 3rd Floor, Treasury Board Room, Richmond, Virginia. ♿

Secondary locations are Office of City Treasurer, City of Chesapeake, 306 Cedar Road, 1st Floor, Chesapeake, VA 23322 by telephonic means and the law offices of Dickstein, Shapiro, Morin and Oshinsky, L.L.P., 2101 L Street, N.W., Washington, D.C. 20037-1526 by telephonic means.

Contact: Tracy L. Clemons, Sr., Debt Manager, Department of the Treasury, 101 N. 14th St., 3rd Floor, Richmond, VA 23219, telephone (804) 225-4929, FAX (804) 225-3187, e-mail tracy.clemons@trs.state.va.us.

VIRGINIA WAR MEMORIAL FOUNDATION

January 7, 2003 - Noon -- Open Meeting
Virginia War Memorial, 621 South Belvidere Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting of the Board of Trustees. Public comments will be heard.

Contact: Sandra H. Williams, Associate Director, Virginia War Memorial Foundation, 621 S. Belvidere St., Richmond, VA 23220, telephone (804) 786-2060, FAX (804) 786-6652, (804) 786-6152/TTY ♿, e-mail swilliams@vawarmemorial.state.va.us.

STATE WATER CONTROL BOARD

† **January 7, 2003 - 7:30 p.m.** -- Public Hearing
Department of Environmental Quality, Tidewater Regional Office, 5636 Southern Boulevard, Virginia Beach, Virginia. ♿

A public hearing to receive comments on the proposed modification of the Newport News Shipbuilding VPDES permit. The public comment period on the proposed modification closes on January 31, 2003.

Contact: Mark F. Bushing, State Water Control Board, 5636 Southern Blvd., Virginia Beach, VA 23462, telephone (757) 518-2148, e-mail mfbushing@deq.state.va.us.

† **January 22, 2003 - 1 p.m.** -- Open Meeting
Department of Environmental Quality, Tidewater Regional Office, 5636 Southern Boulevard, Virginia Beach, Virginia. ♿

A meeting to receive comments on the State Water Control Board's notice of intended regulatory action to adopt a regulation concerning financial assurance of tidal dredging project mitigation.

Contact: Ellen Gilinsky, State Water Control Board, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4375, e-mail egilinsky@deq.state.va.us.

INDEPENDENT

STATE LOTTERY BOARD

February 14, 2003 - 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 Lottery Board intends to amend regulations entitled: 11 VAC 5-10. Guidelines for Public Participation in Regulation Development and Promulgation. The purpose of the proposed action is to delete nonessential language, to simplify the regulation, and to add a section regarding the periodic review of the regulations.

Statutory Authority: §§ 2.2-4007 and 58.1-4007 of the Code of Virginia

Public comments may be submitted until 5 p.m. on February 14, 2003.

Contact: Barbara L. Robertson, Board, Legislative and Regulatory Coordinator, State Lottery Department, 900 E. Main St., Richmond, VA 23219, telephone (804) 692-7105, FAX (804) 692-7775, or e-mail: brobertson@valottery.state.va.us.

February 14, 2003 - 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 Lottery Board intends to amend regulations entitled: 11 VAC 5-20. Administration Regulations. The purpose of the proposed action is to simplify and clarify the regulations and eliminate redundant and unnecessary language. Amendments under consideration include, but are not limited to (i) clarifying definitions, (ii) providing for winner participation in press conferences; (iii) clarifying licensing appeal procedures; (iv) transferring specific, detailed procurement procedures from regulations to department manuals which will be incorporated by reference; and (v) reducing unnecessary or duplicative regulations regarding board and department operations, specifically, committee membership, election of officers, percentage allocation of lottery revenue, audit schedules and depositories for ticket transfer.

Statutory Authority: § 58.1-4007 of the Code of Virginia

Public comments may be submitted until 5 p.m. on February 14, 2003.

Contact: Barbara L. Robertson, Board, Legislative and Regulatory Coordinator, State Lottery Department, 900 E. Main St., Richmond, VA 23219, telephone (804) 692-7105, FAX (804) 692-7775, or e-mail: brobertson@valottery.state.va.us.

