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CUMULATIVE TABLE OF VIRGINIA ADMINISTRATIVE CODE SECTIONS ADOPTED, AMENDED, OR REPEALED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printed below lists regulation sections, by Virginia Administrative Code (VAC) title, that have been amended, added or repealed in the *Virginia Register* since the regulations were originally published or last supplemented in VAC (the Fall 2002 VAC Supplement includes final regulations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 5-30-200	Amended	19:9 VA.R. 1338	2/12/03
4 VAC 5-36-90	Amended	19:12 VA.R. 1881	3/27/03
4 VAC 5-36-100	Amended	19:12 VA.R. 1883	3/27/03
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 15-30-40	Amended	19:7 VA.R. 1074	11/25/02
4 VAC 15-320-20	Repealed	19:5 VA.R. 805	1/1/03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4 VAC 15-320-30	Repealed	19:5 VA.R. 805	1/1/03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4 VAC 15-370-10	Repealed	19:5 VA.R. 807	1/1/03
4 VAC 15-370-30	Repealed	19:5 VA.R. 807	1/1/03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4 VAC 15-380-10	Repealed	19:5 VA.R. 807	1/1/03
4 VAC 15-380-20	Repealed	19:5 VA.R. 807	1/1/03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4 VAC 15-380-60	Repealed	19:5 VA.R. 807	1/1/03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

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

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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
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 15-430-40	Erratum	19:14 VA.R. 2176	--
4 VAC 15-430-210	Erratum	19:14 VA.R. 2177	--
4 VAC 15-440-10 through 4 VAC 15-440-60	Added	19:5 VA.R. 809	1/1/03
4 VAC 20-252-20	Amended	19:10 VA.R. 1485	1/1/03
4 VAC 20-252-130	Amended	19:10 VA.R. 1485	1/1/03
4 VAC 20-252-130 emer	Amended	19:12 VA.R. 1905	1/31/03-2/28/03
4 VAC 20-252-130	Amended	19:14 VA.R. 2086	3/1/03
4 VAC 20-252-140	Amended	19:10 VA.R. 1486	1/1/03
4 VAC 20-252-150	Amended	19:10 VA.R. 1486	1/1/03
4 VAC 20-252-150 emer	Amended	19:12 VA.R. 1906	1/31/03-2/28/03
4 VAC 20-252-150	Amended	19:14 VA.R. 2087	3/1/03
4 VAC 20-252-160	Amended	19:10 VA.R. 1487	1/1/03
4 VAC 20-280-30	Amended	19:10 VA.R. 1487	1/1/03
4 VAC 20-280-40	Amended	19:10 VA.R. 1488	1/1/03
4 VAC 20-380-10	Amended	19:14 VA.R. 2087	3/1/03
4 VAC 20-380-30	Amended	19:14 VA.R. 2087	3/1/03
4 VAC 20-380-50	Amended	19:14 VA.R. 2087	3/1/03
4 VAC 20-380-60	Amended	19:14 VA.R. 2088	3/1/03
4 VAC 20-430-20	Amended	19:3 VA.R. 432	10/1/02
4 VAC 20-530-10	Amended	19:10 VA.R. 1488	1/1/03
4 VAC 20-530-20	Amended	19:10 VA.R. 1488	1/1/03
4 VAC 20-530-23	Added	19:10 VA.R. 1488	1/1/03
4 VAC 20-530-26	Added	19:10 VA.R. 1488	1/1/03
4 VAC 20-530-29	Added	19:10 VA.R. 1488	1/1/03
4 VAC 20-562-10 through 4 VAC 20-562-50 emer	Added	18:25 VA.R. 3570	8/16/02-8/30/02
4 VAC 20-610-60	Amended	18:25 VA.R. 3548	8/1/02
4 VAC 20-620-50	Amended	19:14 VA.R. 2088	3/1/03
4 VAC 20-620-70	Amended	19:14 VA.R. 2089	3/1/03
4 VAC 20-670-30	Amended	18:25 VA.R. 3550	8/1/02
4 VAC 20-720-10 emer	Amended	19:8 VA.R. 1256	11/27/02-12/26/02
4 VAC 20-720-20	Amended	19:3 VA.R. 432	10/1/02
4 VAC 20-720-20 emer	Amended	19:8 VA.R. 1256	11/27/02-12/26/02
4 VAC 20-720-20	Amended	19:9 VA.R. 1339	12/27/02
4 VAC 20-720-20 emer	Amended	19:12 VA.R. 1906	2/1/03-3/3/03
4 VAC 20-720-40	Amended	19:3 VA.R. 433	10/1/02
4 VAC 20-720-40 emer	Amended	19:8 VA.R. 1257	11/27/02-12/26/02
4 VAC 20-720-40 through 4 VAC 20-720-80	Amended	19:9 VA.R. 1339-1342	12/27/02
4 VAC 20-720-40 emer	Amended	19:12 VA.R. 1907	2/1/03-3/3/03
4 VAC 20-720-50 through 4 VAC 20-720-80	Amended	19:3 VA.R. 434-436	10/1/02
4 VAC 20-720-50 emer	Amended	19:8 VA.R. 1257	11/27/02-12/26/02
4 VAC 20-720-50 emer	Amended	19:12 VA.R. 1907	2/1/03-3/3/03
4 VAC 20-720-70 emer	Amended	19:8 VA.R. 1258	11/27/02-12/26/02
4 VAC 20-720-70 emer	Amended	19:12 VA.R. 1908	2/1/03-3/3/03
4 VAC 20-720-80	Amended	19:5 VA.R. 809	11/1/02
4 VAC 20-720-80	Erratum	19:12 VA.R. 1915	--
4 VAC 20-720-80 emer	Amended	19:12 VA.R. 1909	2/1/03-3/3/03
4 VAC 20-720-110 emer	Amended	19:8 VA.R. 1258	11/27/02-12/26/02
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

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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
4 VAC 20-754-30	Amended	19:8 VA.R. 1193	11/27/02
4 VAC 20-910-45 emer	Amended	19:12 VA.R. 1911	1/31/03-2/28/03
4 VAC 20-910-45	Amended	19:14 VA.R. 2089	3/1/03
4 VAC 20-950-10	Amended	19:10 VA.R. 1489	1/1/03
4 VAC 20-950-30	Amended	19:14 VA.R. 2090	3/1/03
4 VAC 20-950-40	Amended	19:10 VA.R. 1489	1/1/03
4 VAC 20-950-45	Amended	19:10 VA.R. 1489	1/1/03
4 VAC 20-950-45	Amended	19:14 VA.R. 2090	3/1/03
4 VAC 20-950-46	Added	19:10 VA.R. 1490	1/1/03
4 VAC 20-950-47	Added	19:10 VA.R. 1491	1/1/03
4 VAC 20-950-48	Added	19:10 VA.R. 1491	1/1/03
4 VAC 20-950-49	Added	19:10 VA.R. 1491	1/1/03
Title 6. Criminal Justice and Corrections			
6 VAC 20-210-10 through 6 VAC 20-210-110 emer	Added	19:10 VA.R. 1511-1512	1/7/03-1/6/04
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 8. Education			
8 VAC 20-440-10	Amended	19:12 VA.R. 1886	3/28/03
8 VAC 20-440-90	Amended	19:12 VA.R. 1886	3/28/03
8 VAC 20-440-110	Amended	19:12 VA.R. 1886	3/28/03
8 VAC 20-440-120	Amended	19:12 VA.R. 1886	3/28/03
8 VAC 20-440-140	Amended	19:12 VA.R. 1886	3/28/03
8 VAC 20-440-150	Amended	19:12 VA.R. 1886	3/28/03
8 VAC 20-440-160	Amended	19:12 VA.R. 1886	3/28/03
8 VAC 20-440 Appendix A	Amended	19:12 VA.R. 1887	3/28/03
8 VAC 20-440 Appendix B	Amended	19:12 VA.R. 1890	3/28/03

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
8 VAC 20-650-10	Added	19:10 VA.R. 1492	3/1/03
8 VAC 20-650-20	Added	19:10 VA.R. 1492	3/1/03
8 VAC 20-650-30	Added	19:10 VA.R. 1492	3/1/03
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
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 5-510-170	Erratum	19:7 VA.R. 1119	--
9 VAC 10-10-10	Amended	19:8 VA.R. 1194	1/29/03
9 VAC 10-10-20	Amended	19:8 VA.R. 1195	1/29/03
9 VAC 10-10-30	Amended	19:8 VA.R. 1195	1/29/03
9 VAC 10-10-40	Repealed	19:8 VA.R. 1197	1/29/03
9 VAC 20-60-18	Amended	19:12 VA.R. 1891	3/26/03
9 VAC 20-60-1285	Erratum	18:25 VA.R. 3607	--
9 VAC 20-130 (Forms)	Amended	19:12 VA.R. 1912	--
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 25-70	Repealed	19:14 VA.R. 2090	4/23/03
9 VAC 25-71-10 through 9 VAC 25-71-70	Added	19:14 VA.R. 2090	4/23/03
9 VAC 25-120-10	Amended	19:10 VA.R. 1493	2/26/03
9 VAC 25-120-20	Amended	19:10 VA.R. 1493	2/26/03
9 VAC 25-120-31	Repealed	19:10 VA.R. 1493	2/26/03
9 VAC 25-120-50 through 9 VAC 25-120-80	Amended	19:10 VA.R. 1493	2/26/03
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 25-195	Repealed	19:10 VA.R. 1494	3/4/03
9 VAC 25-196-40 through 9 VAC 25-196-70	Amended	19:10 VA.R. 1495	3/2/03
9 VAC 25-196-80	Repealed	19:10 VA.R. 1495	3/2/03
9 VAC 25-210 (Forms)	Amended	19:12 VA.R. 1912	--
9 VAC 25-260-5	Amended	18:20 VA.R. 2658	1/15/03 ¹
9 VAC 25-260-140	Amended	18:24 VA.R. 3289	²

¹ Notice of effective date published in 19:7 VA.R. 1074.

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 25-260-140	Erratum	18:25 VA.R. 3607	--
9 VAC 25-260-155	Amended	18:24 VA.R. 3289	²
9 VAC 25-260-160	Amended	18:20 VA.R. 2658	1/15/03 ¹
9 VAC 25-260-170	Amended	18:20 VA.R. 2658	1/15/03 ¹
9 VAC 25-260-310	Amended	18:20 VA.R. 2659	²
9 VAC 25-260-390	Amended	18:20 VA.R. 2661	²
9 VAC 25-420	Repealed	19:14 VA.R. 2091	4/24/03
9 VAC 25-430	Repealed	19:14 VA.R. 2091	4/24/03
9 VAC 25-440	Repealed	19:14 VA.R. 2091	4/24/03
9 VAC 25-450	Repealed	19:14 VA.R. 2091	4/24/03
9 VAC 25-452	Repealed	19:14 VA.R. 2091	4/24/03
9 VAC 25-460	Repealed	19:14 VA.R. 2091	4/24/03
9 VAC 25-470	Repealed	19:14 VA.R. 2091	4/24/03
9 VAC 25-480	Repealed	19:14 VA.R. 2091	4/24/03
9 VAC 25-490	Repealed	19:14 VA.R. 2091	4/24/03
9 VAC 25-500	Repealed	19:14 VA.R. 2091	4/24/03
9 VAC 25-510	Repealed	19:14 VA.R. 2091	4/24/03
9 VAC 25-520	Repealed	19:14 VA.R. 2091	4/24/03
9 VAC 25-530	Repealed	19:14 VA.R. 2091	4/24/03
9 VAC 25-540	Repealed	19:14 VA.R. 2091	4/24/03
9 VAC 25-550	Repealed	19:14 VA.R. 2091	4/24/03
9 VAC 25-560	Repealed	19:14 VA.R. 2091	4/24/03
9 VAC 25-570	Repealed	19:14 VA.R. 2091	4/24/03
9 VAC 25-572	Repealed	19:14 VA.R. 2091	4/24/03
9 VAC 25-660 (Forms)	Amended	19:12 VA.R. 1912	--
9 VAC 25-670 (Forms)	Amended	19:12 VA.R. 1912	--
9 VAC 25-680 (Forms)	Amended	19:12 VA.R. 1912	--
9 VAC 25-690 (Forms)	Amended	19:12 VA.R. 1912	--
9 VAC 25-720-10 through 9 VAC 25-720-140	Added	19:14 VA.R. 2091-2138	4/24/03
9 VAC 25-730	Repealed	19:14 VA.R. 2090	4/23/03
9 VAC 25-750-10 through 9 VAC 25-750-50	Added	19:4 VA.R. 645-658	12/9/02
9 VAC 25-770-10 through 9 VAC 25-770-190 emer	Added	19:8 VA.R. 1260-1267	12/5/02-12/4/03
Title 10. Finance and Financial Institutions			
10 VAC 5-200-75	Added	19:9 VA.R. 1344	1/1/03
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	1/15/03 ³
12 VAC 5-31-10 through 12 VAC 5-31-600	Added	19:3 VA.R. 479-493	1/15/03 ³
12 VAC 5-31-610	Added	19:3 VA.R. 493	⁴
12 VAC 5-31-620	Added	19:3 VA.R. 494	⁴
12 VAC 5-31-630 through 12 VAC 5-31-720	Added	19:3 VA.R. 494-503	1/15/03 ³
12 VAC 5-31-730	Added	19:3 VA.R. 516	⁴
12 VAC 5-31-740 through 12 VAC 5-31-930	Added	19:3 VA.R. 494-503	1/15/03 ³
12 VAC 5-31-940	Added	19:3 VA.R. 503	⁴
12 VAC 5-31-950	Added	19:3 VA.R. 503	1/15/03 ³
12 VAC 5-31-960	Added	19:3 VA.R. 503	1/15/03 ³
12 VAC 5-31-970	Withdrawn	19:10 VA.R. 1495	--
12 VAC 5-31-980 through 12 VAC 5-31-1020	Added	19:3 VA.R. 503-504	1/15/03 ³
12 VAC 5-31-1030	Added	19:3 VA.R. 504	⁴
12 VAC 5-31-1040	Added	19:3 VA.R. 504	1/15/03 ³
12 VAC 5-31-1050	Withdrawn	19:8 VA.R. 1197	--

² Effective 30 days after notice in the *Virginia Register* of EPA approval.

³ Notice of change of effective date published in 19:9 VA.R. 1345.

⁴ Effective date suspended in 19:10 VA.R. 1495.

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 5-31-1060 through 12 VAC 5-31-1130	Added	19:3 VA.R. 504	1/15/03 ³
12 VAC 5-31-1140	Added	19:3 VA.R. 505	⁴
12 VAC 5-31-1150 through 12 VAC 5-31-2260	Added	19:3 VA.R. 516-529	1/15/03 ³
12 VAC 5-31-2090	Erratum	19:7 VA.R. 1119	--
12 VAC 5-90-80 emer	Amended	19:13 VA.R. 1971	2/11/03-2/10/04
12 VAC 5-220-10	Amended	19:8 VA.R. 1198	2/3/03
12 VAC 5-220-90	Amended	19:8 VA.R. 1202	2/3/03
12 VAC 5-220-105	Amended	19:8 VA.R. 1202	2/3/03
12 VAC 5-220-150	Repealed	19:8 VA.R. 1202	2/3/03
12 VAC 5-220-160	Amended	19:8 VA.R. 1202	2/3/03
12 VAC 5-220-180	Amended	19:8 VA.R. 1202	2/3/03
12 VAC 5-220-200	Amended	19:8 VA.R. 1202	2/3/03
12 VAC 5-220-230	Amended	19:8 VA.R. 1205	2/3/03
12 VAC 5-220-270	Amended	19:8 VA.R. 1206	2/3/03
12 VAC 5-220-280	Amended	19:8 VA.R. 1207	2/3/03
12 VAC 5-220-355	Amended	19:8 VA.R. 1207	2/3/03
12 VAC 5-220-385	Amended	19:8 VA.R. 1207	2/3/03
12 VAC 5-220-420	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-220-470	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-230-10	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-230-20	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-240-10	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-240-20	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-240-30	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-250-30	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-260-30	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-260-40	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-260-80	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-260-100	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-270-30	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-270-40	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-280-10	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-280-30	Amended	19:8 VA.R. 1210	2/3/03
12 VAC 5-280-70	Amended	19:8 VA.R. 1210	2/3/03
12 VAC 5-290-10	Amended	19:8 VA.R. 1210	2/3/03
12 VAC 5-290-30	Amended	19:8 VA.R. 1211	2/3/03
12 VAC 5-300-30	Amended	19:8 VA.R. 1211	2/3/03
12 VAC 5-310-30	Amended	19:8 VA.R. 1211	2/3/03
12 VAC 5-320-50	Amended	19:8 VA.R. 1211	2/3/03
12 VAC 5-320-150	Amended	19:8 VA.R. 1211	2/3/03
12 VAC 5-320-430	Amended	19:8 VA.R. 1211	2/3/03
12 VAC 5-340-30	Amended	19:8 VA.R. 1211	2/3/03
12 VAC 5-360-30	Amended	19:8 VA.R. 1211	2/3/03
12 VAC 5-360-40	Amended	19:8 VA.R. 1212	2/3/03
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 5-585-10	Amended	19:14 VA.R. 2138	4/23/03
12 VAC 5-585-40	Amended	19:14 VA.R. 2140	4/23/03
12 VAC 5-585-50	Amended	19:14 VA.R. 2141	4/23/03
12 VAC 5-585-270	Amended	19:14 VA.R. 2141	4/23/03

³ Notice of change of effective date published in 19:9 VA.R. 1345.

⁴ Effective date suspended in 19:10 VA.R. 1495.

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 5-585-660 through 12 VAC 5-585-750	Added	19:14 VA.R. 2141-2145	4/23/03
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 30-120-10 through 12 VAC 30-120-50	Amended	19:8 VA.R. 1212-1223	2/1/03
12 VAC 30-120-55	Added	19:8 VA.R. 1223	2/1/03
12 VAC 30-120-60	Amended	19:8 VA.R. 1224	2/1/03
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 30-135-10 through 12 VAC 30-135-80 emer	Added	19:8 VA.R. 1268-1269	12/4/02-9/30/03
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
12 VAC 35-190-10	Amended	19:7 VA.R. 1075	1/15/03
12 VAC 35-190-20	Repealed	19:7 VA.R. 1076	1/15/03
12 VAC 35-190-21	Added	19:7 VA.R. 1076	1/15/03
12 VAC 35-190-30	Amended	19:7 VA.R. 1076	1/15/03
12 VAC 35-190-40	Repealed	19:7 VA.R. 1076	1/15/03
12 VAC 35-190-41	Added	19:7 VA.R. 1076	1/15/03
12 VAC 35-190-50	Repealed	19:7 VA.R. 1076	1/15/03
12 VAC 35-190-51	Added	19:7 VA.R. 1076	1/15/03
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 10-40-110	Amended	19:12 VA.R. 1892	1/24/03
13 VAC 10-40-220	Amended	19:12 VA.R. 1892	1/24/03
13 VAC 10-40-230	Amended	19:12 VA.R. 1892	1/24/03

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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
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 5-200-20	Amended	19:12 VA.R. 1893	4/1/03
14 VAC 5-200-30	Amended	19:12 VA.R. 1893	4/1/03
14 VAC 5-200-40	Amended	19:12 VA.R. 1893	4/1/03
14 VAC 5-200-60	Amended	19:12 VA.R. 1893	4/1/03
14 VAC 5-200-75	Amended	19:12 VA.R. 1893	4/1/03
14 VAC 5-200-77	Added	19:12 VA.R. 1894	4/1/03
14 VAC 5-200-150	Amended	19:12 VA.R. 1894	4/1/03
14 VAC 5-200-153	Added	19:12 VA.R. 1894	4/1/03
14 VAC 5-200-200	Amended	19:12 VA.R. 1894	4/1/03
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 5-260 (Forms)	Amended	19:14 VA.R. 2169	--
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

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
16 VAC 20-10-10	Amended	19:8 VA.R. 1239	2/1/03
16 VAC 20-10-20	Amended	19:8 VA.R. 1239	2/1/03
16 VAC 20-10-40	Amended	19:8 VA.R. 1239	2/1/03
16 VAC 20-10-50	Amended	19:8 VA.R. 1239	2/1/03
16 VAC 20-10-80	Amended	19:8 VA.R. 1239	2/1/03
16 VAC 20-10-90	Amended	19:8 VA.R. 1239	2/1/03
16 VAC 20-10-100	Amended	19:8 VA.R. 1239	2/1/03
16 VAC 25-10-10	Amended	19:10 VA.R. 1496	3/1/03
16 VAC 25-10-20	Amended	19:10 VA.R. 1496	3/1/03
16 VAC 25-10-40	Amended	19:10 VA.R. 1496	3/1/03
16 VAC 25-10-50	Amended	19:10 VA.R. 1496	3/1/03
16 VAC 25-10-80	Amended	19:10 VA.R. 1496	3/1/03
16 VAC 25-10-90	Amended	19:10 VA.R. 1496	3/1/03
16 VAC 25-10-100	Amended	19:10 VA.R. 1496	3/1/03
16 VAC 25-10-120	Amended	19:10 VA.R. 1496	3/1/03
16 VAC 25-60-190	Amended	19:9 VA.R. 1346	3/1/03
16 VAC 25-60-290	Amended	19:9 VA.R. 1348	3/1/03
16 VAC 25-60-320	Amended	19:9 VA.R. 1348	3/1/03
16 VAC 25-85-1904.10	Amended	19:9 VA.R. 1349	3/1/03
16 VAC 25-90-1910.33	Added	19:9 VA.R. 1349	3/1/03
16 VAC 25-90-1910.34	Added	19:9 VA.R. 1349	3/1/03
16 VAC 25-90-1910.35 through 16 VAC 25-90-1910.38	Amended	19:9 VA.R. 1349	3/1/03
16 VAC 25-90-1910.39	Added	19:9 VA.R. 1349	3/1/03
16 VAC 25-90-1910.119	Amended	19:9 VA.R. 1349	3/1/03
16 VAC 25-90-1910.120	Amended	19:9 VA.R. 1349	3/1/03
16 VAC 25-90-1910.157	Amended	19:9 VA.R. 1349	3/1/03
16 VAC 25-90-1910.268	Amended	19:9 VA.R. 1349	3/1/03
16 VAC 25-90-1910.272	Amended	19:9 VA.R. 1349	3/1/03
16 VAC 25-90-1910.1047	Amended	19:9 VA.R. 1349	3/1/03
16 VAC 25-90-1910.1050	Amended	19:9 VA.R. 1349	3/1/03
16 VAC 25-90-1910.1051	Amended	19:9 VA.R. 1349	3/1/03
16 VAC 25-100-1915.4	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.5	Amended	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.14	Amended	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.15	Amended	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.35	Amended	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.51	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.53	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.71 through 16 VAC 25-100-1915.75	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.77	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.92	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.97	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.112	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.115	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.116	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.118	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.131	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.134	Amended	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.152	Amended	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.158	Amended	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.159	Amended	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.160	Amended	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.163	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.165	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.172	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.181	Added	19:9 VA.R. 1350	3/1/03

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16 VAC 25-100-1915.1001	Amended	19:9 VA.R. 1350	3/1/03
16 VAC 25-175-1926.200 through 16 VAC 25-175-1926.203	Amended	19:9 VA.R. 1351	3/1/03
Title 18. Professional and Occupational Licensing			
18 VAC 5-21-20	Amended	19:10 VA.R. 1496	2/28/03
18 VAC 5-21-20	Amended	19:12 VA.R. 1895	3/26/03
18 VAC 10-10-10 through 18 VAC 10-10-90	Amended	19:10 VA.R. 1497	3/1/03
18 VAC 41-10-10 through 18 VAC 41-10-90	Added	19:10 VA.R. 1497	3/1/03
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 60-20-10	Amended	19:10 VA.R. 1498	2/26/03
18 VAC 60-20-250 through 18 VAC 60-20-331	Added	19:10 VA.R. 1498	2/26/03
18 VAC 60-20-20	Amended	19:10 VA.R. 1499	2/26/03
18 VAC 60-20-30	Amended	19:10 VA.R. 1499	2/26/03
18 VAC 65-30-10	Amended	19:10 VA.R. 1500	2/26/03
18 VAC 65-30-80	Amended	19:10 VA.R. 1500	2/26/03
18 VAC 65-40-340	Amended	19:10 VA.R. 1501	2/26/03
18 VAC 85-20-310 through 18 VAC 85-20-390 emer	Added	19:7 VA.R. 1114-1117	11/18/02-11/17/03
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
18 VAC 85-101-70	Amended	19:1 VA.R. 110	10/23/02
18 VAC 85-101-150	Amended	19:1 VA.R. 110	10/23/02
18 VAC 85-110-10	Amended	19:10 VA.R. 1501	2/26/03
18 VAC 85-110-30	Repealed	19:10 VA.R. 1501	2/26/03
18 VAC 85-110-50	Amended	19:10 VA.R. 1501	2/26/03
18 VAC 85-110-60	Amended	19:10 VA.R. 1501	2/26/03
18 VAC 85-110-70	Repealed	19:10 VA.R. 1502	2/26/03
18 VAC 85-110-80	Amended	19:10 VA.R. 1502	2/26/03
18 VAC 85-110-150	Amended	19:10 VA.R. 1502	2/26/03
18 VAC 85-110-155	Amended	19:10 VA.R. 1502	2/26/03
18 VAC 85-110-160	Amended	19:10 VA.R. 1502	2/26/03
18 VAC 90-20-360	Amended	19:13 VA.R. 1967	4/9/03
18 VAC 90-20-361	Added	19:13 VA.R. 1967	4/9/03
18 VAC 90-20-362	Added	19:13 VA.R. 1967	4/9/03
18 VAC 90-20-363	Added	19:13 VA.R. 1968	4/9/03
18 VAC 90-20-364	Added	19:13 VA.R. 1968	4/9/03
18 VAC 90-40-100	Amended	19:7 VA.R. 1076	1/15/03
18 VAC 90-40-110	Amended	19:7 VA.R. 1076	1/15/03
18 VAC 90-40-120	Amended	19:7 VA.R. 1076	1/15/03
18 VAC 90-50	Erratum	19:8 VA.R. 1273	--
18 VAC 90-50-10	Amended	19:7 VA.R. 1084	1/15/03
18 VAC 90-50-40	Amended	19:7 VA.R. 1084	1/15/03
18 VAC 90-50-50	Amended	19:7 VA.R. 1085	1/15/03
18 VAC 90-50-60	Amended	19:7 VA.R. 1085	1/15/03
18 VAC 90-50-70	Amended	19:7 VA.R. 1085	1/15/03
18 VAC 90-50-75	Added	19:7 VA.R. 1085	1/15/03

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18 VAC 90-50-80	Amended	19:7 VA.R. 1086	1/15/03
18 VAC 90-50-90	Amended	19:7 VA.R. 1086	1/15/03
18 VAC 95-20-80	Amended	19:7 VA.R. 1094	1/15/03
18 VAC 105-20-10	Amended	19:7 VA.R. 1106	1/15/03
18 VAC 105-20-15	Amended	19:7 VA.R. 1106	1/15/03
18 VAC 105-20-20	Amended	19:7 VA.R. 1106	1/15/03
18 VAC 105-20-40 through 18 VAC 105-20-70	Amended	19:7 VA.R. 1106	1/15/03
18 VAC 105-30-90	Amended	19:7 VA.R. 1108	1/15/03
18 VAC 105-30-100	Amended	19:7 VA.R. 1108	1/15/03
18 VAC 105-30-120	Amended	19:7 VA.R. 1108	1/15/03
18 VAC 110-20-20	Amended	19:4 VA.R. 689	12/4/02
18 VAC 110-20-20	Amended	19:10 VA.R. 1502	2/26/03
18 VAC 110-20-101 through 18 VAC 110-20-106	Added	19:10 VA.R. 1504	2/26/03
18 VAC 110-20-111	Added	19:10 VA.R. 1504	2/26/03
18 VAC 110-20-270	Amended	19:10 VA.R. 1504	2/26/03
18 VAC 110-20-270	Erratum	19:11 VA.R. 1790	--
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 115-60-55	Added	19:10 VA.R. 1505	2/26/03
18 VAC 115-60-130	Amended	19:1 VA.R. 111	10/23/02
18 VAC 125-20-30	Amended	19:10 VA.R. 1506	2/26/03
18 VAC 125-20-120	Amended	19:10 VA.R. 1506	2/26/03
18 VAC 125-20-121	Amended	19:10 VA.R. 1506	2/26/03
18 VAC 125-20-130	Amended	19:10 VA.R. 1506	2/26/03
18 VAC 135-20-10 through 18 VAC 135-20-80	Amended	19:12 VA.R. 1899-1901	4/1/03
18 VAC 135-20-30	Erratum	19:14 VA.R. 2177	--
18 VAC 135-20-60	Erratum	19:14 VA.R. 2177	--
18 VAC 135-20-100	Amended	19:12 VA.R. 1901	4/1/03
18 VAC 135-20-105	Added	19:12 VA.R. 1901	4/1/03
18 VAC 135-20-110 through 18 VAC 135-20-150	Amended	19:12 VA.R. 1901	4/1/03
18 VAC 135-20-155	Added	19:12 VA.R. 1901	4/1/03
18 VAC 135-20-160 through 18 VAC 135-20-180	Amended	19:12 VA.R. 1901	4/1/03
18 VAC 135-20-185	Added	19:12 VA.R. 1901	4/1/03
18 VAC 135-20-190	Amended	19:12 VA.R. 1901	4/1/03
18 VAC 135-20-200	Repealed	19:12 VA.R. 1903	4/1/03
18 VAC 135-20-220	Amended	19:12 VA.R. 1903	4/1/03
18 VAC 135-20-230	Repealed	19:12 VA.R. 1903	4/1/03
18 VAC 135-20-240 through 18 VAC 135-20-300	Amended	19:12 VA.R. 1903-1904	4/1/03
18 VAC 135-20-260	Erratum	19:14 VA.R. 2177	--
18 VAC 135-20-320	Repealed	19:12 VA.R. 1904	4/1/03
18 VAC 135-20-330	Amended	19:12 VA.R. 1904	4/1/03
18 VAC 135-20-340	Amended	19:12 VA.R. 1904	4/1/03
18 VAC 135-20-360	Amended	19:12 VA.R. 1904	4/1/03
18 VAC 135-20-370	Amended	19:12 VA.R. 1904	4/1/03
18 VAC 135-20-410	Amended	19:12 VA.R. 1904	4/1/03
18 VAC 140-20-30	Amended	19:14 VA.R. 2145	4/23/03
18 VAC 150-20-10	Amended	19:9 VA.R. 1351	3/1/03
18 VAC 150-20-30	Amended	19:9 VA.R. 1351	3/1/03
18 VAC 150-20-70	Amended	19:9 VA.R. 1351	3/1/03
18 VAC 150-20-75	Amended	19:9 VA.R. 1351	3/1/03

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18 VAC 150-20-100	Amended	19:7 VA.R. 1113	1/15/03
18 VAC 150-20-100	Amended	19:9 VA.R. 1351	3/1/03
18 VAC 150-20-110	Amended	19:9 VA.R. 1351	3/1/03
18 VAC 150-20-120 through 18 VAC 150-20-140	Amended	19:9 VA.R. 1351	3/1/03
18 VAC 150-20-171	Added	19:9 VA.R. 1351	3/1/03
18 VAC 150-20-172	Added	19:9 VA.R. 1351	3/1/03
18 VAC 150-20-180 through 18 VAC 150-20-200	Amended	19:9 VA.R. 1351	3/1/03
18 VAC 150-20-181	Added	19:9 VA.R. 1351	3/1/03
18 VAC 150-20-205	Repealed	19:9 VA.R. 1351	3/1/03
18 VAC 150-20-210	Amended	19:9 VA.R. 1351	3/1/03
Title 19. Public Safety			
19 VAC 30-20-10	Amended	19:10 VA.R. 1508	3/1/03
19 VAC 30-20-50	Amended	19:10 VA.R. 1508	3/1/03
19 VAC 30-20-80	Amended	19:10 VA.R. 1508	3/1/03
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 30-20-10 through 22 VAC 30-20-40	Amended	19:14 VA.R. 2147-2154	4/24/03
22 VAC 30-20-60	Amended	19:14 VA.R. 2154	4/24/03
22 VAC 30-20-80	Amended	19:14 VA.R. 2154	4/24/03
22 VAC 30-20-90	Amended	19:14 VA.R. 2155	4/24/03
22 VAC 30-20-95	Added	19:14 VA.R. 2155	4/24/03
22 VAC 30-20-100 through 22 VAC 30-20-130	Amended	19:14 VA.R. 2155-2164	4/24/03
22 VAC 30-20-150	Amended	19:14 VA.R. 2164	4/24/03
22 VAC 30-20-160	Amended	19:14 VA.R. 2164	4/24/03

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22 VAC 30-20-170	Amended	19:14 VA.R. 2165	4/24/03
22 VAC 30-20-181	Amended	19:14 VA.R. 2166	4/24/03
22 VAC 30-20-200	Amended	19:14 VA.R. 2167	4/24/03
22 VAC 30-50-10 through 22 VAC 30-50-110	Added	19:9 VA.R. 1352-1354	2/13/03
22 VAC 40-60 (Forms)	Amended	19:4 VA.R. 695	--
22 VAC 40-71-10	Amended	19:8 VA.R. 1240	3/28/03
22 VAC 40-71-20	Amended	19:8 VA.R. 1244	3/28/03
22 VAC 40-71-20	Erratum	19:11 VA.R. 1790	--
22 VAC 40-71-30	Amended	19:8 VA.R. 1244	3/28/03
22 VAC 40-71-45	Added	19:8 VA.R. 1244	3/28/03
22 VAC 40-71-50	Amended	19:8 VA.R. 1244	3/28/03
22 VAC 40-71-60	Amended	19:8 VA.R. 1245	3/28/03
22 VAC 40-71-80	Amended	19:8 VA.R. 1245	3/28/03
22 VAC 40-71-90	Amended	19:8 VA.R. 1245	3/28/03
22 VAC 40-71-110	Amended	19:8 VA.R. 1245	3/28/03
22 VAC 40-71-130	Amended	19:8 VA.R. 1245	3/28/03
22 VAC 40-71-150	Amended	19:8 VA.R. 1245	3/28/03
22 VAC 40-71-160	Amended	19:8 VA.R. 1248	3/28/03
22 VAC 40-71-170	Amended	19:8 VA.R. 1248	3/28/03
22 VAC 40-71-180	Amended	19:8 VA.R. 1249	3/28/03
22 VAC 40-71-210	Amended	19:8 VA.R. 1249	3/28/03
22 VAC 40-71-270	Amended	19:8 VA.R. 1249	3/28/03
22 VAC 40-71-275	Added	19:8 VA.R. 1249	3/28/03
22 VAC 40-71-280	Amended	19:8 VA.R. 1249	3/28/03
22 VAC 40-71-290	Amended	19:8 VA.R. 1249	3/28/03
22 VAC 40-71-310	Amended	19:8 VA.R. 1249	3/28/03
22 VAC 40-71-330	Amended	19:8 VA.R. 1249	3/28/03
22 VAC 40-71-360	Amended	19:8 VA.R. 1249	3/28/03
22 VAC 40-71-410	Amended	19:8 VA.R. 1249	3/28/03
22 VAC 40-71-440	Amended	19:8 VA.R. 1250	3/28/03
22 VAC 40-71-450	Amended	19:8 VA.R. 1250	3/28/03
22 VAC 40-71-460	Amended	19:8 VA.R. 1250	3/28/03
22 VAC 40-71-480	Amended	19:8 VA.R. 1250	3/28/03
22 VAC 40-71-490	Amended	19:8 VA.R. 1250	3/28/03
22 VAC 40-71-530	Amended	19:8 VA.R. 1250	3/28/03
22 VAC 40-71-540	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-550	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-560	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-570	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-580	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-590	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-600	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-630	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-640	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-650	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-660	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-670	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-680	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-690	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71 Part VI, Article 3	Erratum	19:11 VA.R. 1790	--
22 VAC 40-71-700	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-700	Erratum	19:11 VA.R. 1790	--
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

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
22 VAC 40-680-20	Amended	19:10 VA.R. 1509	2/26/03
22 VAC 40-680-63	Added	19:10 VA.R. 1509	2/26/03
22 VAC 40-680-67	Added	19:10 VA.R. 1509	2/26/03
22 VAC 40-700-10	Amended	19:10 VA.R. 1509	2/26/03
22 VAC 40-700-30	Amended	19:10 VA.R. 1510	2/26/03
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
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

PETITIONS FOR RULEMAKING

TITLE 4. CONSERVATION AND NATURAL RESOURCES

DEPARTMENT OF CONSERVATION AND RECREATION

Agency Decision

Title of Regulation: **4 VAC 5-30. Virginia State Parks Regulations.**

Statutory Authority: § 10.1-104 of the Code of Virginia.

Name of Petitioner: Matt Chancey.

Nature of Petitioner's Request: The petitioner is requesting the Department of Conservation and Recreation to amend 4 VAC 5-30-200 to allow individuals to carry a holstered firearm openly.

Agency Decision: Request Denied

Statement of reasons for decision: It is the department's determination not to pursue a regulatory action to allow the open carry of firearms in State Parks. This determination is based on the following information:

1. The department has already recently completed (effective February 12, 2003) a regulatory action as directed by the Governor (in accordance with a recent Attorney General's Opinion) to amend the department's State Parks Firearms Regulation (4 VAC 5-30-200) to allow for the carrying of concealed handguns within State Parks by holders of a valid Concealed Handgun Permit issued pursuant to § 18.2-308 of the Code of Virginia. The department has concluded that no further action is needed at this time. Restrictions on Firearms in State Parks have been part of the Virginia Administrative Code or department regulation since at least 1965 and probably since the State Park System was created in 1936.

2. Felony incident statistics for State Park properties indicate that State Parks are safe.

YEAR	Recorded Attendance	Number of Felony Incidents
1999	5.9 million	13
2000	6.3 million	19
2001	7.0 million	9

(Only four of these crimes were against a person and the only one involving a firearm was an airgun incident.)

3. A complete survey of other state park systems across the nation indicates that 42 states or 84% do not allow the open carry of firearms outside of lawful hunting or law enforcement situations.

4. Possession or use of firearms or other weapons in all National Park System (NPS) areas is prohibited (except as otherwise provided). With rare exception (such as times when controlled hunting is allowed) weapons are to be dismantled completely and cased while visiting in NPS

areas in the United States. In order to transport weapons through NPS areas they must be dismantled and adequately cased or packed in such a way as to prevent their use. Loaded weapons are subject to confiscation by park authorities.

5. Of the 1,228 responses received during the open comment period, 488 were against altering the regulation as petitioned and 740 supported the petitioned change (Note: 739 also supported open carry of all legal firearms.) A summary of the comments received is as follows:

Against Open Carry

Respondents opposed to the petitions noted that they would fear for their safety and the safety of others if open carry were allowed and many alluded to the fact that they would stop visiting, vacationing, or volunteering at the parks. Some noted that the children of Virginia should be able to play without fear of gunfire in their playgrounds, campgrounds and picnic areas. Responses noted that open carrying of all types of firearms in a Virginia State Park fails to consider the effect on families, youth groups, church or civic organizations which look to Virginia State Parks as a safe haven. Others mentioned school regulations that prohibited field trips to locations where the "open carry" of firearms is allowed. They noted that the purpose and mission of parks is for education, recreation, family orientation, and conservation, and the repeal of the regulation would adversely affect these values. Respondents stated that regulations were designed and enacted for the general welfare, not the welfare or self-preservation of the individual to the exclusion of public safety. Safety concerns were raised by several individuals that live adjacent to state parks.

Those responding suggested that visitors would be offended or intimidated by seeing a person openly carrying a firearm for no apparent purpose and stated that the presence of a gun adds the risk of accidental shootings. They also suggested that guns have the potential for introducing violent people-to-people crimes into state parks. Others reasoned that the carrying of guns in state parks would increase the need for law enforcement in state parks. It was noted that the current regulation gives visitors confidence through the fact that the violent incidents in the state parks and natural areas over the years have been negligible in number. They stated that State Parks are not hot-beds of crime and do not cry out for extreme measures of self-defense. Respondents stated that openly carried and holstered firearms have no place in Virginia State Parks other than on duly appointed and recognized local, state and federal law enforcement.

Respondents observed that it is impossible to distinguish a "law-abiding citizen" from a person with criminal intentions; thus, many people will, quite naturally, be placed in fear by the presence of another person carrying a gun. They felt that visitors to our state parks must have complete confidence that they can enjoy our parks without concern about the potential for gun violence. They noted that there are other non-lethal ways of self

Petitions for Rulemaking

protection. They also noted that wildlife is not a threat to visitors, regardless of the sensationalism that the media uses to portray wildlife.

Supporting Open Carry

Respondents supporting the petitions cited that any restriction on the possession and bearing of firearms is a violation of the U.S. Constitution's Second Amendment. They suggested that any public area with gun restrictions prevents law-abiding citizens from defending themselves and makes them easy pickings for those with criminal intent. Many noted a need and right to carry firearms for their individual protection and that of their families due to the remoteness of some areas of state parks where there are no phones and no cellular service in the event you need to call for help. Others noted a desire to protect themselves from aggressive wildlife including bears, rabid dogs, raccoons or coyotes or to deter criminals and aggressive or drunk people. They also noted that since laws exist to govern the proper use of firearms such as brandishing or discharge, there is no need to deny the right of open carry for self-defense.

Respondents reported that crime rates go down where law-abiding citizens are permitted to carry a firearm and that states with tight restrictions of the private carrying of firearms have increased violent crime. They also noted a study that concluded that there was no evidence that any gun law or combination of gun laws had reduced the incidence of crime.

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

VA.R. Doc. No. R03-55; Filed March 7, 2003, 2:40 p.m.

Agency Decision

Title of Regulation: **4 VAC 5-30. Virginia State Parks Regulations.**

Statutory Authority: § 10.1-104 of the Code of Virginia.

Name of Petitioner: Mike McHugh, President, Virginia Gun Owners Coalition.

Nature of Petitioner's Request: The petitioner is requesting the Department of Conservation and Recreation to repeal 4 VAC 5-30-200 thus allowing open carry unless otherwise restricted by law.

Agency Decision: Request Denied

Statement of reasons for decision: It is the department's determination not to pursue a regulatory action to allow the open carry of firearms in State Parks. This determination is based on the following information:

1. The department has already recently completed (effective February 12, 2003) a regulatory action as directed by the Governor (in accordance with a recent Attorney General's Opinion) to amend the department's State Parks Firearms

Regulation (4 VAC 5-30-200) to allow for the carrying of concealed handguns within State Parks by holders of a valid Concealed Handgun Permit issued pursuant to § 18.2-308 of the Code of Virginia. The department has concluded that no further action is needed at this time. Restrictions on Firearms in State Parks have been part of the Virginia Administrative Code or department regulation since at least 1965 and probably since the State Park System was created in 1936.

2. Felony incident statistics for State Park properties indicate that State Parks are safe.

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(Only 4 of these crimes were against a person and the only one involving a firearm was an airgun incident.)

3. A complete survey of other state park systems across the nation indicates that 42 states or 84% do not allow the open carry of firearms outside of lawful hunting or law enforcement situations.

4. Possession or use of firearms or other weapons in all National Park System (NPS) areas is prohibited (except as otherwise provided). With rare exception (such as times when controlled hunting is allowed) weapons are to be dismantled completely and cased while visiting in NPS areas in the United States. In order to transport weapons through NPS areas they must be dismantled and adequately cased or packed in such a way as to prevent their use. Loaded weapons are subject to confiscation by park authorities.

5. Of the 1,228 responses received during the open comment period, 489 were against altering the regulation as petitioned and 739 supported the petitioned change. A summary of the comments received is as follows:

Against Open Carry

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exclusion of public safety. Safety concerns were raised by several individuals that live adjacent to state parks.

Those responding suggested that visitors would be offended or intimidated by seeing a person openly carrying a firearm for no apparent purpose and stated that the presence of a gun adds the risk of accidental shootings. They also suggested that guns have the potential for introducing violent people-to-people crimes into state parks. Others reasoned that the carrying of guns in state parks would increase the need for law enforcement in state parks. It was noted that the current regulation gives visitors confidence through the fact that the violent incidents in the state parks and natural areas over the years have been negligible in number. They stated that State Parks are not hot-beds of crime and do not cry out for extreme measures of self-defense. Respondents stated that openly carried and holstered firearms have no place in Virginia State Parks other than on duly appointed and recognized local, state and federal law enforcement.

Respondents observed that it is impossible to distinguish a "law-abiding citizen" from a person with criminal intentions; thus, many people will, quite naturally, be placed in fear by the presence of another person carrying a gun. They felt that visitors to our state parks must have complete confidence that they can enjoy our parks without concern about the potential for gun violence. They noted that there are other non-lethal ways of self protection. They also noted that wildlife is not a threat to visitors, regardless of the sensationalism that the media uses to portray wildlife.

Supporting Open Carry

Respondents supporting the petitions cited that any restriction on the possession and bearing of firearms is a violation of the U.S. Constitution's Second Amendment. They suggested that any public area with gun restrictions prevents law-abiding citizens from defending themselves and makes them easy pickings for those with criminal intent. Many noted a need and right to carry firearms for their individual protection and that of their families due to the remoteness of some areas of state parks where there are no phones and no cellular service in the event you need to call for help. Others noted a desire to protect themselves from aggressive wildlife including bears, rabid dogs, raccoons or coyotes or to deter criminals and aggressive or drunk people. They also noted that since laws exist to govern the proper use of firearms such as brandishing or discharge, there is no need to deny the right of open carry for self-defense.

Respondents reported that crime rates go down where law-abiding citizens are permitted to carry a firearm and that states with tight restrictions of the private carrying of firearms have increased violent crime. They also noted a study that concluded that there was no evidence that any gun law or combination of gun laws had reduced the incidence of crime.

Agency Contact: Leon E. App, Acting Deputy Director, Virginia Department of Conservation and Recreation, 203 Governor

Street, Suite 302, Richmond, Virginia 23219, telephone (804) 786-6124, FAX (804) 786-6141 or e-mail regcord@dcr.state.va.us

VA.R. Doc. No. R03-58; Filed March 7, 2003, 2:40 p.m.

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NOTICES OF INTENDED REGULATORY ACTION

Symbol Key

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

TITLE 9. ENVIRONMENT

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 25-191. Virginia Pollutant Discharge Elimination System (VPDES) General Permit for Concentrated Animal Feeding Operations.** The purpose of the proposed action is to develop and adopt a general permit regulation to comply with the requirements set forth in 40 CFR Parts 9, 122, 123, and 412, as published in the Federal Register (Volume 68, No. 29, dated February 12, 2003). This general permit regulation will govern the authorization to manage pollutants from concentrated animal feeding operations, including storage and land application of animal waste. (See 19:14 VA.R. 2024 March 24, 2003, for more detailed information.)

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

Statutory Authority: §§ 62.1-44.17:1 and 62.1-44.15 of the Code of Virginia and 40 CFR Parts 9, 122, 123 and 412.

Public comments may be submitted until 5 p.m. on April 23, 2003.

Contact: Thomas S. Haley, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4443, FAX (804) 698-4032, or e-mail tshaley@deq.state.va.us.

VA.R. Doc. No. R03-138; Filed March 5, 2003, 8:55 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 amending regulations entitled: **9 VAC 25-192. Virginia Pollution Abatement General Permit for Confined Animal Feeding Operations.** The purpose of the proposed action is to reissue the existing Virginia Pollution Abatement General Permit for Confined Animal Feeding Operations, which expires November 16, 2004. This action may also amend the regulation, where applicable, to reflect changes to 40 CFR Parts 9, 122, 123 and 412, as published in the Federal Register (Volume 68, No. 29, dated February 12, 2003). This general permit governs the authorization to manage pollutants from confined animal feeding operations, including storage and land application of animal waste. This action is not related to implementation of the Federal CAFO Rule. (See 19:14 VA.R. 2024-2025 March 24, 2003, for more detailed information.)

The agency intends to hold a public hearing on the proposed regulation 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. on April 23, 2003.

Contact: Scott Haley, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4432, FAX (804) 698-4032, or e-mail tshaley@deq.state.va.us.

VA.R. Doc. No. R03-139; Filed March 5, 2003, 8:54 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 amending regulations entitled: **9 VAC 25-400. Policy for Waste Treatment and Water Quality Management for the Dulles Area Watershed.** The purpose of the proposed action is to reformat the policy and revise as necessary to bring the policy up to date with current regulatory programs. (See 19:14 VA.R. 2025-2020 March 24, 2003, for more detailed information.)

The agency intends to hold a public hearing on the proposed regulation 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. on April 30, 2003.

Contact: Thomas A. Faha, Department of Environmental Quality, Northern Virginia Regional Office, Department of Environmental Quality, 13901 Crown Court, Woodbridge, VA 22193, telephone (703) 583-3846 or e-mail tafaha@deq.state.va.us.



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 10-70. Period of Authority.** The purpose of the proposed action is to amend the regulation to specify the period of appointment for stewards.

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.

Notices of Intended Regulatory Action

Public comments may be submitted until April 14, 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. R03-116; Filed January 22, 2003, 11:09 a.m.

TITLE 12. HEALTH

STATE BOARD OF HEALTH

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Health intends to consider amending regulations entitled: **12 VAC 5-31. Virginia Emergency Medical Services** and repealing **12 VAC 5-40. Regulation Governing Financial Assistance for Emergency Medical Services**. The purpose of the proposed action is to adopt regulations for designation of regional EMS council and revise regulations regarding the Rescue Squad Assistance Fund (RSAF), combining them with all regulations governing EMS in Virginia, i.e., the intended provisions would be inserted into two new parts, Parts VII and VIII, in the newly adopted chapter on EMS (12 VAC 5-31), while repealing the current chapter regarding the RSAF (12 VAC 5-40).

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

Statutory Authority: § 32.1-111.3 of the Code of Virginia

Public comments may be submitted until 5 p.m., May 9, 2003.

Contact: Dave Cullen, Regulatory and Compliance Manager, Department of Health, 1538 E. Parham Rd., Richmond, VA 23228, telephone (804) 371-3500, ext. 3512, FAX (804) 371-3543, or e-mail dcullen@vdh.state.va.us.

VA.R. Doc. No. R03-158; Filed March 18, 2003, 10:17 a.m.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Medical Assistance Services intends to consider amending regulations entitled: **12 VAC 30-120. Waiver Services (HIV/AIDS Waiver Program)**. The purpose of the proposed action is to modify the existing HIV/AIDS waiver program to cover consumer-directed services.

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

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

Public comments may be submitted until May 8, 2003, to Vivian Horn, Policy Analyst, Division of LTC, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

Contact: Victoria P. Simmons, Regulatory Coordinator, Policy Division, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7959, FAX (804) 786-1680 or e-mail vsimmons@dmas.state.va.us.

VA.R. Doc. No. R03-157; Filed March 17, 2003, 4:59 p.m.

TITLE 24. TRANSPORTATION AND MOTOR VEHICLES

COMMONWEALTH TRANSPORTATION BOARD

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Commonwealth Transportation Board intends to consider amending regulations entitled: **24 VAC 30-90. Subdivision Street Requirements**. The purpose of the proposed action is to clarify text to improve clarity and usefulness; update obsolete titles and work unit names; separate geometric standards from regulatory requirements; update the list of documents incorporated by reference; and address impact of identified issues (including definition of roles, review and acceptance processes, sidewalks, flexibility of standards, traffic calming, surety and maintenance fees, utilities, etc.) on the regulation.

New subdivision streets are developed under authority granted the local governing bodies by the General Assembly of Virginia. VDOT's Subdivision Street Requirements establish the minimum criteria that new streets must meet in order for VDOT to consider accepting the street for maintenance from the local governments at their request.

VDOT is accepting comments regarding the regulation that governs its acceptance of new subdivision streets for state maintenance, the Subdivision Street Requirements. Comments will be accepted between April 7 and May 7, 2003.

Comments targeting a specific provision in the current regulation that you would like to see changed, should be identified by referencing the Virginia Administrative Code designation. If you are uncertain of the provision, indicate "Section Unknown."

The current Subdivision Street Requirements and its Pavement Design Guide companion reference may be downloaded from <http://virginiadot.org/projects/ssr-rev.asp>.

Comments may be submitted in writing to: Virginia Department of Transportation, Local Assistance Division (SSR

Notices of Intended Regulatory Action

Rev.), 1401 East Broad Street, Suite 403, Richmond, Virginia 23219.

Comments may also be submitted via the Internet to: <http://virginiadot.org/projects/ssr-rev.asp> or by email addressed to SR2004@virginiadot.org.

Comments may be given at one of the following stakeholder meetings:

Richmond: April 22, 2003, 10 a.m. to noon, Richmond District Office, 2430 Pine Forest Drive, Colonial Heights Virginia.

Salem: April 24, 2003, 1 p.m. to 3 p.m., Salem Convention Center, Salem, Virginia.

Staunton: April 25, 2003, 10 a.m. to noon, Augusta County Government Center, Verona, Virginia.

Hampton Roads: April 29, 2003, 10 a.m. to noon, Hampton Roads District Office, 1700 N. Main Street, Suffolk, Virginia.

Northern Virginia: May 1, 2003, Noon to 3 p.m., Northern Virginia District Office, 14685 Avion Parkway, Chantilly, Virginia.

Notice: VDOT will only consider comments that include the sender's name and U.S. Mail or email address. Comments will be compiled and published on the Internet on approximately July 1, 2003.

The purpose of these meetings is to collect public input concerning potential revisions to the Subdivision Street Requirements at the Notice of Intended Regulatory Action stage. After the Commonwealth Transportation Board has reviewed the proposed changes, the proposed amendments to the regulation will be published in the Virginia Register and public comment will be solicited regarding those changes later this year.

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

Statutory Authority: §§ 33.1-12(3), 33.1-69, 33.1-198, and 33.1-229 of the Code of Virginia.

Public comments may be submitted until 5 p.m. on May 7, 2003.

Contact: James S. Givens, attn: Kenneth M. Smith, Transportation Engineering Program Supervisor, Department of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-2576, FAX (804) 786-2603 or e-mail SSR2004@virginiadot.org.

VA.R. Doc. No. R03-156; Filed March 18, 2003, 1:29 p.m.



PROPOSED REGULATIONS

For information concerning Proposed Regulations, see Information Page.

Symbol Key

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

TITLE 2. AGRICULTURE

STATE BOARD OF AGRICULTURE AND CONSUMER SERVICES

Extension of Public Comment Period

Title of Regulation: **2 VAC 5-20. Standards for Classification of Real Estate as Devoted to Agricultural Use and to Horticultural Use Under the Virginia Land Use Assessment Law (amending 2 VAC 5-20-10, 2 VAC 5-20-20, and 2 VAC 5-20-40).**

The State Board of Agriculture and Consumer Services noticed a public comment period on the proposed Standards for Classification of Real Estate as Devoted to Agricultural Use and to Horticultural Use Under the Virginia Land Use Assessment Law (2 VAC 5-20) in the January 13, 2003, issue of the Virginia Register (19:9 VA.R. 1320-1324 January 13, 2003).

The board is extending the public comment period on the proposal until September 2, 2003.

Agency Contact: Lawrence H. Redford, Regulatory Coordinator, Department of Agriculture and Consumer Services, 1100 Bank Street, Room 211, Richmond, VA 23219, telephone (804) 371-8067, FAX (804) 371-2945 or e-mail redford@vdacs.state.va.us.

VA.R. Doc. No. R02-79; Filed March 20, 2003, 10:15 a.m.

Extension of Public Comment Period

Title of Regulation: **2 VAC 5-360. Regulations for the Enforcement of the Virginia Commercial Feed Act (amending 2 VAC 5-360-10 through 2 VAC 5-360-100; repealing 2 VAC 5-360-110 through 2 VAC 5-360-140).**

Title of Regulation: **2 VAC 5-440. Rules and Regulations for Enforcement of the Virginia Pest Law - Cotton Boll Weevil Quarantine (amending 2 VAC 5-440-10 through 2 VAC 5-440-60; repealing 2 VAC 5-440-80 and 2 VAC 5-440-90).**

The State Board of Agriculture and Consumer Services noticed a public comment period on the proposed Regulations for the Enforcement of the Virginia Commercial Feed Act (2 VAC 5-360) in the September 9, 2002, issue of the Virginia Register (18:26 VA.R. 3674-3686 September 9, 2002) and on the proposed Rules and Regulations for Enforcement of the Virginia Pest Law - Cotton Boll Weevil Quarantine (2 VAC 5-440)) in the September 9, 2002, issue of the Virginia Register (18:26 VA.R. 3687-3692 September 9, 2002).

The board is extending the public comment period on the proposals until August 1, 2003.

Agency Contact: Lawrence H. Redford, Regulatory Coordinator, Department of Agriculture and Consumer Services, 1100 Bank Street, Room 211, Richmond, VA 23219, telephone (804) 371-8067, FAX (804) 371-2945 or e-mail redford@vdacs.state.va.us.

VA.R. Doc. Nos. R01-109 and R01-110; Filed March 20, 2003, 10:15 a.m.



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.

NOTICE TO THE PUBLIC

The Board of Game and Inland Fisheries has ordered to be published, pursuant to §§ 29.1-501 and 29.1-502 of the Code of Virginia, the following proposed amendments to board regulations. A public comment period on the proposed regulations opened March 6, 2003, and remains open until May 1, 2003. Comments submitted must be in writing; must be accompanied by the name, address and telephone number of the party offering the comments; should state the VAC number, regulation title and regulatory action desired; and should state the justification for the desired action. Comments should be sent to Phil Smith, Policy Analyst and Regulatory Coordinator, Department of Game and Inland Fisheries, 4010 West Broad Street, Richmond, Virginia 23230, and need to be received no later than April 24, 2003, in order to ensure that the board will have opportunity to review them before taking final action.

A public hearing on the advisability of adopting or amending and adopting the proposed regulations, or any parts thereof, will be held during a meeting of the board to take place at the Department of Game and Inland Fisheries, 4000 West Broad Street, Richmond, Virginia, beginning at 9 a.m. on Thursday, May 1, 2003, at which time any interested citizen present shall be heard. If the board is satisfied that the proposed regulations, or any parts thereof, are advisable in the form in which published or as amended after receipt of the public's comments, the board may adopt regulation amendments as final at the May 1 meeting. The regulations or regulation

Proposed Regulations

amendments adopted may be either more liberal or more restrictive than that proposed.

Title of Regulation: **4 VAC 15-30. Definitions and Miscellaneous: Importation, Possession, Sale, Etc., of Animals (amending 4 VAC 15-30-50).**

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

Public Hearing Date: May 1, 2003 - 9 a.m.

Public comments may be submitted until May 1, 2003
(See Notice to the Public preceding this regulation)

Agency Contact: Phil Smith, Policy Analyst and Regulatory Coordinator, 4010 West Broad Street, Richmond, VA 23230, telephone (804) 367-1000, FAX (804) 367-0488 or e-mail RegComments@djif.state.va.us.

Summary:

The proposed amendment authorizes persons operating under conditions of a commercial nuisance animal permit to capture, temporarily hold or possess, transport, release, and when necessary humanely euthanize wildlife, under the provisions and conditions established by the department.

4 VAC 15-30-50. Possession, transportation, and release of wildlife by authorized persons.

A. Department employees in the performance of their official duties; U. S. government agencies' employees whose responsibility includes fisheries and wildlife management; and county, city or town animal control officers in the performance of their official duties related to public health concerns or problem wildlife removal, and individuals operating under conditions of a commercial nuisance animal permit issued by the department pursuant to §§ 29.1-412 and 29.1-417 of the Code of Virginia will be deemed to be permitted pursuant to this section to capture, temporarily hold or possess, transport, release, and when necessary humanely euthanize wildlife, provided that the methods of and documentation for the capture, possession, transport, release and euthanasia shall be in accordance with board policy.

B. Employees or agents of other state wildlife agencies while in the performance of their official duty in transporting wildlife through the Commonwealth will be deemed to be permitted pursuant to this section, provided that a list of animals to be transported, a schedule of dates and locations where those animals will be housed while in the Commonwealth, and a letter of authorization from both the forwarding and receiving state agencies are provided to the department 24 hours prior to the transporting of such animals, and further provided that such animals shall not be liberated within the Commonwealth.

VA.R. Doc. No. R03-143; Filed March 19, 2003, 11:34 a.m.

Title of Regulation: **4 VAC 15-40. Game: In General (amending 4 VAC 15-40-230; adding 4 VAC 15-40-282, 4 VAC 15-40-283, and 4 VAC 15-40-284).**

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

Public Hearing Date: May 1, 2003 - 9 a.m.

Public comments may be submitted until May 1, 2003
(See Notice to the Public preceding 4 VAC 15-30)

Agency Contact: Phil Smith, Policy Analyst and Regulatory Coordinator, 4010 West Broad Street, Richmond, VA 23230, telephone (804) 367-1000, FAX (804) 367-0488 or e-mail RegComments@djif.state.va.us.

Summary:

The proposed amendments (i) clarify the ending date when traps may be set in the waters of the Commonwealth and establish a year-round time period for setting traps in waters within the incorporated limits of cities and towns in the Commonwealth and in the counties of Arlington, Chesterfield, Fairfax, Henrico, James City, Loudoun, Prince William, Spotsylvania, Stafford, Roanoke and York, unless prohibited by local ordinances; (ii) prohibit the unauthorized feeding of bear; (iii) prohibit chasing and hunting with dogs, and the training of dogs on any wild animal from a baited place or to put out bait or salt for the purpose of chasing, hunting and training of dogs on any wild animal; (iv) prohibit intentionally crippling or harming nonmigratory game birds or game animals; (v) make it unlawful to dislodge an animal from a tree to further a chase or to train dogs; and (vi) prohibit the use of telemetry equipment to aid in the chase, harvest or capture of wildlife and provide for the disposition of such equipment if used illegally.

4 VAC 15-40-230. Dates for setting traps in water.

It shall be ~~unlawful~~ *lawful* to set ~~any trap~~ traps in water ~~prior to~~ from December 1 through the last day of February, both dates inclusive, and at any time within the incorporated limits of any city or town in the Commonwealth and in the counties of Arlington, Chesterfield, Fairfax, Henrico, James City, Loudoun, Prince William, Spotsylvania, Stafford, Roanoke and York, except as otherwise specifically provided by department permit or by local ordinances pursuant to § 29.1-526 of the Code of Virginia.

4 VAC 15-40-282. Unauthorized feeding of bear.

It shall be unlawful for any person to place or distribute food, minerals, carrion, or similar substances to feed or attract bear. Nor, upon written notification by department personnel, shall any person continue to place or distribute any food, mineral, carrion or similar substances for any purpose if the placement of these materials results in the presence of bear in such numbers or circumstances to cause annoyance or inconvenience to any person, cause property damage, or endanger any person or wildlife. After such notification, such person shall be in violation of this section if the placing, distribution, or presence of such food, minerals, carrion, or similar substances continues. This section shall not apply to wildlife management activities conducted or authorized by the department.

4 VAC 15-40-283. Unlawful to chase, hunt or train from a baited site.

Except as prescribed in subdivision 4 of § 29.1-521 of the Code of Virginia, it shall be unlawful to chase with dogs or hunt with dogs or to attempt to chase or hunt with dogs any wild animal from a baited site or to train dogs on any wild

animal from a baited site. Furthermore, it shall be unlawful to place, distribute or maintain bait or salt for any wild animal for the purpose of chasing with dogs, hunting with dogs or the training of dogs. As used in this regulation, bait shall mean any food, grain, or other consumable substance that could serve as a lure or attractant. A baited site will be considered to be baited for 30 days following the complete removal of all such bait or salt.

4 VAC 15-40-284. Intentionally crippling or harming nonmigratory game birds and game animals prohibited; dislodging an animal from a tree prohibited; and use of telemetry equipment to aid in the chase, harvest, or capture of wildlife prohibited.

A. No person shall intentionally cripple or otherwise harm any nonmigratory game bird or game animal for the intent of continuing a hunt or chase, or for the purpose of training dogs. Upon treeing, baying, or otherwise containing an animal in a manner that offers the animal no avenue of escape, the person or the hunting party shall either (i) harvest the animal if within a legal take season and by using lawful methods of take or (ii) terminate the chase by retrieving the dogs and allowing the animal freedom to escape for the remainder of the same calendar day.

B. It shall be unlawful to dislodge an animal from a tree for the intent of continuing a hunt or chase, or for the purpose of training dogs.

C. It shall be unlawful to use electronic tracking equipment, to include but not be limited to radio collars and telemetry devices, to aid in the chase, harvest or capture of wildlife. No part of this section shall be construed to prohibit the use of telemetry to aid with the location or recovery of dogs or for the use in department-authorized wildlife management activities.

D. Any electronic tracking equipment utilized in violation of this section shall be immediately seized by the arresting officer and disposed of upon conviction as ordered by the court.

VA.R. Doc. No. R03-144; Filed March 19, 2003, 11:41 a.m.

Title of Regulation: 4 VAC 15-50. **Game:** Bear (amending 4 VAC 15-50-10, 4 VAC 15-50-20, 4 VAC 15-50-25, 4 VAC 15-50-70, 4 VAC 15-50-80, 4 VAC 15-50-90, 4 VAC 15-50-110, and 4 VAC 15-50-120; adding 4 VAC 15-50-71, 4 VAC 15-50-81, and 4 VAC 15-50-91; repealing 4 VAC 15-50-30).

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

Public Hearing Date: May 1, 2003 - 9 a.m.

Public comments may be submitted until May 1, 2003
(See Notice to the Public preceding 4 VAC 15-30)

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

Summary:

The proposed amendments (i) specify certain counties and cities that are excepted out of the general firearms bear

season; (ii) establish an open hunting season on bear in 21 counties or portions of counties from the first Monday in December and for 11 consecutive days following and remove unnecessary references to the Clinch Mountain and Hidden Valley Wildlife Management areas; (iii) include the City of Virginia Beach in the open season for hunting bears; (iv) expand bear hunting by repealing the continuous closed season on bear hunting in certain counties; (v) expand the bear archery season to a statewide season from the first Saturday in October through the Friday prior to the third Monday in November; (vi) establish a muzzleloading gun season on black bear from the Tuesday prior to the third Monday in November and for three consecutive hunting days following except in specified counties and cities or portions thereof; (vii) prohibit the use of dogs during the bear muzzleloading gun season; (viii) define muzzleloading gun for the purpose of 4 VAC 15-50-71; (ix) prohibit the possession of other firearms during the muzzleloading gun season; (x) provide that the existing provisions governing the tagging of bear will expire on June 30, 2004, and establish a new system for validating tagging and checking bear beginning July 1, 2004; (xi) prohibit the use of dogs for bear hunting in certain counties and cities or portions thereof; and (xii) prohibit bear hound training season (chase) in certain counties and cities or portions thereof.

4 VAC 15-50-10. Open season; generally.

Except as otherwise provided by local legislation and with the specific exceptions provided in the sections appearing in this chapter, it shall be lawful to hunt bear from the fourth Monday in November through the first Saturday in January, both dates inclusive, except in the counties of Accomack, Amelia, Appomattox, Arlington, Brunswick, Buckingham, Campbell, Caroline, Charles City, Charlotte, Chesterfield, Clarke, Cumberland, Dinwiddie, Essex, Fairfax, Fauquier, Fluvanna, Frederick, Gloucester, Goochland, Greensville, Halifax, Hanover, Henrico, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Loudoun, Louisa, Lunenburg, Mathews, Mecklenburg, Middlesex, New Kent, Northampton, Northumberland, Nottoway, Orange, Pittsylvania, Powhatan, Prince Edward, Prince George, Prince William, Richmond, Southampton, Spotsylvania, Stafford, Surry, Sussex, Westmoreland, and York; and in the cities of Hampton, Newport News, and Norfolk.

4 VAC 15-50-20. Open season; ~~Russell County and Clinch Mountain and Hidden Valley Wildlife Management Areas certain counties or portions of counties; first Monday in December and for 11 consecutive hunting days following.~~

It shall be lawful to hunt bear from the first Monday in December and for 11 consecutive hunting days following, both dates inclusive, in ~~Russell County (south and east of U.S. Route 19) and on the Clinch Mountain and Hidden Valley Wildlife Management Areas~~ the counties of Buchanan, Campbell (west of Norfolk Southern Railroad), Carroll, Dickenson, Floyd, Franklin, Grayson, Henry, Lee, Montgomery (south of Interstate 81), Patrick, Pittsylvania (west of Norfolk Southern Railroad), Pulaski (south of Interstate 81), Roanoke (south of Interstate 81), Russell, Scott, Smyth (south of Interstate 81 and that part north of Interstate 81 that is west of

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Route 16), Tazewell (west of Route 16), Washington, Wise, and Wythe (south of Interstate 81).

4 VAC 15-50-25. Open season; cities of Chesapeake and, Suffolk and Virginia Beach.

It shall be lawful to hunt bear from the first Monday in November through the first Saturday in January, both dates inclusive, in the cities of Chesapeake and, Suffolk and Virginia Beach.

~~4 VAC 15-50-30. Continuous closed season in certain counties and cities. (Repealed.)~~

~~It shall be unlawful to hunt bear at any time in the counties of Accomack, Amelia, Appomattox, Brunswick, Buchanan, Buckingham, Campbell, Caroline, Carroll, Charles City, Charlotte, Chesterfield, Clarke, Cumberland, Dickenson, Dinwiddie, Essex, Fairfax, Fauquier, Floyd, Fluvanna, Franklin, Frederick, Gloucester, Goochland, Grayson, Greensville, Halifax, Hanover, Henrico, Henry, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Lee, Loudoun, Louisa, Lunenburg, Mathews, Mecklenburg, Middlesex, Montgomery (South of U.S. Route 1-81), New Kent, Northampton, Northumberland, Nottoway, Orange, Patrick, Pittsylvania, Powhatan, Prince Edward, Prince George, Prince William, Pulaski (South of U.S. Route 1-81), Richmond, Roanoke (South of U.S. Route 1-81), Russell (North and West of U.S. Route 19), Scott, Smyth (South of U.S. Route 1-81), Southampton, Spotsylvania, Stafford, Surry, Sussex, Tazewell (North of U.S. Route 19), Washington (South of U.S. Route 1-81 and West of U.S. Route 19), Westmoreland, Wise, Wythe (South of U.S. Route 1-81) and York; and in the cities of Hampton, Newport News, Norfolk and Virginia Beach.~~

4 VAC 15-50-70. Bow and arrow hunting.

~~A. Season.~~ It shall be lawful to hunt bear *during the special archery season* with bow and arrow from the ~~second first~~ Saturday in October through the ~~Saturday~~ Friday prior to the ~~second third~~ Monday in November, both dates inclusive.

~~B. Carrying firearms prohibited.~~ It shall be unlawful to carry firearms while hunting with bow and arrow.

~~C. Requirements for bow and arrow.~~ Arrows used for hunting big game must have a minimum width head of 7/8 of an inch and the bow used for such hunting must be capable of casting a broadhead arrow a minimum of 125 yards.

~~D. Use of dogs prohibited during bow season.~~ It shall be unlawful to use dogs when hunting with bow and arrow from the ~~second first~~ Saturday in October through the ~~Saturday~~ Friday prior to the ~~second third~~ Monday in November, both dates inclusive.

E. It shall be lawful for persons with permanent physical disabilities, who are in full compliance with the requirements of 4 VAC 15-40-20 B, to hunt bear subject to the provisions of subsections A through D of this section. For the purpose of the application of subsections A through D to this subsection the phrase "bow and arrow" includes crossbow.

4 VAC 15-50-71. Muzzleloading gun hunting.

A. It shall be lawful to hunt bear during the special muzzleloading season with muzzleloading guns from the Tuesday prior to the third Monday in November and for three consecutive hunting days following, both dates inclusive, except in Amherst, Augusta (east of Interstate 81 and south of Interstate 64), Bedford, Bland, Botetourt (east of Interstate 81), Buchanan, Campbell (west of Norfolk Southern Railroad), Carroll, Craig, Dickenson, Floyd, Franklin, Giles, Grayson, Henry, Lee, Montgomery, Nelson, Patrick, Pittsylvania (west of Norfolk Southern Railroad), Pulaski, Roanoke, Rockbridge (east of Interstate 81), Russell, Scott, Smyth, Tazewell, Washington, Wise and Wythe counties and in the cities of Chesapeake, Suffolk and Virginia Beach.

B. It shall be unlawful to hunt bear with dogs during any special season for hunting with muzzleloading guns.

C. A muzzleloading gun, for the purpose of this section, means a single shot flintlock or percussion weapon, excluding muzzleloading pistols, .45 caliber or larger, firing a single projectile or sabot (with a .38 caliber or larger projectile) of the same caliber loaded from the muzzle of the weapon and propelled by at least 50 grains of black powder (or black powder equivalent).

D. It shall be unlawful to have in immediate possession any firearm other than a muzzleloading gun while hunting with a muzzleloading gun in a special muzzleloading season.

4 VAC 15-50-80. Tagging bear and obtaining official game tag; by licensee.

A. This section is not effective after June 30, 2004.

~~A.~~ B. Detaching game tag from license. It shall be unlawful for any person to detach the game tag from any license to hunt bear prior to the killing of a bear and tagging same. Any detached tag shall be subject to confiscation by any representative of the department.

~~B.~~ C. Immediate tagging of carcass. Any person killing a bear shall, before removing the carcass from the place of kill, detach from his special license for hunting bear the appropriate tag and shall attach such tag to the carcass of his kill. Place of kill shall be defined as the location where the animal is first reduced to possession.

~~C.~~ D. Presentation of tagged carcass for checking; obtaining official game check card. Upon killing a bear and tagging same, as provided above, the licensee shall, upon vehicle transport of the carcass or at the conclusion of legal hunting hours, whichever occurs first, and without unnecessary delay, present the tagged carcass to an authorized bear checking station or to an appropriate representative of the department in the county or adjoining county in which the bear was killed. Upon presentation of the tagged carcass to the bear checking station, the licensee shall surrender or allow to be removed one premolar tooth from the carcass and have a seal, furnished by the department, permanently attached by the check station operator. At such time, the tag attached to the carcass shall be exchanged for an official game check card, which shall be securely attached to the carcass and remain attached until the carcass is processed.

D. E. Destruction of identity of bear prior to tagging; forfeiture of untagged bear. It shall be unlawful for any person to destroy the identity (sex) of any bear killed unless and until tagged and checked as required by this section. Any bear not tagged as required by this section found in the possession of any person shall be forfeited to the Commonwealth to be disposed of as provided by law.

4 VAC 15-50-81. Validating tags and checking bear by licensee or permittee.

A. *This section is effective July 1, 2004.*

B. *Any person killing a bear shall, before removing the carcass from the place of kill, validate an appropriate tag on their special license for hunting bear, deer, and turkey or special permit by notching the designated area and completely removing the notch adjacent to the tag on the left margin of the license or permit. Place of kill shall be defined as the location where the animal is first reduced to possession. It shall be unlawful for any person to validate (notch) a bear tag from any special license for hunting bear, deer, and turkey or special permit prior to the killing of a bear. A bear tag that is mistakenly validated (notched) prior to the killing of a bear must be immediately voided by the licensee by writing, in ink, the word "VOID" on the line provided adjacent to the notched license tag.*

C. *Upon killing a bear and validating (notching) a license tag or special permit, as provided above, the licensee shall, upon vehicle transport of the carcass or at the conclusion of legal hunting hours, whichever occurs first, and without unnecessary delay, present the carcass and validated (notched) license tag or special permit to an authorized bear checking station or to an appropriate representative of the department in the county or adjoining county in which the bear was killed. Upon presentation of the carcass and validated (notched) license tag or special permit to the bear checking station, the licensee shall surrender or allow to be removed one premolar tooth from the carcass and have a seal, furnished by the department, permanently attached by the check station operator. At such time, the person checking the carcass will be given a game check card. The successful hunter shall then immediately record the game check card number, in ink, on the line provided adjacent to the license tag that was validated (notched) in the field. The game check card must be kept in possession with the carcass until the carcass is processed. If the carcass is left unattended, the game check card must be securely attached to the carcass.*

D. *It shall be unlawful for any person to destroy the identity (sex) of any bear killed unless and until the license tag or special permit is validated (notched) and checked as required by this section. Successful bear hunters are allowed to dismember the carcass to pack it out from the place of kill, after an appropriate license tag has been validated (notched) as required above, as long as the sex of the animal remains identifiable and all the parts of the carcass are present when the bear is checked at an authorized bear checking station. Any bear found in possession of any person without a validated (notched) license tag or documentation that the bear has been checked at an authorized bear checking station as required by this section shall be forfeited to the Commonwealth to be disposed of as provided by law.*

4 VAC 15-50-90. Tagging bear and obtaining official game tag; by persons exempt from license requirement or holding a license authorization number.

A. *This section is not effective after June 30, 2004.*

B. *Upon killing a bear, any person exempt from license requirement as prescribed in § 29.1-301 of the Code of Virginia, or issued a complimentary license as prescribed in § 29.1-339, or the holder of a permanent license issued pursuant to § 29.1-301 E, or the holder of a Virginia license authorization number issued by a telephone or electronic media agent pursuant to § 29.1-327 B of the Code of Virginia shall, upon vehicle transport of the carcass or at the conclusion of legal hunting hours, whichever occurs first, and without unnecessary delay, present the carcass to an authorized bear checking station or to any appropriate representative of the department in the county or adjoining county in which the bear was killed. Upon presentation of the carcass to the bear checking station, the licensee shall surrender or allow to be removed one premolar tooth from the carcass and have a seal, furnished by the department, permanently attached by the check station operator. At such time, the person shall be given an official game check card furnished by the department, which shall be securely attached to the carcass and remain attached until the carcass is processed.*

4 VAC 15-50-91. Checking bear by persons exempt from license requirements or holding a license authorization number.

A. *This section is effective July 1, 2004.*

B. *Upon killing a bear, any person exempt from license requirements as prescribed in § 29.1-301 of the Code of Virginia, or issued a complimentary license as prescribed in § 29.1-339, or the holder of a permanent license issued pursuant to § 29.1-301 E, or the holder of a Virginia license authorization number issued by a telephone or electronic media agent pursuant to § 29.1-327 B of the Code of Virginia shall, upon vehicle transport of the carcass or at the conclusion of legal hunting hours, whichever occurs first, and without unnecessary delay, present the carcass to an authorized bear checking station or to any appropriate representative of the department in the county or adjoining county in which the bear was killed. Upon presentation of the carcass to the bear checking station, the person checking the carcass shall surrender or allow to be removed one premolar tooth from the carcass and have a seal, furnished by the department, permanently attached by the check station operator. At such time, the person checking or reporting the carcass shall be given a game check card furnished by the department. The game check card must be kept in possession with the carcass until the carcass is processed. If the carcass is left unattended, the game check card must be securely attached to the carcass.*

C. *It shall be unlawful for any person to destroy the identity of the sex of any bear killed until the bear is checked as required by this section. Successful bear hunters are allowed to dismember the carcass to pack it out from the place of kill as long as they do not destroy the identity of the sex and all the*

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parts of the carcass are present when the bear is checked at a big game check station.

4 VAC 15-50-110. Use of dogs in hunting bear.

A. ~~Generally~~. It shall be unlawful to use dogs for the hunting of bear during the open season for hunting deer in the counties west of the Blue Ridge Mountains and in the counties of Amherst (west of U.S. Route 29), Bedford, ~~Campbell (west of Norfolk Southern Railroad)~~, and Nelson (west of Route 151) and ~~Pittsylvania (west of Norfolk Southern Railroad)~~; and within the boundaries of the national forests.

B. ~~Special provision for Greene and Madison counties~~. It shall be unlawful to use dogs for the hunting of bear during the first 12 hunting days of the open season for hunting deer in the counties of Greene and Madison.

C. *It shall be unlawful to use dogs for the hunting of bear in the counties of Campbell (west of Norfolk Southern Railroad), Carroll, Floyd, Franklin, Grayson (east of Route 21), Henry, Montgomery (south of Interstate 81), Patrick, Pittsylvania (west of Norfolk Southern Railroad), Pulaski (south of Interstate 81), Roanoke (south of a continuous line formed by Route 785, Route 311 and Route 779), and Wythe (that part east of Route 21 that is south of Interstate 81).*

4 VAC 15-50-120. Bear hound training season.

Except as otherwise specifically provided in the sections appearing in this chapter, it shall be lawful to chase black bear with dogs, without capturing or taking, in all counties *and cities* or in the portions of counties in which bear hunting is permitted *except in the counties of Accomack, Amelia, Appomattox, Brunswick, Buckingham, Campbell, Caroline, Carroll, Charles City, Charlotte, Chesterfield, Clarke, Cumberland, Dinwiddie, Essex, Fairfax, Fauquier, Floyd, Fluvanna, Franklin, Frederick, Gloucester, Goochland, Grayson, Greensville, Halifax, Hanover, Henrico, Henry, Isle of Wight, James City, King & Queen, King George, King William, Lancaster, Loudoun, Louisa, Lunenburg, Mathews, Mecklenburg, Middlesex, Montgomery (south of Interstate 81), New Kent, Northampton, Northumberland, Nottoway, Orange, Patrick, Pittsylvania, Powhatan, Prince Edward, Prince George, Prince William, Pulaski (south of Interstate 81), Richmond, Roanoke (south of a continuous line formed by Rt. 785, Rt. 311 and Rt. 779), Smyth (south of Interstate 81), Southampton, Spotsylvania, Stafford, Surry, Sussex, Washington (south of Interstate 81), Westmoreland, Wythe (south of Interstate 81), and York, and in the cities of Hampton, Newport News and Norfolk*, from the last Saturday in August through the last Saturday in September. It shall be unlawful to have in immediate possession a firearm, bow or any weapon or device capable of taking a black bear.

VA.R. Doc. No. R03-145; Filed March 19, 2003, 11:41 a.m.

Title of Regulation: 4 VAC 15-60. Game: Beaver (amending 4 VAC 15-60-20).

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

Public Hearing Date: May 1, 2003 - 9 a.m.

Public comments may be submitted until May 1, 2003
(See Notice to the Public preceding 4 VAC 15-30)

Agency Contact: Phil Smith, Policy Analyst and Regulatory Coordinator, 4010 West Broad Street, Richmond, VA 23230, telephone (804) 367-1000, FAX (804) 367-0488 or e-mail RegComments@djif.state.va.us.

Summary:

The proposed amendment establishes a continuous open trapping season for beaver within incorporated limits of any city or town in the Commonwealth and in the counties of Arlington, Chesterfield, Fairfax, Henrico, James City, Loudoun, Prince William, Spotsylvania, Stafford, Roanoke and York.

4 VAC 15-60-20. Open season for trapping.

It shall be lawful to trap beaver from December 1 through the last day of February, both dates inclusive, *except there shall be a continuous open season to trap beaver within the incorporated limits of any city or town in the Commonwealth and in the counties of Arlington, Chesterfield, Fairfax, Henrico, James City, Loudoun, Prince William, Spotsylvania, Stafford, Roanoke and York.*

VA.R. Doc. No. R03-146; Filed March 19, 2003, 11:41 a.m.

Title of Regulation: 4 VAC 15-90. Game: Deer (amending 4 VAC 15-90-10, 4 VAC 15-90-20, 4 VAC 15-90-21, 4 VAC 15-90-70, 4 VAC 15-90-80, 4 VAC 15-90-90, 4 VAC 15-90-100, 4 VAC 15-90-110, 4 VAC 15-120, 4 VAC 15-90-141, 4 VAC 15-90-160, 4 VAC 15-90-170, 4 VAC 15-90-190, 4 VAC 15-90-195, 4 VAC 15-90-200, 4 VAC 15-90-210, 4 VAC 15-90-220, 4 VAC 15-90-230, and 4 VAC 15-90-240; adding 4 VAC 15-90-121, 4 VAC 15-90-231, and 4 VAC 15-90-241).

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

Public Hearing Date: May 1, 2003 - 9 a.m.

Public comments may be submitted until May 1, 2003
(See Notice to the Public preceding 4 VAC 15-30)

Agency Contact: Phil Smith, Policy Analyst and Regulatory Coordinator, 4010 West Broad Street, Richmond, VA 23230, telephone (804) 367-1000, FAX (804) 367-0488 or e-mail RegComments@djif.state.va.us.

Summary:

The proposed amendments (i) move opening day for muzzleloader and general firearms deer seasons to Saturday; (ii) increase the bag limit on July 1, 2004, from four to six and antlerless only tags from one to three east of Blue Ridge and from three to five and antlerless only tags from one to three west; (iii) expand urban archery season to the Monday following the close of deer season through the last Saturday in March; (iv) extend two week firearms season to four weeks in Franklin and Henry counties; (v) extend two week firearms season to seven weeks in Amherst, Nelson and Pittsylvania counties west of the dog

line; (vi) allow the taking of antlerless deer during the entire muzzleloader and general firearms seasons in all cities and towns (with a few exceptions) that allow hunting; (vii) establish full season either sex deer hunting during the entire muzzleloader season in Floyd County and on private lands in Roanoke County; (viii) provide the late muzzleloader season in Virginia Beach; (ix) increase the number of either sex deer hunting days on private lands in 34 counties and on public lands in 24 counties; (x) reduce the number of either sex deer hunting days in two counties.

4 VAC 15-90-10. Open season; generally.

Except as otherwise provided by local legislation and with the specific exceptions provided in the sections appearing in this chapter, it shall be lawful to hunt deer from the *Saturday prior* to the third Monday in November through the first Saturday in January, both dates inclusive.

4 VAC 15-90-20. Two-week open season; cities, towns, and counties west of Blue Ridge Mountains and certain cities, towns, and counties or parts thereof east of Blue Ridge Mountains.

It shall be lawful to hunt deer on the *Saturday prior* to the third Monday in November and for 44 12 consecutive hunting days following in the cities, towns and counties west of the Blue Ridge Mountains (except Clarke County and on non-national forest lands in Frederick County, and on the Radford Army Ammunition Plant in Pulaski County), and in the ~~counties~~ *county* (including cities and towns within) of Amherst (west of U.S. Route 29), Bedford, Campbell (west of Norfolk Southern Railroad except in the City of Lynchburg), Franklin, Henry, Nelson (west of Route 151) and Pittsylvania (west of Norfolk Southern Railroad), and on the Chester F. Phelps Wildlife Management Area, Fairystone Farms Wildlife Management Area, Fairystone State Park, and Philpott Reservoir.

4 VAC 15-90-21. Four-week open season in ~~Patrick County; certain cities, towns, and counties or parts thereof east of the Blue Ridge Mountains.~~

It shall be lawful to hunt deer on the *Saturday prior* to the third Monday in November and for 23 24 consecutive hunting days following in ~~Patrick County (except on Fairystone Farms Wildlife Management Area, Fairystone State Park, and Philpott Reservoir)~~ the counties (including the cities and towns within) of Franklin, Henry, and Patrick.

4 VAC 15-90-70. Bow and arrow hunting.

A. ~~Early special archery.~~ It shall be lawful to hunt deer *during the early special archery season* with bow and arrow from the first Saturday in October through the ~~Saturday~~ *Friday* prior to the third Monday in November, both dates inclusive, except where there is a closed general hunting season on deer.

B. ~~Late special archery season west of Blue Ridge Mountains and certain cities and counties east of Blue Ridge Mountains.~~ In addition to the season provided in subsection A of this section, it shall be lawful to hunt deer *during the late special archery season* with bow and arrow from the Monday following the close of the general firearms season on deer west of the Blue Ridge Mountains through the first Saturday in January, both dates inclusive, in all cities, towns, and counties west of the Blue Ridge Mountains (except Clarke County and

on non-national forest lands in Frederick County) and in the counties ~~of~~ (including the cities and towns within) of Amherst (west of U.S. Route 29), Bedford, Campbell (west of Norfolk Southern Railroad), Franklin, Henry, Nelson (west of Route 151), Patrick and Pittsylvania (west of Norfolk Southern Railroad) and on the Chester F. Phelps Wildlife Management Area and on national forest lands in Frederick County and from December 1 through the first Saturday in January, both dates inclusive, in the cities of Chesapeake, Suffolk (east of the Dismal Swamp line) and Virginia Beach.

C. ~~Either sex deer hunting days.~~ Deer of either sex may be taken full season during the special archery seasons as provided in subsections A and B of this section (except in Buchanan County and on private lands in the counties of Dickenson and Wise where it shall be unlawful to take antlerless deer during the special archery seasons provided for in subsections A and B of this section).

D. ~~Carrying firearms prohibited.~~ It shall be unlawful to carry firearms while hunting with bow and arrow during the special archery seasons.

E. ~~Requirements for bow and arrow.~~ Arrows used for hunting big game must have a minimum width head of 7/8 of an inch and the bow used for such hunting must be capable of casting a broadhead arrow a minimum of 125 yards.

F. ~~Use of dogs prohibited during bow season.~~ It shall be unlawful to use dogs when hunting with bow and arrow from the first Saturday in October through the Saturday prior to the third Monday in November, both dates inclusive.

G. It shall be lawful for persons with permanent physical disabilities, who are in full compliance with the requirements of 4 VAC 15-40-20 B, to hunt deer subject to the provisions of subsections A through G of this section. For the purpose of the application of subsections A through G to this subsection, the phrase "bow and arrow" includes crossbow.

H. ~~Early special urban archery season.~~ It shall be lawful to hunt antlerless deer *during the special urban archery season* with bow and arrow from the third Saturday in September through the Friday prior to the first Saturday in October, both dates inclusive, and from the Monday following the first Saturday in January through the last Saturday in March, both dates inclusive, within the incorporated limits of any city or town in the Commonwealth (except in the cities of Chesapeake, Suffolk, and Virginia Beach and in the cities and towns in Buchanan, Dickenson and Wise counties) and the counties of Fairfax and York provided that its governing body submits by certified letter to the department prior to May 1, ~~annually,~~ its intent to participate in the ~~early special urban archery season.~~ ~~The early special urban archery season will take effect in the 2002-2003 hunting season. Any city, town, or county no longer participating in this season shall submit by certified letter to the department prior to May 1 notice of its intent not to participate in the special urban archery season.~~

4 VAC 15-90-80. Muzzleloading gun hunting.

A. ~~Early special muzzleloading season.~~ It shall be lawful to hunt deer *during the early special muzzleloading season* with muzzleloading guns from the *Saturday prior* to the first Monday in November through the ~~Saturday~~ *Friday* prior to the

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third Monday in November, both dates inclusive, in all cities, towns, and counties where deer hunting with a rifle or muzzleloading gun is permitted east of the Blue Ridge Mountains, except on national forest lands in Amherst, Bedford and Nelson counties and in the cities of Chesapeake, Suffolk (east of the Dismal Swamp Line) and Virginia Beach. It shall be lawful to hunt deer ~~during the early special muzzleloading season~~ with muzzleloading guns from the ~~Saturday~~ Friday prior to the third Monday in November, both dates inclusive, in all cities, towns, and counties where deer hunting with a rifle or muzzleloading gun is permitted west of the Blue Ridge Mountains and on national forest lands in Amherst, Bedford, and Nelson counties.

~~B. Late special muzzleloading season west of Blue Ridge Mountains and in certain cities and counties east of Blue Ridge Mountains.~~ It shall be lawful to hunt deer *during the late special muzzleloading season* with muzzleloading guns from the *Saturday* prior to the third Monday in December through the first Saturday in January, both dates inclusive, in all cities, towns, and counties west of the Blue Ridge Mountains (except Clarke County and on non-national forest lands in Frederick County), and east of the Blue Ridge Mountains in the counties of (including the cities and towns within) of Amherst (west of U.S. Route 29), Bedford, Campbell (west of Norfolk Southern Railroad), Franklin, Henry, Nelson (west of Route 151), Patrick and Pittsylvania (west of Norfolk Southern Railroad) and on national forest lands in Frederick County and in the ~~City~~ cities of Chesapeake and Virginia Beach.

~~C. Either sex deer hunting days east and west of the Blue Ridge Mountains during the early muzzleloading season.~~ Deer of either sex may be taken during the entire early special muzzleloading season in all cities, towns, and counties east of the Blue Ridge Mountains (except on national forest lands, state forest lands, state park lands *except Occoneechee State Park*, department-owned lands and Philpott Reservoir) and on the ~~first~~ *second* Saturday only east of the Blue Ridge Mountains on state forest lands, state park lands *except Occoneechee State Park*, department-owned lands and on Philpott Reservoir. *Deer of either sex may be taken during the entire early special muzzleloading season on Occoneechee State Park.* Deer of either sex may be taken during the early special muzzleloading season *only on the second Monday in November* in all cities and counties west of the Blue Ridge Mountains (except Buchanan, Dickenson, *Floyd*, Lee, Russell, Scott, Smyth, Tazewell, Washington, Wise, and on ~~national forest lands in Frederick, Page, Rockingham, Shenandoah, and Warren~~ *private lands in Roanoke County*) and on *national forest and department-owned lands in Roanoke County* and on national forest lands in Amherst, Bedford, and Nelson counties ~~on the second Monday in November only.~~ *Additionally, deer of either sex may be taken during the entire early special muzzleloading season in Floyd County and on private lands in Roanoke County.*

~~D. Either sex deer hunting days east and west of the Blue Ridge Mountains during the late special muzzleloading season.~~ Deer of either sex may be taken during the entire late special muzzleloading season in the counties (including the cities and towns within) of Amherst (west of U.S. Route 29 except on national forest lands), Bedford (except on national

forest lands), Campbell (west of Norfolk Southern Railroad ~~except in the City of Lynchburg~~), Franklin, Henry, Nelson (west of Route 151 except on national forest lands), Patrick, and Pittsylvania (west of Norfolk Southern Railroad). It shall be lawful to hunt deer of either sex during the last six days of the late special muzzleloading season in all ~~cities and~~ counties west of the Blue Ridge Mountains (except Buchanan, Dickenson, *Floyd*, Grayson, Lee, Russell, Scott, Smyth, Tazewell, Washington and, Wise, and on *private lands in Roanoke County*) and on *national forest and department-owned lands in Roanoke County* and on national forest lands in Amherst, Bedford, Frederick, and Nelson counties and in the ~~City~~ cities of Chesapeake and Virginia Beach. Provided further it shall be lawful to hunt deer of either sex during the last day only of the late special muzzleloading season in the counties (including the cities within) of Grayson, Lee, Russell, Scott, Smyth, Tazewell, and Washington. *Additionally, deer of either-sex may be taken during the entire late special muzzleloading season in Floyd County and on private lands in Roanoke County.*

~~E. Deer of either sex may be taken full season during the special muzzleloading seasons within the incorporated limits of any city or town in the Commonwealth that allows deer hunting except in the counties of Buchanan, Dickenson, and Wise and in the cities of Chesapeake, Suffolk, and Virginia Beach.~~

~~E. Use of dogs prohibited.~~ F. It shall be unlawful to hunt deer with dogs during any special season for hunting with muzzleloading guns.

~~F. Muzzleloading gun defined.~~ G. A muzzleloading gun, for the purpose of this section, means a single shot flintlock or percussion weapon, excluding muzzleloading pistols, .45 caliber or larger, firing a single projectile or sabot (with a .38 caliber or larger projectile) of the same caliber loaded from the muzzle of the weapon and propelled by at least 50 grains of black powder (or black powder equivalent).

~~G. Unlawful to have other firearms in possession.~~ H. It shall be unlawful to have in immediate possession any firearm other than a muzzleloading gun while hunting with a muzzleloading gun in a special muzzleloading season.

4 VAC 15-90-90. Bag limit; generally, bonus deer permits and tag usage special antlerless provision for youth hunters.

A. The bag limit for deer east of the Blue Ridge Mountains (except on national forest lands in Amherst, Bedford, and Nelson counties) ~~shall be through June 30, 2004,~~ is two a per day, four a per license year, one of which must be antlerless. ~~Antlerless deer may be taken only during designated either-sex deer hunting days during the special archery seasons, special muzzleloading seasons, and the general firearms season (except that deer hunters 15 years of age and under may take one antlerless deer per license year on days other than designated either-sex deer hunting days during the special muzzleloading seasons or the general firearms season in all counties that have at least one either-sex deer hunting day during the general firearms deer season using the antlerless only deer tag on their state resident junior bear, deer, turkey license or state resident youth combination~~

~~license. Those deer hunters under 12 years of age exempt from purchasing a license may also take one antlerless deer per license year on any deer hunting day during the special muzzleloading seasons or the general firearms season in all counties that have at least one either-sex deer hunting day during the general firearms deer season). Effective July 1, 2004, the bag limit for deer east of the Blue Ridge Mountains (except on national forest lands in Amherst, Bedford, and Nelson counties) is two per day, six per license year, three of which must be antlerless.~~

~~B. The bag limit for deer west of the Blue Ridge Mountains and on national forest lands in Amherst, Bedford, and Nelson counties shall be through June 30, 2004, is one a per day, three a per license year, one of which must be antlerless. Effective July 1, 2004, the bag limit for deer west of the Blue Ridge Mountains and on national forest lands in Amherst, Bedford, and Nelson counties is one per day, five per license year, three of which must be antlerless. Only one antlered buck may be taken during the special early muzzleloading season per hunter. Antlerless deer may be taken only during designated either-sex deer hunting days during the special archery seasons, the special muzzleloading seasons, and the general firearms season (except that deer hunters 15 years of age and under may take one antlerless deer per license year on days other than designated either-sex deer hunting days during the special muzzleloading seasons or the general firearms season in all counties that have at least one either-sex deer hunting day during the general firearms deer season using the antlerless only deer tag on their state resident junior bear, deer, turkey license or state resident youth combination license. Those deer hunters under 12 years of age exempt from purchasing a license may also take one antlerless deer per license year on any deer hunting day during the special muzzleloading seasons or the general firearms season in all counties that have at least one either-sex deer hunting day during the general firearms deer season).~~

~~C. Antlerless deer may be taken only during designated either-sex deer hunting days during the special archery seasons, special muzzleloading seasons, and the general firearms season.~~

~~C. D. Bonus deer permits shall be valid on private land in counties and cities where deer hunting is permitted (except Buchanan, Dickenson, and Wise counties) during the special archery seasons, special muzzleloading seasons, and the general firearms season. Bonus deer permits shall be valid on public lands, including state parks, state forests, national wildlife refuges, military areas, etc., as authorized by the managing agency. Unless otherwise posted or authorized in writing for wildlife management areas by the department, or for national forest lands by the U.S. Forest Service, the use of bonus permits is prohibited on department-owned and national forest lands. Bonus deer permits shall be valid for antlerless deer only. Deer taken on bonus permits shall count against the daily bag limit but are in addition to the seasonal bag limit.~~

~~E. Deer hunters 15 years of age and under, including those exempt from purchasing a hunting license, when in compliance with all applicable laws and license requirements,~~

~~may take one antlerless deer per license year on days other than designated either-sex deer hunting days during the special muzzleloading seasons or the general firearms season in all counties that have at least one either-sex deer hunting day during the general firearms deer season.~~

4 VAC 15-90-100. General firearms season either-sex deer hunting days; Saturday following third Monday in November and last two hunting days.

During the general firearms season, deer of either sex may be taken on the Saturday immediately following the third Monday in November and the last two hunting days only, in the counties of ~~(including cities within) Alleghany (except on national forest lands), Augusta (except on national forest and department-owned lands), Bath (except on national forest lands), Bland (except on national forest lands), Carroll (except on national forest and department-owned lands), Craig (except on national forest lands), Giles (except on national forest lands), Highland (except on national forest and department-owned lands), Page (except on national forest lands), Pulaski (except on national forest lands and the Radford Army Ammunition Plant), Rockbridge (except on national forest and department-owned lands), and Wythe (except on national forest lands) Lee (except on national forest lands), Page (except on national forest lands), Russell (except on Clinch Mountain Wildlife Management Area and Hidden Valley Wildlife Management Area), Smyth (except on national forest lands and Clinch Mountain Wildlife Management Area and Hidden Valley Wildlife Management Area), Tazewell (except on national forest lands and Clinch Mountain Wildlife Management Area and Hidden Valley Wildlife Management Area), Washington (except on national forest lands and Clinch Mountain Wildlife Management Area and Hidden Valley Wildlife Management Area), and on Fairystone Farms Wildlife Management Area, Fairystone State Park, Philpott Reservoir, and Turkeycock Mountain Wildlife Management Area and on national forest and department-owned lands in Alleghany, Augusta, Bath, Bland, Botetourt, Carroll, Craig, Giles, Highland, Montgomery, Pulaski, Roanoke, Rockbridge, and Wythe.~~

4 VAC 15-90-110. General firearms season either-sex deer hunting days; Saturday following third Monday in November and last hunting day.

During the general firearms season, deer of either sex may be taken on the Saturday immediately following the third Monday in November and the last hunting day in the counties of ~~(including cities within) Lee (except on national forest lands), Russell (except on Clinch Mountain Wildlife Management Area and Hidden Valley Wildlife Management Area), Scott (except on national forest lands), Smyth (except on national forest lands and Clinch Mountain Wildlife Management Area and Hidden Valley Wildlife Management Area), Tazewell (except on national forest lands and Clinch Mountain Wildlife Management Area and Hidden Valley Wildlife Management Area), Washington (except on national forest lands and Clinch Mountain Wildlife Management Area and Hidden Valley Wildlife Management Area), and on the G. Richard Thompson Wildlife Management Area and White Oak Mountain Wildlife Management Area and on national forest and department-owned lands in Alleghany, Augusta, Bath, Bland,~~

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~~Botetourt, Carroll, Giles, Highland, Montgomery, Pulaski, Roanoke, Rockbridge, and Wythe Frederick, Grayson, Page, Rockingham, Shenandoah, Smyth, Tazewell, Washington, and Warren counties and on the Clinch Mountain Wildlife Management Area and Hidden Valley Wildlife Management Area and on portions of Grayson Highlands State Park open to hunting.~~

4 VAC 15-90-120. General firearms season either-sex deer hunting days; last six hunting days.

During the general firearms season, deer of either sex may be taken on the last six hunting days in the cities of Chesapeake (except on Dismal Swamp National Wildlife Refuge and Fentress Naval Auxiliary Landing Field on the Northwest Naval Security Group), ~~Suffolk east of the Dismal Swamp line (except on the Dismal Swamp National Wildlife Refuge)~~ and Virginia Beach (except on Back Bay National Wildlife Refuge, Dam Neck Amphibious Training Base, Naval Air Station Oceana, False Cape State Park, and Fentress Naval Auxiliary Landing Field).

4 VAC 15-90-121. General firearms season either-sex deer hunting days; first two Saturdays and last six hunting days.

During the general firearms season as prescribed by 4 VAC 15-90-30, deer of either sex may be taken on the first two Saturdays and on the last six hunting days in the City of Suffolk east of the Dismal Swamp line (except on the Dismal Swamp National Wildlife Refuge).

4 VAC 15-90-141. General firearms season either-sex deer hunting days; first two Saturdays following third Monday in November and last two hunting days.

During the general firearms season, deer of either sex may be taken on the first two Saturdays immediately following the third Monday in November and on the last two hunting days, in the counties ~~(including cities within)~~ of Amelia, Appomattox (except on Appomattox-Buckingham State Forest), Brunswick, Buckingham (except on Appomattox-Buckingham State Forest), Charlotte, Chesterfield ~~(except on Pocahontas State Park and Presquile NWR)~~, Cumberland (except on Cumberland State Forest), Dinwiddie, Fluvanna, Goochland (west of U.S. Route 522), Lunenburg, Mecklenburg, Nottoway, Powhatan, Prince Edward (except on Prince Edward State Forest), and Prince George (except on Fort Lee).