February 14, 2003 - 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 Lottery Board intends to repeal regulations entitled: 11 VAC 5-30. Instant Game Regulations. The purpose of the proposed action is to reorganize current lottery regulations by combining instant licensing and game provisions with those for on-line games and incorporate all in new licensing and lottery game regulations.

Statutory Authority: § 58.1-4007 of the Code of Virginia

Public comments may be submitted until 5 p.m. on February 14, 2003.

Contact: Barbara L. Robertson, Board, Legislative and Regulatory Coordinator, State Lottery Department, 900 E. Main St., Richmond, VA 23219, telephone (804) 692-7105, FAX (804) 692-7775, or e-mail: brobertson@valottery.state.va.us.

March 5, 2003 - 9:30 a.m. -- Public Hearing Lottery Headquarters, 900 East Main Street, Richmond, Virginia.

February 14, 2003 - 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 Lottery Board intends to adopt regulations entitled: 11 VAC 5-31. Licensing Regulations. The purpose of the proposed action is to create a chapter containing lottery retailer licensing requirements, including eligibility requirements, application procedure, bonding and bank account requirements, licensing terms and fees, retailer compensation, retailer standards of conduct, license denial or revocation, and audit of records.

Statutory Authority: § 58.1-4007 of the Code of Virginia

Public comments may be submitted until 5 p.m. on February 14, 2003.

Contact: Barbara L. Robertson, Board, Legislative and Regulatory Coordinator, State Lottery Department, 900 E. Main St., Richmond, VA 23219, telephone (804) 692-7105, FAX (804) 692-7775, or e-mail: brobertson@valottery.state.va.us.

February 14, 2003 - 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 Lottery Board intends to repeal regulations entitled: 11 VAC 5-40. On-Line Game Regulations. The purpose of the proposed action is to reorganize current lottery regulations by combining on-line licensing and game provisions with those for instant games

Calendar of Events

and incorporate all in new licensing and lottery game regulations.

Statutory Authority: § 58.1-4007 of the Code of Virginia

Public comments may be submitted until 5 p.m. on February 14, 2003.

Contact: Barbara L. Robertson, Board, Legislative and Regulatory Coordinator, State Lottery Department, 900 E. Main St., Richmond, VA 23219, telephone (804) 692-7105, FAX (804) 692-7775, or e-mail: brobertson@valottery.state.va.us.

February 14, 2003 - 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 Lottery Board intends to adopt regulations entitled: **11 VAC 5-41. Lottery Game Regulations.** The purpose of the proposed action is to create a new chapter containing procedures specifically related to all types of lottery games, including operational parameters for the conduct of games, validation requirements and payment of prizes.

Statutory Authority: § 58.1-4007 of the Code of Virginia

Public comments may be submitted until 5 p.m. on February 14, 2003.

Contact: Barbara L. Robertson, Board, Legislative and Regulatory Coordinator, State Lottery Department, 900 E. Main St., Richmond, VA 23219, telephone (804) 692-7105, FAX (804) 692-7775, or e-mail: brobertson@valottery.state.va.us.

VIRGINIA RETIREMENT SYSTEM

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.

December 18, 2002 - 3 p.m. -- Open Meeting
February 19, 2003 - 11 a.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, VA 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.

December 19, 2002 - 9 a.m. -- Open Meeting
February 20, 2003 - 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 dkestner@vrs.state.va.us.

December 19, 2002 - 12:15 p.m. -- Open Meeting
January 23, 2003 - 12:15 p.m. -- Open Meeting
February 20, 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.

February 19, 2003 - 1 p.m. -- Open Meeting
VRS Headquarters, 1200 East Main Street, Richmond, Virginia. ☎

The following committees will meet:

- 2:30 p.m. - Administration and Personnel Committee
- 3 p.m. - Benefits and Actuarial Committee
- 4 p.m. - Audit and Compliance

Contact: Darla K. Glazier, Office Manager, Virginia Retirement System, P.O. Box 2500, Richmond, VA 23218, telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY ☎, e-mail dkestner@vrs.state.va.us.