4 VAC 15-90-160. General firearms season either-sex deer hunting days; full season.

A. During the general firearms season, deer of either sex may be taken full season, in the counties of ~~(including cities within)~~ Accomack, Amherst (west of U.S. Route 29, except on national forest lands), Arlington, Bedford (except on national forest lands), *Botetourt (except on national forest lands)*, Campbell (west of Norfolk Southern Railroad and in the City of Lynchburg only on private lands for which a special permit has been issued by the chief of police), *Clarke*, Fairfax (restricted to certain parcels of land by special permit), *Fauquier (except on the G. Richard Thompson and Chester F. Phelps Wildlife Management Areas)*, Floyd, Franklin (except Philpott Reservoir and Turkeycock Mountain Wildlife Management Area), ~~Greensville~~ *Frederick (except on national forest lands)*,

Grayson (except on national forest lands and portions of Grayson Highland State Park open to hunting), Henry (except on Fairystone Farms Wildlife Management Area, Fairystone State Park, Philpott Reservoir, and Turkeycock Mountain Wildlife Management Area), Loudoun, *Montgomery (except on national forest lands)*, Nelson (west of Route 151, except on national forest lands), ~~Northampton~~, Patrick (except on Fairystone Farms Wildlife Management Area, Fairystone State Park and Philpott Reservoir), Pittsylvania (west of Norfolk Southern Railroad), Prince William, Roanoke (except on national forest and department-owned lands), ~~Southampton~~, Warren (except on national forest lands), York, and in the cities of Hampton ~~and~~ Newport News, *Richmond*, the Town of Chincoteague, and on Back Bay National Wildlife Refuge, Fort A.P. Hill, Caledon Natural Area, Camp Peary, Cheatham Annex, Chincoteague National Wildlife Refuge, Chippokes State Park, Dahlgren Surface Warfare Center Base, Dam Neck Amphibious Training Base, Dismal Swamp National Wildlife Refuge, Eastern Shore of Virginia National Wildlife Refuge, False Cape State Park, Fentress Naval Auxiliary Landing Field, Fisherman's Island National Wildlife Refuge, Fort Belvoir, Fort Eustis, Fort Lee, Harry Diamond Laboratory, Langley Air Force Base, NASA Langley Research Center, Naval Air Station Oceana, Northwest Naval Security Group, Pocahontas State Park, Presquile National Wildlife Refuge, Quantico Marine Corps Reservation, Radford Army Ammunition Plant, Sky Meadows State Park, York River State Park, Yorktown Naval Weapons Station.

B. Except as otherwise provided in other sections of this chapter, deer of either sex may be taken full season during the general firearms deer season within the incorporated limits of any city or town in the Commonwealth that allows deer hunting.

4 VAC 15-90-170. General firearms season either-sex deer hunting days; Saturday following third Monday in November.

During the general firearms season, deer of either sex may be taken the Saturday immediately following the third Monday in November on the Buckingham-Appomattox State Forest, Cumberland State Forest and Prince Edward State Forest ~~and on national forest lands in Craig, Frederick, Grayson, Page, Shenandoah, Smyth, Rockingham, Tazewell, Washington, and Warren counties and on the Clinch Mountain Wildlife Management Area and Hidden Valley Wildlife Management Area and on portions of Grayson Highlands State Park open to hunting.~~

4 VAC 15-90-190. General firearms season either-sex deer hunting days; first Saturday immediately following third Monday in November and last six days.

During the general firearms season, deer of either sex may be taken on the first Saturday immediately following the third Monday in November and the last six hunting days, in the counties of ~~(including cities within)~~ ~~Botetourt (except on national forest lands)~~, ~~Grayson (except on national forest lands and portions of Grayson Highland State Park open to hunting)~~, ~~Middlesex~~, ~~Mathews~~, ~~Montgomery~~ *Alleghany (except on national forest lands)*, *Augusta (except on national forest and department-owned lands)*, *Bath (except on national forest and department-owned lands)*, *Bland (except on national*

forest lands), Carroll (except on national forest and department-owned lands), Craig (except on national forest lands), Giles (except on national forest lands), Highland (except on national forest and department-owned lands), Pulaski (except on national forest lands and the Radford Army Ammunition Plant), Rockbridge (except on national forest and department-owned lands), Rockingham (except on national forest lands), Scott (except on national forest lands), Shenandoah (except on national forest lands), and Wythe (except on national forest lands), and on the James River Wildlife Management Area, and on national forest lands in Amherst, Bedford, and Nelson counties.

4 VAC 15-90-195. General firearms season either-sex deer hunting days; first two Saturdays immediately following third Monday in November and last six hunting days.

During the general firearms season, deer of either sex may be taken on the first two Saturdays immediately following the third Monday in November and on the last six hunting days, in the counties of ~~(including the cities within)~~ Caroline (except Fort A.P. Hill), Charles City (except on Chickahominy Wildlife Management Area), ~~Essex Chesterfield~~ (except on Pocahontas State Park and Presquile NWR), King George (except Caledon Natural Area and Dahlgren Surface Warfare Center), King and Queen, King William, Louisa, Mathews, Middlesex, New Kent, ~~Richmond~~, and Westmoreland.

4 VAC 15-90-200. General firearms season either-sex deer hunting days; first three Saturdays following third Monday in November and last 24 hunting days.

During the general firearms season, deer of either sex may be taken on the first three Saturdays immediately following the third Monday in November and on the last 24 hunting days, in the counties of ~~(including cities within)~~ Clarke, ~~Frederick~~ (except on national forest lands) Albemarle, Greensville, Isle of Wight (except on Ragged Island Wildlife Management Area), ~~Northampton~~ (except on Eastern Shore of Virginia National Wildlife Refuge and Fisherman's Island National Wildlife Refuge) Southampton, Surry (except on the Carlisle Tract of the Hog Island Wildlife Management Area), and Sussex.

4 VAC 15-90-210. General firearms season either-sex deer hunting days; first two Saturdays immediately following third Monday in November and last 12 hunting days.

During the general firearms season, deer of either sex may be taken on the first two Saturdays immediately following the third Monday in November and on the last 12 hunting days, in the counties of ~~(including the cities within)~~ Albemarle, Amherst (east of U.S. Route 29), Campbell (east of Norfolk Southern Railroad except City of Lynchburg), Culpeper (except on Chester F. Phelps Wildlife Management Area), ~~Fauquier~~ (except on the G. Richard Thompson and Chester F. Phelps Wildlife Management Areas, Sky Meadows State Park and Quantico Marine Reservation) Essex, Gloucester, Goochland (east of U.S. Route 522), Greene, Halifax, Hanover, Henrico (except Presquile National Wildlife Refuge), James City (except York River State Park), Lancaster, Madison, Nelson (east of Route 151 except James River Wildlife Management Area), Northumberland, Orange, Pittsylvania (east of Norfolk Southern Railroad except White Oak Mountain Wildlife

Management Area), Rappahannock, Richmond, Spotsylvania, Stafford (except on Quantico Marine Reservation), and in the City of Suffolk (west of the Dismal Swamp line).

4 VAC 15-90-220. General firearms season; bucks only.

During the general firearms season, only deer with antlers visible above the hairline may be taken in the counties of (including the cities and towns within) Buchanan, Dickenson, and Wise and on national forest lands in Lee and Scott and on the Chester F. Phelps Wildlife Management Area, Chickahominy Wildlife Management Area, Ragged Island Wildlife Management Area, and on the Carlisle Tract of Hog Island Wildlife Management Area.

4 VAC 15-90-230. Tagging deer and obtaining official game tag; by licensee.

A. *This section is not effective after June 30, 2004.*

~~A.~~ B. Detaching game tag from special license for hunting bear, deer, and turkey, bonus deer permit, or special permit. It shall be unlawful for any person to detach the game tag from any special license for hunting bear, deer, and turkey, bonus deer permit, or special permit to hunt deer prior to the killing of a deer and tagging same. Any detached tag shall be subject to confiscation by any representative of the department.

~~B.~~ C. Immediate tagging of carcass. Any person killing a deer shall, before removing the carcass from the place of kill, detach from their special license for hunting bear, deer, and turkey, bonus deer permit, or special permit the appropriate tag and shall attach such tag to the carcass of their kill. Place of kill shall be defined as the location where the animal is first reduced to possession.

~~C.~~ D. Presentation of tagging carcass for checking; obtaining official game check card. Upon killing a deer and tagging same, as provided above, the licensee or permittee shall, upon vehicle transport of the carcass or at the conclusion of legal hunting hours, whichever occurs first, and without unnecessary delay, present the tagged carcass to an authorized checking station or to an appropriate representative of the department in the county or adjoining county in which the deer was killed. At such time, the tag attached to the carcass shall be exchanged for an official game check card, which shall be securely attached to the carcass and remain attached until the carcass is processed.

~~D.~~ E. Destruction of deer prior to tagging; forfeiture of untagged deer. It shall be unlawful for any person to destroy the identity (sex) of any deer killed unless and until tagged and checked as required by this section. Any deer not tagged as required by this section found in the possession of any person shall be forfeited to the Commonwealth to be disposed of as provided by law.

4 VAC 15-90-231. Validating tags and checking deer by licensee or permittee.

A. *This section is effective July 1, 2004.*

B. Any person killing a deer shall, before removing the carcass from the place of kill, validate an appropriate tag on his special license for hunting bear, deer, and turkey, bonus deer permit, or special permit by notching the designated area

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and completely removing the notch adjacent to the tag on the left margin of the license or permit. Place of kill shall be defined as the location where the animal is first reduced to possession. It shall be unlawful for any person to validate (notch) a deer tag from any special license for hunting bear, deer, and turkey, bonus deer permit, or special permit prior to the killing of a deer. A deer tag that is mistakenly validated (notched) prior to the killing of a deer must be immediately voided by the licensee by writing, in ink, the word "VOID" on the line provided adjacent to the notched license tag.

C. Upon killing a deer and validating (notching) a license tag, bonus deer permit or special permit, as provided above, the licensee or permittee shall, upon vehicle transport of the carcass or at the conclusion of legal hunting hours, whichever occurs first, and without unnecessary delay, present the carcass and validated (notched) license tag, bonus deer permit or special permit to an authorized checking station or to an appropriate representative of the department in the county or adjoining county in which the deer was killed or report the kill through the department's toll-free Telecheck system. At such time, the person checking or reporting the carcass will be given a game check card or a Telecheck confirmation number. The successful hunter shall then immediately record the game check card number or Telecheck confirmation number, in ink, on the line provided adjacent to the license tag that was validated (notched) in the field. If checked at a big game check station, the game check card must be kept in possession with the carcass until the carcass is processed. If the carcass is left unattended, the game check card must be securely attached to the carcass. If the kill is reported using Telecheck, no check card is required as long as the hunter who killed the animal is in possession of the carcass. If the Telecheck-reported carcass is left unattended or transferred to the possession of another individual, written documentation including the successful hunter's full name, the date the animal was killed, and the Telecheck confirmation number must be created and kept in possession with the carcass until the carcass is processed. If the carcass is left unattended, this written documentation must be securely attached to the carcass.

D. It shall be unlawful for any person to destroy the identity of the sex of any deer killed unless and until the license tag, bonus deer permit or special permit is validated (notched) and checked as required by this section. Successful deer hunters are allowed to dismember the carcass to pack it out from the place of kill, after an appropriate license tag has been validated (notched) as required above, as long as they do not destroy the identity of the sex and all the parts of the carcass are present when the deer is checked at a big game check station or reported through the Telecheck system. Any deer found in possession of any person without a validated (notched) license tag or documentation that the deer has been checked (via a big game check station or Telecheck) as required by this section shall be forfeited to the Commonwealth to be disposed of as provided by law.

4 VAC 15-90-240. Tagging deer and obtaining official game tag; by persons exempt from license requirement or holding a license authorization number.

A. This section is not effective after June 30, 2004.

B. Upon killing a deer, any person exempt from license requirement as prescribed in § 29.1-301 of the Code of Virginia, or issued a complimentary license as prescribed in § 29.1-339, or the holder of a permanent license issued pursuant to § 29.1-301 E, or the holder of a Virginia license authorization number issued by a telephone or electronic media agent pursuant to § 29.1-327 B shall, upon vehicle transport of the carcass or at the conclusion of legal hunting hours, whichever occurs first, and without unnecessary delay, present the carcass to an authorized checking station or to any appropriate representative of the department in the county or adjoining county in which the deer was killed. At such time, the person shall be given an official game check card furnished by the department, which shall be securely attached to the carcass and remain attached until the carcass is processed.

4 VAC 15-90-241. Checking deer by persons exempt from license requirement or holding a license authorization number.

A. This section is effective July 1, 2004.

B. Upon killing a deer, any person exempt from license requirement as prescribed in § 29.1-301 of the Code of Virginia, or issued a complimentary license as prescribed in § 29.1-339, or the holder of a permanent license issued pursuant to § 29.1-301 E, or the holder of a Virginia license authorization number issued by a telephone or electronic media agent pursuant to § 29.1-327 B shall, upon vehicle transport of the carcass or at the conclusion of legal hunting hours, whichever occurs first, and without unnecessary delay, present the carcass to an authorized checking station or to any appropriate representative of the department in the county or adjoining county in which the deer was killed or report the kill through the department's toll-free Telecheck system. At such time, the person checking or reporting the carcass shall be given a game check card furnished by the department or a Telecheck confirmation number. If checked at a big game check station, the game check card must be kept in possession with the carcass until the carcass is processed. If the carcass is left unattended, the game check card must be securely attached to the carcass. If the kill is reported using the Telecheck reporting system, no check card is required as long as the hunter who killed the animal is in possession of the carcass. If the Telecheck-reported carcass is left unattended or transferred to the possession of another individual, written documentation including the successful hunter's full name, the date the animal was killed, and the Telecheck confirmation number must be created and kept in possession with the carcass until the carcass is processed. If the carcass is left unattended, this written documentation must be securely attached to the carcass.

C. It shall be unlawful for any person to destroy the identity (sex) of any deer killed until the deer is checked as required by this section. Successful deer hunters are allowed to dismember the carcass to pack it out from the place of kill as long as they do not destroy the identity of the sex and all the parts of the carcass are present when the deer is checked at a big game check station or reported through the Telecheck system.

VA.R. Doc. No. R03-147; Filed March 19, 2003, 11:40 a.m.

Title of Regulation: **4 VAC 15-140. Game: Muskrat (amending 4 VAC 15-140-20; repealing 4 VAC 15-140-40).**

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

Public Hearing Date: May 1, 2003 - 9 a.m.
Public comments may be submitted until May 1, 2003
(See Notice to the Public preceding 4 VAC 15-30)

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

Summary:

The proposed amendments (i) establish a continuous open trapping season for muskrat within incorporated limits of any city or town in the Commonwealth and in certain specified counties and (ii) repeal the restriction on the setting of traps on a stob, float or floating device for capturing muskrat.

4 VAC 15-140-20. Open season for trapping - generally.

~~Except as otherwise specifically provided in the sections appearing in this chapter, It shall be lawful to trap muskrat from December 1 through the last day of February, both dates inclusive, except there shall be a continuous open season to trap muskrat within the incorporated limits of any city or town in the Commonwealth and in the counties of Arlington, Chesterfield, Fairfax, Henrico, James City, Loudoun, Prince William, Spotsylvania, Stafford, Roanoke and York.~~

~~**4 VAC 15-140-40. Traps on stobs or floating devices prohibited. (Repealed.)**~~

~~It shall be unlawful to set traps for muskrat on any stob, float or floating device on or in any of the waters of the Commonwealth.~~

VA.R. Doc. No. R03-148; Filed March 19, 2003, 11:40 a.m.

Title of Regulation: **4 VAC 15-160. Game: Opossum (amending 4 VAC 15-160-10 and 4 VAC 15-160-31; repealing 4 VAC 15-160-20).**

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

Public Hearing Date: May 1, 2003 - 9 a.m.
Public comments may be submitted until May 1, 2003 (See Notice to the Public preceding 4 VAC 15-30)
(See Calendar of Events section for additional information)

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

Summary:

The proposed amendments (i) provide for a uniform statewide hunting season of opossum by rescinding the

references to the excepted areas and (ii) establish a continuous open trapping season for opossum within incorporated limits of any city or town in the Commonwealth and in certain specified counties.

~~**4 VAC 15-160-10. Open season; counties east of the Blue Ridge Mountains.**~~

~~Except as otherwise specifically provided by the sections appearing in this chapter, It shall be lawful to hunt opossum in all counties east of the Blue Ridge Mountains (except on national forest lands east of the Blue Ridge Mountains) from October 15 through March 10, both dates inclusive.~~

~~**4 VAC 15-160-20. Open season; counties west of Blue Ridge Mountains and national forest lands east of the Blue Ridge Mountains. (Repealed.)**~~

~~It shall be lawful to hunt opossum in all counties west of the Blue Ridge Mountains and national forest lands east of the Blue Ridge Mountains from October 15 through January 31, both dates inclusive.~~

~~**4 VAC 15-160-31. Open season for trapping; generally.**~~

~~Except as otherwise specifically provided in the sections appearing in this chapter, It shall be lawful to trap opossum from November 15 through the last day of February, both dates inclusive, except there shall be a continuous open season to trap opossum within the incorporated limits of any city or town in the Commonwealth and in the counties of Arlington, Chesterfield, Fairfax, Henrico, James City, Loudoun, Prince William, Spotsylvania, Stafford, Roanoke and York.~~

VA.R. Doc. No. R03-149; Filed March 19, 2003, 11:40 a.m.

Title of Regulation: **4 VAC 15-200. Game: Rabbit and Hare (amending 4 VAC 15-200-10).**

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

Public Hearing Date: May 1, 2003 - 9 a.m.
Public comments may be submitted until May 1, 2003
(See Notice to the Public preceding 4 VAC 15-30)

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

Summary:

The proposed amendment extends the rabbit season by two weeks by changing the closing date from January 31 to February 14.

4 VAC 15-200-10. Open season; generally.

Except as otherwise specifically provided in the sections appearing in this chapter, it shall be lawful to hunt rabbit from the first Monday in November through ~~January 31~~ February 14, both dates inclusive.

VA.R. Doc. No. R03-150; Filed March 19, 2003, 11:39 a.m.

Proposed Regulations

Title of Regulation: **4 VAC 15-210. Game: Raccoon (amending 4 VAC 15-210-30 and 4 VAC 15-210-51; repealing 4 VAC 15-210-40).**

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

Public Hearing Date: May 1, 2003 - 9 a.m.

Public comments may be submitted until May 1, 2003
(See Notice to the Public preceding 4 VAC 15-30)

Agency Contact: Phil Smith, Policy Analyst and Regulatory Coordinator, 4010 West Broad Street, Richmond, VA 23230, telephone (804) 367-1000, FAX (804) 367-0488 or e-mail RegComments@djif.state.va.us.

Summary:

The proposed amendments (i) provide for a uniform statewide hunting season of raccoon by rescinding the references to the excepted areas and (ii) establish a continuous open trapping season for raccoon within incorporated limits of any city or town in the Commonwealth and in certain specified counties.

4 VAC 15-210-30. Open season for hunting; counties east of the Blue Ridge Mountains.

Except as otherwise provided by local legislation and with the specific exceptions provided in the sections appearing in this chapter, It shall be lawful to take raccoon by hunting in all counties east of the Blue Ridge Mountains (except on national forest lands east of the Blue Ridge Mountains) from October 15 through March 10, both dates inclusive.

4 VAC 15-210-40. Open season for hunting; counties west of the Blue Ridge Mountains and national forest lands east of the Blue Ridge Mountains. (Repealed.)

It shall be lawful to take raccoon by hunting in all counties west of the Blue Ridge Mountains and on national forest lands east of the Blue Ridge Mountains from October 15 through January 31, both dates inclusive.

4 VAC 15-210-51. Open season for trapping; generally.

Except as otherwise specifically provided in the sections appearing in this chapter, It shall be lawful to trap raccoon from November 15 through the last day of February, both dates inclusive, *except there shall be a continuous open season to trap raccoon within the incorporated limits of any city or town in the Commonwealth and in the counties of Arlington, Chesterfield, Fairfax, Henrico, James City, Loudoun, Prince William, Spotsylvania, Stafford, Roanoke and York.*

VA.R. Doc. No. R03-151; Filed March 19, 2003, 11:39 a.m.

Title of Regulation: **4 VAC 15-230. Game: Squirrel (amending 4 VAC 15-230-20 and 4 VAC 15-230-60; repealing 4 VAC 15-230-30 and 4 VAC 15-230-70).**

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

Public Hearing Date: May 1, 2003 - 9 a.m.

Public comments may be submitted until May 1, 2003
(See Notice to the Public preceding 4 VAC 15-30)

Agency Contact: Phil Smith, Policy Analyst and Regulatory Coordinator, 4010 West Broad Street, Richmond, VA 23230, telephone (804) 367-1000, FAX (804) 367-0488 or e-mail RegComments@djif.state.va.us.

Summary:

The proposed amendments (i) expand and make uniform statewide the gray and red squirrel season, and (ii) include and exclude certain localities regarding the fox squirrel season while providing for a uniform open season date.

4 VAC 15-230-20. Gray and red squirrel. Season; generally.

Except as otherwise provided by local legislation and with the specific exceptions provided in the sections appearing in this chapter, it shall be lawful to hunt squirrel from the ~~second~~ first Saturday in ~~October~~ September through January 31, both dates inclusive.

4 VAC 15-230-30. Season; first Saturday in September through January 31 in certain counties. (Repealed.)

It shall be lawful to hunt squirrel from the first Saturday in September through January 31, both dates inclusive, in the counties of Bedford, Bland, Botetourt, Brunswick (except Fort Pickett), Buchanan, Campbell, Charlotte, Carroll, Craig, Dickenson, Dinwiddie (except Fort Pickett), Floyd, Franklin, Giles, Grayson, Greensville, Halifax, Henry, Lee, Lunenburg, Mecklenburg, Montgomery, Nottoway (except Fort Pickett), Patrick, Pittsylvania, Pulaski, Roanoke, Russell, Scott, Smyth, Southampton, Tazewell, Washington, Wise and Wythe.

4 VAC 15-230-60. Fox squirrel. Open season; first Saturday in September through January 31.

It shall be lawful to hunt fox squirrel from the first Saturday in September through January 31, both dates inclusive, in the counties of Alleghany, Augusta, Bath, Bland, Botetourt, Buchanan, Carroll, Clarke, Craig, Culpeper, Dickenson, Fauquier, Floyd, Frederick, Giles, Grayson, Highland, Lee, Loudoun, Madison, Montgomery, Orange, Page, Pulaski, Rappahannock, Roanoke, Rockbridge, Rockingham, Russell, Scott, Shenandoah, Smyth, Tazewell, Washington, Warren, Wise and Wythe.

4 VAC 15-230-70. Open season; certain counties; second Saturday in October through January 31. (Repealed.)

It shall be lawful to hunt fox squirrel from the second Saturday in October through January 31, both dates inclusive, in the counties of Alleghany, Augusta, Bath, Clarke, Fairfax, Fauquier (except on the Chester F. Phelps Wildlife Management Area), Frederick, Highland, Loudoun, Page, Rappahannock, Rockbridge, Rockingham, Shenandoah and Warren.

VA.R. Doc. No. R03-152; Filed March 19, 2003, 11:39 a.m.

Title of Regulation: 4 VAC 15-240. Game: Turkey (amending 4 VAC 15-240-31, 4 VAC 15-240-40, 4 VAC 15-240-50, 4 VAC 15-240-80, and 4 VAC 15-240-90; adding 4 VAC 15-240-81 and 4 VAC 15-240-91).

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

Public Hearing Date: May 1, 2003 - 9 a.m.

Public comments may be submitted until May 1, 2003
(See Notice to the Public preceding 4 VAC 15-30)

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

Summary:

The proposed amendments (i) expand the fall turkey hunting season in certain counties and add a county, (ii) create a youth turkey hunting opportunity, and (iii) make changes regarding the tagging and checking of turkeys.

4 VAC 15-240-31. Open season; certain counties and areas; last Monday in October and for 11 hunting days following, on Thanksgiving Day, and on the Monday closest to December 9 and for five 11 hunting days following.

It shall be lawful to hunt turkeys on the last Monday in October and for 11 consecutive hunting days following, on Thanksgiving Day, and on the Monday closest to December 9 and for five 11 hunting days following in the counties of Charles City, Gloucester, James City, King George, Lancaster, Mathews, Middlesex, New Kent, Northumberland, Richmond, Westmoreland, and York (except on Camp Peary).

4 VAC 15-240-40. Open season; spring season for bearded turkeys.

A. Except as otherwise provided in this section, it shall be lawful to hunt bearded turkeys only from the second Saturday in April and for 30 consecutive hunting days following, both dates inclusive, from 1/2 hour before sunrise to 12:00 noon prevailing time during the first 19 hunting days and from 1/2 hour before sunrise to 6 p.m. during the last 12 hunting days of the spring season.

B. Turkey hunters 15 years of age and under may hunt on the first Saturday in April from 1/2 hour before sunrise to 12:00 noon prevailing time, when in compliance with applicable license requirements and when accompanied and directly supervised by an adult who has a valid Virginia hunting license on his person or an adult that is exempt from purchasing a hunting license. Adult hunters accompanying youth hunters on this day may assist with calling but they shall not carry or discharge weapons.

C. Bearded turkeys may be hunted by calling.

D. It shall be unlawful to use dogs or organized drives for the purpose of hunting.

E. It shall be unlawful to use or have in possession any shot larger than number 2 fine shot when hunting turkeys with a shotgun.

4 VAC 15-240-50. Continuous closed season in certain counties, cities and areas.

There shall be continuous closed turkey season, except where a special spring season for bearded turkeys is provided for in 4 VAC 15-240-40, in the counties of Accomack, Arlington, Mathews and Northampton; and in the cities of Chesapeake, Hampton, Newport News, Suffolk and Virginia Beach.

4 VAC 15-240-80. Tagging turkey and obtaining official game check card; by licensee.

A. This section is not effective after June 30, 2004.

A. B. Detaching game tag from license. It shall be unlawful for any person to detach the game tag from any license to hunt turkey prior to the killing of a turkey and tagging same. Any detached tag shall be subject to confiscation by any representative of the department.

B. C. Immediate tagging of carcass. Any person killing a turkey shall, before removing the carcass from the place of kill, detach from his special license for hunting turkey the appropriate tag and shall attach such tag to the carcass of his kill. Place of kill shall be defined as the location where the animal is first reduced to possession.

C. D. Presentation of tagged carcass for checking; obtaining official game check card. Upon killing a turkey and tagging same, as provided above, the licensee shall, upon vehicle transport of the carcass or at the conclusion of legal hunting hours, whichever occurs first, and without unnecessary delay, present the tagged carcass to an authorized checking station or to an appropriate representative of the department in the county or adjoining county in which the turkey was killed. At such time, the tag attached to the carcass shall be exchanged for an official game check card, which shall be securely attached to the carcass and remain attached until the carcass is processed.

D. E. Destruction of identity of turkey prior to tagging; forfeiture of untagged turkey. It shall be unlawful for any person to destroy the identity (sex) of any turkey killed unless and until tagged and checked as required by this section. Any turkey not tagged as required by this section found in the possession of any person shall be forfeited to the Commonwealth to be disposed of as provided by law.

4 VAC 15-240-81. Validating tags and checking turkey by licensee.

A. This section is effective July 1, 2004.

B. Any person killing a turkey shall, before removing the carcass from the place of kill, validate an appropriate tag on his special license for hunting turkey by notching the designated area and completely removing the notch adjacent to the tag on the left margin of the license. Place of kill shall be defined as the location where the animal is first reduced to possession. It shall be unlawful for any person to validate (notch) a turkey tag from any special license for hunting bear, deer, and turkey prior to the killing of a turkey. A turkey tag that is mistakenly validated (notched) prior to the killing of a turkey must be immediately voided by the licensee by writing, in ink, the word "VOID" on the line provided adjacent to the notched license tag.

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C. Upon killing a turkey and validating (notching) a license tag, as provided above, the licensee shall, upon vehicle transport of the carcass or at the conclusion of legal hunting hours, whichever occurs first, and without unnecessary delay, present the carcass and validated (notched) license tag to an authorized checking station or to an appropriate representative of the department in the county or adjoining county in which the turkey was killed or report their spring kill (as provided by 4 VAC 15-240-40) through the department's toll-free Telecheck system. At such time, the person checking or reporting the carcass will be given a game check card or a Telecheck confirmation number. The successful hunter shall then immediately record the game check card number or Telecheck confirmation number, in ink, on the line provided adjacent to the license tag that was validated (notched) in the field. If checked at a big game check station, the game check card must be kept in possession with the carcass until the carcass is processed. If the carcass is left unattended, the game check card must be securely attached to the carcass. If a spring-season kill is reported using Telecheck, no check card is required as long as the hunter who killed the animal is in possession of the carcass. If the Telecheck-reported spring carcass is left unattended or transferred to the possession of another individual, written documentation including the successful hunter's full name, the date the animal was killed, and the Telecheck confirmation number must be created and kept in possession with the carcass until the carcass is processed. If the carcass is left unattended, this written documentation must be securely attached to the carcass.

D. It shall be unlawful for any person to destroy the identity of the sex of any turkey killed unless and until the license tag is validated (notched) and checked as required by this section. Any turkey found in possession of any person without a validated (notched) license tag or documentation that the turkey has been checked (via a big game check station or Telecheck) as required by this section shall be forfeited to the Commonwealth to be disposed of as provided by law.

4 VAC 15-240-90. Tagging turkey and obtaining official game tag; by persons exempt from license requirement or holding a license authorization number.

A. This section is not effective after June 30, 2004.

B. Upon killing a turkey, any person exempt from the license requirement as described in § 29.1-301 of the Code of Virginia, or issued a complimentary license as prescribed in § 29.1-339, or the holder of a permanent license issued pursuant to § 29.1-301 E, or the holder of a Virginia license authorization number issued by a telephone or electronic media agent pursuant to § 29.1-327 B shall, upon vehicle transport of the carcass or at the conclusion of legal hunting hours, whichever occurs first, and without unnecessary delay, present the carcass to an authorized checking station or to any appropriate representative of the department in the county or adjoining county in which the turkey was killed. At such time, the person shall be given an official game check card furnished by the department, which shall be securely attached to the carcass and remain attached until the carcass is processed.

4 VAC 15-240-91. Checking turkey by persons exempt from license requirement or holding a license authorization number.

A. This section is effective July 1, 2004.

B. Upon killing a turkey, any person exempt from the license requirement as described in § 29.1-301 of the Code of Virginia, or issued a complimentary license as prescribed in § 29.1-339, or the holder of a permanent license issued pursuant to § 29.1-301 E, or the holder of a Virginia license authorization number issued by a telephone or electronic media agent pursuant to § 29.1-327 B shall, upon vehicle transport of the carcass or at the conclusion of legal hunting hours, whichever comes first, and without unnecessary delay, present the carcass to an authorized checking station or to any appropriate representative of the department in the county or adjoining county in which the turkey was killed or report their spring kill (as provided by 4 VAC 15-240-40) through the department's toll-free Telecheck system. At such time, the person checking or reporting the carcass shall be given a game check card furnished by the department or a Telecheck confirmation number. If checked at a big game check station, the game check card must be kept in possession with the carcass until the carcass is processed. If the carcass is left unattended, the game check card must be securely attached to the carcass. If a spring-season kill is reported using the Telecheck reporting system, no check card is required as long as the hunter who killed the animal is in possession of the carcass. If the Telecheck-reported spring carcass is left unattended or transferred to the possession of another individual, written documentation including the successful hunter's full name, the date the animal was killed, and the Telecheck confirmation number must be created and kept in possession with the carcass until the carcass is processed. If the carcass is left unattended, this written documentation must be securely attached to the carcass.

C. It shall be unlawful for any person to destroy the identity of the sex of any turkey killed until the turkey is checked as required by this section.

VA.R. Doc. No. R03-153; Filed March 19, 2003, 11:38 a.m.

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Title of Regulation: **4 VAC 15-260. Game: Waterfowl and Waterfowl Blinds (amending 4 VAC 15-260-120).**

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

Public Hearing Date: May 1, 2003 - 9 a.m.

Public comments may be submitted until May 1, 2003
(See Notice to the Public preceding 4 VAC 15-30)

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

Summary:

The proposed amendments (i) remove the reference to old-squaw ducks and replace it with long-tailed ducks; (ii) open the Pocomoke Sound during the special sea duck season;

(iii) clarify that the hunting of waterfowl species other than sea ducks is permitted within 800 yards of any shore, island or emergent vegetation (during the special sea duck season) if a season for such species is open.

4 VAC 15-260-120. Special sea duck season area.

Whenever federal migratory waterfowl regulations permit a special season for taking scoter, eider and long-tailed (formerly old-squaw) ducks within an area designated as a special sea duck hunting area under regulations adopted by the board, such special sea duck hunting area shall be designated and delineated as follows:

Those waters at a distance greater than 800 yards from any shore, island or emergent vegetation in the following area: The ocean waters of the City of Virginia Beach below the Chesapeake Bay Bridge Tunnel, seaward of U.S. Route 60 and of Back Bay and its tributaries, the tidal waters of Northampton and Accomack counties, and the Chesapeake Bay and each of its tributaries up to the first highway bridge, but exclusive of that portion of the Chesapeake Bay known generally as Pocomoke Sound bounded by a line beginning on the western shore of Smiths Island and extending southeastward to the southwest shore of the hook of Tangier Island, and thence extending easterly to the southern tip of Parkers Marsh at the mouth of Onancock Creek. The highways with bridges making up the boundary are: Route No. 644 and No. 200 in Northumberland County, Route No. 3 from Kilmarnock in Lancaster County to Middlesex County, Route No. 3 in Middlesex and Mathews counties, Route No. 3 and No. 17 in Gloucester County to York County, Route No. 17 in York County, and Route No. 17 and Interstate No. 64 in Newport News and Hampton. Hunting of waterfowl within 800 yards of any shore, island or emergent vegetation is prohibited during special sea duck season. Back Bay and its tributaries are not included in the special sea duck hunting area.

VA.R. Doc. No. R03-154; Filed March 19, 2003, 11:38 a.m.

Title of Regulation: 4 VAC 15-290. Game: Permits (amending 4 VAC 15-290-115).

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

Public Hearing Date: May 1, 2003 - 9 a.m.
Public comments may be submitted until May 1, 2003
(See Notice to the Public preceding 4 VAC 15-30)

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

Summary:

The proposed amendment allows the department to authorize permitted foxhound field trials held within foxhound training enclosures and raccoon hound field trials at any time.

4 VAC 15-290-115. Field trials; authorized dates.

In accordance with § 29.1-422 of the Code of Virginia, permits for field trials with dogs may be authorized by the department during the period between August 1 to May 31, both dates inclusive, under conditions and for the species specified in the permit, *except that permits for foxhound field trials held within foxhound training preserves and raccoon hound field trials may be authorized by the department at any time.*

VA.R. Doc. No. R03-155; Filed March 19, 2003, 11:37 a.m.



TITLE 9. ENVIRONMENT

STATE WATER CONTROL BOARD

Title of Regulation: 9 VAC 25-760. James River (Richmond Regional West) Surface Water Management Area (adding 9 VAC 25-760-10 through 9 VAC 25-760-30).

Statutory Authority: § 62.1-246 of the Code of Virginia.

Public Hearing Date: May 20, 2003 - 2 p.m.
Public comments may be submitted until 5 p.m. on June 6, 2003.
(See Calendar of Events section for additional information)

Agency Contact: Terry Wagner, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4043, FAX (804) 698-4032, or e-mail tdwagner@deq.state.va.us.

Basis: Section 62.1-246 of the Code of Virginia authorizes the board to declare surface water management areas and establishes the criteria that must be met to consider an area for designation. This section further requires that the State Water Control Board hold a public hearing if the criteria for designation are met and requires the board to designate the area if the results of the public hearing indicate that the protection of public welfare, health and safety require that regulatory efforts be initiated. This area has been under consideration since 1990 and a technical advisory committee composed of local government representatives, commercial and industrial users, and environmental interest groups generally agreed that the criteria for designation were met. There are no federal requirements regarding the allocation of water resources.

Purpose: The purpose of a surface water management area is to provide for the protection of beneficial uses of the designated waters of the Commonwealth during periods of low surface water flows by managing the withdrawal of surface waters. The proposed regulatory action is to designate the James River near Richmond as a surface water management area. The proposed area includes the James River and all its tributaries between the Route 522 bridge in Powhatan and the Route 95 bridge in Richmond.

The James River has been designated a Scenic River for its aesthetic, cultural, and recreational opportunities. It serves as the sole source of water supply for residents and several

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industrial facilities in the City of Richmond and major portions of Chesterfield, Henrico, Goochland, and Hanover Counties. The river also supports an exceptional habitat for anadromous fish and aquatic life, including the American Shad.

After designation, no withdrawals of more than 300,000 gallons per month will be allowed without a surface water withdrawal permit unless the withdrawals are specifically exempted in § 62.1-243 or the withdrawals are subject to a voluntary agreement among users that has been approved by the board. All persons withdrawing water within the area in excess of 300,000 gallons per month will also be required to develop and implement water conservation and management plans. Conditions may be established in permits that limit water withdrawal amounts, limit withdrawals above certain specified low flow conditions, and establish monitoring and reporting requirements. These limitations will only be in effect during periods of defined low flow conditions.

Substance: The proposed regulation will designate the James River and its tributaries between the Route 522 bridge in Powhatan and the Route 95 bridge in Richmond as a surface water management area. The regulation will require all nonexempt users who withdraw more than 300,000 gallons per month to obtain either a certificate, a permit, or to participate in a voluntary agreement with other users that will limit withdrawals during periods of low flow.

Issues: The proposed regulation will manage withdrawals from the James River between the Route 522 bridge and the Route 95 bridge during time of low flows to assure the equitable utilization of the resource by competing users and to assure the protection of significant instream values, including the protection of aquatic habitats and recreational opportunities. In the issuance of permits the board must attempt to equitably balance offstream and instream uses so that the welfare of the citizens of the area is maximized without imposing unreasonable burdens on individual water users or water-user groups. There may be disadvantages to some groups of water users in order to assure that the resource supports domestic use by all users of the resource and that significant instream values are protected. The application of the proposed regulation will benefit the Commonwealth by assuring the continuity of water supplies in the Richmond metropolitan area during periods of low flow in the James River. The proposed regulation poses no disadvantages to the Commonwealth. Finally, the proposed regulation will serve as a mechanism to assure that parties to voluntary agreements regarding the use of the James River in this area comply with those agreements.

Locality Particularly Affected: When compared to other localities in the Commonwealth, the localities that border the proposed surface water management area will be particularly affected by the proposed regulation. These localities include the counties of Powhatan, Goochland, Henrico, and Chesterfield and the city of Richmond. In addition, localities that purchase water supplies from these counties will also be impacted by voluntary and mandatory restrictions on water use during times of low flows. These secondary impacts would only occur in the service area of the public water systems that receive water from one of the primary localities.

Public Participation: The board is seeking comments on all aspects of the proposed regulation including the necessity of

the regulation for the protection of public welfare, safety and health; the proposed boundaries of the surface water management area; and the proposed trigger flows required to activate the area and to require water conservation action. In addition, the board is seeking comments on the costs and benefits of the proposal and the impacts of the regulation on farm and forestlands.

Pending approval of the draft regulation by the board, a public hearing will be held. Notice of the public hearing will be posted in the Calendar of Events section of the Virginia Register of Regulations and advertised in the Richmond Times-Dispatch. These notices will contain the date and time of the public hearing as well as the closing date of the public comment period. Anyone wishing to submit written comments for the public comment file may do so at the public hearing or by mail. Written comments should be signed by the commenter and include the name and address of the commenter. In order to be considered, the comments must be received by the close of the comment period. Oral comments may be submitted at the public hearing.

Fiscal Impact: It is anticipated that DEQ will implement and enforce the proposed regulation with existing resources contained in the Water Supply Planning Program (Program 51303, general funds). The only cost of this draft regulation on localities will be costs associated with localities that have or initiate a surface water withdrawal and are required to obtain a certificate or permit. Persons who are required to obtain new or expanded surface water withdrawal permits for nonagricultural uses will be required to pay a \$9,000 permit fee. Persons who are required to obtain a surface water withdrawal permit for existing (pre-1989) nonagricultural uses will be required to pay a \$6,000 fee. Persons who are required to obtain permits or certificates for agricultural uses are exempt from permit fees. It is estimated that the completion of a permit or certificate application for a complex withdrawal (i.e., major public water supply withdrawal) will require less than 40 hours. Applications for smaller, simpler withdrawals (i.e., small agricultural withdrawal) will require significantly less time. Any entity that withdraws more than 300,000 gallons of surface water within the proposed area will be required to obtain a certificate or permit. It is estimated that less than 20 entities will be required to obtain certificates or permits. This estimate includes all existing known users as well as an allowance for small currently unknown agricultural users. The only known or suspected small businesses that may be impacted by this proposed regulation are agricultural users. The impacts on these users are expected to only be the time associated with completion of an application (significantly less than 40 hours) and time associated with monitoring withdrawals when permit conditions are in force. Should low flow conditions prevail for extended periods of time, there is the potential for agricultural users who may be required to limit withdrawals to experience reduction in yields due to reductions in their ability to irrigate. This potential impact can not be quantified.

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 James River metropolitan area as a surface water management area. With this designation, the Department of Environmental Quality (the department) will be required to initiate voluntary or mandatory water conservation measures on large water users depending on the severity of low flow conditions. The water use restrictions will be implemented through permits, certificates, or voluntary agreements that will be effective at times of drought conditions.

Estimated economic impact. The proposed regulations will declare James River in the Richmond metropolitan area as the James River (Richmond Regional West) Surface Water Management Area.¹ Primary goals of the proposed regulations are to protect the instream and offstream beneficial uses of water and to provide a coordinated approach in managing and allocating the scarce surface water resources during low flow conditions in the designated portion of the James River. Instream beneficial uses include protection of fish and wildlife habitat, maintenance of waste assimilation capacity, recreation, navigation, and cultural and aesthetic values. Offstream beneficial uses include domestic (including public water supply), agricultural, electric power generation, commercial, and industrial uses. Note that in times of drought there is a trade off between instream and offstream uses. If too much water were allocated to one type of use, the other uses would suffer. Thus, a balanced approach is beneficial when making water allocation decisions.

The proposed regulations will introduce a mandate for the department to include in facility permits water use restrictions for times when low stream conditions exist in the designated surface water management area. Currently, the agency has the discretion to include water use restrictions in facility permits, but there is no regulatory mandate to implement them. With the proposed changes, the water use restriction decisions will be made in accordance with the existing regulations² that require the consideration of beneficial instream and offstream uses. So, the decisions on use restrictions will be made on a case-by-case basis. To identify the beneficial uses and determine appropriate permit conditions, the department plans to require applicable users to develop and submit water conservation plans. A water conservation plan is a description of specific measures or

practices that will be implemented under low flow conditions and that will result in a reduction in water usage when compared to normal usage during a comparable period. These plans are expected to provide the department the information about how a particular user plans to implement restrictions during low flow conditions.

The proposed regulations will establish three levels of flow conditions below which tiered permit conditions will become effective for the users of more than 300,000 gallons of water per month in the designated area. The public water suppliers and other users will be subject to different permit requirements. At the first tier, when the 14-day rolling average flow in the designated surface water management area falls below 2,142 cubic feet per second (approximately 30% of mean annual flow), the permits issued to both public water supplies and any other persons will be effective. The department plans to establish frequent reporting requirements and wise water use requirements in all of the permits when the first tier low flow condition is met. Currently, users are required to submit annual reports for monthly withdrawals. With the proposed changes, monthly reports of daily water usage are planned to be required during low flow conditions. Examples related to wise water usage at homes are finding and fixing leaky faucets, toilets, or pipes, installing low-flow showerheads and taking shorter showers, turning off the water when brushing teeth, shaving or washing dishes, running the washing machines and dishwashers only with full loads, adjusting sprinklers to avoid watering sidewalks and driveways, landscaping with drought tolerant plants, reducing landscape watering time, turning off automatic sprinklers when it rains or during cooler weather, using broom instead of hose to clean side walks, decks, or other surfaces. Similarly, wise water usage at work may involve increasing employee awareness of conservation, doing a water audit to find ways to save, and using recycling systems for cooling towers and ice machines.

The second tier requirements will be effective when the 14-day rolling average flow falls below 1,428 cubic feet per second (approximately 20% of mean annual flow). At this level, public water supplies will be required to initiate voluntary water use restrictions and permits issued to other persons will contain provisions limiting water withdrawals. The magnitude and type of water use restrictions for nonpublic water supplies will depend on the beneficial uses. These users may include land and farm owners and commercial and industrial businesses. The voluntary water use restrictions that the public water suppliers will be required to initiate may include reducing grass watering between certain times, days, or watering no more than a number of times in a week, reducing the use of automatic watering devices for purposes of irrigation, watering gardens, landscape areas, trees, shrubs, and other outdoor plants, reducing the use of water for washing paved surfaces such as streets, roads, sidewalks, driveways, parking areas, tennis courts, and patios, reducing the use of water for the operation of ornamental fountains, and artificial waterfalls, reducing the use of water for noncommercial washing or cleaning of cars, trucks, trailers, and boats, and reducing tap water served in restaurants, or other places. The goal of voluntary use restrictions is to reduce water demand by approximately 10-15%.

¹ This area includes the mainstem of the James River and all tributaries to the James River and their watersheds between the James River upstream from the southeastern toe of the Interstate 95 bridge in the City of Richmond to the southwestern toe of the US Route 522 bridge in Goochland and Powhatan Counties.

² 9 VAC 25-220.

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Finally, the third tier requirements will be effective when the 14-day rolling average flow falls below 714 cubic feet per second (approximately 10% of mean annual flow). At this level, public water supplies will be required to initiate mandatory water use restrictions. The nature of mandatory water use measures are similar to voluntary use restrictions except that mandatory compliance is required and written warnings and monetary fines may be issued by public water supply authority to enforce compliance. The goal of mandatory use restrictions is to reduce water demand by approximately 20-25%.

The department estimates that the proposed regulations will require about a dozen large users to obtain permits or certificates. These users include publicly owned City of Richmond and Henrico County public water supplies, state owned James River Correctional Center, about 3-5 agricultural users, and about 4-7 industrial and commercial users. Pursuant to the Surface Water Management Act, riparian owners have the right to withdraw reasonable amounts of water from the designated management area. Thus, users prior to 1989 will be issued a certificate rather than a permit, but the department does not know how many users may be in this category. Additionally, the department plans to allow the users to propose voluntary restriction agreements in lieu of permits or certificates. Under a voluntary agreement, all reporting requirements must be satisfied and the users must agree to reduce their withdrawal by a magnitude comparable to that which would result under a permit or certificate. Multiple users may propose a voluntary restriction agreement as well. Currently, there are two individual users with voluntary restriction agreements.

The costs that will be introduced by the proposed regulations include costs associated with permit and certificate fees, with reporting requirements, with developing water conservation plans, with restrictions on withdrawals, and with processing of permits by the department. The department will charge users a one-time \$9,000 fee for a permit application and a \$6,000 fee for a certificate application. Also, there are costs to users associated with monthly reporting of daily stream levels in terms of expenses such as staff time, office supplies, postage, or labor and overhead expenses in general. Further, the development of water restriction plans may introduce new costs to some users. The department believes that public water supplies already have enough resources to develop their conservation plans. The other users are believed to be able to easily demonstrate their needs for water in these plans without requiring consultant services and may already have their daily withdrawals documented. Two sources are thought to be without currently available daily withdrawal records. This may increase the time for plan preparation for these two users. Likewise, the department will likely incur some additional costs in terms of staff time and other expenses needed to process permit applications.

The other costs are in terms of restricting water use or reducing demand during low flow conditions. Water use restrictions are expected to impose adverse economic effects on agricultural, commercial, and industrial users as well as the public water supplies during low flow conditions. The households receiving water from public water supplies may bear significant costs as well in terms of the activities they

may no longer perform. The planned method by which the restrictions will be determined and implemented will likely play an important role in determining economic effects. Though not specifically spelled out in the regulation, it appears that the users will be provided an opportunity through voluntary use restrictions or through conservation plans to identify the uses they wish to reduce during low flows. This will likely provide some flexibility to users in terms of minimizing potential costs during drought conditions. Since the department has the ultimate authority to determine the nature and magnitude of withdrawal restrictions in the permits, the extent of the flexibility that will be provided to users and consequently the magnitude of the reductions in the costs that would result without this flexibility are not known.

On the other hand, the proposed changes may achieve a better allocation of available water resources. The main goals of the water use restrictions during low flow conditions are protection and maintenance of beneficial instream and offstream values in the designated area during low flow conditions. With the proposed restrictions, a reasonably equitable distribution of water among different uses when the water supply is limited may be achieved according to aquatic, environmental, domestic, agricultural, commercial, and industrial needs.

Although the proposed regulations have the potential to protect instream and offstream uses through implementation of balanced restrictions on different water uses, economically more efficient outcomes may be obtained through a market-based solution. Under the proposed regulations, the department will have to make water use restriction decisions for the major users. As noted earlier, it appears that the users will be provided an opportunity to identify the uses they wish to reduce during low flows. This is likely to result in lower compliance costs associated with water withdrawal restrictions relative to that which would result under more prescriptive command-and-control type of regulations. However, with the proposed regulations, the department will still be making many decisions for the large users. These decisions will likely limit the user's flexibility in responding to water shortages and will likely result in some additional costs that could be avoided under a different regulatory design that would efficiently allocate water among different uses.

The fact that during low flow conditions water supplies do not meet the demand simply indicates that the price does not correctly reflect the scarcity of the resource. This means that the price of water, or the cost of obtaining it, is probably too low during the low flow conditions. Since the price does not reflect the true value and the incentive to conserve water is smaller than it should be, water demand exceeds the supply. The market-based solution to address excess demand during low flow conditions is to increase the price of water. This could be done, for instance, by imposing a drought fee on water during low flow conditions. This approach has certain advantages over the command-and-control type of regulations. It will guarantee that the water will be used where it is valued the most. Faced with a higher price, the individual users will have complete discretion as to where to reduce their water demand. For example, they may no longer be willing to wash their cars with higher prices, but may wish continue to water their lawns if aesthetics are important to them. The

values attached to water use by individuals are not known by the regulatory entity that imposes water restrictions on various uses. Similarly, a market-based approach will guarantee that users who value it the most will use the water. For example, a commercial car wash company may continue its operations while promotional free car wash offers may no longer be feasible. Again, this is likely to result in allocation of water where it is valued the most without any regulatory decisions being made on behalf of the users. In short, the price mechanism will likely bring out the most efficient allocation of water among competing uses and among competing users.

Additionally, the costs associated with administering a market-based regulation will likely be much smaller relative to those that would result under a command-and control type of regulations. The type and number of decisions the regulatory entity has to make and consequently the associated administrative costs to conserve water will likely be much smaller under a market-based approach.

Finally, the drought fee revenues may be directed toward alleviating water shortage by other means. These may include demand-reduction measures such as education of public about wise water use, or about understanding instream values. Similarly, other means may include supply-increase measures such as increasing water storage capacity, increasing transfer and conveyance capacity, increasing recycling through reuse and reclamation of water.

However, despite all of the advantages of a market-based approach, the department does not have the authority to charge a fee for the use of water nor does it have the authority to require existing public utilities adopt pricing schedules. Thus, currently, it is not feasible to implement a market-based approach to address water shortages during low flow conditions.

Businesses and entities affected. The proposed regulations will affect the users of the surface water in the designated portion of the James River Metropolitan area during low stream flows. It is estimated that about 10 to 15 users may be required to obtain permits or certificates. Additionally, households and entities receiving water from the two public water suppliers and entities that have business connections with the other users will likely be subject to some spillover effects. For example, some water from the designated area is sold to the counties of Hanover, Chesterfield, and Goochland. These counties will likely be affected as well.

Localities particularly affected. The proposed regulations will specifically affect the City of Richmond and the counties of Henrico, Powhatan, Goochland, and Chesterfield because of their geographical relationship with the proposed surface water management area.

Projected impact on employment. It is likely that water use restrictions may have adverse effects on certain types of business activity such as agricultural, commercial, or industrial operations that rely on water withdrawn from the James River metropolitan area or the businesses receiving water from City of Richmond and Henrico County public water suppliers. For example, car wash, landscape, and cleaning businesses or businesses for which water is an essential input seem to have a high chance of being negatively affected during low flow

conditions. The anticipated reduction in the level of business activity in these areas may reduce the demand for labor temporarily until flow conditions reach their usual levels.

Effects on the use and value of private property. The potential negative effects on the level of economic activity during low flow conditions in water-intensive businesses may negatively affect the value of these businesses through reductions in profits.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The department has reviewed the economic impact analysis prepared by the Department of Planning and Budget and has no comment.

Summary:

The proposed regulation defines the boundaries of the James River (Richmond Regional West) Surface Water Management Area to include the mainstem and all tributaries of the James River between the Route 522 bridge in Powhatan County and the Route 95 bridge in the City of Richmond. The proposed regulation also establishes flow conditions below which permit conditions within the area will become effective. If designated, all users of more than 300,000 gallons per month will be required to obtain a certificate or permit in accordance with the existing Surface Water Management Area Regulation (9 VAC 25-220). Conditions of permits may include limitations on the volume that may be withdrawn, limitations on withdrawals based on instream flows, and monitoring and reporting requirements. If designated, all users that are subject to permit and certificate requirements will be required to develop and implement a water conservation plan.

CHAPTER 760.

JAMES RIVER (RICHMOND REGIONAL WEST) SURFACE WATER MANAGEMENT AREA.

9 VAC 25-760-10. Definitions.

Unless a different meaning is required by the context, the following terms, as used in this chapter, shall have the following meanings:

"Act" means the Surface Water Management Act of 1989 (§ 62.1-242 et seq. of the Code of Virginia), as amended.

"Area" means the James River (Richmond Regional West) Surface Water Management Area.

"Board" means the State Water Control Board.

"Surface water management area" means a geographically defined surface water area in which the board has deemed the levels or supply of surface water to be potentially adverse to public welfare, health, and safety.

"Surface water" means any water in the Commonwealth, except ground water as defined in § 62.1-255 of the Code of Virginia.

9 VAC 25-760-20. Declaration of surface water management area.

A. The board hereby orders the declaration of the James River in the Richmond Metropolitan Area as a surface water management area. The area shall be known as the James

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River (Richmond Regional West) Surface Water Management Area.

B. The area shall encompass the James River upstream from the southeastern toe of the Interstate 95 bridge in the City of Richmond to the southwestern toe of the US Route 522 bridge in Goochland and Powhatan Counties. The area shall include the mainstem of the James River and all tributaries to the James River and their watersheds in this river reach.

C. The board shall declare that permit conditions are applicable when the 14-day rolling average flow falls below 2,142 cubic feet per second measured at the Cartersville James River water-stage recorder #02035000.

D. Permit conditions shall remain in effect until the 14-day rolling average exceeds 2,142 cubic feet per second measured at the Cartersville James River water-stage recorder #02035000 for 30 consecutive days.

9 VAC 25-760-30. Permits.

A. All permits issued by the board shall be issued in accordance with 9 VAC 25-220, Surface Water Management Areas.

B. All permits issued by the board shall include a flow requirement appropriate for the protection of beneficial instream uses.

C. Any permit issued by the board may include any conditions necessary to protect beneficial instream uses.

D. Permits issued to persons who withdraw water to support a public water supply shall at a minimum contain conditions requiring the initiation of voluntary water use restrictions when the 14-day rolling average flow falls below 1,428 cubic feet per second and the initiation of mandatory water use restrictions when the 14-day rolling average flow falls below 714 cubic feet per second measured at the Cartersville James River water-stage recorder #02035000.

E. Permits issued to any other persons shall at a minimum contain conditions limiting their withdrawals when the 14-day rolling average flow falls below 1,428 cubic feet per second measured at the Cartersville James River water-stage recorder #02035000. The magnitude and nature of these limitations will be based on the specific beneficial use to which the withdrawal is applied.

VA.R. Doc. No. R02-14; Filed March 18, 2003, 11:33 a.m.

TITLE 12. HEALTH

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Title of Regulations: **12 VAC 30-70. Methods and Standards for Establishing Payment Rates; Inpatient Hospital Care (adding 12 VAC 30-70-425 and 12 VAC 30-70-426).**

12 VAC 30-80. Methods and Standards for Establishing Payment Rates; Other Types of Care (amending 12 VAC 30-80-20 and 12 VAC 30-80-30).

12 VAC 30-90. Methods and Standards for Establishing Payment Rates for Long-Term Care (adding 12 VAC 30-90-17 and 12 VAC 30-90-18).

Statutory Authority: §§ 32.1-324 and 32.1-325 of the Code of Virginia; Items 325CC, 325DD, and 325RR of Chapter 899 of the 2002 Acts of Assembly.

Public Hearing Date: N/A -- Public comments may be submitted until June 7, 2003.

(See Calendar of Events section for additional information)

Agency Contact: William Lessard, Reimbursement Analyst, Reimbursement and Cost Settlement, Department of Medical Assistance Services, 600 E. Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 225-4593, FAX (804) 786-1680, or e-mail wlessard.dmas.state.va.us.

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

Items 325CC, 325DD and 325RR of Chapter 899 of the 2002 Acts of Assembly authorized the Department of Medical Assistance Services to increase reimbursement for government-owned public nursing homes, hospitals, and clinics consistent with the maximum amount allowed under federal laws and regulations and to enact emergency regulations. Federal regulations (42 CFR 447.272 and 42 CFR 447.321) allow aggregate payments for government-owned or operated hospitals, nursing homes, ICFs-MR, or clinics up to 100% of a reasonable estimate of the amount that would be paid by Medicare.

Purpose: The purpose of this regulation is to maximize federal revenue for the Commonwealth. Assuming that the government-owned or operated providers transfer to DMAS the money needed to make the supplemental payment, DMAS is able to make the supplemental payment at no net cost to either the state or the providers. DMAS intends to negotiate transfer agreements prior to making the Medicaid supplemental payments. After the Medicaid payment is made, DMAS can draw down the federal financial participation related to the Medicaid payment.

This proposed action is not expected to have any effect on the health, safety, or welfare of the citizens of the Commonwealth.

Substance: This regulatory package adds new regulations 12 VAC 30-70-425 for supplemental payments to nonstate government-owned hospitals and 12 VAC 30-70-426 for supplemental payments to state government-owned hospitals for inpatient services. Subsection A indicates that DMAS will make supplemental payments to nonstate government-owned hospitals or to state government-owned hospitals for inpatient services. Subsection B spells out the formula for determining the amount and distribution of the supplemental payment. The amount is the difference between the upper payment limit determined by federal regulations and the amount normally paid by Medicaid. This amount is then distributed to the hospitals based on the difference between this cap and the lower of the providers' charges or the DSH limits. Subsection C indicates that there will be one or more payments as determined by DMAS.

This regulatory package also adds new subdivisions 7 and 8 to 12 VAC 30-80-20. Subdivision 7 refers to supplemental payments to nonstate government-owned hospitals and subdivision 8 refers to supplemental payments to state government-owned hospitals for outpatient services. Subdivisions 7 a and 8 a indicate that DMAS will make supplemental payments to nonstate government-owned hospitals or state government-owned hospitals for outpatient services. Subdivisions 7 b and 8 b spell out the formula for determining the amount and distribution of the supplemental payment. The amount is the difference between the upper payment limit determined by federal regulations and the amount normally paid by Medicaid. This amount is then distributed to the hospitals based on the difference between this cap and the lower of the providers' charges or the DSH limit. Subdivisions 7 c and 8 c indicate that there will be one or more payments as determined by DMAS.

This regulatory package adds new subsections 16 and 18 to 12 VAC 30-80-30. Subdivision 16 refers to supplemental payments to state government-owned clinics and subdivision 18 refers to supplemental payments to nonstate government-owned clinics for outpatient services. Subdivisions 16 a and 18 a indicate that DMAS will make supplemental payments to state government-owned clinics or nonstate government-owned clinics for outpatient services. Subdivisions 16 b and 18 b spell out the formula for determining the amount and distribution of the supplemental payment. The amount is the difference between the upper payment limit determined by federal regulations and the amount normally paid by Medicaid. This amount is then distributed to the clinics based on their portion of the upper payment limit. Subdivisions 16 c and 18 c indicate that there will be one or more payments as determined by DMAS.

This regulatory action adds new regulations 12 VAC 30-90-17 for supplemental payments to state government-owned ICFs-MR and 12 VAC 30-90-18 for supplemental payments to state government-owned nursing homes for inpatient services. Subsection A determines the amount of the supplemental payment. The amount is the difference between the upper payment limit determined by federal regulations and the amount normally paid by Medicaid. Subsections B, C, and D spell out the formula for distributing the supplemental payment. This amount is distributed to each ICF-MR or nursing home based on the bed days for that facility

(subsection B) divided by total bed days for all ICFs-MR or nursing homes (subsection C) times the total supplemental payment amount (subsection D). Subsection E indicates that there will be one or more payments as determined by DMAS.

Issues: Government-owned or operated providers fulfill an important and unique role within the Virginia health care system as safety net providers. Many safety-net providers incur costs for which they are not currently reimbursed that are above and beyond the costs incurred by private providers.

Because approximately 50% of Medicaid payments are federally funded, by maximizing payments to government-owned or operated providers, the Commonwealth will maximize the federal funding available to the public sector in Virginia through these increased Medicaid payments. No disadvantages to the public have been identified in connection with this regulation. The agency projects no negative issues involved in implementing this regulatory change.

Fiscal Impact: On an annual basis, DMAS expects to make supplemental payments to government-owned hospitals, nursing homes, ICFs-MR and clinics totaling \$54 million from which it will collect \$27 million in new federal revenues. The source of funds for the payment will be the government providers who receive supplemental payments.

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 authorize supplemental payments for Medicaid inpatient and outpatient services provided by state or nonstate government-owned or operated hospitals, clinics, and nursing homes. These payments will be used to claim federal matching funds to supplement the Medicaid operating budget. The proposed changes are effective since July 2002 under the emergency regulations.

Estimated economic impact. The 2002 Appropriations Act¹ authorized the Department of Medical Assistance Services (DMAS) to increase Medicaid reimbursements rates for state and nonstate owned or operated government providers up to the maximum allowed under federal law and regulations. To achieve its objective, the department implemented emergency regulations to maximize federal matching funds for supplementing its Medicaid operating budget. However, no reimbursements have been made yet under the emergency

¹ Chapter 899, Items 325CC, 325DD, and 325RR.

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regulations. The proposed action will replace the emergency regulations with permanent regulations.

The authority under the proposed regulations will allow the department to increase the reimbursements for state or nonstate government owned or operated hospitals, nursing homes, and clinics by \$8 million (most current estimate) on an annual basis. The purpose of these regulations is to claim the additional \$4 million in federal matching funds for the Medicaid program pursuant to the Appropriation Act.

The department plans to enter into contractual agreements with these state or nonstate governmental entities prior to these regulations becoming final to transfer to DMAS the total funds needed to make these supplemental payments. The explanation of expected flow of supplemental payments under the contract is as follows. The governmental entity will transfer the funds needed for the supplemental payment minus the participation fee to DMAS. DMAS will make Medicaid supplemental payments to the government-owned providers. The department will claim \$4 million matching funds from the federal government.

As a result of these transactions, the department will be able to increase its operating budget by the \$4 million federal participation amount minus any incentive payments to providers and transaction expenses. The department anticipates that only locally owned or operated hospitals, clinics, and nursing homes will require incentive payments. Further, the increase in Medicaid operating budget will spill over to some or all of about 230,000 Medicaid recipients by maintaining some services that would not otherwise be available.

Businesses and entities affected. The proposed changes will affect some or all of 230,000 Medicaid recipients depending on how the federal matching funds are spent.

Localities particularly affected. The proposed changes are unlikely to affect any one locality more than others.

Projected impact on employment. According to the department these funds will substitute for the general fund reductions already made. Thus, these additional funds that will be available in the Medicaid operating budget are expected to maintain the providers' current demand for labor as the additional funds are spent for services.

Effects on the use and value of private property. Maintaining the current level of funding is expected to maintain the Medicaid provider revenues and future profit streams, and consequently their values.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The agency has reviewed the economic impact analysis prepared by the Department of Planning and Budget regarding the regulations concerning Upper Payment Limits for Government-Owned Nursing Homes, ICFs-MR, Hospitals and Clinics for Inpatient and Outpatient Services. The agency raises no issues with this analysis.

Summary:

The proposed amendments authorize Medicaid to make supplemental payments to nonstate government-owned or

operated hospitals and clinics and state government-owned hospitals, nursing homes, ICFs-MR and clinics equal to the difference between the maximum permitted under federal law and regulations and what they are currently paid under Medicaid.

12 VAC 30-70-425. Supplemental payments to nonstate government-owned hospitals for inpatient services.

A. In addition to payments for inpatient hospital services provided for elsewhere in this State Plan, DMAS makes supplemental payments to nonstate government-owned or operated hospitals for services provided to Medicaid patients on or after July 1, 2002. To qualify for a supplemental payment, the hospital must be owned or operated by a unit of government or public entity other than the state.

B. The amount of the supplemental payment made to each nonstate government-owned or operated hospital is determined by:

1. Calculating for each hospital the annual difference between the lower of the limit specified in 42 CFR 447.271 or the limit specified at 42 USC § 1396r-4(g) and the amount otherwise actually paid for the services by the Medicaid program;

2. Dividing the difference determined in subdivision 1 of this subsection for the hospital by the aggregate difference for all such hospitals; and

3. Multiplying the proportion determined in subdivision 2 of this subsection by the aggregate upper payment limit amount for all such hospitals as determined in accordance with 42 CFR 447.272 less all payments made to such hospitals other than under this section.

C. Payments made under this section may be made in one or more installments at such times, within the fiscal year or thereafter, as is determined by DMAS.

12 VAC 30-70-426. Supplemental payments to state government-owned hospitals for inpatient services.

A. In addition to payments for inpatient hospital services provided for elsewhere in this State Plan, DMAS makes supplemental payments to state government-owned or operated hospitals for services provided to Medicaid patients on or after July 2, 2002. To qualify for a supplemental payment, the hospital must be owned or operated by the state.

B. The amount of the supplemental payment made to each state government-owned or operated hospital is determined by:

1. Calculating for each hospital the annual difference between the lower of the limit specified in 42 CFR 447.271 or the limit specified at 42 USC § 1396r-4(g) and the amount otherwise actually paid for the services by the Medicaid program;

2. Dividing the difference determined in subdivision 1 of this subsection for the hospital by the total difference for all such hospitals; and

3. *Multiplying the proportion determined in subdivision 2 of this subsection by the aggregate upper payment limit amount for all such hospitals as determined in accordance with 42 CFR 447.272 less all payments made to such hospitals other than under this section.*

C. *Payments under this section may be made in one or more installments at such time, within the fiscal year or thereafter, as is determined by DMAS.*

12 VAC 30-80-20. Services which are reimbursed on a cost basis.

A. Payments for services listed below shall be on the basis of reasonable cost following the standards and principles applicable to the Title XVIII Program. The upper limit for reimbursement shall be no higher than payments for Medicare patients on a facility by facility basis in accordance with 42 CFR 447.321 and 42 CFR 447.325. In no instance, however, shall charges for beneficiaries of the program be in excess of charges for private patients receiving services from the provider. The professional component for emergency room physicians shall continue to be uncovered as a component of the payment to the facility.

B. Reasonable costs will be determined from the filing of a uniform cost report by participating providers. The cost reports are due not later than 90 days after the provider's fiscal year end. If a complete cost report is not received within 90 days after the end of the provider's fiscal year, the Program shall take action in accordance with its policies to assure that an overpayment is not being made. The cost report will be judged complete when DMAS has all of the following:

1. Completed cost reporting form(s) provided by DMAS, with signed certification(s);
2. The provider's trial balance showing adjusting journal entries;
3. The provider's financial statements including, but not limited to, a balance sheet, a statement of income and expenses, a statement of retained earnings (or fund balance), and a statement of changes in financial position;
4. Schedules which reconcile financial statements and trial balance to expenses claimed in the cost report;
5. Depreciation schedule or summary;
6. Home office cost report, if applicable; and
7. Such other analytical information or supporting documents requested by DMAS when the cost reporting forms are sent to the provider.

C. Item 398 D of the 1987 Appropriation Act (as amended), effective April 8, 1987, eliminated reimbursement of return on equity capital to proprietary providers.

D. The services that are cost reimbursed are:

1. Inpatient hospital services to persons over 65 years of age in tuberculosis and mental disease hospitals.
2. Outpatient hospital services excluding laboratory.

a. Definitions. The following words and terms, when used in this regulation, shall have the following meanings when applied to emergency services unless the context clearly indicates otherwise:

"All-inclusive" means all emergency department and ancillary service charges claimed in association with the emergency room visit, with the exception of laboratory services.

"DMAS" means the Department of Medical Assistance Services consistent with Chapter 10 (§ 32.1-323 et seq.) of Title 32.1 of the Code of Virginia.

"Emergency hospital services" means services that are necessary to prevent the death or serious impairment of the health of the recipient. The threat to the life or health of the recipient necessitates the use of the most accessible hospital available that is equipped to furnish the services.

"Recent injury" means an injury ~~which~~ *that* has occurred less than 72 hours prior to the emergency department visit.

b. Scope. DMAS shall differentiate, as determined by the attending physician's diagnosis, the kinds of care routinely rendered in emergency departments and reimburse for nonemergency care rendered in emergency departments at a reduced rate.

(1) With the exception of laboratory services, DMAS shall reimburse at a reduced and all-inclusive reimbursement rate for all services, including those obstetric and pediatric procedures contained in 12 VAC 30-80-160, rendered in emergency departments which DMAS determines were nonemergency care.

(2) Services determined by the attending physician to be emergencies shall be reimbursed under the existing methodologies and at the existing rates.

(3) Services performed by the attending physician which may be emergencies shall be manually reviewed. If such services meet certain criteria, they shall be paid under the methodology for subdivision 2 b (2) of this subsection. Services not meeting certain criteria shall be paid under the methodology of subdivision 2b (1) of this subsection. Such criteria shall include, but not be limited to:

(a) The initial treatment following a recent obvious injury.

(b) Treatment related to an injury sustained more than 72 hours prior to the visit with the deterioration of the symptoms to the point of requiring medical treatment for stabilization.

(c) The initial treatment for medical emergencies including indications of severe chest pain, dyspnea, gastrointestinal hemorrhage, spontaneous abortion, loss of consciousness, status epilepticus, or other conditions considered life threatening.

(d) A visit in which the recipient's condition requires immediate hospital admission or the transfer to

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another facility for further treatment or a visit in which the recipient dies.

(e) Services provided for acute vital sign changes as specified in the provider manual.

(f) Services provided for severe pain when combined with one or more of the other guidelines.

(4) Payment shall be determined based on ICD-9-CM diagnosis codes and necessary supporting documentation.

(5) DMAS shall review on an ongoing basis the effectiveness of this program in achieving its objectives and for its effect on recipients, physicians, and hospitals. Program components may be revised subject to achieving program intent, the accuracy and effectiveness of the ICD-9-CM code designations, and the impact on recipients and providers.

3. Rehabilitation agencies. Reimbursement for physical therapy, occupational therapy, and speech-language therapy services shall not be provided for any sums that the rehabilitation provider collects, or is entitled to collect, from the NF or any other available source, and provided further, that this amendment shall in no way diminish any obligation of the NF to DMAS to provide its residents such services, as set forth in any applicable provider agreement.

4. Comprehensive outpatient rehabilitation facilities.

5. Rehabilitation hospital outpatient services.

6. *Supplemental payments to nonstate government-owned hospitals for outpatient services.*

a. In addition to payments for services set forth elsewhere in this State Plan, DMAS provides supplemental payments to nonstate government-owned or operated hospitals for outpatient services provided to Medicaid patients on or after July 1, 2002. To qualify for a supplemental payment, the hospital must be owned or operated by a unit of government other than the state.

b. The amount of the supplemental payment made to each nonstate government-owned or operated hospital is determined by:

(1) Calculating the difference between the lower of the limit specified in 42 CFR 447.325 or the limit specified at 42 USC § 1396r-4 (g) and the amount otherwise actually paid for the services by the Medicaid program;

(2) Dividing the difference determined in subdivision (1) of this subdivision 6 b by the aggregate upper payment limit amount for all such hospitals; and

(3) Multiplying the proportion determined in subdivision (2) of this subdivision 6 b by the aggregate upper payment limit amount for all such hospitals as determined in accordance with 42 CFR 447.321 less all payments made to such hospitals other than under this section.

c. Payments made under this section may be made in one or more installments at such times, within the fiscal year or thereafter, as is determined by DMAS.

7. *Supplemental payments to state government-owned hospitals for outpatient services.*

a. In addition to payments for services set forth elsewhere in this State Plan, DMAS provides supplemental payments to state government-owned or operated hospitals for outpatient services provided to Medicaid patients on or after July 2, 2002. To qualify for a supplemental payment the hospital must be owned or operated by the state.

b. The amount of the supplemental payment made to each hospital is determined by:

(1) Calculating the difference between the lower of the limit specified in 42 CFR 447.325 or the limit specified at 42 USC § 1396r-4(g) and the amount otherwise actually paid for the services by the Medicaid program;

(2) Dividing the difference determined in subdivision (1) of this subdivision 7 b by the aggregate upper payment limit amount for all such hospitals; and

(3) Multiplying the proportion determined in subdivision (2) of this subdivision 7 b by the aggregate upper payment limit amount for all such hospitals as determined in accordance with 42 CFR 447.321 less all payments made to such hospitals other than under this section.

c. Payments under this section may be made in one or more installments at such times, within the fiscal year or thereafter, as is determined by DMAS.

12 VAC 30-80-30. Fee-for-service providers.

A. Payment for the following services, except for physician services, shall be the lower of the state agency fee schedule (12 VAC 30-80-190 has information about the state agency fee schedule) or actual charge (charge to the general public):

1. Physicians' services (12 VAC 30-80-160 has obstetric/pediatric fees). Payment for physician services shall be the lower of the state agency fee schedule or actual charge (charge to the general public), except that reimbursement rates for designated physician services when performed in hospital outpatient settings shall be 50% of the reimbursement rate established for those services when performed in a physician's office. The following limitations shall apply to emergency physician services.

a. Definitions. The following words and terms, when used in this subdivision 1, shall have the following meanings when applied to emergency services unless the context clearly indicates otherwise:

"All-inclusive" means all emergency service and ancillary service charges claimed in association with the emergency department visit, with the exception of laboratory services.

"DMAS" means the Department of Medical Assistance Services consistent with Chapter 10 (§ 32.1-323 et seq.) of Title 32.1 of the Code of Virginia.

"Emergency physician services" means services that are necessary to prevent the death or serious impairment of the health of the recipient. The threat to the life or health of the recipient necessitates the use of the most accessible hospital available that is equipped to furnish the services.

"Recent injury" means an injury which that has occurred less than 72 hours prior to the emergency department visit.

b. Scope. DMAS shall differentiate, as determined by the attending physician's diagnosis, the kinds of care routinely rendered in emergency departments and reimburse physicians for nonemergency care rendered in emergency departments at a reduced rate.

(1) DMAS shall reimburse at a reduced and all-inclusive reimbursement rate for all physician services, including those obstetric and pediatric procedures contained in 12 VAC 30-80-160, rendered in emergency departments which DMAS determines are nonemergency care.

(2) Services determined by the attending physician to be emergencies shall be reimbursed under the existing methodologies and at the existing rates.

(3) Services determined by the attending physician which may be emergencies shall be manually reviewed. If such services meet certain criteria, they shall be paid under the methodology in subdivision 1 b (2) of this subsection. Services not meeting certain criteria shall be paid under the methodology in subdivision 1 b (1) of this subsection. Such criteria shall include, but not be limited to:

(a) The initial treatment following a recent obvious injury.

(b) Treatment related to an injury sustained more than 72 hours prior to the visit with the deterioration of the symptoms to the point of requiring medical treatment for stabilization.

(c) The initial treatment for medical emergencies including indications of severe chest pain, dyspnea, gastrointestinal hemorrhage, spontaneous abortion, loss of consciousness, status epilepticus, or other conditions considered life threatening.

(d) A visit in which the recipient's condition requires immediate hospital admission or the transfer to another facility for further treatment or a visit in which the recipient dies.

(e) Services provided for acute vital sign changes as specified in the provider manual.

(f) Services provided for severe pain when combined with one or more of the other guidelines.

(4) Payment shall be determined based on ICD-9-CM diagnosis codes and necessary supporting documentation.

(5) DMAS shall review on an ongoing basis the effectiveness of this program in achieving its objectives and for its effect on recipients, physicians, and hospitals. Program components may be revised subject to achieving program intent objectives, the accuracy and effectiveness of the ICD-9-CM code designations, and the impact on recipients and providers.

2. Dentists' services.

3. Mental health services including: (i) community mental health services; (ii) services of a licensed clinical psychologist; or (iii) mental health services provided by a physician.

a. Services provided by licensed clinical psychologists shall be reimbursed at 90% of the reimbursement rate for psychiatrists.

b. Services provided by independently enrolled licensed clinical social workers, licensed professional counselors or licensed clinical nurse specialists-psychiatric shall be reimbursed at 75% of the reimbursement rate for licensed clinical psychologists.

4. Podiatry.

5. Nurse-midwife services.

6. Durable medical equipment (DME).

a. The rate paid for all items of durable medical equipment except nutritional supplements shall be the lower of the state agency fee schedule that existed prior to July 1, 1996, less 4.5%, or the actual charge.

b. The rate paid for nutritional supplements shall be the lower of the state agency fee schedule or the actual charge.

c. Certain durable medical equipment used for intravenous therapy and oxygen therapy shall be bundled under specified procedure codes and reimbursed as determined by the agency. Certain services/durable medical equipment such as service maintenance agreements shall be bundled under specified procedure codes and reimbursed as determined by the agency.

(1) Intravenous therapies. The DME for a single therapy, administered in one day, shall be reimbursed at the established service day rate for the bundled durable medical equipment and the standard pharmacy payment, consistent with the ingredient cost as described in 12 VAC 30-80-40, plus the pharmacy service day and dispensing fee. Multiple applications of the same therapy shall be included in one service day rate of reimbursement. Multiple applications of different therapies administered in one day shall be reimbursed for the bundled durable medical equipment service day rate as follows: the most expensive therapy shall be reimbursed at 100% of cost; the second and all subsequent most expensive therapies shall be reimbursed at 50% of cost. Multiple therapies administered in one day shall be reimbursed at the pharmacy service day rate plus 100% of every active therapeutic ingredient in the compound (at the lowest

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ingredient cost methodology) plus the appropriate pharmacy dispensing fee.

(2) Respiratory therapies. The DME for oxygen therapy shall have supplies or components bundled under a service day rate based on oxygen liter flow rate or blood gas levels. Equipment associated with respiratory therapy may have ancillary components bundled with the main component for reimbursement. The reimbursement shall be a service day per diem rate for rental of equipment or a total amount of purchase for the purchase of equipment. Such respiratory equipment shall include, but not be limited to, oxygen tanks and tubing, ventilators, noncontinuous ventilators, and suction machines. Ventilators, noncontinuous ventilators, and suction machines may be purchased based on the individual patient's medical necessity and length of need.

(3) Service maintenance agreements. Provision shall be made for a combination of services, routine maintenance, and supplies, to be known as agreements, under a single reimbursement code only for equipment which is recipient owned. Such bundled agreements shall be reimbursed either monthly or in units per year based on the individual agreement between the DME provider and DMAS. Such bundled agreements may apply to, but not necessarily be limited to, either respiratory equipment or apnea monitors.

7. Local health services, including services paid to local school districts.

8. Laboratory services (other than inpatient hospital).

9. Payments to physicians who handle laboratory specimens, but do not perform laboratory analysis (limited to payment for handling).

10. X-Ray services.

11. Optometry services.

12. Medical supplies and equipment.

13. Home health services. Effective June 30, 1991, cost reimbursement for home health services is eliminated. A rate per visit by discipline shall be established as set forth by 12 VAC 30-80-180.

14. Physical therapy; occupational therapy; and speech, hearing, language disorders services when rendered to noninstitutionalized recipients.

15. Clinic services, as defined under 42 CFR 440.90.

16. *Supplemental payments to state government-owned clinics.*

a. In addition to payments for clinic services specified elsewhere in this state plan, DMAS provides supplemental payments to government-owned or operated clinics for outpatient services provided to Medicaid patients on or after July 2, 2002. Clinic means a facility that is not part of a hospital but is organized and operated to provide medical care to outpatients.

Outpatient services include those furnished by or under the direction of a physician, dentist or other medical professional acting within the scope of his license to an eligible individual.

b. The amount of the supplemental payment made to each state government-owned or operated clinic is determined by:

(1) Calculating for each clinic the annual difference between the amount that would be paid for inpatient services provided to Medicaid eligibles under the Medicare program and the amount otherwise actually paid for the services by the Medicaid program;

(2) Dividing the difference determined in subdivision (1) of this subdivision 16 b for the clinic by the aggregate difference for all such clinics; and

(3) Multiplying the proportion determined in subdivision (2) of this subdivision 16 b by the aggregate upper payment limit amount for all such clinics as determined in accordance with 42 CFR 447.321 less all payments made to such clinics other than under this section.

c. Payments made under this section may be made in one or more installments at such times, within the fiscal year or thereafter, as is determined by DMAS.

17. (RESERVED.)

18. *Supplemental payments to nonstate government-owned or operated clinics.*

a. In addition to payments for clinic services specified elsewhere in this state plan, DMAS provides supplemental payments to nonstate government-owned or operated clinics for outpatient services provided to Medicaid patients on or after July 2, 2002. Clinic means a facility that is not part of a hospital but is organized and operated to provide medical care to outpatients. Outpatient services include those furnished by or under the direction of a physician, dentist or other medical professional acting within the scope of his license to an eligible individual.

b. The amount of the supplemental payment made to each nonstate government-owned or operated clinic is determined by:

(1) Calculating for each clinic the annual difference between the limit specified in 42 CFR 447.325 and the amount otherwise actually paid for the services by the Medicaid program;

(2) Dividing the difference determined in subdivision (1) of this subdivision 18 b for the clinic by the aggregate difference for all such clinics; and

(3) Multiplying the proportion determined in subdivision (2) of this subdivision 18 b by the aggregate upper payment limit amount for all such clinics as determined in accordance with 42 CFR 447.321 less all payments made to such clinics other than under this section.

c. Payments made under this section may be made in one or more installments at such times, within the fiscal year or thereafter, as is determined by DMAS.

B. Hospice services payments must be no lower than the amounts using the same methodology used under Part A of Title XVIII, and take into account the room and board furnished by the facility, equal to at least 95% of the rate that would have been paid by the state under the plan for facility services in that facility for that individual. Hospice services shall be paid according to the location of the service delivery and not the location of the agency's home office.

12 VAC 30-90-17. Additional payment to state government-owned or operated intermediate care facilities for the mentally retarded (ICF/MR).

In addition to payments for ICF/MR services set forth elsewhere in this State Plan, DMAS makes supplemental payments to state government-owned or operated ICFs/MR for services provided to Medicaid patients on or after July 2, 2002. DMAS uses the following methodology to calculate the additional Medicaid payments to state government-owned or operated ICFs/MR:

1. For each state fiscal year, DMAS calculates the maximum additional payments that it can make to all state government-owned or operated nursing facilities or ICFs-MR in conformance with 42 CFR 447.272.
2. DMAS determines the total Medicaid days reported by each state government-owned or operated ICF/MR for a fiscal period using cost reports from the most recent fiscal year for which all state government-owned or operated ICFs/MR have acceptable cost reports on file with DMAS.
3. DMAS divides the total Medicaid days for each participating state government-owned or operated ICF/MR by the total Medicaid days for all state government-owned or operated ICFs/MR to determine the supplementation factor for each.
4. For each state government-owned or operated ICF/MR, DMAS multiplies the facility's supplementation factor determined in subdivision 3 of this section by the total additional payment amount identified in subdivision 1 of this section to determine the additional payment to be made to each state government-owned or operated ICF/MR.
5. Payments under this section may be made in one or more installments at such times, within the fiscal year or thereafter, as determined by DMAS.

12 VAC 30-90-18. Additional payment to state government-owned or operated nursing facilities.

In addition to payments for nursing facility services set forth elsewhere in this State Plan, DMAS makes supplemental payments to state government-owned or operated nursing facilities for services provided to Medicaid patients on or after July 2, 2002. DMAS uses the following methodology to calculate the additional Medicaid payments to state government-owned or operated nursing facilities:

1. For each state fiscal year, DMAS calculates the maximum additional payment that it can make to all state

government-owned or operated nursing facilities in conformance with 42 CFR 447.272.

2. DMAS determines the total Medicaid days reported by each state government-owned or operated nursing facility for a fiscal period using cost reports from the most recent fiscal year for which all state government-owned or operated nursing facilities have acceptable cost reports on file with DMAS.

3. DMAS divides the total Medicaid days for each state government-owned or operated nursing facility by the total Medicaid days for all state government-owned or operated nursing facilities to determine the supplementation factor for each.

4. For each state government-owned or operated nursing facility, DMAS multiplies the facility's supplementation factor determined in subdivision 3 of this section by the total additional payment amount identified in subdivision 1 of this section to determine the additional payment to be made to each state government-owned or operated nursing facility.

5. Payments under this section may be made in one or more installments at such times, within the fiscal year or thereafter, as is determined by DMAS.

VA.R. Doc. No. R02-317; Filed March 10, 2003, 2:51 p.m.

TITLE 15. JUDICIAL

VIRGINIA STATE BAR

REGISTRAR'S NOTICE: The Virginia State Bar is claiming an exemption from the Administrative Process Act in accordance with § 2.2-4002 A 2 of the Code of Virginia, which exempts courts, any agency of the Supreme Court, and any agency which by the Constitution is expressly granted any of the powers of a court of record.

Title of Regulation: 15 VAC 5-80. Regulations under The Virginia Consumer Real Estate Settlement Protection Act (amending 15 VAC 5-80-50).

Statutory Authority: § 6.1-2.25 of the Code of Virginia.

Agency Contact: Mary Yancey Spencer, Deputy Executive Director, Virginia State Bar, 707 E. Main Street, Suite 1500, Richmond, VA 23219, telephone (804) 775-0575, FAX (804) 775-0501 or e-mail spencer@vsb.org.

Summary:

The amendments clarify the procedures for investigating and prosecuting violations of CRESPA and these regulations by attorney settlement agents. They will effect the following procedural changes:

1. Authorize the bar to dismiss unfounded CRESPA complaints;

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2. Allow respondents to submit written responses to CRESPA complaints but prevent respondents from initiating hearings on CRESPA complaints;

3. Permit the bar to initiate a hearing on CRESPA violations that were rectified after receipt of a CRESPA complaint;

4. Set forth a concise statement of policy and procedure governing the CRESPA regulations and the conduct of CRESPA violations hearings;

5. Establish clear and convincing evidence as the standard of proof for CRESPA hearings; and

6. Clarify that a respondent's prior disciplinary record and prior record of CRESPA violations shall be furnished to the disciplinary board in the sanction stage of a CRESPA hearing.

15 VAC 5-80-50. Attorney settlement agent compliance.

A. Attorney settlement agent certification. Each attorney settlement agent shall, at the time of initial registration and each subsequent reregistration, certify on the form available from the Bar for that purpose, that the attorney settlement agent has in full force and effect the following insurance and bond coverages, and that such coverages will be maintained in full force and effect throughout the time the attorney settlement agent acts, offers or intends to act in that capacity:

1. A lawyer's professional liability insurance policy issued by a company authorized to write such insurance in Virginia providing first dollar coverage and limits of at least \$250,000 per claim covering the licensed attorney acting, offering or intending to act as a settlement agent. The policy may also cover other attorneys practicing in the same firm or legal entity.

2. A blanket fidelity bond or employee dishonesty insurance policy issued by a company authorized to write such bonds or insurance in Virginia providing limits of at least \$100,000 covering all other employees of the attorney settlement agent or the legal entity in which the attorney settlement agent practices.

3. A surety bond issued by a company authorized to write such bonds in Virginia, on a form approved by the Virginia State Bar, providing limits of at least \$100,000 covering the licensed attorney acting, offering or intending to act as a settlement agent. A copy of the approved bond form is available from the Bar. The bond may also cover other attorney settlement agents practicing in the same firm or legal entity. The original surety bond must be attached to the attorney settlement agent's certification form and furnished to the Bar; a surety bond on which a law firm is named as principal may be furnished by the firm or any one attorney settlement agent in the firm, with other such attorney settlement agents in the same firm attaching a copy to their forms.

The Bar reserves the right to require other evidence of the above insurance and bond coverages beyond the attorney's certification and surety bond, at its discretion.

An attorney settlement agent who has no employees other than the attorney settlement agent or other licensed owner(s),

partner(s), shareholder(s), or member(s) of the legal entity in which the attorney settlement agent practices may apply to the Bar for a waiver of the coverage required in subdivision A 2 of this section, using the waiver request form available from the Bar. Such waiver requests will be acted on by the Executive Committee of the Bar, whose decision shall constitute final action by the agency.

B. Separate fiduciary trust account. Each attorney settlement agent shall maintain one or more separate and distinct fiduciary trust account(s) used only for the purpose of handling funds received in connection with escrow, closing or settlement services. Funds received in connection with real estate transactions not covered by CRESPA may also be deposited in and disbursed from such account(s). All funds received by an attorney settlement agent in connection with escrow, closing or settlement services shall be deposited in and disbursed from the separate fiduciary account(s) in conformity with both the Bar's disciplinary rules and CRESPA. These separate fiduciary trust accounts shall be maintained in the same manner and subject to the same rules as those promulgated by the Bar for other lawyer trust accounts, as well as in conformity with CRESPA. One separate fiduciary trust account may be maintained and used by all attorney settlement agents practicing in the same firm or legal entity.

C. Settlement statements. All settlement statements for escrow, closing and settlement services governed by CRESPA and these regulations shall be in writing and identify, by name and business address, the settlement agent.

D. Complaints against attorney settlement agents. The Bar shall receive complaints and/or investigate alleged violations of CRESPA or these regulations by attorney settlement agents. *If, after investigation, the Bar does not have reasonable cause to believe that one or more violations of CRESPA and/or these regulations have occurred, the Bar may dismiss the complaint as unfounded.*

If, after investigation, the Bar has reasonable cause to believe that one or more violations have occurred, the following procedures shall apply:

1. The attorney settlement agent shall be notified in writing of the *alleged* violation(s).

2. The attorney settlement agent shall have 30 days from the date of such notification to ~~rectify the violation(s) and/or to request a hearing~~ *respond in writing to the alleged violations. If, after receipt of the response, the Bar no longer has reasonable cause to believe that one or more violations of CRESPA and/or these regulations have occurred, the Bar may dismiss the complaint as unfounded.*

3. ~~If any violation is not rectified within 30 days and/or~~ the Bar believes the *alleged* violation presents or presented a risk to consumers protected under CRESPA, the Bar may request a hearing and issue an order requiring the attorney settlement agent to appear at the hearing, *whether or not the attorney settlement agent has responded in writing to the notice of alleged violation(s) or the 30-day response time period has lapsed.*

4. *In conducting investigations of alleged violations of CRESPA and/or these regulations by attorney settlement*

agents, the Bar, by Bar Counsel, shall have the authority to issue summonses or subpoenas to compel the attendance of witnesses and the production of documents necessary and material to any inquiry.

~~4. 5. The hearing shall be held before the Bar's disciplinary board within 60 days of the request by the attorney settlement agent or issuance of the Bar's order to appear. following shall be applicable to hearings on alleged violations of CRESPA and/or these regulations:~~

~~a. Hearings shall be held before the disciplinary board within 60 days of the issuance of the Bar's order to appear.~~

~~b. The standard of proof of violations of CRESPA or these regulations shall be clear and convincing evidence.~~

~~c. Hearings shall be conducted in the same manner as attorney misconduct hearings as set out in Rules of Court, Part Six, Section IV, Paragraph 13.~~

~~d. Agreed dispositions may be entered into in the same manner as agreed dispositions at the disciplinary board in attorney misconduct cases.~~

~~e. The attorney settlement agent's prior disciplinary record and prior record of violations of CRESPA and/or these regulations shall be made available to the disciplinary board during the sanction stage of a hearing. The prior record of violations of CRESPA and/or these regulations may be made available to Bar subcommittees, district committees, the disciplinary board or a three-judge circuit court prior to the imposition of any sanction for attorney misconduct.~~

~~5. f. If, after the hearing, the attorney settlement agent is found to have violated CRESPA and/or these regulations, the attorney settlement agent may be subject to the following penalties, at the disciplinary board's discretion:~~

~~a. (1) A penalty not exceeding \$5,000 for each violation;~~

~~b. (2) Revocation or suspension of the attorney settlement agent's registration; and~~

~~c. (3) Any other sanction available to the disciplinary board in attorney disciplinary proceedings under the rules of the Virginia Supreme Court, including, but not limited to, revocation or suspension of the attorney settlement agent's license to practice law.~~

~~6. The disciplinary board shall assess costs in accordance with the same rules and procedures that apply to the imposition of costs in attorney misconduct cases.~~

~~7. All matters and proceedings pertaining to alleged violations of CRESPA and/or these regulations are public. Related attorney misconduct cases shall be heard by the disciplinary board together with alleged violations of CRESPA and/or these regulations. Any related disability issues shall be heard by the disciplinary board separately.~~

~~8. The Clerk of the Disciplinary System of the Bar shall maintain files and records pertaining to ended cases involving alleged violations of CRESPA and/or these~~

~~regulations. The clerk shall follow the same file destruction policies that are utilized in attorney misconduct cases.~~

~~9. The Bar may proceed against an attorney settlement agent for alleged violations of CRESPA and/or these regulations notwithstanding that the attorney settlement agent has resigned from the practice of law, surrendered his license to practice law in the Commonwealth of Virginia or had his license to practice law in the Commonwealth of Virginia revoked.~~

~~10. An appeal from an order of the disciplinary board imposing sanctions under CRESPA and/or these regulations shall be conducted in accordance with the provisions of Rules of Court, Part Six, Section IV, Paragraph 13 pertaining to an appeal of an order of the disciplinary board imposing sanctions upon findings of attorney misconduct.~~

VA.R. Doc. No. R03-142; Filed March 18, 2003, 2:45 p.m.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

DEPARTMENT OF HEALTH PROFESSIONS

Title of Regulation: 18 VAC 76-20. Regulations Governing the Prescription Monitoring Program (adding 18 VAC 76-20-10 through 18 VAC 76-20-60).

Statutory Authority: §§ 54.1-2505 and 54.1-2520 of the Code of Virginia.

Public Hearing Date: April 23, 2003 - 9 a.m.

Public comments may be submitted until June 6, 2003.
(See Calendar of Events section for additional information)

Agency Contact: Elaine J. Yeatts, Senior Policy Analyst, Department of Health Professions, 6603 W. Broad Street, 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9918, FAX (804) 662-9114, or e-mail elaine.yeatts@dhp.state.va.us.

Basis: The regulation is being promulgated under the legal authority of § 54.1-2505 of the Code of Virginia, stating the powers and duties of the Director of the Department and § 54.1-2520 of the Code of Virginia, which requires the director to promulgate such regulations as are necessary to implement the prescription monitoring program.

Purpose: Chapter 481 of the 2002 Acts of Assembly amended the Code of Virginia to establish a Prescription Monitoring Program and granted authority to the Director of the Department of Health Professions to implement the program. The program requires pharmacies to report to the department certain prescriptions for drugs having a very high potential for abuse. Under limited circumstances, law enforcement, regulators and health care providers will have access to these records. Presently, the program is limited to reporting of Schedule II drugs and applicable only in State Health Planning Region III. Entities such as hospitals, licensed hospice,

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veterinary facilities, and narcotic maintenance programs are exempt, as is dispensing of manufacturers' samples in an indigent patient program and in a bona fide emergency or the administration of covered substances. The law provides for penalties for violation of confidentiality of such data maintained by the department.

The intent for the promulgation of this regulation is implementation of the statute, specifically Chapter 25.2 of Title 54.1 of the Code of Virginia. The purpose of the regulatory action is to promulgate such regulations as are necessary for granting waivers of the reporting requirements and additional exemptions for dispensing of covered substances, for reporting of additional nonclinical information, and for establishing the format and schedule for reporting. Rules are also necessary for the director's disclosure of reported information to ensure that confidentiality is maintained and that any disclosure is in accordance with the restrictions set forth in law. Given the recent history of abuse and illegal distribution of certain Schedule II drugs, especially in the southwestern communities of Virginia, the director has an obligation to protect public health, safety and welfare by promulgating regulations in a timely manner.

Substance: The proposed regulations implement certain provisions of Chapter 25.2 of Title 54.1 of the Code of Virginia, which establishes a prescription monitoring program. The required elements of regulations with the statutory mandate for regulation are as follows:

Establishment of criteria for granting waivers of the reporting requirements (§ 54.1-2520 B).

Regulations set out a process by which requests for waivers could be reviewed and decisions to grant or deny rendered. Waivers would be granted on a case-by-case basis and may be limited to a specified time period based on factors such as hardship created by a natural disaster or state of emergency or for dispensing in a research project.

Establishment of the standards for the manner and format of reports and a schedule for reporting (§ 54.1-2521 C).

Regulations set forth the file layout required for reports, which follows examples used in other states using the industry standard coding of reported drugs. Likewise, the frequency or schedule for reporting is specified as bi-monthly.

Establishment of criteria for mandatory disclosure of information by the director (§ 54.1-2523 B).

The regulation sets out the specific information that will be required from a person or entity requesting disclosure. To ensure compliance with law and regulation, the director will require that the request specify the entity making the request for disclosure and stating the reason for the request. Regulations require that it be in writing, signed by an authorized individual with an attestation that the prescription data will not be further disclosed and only used for the purposes stated in the request and in accordance with the law.

Establishment of criteria for discretionary disclosure of information by the director (§ 54.1-2523 C).

The Code of Virginia sets out four categories of individuals or entities to which the director, in his discretion, may disclose prescription data. He may disclose to: (i) the recipient, provided he is over the age of 18; (ii) a prescriber for the purpose of establishing a treatment history, provided the prescriber has obtained written consent from the recipient; (iii) another regulatory authority conducting an investigation or disciplinary proceeding or making a decision on the granting of a license or certificate; and (iv) the governmental entities charged with the investigation and prosecution of a dispenser, prescriber or recipient participating in the Virginia Medicaid program. In each of these categories, regulations stipulate additional information necessary to ensure that the requestor is so authorized and does meet the statutory requirements.

Issues: The primary advantages and disadvantages to the public. The primary advantages to the public of the Prescription Monitoring Program, as established by legislation in the Code of Virginia, is the potential for curtailment of abuse and diversion of Schedule II drugs. The impetus for such a program was precipitated by the problem in Southwest Virginia with the over-prescribing and abuse of Oxycontin, with devastating results on families and communities. For the residents in Health Planning District III, this program should be a deterrent to those who would engage in such practices. As proposed, the public (those who are legitimately prescribing, dispensing and consuming Schedule II drugs) should be protected by the requirements for mandatory or discretionary disclosure. Prescribers will be required to obtain written consent from patients before the system can be queried about the patient's prescription history. Those who engage in law enforcement or Medicaid fraud investigation will have another tool available to detect illegal activity.

The primary advantages and disadvantages to the agency or the Commonwealth. There are no advantages or disadvantages to the agency, as it is mandated to establish such a program provided funding can be obtained from federal grants or other sources. Those funds must be sufficient to provide the personnel and resources necessary to implement the program. Licensee fees will not be used to fund this activity. As stated above, there will be some advantage to the State Police, the Medicaid Fraud Unit and other agencies charged with enforcement of laws related to prescription drugs.

Fiscal Impact: Projected cost to the state to implement and enforce:

Fund source: As a special fund agency, the board must generate sufficient revenue to cover its expenditures from nongeneral funds, specifically the renewal and application fees it charges to practitioners for necessary functions of regulation. However, the fourth enactment of Chapter 481 of the 2002 Acts of Assembly provides: "That the provisions of this act shall become effective on the date that sufficient federal funds or other grant monies are available to support the development and operation of the prescription monitoring program for its initial year of operation. After such initial year, the continuation of the prescription monitoring program shall be conditioned upon (i) the provision of appropriations from the general fund of the Commonwealth as set forth in the appropriation act or (ii) the receipt by the program of federal

funds or other grant moneys or (iii) support provided through a combination of general fund appropriations and federal funds or other grant moneys." Therefore, licensing and renewal fees of health professionals are not to be used as the fund source for this activity.

To meet the funding mandate for the program, the department submitted an application for funding this summer as required by legislation passed by the 2002 Virginia General Assembly requiring the director to establish a Prescription Monitoring Program (PMP). The Department of Health Professions has been notified that it will be the recipient of expecting the announcement of grant awards for the Harold Rogers Prescription Drug Monitoring Program from the Federal Bureau of Justice Assistance. Once the amount of the grant has been determined and other sources of funding identified, the department will enter the implementation phase of the program with a target date of July 1, 2003.

Budget activity by program or subprogram: There is no change required in the budget of the Commonwealth as a result of this program.

One-time versus ongoing expenditures: There are no additional expenditures associated with these regulations. Expenditures related to the Prescription Monitoring Program, estimated at \$360,069 for the first full year of operation, plus approximately six months of start-up costs, are those required to implement the program as mandated by the statute. Those expenditures include personnel and fringe benefits, equipment and supplies, travel to the region, and consultants and contracts.

Projected cost to localities: There are no projected costs to localities.

Description of entities that are likely to be affected by regulation: The entities that are likely to be affected by these regulations would be pharmacies that dispense drugs in Southwest Virginia or Health Planning Region III. The entities that could request disclosure of information contained in the system include: those specified in the law, recipients of the dispensed drugs, prescribers, and other governmental agencies.

Estimate of number of entities to be affected: There are approximately 300 pharmacies in Health Planning Region III that will be required to report dispensing records for Schedule II drugs. The number of entities that may request information from the system is unknown.

Projected costs to the affected entities: Since the data system used for prescription monitoring will be the same system pharmacies now use for third party payments, there should be no additional cost for compliance. The program and instructions for reporting to the department will be provided to all affected dispensers. There is no cost to entities who request a query of the system on a particular patient or prescriber.

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. Chapter 481 of the 2002 Acts of the Assembly amended the Code of Virginia to establish a Prescription Monitoring Program (program). The program requires pharmacies to send reports to the Department of Health Professions (department) on the prescriptions they fill that have a very high potential for abuse. Chapter 25.2 of the Code of Virginia sets out requirements for the program and mandates that the department "promulgate ... such regulations as are necessary to implement the prescription monitoring program as provided in this chapter ..." Consequently, the department proposes these regulations, which set: 1) standards for and timing of data reports, 2) instructions on applying for reporting waivers, and 3) instructions on applying for information disclosure from the database. The proposed regulations also reiterate required criteria for reporting waivers and information disclosure from Chapter 25.2 of the Code of Virginia. Initially, this program applies only to southwestern Virginia.

Estimated economic impact. Purpose of the Prescription Monitoring Program

The prescription drug monitoring program is aimed at giving police better ways to investigate "doctor shopping," a practice in which drug abusers fake illness or injury to obtain prescriptions from multiple physicians. It is also intended to help identify the doctors who keep abusers in supply. The problem is especially acute in southwestern Virginia, where more than 60 people have died since 1997 from overdoses linked to an opium-based ingredient in the prescription painkiller OxyContin.¹ According to the department, Kentucky and Tennessee already have functioning prescription-monitoring programs; it is suspected that some of the criminal activity that may have been averted in those states due to their programs has moved into southwestern Virginia due to the absence of prescription monitoring.

Reporting Method, Costs, and Funding Sources

The proposed regulations require dispensers² to send reports to the department on the Schedule II prescriptions they fill on a semi-monthly basis. Schedule II drugs are those considered highly addictive, such as morphine, OxyContin and

¹ Source: November 30, 2003 article in the Bluefield Daily Telegraph.

² § 54.1-2519 of the Code of Virginia: "Dispenser" means a person or entity that (i) is authorized by law to dispense a covered substance or to maintain a stock of covered substances for the purpose of dispensing, and (ii) dispenses the covered substance to a citizen of the Commonwealth regardless of the location of the dispenser, or who dispenses such covered substance from a location in Virginia regardless of the location of the recipient."

Proposed Regulations

methadone.³ Following the recommendation of the National Association of Chain Drug Stores, the data is to be in the Telecommunications Format for Controlled Substances of the American Society of Automation in Pharmacy. This is the same format pharmacies now use for third party payments. The program and instructions for reporting will be provided to all affected dispensers at no charge.⁴ The data system to be used for prescription monitoring will be the same system pharmacies now use for third party payments. According to the department, the time and effort for dispensers to send the data will be minimal; "the data is shipped by a keystroke to the vendor."