LEGISLATIVE

DR. MARTIN LUTHER KING JR. MEMORIAL COMMISSION

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 ☎

CHRONOLOGICAL LIST

OPEN MEETINGS

December 16

- Branch Pilots, Board for
- Conservation and Recreation, Department of
 - Virginia State Parks Foundation
- † Environmental Quality, Department of
 - Litter Control and Recycling Fund Advisory Board
- † Mental Health, Mental Retardation and Substance Abuse Services, Department of
- Nursing, Board of
 - Special Conference Committee
- † Treasury, Department of the
 - Virginia Public Building Authority

December 17

- Agriculture and Consumer Services, Department of
 - Virginia Soybean Board
- † Aviation Board, Virginia
- Compensation Board
- Dr. Martin Luther King, Jr. Memorial Commission
- † Funeral Directors and Embalmers, Board of
- Marine Resources Commission
- † Mines, Minerals and Energy, Department of
 - Virginia Gas and Oil Board
- † Small Business Financing Authority, Virginia

December 18

- † Aviation Board, Virginia
- † Medicine, Board of
 - Informal Conference Committee
- Nursing, Board of
 - Special Conference Committee
- Retirement System, Virginia
 - Investment Advisory Committee
 - Optional Retirement Plan Advisory Committee
- Social Services, State Board of
- Transportation Board, Commonwealth

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
- Transportation Board, Commonwealth

December 20

- † Accountancy, Board of
 - Enforcement Committee
- Real Estate Board
- † Treasury, Department of the
 - Debt Capacity Advisory Committee

December 23

- Alcoholic Beverage Control Board

January 2, 2003

- Technology Planning, Department of
 - Virginia Geographical Information Network Advisory Board

January 6

- Education, Board of

January 7

- † Environmental Quality, Department of
 - Ground Water Protection Steering Committee
- † Mental Health, Mental Retardation and Substance Abuse Services, Department of
- † Museum of Fine Arts, Virginia
 - Executive Committee
- War Memorial Foundation, Virginia

January 8

- † Accountancy, Board of

January 9

- † Agriculture and Consumer Services, Department of
 - Virginia Charity Food Assistance Advisory Board
- Education, Board of
 - State Special Education Advisory Committee

January 10

- Air Pollution Board, State
- Education, Board of
 - State Special Education Advisory Committee

January 13

- † Local Government, Commission on

January 14

- † Resources Authority, Virginia

January 15

- † Medicine, Board of
 - Informal Conference Committee

January 17

- Library Board, State
 - 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 21

- † Housing and Community Development, Board of

January 22

- Contractors, Board for
- † Medicine, Board of
 - Informal Conference Committee
- † Water Control Board, State

January 23

- Rehabilitative Services, Board of
- Retirement System, Virginia
 - Corporate Governance Task Force

January 27

- Education, Board of
 - Advisory Board for Teacher Education and Licensure
- Nursing, Board of

January 29

- Medicine, Board of
 - Informal Conference Committee
- Nursing, Board of

January 30

- George Mason University
 - Board of Visitors
- † Medicine, Board of
 - Informal Conference Committee
- Nursing, Board of

Calendar of Events

January 31

Health, State Board of

February 4

† Museum of Fine Arts, Virginia
- Executive Committee

February 19

Real Estate Board
Retirement System, Virginia
- Administration and Personnel Committee
- Audit and Compliance Committee
- Benefits and Actuarial Committee
- Investment Advisory Committee

February 20

Real Estate Board
Retirement System, Virginia
- Board of Trustees
- Corporate Governance Task Force

February 21

Health Professions, Department of
- Intervention Program Committee

February 26

Education, Board of

February 27

† Medicine, Board of
- Informal Conference Committee

March 6

† Technology Planning, Department of
- Virginia Geographical Information Network Advisory
Board

March 10

† Technology Planning, Department of
- Virginia Research and Technology Advisory
Commission

PUBLIC HEARINGS

December 16

Transportation Board, Commonwealth

December 17

Mental Health, Mental Retardation and Substance Abuse
Services, Department of

December 19

Environmental Quality, Department of

December 23

† Environmental Quality, Department of

January 7

† Water Control Board, State

January 8, 2003

Medicine, Board of

January 15

Nursing Home Administrators, Board of

January 24

Counseling, Board of

March 5

Lottery Board, State

March 13

Agriculture and Consumer Services, State Board of