Chapter 481 of the 2002 Acts of the Assembly states that "the provisions of this act shall become effective on the date that sufficient federal funds or other grant monies are available to support the development and operation of the prescription monitoring program for its initial year of operation." Also, "this act shall first be limited to and implemented solely within State Health Planning Region III," which encompasses southwestern Virginia.⁵ The department has been notified that it will receive a \$180,000 grant from the Federal Bureau of Justice Assistance for the program, as well as \$180,069 from a criminal settlement with a Virginia physician, that will be used to start-up and operate the first year of a prescription monitoring pilot program in southwestern Virginia. The department plans to enter the implementation phase of the program on July 1, 2003.

Chapter 481 also states that "the continuation of the prescription monitoring program shall be conditioned upon (i) the provision of appropriations from the general fund ... (ii) the receipt by the program of federal funds or other grant moneys or (iii) ... a combination of general fund appropriations and federal funds or other grant moneys." Further it states that "after a period of two years of operation, an evaluation of the program will be prepared by the superintendent of State Police and the Director of the Department of Health Professions and forwarded to the members of the House Health, Welfare and Institutions Committee and Senate Education and Health Committee." The department has not estimated how much the program will cost after start-up and initial operation, if it is continued, but expects it will be substantially less per year than the \$360,069 that is expected to be spent for the first year of operation which includes start-up costs.⁶

³ The U.S. Food and Drug Administration maintains the list of Schedule II drugs.

⁴ Source: Department of Health Professions.

⁵ State Health Planning Region III consists of: Lee County, Scott County, Wise County, City of Norton, Dickenson County, Buchanan County, Russell County, Tazewell County, Washington County, Smyth County, Grayson County, Carroll County, Wythe County, Bland County, City of Bristol, City of Galax, Giles County, Pulaski County, Floyd County, Montgomery County, City of Radford, Alleghany County, Craig County, Botetourt County, Roanoke County, City of Clifton Forge, City of Covington, City of Salem, Roanoke City, Bedford County, Bedford County, Amherst County, Campbell County, Appomattox County, City of Lynchburg, City of Bedford, Amherst County, Campbell County, Appomattox County, City of Lynchburg, City of Bedford, Franklin County, Patrick County, Henry County, Pittsylvania County, City of Martinsville, and City of Danville.

⁶ This assertion applies to running the program in southwestern Virginia. There will be additional start-up costs if the program is expanded to the rest of the Commonwealth.

Concerns and Impact:

One issue of concern is border effects. As discussed above, part of the reasoning for starting this pilot program in southwestern Virginia is that it is thought that some criminal activity has entered that region of the Commonwealth due to the successful deterrent to that activity in neighboring Kentucky and Tennessee. To the extent that that is accurate, similar border effects may be expected to occur between localities in State Health Planning Region III and Virginia localities that border State Health Planning Region III. To prevent these adverse border effects in the Commonwealth, the Director of the Department of Health Professions has said it is likely that he will seek extension of the program to the rest of the state after the pilot program.

As described by the department, the costs to dispensers of data reporting will be small: 1) a small amount of time in initially learning how to send the data, plus 2) the time it takes to make a keystroke to send the data twice a month. If in the long run the Commonwealth does not receive full federal funding for the program, the Commonwealth will face costs (from the General Fund or elsewhere) in running the program. If the program is effective in reducing criminal behavior and drug abuse, then it will be beneficial. Whether the benefits outweigh the cost depend upon how effective the program and how much Virginians value the reduction in criminal activity and drug abuse if it indeed does occur, and how much of the cost of running the program is born by the Commonwealth. Since none of this information is known, an accurate estimate of the net benefit of the program cannot be made at this time. But given the severity of the problem (60 OxyContin-related deaths in southwestern Virginia), and the belief that similar programs in Tennessee and Kentucky have successfully deterred some of the problematic activity in their states, the benefits of the program will likely exceed their cost.

Businesses and entities affected. The proposed regulations directly affect the approximately 300 pharmacies in State Health Planning Region III.⁷ Physicians licensed to dispense drugs in that region are also affected. Law enforcement is also affected in that criminal investigations can be aided with the collected data from the program.

Localities particularly affected. The proposed regulations initially directly affect the localities in State Health Planning Region III where the pilot program will take place. Those localities are: Lee County, Scott County, Wise County, City of Norton, Dickenson County, Buchanan County, Russell County, Tazewell County, Washington County, Smyth County, Grayson County, Carroll County, Wythe County, Bland County, City of Bristol, City of Galax, Giles County, Pulaski County, Floyd County, Montgomery County, City of Radford, Alleghany County, Craig County, Botetourt County, Roanoke County, City of Clifton Forge, City of Covington, City of Salem, Roanoke City, Bedford County, Bedford County, Amherst County, Campbell County, Appomattox County, City of Lynchburg, City of Bedford, Amherst County, Campbell County, Appomattox County, City of Lynchburg, City of Bedford, Franklin County, Patrick County, Henry County,

⁷ Number source: Department of Health Professions.

Pittsylvania County, City of Martinsville, and City of Danville. During the two-year pilot program, Virginia localities that are not in the above list, but border one or more of the above localities may be affected as well.

Projected impact on employment. The proposed regulations will not significantly affect employment levels.

Effects on the use and value of private property. Pharmacies and physician practices that dispense drugs for profit will send new data to the department. This required action will not significantly affect the value of their businesses.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The Department of Health Professions concurs with the analysis of the Department of Planning and Budget for proposed regulations, 18 VAC 76-20, to establish a prescription monitoring program.

Summary:

The proposed regulations establish a Prescription Monitoring Program as mandated by Chapter 481 of the 2002 Acts of Assembly. The proposed regulations (i) restate the criteria for reporting waivers and information disclosure from Chapter 25.2 (§ 54.1-2519 et seq.) of Title 54.1 of the Code of Virginia; (ii) set forth standards for and timing of data reports; (iii) set forth instructions on applying for reporting waivers; and (iv) set forth instructions on applying for information disclosure from the database. The program only applies to southwestern Virginia, i.e., Health Planning District III.

CHAPTER 76.
REGULATIONS GOVERNING THE PRESCRIPTION
MONITORING PROGRAM.

18 VAC 76-20-10. Definitions.

The following words and terms when used in this chapter shall have the meanings ascribed to them in § 54.1-2519 of the Code of Virginia unless the context clearly indicates otherwise:

- "Department"*
- "Director"*
- "Dispense"*
- "Prescriber"*
- "Recipient"*

In addition, the following term when used in this chapter shall have the following meaning unless the context clearly indicates otherwise:

"Program" means the Prescription Monitoring Program.

18 VAC 76-20-20. General provisions.

In accordance with Chapter 25.2 (§ 54.1-2519 et seq.) of Title 54.1 of the Code of Virginia and this chapter, the Director of the Department of Health Professions shall establish and administer a program for monitoring the dispensing of Schedule II controlled substances.

18 VAC 76-20-30. Criteria for granting waivers of the reporting requirements.

A. The director may grant a waiver of all or some of the reporting requirements established in § 54.1-2521 of the Code of Virginia to an individual or entity who files a request in writing on a form provided by the department and who meets the criteria for such a waiver.

B. Criteria for a waiver of the reporting requirements shall include a history of compliance with laws and regulations by the pharmacy, the pharmacist-in-charge, and other pharmacists regularly practicing at that location and may include, but not be limited to:

- 1. A hardship created by a natural disaster or other emergency beyond the control of the pharmacist or pharmacy; or*
- 2. Dispensing in a controlled research project approved by a regionally accredited institution of higher education or under the supervision of a governmental agency.*

C. Consistent with the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia), a waiver may be granted by a subordinate designated by the director on a case-by-case basis, subject to terms and conditions stated in an order with a specified time period and subject to being vacated. An appeal of the initial decision may be filed with the director who shall appoint an informal fact-finding conference, which shall thereafter make a recommendation to the director. The decision of the director shall be final.

18 VAC 76-20-40. Standards for the manner and format of reports and a schedule for reporting.

A. Data shall be transmitted to the department or its agent on a semi-monthly basis in the Telecommunication Format for Controlled Substances (August 1999) of the American Society of Automation in Pharmacy (ASAP), which are hereby incorporated by reference into this chapter.

B. Data shall be transmitted in a file layout provided by the department and shall be transmitted by a media acceptable to the vendor contracted by the director for the program.

18 VAC 76-20-50. Criteria for mandatory disclosure of information by the director.

A. In order to request disclosure of information contained in the program, an individual shall be registered with the director as an authorized agent entitled to receive reports under § 54.1-2523 B of the Code of Virginia.

- 1. Such request for registration shall contain an attestation from the applicant's employer of the eligibility and identity of such person.*
- 2. Registration as an agent authorized to receive reports shall expire on June 30 of each even-numbered year or at any such time as the agent leaves or alters his current employment or otherwise becomes ineligible to receive information from the program.*

B. An authorized agent shall request in writing, on a form provided by the department, disclosure of information related to a specific investigation. The request shall contain a case

Proposed Regulations

identifier number, a specified time period to be covered in the report, and the specific recipient, prescriber or dispenser for which the report is to be made, and an identifier number for the subject of the disclosure.

C. The request from an authorized agent shall be signed with an attestation that the prescription data will not be further disclosed and only used for the purposes stated in the request and in accordance with the law.

18 VAC 76-20-60. Criteria for discretionary disclosure of information by the director.

A. In accordance with § 54.1-2523 C of the Code of Virginia, the director may disclose information in the program to certain persons provided the request is made in writing on a form provided by the department and which contains a notarized signature of the requesting party.

B. The director may disclose information to:

1. The recipient of the dispensed drugs, provided the request is accompanied by a copy of a driver's license verifying that the recipient is over the age of 18. The report shall be mailed to the address on the license or delivered to the recipient at the department.
2. The prescriber for the purpose of establishing a treatment history, provided the request is accompanied by the prescriber's license number issued by the department, the signature of the prescriber, and an attestation that he has obtained written consent from the recipient. Such written consent shall be separate and distinct from any other consent documents required by the practitioner.
3. Another regulatory authority conducting an investigation or disciplinary proceeding or making a decision on the granting of a license or certificate, provided the request is accompanied by the signature of the chief executive officer who is authorized to certify orders or to grant or deny licenses.
4. Governmental entities charged with the investigation and prosecution of a dispenser, prescriber or recipient participating in the Virginia Medicaid program, provided the request is accompanied by the signature of the official within the Office of the Attorney General responsible for the investigation.

C. In each case, the request must be complete and provide sufficient information to ensure the correct identity of the prescriber, recipient and/or dispenser. Such request shall be submitted in writing by mail, private delivery service, in person at the department offices or by facsimile.

DOCUMENT INCORPORATED BY REFERENCE

Telecommunication Format for Controlled Substances, August 1999, American Society of Automation in Pharmacy (ASAP).

NOTICE: The forms used in administering 18 VAC 76-20, Regulations Governing the Prescription Monitoring Program, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.

FORMS

Request for Waiver of Reporting Requirements for Prescription Monitoring Program (eff. 3/03).

Request to Register as an Authorized Agent to Receive Information from the Virginia Prescription Monitoring Program (eff. 3/03).

Request for Disclosure of Information from Prescription Monitoring Program (eff. 3/03).



COMMONWEALTH OF VIRGINIA
Department of Health Professions

6603 W. Broad Street, 5th Floor
 Richmond, Virginia 23230

(804) 662-9900 (Tel)
 (804) 662-9343 (Fax)

**REQUEST FOR WAIVER OF REPORTING REQUIREMENTS FOR
 PRESCRIPTION MONITORING PROGRAM**

Please provide the information requested below. (Print or Type) Use full name not initials			
Name of Pharmacy, Permitted Physician, Physician Selling		Permit Number	
Street Address		Area Code and Telephone Number	
City	State	Zip Code	
Name of Virginia Licensed Pharmacist-in- Charge (Pharmacy only)		Virginia License Number of Pharmacist-in-Charge (Pharmacy only)	
Signature:		Date:	
Reason for waiver request: (Check one box below)			
<input type="checkbox"/> Hardship created by a natural disaster or other emergency beyond the control of the permit holder. Please provide description: 			
<input type="checkbox"/> Dispensing in a controlled research project approved by a regionally accredited institution of higher education or under the supervision of a governmental agency. Please attach a description of the research project.			
<input type="checkbox"/> Other: Please provide description below or attach on a separate piece of paper. 			
Waiver requested for: (check all that apply)			
<input type="checkbox"/> Recipient's name and address	<input type="checkbox"/> Recipient's Date of Birth		
<input type="checkbox"/> Covered substance dispensed	<input type="checkbox"/> Quantity dispensed		
<input type="checkbox"/> Date of dispensing	<input type="checkbox"/> Prescriber's identifier number		
<input type="checkbox"/> Dispenser's identifier number	<input type="checkbox"/> Other: _____		
For Department Use Only			
Date Received	Date of IFC	Waiver Approved/disapproved	Date of action

	<p>COMMONWEALTH OF VIRGINIA</p> <p>Department of Health Professions</p> <p>6603 W. Broad Street, 5th Floor Richmond, Virginia 23230</p>	<p>(804) 662-9900 (Tel) (804) 662-9343 (Fax)</p>
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**REQUEST TO REGISTER AS AN AUTHORIZED AGENT TO RECEIVE INFORMATION
FROM THE VIRGINIA
PRESCRIPTION MONITORING PROGRAM**

Please provide the information requested below. (Print or Type) Use full name not initials		
Name:	Position:	
Agency Name		
Street Address	Area Code and Telephone Number	
City	State	Zip Code
I hereby attest that I am eligible to receive reports under §54.1-2532 (B) of the Code of Virginia from the Prescription Monitoring Program.		
Signature:	Date:	
I hereby attest that _____ is known to me and is an employee of _____ entitled to receive reports from the Prescription Monitoring Program pursuant to §54.1-2532 (B) of the Code of Virginia. (Should be signed by supervisor of authorized agent)		
Title: _____ Printed Name: _____		
Signature: _____ Date: _____		
Registration as an agent authorized to receive reports shall expire on June 30 of each even-numbered year or at any time as the agent leaves or alters his current employment or otherwise becomes ineligible to receive information from the program.		
For Department Use Only		
Date Received:	Date Completed:	Registration Number Assigned:

DCR 2/03



COMMONWEALTH OF VIRGINIA
Department of Health Professions

6603 W. Broad Street, 5th Floor
 Richmond, Virginia 23230

(804) 662-9900 (Tel)
 (804) 662-9343 (Fax)

**REQUEST FOR DISCLOSURE OF INFORMATION FROM
 PRESCRIPTION MONITORING PROGRAM**

Please provide the information requested below. (Print or Type) Use full name not initials

Authorized Agent registered with the Board	Case Identifier Number	
Agency Name	Agent Registration Number	
Street Address	Area Code and Telephone Number	
City	State	Zip Code
Purpose of Request:		
Specific time period to be covered in report:		
<input type="checkbox"/> Recipient information: Name:	Identification Number:	Address:
<input type="checkbox"/> Prescriber: Name:	Virginia License Number:	Address:
<input type="checkbox"/> Dispenser: Name:	Virginia License Number:	Address:
I hereby attest that the requested information will not be further disclosed and will only be used for the purposes stated in the request and in accordance with the law.		
Signature: _____		Date: _____
For Department Use Only		
Date Received	Date of action	

Eff. 3/03

VA.R. Doc. No. R02-226; Filed March 11, 2003, 3:11 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 11. GAMING

STATE LOTTERY BOARD

Title of Regulation: **11 VAC 5-10. Guidelines for Public Participation in Regulation Development and Promulgation (amending 11 VAC 5-10-10 through 11 VAC 5-10-70; adding 11 VAC 5-10-80).**

Statutory Authority: §§ 2.2-4007 and 58.1-4007 of the Code of Virginia.

Effective Date: May 7, 2003.

Agency Contact: Barbara L. Robertson, Legislative and Regulatory Coordinator, State Lottery Department, 900 E. Main Street, Richmond, VA 23219, telephone (804) 692-7105, FAX (804) 692-7775 or e-mail brobertson@valottery.state.va.us.

Summary:

The amendments (i) provide that the department will consider and respond to petitions for rulemaking as provided in the Code of Virginia; (ii) eliminate the requirement to conduct biennial periodic reviews of regulations and provide a process for conducting periodic reviews; (iii) eliminate the requirement that the board order printing and distribution of regulations; and (iv) eliminate the requirement that the department obtain a list of interested parties.

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

REGISTRAR'S NOTICE: The proposed regulation was adopted as published in 19:6 VA.R. 860-863 December 2, 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.

11 VAC 5-10-10 through 11 VAC 5-10-50. [No change from proposed.]

11 VAC 5-10-60. Submission of regulation under the Administrative Process Act APA.

A. ~~After the drafting process ends,~~ The board-approved regulation will be submitted to the Registrar of Regulations under pursuant to the Administrative Process Act (APA), Chapter 1.1:1 (§ 9-6.14:1 et seq.) of Title 9 § 2.2-4006 et seq. of the Code of Virginia. The board-approved regulation will be published as a proposed regulation in the Virginia Register.

B. The department will furnish a copy of the regulation published in the Virginia Register to ~~persons~~ people who make such a request. A copy of the "Notice of Comment Period" form ~~may~~ will be sent with the copy of the regulation.

C. If the ~~department~~ board elects to hold a public hearing, the time, date, and place will be specified. In addition, the cutoff date for people to notify the department that they will participate in the public hearing will be set out. People who choose to participate in the public hearing may be asked to submit, in advance, written copies of their comments. These copies will help to ensure that comments are accurately recorded in the formal transcript of the hearing.

D. When the board issues an order adopting a regulation, the department may elect to send a notice to people who participated in the APA comment process. The notice will state that the regulation will be published in the Virginia Register and will specify the issue number.

E. If the department receives requests from at least 25 [~~persons~~] people for an opportunity to submit oral ~~and~~ or written comments, *or both*, on the changes to the regulation, the department shall suspend the regulatory process for 30 days to solicit additional public comment, unless the agency determines that the changes ~~made~~ proposed are minor or inconsequential in their impact. Department denial of petitions for a comment period on changes to the regulations shall be subject to judicial review.

11 VAC 5-10-70. [No change from proposed.]

11 VAC 5-10-80. [No change from proposed.]

VA.R. Doc. No. R00-241; Filed March 19, 2003, 11:22 a.m.

* * * * *

Title of Regulation: **11 VAC 5-20. Administration Regulations (amending 11 VAC 5-20-10, 11 VAC 5-20-60, 11 VAC 5-20-70, 11 VAC 5-20-80, 11 VAC 5-20-120 through 11 VAC 5-20-180, and 11 VAC 5-20-420; repealing 11 VAC 5-20-90, 11 VAC 5-20-100, and 11 VAC 5-20-110).**

Statutory Authority: § 58.1-4007 of the Code of Virginia.

Effective Date: May 7, 2003.

Agency Contact: Barbara L. Robertson, Legislative and Regulatory Coordinator, State Lottery Department, 900 E. Main Street, Richmond, VA 23219, telephone (804) 692-7105, FAX (804) 692-7775 or e-mail brobertson@valottery.state.va.us.

Summary:

The amendments (i) clarify the process for retailer licensing informal conferences and formal hearings; (ii) move the requirement from this chapter to the Lottery Game Regulations (11 VAC 5-41) that certain winners participate in press conferences; (iii) revise the approximate apportionment of lottery sales revenue; (iv) clarify the requirement for ethics in public contracting; (v) revise the schedule for external audits; (vi) eliminate specific banking

requirements; and (vii) clarify board committee responsibilities.

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

REGISTRAR'S NOTICE: The proposed regulation was adopted as published in 19:6 VA.R. 863-872 December 2, 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.

11 VAC 5-20-10 through 11 VAC 5-20-150. [No change from proposed.]

11 VAC 5-20-160. Procedure for appealing a licensing decision.

A. Upon receiving a notice that (i) an application for an instant game a license, or the survey of an instant retailer for licensing as an on-line retailer, or the renewal of a license, has been denied by the director, or (ii) the director intends to or has already taken action to suspend or revoke a current license, or (iii) any retailer that believes it is eligible for placement of an instant ticket vending machine (ITVM) or self-service terminal (SST) based on criteria established by the department, the applicant or licensed retailer may appeal in writing for by filing a written notice of appeal requesting a conference on the licensing action. The notice of appeal shall be submitted within 30 days of receipt of the notice of the licensing action.

1. Receipt of a notice of the licensing action that is mailed in an envelope bearing a United States Postal Service postmark is presumed to have taken place not later than the third day following the day of mailing of the notice to the last known address of the applicant or licensed retailer. If the third day falls upon a day on which mail is not delivered by the United States Postal Service, the notice is presumed to have been received on the next business day. The "last known address" means the address shown on the application of an applicant or licensed retailer unless a more current address has been provided to the department by the applicant or licensed retailer.

2. The notice of appeal will be timely if it bears a United States Postal Service postmark showing mailing on or before the 30th day prescribed in 11 VAC 5-20-160 subsection A of this section.

B. A notice of appeal may be mailed or hand delivered to the director at the State Lottery Department headquarters office.

1. A notice of appeal delivered by hand will be timely only if received at the headquarters of the State Lottery Department within the time allowed by subsection A of this section.

2. Delivery to a State Lottery Department regional offices office or to lottery sales personnel by hand or by mail is not [effective] sufficient.

3. The appellant assumes full responsibility for the method chosen to file the notice of appeal.

C. The notice of appeal shall state:

- 1. The decision of the director which is being appealed;
2. The legal and factual basis for the appeal;
3. The retailer's license number or the Retailer License Application Control Number; and
4. Any additional information the appellant may wish to include concerning the appeal.

11 VAC 5-20-170 through 11 VAC 5-20-420. [No change from proposed.]

VA.R. Doc. No. R00-242; Filed March 19, 2003, 11:23 a.m.

Title of Regulation: 11 VAC 5-30. Instant Game Regulations (REPEALED).

Statutory Authority: § 58.1-4007 of the Code of Virginia..

Effective Date: May 7, 2003.

Agency Contact: Barbara L. Robertson, Legislative and Regulatory Coordinator, State Lottery Department, 900 E. Main Street, Richmond, VA 23219, telephone (804) 692-7105, FAX (804) 692-7775 or e-mail brobertson@valottery.state.va.us.

Summary:

The regulatory action repeals the Instant Game Regulations of the department. The substance of the regulations and the department's On-Line Game Regulations, which are repealed by 11 VAC 5-40, are reorganized and replaced by two new proposed regulations: Licensing Regulations (11 VAC 5-31) and Game Regulations (11 VAC 5-41). Current Instant Game and On-Line Game regulations contain similar provisions for different types of games and there is a significant amount of redundant language regarding licensing and gaming. The new regulations revise, consolidate and reduce the language into two more meaningful categories: licensing and games.

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

VA.R. Doc. No. R00-243; Filed March 19, 2003. 11:23 a.m.

Title of Regulation: 11 VAC 5-31. Licensing Regulations (adding 11 VAC 5-31-10 through 11 VAC 5-31-200).

Statutory Authority: § 58.1-4007 of the Code of Virginia.

Effective Date: May 7, 2003.

Agency Contact: Barbara L. Robertson, Legislative and Regulatory Coordinator, State Lottery Department, 900 E. Main Street, Richmond, VA 23219, telephone (804) 692-7105, FAX (804) 692-7775 or e-mail brobertson@valottery.state.va.us.

Final Regulations

Summary:

The new regulation sets out the requirements for licensing lottery retailers for both instant and online games. This regulation consolidates, revises and replaces lottery licensing provisions currently contained in the department's Instant Game Regulations (11 VAC 5-30) and On-Line Game Regulations (11 VAC 5-40), both of which are repealed.

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

REGISTRAR'S NOTICE: The proposed regulation was adopted as published in 19:6 VA.R. 874-881 December 2, 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.

CHAPTER 31. LICENSING REGULATIONS.

11 VAC 5-31-10 through 11 VAC 5-31-70. [No change from proposed.]

11 VAC 5-31-80. License fees.

The initial general license fee shall be \$50 and the periodic review fee shall be [~~\$25~~ \$35, or as otherwise determined from time to time by the board,] and shall be paid in accordance with the department's licensing procedures. The license fees, where applicable, shall be paid for each location. These fees are nonrefundable.

11 VAC 5-31-90 through 11 VAC 5-31-200. [No change from proposed.]

FORMS [No change from proposed.]

VA.R. Doc. No. R00-244; Filed March 19, 2003, 11:24 a.m.

Title of Regulation: **11 VAC 5-40. On-Line Game Regulations (REPEALED).**

Statutory Authority: § 58.1-4007 of the Code of Virginia.

Effective Date: May 7, 2003.

Agency Contact: Barbara L. Robertson, Legislative and Regulatory Coordinator, State Lottery Department, 900 E. Main Street, Richmond, VA 23219, telephone (804) 692-7105, FAX (804) 692-7775 or e-mail brobertson@valottery.state.va.us.

Summary:

The regulatory action repeals the On-Line Game Regulations of the department. The substance of the regulations and the department's Instant Game Regulations, which are repealed by 11 VAC 5-30, are reorganized and replaced by two new proposed regulations: Licensing Regulations (11 VAC 5-31) and Game Regulations (11 VAC 5-41). Current Instant Game and On-Line Gaming regulations contain similar provisions for different types of games, there is a significant amount of

redundant language regarding licensing and gaming. The new regulations revise, consolidate and reduce the language into two more meaningful categories: licensing and games.

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

VA.R. Doc. No. R00-245; Filed March 19, 2003, 11:25 a.m.

Title of Regulation: **11 VAC 5-41. Lottery Game Regulations (adding 11 VAC 5-41-10 through [~~11 VAC 5-41-350~~ 11 VAC 5-41-340]).**

Statutory Authority: § 58.1-4007 of the Code of Virginia.

Effective Date: May 7, 2003.

Agency Contact: Barbara L. Robertson, Legislative and Regulatory Coordinator, State Lottery Department, 900 E. Main Street, Richmond, VA 23219, telephone (804) 692-7105, FAX (804) 692-7775 or e-mail brobertson@valottery.state.va.us.

Summary:

The regulation sets out the requirements for the conduct of lottery games. The new regulation consolidates, revises and replaces provisions regarding lottery games that currently are contained in the department's Instant Game Regulations (11 VAC 5-30) and On-Line Game Regulations (11 VAC 5-40), both of which are repealed.

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

REGISTRAR'S NOTICE: The proposed regulation was adopted as published in 19:6 VA.R. 883-891 December 2, 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.

CHAPTER 41. LOTTERY GAME REGULATIONS.

11 VAC 5-41-10 through 11 VAC 5-41-160. [No change from proposed.]

[~~11 VAC 5-41-170. Retailer to void winning ticket.~~

~~After a winning ticket is validated and the prize is paid to the ticket holder, the retailer shall physically void the ticket to prevent it from being redeemed more than once. The manner of voiding the ticket will be by hole punching, unless otherwise prescribed by the director. Failure to physically void a paid ticket may result in the retailer not receiving credit for paying the prize.]~~

[~~11 VAC 5-41-180~~ 11 VAC 5-41-170]. When prize shall be claimed from the department.

A. The department will pay prizes in any of the following circumstances:

1. If a retailer cannot validate a claim which the retailer otherwise would pay, the ticket holder shall present the signed ticket to any department office or mail the signed ticket to the department's headquarters;

2. If a ticket holder is unable to return to any retailer to claim a prize that the retailer otherwise would pay, the ticket holder may present the signed ticket at any department office or mail the signed ticket to the department's headquarters; or

3. If the prize amount is more than \$601, the ticket holder may present the signed ticket at any department office or mail the signed ticket to the department headquarters.

B. The department may require a claim form.

C. A player shall bear all risk of loss or damage by sending the ticket through the mail.

[~~41 VAC 5-41-190~~ 11 VAC 5-41-180]. Department action on claims for prizes submitted to department.

A. The department shall validate the winning ticket claim according to procedures contained in this chapter.

B. If the claim cannot be validated, the department will promptly notify the ticket holder.

C. If the claim is mailed to the department and the department validates the claim, a check for the prize amount will be presented or mailed to the winner.

D. If an individual presents a claim to the department in person and the department validates the claim, a check for the prize amount will be presented to the winner.

[~~41 VAC 5-41-200~~ 11 VAC 5-41-190]. Withholding, notification of prize payments.

A. When paying any prize of \$601 or more, the department shall:

1. File the appropriate income reporting forms with the Virginia Department of Taxation and the federal Internal Revenue Service; and
2. Withhold federal and state taxes from any winning ticket in excess of \$5,001.

B. Additionally, when paying any cash prize of \$100 or more, the department shall withhold any moneys due for delinquent debts as provided by the Commonwealth's Setoff Debt Collection Act, Article 21 (§ 58.1-520 et seq.) of Chapter 3 of Title 58.1 of the Code of Virginia.

[~~41 VAC 5-41-210~~ 11 VAC 5-41-200]. Ticket is bearer instrument.

A ticket that has been legally issued by a licensed lottery retailer is a bearer instrument until the ticket has been signed. The person who signs the ticket is considered the owner of the ticket.

[~~41 VAC 5-41-220~~ 11 VAC 5-41-210]. Payment made to bearer.

Payment of any prize will be made to the bearer of a validated winning ticket for that prize upon submission of the ticket and a prize claim form, if one is required, unless otherwise delayed in accordance with this chapter. If a validated winning ticket has been signed, the bearer may be required to present proper identification.

[~~41 VAC 5-41-230~~ 11 VAC 5-41-220]. How prize claim entered.

A prize claim shall be entered in the name of a natural person as prescribed by § 58.1-4019 B of the Code of Virginia. In all cases, the identity and social security number of all natural persons who receive a prize or share of a prize greater than \$100 from a winning ticket redeemed at any department office shall be provided.

1. A nonresident alien shall furnish his Immigration and Naturalization Service (INS) Number.
2. Two or more natural persons claiming a single prize may file IRS Form 5754, "Statement by Person(s) Receiving Gambling Winnings," with the department. This form designates to whom winnings are to be paid and the person or persons to whom winnings are taxable.
3. Two or more natural persons wishing to divide a jackpot prize shall complete an "Agreement to Share Ownership and Proceeds of Lottery Ticket" form. The filing of this form is an irrevocable election that may only be changed by an appropriate judicial order.

[~~41 VAC 5-41-240~~ 11 VAC 5-41-230]. Delay of payment allowed.

A. The director may refrain from making payment of a prize pending a final determination by the director under any of the following circumstances:

1. If a dispute arises, or it appears that a dispute may arise, relative to any prize;
2. If there is any question regarding the identity of the claimant;
3. If there is any question regarding the validity of any ticket presented for payment;
4. If there is any question whether a claimant has made a valid cash option election; or
5. If the claim is subject to any set off for delinquent debts owed to any agency eligible to participate in the Setoff Debt Collection Act (Article 21 (§ 58.1-520 et seq.) of Chapter 3 of Title 58.1 of the Code of Virginia) if the agency has registered such debt with the Virginia Department of Taxation and timely notice of the debt has been furnished by the Virginia Department of Taxation to the department.

B. The director may, at any time, delay any periodic or installment payment in order to review a change in circumstance relative to the prize awarded, the payee, the claim, or any other matter that has been brought to the department's attention. All delayed installments shall be brought up to date immediately upon the director's

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confirmation. Delayed installments shall continue to be paid according to the original payment schedule after the director's decision is given.

C. No liability for interest for any delay of any prize payment in accordance with subsections A and B, or any delay beyond the department's control, shall accrue to the benefit of the claimant pending payment of the claim. The department is neither liable for nor has it any responsibility to resolve disputes between or among competing claimants.

[~~11 VAC 5-41-250~~ 11 VAC 5-41-240]. No accelerated payments.

Unless the cash option payment is selected by the player, or unless otherwise permitted by federal or state law, the director shall not accelerate payment of a prize for any reason.

[~~11 VAC 5-41-260~~ 11 VAC 5-41-250]. Using winners' names.

The department may require prize winners to participate in press conferences and to use the names and photographs of such prize winners and the city, town or county in which they live, as well as the prize amounts won for public information purposes and to foster the integrity of the games. No consideration shall be paid by the department for this purpose, unless authorized by the director.

[~~11 VAC 5-41-270~~ 11 VAC 5-41-260]. Grand prize event.

If a lottery game includes a grand prize event, the following general criteria shall be used:

1. Entrants in the event shall be selected from tickets that meet the criteria stated in specific game rules set by the director;
2. Participation in the drawings shall be limited to those tickets that are actually purchased by the entrants on or before the date announced by the director;
3. If, after the event is held, the director determines that a ticket should have been entered in the event, the director may place that ticket into a grand prize drawing for the next equivalent event, which action shall be the extent of the department's liability; and
4. The director shall determine the dates, times and procedures for selecting grand prize winners for each on-line game, and the proceedings for selection of the winners shall be open to the public.

[~~11 VAC 5-41-280~~ 11 VAC 5-41-270]. When prize payable over time.

When a prize or share is to be paid over time, except for the first payment, the director may round the actual amount of the prize or share to the nearest \$1,000 to facilitate purchase of an appropriate funding mechanism.

[~~11 VAC 5-41-290~~ 11 VAC 5-41-280]. When prize payable for "life."

If a prize is advertised as payable for the life of the winner, the prize will be payable in installments, as provided by specific game rules, for the lifetime of the winner and will cease upon the death of the winner. When the prize is won by two or more

persons on a single ticket, each winner's share of the prize shall expire upon his death, unless otherwise specified in the game rules.

[~~11 VAC 5-41-300~~ 11 VAC 5-41-290]. Liability ends with prize payment.

All liability of the Commonwealth, its officials, officers and employees, and of the department, the board, the director and employees of the department, terminates upon final payment of a lottery prize, or sooner if so provided in the game rules or these regulations.

[~~11 VAC 5-41-310~~ 11 VAC 5-41-300]. Marking tickets prohibited; exceptions.

Marking of tickets in any way is prohibited except by a player to play a game according to the rules of that specific game or to claim a prize or by the department or a retailer to identify or to void the ticket.

[~~11 VAC 5-41-320~~ 11 VAC 5-41-310]. Lost, stolen, destroyed tickets.

The department is not liable for lost, stolen or destroyed tickets. The director may honor a prize claim of an apparent winner who does not possess the original ticket if the claimant is in possession of information that demonstrates that the original ticket meets the following criteria and can be validated through other means. Such information may include, but is not limited to, the following:

1. The claim form, if required, and a photocopy of the ticket, or photocopy of the original claim form, if required, and ticket, are timely filed with the department;
2. The prize for which the claim is filed is a winning prize that has not been claimed within the required redemption period, as verified in the department's records. In no case will the claim be paid within the redemption period; and
3. The claim is filed within the redemption period, as established by the game rules.

[~~11 VAC 5-41-330~~ 11 VAC 5-41-320]. Unclaimed prizes.

A. Except for a free ticket prize, a claim for a lottery game winning ticket must be mailed in an envelope bearing a [~~United States Postal Service~~] postmark [of the United States Postal Service or another sovereign nation] or received for payment as prescribed in this chapter within either 180 days after the date of the drawing for which the ticket was purchased, or of the event which caused the ticket to be a winning entry, or, in the case of an instant game ticket, within 180 days after the announced end of the game. In the event that the 180th day falls on a Saturday, Sunday or legal holiday, the winning ticket will be accepted for validation on the next business day only at a lottery office.

B. Any lottery cash prize that remains unclaimed after either 180 days following the drawing that determined the prize or 180 days after the announced end of the instant game shall revert to the State Literary Fund. Cash prizes do not include free ticket prizes or other noncash prizes such as merchandise, vacations, admission to events and the like.

C. All claims for on-line game winning tickets for which the prize is a free ticket must be mailed in an envelope bearing a [~~United States Postal Service~~] postmark [of the United States Postal Service or another sovereign nation] or received for redemption as prescribed in this chapter within 60 days after the date of the drawing for which the ticket was purchased. In the event the sixtieth day falls on a Saturday, Sunday or legal holiday, a claimant may only redeem his winning ticket for a free ticket at an on-line lottery retailer on or before the sixtieth day.

Except for claims for free ticket prizes mailed to lottery headquarters and postmarked on or before the sixtieth day, claims for such prizes will not be accepted at any lottery office after the sixtieth day. This section does not apply to the redemption of free tickets awarded through the subscription program.

D. Any instant game winning ticket of \$25 or less that has been purchased, but that is not claimed within 180 days after the announced end of the instant game, shall revert to the State Lottery Fund.

E. In case of a prize payable over time, if such prize is shared by two or more winning tickets, one or more of which is not presented to the department for payment within the prize redemption period as established by the game rules, the department will transfer that portion of the prize to the Literary Fund in accordance with procedures approved by the State Treasurer.

F. In accordance with the provisions of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 USCA Appx § 525), any person while in active military service may claim exemption from the 180-day ticket redemption requirement. Such person, however, must claim his winning ticket or share as soon as practicable, and in no event later than 180 days after discharge from active military service.

[~~11 VAC 5-41-340~~ 11 VAC 5-41-330]. **Director may postpone drawing.**

The director may postpone any drawing at any time and publicize the postponement if he finds that the postponement will best serve and protect the public interest.

[~~11 VAC 5-41-350~~ 11 VAC 5-41-340]. **Director's decision final.**

All decisions of the director regarding ticket validation shall be final.

FORMS [No change from proposed.]

VA.R. Doc. No. R00-246; Filed March 19, 2003, 11:25 a.m.



EMERGENCY REGULATIONS

TITLE 12. HEALTH

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Title of Regulation: **12 VAC 30-120. Waivered Services (amending 12 VAC 30-120-140, 12 VAC 30-120-150, 12 VAC 30-120-160, 12 VAC 30-120-170, 12 VAC 30-120-180, and 12 VAC 30-120-190; adding 12 VAC 30-120-165).**

Statutory Authority: §§ 32.1-324 and 32.1-325 of the Code of Virginia and Chapter 899 of the 2002 Acts of Assembly (Item 325 X).

Effective Dates: March 17, 2003, through March 16, 2004.

Preamble:

Section 2.2-4011 of the Code of Virginia allows a state agency to promulgate emergency regulations "in which Virginia statutory law or the appropriation act or federal law or federal regulation requires that a regulation be effective in 280 days or less from its enactment." The addition of consumer-directed services to the HIV/AIDS waiver was mandated by the General Assembly in the 2002 Acts of Assembly, Item 325 X. This provision directed DMAS to add consumer-directed services to the AIDS waiver and to promulgate emergency regulations to become effective within 280 days. These changes are not otherwise exempt under the provisions of § 2.2-4006 of the Code of Virginia. Also, Item 325 B (1) and (2) direct the agency to seek waivers for the provision of services that are less expensive alternatives to the State Plan for Medical Assistance. This provision also permits the agency to promulgate regulations that are necessary to implement such programs.

This regulatory action adds coverage of consumer-directed personal assistance services and consumer-directed respite care services (12 VAC 30-120-155, 12 VAC 30-120-170, and 12 VAC 30-120-180), to the HIV/AIDS waiver program (12 VAC 30-120-140 through 12 VAC 30-120-200). The two new consumer-directed services will be two of the seven services offered under the HIV/AIDS waiver. The other five existing services include case management, agency-directed personal care, agency-directed respite care, private duty nursing, and nutritional supplements.

Substance: With the implementation of this regulatory change, two new services (consumer-directed personal assistance care and consumer-directed respite care) will be added to the HIV/AIDS Waiver. This new regulation outlines the requirements for consumer-directed services as well as the requirements that the personal/respite care assistant must follow in order to receive reimbursement from the Department of Medical Assistance Services (DMAS).

Consumer-directed services are services for which the recipient or family/caregiver agrees to be responsible for hiring, training, supervising, and firing of the personal assistant. These consumer-directed services are being added to this existing waiver program at the specific requests of recipients and family/caregivers and pursuant to legislative mandate. Recipients or family/caregivers who prefer to remain

with the existing service model of agency-directed care will continue to have this as an available service choice. No recipients or family/caregivers will be forced to use consumer-directed services.

The adoption of consumer-directed services requires the addition of a services facilitator. A consumer-directed services facilitator is a DMAS-enrolled provider who is responsible for supporting the recipient and family/caregiver by ensuring the development and monitoring of the consumer-directed plan of care, providing employer management training, and completing ongoing review activities as required by DMAS for consumer-directed personal assistance services and respite care services.

Consumer-directed services are not currently offered under the HIV/AIDS waiver; therefore, recipients currently use agency-directed personal care or respite care services to meet their needs. If recipients who currently use agency-directed personal assistance or respite care services use consumer-directed services instead, more aides would be available to provide services to recipients who require or prefer agency-directed personal assistance or respite care services.

No other changes are being made at this time but will be addressed in the permanent rule making process to follow.

There are no disadvantages to the public or the Commonwealth with these regulations.

Agency Contact: Vivian Horn, Long Term Care Policy Analyst, Division of Long Term Care, Department of Medical Assistance Services, 600 E. Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 786-0527, FAX (804) 786-1680, or e-mail vhorn@dmas.state.va.us.

12 VAC 30-120-140. Definitions.

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

~~"Activities of daily living" means assistance with personal care tasks (i.e., bathing, dressing, toileting, etc.).~~

"Acquired Immune Deficiency Syndrome" or "AIDS" means the most severe manifestation of infection with the Human Immunodeficiency Virus (HIV). The Centers for Disease Control and Prevention (CDC) lists numerous opportunistic infections and cancers that, in the presence of HIV infection, constitute an AIDS diagnosis.

~~"Acquired immunodeficiency syndrome (AIDS)" means the set of symptoms related to specific opportunistic diseases indicative of an immune deficiency state in the absence of any other cause of reduced resistance reported to be associated with at least one of those opportunistic diseases. Individuals diagnosed with AIDS may experience symptoms associated with severe dementia, HIV encephalopathy, HIV wasting syndrome and rare forms of pneumonia (pneumocystis carinii (PCP)) and cancer (Kaposi's Sarcoma (KS)).~~

"Activities of daily living" or "ADL" means personal care tasks, i.e., bathing, dressing, toileting, transferring, and eating/feeding. An individual's degree of independence in

performing these activities is a part of determining appropriate level of care and services.

"AIDS-Related Complex" or {"ARC}" means the lesser disease response to the HIV infection which may, nonetheless, have many of the devastating effects of the AIDS virus, but not the specific conditions used to define a case of AIDS. This term shall be applied to those individuals with HIV infection experiencing symptoms related to the infection.

"Aids AIDS Service Organizations" or {"ASOs}" means the regional and local service organizations developed to provide education, prevention and health and social services to individuals infected with the HIV virus.

"Asymptomatic" means without symptoms. This term is usually used in the HIV/AIDS literature to describe an individual who has a positive reaction to one of several tests for HIV antibodies but who shows no clinical symptoms of the disease.

"Case management" means continuous reevaluation of need, monitoring of service delivery, revisions to the ~~Plan of Care~~ plan of care and coordination of services for AIDS individuals receiving home and community-based services in order to assure effective and efficient delivery of direct services.

"Case manager" means the professional person who provides services to recipients which enables the continuous assessment, coordination, and monitoring of the needs of the individuals diagnosed with AIDS or ARC throughout the term of the individuals' receipt of waiver services. The case manager must possess a combination of work experience and relevant education that indicates that the case manager possesses the knowledge, skills, and abilities at entry level, as established by the Department of Medical Assistance Services in 12 VAC 30-120-160.

"Cognitive impairment" means a severe deficit in mental capability that affects areas such as thought processes, problem-solving, judgment, memory, or comprehension, and that interferes with such things as reality orientation, ability to care for self, ability to recognize danger to self or others, or impulse control.

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

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

"Current functional status" means the individual's recipient's degree of dependency in performing activities of daily living.

"DMAS" means the Department of Medical Assistance Services.

"DMAS-122 form" means the Patient Information Form, which is used by the provider and the local DSS to exchange information regarding the responsibility of a Medicaid-eligible

recipient to make payment toward the cost of services or other information that may affect the eligibility status of a recipient.

"DSS" means the Department of Social Services.

"Designated preauthorization contractor" means the entity that has been contracted by DMAS to perform preauthorization of services.

~~*"Episodic respite care" means in-home services specifically designed to provide relief to the caregiver for a nonroutine, short term period of time for a specified reason (e.g., respite care offered for 7 days, 24 hours a day while the caregiver takes a vacation).*~~

"Fiscal agent" means an agency or organization that may be contracted by DMAS to handle employment, payroll, and tax responsibilities on behalf of the recipient who is receiving consumer-directed personal assistance services and consumer-directed respite services.

"Home and community-based care" means a variety of in-home and community-based services reimbursed by DMAS (case management, personal care, skilled nursing, respite care and nutritional supplements) authorized under a Social Security Act § 1915(c) AIDS Waiver designed to offer individuals an alternative to hospital or nursing facility care placement. Individuals may be preauthorized to receive one or more of these services either solely or in combination, based on the documented need for the ~~service(s)~~ service or services in order to avoid nursing facility or inpatient hospital placement. An individual may only receive home and community-based services up to the amount which would be equal to or less than the cost of hospital or nursing facility care. The Nursing Home preadmission screening team or, DMAS, or the designated preauthorization contractor shall give prior authorization for any Medicaid-reimbursed home and community-based care.

"Human Immunodeficiency Virus" or {"HIV}" means the virus which leads to acquired immune deficiency syndrome (AIDS). The virus weakens the body's immune system and, in doing so, allows "opportunistic" infections and diseases to attack the body.

"Instrumental activities of daily living" or "IADL" means social tasks, i.e., meal preparation, shopping, housekeeping, laundry, and money management. An individual's degree of independence in performing these activities is part of determining appropriate level of care and services. Meal preparation is planning, preparing, cooking, and serving food. Shopping is getting to and from the store, obtaining and paying for groceries, and carrying them home. Housekeeping is dusting, washing dishes, making beds, vacuuming, cleaning floors, and cleaning the bathroom and kitchen. Laundry is washing and drying clothes. Money management is paying bills, writing checks, handling cash transactions, and making change.

"Nursing Home Preadmission Screening" or "NHPAS" means the process to (i) evaluate the functional, nursing, and social supports of individuals referred for preadmission screening, (ii) analyze what specific services the individuals need, (iii) evaluate whether a service or a combination of existing community services are available to meet the individuals'

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needs, and (iv) authorize Medicaid-funded nursing facility or community-based care for those individuals who meet nursing facility level of care.

"Nursing Home Preadmission Screening Committee/Team" or "NHPAS Committee" or "NHPAS Team" means the entity contracted with DMAS that is responsible for performing nursing home preadmission screening. For individuals in the community, this entity is a committee comprised of a nurse from the local health department and a social worker from the local department of social services. For individuals in an acute care facility who require screening, the entity is a team of nursing and social work staff. A physician must be a member of both the local committee and an acute care team.

"Nutritional supplements" means nonlegend drug nutritional supplements covered under this waiver which are deemed by a physician to be necessary as the primary source of nutrition for the AIDS/ARC individual's recipient's health care plan (due to the prevalence of conditions of wasting, malnutrition and dehydration) and not available through any other food program.

~~"Preadmission screening" means the process to: (i) evaluate the medical, nursing, and social needs of individuals referred for prescreening, (ii) analyze what specific services the individuals need, (iii) evaluate whether a service or a combination of existing community services are available to meet the individuals' needs, and (iv) authorize Medicaid funded community based care for those individuals who meet hospital or nursing facility level of care and require such care.~~

~~"Preadmission screening team" means the multidisciplinary team contracted with DMAS to perform preadmission screening. DMAS will contract with regional and local AIDS Service Organizations (ASO) to perform the prescreening assessment, level of care determination and Plan of Care development for Medicaid eligible individuals with AIDS/ARC. Preadmission screening teams for individuals with AIDS/ARC may also be the nursing home preadmission screening teams contracted with DMAS to perform preadmission screening for Medicaid-eligible individuals at risk of placement in a nursing facility. At a minimum, the preadmission screening team must be comprised of the recipient, nursing and social work staff and a physician.~~

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

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

"Personal assistance services" or "PAS" means assistance with Activities of Daily Living, Instrumental Activities of Daily Living, access to the community, monitoring of self-administration of medication or other medical needs, and the monitoring of health status and physical condition.

~~"Program" means medical assistance services as administered by the Department of Medical Assistance Services.~~

~~"Participating provider" means an institution, facility, agency, partnership, corporation, or association that has a valid~~

~~contract with DMAS and meets the standards and requirements set forth by DMAS.~~

~~"Personal care services" means long term maintenance or support services necessary to enable the individual to remain at or return home rather than enter a hospital or nursing facility. Personal care services include assistance with personal hygiene, nutritional support, and the environmental maintenance necessary for recipients to remain in their homes.~~

~~"Plan of Care" means the written plan of services certified by the screening team physician as needed by the individual to ensure optimal health and safety for the delivery of home and community based care for the delivery of home and community-based care developed by the provider and related solely to the specific services required by the recipient to ensure his optimal health and safety.~~

~~"Private duty nursing" means individual and continuous nursing care provided by a registered nurse or a licensed practical nurse under the supervision of a registered nurse.~~

~~"Program" means the Virginia Medicaid program as administered by the Department of Medical Assistance Services.~~

~~"Respite care" means in-home services specifically designed to provide a temporary, but periodic or routine relief, to the primary unpaid caregiver of an individual a recipient who is incapacitated or dependent due to AIDS or ARC. Respite care services include assistance with personal hygiene, nutritional support, and environmental maintenance authorized as either episodic, temporary relief, or as a routine periodic relief of the caregiver.~~

~~"Respite care agency" means a participating provider that renders services designed to prevent or reduce inappropriate institutional care by providing eligible recipients with respite care aides who provide respite care services.~~

~~"Routine respite care" means in-home services specifically designed to provide relief from continuous care to the caregiver on a periodic basis over an extended period of time (i.e., respite care offered regularly one day a week for six hours).~~

~~"Service facilitation provider" means the provider contracted by DMAS that is responsible for ensuring that the assessment, development, and monitoring of the plan of care, management training, and review activities as required by DMAS are accomplished. Individuals employed by the service facilitation provider shall meet the knowledge, skills, and abilities as further defined in this part.~~

~~"Service plan" means the written plan of services certified by the NHPAS team physician as needed by the individual to ensure optimal health and safety for the delivery of home and community-based care.~~

~~"Skilled nursing" means professional nursing care provided by a registered nurse or licensed practical nurse in the individual's home or other community setting and that is necessary to avoid institutionalization of the individual with AIDS by. This service includes assessment and monitoring of the medical condition, providing interventions, and~~

communicating with the physician regarding changes in the patient's status.

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

"Uniform Assessment Instrument" or "UAI" means the standardized multidimensional questionnaire, which assesses an individual's social, physical health, mental health, and functional abilities. The UAI is used to gather information for the determination of an individual's care needs and service eligibility, and for planning and monitoring an individual's care across various agencies for long-term care services.

12 VAC 30-120-150. General coverage and requirements for home and community-based care services for individuals with HIV/AIDS.

A. Coverage statement.

1. Coverage shall be provided under the administration of the Department of Medical Assistance Services for individuals with HIV infection, who have been diagnosed and are experiencing the symptoms associated with AIDS or ARC, who would otherwise require the level of care provided in a hospital or nursing facility.

2. These services shall be medically appropriate, cost-effective and necessary to maintain these individuals in the community.

B. Patient eligibility requirements.

1. DMAS will apply the financial eligibility criteria contained in the State Plan for the categorically needy and the medically needy. Virginia has elected to cover the optional categorically needy group under 42 CFR 435.211, 435.231 and 435.217. The income level used for 435.211, 435.231 and 435.217 is 300% of the current Supplemental Security Income payment standard for one person.

Under this waiver, the coverage groups authorized under § 1902(a)(10)(A)(ii)(VI) of the Social Security Act will be considered as if they were institutionalized for the purpose of applying institutional deeming rules. The medically needy individuals participating in the waiver will also be considered as if they were institutionalized for the purpose of applying the institutional deeming rules.

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

amount that remains after deducting the following amounts in the following order from the individual's income:

a. For individuals to whom § 1924(d) applies:

(1) An amount for the maintenance needs of the individual which is equal to 300% of the categorically needy income standard for a noninstitutionalized individual.

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

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

(4) Amounts for incurred expenses for medical or remedial care that are not subject to payment by a third party including:

(a) Medicare and other health insurance premiums, deductibles, or coinsurance charges; and

(b) Necessary medical or remedial care recognized under state law, but not covered under the state's Medicaid Plan.

b. For all other individuals:

(1) An amount for the maintenance needs of the individual which is equal to 300% of the categorically needy income standard for a noninstitutionalized individual.

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

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

(a) Medicare and other health insurance premiums, deductibles, or coinsurance charges; and

(b) Necessary medical or remedial care recognized under state law, but not covered under the state's Medicaid Plan.

C. Assessment and authorization of home and community-based care services for individuals with AIDS/ARC.

1. The individual's status as an AIDS/ARC individual in need of home and community-based care services shall be determined by the preadmission screening team after completion of a thorough assessment of the individual's needs and available support. Screening by the preadmission screening team and preauthorization of home and community-based care services by DMAS staff, or the designated preauthorization contractor is mandatory before

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Medicaid will assume payment responsibility of home and community-based care services.

2. An essential part of the preadmission screening team's assessment process is determining the level of care required by applying existing criteria for hospital or nursing facility care according to the Virginia Medicaid Hospital Criteria or the Virginia Medicaid Nursing Facility Criteria.

3. The team shall explore alternative settings and/or services to provide the care needed by the individual. If hospital placement or a combination of other services are determined to be appropriate, the screening team shall initiate referrals for service. If Medicaid-funded home and community-based care services are determined to be the critical service to delay or avoid hospital or nursing facility placement, the screening team shall develop an appropriate Plan of Care, compute cost-effectiveness and make a recommendation for waiver services.

4. Virginia's home and community-based care services for individuals with AIDS/ARC may only be recommended by the preadmission screening team if:

a. The physician who is part of the designated preadmission screening team specifically states the individual has a diagnosis of AIDS or ARC,

b. The preadmission screening team can document that the individual is experiencing medical and functional symptoms associated with AIDS or ARC which would, in the absence of waiver services, require the level of care provided in a hospital, or nursing facility, the cost of which would be reimbursed under the State Medicaid Plan,

c. The individual requesting waiver services is not an inpatient of a nursing facility or hospital,

d. Waiver services can reasonably be expected to cost equal to or less than institutional services and ensure the individual's safety and welfare in the home and community.

5. The preadmission screening team must submit all preadmission screening information and a recommendation to DMAS for final determination of level of care and authorization for home and community-based care services. DMAS or the designated preauthorization contractor authorization must be obtained prior to referral and Medicaid reimbursement for waiver services.

12 VAC 30-120-160. General conditions and requirements for all participating providers for home and community-based services for individuals with AIDS/ARC.

All providers must meet the general requirements and conditions for provider participation. In addition, there are specific requirements for each of the service providers (case management, personal care, respite care ~~and skilled~~, *private duty nursing, nutritional supplements, consumer-directed personal assistance services, and consumer-directed respite care services*) which are set forth in 12 VAC 30-120-170 through 12 VAC 30-120-200.

A. General requirements. All providers approved for participation shall, at a minimum, perform the following activities:

1. Immediately notify DMAS, in writing, of any change in the information which the provider previously submitted to DMAS.

2. Assure freedom of choice to recipients in seeking medical care from any institution, pharmacy, practitioner, or other provider qualified to perform the service(s) required and participating in the Medicaid Program at the time the service was performed.

3. Assure the recipient has freedom to reject medical care and treatment.

4. Accept referrals for services only when staff is available to initiate services.

5. Provide services and supplies to recipients in full compliance with Title VI of the Civil Rights Act of 1964 which prohibits discrimination on the grounds of race, color, religion, or national origin and of § 504 of the Rehabilitation Act of 1973 which prohibits discrimination on the basis of a handicap.

6. Provide services and supplies to recipients in the same quality and mode of delivery as provided to the general public.

7. Charge DMAS for the provision of services and supplies to recipients in amounts not to exceed the provider's usual and customary charges to the general public.

8. Accept Medicaid payment from the first day of eligibility.

9. Accept as payment in full the amount established by the DMAS.

10. Use program-designated billing forms for submission of charges.

11. Maintain and retain business and professional records sufficient to document fully and accurately the nature, scope and details of the health care provided.

a. Such records shall be retained for at least five years from the last date of service or as provided by applicable state laws, whichever period is longer. If an audit is initiated within the required retention period, the records shall be retained until the audit is completed and every exception resolved. Records of minors shall be kept for at least five years after such minor has reached the age of 18 years.

b. Policies regarding retention of records shall apply even if the provider discontinues operation. DMAS shall be notified in writing of storage, location, and procedures for obtaining records for review should the need arise. The location, agent, or trustee shall be within the Commonwealth of Virginia.

12. Furnish to authorized state and federal personnel, in the form and manner requested, access to records and facilities.

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

14. Hold confidential and use for authorized DMAS purposes only all medical assistance information regarding recipients.

15. Change of ownership. When ownership of the provider agency changes, DMAS shall be notified within 15 calendar days.

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

C. Provider participation standards. For DMAS to approve contracts with home and community-based care providers the following standards as defined in the provider manuals shall be met:

1. Staffing requirements;
2. Financial solvency;
3. Disclosure of ownership; and
4. Assurance of comparability of services.

D. Adherence to provider contract and special participation conditions. In addition to compliance with the general conditions and requirements, all providers enrolled by the Department of Medical Assistance Services shall adhere to the conditions of participation outlined in their individual provider contracts and in the applicable DMAS provider service manual.

E. Recipient choice of provider agencies. If there is more than one approved provider agency in the community, the individual will have the option of selecting the provider agency of his choice.

F. Termination of provider participation. DMAS may administratively terminate a provider from participation upon 60 days' written notification. DMAS may also cancel a contract immediately or may give notification in the event of a breach of the contract by the provider as specified in the DMAS contract. Such action precludes further payment by DMAS for services provided recipients subsequent to the date specified in the termination notice.

G. Reconsideration of adverse actions. Adverse actions may include, but are not limited to disallowed payment of claims for services rendered which are not in accordance with DMAS policies and procedures, caseload restrictions, and contract limitation or termination. The following procedures will be available to all providers when DMAS takes adverse action which includes termination or suspension of the provider agreement.

1. The reconsideration process shall consist of three phases:
 - a. A written response and reconsideration to the preliminary findings.

- b. An informal conference.

- c. A formal evidentiary hearing.

2. The provider shall have 30 days to submit information for written reconsideration, 15 days from the date of the notice to request an informal conference, and 15 days from the date of the initial agency decision to request a formal evidentiary hearing.

3. An appeal of adverse actions shall be heard in accordance with the Administrative Process Act (§ ~~9-6-14:1~~ 2.2-4000 et seq. of the Code of Virginia) and the State Plan. Judicial review of the final agency determination shall be made in accordance with the Administrative Process Act.

H. Participating provider agency's responsibility for the Recipient Information Form (DMAS-122). It is the responsibility of the provider agency to notify DMAS and the DSS, in writing, when any of the following circumstances occur:

1. Home and community-based care services are implemented.
2. A recipient dies.
3. A recipient is discharged or terminated from services.
4. Any other circumstances (including hospitalization) which cause home and community-based care services to cease or be interrupted for more than 30 days.

I. Changes or termination of care. Agencies providing direct service are responsible for revisions to their individual service plan but must have any change which increases the amount of service or any change not agreed to by the recipient authorized by the case manager (refer to 12 VAC 30-120-170).

1. Decreases in amount of authorized care by the provider agency.

- a. The provider agency may decrease the amount of authorized care only if the recipient agrees with the provider that a decrease in care is needed and that the amount of care in the revised Plan of Care is appropriate.

- b. The provider is responsible for devising the new Plan of Care and calculating the new hours of service delivery.

- c. The provider shall discuss the decrease in care with the recipient and/or family, document the conversation in the recipient's record, and shall notify the recipient or family and the recipient's case manager of the change by letter. The participating provider shall give the recipient and/or family 10 days written notification of the intent to decrease services. The letter shall provide the reasons for and effective date of the decrease. The effective date of the decrease in service shall be at least five days from the date of the decrease notification letter.

- d. If the recipient disagrees with the decrease proposed, the provider shall contact the case manager to review the recipient's service needs and authorize the needed level of service.

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2. Increases in amount of authorized care. If a change in the recipient's condition (physical, mental, or social) necessitates an increase in care, the provider shall develop a Plan of Care for services to meet the changed needs and contact the case manager assigned to the recipient who will, if appropriate, authorize the increase in service. The provider may implement the increase in hours once approval from the case manager is obtained.

3. Nonemergency termination of home and community-based care services by the provider. The provider shall give the recipient and/or family five days' written notification of the intent to terminate services. The letter shall provide the reasons for and effective date of the termination. The effective date of services termination shall be at least five days from the date of the termination notification letter.

4. Emergency termination of home and community-based care services by the participating provider. In an emergency situation when the health and safety of the recipient or provider agency personnel is endangered the DMAS must be notified prior to termination. The five-day written notification period shall not be required.

5. Termination of home and community-based care services for a recipient by the case manager. The effective date of termination shall be at least 10 days from the date of the termination notification letter. The case manager has the responsibility and the authority to terminate home and community-based care services to the recipient for any of these reasons:

- a. Home and community-based care services are no longer the critical alternative to prevent or delay institutional placement.
- b. The recipient no longer meets the level-of-care criteria.
- c. The recipient's environment does not provide for his health, safety, and welfare.
- d. An appropriate and cost-effective Plan of Care cannot be developed.

J. Suspected abuse or neglect. Pursuant to ~~§ 63.1-55.3~~ 63.2-1606 of the Code of Virginia, if a participating provider agency knows or suspects that a home and community-based care recipient is being abused, neglected, or exploited, the party having knowledge or suspicion of the abuse/neglect/exploitation shall report this to the local DSS.

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

12 VAC 30-120-165. Consumer-directed services: personal assistance and respite care services.

A. Service definition.

1. *Consumer-directed personal assistance services is hands-on care of either a supportive or health-related nature and may include, but is not limited to, assistance with activities of daily living, access to the community, monitoring of self-administration of medication or other medical needs, monitoring health status and physical condition, and work-related personal assistance. When specified, such supportive services may include assistance with instrumental activities of daily living (IADLs). Personal assistance does not include either practical or professional nursing services or those practices regulated in Chapters 30 (§ 54.1-3000 et seq.) and 34 (§ 54.1-3400 et seq.) of Subtitle III of Title 54.1 of the Code of Virginia, as appropriate.*

2. *Consumer-directed respite care services are specifically designed to provide temporary, periodic, or routine relief to the unpaid primary caregiver of an individual. Respite services include, but are not limited to, assistance with personal hygiene, nutritional support, and environmental support. This service may be provided in the individual's home or other community settings.*

3. *DMAS shall either provide for fiscal agent services or contract for the services of a fiscal agent for consumer-directed personal assistance services and consumer-directed respite care services. The fiscal agent will be reimbursed by DMAS to perform certain tasks as an agent for the individual/employer who is receiving consumer-directed services. The fiscal agent will handle responsibilities for the individual for employment taxes. The fiscal agent will seek and obtain all necessary authorizations and approvals of the Internal Revenue Services in order to fulfill all of these duties.*

4. *Individuals choosing consumer-directed services must receive support from a CD services facilitator. This is not a separate waiver service, but is required in conjunction with consumer-directed personal assistance services, or respite care services. The CD Service Facilitator will be responsible for assessing the individual's particular needs for a requested CD service, assisting in the development of the plan of care, providing training to the individual and family/caregiver on his responsibilities as an employer, and providing ongoing support of the consumer-directed services. The CD service facilitator cannot be the individual, the individual's case manager, direct service provider, spouse, or parent of the individual who is a minor child, or a family/caregiver employing the assistant.*

B. Criteria.

1. *In order to qualify for consumer-directed personal assistance services, the individual must demonstrate a need for personal assistance in activities of daily living, community access, self-administration of medication, or other medical needs, or monitoring health status or physical condition.*

2. Consumer-directed respite care services may only be offered to individuals who have an unpaid caregiver living in the home that requires temporary relief to avoid institutionalization of the individual. Respite services are designed to focus on the need of the unpaid caregiver for temporary relief and to help prevent the breakdown of the unpaid caregiver due to the physical burden and emotional stress of providing continuous support and care to the individual.

3. Individuals who are eligible for consumer-directed services must have the capability to hire and train their own personal assistants and supervise the assistant's performance. If an individual is unable to direct his own care or is under 18 years of age, a family/caregiver may serve as the employer on behalf of the individual.

4. The individual, or if the individual is unable, then a family/caregiver, shall be the employer in this service, and therefore shall be responsible for hiring, training, supervising, and firing assistants. Specific employer duties include checking of references of personal assistants, determining that personal assistants meet basic qualifications, training assistants, supervising the assistant's performance, and submitting timesheets to the fiscal agent on a consistent and timely basis. The individual or family/caregiver must have a back-up plan in case the assistant does not show up for work as expected or terminates employment without prior notice.

C. Service units and service limitations.

1. The unit of service for consumer-directed respite services is one hour. Consumer-directed respite services are limited to a maximum of 720 hours per calendar year. Individuals who receive consumer-directed respite care and agency-directed respite care services may not receive more than 720 hours combined.

2. No more than two unrelated individuals who live in the same home are permitted to share the authorized work hours of the assistant.

3. There shall be a limit of eight hours per 24-hour day for consumer-directed services, whether it is a standalone service or is combined with agency-directed services.

4. The unit of service for consumer-directed personal assistance services is one hour. Each individual must have a back-up plan in case the assistant does not show up for work as expected or terminates employment without prior notice.

D. Provider qualifications. In addition to meeting the general conditions and requirements for home and community-based services participating providers as specified in 12 VAC 30-120-150 and 12 VAC 30-120-160, the CD services facilitator must meet the following qualifications:

1. To be enrolled as a Medicaid CD services facilitator and maintain provider status, the CD services facilitator shall have sufficient resources to perform the required activities. In addition, the CD services facilitator must have the ability to maintain and retain business and professional records sufficient to document fully and accurately the nature, scope, and details of the services provided.

2. It is preferred that the CD services facilitator possess a minimum of an undergraduate degree in a human services field or be a registered nurse currently licensed to practice in the Commonwealth of Virginia. In addition, it is preferable that the CD services facilitator have two years of satisfactory experience in a human services field working with persons with HIV/AIDS. The CD services facilitator must possess a combination of work experience and relevant education that indicates possession of the following knowledge, skills, and abilities. Such knowledge, skills, and abilities must be documented on the provider's application form, found in supporting documentation, or be observed during the job interview. Observations during the interview must be documented. The knowledge, skills, and abilities include:

a. Knowledge of:

(1) Types of functional limitations and health problems that may occur in persons with HIV/AIDS, as well as strategies to reduce limitations and health problems;

(2) Physical assistance that may be required by persons with HIV/AIDS, such as transferring, bathing techniques, bowel and bladder care, and the approximate time those activities normally take;

(3) Equipment and environmental modifications that may be required by persons with HIV/AIDS that reduces the need for human help and improve safety;

(4) Various long term care program requirements, including nursing facility and assisted living facility placement criteria, Medicaid waiver services, and other federal, state and local resources that provide personal assistance and respite care services;

(5) DMAS HIV/AIDS waiver requirements, as well as the administrative duties for which the recipient will be responsible;

(6) Conducting assessments (including environmental, psychosocial, health, and functional factors) and their uses in care planning;

(7) Interviewing techniques;

(8) The recipient's right to make decisions about, direct the provisions of, and control his CD personal assistance and respite services, including hiring, training, managing, approving time sheets, and firing an assistant;

(9) The principles of human behavior and interpersonal relationships; and

(10) General principles of record documentation;

b. Skills in:

(1) Negotiating with recipients and service providers;

(2) Assessing, supporting, observing, recording, and reporting behaviors;

(3) Identifying, developing, or providing services to recipients with HIV/AIDS, and

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- (4) *Identifying services within the established services system to meet the recipient's needs.*
- c. *Abilities to:*
- (1) *Report findings of the assessment or onsite visit, either in writing or an alternative format for recipients who have visual impairments;*
 - (2) *Demonstrate a positive regard for recipients and their families;*
 - (3) *Be persistent and remain objective;*
 - (4) *Work independently, performing position duties under general supervision;*
 - (5) *Communicate effectively, verbally and in writing; and*
 - (6) *Develop a rapport and communicate with different types of recipients from diverse cultural backgrounds.*
3. *If the CD services facilitator is not a registered nurse, the service facilitator must contact the primary health care provider to inform them that services are being provided and to request consultation as needed.*
4. *Initiation of services and service monitoring.*
- a. *For consumer-directed services, the CD services facilitator must make an initial comprehensive home visit to collaborate with the individual and family/caregiver to identify the needs, assist in the development of the plan of care with the individual or family/caregiver, and provide employee management training. The initial comprehensive home visit is done only once upon the individual's entry into the service. If a waiver individual changes CD services facilitators, the new CD services facilitator must complete a reassessment visit in lieu of a comprehensive visit.*
 - b. *After the initial visit, the CD services facilitator will continue to monitor the assistant's plan of care quarterly and on an as-needed basis. The CD services facilitator will review the utilization of consumer-directed respite services, either every six months or upon the use of 300 respite services hours, whichever comes first.*
 - c. *A face-to-face meeting with the individual must be conducted at least every six months to ensure appropriateness of any CD services received by the individual.*
5. *During visits with the individual, the CD services facilitator must observe, evaluate, and consult with the individual or family/caregiver, and document the adequacy and appropriateness of consumer-directed services with regard to the individual's current functioning and cognitive status, medical, and social needs. The CD services facilitator's written summary of the visit must include, but is not necessarily limited to:*
- a. *Discussion with the individual or family/caregiver whether the service is adequate to meet the individual's needs;*
 - b. *Any suspected abuse, neglect, or exploitation and who it was reported to;*
 - c. *Any special tasks performed by the assistant and the assistant's qualifications to perform these tasks;*
 - d. *Individual's or family/caregiver's satisfaction with the service;*
 - e. *Any hospitalization or change in medical condition, functioning, or cognitive status; and*
 - f. *The presence or absence of the assistant in the home during the CD services facilitator's visit.*
6. *The CD services facilitator must be available to the individual by telephone.*
7. *The CD services facilitator must submit a criminal record check pertaining to the assistant on behalf of the individual and report findings of the criminal record check to the individual or the family/caregiver and the program's fiscal agent. If the individual is a minor, the assistant must also be screened through the DSS Child Protective Services Central Registry. Assistants will not be reimbursed for services provided to the individual on or after the date that the criminal record check confirms an assistant has been found to have been convicted of a crime as described in § 37.1-183.3 of the Code of Virginia or on or after the date the DSS Child Protective Services Registry has a confirmed record. The criminal record check and in the case of a minor recipient a DSS Child Protective Services Registry finding must be requested by the CD services facilitator prior to beginning CD services.*
8. *The CD services facilitator shall review timesheets during the face-to-face visits to ensure that the number of plan of care-approved hours are not exceeded. If discrepancies are identified, the CD services facilitator must discuss these with the individual to resolve discrepancies and must notify the fiscal agent.*
9. *The CD services facilitator must maintain a list of persons who are available to provide consumer-directed personal assistance or consumer-directed respite services.*
10. *The CD services facilitator must maintain records of each individual. At a minimum these records must contain:*
- a. *Results of the initial comprehensive home visit completed prior to or on the date services are initiated and subsequent reassessments and changes to the supporting documentation. For consumer-directed respite care, the CD services facilitator must make an initial comprehensive home visit to collaborate with the recipient and family/caregiver to identify the needs, assist with the development of the plan of care with the recipient or family/caregiver, and provide employee management training. The initial comprehensive home visit is done only once upon the recipient's initial entry into the service. After the initial visit, the CD services facilitator will review the utilization of consumer-directed respite care services either every six months or upon the use of 300 respite service hours, whichever comes first. If a recipient changes CD services facilitators, the new CD services*

facilitator must bill for a reassessment in lieu of a comprehensive visit.

b. The plan of care goals and activities must be reviewed at least annually by the CD services facilitator, the recipient and family/caregiver receiving the services, and the case manager. In addition, the plan of care must be reviewed by the CD services facilitator quarterly, modified as appropriate, and submitted to the case manager;

c. CD service facilitator's dated notes documenting any contacts with the recipient, family/caregiver, and visits to the recipient's home;

d. All correspondence to the recipient, case manager, the designated preauthorization contractor, and DMAS.

e. Records of contacts made with family/caregiver, physicians, formal and informal service providers, and all professionals concerning the recipient;

f. All training provided to the assistants on behalf of the recipient or family/caregiver;

g. All employee management training provided to the recipient or family/caregiver, including the recipient's or family/caregiver's receipt of training on their responsibility for the accuracy of the assistant's timesheets;

h. All documents signed by the recipient or the recipient's family/caregiver that acknowledge the responsibilities as the employer; and

i. The facilitator must clearly document efforts to obtain the most recently completed DMAS-122 from the case manager.

11. For consumer-directed personal assistance and consumer-directed respite services, individuals or family/caregivers will hire their own personal assistants and manage and supervise their performance. The assistant must meet the following requirements:

a. Be 18 years of age or older;

b. Have the required skills to perform consumer-directed services as specified in the individual's plan of care;

c. Possess basic math, reading, and writing skills;

d. Possess a valid Social Security number;

e. Submit to a criminal records check and, if the individual is a minor, consent to a search of the DSS Child Protective Services Central Registry. The assistant will not be compensated for services provided to the individual if either of these records checks verifies the assistant has been convicted of crimes described in § 37.1-183.3 of the Code of Virginia or if the assistant/companion has a founded complaint confirmed by the DSS Child Protective Services Central Registry;

f. Be willing to attend training at the individual's or family/caregiver's request;

g. Understand and agree to comply with the DMAS AIDS waiver requirements; and

h. Receive periodic tuberculosis (TB) screening, cardiopulmonary resuscitation (CPR) training and an annual flu shot (unless medically contraindicated).

12. Assistants may not be the parents of individuals who are minors or the individuals' spouses. Payment may not be made for services furnished by other family/caregivers living under the same roof as the individual being served unless there is objective written documentation as to why there are no other providers available to provide the care.

13. Family members who are reimbursed to provide consumer-directed services must meet the assistant qualifications.

14. Should the recipient's assistant not be available for work and upon the recipient's request, the CD services facilitator shall provide the recipient or family/caregiver with a list of persons who can provide temporary assistance until the assistant returns or the recipient is able to select and hire a new personal assistant. If a recipient is consistently unable to hire and retain the employment of an assistant to provide consumer-directed personal assistance or respite services, the CD services facilitator will make arrangements with the case manager to have the services transferred to an agency-directed services provider or to discuss with the recipient or family/caregiver other service options.

E. Recipient responsibilities.

1. The recipient shall cooperate with the development of the plan of care with the service facilitation provider, who monitors the plan of care and provides supportive services to the recipient. The recipient shall also cooperate with the fiscal agent that handles fiscal responsibilities on behalf of the recipient. Recipients who do not cooperate with the service facilitation provider and fiscal agent will be disenrolled from consumer-directed services and enrolled in agency-directed services.

2. Recipients will acknowledge that they will not knowingly continue to accept consumer-directed personal assistance services when the services are no longer appropriate or necessary for their care needs and will inform the service facilitation provider.

3. The recipient's right to make decisions about, direct the provisions of, and control his assistance care and consumer-directed respite care services, including hiring, training, managing, approving time sheets, and firing an assistant shall be preserved.

F. Service facilitation provider duties.

1. The CD service facilitator must make an initial, comprehensive home visit to develop the recipient's plan of care with the recipient or family/caregiver and provide employee management training. Recipients or family/caregivers who cannot receive management training at the time of the initial visit must receive management training within seven days of the initial visit. After the initial visit, two routine onsite visits must occur in the recipient's home within 60 days of the initiation of care or the initial visit to monitor the plan of care. The CD service facilitator will continue to monitor the plan of care on an as needed basis, not to exceed a maximum of one routine onsite visit every

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30 days but no less than the minimum of one routine onsite visit every six months per recipient. The initial comprehensive visit is performed only once upon the recipient's entry into the program. If a waiver recipient changes CD service facilitation provider agencies, the new CD service facilitator shall bill for a reassessment in lieu of a comprehensive visit. After the first two routine onsite visits, the CD services facilitator and recipient can decide on the frequency of the routine onsite visits. However, a face-to-face meeting with the recipient must be conducted at least every six months to ensure appropriateness of services.

2. A reevaluation of the recipient's level of care will occur six months after initial entry into the program, and subsequent reevaluations will occur at a minimum of every six months. During visits to the recipient's home, the CD service facilitator shall observe, evaluate, consult with the individual or family/caregiver, and document the adequacy and appropriateness of consumer-directed services with regard to the recipient's current functioning and cognitive status, medical, and social needs. The CD service facilitator shall discuss the recipient's satisfaction with the type and amount of service. The CD service facilitator's written summary of the visit shall include, but is not necessarily limited to:

- a. Whether consumer-directed services continue to be appropriate and medically necessary to prevent institutionalization;
- b. Whether the plan of care is adequate to meet the needs of the recipient;
- c. Any suspected abuse, neglect, or exploitation and to whom it was reported;
- d. Any special tasks performed by the assistant and the assistant's qualifications to perform these tasks;
- e. The recipient's or family/caregiver's satisfaction with the service;
- f. Any hospitalization or change in medical condition, functioning, or cognitive status;
- g. Other services received and their amount; and
- h. The presence or absence of the assistant in the home during the service facilitator's visit.

3. The CD service facilitator shall be available to the recipient by telephone.

4. The CD service facilitator shall maintain a personal assistant registry. The registry shall contain names of persons who have experience with providing personal assistance services or who are interested in providing personal assistance services. The registry shall be maintained as a supportive source for the recipient who may use the registry to obtain the names of potential personal assistants. The CD service facilitation provider shall note on the plan of care what constitutes the recipient's back-up plan in case the personal assistant does not report for work as expected or terminates employment without prior notice. Upon the recipient's request, the CD service facilitation provider shall provide the recipient with a list of persons on the personal assistant registry who can

provide temporary assistance until the assistant returns or the recipient is able to select and hire a new personal assistant. If a recipient is consistently unable to hire and retain the employment of an assistant to provide personal assistance services, the CD service facilitation provider must:

- a. Contact DMAS or the designated preauthorization contractor to transfer the recipient to a provider that provides Medicaid-funded agency-directed personal care services. The CD service facilitation provider will make arrangements to have the recipient transferred, or
- b. Contact the local health department and request a Nursing Home Preadmission Screening to determine if another long-term care option is appropriate.

5. The consumer-directed service facilitation provider must maintain all records of each consumer-directed services recipient. At a minimum these records shall contain:

- a. All copies of the completed Uniform Assessment Instrument (UAI), the Long-Term Care Preadmission Screening Authorization (DMAS-96), the Screening Team Service Plan (DMAS-97), the Consent to Exchange Information (DMAS-20), all plans of care, and all DMAS-122s.
- b. The consumer-directed service facilitation provider's notes recorded and dated during any contacts with the recipient and during visits to the recipient's home.
- c. All correspondence to the recipient and to DMAS.
- d. Reassessments made during the provision of services.
- e. Records of contacts made with family, physicians, DMAS, formal and informal service providers, and all professionals concerning the recipient.
- f. All training provided to the personal assistants on behalf of the recipient or family/caregiver.
- g. All recipient progress reports.
- h. All management training provided to the recipient or family/caregivers, including the recipient's or family/caregiver's responsibility for the accuracy of the timesheets.
- i. All documents signed by the recipient or the recipient's family/caregiver that acknowledge the responsibilities of the services.

6. The CD service facilitation provider is required to submit to DMAS biannually, for every recipient, a recipient progress report, an updated UAI, and any monthly visit/progress reports. This information is used to assess the recipient's ongoing need for Medicaid-funded long-term care and appropriateness and adequacy of services rendered.

7. The CD services facilitator must submit prior to beginning CD services a criminal record check of the personal assistant on behalf of the recipient and report findings of the criminal record check to the recipient or family/caregiver and the program's fiscal agent. DMAS will reimburse for up to six criminal record checks per recipient within a six-month period. Personal assistants will not be reimbursed for

services provided to the recipient on or after the date the criminal record check confirms a personal assistant has been found to have been convicted of a crime as described in § 32.1-162.9:1 of the Code of Virginia or if the personal assistant has a confirmed record on the DSS Child Protective Services Registry. If the recipient is a minor, the personal assistant must also be screened through DSS child protective services registry.

8. The CD services facilitator shall verify bi-weekly timesheets signed by the recipient or the family/caregiver and the personal assistant to ensure that the number of plan of care approved hours are not exceeded. If discrepancies are identified, the CD services facilitator must contact the recipient to resolve the discrepancies and must notify the fiscal agent. If a recipient is consistently being identified as having discrepancies in his timesheets, the CD services facilitator must contact the case manager to resolve the situation. The CD services facilitator cannot verify timesheets for personal assistants whose criminal record checks have confirmed that they have been convicted of a crime described in § 32.1-162.9:1 of the Code of Virginia or in the case of a minor recipient have a confirmed case with the DSS Child Protective Services Registry and must notify the fiscal agent.

12 VAC 30-120-170. Case management services.

The following are specific requirements governing the provision of case management services. Case management is one of ~~five~~ seven services covered under the home and community based care program for individuals with AIDS/ARC.

A. General. Case management services are offered to enable continuous assessment, coordination and monitoring of the needs of the persons diagnosed with AIDS or ARC throughout the term of the individual's receipt of waiver services. Every AIDS/ARC individual authorized for home and community-based services shall be offered case management services as an adjunct to other offered services. A Medicaid-eligible individual may not be authorized for home and community-based services unless that individual is both diagnosed with AIDS or ARC and is experiencing symptoms which require delivery of a home and community-based service other than case management. An individual authorized for home and community-based services for conditions of AIDS/ARC may continue to receive case management services during periods when other home and community-based services are not being utilized as long as receipt of case management services can be shown to continue to prevent the individual's institutionalization.

B. Special provider participation conditions. To be a participating case management provider the following conditions shall be met:

1. The provider shall employ case management staff responsible for the reevaluation of need, monitoring of service delivery, revisions to the Plan of Care and coordination of services. This staff shall possess, at a minimum:

a. A baccalaureate degree in human services (i.e., social work, psychology, sociology, counseling, or a related field) or nursing;

b. Knowledge of the infectious disease process (specifically HIV) and the needs of the terminally-ill population, knowledge of the community service network and eligibility requirements and application procedures for applicable assistance programs;

c. Ability to access other health and social work professionals in the community to serve as members of a multidisciplinary team for reevaluation and coordination of services activities, ability to organize and monitor an integrated service plan for individuals with multiple problems and limited resources, ability to access (or have expertise in) medical and clinical expertise related to HIV infection and ability to demonstrate liaisons with clinical facilities providing diagnostic evaluation and/or treatment for persons with HIV; and

d. Skills in communication, service plan development, client advocacy and monitoring of a continuum of managed care.

Documentation of all staffs' credentials shall be maintained in the provider agency's personnel file for review by DMAS staff. Providers of case management may utilize the services of volunteers or employees who do not meet this criteria to perform the day-to-day interactions with recipients commonly included in the case management process. There shall be, however, a case manager responsible for supervision of these volunteers or employees to include at a minimum weekly case consultations, decision-making related to the individual's Plan of Care and appropriateness for waiver services and training of the volunteers or employees interacting with the waiver recipient. The use of volunteers or other employees to perform the day-to-day interactions does not relieve the case manager from responsibility for direct contact (as defined below) with the recipient and overall responsibility for care management.

2. Designate a qualified staff person as case manager who shall:

a. Contact the waiver recipient, at a minimum, once every 30 days. If the waiver recipient has a volunteer(s) or other staff assigned for regular face-to face contact, this contact by the case manager may be a telephone contact. Otherwise, the contact by the case manager shall be a face-to-face interaction.

b. Contact the providers of direct waiver service(s), at a minimum, once every 30 days. Collateral contacts with other supports shall be made periodically, as determined by the needs of the recipient and extent of the support system.

c. Maintain a file for each recipient which includes:

(1) An ongoing progress report which documents all communications between the case manager and recipient, providers, and other contacts. If the case manager is supervising a volunteer or employee who is assigned to provide day-to-day case management interactions with the recipient, the volunteer or

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employee must submit to the case manager a monthly summary of all interactions between the volunteer or employee and the recipient,

(2) The recipient's assessment documentation and documentation of reassessments of level of care and need for services conducted quarterly by the case manager and the individual's case management team,

(3) The initial Plan of Care and all subsequent revisions,

(4) Communication from DMAS, physician, service providers, and any other parties.

d. Reviews of the Plan of Care every three months, or more frequently if necessary, and continue any revisions indicated by the changed needs or support of the recipient. These reviews shall be documented in the recipient's file. The documentation shall note all members of the case management team who provided input to the Plan of Care.

3. Maintain a ratio of case manager staff to recipient caseload which allows optimum monitoring and reevaluation ability. The caseload ability of the case manager may vary according to other duties, availability of resources, stage of recipients in caseload, and utilization of volunteers. A ratio of one case manager to a caseload size of 25 waiver recipients is deemed desirable, but can be exceeded as long as quality of case management services are not affected.

C. Nutritional supplement authorization. Nutritional supplements which do not contain a legend drug may be purchased for the recipient of waiver services for conditions of AIDS/ARC when the nutritional supplements are certified by the physician as the primary source of nutrition and necessary for the successful implementation of the individual's health care plan and the individual is not able to purchase these food supplements through other available means. The amount of nutritional supplements shall be limited by medical necessity and cost effectiveness. Case management providers shall authorize the purchase of physician-ordered nutritional supplements through the Plan of Care approved by DMAS or the designated preauthorization contractor. The case management provider shall complete an invoice authorizing the purchase which the recipient can use to purchase the nonlegend drug nutritional supplements from an approved Medicaid provider.

12 VAC 30-120-180. Personal care services.

The following requirements govern the provision of personal care services:

A. General. Personal care services are offered to ~~individuals in their homes~~ an individual as long-term maintenance or support services which are necessary in order to enable the individual to remain at or return home rather than enter a hospital or nursing facility. Personal care services provide eligible individuals with personal care aides who perform basic health-related services, such as helping with activities of daily living, assisting with ambulation, exercises, assisting with normally self-administered medications, reporting changes in recipient's conditions and needs, and/or providing household

services essential to health in the home. Generally, personal care services include assistance with personal hygiene, nutritional support, and the environmental maintenance necessary for recipients to remain in their homes. *Recipients may continue to work or attend post-secondary school, or both, while they receive services under this waiver. The personal care assistant who assists the recipient may accompany that person to work or school or both and may assist the person with personal needs while the individual is at work or school or both. DMAS will also pay for any personal care services that the assistant gives to the enrolled recipient to assist him in getting ready for work or school or both or when he returns home. DMAS will review the recipient's needs and the complexity of the disability when determining the services that will be provided to the recipient in the workplace or school or both.*

B. DMAS will not duplicate services that are required as a reasonable accommodation as a part of the Americans with Disabilities Act (ADA) (42 USC §§ 12131 through 12165) or the Rehabilitation Act of 1973. For example, if the recipient's only need is for assistance during lunch, DMAS would not pay for the assistant to be with the recipient for any hours extending beyond lunch. For a recipient whose speech is such that he cannot be understood without an interpreter (not translation of a foreign language), or the recipient is physically unable to speak or make himself understood even with a communication device, the assistant's services may be necessary for the length of time the recipient is at work or school or both. DMAS will reimburse for the assistant's services except for assistance services that are required to be provided by the employer or school under the ADA or the Rehabilitation Act but only to the extent such time and services are consistent with the recipient's plan of care.

C. The provider agency must develop an individualized plan of care that addresses the recipient's needs at home and work and in the community. DMAS will not pay for the assistant to assist the enrolled recipient with any functions related to the recipient completing his job or school functions or for supervision time during work or school or both.

~~B.~~ D. Special provider participation conditions. The personal care provider shall:

1. Demonstrate a prior successful delivery of health care services.

2. Operate from a business office.

3. Employ (or subcontract with) and directly supervise at least a registered nurse (RN) who will provide ongoing supervision of all personal care aides.

a. The RN shall be currently licensed to practice in the Commonwealth of Virginia and have at least two years of related clinical nursing experience (which may include work in a acute care hospital, public health clinic, home health agency, or nursing home, or as a Licensed Practical Nurse (LPN)).

b. The RN supervisor shall make an initial assessment home visit prior to the start of care for all new recipients admitted to personal care.

c. The RN shall make supervisory visits as often as needed to ensure both quality and appropriateness of services. A minimum frequency of these visits is every 30 days. *The RN supervisor shall make supervisory visits as often as needed, but no fewer visits than provided as follows, to ensure both quality and appropriateness of services.*

(1) A minimum frequency of these visits is every 30 days for recipients with a cognitive impairment and every 90 days for recipients who do not have a cognitive impairment.

(2) The initial home assessment visit by the RN shall be conducted to create the plan of care and assess the recipients' needs. The RN supervisor shall return for a follow-up visit within 30 days after the initial visit to assess the recipient's needs and make a final determination that there is no cognitive impairment. This determination must be documented in the recipient's record by the RN supervisor. Recipients who are determined to have a cognitive impairment will continue to have supervisory visits every 30 days.

(3) If there is no cognitive impairment, the RN supervisor may give the recipient or family/caregiver or both the option of having the supervisory visit every 90 days or any increment in between, not to exceed 90 days. The RN supervisor must document in the recipient's record this conversation and the option that was chosen.

(4) The provider agency has the responsibility of determining if 30-day RN supervisory visits are appropriate for the recipient. The provider agency may offer the extended RN supervisor visits, or the agency may choose to continue the 30-day supervisory visits based on the needs of the individual. The decision must be documented in the recipient's record.

(5) If a recipient's personal care assistant is supervised by the provider's registered nurse less often than every 30 days and DMAS or the designated preauthorization contractor determines that the recipient's health, safety, or welfare is in jeopardy, DMAS or the designated preauthorization contractor, may require the provider's registered nurse to supervise the personal care aide every 30 days or more frequently than what has been determined by the registered nurse. This will be documented and entered in the recipient's record.

d. During visits to the recipient's home, the RN shall observe, evaluate, and document the adequacy and appropriateness of personal care services with regard to the recipient's current functioning status, medical, and social needs. The personal care aide's record shall be reviewed and the recipient's (or family's) satisfaction with the type and amount of service discussed. The RN summary shall note:

(1) Whether personal care services continue to be appropriate.

(2) Whether the plan is adequate to meet the need or changes are indicated in the plan.

(3) Any special tasks performed by the aide and the aide's qualifications to perform these tasks.

(4) Recipient's satisfaction with the service.

(5) Hospitalization or change in medical condition or functioning status.

(6) Other services received and their amount.

(7) The presence or absence of the aide in the home during the RN's visit.

e. The registered nurse shall be available to the personal care aide for conference pertaining to individuals being served by the aide and shall be available to aide by telephone at all times that the aide is providing services to personal care recipients.

f. The RN supervisor shall evaluate the aide's performance and the recipient's individual needs to identify any gaps in the aide's abilities to function competently and shall provide training as indicated.

4. Employ and directly supervise personal care aides who will provide direct care to personal care recipients. Each aide hired by the provider agency shall be evaluated by the provider agency to ensure compliance with minimum qualifications as required by DMAS. Each aide:

a. Shall be able to read and write.

b. Shall complete 40 hours of training consistent with DMAS standards. Prior to assigning an aide to a recipient, the provider agency shall ensure that the aide has satisfactorily completed a training program consistent with DMAS standards.

c. Shall be physically able to do the work.

d. Shall have a satisfactory work record, as evidenced by references from prior job experience, including no evidence of possible abuse, neglect or exploitation of incapacitated or older adults and children.

e. Shall not be a member of the recipient's family (e.g., family is defined as parents, spouses, children, siblings, grandparents, and grandchildren) parents of minor children or spouses.

~~E.~~ E. Provider inability to render services and substitution of aides.

1. When a personal care aide is absent and the agency has no other aide available to provide services, the provider agency is responsible for ensuring that services continue to recipients. The agency may either obtain a substitute aide from another agency, if the lapse in coverage is to be less than two weeks in duration, or may transfer the recipient to another agency. If no other provider agency is available, the provider agency shall notify the recipient or family so they may contact the local health department to request a nursing home preadmission screening if nursing home placement is desired.

2. During temporary, short-term lapses in coverage (not to exceed two weeks in duration), the following procedure shall apply:

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a. The personal care agency having recipient responsibility shall provide the registered nurse supervision for the substitute aide.

b. The agency providing the substitute aide shall send to the personal care agency having recipient care responsibility a copy of the aide's signed daily records signed by the recipient.

c. The provider agency having recipient responsibility shall bill DMAS for services rendered by the substitute aide. The two agencies involved shall negotiate the financial arrangements of paying the substitute aide.

3. If a provider agency secures a substitute aide, the provider agency shall be responsible for ensuring that all DMAS requirements continue to be met, including documentation of services rendered by the substitute aide and documentation that the substitute aide's qualifications meet DMAS requirements.

D. F. Required documentation in recipients' records. The provider agency shall maintain all records of each personal care recipient. At a minimum these records shall contain:

1. The most recently updated Long Term Care Assessment Instrument, the Prescreening Authorization, the Screening Team Plan of Care, all provider agency plans of care, and all DMAS-122s.

2. All DMAS Utilization Review forms and plans of care.

3. Initial assessment by the RN supervisory nurse completed prior to or on the date services are initiated.

4. Nurses' notes recorded and dated during any contacts with the personal care aide and during supervisory visits to the recipient's home.

5. All correspondence to the recipient and to DMAS.

6. Reassessments made during the provision of services.

7. Contacts made with family, physicians, DMAS, formal, informal service providers and all professionals concerning the recipient.

8. All personal care aide records. The personal care aide record shall contain:

a. The specific services delivered to the recipient by the aide and the recipient's responses.

b. The aide's arrival and departure times.

c. The aide's weekly comments or observations about the recipient to include observations of the recipient's physical and emotional condition, daily activities, and responses to services rendered.

d. The aide's and recipient's weekly signature to verify that personal care services during that week have been rendered.

e. Signatures, times and dates shall not be placed on the aide record prior to the last date of the week that the services are delivered.

12 VAC 30-120-190. Respite care services.

These requirements govern the provision of respite care services.

A. General. Respite care services may be offered to individuals ~~in their homes~~ as an alternative to ~~more costly~~ institutional care. Respite care is distinguished from other services in the continuum of long-term care because it is specifically designed to focus on the need of the caregiver for temporary relief. Respite care may only be offered to individuals who have a primary caregiver living in the home who requires temporary relief to avoid institutionalization of the individual. The authorization of respite care is limited to ~~30 24-hour days over a 12-month period~~ *720 hours per calendar year per recipient. A recipient who transfers to a different provider or is discharged and readmitted into the HIV/AIDS waiver program within the same calendar year will not receive an additional 720 hours of respite care. DMAS cannot be billed for more than 720 respite care hours in a calendar year for a waiver recipient. Reimbursement shall be made on an hourly basis not to exceed a total of 720 hours per calendar year.*

B. Special provider participation conditions. To be approved for respite care contracts with DMAS, the respite care provider shall:

1. Demonstrate prior successful health care delivery.

2. Operate from a business office.

3. Employ or subcontract with and directly supervise a registered nurse (RN) who will provide ongoing supervision of all respite care aides.

a. The RN shall be currently licensed to practice in the Commonwealth and have at least two years of related clinical nursing experience which may include work in an acute care hospital, public health clinic, home health agency, ~~or~~ nursing home, *or as an LPN.*

b. Based on continuing evaluations of the aides' performance and the recipients' individual needs, the RN supervisor shall identify any gaps in the aides' abilities to function competently and shall provide training as indicated.

c. The RN supervisor shall make an initial assessment visit prior to the start of care for any recipient admitted to respite care.

d. The RN supervisor shall make supervisory visits as often as needed to ensure both quality and appropriateness of services.

(1) When respite care services are received on a routine basis, the minimum acceptable frequency of these visits shall be every 30 days.

(2) When respite care services are not received on a routine basis, but are episodic in nature, ~~the RN supervisor~~ *an RN* shall not be required to conduct a supervisory visit every 30 days. Instead, ~~the RN supervisor~~ *an RN* shall conduct the initial home assessment visit with the respite care aide ~~immediately preceding on or before~~ the start of care and make a

second home visit ~~within~~ during the second respite care period visit.

(3) When respite care services are routine in nature and offered in conjunction with personal care, the 30-day supervisory visit conducted for personal care services may serve as the RN registered nurse supervisory visit for respite care. However, the RN registered nurse supervisor shall document supervision of respite care separately from the personal care documentation. For this purpose, the same recipient record can be used with a separate section for respite care documentation.

e. During visits to the recipient's home, the RN shall observe, evaluate, and document the adequacy and appropriateness of respite care services with regard to the recipient's current functioning status, medical, and social needs. The respite care aide's record shall be reviewed and the recipient's or family's satisfaction with the type and amount of service discussed. The RN shall document in a summary note:

- (1) Whether respite care services continue to be appropriate.
- (2) Whether the Plan of Care is adequate to meet the recipient's needs or if changes need to be made in it.
- (3) The recipient's satisfaction with the service.
- (4) Any hospitalization or change in medical condition or functioning status.
- (5) Other services received and their amount.
- (6) The presence or absence of the aide in the home during the visit.

f. In all cases, the RN shall be available to the respite care aide to discuss the recipients being served by the aide.

g. The RN providing supervision to respite care aides shall be available to them by telephone at all times that services are being provided to respite care recipients. Any lapse in RN coverage shall be reported immediately to DMAS.

4. Employ and directly supervise respite care aides who provide direct care to respite care recipients. Each aide hired by the provider agency shall be evaluated by the provider agency to ensure compliance with minimum qualifications. Each aide:

- a. Shall be able to read and write.
- b. Shall have completed 40 hours of training consistent with DMAS standards. Prior to assigning an aide to a recipient, the provider agency shall ensure that the aide has satisfactorily completed a training program consistent with DMAS standards.
- c. Shall be evaluated in job performance by the RN supervisor.
- d. Shall have the physical ability to do the work.

e. Shall have a satisfactory work record, as evidenced by references from prior job experience, including no evidence of possible abuse or neglect of incompetent and/or incapacitated individuals.

f. Shall not be a member of a recipient's family (e.g., family is defined as parents, spouses, siblings, grandparents, and grandchildren) parents of minor children or spouses.

5. The respite care agency may employ a licensed practical nurse (LPN) to deliver respite care services which shall be reimbursed by DMAS under the following circumstances:

- a. The individual receiving care has a need for routine skilled care which cannot be provided by unlicensed personnel. These individuals would typically require a skilled level of care if in a nursing home (i.e., recipients on a ventilator, recipients requiring nasogastric or gastrostomy feedings).
- b. No other individual in the recipient's support system is able to supply the skilled component of the recipient's care during the caregiver's absence.
- c. The recipient is unable to receive skilled nursing visits from any other source which could provide the skilled care usually given by the caregiver.
- d. The agency can document the circumstances which require the provision of services by an LPN.

C. Inability to provide services and substitution of aides. When a respite care aide is absent and the respite care provider agency has no other aide available to provide services, the provider agency is responsible for ensuring that services continue to recipients.

1. If a provider agency cannot supply a respite care aide to render authorized services, the agency may either obtain a substitute aide from another agency, if the lapse in coverage is to be less than two weeks in duration, or may transfer the recipient's care to another agency.

2. If no other provider agency is available who can supply an aide, the provider agency shall notify the recipient or family and case manager.

3. If a substitute aide is secured from another respite care provider agency or other home care agency, the following procedures apply:

- a. The respite care agency having recipient responsibility shall be responsible for providing the RN supervision for the substitute aide.
- b. The agency providing the substitute aide shall send to the respite care agency having recipient care responsibility a copy of the aide's daily records signed by the recipient, and the substitute aide. All documentation of services rendered by the substitute aide shall be in the recipient's record. The documentation of the substitute aide's qualifications shall also be obtained and recorded in the personnel files of the agency having recipient care responsibility.

Emergency Regulations

c. The provider agency having recipient responsibility shall bill DMAS for services rendered by the substitute aide. The two agencies involved shall negotiate the financial arrangements of paying the substitute aide.

4. Substitute aides obtained from other agencies may be used only in cases where no other arrangements can be made for recipient respite care services coverage and may be used only on a temporary basis. If a substitute aide is needed for more than two weeks, the case shall be transferred to another respite care provider agency that has the aide capability to serve recipients.

5. If a provider agency secures a substitute aide it is the responsibility of the provider agency having recipient care responsibility to ensure that all DMAS requirements continue to be met, including documentation of services rendered by the substitute aide and documentation that the substitute aide's qualifications meet DMAS requirements.

D. Required documentation for recipients records. The provider agency shall maintain all records of each respite care recipient. These records shall be separated from those of other nonhome and community-based care services, such as companion services or home health. These records shall be reviewed periodically by the DMAS staff. At a minimum these records shall contain:

1. Long Term Care Assessment Instrument, the Prescreening Authorization, all Respite Care Assessment and Plans of Care, and all DMAS-122s.
2. All DMAS Utilization Review Forms and Plans of Care.
3. Initial assessment by the RN supervisor completed prior to or on the date services are initiated.
4. Registered nurse's notes recorded and dated during contacts with the respite care aide and during supervisory visits to the recipient's home.
5. All correspondence to the recipient and to DMAS.
6. Reassessments made during the provision of services.
7. Significant contacts made with family, physicians, DMAS, and all professionals concerning the recipient.
8. Respite care aide record of services rendered and recipient's responses. The aide record shall contain:
 - a. The specific services delivered to the recipient by the respite care aide, or LPN, and the recipient's response.
 - b. The arrival and departure time of the aide for respite care services only.
 - c. Comments or observations recorded weekly about the recipient. Aide comments shall include but not be limited to observation of the recipient's physical and emotional condition, daily activities, and the recipient's response to services rendered.
 - d. The signature by the aide, or LPN, and the recipient once each week to verify that respite care services have been rendered.

e. Signature, times, and dates shall not be placed on the aide record prior to the last date of the week that the services are delivered.

9. Copies of all aide records shall be subject to review by state and federal Medicaid representatives.

10. If a respite care recipient is also receiving any other service (meals on wheels, companion, home health services, etc.), the respite care record shall indicate that these services are also being received by the recipient.

VA.R. Doc. No. R03-141; Filed March 17, 2003, 4:59 p.m.



GENERAL NOTICES/ERRATA

STATE CORPORATION COMMISSION

Bureau of Insurance

March 7, 2003

ADMINISTRATIVE LETTER 2003 - 2

TO: All Insurers Licensed to write accident and sickness insurance in Virginia, and all Health Services Plans and Health Maintenance Organizations licensed in Virginia

RE: 14 VAC 5-190-10 et seq.: Rules Governing the Reporting of Cost and Utilization Data Relating to Mandated Benefits and Mandated Providers - 2002 Reporting Period

The purpose of this Administrative Letter is to assist carriers in the preparation of the Annual Report of Cost and Utilization Data relating to Mandated Benefits and Providers required pursuant to 14 VAC 5-190-10 seq. and § 38.2-3419.1 of the Code of Virginia, and to remind all affected carriers of the reporting requirements applicable to mandated benefits and providers for the 2002 reporting year. The report must be in the format contained in Form MB-1, and to facilitate its completion, carriers may download Form MB-1, the instructions and representative CPT and ICD-9-CM codes from the Bureau's website at:

<http://www.state.va.us/scc/division/boi/webpages/mandatedforms.htm>.

Carriers are reminded that the completed Form MB-1 (cover sheet and sections) is due on or before May 1, 2003. **Lack of notice, lack of information, lack of means of producing the required data, or other such reasons will not be accepted for not submitting a complete and accurate report in a timely manner.**

Form MB-1 has been updated to capture cost and utilization data applicable to the additional mandate for coverage of an infant hearing screening and related diagnostics. Refer to the Bureau's Administrative Letter 2002-14 for further explanation concerning this additional reporting requirement.

Carriers should refer to 14 VAC 5-190-40 for an explanation of the circumstances for which a full and complete or an abbreviated report must be filed. This section also describes the circumstances for which a company may be exempt from filing a report. The ***Virginia total annual written premium for all accident and sickness policies or contracts*** referred to in this section of the Administrative Code is the amount reported to the Commission on the company's Annual Statement for the year ending December 31, 2002. This is the amount used to determine the type of report required.

The instructions explain the type of information necessary to complete Form MB-1, and serve to highlight frequent errors and omissions. All sources of information, including 14 VAC 5-190-10 et seq., §§ 38.2-3408 through 38.2-3418.13, as applicable, § 38.2-4221, and CPT and ICD-9-CM codes should be consulted in the preparation of this report. Please note that the CPT and ICD-9-CM codes are not intended to exhaust all medical codes that may be used in collecting data

for Form MB-1, but are representative of some of the more common codes associated with the mandated benefits.

Each licensed carrier must submit a separate Form MB-1, unless the carrier is exempt from the reporting requirements as noted above. It is not acceptable to submit more than one Form MB-1 for a single carrier or to consolidate information from different carriers on one form. Carriers are encouraged to e-mail the completed Form MB-1 to mbp@scc.state.va.us.

Correspondence regarding this reporting requirement, requests for a paper copy of Form MB-1, instructions and CPT and ICD-9-CM codes, and Form MB-1 filings should be directed to Mary Ann Mason, Senior Insurance Market Examiner, Forms and Rates Section, Bureau of Insurance - Life and Health Division, P.O. Box 1157, Richmond, VA 23218, telephone (804) 371-9348, FAX (804) 371-9944.

Carriers are reminded that failure to submit a substantially complete and accurate report pursuant to the provisions of 14 VAC 5-190-10 et seq. by May 1, 2003, may be considered a violation subject to a penalty as set forth in § 38.2-218 of the Code of Virginia.

/s/ Alfred W. Gross
Commissioner of Insurance

AT RICHMOND, MARCH 18, 2003

IN THE MATTER OF

CASE NO. PUE-2003-00114

Receiving comments on a draft memorandum of agreement between the State Water Control Board and the State Corporation Commission

ORDER INVITING COMMENTS

Section 62.1-44.15:5 D 2 of the Code of Virginia requires the State Water Control Board ("Board") and the State Corporation Commission ("Commission") to "develop a memorandum of agreement pursuant to §§ 56-46.1, 56-265.2, 56-265.2:1 and 56-580 to ensure that consultation on wetland impacts occurs prior to siting determinations" by the Commission. The Department of Environmental Quality ("Department"), acting on behalf of the Board, and the Commission have developed a draft memorandum of agreement that is affixed to this Order as Attachment A.

The Department and the Commission seek the benefit of comments from interested persons on this matter. Accordingly, the Department and the Commission hereby invite interested persons to submit comments on the draft memorandum of agreement pursuant to the procedures set forth in this Order. The Department and the Commission will consider such comments and enter into a final memorandum of agreement.

This is not a formal proceeding that is regulatory, adjudicatory, or other, as defined by 5 VAC 5-20-80, -90, or -100. There will be no final order issued in this case, nor will there be any final finding, decision settling the substantive law, order, or

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judgment within the meaning of § 12.1-39 of the Code of Virginia. No general order, rule, or regulation is being promulgated in this case. This Order and Attachment A shall be forwarded for publication in the Virginia Register of Regulations.

Accordingly, IT IS HEREBY ORDERED THAT:

(1) Case No. PUE-2003-00114 is established to permit interested persons or entities to submit comments on a draft memorandum of agreement, affixed hereto as Attachment A, between the Department of Environmental Quality, acting on behalf of the State Water Control Board, and the State Corporation Commission.

(2) The Commission's Division of Information Resources shall forthwith cause this Order and Attachment A to be forwarded for publication in the Virginia Register of Regulations.

(3) On or before May 7, 2003, any interested persons desiring to submit comments in writing on Attachment A to this Order shall submit such comments to Joel H. Peck, Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218. Such written comments shall refer to Case No. PUE-2003-00114.

(4) On or before May 7, 2003, any interested persons desiring to submit comments electronically on Attachment A to this Order shall do so by following the instructions available at the Commission's website:
<http://www.state.va.us/scc/caseinfo/notice.htm>.

(5) This matter is now continued.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to: Robert G. Burnley, Director, Department of Environmental Quality, 629 East Main Street, P.O. Box 10009, Richmond, Virginia 23240; C. Meade Browder, Jr., Senior Assistant Attorney General, Division of Consumer Counsel, Office of Attorney General, 900 East Main Street, 2nd Floor, Richmond, Virginia 23219; and the Commission's Office of General Counsel and Divisions of Energy Regulation, Public Utility Accounting, and Economics and Finance.

ATTACHMENT A

MEMORANDUM OF AGREEMENT

The Department of Environmental Quality ("Department"), on behalf of the State Water Control Board ("Board"), and the State Corporation Commission ("Commission") enter into this memorandum of agreement ("Agreement"), pursuant to § 62.1-44.15:5 D 2 of the Code of Virginia ("Code"), regarding consultation on wetland impacts ("Wetland Impacts Consultation").

1. Section 62.1-44.15:5 D 2 of the Code requires the Board and the Commission to "develop a memorandum of agreement pursuant to §§ 56-46.1, 56-265.2, 56-265.2:1 and 56-580 of the Code to ensure that consultation on wetland impacts occurs prior to siting determinations" by the Commission for "[f]acilities and activities of utilities and public service companies."

2. When the Commission receives an application for certification of facilities under §§ 56-46.1, 56-265.2, 56-265.2:1 or 56-580 of the Code, the Department will consult

with appropriate governmental agencies, prepare a Wetland Impacts Consultation including a summary of findings and any recommendations for the Commission's consideration that resulted from the Department's consultation, and provide the Wetland Impacts Consultation to the Commission pursuant to this Agreement.

3. The Commission's Staff will notify the Department in writing within five (5) business days of receiving an application for certification of facilities pursuant to §§ 56-46.1, 56-265.2, 56-265.2:1 or 56-580 of the Code. No later than ten (10) business days after receipt of the wetland impact analysis information contained in the application, the Department will advise the Commission's Staff and the applicant in writing as to:

A. the completeness of the information received necessary to conclude the Wetland Impacts Consultation (the Appendix to this Agreement provides guidance on the information the Department has determined it may need in order to conclude the Wetlands Impacts Consultation); and

B. the estimated length of time required to conclude the Wetland Impacts Consultation.

If the Department determines the wetland impacts analysis information contained in an application is incomplete, within ten (10) business days of notifying the applicant the Department will notify the Commission's Staff in writing and include a listing of the information needed to initiate the Wetland Impacts Consultation. The Department and the Commission's Staff may confer from time to time on these matters.

4. In accordance with the above:

A. No later than sixty (60) days after receipt of the complete wetland impacts analysis information contained in the application, the Department will submit to the Commission's Staff in writing:

(i) a notification that the Wetland Impacts Consultation has been completed; or

(ii) a notification that the Wetland Impacts Consultation has been suspended due to matters discovered during the review. The notification will include a description of the information needed to resume the review.

B. Enclosed in the written notification described in 4.A.(i), above, for all completed Wetland Impacts Consultations the Department will submit a written report to the Commission which includes:

(i) the Wetland Impacts Consultation, a summary of findings, and any recommendations for the Commission's consideration which resulted from the review; and

(ii) a list of any Virginia Water Protection permits and approvals required for the proposed facility, in accordance with § 62.1-44.15:5 of the Code, which were identified during the Wetland Impacts Consultation.

5. Consistent with § 62.1-44.15:5 of the Code, the Department and the Board may request assistance from agencies of the Commonwealth, including the Department of Game and Inland Fisheries, the Department of Conservation and Recreation, the Virginia Marine Resources Commission, the Department of Health, the Department of Historic Resources, and any other interested and affected parties, as well as federal agencies including the Norfolk District Corps of Engineers and the U.S. Fish and Wildlife Service, as needed to complete the Wetland Impacts Consultation.

6. If requested by the Commission's Staff, one or more members of the Department's Staff will appear as a witness at the Commission's evidentiary hearing to testify regarding the activities of the Department with respect to the Wetland Impacts Consultation.

7. If requested by the Commission's Staff, the Department will endeavor to provide, or seek to coordinate from other governmental entities, expert assistance to the Commission's Staff on issues regarding the Wetland Impacts Consultation.

Robert G. Burnley, Director
Department of Environmental Quality

Date

Hullihen Williams Moore, Chairman
State Corporation Commission

Date

Clinton Miller, Commissioner
State Corporation Commission

Date

Theodore V. Morrison, Jr., Commissioner
State Corporation Commission

Date

APPENDIX
GUIDANCE DOCUMENT

The following provides guidance on the information that will need to be submitted to the Department of Environmental Quality ("DEQ") in order for the DEQ to conclude the Wetland Impacts Consultation.

For all alternatives:

A desktop survey of actual and potential impacts to wetlands and streams must be conducted for all proposed routes and facility locations. Reference materials to be consulted include aerial photographs (infrared if available), U.S.G.S. topographic maps, USFWS National Wetland Inventory Maps, NRCS Soil Surveys, and any other pertinent available information. For each alternative, the type and extent of wetland and stream impacts, both permanent and temporary, should be summarized in the text of the report, and shown on maps. Based on the information provided, the applicant may be asked to field verify certain areas for one or more alternatives. A summary of why the proponent selected the preferred alternative and why the other alternatives were dismissed should be included.

For the preferred alternative only:

A field delineation of wetlands and streams along the preferred route and/or facility site must be conducted by wetland professionals. A delineation map and field sheets for each wetland or stream impact area and classified according to the Cowardin classification system must be submitted as part of the report. The acreage (and linear feet of stream) of temporary and permanent impacts must be calculated for each impact area. Documentation from the Department of Game and Inland Fisheries and the Department of Conservation and Recreation Natural Heritage Program concerning potential impacts to federal or state listed threatened or endangered species must be submitted, to include any recommendations for surveys that should be conducted. Documentation from the Department of Historic Resources concerning any historic properties that could be impacted must be submitted, to include any recommendations for surveys that should be conducted. Documentation from either the affected locality(ies) or directly from the Chesapeake Bay Local Assistance Department regarding any potential impacts to Chesapeake Bay Resource Protection Areas or Resource Management Areas, must be submitted if applicable. Based on the information provided, DEQ may request that the Norfolk District Corps of Engineers field confirm one or more delineated areas.

For long corridors that extend over large wetland areas, rather than being confined to distinct wetland crossings, a combination of desktop information with selective ground truthing may be substituted for a full field delineation of the preferred alternative.

DEQ, in consultation with other federal and state resource agencies as appropriate, will provide recommendations to the proponent as to any additional avoidance and minimization measures that should be explored and their preliminary comments on the proponent's preferred alternative.

**DEPARTMENT OF MEDICAL ASSISTANCE
SERVICES**

Legal Notice

**Notice of Intent to Decrease Medical Assistance
Payment for Services Provided by Community
Services Boards**

Notice is hereby given that the Department of Medical Assistance Services (DMAS) intends to change its methods and standards for setting payment rates for services provided by Community Services Boards (CSBs) to individuals eligible for Medicaid under the authority of Title XIX of the federal Social Security Act. The Virginia Department of Medical Assistance Services administers the joint federal-state Medicaid program for the Commonwealth of Virginia. This notice is intended to satisfy the requirements of 42 CFR 447.205.

The Commonwealth of Virginia currently provides reimbursement for community mental health services and MR case management services provided by CSBs to individuals eligible for Medicaid. The department makes payments to

General Notices/Errata

CSBs for the specific services provided to eligible Medicaid recipients in accordance with an established fee schedule for all providers of these services.

The department intends to change its methods and standards for setting payments so that it can make supplemental lump sum payments for these services provided by CSBs in recognition of the unique role they play in Virginia's health care delivery system and to better meet the goals of the program. The supplemental payments will be such that total payments will not exceed the maximum permitted under federal law.

The estimated increase in aggregate expenditures for these rate increases is \$6,500,000 for fiscal year 2003 and \$28,300,000 on an annual basis thereafter.

A copy of this notice is available for public review from N. Stanley Fields, Director, Division of Cost Settlement and Audit, Department of Medical Assistance Services, 600 E. Broad Street, Suite 1300, Richmond, VA 23219. Comments or inquiries may be submitted in writing to this same individual at the address given within 30 days of this notice's publication.

DEPARTMENT OF SOCIAL SERVICES

Periodic Review of Regulations

Pursuant to Executive Order Number 21 (2002), the Department of Social Services is currently reviewing the regulation **22 VAC 40-60, Standards and Regulations for Licensed Adult Day Care Centers**, to determine if it should be terminated, amended, or retained in its current form. The review will be guided by the principles listed in Executive Order Number 21 (2002) and in the department's Plan for Review of Existing Agency Regulations.

The department seeks public comment regarding the regulation's interference in private enterprise and life, essential need of the regulation, less burdensome and intrusive alternatives to the regulation, specific and measurable goals that the regulation is intended to achieve, and whether the regulation is clearly written and easily understandable.

Written comments may be submitted until April 28, 2003, in care of Kathryn Thomas, Program Development Consultant, Department of Social Services, Division of Licensing Programs, 730 East Broad Street, Richmond, VA 23219-1849, by e-mail to kjt7@dss.state.va.us, or by facsimile to (804) 692-2370.

Periodic Review of Regulations

Pursuant to Executive Order Number 21 (2002), the Department of Social Services is currently reviewing the regulation **22 VAC 40-470, Exemptions Applicable to Public Assistance Programs**, to determine if it should be terminated, amended, or retained in its current form. The review will be guided by the principles listed in Executive Order Number 21 (2002) and in the department's Plan for Review of Existing Agency Regulations.

The department seeks public comment regarding the regulation's interference in private enterprise and life, essential need of the regulation, less burdensome and intrusive alternatives to the regulation, specific and measurable goals that the regulation is intended to achieve, and whether the regulation is clearly written and easily understandable.

Written comments may be submitted until April 28, 2003, in care of Margaret J. Friedenbergh, Project Director, Department of Social Services, Division of Benefit Programs, 730 East Broad Street, Richmond, VA 23219-1849, by e-mail to mjf900@dcse.dss.state.va.us, or by facsimile to (804) 692-1469.

STATE WATER CONTROL BOARD

Notice of Intent to Approve Use of Virginia Wetlands Restoration Trust Fund as a Form of Compensatory Mitigation under 9 VAC 25-210

Pursuant to § 62.1-44.15:5 D of the Code of Virginia and 9 VAC 25-210-115 E, the State Water Control Board (board) is giving notice of its intent to approve the continued use of the Virginia Wetlands Restoration Trust Fund (the "Fund") as an acceptable form of compensatory mitigation for permitted impacts to state waters, including wetlands, after considering public comment for a 30-day period starting April 7, 2003. The board approved use of the Fund in December 2001 for a one-year period and requested review of a 2002 annual report submitted to DEQ prior to granting further approval of the Fund. Further approval will be based upon meeting the commitments outlined above, including demonstration of no net loss of wetland or stream acreage and function. The Norfolk District Corps of Engineers (the "Corps") submitted the 2002 annual report of Fund activities on March 7, 2003, and has requested that the board approve continued use of the Fund as meeting the requirements set forth in 9 VAC 25-210 115 E, including dedication to the achievement of no net loss of wetland or stream acreage and function, consultation with the board on site selection, provision of annual reports detailing contributions by watershed, and a mechanism to establish fee amounts. The report is available on the Department of Environmental Quality web site at <http://www.deq.state.va.us/wetlands/mitigate.html> or by calling or emailing Ellen Gilinsky, Virginia Water Protection Permit Program Manager. Written comments, including those by email, must be received no later than 4 p.m. on May 7, 2003, and should be submitted to Ellen Gilinsky at the address given below. Only those comments received within this period will be considered by the board. Written comments shall include the name, address, and telephone number of the writer, and shall contain a complete, concise statement of the factual basis for comments.

Agency Contact: Ellen Gilinsky, VWPP Program Manager, Office of Water Permit Programs - Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4375, fax (804) 698-4347, or e-mail egilinsky@deq.state.va.us.

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

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

† **May 6, 2003 - 10 a.m.** -- Open Meeting
Holiday Inn-Richmond, 6531 West Broad Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to discuss general business matters requiring board action. A public comment period will be held at the beginning of the meeting. The meeting is subject to cancellation and the time of the meeting is subject to change. Any person desiring to attend the meeting and requiring special accommodations or interpretative services should contact the board office at (804) 367-8505 or TTY (804) 367-9753 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.

COMMONWEALTH COUNCIL ON AGING

† **April 17, 2003 - 2 p.m.** -- Open Meeting
Conference Call

The Commonwealth Council on Aging's Health Care System Subcommittee discussing the council's Strategic Plan for Aging in Virginia will hold its first meeting by conference call. Public comments are welcomed.

Contact: Marsha Mucha, Virginia Department for the Aging, 1600 Forest Ave., Suite 102, Richmond, VA 23229, telephone (804) 662-9312.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

May 13, 2003 - 10 a.m. -- Public Hearing
Department of Agriculture and Consumer Services, Washington Building, 1100 Bank Street, 2nd Floor Board Room, Richmond, Virginia.

NOTE: EXTENSION OF PUBLIC COMMENT PERIOD

September 2, 2003 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Agriculture and Consumer Services intends to amend regulations entitled: **2 VAC 5-20. Standards for Classification of Real Estate as Devoted to Agricultural Use and to Horticultural Use under the Virginia Land Use Assessment Law.** The purpose of the proposed action is to review the regulation for effectiveness and continued need, including amending the regulation to satisfy the statutory amendment made by Chapter 705 of the 2001 Acts of Assembly. Under that provision, localities are authorized to waive, with respect to real estate devoted to the production of crops that require more than two years from initial planting until commercially feasible harvesting, any requirement contained in the regulation that requires the real estate to have been used for a particular purpose for a minimum length of time before qualifying as real estate devoted to agricultural or horticultural use. The Commissioner of Agriculture and Consumer Services is to promulgate regulations to carry out the provisions of the act.

Statutory Authority: § 58.1-3230 of the Code of Virginia; Chapter 705 of the 2001 Acts of Assembly.

Contact: Lawrence H. Redford, Regulatory Coordinator, Department of Agriculture and Consumer Services, 1100 Bank St., Room 211, Richmond, VA 23219, telephone (804) 371-8067, FAX (804) 371-2945, or e-mail lredford@vdacs.state.va.us.

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NOTE: EXTENSION OF PUBLIC COMMENT PERIOD

† **August 1, 2003** - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Agriculture and Consumer Services intends to amend regulations entitled: **2 VAC 5-360. Regulations for the Enforcement of the Virginia Commercial Feed Act.** The purpose of the proposed action is to amend the current regulation to incorporate the changes made to the commercial feed industry standards by the Association of American Feed Control Officials in the last decade and statutory changes made to Virginia's Commercial Feed Law in 1994.

Statutory Authority: § 3.1-828.4 of the Code of Virginia.

Contact: J. Alan Rogers, Program Manager, Department of Agriculture and Consumer Services, 1100 Bank St., Room 402, Richmond, VA 23219, telephone (804) 786-2476, FAX (804) 371-1571 or e-mail jrogers@vdacs.state.va.us.

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NOTE: EXTENSION OF PUBLIC COMMENT PERIOD

† **August 1, 2003** - Public comments may be submitted until 5 p.m. on 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.

Virginia State Apple Board

† **April 16, 2003 - 1 p.m.** -- Open Meeting

Rowe's Restaurant, 74 Rowe Road (intersection of I-81/Route 250), Staunton, Virginia. 

The board will meet to approve the minutes of the last meeting held on February 26, 2003. In addition, the board will review its financial statement. The board is expected to discuss old business arising from the last meeting and any new business to come before the board. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the

meeting should contact Dave Robishaw at least five days before the meeting date so that suitable arrangements can be made.

Contact: Dave Robishaw, Secretary, Virginia State Apple Board, 900 Natural Resources Dr., Suite 300, Charlottesville, VA 22903, telephone (434) 984-0573, FAX (434) 984-4156.

Pesticide Control Board

† **April 17, 2003 - 9 a.m.** -- Open Meeting


Washington Building, 1100 Bank Street, 2nd Floor, Boardroom, Richmond, Virginia. 

A general business meeting. Portions of the meeting may be held in closed session pursuant to § 2.2-3711 of the Code of Virginia. 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 Dr. Marvin A. Lawson at least five days before the meeting date so that suitable arrangements can be made.

Contact: Dr. Marvin A. Lawson, Program Manager/Office of Pesticide Services, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., 4th Floor, Richmond, VA 23219, telephone (804) 371-6558, FAX (804) 371-8598, toll-free (800) 552-9963, e-mail mlawson@vdacs.state.va.us.

Virginia Winegrowers Advisory Board - Marketing Committee

† **April 15, 2003 - 10 a.m.** -- Open Meeting


Washington Building, 1100 Bank Street, Ninth Floor Conference Room, Richmond, Virginia. 

The Committee of the board will meet to review and judge the Retail and Restaurant Award Nominations and select the Retailer of the Year, Restaurant of the Year, and Wine Industry Person of the Year. The committee 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 Mary Davis-Barton at least two days before the meeting date so that suitable arrangements can be made.

Contact: Mary Davis-Barton, Program Manager, Department of Agriculture and Consumer Services, 1100 Bank St., 9th Floor, Richmond, VA 23219, telephone (804) 371-7685, FAX (804) 786-3122, e-mail mdavis-barton@vdacs.state.va.us.

STATE AIR POLLUTION CONTROL BOARD

† **April 7, 2003 - 9:30 a.m.** -- Open Meeting

Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia. 

A quarterly board meeting. Also includes agenda from February 28, 2003, canceled meeting.

Contact: Cindy Berndt, Regulatory Coordinator, Department of Environmental Quality, P.O. Box 10009, Richmond, VA

Calendar of Events

23240, telephone (804) 698-4378, FAX (804) 698-4346, e-mail cmberndt@deq.state.va.us.

* * * * *

April 9, 2003 - 9 a.m. -- Public Hearing
Department of Environmental Quality, 629 East Main Street, Richmond, Virginia.

April 25, 2003 -- Public comment may be submitted until this date.


Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Air Pollution Control Board intends to amend regulations entitled: **9 VAC 5-40. Existing Stationary Sources**. The purpose of the proposed action is to amend the regulations for the control and abatement of air pollution relative to controlling emissions from municipal solid waste landfills.

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

Public comments may be submitted until 5 p.m. on April 25, 2003.

Contact: Karen G. Sabasteanski, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4426, FAX (804) 698-4510 or e-mail kgsabastea@deq.state.va.us.


ALCOHOLIC BEVERAGE CONTROL BOARD

April 14, 2003 - 9 a.m. -- Open Meeting
April 28, 2003 - 9 a.m. -- Open Meeting
May 12, 2003 - 9 a.m. -- Open Meeting
May 28, 2003 - 9 a.m. -- Open Meeting
June 9, 2003 - 9 a.m. -- Open Meeting
June 23, 2003 - 9 a.m. -- Open Meeting
Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, Virginia. 


A meeting to receive and discuss reports and activities from staff members. Other matters are not yet determined.

Contact: W. Curtis Coleburn, III, 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, e-mail wccolen@abc.state.va.us.


ALZHEIMER'S DISEASE AND RELATED DISORDERS COMMISSION

May 5, 2003 - 10 a.m. -- Open Meeting
Department for the Aging, 1600 Forest Avenue, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting.


Contact: Janet L. Honeycutt, Director of Grant Operations, Alzheimer's Disease and Related Disorders Commission, 1600 Forest Ave., Suite 102, Richmond, VA 23229, telephone (804) 662-9333, FAX (804) 662-9354, toll-free (800) 552-3402, (804) 662-9333/TTY , e-mail jlhoneycutt@vdh.state.va.us.

BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS

† **April 29, 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 of the Professional Engineers Section to conduct board business. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Executive Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail APELSCIDLA@dpor.state.va.us.

† **April 30, 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 of the Architects Section to conduct board business. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Executive Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail APELSCIDLA@dpor.state.va.us.

† **May 1, 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 of the Landscape Architects Section to conduct board business. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Executive Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail APELSCIDLA@dpor.state.va.us.

† May 6, 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 of the Land Surveyors Section to conduct board business. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Executive Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail APELSCIDLA@dpor.state.va.us.

† May 8, 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 of the Certified Interior Designers Section to conduct board business. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Executive Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail APELSCIDLA@dpor.state.va.us.

† June 5, 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 of the board to conduct board business. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Executive Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail APELSCIDLA@dpor.state.va.us.

June 5, 2003 - 2:30 p.m. -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

An informal fact-finding conference of the Land Surveyors Section. 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: Ilona LaPaglia, Legal Assistant, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2394, FAX (804) 367-0194, (804) 367-9753/TTY ☎, e-mail LaPaglia@dpor.state.va.us.

ART AND ARCHITECTURAL REVIEW BOARD

May 2, 2003 - 10 a.m. -- Open Meeting

June 6, 2003 - 10 a.m. -- Open Meeting
Science Museum of Virginia, 2500 West Broad Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A monthly meeting to review projects submitted by state agencies. AARB submittal forms and submittal instructions can be downloaded by visiting the DGS forms center at www.dgs.state.va.us. Request Submittal Form # DGS-30-905 or Submittal Instructions form # DGS-30-906.

Contact: Richard L. Ford, AIA, Chairman, Art and Architectural Review Board, 1011 E. Main Street, #221, Richmond, VA 23219, telephone (804) 643-1977, FAX (804) 643-1981, (804) 786-6152/TTY ☎, e-mail rlfaia@aol.com.

COMPREHENSIVE SERVICES FOR AT-RISK YOUTH AND FAMILIES

State Executive Council

April 30, 2003 - 9 a.m. -- Open Meeting

May 28, 2003 - 9 a.m. -- Open Meeting

† June 25, 2003 - 9 a.m. -- Open Meeting

Department of Social Services, 730 East Broad Street, Lower Level Room 3, Richmond, Virginia. ♿

The meeting is generally held the last Wednesday of each month at the Department of Social Services, Lower Level Room 3. For traveling directions, please call (804) 692-1100.

Calendar of Events

Contact: Alan G. Saunders, Director, Office of Comprehensive Services for At-Risk Youth and Families, 1604 Santa Rosa Rd., Richmond, VA 23229, telephone (804) 662-9815, FAX (804) 662-9831, e-mail ags992@central.dss.state.va.us.

AUCTIONEERS BOARD

† **April 10, 2003 - 10 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to conduct board business. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY, e-mail courtney@dpor.state.va.us.

VIRGINIA AVIATION BOARD

† **April 22, 2003 - 3 p.m.** -- Open Meeting
† **April 23, 2003 - 9 a.m.** -- Open Meeting
Ivor Massey Building, Richmond International Airport, Richmond, Virginia. (Interpreter for the deaf provided upon request)

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 THE BLIND AND VISION IMPAIRED

April 8, 2003 - 1 p.m. -- Open Meeting
Department for the Blind and Vision Impaired, 397 Azalea Avenue, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to review information regarding department activities and operations, review expenditures from the board endowment fund, and discuss other issues raised for the board members.

Contact: Katherine C. Proffitt, Administrative Staff Assistant, Department for the Blind and Vision Impaired, 397 Azalea Avenue, Richmond VA 23227, telephone (804) 371-3145,

FAX (804) 371-3157, toll-free (800) 622-2155, (804) 371-3140/TTY, or e-mail proffikc@dbvi.state.va.us.

BOARD FOR BRANCH PILOTS

† **May 5, 2003 - 8:30 a.m.** -- Open Meeting
Virginia Port Authority, 600 World Trade Center, Board Room, Norfolk, Virginia. (Interpreter for the deaf provided upon request)

A meeting of the Examination Administrators. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY, e-mail courtney@dpor.state.va.us.

† **May 5, 2003 - 10 a.m.** -- Open Meeting
Virginia Port Authority, 600 World Trade Center, Board Room, Norfolk, Virginia. (Interpreter for the deaf provided upon request)

A meeting to conduct board business. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.


Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY, e-mail courtney@dpor.state.va.us.

CEMETERY BOARD


† **April 8, 2003 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulations, 3600 West Broad Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

An informal fact-finding conference. 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: Ilona LaPaglia, Legal Assistant, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2394, FAX (804) 367-0194, e-mail LaPaglia@dpor.state.va.us.

May 21, 2003 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. 

A meeting to conduct board business.

Contact: Christine Martine, Executive Director, Cemetery Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail cemetery@dpor.state.va.us.


STATE CHILD FATALITY REVIEW TEAM

May 9, 2003 - 10 a.m. -- Open Meeting
Office of the Chief Medical Examiner, 400 East Jackson Street, Richmond, Virginia. 


The business portion of the meeting, from 10 to 10:30 a.m., is open to the public. At the conclusion of the open meeting, the team will go into closed session for confidential case review.

Contact: Virginia Powell, Coordinator, State Child Fatality Review Team, 400 E. Jackson St., Richmond, VA 23219, telephone (804) 786-6047, FAX (804) 371-8595, toll-free (800) 447-1708, e-mail vpowell@vdh.state.va.us.


STATE BOARD FOR COMMUNITY COLLEGES

† **April 29, 2003 - 10 a.m.** -- Open Meeting
James Monroe Building, 101 North 14th Street, Godwin-Hamel Board Room, 15th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

The board will hold a training session on facilities planning. No official business actions will be taken.


Contact: D. Susan Hayden, Public Relations Manager, Virginia Community College System, 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 819-4961, FAX (804) 819-4768, (804) 371-8504/TTY 

COMPENSATION BOARD

† **April 14, 2003 - 11 a.m.** -- Public Hearing
Augusta County Government Center, Dick Huff Lane off of Lee Highway Route 11, Verona, Virginia. 

A FY-2004 budget hearing.


Contact: Cindy P. Waddell, Administrative Staff Assistant, Compensation Board, P.O. Box 710, Richmond, VA 23219, telephone (804) 786-0786, FAX (804) 371-0235, e-mail cwaddell@scb.state.va.us.

† **April 23, 2003 - 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.


COMMONWEALTH COMPETITION COUNCIL

† **April 29, 2003 - 10 a.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, Senate Room A, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting.

Contact: Peggy Robertson, Executive Assistant, Commonwealth Competition Council, 1500 E. Franklin St., Richmond 23219, telephone (804) 786-0240, FAX (804) 786-1594, e-mail probertson@ccc.state.va.us.

DEPARTMENT OF CONSERVATION AND RECREATION

† **April 10, 2003 - 10:30 a.m.** -- Open Meeting
James Monroe Tower, 101 North 14th Street, 11th Floor Conference Room, Richmond, Virginia. 


The annual meeting of the Virginia Recreational Trails Grant Advisory Committee to evaluate and rank applications for the Virginia Recreational Trails Grant round that closed on January 31, 2003.

Contact: Jerry Cassidy, Grant Administrator, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-3218, FAX (804) 371-7899, e-mail jcassidy@dcr.state.va.us.

† **April 21, 2003 - 6:30 p.m.** -- Open Meeting
Rugby Rescue Squad Building, 53 Rugby Road, Mouth of Wilson, Virginia.


The first meeting of the Grayson Highlands State Park Master Plan Advisory Committee on preparation of a new Grayson Highlands State Park Master Plan.

Contact: Derral Jones, Planning Bureau Manager, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-9042, FAX (804) 371-7899, e-mail djones@dcr.state.va.us.

† **April 22, 2003 - 6:30 p.m.** -- Open Meeting
Jackson Elementary School, 4424 Fort Chiswell Road (U.S. Route 52), Cafeteria, Austinville, Virginia.  (Interpreter for the deaf provided upon request)

The first meeting of the New River Trail State Park Master Plan Advisory Committee on preparation of a new New River Trail State Park Master Plan.


Contact: Bob Munson, Environmental Program Manager, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-6140, FAX (804) 371-7899, e-mail rmunson@dcr.state.va.us.

† **April 23, 2003 - 6:30 p.m.** -- Open Meeting
Fairy Stone State Park, 967 Fairystone Lake Drive, Fayerdale Hall, Stuart, Virginia.  (Interpreter for the deaf provided upon request)

The first meeting of the Fairy Stone State Park Master Plan Advisory Committee on preparation of a new Fairy Stone State Park Master Plan.

Calendar of Events


Contact: Robert S. Munson, Planning Bureau Manager, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-6140, FAX (804) 371-7899, e-mail rmunson@dcr.state.va.us.

† **April 28, 2003 - 7 p.m.** -- Open Meeting
Leesylvania State Park, Visitor Center, 2001 Daniel K. Ludwig Drive, Woodbridge, Virginia.  (Interpreter for the deaf provided upon request)

The first meeting of the Leesylvania State Park Master Plan Advisory Committee on preparation of a new Leesylvania State Park Master Plan.

Contact: Derral Jones, Planning Bureau Manager, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-9042, FAX (804) 371-7899, e-mail djones@dcr.state.va.us.


Virginia Cave Board

† **May 31, 2003 - 1 p.m.** -- Open Meeting
Department of Conservation and Recreation, Division of Natural Heritage, Conference Room, 203 Governor Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

Committee meetings begin at 11 a.m. A general business meeting will begin at 1 p.m.

Contact: Larry Smith, N.A. Protection Manager, Department of Conservation and Recreation, 203 Governor St., Richmond, VA 23219, telephone (804) 371-6205, FAX (804) 371-2674, e-mail lsmith@dcr.state.va.us.

Falls of the James Scenic River Advisory Board

April 10, 2003 - Noon -- Open Meeting
City Hall, 900 East Broad Street, 5th Floor, Planning Commission Conference Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to discuss river issues.

Contact: Derral Jones, Planning Bureau Manager, Department of Conservation and Recreation, 203 Governor St., Suite 326 Richmond, VA 23219, telephone (804) 786-9042, FAX (804) 371-7899, e-mail djones@dcr.state.va.us.

BOARD FOR CONTRACTORS

April 8, 2003 - 9 a.m. -- Open Meeting

April 29, 2003 - 9 a.m. -- Open Meeting

May 6, 2003 - 9 a.m. -- Open Meeting


May 7, 2003 - 1:30 p.m. -- Open Meeting

May 13, 2003 - 9 a.m. -- Open Meeting

June 10, 2003 - 9 a.m. -- Open Meeting


June 17, 2003 - 9 a.m. -- Open Meeting

June 24, 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)


Informal fact-finding conferences. Persons desiring to participate in the meeting and requiring special

accommodations or interpretive services should contact the department at 804-367-0946 at least 10 days prior to the meeting so that suitable arrangements can be made for appropriate accommodations. The department fully complies with the Americans with Disabilities Act.

Contact: Earlyne Perkins, Legal Assistant, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-0946, FAX (804) 367-0194, (804) 367-9753/TTY , e-mail perkins@dpor.state.va.us.

April 16, 2003 - 9 a.m. -- Open Meeting

May 28, 2003 - 9 a.m. -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 

A regular 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 conducted in closed session.


Contact: Eric L. Olson, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-2474, (804) 367-9753/TTY , e-mail contractors@dpor.state.va.us.

April 22, 2003 - 9 a.m. -- Open Meeting

May 7, 2003 - 1:30 p.m. -- Open Meeting

June 3, 2003 - 9 a.m. -- Open Meeting


† **July 1, 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)

Informal fact-finding conferences for the Contractor Recovery Fund. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at 804-367-0946 at least 10 days prior to this meeting so that suitable arrangements can be made for appropriate accommodations. The department fully complies with the Americans with Disabilities Act.

Contact: Victoria S. Traylor, Legal Assistant, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8561, FAX (804) 367-0194, (804) 367-9753/TTY , e-mail perkins@dpor.state.va.us.

May 7, 2003 - 10 a.m. -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 

A meeting of the Tradesman and Education Committee to consider items of interest relating to tradesmen, backflow workers, education and other appropriate matters relating to tradesmen and the Board for Contractors.

Contact: Eric L. Olson, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804)

367-2474, (804) 367-9753/TTY ☎, e-mail
contractors@dpor.state.va.us.

BOARD OF CORRECTIONAL EDUCATION

† **April 18, 2003 - 10 a.m.** -- Open Meeting
Haynesville Correctional Center, Route 650, Haynesville,
Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to discuss general business.

Contact: Patty Ennis, Board Clerk, Board of Correctional
Education, James Monroe Bldg., 101 N. 14th St., 7th Floor,
Richmond, VA 23219, telephone (804) 225-3314, FAX (804)
786-7642, (804) 371-8647/TTY ☎, e-mail
paennis@dce.state.va.us.

BOARD OF CORRECTIONS

May 20, 2003 - 10 a.m. -- Open Meeting
Department of Corrections, 6900 Atmore Drive, 3rd Floor
Board Room, Richmond, Virginia. ♿

Meetings of the following committees to discuss correctional
matters to be brought before the full board:

10 a.m. - Liaison Committee
1 p.m. - Correctional Services Committee

Contact: Barbara Woodhouse, Administrative Staff Assistant,
Department of Corrections, 6900 Atmore Dr., Richmond, VA
23225, telephone (804) 674-3124, FAX (804) 674-3605, e-
mail woodhousebl@vadoc.state.va.us.

May 21, 2003 - 8:30 a.m. -- Open Meeting
Department of Corrections, 6900 Atmore Drive, 3rd Floor
Board Room, Richmond, Virginia. ♿

A meeting of the Administration Committee.

Contact: Barbara Woodhouse, Administrative Staff Assistant,
Department of Corrections, 6900 Atmore Dr., Richmond, VA
23225, telephone (804) 674-3124, FAX (804) 674-3605, e-
mail woodhousebl@vadoc.state.va.us.

May 21, 2003 - 10 a.m. -- Open Meeting
Department of Corrections, 6900 Atmore Drive, 3rd Floor
Board Room, Richmond, Virginia. ♿

A meeting of the full board.

Contact: Barbara Woodhouse, Administrative Staff Assistant,
Department of Corrections, 6900 Atmore Dr., Richmond, VA
23225, telephone (804) 674-3124, FAX (804) 674-3605, e-
mail woodhousebl@vadoc.state.va.us.

CRIMINAL JUSTICE SERVICES BOARD

June 12, 2003 - 9 a.m. -- Public Hearing
General Assembly Building, 9th and Broad Streets, House
Room D, Richmond, Virginia. ♿

May 23, 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 Criminal Justice Services Board
intends to amend regulations entitled: **6 VAC 20-171.
Regulations Relating to Private Security Services.** The
purpose of the proposed action is to update minimum
training standards and improve licensing, registration,
certification, training requirements, fees and procedures.

Statutory Authority: § 9.1-141 of the Code of Virginia.

Contact: Lisa R. Hahn, Private Security Services Chief,
Department of Criminal Justice Services, 805 E. Broad St.,
Richmond, VA 23219, telephone (804) 225-2356, FAX (804)
786-6344 or e-mail lhahn@dcjs.state.va.us.

DEPARTMENT FOR THE DEAF AND HARD-OF-HEARING

† **April 15, 2003 - 10 a.m.** -- Open Meeting
Department for the Deaf and Hard-of-Hearing, 1602 Rolling
Hills Drive, 2nd Floor Conference Room, Richmond,
Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting of the Virginia Relay Advisory Council to update
the council on the progress of the Relay Education
Campaign and to look ahead to the process to establish a
new relay services contract.

Contact: Clayton E. Bowen, Relay and Outreach Manager,
Department for the Deaf and Hard-of-Hearing, 1602 Rolling
Hills Dr., Suite 203, Richmond, VA 23229, telephone (804)
662-9502, FAX (804) 662-9718, toll-free (800) 552-7917,
(804) 662-9502/TTY ☎, e-mail bowence@ddhh.state.va.us.

† **May 7, 2003 - 9:30 a.m.** -- Open Meeting
Department for the Deaf and Hard-of-Hearing, 1602 Rolling
Hills Drive, 2nd Floor Conference Room, Richmond,
Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting of the board. Interpreter services, CART
services and assistive listening system will be available.
Public comment will be accepted.

Contact: Leslie Hutcheson Prince, Policy and Planning
Manager, Department for the Deaf and Hard-of-Hearing, 1602
Rolling Hills Dr., Suite 203, Richmond, VA 23229, telephone
(804) 662-9703, FAX (804) 662-9718, toll-free (800) 552-
7917, (804) 662-9502/TTY ☎, e-mail
princelh@ddhh.state.va.us.

BOARD OF DENTISTRY

April 25, 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 Dentistry intends to
amend regulations entitled: **18 VAC 60-20. Virginia Board
of Dentistry Regulations.** The purpose of the proposed
action is to replace emergency regulations for general
supervision of the practice of dental hygienists by dentists.

Statutory Authority: §§ 54.1-2400 and 54.1-2722 of the Code
of Virginia.

Calendar of Events

Public comments may be submitted until April 25, 2003, to Sandra K. Reen, Executive Director, Board of Dentistry, 6603 W. Broad Street, 5th Floor, Richmond, VA 23230-1712.


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.

DESIGN-BUILD/CONSTRUCTION MANAGEMENT REVIEW BOARD


April 17, 2003 - 11 a.m. -- Open Meeting

May 15, 2003 - 11 a.m. -- Open Meeting

June 19, 2003 - 11 a.m. -- Open Meeting


Department of General Services, 8th Street Office Building, 3rd Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to review requests submitted by localities to use D-B or Construction Management type contracts. Please contact Division of Engineering and Buildings to confirm 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

April 21, 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 regular meeting of the Advisory Board on 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.

April 29, 2003 - 9 a.m. -- Open Meeting

General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia.

The Committee to Implement NCLB will hold work sessions and public comment will not be received at this time. The public is urged to confirm arrangements prior to each meeting by viewing the Department of Education's public meeting calendar at <http://www.pen.k12.va.us/VDOE/meetings.html>. This site will contain the latest information on the meeting arrangements and will note any last-minute changes in time or location. Please note that persons requesting the

services of an interpreter for the deaf are asked to do so at least 72 hours in advance so that the appropriate arrangements may be made.

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.

April 29, 2003 - 9 a.m. -- Open Meeting


April 30, 2003 - 9 a.m. -- Open Meeting

May 1, 2003 - 9 a.m. -- Open Meeting

May 28, 2003 - 9 a.m. -- Open Meeting

† June 25, 2003 - 9 a.m. -- Open Meeting

NOTE: CHANGE IN MEETING LOCATION


General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular business meeting of the board. Persons who wish to speak or who require the services of an interpreter for the deaf should contact the agency 72 hours 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.

DEPARTMENT OF ENVIRONMENTAL QUALITY


April 10, 2003 - 7 p.m. -- Open Meeting

Loudoun County Government Center, 1 Harrison Street, SE, Lovettsville Room, Leesburg, Virginia. 


The first public meeting on the development of benthic TMDLs for segments of Goose Creek and Little River in the Goose Creek Watershed in Loudoun County. The public comment period closes on May 9, 2003.

Contact: Katherine Bennett, Department of Environmental Quality, 13901 Crown Court, Woodbridge, VA 22193, telephone (703) 583-3896, FAX (703) 583-3841, (804) 698-4021/TTY , e-mail kebennett@deq.state.va.us.

† April 15, 2003 - 5 p.m. -- Open Meeting

Portsmouth Public Library, 601 Court Street, Portsmouth, Virginia. 

A meeting to acquaint the public with the permit modifications and how the requirements of the Code of Federal Regulations will be met with regard to the Norfolk Naval Shipyard's intended request for modifications to the Hazardous Waste Part B Permit regarding inspection frequency and addition of personal protection equipment. The public comment period closes on May 10, 2003.

Contact: Garwin W. Eng, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4131, FAX (804) 698-4383, (804) 698-4021/TTY , e-mail gweg@deq.state.va.us.


† April 23, 2003 - 7 p.m. -- Public Hearing

York County Library, 8500 George Washington Memorial Highway, Yorktown, Virginia. 

A public hearing to receive comments on the technical merits of the permit amendment establishing Modules X and XI and the groundwater monitoring plan.

Contact: Rachel Cole, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (757) 518-2145, e-mail rbcole@deq.state.va.us.


† April 29, 2003 - 7 p.m. -- Public Hearing

Christiansburg Library, 125 Sheltman Street, Christiansburg, Virginia. 

A public hearing to receive comments on the technical merits of the permit amendment incorporating a groundwater monitoring plan. The public comment period closes on May 14, 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.

† May 15, 2003 - 7 p.m. -- Public Hearing


Radford Public Library, 30 West Main Street, Radford, Virginia. 

A public hearing to receive comments on the technical merits of the permit amendment establishing a groundwater monitoring plan. The public comment period closes on May 30, 2003.


Contact: Rachel Cole, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (757) 518-2145, e-mail rbcole@deq.state.va.us.

Litter Control and Recycling Fund Advisory Board

April 22, 2003 - 1 p.m. -- Open Meeting


Department of Environmental Quality, 629 East Main Street, Richmond, Virginia. 

A regular meeting.

Contact: G. Steven Coe, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4029, FAX (804) 698-4224, (804) 698-4021/TTY , e-mail gscoe@deq.state.va.us.

Recycling Markets Development Council

May 13, 2003 - 10 a.m. -- Open Meeting


Henrico Training Center, 7701 East Parham Road, Richmond, Virginia. 

A regular meeting.

Contact: G. Steven Coe, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4029, FAX (804) 698-4224, e-mail gscoe@deq.state.va.us.

VIRGINIA FIRE SERVICES BOARD

April 7, 2003 - 10 a.m. -- Open Meeting


The Department of Housing and Community Development, 501 North 2nd Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

Code changes will be discussed/adopted at the meeting. VFSB members will be present.

Contact: Christy L. King, Policy, Planning and Legislative Affairs Manager, Virginia Fire Services Board, 101 N. 14th St., 18th Floor, Richmond, VA 23219, telephone (804) 371-0220, FAX (804) 371-0219, e-mail cking@vdfp.state.va.us.

BOARD OF FORESTRY

† April 29, 2003 - 1 p.m. -- Open Meeting

Virginia Military Institute, Moody Hall, Lexington, Virginia.  (Interpreter for the deaf provided upon request)

A business meeting.

Contact: Donna S. Hoy, Administrative Staff Specialist, Board of Forestry, 900 Natural Resources Dr., Suite 800, Charlottesville, VA, telephone (434) 977-6555, FAX (434) 977-7749, e-mail hoyd@dof.state.va.us.


BOARD OF FUNERAL DIRECTORS AND EMBALMERS

April 22, 2003 - 1 p.m. -- Open Meeting

† May 1, 2003 - 9 a.m. -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 

The board will convene in an informal conference 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 W. Broad St., 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.

BOARD OF GAME AND INLAND FISHERIES

† May 1, 2003 - 9 a.m. -- Open Meeting

Department of Game and Inland Fisheries, 4000 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to consider for final adoption amendments to regulations governing game wildlife, hunting and trapping. This is the regular biennial review for these regulations, with the resulting amended regulations intended to be in effect July 2003 through June 2005. Under board procedures, regulatory actions occur over two sequential board meetings. A public comment period on proposed regulation amendments opened March 6 and will close May 1, 2003; to ensure the board has adequate opportunity to review written comments, however, they should be received by the Department of Game and Inland Fisheries no later than

Calendar of Events

April 24, 2003. At the May 1, 2003, meeting, the board will determine whether the regulations and amendments that were proposed at its March 6, 2003, meeting will be adopted as final regulations. The board will solicit comments from the public during the public hearing portion of the meeting on May 1, at which time any interested citizen present shall be heard. The board reserves the right to adopt final amendments which may be more liberal than, or more stringent than, the regulations currently in effect or the regulation amendments proposed at the March 6, 2003, meeting, as necessary for the proper management of wildlife resources and boating. The board may also discuss general and administrative issues, hold a closed session at some time during the meeting, and elect to hold a dinner Wednesday evening, April 30, 2003, at a location and time to be determined.

Contact: Phil Smith, Policy Analyst, Department of Game and Inland Fisheries, 4010 W. Broad St., Richmond, VA 23230, telephone (804) 367-1000, FAX (804) 367-0488, e-mail RegComments@dgif.state.va.us.

BOARD FOR GEOLOGY

April 24, 2003 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. ☎

A meeting to conduct board business.

Contact: David E. Dick, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595, FAX (804) 367-6128, (804) 367-9753/TTY ☎, e-mail geology@dpor.state.va.us.

GEORGE MASON UNIVERSITY

May 8, 2003 - 9 a.m. -- Open Meeting
George Mason University, Mason Hall, Lower Level, Fairfax,
Virginia. ☎

A meeting of the Board of Visitors. Please call for agenda information.

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.

GUNSTON HALL PLANTATION

April 8, 2003 - 2:45 p.m. -- Open Meeting
Gunston Hall Plantation, 10709 Gunston Road, Mason Neck,
Virginia. ☎ (Interpreter for the deaf provided upon request)

A semiannual meeting of the Board of Regents to review progress over the last six months and to review the budget for the coming fiscal year.

Contact: Karen Olsen, Executive Secretary, Gunston Hall Plantation, 10709 Gunston Rd., Mason Neck, VA 22079,

telephone (703) 550-9220, FAX (703) 550-9480, e-mail KarenO@gunstonhall.org.

STATE BOARD OF HEALTH

April 25, 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.

DEPARTMENT OF HEALTH

State Emergency Medical Services Advisory Board

May 8, 2003 - 3 p.m. -- Open Meeting
Office of EMS, 1538 East Parham Road, Richmond, Virginia.

A meeting of the Regulation and Policy Committee.

Contact: David E. Cullen, Jr., Manager, Division of Enforcement and Compliance, Advisory Board of State Emergency Medical Services, 1538 E. Parham Rd., Richmond, VA 23228, telephone (804) 371-3500, FAX (804) 371-3543, toll-free (800) 523-6019, e-mail dcullen@vdh.state.va.us.

May 9, 2003 - 1 p.m. -- Open Meeting
The Place at Innsbrook, 4036-C Cox Road, Glen Allen,
Virginia.

A quarterly meeting.

Contact: Gary R. Brown, Director, Department of Health, 1538 E. Parham Rd., Richmond, VA 23228, telephone (804) 371-3500, FAX (804) 371-3543, toll-free (800) 523-6019, e-mail gbrown@vdh.state.va.us.

DEPARTMENT OF HEALTH PROFESSIONS

April 18, 2003 - 9 a.m. -- Open Meeting

June 20, 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.

† **April 23, 2003 - 9 a.m.** -- Public Hearing
Department of Health Professions, 6603 West Broad Street,
5th Floor, Conference Room 4, Richmond, Virginia. ☎

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Health Professions intends to consider adopting regulations entitled: **18 VAC 76-20. Regulations Governing the Prescription**

Monitoring Program. The purpose of the proposed action is to set forth requirements for establishment of a prescription monitoring program.

Statutory Authority: §§ 54.1-2505 and 54.1-2520 of the Code of Virginia.

Public comments may be submitted until June 6, 2003, to Robert A. Nebiker, Director, Department of Health Professions, 6603 West Broad Street, Richmond, VA 23230-1712.

Contact: Elaine J. Yeatts, Senior Policy Analyst, Department of Health Professions, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9918, FAX (804) 662-9114, (804) 662-7197/TTY ☎, e-mail elaine.yeatts@dhp.state.va.us.

BOARD FOR HEARING AID SPECIALISTS

† **April 28, 2003 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿

A meeting to conduct board business. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Person desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: William H. Ferguson, II, Executive Director, Board for Hearing Aid Specialists, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8590, FAX (804) 367-6295, (804) 367-9753/TTY ☎, e-mail hearingaidspec@dpor.state.va.us.

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

† **April 7, 2003 - 9 a.m.** -- Open Meeting
Department of Housing and Community Development, 501 North 2nd Street, Richmond, Virginia. ♿

A meeting of the Codes and Standards Committee to continue to review public comments received on the Uniform Statewide Building Code and to finalize recommendations to be made to the full board.

Contact: Stephen W. Calhoun, Regulatory Coordinator, Department of Housing and Community Development, The Jackson Center, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7000, FAX (804) 371-7090, (804) 371-7089/TTY ☎, e-mail scalhoun@dhcd.state.va.us.

April 7, 2003 - 10 a.m. -- Open Meeting
Department of Housing and Community Development, 501 North 2nd Street, Richmond, Virginia. ♿

A regular business meeting to review and evaluate public comment and requested amendments to proposed regulations and adopt final regulations for the following regulations: Virginia Certification Standards (13 VAC 5-21),

Virginia Amusement Device Regulations (13 VAC 5-31), Virginia Uniform Statewide Building Code (13 VAC 5-61), Standards Governing Operations of Individual and Regional Code Academies/1990 (13 VAC 5-80), and the Statewide Fire Prevention Code (13 VAC 5-51).

Contact: Stephen W. Calhoun, Regulatory Coordinator, Department of Housing and Community Development, The Jackson Center, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7000, FAX (804) 371-7090, (804) 371-7089/TTY ☎, e-mail scalhoun@dhcd.state.va.us.

JAMESTOWN-YORKTOWN FOUNDATION

May 7, 2003 - 2 p.m. -- Open Meeting
Location to be determined. ♿ (Interpreter for the deaf provided upon request)

A meeting of the Jamestown 2007 Steering Committee's Executive Committee. Public comment will not be heard.

Contact: Stacey Ruckman, Jamestown 2007 Executive Assistant, Jamestown-Yorktown Foundation, P.O. Box 1607, Williamsburg, VA 23187, telephone (757) 253-4659, FAX (757) 253-5299, toll-free (888) 593-4682, (757) 253-7236/TTY ☎, e-mail sruckman@jyf.state.va.us.

May 15, 2003 - 10 a.m. -- Open Meeting
May 16, 2003 - 8 a.m. -- Open Meeting
Williamsburg Hospitality House, 415 Richmond Road, Williamsburg, Virginia. ♿ (Interpreter for the deaf provided upon request)

Semi-annual board and committee meetings. Specific schedule not yet confirmed. Public comment will not be heard.

Contact: Laura W. Bailey, Executive Assistant to the Boards, Jamestown-Yorktown Foundation, P.O. Box 1607, Williamsburg, VA 23187, telephone (757) 253-4840, FAX (757) 253-5299, toll-free (888) 593-4682, (757) 253-7236/TTY ☎, e-mail lwbailey@jyf.state.va.us.

June 11, 2003 - Noon -- Open Meeting
The Library of Virginia, 800 East Broad Street, Rooms A and B, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting of the Jamestown 2007 Steering Committee. Public comment will not be heard.

Contact: Stacey Ruckman, Jamestown 2007 Executive Assistant, Jamestown-Yorktown Foundation, P.O. Box 1607, Williamsburg, VA 23187, telephone (757) 253-4659, FAX (757) 253-5299, toll-free (888) 593-4682, (757) 253-7236/TTY ☎, e-mail sruckman@jyf.state.va.us.

DEPARTMENT OF LABOR AND INDUSTRY

Virginia Migrant and Seasonal Farmworkers Board

April 30, 2003 - 10 a.m. -- Open Meeting
State Capitol, House Room 1, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

Calendar of Events

A regular quarterly meeting.

Contact: Betty B. Jenkins, Board Administrator, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-2291, FAX (804) 371-6524, (804) 786-2376/TTY ☎, e-mail bbj@doli.state.va.us.

STATE LIBRARY BOARD

June 16, 2003 - 8:15 a.m. -- Open Meeting
The Library of Virginia, 800 East Broad Street, Richmond, Virginia. ♿

A meeting to discuss matters pertaining to The Library of Virginia and the 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.

VIRGINIA MANUFACTURED HOUSING BOARD

April 10, 2003 - 10 a.m. -- Open Meeting
The Jackson Center Board Room, 501 North Second Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting to handle complaints and claims against licensees, review claims to the Recovery Fund and carry out administrative functions of the Manufactured Housing Licensing and Transaction Recovery Fund Regulations.

Contact: Curtis L. Mclver, State Building Code Administrator, Virginia Manufactured Housing Board, 501 N. 2nd Street, Richmond, VA 23219, telephone (804) 371-7160, FAX (804) 371-7092, (804) 371-7089/TTY ☎, e-mail cmcliver@dhcd.state.va.us.

MARINE RESOURCES COMMISSION

† **April 22, 2003 - 9:30 a.m.** -- Open Meeting
† **May 27, 2003 - 9:30 a.m.** -- Open Meeting
† **June 24, 2003 - 9:30 a.m.** -- Open Meeting
Marine Resources Commission, 2600 Washington Avenue, 4th Floor, Newport News, Virginia. ♿ (Interpreter for the deaf provided upon request)

A monthly commission meeting.

Contact: Kathy Leonard, Executive Secretary, Marine Resources Commission, 2600 Washington Ave., 3rd Floor, Newport News, VA 23607, telephone (757) 247-2120, FAX (757) 247-8101, toll-free (800) 541-4646, (757) 247-2292/TTY ☎, e-mail kleonard@mrc.state.va.us.

BOARD OF MEDICAL ASSISTANCE SERVICES

April 11, 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 amend regulations entitled: **12 VAC 30-70. Methods and Standards for Establishing Payment Rates; Inpatient Hospital Care.** The purpose of the proposed action is to conform the state plan to the mandate of the 2002 Session of the General Assembly in Chapter 899 of the 2002 Acts of Assembly, Item 325 KK.

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

Public comments may be submitted until April 11, 2003, to Peterson Epps, Reimbursement Analyst, Division of Reimbursement, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

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

April 11, 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 30-141. Family Access to Medical Insurance Security Plan.** The purpose of the proposed action is to promulgate service coverages, eligibility requirements, fair hearings, utilization review requirements and payment standards.

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

Public comments may be submitted until April 11, 2003, to Linda Nablo, Director, Child Health Program, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

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

† **April 14, 2003 - 10 a.m.** -- Open Meeting
† **May 13, 2003 - 10 a.m.** -- Open Meeting
Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia. ♿

A regular business meeting.

Contact: Nancy Malczewski, Board Liaison, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-8096, FAX (804) 371-4981, (800) 343-0634/TTY ☎, e-mail nmalczew@dmas.state.va.us.

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May 23, 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 Medical Assistance Services intends to adopt regulations entitled: **12 VAC 12-30-135. Demonstration Waiver Services.** The purpose of the proposed action is to establish family planning waiver program by extending Medicaid coverage for family planning services, annual gynecological exams, and testing for sexually transmitted diseases up to 24 months postpartum to women who received a Medicaid-reimbursed pregnancy-related service on or after October 1, 2002.

The agency does not intend to hold a public hearing on the proposed action.

Statutory Authority: § 32.1-325 of the Code of Virginia and Item 325 M of Chapter 899 of the 2002 Acts of Assembly.

Public comments may be submitted until May 23, 2003, to Deborah Sprang, Policy Analyst, Policy Division, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

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

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June 7, 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 amend regulations entitled:

12 VAC 30-70. Methods and Standards for Establishing Payment Rates; Inpatient Hospital Care (adding 12 VAC 30-70-425 and 12 VAC 30-70-426).

12 VAC 30-80. Methods and Standards for Establishing Payment Rates; Other Types of Care (amending 12 VAC 30-80-20 and 12 VAC 30-80-30).

12 VAC 30-90. Methods and Standards for Establishing Payment Rates for Long-Term Care (adding 12 VAC 30-90-17 and 12 VAC 30-90-18).

The purpose of the proposed action is to promulgate permanent regulations to provide the authority to make supplemental payments to certain various provider types.

The agency does not intend to hold a public hearing on the proposed action.

Statutory Authority: §§ 32.1-324 and 32.1-325 of the Code of Virginia; Items 325 CC, 325 DD and 325 RR of Chapter 899 of the 2002 Acts of Assembly.

Public comments may be submitted until June 7, 2003, to William Lessard, Reimbursement Analyst, Division of Cost Settlement, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

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

BOARD OF MEDICINE

† **April 16, 2003 - 8 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, Board Room 4, Richmond, Virginia.

A special called meeting to vote on the final profiling regulations.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-7423, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail william.harp@dhp.state.va.us.

May 6, 2003 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, Board Room 4, Richmond, Virginia.

A meeting of the Advisory Board on Athletic Training to discuss regulatory issues and other items that may be presented on the agenda. Public comment will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail william.harp@dhp.state.va.us.

May 7, 2003 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, Board Room 4, Richmond, Virginia.

The following boards will meet to consider regulatory, legislative, and disciplinary matters:

- 9 a.m. - Advisory Board on Acupuncture
- 1 p.m. - Advisory Board on Radiologic Technology

Public comment will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail william.harp@dhp.state.va.us.

May 8, 2003 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, Board Room 4, Richmond, Virginia.

Calendar of Events

The following boards will meet to consider regulatory, legislative, and disciplinary matters:

9 a.m. - Advisory Board on Occupational Therapy
1 p.m. - Advisory Board on Respiratory Care

Public comment will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail william.harp@dhp.state.va.us.

May 9, 2003 - 1 p.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, Board Room 4, Richmond, Virginia.

A meeting of the Advisory Board on Physician Assistants to consider regulatory, legislative and disciplinary matters. Public comment will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail william.harp@dhp.state.va.us.

May 16, 2003 - 8:30 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, Board Room 2, Richmond, Virginia.

A meeting of the Legislative Committee to consider regulatory or legislative issues that may be presented on the agenda. Public comment will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail william.harp@dhp.state.va.us.

June 5, 2003 - 8 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, Board Room 2, Richmond, Virginia.

The board will conduct a general business meeting including consideration of regulatory, legislative and disciplinary matters as may be presented on the agenda. Public comment will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail william.harp@dhp.state.va.us.

Informal Conference Committee

April 9, 2003 - 8:45 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, Richmond, Virginia.

April 23, 2003 - 9:30 a.m. -- Open Meeting
Williamsburg Marriott Hotel, 50 Kingsmill Road, Williamsburg, Virginia.

April 24, 2003 - 9 a.m. -- Open Meeting
Holiday Inn Select, 2801 Plank Road, Fredericksburg, Virginia.

† **May 28, 2003 - 9:15 a.m.** -- Open Meeting
Clarion Hotel, 3315 Orday Drive, Roanoke, 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 Dixon, 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

† **April 10, 2003 - 10 a.m.** -- Open Meeting
Holiday Inn Central, 3207 North Boulevard, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A quarterly meeting. A public comment period will be scheduled.

Contact: Marlene Butler, Executive Secretary to the State Board, State Mental Health, Mental Retardation and Substance Abuse Services Board, Jefferson Bldg., 1220 Bank St., 13th Floor, Richmond, VA 23219, telephone (804) 786-7945, FAX (804) 371-2308, e-mail mbutler@dmhmrsas.state.va.us.

DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

May 23, 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 35-105. Rules and Regulations for the Licensing of Facilities and Providers of Mental Health, Mental Retardation and Substance Abuse Services.** The purpose of the proposed action is to amend the regulations to incorporate provisions to license providers of services funded by the Individual and Family Development Disabilities Support (IFDDS) Waiver.

The agency does not intend to hold a public hearing on the proposed action.

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) 371-6885, FAX (804) 692-0066 or e-mail landerson@dmhmrsas.state.va.us.

STATE MILK COMMISSION

May 21, 2003 - 10:45 a.m. -- Open Meeting
Department of Agriculture and Consumer Services, 1100 Bank Street, Room 204, Second Floor Board Room, Richmond, Virginia. 

A regular meeting to consider industry issues, distributor licensing, base transfers, baseholder license amendments, fiscal matters, and to review reports from agency staff. In addition, the agency will consider public comment and evidence in regard to a review of its regulations to ascertain if they should be retained, amended, repealed or if further study and analysis may be required. The commission offers anyone an opportunity to speak at the conclusion of the meeting. Those persons requiring special accommodations to participate in the meeting should contact Edward C. Wilson, Jr. at least five working days prior to the meeting date so that suitable arrangements can be made.

Contact: Edward C. Wilson, Jr., Deputy Administrator, State Milk Commission, Ninth St. Office Bldg., 202 N. Ninth St., Room 915, Richmond, VA 23219, telephone (804) 786-2013, FAX (804) 786-3779, e-mail ewilson@smc.state.va.us.


May 21, 2003 - 10:45 a.m. -- Public Hearing
Department of Agriculture and Consumer Services, 1100 Bank Street, Room 204, 2nd Floor Board Room, Richmond, Virginia 

A public hearing pursuant to Executive Order Number Twenty-One (2002), § 2.2-4017 of the Code of Virginia and agency regulation 2 VAC 15-11-100. The Virginia State Milk Commission intends to commence a review of regulations 2 VAC 15-11-10 through 2 VAC 15-11-120 and 2 VAC 15-20-10 through 2 VAC 15-20-130. This review is to determine if these regulations should be terminated, amended or retained in their current form. The review shall be guided by the principles specified in Executive Order Number Twenty-One. The commission seeks public comment on the regulation's interference in public enterprise and life, essential need for the regulation, less burdensome and intrusive alternatives to the regulation, specific and measurable goals that the regulation is intended to achieve, and whether the regulation is clearly written and easily understandable. It is also requested that public comment address the regulation's effectiveness, efficiency, and cost of compliance. The commenter should provide name, mailing address, telephone number, and, if applicable, the organization represented, number and title of the specific regulation addressed, the commenter's interest in the regulation, a description on the need and justification for development, repeal, or amendment of the regulation, suggested language for a developed or amended regulation, a statement of impact on the commenter and/or other affected parties. This hearing will be conducted under the provisions of 2 VAC 15-20-125.


Contact: Edward C. Wilson, Jr., Deputy Administrator, State Milk Commission, Ninth St. Office Bldg., 202 N. Ninth St., Room 915, Richmond, VA 23219, telephone (804) 786-2013, FAX (804) 786-3779, e-mail ewilson@smc.state.va.us.

DEPARTMENT OF MINES, MINERALS AND ENERGY

Abandoned Mine Land Advisory Committee


† **April 16, 2003 - 1 p.m.** -- Open Meeting
Buchanan-Smith Building, 3405 Mountain Empire Road, Big Stone Gap, Virginia.  (Interpreter for the deaf provided upon request)

A semi-annual meeting. There will be a review of current and outstanding issues of the Abandoned Mine Land Program (AML) and Rural Abandoned Mine Program (RAMP).


Contact: Roger A. Williams, AML Services Manager, Department of Mines, Minerals and Energy, PO Drawer 900, Big Stone Gap, VA 24219, telephone (276) 523-8208, FAX (276) 523-8247, (800) 828-1120/TTY , e-mail rlw@mme.state.va.us.

DEPARTMENT OF MOTOR VEHICLES


Medical Advisory Board

† **May 14, 2003 - 8 a.m.** -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Richmond Virginia.  (Interpreter for the deaf provided upon request)


A regular business meeting.

Contact: J. C. Branche, R. N., Assistant Division Manager, Department of Motor Vehicles, 2300 W. Broad St., Richmond VA 23220, telephone (804) 367-0531, FAX (804) 367-1604, toll-free (800) 435-5137, (800) 272-9268/TTY , e-mail dmvj3b@dmv.state.va.us.

VIRGINIA MUSEUM OF FINE ARTS

May 6, 2003 - 8 a.m. -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Main Lobby Conference Room, Richmond, Virginia. 

A monthly meeting of the Executive Committee for staff to update trustees. Public comment will not be heard.

Contact: Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Avenue, Richmond, Virginia 23221, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY , e-mail sbroyles@vmfa.state.va.us.

June 19, 2003 - Noon -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Auditorium, Richmond, Virginia. 

An annual meeting of the Executive/Finance Committee to approve the museum's budget. 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

May 12, 2003 - 9 a.m. -- Open Meeting

May 13, 2003 - 9 a.m. -- Open Meeting

May 15, 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

April 7, 2003 - 9 a.m. -- Open Meeting

April 8, 2003 - 9 a.m. -- Open Meeting

April 14, 2003 - 9 a.m. -- Canceled

April 22, 2003 - 9 a.m. -- Open Meeting

April 24, 2003 - 9 a.m. -- Open Meeting

April 29, 2003 - 9 a.m. -- Open Meeting

June 3, 2003 - 9 a.m. -- Open Meeting

June 9, 2003 - 9 a.m. -- Open Meeting

June 10, 2003 - 9 a.m. -- Open Meeting

June 24, 2003 - 9 a.m. -- Open Meeting

† **June 25, 2003 - 9 a.m.** -- Open Meeting

† **June 26, 2003 - 9 a.m.** -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia.📍

A Special Conference Committee, comprised of two or three members of the Virginia Board of Nursing, will conduct informal conferences with licensees and/or certificate holders. Public comment will not be received.

Contact: Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, 6603 West Broad Street, 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

† **April 9, 2003 - 10 a.m.** -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia.📍

A general business meeting including consideration of regulatory, legislative and disciplinary issues may be presented on the agenda. Public comment will be received at the beginning of the meeting.

Contact: Sandra Reen, Executive Director, Board of Nursing Home Administrators, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-7457, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail sandra_reen@dhp.state.va.us.

OLD DOMINION UNIVERSITY

April 11, 2003 - 1:30 p.m. -- Open Meeting

June 17, 2003 - 1:30 p.m. -- Open Meeting

Old Dominion University, Webb University Center, Norfolk, Virginia.📍

A quarterly meeting of the governing board of the institution to discuss business of the board and the institution as determined by the Rector and the President. Public comment will not be received. Standing committees will meet on the two days prior to the full board meeting.

Contact: Donna Meeks, Executive Secretary to the Board of Visitors, Old Dominion University, 204 Koch Hall, Norfolk, VA 23529, telephone (757) 683-3072, FAX (757) 683-5679, e-mail dmeeks@odu.edu.

May 12, 2003 - 3 p.m. -- Open Meeting

Old Dominion University, Webb University Center, Norfolk, Virginia.📍

A regular meeting of the executive committee of the governing board of the institution to discuss business of the board and the institution as determined by the Rector and the President. Public comment will not be received by the board.

Contact: Donna Meeks, Executive Secretary to the Board of Visitors, Old Dominion University, 204 Koch Hall, Norfolk, VA 23529, telephone (757) 683-3072, FAX (757) 683-5679, e-mail dmeeks@odu.edu.

BOARD FOR OPTICIANS


† **May 2, 2003 - 9:30 a.m.** -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.📍


A meeting to conduct board business. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at least 10 days prior to this meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: William H. Ferguson, II, Executive Director, Board for Opticians, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8590, FAX (804) 367-6295, (804) 367-9753/TTY ☎, e-mail opticians@dpor.state.va.us.

BOARD OF OPTOMETRY


† **April 25, 2003 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
5th Floor, Conference Room 3, Richmond, Virginia. 

A general business meeting including committee reports, discussion of the board's response in implementing HB1441, and discussion of the need for mercantile regulations. Other items related to regulatory, disciplinary and administrative matters may be considered. Public comment will be received at the beginning of the meeting.


Contact: Elizabeth A. Carter, Ph.D., Executive Director, Board of Optometry, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9910, FAX (804) 662-7098, (804) 662-7197/TTY , e-mail elizabeth.carter@dhp.state.va.us.

† **April 25, 2003 - 1 p.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
5th Floor, Richmond, Virginia. 

Informal conference hearings. This is a public meeting; however, public comment will not be received.

Contact: Elizabeth A. Carter, Ph.D., Executive Director, Board of Optometry, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9910, FAX (804) 662-7098, (804) 662-7197/TTY , e-mail elizabeth.carter@dhp.state.va.us.

BOARD OF PHARMACY

April 10, 2003 - 9 a.m. -- Open Meeting
† **April 25, 2003 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
5th Floor, Conference Room 4, Richmond, Virginia. 

A meeting of the Special Conference Committee to discuss disciplinary matters. Public comments will not be received.

Contact: Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6603 W. Broad St., 5th Floor, Richmond, Virginia 23230, telephone (804) 662-9911, FAX (804) 662-9313.

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April 11, 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 Pharmacy intends to amend regulations entitled: **18 VAC 110-20. Regulations Governing the Practice of Pharmacy.** The purpose of the proposed action is to implement the changes in requirements for pharmacy practice pursuant to Chapter 632 of the 2002 Acts of Assembly to allow chart orders for hospice or home infusion, to permit different methods of keeping dispensing records and to allow for delivery of prescription drugs to alternative sites. Statutory revisions in Chapters 411, 666 and 707 of the 2002 Acts of Assembly require amendments to allow a nursing home to donate unused drugs or a physician to dispense donated drugs

provided basic requirements for security, storage, labeling and recordkeeping have been observed to protect the safety, integrity and efficacy of the drugs.

Statutory Authority: §§ 54.1-2400 and 54.1-3307 of the Code of Virginia.


Public comments may be submitted until April 11, 2003, to Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 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.


† **April 21, 2003 - 10 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
5th Floor, Conference Room 1, Richmond, Virginia. 

A panel will discuss disciplinary matters. Public comments will not be received.


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.

† **April 29, 2003 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
5th Floor, Conference Room 2, Richmond, Virginia. 

A general business meeting, including adoption of proposed regulations resulting from biennial review process and consideration of disciplinary matters as may be presented on the agenda. The public may present comment after the adoption of the agenda and the acceptance of the minutes.

Contact: Elizabeth Scott Russell, RPh, Executive Director, Board of Pharmacy, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9911, FAX (804) 662-9313, (804) 662-7197/TTY , e-mail scott.russell@dhp.state.va.us.


POLYGRAPH EXAMINERS ADVISORY BOARD

June 18, 2003 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. 

A meeting to conduct board business.

Contact: Eric Olson, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-2474, (804) 367-9753/TTY , e-mail olson@dpor.state.va.us.

VIRGINIA PUBLIC BROADCASTING BOARD


† **April 16, 2003 - 10 a.m.** -- Open Meeting
May 14, 2003 - 10 a.m. -- Open Meeting
State Capitol, House Room 1, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)

A regular meeting.


Calendar of Events

Contact: James Roberts, Deputy Secretary of Administration, 202 N. 9th St., Richmond, VA 23219, telephone (804) 786-1201, FAX (804) 371-0038, e-mail jroberts@gov.state.va.us.


VIRGINIA PUBLIC GUARDIAN AND CONSERVATOR ADVISORY BOARD

† **June 19, 2003 - 10 a.m.** -- Open Meeting
1600 Forest Avenue, Suite 102, Richmond, Virginia. 

A regular quarterly meeting.

Contact: Terry Raney, Guardianship Coordinator, Virginia Public Guardian and Conservator Advisory Board, 1600 Forest Ave., Suite 102, Richmond, VA 23229, telephone (804) 662-7049, FAX (804) 662-9354, toll-free (800) 552-3402, (804) 662-9333/TTY , e-mail traney@vdh.stat.va.us.


VIRGINIA RACING COMMISSION

† **April 16, 2003 - 9:30 a.m.** -- Open Meeting
Tyler Building, 1300 East Main Street, Richmond, Virginia. 


A monthly meeting to discuss regulations pertaining to advanced-deposit account wagering, and a contract between Colonial Downs and the Virginia Harness Horse Association. Public comment will be received.

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, e-mail Anderson@vrc.state.va.us.


REAL ESTATE APPRAISER BOARD

May 13, 2003 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 

A meeting to conduct board business.


Contact: Christine Martine, Executive Director, Real Estate Appraiser Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail reappraisers@dpor.state.va.us.


REAL ESTATE BOARD

April 9, 2003 - 9 a.m. -- Canceled
April 10, 2003 - 9 a.m. -- Canceled
May 7, 2003 - 10 a.m. -- Open Meeting
May 21, 2003 - 9 a.m. -- Open Meeting
May 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 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.


May 7, 2003 - 4 p.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 


A meeting of the Education Committee to review education applications.

Contact: Christine Martine, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail reboard@dpor.state.va.us.


May 8, 2003 - 8:30 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 

A meeting to review fair housing cases.

Contact: Christine Martine, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail reboard@dpor.state.va.us.

May 8, 2003 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 


A general business meeting.

Contact: Christine Martine, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail reboard@dpor.state.va.us.

BOARD OF REHABILITATIVE SERVICES

April 24, 2003 - 10 a.m. -- Open Meeting
Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, Virginia. 

A meeting to conduct quarterly business. Public comments will be received at approximately 10:15 a.m. Interpreter for the deaf provided with two weeks' advance notice.

Contact: Barbara Tyson, Administrative Staff Specialist, Department of Rehabilitative Services, 8004 Franklin Farms Dr., P.O. Box K-300, Richmond, VA 23288-0300, telephone (804) 662-7010, FAX (804) 662-7696, toll-free (800) 552-5019, (804) 662-9040/TTY , e-mail tysonbg@dps.state.va.us.

DEPARTMENT OF REHABILITATIVE SERVICES

April 11, 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 Rehabilitative Services intends to amend regulations entitled: **22 VAC 30-20. Provision of Vocational Rehabilitation Services**. The purpose of the proposed action is to allow the department to enter into an order of selection to provide services to eligible individuals in an efficient and economical matter in the event that the full range of vocational rehabilitation services cannot be provided to all persons determined to be eligible because of unavailable resources.

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

Contact: Elizabeth Smith, Policy and Planning Director, Department of Rehabilitative Services, 8004 Franklin Farms Dr., P.O. Box K-300, Richmond, VA 23288-0300, telephone (804) 662-7071, FAX (804) 662-7696, toll-free (800) 552-5019, (800) 464-9950/TTY ☎, e-mail smithee@drs.state.va.us.

VIRGINIA RESOURCES AUTHORITY

April 8, 2003 - 9 a.m. -- Open Meeting
Virginia Resources Authority, 707 East Main Street, 13th Floor, Suite 1350, 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.

SEWAGE HANDLING AND DISPOSAL APPEAL REVIEW BOARD

April 9, 2003 - 10 a.m. -- Open Meeting
May 21, 2003 - 10 a.m. -- Open Meeting
Henrico County Government Center, 8600 Dixon Powers Drive, Human Resource Board Room, Richmond, Virginia.

A meeting to hear appeals of health department denials of septic tank permits and indemnification fund claims.

Contact: Susan C. Sherertz, Business Manager A, Sewage Handling and Disposal Appeal Review Board, 1500 E. Main St., Room 117, Richmond, VA 23219, telephone (804) 371-4236, FAX (804) 225-4003, e-mail ssherertz@vdh.state.va.us.

VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

† **April 22, 2003 - 11 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. 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

April 11, 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 amend regulations entitled: **22 VAC 40-11. Public Participation Guidelines**. The purpose of the proposed action is to make editorial changes throughout the regulation to improve clarity. Code of Virginia citations will be corrected to reflect the recodification of Title 2.2 and Title 63.2 of the Code of Virginia. 22 VAC 40-11-40 will be amended to reflect the provisions of Chapter 241 of the 2002 Acts of Assembly. 22 VAC 40-11-50 will be amended to provide electronic transmission of information to include e-mail notifications, receiving public comment by e-mail and use of the Internet for dissemination and collection of comment on regulatory actions. This section will also be revised to reflect the statutory changes of Chapter 717 of the 1995 Acts of Assembly, which make publication of proposed regulations in a newspaper of general circulation discretionary rather than mandatory.

Statutory Authority: §§ 2.2-4007 and 63.2-217 of the Code of Virginia.

Contact: Richard Martin, Regulatory Coordinator, Department of Social Services, 730 E. Broad St., Richmond, VA 23219-1849, telephone (804) 692-1825, FAX (804) 692-1814, or e-mail lrnm2@dss.state.va.us.

April 11, 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

Calendar of Events

intends to adopt regulations entitled: **22 VAC 40-685. Virginia Energy Assistance Program -- Home Energy Assistance Program.** The purpose of the proposed action is to promulgate regulations to implement the Home Energy Assistance Program. The Home Energy Assistance Program was established pursuant to Chapter 676 of the 2001 Acts of Assembly (House Bill 2473). These regulations replace emergency regulations.

Statutory Authority: §§ 63.2-217 and 63.2-805 of the Code of Virginia.

Contact: Margaret Friedenbergh, Director, Special Programs, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1728, FAX (804) 692-1469, or e-mail mjf900@dcse.dss.state.va.us.

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April 11, 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 adopt regulations entitled: **22 VAC 40-910. General Provisions for Maintaining and Disclosing Confidential Information of Public Assistance, Child Support Enforcement, and Social Services Records.** The purpose of the proposed action is to replace an emergency regulation that expires on August 31, 2003. The proposed regulation establishes separate sections for the confidentiality of public assistance, child support enforcement, and social services programs administered by the Department of Social Services and local departments of social services. Except as provided by federal and state laws and regulations, no records or information concerning applicants for and recipients of public assistance or child support are accessible except for purposes directly connected with the administration of the public assistance and child support enforcement programs. Social services records and information are confidential except they are accessible to persons having a legitimate interest in accordance with federal and state laws and regulations.

Statutory Authority: §§ 63.2-102, 63.2-103, 63.2-104, 63.2-105, 63.2-217 of the Code of Virginia.


Contact: Lynette Isbell, Policy and Planning Manager, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1821, FAX (804) 692-2425, or e-mail lwi2@email1.dss.state.va.us.

April 16, 2003 - 9 a.m. -- Open Meeting

April 17, 2003 - 9 a.m. -- Open Meeting

Albemarle County Office Building, 401 McIntire Road, Charlottesville, Virginia. 

A regular meeting of the Board of Social Services.

Contact: Pat Rengnerth, Board Liaison, State Board of Social Services, Division of Legislative Affairs, 730 E. Broad St., Room 812, Richmond, VA 23219-1849, telephone (804) 692-1826, FAX (804) 692-1960, (800) 828-1120/TTY , e-mail pvr2@email1.dss.state.va.us.

DEPARTMENT OF SOCIAL SERVICES

April 12, 2003 - 10 a.m. -- Open Meeting
NOTE: CHANGE IN MEETING LOCATION
Richmond, Virginia.

A quarterly meeting of the Virginia Commission on National and Community Service. The commission will discuss issues regarding the commission's federal mandate from the Governor, the Corporation for National and Community Service, and the Commission Chair. Minutes of the February 21 meeting may be obtained from the Department of Social Services, 8th Floor.

Contact: Felicia Jones, Administrative Assistant, Department of Social Services, 730 E. Broad St., 8th Floor, Richmond, VA 23219, telephone (804) 692-1998, FAX (804) 692-1999, toll-free (800) 638-3839.

BOARD OF SOCIAL WORK

April 11, 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 Social Work intends to amend regulations entitled: **18 VAC 140-20. Regulations Governing the Practice of Social Work.** The purpose of the proposed action is to amend regulations regarding dual relationships and specify a time of two years post termination of the therapeutic relationship with the burden of proof on the clinician and to revise the name of one organization recognized as an approved provider of continuing education.

Statutory Authority: §§ 54.1-2400 and Chapter 37 (§ 54.1-3700 et seq.) of Title 54.1 of the Code of Virginia.


Public comments may be submitted until April 11, 2003, to Evelyn B. Brown, Executive Director, Board of Social Work, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712.

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.


May 9, 2003 - 10 a.m. -- Open Meeting

Department of Health Professions, 6603 West Broad Street, Richmond, Virginia. 


A business meeting to discuss board and regulatory matters as well as give committee reports. Public comment will be heard at the beginning of the meeting.

Contact: Arnice Covington, Administrative Assistant, Board of Social Work, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9914, FAX (804) 662-7250, (804) 662-7197/TTY , e-mail arnice.covington@dhp.state.va.us.

BOARD FOR PROFESSIONAL SOIL SCIENTISTS AND WETLAND PROFESSIONALS


† **April 15, 2003 - 10 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to conduct board business. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Executive Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail courtney@dpor.state.va.us.

DEPARTMENT OF TECHNOLOGY PLANNING


Virginia Geographic Information Network Advisory Board

May 1, 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.


Wireless E-911 Services Board

May 14, 2003 - 9 a.m. -- Open Meeting
Richmond Plaza Building, 110 South 7th Street, 3rd Floor Conference Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A request will be made to hold a meeting of the CMRS subcommittee at 9 a.m. in closed session. A regular monthly meeting of the full board will begin at 10 a.m.

Contact: Steven Marzolf, Public Safety Communications Coordinator, Department of Technology Planning, 110 South 7th Street, Richmond, VA 23219, telephone (804) 371-0015, e-mail smarzolf@ntp.state.va.us.

COUNCIL ON TECHNOLOGY SERVICES

April 9, 2003 - 9:30 a.m. -- Open Meeting
May 14, 2003 - 9:30 a.m. -- Open Meeting
June 11, 2003 - 9:30 a.m. -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, 7th Floor, Executive Conference Room, Richmond, Virginia. 


A regular monthly meeting of the Change Management Workgroup. Agenda and details available at www.cots.state.va.us.

Contact: Jenny Hunter, COTS Executive Director, Council on Technology Services, 110 S. 7th St., Suite 135, Richmond, VA 23219, telephone (804) 786-9579, FAX (804) 786-9584, e-mail jhunter@gov.state.va.us.

April 17, 2003 - 3 p.m. -- Open Meeting

May 15, 2003 - 3 p.m. -- Open Meeting

June 19, 2003 - 3 p.m. -- Open Meeting

Department of Rehabilitative Services, 8004 Franklin Farms Drive, Lee Building, Rooms 101, 103, and 105, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular monthly meeting of the Security Workgroup. Agenda and more details can be found at www.cots.state.va.us.

Contact: Jenny Hunter, Executive Director, Council on Technology Services, 110 S. 7th St., Suite 135, Richmond, VA 23219, telephone (804) 786-9579, FAX (804) 786-9584, e-mail jhunter@gov.state.va.us.

May 1, 2003 - 2 p.m. -- Open Meeting

June 5, 2003 - 2 p.m. -- Open Meeting


Department of Information Technology, 110 South 7th Street, 3rd Floor, Executive Conference Room, Richmond, Virginia.

A regular monthly meeting of the Executive Committee. Agenda and meeting information available at www.cots.state.va.us.

Contact: Jenny Hunter, Executive Director, Council on Technology Services, Department of Technology Planning, 110 S. 7th St., Richmond, VA 23219, telephone (804) 786-9579, FAX (804) 786-9584, e-mail jhunter@gov.state.va.us.

COMMONWEALTH TRANSPORTATION BOARD

April 17, 2003 - 9 a.m. -- Open Meeting
Northern Virginia District Headquarters, 14685 Avion Parkway, Chantilly, Virginia.

May 14, 2003 - 2 p.m. -- Open Meeting
Department of Transportation, 1221 East Broad Street, Auditorium, Richmond, Virginia. 

A work session of the Commonwealth Transportation Board and the Department of Transportation staff.

Contact: Sandra M. Mills, Assistant Legislative Coordinator, Commonwealth Transportation Board, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 225-4701, FAX (804) 225-4700, e-mail Sandee.Mills@VirginiaDOT.org.

NOTE: CHANGE IN MEETING TIME

April 17, 2003 - 11 a.m. -- Open Meeting
Northern Virginia District Headquarters, 14685 Avion Parkway, Chantilly, Virginia.

May 15, 2003 - 9 a.m. -- Open Meeting
Department of Transportation, 1221 East Broad Street, Auditorium, Richmond, Virginia. 

Calendar of Events

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, Agency Regulatory Coordinator, Commonwealth Transportation Board, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 225-4701, FAX (804) 225-4700, e-mail Sandee.Mills@VirginiaDOT.org.

TREASURY BOARD

April 16, 2003 - 9 a.m. -- Open Meeting

May 21, 2003 - 9 a.m. -- Open Meeting

James Monroe Building, 101 North 14th Street, 3rd Floor, Treasury Board Room, Richmond, Virginia. ☎

A regular meeting.

Contact: Melissa Mayes, Treasury Board Secretary, Department of the Treasury, 101 N. 14th St., 3rd Floor, Treasury Board Room, Richmond, VA 23219, telephone (804) 371-6011, FAX (804) 225-3187, e-mail melissa.mayes@trs.state.va.us.

STATE WATER CONTROL BOARD

April 11, 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 Water Control Board intends to amend regulations entitled: **9 VAC 25-193. General Virginia Pollutant Discharge Elimination System Permit for Ready-Mixed Concrete Plants.** The purpose of the proposed action is to reissue the existing general permit that expires on September 30, 2003. The general permit will establish limitations and monitoring requirements for point source discharges of storm water and process wastewater from ready-mixed concrete plants.

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

Contact: Lily Choi, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4054, FAX (804) 698-4032, e-mail ychoi@deq.state.va.us.

† **April 24, 2003 - 7 p.m.** -- Public Hearing

Corporate Landing Middle School, 1597 Corporate Landing Parkway, Auditorium, Virginia Beach, Virginia. ☎

A public hearing to receive comments on a proposed modification of the U.S. Army Corps of Engineers Rudee Inlet Federal Navigation VWP Permit. The public comment period closes on May 9, 2003.

Contact: Debra J. Trent, Department of Environmental Quality, 5636 Southern Blvd., Virginia Beach, VA 23462, telephone (757) 518-2128, e-mail djtrent@deq.state.va.us.

April 24, 2003 - 7 p.m. -- Open Meeting

Loudoun County Sanitation Authority, 880 Harrison Street, SE, Leesburg, Virginia. ☎

A public meeting to receive comments on the board's Notice of Intent to amend the Dulles Area Watershed Policy.

Contact: Thomas A. Faha, Department of Environmental Quality, 13901 Crown Court, Woodbridge, VA 22193, telephone (703) 583-3846, FAX (703) 583-3801, e-mail tafaha@deq.state.va.us.

April 25, 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 Water Control Board intends to adopt regulations entitled: **9 VAC 25-740. Regulation for Wastewater Reclamation and Reuse.** The purpose of the proposed action is to establish requirements for the reclamation and reuse of wastewater and processes for acting on requests for reclamation and reuse of wastewater.

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

Public comments may be submitted until April 25, 2003.

Contact: Lily Choi, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4054 or e-mail ychoi@deq.state.va.us.

† **May 20, 2003 - 2 p.m.** -- Public Hearing

Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia.


June 6, 2003 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to adopt regulations entitled: **9 VAC 25-760. James River (Richmond Regional West) Surface Water Management Area.** The purpose of the proposed action is to designate the James River near Richmond as a surface water management area. The area would encompass the James River upstream from the southeastern toe of the I-95 Bridge in the City of Richmond to the southwestern toe of the U.S. Route 522 Bridge in Goochland and Powhatan Counties. After designation, the requirements of the Surface Water Management Area Regulation (9 VAC 25-220) would apply.

Statutory Authority: § 62.1-246 of the Code of Virginia.


Contact: Terry Wagner, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4043, FAX (804) 698-4032, or e-mail: tdwagner@deq.state.va.us.

BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

† **May 6, 2003 - 10 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to conduct 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: Ilona LaPaglia, Legal Assistant, Board for Waterworks and Wastewater Works Operators, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2394, FAX (804) 367-0194, e-mail LaPaglia@dpor.state.va.us.

June 19, 2003 - 8:30 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. 

A meeting to conduct board business.

Contact: David E. Dick, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595, FAX (804) 367-6128, (804) 367-9753/TTY , e-mail waterwasteoper@dpor.state.va.us.

THE COLLEGE OF WILLIAM AND MARY

April 24, 2003 - Noon -- Open Meeting
April 25, 2003 - 8 a.m. -- Open Meeting
Blow Memorial Hall Board Room, 262 Richmond Road,
Williamsburg, Virginia.  (Interpreter for the deaf provided upon request)

The board will receive reports from its committees and the administrations of Richard Bland College and the College of William and Mary and will act on those resolutions presented by the administrations. The meetings are open to the public, but there will be no opportunity for public comment.

Contact: William T. Walker, Jr., Associate Vice President for Public Affairs, The College of William and Mary, 312 Jamestown Rd., Williamsburg, VA 23185, telephone (757) 221-2624, FAX (757) 221-1021, e-mail wtwal2@wm.edu.

INDEPENDENT


STATE LOTTERY BOARD

† **April 23, 2003 - 9:30 a.m.** -- Open Meeting
State Lottery Department, Pocahontas Building, 900 East Main Street, Richmond, Virginia. 


A regular meeting.


Contact: Barbara L. Robertson, Legislative and Regulatory Coordinator, State Lottery Department, 900 E. Main St., Richmond, VA 23219, telephone (804) 692-7903, FAX (804) 692-7905, e-mail brobertson@valottery.state.va.us.

VIRGINIA BOARD FOR PROTECTION AND ADVOCACY


April 15, 2003 - 6:30 p.m. -- Open Meeting
Crowne Plaza Hotel, 555 East Canal Street, Richmond,
Virginia.  (Interpreter for the deaf provided upon request)

A dinner meeting. Issues of the board may be discussed informally. No votes will be taken.

Contact: Claunita Jackson, Administrative Assistant, Virginia Office for Protection and Advocacy, 202 N. 9th St., 9th Floor, Richmond, VA 23219, telephone (804) 225-3220, FAX (804) 225-3221, toll-free (800) 552-3962, (804) 225-2042/TTY , e-mail jacksoca@vopa.state.va.us.

April 16, 2003 - 9 a.m. -- Open Meeting
Ninth Street Office Building, 202 North Ninth Street, 9th Floor Conference Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


A work session. Public comments will not be received at this time.


Contact: Claunita Jackson, Administrative Assistant, Virginia Office for Protection and Advocacy, 202 N. 9th St., 9th Floor, 9th Street Office Building, Richmond, VA 23219, telephone (804) 225-3220, FAX (804) 225-3221, toll-free (800) 552-3962, (804) 225-2042/TTY , e-mail jacksoca@vopa.state.va.us.

VIRGINIA RETIREMENT SYSTEM

April 17, 2003 - Noon -- Open Meeting
NOTE: CHANGE IN MEETING DATE AND TIME
May 13, 2003 - Noon -- Open Meeting
Virginia Retirement System Headquarters Building, 1200 East Main Street, Richmond, Virginia. 

A regular meeting of the Optional Retirement Plan Advisory Committee. No public comment will be received at the meeting.

Contact: Darla Glazier, Office Manager, Virginia Retirement System, 1200 E. Main St., Richmond, VA 23219, telephone (804) 344-3119, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY , e-mail dglazier@vrs.state.va.us.

April 21, 2003 - 9 a.m. -- Open Meeting
May 14, 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-

Calendar of Events

8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY ☎, e-mail phenderson@vrs.state.va.us.

May 14, 2003 - 3 p.m. -- Open Meeting
VRS Headquarters, 1200 East Main Street, Richmond, Virginia. 🗣

The following committees will meet:

- 3 p.m. - Benefits and Actuarial Committee
- 4 p.m. - Audit and Compliance Committee

Contact: Darla K. Glazier, Office Manager, Virginia Retirement System, P.O. Box 2500, Richmond, VA 23218, telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY ☎, e-mail dkestner@vrs.state.va.us.

May 15, 2003 - 9 a.m. -- Open Meeting

June 16, 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.

LEGISLATIVE

VIRGINIA CODE COMMISSION

† **May 21, 2003 - 10 a.m.** -- Open Meeting
General Assembly, 9th and Broad Streets, Richmond, Virginia. 🗣 (Interpreter for the deaf provided upon request)

A meeting to (i) review status of 2003 Code Commission legislation; (ii) review title revision outlines for Titles 3.1 (Agriculture, Horticulture and Food) and 37.1 (Institutions for the Mentally Ill; Mental Health Generally) of the Code of Virginia; (iii) review background and issues relating to Title 1 (General Provisions); (iv) appoint task forces for title revisions, if needed; (v) set meeting schedule for remainder of the year; and (vii) conduct any other business to come before the commission. A brief public comment period will be provided at the end of the meeting.

Contact: Jane Chaffin, Registrar of Regulations, Virginia Code Commission, General Assembly Bldg., 2nd Floor, 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 692-0625, e-mail jchaffin@leg.state.va.us.

VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL

† **April 8, 2003 - 2 p.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. 🗣 (Interpreter for the deaf provided upon request)

A regular meeting.

Contact: Lisa Wallmeyer, Assistant Director, Virginia Freedom of Information Advisory Council, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219, telephone (804) 225-3056, FAX (804) 371-0169, toll-free (866) 448-4100, e-mail foiaacouncil@leg.state.va.us.

CHRONOLOGICAL LIST

OPEN MEETINGS

April 7

- † Air Pollution Control Board, State
- Fire Services Board, Virginia
- Housing and Community Development, Board of
 - Codes and Standards Committee
- Nursing, Board of
 - Special Conference Committee

April 8

- Blind and Vision Impaired, Board for the
- † Cemetery Board
- Contractors, Board for
- † Freedom of Information Advisory Council, Virginia
- Gunston Hall Plantation
 - Board of Regents
- Nursing, Board of
 - Special Conference Committee
- Resources Authority, Virginia
 - Board of Directors

April 9

- Medicine, Board of
 - Informal Conference Committee
- † Nursing Home Administrators, Board of
- Sewage Handling and Disposal Appeal Review Board
- Technology Services, Council on
 - Change Management Workgroup

April 10

- † Auctioneers Board
- † Conservation and Recreation, Department of
 - Falls of the James Scenic River Advisory Board
 - Virginia Recreational Trails Grant Advisory Committee
- Environmental Quality, Department of
- Manufactured Housing Board, Virginia
- † Mental Health, Mental Retardation and Substance Abuse Services Board, State
- † Pharmacy, Board of

April 11

- Old Dominion University

April 12

- Social Services, Department of
 - Virginia Commission on National and Community Service

April 14

- Alcoholic Beverage Control Board
- † Medical Assistance Services, Board of

April 15

- † Agriculture and Consumer Services, Department of
 - Virginia Winegrowers Advisory Board
- † Deaf and Hard-of-Hearing, Department for the
 - Virginia Relay Advisory Council

† Environmental Quality, Department of
Protection and Advocacy, Virginia Board for
† Soil Scientists and Wetland Professionals, Board for
Professional

April 16

† Agriculture and Consumer Services, Department of
- Virginia State Apple Board
Contractors, Board for
† Medicine, Board of
- Executive Committee
† Mines, Minerals and Energy, Department of
- Abandoned Mine Land Advisory Committee
Protection and Advocacy, Virginia Board for
† Public Broadcasting Board, Virginia
† Racing Commission, Virginia
Social Services, State Board of
Treasury Board

April 17

† Aging, Commonwealth Council on
- Health Care System Subcommittee
† Agriculture and Consumer Services, Department of
- Pesticide Control Board
Design-Build/Construction Management Review Board
Retirement System, Virginia
- Optional Retirement Plan Advisory Committee
Social Services, State Board of
Technology Services, Council on
- Security Workgroup
Transportation Board, Commonwealth

April 18

† Correctional Education, Board of
Health Professions, Department of
- Intervention Program Committee

April 21

† Conservation and Recreation, Department of
- Grayson Highlands State Park and Master Plan
Advisory Committee
Education, Board of
- Advisory Board on Teacher Education and Licensure
† Pharmacy, Board of
Retirement System, Virginia
- Investment Advisory Committee

April 22

Aviation Board, Virginia
† Conservation and Recreation, Department of
- New River Trail State Park Master Plan Advisory
Committee
Contractors, Board for
Environmental Quality, Department of
- Litter Control and Recycling Fund Advisory Board
Funeral Directors and Embalmers, Board of
† Marine Resources Commission
Nursing, Board of
- Special Conference Committee
† Small Business Financing Authority, Virginia

April 23

† Aviation Board, Virginia
† Compensation Board
† Conservation and Recreation, Department of
- Fairy Stone State Park Master Plan Advisory Committee
† Lottery Board, State
Medicine, Board of

- Informal Conference Committee

April 24

Geology, Board for
Medicine, Board of
- Informal Conference Committee
Nursing, Board of
- Special Conference Committee
Rehabilitative Services, Board of
Water Control Board, State
William and Mary, The College of
- Board of Visitors

April 25

Health, State Board of
† Optometry, Board of
† Pharmacy, Board of
William and Mary, The College of
- Board of Visitors

April 28

Alcoholic Beverage Control Board
† Conservation and Recreation, Department of
- Leesylvania State Park Master Plan Advisory Committee
† Hearing Aid Specialists, Board for

April 29

† Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
- Professional Engineers Section
† Community Colleges, State Board for
† Competition Council, Commonwealth
Contractors, Board for
Education, Board of
† Forestry, Board of
Nursing, Board of
- Special Conference Committee
† Pharmacy, Board of

April 30

† Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
- Architects Section
At-Risk Youth and Families, Comprehensive Services for
- State Executive Council
Education, Board of
Labor and Industry, Department of
- Virginia Migrant and Seasonal Farmworkers Board

May 1

† Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
- Landscape Architects Section
Education, Board of
† Funeral Directors and Embalmers, Board of
† Game and Inland Fisheries, Board of
Technology Planning, Department of
- VGIN Advisory Board
Technology Services, Council on
- Executive Committee

May 2

Art and Architectural Review Board
† Opticians, Board for

May 5

Alzheimer's Disease and Related Disorders Commission

Calendar of Events

† Branch Pilots, Board for

May 6

† Accountancy, Board of

† Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, Board for

- Land Surveyors Section

Contractors, Board for

Medicine, Board of

- Advisory Board on Athletic Training

Museum of Fine Arts, Virginia

- Executive Committee

† Waterworks and Wastewater Works Operators, Board for

May 7

Contractors, Board for

- Tradesman and Education Committee

† Deaf and Hard-of-Hearing, Department for the Jamestown-Yorktown Foundation

- Executive Committee

Medicine, Board of

- Advisory Board on Acupuncture
- Advisory Board on Radiologic Technology

Real Estate Board

- Education Committee

May 8

† Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, Board for

- Certified Interior Designers Section

George Mason University

- Board of Visitors

Health, Department of

- State Emergency Medical Services Advisory Board

Medicine, Board of

- Advisory Board on Occupational Therapy
- Advisory Board on Respiratory Care

Real Estate Board

May 9

Child Fatality Review Team, State

Health, Department

- State Emergency Medical Services Advisory Board

Medicine, Board of

- Advisory Board on Physician Assistants

Social Work, Board of

May 12

Alcoholic Beverage Control Board

Nursing, Board of

Old Dominion University

- Executive Committee

May 13

Contractors, Board for

Environmental Quality, Department of

- Recycling Markets Development Council

Medical Assistance Services, Board of

Nursing, Board of

Real Estate Appraiser Board

Retirement System, Virginia

- Optional Retirement Plan Advisory Board

May 14

† Motor Vehicles, Department of

- Medical Advisory Board

Public Broadcasting Board, Virginia

Retirement System, Virginia

- Audit and Compliance Committee
- Benefits and Actuarial Committee
- Investment Advisory Committee

Technology Planning, Department of

- Wireless E-911 Services Board

Technology Services, Council on

- Change Management Workgroup

Transportation Board, Commonwealth

May 15

Design-Build/Construction Management Review Board

Jamestown-Yorktown Foundation

- Board of Trustees

Nursing, Board of

Retirement System, Virginia

- Board of Trustees

Technology Services, Council on

- Security Workgroup

Transportation Board, Commonwealth

May 16

Jamestown-Yorktown Foundation

- Board of Trustees

Medicine, Board of

- Legislative Committee

May 20

Corrections, Board of

- Correctional Services Committee
- Liaison Committee

May 21

Cemetery Board

† Code Commission, Virginia

Corrections, Board of

- Administration Committee

Milk Commission, State

Real Estate Board

Sewage Handling and Disposal Appeal Review Board

Treasury Board

May 22

Real Estate Board

May 27

† Marine Resources Commission

May 28

Alcoholic Beverage Control Board

At-Risk Youth and Families, Comprehensive Services for

- State Executive Council

Contractors, Board for

Education, Board of

† Medicine, Board of

- Informal Conference Committee

May 31

† Conservation and Recreation, Department of

- Virginia Cave Board

June 3

Contractors, Board for

Nursing, Board of

- Special Conference Committee

June 5

† Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, Board for

Medicine, Board of

Technology Services, Council on
- Executive Committee

June 6

Art and Architectural Review Board

June 9

Alcoholic Beverage Control Board
Nursing, Board of
- Special Conference Committee

June 10

Contractors, Board for
Nursing, Board of
- Special Conference Committee

June 11

Jamestown-Yorktown Foundation
- Steering Committee
Technology Services, Council on
- Change Management Workgroup

June 16

Library of Virginia, The
Retirement System, Virginia
- Board of Trustees

June 17

Contractors, Board for
Old Dominion University
- Board of Visitors

June 18

Polygraph Examiners Advisory Board

June 19

Design-Build/Construction Management Review Board
Museum of Fine Arts, Virginia
- Executive/Finance Committee
† Public Guardian and Conservator Advisory Board, Virginia
Technology Services, Council on
- Security Workgroup
Waterworks and Wastewater Works Operators, Board for

June 20

Health Professions, Department of
- Intervention Program Committee

June 23

Alcoholic Beverage Control Board

June 24

Contractors, Board for
† Marine Resources Commission
Nursing, Board of
- Special Conference Committee

June 25

† At-Risk Youth and Families, Comprehensive Services for
† Education, Board of
† Nursing, Board of
- Special Conference Committee

June 26

† Nursing, Board of
- Special Conference Committee

July 1

† Contractors, Board for

April 23

† Environmental Quality, Department of
† Health Professions, Department of

April 24

† Water Control Board, State

April 29

† Environmental Quality, Department of

May 13

Agriculture and Consumer Services, Department of

May 15

† Environmental Quality, Department of

May 20

† Water Control Board, State

May 21

Milk Commission, State

June 12

Criminal Justice Services Board

PUBLIC HEARINGS

April 9

Air Pollution Control Board, State

April 14

† Compensation Board